

ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN
Ordinance No. _____

Requested
changes are
highlighted

AN ORDINANCE TO ADOPT VARIOUS AMENDMENTS TO THE ONTWA TOWNSHIP ZONING ORDINANCE REGARDING DEFINITIONS, GENERAL PROVISIONS, HEIGHT AND LOT COVERAGE REQUIREMENTS, COMMERCIAL DISTRICTS; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

ONTWA TOWNSHIP, CASS COUNTY MICHIGAN, ORDAINS:

Section 1. Amendment of Section 2.13. Section 2.13 of the Ontwa Township Zoning Ordinance is amended to read as follows:

SECTION 2.13. BUILDING HEIGHT. The vertical distance measured from the established grade at the principal entrance, to the highest roof surface.

Section 2. Amendment of Section 2.45A. Section 2.45A of the Ontwa Township Zoning Ordinance is hereby deleted.

Section 3. Amendment of Section 2.45. Section 2.45 of the Ontwa Township Zoning Ordinance is amended to read as follows:

SECTION 2.45 SETBACK: The minimum horizontal distance, necessary between a building, structure, or any part of a building, and the property line or road right of way.

Section 4. Amendment of Section 3.17(a)(3). Section 3.17(a)(3) of the Ontwa Township Zoning Ordinance is amended to read as follows:

- 3. Non-household animals are permitted, provided the following standards are met as determined by the Zoning Administrator:
 - i. A parcel of land that is at least five (5) acres in area and located in the AR District shall be permitted 10 animal credits. For each additional whole one (1) contiguous acre of land area, 5 additional credits shall be permitted. For the purpose of this ordinance, 10 animal credits shall relate to the following:

Animal	Credits
Cow	5
Horse	5
Pig	5
Llama	5
Sheep or goat	2.5
Fowl	.5
Ostrich	2.5

The Zoning Administrator may consider other types of non-household animals by comparing the type and size of animal above with the requested animal. Restrictions pertaining to the number of permitted animals shall not apply on a parcel of land with an area greater than 20 acres.

- ii. All such land areas used by said non-household animals shall be properly fenced in such a manner to prevent the animals from leaving the property and all such animals shall be maintained and accommodated in a fashion that prevents them from becoming a nuisance to adjoining property or a hazard to public health, safety and welfare.
- iii. No building or other structure sheltering or housing non-household animals shall be located closer than one hundred and fifty (150) feet to a right-of-way line and one hundred (100) feet from any side or rear property line.
- iv. The requirements of this Section do not apply to farms and farm operations, as defined by the Michigan Right to Farm Act, Act 93 of 1981, as amended, provided that Generally Accepted Agricultural Management Practices, as promulgated by the State of Michigan Department of Agriculture & Rural Development, are followed.

Section 5. Amendment of Section 3.21. Section 3.21 of the Ontwa Township Zoning Ordinance is amended to read as follows:

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

- (a) No accessory buildings may be built or placed on any lot on which there is no principal building. No accessory building may be used as a residence or living quarters.
- (b) Adjoining lots in a single ownership shall be considered as one lot.
- (c) In the Lake Residential Zone where an owner has acquired a lot directly across a street right-of-way from his principal building lot, an accessory building or accessory use may be erected, provided all yard requirements for a principal building are maintained, and further provided that the applicant provides the Township with a copy of a deed restriction or similar instrument that ensures that the two lots cannot be sold or transferred separately prior to the issuance of any permit or notice to proceed.
- (d) Detached garages and other accessory buildings shall not be erected in any required front or side yard. Pump houses may be erected under the provisions of Section 8.2(d) (Article VIII, Section 2(c)). In all zoning districts, accessory buildings over one hundred forty four (144) square feet shall be at least ten (10) feet from any dwelling and at least ten (10) feet from any other building on the lot. (Ordinance Amendment May 8, 2000)

- (e) Accessory buildings one hundred twenty (120) square feet or less, in the rear yard, are permitted not less than ten (10) feet from lot lines. Larger buildings require not less than ten (10) feet in “LR” and “R-2”, not less than ten (10) feet in “R-1A”, “R-1” and not less than twenty (20) feet in “AR”. (As amended June 11, 2007)
- (f) Where a corner lot adjoins the side or rear lot line of another corner lot, a detached accessory building one hundred twenty (120) square feet or less may be erected five (5) feet from such common side or rear lot line, provided the side street setback is maintained.

