

CHAPTER 153: ZONING CODE

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GENERAL PROVISIONS

§ 153.001 PREAMBLE.

(A) The Charter Township of Montrose, Genesee County, Michigan, pursuant to the authority vested in it by Public Act 110 of 2006, as amended, hereby amends the Montrose Township Zoning Ordinance.

(B) This Zoning Ordinance is based upon the Charter Township of Montrose Community Master Plan. The purpose is to protect and promote public health, safety, and the general welfare of the community.

(C) Zoning districts have been established to encourage use of resources in accordance with their character and adaptability; to avoid the overcrowding of land by buildings or people; to lessen congestion on public roads and streets; and to facilitate provisions for a system of transportation, sewage disposal, safe and adequate water supply, recreation, education and other public improvements; to provide adequate light and air; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land resources and properties.

(D) This chapter sets forth procedures for adoption of amendments to this chapter and establishes an appeal process through the Township Zoning Board of Appeals and provides for penalties for violations of this chapter.

(Ord. 99, passed 11-18-1996 ; Am. Ord. 157, passed 7-17-2007)

§ 153.002 TITLE.

This chapter shall be known and cited and referred to as the "Charter Township of Montrose Zoning Ordinance."

(Ord. 99, passed 11-18-1996, § 1.01)

§ 153.003 PURPOSE.

It is the purpose of this chapter to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged and regulated, and further to:

- (A) Promote the public health, safety, and welfare;
- (B) Encourage the use of land in accordance with its character and adaptability and to limit the improper use of land;
- (C) Conserve natural resources and energy;
- (D) Ensure that uses of the land shall be situated in appropriate locations and relationships;
- (E) Provide adequate light and air;
- (F) Lessen congestion on the public roads and streets; and
- (G) Reduce hazards to life and property.

(Ord. 99, passed 11-18-1996, § 1.02)

§ 153.004 CONFLICTS.

(A) This chapter is not intended to repeal, abrogate, annul, impair, or interfere with existing provisions of other laws or ordinance, except those repealed by this chapter.

(B) Nor is it the intent of this chapter to remove any private restrictions placed upon property by covenant, deed or other private agreement; provided, however, that any provision of this chapter that imposes more stringent requirements, or limitations upon the use or erection of land and buildings than are imposed or required by the provisions of any other law or ordinance, or any rules, regulations, permits, or easements, than the provisions of this chapter shall govern.

(C) In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal other powers granted under state statutes.

(Ord. 99, passed 11-18-1996, § 1.03)

§ 153.005 CONSTRUCTION OF LANGUAGE.

For the purposes of this chapter, certain terms or words used herein shall be interpreted as follows.

(A) The word **PERSON** includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

(B) The present tense includes the future tense, and the singular number includes the plural, and the plural number includes the singular.

(C) The words **USED** or **OCCUPIED** include the words **INTENDED**, **DESIGNED**, or **ARRANGED** to be used or occupied.

(D) The word **SHALL** is mandatory; the word **MAY** is permissive.

(E) The particular shall control the general.

(F) In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.

(G) A **BUILDING** or **STRUCTURE** includes any part thereof.

(Ord. 99, passed 11-18-1996, § 2.01)

§ 153.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY STRUCTURE. A detached structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

ACCESSORY USE. A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

ADULT FOSTER CARE FACILITY.

(1) A governmental or non-governmental establishment subject to state licensing procedures as may be required having as its principal function the receiving of adults for foster care.

(2) It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

(3) **ADULT FOSTER CARE FACILITY** does not include a nursing home, a home for the aged, an alcohol or a substance abuse rehabilitation center, a hospital for the mentally ill, released from and assigned to a correctional facility or similar facilities.

ADULT FOSTER CARE; FAMILY HOME.

(1) A private residence subject to state licensing with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days per week, and for 2 or more consecutive weeks.

(2) The **ADULT FOSTER CARE FAMILY HOME** licensee shall be a member of the household and an occupant of the residence.

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

ADULT FOSTER CARE; SMALL GROUP HOME. An adult foster care facility subject to state licensing with the approved capacity to receive 12 or fewer adults who shall be provided supervision, personal care, and protection, in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.

AGRICULTURAL LAND. Land substantially undeveloped and devoted to the production of plants and animals useful to humans, including but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

AIRCRAFT LANDING STRIP (PRIVATE). The use of land for the landing or taking off of aircraft by a proprietor residing in a housing unit contiguous to the site of the aircraft landing strip, and may include facilities for the shelter of aircraft but does not include the boarding or care of aircraft owned by anyone other than occupants of the housing unit in common ownership with the aircraft landing strip.

AIRPORTS (PRIVATE OR PUBLIC). The use of land for the landing or take off of aircraft, which provides facilities for the shelter, supply or care of aircraft, or for receiving or discharging passengers or cargo and all appurtenant areas used or acquired for airport buildings or other airport facilities.

ALTERED. Any change in the use of or in the supporting members of a building such as bearing walls, columns, posts, beams, girders, and similar components.

ANIMAL SHELTER. A facility that is used to house or contain animals and is owned, operated, or maintained by a nonprofit entity for the purpose of providing temporary kenneling and care for animals, for the purpose of locating permanent adoptive homes for them.

AREA, FLOOR.

(1) Constitutes the total floor area occupied by a use and measured to include all space used primarily or incidentally for the use.

(2) **FLOOR AREA** shall not include those areas included within the "altered" definition.

AREA, SALES. Only includes that area customarily open and accessible to the public.

AUTOMOBILE REPAIR FACILITY (GARAGE, REPAIR). Any building, premises, or land, or combination thereof in which or upon which a business, service, or industry involving the maintenance, storage, care, servicing, repair, including both minor and major mechanical overhauling, painting and body work of motor vehicles is conducted or rendered within an enclosed building or an enclosed area.

AUTOMOBILE SERVICE STATION (CONVENIENCE STORES WITH GASOLINE SERVICE).

(1) Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted. Dispensing of gasoline may be an attendant or the customer.

(2) **SERVICE STATIONS** shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body fender work are conducted.

BASEMENT. A space having 1/2 or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than 7 feet (See § 153.007 below).

BED AND BREAKFAST ESTABLISHMENT. A single-family dwelling in which transit guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

BERM. A mound of soil graded, shaped, and improved with landscaping in a fashion so as to be utilized for screening purposes.

BLOCK FACE. A block face is defined as and consists of those properties fronting along an existing right-of-way and located between the intersections of existing streets, or between intersections and dividers such as rivers, railroads, and other similar natural or human-made features.

BOARD OF ZONING APPEALS. The Board of Zoning Appeals as provided under provisions of the Township Rural Zoning Act, being Public Act 184 of 1943, being M.C.L.A. §§ 125.271 through 125.301, as amended, with powers and duties as defined herein, and referred to alternatively as the **BOARD OF APPEALS**.

BUILDABLE LAND. The space remaining after the minimum setbacks, natural rivers, open space, floodplain areas, wetland, and natural features buffer requirements of this chapter or state or federal regulations have been complied with.

BUILDING. Any structure (excluding fences) having a roof or walls and built for, or capable of, the shelter or enclosure of persons, animals, chattels, or property of any kind.

BUILDING ENVELOPE. The ground area occupied, or to be occupied by, the principal structure which is, or is intended to be, placed on a building site, together with any attached accessory structures, e.g. house and attached garage.

BUILDING HEIGHT. The vertical distance from the grade at the center of the front of the building to the highest point of the roof surface in a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gable, hip and gambrel roofs (See § 153.007 below).

BUILDING PERMIT. An authorization issued by the administrative official to move, erect or alter a structure within the township in conformity with the provisions of this chapter.

BUILDING SITE. Condominium unit, including the building envelope and the contiguous limited common area or element under and surrounding the building envelope, and shall be the counter-part "lot" as used in connection with a project developed under the Subdivision Control Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, as amended.

CAR WASH ESTABLISHMENT. A building, or portion thereof, the primary purposes of which is that of washing motor vehicles, whether by the owner or driver, attendants or mechanical devices.

CELLAR. That portion of a structure with not less than 3 walls thereof, partly below grade and so located so that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling with a ceiling height of less than 7 feet (See § 153.007 below).

CHIEF ELECTED OFFICIAL. The Township Supervisor.

CLUSTER RESIDENTIAL DEVELOPMENT. A development designed for a site containing unique topographical, environmental, agricultural, or natural areas or designed as a method for infilling an appropriate parcel which is surrounded by existing development.

COMMERCIAL SOLAR ENERGY SYSTEM. An area of land designated for the purpose of producing photovoltaic electricity, which the power generated from a solar power system is sold to electric companies for distribution throughout the power grid. A **COMMERCIAL SOLAR ENERGY SYSTEM** shall be a principal use of a property and may occupy the same property as another principal use. A **COMMERCIAL SOLAR ENERGY SYSTEM** is commonly known as a Solar Farm.

COMMUNITY MASTER PLAN or **GENERAL PLAN.** The comprehensive community master plan for the Charter Township of Montrose.

CONDITIONAL USE. See **SPECIAL LAND USE**.

CONDOMINIUM ACT. Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended.

CONDOMINIUM PLAN.

(1) The drawings and information attached to the master deed including, but not limited to, a survey plan, floodplain plan, site plan, utility plan, floor plans, description of the size, location, area, and horizontal boundaries of each unit, number assigned to each unit, vertical boundaries and volume of each unit, building sections, and description of the nature location, and size of common elements.

(2) For the purpose of this chapter, a **CONDOMINIUM PLAN** shall be equivalent to the term **CONDOMINIUM SUBDIVISION PLAN** as defined by M.C.L.A. § 559.104.

CONDOMINIUM PROJECT. A plan or project consisting of not less than 2 condominium units established and approved in conformance with the provisions of the Condominium Act, Public Act 59 of 1978, being M.C.L.A. §§ 559.101 through 559.272, as amended.

CONDOMINIUM UNIT.

(1) That portion of a condominium project which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational use as a time-share unit, or any other type of use.

(2) In condominium projects where a condominium unit(s) will consist of a building envelope, the term **CONDOMINIUM UNIT** shall be equivalent to the term **LOT** for purposes of determining compliance with the provisions of this chapter pertaining to minimum size, minimum lot, width, maximum lot coverage, and the like.

CONVALESCENT OR NURSING HOME. A structure with sleeping rooms where persons are housed or lodged and are furnished with meals and nursing or limited medical care and possesses a state license.

CORRAL OR BARNYARD; GRAZING AND PASTURING. A pen or enclosure for confining animals or livestock, but not including an area for grazing of so.

CUL-DE-SAC. A street terminated at 1 end, with a turning radius.

DAY CARE. Day care homes and centers are defined as follows.

DAY CARE CENTER. A place subject to state licensing which receives children for care, maintenance and supervision in a structure other than a private residence for less than 24 a day, unattended by a parent or legal guardian, and any place, including a private residence, which receives more than 7 children for care, maintenance and supervision for less than 24 hours a day, unattended by a parent or legal guardian.

FAMILY DAY CARE HOME. A private home subject to state licensing in which 1 but less than 7 minor children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption. **FAMILY DAY CARE HOME** includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

GROUP DAY CARE HOME.

(a) A private home subject to state licensing in which 6 but not more than 12 minor children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or guardian, except children related to an adult member of the family by blood, marriage, or adoption.

(b) **GROUP DAY CARE HOME** includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

DEPARTMENT. The Michigan State Department of Community Health.

DEVELOPMENT. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure.

DISTRICT. Each part, or parts, of the unincorporated area of the township for which specific zoning regulations are prescribed.

DWELLING UNIT. One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically independent of any other group of rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. But in no case shall a travel trailer, automobile chassis, or tent be considered a dwelling.

DWELLING, MULTI-FAMILY. A residential structure or group of structures, each of which contains 3 or more attached single-family dwelling units and shares common front and/or rear yards. Dwelling units can be located on top of each other, provided the maximum number of stories in any structure will be 3.

DWELLING, SINGLE-FAMILY ATTACHED (TOWNHOUSE). A residential structure or group of structures, each of which contains 3 or more attached single-family dwelling units with individual rear and/or front yards designed as an integral part of each single-family dwelling unit. There are no units located over another unit(s) and each unit is separated by 1 or more common fire resistant walls.

DWELLING, SINGLE-FAMILY DETACHED. A detached residential dwelling unit with or without an attached garage, other than a mobile home, designed for and occupied by 1 family only and surrounded by open space or yards on all sides.

DWELLING, SINGLE-FAMILY SEMI-DETACHED. A single-family dwelling attached to 1 other single-family dwelling by a common vertical wall and each dwelling located on a separate lot. The dwelling units are side by side as opposed to 1 on top of the other.

DWELLING, TWO-FAMILY (DUPLEX). A structure on a single lot containing 2 dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common exterior stairwell, if any, to both dwelling units (See § 153.007 below).

EASEMENT. A permanent grant of 1 or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

ELDERLY/SENIOR CITIZEN HOUSING. A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons 62 years of age or older, or couples where either spouse is 62 years of age or older and is in conformity with applicable state and federal laws. This does not include a foster care, home for the aged, or nursing home.

ENCLOSED LOCKED FACILITY. A closet, room or other enclosed area, which may be indoors or outdoors that is equipped and secured with locks or other security devices that permits access only by the primary caregiver.

ESSENTIAL PUBLIC SERVICES. The erection, construction, alteration, or maintenance by public utilities or any governmental department or commission of underground or overhead gas, electrical, steam, or water transmission or communication, supply or disposal systems, including electrical substations and has regulator stations, poles, wires, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection with, but not including buildings.

EX OFFICIO MEMBER. In reference to the Planning Commission, a member with full voting rights who serves on the Planning Commission, by virtue of holding another office for the term of that other office. The **EX OFFICIO MEMBER** shall be appointed by the township's chief elected official with concurrence of the legislative body.

EXCAVATION AND/OR EXTRACTION.

(1) Includes the removal of sand, stone, gravel, minerals, or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be highest.

(2) To **EXTRACT** is the act of removing resources from the ground by physical effort.

FAMILY. A single individual doing his or her own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking, and living together upon a premises or a separate housekeeping unit in a domestic bonds distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

FARM. Any tract of land used for agriculture, horticultural, truck gardening, nursery, or other similar purposes for growing crops or plants and/or for the raising of cattle, swine, horses or other animals, consisting of 4 or more animals.

FARM BUILDING. An accessory structure that is dedicated to the exclusive use of farming i.e., the storage of a farm product, hay, straw, or farm machinery, combines, tractors, and the like. Further, it shall be on a tract of land that is dedicated as a farm and is actively used as so.

FEEDLOT. Feedlots shall be construed to be any facility or enclosed area where farm animals are fed and maintained for more than 4 hours out of 24 hours at a density greater than 4 heads per acre for cattle and horses, 10 heads per acre for smaller animals, or more than 30 fowls per acre.

FLOODPLAIN. Lands which are subject to periodic flooding and have been defined by the Soil Conservation Service of the United States Department of Agriculture to have alluvial soil deposits indicating that flooding has taken place, or as defined by any technically qualified engineer and accepted by the Township Board as a **FLOODPLAIN**.

FLOOR AREA, GROSS.

(1) The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating 2 buildings.

(2) The **FLOOR AREA** of a building shall not include the basement floor area except when more than 1/2 of the basement height is above grade.

(3) **FLOOR AREA** shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of 7 feet, 10 inches or more, interior balconies, and mezzanines.

(4) Any space devoted to off-street parking or loading shall not be included in **FLOOR AREA**.

FLOOR AREA, USEABLE.

(1) For the purposes of computing parking requirements, all ground and non-ground floor area used for or intended to be used for, the sale of merchandise or services or for use to serve patrons, clients, or customers.

(2) This **FLOOR AREA** which is used or intended to be used principally for the storage or processing of merchandise, or for utilities, shall be excluded from this computation.

(3) For the purpose of computing parking for those uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

FREESTANDING or GROUND-MOUNTED SOLAR ENERGY SYSTEM. Any solar energy system that is directly installed on or in the ground and is not attached or affixed to any structure.

FRONTAGE. That side of a lot abutting on a public or private street; the front lot line.

GARDEN APARTMENTS. A residential structure, or group of structures, each of which contain 3 or more attached 1-family dwelling units and share common front and/or rear yards.

GARAGE, REPAIR. See **AUTOMOBILE REPAIR FACILITIES**.

GAS STATION. See **AUTOMOBILE SERVICE STATION**.

GRADE.

(1) The ground elevation established for the purpose of regulating the number of stories and the height of buildings.

(2) The building **GRADE** shall be the level of the ground adjacent to the walls of the building if the finished grade is level.

(3) If the ground is entirely level, the **GRADE** shall be determined by averaging the elevation of the ground for each face of the building, measured at a distance of 4 feet out from the edge of the building (See § 153.007 below).

GREENWAY. A contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

HAZARDOUS SUBSTANCES. Include chemicals as defined by the Michigan Departments of Public Health, Labor, Natural Resources and other state and federal regulatory agencies; flammable and combustible liquids as defined by the Michigan Department of State Police; other hazardous substances as defined by state or federal agencies, including hazardous waste and polluting materials.

HOME CARE CENTER. A single facility to facilitate the growth, cultivation and storage of medical marijuana plants located at a primary caregiver's residence that is operated by not more than 1 primary caregiver.

HOME OCCUPATIONS. An occupation, profession, activity or other accessory use of a dwelling that constitutes either entirely or partly, the livelihood of a person living in the dwelling, with the use being conducted entirely within the dwelling and carried on by the inhabitants therein and having no external effects.

HOTEL. An establishment providing sleeping accommodations to the general public which may or may not provide additional services, such as restaurants, meetings rooms, entertainment, and recreational facilities.

IMPROVEMENTS. Those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. **IMPROVEMENTS** do not include the entire project that is the subject of zoning approval.

JUNK.

(1) Any discarded personal or scrapped property, including any property which may or may not be salvaged for reuse, resale, reduction or similar disposition, or which is processed, transported, accumulated, dismantled, or sorted for any like reason.

(2) The term shall include used and salvaged metals, paper, glass, rubber, rope, machinery, or any motor vehicle which is intended for dismantling or salvaging.

(3) One or more vehicles that are inoperative or unlicensed for 4 months shall be construed as a **JUNK** yard.

JUNK YARD.

(1) Any open area where waste, used, or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles.

(2) A **JUNK YARD** includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings.

KENNEL. The housing or keeping of more than 3 dogs, cats or other household pets, which are more than 4 months old, on a lot or in a structure by 1 family or by a commercial operation for a fee and/or compensation.

KENNEL, DOG. Kennel shall include both commercial and private kennels.

KENNEL, DOG, COMMERCIAL. The housing or keeping on any lot or premises on which 7 or more dogs, 4 months or older, are kept or housed for any purpose, either permanently or temporarily, or are kept or housed either for sale, breeding, boarding, recreational or training.

KENNEL, DOG, PRIVATE. The housing or keeping on any lot or premises on which more than 3 but less than 7 dogs, 4 months or older are kept or housed for any purpose, either permanently or temporarily, or are kept or housed either for sale, breeding, boarding, recreational or training.

LEGISLATIVE BODY. The Board of Trustees of the Charter Township of Montrose.

LOADING SPACE, OFF-STREET.

(1) Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to those vehicles when required off-street parking spaces are filled.

(2) Required **OFF-STREET LOADING SPACE** is not to be included as off-street parking space in the computation of required off-street parking space.

LOT.

(1) A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide yards and other open spaces as herein required. See § 153.007 below.

(2) A **LOT** shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (a) A single lot of record;
- (b) A portion of a lot of record;
- (c) A combination of contiguous lots of record, or contiguous portions of lots of record; or
- (d) A parcel of land described by metes and bounds.

LOT AREA. The total horizontal area within the lot lines of the lot.

LOT COVERAGE. The part or percentage of the lot occupied by buildings including accessory buildings.

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

LOT LINES. The lines bounding a lot as defined herein (See § 153.007 below).

FRONT LOT LINE. In the case of an interior lot, that line separating the lot from the street. In the case of a corner lot or double frontage lot, that line separating the lot from either street.

REAR LOT LINE.

- (a) That lot line opposite the front lot line.
- (b) In the case of a lot pointed at the rear, the **REAR LOT LINE** shall be an imaginary line parallel to the front lot line, not less than 10 feet long lying farthest from the front lot line and wholly within the lot.

SIDE LOT LINE.

- (a) Any lot line other than the front lot line or rear lot line.
- (b) A side lot line separating a lot from a street is a **SIDE STREET LOT LINE**.
- (c) A side lot line separating a lot from another lot or lots is an **INTERIOR SIDE LOT LINE**.

LOT OF RECORD. A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH. The horizontal straight line distance between the side lot lines, measured between the 2 points where the front setback line intersects the side lot lines.

LOT, CORNER. A lot situated at the intersection of and abutting on 2 or more streets provided that the angle of intersection of the streets is not more than 135 degrees.

LOT, DOUBLE FRONTAGE.

(1) Any interior lot having frontage on 2 more or less parallel streets as distinguished from a corner lot.

(2) In the case of a row of **DOUBLE FRONTAGE LOTS**, all yards of the lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required for them.

(3) The minimum lot width requirements of the district where the lot is located shall be met for each **FRONTAGE** and not combined.

LOT, FLAG. A lot not having the required minimum frontage, fronting on or abutting a public right-of-way, and where access to the public road is by a narrow, private right-of-way.

LOT, INTERIOR. Any lot other than a corner lot.

LOT, ZONING.

(1) A single tract of land, located within a single block which, at the time of filing for a building permit, is designated by its owner or developed as a tract to be used, developed, or built upon as a unit, under single ownership or control.

(2) A **ZONING LOT** shall satisfy this chapter with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located.

(3) A **ZONING LOT**, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include 1 or more lots or record.

MANUFACTURED HOUSING. A dwelling fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing a label certifying that it is built in compliance with federal standards.

MASTER DEED.

(1) The condominium document recording the condominium project to which are attached, as exhibits and incorporated by reference, the approved bylaws for the condominium project and the condominium plan for the project.

(2) The **MASTER DEED** shall include all the information required by M.C.L.A. § 559.108.

MASTER PLAN. The Charter Township of Montrose Community Master Plan adopted October 18, 1995, by the Montrose Township Planning Commission and endorsed by the Montrose Township Board of Trustees on October 4, 1995. Any future plans adopted or amended by the Planning Commission authorized by the act and used to satisfy the requirements of Section 203(1) of the Michigan Zoning Enabling Act, 2006 PA 110, M.C.L.A. § 125.3203, shall be known as The Charter Township of Montrose Community Master Plan.

MICHIGAN MEDICAL MARIHUANA ACT. The Michigan Medical Marihuana Act, P.A. 1 of 2008, M.C.L.A. §§ 333.264221 *et seq.*, as amended.

MOBILE HOME. A detached single-family structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

MOBILE HOME PARK.

(1) A park licensed under provisions of the Mobile Home Commission Act, being Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 through 125.2350, as amended.

(2) Furthermore, a **MOBILE HOME PARK** is a parcel or tract of land under the control of a person or corporation upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

MODULAR HOME. Factory built housing certified as meeting the United States Department of Housing and Urban Development (HUD) standards as applicable to modular housing.

MOTELS. An establishment providing sleeping accommodations to the general public which may or may not provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

MUNICIPALITY or **MUNICIPAL.** The Charter Township of Montrose.

NONCONFORMING LOT. A lot with dimensions which conflict with the provisions of this chapter.

NONCONFORMING STRUCTURE. A structure conflicting with the regulations of the district in which it is located.

NONCONFORMING USE. A use of land or a structure for purposes which conflict with the provisions of this chapter.

OFFICE. A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files, and communication equipment.

OPEN-AIR BUSINESS USES. Businesses not conducted within a wholly enclosed building. **OPEN-AIR BUSINESSES** shall include the following:

(1) Bicycle, trailer, new and/or used motor vehicle, boats, modular homes and home equipment sale or rental;

(2) Outdoor display and sale of garages, swimming pools and similar uses; and

(3) Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellis, lawn furniture, playground equipment, and other home garden supplies and equipment and similar uses.

OUTDOOR ENCLOSED, LOCKED FACILITY. Any enclosed, immovable, locked facility that is not located inside of the primary residence.

PARKING SPACE, OFF-STREET. Consists of a space adequate for parking an automobile, with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, and located on a lot with the land use to which it is related.

PHOTOVOLTAIC (PV) SYSTEM. A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

PLANNED UNIT DEVELOPMENT. An integrated and coordinated development of various residential land uses, with or without retail stores, service stations, drugstores, personal service offices, and restaurants, but excluding any manufacturing or wholesale activity.

PLANNING COMMISSION. A 7-member commission as established by the Charter Township of Montrose Board, retained pursuant to Section 81(2) or (3) of Public Act 33 of 2008, as amended, subject to the limitations on the application of the act as provided in Section 81(2) and (3); and referred to alternatively as the **TOWNSHIP PLANNING COMMISSION** and or **COMMISSION**.

PLAT. A map or chart of a subdivision of land.

POPULATION. The **POPULATION** according to the most recent federal decennial census, or according to a special census conducted under Section 7 of the Glenn Steil State Revenue Sharing Act of 1971, 1971 PA 140, M.C.L.A. §141.907, whichever is the more recent.

PRIMARY CAREGIVER. A person who is at least 21 years old and who has agreed to assist with a qualifying patient's medical use of marihuana and who has been issued and possesses a valid Medical Marihuana Registry Identification Card by the Michigan State Department of Community Health, which is not expired and or has not been revoked.

PRIMARY RESIDENCE. The one place where a person has his or her true, fixed and permanent home to which, whenever absent, he or she intends to return and that shall continue as a principal residence until another principal residence is established.

PRINCIPAL STRUCTURE. Any building for any primary land use or use subject to conditional review, as defined in each zoning classification, not including accessory structures.

PRIVATE NONCOMMERCIAL PARK AND RECREATION AREA/FACILITY. A park or recreation facility operated by a nonprofit organization and open only to bonafide members and guests of nonprofit organizations.

PRIVATE ROAD.

(1) A road owned and maintained by the owners of the property it serves and provides access to 3 or more dwellings or 2 or more non-residential principal buildings.

(2) Private roads include roads within condominium projects, roads serving 2-family dwelling units and roads within office or industrial complexes.

(3) The definition of **PRIVATE ROAD** does not include drives serving multiple-family buildings with 3 or more attached dwelling units, parking lot aisles or drives connecting parking lots to internal roads.

PRIVATE SOLAR ENERGY SYSTEM. Any solar energy system that is accessory to a principal use that is designed and built to serve the principal use of the property. These systems shall not be utilized for any commercial sale of energy, except for the sale of surplus electrical energy back to the electrical grid.

PUBLIC PARK AND RECREATION AREA/FACILITY. A park and recreation facility open to the general public.

PUBLIC ROAD. A way or means of approval which provides access and which is constructed to the Genesee County Road Commission Standards and is dedicated for general public use and maintained by the Genesee County Road Commission.

PUBLIC UTILITY. Any person, firm, corporation, municipal department or board, duly authorized under state or municipal regulation to furnish, and furnishing, transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal and other services to the public.

QUALIFYING PATIENT. A person who has been diagnosed by a physician as having a debilitating medical condition, and who has been issued and possesses a valid medical marihuana registry identification card by the Michigan State Department of Community Health, which is not expired and or has not been revoked.

RESTAURANT. Includes the following.

CARRY-OUT RESTAURANT. An establishment that by design of the physical facilities, service, or packaging sells prepared ready-to-eat foods intended primarily to be consumed off the premises.

DRIVE-IN RESTAURANT. A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes 1 or both of the following characteristics:

(a) Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle, including by means of a drive-through or drive-up window; and/or

(b) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, and permitted.

FAST-FOOD RESTAURANT. Any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building, by means of a drive-up or drive-through window or by carry-out with consumption off the premises, and whose design or principal method of operation includes both of the following characteristics:

(a) Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposal containers either directly to the customer or by means of a drive-through or drive-up window; and

(b) The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and the prohibition is strictly enforced by the restaurateur.

STANDARD RESTAURANT. Any establishment whose principal business is the sale of food, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes 1 or both of the following characteristics:

(a) Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which the items are consumed; and/or

(b) A cafeteria-type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.

RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil, or gas pipeline, water line, sanitary sewer, storm sewer, and other similar uses.

ROADSIDE STANDS. Retail outlets with all related structures primarily for the sale of farm produce grown on the farm upon which the stand is located.

ROOF-MOUNTED SOLAR ENERGY SYSTEM. A solar power system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted towards the south at an optimal angle.

RUMMAGE SALE (GARAGE). A sale or offering of more than 3 items of new or used merchandise, clothing, household goods, rummage, or other personal property on premises not zoned for sale. Any sale which meets the requirements of this chapter shall be deemed to be a **RUMMAGE SALE** regardless of the name or designation placed upon a sale by the person or persons conducting same.

SANITARY LANDFILLS. Any parcel of land used for the dumping of refuse for the purposes of disposing of the refuse licensed by the State of Michigan, and operated in accordance with the Public Act 451 of 1994, being M.C.L.A. §§ 324.11501 *et seq.*, as amended, and M.C.L.A. §§ 299.501 through 299.551, as amended.

SETBACK. Distance from the right-of-way line of streets to the building line for the purpose of defining limits within which no building or structure, shall be erected or permanently maintained.

SHOPPING CENTER. A group or groups of 3 or more commercial establishments developed in accordance to an overall plan and design and built as an interrelated project.

SIGN.

(1) The use of any words, numerals, figures, devices, designs, or other trademarks by which anything is made known (other than billboards, defined separately herein) that are used to show an individual, firm, profession, or business, and are visible to the general public.

(2) Accessory **SIGNS** pertain to uses or activities conducted on the premises where located.

SIGN AREA.

(1) The area of a sign consisting of the entire surface of any regular geometric form, or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed.

(2) Frames and structural members not bearing advertising matter shall not be included in computation of the **SIGN AREA**.

SIGN, ON-SITE. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.

SIGN, OFF-SITE. A sign other than an on-site sign.

SITE PLAN. A **SITE PLAN** includes the documents and drawings required by the Zoning Ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

SOLAR ENERGY SYSTEM (SES). Any equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. **SOLAR ENERGY SYSTEMS** consist primarily of solar thermal, photovoltaic and concentrated solar but may include other various experimental solar technologies.

SOLAR SHINGLES. A roofing product made by combining thin film solar technology with a durable backing to provide a structural roof shingle comparable to traditional roofing shingles.

SOLID WASTE. Unwanted or discarded material including waste material with insufficient liquid content to be free flowing.

SPECIAL LAND USE.

(1) The term applied to a use which may be permitted by the application for and issuance of a special land use permit by the Planning Commission.

(2) A **SPECIAL LAND USE** permit may be issued only for those uses specifically cited in this chapter.

STORY.

(1) That part of a building included between the surface of any floor and the surface of the floor or roof, next above.

(2) When the distance from the average established grade to the ceiling of a portion of a structure partly below the grade is greater than the distance from the average established grade to the floor, that portion shall constitute a **STORY**.

STRUCTURE. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, **STRUCTURES** include buildings, mobile homes, walls, fences, billboards, solar energy systems, and poster panels.

SUBDIVISION. The partitioning or dividing of a parcel or tract of land by the proprietor or by his or her heirs, executors, administrators, legal representatives, successors or assigns for the purpose of sale or lease of more than 1 year, or of building development, where the act of division creates 5 or more parcels of land each of which is 10 acres or less in area; or 5 or more parcels of land each of which is 10 acres or less in area are created by successive divisions within a period of 10 years as prescribed by the

Subdivision Control Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 through 560.293, P.A., as amended.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred.

TEMPORARY USE. A use established for a limited duration with the intent to discontinue the use upon the expiration of the time period.

TOWNHOUSE. A residential structure or group of structures, each of which contains 3 or more attached 1-family dwelling units with individual rear yards and/or front yards designed as an integral part of each 1-family dwelling unit.

TRAVEL TRAILER. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding 8 feet and a length not to exceed 40 feet.

VARIANCE. A modification to the literal provisions of this chapter which is granted when strict enforcement would cause undue hardship or practical difficulty, depending on the variance requested, owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.

WETLAND. 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 and which is any of the following:

- (1) Contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream;
- (2) Not contiguous to the Great Lakes, and inland lake or pond, or a river or stream; and more than 5 acres in size; except this division shall not be of effect, except for the purpose of inventorying, in counties of less than 100,000 population until the Michigan Department of Natural Resources certifies to the Commission of Natural Resources it has substantially completed its inventory of wetlands in that county; or
- (3) Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and 5 acres or less in size if the Michigan Department of Natural Resources determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the Department has so notified the owner; except this division may be utilized regardless of wetland size in a county in which division (2) above is of no effect; except for the purpose of inventorying, at the time.

YARD. An open space on the same lot with a building or building group lying between the front, rear, or side wall of a building and the nearest lot line, unoccupied except for projections and the specific minor uses or structures allowed in the open space under the provisions of this chapter. Because buildings may be irregularly shaped or set on an angle to the lot, widths of **YARDS** usually are measured from the nearest lot line to the closest point of the building (See § 153.007 below).

YARD, CORNER SIDE. A side yard which faces a public street.

YARD, FRONT. A yard extending the full width of the lot on which a building is located and situated between the front lot line and a line parallel thereto and passing through the nearest point of the building.

YARD, INTERIOR SIDE. A side yard located immediately adjacent to another zoning lot or to an alley separating the side yard from another zoning lot.

YARD, REAR.

(1) A yard extending the full width of the lot on which a building is located and situated between the rear lot line and a line parallel thereto and passing through the nearest point of the building. Accessory buildings are permitted in **REAR YARDS** in many ordinances.

(2) There is now some tendency to make the minimum dimension of the required **REAR YARD** the same as that for the minimum side yard to exclude accessory buildings, insert limitations on lot coverage and enlarge the buildable area, allowing more flexibility in the shape and orientation of the principle structure.

YARD, SIDE. A yard on the same lot as a building situated between the side lot line and a line parallel thereto and passing through the nearest point of a building, and extending from the front yard to the rear.

ZERO LOT LINE. The location of a building on a lot in a manner so that 1 or more of the building's sides rests directly on a lot line.

ZONING BOARD OF APPEALS. A 7-member board, with 2 alternates, as provided under provisions of the Zoning Enabling Act, Public Act 12 of 2008, as amended, with powers and duties as defined herein, and referred to alternatively as the **BOARD OF APPEALS**.

ZONING DISTRICT. A zoning district is a portion of the township within which, on a uniform basis, certain uses of land and buildings are permitted and within which contain yard, open spaces, lot area, and other requirements as established by this chapter.

ZONING JURISDICTION. The area encompassed by the legal boundaries of the Charter Township of Montrose outside the limits of incorporated City of Montrose.

(Ord. 99, passed 11-18-1996, § 2.02; Am. Ord. 116, passed 1-18-1999; Am. Ord. 145, passed 1-17-2006; Am. Ord. 148, passed 5-16-2006; Am. Ord. 152, passed 1-16-2007; Am. Ord. 157, passed 7-17-2007; Am. Ord. 158, passed 7-17-2007; Am. Ord. 174, passed 11-10-2008; Am. Ord. 13-200, passed 3-19-2013; Am. Ord. 13-206, passed 1-21-2014; Am. Ord. 13-207, passed 1-21-2014; Am. Ord. 18-231, passed 12-18-2018; Am. Ord. 21-006-153.006 *et seq.*, passed 10-19-2021)

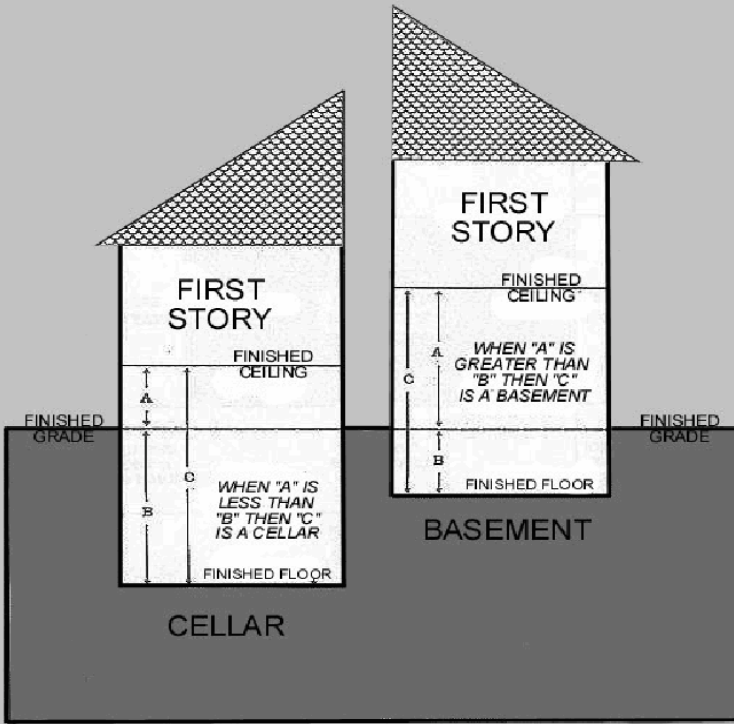
§ 153.007 ILLUSTRATIONS FOR CERTAIN DEFINITIONS.

