

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 purposes of this ordinance, frontage on a private drive as defined and approved in accordance with Montcalm County Ordinance 2006-01, An Ordinance to Regulate the Construction of Private Roads and Drives Within the County to Provide for Safe, Convenient, and Adequate Access to Lots, as amended, is acceptable to meet minimum frontage requirements.* 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. 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 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, **or as required by the applicable zoning district.**
6. No accessory building shall exceed twenty-five (25) feet in height (5/19/2025), 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

- 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 (for manufactured homes that are either titled or formally titled, please also refer to "D." below):
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 (main structure without considering any additions).
 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.

12. 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. **Manufactured homes that are either titled or formerly titled shall be exempt from Section 3.24 A. 3. & 4., however, must follow the State/County Construction Codes for items such as piers, frost-protected slabs, crawl space, and vapor barrier. Crawl spaces and frost-protected slabs shall be enclosed with concrete, brick, or metal siding in an aesthetically pleasing manner. Manufactured homes shall be no older than 20 years at the date of permit application. Manufactured homes are subject to all other requirements in A., B., and C of Section 3.24, except as expressly noted above.**

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.

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 shall require a zoning permit from the Zoning Administrator 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,

Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

b. *Installation.* The Utility-Scale Battery Energy Storage System must comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on the effective date of the amendatory act that added this section or any applicable successor standard.

c. *Noise.* The Utility-Scale Battery Energy Storage System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

d. *Lighting.* The Utility-Scale Battery Energy Storage System must implement dark sky-friendly lighting solutions.

e. *Environmental Regulations.* The Utility-Scale Battery Energy Storage System must comply with applicable state or federal environmental regulations.

f. *Host community agreement.* The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale Battery Energy Storage System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant. (10/14/2024)

Section 3.43 Camping, Temporary or Short-Term

The incidental use of land for temporary or short-term camping activities outside of a designated recreational vehicle park or campground, as allowed as an accessory use in the LR district, shall be subject to the following:

1. **General Standards.** The following general standards shall apply to all camping activities outside of a designated recreational vehicle park or campground:
 - a. **Allowable Vehicles.** Recreational vehicles for camping activities shall be limited to motor homes, pick-up campers attached to the pick-up truck, folding tents and tent trailers, and travel trailers.
 - b. **Minimum setback distances.** The location of the tent, recreational vehicle or similar shelter, and all associated camping equipment and appurtenances, shall comply with the minimum yard setback requirements for principal buildings in the zoning district.
 - c. **Maximum number of recreational vehicles.** A maximum of one (1) recreational vehicle shall be permitted at one time on a vacant lot.
 - d. **Legally operable.** The recreational vehicle shall be owned by the owner of the lot or the owner's guests, shall be legally operable on the highways of the State of Michigan, and shall have a current and valid registration and license plate.
 - e. **Campfires.** Campfires shall be allowed within a protected pit area located outside of the minimum required yard setbacks for principal buildings in the zoning district, and a minimum of 30 feet from all structures. Campfires may be prohibited on any lot or in any area of the Township for a specified period of time, upon a determination of unsafe weather or site conditions by the Fire Chief.