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

- (g) A lot or parcel shall contain no more than one (1) garden shed one hundred twenty (120) square feet or less and one (1) larger detached garage or accessory building. (As amended June 11, 2007)
- (h) HEIGHT – For all accessory buildings, except those used for farming:

In “L-R”, “R-1A”, “R-1” the side walls shall not exceed ten (10) feet from the bottom plate to eave. Roof pitch may match that of the principle building. However, the building should not exceed sixteen (16) feet in height. In “AR” the side walls shall not exceed (12) feet from the bottom plate to eave. Roof pitch may match that of the principle building, however building height shall not exceed eighteen (18) feet in height. See page 6, Section 2.11 for definition of building height. (Ordinance Amendment May 8, 2000)

- (i) SIZE – Determined by area of lot, except those used for farming:

In “L-R”, “R-1A”, “R-1” and “AR”, the total ground coverage of an accessory building shall not exceed the following:

1. If the area of the lot is less than one (1) acre, the accessory building shall not exceed seven hundred sixty-eight (768) square feet. Example; 24 ft. X 32 ft.
2. If the area of the lot is at least one (1) acre but less than two-and-one-half (2-½) acres, the accessory building shall not exceed a total of eight hundred sixty-four (864) square feet. Example; 24 ft. X 36 ft.
3. If the area of the parcel is two-and-one-half (2-½) acres or more (except “AR”), the accessory building shall not exceed one thousand two hundred (1,200) square feet in size. Example; 30 ft. x 40 ft.
4. In “AR” district only, if the area of the parcel is between two-and-one-half (2 ½) acres and five (5) acres and not used for farming, the accessory building shall not exceed one thousand nine hundred twenty (1,920) square feet. Example; 32 ft. x 60 ft.

In “AR” districts only, if the area of the parcel is greater than five (5) + acres and not used for farming, the accessory building shall not exceed two thousand four hundred (2,400) square feet. Example: 40 ft. x 60 ft.

5. An attached to a principal building shall not exceed the main floor square footage of the principal building.

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

Section 6. Amendment of Section 3.24. Section 3.24 of the Ontwa Township Zoning Ordinance is amended to read as follows:

SECTION 3.24. **RESERVED**

Section 7. Amendment of Section 5.03. Section 5.03 of the Ontwa Township Zoning Ordinance is amended to read as follows:

SECTION 5.03. HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one half (2 1/2) stories **whichever is less**; all other buildings and structures shall not exceed their usual and customary heights.

Section 8. Amendment of Section 6.03. Section 6.03 of the Ontwa Township Zoning Ordinance is amended to read as follows:

SECTION 6.03. HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one half (2 1/2) stories, **whichever is less.**

Section 9. Amendment of Section 6.04(d). Section 6.04(d) of the Ontwa Township Zoning Ordinance is amended to read as follows:

- (d) Lot Area - There shall be a lot area of at least twenty thousand (20,000) square feet provided that where a public sewer service is installed, the lot area may be reduced to sixteen thousand (16,000) square feet and provided the new or existing home is connected to the sewer. **No more than thirty-five percent (35%) of the total area of a parcel of land shall be covered with buildings, structures or other impervious surfaces. A storm-water mitigation plan designed by a Michigan licensed, professional engineer, may be required by the Zoning Administrator.**

Section 10. Amendment of Section 7.03. Section 7.03 of the Ontwa Township Zoning Ordinance is amended to read as follows:

SECTION 7.03. HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one half (2 1/2) stories, **whichever is less.**

Section 11. Amendment of Section 7.04(d). Section 7.04(d) of the Ontwa Township Zoning Ordinance is amended to read as follows:

- (d) Lot Area - There shall be a lot area of at least fifteen thousand (15,000) square feet; provided that where a public sewer service is installed, the lot area may be reduced to twelve thousand (12,000) square feet and provided the new or existing home is connected to the sewer. **No more than thirty-five percent (35%) of the total area of a parcel of land**

shall be covered with buildings, structures or other impervious surfaces. A storm-water mitigation plan designed by a Michigan licensed, professional engineer may be required by the Zoning Administrator.

Section 12. Amendment of Section 8.03. Section 8.03 of the Ontwa Township Zoning Ordinance is amended to read as follows:

SECTION 8.03. HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one half (2 1/2) stories, whichever is less.