(A) Basement: Figure 1.

Figure 1

1

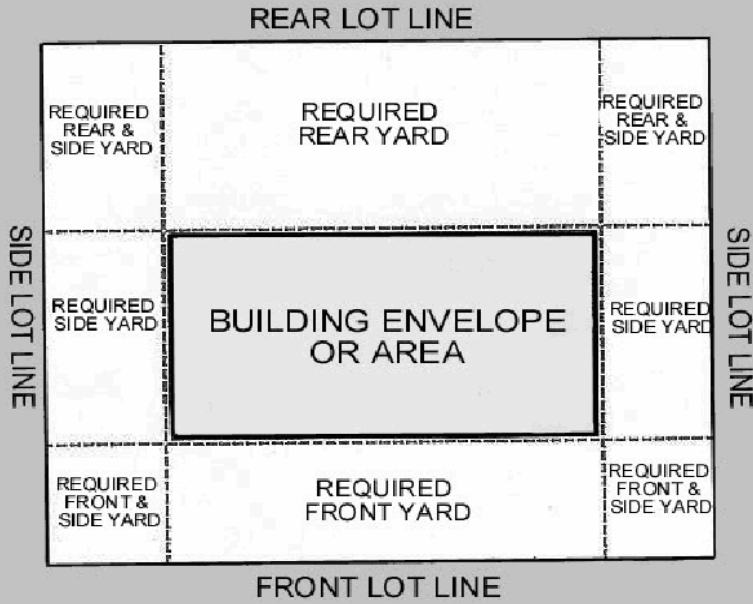
BASEMENT AND CELLAR DEFINITIONS



(B) Building envelope: Figure 2.

Figure 2

BUILDING ENVELOPE



(C) Building height: Figure 3 and Figure 4.

Figure 3

ILLUSTRATION OF BUILDING HEIGHT

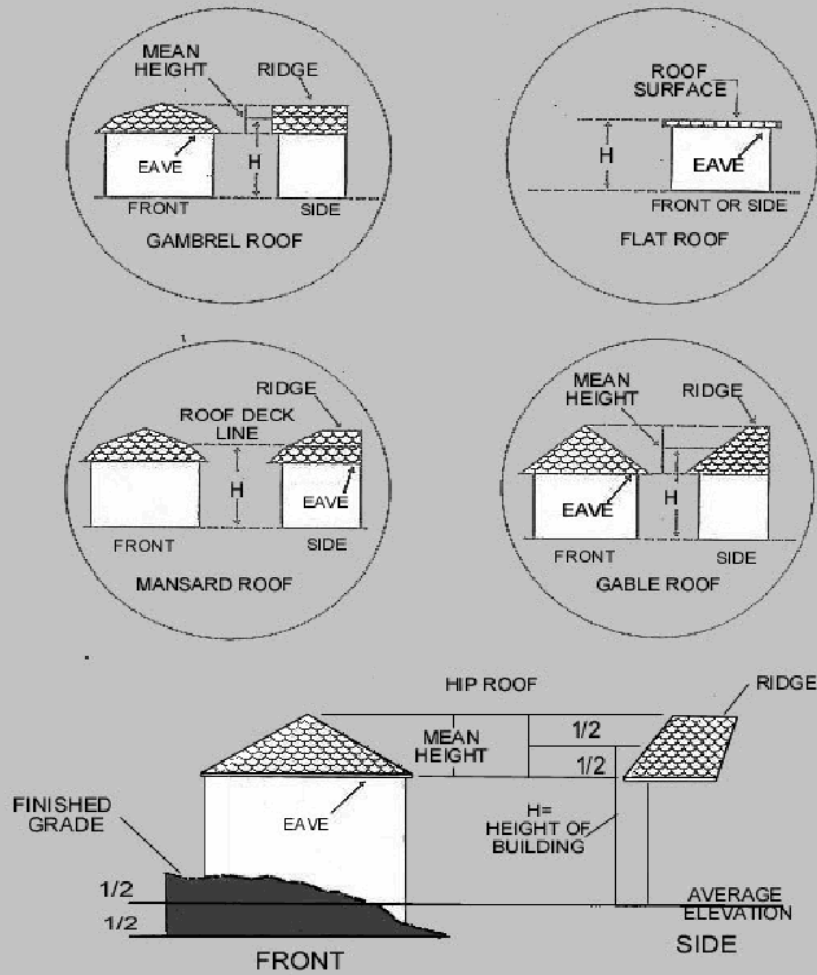
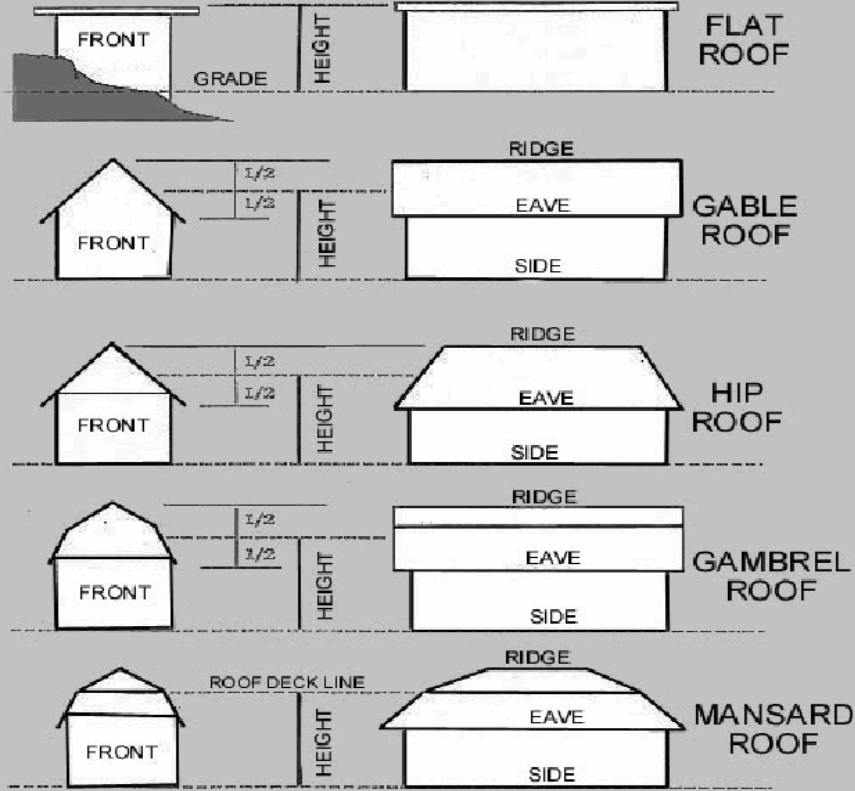


Figure 4

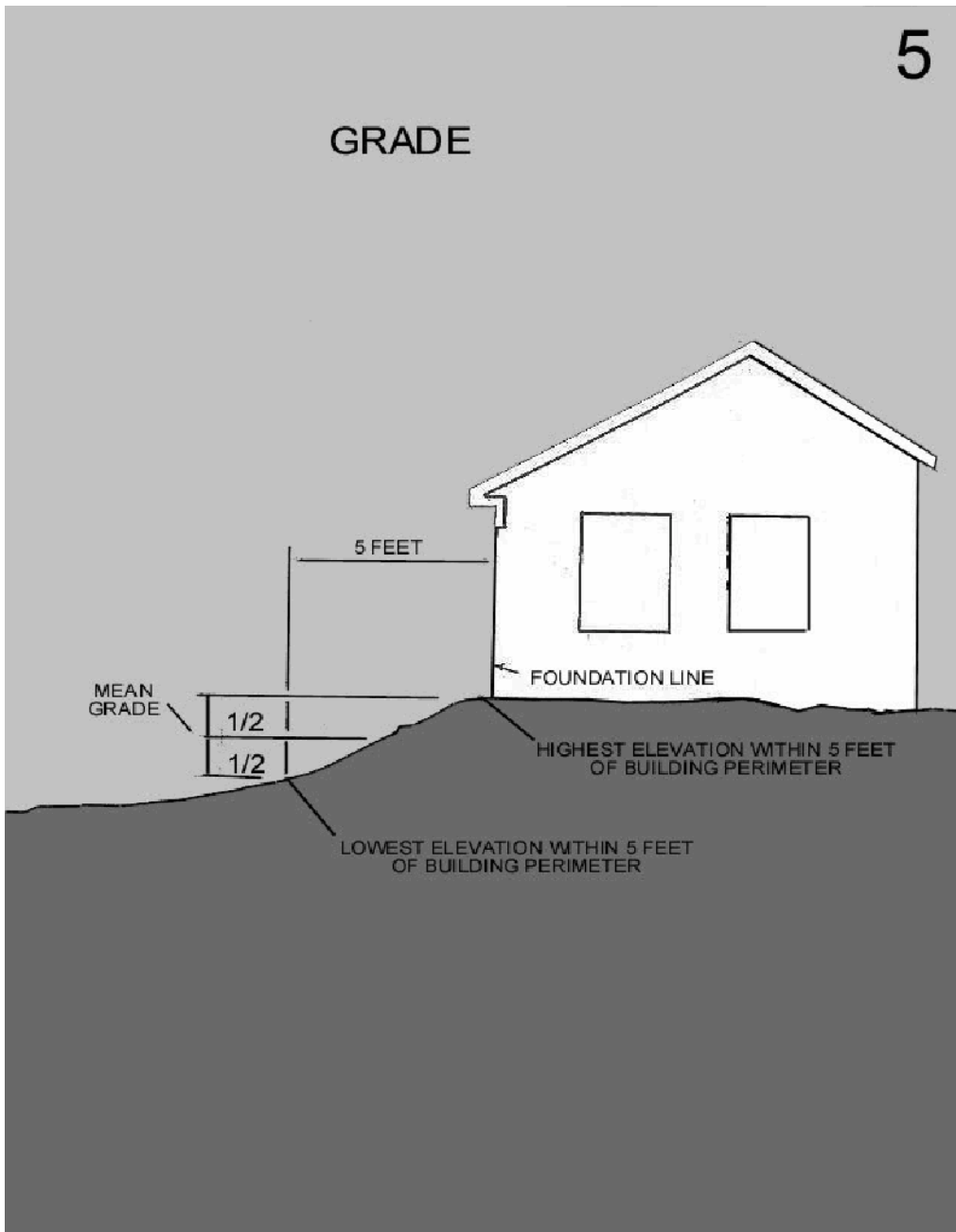
GUIDE TO HEIGHT DEFINITIONS



(D) Cellar: Figure 3.

(E) Grade: Figure 5.

Figure 5

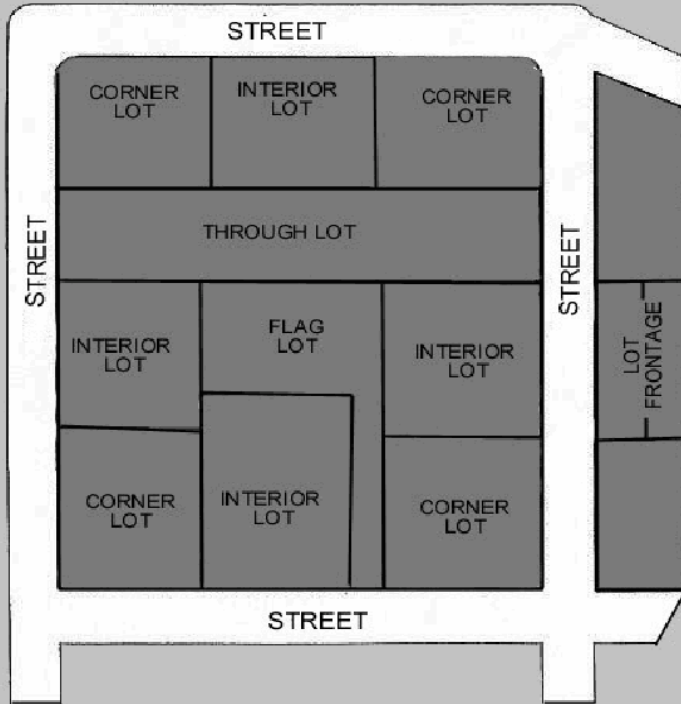


(F) Lot: Figure 6.

Figure 6

6

DEFINITION OF TYPES OF LOTS



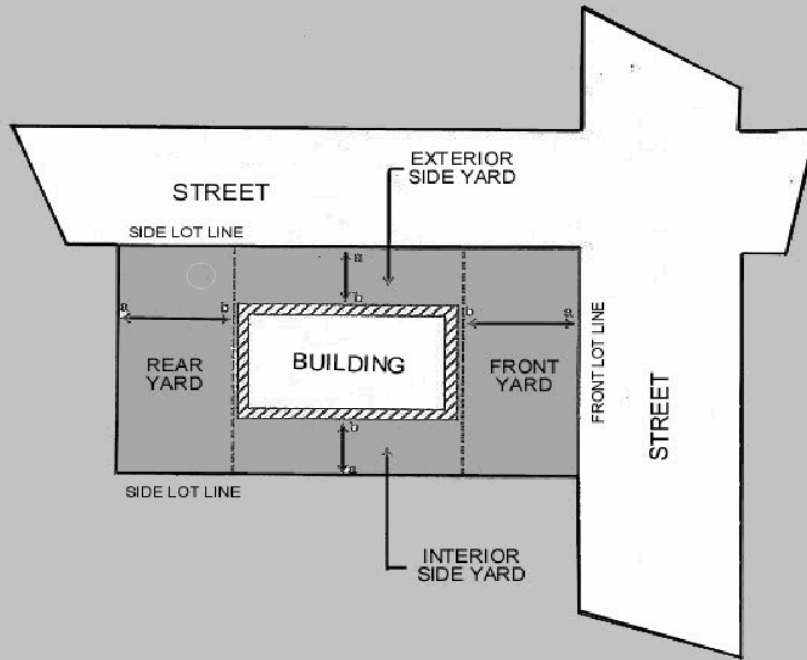
(G) Lot, corner: Figure 7.

(H) Lot depth: Figure 7.

Figure 7

7

CORNER LOTS PARALLEL LOT LINES YARD DEFINITIONS

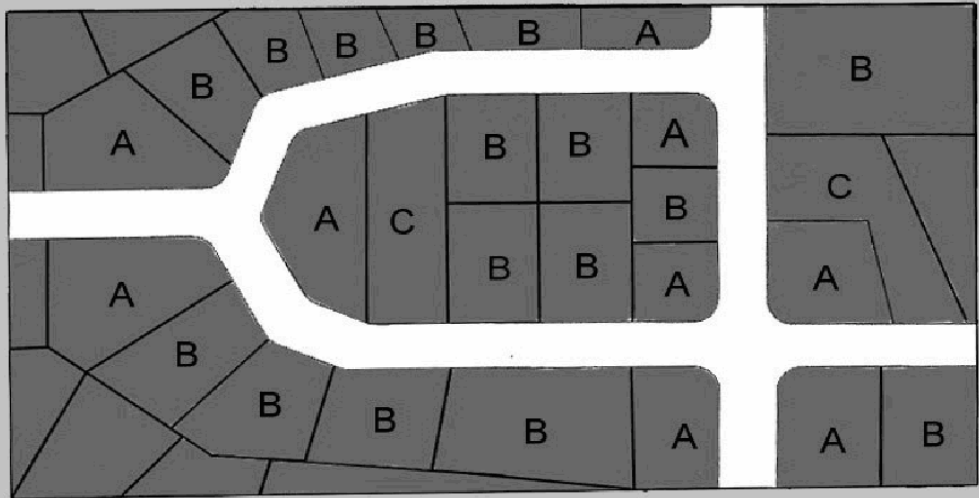


DISTANCE ab REPRESENTS THE DEPTH OF THE REQUIRED YARD MEASURED AS LEAST HORIZONTAL DIMENSION BETWEEN LOT LINE AND NEAREST PART OF MAIN BUILDING. DISTANCE ab MUST BE THE MINIMUM DISTANCE SPECIFIED

(l) Lot, double frontage: Figure 8.

Figure 8

ILLUSTRATION OF THE BASIC
TYPES OF LOTS



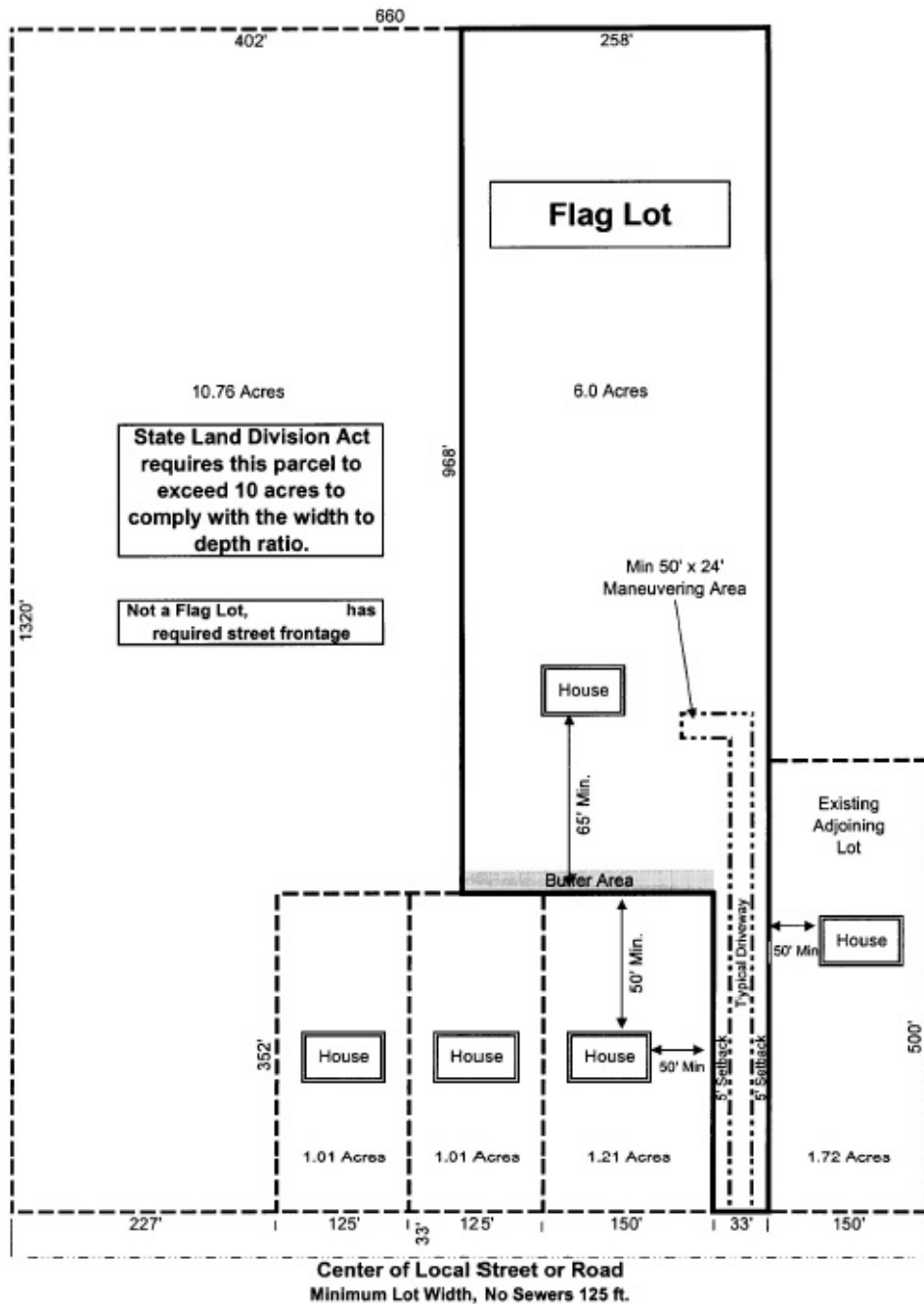
A = CORNER LOT

B = INTERIOR LOT

C = THROUGH (OR DOUBLE FRONTAGE) LOT

(J) Lot, flag: Figure 13.

Figure 13

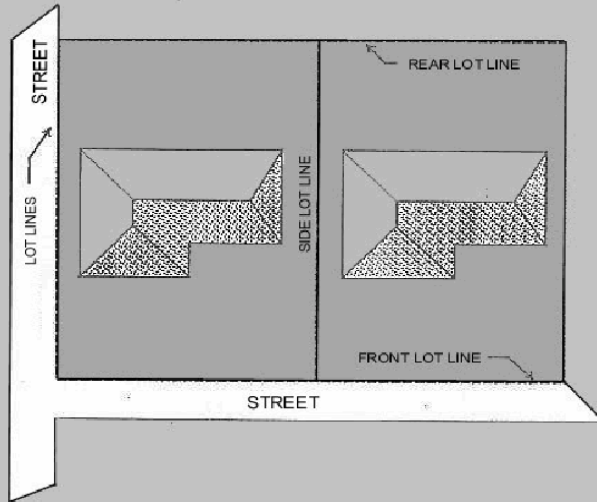


- (K) Lot lines: Figure 7 and Figure 8.
- (L) Lot width: Figure 7 and Figure 8.
- (M) Lot line, front: Figure 9.
- (N) Lot line, rear: Figure 9.
- (O) Lot line, side: Figure 9.

Figure 9

9

LOT LINE DESCRIPTIONS

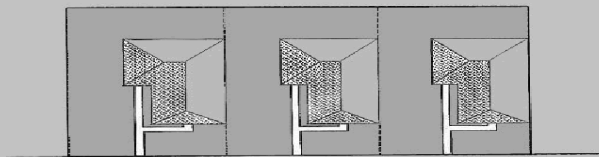


(P) Lot line, zero: Figure 10.

Figure 10

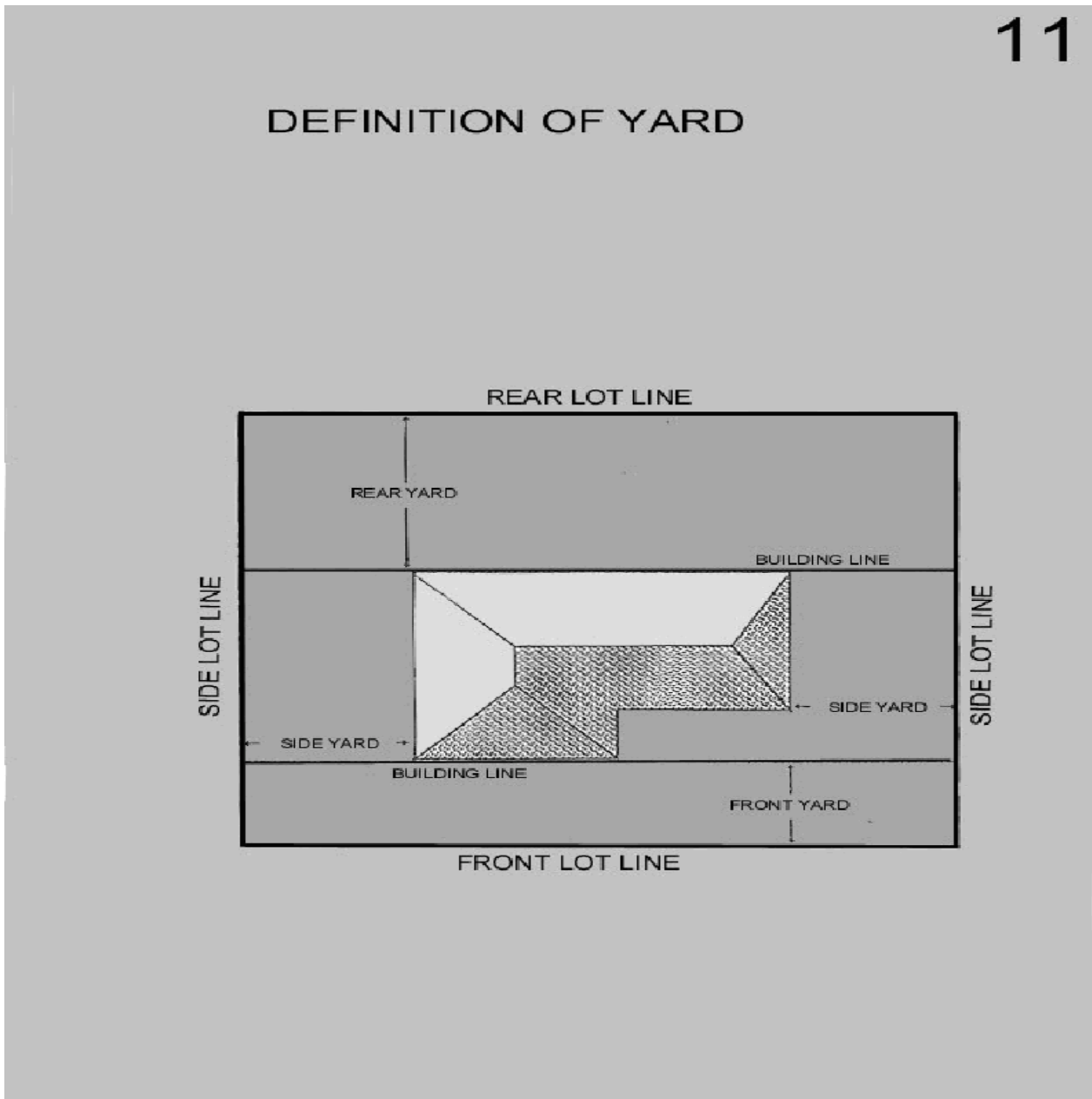
10

BUILDING LOCATION ON ZERO LOT LINE



(Q) Yard: Figure 11.

Figure 11



(R) Yard, front: Figure 12.

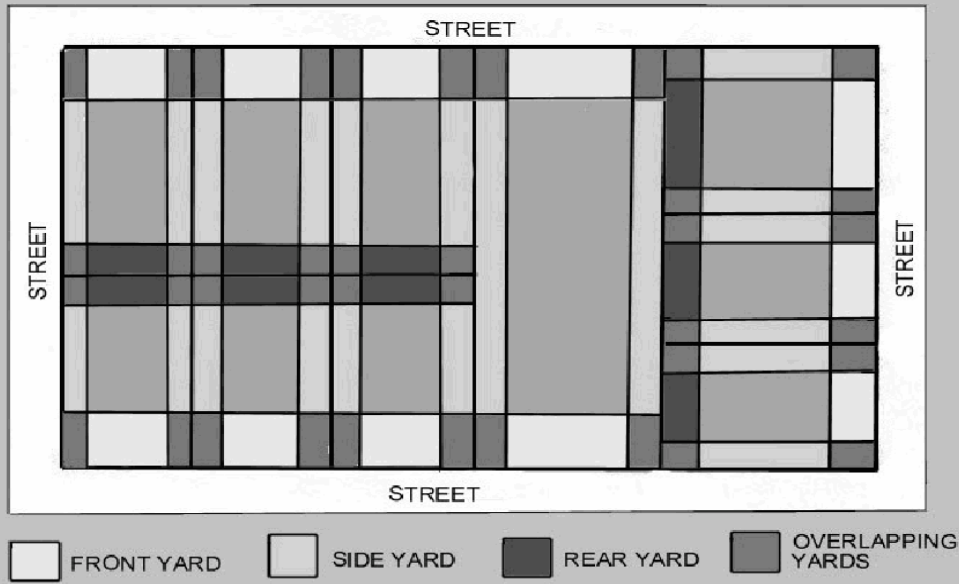
(S) Yard, rear: Figure 12.

(Y) Yard, side: Figure 12.

Figure 12

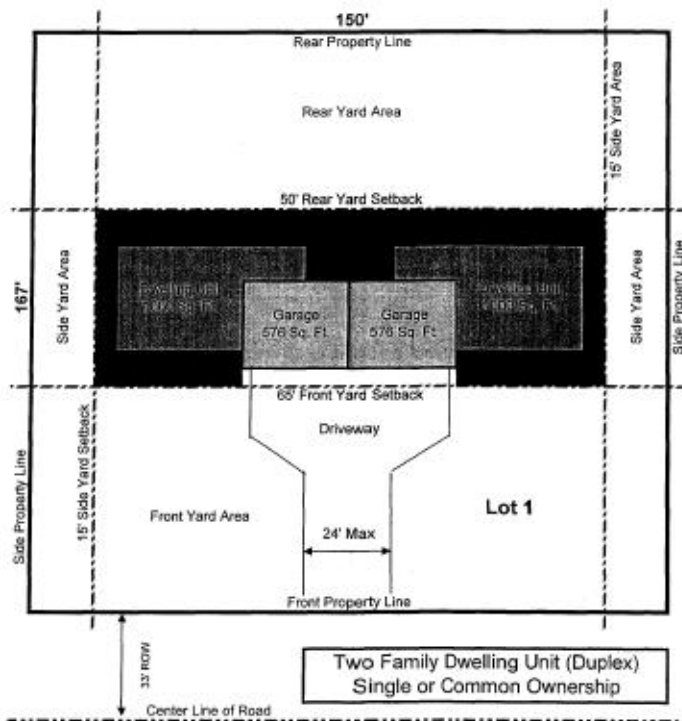
ILLUSTRATION OF FRONT, SIDE & REAR YARD

ILLUSTRATION OF FRONT, SIDE & REAR YARD



(Z) Dwelling, two-family (duplex): Figure 13.

Figure 13



(Ord. 99, passed 11-18-1996, § 2.03; Am. Ord. 152, passed 1-16-2007)

ZONING DISTRICTS AND ZONING MAP

§ 153.020 DISTRICTS ESTABLISHED.

For this purpose of this chapter, the Charter Township of Montrose is hereby divided into the following districts.

<i>Residential Districts</i>	<i>Nonresidential Districts</i>
AG Agricultural	R/C Recreation/Conservation
RF Residential Farm	O/S Office/Service
RS Residential Suburban	C-1 Neighborhood Commercial
RM Multiple-Family	C-2 General Commercial
MHP Mobile Home	I-1 Light Industrial
MHP Manufactured Home Park	I-2 Heavy Industrial

(Ord. 99, passed 11-18-1996, § 3.01)

§ 153.021 ZONING MAP AND BOUNDARIES.

(A) The boundaries of these districts are hereby established as shown on the zoning map which accompanies this chapter, and which map, with all notations, references, and other information provided, shall be as much a part of this chapter as if fully described in the text.

(B) The zoning map shall be kept on display in the Township Hall and descriptions accompanying enacted amendments to the zoning map shall be displayed adjacent to the map until a time as the map is corrected.

(Ord. 99, passed 11-18-1996, § 3.02)

§ 153.022 DISTRICT BOUNDARIES INTERPRETED.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning districts map, the following rules shall apply.

(A) Boundaries indicated as approximately following the centerlines of the streets, highways, or alleys, shall be construed to follow the centerlines.

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.

(C) Boundaries indicated as approximately following corporate limits shall be construed as following corporate limits.

(D) Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.

(E) (1) Boundaries indicated as parallel to or extensions of features indicated in divisions (A) through (D) above shall be so construed.

(2) Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

(F) Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by divisions (A) through (E) above, the Board of Appeals shall interpret the district boundaries.

(G) Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way it is intended that the district boundaries do extend to the center of any public right-of-way.

(Ord. 99, passed 11-18-1996, § 3.03)

§ 153.023 ZONING OF VACATED AREAS.

Whenever any street, alley or other public way, within the Charter Township of Montrose shall be vacated, the street, alley, or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

(Ord. 99, passed 11-18-1996, § 3.04)

AGRICULTURAL DISTRICT (AG)

§ 153.035 INTENT.

(A) This district is established to regulate those areas of the township whose best use is for agricultural production and related activities.

(B) The regulations of this district are designed to conserve, stabilize, and enhance farming and related resource utilization activities, to minimize conflicting uses of parcels, lots and structures detrimental to or incompatible with these activities.

(C) The district, in seeking to conserve areas for agricultural uses, is designed to prevent urban sprawl and the fragmentation of agricultural resources through insensitive subdivision design.

(Ord. 99, passed 11-18-1996, § 4.01)

§ 153.036 PERMITTED USES.

No structure or part thereof shall be erected, altered, or used and no land may be used except for 1 or more of the following purposes:

(A) Farming, including the raising or growing of:

- (1) Forages and sod crops;
- (2) Grains and feed crops;
- (3) Dairy and dairy products;
- (4) Livestock, including breeding and grazing;
- (5) Fruits;
- (6) Vegetables;
- (7) Plants, trees, shrubs, and nursery stock; and
- (8) Similar bona fide agricultural enterprises or use of land and structure.

(B) Truck gardening, involving the growing of fruits and vegetables that are intended to be distributed and sold to consumers as fresh produce;

(C) Sale and service of machinery used in agricultural production;

(D) Facilities for the centralized bulk collection, storage, and distribution of agriculture products to wholesale and retail markets;

(E) Facilities for the storage and sale of seed, fertilizer, and other products essential to agricultural production;

- (F) Facilities for the research and testing of agricultural products and techniques;
- (G) Single-family residential dwellings;
- (H) Family day care homes;
- (I) Township buildings and uses;
- (J) Cemeteries;
- (K) Public utility buildings and uses; and/or
- (L) Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.

(Ord. 99, passed 11-18-1996, § 4.02)

§ 153.037 SPECIAL LAND USES.

The following uses are considered special land uses within the district and may be approved by the Planning Commission subject to the applicable general and specific standards in §§ 153.215 through 153.219 below:

- (A) Adult foster care facilities;
- (B) Agribusiness uses such as farmers markets, fruit or vegetable stands, or roadside stands for the sale of agriculture goods produced on site;
- (C) Animal hospitals and animal shelters, but not including animal mortuaries or crematoriums;
- (D) Auction sales;
- (E) Bed and breakfast operations;
- (F) Campgrounds and travel trailer parks;
- (G) Churches, synagogues, and other places of worship;
- (H) Commercial solar energy systems;
- (I) Driving ranges and golf courses;
- (J) Greenhouses and nurseries;
- (K) Group day care homes;
- (L) Home occupations;
- (M) Kennels, dog; commercial and/or private;
- (N) Private and public riding stables;
- (O) Retail establishments designed to cater to the touring public and including uses such as cider mills, antique dealers, woodworking and quilt shops, and collectibles and craft stores;
- (P) Shooting ranges, gun clubs and archery ranges; and
- (Q) Accessory buildings, structures, and uses customarily incidental to any of the above special land uses.

(Ord. 99, passed 11-18-1996, § 4.03; Am. Ord. 106, passed 11-10-1997; Am. Ord. 152, passed 1-16-2007; Am. Ord. 13-200, passed 3-19-2013; Am. Ord. 18-231, passed 12-18-2018)

§ 153.038 SITE DEVELOPMENT STANDARDS.

These standards are only applicable if a site plan is required:

- (A) Schedule of regulations: §§ 153.200 and 153.201;
- (B) Site plan review standards: §§ 153.230 through 153.243;
- (C) Parking and loading: unloading: §§ 153.275 through 153.281;
- (D) Sign regulations: §§ 153.295 through 153.302; and
- (E) Landscaping standards: §§ 153.315 through 153.322.

(Ord. 99, passed 11-18-1996, § 4.04)

RESIDENTIAL FARM DISTRICT (RF)

§ 153.050 INTENT.

(A) The Residential Farm District is intended to provide land for orderly residential growth, residential activities of a semi-rural character, and continued agricultural activities in areas that are presently without public water and sanitary sewer facilities and are likely to remain without those services for an extended period of time.

(B) It is further intended that the district protect and stabilize the essential characteristics of these areas in order to promote and encourage suitable environments for low density family life and to maintain and to preserve the rural character of the township.

(Ord. 99, passed 11-18-1996, § 5.01)

§ 153.051 PERMITTED USES.

No structure or part thereof shall be erected, altered, or used, and no land shall be used except for 1 or more of the following purposes:

- (A) One-family detached dwellings;
- (B) Publicly owned and operated parks, parkways, and recreational facilities;
- (C) Family day care homes;
- (D) Adult foster care family homes and adult foster care small group homes consisting of 6 or less residents; and/or
- (E) Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.

(Ord. 99, passed 11-18-1996, § 5.02)

§ 153.052 SPECIAL LAND USES.