- f. **Waste disposal.** All waste shall be emptied at an approved recreational vehicle dump station.
 - g. **Use limitation.** Allowable camping-activities under this Section shall be limited to the owner of the lot and the owner's guests.
 - h. **Riparian access.** The requirements and limitations of Section 3.25 (Riparian Access) shall apply to use of any lot for temporary or short-term camping activities.
 - i. **Maximum time limit.** Temporary or short-term camping activities on a lot shall be limited to a maximum total of 14 days per calendar year.
 - j. **Permit Requirement.** Camping permit approval shall be required for camping activities in accordance with Section 17.02 (Zoning Compliance Permits) and the following:
 - i. The Zoning Administrator may establish and maintain a separate "camping permit" form and submittal process for this purpose. The camping permit fee shall be set by Township Board resolution.
 - ii. One permit application may be used for an entire season of camping activities, based on a list of dates and time periods submitted with the application, or a separate application may be submitted for each event.
 - iii. Any violation of a camping permit forfeits camping for the rolling calendar year.
 - iv. Approved permits shall be visibly posted on the premises at all times during camping activity.
 - v. **There shall be no camping permit requirement when camping on a parcel with a structure that has construction code compliant toilet facilities, including a bathroom with a sink and toilet.**
2. **Camping on a Vacant Lot.** The following additional standards shall apply to camping activities on a vacant lot (a lot that is not legally or currently occupied and/or does not have a building or structure) outside of a designated recreational vehicle park or campground:
- a. **Seasonal limitations.** Camping activities on vacant lots shall be limited to between May 15 and September 30 of each calendar year.
 - b. **Minimum setback distances.** The location of the tent, recreational vehicle or similar shelter, and all associated camping equipment and appurtenances, shall comply with the minimum yard setback requirements for principal buildings in the zoning district.
 - c. **Maximum number of recreational vehicles.** A maximum of one (1) recreational vehicle shall be permitted at one time on a vacant lot.
 - d. **Unattended recreational vehicles.** Storage of a recreational vehicle on a vacant lot shall be prohibited. Any recreational vehicle left unattended on a vacant lot for a period of 14 calendar days shall remove said vehicle within 48 hours of the end of the 14th day.

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
RESIDENTIAL HOMES (Section 3.37)	a) One Story – 850 square feet b) Above One Story – Ground floor area no less than 600 square feet
MINIMUM LOT AREA	1 acre
MINIMUM LOT WIDTH	165 feet

**SECTION 9.05 TO 9.99
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 **Enabling 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

- 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 **in accordance with the Zoning Enabling Act.**
- 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~~ **fifteen (15) days** 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.

B. A variance shall be require a public hearing subject to the notice requirements of the Zoning Enabling Act;

**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**

CHAPTER 19 LAKE RESIDENTIAL (LR) DISTRICT

SECTION 19.00 PURPOSE

Lands in this District are characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the surface waterways and shorelines of Cato Township. It is the intent of the District to provide regulations on lands located along the lakefront and shoreline areas of the Township. The purpose of these regulations is to recognize the unique physical, economic, and social attributes of lakefront and shoreline properties and to ensure that the structures and uses in this district are compatible with and protect these unique attributes along the lakefront and shoreline areas of the Township and lands within the boundaries of the District.

SECTION 19.01 PERMITTED USES

No land or buildings in the LR District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right as Permitted Uses:

1. Single Family detached dwellings
2. State licensed residential child, family, family day care, and adult care facilities
3. Accessory buildings, structures and uses customarily incidental to a Permitted Use
4. Parks, playground areas and other passive open space areas.
5. Camping, temporary or short-term subject to section 3.42
6. Home Occupations, except as noted in Section 3.14

SECTION 19.02 SPECIAL LAND USES

- A. Land and/or buildings in the LR District may be used for the following Special Land Uses subject to review by the Planning Commission as a Special Land Use.
 1. Bed and Breakfast establishments
 2. Golf courses and country clubs
 3. Boat launches
 4. Cemeteries
 5. Churches
 6. Private schools
 7. Municipal buildings
 8. Attached residential dwellings up to four (4) units per acre
 9. Public and Private Campgrounds

SECTION 19.03
SCHEDULE OF LR 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.

SETBACK/DIMENSIONAL ITEM	STANDARD/REQUIREMENT
LAKESIDE SETBACK	25 feet
SIDE YARD	Single Lot: 5 feet Double Lot: 10 feet
ROAD SIDE SETBACK	15 feet
BUILDING HEIGHT	35 feet or 2 ½ stories [least one]
LOT COVERAGE	50%
MINIMUM LOT AREA	7,200 square feet
MINIMUM LOT WIDTH	60 feet
MINIMUM DWELLING UNIT FLOOR AREA	Ground Floor (Single Story): 600 750 square feet Ground Floor (Multi-Story): 750 600 square feet
REAR YARD SETBACK	5 feet

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. (12/9/2024)

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