Section 13. Amendment of Section 8.04(d). Section 8.04(d) of the Ontwa Township Zoning Ordinance is amended to read as follows:

- (d) Lot Area - There shall be a lot area of at least twelve thousand (12,000) square feet; provided that where public or community sewer is installed, the lot area may be reduced to nine thousand, six hundred (9,600) square feet and provided the new or existing building is connected to the sewer. No more than thirty-five percent (35%) of the total area of a parcel of land shall be covered with buildings, structures or other impervious surfaces. A storm-water mitigation plan designed by a Michigan licensed, professional engineer may be required by the Zoning Administrator.

Section 14. Amendment of Section 9.03. Section 9.03 of the Ontwa Township Zoning Ordinance is amended to read as follows:

SECTION 9.03. HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one half (2 1/2) stories, whichever is less.

Section 15. Amendment of Section 9.04(d). Section 9.04(d) of the Ontwa Township Zoning Ordinance is amended to read as follows:

- (d) Lot Area - There shall be a lot area of at least twelve thousand (12,000) square feet; provided, however, that where a public sewer service is installed, a single family home is permitted on a lot of nine thousand six hundred (9,600) square feet and provided the new or existing home is connected to the sewer. No more than thirty-five percent (35%) of the total area of a parcel of land shall be covered with buildings, structures or other impervious surfaces. A storm-water mitigation plan designed by a Michigan licensed, professional engineer may be required by the Zoning Administrator.

Section 16. Amendment of Section 10A.03. Section 10A.03 of the Ontwa Township Zoning Ordinance is amended to read as follows:

SECTION 10A.03. HEIGHT REGULATIONS. No building or structure shall exceed thirty-five (35) feet in height or two and one half (2 1/2) stories, whichever is less.

Section 17. Amendment of Section 10A.04(d). Section 10A.04(d) of the Ontwa Township Zoning Ordinance is amended to read as follows:

- (d) Lot Area: There shall be a lot area of at least forty three thousand five hundred and sixty (43,560) square feet; provided that where a public sewer service is installed, the lot area may be reduced to thirty-five thousand (35,000) square feet and provided the new or existing home is connected to the sewer. **No more than thirty-five percent (35%) of the total area of a parcel of land shall be covered with buildings, structures or other impervious surfaces. A storm-water mitigation plan designed by a Michigan licensed, professional engineer may be required by the Zoning Administrator.**

Section 18. Amendment of Section 12.03. Section 12.03 of the Ontwa Township Zoning Ordinance is amended to read as follows:

SECTION 12.03. HEIGHT REGULATIONS. No building or structure shall exceed three (3) stories or forty-five (45) feet, **whichever is less**, except as provided in Section 3.07.

Section 19. Amendment of Section 12.04(d). Section 12.04(d) of the Ontwa Township Zoning Ordinance is amended to read as follows:

- (d) Lot Area - There shall be a lot area of at least twenty-one thousand seven hundred eighty (21,780) square feet; provided that where a public sewer service is installed, the lot area may be reduced to eighteen thousand (18,000) square feet and provided the new or existing **building** is connected to the sewer. **No more than thirty-five percent (35%) of the total area of a parcel of land shall be covered with buildings, structures or other impervious surfaces. A storm-water mitigation plan designed by a Michigan licensed, professional engineer may be required by the Zoning Administrator.**

Section 20. Amendment of Section 13.03. Section 13.03 of the Ontwa Township Zoning Ordinance is amended to read as follows:

SECTION 13.03. HEIGHT REGULATIONS. No building or structure shall exceed three (3) stories or forty-five (45) feet, **whichever is less**, except as provided in Section 3.07.

Section 21. Amendment of Section 13.04. Section 13.04(d) of the Ontwa Township Zoning Ordinance is amended to read as follows:

- (d) Lot Area - There shall be a lot area of not less than twenty-one thousand seven hundred eighty (21,780) square feet; provided that where a public sewer service is installed, the lot area may be reduced to eighteen thousand (18,000) square feet and provided the new or existing use is connected to the sewer. **No more than thirty-five percent (35%) of the total area of a parcel of land shall be covered with buildings, structures or other impervious surfaces. A storm-water mitigation plan designed by a Michigan licensed, professional engineer may be required by the Zoning Administrator.**

Section 22. Amendment of Article XI. Article XI is amended to read as follows in its entirety:

**ARTICLE XI
COMMERCIAL/SERVICE DISTRICT “C-1”**

SECTION 11.01. DESCRIPTION AND PURPOSE.