The following uses are considered special land uses within the district and may be approved by the Planning Commission subject to the applicable general and specific standards in §§ 153.215 through 153.219 below:

- (A) Adult foster care small group homes for 7 to 12 persons;
- (B) Agribusiness uses such as farmers markets, fruit or vegetable stands, or roadside stands for the sale of agriculture goods produced on site;
- (C) Animal hospitals and animal shelters;
- (D) Bed and breakfast operations;
- (E) Cemeteries;
- (F) Churches, synagogues, and other places of worship;

- (G) Cluster residential development;
- (H) Colleges, universities, and institutions of higher learning;
- (I) Commercial solar energy systems;
- (J) Driving ranges and golf courses;
- (K) Greenhouses and nurseries;
- (L) Group day care homes;
- (M) Home occupations;
- (N) Kennels, dog; commercial and/or private;
- (O) Private (noncommercial) recreation areas, institutional or community recreation facilities;
- (P) Public and private schools;
- (Q) Private and public riding stables, subject to minimum lot size of 20 acres;
- (R) Single-family semi-detached dwellings;
- (S) Two-family dwellings (duplex); and
- (T) Accessory buildings, structures, and uses customarily incidental to any of the above special land uses.

(Ord. 99, passed 11-18-1996, § 5.03; Am. Ord. 107, passed 11-10-1997; Am. Ord. 152, passed 1-16-2007; Am. Ord. 174, passed 11-10-2008; Am. Ord. 13-200, passed 3-19-2013; Am. Ord. 18-231, passed 12-18-2018)

§ 153.053 SITE DEVELOPMENT STANDARDS.

These standards are only applicable if a site plan is required:

- (A) Schedule of regulations: §§ 153.200 and 153.201;
 - (B) Site plan review standards: §§ 153.230 through 153.243;
 - (C) Parking and loading; unloading standards: §§ 153.275 through 153.281;
 - (D) Sign regulations: §§ 153.295 through 153.302; and
 - (E) Landscaping standards: §§ 153.315 through 153.322.
- (Ord. 99, passed 11-18-1996, § 5.04)

RESIDENTIAL SUBURBAN DISTRICT (RS)

§ 153.065 INTENT.

(A) The Residential Suburban District is designed to provide an environment for primarily single-family residential development at suburban or urban densities, if the necessary public utilities are available.

(B) It is the intent of this district to encourage a suitable environment for family life by permitting facilities and institutions that are compatible with neighborhood activities.

(C) Conversely, the district prohibits any use whose physical scale and associated traffic volumes would be detrimental to the health, safety, and welfare of neighborhood residents.

(Ord. 99, passed 11-18-1996, § 6.01)

§ 153.066 PERMITTED USES.

No structure or part thereof shall be erected, altered, or used, and no land shall be used except for 1 or more of the following:

- (A) One-family residential dwellings;
- (B) Adult foster care family homes and adult foster care group homes consisting of 6 or less residents;
- (C) Family day care homes;
- (D) Publicly owned and operated libraries, parks, parkways, and recreational facilities; and/or
- (E) Accessory buildings, structures, and uses customarily incidental to the above permitted uses.

(Ord. 99, passed 11-18-1996, § 6.02)

§ 153.067 SPECIAL LAND USES.

The following uses are considered special land uses within the district and may be approved by the Planning Commission subject to the applicable general and specific standards in §§ 153.215 through 153.219 below:

- (A) Adult foster care small group homes for 7 to 12 residents;
- (B) Bed and breakfast operations;
- (C) Cemeteries;
- (D) Churches, synagogues, and other places of worship;
- (E) Day care centers, child care centers, and nursery schools;
- (F) Two-Family Dwellings (Duplex);
- (G) Group day care homes;
- (H) Home occupations;
- (I) Public and private schools;
- (J) Single-Family Semi-Detached Dwellings; and
- (J) Accessory buildings, structures, and uses customarily incidental to any of the above special land uses.

(Ord. 99, passed 11-18-1996, § 6.03; Am. Ord. 152, passed 1-16-2007)

§ 153.068 SITE DEVELOPMENT STANDARDS.

These standards are only applicable if a site plan is required:

- (A) Schedule of regulations: §§ 153.200 and 153.201;
- (B) Site plan review standards: §§ 153.230 through 153.243;
- (C) Parking and loading; unloading standards: §§ 153.275 through 153.281;
- (D) Sign regulations: §§ 153.295 through 153.302; and
- (E) Landscaping standards: §§ 153.315 through 153.322.

(Ord. 99, passed 11-18-1996, § 6.04)

RECREATION/CONSERVATION DISTRICT (R/C)

§ 153.080 INTENT.

(A) The intent of this district is to prescribe a zoning category for those areas where, because of natural geographic factors and existing land uses, it is considered feasible and desirable to conserve open spaces, water supply sources, woodland areas, wildlife, and other natural resources.

(B) This district may include extensive steeply sloped areas, stream valleys, water supply sources, and wooded areas adjacent thereto.

(Ord. 99, passed 11-18-1996, § 7.01)

§ 153.081 PERMITTED USES.

No structure or part thereof shall be erected, altered, or used and no land may be used except for 1 or more of the following purposes:

(A) Publicly owned and operated parks and parkways recreational facilities;

(B) Forest, woodland, natural, wetland, and wildlife preserves and areas;

(C) Campgrounds, riding academies, golf courses, riding trails, summer or winter resort areas, hunting, fishing or country clubs, game preserves and similar uses for the purpose of preserving and enjoying the natural resources of the property, but not including marinas, boat rentals, docks, or piers; and/or

(D) Water supply works, flood control or watershed protection works, and fish and game hatcheries.

(Ord. 99, passed 11-18-1996, § 7.02)

§ 153.082 SPECIAL LAND USES.

The following uses are considered special land uses within the district and may be approved by the Planning Commission subject to the applicable general and specific standards in §§ 153.215 through 153.219:

(A) Shooting ranges;

(B) Gun clubs; and

(C) Archery ranges.

(Ord. 99, passed 11-18-1996, § 7.03)

§ 153.083 SITE DEVELOPMENT STANDARDS.

These standards are only applicable if a site plan is required:

(A) Schedule of regulations: §§ 153.200 and 153.201;

(B) Site plan review standards: §§ 153.230 through 153.243;

(C) Parking and loading; unloading standards: §§ 153.275 through 153.281;

(D) Sign regulations: §§ 153.295 through 153.302; and

(E) Landscaping standards: §§ 153.315 through 153.322.

(Ord. 99, passed 11-18-1996, § 7.04)

MOBILE HOME/MANUFACTURED HOME PARK DISTRICT (MHP)

§ 153.095 INTENT.

It is the purpose of the Mobile Home Park District to provide for the development of mobile home parks in appropriate locations and in accordance with the regulations established by the Michigan Mobile Home Commission (MMHC).

(Ord. 99, passed 11-18-1996, § 8.01)

§ 153.096 PERMITTED USES.

No structure, or part thereof, shall be erected, altered, or used and no land shall be used except for 1 or more of the following:

(A) Mobile home park developments subject to all minimum requirements and standards as established in the Mobile Home Commission Act, Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 through 125.2350 as amended, and all rules promulgated pursuant to Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 through 125.2350, as may be amended;

(B) Clubhouse, swimming pool, and recreation facilities for the use of park residents;

(C) Family day care homes;

(D) Accessory uses and structures, such as managers' offices, laundry facilities, tool or storage sheds, and other services for the residents of the park;

(E) The park may display mobile homes and accessories for sale, provided the accessories are contained within a mobile home or an approved permanent structure. These sales are to permit the development of the park and are not intended to be a retail operation. The sales shall cease with the total development of the park;

(F) Only 1 mobile home, either occupied or for sale shall be allowed on each individual lot, within the park; and/or

(G) Accessory buildings and uses customarily incidental to any of the above permitted uses.

(Ord. 99, passed 11-18-1996, § 8.02)

§ 153.097 SPECIAL LAND USES.

The following uses are considered special land uses within the district and may be approved by the Planning Commission subject to the applicable general and specific standards in §§ 153.215 through 153.219:

(A) Group day care homes;

(B) Day care centers;

(C) Home occupations; and

(D) Accessory buildings, structures, and uses customarily incidental to the above special land uses.

(Ord. 99, passed 11-18-1996, § 8.03)

§ 153.098 GENERAL SITE REGULATIONS.

(A) *Lot size.*

(1) The mobile home park shall be developed with sites averaging 5,000 square feet per mobile home unit.

(2) The 5,000 square feet for any 1 site may be reduced by 20%, provided that the individual site shall be equal to at least 4,400 square feet.

(3) For each square foot of land gained through the reduction of a site below 5,000 square feet, at least an equal amount of land shall be dedicated as open space, but in no case shall the open and distance requirements be less than that required under R 125.1946, and R 125.1941 and R 125.1944, Rules R 125.1941 and R 125.944, of the Michigan Administrative Code.

(B) *Maximum heights.* The maximum height of service buildings and permitted office structures shall be 2 stories or 25 feet.

(C) *Access to public road.* A mobile home park shall have direct access to a major public road by access roads, which shall be hard-surfaced.

(D) *Paving.* All internal roads and parking facilities shall be in compliance with AASHTO specifications referenced in Rule 922 of the Mobile Home Commission rules.

(E) *Sidewalks.* Concrete walks, not less than 3 feet wide and 4 inches thick, shall be installed in the mobile home park from the public entrance to all mobile home lots and to all required service facilities such as, but not limited to, central laundry, central parking and central recreation and park areas.

(F) *Plumbing, electrical, and television.*

(1) All electrical and telephone wiring shall be underground.

(2) The installation of all plumbing and electrical services to mobile home sites shall be in compliance with all applicable standards of the Mobile Home Commission.

(G) *Floor space.*

(1) There shall be not less than 720 square feet of floor space within each mobile home.

(2) The floor area of any porch, sun deck or other structure above the roof or outside the floor or walls of the mobile home shall not be counted as part of the 720-square foot minimum.

(H) *Screening and greenbelt.* When the mobile home park adjoins a site zoned or a site improved and used for single-family residential use, there shall be installed on the park site along the boundary line of the residential site screening or a greenbelt as required in §§ 153.315 through 153.322 below.

(I) *Storage and skirting.*

(1) There shall be no storage of any kind under a mobile home.

(2) Each like home shall be skirted within 90 days after being placed on the lot.

(J) *Fences.*

(1) All fences (other than the perimeter screening requirements) shall be uniform in height and shall be constructed and installed in a manner so as not to interfere with free access by firefighters to all sides of a mobile home, and shall not exceed 36 inches in height.

(2) Barbed wire shall not be used in any like fence.

(3) Two access gates shall be provided to all fenced areas pursuant to the requirements of the Mobile Home Commission.

(K) *Storage.*

(1) No personal property shall be stored outside or under any mobile home.

(2) Storage sheds may be used to store property, but need not be supplied by the owner of the mobile home development.

(3) Any storage sheds placed on individual mobile home sites shall be maintained in good condition and kept painted.

(4) Storage sheds shall be placed in side or rear yard areas.

(L) *Site plan.*

(1) In accordance with the Mobile Home Commission Act, Public Act 96 of 1987 §§ 11, 12, and 13, being M.C.L.A. §§ 125.2301 through 125.2350, as amended, a person desiring to develop a mobile home

park shall submit a preliminary plan to the Township Planning Commission for review and approval.

(2) The preliminary plan shall include the location, general design and a general description of the project.

(3) The preliminary plan does not need to include detailed construction plans.

(M) *Parking.*

(1) A minimum of 2 parking spaces shall be provided for each mobile home site.

(2) A minimum of 1 parking space for every 3 mobile home sites shall be provided for visitor parking.

(3) Parking shall be located convenient to the area served.

(4) If boats, boat trailers and utility trailers are permitted to be parked in the mobile home park, adequate parking spaces shall be provided in a central or collective parking area.

(N) *Smoke alarms.* Smoke alarms and fire extinguishers shall be installed in each mobile home unit pursuant to the requirements of Rule 702(a) of the Mobile Home Commission.

(O) *Water supply and sanitary system.* Each mobile home occupied as a dwelling unit on a lot shall be connected with a water supply and sewage disposal system approved by the Michigan Department of Health.

(P) *Fuel tanks.* Individual fuel oil, liquid petroleum and other fuel tanks shall not be permitted. This does not preclude the use of central fuel systems.

(Ord. 99, passed 11-18-1996, § 8.04)

§ 153.099 SITE DEVELOPMENT STANDARDS.

These standards are only applicable if a site plan is required:

(A) Schedule of regulations: §§ 153.200 and 153.201;

(B) Site plan review standards: §§ 153.230 through 153.243;

(C) Parking and loading; unloading standards: §§ 153.275 through 153.281;

(D) Sign regulations: §§ 153.295 through 153.302; and

(E) Landscaping standards: §§ 153.315 through 153.322.

(Ord. 99, passed 11-18-1996, § 8.05)

MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM)

§ 153.110 INTENT.

(A) The RM Multiple-Family Residential District is designed to permit a more intensive residential use of land with various types of attached single-family houses, townhouses and garden apartments.

(B) These areas should be located near major thoroughfares for good accessibility and between single-family residential areas and other non-residential uses.

(C) Various sizes of residential accommodations, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community.

(D) It is the intent of the township to require all development within this district to be served by a central sanitary sewage collection and disposal system and a public potable water system.

(Ord. 99, passed 11-18-1996, § 9.01)

§ 153.111 PERMITTED USES.

No structure or part thereof shall be erected, altered, or used, and no land shall be used except for 1 or more of the following and subject to a review of the site plan as provided for in §§ 153.230 through 153.243:

- (A) Multiple-family dwellings, including townhouses (1-family attached dwellings), apartment buildings and row or terraced dwellings;
- (B) Two-family dwellings (duplex);
- (C) Single-Family semi-detached dwellings; and/or
- (C) Accessory buildings, structures, and uses customarily incidental to the above special land uses.

(Ord. 99, passed 11-18-1996, § 9.02; Am. Ord. 152, passed 1-16-2007)

§ 153.112 SPECIAL LAND USES.

The following uses are considered special land uses within the district and may be approved by the Planning Commission subject to the applicable general and specific standards in §§ 153.215 through 153.219 below:

- (A) Churches, synagogues, and other places of worship;
- (B) Day care centers;
- (C) Housing for the elderly or senior citizens;
- (D) Public, parochial and private elementary, intermediate and/or secondary schools offering courses in general education, not operated for profit; and
- (E) Accessory buildings, structures, and uses customarily incidental to the above special land uses.

(Ord. 99, passed 11-18-1996, § 9.03)

§ 153.113 SITE DEVELOPMENT STANDARDS.

These standards are only applicable if a site plan is required:

- (A) Schedule of regulations: §§ 153.200 and 153.201;
- (B) Site plan review standards: §§ 153.230 through 153.243;
- (C) Parking and loading; unloading standards: §§ 153.275 through 153.281;
- (D) Sign regulations: §§ 153.295 through 153.302; and
- (E) Landscaping standards: §§ 153.315 through 153.322.

(Ord. 99, passed 11-18-1996, § 9.04)

OFFICE SERVICE DISTRICT (O-S)

§ 153.125 INTENT.

(A) The Office Service District is intended to accommodate low-intensity, office-type professional and administrative service uses.

(B) These districts have the following characteristics: allowable activities take place in attractive buildings in landscaped settings; they generally operate during normal daytime business hours; they produce a minimum amount of traffic; and their use characteristics make them compatible with adjacent residential uses.

(Ord. 99, passed 11-18-1996, § 10.01)

§ 153.126 PERMITTED USES.

No structure or part thereof shall be erected, altered, or used and no land may be used except for 1 or more of the following purposes:

(A) Office-type business related to executive, administrative, or professional occupations including, but not limited to, offices of a lawyer, accountant, insurance/real estate agent, architect, engineer, and similar occupation;

(B) Clinics, except veterinary clinics or veterinary hospitals having boarding facilities or outdoor runs;

(C) Medical, dental, and optical laboratories that provide testing services or provide medical or dental devices such as artificial limbs, teeth, eye glasses and the like;

(D) Banks, credit unions, savings and loan associations, and similar uses;

(E) Barber shops, beauty shops, and health salons;

(F) Private clubs, fraternal organization, or lodge halls;

(G) Pharmacy or apothecary shop;

(H) Business service establishments such as typing services, photocopying services; quick-printing establishments, office supply stores, and similar establishments;

(I) Hospitals, convalescent homes and nursing homes; and/or

(J) Accessory buildings and uses customarily incidental to any of the above permitted uses.

(Ord. 99, passed 11-18-1996, § 10.02)

§ 153.127 SPECIAL LAND USES.

The following uses are considered special land uses within the district and may be approved by the Planning Commission subject to the applicable general and specific standards in §§ 153.215 through 153.219 below:

(A) Colleges, universities, and other institutions of higher learning;

(B) Day care centers;

(C) Fast food, carry-out, drive-in, and drive-through restaurants;

(D) Mortuary establishments or funeral homes;

(E) Office supply stores;

(F) Public, institutional, or semi-public facilities; and

(G) Accessory buildings, structures, and uses customarily incidental to the above special land uses.

(Ord. 99, passed 11-18-1996, § 10.03)

§ 153.128 SITE DEVELOPMENT STANDARDS.

(A) Schedule of regulations: §§ 153.200 and 153.201.

(B) Site plan review standards: §§ 153.230 through 153.243.

(C) Parking and loading; unloading standards: §§ 153.275 through 153.281.

(D) Sign regulations: §§ 153.295 through 153.302.

(E) Landscaping standards: §§ 153.315 through 153.322.

(Ord. 99, passed 11-18-1996, § 10.04)

NEIGHBORHOOD COMMERCIAL DISTRICT (C-1)

§ 153.140 INTENT.

(A) The Neighborhood Commercial District is designed to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas.

(B) The district is also intended to encourage the planned clustering of commercial activities necessary to serve a limited population density and geographic area.

(Ord. 99, passed 11-18-1996, § 11.01)

§ 153.141 PERMITTED USES.

No structure or part thereof shall be erected, altered, or used and no land shall be used except for 1 or more of the following:

(A) Retail establishments selling goods or merchandise, such as:

- (1) Drugs;
- (2) Apparel;
- (3) Jewelry;
- (4) Books;
- (5) Food;
- (6) Household appliances or furniture; and
- (7) Video.

(B) Personal service establishments, such as:

- (1) Barber or beauty shops;
- (2) Tailors;
- (3) Locksmiths;
- (4) Photo studios;
- (5) Laundry or dry cleaning facilities; and
- (6) Household appliance repair shops.

(C) Financial institutions, such as (except drive-through window):

- (1) Banks;
- (2) Savings and loans; and
- (3) Credit unions.

(D) Coin-operated laundromats and self-service dry cleaning centers;

(E) Private or public parks, museums and libraries;

(F) Funeral homes and mortuaries;

- (G) Eating and drinking places, where services are provided to patrons while seated in a building, excluding drive-in, fast-food or carry out establishments;
- (H) Convenience stores without gasoline service;
- (I) Any use permitted as a permitted use in an O-S Zoning District; and/or
- (J) Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.

(Ord. 99, passed 11-18-1996, § 11.02; Am. Ord. 148, passed 5-16-2006)

§ 153.142 SPECIAL LAND USES.

The following uses are considered special land uses within the district and may be approved by the Planning Commission subject to the applicable general and specific standards in §§ 153.215 through 153.219 below:

- (A) Athletic and sport clubs;
- (B) Automobile service station (convenience store with gasoline sales);
- (C) Churches and temples;
- (D) Day care centers;
- (E) Drive-ins and drive-throughs, fast-food and carry-out restaurants;
- (F) Drive-through financial institutions;
- (G) Hotels and motels;
- (H) Private service or social clubs;
- (I) Public, private, and parochial schools;
- (J) Public utility buildings and uses;
- (K) Self-storage units;
- (L) Any special land use permitted as a special land use permitted as special land use in an O-S Zoning District; and
- (M) Accessory buildings, structures, and uses customarily incidental to any of the above special land uses.

(Ord. 99, passed 11-18-1996, § 11.03; Am. Ord. 148, passed 5-16-2006)

§ 153.143 SITE DEVELOPMENT STANDARDS.

- (A) Schedule of regulations: §§ 153.200 and 153.201.
- (B) Site plan review standards: §§ 153.230 through 153.243.
- (C) Parking and loading; unloading standards: §§ 153.275 through 153.281.
- (D) Sign regulations: §§ 153.295 through 153.302.
- (E) Landscaping standards: §§ 153.315 through 153.322.

(Ord. 99, passed 11-18-1996, § 11.04)

GENERAL COMMERCIAL DISTRICT (C-2)

§ 153.155 INTENT.

(A) The General Commercial District is intended to permit a wider range of business and entertainment activities than permitted in the Neighborhood Commercial District.

(B) The permitted uses would not only serve nearby residential areas, but also customers farther away for types of businesses and services that attract a larger clientele.

(C) These uses would generate larger volumes of vehicular traffic, would need more off-street parking and loading, and would require more planning to integrate a like district with adjacent residential areas.

(Ord. 99, passed 11-18-1996, § 12.01)

§ 153.156 PERMITTED USES.

No structure, or part thereof, shall be erected, altered, or used and no land shall be used except for 1 or more of the following:

(A) (1) Retail food establishments including convenience stores, whose principal activity is within a wholly enclosed building which supply: groceries, fresh produce, meats, dairy products, baked goods, confections or similar commodities for consumption off the premises.

(2) Food stuffs may be prepared on the premises as an accessory use if sold at retail prices on premise;

(B) Retail businesses conducted entirely within an enclosed building such as: drug stores, liquor, dry goods, clothing, furniture, hardware, music, book stores, and gift shops;

(C) Personal service establishments such as but not limited to: small electronics repair shops, shoe repair, tailors, hair styling salons, photographers' studios, film processing outlets, copy centers, interior decorators, postal centers, self-service laundry, and dry cleaners;

(D) Newspaper offices and publishing, and commercial printers;

(E) Churches;

(F) Restaurants and other establishments serving food and/or beverages excluding drive-throughs and drive-ins;

(G) Private clubs, lodge halls, theaters, cinemas, and similar assembly buildings when completely enclosed;

(H) Banks, savings and loans, and credit unions (not including drive-through facilities);

(I) Funeral homes;

(J) Indoor recreational establishments;

(K) Banks, savings and loans, credit unions and other facilities, with drive-through facilities;

(L) Medical clinics;

(M) Professional offices such as medical and dental, chiropractors, osteopaths, and similar or allied professions;

(N) Professional services such as insurance, real estate, legal, financial, and similar or allied professions;

(O) Hotels and motels;

(P) Twenty-four-hour banking centers/ready tellers which are separate from a financial institution;

(Q) Any use permitted as a permitted use in a C-1 Zoning District; and/or

(R) Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.

(Ord. 99, passed 11-18-1996, § 12.02; Am. Ord. 148, passed 5-16-2006)

§ 153.157 SPECIAL LAND USES.

The following uses shall be considered special land uses within the district and may be approved by the Planning Commission subject to the applicable general and specific standards in §§ 153.215 through 153.219 below:

- (A) Adult entertainment uses;
- (B) Animal shelters;
- (C) Automobile repair facility (garage, repair);
- (D) Automobile service stations;
- (E) Buildings and lumber supply, provided that the use is primarily for the storage and sale of retail goods, and excludes manufacturing, processing, planning or milling operations, provided that all outdoor storage areas are screened;
- (F) Car wash; automatic or self-service;
- (G) Child care centers;
- (H) Commercial outdoor storage;
- (I) Commercial solar energy systems;
- (J) Convenience stores with gasoline service;
- (K) Kennels, dog; commercial and/or private;
- (L) New and or used automobile sales and showroom;
- (M) Nurseries, and garden centers, provided that all outdoor storage areas are screened;
- (N) Open front restaurant windows, when accessory to a principal permitted restaurant and designed for walk-up patrons only;
- (O) Outdoor recreational establishments;
- (P) Open-air business uses; businesses not conducted within a wholly enclosed building;
- (Q) Public, institutional, or semi-public facilities;
- (R) Restaurants and other establishments serving food and/or beverages, on premises with drive-through and/or drive-in facilities;
- (S) Self-storage units;
- (T) Veterinary clinics or veterinary hospitals with or without kennel facilities;
- (U) Any special land use permitted as a special land use in a C-1 Zoning District; and
- (V) Accessory buildings, structures and uses customarily incidental to any of the above special land uses.

(Ord. 99, passed 11-18-1996, § 12.03; Am. Ord. 126, passed 12-20-1999; Am. Ord. 148, passed 5-16-2006; Am. Ord. 13-200, passed 3-19-2013; Am. Ord. 18-231, passed 12-18-2018)

§ 153.158 SITE DEVELOPMENT STANDARDS.

- (A) Schedule of regulations: §§ 153.200 and 153.201.
- (B) Site plan review standards: §§ 153.230 through 153.243.

(C) Parking and loading; unloading standards: §§ 153.275 through 153.281.

(D) Sign regulations: §§ 153.295 through 153.302.

(E) Landscaping standards: §§ 153.315 through 153.322.

(Ord. 99, passed 11-18-1996, § 12.04)

LIGHT INDUSTRIAL DISTRICT (I-1)

§ 153.170 INTENT.

The Industrial District is designed so as to primarily accommodate wholesale activities, warehouses, major repair operations, manufacturing and other industrial activities whose external, physical effects are so that it should be restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts.

(Ord. 99, passed 11-18-1996, § 13.01)

§ 153.171 PERMITTED USES.

No structure, or part thereof, shall be erected, altered, or used and no land shall be used except for 1 or more of the following:

(A) Any of the following uses when conducted whole within a completely enclosed building screened on all sides with a 6-foot fence. The fence shall be obscuring on the sides which abut districts zoned for residential use:

(1) Warehousing and wholesale establishments;

(2) Automobile, tractor and trucking facilities, including storage and repair;

(3) The manufacturer and compounding processing, packaging or treatment of products such as (but not limited to): bakery goods, candy, food products, cosmetics, pharmaceuticals, toiletries, hardware and cutlery; tool, die gauge and machine shops; and dimension and pattern shops;

(4) The manufacture and compounding, assembling or treatment of merchandise from the following previously prepared materials such as (but not limited to): woods, leather, paper, plastics, cork, cloth, felt, fiber, fur, hair, yarns, feathers, textiles, tobacco, glass, bone, horn, shell, precious or semi-precious metals or stones and sheet metal or wire;

(5) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized lay and kilns fired only by electricity or gas;

(6) Manufacture of musical instruments, toys, novelties and metal or rubber stamps, or other molded rubber products;

(7) Manufacture or assembly of electrical appliances, electronic instruments and devices, radios, and phonographs;

(8) Laboratories: experimental, film, or testing;

(9) Manufacturing and repair of electric neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves, and other products;

(10) Central dry cleaning plants or laundries provided that the plants shall not deal in a retail business; and

(11) All public utilities, including buildings, necessary structures, storage yards, and other related uses.

(B) Animal shelters, subject to the regulations listed in § 153.219(Y);

- (C) Greenhouses;
- (D) Kennels, dog, subject to the regulations listed in § 153.219(Z);
- (E) Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants and all other municipal buildings and uses, including outdoor storage;
- (F) Research and office uses related to industrial operations;
- (G) Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided it is enclosed within a building or within an obscuring wall or fence on those sides abutting all residential or business districts, and on any yard abutting a public thoroughfare. In any I-1 District, the extent of the fence or wall may be determined by the Planning Commission on the basis of usage. The fence or wall shall not be less than 5 feet in height and may, depending on land usage, be required to be 8 feet in height. A chain link type fence, with heavy evergreen shrubbery inside of the fence, shall be considered to be an obscuring fence;
- (H) Trade or industrial schools;
- (I) Warehouse, storage and transfer, and electric and gas service buildings and yards; public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations; water supply and sewage disposal plants; water and gas tank holders; railroad transfer and storage tracks; railroad rights-of-way; and freight terminals; and/or
- (J) Accessory buildings, structures, and uses customarily incidental to the above permitted uses.

(Ord. 99, passed 11-18-1996, § 13.02; Am. Ord. 108, passed 11-10-1997; Am. Ord. 13-200, passed 3-19-2013)

§ 153.172 SPECIAL LAND USES.

The following uses are considered special land uses within the district and may be approved by the Planning Commission subject to the applicable general and specific standards in §§ 153.215 through 153.219 below:

- (A) Automobile repair facility (garage, repair);
- (B) Automobile service station;
- (C) Car wash establishments;
- (D) Commercial solar energy systems;
- (E) Express office/truck terminals;
- (F) Fast food, carry-out, drive-in, and drive-through restaurants;
- (G) Junk yards;
- (H) Lumber and planing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I-1 District;
- (I) Metal casting foundries, subject to appropriate measures to control the process to prevent noxious results and/or nuisances to adjacent residential or business areas;
- (J) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances;
- (K) Open-air business uses; businesses not conducted within a wholly enclosed building;
- (L) Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities;

(M) Self-storage units;

(N) Accessory buildings, structures, and uses customarily incidental to any of the above special land uses; and

(O) Accessory buildings, structures, and uses customarily incidental to any of the above special land uses.

(Ord. 99, passed 11-18-1996, § 13.03; Am. Ord. 148, passed 5-16-2006; Am. Ord. 18-231, passed 12-18-2018)

§ 153.173 SITE DEVELOPMENT STANDARDS.

(A) Schedule of regulations: §§ 153.200 and 153.201.

(B) Site plan review standards: §§ 153.230 through 153.243.

(C) Parking and loading; unloading standards: §§ 153.275 through 153.281.

(D) Sign regulations: §§ 153.295 through 153.302.

(E) Landscaping standards: §§ 153.315 through 153.322.

(Ord. 99, passed 11-18-1996, § 13.04)

HEAVY INDUSTRIAL DISTRICT (I-2)

§ 153.185 INTENT.

(A) The Heavy Industrial District is established primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts.

(B) The district is so structured as to permit, in addition to light manufacturing uses, the manufacturing, processing and compounding of semi-finished products from raw materials.

(Ord. 99, passed 11-18-1996, § 14.01)

§ 153.186 PERMITTED USES.

No structure, or part thereof, shall be erected, altered, or used and no land shall be used except for 1 or more of the following:

(A) Any permitted uses allowed in the Light Industrial District; and/or

(B) Accessory buildings, structures, and uses customarily incidental to any of the above permitted uses.

(Ord. 99, passed 11-18-1996, § 14.02)

§ 153.187 SPECIAL LAND USES.

The following uses are considered special land uses within the district and may be approved by the Planning Commission subject to the applicable general and specific standards in §§ 153.215 through 153.219 below:

(A) Any special land uses allowed in the Light Industrial District;

(B) All industrial uses not heretofore permitted, provided those uses can also meet the following conditions:

(1) All access to the use shall be directly from a major road;

(2) All driveway and parking areas shall be designed and constructed to identify clearly all vehicular access areas, and to deny vehicular access to all other areas;

(3) All yards adjacent to a residential district shall be designed, constructed and landscaped to prevent any adverse effects such as to deny peaceful enjoyment of the residential district area;

(4) All structures, parking areas, driveways, storage areas, and other activity areas shall be located not less than 200 feet from any residential district property line;

(5) The site plan shall be submitted with a list of all raw materials, semi-processed material, and/or processed material that will be received, stored, handled, processed, and/or treated within the land use activity being proposed;

(6) The site plan shall identify the receiving station, processing line, storage locations, waste discharge location, waste storage location, shipping and final disposition location, and the types of equipment used in the processing line;

(7) The raw material, products, and waste shall be identified as to volume and quantity, and where applicable, the degree of and type of toxicity (by technical title and common title), radioactivity, or hazard potential represented by the material and products of the land use;

(8) The type of and quantity of energy required for the land use activity shall be identified;

(9) The types and maximum number of employees per shift shall be identified; and

(10) Accessory buildings, structures and uses customarily incidental to any of the above special land uses.

(C) Storage of flammable liquids, liquefied petroleum gases, and storage of industrial wastes in bulk.

(Ord. 99, passed 11-18-1996, § 14.03)

§ 153.188 SITE DEVELOPMENT STANDARDS.

(A) Schedule of regulations: §§ 153.200 and 153.201.

(B) Site plan review standards: §§ 153.230 through 153.243.

(C) Parking and loading; unloading standards: §§ 153.275 through 153.281.

(D) Sign regulations: §§ 153.295 through 153.302.

(E) Landscaping standards: §§ 153.315 through 153.322.

(Ord. 99, passed 11-18-1996, § 14.04)

SCHEDULE OF REGULATIONS; HEIGHT, BULK, DENSITY, AND AREA

BY ZONING DISTRICT

§ 153.200 DENSITY, AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS.

(A) The following regulations regarding lot sizes, yards, setbacks, building heights, and densities apply within the zoning districts as indicated, including the regulations contained in § 153.201 below.

(B) No principle building(s) shall be erected, nor shall an existing principle building(s) be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building(s) be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which the principle building(s) is located.

(C) No portion of a lot used in complying with the provisions of this chapter for yards, courts, lot area occupancy, in connection with an existing or projected principle building(s) or structure, shall again be

used to qualify or justify any other principle building(s) or structure existing or intended to exist at the same time.

(D) For standards applicable to accessory buildings and structures, see §§ 153.335 through 153.366 below.

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Zoning District	Minimum Lot Area (D)		Flag Lot (E)	Maximum Building Height (C)		Maximum Building Lot Coverage in Percent	Minimum Yard Setback (per Lot in Feet) (A)				Minimum Livable Floor Area (B)	Utility Service Available
	Area (Sq. Ft.)	Width (Ft.)		In Stories	In Feet		Front		Each Side	Rear	Sq. Ft. Per Unit	
							Non Sec Line Road	Sec Line Road				
AG	871,200 (20 acres)	660	Yes	2.5	25	10%	50	65	50	75	1,200	None
One non-farm lot may be created in an AG - Agricultural Zoning District from a parent parcel. For such a lot, the standards of the RF - Residential Farms Zoning District shall apply.												
RF	44,000	125	Yes	2.5	25	10%	50	65	15	50	1,200	None or Public Water Only
	25,000	100										Public Sewer
RS	44,000	125	Yes	2.5	25	30%	30	50	15	30	1,200	None or Public Water Only
RS (Non-Section Line Rd.)	10,000	80						No				-
R/C	-	150				70%	50	50	50	50	-	
MHP	Mobile home park developments are subject to the minimum requirements and standards as established in §§ 153.095 through 153.099 and the Mobile Home Commission Act, Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 through 125.2350, as amended.											

RM	217,800	150	No	3	40	30%	50	50	30	30		-
Efficiency unit	3,500 per unit	-	-	-	-	-	-	-	-	-	450	-
1-bedroom unit	3,500 per unit	-	-	-	-	-	-	-	-	-	700	-
2-bedroom units	4,500 per unit	-	-	-	-	-	-	-	-	-	800	-
3-bedrooms units	5,500 per unit	-	-	-	-	-	-	-	-	-	1,000	-
4-bedroom units	5,500 per unit	-	-	-	-	-	-	-	-	-	1,200	-

Land area used for computing densities in the RM Zoning District shall exclude the rights-of-way for all roads whether public or private. total acres shall be a minimum of 5 acres. Where 2 or more multiple, row or townhouse dwelling structures are erected on the same lot or parcel, a minimum distance between any 2 structures shall be 30 feet.

O-S	-	100	No	1	30	40%	40	40	0	20	-	-
C-1	-	100	No	1	30		40	40	0	20	-	-
C-2	-	100	No	1	30		40	40	0	20	-	-
I-1	20,000	80	No	2	50	-	60	50	0	35	-	-
I-2	30,000	100	No	2	50	-	60	60	0	35	-	-

In Zoning Districts O-S, C-1 and C-2, no building shall be located closer than 50 feet to the outer perimeter (property line) of such district when the property line abuts any residential district.

In Zoning Districts I-1 and I-2, no building shall be located closer than 100 feet to the outer perimeter (property line) of such district when the property line abuts any residential district.

(Ord. 99, passed 11-18-1996, § 15.01; Am. Ord. 113, passed 8-17-1998; Am. Ord. 100, passed 3-17-1999; Am. Ord. 148, passed 5-16-2006; Am. Ord. 14-215, passed 11-10-2014)

§ 153.201 FOOTNOTES TO SCHEDULES OF REGULATIONS.

(A) In all agricultural and residential districts, the required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives. All yards abutting upon a public street shall be considered as a front yard for setback purposes. Minimum front yard setback is measured from the right-of-way lane, based upon information and standards of the County Road Commission.

(B) The minimum floor area per dwelling unit shall not include area of basements, breezeways, porches or attached garages.

(C) The maximum height permitted for general and specialized farm buildings and structures such as silos and windmills shall not exceed 100 feet. Furthermore, the minimum setback for these structures and buildings shall be 100 feet.