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

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

SECTION 11.02. USE REGULATIONS.

- | Permitted Land Uses |
|--|
| <ul style="list-style-type: none">• Retail Businesses• Personal Service Establishments• Offices• Restaurants• Financial Institutions• Governmental Buildings• Newspaper offices and printing shops.• Photographers.• Video rental establishments.• Laundromats and dry cleaning outlet• Commercial roadside market, subject to Section 11.04(a). |

- | Special Land Uses |
|--|
| <ul style="list-style-type: none">• Churches, subject to Section 11.04(b)• Outdoor cafes, subject to Section 11.04(c) |

SECTION 11.03. DIMENSIONAL REQUIREMENTS

No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following area regulations. (See also Section 11.05)

- | | |
|-----|---|
| (a) | Minimum lot area: None |
| (b) | Minimum lot width: 80 feet |
| (c) | Minimum front yard 75 feet |
| (d) | Minimum side yard: 25 feet per side |
| (e) | Minimum rear yard: 20 feet when a rear yard abuts a commercial or industrial district; 50 feet otherwise. |
| (f) | Maximum lot coverage: 35% |
| (g) | Building height: 2 ½ stories or 35 feet, whichever is less |

SECTION 11.04. REGULATIONS FOR SPECIFIC USES

- (a) Commercial roadside market stands shall meet the following requirements:
 - 1. It shall not be permitted for more than four (4) months in a calendar year.
 - 2. A site plan is reviewed and approved by the Zoning Administrator or the Planning Commission at the discretion of the Zoning Administrator.
 - 3. The temporary building or structure shall be removed from the site at the end of the temporary use.
 - 4. A gravel parking area shall be established with a minimum of ten (10)-parking spaces.
 - 5. The Cass County Road Commission shall approve the curb cut from the public road.
 - 6. All temporary signage shall not impede traffic visibility.
 - 7. Only one (1) temporary sign shall be permitted on the site not to exceed thirty-two (32) square feet in size.
- (b) Churches shall be meet the following requirements:
 - 1. All primary ingress and egress from churches shall be directly onto a major thoroughfare
- (c) Outdoor Cafes shall be subject to the following requirements:
 - 1. The outdoor eating area shall not exceed fifteen (15) percent of the gross floor area of the principal building; and shall not be located in any required front, side or rear setback area.
 - 2. The outdoor eating area shall be located no closer than fifteen (15) feet from any vehicular parking or maneuvering areas. Such eating areas shall be separated from all vehicular parking and maneuvering areas by means of a greenbelt, wall, or architectural feature.

3. The outdoor eating area shall not be located within fifty (50) feet of any properties used or zoned for residential purposes. The area shall be completely screened from view from all residential properties by an obscuring fence or greenbelt.
4. The outdoor eating area shall be kept clean and void of litter at all times.
5. All vending machines shall be located within a completely enclosed structure.

SECTION 11.05. DEVELOPMENT REQUIREMENTS

- (a) Site plan review and approval is required for all uses in the C-1 District in accordance with Article XI.
- (b) In reviewing lot coverage requirements, a storm-water mitigation plan designed by a Michigan licensed, professional engineer may be required by the Zoning Administrator.
- (c) No accessory building or uses other than parking or authorized signs shall be permitted in the front yard; provided that no parking areas are located closer than ten (10) feet of any road right-of-way line. Landscaping is required in this area.
- (d) Whenever a lot is a corner lot, there shall be a side yard along the street of not less than seventy-five (75) feet.
- (e) Wherever a commercial use abuts a residential zoning district, an obscuring greenbelt or fence shall be provided and maintained.
- (f) Except as otherwise noted for specific uses, buildings and uses in the C-1 District shall comply with the following required conditions:
 1. Seventy-five (75) percent of all goods produced and services performed on the premises shall be sold at retail on the premises where produced.
 2. The facade of all buildings shall be finished with face brick, wood, glass, stone, fluted cement, or stucco-like material. Cement or cinder block facades shall not be permitted. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns.
 3. Exterior walls facing all public rights-of-way, customer parking areas, and adjoining property that is zoned or used for residential purposes shall have a finished appearance, using the same materials as used on the front of the building. Wherever possible, meter boxes, dumpsters, and mechanical equipment should not be located on a side of the building that faces residentially-zoned or used property, or public street rights-of-way.
 4. There shall be no outside storage or processing of any goods.

Section 23. Amendment of Article XIA. Article XIA is amended to read as follows in its entirety:

**ARTICLE XIA
GENERAL COMMERCIAL DISTRICT “C-2”**

SECTION 11A.01. DESCRIPTION AND PURPOSE.

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

It is the intent of this district to encourage the consolidation of permitted uses so as to avoid strip commercial development and lessen traffic congestion by reducing the number of commercial driveways opening onto major streets. Because of the variety of business types permitted in this district, attention must be focused on site layout, vehicular circulation, and coordination of site features between adjoining sites. The design of commercial facilities should be compatible with surrounding development. This district should be so located as not to encroach upon any residential, agricultural, or rural preserve areas.

SECTION 11A.02. USE REGULATIONS. In C-2 Districts, no uses shall be permitted except the following:

Permitted Land Uses	Special Land Uses
<ul style="list-style-type: none">• Permitted Land Uses in Section 11.02• Contractor’s showrooms, subject to Section 11A.04(a).• Technical or vocational schools• Hotels/motels• Funeral homes, subject to Section 11.03(b)• Private clubs, lodges, banquet halls, and fraternal organizations• Indoor theaters• Indoor recreation, subject to Section 11A.04(c)• Financial institutions with drive-thru• Office supplies and service stores• Professional studios• Self-service storage facilities	<ul style="list-style-type: none">• Special Land Uses in Section 11.02• Gas stations, subject to Section 11A.04(d)• Auto, truck, boat and RV sales, subject to Section 11A.04(e)• Car washes, subject to Section 11A.04(f)• Drive through restaurants, subject to Section 11.04A(g)• Outdoor or open air businesses, subject to Section 11.04A(h)• Outdoor recreation uses, subject to Section 11.04A(i)• Educational or health related institutions, subject to Section 11A.04(j)• Veterinary clinics, subject to Section 11A.04(k)• Adult businesses, subject to Section 11A.04(l)

SECTION 11A.03. DIMENSIONAL REQUIREMENTS. No building or structure nor any enlargement thereof shall be hereafter erected except in conformance with the following area regulations: (See also Section 11.05)

- (a) Minimum lot area: None
- (b) Minimum lot width: 80 feet
- (c) Minimum front yard 75 feet
- (d) Minimum side yard: none, unless required by the adopted building code.
- (e) Minimum rear yard: 20 feet when a rear yard abuts a commercial or industrial district; 50 feet otherwise.
- (f) Maximum lot coverage: 35%
- (g) Building height: 2 ½ stories or 35 feet, **whichever is less**

SECTION 11A.04. REGULATIONS FOR SPECIFIC USES

- (a) Contractor's showrooms and offices and showrooms of a plumber, electrician, building contractor, upholsterer, caterer, decorator, taxidermist, exterminator, or similar trade shall be subject to the following conditions:
 - 1. All services performed on the premises, including fabrication, repair, cleaning or other processing of goods, shall be sold at retail on the premises where produced.
 - 2. The ground floor premises facing upon and visible from any abutting streets shall be used only for entrances, offices, sales, or display.
 - 3. There shall be no outside storage and/or display of materials or goods of any kind.
- (b) Funeral homes shall be subject to the following:
 - 1. There shall be adequate assembly area for vehicles to be used in funeral processions
 - 2. Such assembly area shall be provided in addition to any required off-street parking area.
 - 3. A caretaker's residence may be provided within the main building of the funeral home.
- (c) Private indoor recreation uses, such as bowling alleys, billiard halls, gymnasium or court sports facilities, tennis clubs, roller or ice skating rinks, personal fitness centers, and similar recreation uses shall be subject to the following:
 - 1. Indoor recreation uses shall be set back a minimum of one hundred (100) feet from any residentially zoned property.
 - 2. Indoor recreation uses shall have direct access to a major thoroughfare.
- (d) Automobile filling and service stations, including oil changes and minor repairs, shall be subject to the following:

1. The minimum lot area shall be fifteen thousand (15,000) square feet for automobile filling stations and twelve thousand (12,000) square feet for automobile service stations. All such facilities shall not be located within five hundred (500) feet of any place of public assembly.
 2. Entrances shall be no less than twenty-five (25) feet from a street intersection (measured along the road right-of-way or from any residentially zoned districts). Drives shall be no less than twenty (20) feet wide nor wider than thirty (30) feet at the right-of-way line. No more than one (1) such drive or curb opening shall be permitted for every fifty (50) feet of frontage along any street.
 3. Quick oil change facilities shall provide off-street waiting spaces equal to five (5) times the number of oil change stalls for automobiles awaiting entrance. Each off-street waiting space shall be ten (10) feet wide by twenty (20) feet long.
 4. The entire lot, excluding areas occupied by landscaping and buildings, shall be hard-surfaced with concrete or bituminous material. Curbs of at least six (6) inches in height shall be installed around the perimeter of all surfaced areas.
 5. All lubrication equipment, automobile wash equipment, hoists, and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line.
 6. The storage, sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises is prohibited. Inoperable, wrecked or partially dismantled vehicles shall not be stored or parked outside for a period exceeding four (4) days.
- (e) New and used automobile, truck and tractor, boat, manufactured home, recreation vehicle and trailer sales shall be subject to the following:
1. Outdoor sales lots, parking areas, and other vehicle maneuvering areas shall be hard-surfaced with concrete or bituminous material, and shall be graded and drained so as to dispose of all surface water accumulated within the area. The nearest edge of any driveway serving an outdoor vehicle sales area shall be located at least sixty (60) feet from any street or road intersection (as measured along the road right-of-way line).
 2. Any servicing of vehicles shall be subject to the following requirements:
 - a. Service activities shall be clearly incidental to the vehicle sales operation.
 - b. All vehicle service activities, partially dismantled vehicles, and new and discarded parts shall be completely enclosed within a building.
 - c. The building containing service operations shall be located a minimum of fifty (50) feet from any property line.
 3. Devices for the transmission or broadcasting of voice or music shall be prohibited outside of any building.

- (f) Automobile or car wash establishments shall be subject to the following:
1. All washing activities shall be carried out within a building. Vacuuming activities shall be permitted in the rear yard only, provided such activities are located at least fifty (50) feet from adjacent residentially zoned or used property.
 2. Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. Off-street waiting spaces shall be provided. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.
 3. Buildings should be oriented so that open bays, particularly for self-serve automobile washes, do not face onto adjacent thoroughfares unless screened by an adjoining lot or building.
- (g) Drive-in or drive-through restaurants shall be subject to the following:
1. Drive-through windows, drive-in spaces, and waiting lanes shall not be located closer than one hundred (100) feet to any Residential District.
 2. Ingress and egress to the site shall be located at least sixty (60) feet from the intersection of any two (2) streets (measured along the road right-of-way line).
 3. Off-street waiting spaces shall be provided.
 4. Devices for the transmission of voices shall not be audible beyond the boundaries of the site.
- (h) Open-air businesses such as sales of plant materials not grown on the site, nurseries, lumber yards, outdoor display areas, playground equipment, and home garden supplies shall be subject to the following:
1. The minimum lot width for these uses shall be one hundred (100) feet, except for temporary roadside stands. All display and loading areas shall meet the setback requirements of this district.
 2. The nearest edge of any entrance or exit drive shall be located no closer than sixty (60) feet from any street or road intersection as measured along the road intersection right-of-way line.
 3. All loading and parking areas for these uses shall be confined within the boundaries of the site and shall not be permitted to spill over onto adjacent roads.
 4. The storage of soil, fertilizer, and similar loosely packaged materials shall be contained or covered to prevent it from blowing onto adjacent properties.
 5. Unless Christmas tree sales are accessory to the principal use of the site, a permit shall be obtained from the Zoning Administrator to allow temporary use of the site for such sales.
 6. All fenced in areas are subject to the provisions of Section 3.13.

- (i) Outdoor amusement or recreation activities shall be subject to the following:
1. Such activities shall not be located within five hundred 500 feet of any residentially zoned land.
 2. All access to such site shall be from a major thoroughfare.
 3. All sides of the development not abutting a major thoroughfare shall be provided with a six (6) foot high wall or fence and a twenty (20) foot wide obscuring greenbelt.
 4. Such use shall not cause or create unreasonable site pollution, noise, nuisance, traffic or disturbance on adjacent or surrounding properties.
- (j) Educational or health related institutions such as schools, colleges, hospitals, and treatment facilities, but not including prisons shall be subject to the following:
1. All ingress and egress from said site shall be directly onto a major thoroughfare.
 2. Buildings which exceed height limitations for this district may be allowed, provided front, side, and rear yards are increased above the minimum required yards by one (1) foot for each foot of building height that exceeds the maximum height allowed.
 3. Ambulance and emergency entrance areas shall be screened from view from adjacent residences by the building design or by a six (6) foot high masonry wall.
- (k) Veterinary clinics shall be subject to the following:
1. All treatment and housing of animals are within a wholly enclosed building.
 2. Veterinary clinics shall not be located within one hundred (100) feet of any residentially zoned property.
 3. The boarding of animals without need of medical treatment shall be prohibited.
- (l) Adult Entertainment Establishments shall be subject to the following:
- In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated in near proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of this Ordinance.