(D) A lot depth to lot width ratio of 4:1 shall be the maximum permitted for the RS District, as well as for lots of 3 acres or less in any other district.

(E) Flag lots may be permitted in any zoning district subject to the application and review procedures in §§ 153.215 through 153.218 and the standards of § 153.219(X).

(Ord. 99, passed 11-18-1996, § 15.02; Am. Ord. 101, passed 7-21-1997; Am. Ord. 104, passed 11-10-1997; Am. Ord. 148, passed 5-16-2006; Am. Ord. 155, passed 4-17-2007)

SPECIAL LAND USE APPLICATION AND REVIEW PROCEDURES

§ 153.215 INTENT.

(A) The purpose of this section is to provide regulations for uses which are essentially compatible with uses permitted by right in a given district, but which, by reason of the special nature of the uses or their particular location in relation to neighboring properties, require a stricter level of review by the township.

(B) Accordingly, special land uses should not be permitted without consideration of relevant restrictions or conditions being imposed which address their unique characteristics.

(Ord. 99, passed 11-18-1996, § 16.01)

§ 153.216 APPLICATION PROCEDURES.

(A) An application for a special land use permit as provided under the provisions of this chapter shall be made to the administrative official by filing a special land use permit application form; submitting required data, exhibits, and information; and depositing the required fee.

(B) The application for a special land use permit shall contain the following:

(1) Applicant's name, address and telephone number;

(2) Address and tax description number of the subject parcel;

(3) A signed statement that the applicant is the owner of the subject parcel, or is acting as the owner's representative;

(4) A certified survey drawing of the subject parcel;

(5) A site plan;

(6) Supporting statements, evidence, data, information, and exhibits which address the standards and requirements for assessing special land use permit applications outlined in §§ 153.218 and 153.219 below;

(7) If requested by the Planning Commission, the applicant will provide an environmental impact statement dealing with air, water, sound pollution, storm water runoff, vehicular traffic, and any other areas of concern the Planning Commission deems necessary;

(8) Payment of an application fee, which shall be non-refundable, and be established by resolution of the Township Board; and

(9) Payment of a review fee established by the Township Board to cover the cost of review by a professional engineer, architect, or planner of submitted plans. Any portion of the fee not expended shall be returned to the developer.

(Ord. 99, passed 11-18-1996, § 16.02)

§ 153.217 DESIGNATED REVIEW AUTHORITY AND HEARING PROCEDURE.

The Planning Commission shall have the authority to approve special land use permits, subject to conditions of design, operation, and appropriate and reasonable safeguards as the township may require

for any special land use included in the various provisions of this chapter.

(A) Upon receipt of an application for a use requiring special approval, the Planning Commission shall hold a public hearing.

(B) The Planning Commission shall comply with the requirements of § 153.427.

(C) Following the public hearing, the Planning Commission shall consider the special land use permit applications. The decision rendered by the Planning Commission on the special land use permit application shall be accompanied by a clear explanation of the reason for the action taken and shall be based on the criteria in this chapter. Any permit issued shall contain all the specified conditions under which the use is allowed. Only upon approval of the Planning Commission shall a special land use permit be issued by the administrative official.

(D) (1) A special land use permit issued under this section runs with the land.

(2) However, if construction has not commenced and proceeded meaningfully toward completion by the end of this 1-year period, the administrative official shall notify the applicant in writing of the expiration or the revocation of the permit.

(3) If an activity permitted by a special land use permit is discontinued for a period of 1 year, the permit is expired.

(E) (1) The Planning Commission may revoke any special land use permit if the structure or use does not comply with any of the conditions stated on the permit or imposed at the time of special land use approval.

(2) The Planning Commission shall consider the revocation of a special land use permit at a public hearing on the revocation following the same notice requirements as required for issuance of a special land use permit.

(3) After revocation notice has been given, the use for which the permit was granted must cease within 60 days.

(F) (1) Failure to terminate the use for which the permit was granted within 60 days is declared to be a nuisance per se and a violation of this chapter.

(2) The violation shall be reported to the Township Attorney who is hereby authorized to, and shall initiate procedures to eliminate the violations.

(G) No application for a special land use permit which has been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of 1 year or more from the date of the denial, except on the grounds of newly-discovered evidence or proof of changed conditions.

(Ord. 99, passed 11-18-1996, § 16.03; Am. Ord. 157, passed 7-17-2007) Penalty, see § 153.999

§ 153.218 BASIS FOR REVIEW AND DETERMINATION.

Before making a recommendation on a special land use permit application, the Planning Commission shall establish that the following general standards, as well as the specific standards of this chapter are satisfied.

(A) *General standards.* The Planning Commission shall review each application for the purpose of determining that the proposed use meets the following standards:

(1) Be harmonious with and in accordance with the general objectives of the Charter Township of Montrose Community Master Plan;

(2) Be designed, constructed, operated, and maintained in harmony with the existing and intended character of the general area and that the use will not change the essential character of that area;

(3) Will not be hazardous or disturbing to existing or future neighboring uses;

(4) Be served adequately by essential public services and facilities, such as highways, streets, drainage structures, police and fire protection and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for those services;

(5) Will not create excessive requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;

(6) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration or odors; and

(7) Will be consistent with the intent and purposes of this chapter.

(B) *Specific standards.*

(1) The general standards are applicable to all special land uses.

(2) However, certain special land uses, because of their unique character and potential impact, are required to meet specific standards and regulations, which are contained in § 153.219 below with specific site and/or use standards are the following:

- (a) Adult entertainment uses;
- (b) Adult foster care large group home for 13 to 20 residents;
- (c) Adult foster care small group home for 7 to 12 residents;
- (d) Automobile service stations (convenience stores with gasoline service);
- (e) Automobile repair facility (repair garage);
- (f) Banks, credit unions, savings and loan and other businesses with drive-through facilities;
- (g) Bed-and-breakfast inns;
- (h) Car washes, automatic or self-service;
- (i) Duplex (2-family residential structure);
- (j) Churches, synagogues and other places of worship;
- (k) Commercial outdoor recreation establishments (excluding golf related uses);
- (l) Commercial outdoor storage;
- (m) Family care home, day care centers, nursery schools, and day nurseries;
- (n) Fast-food establishment, carry-out restaurant, drive-in or drive-through restaurant;
- (o) Greenhouses and nurseries;
- (p) Group day care homes;
- (q) Home occupations;
- (r) Junk yards;
- (s) Outdoor sales, sales space for sale of new and used automobiles, farm equipment, house trailers, and travel trailers;
- (t) Self storage units; and
- (u) Utility and public service buildings.

(Ord. 99, passed 11-18-1996, § 16.04)

§ 153.219 SPECIAL LAND USE STANDARDS.

(A) *Adult entertainment uses.*

(1) No adult entertainment use shall be located within 1,000 feet of any other adult entertainment use nor within 600 feet of any of the following uses:

- (a) All Class C establishments licensed by the Michigan Liquor Control Commission;
- (b) Pool or billiard halls;
- (c) Coin-operated amusement centers;
- (d) Teenage discos or dance halls;
- (e) Ice or roller skating rinks;
- (f) Pawn shops;
- (g) Indoor or drive-in movie theaters;
- (h) Any public park;
- (i) Any church; or

(j) Any public or private school having a curriculum including kindergarten or any 1 or more of the grades, 1 through 12.

(2) Distance in division (A)(1) above shall be measured along the centerline of the street or streets or address between 2 fixed points on the center lines determined by projecting straight lines at right angles from the part of the above listed uses nearest to the contemplated location of the structure containing the adult entertainment use, and from the contemplated location of the structure containing the adult entertainment use nearest to a use listed above.

(3) No adult entertainment use shall be located within 500 feet of any area zoned residential. The required distances shall be measured by a straight line between a point on the boundary line of a zoned residential area nearest to the contemplated structure or contemplated location of the structure containing the adult entertainment use to a point on the contemplated structure or contemplated location of the structure containing the adult entertainment use nearest to the boundary lines of a zoned residential area.

(4) All adult entertainment uses shall be contained in a freestanding building. Enclosed malls, commercial strip stores, common wall structures, and multi-uses within the same structure do not constitute a freestanding building.

(5) No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" from any public way or from any property not regulated as an adult entertainment use. This provision shall apply to any display, decoration, sign, show window, or other opening.

(AA) *Commercial solar energy systems (commonly known as a solar farm).* To promote the use of solar energy within the township as a clean alternative energy source and to provide for the land development, installation and construction regulations for commercial SES facilities subject to reasonable condition that will protect the public health, safety and welfare. The regulations established herein are minimum requirements and standards for the placement, construction and modification of commercial SES facilities, while promoting a renewable energy source for our community in a safe, effective and efficient manner.

(1) Commercial solar energy systems shall be limited and subject to obtaining a special land use permit from the Planning Commission in AG, RF, C-2, I-1, and I-2 zoning districts.

(2) Commercial solar energy systems facilities shall not be constructed on parcels less than 20 acres in size.

(3) Freestanding or ground-mounted solar energy systems shall be restricted to a height of 14 feet.

(4) All freestanding or ground-mounted solar energy systems and supporting structures associated with such facilities (excluding perimeter security fencing and landscaping buffer) shall be a minimum of 10 feet from a side or rear property line and shall not be located within the required front yard setback for the zoning district in which it is located. All freestanding or ground-mounted solar energy system used in a commercial solar energy system including supporting structures associated with such facilities (excluding perimeter security fencing and landscaping buffer) shall be a minimum of 500 feet from any dwelling unit located on an adjoining property. The Planning Commission may, upon approval of a site plan, allow a smaller setback requirement depending upon the location, surrounding development, and existing or proposed buffer being provided.

(5) Commercial solar energy systems are not subject to any maximum lot coverage restrictions, however any other regulated structures located on the parcel are subject to the maximum lot coverage restrictions for the zoning district in which it is located.

(6) A security fence (height and material to be approved by the Planning Commission through the special land use permit process) shall be placed around the perimeter of a commercial solar energy system and the electrical equipment shall be locked. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

(7) Commercial solar energy system facilities shall not exceed 40 dBA measured at the property line.

(8) *Landscaping.* Commercial solar energy system facilities shall be required to install perimeter landscaping equal to 1 tree for each 15 feet of road or highway frontage. The equivalent of 1 tree shall be required along the sides and rear of such developments equal to 1 tree every 15 feet of property line when abutting existing homes or developed parcels. The Planning Commission may alter the landscaping requirement depending upon the location and existing plant material on the site. Trees shall be a minimum of 4 feet tall when planted and remain in good condition for the life of the commercial SES.

(9) *Local, state and federal permits.* Solar energy system facilities shall be required to obtain all necessary permits from the U.S. Government, State of Michigan, and Montrose Township, and comply with standards of the State of Michigan adopted codes.

(10) *Electrical interconnections.* All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be prohibited within the site, unless waived by the Planning Commission during its review and approval of the project.

(11) *Additional special land use criteria.* The following additional topics shall be included in a review of a site plan and special use permit application for a commercial SES facility in addition to the general standards listed in § 153.218:

(a) Project description and rationale. Identify the type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the generated energy, and possible future expansions;

(b) Analysis of onsite traffic;

(c) Estimated construction jobs, estimated permanent jobs associated with the development;

(d) Review and demonstrate the visual impact using photos or renditions of the project or similar projects with consideration given to tree plantings and setback requirements;

(e) Review and demonstrate any potential impact on wildlife on the site;

(f) Identify any impact on the water quality and water supply in the area, any storm water discharge concerns from the property, and any dust concerns generated from project activities;

(g) Identify any solid waste or hazardous waste generated by the project;

(h) Provide lighting plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels, and light poles are restricted to 18 feet in height;

(i) Provide site access plan during construction and operation phases. Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plant service road system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb access drives. It will be necessary to pave any driveway and parking lots used for occupied offices that are located on site;

(j) Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created;

(k) Identify noise levels at the property line of the project boundary when completed;

(l) Identify any electromagnetic fields and communications interference generated by the project; and

(m) Describe the decommissioning and final land reclamation plan after anticipated useful life or abandonment or termination of the project, including evidence of an agreement with the property owner that ensures proper final removal of power generating equipment within 6 to 12 months of decommissioning.

(12) The Planning Commission because of the ever-changing technical capabilities of solar energy systems and of new technology in general shall have the authority to review and consider alternatives in both dimensional requirements as well as physical development requirements found in this section. The Planning Commission shall not have the authority to review or to allow large commercial SES facilities within any other zoning district.

(B) Adult foster care large group home for 13 to 20 residents.

(1) A state licensed adult foster care large group home shall not be located within 750 feet of another similar state licensed facility.

(2) One on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.

(3) A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.

(4) A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.

(5) A landscaped buffer shall be provided along all property lines that abut a less intense land use and around the visible perimeters of all parking and loading/unloading areas.

(6) All exterior lighting of entryways, parking spaces, or loading/unloading areas shall not reflect onto adjacent properties and, preferably, should be motion activated.

(C) Adult foster care small group home for 7 to 12 residents.

(1) A state licensed adult foster care large group home shall not be located within 750 feet of another similar state licensed facility.

(2) One on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.

(3) The property (architecture and landscaping) shall be maintained in a manner that is consistent with the character of the neighborhood.

(D) Automobile service stations (convenience stores with gasoline service).

(1) There shall be a minimum lot area of 10,000 square feet and minimum lot width of 100 feet.

(2) Pump islands shall be a minimum of 15 feet from any public right-of-way or lot line.

(3) The curb cuts for ingress and egress to a service station shall not be permitted at a location that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection (measured from the road right-of-way).

(4) Where adjoining a residentially zoned district or use, a solid fence or wall 6 feet in height shall be erected along any common lot line. The fence or wall shall be continuously maintained in good condition.

(5) Any repair work shall be conducted completely within an enclosed building.

(6) There shall be no storage of vehicle components and parts, trash, supplies, or equipment outside of a building.

(7) In the event that an automobile service station use has been abandoned or terminated for a period of more than 1 year, all underground gasoline storage tanks shall be removed from the premises.

(E) *Automobile repair facility (repair garage).*

(1) The use shall always be located on a plot of ground having frontage along a public street of not less than 150 feet and having a minimum area of not less than 2 acres.

(2) All repair work must be carried out within an enclosed building.

(3) No automobile repair garage shall be erected within a 200 foot radius of any residential district.

(4) (a) Outdoor storage of junked equipment or parts is prohibited unless the junked equipment or parts is stored adjacent to the principal building in an obscure location that is enclosed with a solid masonry-screening wall.

(b) When screening is provided, the junked equipment or parts shall not be stacked or heaped higher than the height of the screening wall nor exceed 10% of the total yard area, excluding area taken up by structures.

(c) The screening wall shall not be higher than 6 feet.

(5) An automobile repair facility (garage, repair) use shall not include the parking of dismantled, non-licensed, or non-repairable vehicles of any kind, unless ordered by a law-enforcement agency. The storage, sale or rental of new or used cars, motorcycles, mini-bikes or similar vehicles, wrecked or otherwise, shall not be considered a use or accessory use to an automobile repair garage, unless additional approval is granted by the Planning Commission for those uses as an open-air business use.

(6) All temporary outdoor storage of vehicles for repair shall not be located within 50 feet of a public right-of-way or a residential district nor stored for more than 30 days.

(F) *Banks, credit unions, savings and loan and other businesses with drive-through facilities.*

(1) Only 1 ingress/egress driveway shall be permitted on any single street.

(2) If the use is located on a corner lot, access to the drive-up facility shall be derived only from the street which carries the least amount of traffic at the time the application is approved, except that access from any other street may be shared with an adjoining property.

(3) Sufficient stacking capacity for the drive-through facility shall be provided to ensure that traffic does not extend into the street.

(4) A minimum of 5 stacking spaces (including 1 space at the drive-through facility) per each drive-through facility station shall be provided.

(5) Spaces in addition to the minimum required shall be provided if determined by the Planning Commission to be necessary to ensure that traffic does not extend into the street.

(6) Stacking shall be planned so as to minimize conflicts with entering and exiting traffic, pedestrians, and parking areas.

(G) *Bed-and-breakfast inns.*

(1) Parking areas shall be located off-street and shall not be located in any required front yard.

(2) No bed-and-breakfast inn shall be located closer than 300 feet to another bed-and-breakfast inn.

(3) Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests in the inn.

(4) The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, and the operator shall live on the premises while the establishment is active.

(H) *Car washes; automatic or self-service.*

(1) Only 1 ingress/egress driveway shall be permitted on any single street.

(2) Where adjoining residentially zoned or used property a solid fence or wall 6 feet in height shall be erected along any common lot line. The fence or wall shall be continuously maintained in good condition.

(3) Sufficient stacking capacity shall be provided to ensure that traffic does not extend into the street.

(4) Self-service car washes shall provide a minimum of 4 stacking spaces (including 1 in the wash stall) per each washing stall.

(5) Automatic washes shall provide a minimum of 15 stacking spaces (including 2 in the washing facility).

(6) Spaces in addition to the minimum required shall be provided if determined by the Planning Commission to be necessary to ensure that traffic does not extend into the street.

(7) Stacking shall be planned so as to minimize conflicts with entering and exiting traffic, pedestrians and parking areas.

(I) *Churches, synagogues, and other places of worship.*

(1) The site shall be so located as to provide for ingress and egress from the site directly onto a major or secondary thoroughfare.

(2) The principal buildings on the site shall be setback from abutting properties zoned for residential uses not less than 15 feet.

(3) Buildings of greater than the maximum height, may be allowed, provided front, side and rear yards are increased above the minimum requirements by 1 foot for each foot of building that exceeds the maximum height allowed.

(J) *Commercial outdoor recreation establishments (excluding golf related uses).*

(1) These uses shall include, but need not be limited to, the following: recreational fields, rinks, or courts, (including football, softball, soccer, tennis, basketball, ice skating, and similar activities) archery and shooting ranges, go-cart tracks, music concert pavilions and band shells, amusement parks, and driving ranges open to the general public or operated by a private or non-profit organization.

(2) No building or spectator seating facility shall be located within 100 feet of a property line.

(3) Provisions shall be taken, at the discretion of the Planning Commission, to ensure that excessive dust, noise, traffic, lighting glare, and trespassing are not inflicted on adjacent properties.

(4) Children's amusement park must be fenced on all sides with a 4-foot wall or fence.

(5) Adequate parking shall be provided off the road right-of-way and shall be fenced with a 4-foot, 6-inch wall or fence where adjacent to the use.

(K) *Commercial outdoor storage.*

- (1) A special land use permit for commercial outdoor storage shall be required whenever stored goods are not owned and/or produced by the owner of the property on which they are stored.
- (2) No outdoor storage shall be permitted in the front yard or in any required side yard or required rear yard of buildings for the district in which the commercial outdoor storage use is located.
- (3) Where an outdoor storage area is adjacent to a residential zoned district or use, a buffer shall be erected along any common lot line. The fence or wall shall be continuously maintained in good condition.

(L) *Duplex (2-family residential structure).*

- (1) The schedule of regulations applicable to the district where the duplex is located shall apply.
- (2) Each unit shall have the minimum square footage required for apartments in the RM District.
- (3) A minimum of 2 parking spaces per unit must be provided. Required residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the same lot of the premises they intended to serve.

(M) *Family care home, day care centers, nursery schools, and day nurseries.*

- (1) The structure housing the activity shall comply with all setbacks, required by the zoning district which it is located in.
- (2) The structure housing the activity and the landscaping shall be designed and constructed to blend and harmonize with existing residential development in the area.
- (3) For each child licensed there shall be provided, equipped and maintained, on the premises, a minimum of 100 square feet of usable outdoor play area (minimum total area of 1,000 square feet per facility).
- (4) The outdoor play area shall be suitably fenced and screened by a planted greenbelt from any abutting residential uses.
- (5) The facility shall have frontage and direct access to a public road.

(N) *Fast-food establishment, carry-out restaurant, drive-in or drive-through restaurant.*

- (1) A setback of at least 60 feet from the street right-of-way line of any existing or propose public road must be maintained.
- (2) Points of vehicular ingress and egress shall be limited to an adjacent paved section line road or shared service drive only and site plans shall be reviewed by the Planning Commission for location and design of curb cuts, service drive, and driveways and for layout of parking lots.
- (3) The minimum width of driveways at the property line shall be 24 feet, and not greater than 30 feet.
- (4) The minimum distance of any driveway to property line shall be 7 feet.
- (5) The minimum distance between driveways on the site shall be 75 feet measured from the 2 closest driveways' curbs.
- (6) The minimum distance a driveway into the site shall be from a street intersection shall be 60 feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.
- (7) Concrete curbing, 6 inches in height, shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways, so as to prevent vehicular encroachment onto or over the public right-of-way and to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.

(8) All outside trash receptacles, except those intended for use by the customer, shall be located within an enclosure constructed of opaque masonry materials 6 feet in height and shall be provided with opaque gates of the same height.

(O) *Greenhouses and nurseries.*

(1) The parking area shall be buffered a minimum of 4 feet so as not to disrupt abutting residential properties with noise or headlights.

(2) There shall be side yard setbacks of at least 35 feet on either side of the greenhouse.

(3) All loading and parking shall be provided off-street.

(4) The storage or display of any materials shall conform to all building setback requirements of a structure.

(5) The storage of any soil, fertilizer, or other loose, unpackaged materials shall be contained so as to prevent any adverse affects on adjacent uses.

(P) *Group day care homes.*

(1) A group day care home shall not be located closer than 1,500 feet to any of the following facilities as measured along a street, road, or other public thoroughfare:

(a) Another licensed group day care home;

(b) An adult foster care large group home licensed by the State of Michigan;

(c) A facility offering substance abuse treatment and rehabilitation services to 7 or more people which is licensed by the State of Michigan; or

(d) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

(2) All outdoor plan areas shall be enclosed by a non-climbable fence that is at least 60 inches high.

(3) The property (landscaping and architecture) shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor should the front yard be the location of play equipment.

(4) One identification sign shall be permitted. The sign face shall not be greater than 2 square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the day care operator and an address.

(5) One off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used to fulfill this requirement.

(6) The hours of operation should not exceed 16 hours during a 24-hour period. The township may limit but not prohibit the operation of a group day-care home between the hours of 10:00 p.m. and 6:00 a.m.

(Q) [Reserved]

(R) *Junk yards.*

(1) Minimum lot size shall be 10 acres.

(2) The setback from the front property line to the area upon which junk materials are stored shall be not less than 100 feet and shall be provided with a greenbelt buffer. A greenbelt buffer shall also be provided when the junk yard is adjacent to a residential use or district.

(3) Junk yards shall be screened from the roadway and from any adjoining property by an obscuring fence 8 feet in height. The fence shall be kept uniformly painted, neat in appearance, and shall not have any signs or symbols painted on it. A solid masonry wall at least 8 feet in height, shall be required when adjacent to a street or highway or residential or commercial district.

(4) All activities and materials shall be kept within the enclosed area formed by the obscuring fence. Material shall not be stacked or piled above the plane established by the top of the obscuring fence.

(5) All structures, off street parking and fencing and used material storage yards shall be set back not less than 50 feet from any public road right-of-way.

(6) All roads, driveways, and parking lots used by the general public shall be paved, and loading and unloading areas within any junk yard shall be paved, watered or chemically treated so as to limit for adjoining lots and public roads, the nuisance caused by wind-borne dust.

(S) *Outdoor sales; new and used automobiles, farm equipment, house trailers and travel trailers.*

(1) Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection of any 2 roads.

(2) An automobile repair facility (garage, repair) shall not be considered an accessory use unless additional approval is granted by the Planning Commission for those uses as an automobile repair facility (garage, repair) use.

(3) The sale of space of new and used automobiles shall comply with all applicable state regulations.

(T) *Self storage units.*

(1) The minimum size of the site devoted to the use shall not be less than 2 acres.

(2) Building separation between self-storage buildings on the same site shall be 15 feet, as measured from side-to-side.

(3) The total lot coverage of all structures shall be limited to 50% of the total lot area.

(4) A barrier shall be provided around the perimeter of the development. The barrier shall be located at the property line. It shall be a minimum of 6 feet in height and shall be constructed of brick, stone, masonry units, wood products, or chain link which are determined by the administrative official to be durable and weather resistant.

(5) A 10 foot landscaped greenbelt shall be provided between the property line and required barrier along all street frontages. A 5-foot landscaped greenbelt shall be provided between the property line and barrier where the site abuts any residential district.

(6) Parking shall be provided in the ratio of 1 space for each 2,000 square feet of gross building area. At a minimum, 2 parking spaces must be assigned to, and located conveniently to, each individual storage building. In addition, 2 spaces for the resident manager, and 1 additional space for each additional employee shall be provided adjacent to the rental office.

(7) Internal driveway aisles shall be a minimum of 24 feet in width.

(8) All off-street parking areas and driveways shall consist of a minimum of 6 inches compacted gravel.

(9) All ingress and egress from this site shall be directly onto a public thoroughfare.

(10) Building height shall not exceed 1 story or 15 feet, except that a caretaker or resident manager's unit may be allowed a building height of 2 stories or 25 feet.

(11) The use of the premises shall be limited to storage only, and shall not be used for any auction, sales, storage, or the servicing, repair, or fabrication of any vehicle, boat, trailer, or similar item.

(U) *Utility and public service buildings.*

(1) The area occupied by a like activity shall not include any storage of equipment or parts, nor the stationing of personnel for other than necessary repairs or periodic maintenance of the lot area or buildings.

(2) All operational and moving machinery shall be housed within a building.

(3) All structures shall be located in compliance with all setback and height requirements for residential uses in a district.

(4) The entire perimeter of the lot shall be secured to prevent access to the premises.

(V) *Two-family dwellings (duplex).*

(1) It is the intent of the township to require 2-family residential dwellings (duplex) to be serviced by municipal sewer and water and developed in accordance with the following standards:

- (a) Minimum lot size:
 - Area 25,000 square feet
 - Width 150 feet
- (b) Maximum building height:
 - Stories 2.5
- (c) Maximum lot coverage:
 - 25%
- (d) Minimum yard setbacks:
 - Front - Section Line Road 65 feet
 - Front – Non-Section Line Road 50 feet
 - Sides 15 feet
 - Rear 50 feet

(e) Land area used for computing lot sizes shall exclude the right-of-ways for all roads whether public and private (see § 153.007).

(2) The minimum livable floor area for 2-family residential dwelling units must comply with the standards allowed in the RM Zoning District under §§ 153.200 and 153.201.

(3) The Planning Commission may allow a 2-family residential dwelling (duplex) with an alternate to public sewer and water, (well and septic) only after the approval of the County Health Department has been obtained. In the event that approval is obtained from the Health Department, the minimum lot size shall be increased to that as required by the Health Department for the installation of the well and septic systems.

(4) Driveway access shall be through a common driveway approved by the County Road Commission and or State Highway Department. The maximum width of the common drive shall not exceed 24 feet and shall be hard surfaced.

(5) Accessory structures shall comply with all requirements of § 153.340.

(6) All uniform design standards shall comply with the requirements of § 153.336.

(W) *Single-family semi-detached dwellings.*

(1) It is the intent of the township to limit single-family semi-detached residential dwellings to platted subdivisions or site condominium projects where constructions of these types of dwelling units are compatible within the development and be serviced by municipal sewer and water and developed in accordance with the following standards:

- (a) Minimum lot size:
 - Section Line Roads
 - Area 25,00 square feet
 - Width 125 feet

Non-Section Line Roads

Area 10,000 square feet

Width 80 feet

(b) Maximum Building Height: Stories 2.5

(c) Maximum lot coverage: 30%

(d) Minimum yard setbacks:

Front - Section Line Road 50 feet

Front - Non-Section Line Road 30 feet

One - Side 15 feet

Rear 30 feet

(e) Land area used for computing lot sizes shall exclude the rights-of-way for all roads whether public and private (See § 153.007).

(2) The minimum livable floor area for single-family semi-detached dwelling units shall not be less than 1,200 square feet.

(3) Accessory structures shall comply with all requirements of § 153.340.

(4) The Planning Commission may allow a single-family semi-detached dwelling with an alternate to public sewer and water, (well and septic) only after the approval of the County Health Department has been obtained. In the event that approval is obtained from the Health Department, the minimum lot size shall be increased to that as required by the Health Department for the installation of the well and septic systems.

(5) All uniform design standards shall comply with the requirements of § 153.336.

(X) *Flag lots permitted.* Flag lots may be permitted as a special land use in any zoning district in compliance with this chapter and provided that they conform to the requirements of this section.

(1) A flag lot can only be created to serve 1 building structure.

(2) A flag lot must contain 33 feet of road frontage to serve as ingress and egress to a public road. The 33-foot access right-of-way must be part of and included in the legal description of the flag lot (see flag lot illustration, § 153.007).

(3) All flag lots created shall comply with the district regulations for the district in which it is located. The access right-of-way serving a flag lot, wetlands, floodplain areas and easements serving underground drains and utilities, shall be excluded when calculating the requirements for compliance with §§ 153.200 and 153.201.

(4) Flag lots must comply with the Land Division Act and may not exceed the 4 to 1 width to depth ratio unless said lot exceeds 10 acres.

(5) A flag lot may not be created where it would reduce an existing side or rear yard setback of an adjoining lot to less than 50 feet.

(6) Driveways located within an access right-of-way shall maintain a minimum setback of 5 feet from property lines.

(7) The placement of all structures on a flag lot shall be so arraigned so that it shall not be a detriment or nuisance to adjoining properties. The Planning Commission may require buffering along adjoining property lines to provide adequate separation between buildings.

(8) Flag lots containing an access drive within the right-of-way of 200 feet or more in length from a public road shall provide a maneuvering turn around area within 50 feet of the principal structure. The turn around maneuvering area shall be at least 24 feet by 50 feet in size and shall be at least 10 feet in width. The access drive, with a minimum width of 10 feet, shall be constructed of asphalt, concrete, stone, or other material demonstrating a weight bearing capacity for public safety vehicles.

(Y) *Animal shelters.* Animal shelters, located in an AG -Agricultural and or a RF Residential Farms zoning district shall be reviewed and approved under the regulations for home occupations. Animal shelters, located in a non-residential structure in a C-2, General Commercial and or an I-1, Light Industrial zoning district are not subject to obtaining an annual zoning compliance permit.

(1) Animal shelters located in an AG - Agricultural or a RF - Residential Farms zoning district shall meet and comply with the same standards as required for kennels listed under division (Z) below.

(2) Animal shelters located in a C2 - General Commercial or an I-1 - Light Industrial zoning district shall comply with the general requirements of the district as listed in §§ 153.200 and 153.201, footnotes, however all kennel buildings, structures, and related runs/or exercise areas shall be located not less than 250 feet from all adjacent residential dwelling units.

(3) The Planning Commission during its review and approval may increase the required setbacks if it is determined that the increase setback is necessary to protect adjacent properties from the nuisances caused by noise, odors or other off-site impacts. The Planning Commission may also establish limitation regarding hours of operation, number and types of animals housed, the extent of accessory operations including veterinary services provided on site and other operational characteristic of the use to ensure that the facility is consistent with the character of the surrounding area.

(Z) *Kennels, dog - commercial and private.* Commercial and private kennels may be permitted as a special land use and reviewed under the requirements for a home occupation in zoning districts AG - Agricultural, and RF - Residential Farm. Commercial kennels may be permitted as a special land use, not subject to the requirements for a home occupation in a C-2 General Commercial zoning district and as a permitted land use in an I-1 - Light Industrial zoning district. All commercial and private kennels must comply with the following requirements:

(1) All kennels shall operate in conformance with all applicable county and state regulations.

(2) The minimum lot size for commercial kennels shall be 10 acres, with 250 feet of road frontage. The minimum lot size for private kennels shall be 5 acres, with 250 feet of road frontage. The Planning Commission may modify the lot size and road frontage requirements for kennels based on the specific characteristic of the use being requested.

(3) Kennel buildings, structures, and related runs/or exercise areas shall not be located in front of the main principal structure located on the property and comply with the following setbacks:

(a) Sides - Not less than 75 feet;

(b) Rear - Not less than 50 feet;

(c) All adjacent residential dwelling units -not less than 250 feet.

(4) Kennels shall comply with the following requirements except where the dogs are housed or kept within the main residential dwelling unit located on the property and a fenced in areas is provided in a rear yard area for use by said household pets.

(a) Kennels shall be structurally sound and shall be maintained in good repair. Floors shall be constructed of non-toxic, easily cleaned water impervious material.

(b) All dogs kept in a kennel shall be provided with an inside sleeping area, which will protect them against inclement weather, preserves the animal's body heat and keeps them dry. These sleeping areas shall also be ventilated in such a manner as will provide fresh air at all times and shall be kept clean and in a sanitary condition. Inside pens or sleeping areas shall be of the following sizes:

1. For dogs weighing not more than 25 pounds, 5 square feet per animal;
 2. For dogs weighing more than 25 pounds but not more than 45 pounds, 9 square feet per animal;
 3. For dogs weighing over 45 pounds, 16 square feet per animal.
- (c) Inside or outside runs shall be provided and shall be not less than 36 inches wide and 10 feet in length.
- (d) Feces and other excreta shall be removed as necessary to maintain a safe and sanitary condition. Excreta shall be disposed of in a sanitary manner.
- (e) All dogs shall be provided with clean fresh water and sufficient wholesome food. Food and water containers shall be kept clean and sanitized.
- (5) In an AG - Agricultural or RF - Residential Farm zoning district there shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such kennel other than 1 sign not exceeding 2 square feet in area, non-illuminated and ground mounted with a setback of 5 feet from the front right-of-way line.
- (6) In a C-2, General Commercial or I-1, Light Industrial zoning district signage for commercial kennels shall comply with requirements found in §§ 153.295 through 153.302, the township's sign regulations.
- (7) In an AG - Agricultural or RF - Residential Farm zoning district where an annual zoning compliance/home occupation permit is denied by the Building/Zoning Official, an appeal may be made to the Zoning Board of Appeals.

(Ord. 99, passed 11-18-1996, § 16.05; Am. Ord. 102, passed 7-21-1997; Am. Ord. 114, passed 11-9-1998; Am. Ord. 148, passed 5-16-2006; Am. Ord. 152, passed 1-16-2007; Am. Ord. 155, passed 4-17-2007; Am. Ord. 158, passed 7-17-2007; Am. Ord. 13-200, passed 3-19-2013; Am. Ord. 18-231, passed 12-18-2018; Am. Ord. 21-006-153.006 *et seq.*, passed 10-19-2021) Penalty, see § 153.999

REVIEW AND APPROVAL PROCEDURES FOR SITE PLANS

AND CONDOMINIUM DEVELOPMENT PROJECTS

§ 153.230 REQUIRED SITE PLAN REVIEW.

Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any building in a zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the Township Planning Commission in accordance with the requirements of this subchapter.

(A) (1) Site plan reviews are required for all permitted uses, structures and special land uses in all zoning districts.

(2) One and 2-family dwellings and their accessory uses are exempt from site plan review.

(B) (1) When the proposed new construction or remodeling constitutes an addition to an existing building, existing site, or use, site plan review procedures may be modified, at the discretion of the Building Official, to provide for an administrative review and approval by the Building Official in lieu of a more formal review by the Planning Commission.

(2) The Building Official may conduct an administrative review provided all of the following are true:

(a) No variances to this chapter are required;

(b) The proposed new construction would not increase the total square footage of the building greater than 10% or 400 square feet, whichever is less. The proposed new construction shall not create

any additional parking demands as required by §§ 153.275 through 153.281 or alter the character of any site plan;

(c) The site had not been reviewed and approved by the Planning Commission within the last 12 months; and

(d) No administrative reviews had previously occurred on the same site in the preceding 36 months.

(C) (1) For those cases requiring site plan review solely as a result of building re-occupancy, site plan review procedures may be modified, at the discretion of the Building Official, to provide for an administrative review and approval by the Building Official in lieu of a more formal review by the Township Planning Commission.

(2) The Building Official may conduct an administrative review provided all of the following are true:

(a) No variances to this chapter are required;

(b) The use is conducted within a completely enclosed building;

(c) Re-occupancy does not create additional parking demands, beyond 10% of that which exists; and

(d) Re-occupancy does not substantially alter the character of the site.

(D) (1) Every site plan submitted for review shall be in accordance with the requirements of this chapter.

(2) Administrative review procedures are not intended to modify any ordinance, regulation or development standards or previously approved site plans by the Planning Commission.

(3) In no instance shall administrative site plan review and approval be allowed for a special land use.

(E) An administrative review approved by the Building Official shall be forwarded to the Planning Commission along with any stated conditions within 30 days.