Uses subject to these controls are as follows:

- Adult book stores

- Adult cabarets
 - Adult motion picture theaters
 - Massage establishments
 - Nude artist and photography studios
1. Definitions: As used in this section, the following terms shall have the indicated meanings:
- a. Adult Motion Picture Theaters. Any establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein for observation by patrons therein.
 - b. Adult Book Store. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.
 - c. Specified Sexual Activities. Specified sexual activities are defined as:
 - 1) Human genitals in a state of sexual stimulation or arousal;
 - 2) Acts of human masturbation, sexual intercourse or sodomy;
 - 3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
 - d. Specified Anatomical Areas. Specified anatomical areas are defined as:
 - 1) Less than completely and opaquely covered:
 - A. Human genitals, pubic region,
 - B. Buttock, and
 - C. Female breast below a point immediately above the top of the areola; and
 - 2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
 - e. Cabaret. A cafe, restaurant or bar where patrons are entertained by performers who dance, sing or play musical instruments.
 - f. Adult Cabaret. A cabaret which features go-go dancers, erotic dancers, strippers, male or female impersonators, or similar entertainers.
 - g. Massage Establishment. Any establishment having a fixed place of business where massages are administered solely or in combination with any other service or activity for pay, including but not limited to massage parlors, health clubs, sauna baths and steam baths. This definition shall not be construed to include a hospital,

nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a non-profit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area. This definition shall not be construed to include exercise clubs exclusively for members without massages in any form.

- h. Massage. A method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument.
 - i. Nude Artist and Photography Studios. Any building, structure, premises or part thereof used solely or primarily as a place which offers as its principal activity the providing of models to display "specified anatomical areas" as defined herein for artists and photographers for a fee or charge.
2. Upon review of each application there shall be a determination as to whether each use on the proposed site will:
 - a. Be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the area in which the use is proposed.
 - b. Be adequately served by essential facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, water and sewer facilities, and schools.
 - c. Not create excessive additional requirements at public cost for public facilities and services.
 - d. Not cause traffic congestion by utilizing service roads, minimizing the number of new curb cuts, and increasing the distances between proposed and existing curb cut.
 - e. Not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise smoke, fumes, glare, vibration, odor, or traffic.
 - f. All applicable federal, state, and local licensing regulations shall be complied with. Initial and annual proof of such compliance shall be a condition of special land use approval and the continuance thereof.
 3. As a minimum, the dimensional standards and landscape, buffering, and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable chapters of this Ordinance.
 4. Upon finding that any condition, safeguard, or requirement has been breached, the Building Inspector shall revoke an occupancy permit. All operations shall cease

- fourteen (14) days following notification by the Building Inspector of such violations unless such conditions are corrected. Reinstatement of a revoked permit shall require a new application and approval therefore.
5. The site plan shall meet the requirements of Article XVI and shall be part of the final action by the Planning Commission.
 6. Approval. Any of the regulated uses listed in this section shall be permitted only after a finding has been made by the Planning Commission at a public hearing that the following conditions exist:
 - a. If the use is an adult entertainment establishment, the use is located within only the C-2 General Commercial District.
 - b. The use is located outside a two hundred (200) foot distance of a residential zone district unless a petition requesting waiver of this requirement is received and certified by the Township Clerk signed by fifty-one percent (51) of those adult persons residing within or owning residential property within a four hundred (400) foot distance of the proposed location, in which the Planning Commission may waive this requirement.
 - c. The use is not located within a one thousand (1,000) foot radius of one other such use except that such restriction may be waived by the Planning Commission if the following findings are made:
 - 1) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed.
 - 2) That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - 3) That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
 - 4) That all applicable state laws and local ordinances will be observed.
 7. Limit on Reapplication. No application for a regulated use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence not previously available or proof of changed conditions.