(Ord. 99, passed 11-18-1996, § 17.01; Am. Ord. 145, passed 1-17-2006)

§ 153.231 APPLICATION PROCEDURE.

Application for site plan review shall be made by submitting the following materials to the Township Clerk at least 3 weeks prior to the Planning Commission meeting at which the site plan is to be considered:

(A) Ten copies of a site plan containing all of the information required in § 153.232 below;

(B) A completed application on an appropriate form provided by the Township Clerk;

(C) Payment of an application fee, which shall be non-refundable, and be established by resolution of the Township Board;

(D) Payment of a review fee established by the Township Board to cover the cost of a review by a professional engineer, architect, or planner of submitted plans. Any portion of the fee not expended shall be returned to the developer; and

(E) The developer will be required to pay 100% of all review costs and will be provided copies of bills upon request.

(Ord. 99, passed 11-18-1996, § 17.02)

§ 153.232 REQUIRED SITE PLAN INFORMATION.

A site plan shall contain the following information:

- (A) The date, north arrow and scale. The scale shall be not less than 1 inch equals 50 feet for property under 3 acres and at least 1 inch equals 100 feet for those 3 acres or more;
- (B) All lot and/or property lines are to be shown and dimensioned. All required and provided setbacks shall be shown;
- (C) The location and height of all existing and proposed structures on and within 100 feet of the subject property;
- (D) The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking areas (show dimensions of a typical parking space), unloading areas, and recreation areas;
- (E) The location and the pavement and right-of-way width of all abutting roads, streets, or alleys;
- (F) The name and firm address of the professional civil engineering or architectural firm(s) responsible for the preparation of the site plan;
- (G) The name and address of the property owner or petitioner;
- (H) The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls;
- (I) Size and location of existing and proposed utilities including proposed connections to public sewer or water supply systems;
- (J) Location of all fire hydrants, if applicable;
- (K) A summary schedule should be affixed, if applicable, which gives the following data:
 - (1) The number of dwelling units proposed, to include the number, size, and location of 1-bedroom units, 2-bedroom units and the like; and
 - (2) The residential area of the site in acres and in square feet, including the breakdowns for any sub-areas or staging areas (excluding all existing rights-of-way).
- (L) Size and location of all surface drainage facilities;
- (M) Existing and proposed contour shall be shown on all site plans (2-foot interval minimum) as may be required by the Township Engineer;
- (N) Utility and other easements;
- (O) Clusters of trees, as well as existing individual trees over 24 inches in diameter;
- (P) Existing wetlands;
- (Q) Floodplains, drainage courses, lakes, ponds, drains, rivers, and streams, including their water surface elevation, floodplain elevation, and normal high water elevation;
- (R) List of soils on the site utilizing the Soil Conservation Service's most recent "Soil Survey of Genesee County;"
- (S) Proposed sign locations; and
- (T) For multiple-family development site plans, there shall be shown typical elevation views of the front and side of each type of building proposed, as well as typical dimensioned floor plans for each type of dwelling unit.

(Ord. 99, passed 11-18-1996, § 17.03)

§ 153.233 SITE PLAN REVIEW STANDARDS.

All site plans shall comply with applicable provisions of this chapter and with each of the following standards.

(A) *Natural features.*

(1) Existing natural features of the site, including vegetation, topography, water features, and other features, shall be preserved to the greatest extent practical.

(2) Only those areas under actual development shall be disturbed.

(B) *Building relationships.* Buildings and structures shall be placed in an orderly, non-random fashion so that an un-crowded, open appearance is maintained.

(C) *Drives, parking, and circulation.*

(1) Vehicular and pedestrian circulation shall be designed so as to provide for safe and efficient movement of vehicles and pedestrians.

(2) Points of vehicular access to public streets shall be limited to the minimum number required to provide safe and efficient access.

(3) Points of access shall be directly aligned or be offset a minimum of 150 feet, wherever possible.

(D) *Surface water drainage.*

(1) Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system.

(2) Temporary on-site storage to reduce peak runoff from the site may be required.

(3) Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create standing water in the paved areas.

(E) *Special features.* Exposed storage areas, trash areas, service areas, truck loading areas, utility buildings and structures, and similar accessory areas shall be reasonably screened from view from adjoining streets, and adjoining properties.

(F) *Emergency access.* The site plan shall provide for adequate access to the site and to all buildings for emergency vehicles.

(G) *Exterior lighting.* The lighting shall be located and designed so that illumination is directed away from adjacent properties and streets.

(Ord. 99, passed 11-18-1996, § 17.04)

§ 153.234 PLANNING COMMISSION ACTION.

The Planning Commission, upon reviewing a site plan, shall take 1 of the following actions.

(A) *Approval.* If the site plan meets all the Zoning Ordinance and related development requirements and standards, the Planning Commission shall record the approval and the Chairperson shall sign 3 copies of the site plan, filing 1 in the official site plan file, forwarding 1 to the administrative official, and returning 1 to the applicant.

(B) *Disapproval.* If the site plan does not meet Zoning Ordinance and related development requirements and standards, the Planning Commission shall record the reasons for denial. The applicant may subsequently re-file a corrected site plan under the same procedures followed for the initial submission.

(C) *Conditional approval.*

(1) If minor corrections to the site are necessary, which can be clearly noted, then the Planning Commission shall so note the conditions and the Chairperson shall sign 3 site plans as conditionally

approved and stating the necessary conditions.

(2) One copy shall be retained in the official site plan file, 1 forwarded to the Township Clerk, and 1 returned to the applicant.

(D) *Table*. If the site plan is found to be in violation of the requirements or incomplete with respect to necessary information, the Planning Commission may table action on the site plan until compliance is shown or required additional information is provided.

(Ord. 99, passed 11-18-1996, § 17.05)

§ 153.235 PERFORMANCE GUARANTEE AND REVOCATION FOR APPROVED SITE PLANS.

(A) (1) To ensure compliance with the provisions of this chapter and any conditions imposed in the approval of the site plan by the Planning Commission, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Planning Commission covering the estimated costs of improvements associated with a project for which a site plan approval is sought be deposited with the Township Clerk to ensure faithful completion of the improvements.

(2) The performance guarantee if required shall be deposited at the time of the issuance of the building permit authorizing the activity or project and shall be refunded at a time that a final occupancy permit is issued by the Building Official.

(B) (1) Any site plan approval shall be revoked when construction of the development is not in conformance with the approved plans, in which case the Planning Commission shall give the applicant notice of intention to revoke the approved plans at least 10 days prior to review of the violation by the Planning Commission.

(2) After conclusion of the review, the Planning Commission shall revoke its approval of the development if the Commission feels that a violation in fact exists and has not been remedied prior to the hearing.

(C) (1) The approval by the Planning Commission of any site plan under the provisions of this chapter shall expire and be considered automatically revoked 1 year after the date of the approval unless actual construction has commenced and is proceeding in accordance with the issuance of a valid building permit.

(2) If construction activity ceases for any reason for a period of more than 1 year, any subsequent use of the land shall be subject to review and approval of a new site plan for the property in conformance with the regulations specified by this chapter, except that the Planning Commission may, at its discretion, upon application by the owner and for cause shown, provide for up to 2 successive 12-month extensions.

(Ord. 99, passed 11-18-1996, § 17.06; Am. Ord. 145, passed 1-17-2006)

§ 153.236 CHANGES TO APPROVED SITE PLANS.

Amendments or changes to an approved site plan may be made provided that any the changes are in compliance with this chapter and the changes have been reviewed and approved in compliance with §§ 153.230 through 153.232 above.

(Ord. 99, passed 11-18-1996, § 17.07)

§ 153.237 REQUIRED CONDOMINIUM DEVELOPMENT REVIEW.

(A) Pursuant to authority conferred by the Condominium Act, Public Act 59 of 1978 § 141, being M.C.L.A. §§ 559.101 through 559.272, as amended, all condominium projects must be approved by the Planning Commission.

(B) In determining whether to approve a condominium plan, the Planning Commission shall consult with the administrative official, Township Attorney, Township Engineer, and Township Planner regarding

the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act.

(Ord. 99, passed 11-18-1996, § 17.08)

§ 153.238 COMPLIANCE WITH ZONING REGULATIONS.

All condominium projects and structures shall comply with all the use, size, sign, height, area and setback regulations of the zoning district in which the condominiums project is located.

(Ord. 99, passed 11-18-1996, § 17.09)

§ 153.239 APPROVAL REQUIRED; PROCESS.

(A) Approval under this section shall be required as a condition to the right to construct, expand or convert a condominium project in the Charter Township of Montrose.

(B) The approval process shall involve 3 phases:

- (1) Preliminary plan approval;
- (2) Site plan approval; and
- (3) Final engineering plan approval.

(Ord. 99, passed 11-18-1996, § 17.10)

§ 153.240 PRELIMINARY PLAN APPROVAL.

(A) A developer of a condominium project shall initially submit to the administrative official 3 copies of an application for preliminary plan approval, accompanied by a preliminary plan and plan review fee deposit as established by the Township Board.

(B) The preliminary plan shall be prepared by a registered professional, and shall include the following:

(1) The name, address, and telephone number of:

(a) All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest. (i.e., fee owner, optionee or land contract vendee);

(b) All engineers, attorneys, architects or registered land surveyors associated with the project; and

(c) The developer of the condominium project.

(2) The legal description of the land on which the condominium project will be developed together with appropriate tax identification numbers;

(3) The current zoning of the parcels(s) and the zoning of the adjacent properties;

(4) Location map of the project;

(5) The acreage content of the land on which the condominium project will be developed;

(6) The purpose of the project (i.e. residential, commercial, industrial and the like);

(7) Location and size of building sites, envelopes, buildings, roads, parking areas, sidewalks, landscaping features, signs and utilities;

(8) Street and utility specifications and sectional diagrams;

(9) All areas within the 100-year floodplain, wetland areas or bodies of water; and

(10) Existing and projected topographical contours at a minimum of 2-foot intervals.

(C) Following the review, the preliminary plan shall be reviewed by the Township Planning Commission for conformance with all applicable laws and ordinances, including the requirements of this chapter.

(D) The township shall either approve, deny, or approve the application with conditions with a time limit for compliance with the conditions and resubmission, as deemed appropriate by the Township Planning Commission preliminary plan approval shall confer upon the developer a commitment of approval for a period of 1 year with regard to the size, shape, and layout of building sites, and street layout.

(E) The preliminary plan approval may be extended if applied for by the proprietor within the effective period and approved by the Township Planning Commission.

(Ord. 99, passed 11-18-1996, § 17.11)

§ 153.241 SITE PLAN APPROVAL.

(A) Following approval of the preliminary plan, if the developer desires to proceed with the project, and application for site plan approval shall be submitted for review in accordance with the requirements of this subchapter.

(B) In addition to any information required to be submitted for a site plan review, the developer shall include with the application for site plan approval, sufficient information for determining whether the project conforms with all applicable laws, codes, ordinances, and rules, and regulations enforceable by the township.

(C) The application for site plan review shall also include a copy of the proposed master deed, by-laws and any additional documentation to be recorded with Register of Deeds, for review and approval by appropriate township consultants.

(D) The master deed shall be reviewed by the Township Board, with the advice of the township consultants as deemed appropriate by the Township Board, with respect to all matters of drainage, retention, wetland, and other natural areas and common areas, and maintenance of landscaping in common areas, in the project.

(E) If the site plan conforms in all respects, site plan approval shall be granted by the Township Planning Commission. If the site plan fails to conform, the Township Planning Commission shall either deny the application, or approve the application with conditions with a time limit for compliance with the conditions and resubmission, as deemed appropriate by the Township Board.

(F) Site plan approval shall be effective for a period of 1 year. Approval may be extended if applied for by the developer within the effective period and approved by the Township Planning Commission.

(Ord. 99, passed 11-18-1996, § 17.12)

§ 153.242 FINAL ENGINEERING APPROVAL.

(A) Following the site plan approval, a building permit for construction may be issued at a time as the final engineering plans have been approved.

(B) The Township Planning Commission may determine that certain improvements need not be completed prior to issuance of the building permit.

(C) However, all improvements shall be completed prior to issuing a certificate of occupancy. The developer may be required to deposit cash, provide a letter of credit or establish an escrow fund to ensure the completion of the improvements.

(Ord. 99, passed 11-18-1996, § 17.13)

§ 153.243 ADDITIONAL REGULATIONS APPLICABLE TO CONDOMINIUM PROJECTS.

(A) Each building site shall front on and have direct access to either a public road, or a private road. A private road shall be designed pursuant to the Private Road Ordinance of the township.

(B) There shall be compliance with all requirements of § 153.200, and other provisions of this subchapter and other applicable ordinances, with the understanding that reference to **LOT** in the regulations shall mean and refer to **BUILDING SITE** as defined in this chapter, and reference to **BUILDING** (meaning principal building) or **STRUCTURE** (meaning principal structure) shall mean and refer to **BUILDING ENVELOP** as defined under this chapter.

(C) In the review of preliminary plans, site plans and engineering plans, it is recognized that it may not be feasible to precisely apply traditional definitions and measures applicable to the development proposed.

(D) However, the review of plans submitted under this subchapter shall be accomplished with the objective and intent of achieving the same results, aside from procedure requirements, as if the improvements were being proposed pursuant to the Subdivision Control Act.

(E) Prior to the issuance of building permits for units, the developer shall demonstrate approval by county and state entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply, and sewage disposal.

(F) Prior to issuance of certificates of occupancy, the developer shall provide evidence of approval(s) required by any other governmental entities having jurisdiction over any aspect of the condominium project, and the administrative official shall determine that all improvements have been substantial completed in accordance with approved plans.

(G) With respect to each building envelope, within 60 days following final inspection of the improvement, the developer shall submit to the administrative official and "as-built" survey, including dimensions between each improvement and the boundaries of the building site, and distance of each improvement from any wetland, floodplain and/or floodway.

(H) The corners of each building site shall be staked in the customary manner in connection with the survey performed from the project by a registered land survey or professional engineer.

(I) The fees for all reviews shall be established by ordinance and/or resolution adopted by the Township Board.

(J) Any proposed amendment of master deed which would involve any subject matter reviewed or reviewable under this subchapter shall be reviewed and approved by the Township Planning prior to recordation.

(1) *Elements.* The condominium project shall provide for the dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement, and/or removal of pipelines, conduits, mains, and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water, and storm water runoff across, through and under the property subject to the easement, and excavation and refilling of ditches and trenches necessary for the location of installations.

(2) *Monuments required.* All condominium developments, which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided:

(a) All monuments used shall be made of solid iron or steel bars at least 1/2 inch in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter;

(b) Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily re-established by reference to monuments along the sidelines of the streets;

(c) If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point;

(d) If a point required to be monumented is on a bedrock outcropping, a steel rod, at least 1/2 inch in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches;

(e) All required monuments shall be placed flush with the ground where practicable;

(f) All units corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and 1/2 inch in diameter, or other approved markers; and

(g) The Township Planning Commission may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed 1 year, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit to Charter Township of Montrose, whichever the proprietor selects in an amount to be established by the Township Board, by resolution. The cash, certified check, or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

(K) (1) *Master deed, restrictive covenants, and "as built" survey to be furnished.* The condominium development developer or proprietor shall furnish the administrative official with the following: 1 copy of the recorded master deed, 1 copy of all restrictive covenants, and 2 copies of an "as built" survey.

(2) *Review.* The "as built" survey shall be reviewed by the administrative official for compliance with township ordinances. Fees for this review shall be established by resolution of the Township Board.

(Ord. 99, passed 11-18-1996, § 17.14)

DEVELOPMENT REQUIREMENTS FOR EXTRACTION

ACTIVITIES, PONDS AND PRIVATE ROADS

§ 153.255 INTENT.

The regulations set forth in this section are designed to provide for the regulation of extraction activities, ponds, and private roads, and to specify the conditions and circumstances under which a use may be developed in order to protect the health, safety, and general welfare of the residents of the community, preserve ecologically important features, and to prohibit development which, unregulated, may have an adverse impact upon the safety, health, and welfare of the township.

(Ord. 99, passed 11-18-1996, § 18.01; Am. Ord. 13-203, passed 5-21-2013)

§ 153.256 EXCAVATION AND EXTRACTION; SAND, SOIL, GRAVEL AND MINERAL REMOVAL.

(A) Nonferrous metallic mineral mining is not regulated under this section. Excavation and extraction of nonferrous metallic minerals shall be regulated as provided the Natural Resources and Environmental Protection Act, being M.C.L.A. §§ 324.63201 et seq.

(B) *General provisions.*

(1) Sand, soil, gravel and mineral mining or extraction may be permitted as a special land use within any zoning district subject to the approval of the Township Planning Commission upon a finding that the proposed use meets the requirements of this chapter and federal and state regulations.

(2) The purpose of these requirements is to provide for the use of lands which have significant gravel and/or sand deposits and which, if mined for the deposits or filled, would not constitute a hazard to the public health, safety, and welfare.

(3) The construction of a private pond as part of a landscaping, aesthetic, or recreation improvement shall comply with § 153.258.

(4) The regulations are intended to result in: mining, excavation, and soil removal operations that will not be detrimental to the public health, safety, and welfare; and operations which will be conducive to and result in the reclamation of the land so that it will be suitable for other purposes. These requirements shall not apply to:

(a) The excavation and earth fill for on-site building construction purposes pursuant to a duly issued building permit; or

(b) Where the moving, grading or leveling of materials is carried on by the landowner for the immediate use or development of the same or adjacent parcel of land.

(C) *Review procedures.*

(1) An application for the approval of a sand, soil or gravel removal mining or extracting special land use permit shall be made to the Township Clerk and/or his/her designee by an owner of an interest in the land on which the use is to be located and shall be accompanied by the necessary fees, financial guarantees and documents as set forth below and as provided for by §§ 153.230 through 153.242, as applicable.

(2) The application shall be accompanied by a site plan containing the following information:

(a) Name of the owner, or owners, of land from which removal is to be made;

(b) Name and address of the applicant(s) making a request for the permit;

(c) Name and address of the person, firm, or corporation who or which will be conducting the actual removal operation;

(d) Location, size, and legal description of the total land area proposed for the use;

(e) Location of the processing plant (if any);

(f) Type of materials or resources to be removed or to be brought to the site;

(g) Proposed method of removal or filling, general haul route, and whether blasting or other use of explosives will be required;

(h) General description of equipment to be used;

(i) Any buildings, structures, sheds or trailers which are to be constructed or brought onto the site;

(j) An estimate of time to complete total operations based upon the estimated volume of material to be extracted and average annual extraction rates. The mining or extracting special land use permit shall expire on that date;

(k) The total area (in acres) proposed to be excavated, mined or removed in the first year of operation, and in subsequent years;

(l) Documentation demonstrating that the extractive activities will not produce serious consequences affecting the natural topography, drainage patterns, water bodies, floodplains, street conditions, nearby property values or use of adjacent land. The planning commission may require separate environmental, engineering, traffic impact or marketing studies supporting the need for and minimal consequences of such extraction; and

(m) A reuse plan, drawn to a scale of 1 inch equals 50 feet placed on a standard sheet and containing the following information:

1. A description of the land use activities proposed to be located on the site upon completion of mining, extraction, and landfill operations;

2. A description of the zoning district classification required for use of the site for the uses intended;

3. A description and location of the street, drainage on-site and downstream, water and sanitary sewer facilities required to serve the uses intended.

(3) The Township Planning Commission may submit the engineering, designs and site plans to the Michigan Department of Natural Resources, County Drain, Health or Road Commissions or other state or federal agencies to determine that the designs meet all applicable requirements.

(4) If county, state or federal permits are necessary, the approvals must be submitted to the township by the applicant prior to the granting of a permit. If no county, state or federal permit is necessary, the applicant must so verify.

(5) The applicant must submit ten copies of a site plan containing all of the information required in § 153.232 above.

(6) The applicant must submit a completed application on an approved form provided by the Township Clerk and/or his/her designee.

(7) An application fee, which shall be non-refundable, and be established by resolution of the Township Board, shall accompany the application and site plan.

(8) The Township Planning Commission shall require payment of a review fee established by the Township Board to cover the cost of a review by a professional engineer, architect or planner of submitted plans. The applicant will be required to pay 100% of all review costs incurred by the Township and will be provided copies of bills upon request. Any portion of the review fee not expended shall be returned to the developer.

(9) The applicant shall obtain an annual zoning compliance permit to allow excavation and extractive activities. The annual permit may be renewed upon the finding by the Zoning Administrator that the applicant has complied with the requirements by the Planning Commission.

(10) For any excavation and extraction activity currently operating lawfully under a temporary use approved by the Planning Commission as of the date of the adoption of this section, the following minimal requirements shall be submitted to the Township's Planning Commission 30 days prior to the expiration date of said temporary use approval for its review and consideration in order to allow the continuation of the excavation and extraction activities under the provision of this section.

(a) An application which shall be accompanied by the required fees as established by the Township Board;

(b) A revised or updated site plan, containing the location and size of the areas that have been reclaimed and the areas to be excavated, which shall be prepared by a professional engineer, architect, planner or surveyor;

(c) An estimate of time to complete the remaining excavation and extraction operations, including all reclamation based upon the estimated volume of material to be extracted and the average annual extraction rates. The renewal of the excavation and extraction activity use permit shall not be extended by the Planning Commission beyond that date;

(d) A revised reuse plan, if changed, containing the information as required in division (C)(2)(m) above.

(Ord. 99, passed 11-18-1996, § 18.02; Am. Ord. 13-203, passed 5-21-2013)

§ 153.257 SITE DEVELOPMENT REGULATIONS AND STANDARDS.

(A) *Excavation site requirements.*

(1) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this division are less than those in applicable state statutes, the state requirements shall prevail.

(2) No cut or excavation shall be made closer than 300 feet to any property line or street right-of-way line.

(3) If the circumstances of the site indicate that the setback requirement above would not be adequate to protect abutting property, the Township Planning Commission shall require the greater distance to adjacent property.

(4) Where it is determined by the Planning Commission to be a potential nuisance to adjoining property owners, all uses shall be enclosed by a fence 6 feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to deter trespassing and shall be placed no closer than 50 feet to the top or bottom of any slope.

(5) No building shall be erected on the premises except as may be permitted in the general zoning ordinance or except as temporary shelter for machinery and field office subject to approval by the Planning Commission.

(6) Site barriers or fences shall be provided along all boundaries of the site which lack natural screening conditions through existing contours, tree, or shrub growth or distance from the roads. Barriers shall consist of 1 of the following:

(a) Earth berms constructed to a height of 6 feet above the mean elevation of the centerline of the adjacent public highway or 6 feet above the general level of terrain along interior property lines, as the case may be. The berms shall have slopes that are not in excess of 1 foot vertical to 4 feet horizontal, and shall be planted with grass, trees, or shrubs; or

(b) Planting of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than 4 feet in height at the time of planting and which grow to not less than 6 feet in height at maturity and sufficiently spaced to provide effective site barriers when 6 feet in height.

(c) Earth berms shall be constructed so that they do not alter the natural surface water drainage of the adjoining properties.

(B) *Construction and operation requirements.*

(1) The Planning Commission shall establish routes for truck movement internally as well as to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Routes shall not be directed through residential areas, unless the applicant can demonstrate to the Planning Commission that such a route would not adversely impact the adjacent residential parcels. That portion of access roads within the area of operation shall be provided with a dustless surface.

(2) No internal roadway shall be closer than 200 feet from any off-site residential dwelling unit.

(3) All permitted installations shall be maintained in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.

(4) Both permanent and/or temporary processing plants and their accessory structures shall not be located closer than 300 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower elevation than the surrounding terrain to lessen visual and noise impact.

(5) All equipment and facilities used in the processing or transporting of sand, gravel or stone shall be constructed, maintained, and operated in a manner so as to eliminate, insofar as practicable, noises, vibrations, or dust which are injurious or unduly annoying.

(6) No stockpiling shall take place closer than 300 feet from any property line or street right-of-way line. Stock piles of stripped topsoil shall be seeded with grass or similar plant materials in order to prevent

erosion onto other properties.

(7) On site roads, driveways, parking lots and loading and unloading areas shall be paved or chemically treated so as to limit the nuisance caused by windborne dust on adjoining lots and public roads.

(8) Operators shall be held responsible for all spillage of material, dirt, rock, mud and any other debris carried onto the roads by trucks or other equipment.

(9) Proper measures, as determined by the Planning Commission, shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated materials upon the site.

(10) An excavation shall not change the surface drainage so as to adversely impact neighboring properties or uses.

(11) Any pond banks shall have a maximum slope of 4 feet horizontal to 1 foot vertical which extends below the projected low water surface elevation to a depth of at least 6 feet.

(12) If pumping or draining of water from an excavation and extraction operation is anticipated, the applicant shall provide adequate data and research to indicate:

(a) That water wells and the water supply of surrounding properties are not adversely affected;

(b) That drainage of water will not adversely affect nor create damage to adjacent or downstream properties; and

(c) That the drainage ways are adequate in design and construction to handle the excess water from this operation without damage to any other properties.

(13) Any excavated material not removed from the site shall be graded to a continuous slope which does not exceed 4 feet horizontal to 1 foot vertical and arranged to prevent runoff from impacting adjacent properties. Said fill shall blend visually with the surrounding landscape.

(14) By the anniversary of the initial permit issuance each year, the completed portion of an excavation and any disturbed area around it shall be graded and seeded. This will minimize any soil erosion or damage to surrounding properties that may occur from flooding.

(15) Such operations shall be permitted only between the hours of 6:00 a.m. and 6:00 p.m., Monday through Saturday. Operations shall not be permitted on Sunday or on holidays being New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving and Christmas.

(16) Within 12 months of the completion of excavation and removal operations or either of them, the excavated area shall be graded so that no gradients-disturbed earth shall be steeper than a slope of 4 feet horizontal to 1 foot vertical. A layer of arable topsoil shall be spread over the excavated area, except exposed rock surfaces or areas lying below natural water level, to a minimum depth of 4 inches in accordance with the approved contour plan. The area shall be seeded and blended with the general surrounding ground so as to appear natural.

(17) Finished slopes of the excavation shall not exceed a ratio of 4 feet horizontal to 1 foot vertical.

(18) Where excavation operations result in a body of water, the owner or operator shall place appropriate "Keep Out Danger" signs around said premises not more than 150 feet apart.

(19) Where excavation operations result in a body of water, the owner or operator shall provide a rescue station within 25 feet where the water depth exceeds 3 feet. All rescue stations shall have an approved US Coast Guard life ring with 100 feet of rope and a 10-foot pole located on a post extending 4 foot above grade. In the event that the width of any water surface shall exceed 100 feet, an additional rescue station shall be provided on the opposite side of said body of water.

(20) The Planning Commission may require a security deposit from the applicant to ensure compliance with the requirements, specifications and conditions imposed by this subchapter, as well as

guarantee restoration of the site. Such deposit shall not be released until performance is certified by the township's Zoning Administrator.

(21) Only equipment owned or leased by the operator of the mining operation and used in the direct operation of the excavation and extraction activities shall be stored overnight or for longer periods anywhere on the premises. Storage of any other equipment on the premises shall be prohibited. All equipment and machinery shall be located at least 300 feet from any property or street right-of-way line. The Planning Commission may require additional buffering of said equipment and machinery from adjoining residential use property such as fencing, earth berms, or other landscaping materials.

(22) Reclamation and rehabilitation of mining areas in accordance with the Reuse Plan shall be accomplished as soon as practicable following the mining or excavation of an area.

(a) Where possible, the rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations;

(b) The Planning Commission may require a performance bond to assure that the Reuse Plan is implemented;

(c) Substantial completion of reclamation or rehabilitation shall be effected within 2 years after termination of mining or excavation activity.

(Ord. 99, passed 11-18-1996, § 18.03; Am. Ord. 13-203, passed 5-21-2013)

§ 153.258 PONDS.

(A) The regulations set forth in this section are designed to provide for the regulation of ponds and to specify the conditions and circumstances under which such ponds may be developed to protect the health, safety, and general welfare of the residents of the community, preserve ecological features, and to prohibit development which, unregulated, may have an adverse effect upon the existing aesthetic character of the township.

(B) A pond is defined as a water impoundment made by excavating a pit, for the purpose of providing water for livestock, fish, and wildlife, recreation, fire control, crop and orchard spraying, and related uses.

(C) The construction or the excavation of a pond as defined above shall be treated as a temporary use permit, subject to the provisions of § 153.354 of this chapter.

(D) Excavations undertaken primarily for the commercial soil, gravel, sand, or other mineral removal and not primarily and or initially for the purpose set forth in this section shall not be considered as "ponds" but instead shall be considered as "extraction sites" and are subject to the applicable provisions of §§ 153.255 through 153.257 of this chapter.

(E) It shall be unlawful for any person, firm, corporation, or partnership, or other organization or entity to excavate or construct a pond within the township without first securing a construction and or zoning compliance permit from the Building and or Zoning Official. Except that plastic formed ponds, liner ponds or other similar type ponds used primarily as part of a front, side or rear yard area landscaping plan, being less than 400 square feet in total area and not greater than 4 feet in depth are exempt from the provisions of this section.

(F) A construction and or zoning compliance permit for a pond is valid for a period of 90 days.

(G) Evidence shall be presented at the time of application that the Genesee County Drain Commission and or the Michigan Department of Environmental Quality have granted the necessary permits and/or approvals to the applicant for the construction of the pond or have released the applicant from any required obligation thereto.

(H) A temporary use permit application and site plan for pond excavations shall be submitted to the Building and or Zoning Official on an application provided by the township. The Building and or Zoning Official shall review the application, required site drawing, and other required information and shall deny and return the application and drawing to the applicant in the event that any of the following items have

not been included for review by the Planning Commission. Said denial shall be in writing detailing the reasons for denial.

(1) A drawing of the land on which the proposed pond shall be constructed, which includes the placement of all residential structures and outbuildings, the location of any existing wells, the location of all septic systems and leech fields, and the location of any county drain, lake, river, creek, stream, wetland, or other natural or artificial water body.

(2) The drawing shall include the placement of the proposed pond on the premises, the proposed depth of the pond in detailed increments of 10 feet and the height of all embankments.

(3) The measured distances from all property lines, residences, outbuildings and other improvements located on the property.

(4) The measured distances from any existing ponds on or off site, within 300 feet of the proposed pond.

(5) The proposed location(s) of the excavated materials which are to be redistributed on-site.

(6) The proposed location(s) for the placement of safety equipment.

(7) A written statement providing evidence that water can be continuously maintained in the pond once it is constructed. The statement shall also include the timing and stages of the development, and whether the excavation will be a dry dig or wet dig.

(Ord. 99, passed 11-18-1996, § 18.04; Am. Ord. 12-197, passed 6-19-2012) Penalty, see § 153.999

§ 153.259 GENERAL PROVISIONS.

The following provisions shall apply to all ponds within the Charter Township of Montrose.

(A) A pond shall not be constructed on a lot or parcel of land which is less than 2 acres in size.

(B) A pond may occupy up to a maximum of 20% of the lot or property upon which it is placed.

(C) Slopes of the excavated pond shall not exceed a ratio of 4 feet horizontal to 1 foot vertical, to a maximum depth below water of 6 feet. The Planning Commission may waive the 4 to 1 slope ratio when the property or pond is enclosed by a minimum 4-foot high fence. All gates shall be self-closing and have a self-latching device.

(D) Ponds must be located a minimum of 50 feet from all property lines, easements, street, roads, and right-of-ways. The Planning Commission may waive the required 50-foot setback requirement when the property or pond is enclosed by a minimum 4-foot high fence. All gates shall be self-closing and have a self-latching device.

(E) There shall be a distance of not less than 25 feet between the outside edge of the pond and any structures.

(F) There shall be a distance of not less than 200 feet from any overhead transmission lines, unless written approval is obtained from the company owning said overhead transmission lines.

(G) All ponds shall be of an excavated type as defined by the Soil Conservation Service (SCS) engineering standard and all ponds shall be constructed to the SCS standards. (See circular 378 of the Soil Conservation Service). Copies are available at the Township Office or the local office of the United States Soil Conservation Service.

(H) All ponds shall be fully completed, including land rehabilitation, within 90 days from the issuance of a zoning compliance permit by the Building and or Zoning Official. In addition to the established permit fee as established by the Township Board, a cash bond in the amount of \$1,000 shall be paid at the time the permit is issued by the owner and or contractor and will be returned once a final inspection is completed by the Building and or Zoning Official. Upon receiving a written request by the property owner explaining the reason(s) that an extension is being requested, the Building and or Zoning Official may grant a 30-day

extension to fully complete the excavation of the pond. Extensions greater than 30 days must be reviewed and approved by the township's Planning Commission.

(I) All areas disturbed during construction shall be seeded with grass and maintained in good condition to prevent erosion.

(J) All excavated material remaining on-site shall be leveled over the area around the pond or the property. Excavated earth material created by construction of a pond shall be used to the maximum extent feasible for on-site purposes. However, excess excavated earth materials not feasible for use on-site may be removed and taken off-site from the property in compliance with an approved site plan by the Planning Commission with the following requirements:

(1) If the applicant proposes to remove any excess excavated earth from the property he shall include with the application a written statement of the cubic yards to be removed.

(2) The applicant shall be limited to this stated volume and any excess of this stated volume to be removed must be approved as an amendment to the site plan by the Planning Commission.

(3) This statement or any amendments thereto shall either be shown on a revised site plan or physically attached to the plan for purposes of review and approval or denial.

(4) All excess earth material shall be removed on completion of the pond or within 30 days.

(5) Failure to comply with these requirements shall result in the forfeiture of the cash bond.

(K) Water shall be maintained in all pond excavations.

(L) Water elevations in the pond area shall not cause flooding or impair the removal of water from property adjacent property owners unless appropriate easements are obtained.

(M) The finished topography of the area surrounding the pond will be one that blends with that surrounding terrain. Surface drainage from adjacent properties shall not be impeded nor shall off-site drainage be increased, unless appropriate easements are obtained.

(N) Conditions of the site must allow the pond to be protected against the contamination from barnyards, septic systems or other sources which would render the water unfit for its intended purpose.

(O) To prevent adverse effects of drainage to adjoining properties, a drainage system shall be installed to accommodate overflows and surface drainage to a suitable outlet or drainage ditch.

(P) Ponds shall be maintained so as to assure no unsanitary conditions or obnoxious odors will be created by the growth of biological organisms or otherwise.

(Q) The cleaning and maintenance of any pond in existence as of the date of this section becomes effective shall not be considered a new pond application unless the pond owner also intends to enlarge said pond. However a pond cleaning permit (zoning compliance permit) must be obtained from the Building and or Zoning Official prior to the commencement of any pond cleaning project. Cleaning shall not result in a pond of greater size or depth than that permitted in the original permit application.

(R) A rescue station shall be located within 25 feet of all ponds having water depths exceeding 3 feet. All rescue stations shall have an approved U.S. Coast Guard life ring with 100 feet of rope and a 10 foot pole on a wooden post extending 4 feet above grade on which a deep water sign shall be posted.

(S) Failure to comply with the requirements of this section shall result in the forfeiture of the cash bond.

(Ord. 99, passed 11-18-1996, § 18.05; Am. Ord. 128, passed 2-12-2001; Am. Ord. 12-197, passed 6-19-2012)

§ 153.260 PRIVATE ROAD.

(A) *Private roads permitted.* Private roads are permitted provided they conform to the requirements of this section.

(B) *Requirements.* The following shall be required by the township in conjunction with a site plan:

(1) Parcel number and the name of the owner for all properties having legal interest in the private road;

(2) Plans designed by a registered engineer showing location, dimension and design of the private road. The plan shall identify existing and proposed elevation contours within the area to be disturbed or altered by construction of the private road;

(3) Location of all public or private utilities located within the private road right-of-way or easement, or within 20 feet including, but not limited to: water, sewer, telephone, gas, electricity, and television cable;

(4) Location of any significant natural features, streams, drainage ways, or wetlands, within 100 feet of the proposed private road right-of-way; and

(5) Ownership documents and maintenance agreement for the private road.

(C) *Maintenance agreement.*

(1) An agreement shall specify how the costs for constructing the road initially will be paid.

(2) If the maintenance agreement fails to so specify, the administrative official may apportion the construction costs via a special assessment to all benefitting property owners following a hearing at which each of the affected property owners are notified by mail at least 10 days before the hearing.

(D) *Right-of-way width.* All private roads shall have a minimum right-of-way easement of at least 66 feet.

(E) *Cul-de-sacs.* Cul-de-sacs shall meet the design specifications of the Genesee County Road Commission.

(1) Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available building envelope, lot or parcel within the development and that building envelop, lot or parcel fronts upon the cul-de-sac.

(2) Frontage measurements along a cul-de-sac shall be measured at the front setback line and at right angles to the lot depth.

(3) A cul-de-sac shall include a turn-around with a 45-foot radius; a 55-foot radius if a hammerhead or "T" turn is used.

(F) *Limit on length.* Private roads meeting the requirements of this section shall not be longer than 2,500 feet.

(G) *Minimum standards.* Private roads shall be constructed to the following minimum standards:

(1) Accessing up to 4 building units the road shall be at least 17 feet wide gravel (6 feet MDOT Z2A) with ditches on a 66-foot right-of-way;

(2) Four to 8 building units: 20 foot gravel; and

(3) Eight or more building units; the road shall meet the design and construction standards outlined by the most recent edition of the American Association of State Highway and Transportation Official (AASHTO) Manual.

(H) *Emergencies.* Street names shall be required to assist public emergency services.

(I) *Signs.*

(1) All signs within the private road or access easement shall be identified on the site plan and be in accordance with the Michigan Manual or Uniform Traffic Control Devices, unless the Township Board approves another type of design for consistency with the character of the development. Street signs shall be provided at all intersection.

(2) These signs shall contrast in terms of color with public street signs, and shall clearly indicate the road is private.

(J) *Road construction application.*

(1) Application for private road construction shall be made prior to the meeting date for which the applicant requests consideration.

(2) Prior to approval by the Township Planning Commission, the applicant shall prepare and provide 10 sets of a general development plan.

(3) The following additional information shall be submitted:

(a) Road maintenance agreement signed by applicant/owner(s) to be recorded with the Township Clerk and Genesee County Register of Deeds providing for:

1. A method of financing the construction and maintenance of the road in order to keep the road up to properly engineered specifications and free of snow or debris;

2. A workable method of assessing the costs of maintenance and improvements to current and future users; and

3. A notice that if repairs and maintenance are not made, the township may bring the road up to established county standards for public roads and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of 25% of total costs.

(b) Road easement agreement signed by the applicant/owner(s) to be recorded with the Township Clerk and Genesee County Register of Deeds providing for:

1. Easements to the public for purposes of emergency and other public vehicles and for whatever public utility services are necessary; and

2. A provision that the owners of the properties using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradepersons, delivery persons, and other bound to or returning any of the properties and having a need to use the road.

(Ord. 99, passed 11-18-1996, § 18.06)

§ 153.261 EXISTING NONCONFORMING PRIVATE ROADS AND ACCESS EASEMENTS.

(A) The township recognizes that there may exist private roads, service roads, and access easements which were lawful prior to the adoption of this chapter which are inconsistent with this section.

(B) The roads are declared by this section to be legal nonconforming roads or easements and shall continue to have the status so long as the roads or easements are maintained in a safe and physically sound condition as determined by the administrative official.

(C) New construction may occur on existing lots which front along the road or easement provided that the roads are reasonably capable of providing sufficient access for the uses permitted in the zoning district.

(D) Any reconstruction, widening or extension of a nonconforming private road or access easement shall be in conformity with this section.

(E) For purposes of determining whether a lot along a private road or access easement qualifies as an "existing lot" as used in this section, at least 1 of the following conditions must have existed at the time this chapter was adopted:

(1) The lot consists of a "condominium unit" for which a master deed had been recorded with Genesee County Register of Deeds in accordance with the requirement of the Michigan Condominium Act

and other applicable laws and ordinances;

(2) The lot consists of a parcel that was described by metes and bounds as recorded by a deed or as a land contract, and registered with the Genesee County Register of Deeds; and/or

(3) The lot has been assigned a unique parcel number by the Genesee County Register of Deeds and was individually assessed and taxed on that basis.

(Ord. 99, passed 11-18-1996, § 18.07)

OFF-STREET PARKING AND LOADING REQUIREMENTS

§ 153.275 PARKING REQUIREMENTS.

(A) Off-street parking facilities shall be constructed to the standards of this subchapter.

(B) The minimum required number of parking spaces shall be maintained and shall not be encroached upon.

(1) *Area for parking space.* For the purpose of this subchapter, 300 square feet of lot area shall be deemed a parking space for 1 vehicle, including access aisle.

(2) *Fractional requirement.* When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to, and including 1/2 may be disregarded and fractions over 1/2 shall require 1 parking space.

(3) *Location of parking space for 1 and 2-family dwellings.* The off-street parking facilities shall be located on the lot as the building they are intended to serve and shall consist of a parking strip, parking apron, and/or garage or carports.

(4) *Location of parking space for other land uses.* The off-street parking facilities required for all other uses shall be located on the lot or within 300 feet of the permitted uses requiring the off-street parking, the distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.

(5) *Seating capacity of bench type seating.* As used in this subchapter for parking requirements, seats shall mean that each 24 inches of seating facilities shall be counted as 1 seat.

(6) *Similar uses and requirements.* In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is so mentioned, and which the use is similar as interpreted by the Planning Commission, shall apply.

(7) *Existing off-street parking at effective date of chapter.* Off-street parking existing at the effective date of this chapter, which serves an existing building or use, shall not be reduced in size less than that required under the terms of this chapter.

(8) *Collective provisions.* Nothing in this subchapter shall be construed to prevent collective provisions of off-street parking facilities for 2 or more buildings or uses, provided the facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with § 153.277 below.

(9) *Prohibited parking.* Commercial highway trailers and trucks with a rated capacity exceeding 1 ton, excepting vehicles making deliveries or pickups, shall not be parked or stored on any land in a residential district.

(a) The following vehicles shall not be parked or stored on any land in a residential zoned district except under the conditions listed in division (9)(b) below:

1. All commercial highway trailers;

2. All trucks or other vehicles used for commercial or business purposes, with a gross vehicle weight exceeding 14,000 pounds.

(b) *Exceptions.*

1. Commercial vehicles making deliveries or pickups;

2. One vehicle not exceeding a gross vehicle weight of 19,000 pounds, and be less than 3 axles, which is used by the property owner or occupant in the course of employment (as in either a licensed home occupation permit issued by the township or the vehicle's use is a requirement of employment of an off-site business) and upon approval of the Zoning Administrator/Official based on the following considerations:

a. Vehicle is parked or stored in an existing designated driveway outside of the required front, side or rear yard setback areas;

b. Any other requirement deemed necessary by the Zoning Official.

(c) Any person aggrieved by a decision of the Zoning Official may appeal such decision to the township's Zoning Board of Appeals.

(Ord. 99, passed 11-18-1996, § 19.01; Am. Ord. 17-225, passed 8-15-2017; Am. Ord. 21-006-153.006 *et seq.*, passed 10-19-2021)

§ 153.276 PARKING UNITS OF MEASUREMENT.

(A) Where floor area is the unit for determining the required number of off-street parking and loading spaces, the unit shall mean the gross floor area (GFA), unless otherwise noted.

(B) (1) Where the floor area measurement is specified as gross leasable floor area (GLA), parking requirements shall apply to all internal building areas excluding the floor area used for incidental service, storage, mechanical equipment rooms, heating/cooling systems and similar uses, and other areas not intended for use by the general public.

(2) Where these areas are not yet defined, leasable floor area shall be considered to be 85% of the gross floor area.

(C) In calculating bench seating for places of assembly, each 24 inches of benches, pews or other like seating, shall be counted as 1 seat.

(D) Where the number of spaces required is based on the number of employees, calculations shall be based upon the maximum number of employees likely to be on the premises during the peak shift. When units of measurements determining the number of required parking or loading spaces result in a fractional space, any fraction shall be counted as 1 additional space.

(Ord. 99, passed 11-18-1996, § 19.02)

§ 153.277 OFF-STREET PARKING REQUIREMENTS.

The amount of required off-street parking space for new uses and additions to buildings shall be determined in accordance with the following table.

<i>Use</i>	<i>Number of Minimum Parking Spaces per Unit of Measure</i>
<i>Use</i>	<i>Number of Minimum Parking Spaces per Unit of Measure</i>
<i>Residential</i>	
Residential 1-family or 2-family unit	2 for each dwelling unit
Residential multiple-family	2 for each dwelling unit

Housing for the elderly	1 for each 2 units, and 1 for each employee; should units revert to general occupancy, then 2 spaces per unit shall be provided
Trailer park and mobile home park	2 for each mobile home site and 1 for each employee of the trailer or mobile home court
<i>Institutional</i>	
Churches and places of worship	1 for each 3 seats or 6 linear feet of pews in the main unit of worship
Hospitals	1 for each 1 bed
Homes for the aged and convalescent homes	1 for each 2 beds
Elementary and junior high schools	1 for each 1 teacher, employee, or administrator, in addition to the requirements of the auditorium
Senior high schools	1 for each 1 teacher and administrator and 1 for each 10 students, in addition to the requirements of the auditorium
Private clubs or lodge halls	1 for each 3 persons allowed within the maximum occupancy load as established by the township, county or state fire and health codes
Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses	1 for each 2 member families or individuals
Golf courses open to the general public	6 for each 1 golf hole and 1 for each 1 employee
Stadium, sports arena or similar place of outdoor assembly	1 for each 3 seats or 6 feet of benches
Theaters and auditoriums	1 for each 4 seats, plus 1 for each 2 employees.
<i>Use</i>	<i>Number of Minimum Parking Spaces per Unit of Measure</i>
<i>Business and Commercial</i>	
Auto wash; self-service	4 spaces for each establishment, plus 4 waiting spaces for each washing stall
Auto wash; other than self-service	4 spaces for each establishment plus 20 waiting spaces for each washing stall or line; a properly drained drying lane 50 feet long shall also be provided at the exit of each washing stall or line in order to prevent undue amount of water from collecting on the public street and, thereby, creating a traffic hazard
Beauty parlor or barber shop	3 spaces for each of the first 2 beauty or barber chairs, and 1-1/2 spaces for each additional chair
Bowling alleys	6 for each 1 bowling alley

Dance halls, pool or billiard parlors, roller or ice skating rinks, indoor tennis facilities, exhibition halls, and assembly halls without fixed seats	1 for each 2 persons allowed within the maximum occupancy load, as established by the township, county, or state fire, building or health codes
Dry cleaners	1 parking space for each 2 employees, with a minimum of 3 spaces
Establishments for sale of beverage, food, and refreshments consumption	1 for each 100 square feet of floor area or 1 for each 2 persons allowed within maximum occupancy, whichever is greater
Fast-food and drive-in restaurants	1 space for each 2 employees, plus 1 parking space for each 2 seats intended for patrons within the restaurant building, and 1 space for each 20 square feet of building floor area available in the order-waiting area
Furniture and appliance, household equipment, repair shops, showroom of plumber, decorator, electrician, or similar trade, shoe repair, and other similar uses	1 for each 800 square feet of useable floor area (for that floor area used in processing 1 additional space shall be provided for each 2 persons employed therein)
Automobile service stations	2 for each lubrication stall, rack or pit; and 1 for each gasoline pump or 1 for each 450 square feet of useable floor area
Laundromats and coin-operated dry cleaners	1 for each 2 washing machines
Miniature or "par-3" golf courses	3 for each 1 hole, plus 1 for each 1 employee
Mortuary establishments	1 for each 50 square feet of useable floor space
Motel, hotel, or other commercial lodging establishments	1 for each 1 occupancy unit, plus 1 for each 1 employee, plus extra spaces for dining rooms, ballrooms, or meeting rooms
Motor vehicle sales and service establishments	1 for each 200 square feet of useable floor space of sales room and 1 auto service stall in the service room
Open air businesses	1 for each 500 square feet of lot area for retail sales, uses, and services
Retail stores, except as otherwise specified herein	1 for each 150 square feet of useable floor space
Specialty shops	1 for each 200 square feet of floor space
Use	Number of Minimum Parking Spaces per Unit of Measure
Offices	
Banks and post offices	1 for each 50 square feet of publicly-used gross floor space, plus 1 space for each 2 employees
Business offices or administrative offices except as indicated below	1 for each 200 square feet of floor space
Clinics; medical, dental, veterinary	1 space for each employee, plus 1 space for each 150 square feet of floor space

Professional offices of doctors, dentists, or similar professions	1 for each 100 square feet of floor area, or 1 for each 25 square feet in waiting rooms, and 1 for each examining room, dental chair or similar use area, whichever is greater
<i>Industrial</i>	
Industrial, wholesale	5, plus 1 for every 1-1/2 employees in the largest working shift, or 1 for every 500 square feet of floor space, whichever is determined to be the greater; space on site shall also be provided for all construction workers during periods of plant construction
Self storage units	Un-obstructing parking area equal to 1 space for every 10 door openings

(Ord. 99, passed 11-18-1996, § 19.03)

§ 153.278 BARRIER FREE PARKING REQUIREMENTS.

(A) Each parking lot that services a building entrance, except single and 2-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the following table, and identified by signs as reserved for physically handicapped persons.

<i>Total Spaces in Parking Lot</i>	<i>Required Number of Accessible Spaces</i>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	8
301 to 400	12
Over 400	12+ (2 for every 250 or fraction thereof over 400)

(B) Parking spaces for the physically handicapped shall be a minimum of 12 feet wide and must meet all other applicable requirements of the American Disability Act.

(Ord. 99, passed 11-18-1996, § 19.04)

§ 153.279 PARKING SPACE LAYOUT, STANDARDS, CONSTRUCTION AND MAINTENANCE.

Wherever the off-street parking requirements in § 153.277 above require the building of an off-street parking facility, the off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:

(A) The construction of any parking lot shall be in accordance with the requirements and provisions of this chapter and the construction shall be completed and approved by the administrative official before actual use of the property as a parking lot commences;

(B) (1) All the parking lots shall be hard-surfaced with asphalt or concrete, and shall be graded and drained so as to dispose of surface water, which might accumulate within or upon the area.

(2) No surface water from the parking area shall be permitted to drain onto adjoining property, except through public drain;

(C) (1) All illumination for or on the parking lots shall be deflected away from adjacent residential areas and public roads and highways, and shall be installed in a manner so as to allow the reduction of the amount of light in other than normal parking hours each day.

(2) The source of illumination in all parking lots abutting a residential area shall not be more than 13 feet above the parking lot surface;

(D) Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for vehicles;

(E) Wheel chocks or curbing shall be provided, so located as to prevent any vehicle from projecting over the lot line;

(F) Off-street parking shall be permitted to occupy a portion of the required front yard setback area provided that there shall be maintained a minimum unobstructed and landscaped setback of 10 feet between the nearest point of the off-street parking area, exclusive of access driveway, and the nearest edge of the proposed right-of-way line;

(G) Off-street parking shall be permitted in a required side or rear yard setback area provided that there shall be maintained a landscaping area complying with §§ 153.315 through 153.322 below, between the nearest point of the off-street parking area and the side or rear lot line, when the property line abuts any residential district; and

(H) Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements.

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of 1 Tier of Spaces Plus Maneuvering Lane	Total Width of 2 Tiers of Spaces Plus Maneuvering Lane
0° (parallel parking)	12 feet	8 feet	22 feet	20 feet	28 feet
30° to 53°	13 feet	9 feet	19 feet	33 feet	53 feet
54° to 74°	18 feet	9 feet	19 feet	39 feet	60 feet
75° to 90°	24 feet	9 feet	19 feet	43 feet	60 feet

(Ord. 99, passed 11-18-1996, § 19.05; Am. Ord 148, passed 5-16-2006)

§ 153.280 OFF-STREET WAITING AREA FOR DRIVE-THROUGH FACILITIES.

On the same premises with every building, structure, or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided 3 off-street waiting spaces for each service window if other parking is provided and 10 spaces if no other parking is provided. An off-street waiting space is defined as an area 10 feet wide by 24 feet long, shall not include the use of any public space, street, alley, or sidewalk, and shall be located entirely within the Commercial Zoning District.

(Ord. 99, passed 11-18-1996, § 19.06)

§ 153.281 LOADING AND UNLOADING.

(A) On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way.

(B) The space shall be provided as follows.

	Total Floor Area of the Building	Off-Street Loading Space Requirements
Office use	2,000 to 10,000 square feet	1 usable loading space; 10 feet by 25 feet
	10,001 to 50,000 square feet	1 usable loading space; 10 feet by 50 feet
Commercial and industrial uses	0 to 1,400 square feet	1 usable loading space; 10 feet by 25 feet
	1,401 to 20,000 square feet	1 usable loading space; 10 feet by 50 feet
	20,001 to 50,000 square feet	2 usable loading spaces; each 10 feet by 50 feet

(C) All loading spaces shall be in addition to the off-street parking area access drive, and maneuvering lane requirements.

(D) Off-street loading space shall have a clearance of 13 feet 6 inches in height.

(E) Off-street loading space may be completely enclosed within a building, or may occupy a portion of the site outside of the building, provided that where any portion of a loading space is open to public view, the space shall be screened.

(F) All loading and unloading in the Industrial District shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard.

(G) In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in the exterior side yard when the setback is equal to at least 50 feet.

(Ord. 99, passed 11-18-1996, § 19.07)

SIGNS REGULATIONS

§ 153.295 PURPOSE.

(A) The township finds that signs and other visual outdoor advertising tend to promote commerce and are related to the health, safety, and/or general welfare of the residents of the township, and that the preservation of the existing character of the township requires regulation of signs and of other visual outdoor advertising.

(B) The township finds that failure to regulate the size, location, and construction of signs and other outdoor advertising may have an adverse effect upon the promotion of business and commerce in the township, may lead to poor identification of businesses, may have an adverse effect upon the existing aesthetic character of the township, and may cause deterioration of business and residential areas of the township.

(C) The purpose of this section is to permit the signs and visual outdoor advertising that will not, by reason of their size, location, or manner of display, endanger public health and/or safety; confuse or mislead traffic; or obstruct vision necessary for traffic and pedestrian safety; and further, to regulate signs

and other visual outdoor advertising in a way so as to prevent the placement of signs, and other visual outdoor advertising in a manner that will conceal or obscure other signs and other visual outdoor advertising on adjacent businesses.

(Ord. 99, passed 11-18-1996, § 20.01; Am. Ord. 173, passed 11-10-2008; Am. Ord. 09-177, passed 3-18-2009)

§ 153.296 SIGN DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN. A sign that advertises a bona fide business, lessor, owner, product, or activity no longer conducted or available upon the premises where the sign is displayed.

ACCESSORY SIGN. A sign that is accessory to the main or principal use of the premises.

ANIMATED SIGN. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

BANNER. Any sign printed or displayed upon cloth or other flexible material, with or without frames. National, state or municipal flags shall not be considered **BANNERS**.

BEACON. Any light with 1 or more beams directed into the atmosphere or directed at 1 or more points not on the same zone lot as the light source; also, any light with 1 or more beams that rotate or move.

BILLBOARD. A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

BUILDING MARKER. Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

BULLETIN BOARD/ANNOUNCEMENT SIGN. A sign related to a public school, parochial school, private school, public park, or recreation facility, church or other religious institution, which identifies activities or events to take place involving the patrons of the specific use.

CANOPY SIGN. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a **CANOPY**.

CHANGEABLE COPY SIGN.

(1) A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

(2) A sign on which the message changes more than 8 times per day shall be considered an animated sign and not a **CHANGEABLE COPY SIGN** for purposes of this subchapter.

(3) A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a **CHANGEABLE COPY SIGN** for purposes of this subchapter.

COMMUNITY EVENTS SIGN. A temporary sign announcing local community events sponsored by a public, quasi-public, church, charitable, or other similar organization.

CONSTRUCTION SIGN. A sign erected on a site designated on a valid building permit issued by the administrative official, which advises the public of the pertinent facts regarding the construction of the building and site improvements.

DEVELOPMENT IDENTIFICATION SIGN. A sign (either freestanding or wall) which identifies the name of the residential development or the developer, or type of residential structures included in the

development, and which is harmonious with the vicinity, where located.

FLASHING SIGN. An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

FREESTANDING SIGN/GROUND SIGN. A sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

HISTORICAL MARKER OR SIGN. A sign commissioned by either a local, state, or federal historical organization or agency which designates or describes an historic site, event, place, person, organization, structure, building, or group of structure or buildings which are determined historically significant.

IDENTIFICATION SIGN. A sign stating the name or description of the use of the premises on which the sign is located.

ILLUMINATED SIGN. Any sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

INCIDENTAL SIGN. A sign, generally informational, that has a purpose secondary to the use of the zoning lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives.

INFLATABLE SIGN. A sign consisting of a balloon or other gas filled figure.

INSTITUTIONAL BULLETIN BOARDS. A sign which displays the name of a religious institution, school, library, community center, or similar public or quasi-public institution, and the announcement of its services or activities.

MARQUEE. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MARQUEE SIGN. Any sign attached to, in any manner, or made a part of a marquee.

MONUMENT SIGN. A sign attached to a permanent foundation and not attached or dependent for support from any building, pole, posts, or similar uprights.

NAMEPLATE SIGN. A small sign not exceeding 2 square feet in area delineating the name of the residential property owner and/or address of the property, but containing no advertising whatsoever.

NON-ACCESSORY SIGN. A sign which is not accessory to the main or principal use of the premises.

NONCONFORMING SIGN. Any sign that does not conform to the requirements of this chapter.

PENNANT. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

POLITICAL CAMPAIGN SIGNS. A sign or poster announcing candidates seeking political office and/or political data pertinent there to.

PORTABLE SIGN. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; sign converted to A or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used in the normal day-to-day operations of the business.

PRIVATE TRAFFIC DIRECTION SIGNS. A sign directing traffic movement onto or within a premise located entirely there upon and containing no advertising message or symbol.

PROFESSIONAL SIGN. A small sign not exceeding 2 square feet in area delineating the name of the professional business, or organization and/or the address of the property, but containing no advertising

whatsoever.

PROJECTING SIGN. A sign other than a wall sign suspended from or supported by a building or structure and projecting there from, including marquee signs.

PUBLIC SIGN. Any sign erected by a state, county, or local authority having lawful jurisdiction over public property or right-of-way for the purpose of traffic control, public safety, or public information.

REAL ESTATE SIGN. A sign placed upon a property advertising that particular property for sale, rent, or lease.

RESIDENTIAL DEVELOPMENT SIGN. A sign placed on the premises of a subdivision, or other real estate development site, to identify a proposed start of development, the participants of the development (such as owner, contractor, architect, leasing agent, and the like), and relative date of availability.

RESIDENTIAL SIGN. Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering the service at the location conforms with all requirements of this chapter.

ROOF SIGN. Any sign erected and constructed wholly on and over the roof of a building supported by the roof structure.

SUBDIVISION SALE SIGN. A sign promoting the sale of lots or homes within a subdivision for which final plat approval has been received.

SUSPENDED SIGN. A sign suspended from the underside of a horizontal plane surface and supported by that surface.

SWINGING SIGN. A sign designed or constructed to move or pivot as a result of wind pressure, for the purpose of attracting attention.

TEMPORARY SIGN. A sign that is used only temporarily and is not permanently mounted.

WALL SIGN. A sign erected or fastened against the wall of a building, with its exposed face in a plane approximately parallel to the plane of the wall, and not extending more than 14 inches beyond the surface of the portion of the building wall on which it is erected or fastened.

(Ord. 99, passed 11-18-1996, § 20.02; Am. Ord. 173, passed 11-10-2008; Am. Ord. 09-177, passed 3-18-2009)

§ 153.297 GENERAL CONDITIONS.

Except as otherwise provided, the following conditions shall apply in all districts.

(A) (1) Prior to the erection or structural alteration of a sign, a building/zoning compliance permit shall be secured from the administrative/building official.

(2) A scale drawing of the outside dimensions of the sign, or the total area encompassed by a line around all lettering or symbols, shall be presented to the administrative official so that he or she may ensure that the provisions of this chapter are met.

(3) Evidence shall also be presented to the effect that the sign will be securely attached to the building or supporting structure, and will not present a hazard.

(4) For freestanding signs, a site development plan of the intended location of the sign, and a scale drawing of the total sign structure shall also be presented to the administrative official.

(B) Illumination of signs shall be so shaded and shielded as not to interfere with the vision of persons on adjacent roadways or neighboring properties.

(C) Signs, including canopy and awning signs, except those maintained by the township, county, state, or federal governments, shall not be located in, project into, or overhang a public right-of-way or dedicated

public easement; unless written permission has been obtained from the appropriate jurisdiction, and subject to the following requirements:

(1) Approval of all such signs, including the height, location, materials, construction, animation and signage, shall be reviewed and approved by the Planning Commission;

(2) No sign and or structure shall extend closer than 24 inches to any vehicular parking space or moving vehicle lane;

(3) No sign and or structure shall conflict with necessary sight distances for proper vehicular and pedestrian movements;

(4) No sign and or structure shall conflict with any existing or proposed landscape features, traffic control devices, adjacent properties and signs and pedestrian movements;

(5) All signs and or structures shall be maintained in a manner so as to continue its original appearance, and provide proper safety to the persons and property it may affect; and

(6) Signs may be double-faced, but each side of the sign shall have identical copy, and be flush with the other side.

(Ord. 99, passed 11-18-1996, § 20.03; Am. Ord. 173, passed 11-10-2008; Am. Ord. 09-177, passed 3-18-2009)

§ 153.298 RESIDENTIAL AND AGRICULTURAL DISTRICTS.

On-site signs may be permitted in residential and agricultural districts as follows:

(A) One professional sign or nameplate sign, not more than 4 square feet in area, which shall be non-illuminated;

(B) One non-illuminated temporary sign pertaining to the lease or sale of the premises upon which it is placed, not exceeding 16 square feet in total area, provided that it shall be removed within 15 days after the consummation of a lease or sale transaction;

(C) A sign or signs aggregating not more than 32 square feet in area, indicating the name of a church on the premises, its pastor and its activities;

(D) One temporary sign having a maximum area of 32 square feet, announcing the sale of lots or structures in any 1 subdivision, for a maximum period of 1 year;

(E) Signs permitted in the residential and agricultural districts shall not be erected closer to any adjacent street right-of-way line, provided that a nameplate sign not more than 4 square feet in area, as regulated above, may be placed anywhere within the front yard;

(F) One freestanding ground sign or wall sign, not over 16 square feet in area with a maximum height of 6 feet, may announce the sale of farm products grown on the premises;

(G) Subdivision identification signs, not exceeding 32 square feet for the primary entrance and 16 square feet for any secondary entrance; and

(H) In any residential district and or agricultural district, 1 non-illuminated sign, not exceeding 2 square feet and identifying a licensed home occupation, shall be allowed, mounted flat against the wall of the dwelling structure. The Planning Commission can review a request to allow the sign to be ground mounted and located in a front yard area, with a minimum setback of 5 feet from the front right-of-way line. A ground-mounted sign shall not be located in any required side yard setback area.

(Ord. 99, passed 11-18-1996, §20.04; Am. Ord. 173, passed 11-10-2008; Am. Ord. 09-177, passed 3-18-2009)

§ 153.299 COMMERCIAL AND INDUSTRIAL DISTRICTS.

On-site signs may be permitted in the commercial and industrial districts as follows.

(A) No on-site sign shall be permitted or allowed to display any goods or services that are not accessory to the business or businesses conducted on the property.

(B) No on-site sign shall be lighted by means of an external flashing or intermittent illumination source.

(C) Floodlights used for the illumination of any sign thereon, whether or not the floodlights are attached to or separate from the structures on which the sign is attached, shall not be directed in a manner so as to adversely affect adjoining or nearby residential properties or traffic;

(D) Signs may be erected on exterior wall areas, windows and or canopies, providing all of the following requirements are met:

(1) The area of a sign to be located on a building shall not exceed 15% of the area of the face of the wall upon which the sign or signs are attached, or 50% of the surface area of a canopy upon which the sign or signs are attached. The total area of all wall, window and or canopy signs shall not exceed 150 square feet. A single wall area calculation shall include the area of all windows and doors;

(2) All signs shall be flat, attached and parallel to the face of any building wall or canopy face complying with the following requirements:

(a) No wall or canopy sign shall extend farther than 14 inches from the face of the building or canopy upon which it is attached; provided, however, that where a sign extends more than 3 inches from the face of a wall, the bottom of the sign shall not be closer than 8 feet from the ground level below the sign; and

(b) The maximum height of a wall sign shall not exceed 12 feet, and the maximum width shall not exceed 60% of the width of the wall to which the sign is attached.

(c) Wall and canopy signs, as permitted, shall not extend or project above the highest elevation of the wall or canopy to which it is attached; provided, however, such signs may project above the wall when they are an integral part of the wall.

(E) Freestanding signs may be permitted with the following requirements:

(1) Each business location (1 per lot of record) or shopping center complex may be permitted 1 freestanding sign advertising the name and the establishment or shopping center complex, including any special company or brand name, insignia or emblem and special announcement of services.

(2) Freestanding signs shall be limited to 0.60 square feet per lineal foot of frontage of the occupied lot, up to a maximum of 75 square feet.

(3) Freestanding signs that include sign area for changeable and or animated displays may be increased by 24 square feet, subject to the following conditions

(a) The subject site shall have a minimum frontage of at least 100 feet;

(b) The minimum setback from any adjoining non-residential use district shall be not less than 25 feet;

(c) The minimum setback from any adjoining residential use district shall be not less than 49 feet;

(d) All freestanding signs that include animation or changeable copy shall be reviewed and approved by both the Building Official and the Planning Commission. Sign animation may be limited to display content pertaining to the business or businesses located on the property, and for civic or charitable event notifications.

(4) All supporting columns or posts for any freestanding sign shall not be greater than 8 inches in width, unless required by an architect or engineer in the design of the freestanding sign.

(a) Decorative features such as stone or brick are allowed and are excluded from the 8-inch-width requirement.

(b) No advertising shall be allowed on the supporting material, except that the property's address (6-inch numbers/letters maximum height) may be located on the supporting columns or post, so as to be visible to the public.

(5) Freestanding signs located less than 5 feet and greater than 1 foot from the front property line shall have an under-clearance of 8 feet from the natural grade.

(6) Freestanding signs located less than 10 feet and greater than 5 feet from the front property line shall not be greater than 3 feet in height, or have an under-clearance of less than 8 feet from the natural grade.

(7) Freestanding signs located greater than 10 feet from the front property line are not required to have an under-clearance from the natural grade, and are limited to the maximum sign height of 25 feet.

(8) Freestanding signs shall be located in a way so that no part of the structure extends over the public right-of-way, except those signs approved by the Planning Commission, as allowed by § 153.297(C), and shall be construed so as not to obscure vision and contribute to hazardous conditions.

(9) No freestanding sign shall be placed within a clear vision zone for a corner lot. The clear vision zone for a corner lot shall consist of a triangular area defined by the point of intersection of the right-of-way lines, and the 2 points extended along such lines a distance of 25 feet.

(10) The maximum height of all freestanding signs shall be limited to 25 feet.

(F) Customary lettering or other insignia that are a structural part of the dispensing of petroleum products, consisting only of the brand name of gasoline sold, leaded warning sign, a price indicator, and any other sign required by law, and not exceeding a total of 4 square feet on each pump; and if illuminated, the signs shall not be the flashing or intermittent-type, and shall not in any manner constitute a traffic hazard with respect to adjacent streets or intersections.

(Ord. 99, passed 11-18-1996, §20.05; Am. Ord. 138, passed 11-24-2003; Am. Ord. 173, passed 11-10-2008; Am. Ord. 09-177, passed 3-18-2009)

§ 153.300 PERMITTED SIGNS IN ALL DISTRICTS.

The following signs are permitted in all districts:

(A) Highway signs erected by the United States government, State of Michigan, Genesee County, or Charter Township of Montrose.

(B) Governmental use signs erected by governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or for governmental buildings.

(C) Directional signs in conjunction with drives or off-street parking areas, provided any such sign does not exceed 4 square feet in area, is limited to traffic control functions, and does not obstruct traffic vision.

(D) Historic markers or signs designating sites recognized by federal, state, or local historical commissions and/or organizations, as centennial farms, historic sites, or historical landmarks.

(E) Placards posted to control or prohibit hunting and/or trespassing within the township.

(F) Essential service signs denoting utility lines, railroad lines, hazards, and precautions.

(G) Memorial signs or tablets that are either:

(1) Cut into the face of a masonry surface; or

(2) Constructed of bronze or other incombustible material, when located flat on the face of a building.

(H) Temporary signs, not exceeding 4 square feet, may be placed for no more than 2 weeks, advertising noncommercial rummage sales, garage sales, or other similar used merchandise sales, as long as the sign is placed on private property with the owner's permission. No such sign shall be placed within the road right-of-way areas and within a clear vision zone as described in § 153.299(E)(9) above.

(I) Political signs promoting political parties, candidates or millage issues, not exceeding 32 square feet, may be placed on private property with the owners permission for no more than 45 days prior to an election, with such signs being removed within 3 days after the completion of the election. No such sign shall be placed within the road right-of-way areas and within a clear vision zone as described in § 153.299(E)(9) above.

(J) Special decorative displays or signs used for holidays, public demonstrations or promotion of civic welfare or charitable purposes, when authorized by the Planning Commission. In considering the authorization, the Planning Commission shall consider the following standards:

(1) The size, character, and nature of the display or sign;

(2) The duration or time period during which the display or sign will be utilized;

(3) The purpose(s) for which the sign display is to be erected;

(4) The arrangements made for the removal of the sign or display after the termination of its usefulness;

(5) The effect of the proposed sign or display on light and air circulation for lots that are both adjoining and in the surrounding neighborhood of the proposed sign or display; and

(6) Whether or not the sign or display will constitute a traffic hazard.

(K) Construction signs showing names of building contractors, professional firms, and lending institutions on sites under construction, not to exceed 24 square feet in area. The sign shall be confined to the site of the construction, construction shed or trailer, and shall be removed prior to the project receiving final approval or an occupancy permit by the Building Official.

(L) Portable signs, pennants, spinners and streamers, for a period of not more than 30 days for a total of 3 special events per year, provided the following conditions are met:

(1) They do not exceed 15 square feet in area on any side;

(2) They are not located closer than 10 feet to a street right-of-way;

(3) They may be illuminated, provided the lights are not flashing or intermittent, are not placed or designed so that they can be confused with, or appear similar to, a highway sign or traffic safety device, and are connected to an electrical outlet approved by state code;

(4) No portable sign shall exceed 10 feet in height; and

(5) No portable sign shall be located in a manner so as to interfere with vehicular or pedestrian traffic flow, visibility, or safety.

(M) Temporary signs (up no more than 30 days) announcing a community event.

(N) Flags and banners, up to a maximum of 10 on a zoning lot. Requests for more than 10 require Planning Commission approval.

(O) Building markers.

(P) Incidental signs.

(Ord. 99, passed 11-18-1996, § 20.06; Am. Ord. 173, passed 11-10-2008; Am. Ord. 09-177, passed 3-18-2009)

§ 153.301 PROHIBITED SIGNS.

The following signs are prohibited:

- (A) Permanent inflatable signs and beacons.
- (B) Signs that incorporate, in any manner or are illuminated by, any flashing or moving lights other than for the conveyance of noncommercial information requiring periodic change, such as temperature or stock averages, unless approval has been granted for the sign as allowed in § 153.299.
- (C) Permanent exterior banners, pennants, spinners and streamers, other than a sign as permitted by § 153.300 above.
- (D) Permanent signs painted directly on structures, or signs painted on, attached, or affixed to any tree, rock, or similar organic or inorganic natural matter or feature.
- (E) Exterior string lights used in the connection with a commercial premise, other than holiday decorations.
- (F) Any sign that is structurally or electrically unsafe.
- (G) Any business sign or sign structure, now or hereafter existing, that no longer advertises a bona fide business conducted or a product sold.
- (H) Any sign on a trailer or unlicensed motor vehicle parked in front of a business for the purpose of advertising a business, product or service of a business located on the premises where the vehicle or trailer is parked.
- (I) Any sign structure or frame no longer containing a sign.
- (J) Marquee and roof signs.
- (K) Off-site and billboard.

(Ord. 99, passed 11-18-1996, § 20.07; Am. Ord. 173, passed 11-10-2008; Am. Ord. 09-177, passed 3-18-2009)

§ 153.302 NONCONFORMING SIGNS.

Nonconforming signs shall not:

- (A) Be re-established after the activity, business, or usage to which it relates has been discontinued for 90 days or longer;
- (B) Be structurally altered so as to prolong the life of the sign or so as to change its shape, size, type, or design; or
- (C) Be re-established after damage or destruction, if the estimated expense of reconstruction exceeds 50% of the replacement cost as determined by the administrative official.

(Ord. 99, passed 11-18-1996, § 20.08 ; Am. Ord. 173, passed 11-10-2008; Am. Ord. 09-177, passed 3-18-2009)

LANDSCAPING STANDARDS

§ 153.315 PURPOSE.