SECTION 11A.05 DEVELOPMENT REQUIREMENTS

- (a) Site plan review and approval is required for all uses in accordance with Article XVI.
- (b) In reviewing lot coverage requirements, a storm-water mitigation plan designed by a Michigan licensed, professional engineer may be required by the Zoning Administrator.
- (c) No accessory building or uses other than parking or authorized signs shall be permitted in the front yard; provided that no parking areas are located closer than ten (10) feet of any road right-of-way line. Landscaping is required in this area.
- (d) If walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten (10) feet shall be required.
- (e) Obscuring Fence or Greenbelt. Wherever a commercial use abuts any R-1A, R-2,L-R, R-3 or M-H zoning district, an obscuring fence or greenbelt shall be provided and maintained according to the following guidelines:
 - 1. Earthen berms, of a minimum of three (3) feet in height, and not exceeding a 3:1 slope, shall be located within the side or rear yards of any lot used for an industrial use which abuts a lot in a residential zoning district.
 - 2. For each fifty (50) feet of length or portion thereof of the earthen berm, plantings shall consist of:
 - a. One (1) deciduous canopy tree
 - b. One (1) deciduous understory tree
 - c. Three (3) evergreen trees
 - d. Four (4) shrubs
 - 3. Plant materials required herein shall meet the following minimum size standards:

<u>Plant Material Type</u>	<u>Size</u>
TREE	
Canopy tree single stem	2" caliper
Understory Tree	1-1/2" caliper or clump form
Evergreen Tree (well brushed and dense)	5-6 feet (height)
SHRUB	
Deciduous	36 inches (height)
Evergreen	24 inches (height)
 - 4. All required plant material shall be placed on the top and side slope facing the exterior of the site.
 - 5. Berm areas not containing planting beds shall be covered with grass or living ground cover maintained in a healthy growing condition.
 - 6. Berms shall be constructed in such a manner so as not to alter drainage patterns on site or adjacent properties or abstract vision for reasons of safety, ingress or egress.

7. All landscaping shall be maintained in a healthy, neat and orderly state free from refuse and debris. Any dead or diseased plants shall be replaced within a reasonable period of time but no longer than one growing season.
8. Additional planting requirements: For reasons of conflicting uses, unfavorable topography, or other unique or extenuating physical circumstances, the Planning Commission may increase recommended landscape plantings in any required buffer zone if in its discretion an increase is found to be necessary to reasonably achieve the intent of this Chapter. In making such determination, the following shall be considered:
 - (a) That such screening, buffering, or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking, or other similar impact on adjoining parcels.
 - (b) That absent such conditions, the development would adversely affect the reasonable use, enjoyment, and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.
9. Reductions and substitutions of plantings: If a physical hardship exists or existing topography and vegetation are determined by the Planning Commission to provide equal or better landscape and buffering effect, the Commission may approve modifications to the planting and berming recommendations of this document. The Planning Commission may require such alternate plantings and visual screens as hedges, fences, walls, and/or combination thereof which it deems necessary to ensure compliance with the intent of this document and the criteria listed under (h) above.

SECTION 11A.06. DEVELOPMENT STANDARDS.

- (a) Required Conditions. Except as otherwise noted for specific uses, buildings and uses in the C-2 District shall comply with the following required conditions:
 1. Seventy-five (75) percent of all goods produced and services performed on the premises shall be sold at retail on the premises where produced.
 2. The facade of all buildings shall be finished with face brick, wood, glass, stone, fluted cement, or stucco-like material. Cement or cinder block facades shall not be permitted. In recognition of developing technologies in building materials, the Planning Commission may agree to approve other materials provided they are compatible with surrounding properties, and further provided that such materials meet appropriate architectural, aesthetic, and safety concerns.
 3. Exterior walls facing all public rights-of-way, customer parking areas, and adjoining property that is zoned or used for residential purposes shall have a finished appearance, using the same materials as used on the front of the building. Wherever possible, meter boxes, dumpsters, and mechanical equipment should not be located on a side of the building that faces residentially-zoned or used property, or public street rights-of-ways.
 4. There shall be no outside storage or processing of any goods.

Section 24. Severability. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 25. Repealer. Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

Section 26. Effective Date. This Ordinance is ordered to take effect seven (7) days following publication of adoption in The Edwardsburg Argus, a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

Tina VanBelle, Clerk
Ontwa Township