- (A) Landscaping, greenbelts, and screening are necessary for the protection and enhancement of the environment and for the continued vitality of Charter Township of Montrose.
- (B) Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses.

(C) Screening is important to protect less-intensive uses from the noise, light, traffic, litter, and other impacts of intensive nonresidential uses.

(D) The purpose of this section is to set minimum standards for the protection and enhancement of the environment through requirements for the design and use of landscaping, greenbelts, and screening.

(E) The requirements set forth in this subchapter shall apply to all uses requiring site plan review. No site plan shall be approved unless the site plan shows landscaping consistent with the provisions of this section.

(F) Furthermore, where landscaping is required, a building permit shall not be issued until the required landscape plan is submitted and approved, and a certificate of occupancy shall not be issued unless provisions set forth in this section have been met or a performance bond has been posted.

(G) In cases where the use of an existing building changes or an existing building is altered or re-occupied, all of the standards set forth herein shall be met.

(Ord. 99, passed 11-18-1996, § 21.01)

§ 153.316 GENERAL REQUIREMENTS.

(A) Construction in any zoning district that abuts a residentially used or zoned parcel (except for an agricultural use or zoning), may be required to provide a greenbelt, fence, a protective wall or an earthen berm along the property lines.

(B) The Planning Commission shall determine the height of a protective faced brick or approved poured concrete decorative wall from 4 to 6 feet when not specifically determined by ordinance, in a manner as to be in harmony with the general character of the neighborhood; and the color of brick or facing shall be compatible with brick used in the area.

(C) (1) The determination shall be made prior to the approval of a site plan.

(2) When it is determined that a masonry wall will not be desirable, a 10-foot wide greenbelt buffer strip, a 4-foot to 6-foot chain link fence with or without view-obscuring vertical redwood pickets, an earthen berm or a pressure treated wood fence may be substituted by the Planning Commission.

(D) All required greenbelts, walls, berms, or fences shall be constructed with the standards cited in this section.

(1) Required walls or fences shall be located on the lot line, except where underground utilities or drainage requirements interfere, and except in instances where this chapter requires conformance with front yard setback lines abutting Residential Districts.

(2) The wall must rest on a concrete foundation which extends at least 42 inches in depth below the finished grade of the land.

(3) No like wall shall be constructed of exposed concrete block or cinder block, nor shall it be painted.

(E) Unless otherwise expressly directed by the provisions of this chapter, all protective walls, fences, or greenbelts shall be provided when required along and immediately joining the zoning district boundary line and shall be installed so as to lie wholly on the land of the owner seeking site plan approval.

(F) All protective walls, fences, or greenbelts required by this chapter shall be completely installed prior to the issuance of an occupancy permit for the use of the premises, except as provided hereinafter.

(G) Wherever in this chapter a greenbelt, planting or material in conjunction with a fence is required, it shall be planted and reasonably maintained with permanent plant materials to provide a screen to abutting properties.

(H) Suitable materials equal in characteristics to the plant materials listed with the spacing as required may be accepted by the Planning Commission.

(Ord. 99, passed 11-18-1996, § 21.02)

§ 153.317 LANDSCAPING DESIGN STANDARDS.

(A) Except as otherwise specified in the general requirements for each zoning district, all landscaping shall conform to the following standards.

(B) All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berms, or screening are required:

(1) All portions of the landscaped area shall be planted with grass, ground cover, shrubbery, or other suitable plant material, except that paved patios, terraces, sidewalks, and similar site features may be incorporated with Planning Commission approval;

(2) A mixture of evergreen and deciduous trees shall be planted at the rate of 1 tree for each 3,000 square feet or portion of landscaped open-space area;

(3) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings;

(4) In consideration of the overall design and impact of the landscape plan, the Planning Commission may reduce or waive the requirements outlined herein for general landscaping, or for landscaping in greenbelt areas, on berms, or as part of a screen, provided that any like adjustment is in keeping with the intent of this chapter; and

(5) The total landscaped area shall be the basis for determining the required number of trees or shrubs, irrespective of the portion which is devoted to patios, terraces, sidewalks, or other site features.

(Ord. 99, passed 11-18-1996, § 21.03)

§ 153.318 GREENBELT BUFFER.

Where required, greenbelts and greenbelt buffers shall conform to the following standards:

(A) A required greenbelt or greenbelt buffer may be interrupted only to provide for roads or driveways for vehicular access;

(B) Grass, ground cover, or other suitable live plant material shall be planted over the entire greenbelt area, except that paving may be used in areas of intensive pedestrian circulation;

(C) A minimum of 1 deciduous tree or evergreen tree shall be planted for each 30 lineal feet or portion thereof of required greenbelt length. Required trees may be planted at uniform intervals, at random, or in groupings; and

(D) For the purpose of determining required plant material, required greenbelt area length shall be measured along the length of the greenbelt area.

(Ord. 99, passed 11-18-1996, § 21.04)

§ 153.319 EARTH BERMS.

Where required, earth berms or landscaped berms shall conform to the following standards:

(A) The berm shall be at least 3 feet above the grade elevation, and shall be constructed with slopes no steeper than 1 foot vertical for each 4 feet horizontal with at least a 2-foot flat area on the top. For the purposes of this provision, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm;

(B) The berm area shall be planted with grass or other suitable ground cover to ensure that it withstands wind and weather and retains its height and shape;

(C) A minimum of 1 deciduous or evergreen tree shall be planted for each 30 linear feet or portion of required berm;

- (D) Eight shrubs per tree may be planted as substitute for trees required in division (C) above;
- (E) Required trees and shrubs may be planted at uniform intervals, at random, or in groupings; and
- (F) For the purpose of determining required plant material, required berm length shall be measured along the length of the berm.

(Ord. 99, passed 11-18-1996, § 21.05)

§ 153.320 PARKING LOT LANDSCAPING.

Off-street parking areas shall be landscaped as follows:

(A) (1) An area equal to at least 5% of the total parking area shall be used for interior landscaping, in off-street parking areas containing greater than 150 spaces.

(2) Whenever possible, parking lot landscaping shall be arranged to improve the safety of pedestrian and vehicular traffic, guide traffic movement, and improve the appearance of the parking area;

(B) Parking lot landscaping shall be no less than 5 feet in any single dimension and no less than 150 square feet in any single area and shall be protected from parking areas with curbing, or other permanent means to prevent vehicular encroachment onto the landscaped areas;

(C) The landscape plan shall designate the sizes, quantities, and types of plant material to be used in parking lot landscaping;

(D) Required landscaping elsewhere on the parcel shall not be counted in meeting the parking lot landscaping requirements; and

(E) A minimum of 1 deciduous tree shall be planted in each landscaped area.

(Ord. 99, passed 11-18-1996, § 21.06)

§ 153.321 LANDSCAPING OF RIGHT-OF-WAY AREAS.

Public rights-of-way adjacent to required landscaped areas and greenbelts shall be planted with grass or other suitable ground cover and maintained by the owner of the property as if they were part of required landscaped areas and greenbelts.

(Ord. 99, passed 11-18-1996, § 21.07)

§ 153.322 PLANT MATERIALS.

Whenever in this chapter planting is required, it shall be planted within 6 months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials.

(A) Plant material spacing:

- (1) Plant materials shall not be placed closer than 4 feet from the fence line or property line;
- (2) Plant materials shall be planted in 2 or more rows; plantings shall be staggered in rows;
- (3) Evergreen trees, as defined hereafter, shall be planted not more than 30 feet on centers;
- (4) Narrow evergreens, as defined hereafter, shall be planted not more than 3 feet on centers;
- (5) Deciduous trees shall be planted not more than 30 feet on centers;
- (6) Tree-like shrubs shall be planted not more than 10 feet on centers; and
- (7) Large deciduous shrubs shall be planted not more than 4 feet on centers.

(B) Suggested plant materials:

- (1) Evergreen trees; minimum 5 feet in height:
 - (a) Cedar;
 - (b) Fir;
 - (c) Spruce;
 - (d) Pine; and
 - (e) Douglas Fir.
- (2) Narrow evergreens; minimum 3 feet in height:
 - (a) Blue Columnar Chinese Juniper;
 - (b) Pyramidal Red-Cedar;
 - (c) Swiss Stone Pine; and
 - (d) Pyramidal White Pine.
- (3) Tree-like shrubs; minimum 4 feet in height:
 - (a) Flowering Crab;
 - (b) Mountain Ash;
 - (c) Redbud;
 - (d) Magnolia;
 - (e) Rose of Sharon; and
 - (f) Hawthorn.
- (4) Large deciduous shrubs; minimum 6 feet in height:
 - (a) Honeysuckle;
 - (b) Mock-Orange;
 - (c) Lilac;
 - (d) Burning Bush;
 - (e) Viburnum;
 - (f) Forsythia;
 - (g) Spirea;
 - (h) Hazelnut; and
 - (i) Privet.
- (5) Large deciduous trees; minimum 8 feet in height:
 - (a) Oak;
 - (b) Sycamore;
 - (c) Norway Maple;
 - (d) Hard Maple;
 - (e) Birch;

- (f) Beech; and
 - (g) Honeylocust.
- (C) Trees not permitted:
- (1) Box Elders;
 - (2) Soft Maple;
 - (3) Fruit Trees;
 - (4) Nut Trees;
 - (5) Willows;
 - (6) Elms;
 - (7) Poplars;
 - (8) Ailanthus (Chinese Tree of Heaven);
 - (9) All thorned trees and shrubs; and
 - (10) Ribes (Gooseberry).

(Ord. 99, passed 11-18-1996, § 21.08)

GENERAL PROVISIONS

§ 153.335 SCOPE.

It is the purpose of this subchapter to establish general requirements applicable to all uses of land and structures in this chapter, except as otherwise specifically identified herein.

(Ord. 99, passed 11-18-1996, § 22.01)

§ 153.336 SINGLE-FAMILY DWELLING REQUIREMENTS.

The intent of these requirements is to regulate single-family dwellings, to prescribe uniform standards, to provide for inspection and enforcement, to provide conditions and limitations for the construction and occupancy thereof, to protect surrounding areas from depressed property values and to protect the safety, health, and welfare of the residents and occupants thereof. These regulations do not apply to mobile home parks.

(A) No person, firm or corporation shall construct, build, or place a single-family dwelling on any lot without first obtaining a building permit from the township.

(B) Before a building permit may be issued for the construction of a single-family dwelling, the applicant must first petition the administrative official for a permit and shall submit 2 sets of lot layout plans which shall contain the following information:

(1) Statistical data, including the name and address of owner, size of lot, zoning classification, location of sewer and water, results of perk test, square feet, and number of rooms together with any other requirements as are reasonable and that the administrative official may require;

(2) A plan drawn to scale of 1 inch equals 20 feet showing the proposed layout of home, with driveway, auto parking, landscaping, well and septic locations, and any other information the administrative official deems necessary;

(3) The administrative official shall review the plan and communicate his or her approval or recommend plan modification to the applicant. In cases where modifications have been recommended, the applicant shall submit a revised plan to the administrative official for review;

(4) The administrative official shall approve the plan only upon a finding that the proposed construction will not cause undue hardships, create an unsafe or hazardous condition and that the proposed home should not depress real property value or be inconsistent with aesthetics of the immediate surrounding neighboring homes;

(5) The final plan, as submitted by the applicant, may be disapproved for any inadequacy found to be detrimental to the character or real property values of the neighborhood or detrimental to the public health, safety, and general welfare; and

(6) A denial of a building/zoning compliance permit by the administrative official/building official for failure to comply or meet the standard of this section may be appealed to the township's Zoning Board of Appeals.

(C) All single-family dwellings shall be subject to the requirements of the Township Zoning and Building Code, as amended. All like dwellings shall also be subject to all other laws and ordinances that pertain to the dwellings.

(D) The following general requirements are necessary to facilitate the orderly placement of new dwellings in single-family districts in conjunction with existing dwellings; to assure adequate construction and health standards; to provide for the development of safe, economical housing in the community; and to maintain property values:

(1) Single-family dwellings, including attached additions, and detached accessory structures shall comply with the minimum lot size, floor area, and setback requirements, and height limitations for the district in which the dwelling is proposed;

(2) A single-family dwelling shall be constructed to meet or exceed the requirements of the Township Building Code or the current United States Department of Housing and Urban Development (HUD) Mobile Home Construction and Safety Standards, as may be amended, whichever is applicable. Each modular or mobile home dwelling must bear an approved HUD certification label;

(3) All dwellings shall be firmly anchored to a permanent foundation to restrain potential displacement resulting from wind velocity. The foundation shall be designed to completely enclose the perimeter of the dwelling and all attached additions, and shall be constructed in conformance with the Township Building Code. If the dwelling is a mobile home or modular home, it shall comply with the manufacturer's pillar placement and load bearing capacity specifications, as may be applicable;

(4) All dwellings shall be connected to either municipal sanitary sewer and water service, to private on-site facilities, or to individual well and septic systems as may be approved by the County Health Department; and

(5) Prior to installation of a modular or mobile home dwelling on a permanent foundation any wheels and towing mechanism, including tongue, hitch assembly, and any other towing apparatus shall be completely removed. Axles may remain, although tires shall be removed.

(E) The following miscellaneous requirements shall apply to all residential dwellings:

(1) The dwellings shall provide a minimum width and depth of at least 24 feet;

(2) The dwellings shall have an overhang or eave as required by the building code for residential dwellings or be similar to the surrounding residential neighborhood;

(3) Any type of roofing materials generally acceptable and applied in a manner resulting in an appearance similar to, traditionally site-built dwellings in the vicinity may be used on the roof of the dwelling, attached additions, and detached accessory structures. However, in no case shall the pitch of the roof be less than 4 on 12;

(4) Dwellings shall have no fewer than 2 exterior doors, 1 of which shall enter upon a main living area in front of the dwelling, with the other located in either the rear or side;

(5) Steps designed to provide safe, convenient access to each exterior door shall be provided to the door area, or to porches accessible to the door area, when required by a difference in elevation between

the door sill and the surrounding grade;

(6) Dwellings shall be provided with exterior finished materials similar to that surrounding residential neighborhood;

(7) Dwellings shall have an exterior wall configuration which represents an average width-to-depth or depth-to-width ratio which does not exceed 3-to-1, or is in reasonable conformity with the configuration of dwelling units in the surrounding residential neighborhood;

(8) Additions attached to the dwelling shall be constructed in conformance with the requirements of the Township Zoning Ordinance, Township Building Code, HUD Mobile Home Construction and Safety Standards, and/or other laws and ordinances, as applicable;

(9) Detached accessory buildings shall be located on the lot or parcel in conformance with regulations for the placement of accessory buildings of this chapter; and

(10) The dwelling shall contain a storage area in a basement located underneath the dwelling, in an attic area, or in a separate structure of standard construction similar to, or of better quality than, the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever is less.

(F) (1) The dwelling shall be aesthetically compatible in design and appearance with other residences in the vicinity.

(2) The compatibility of design and appearance shall be determined in the first instance by the administrative official/building official. A denial of the compatibility and appearance of a structure by the administrative official/building official may be appealed to the Zoning Board of Appeals. In the event that the appeal includes a variance, an approval must also be obtained from the Zoning Board of Appeals as required by §§ 153.400 through 153.404.

(3) Any determination of compatibility shall be based upon the following standards:

(a) Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to its surroundings;

(b) Buildings shall have a good scale and be in harmonious conformance with permanent neighboring development;

(c) Materials shall:

1. Have good architectural character and shall be selected for harmony of the building with adjoining buildings;

2. Be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those that are architecturally harmonious, used for all building walls and other exterior building components wholly or partly visible from public ways;

3. Be of durable quality; and

4. In any design in which the structural frame is exposed to view, the structural materials shall be compatible within themselves and harmonious with their surroundings.

(d) Building components, such as windows, doors, eaves, and parapets, shall have good proportions and relationships to one another;

(e) Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view; and

(f) Compatibility shall be based upon the standards set forth in this section, as compared against the character, design, and appearance of the surrounding residential dwelling. The above standards shall not be construed to prohibit innovative design concepts involving matters such as solar energy, view, unique land contour, or relief from the standard designed home.

(Ord. 99, passed 11-18-1996, § 22.02; Am. Ord. 174, passed 11-10-2008; Am. Ord. 21-006-153.006 *et seq.*, passed 10-19-2021) Penalty, see § 153.999

§ 153.337 LOT SIZE AVERAGING.

Lot size averaging may be permitted if the Planning Commission determines that it will provide a better relationship of lots to the topography, vegetation, or other natural or human-made features when lot size averaging is permitted the following conditions shall apply:

(A) The number of lots shall not exceed the number allowed for the zoning district in which the development is located;

(B) Reduction of lot area or width below the minimum required for the zoning district may be permitted by the Planning Commission for not more than 1/3 of the total number of lots in the development;

(C) No lot shall have an area or width greater than 20% below that area or width required in § 153.200; and

(D) All computations showing lot area and the average resulting through this technique shall be provided by the applicant and indicated on the print of the preliminary plat.

(Ord. 99, passed 11-18-1996, § 22.03)

§ 153.338 SINGLE-FAMILY CLUSTER HOUSING OPTION.

The intent of this section is to permit the development of single-family residential patterns which, through design innovation, will introduce flexibility so as to provide for a more appropriate development in situations where the normal subdivision approach would otherwise be restrictive owing to the presence of environmentally sensitive lands on the site or the configuration of the site.

(A) In approving an area for the cluster housing option, the Planning Commission shall find at least 1 of the following to exist:

(1) The parcel to be developed has frontage on a major or secondary street and is generally parallel to the street and is of shallow depth as measured from the street;

(2) The parcel has frontage on a major or secondary street and is of a narrow width as measured along the street which makes platting difficult;

(3) The parcel is shaped in a way so that it contains acute angles which would make a normal subdivision difficult to achieve and has frontage on a major or secondary street;

(4) A substantial part of the parcel's perimeter is bordered by a major street which would result in a substantial proportion of the lots of the development abutting the major street;

(5) The parcel contains a floodplain or poor soil conditions which result in a substantial portion of the total area of the parcel being unbuildable. Soil test borings, floodplain maps or other documented evidence must be submitted to the Planning Commission in order to substantiate the parcel's qualification for cluster development; and/or

(6) (a) The parcel contains natural amenities which could be preserved through the use of cluster development.

(b) The assets may include natural stands of large trees, land which serves as a natural habitat for wildlife, unusual topographic features, or other natural assets which, in the opinion of the Planning Commission, should be preserved.

(c) Requests for qualification under these conditions must be supported by documented evidence which indicates that the natural assets would qualify the parcel under this option.

(B) In areas meeting the above criteria, the minimum yard setback, height, density, and minimum lot size per unit as required by § 153.200 may be waived.

(1) The minimum floor area for all dwelling units constructed under this option shall be at least equal to the minimum floor area requirements for the single-family residential district in which the cluster is to be constructed.

(2) The attaching of single-family dwelling units, one to another, may be permitted when the homes are attached by means of 1 or more of the following:

(a) Through a common party wall which does not have over 50% of its area in common with an abutting dwelling wall;

(b) By means of an architectural wall detail which does not form interior room space; and/or

(c) Through a common party wall in only the garage portion of an abutting structure.

(3) The maximum number of units attached in the above described manner shall not exceed 4.

(4) In a single-family cluster housing development, the dwelling unit density shall be no greater than if the gross land area were to be developed in the minimum square foot lot areas as required for each single-family district under § 153.200.

(5) A cluster subdivision in the agricultural district may receive a density bonus of 200% upon approval of the Planning Commission.

(6) Once a parcel of land is used in a cluster housing option, the remaining land will not be eligible for a density bonus under division (B)(5) above.

(7) Density shall not exceed 1 dwelling unit per 44,000 square feet, excluding road rights-of-way.

(C) Yard requirements shall be provided as follows:

(1) Spacing between any grouping of 4 or less 1-family units and another grouping of like structures shall be equal to at least 20 feet, measured between the nearest point of the 2 groupings. A grouping may include a single, freestanding unit;

(2) All the groupings shall be situated as to have 1 side of the building abutting onto a common open space;

(3) Any side of a building adjacent to a private service drive or private lane shall not be nearer to the drive or lane than 20 feet;

(4) Any side of a building adjacent to a public right-of-way shall not be nearer to the public rights-of-way than 30 feet;

(5) This nature of development, when abutting a front yard of an existing recorded subdivision which is not a part of the site plan submitted under this section, shall cause all dwelling units facing the subdivision to relate through its front or entrance facade and shall treat the side of the grouping as a front yard; and

(6) No building shall be located closer than 30 feet to the outer perimeter (property line) of the site.

(D) The maximum height of buildings shall be 35 feet.

(E) Site plans submitted under this option shall be accompanied by information regarding the following:

(1) The proposed manner of holding title to open land;

(2) The proposed method of regulating the use of open land; and

(3) The proposed method of maintenance of property and financing.

(Ord. 99, passed 11-18-1996, § 22.04; Am. Ord. 105, passed 11-10-1997)

§ 153.339 BUILDING GRADES.

(A) All required yards shall be maintained at a slope to cause the flow of surface waters to existing drainage systems, without causing any ponding or flooding upon any adjacent lands resulting from any change in elevation; provided, however, this shall not prevent the grading of a yard into landscaped depressions or terraced areas where adequate and safe means for the disposal of surface waters are constructed and maintained.

(B) When a new building is constructed or located on a vacant lot between 2 existing buildings, the yard around the new building shall be graded to meet the existing grades and permit runoff of surface waters without encroachment onto adjacent properties, except as the runoff follows drainage patterns as they exist.

(Ord. 99, passed 11-18-1996, § 22.05)

§ 153.340 BUILDINGS AND OR STRUCTURES ACCESSORY TO AGRICULTURAL AND SINGLE-FAMILY RESIDENTIAL USES.

Buildings and or structures accessory to agricultural and single-family residential uses shall be subject to the following regulations.

(A) Where the accessory buildings and or structures are structurally attached to a main building, it shall not exceed the ground floor area of the principal structure, and must conform to all regulations of this chapter applicable to main buildings.

(B) Where the accessory buildings and or structures are structurally detached from the main building, it shall comply with the following items:

(1) No detached accessory building and or structure shall be located in any required front yard setback area as required in § 153.200.

(2) All detached accessory buildings and or structures located outside of the required setbacks, as listed in § 153.200, but in a front yard area must comply with the following conditions:

(a) All such detached accessory buildings and or structures shall be located behind the front wall line of the main building on the adjoining properties.

(b) All such detached accessory buildings and or structures shall maintain a roof type and exterior wall covering to match or be compatible to that of the main principal residential dwelling unit located on the property.

(c) All such detached accessory buildings and or structures must maintain a 25-foot side yard setback from side or rear property lines of adjoining properties.

(d) All such detached accessory buildings and or structures shall not be placed directly in front of any living area of the main dwelling unit, unless the accessory building is located over 100 feet from the main dwelling unit.

(3) No detached accessory buildings and or structures may occupy more than 25% of a required rear yard, plus 40% of any non-required rear yard.

(4) (a) Detached accessory buildings and or structures shall not be located closer than 10 feet to any principal building or other accessory buildings and or structures, nor shall it be located closer than 10 feet to any rear or side lot line.

(b) Detached accessory buildings and or structures meeting all of the following requirements shall be permitted to be located within the 10-foot setback area from any principal building or other accessory buildings and/or structures. Such accessory buildings and or structures shall not be located closer than the required front, rear or side yard setback as listed for principal buildings in § 153.200.

1. The detached accessory buildings and or structures shall have a foundation not less than the minimum required by the Michigan Building Code for frost protection.

2. On any section of the detached accessory buildings and or structures located 5 feet or less from any principal building or other accessory building and or structure, a fire partition shall be provided of not less than a 1-hour fire resistance rating on the accessory building and or structure side.

3. The detached accessory buildings and or structures shall not be located closer than 15 feet to any side lot line.

(5) In subdivisions, detached accessory buildings and or structures of less than 150 square feet may be located as close as 5 feet to the side or rear lot line.

(6) Detached accessory buildings shall observe the following size requirements:

Parcel Size	Maximum Building Sizes	Maximum Number of Buildings
Up to 1 acre (43,560 square feet)	Accessory buildings shall be no greater than the foundation size of the main dwelling unit 160 square feet	1 1
Greater than 1 acre and less than 5 acres (217,800 square feet)	The total combined area of 2 accessory buildings shall not exceed 3,000 square feet 160 square feet	2 1
Greater than 5 acres (217,800 square feet)	The total combined area of 2 accessory buildings shall not exceed 4,000 square feet 160 square feet	2 1

Note: The maximum building lot coverage for all structures located on a single lot of record must be in compliance with § 153.200.

(7) Accessory buildings and or structures on corner lots shall comply with the following:

(a) For the purposes of determining setbacks as measured from the right-of-way line, a corner lot shall maintain the minimum required front yard setback on both road and/or street frontages.

(b) The required rear yard setback shall be applied to the yard opposite of the building's street address.

(8) No accessory buildings and or structures in a residential zoning district shall exceed 1 story or 18 feet in height, except for buildings accessory to agricultural uses.

(9) No accessory buildings and or structures shall be constructed prior to the completion of the footings of the principal building on the property.

(10) No accessory buildings and or structures shall involve any business, profession, trade, or occupation in the accessory buildings.

(11) Accessory buildings and or structures used in conjunction with a bona fide agricultural operation are exempt from the height limitation, restrictions on the number of buildings, and the floor area requirements noted above.

(12) When the placement of a detached accessory building and or structure is denied by the Building Official, an appeal before the Zoning Board of Appeals may be taken by the property owner. Notification of surrounding property owners, as required under § 153.427 of the code, must be complied with prior to the appeal being heard.

(C) A private solar energy system that is accessory to a principal use that is designed and built to serve the principal use of the property shall comply with the following requirements.

(1) Freestanding or ground-mounted solar energy systems shall comply with the following:

(a) SES shall not be located in any front yard area, except when said system is located near a rear yard area of an adjoining property and is located a minimum of 100 feet from any adjoining residential dwelling structure.

(b) SES shall not be located closer than 10 feet to any principal building or other accessory buildings and or structures located on the property. SES shall not be located closer than 10 feet to any rear or side lot line and be a distance of at least 100 feet from an adjoining residential dwelling structure.

(c) Private SES shall be restricted to a height of 12 feet.

(d) The total square feet of all solar energy systems shall not exceed the total square footage of the foundation of the principal dwelling unit located on the property.

(2) A roof-mounted solar energy system, including solar shingles, shall be installed in compliance with the Michigan Residential Building Code and shall not project more than 2 feet above the highest point of the roof it is located on.

(3) When the placement of any solar energy system is denied by the Building Official, an appeal before the Zoning Board of Appeals may be requested by the property owner. Notification of surrounding property owners, as required under § 153.427 of the code, must be complied with prior to the review.

(D) *Cargo containers.*

(1) The placement and use of any cargo container as an accessory building or structure, temporarily or otherwise, is prohibited in all zoning districts.

(2) For the purposes of this division, a **CARGO CONTAINER** shall be defined as a reusable vessel that was originally designed for or used in the packing, shipping, movement, or transportation of freight, articles, goods, or commodities, which is capable of being mounted or moved by rail, truck, or ship, including any other portable containers or pods used for storage with similar appearance and characteristics of cargo containers.

(3) This division shall not apply to the temporary use of storage containers for construction activities on properties with a valid, current, and appropriate building or zoning permit.

(4) An administrative permit may be granted by the Zoning Official or his/her designee, not to exceed 14 days, for the use of such a container while in the active process of moving to or from the property on which the container is placed.

(Ord. 99, passed 11-18-1996, § 22.06; Am. Ord. 111, passed 5-18-1998; Am. Ord. 170, passed 9-16-2008; Am. Ord. 12-198, passed 1-15-2013; Am. Ord. 18-231, passed 12-18-2018; Am. Ord. 21-003-153.340, passed 9-21-2021; Am. Ord. 21-006-153.006 *et seq.*, passed 10-19-2021)

§ 153.341 ACCESSORY BUILDINGS IN OTHER DISTRICTS.

(A) In multiple-family, commercial or industrial districts, accessory buildings shall only occupy the ground area that the principal building is permitted to cover.

(B) Accessory buildings, such as buildings for parking attendants, guard shelters, gatehouses, and transformer buildings, may be located in the front or side yard in the districts, only upon Planning Commission approval.

(Ord. 99, passed 11-18-1996, § 22.07 ; Am. Ord. 170, passed 9-16-2008)

§ 153.342 HORSES.

The keeping of horses for recreational purposes shall be permitted in all zoning districts upon a land area of not less than 5 acres provided that the use shall be for the private/personal use of the owner or lessee of the land, his or her family, and friends and friends and shall not constitute a commercial occupation nor a public stable.

(A) (1) No barns, pens or corrals shall be located closer than 200 feet from all property lines or less than 150 feet from all street right-of-way lines.

(2) Provided further that the minimum side yard setback shall be reduced 1 foot for each additional foot that the barn, pen or corral is setback from the existing right-of-way over 150 feet.

(3) Provided further that the side yard setback shall not be reduced below a minimum of 50 feet.

(B) At least 2 acre shall be provided for each horse kept, except that the number of horses now existing on each parcel where horses are presently kept for recreational purposes may be continued under the non-conforming use provisions of this chapter, and subject to all conditions therein.

(C) Foals born on parcels where horses are presently kept may be kept on the parcel for 2 years even though the additional horses may increase the number of horses on the parcel beyond the 1 horse per 2 acres limitation, but in no case shall there be more than 1 foal per 2 acres.

(Ord. 99, passed 11-18-1996, § 22.08; Am. Ord. 131, passed 5-15-2001)

§ 153.343 FENCES.

Fences are permitted, or required subject to the following:

(A) (1) Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard shall not exceed 6 feet in height, measured from the surface of the ground, and shall not extend into the front of the lot nearer than the front of the house or the required minimum front yard measured from the road right-of-way, whichever is greater.

(2) In addition, no solid (opaque) fence located within the front yard shall exceed 2 feet in height within a clear vision zone or 4 feet otherwise;

(3) In addition, where a property's front yard is located adjacent to an adjoining property's rear yard, a solid (opaque) fence, not greater than 6 feet in height, with the good side of the fence facing outwards may be placed so it does not extend into the front of the lot nearer than the front of the house on the adjoining lot or the required minimum front yard measured from the road right-of-way, whichever is greater;

(B) Recorded lots having excess of 2 acres and having a frontage of at least 200 feet, not included in a recorded plat, and parcels in agricultural zoned districts, are excluded from these regulations;

(C) Fences shall not contain barbed wire, razor wire, electric current or charge of electricity. Agricultural uses may provide barbed wire or fencing containing an electric current or charge of electricity when the fence is utilized to contain livestock;

(D) Barbed wire fences may be permitted for enclosing public utility facilities and industrial uses when installed for public safety. If used, barbed wire shall be no closer than 6 feet to the ground;

(E) Fences which enclose public institutional uses, parks, playgrounds, or public landscaped areas and essential services, situated within an area developed with recorded lots shall not exceed 8 feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than 25% of their total area; and

(F) All fences in any zoning district shall comply with the requirements of the Building Code as it applied to fence installation and materials.

(Ord. 99, passed 11-18-1996, § 22.09 ; Am. Ord. 09-182, passed 11-10-2009; Am. Ord. 10-187, passed 9-21-2010)

§ 153.344 ONE PRINCIPAL BUILDING PER LOT.

In the AG, RF and RS Zoning Districts, only 1 principal single-family residential dwelling unit shall be placed on a lot of record. This section shall not be interpreted to prevent the construction of single-family

detached dwelling units on a parcel or zoning lot pursuant to the provisions of § 153.219(V) and (W), and § 153.237.

(Ord. 99, passed 11-18-1996, § 22.10; Am. Ord. 167, passed 5-20-2008)

§ 153.345 LOT, HEIGHT, YARD PROJECTION, AND CORNER LOT REQUIREMENTS.

(A) *Lot area.* In the determination of a lot area where a structure is to be erected, altered, or used, no road right-of-way shall be included in the computation of the required minimum lot area.

(B) *Lot width.* Width of a lot shall be as described in the definitions section of this subchapter; provided, however, that the width of lots on cul-de-sacs, eyebrows, and the radius of curves shall not be less than 80% of the minimum required width.

(C) *Height limitations.* The limitations affecting the height of structures shall not apply to the appurtenant appendages and structures such as parapet walls not exceeding 3 feet in height, farm buildings, chimneys, smokestacks, church spires, flagpoles, communication and water towers, masts and aerials, public monuments, penthouse for mechanical equipment, and water tanks; provided, however, the appendages and structures shall comply with all other provisions of this or any other applicable section; and provided the Planning Commission may specify a height limit for any like structure as a conditional use permitted.

(D) *Yard projections.* All front, side, and rear yards shall be the minimum distance measured from the principal structure to the respective front, side, or rear lot line. All projections 3 feet or less in depth shall be excluded from the measurement.

(E) *Corner lots.*

(1) For the purposes of determining setbacks as measured from the right-of-way line, a corner lot shall maintain the minimum required front yard setback on both road or street frontages.

(2) The required rear yard setback shall be applied to the yard opposite of the building's street address.

(Ord. 99, passed 11-18-1996, § 22.11)

§ 153.346 CLEAR VISION ZONE.

There shall be a clear vision zone at all corners of intersecting roads, or road junctions, consisting of a triangular area defined by the point of intersection of the right-of-way lines and the 2 points extended along the lines a distance of 25 feet from the point of intersection, and within which area no obstruction to vision, excluding existing topography shall be permitted from a height of 2 feet to 8 feet above centerline elevation of abutting streets except that not more than 2 trees with trunks of not more than 30 inches in diameter each, and clear of any branches for the heights may be located within the area; provided, however, that this section shall not prohibit the requirement of a greater clear vision area where it is necessary in view of permitted traffic, anticipated traffic volumes, or geographic conditions, as may be required by the Genesee County Road Commission.

(Ord. 99, passed 11-18-1996, § 22.12)

§ 153.347 LOT GRADES.

(A) All structures shall be constructed or located with a ground elevation so as to provide a sloping grade to cause the surface drainage to flow away from the walls of the structures, while also not negatively affecting abutting properties.

(B) Grades on any lot upon which new construction or earth movement is to be carried out shall be related to existing grades and drainage systems so as to provide adequate drainage and not jeopardize the existing drainage systems, and shall be approved by the administrative official and other authorities having jurisdiction over the system.

(C) No premises shall be filled or graded so as to discharge surface run-off on adjoining premises in such a manner as to cause ponding or surface accumulation of such run-off thereon. In instances where the final grade is above that of any adjacent properties, it is the responsibility of the property owner to construct swale ditches or provide other satisfactory means of preventing surface water from draining onto adjacent properties.

(Ord. 99, passed 11-18-1996, § 22.13; Am. Ord. 13-199, passed 2-19-2013) Penalty, see § 153.999

§ 153.348 CURB CUTS AND DRIVEWAYS.

(A) Curb cuts and driveways may be located only upon approval by the Planning Commission and other county and state authorities as required by law; provided, however, the approval shall not be given where the curb cuts and driveways shall cause an unreasonable increase in traffic hazards.

(B) A clear vision zone shall be provided when driveways intersect with a public right-of-way. The clear vision zone shall be measured in the following manner.

(C) The triangular areas referred to above are:

(1) The area formed at the corner intersection of a public right-of-way and a driveway, 2 sides of the triangle area being 10 feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these 2 sides; and

(2) The area formed at a corner intersection of 2 public rights-of-way lines, the 2 sides of the triangular area being 25 feet in length measured along the abutting public rights-of-way lines and the third side being a line connecting these 2 sides.

(Ord. 99, passed 11-18-1996, § 22.14) Penalty, see § 153.999

§ 153.349 RUMMAGE SALES PROHIBITED EXCEPT UNDER CERTAIN CONDITIONS.

It shall be unlawful for any person, firm, corporation, or organization to conduct or operate a rummage sale, garage sale, yard sale, or basement sale in the Charter Township of Montrose, unless all of the following conditions are met:

(A) The sale shall be conducted only by the owners or occupants of the premises on which the sale is located, or by a church, charitable organization or service club with the written consent of the owners or occupants of the premises;

(B) The sale shall be discontinued at the end of the eighth calendar day following the date that the sale was commenced, regardless of whether or not the sale was operated continuously or on consecutive days;

(C) No signs advertising the sale shall be left where posted upon completion of sale, signs must have name and address of owners or occupants of the premise on which sale is located;

(D) Not more than 2 like sales shall be conducted on any particular premises in any calendar year; and

(E) No person, firm, corporation, or organization shall commence the sale until a permit for same has been obtained from the Charter Township of Montrose Clerk on forms provided by the township.

(Ord. 99, passed 11-18-1996, § 22.15) Penalty, see § 153.999

§ 153.350 OUTDOOR MERCHANDISING.

No person or business shall use any area of a road right-of-way for displaying for sale or storing of any goods or any other articles.

(Ord. 99, passed 11-18-1996, § 22.16) Penalty, see § 153.999

§ 153.351 TEMPORARY BUILDINGS AND STRUCTURES.

Temporary buildings and structures, including trailers, incidental to construction work on a lot, may be placed on the lot, subject to the following restrictions:

(A) Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies, and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot;

(B) The placement of temporary buildings and structures shall be in conformance with the requirements of this chapter. A building permit for the building or structure shall be issued by the administrative official prior to installation; and

(C) Temporary buildings and structures shall be removed from the lot within 15 days after an occupancy permit is issued by the Building Administrator for the permanent structure on the lot, or within 15 days after the expiration of a building permit issued for construction on the lot.

(Ord. 99, passed 11-18-1996, § 22.17) Penalty, see § 153.999

§ 153.352 TEMPORARY LIVING QUARTERS.

(A) Nothing in this chapter shall prohibit the use of a structure which meets all requirements of the Township Building Code and the other sections of this chapter, except for the minimum width and foundation requirements, as temporary living quarters if the structure is only used upon a lot while construction is diligently pursued upon a primary residence on the lot which residence meets all the requirements of the Township Building Code and this chapter.

(B) Use of a structure as described in division (A) as temporary living quarters shall be approved by the Planning Commission as a temporary use permit.

(1) All health requirements affecting the provision of water and sanitary sewer service must be complied with and approved by the administrative official.

(2) A structure approved for use as a temporary living quarters shall be installed or so placed in accordance with the building codes or the manufacturers recommendations, and must be safely anchored to the ground in compliance with the building codes or manufacturers recommendations.

(3) A use shall not continue for more than 1 year, unless an extension of time not to exceed 90 days is granted by the Planning Commission upon a finding of practical difficulty. Nothing in this section or this chapter shall permit the occupation of a cellar without a complete residential structure thereon sufficient to quality for the issuance of an occupancy permit, except as otherwise specifically provided.

(4) Travel trailers, recreational vehicles, and "fifth wheels" may not be used as temporary living quarters.

(C) When temporary living quarters are going to be used primarily for assisted living care and so located on an existing occupied parcel of land, the temporary living quarters shall be reviewed and approved in the same manner as described in item (B) above, and shall comply with all of the requirements of § 153.336, Single-family dwelling requirements.

(Ord. 99, passed 11-18-1996, § 22.18 ; Am. Ord. 174, passed 11-10-2008) Penalty, see § 153.999

§ 153.353 PRIVATE SWIMMING POOLS.

(A) (1) Every person owning land on which there is located a swimming pool (below ground or above ground) which contains 24 inches or more of water in depth at any point, shall erect and maintain a fence or enclosure approved by the administrative official surrounding the pool sufficient to make the pool inaccessible to small children.

(2) The fence or enclosure, including the gates, shall not be less than 4 feet or greater than 6 feet above grade.

(3) All gates shall be self-latching with latches placed on less than 4 feet above grade or otherwise made inaccessible from the outside to small children.

(B) Swimming pools, 2 feet or less above grade at any point shall not be located less than 4 feet from any lot line.

(C) Swimming pools, in excess of 2 feet above grade at any point shall not be located less than 10 feet from any lot line.

(D) Swimming pools shall not be located in any front yard.

(Ord. 99, passed 11-18-1996, § 22.19) Penalty, see § 153.999

§ 153.354 APPROVAL OF TEMPORARY USES.

(A) The Township Planning Commission shall review and approve all temporary use permits provided, however, that the temporary use is first determined by the Planning Commission as meeting the "standards for approval" as provided for in division (B)(2) below.

(B) Temporary uses shall include, but not be limited to the following: off-site tent sales, off-site produce stands, firework display stands, firewood, or Christmas tree sales, pond excavations (for recreational use), carnivals, temporary storage trailers, or storage yards.

(1) *Application and submittal requirements.* The application for a temporary use permit shall be accompanied by plans and specifications including a plot plan drawn to scale showing the following:

(a) The shape, location and dimensions of the lot, including the shape, size and location of all buildings or other structures already on the lot, off-street parking layout, and the location of any designated fire lanes;

(b) The materials to be utilized in and the shape, size, and location of all buildings and structures to be erected or moved onto the lot;

(c) Prior to any approval the Planning Commission may request information on the anticipated automobile traffic flow to and from the lot and any adjacent thoroughfares, loss of off-street parking spaces, if any, as well as the anticipated flow of pedestrian traffic to and from the lot; and

(d) Ten copies of the application, plans and specifications shall be submitted along with an application fee, which shall be non-refundable. The application fee shall be established by resolution of the Township Board.

(2) *Standards for approval.* A temporary use permit shall only be granted if the Planning Commission determines that the proposed use, including the erection of any temporary buildings or structures, will:

(a) Provide adequate light and ventilation between buildings and structures;

(b) Provide adequate automobile and pedestrian traffic flow and provide adequate off-street parking;

(c) Provide adequate lot access for fire protection purposes;

(d) Not adversely affect the stability and integrity of the zoning plan prescribed by this chapter or otherwise interfere with the protection of public health, safety, and general welfare;

(e) Not be incompatible with or otherwise adversely affect the physical character of the community and, in particular, the surrounding area within a distance of 500 feet; and

(f) When the proposed temporary use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which the temporary special use is to be located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area, signs, and off-street parking. In no instance shall signs, parking, buildings, produce, or other site features occupy a public right-of-way.

(3) *Pre-manufactured buildings.* The Planning Commission may permit in any residential district the temporary location of a pre-manufactured building for a period that active construction is in progress, provided:

(a) The use shall be only for offices for the specific purpose of selling lots or new homes to be erected in a new subdivision;

(b) The use shall be for temporary residential housing due to a fire or other act of god. Notwithstanding these provisions, the Township Building Official may, for a period not to exceed 30 days permit the establishment of emergency housing facilities upon a finding that the housing shall be provided in a safe and sanitary condition and shall comply with the applicable zoning regulations for the district in which the temporary use is to be located, including all requirements pertaining to setbacks, maximum percentage of lot coverage and off-street parking;

(c) All applicable building height, bulk, and area requirements of the district are met; and

(d) The structure shall be removed from the property upon completion of the first permanently built model home intended for display, or the completion of a renovation project and the issuance of an occupancy permit by the Building Official, but in no case shall the pre-manufactured dwelling remain beyond the time limitation specified above.

(4) *Granting of permits.* The Planning Commission, in granting permits for temporary uses described in this section, shall do so under the following conditions:

(a) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district, nor on the property wherein the temporary use is permitted;

(b) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of the temporary permit;

(c) All setbacks, land coverage, off-street parking, signage, lighting, and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the township shall be made at the discretion of the Planning Commission;

(d) The use shall be in harmony with the general character of the area; and

(e) The Planning Commission may grant as an original condition the authority to renew a temporary permit that might be annual in nature, such as tent sales, sidewalk sales, firewood, or Christmas trees and other similar uses, to the Building Official. The annual renewal must comply with all conditions as first set by the Planning Commission. In the event that any of the conditions as set by the Planning Commission have not been complied with, or that a change has been made to an approved plan or that written complaints of the temporary use have been received, renewal must be obtained through the Planning Commission in the same manner as the original approval.

(5) *Exemption.* A temporary use that has been approved by the Township Board, on township owned property would be exempt from any approval from the Township Planning Commission.

(6) *Notice.*

(a) No temporary use permit shall be granted in an Agricultural or Residential District without first giving notice to owners of adjacent properties of the time and place of a public hearing to be held as provided for in § 153.217 above.

(b) A temporary use that is annual in nature where the Planning Commission has granted its renewal through the Building Official and is in compliance with all approved conditions may not be subject to additional public hearings as provided for in § 153.217 above.

(c) A public hearing would be required if written complaints have been received, the site plan has changed, or there are any violations of the conditions established by the Planning Commission.

(7) *Review*. The Planning Commission may seek the review and recommendations of the Township's Planning Consultant and/or Township Attorney prior to approving any temporary use.

(8) *Cash deposit*. The Planning Commission may require a cash deposit from the applicant for a temporary use to reimburse the township for any costs incidental to the policing of the activity.

(9) *Appeal*. A decision on a temporary use by the Planning Commission may be appealed directly to the township's Zoning Board of Appeals.

(Ord. 99, passed 11-18-1996, § 22.20; Am. Ord. 145, passed 1-17-2006; Am. Ord. 174, passed 11-10-2008; Am. Ord. 21-006-153.006 *et seq.*, passed 10-19-2021)

§ 153.355 RECREATIONAL VEHICLE STORAGE.

(A) The open parking or storage of trailers, boats or similar vehicles on lands not specifically designated for the parking and storage shall be permitted for a period of up to 24 hours.

(B) Homeowners or occupants of any residential dwelling unit of the township may store their own trailer, boats, and similar vehicles on their own property for an indefinite period of time under the following conditions:

(1) Vehicles are properly licensed and in operable condition;

(2) Vehicles are not stored in front of any livable space of a dwelling unit, except where there exists an approved driveway and/or a property's front yard is located adjacent to an adjoining property's rear yard; and

(3) Vehicles are not stored within any required setback areas.

(C) However, a homeowner may have a travel trailer, boat or similar vehicle parked on a single-family lot for a period of up to 4 weeks provided a permit has first been secured from the administrative official.

(D) A travel trailer parked or stored on a residential lot shall not be connected to sanitary facilities and shall not be occupied on a continuous basis.

(E) A mobile home shall not be considered a travel trailer, motor home, or any other type of recreational vehicle.

(Ord. 99, passed 11-18-1996, § 22.21; Am. Ord. 17-223, passed 2-21-2017)

§ 153.356 SCREENING OF TRASH STORAGE AREAS.

(A) (1) In all Multiple-Family, Commercial and Industrial Districts there shall be provided an outdoor trash storage area.

(2) Any like area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition.

(3) The requirement for a like trash storage area may be waived by the Planning Commission upon a finding that it is unnecessary due to the nature of the use, or provisions for indoor trash storage.

(B) (1) A screen wall of 6 feet in height shall enclose 3 sides of the storage area.

(2) Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls.

(3) The surface under any like storage area shall be constructed of concrete which complies with local building code requirements.

(C) In no instance shall any refuse be visible above the required screening.

(D) (1) Any like storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses.

(2) The Planning Commission may require an obscuring gate when the visibility of a storage area, from a public street or adjacent use, is deemed to render an adverse influence.

(3) In no instance shall any like area be located in a front yard.

(E) All trash storage areas and/or enclosures shall be located a minimum of 10 feet from any building or structure.

(Ord. 99, passed 11-18-1996, § 22.23)

§ 153.357 ANTENNAS AND TOWERS AND SATELLITE DISH ANTENNAS.

Radio or television antennas or towers, including satellite dish antennas and transmission or reception antennas erected or installed in any zoning district shall comply with the following requirements:

(A) An antenna or tower, with the exception of a satellite dish antenna, shall be located only in a side or rear yard. A satellite dish antenna shall be located only in a rear yard;

(B) No portion of antenna, including a satellite dish antenna, shall be located closer than 6 feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement;

(C) Ground-mounted antenna, including satellite dish antennas, in a yard fronting on a public street shall be screened from the street by landscaping or a wall and the site approved by the Planning Commission, which shall require a sketch plan indicating the location of the satellite dish and buildings, paved areas and other appropriate site features within 100 feet of the proposed location;

(D) The height of an antenna, with the exception of a satellite dish antenna, shall not exceed 50 feet above mean grade or 10 feet above the peak of the roofline, in any residential zoning district, and shall not exceed 100 feet above mean grade in any other zoning district;

(E) The height of a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed 15 feet in height at its maximum point above mean grade;

(F) Notwithstanding the above, a satellite dish antenna having a diameter of 24 inches or less may be attached to the roof of a building, provided that no portion of the satellite dish antenna extends more than 36 inches above the highest point of the roof; and

(G) The installation of an antenna, including satellite dish antenna, shall require issuance of a building permit by the administrative official prior to erection.

(Ord. 99, passed 11-18-1996, § 22.24)

§ 153.358 ON-SITE SEWAGE DISPOSAL SYSTEMS.

Before any building permit shall be issued under the terms of this chapter, the applicant shall obtain the endorsement in writing from the Genesee County Health Department or the administrative official approving his or her plan for any on-site sewage disposal system in accordance with the applicable regulations of the Genesee County Sewage Disposal District No. 2 and 6.

(Ord. 99, passed 11-18-1996, § 22.25)

§ 153.359 WATER SUPPLY.

(A) Every building or structure hereafter erected or moved upon any premises and used in whole, or in part, for dwelling, recreational, business, commercial, or industrial purposes shall be provided with a safe, adequate, and sanitary water supply. All plumbing work relating to the water supply system shall conform to the standards of material and installations set forth by the Michigan State Plumbing Code, a copy of which is on file in the Township Clerk's Office.

(B) Where a public water system is not available, each fixture from which water for human consumption may be obtained shall be supplied from a system which meets the minimum requirements of

the State of Michigan, the Genesee County Health Department and the Michigan State Department of Health.

(Ord. 99, passed 11-18-1996, § 22.26) Penalty, see § 153.999

§ 153.360 LIVESTOCK.

(A) (1) The minimum land area required for the housing and breeding of livestock such as cattle, sheep, swine, goat, poultry, fowl, or rabbit that equal 1 animal unit shall be 4 acres.

(2) No more than 1 animal unit of livestock may be kept on the minimum land area of 4 acres. One additional animal unit of livestock may be kept on each additional 1 acre of land.

(B) Adequate housing, pens and fencing shall be constructed before the placement of livestock, poultry, fowl, or rabbits on a parcel of land.

(C) (1) Parcels of land devoted to the housing or breeding of livestock, poultry, fowl, or rabbits, shall not have: pens; corrals; or barns located closer than 200 feet to any side property line or less than 150 feet to any existing right-of-way.

(2) Further, the minimum side yard setback shall be reduced 1 foot for each additional 2 feet that the pen, corral, or barn is setback from the existing right-of-way over the required 150 feet.

(3) Further, that the side yard setback shall not be reduced below a minimum of 50 feet.

(D) Livestock, poultry, fowl, or rabbits may be kept in any zoning districts.

(Ord. 99, passed 11-18-1996, § 22.27; Am. Ord. 115, passed 1-18-1999; Am. Ord. 132, passed 5-15-2001)

§ 153.361 ADULT ENTERTAINMENT.

This section shall be known and may be cited as the Charter Township of Montrose Adult Entertainment Ordinance.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT BOOKSTORE.

(a) An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any 1 or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, movies, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis on the depiction or description of specified anatomical areas; and/or

2. Instruments, devices, or paraphernalia designed for the use as part of, or in connection with, specified sexual activities.

(b) A use which has a display containing books, magazines, periodicals, slides, pictures, cassettes, or other printed or recorded material which has a significant portion of its content or exhibit matter or actions depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" or an establishment with a (substantial) segment or section devoted to the sale or display of the material.

ADULT CABARET. A nightclub, theater, or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers, or other similar entertainers, where a significant portion of the performances show, depict or describe "specified sexual activities" or "specified anatomical areas."

ADULT ENTERTAINMENT USES.

(a) Any use of land, whether vacant or combined with structures, vehicles or activities by which the property is devoted to the sale, display, exhibition, or viewing of books, magazines, films, photographs or other materials, distinguished or characterized by an emphasis on matter depicting, describing, or relating to human sex act, or by an emphasis on male or female genitals, buttocks, or female breasts.

(b) This shall include massage parlors, model studios and all forms of video or aural display.

ADULT MASSAGE PARLOR. 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 the treatment, manipulation or service related thereto exposes "specified anatomical areas."

ADULT MINI-MOTION PICTURE THEATER. An enclosed building with a capacity for less than 50 persons used for presenting material which has a significant portion of any motion picture or other display depicting, describing or presenting "specified sexual activities" or "specified anatomical areas."

ADULT MODEL STUDIO. Any place where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons, paying the considerations or gratuities, except that this provision shall not apply to any bona fide art school or similar education institution.

ADULT MOTEL. A motel wherein matter, actions or other displays are presented which contain a significant portion depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas."

ADULT MOTION PICTURE ARCADE. Any place to which the public is permitted or invited wherein coin or slug operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to 5 or fewer persons per machine at any 1 time, and where a significant portion of images so displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas."

ADULT MOTION PICTURE THEATER. An enclosed budding with a capacity of 50 or more persons used for presenting material which has a significant portion of any motion picture or other display depicting or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT SEXUAL ENCOUNTER CENTER. Any business, agency, or person who, for any form of consideration or gratuity, provides a place where 3 or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in "specified sexual activities" or exposing "specified anatomical areas."

SPECIFIED ANATOMICAL AREAS. Specified anatomical areas means and included any 1 or more of the following:

(a) Less than completely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; and/or

(b) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. Includes any 1 or more of the following:

(a) The fondling or erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

(b) Human sex acts, normal or perverted, actual or simulated, including but not limited to intercourse, oral copulation and sodomy;

(c) Human masturbation, actual or simulated;

(d) Human excretory functions as part of, or as related to, any of the activities described above; and/or

(e) Physical violence, bondage, mutilation, or rape, actual or simulated, as part or as related to, any of the activities described above.

SUBSTANTIAL PORTION. A use or activity accounting for more than 20% of any 1 or more of the following: stock-in-trade, display space, floor space, or viewing time, movie display time, or entertainment time measured per month.

(B) *License.*

(1) From and after the effective date of this chapter, no adult bookstore, adult motion picture theater, or massage parlor, hereinafter referred to as ***ADULT ENTERTAINMENT ESTABLISHMENTS***, shall be operated or maintained in the Township of Montrose without first obtaining a license to operate issued by the Township of Montrose.

(2) A license may be issued only for 1 adult entertainment establishment located at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than 1 adult entertainment establishment must have a license for each.

(3) No license or interest in a license may be transferred to any person, partnership, or corporation.

(4) All private schools and public schools located within the Township of Montrose are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.

(C) *Application for license.*

(1) Any person, partnership or corporation desiring to secure a license shall make application to the Township Clerk.

(2) The application shall be dated by the Township Clerk.

(3) A copy of the application shall be distributed promptly by the Township Clerk to the Township of Montrose Police Department and to the applicant.

(4) The application for a license shall be upon a form provided by the Township Clerk.

(5) An applicant for a license, which shall include all partners or limited partners of a partnership applicant, and all officers and directors of a corporate applicant and all stockholders including more than 5% of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business, shall furnish the following information under oath:

(a) Name and address, including all aliases;

(b) Date of birth;

(c) Social security number;

(d) Michigan vehicle operator's license number;

(e) Written proof that the individual is at least 18 years of age;

(f) All residential addresses of the applicant for the past 3 years;

(g) The applicant's height, weight, color of eyes and hair;

(h) The business, occupation or employment of the applicant for 5 years immediately preceding the date of application;

(i) Whether the applicant previously operated in this or any other county, township, or state under an adult entertainment establishment license or similar business license; whether the applicant has ever

had a like license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation;

(j) All criminal statute, whether federal or state, or township ordinance violation convictions, forfeiture of bond or pleadings of nolo contendere on all criminal charges, except minor traffic violations;

(k) Fingerprints and 2 portrait photographs at least 2 inches by 2 inches of the applicant;

(l) The address of the adult entertainment establishment to be operated by the applicant; and

(m) If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent and the name and address of all shareholders owning more than 5% of the stock in the corporation and all officers and directors of the corporation.

(6) Within 21 days of receiving an application for a license, the Township Clerk shall notify the applicant whether application is granted or denied.

(7) Whenever an application is denied, the Township Clerk shall advise the applicant in writing of the reasons for the action.

(8) If the applicant requests a hearing within 10 days of receipt of notification of denial a public hearing shall be held within 30 days thereafter before the Township Board, as hereinafter provided.

(9) Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding the application or his or her refusal to submit to or cooperate with any investigation required by this chapter shall constitute an admission by the applicant that he or she is ineligible for the license and shall be grounds for denial thereof by the Township Clerk.

(D) *Standards for issuance of license.*

(1) To receive a license to operate an adult entertainment establishment, an applicant must meet the following standards:

(a) If the applicant is an individual:

1. The applicant shall be at least 18 years of age;

2. The applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within 5 years immediately preceding the date of the application; and

3. The applicant shall not have been found to have previously violated this chapter or a substantially similar ordinance within 5 years immediately preceding the date of the application.

(b) If the applicant is a corporation:

1. All officers, directors and stockholders required to be named under division (C)(5) shall be at least 18 years of age;

2. No officer, director or stockholder required to be named under division (C)(5) shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within 5 years immediately preceding the date of the application; and

3. No officer, director, or stockholder required to be named under division (C)(5) shall have been found to have previously violated this chapter or a substantially similar ordinance within 5 years immediately preceding the date of the application.

(c) If the applicant is a partnership, joint venture, or any other type of organization where 2 or more persons have a financial interest:

1. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least 18 years of age; and

2. No person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within 5 years immediately preceding the date of the application.

(2) No license shall be issued unless the Township of Montrose Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the Township Clerk no later than 14 days after the date of the application.

(E) *Fees.* Fees are to be determined by the Charter Township of Montrose Board.

(F) *Display of license or permit.* The license shall be displayed in a conspicuous public place in the adult entertainment establishment.

(G) *Renewal of license or permit.*

(1) Every license issued pursuant to this chapter will terminate at the expiration of 1 year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year.

(2) Any operator desiring to renew a license shall make application to the Township Clerk.

(3) The application for renewal must be filed not later than 60 days before the license expires.

(4) The application for renewal shall be filed in triplicate with and dated by the Township Clerk.

(5) A copy of the application for renewal shall be distributed promptly by the Township Clerk to the Township of Montrose Police Department and to the business operator.

(6) The application for renewal shall be upon a form provided by the Township Clerk and shall contain the information and data, given under oath or affirmation, as is required for an application for a new license.

(7) A license renewal fee will be determined by the Charter Township of Montrose Board.

(8) If the Township of Montrose Police Department is aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Township Clerk.

(H) *Revocation or suspension of license.*

(1) The Township Board can revoke or suspend a license or permit for any of the following reasons:

(a) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application;

(b) The operator or any employee of the operator has violated any provision of this chapter of any rule or regulation adopted by the Township Board pursuant to this chapter; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the Board shall find that the operator had no actual or constructive knowledge of the violation and could not by the exercise of due diligence have actual or constructive knowledge;

(c) The operator becomes ineligible to obtain a license or permit or the operator is convicted of, or pleads nolo contendere to, any felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature;

(d) Any cost or fee required to be paid by this chapter is not paid;

(e) Any intoxicating liquor or cereal malt beverage is served or consumed on the premises of the adult entertainment establishment; or

(f) The operator fails to maintain a special use permit for the site as required by this chapter, or fails to comply with conditions of the special use permit.

(2) The Board, before revoking or suspending any license or permit, shall give the operator at least 10 day's written notice of the charges against him or her, and the opportunity for a public hearing before the Township Board, as hereinafter provided.

(a) Before the Township Board revokes or suspends a license issued herein the Township Board shall cause written notice to be sent by certified mail to the licensee or applicant affected, at the address stated in the license or application informing the person of the right to a hearing upon request.

(b) If the licensee does not request a hearing within 14 days of the date the notice was sent, the license may be forthwith revoked or suspended.

(c) If the licensee requests a hearing before the Township Board regarding the proposed revocation or suspension, the hearing shall be held with 21 days after the date of the written request.

(d) Any license issued by the township may be immediately suspended by the Township Supervisor or duly appointed township official if it is determined that the licensee has violated or someone at or upon the licensed location has violated the township ordinance or state law and that continued operation under the license is contrary to the public health, safety, and welfare.

(e) A licensee shall have the right to a hearing before the Township Board on any license suspension by the Township Supervisor and notice thereof shall be given in accordance with divisions (H) (2)(a) through (c).

(f) Both the township and the licensee shall be afforded a reasonable opportunity to present evidence on the issue at the hearing.

(g) Action taken by the Township Board shall be final and any fees hereunder shall not be refunded to the applicant or licensee.

(3) The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

(4) Any operator whose license is revoked shall not be eligible to receive a license for 1 year from the date of revocation.

(5) No location or premises for which a license has been issued shall be used as an adult entertainment establishment for 6 months from the date of revocation of the license.

(l) *Physical layout of adult entertainment establishment.* Any adult entertainment establishment having available for customers, patrons or members, any booth, room, or cubicle for the private viewing of any adult entertainment must comply with the following requirements.

(1) *Access.* Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult entertainment establishment, and shall be unobstructed by any door, lock, or other control-type devices.

(2) *Construction.* Every booth, room or cubicle shall meet with the following construction requirements:

(a) Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any non-public areas by a wall;

(b) Have at least 1 side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same;

(c) All walls shall be solid and without any openings, extended from the floor to a height of not less than 6 feet and be light colored, non-absorbent, smooth textured, and easily cleanable;

(d) The floor must be light colored, non-absorbent, smooth textured and easily cleanable; and

(e) The lighting level of each booth, room or cubicle, when not in use shall be a minimum of 10 foot candles at all times, as measured from the floor.

(3) *Occupants.*

(a) Only 1 individual shall occupy a booth, room, or cubicle at any time.

(b) No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or fitter while in the booth.

(c) No individual shall damage or deface any portion of the booth.

(J) *Responsibilities of the operator.*

(1) The operator shall maintain a register of all employees, showing the name and aliases used by the employee, home address, age, date of birth, sex, height, weight, color of hair and eyes, phone numbers, social security numbers, date of employment and termination, and duties of each employee. The above information on each employee shall be maintained in the register on the premises for a period of 3 years following termination.

(2) Daily hours of operation of any adult entertainment establishment shall be limited to the period of time from 8:00 a.m. to 2:00 a.m.

(3) The operator shall make the register of employees available immediately for inspection by police upon demand of a member of the Township of Montrose Police Department at all reasonable times.

(4) No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any areas where they can be viewed from a public sidewalk adjacent to the establishment.

(5) Any individual viewing booths, entertainment rooms, or similar cubicles designed or used for individuals to view specified anatomical areas or to view specified sexual activities shall not be completely enclosed from the common areas, hallways, or other areas of the adult entertainment business.

(6) No employee or patron under 18 years of age shall be allowed on the premises of an adult entertainment establishment.

(7) No intoxicating liquor or cereal malt beverage shall be served or consumed on the premises of an adult entertainment establishment.

(8) The operator shall maintain the premises in a clean and sanitary manner at all times.

(9) Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if the act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for the act or omission in the same manner as if the operator committed the act or caused the omission.

(10) Any act or omission of any employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.

(11) No employee of an adult entertainment establishment shall allow any minor to loiter around or to frequent an adult entertainment establishment or to allow any minor to view adult entertainment as defined herein.

(12) (a) The operator shall maintain at least 10 foot candles of light in the public portions of the establishment, including aisles, at all times measured from the floor.

(b) However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination

may be maintained in the aisles, provided, however, at no time shall there be less than 1 foot candle of illumination in the aisles, as measured from the floor.

(13) The operator shall ensure compliance of the establishment and its patrons with the provisions of this chapter.

(Ord. 99, passed 11-18-1996, § 22.28; Am. Ord. 116, passed 1-18-1999) Penalty, see § 153.999

§ 153.362 PUBLIC NUDITY.

This section shall be known and may be cited as the Charter Township of Montrose Public Nudity Ordinance.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC NUDITY.

(a) Knowingly or intentionally displaying in a public place, or for payment or promise of payment by a person including, but not limited to, payment or promise of payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breasts with less than a fully opaque covering of the nipple and areola.

(b) **PUBLIC NUDITY** does not include a woman's breast-feeding of a baby, whether or not the nipple or areola is exposed during or incidental to feeding, material as defined in Public Act 343 of 1984 § 2, being M.C.L.A. § 752.362, or sexually explicit visual material as defined in Public Act 33 of 1978, § 3, being M.C.L.A. § 722.673.

(B) *Certain conduct prohibited.*

(1) No person shall engage in public nudity.

(2) No business establishment, including, but not limited to owners, officers, persons in charge of or control of the premises shall permit persons to engage in public nudity.

(C) *Aiding and abetting prohibited.* It is unlawful for any person to assist, aid, abet or encourage any other person to appear nude in public.

(Ord. 99, passed 11-18-1996, § 22.29; Am. Ord. 117, passed 1-18-1999) Penalty, see § 153.999

§ 153.363 OBSCENITY.

This section shall be known and may be cited as the Charter Township of Montrose Obscenity Ordinance.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONTEMPORARY COMMUNITY STANDARDS. The customary limits of candor and decency in the Charter Township of Montrose at or near the time of the alleged violation of this act.

DISSEMINATE. To manufacture, sell, lend, rent, publish, exhibit, or lease to the public for commercial gain or to offer or agree to manufacture, sell, lend, rent, publish, exhibit, or lease to the public for commercial gain.

KNOWLEDGE OF CONTENT AND CHARACTER.

(a) Having general knowledge of the nature and character of the material involved.

(b) **KNOWLEDGE OF CONTENT AND CHARACTER** may be proven by direct evidence or by circumstantial evidence, or both.

MATERIAL.

(a) Anything tangible that is capable of being used or adapted to arouse prurient interest, whether through the medium of reading, observation, sound, or in any other manner, including but not limited to, anything printed or written, any book, magazine, newspaper, pamphlet, picture, drawing, pictorial representation, motion picture, photograph, video tape, video disk, film, transparency, slide, audiotape, audio disk, computer tape, or any other medium used to electronically produce or reproduce images on a screen, or any mechanical, chemical, or electronic reproduction.

(b) **MATERIAL** includes undeveloped photographs, molds, printing plates, and other latent representational objects whether or not processing or other acts are required to make the content of the material apparent.

OBSCENE. Any material that meets all of the following criteria:

(a) The average individual, applying contemporary community standards, would find the material, taken as a whole, appeals to the prurient interest;

(b) The reasonable person would find the material, taken as a whole, lacks serious literary, artistic, political, or scientific value; and

(c) The material depicts or describes sexual conduct in a patently offensive way.

(B) **Violations.** A person is guilty of obscenity when, knowing the content and character of the material, the person disseminates, or possess with intent to disseminate, any obscene material.

(Ord. 99, passed 11-18-1996, § 22.30; Am. Ord. 118, passed 3-15-1999) Penalty, see § 153.999

§ 153.364 WIND ENERGY CONVERSION SYSTEMS.

(A) **Purpose.** The purpose of this section is to promote the safe use of wind energy conversion systems that are designed to reduce the on-site consumption of utility-supplied electricity by establishing regulations on the siting, design, and installation of energy conversion systems so that the public health, safety, and welfare of neighboring property owners or occupants will not be jeopardized. This section applies to all wind energy conversion systems constructed and operated in the township whether or not the system is capable of feeding produced energy into the local utility grid. In no case shall the provisions of this section guarantee the wind rights or establish access to the wind.

(B) **Definitions.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SHADOW FLICKER. The phenomenon created by light casting a shadow on moving turbine blades; where this shadow is cast creates a potential annoyance to adjoining property owners.

TOWER. The vertical component of a wind energy system, whether guyed or freestanding, for the exclusive purpose of elevating the wind turbine/generator and attached blades or rotors above the ground. The term **TOWER** may also refer to the structure that elevates a wind anemometer for the purpose of feasibility studies preliminary to the placement of a wind energy conversion system (WECS).

TOWER HEIGHT. The height above grade to a blade tip at its highest point of travel.

WIND ENERGY CONVERSION SYSTEMS (WECS). Any device which converts wind energy into electricity through the use of a wind turbine generator and includes a rotor, a generator or alternator mounted on a frame, a tail, a tower, wiring, and the "balance of system" components such as controllers, inverters, and/or batteries.

(1) **PRIVATE WECS.** Any WECS that is accessory to a principal use located on the same lot and is designed and built to serve the needs of the principal use.

(2) **COMMERCIAL WECS.** Any WECS that is designed and built to provide electricity to the electric utility's power grid.

(C) **Review and approval requirements.**

(1) Wind energy conversion systems may be permitted as a special land use in all zoning districts and shall be reviewed and approved in compliance with §§ 153.215 through 153.218 in all zoning districts as listed in the Code of Ordinances, provided that they conform to the requirements of this section.

(2) Exceptions: a special land use permit is not necessary for a proposed private WECS when the WECS is designed and built to serve the needs of the principal use and when the height does not exceed the maximum building height as listed in the schedule of regulations by zoning districts.

(a) A review by the Building Official for compliance with all other regulations listed below shall be required. Prior to the issuance of a construction permit for a private WECS by the Building Official a notice shall be mailed to all adjoining property owners to receive public comments.

(b) In the event that a WECS review is denied by the Building Official, an appeal may be made to the Zoning Board of Appeals. If the official's decision is upheld, appeal may be taken to the Circuit Court for the County of Genesee.

(3) All applications for a WECS special land use approvals shall be submitted to the Building Official with an application as provided for by the township, accompanied with the required application fees, a detail site plan drawn to scale and dimensioned, and displaying all of the following information.

(a) All lot lines dimensions, including a legal description.

(b) Distances between existing and proposed setbacks for the WECS from all property lines and from all structures located on the property where the WECS will be located and for all structures located off-site within 300 feet of the exterior property lines where the WECS will be located.

(c) The location and height of all existing and proposed buildings, structures, electrical lines, towers, guy wires and guy wire anchors, and security fencing.

(d) Location and height of all adjacent buildings, structures, and above ground utilities located within 300 feet of the exterior property lines of the lot or parcel where a proposed WECS will be located.

(e) An elevation drawing of the proposed WECS.

(f) Planned security measures to prevent unauthorized access to the proposed WECS.

(g) Show any access driveway or road to the proposed WECS.

(h) Any additional details and or information as required by the special use requirements of this section, or as requested by the Planning Commission and or Building Official.

(4) The safety of the design of all WECS towers shall be certified by a professional engineer registered in the state. A copy of the manufacturer's installation instructions, standard for certification, and blueprints shall be provided to the Building Official prior to the issuance of a building permit. Included as part of or as an attachment to the installation instructions shall be standard drawings, including base and footing details, along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code.

(5) All electrical compartments, storage facilities, wire conduit, and interconnections with utility companies shall conform to state and local electrical codes. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(6) Only 1 WECS shall be located on each parcel of record within the township. The Planning Commission may waive this provision for clusters of 2 or more WECS, commonly known as wind farms, when used for commercial purposes. Said WECS may or may not be owned by the owner of the property upon which the WECS is located or placed.

(7) The maximum height of a private WECS shall be 35 feet to the top of the blade at the maximum vertical position. The maximum height of a commercial WECS shall be 50 feet to the top of the blade at the maximum vertical position. The Planning Commission may waive the height requirement where it can

be shown that there is a need to exceed the height limits to obtain necessary wind speed required for a WECS.

(8) Setbacks to the base of the tower shall be no less than 1-1/2 times the total height of the proposed WECS. Guy wire anchors if used may be no closer than 10 feet from any property boundary.

(9) Guy wires associated with the installation of any WECS shall be marked and clearly visible to a height of 8 feet above the ground or completely enclosed by a fence with a minimum height of 4 feet.

(10) The minimum blade or rotor clearance above the ground shall be 20 feet, with a minimum of 75 feet of clearance over and from any structure, adjoining property, or tree.

(11) The WECS tower shall not be lighted, except due to any applicable FAA regulations, and shall not be used for the placement of any antennas or other purpose not related directly to the support of a wind turbine.

(12) The WECS tower shall be designed and installed so as not to provide a ladder or other publicly accessible means of climbing the tower, for a minimum height of 12 feet above the ground, or enclosed by a locked, protective fence at least 10 feet high with barbed wire placed along the top of the fence.

(13) All WECS must be equipped with manual and automatic over speed controls to limit the blade speed to the engineered design limits of the installation.

(14) Noise level associated with a wind energy installation shall be limited to a maximum of 55 decibels as measured at the property line nearest the tower.

(15) The WECS tower and turbine placement shall be such that the shadow flicker does not interfere with adjoining property owners.

(16) A WECS shall not contain advertising, except manufacturing labels pre-attached and less than 1 square foot in size, and the tower shall be painted a neutral color rendering the WECS visually inconspicuous.

(17) A WECS that is not functional for a period of 12 consecutive months shall be promptly removed by the owner.

(D) *Repeal.* If any section, subsection, sentence, clause, or phrase of this section is, for any reason, held to be unconstitutional, any such decision shall not affect the validity of the remaining portions of this section. The township hereby declares that it would have passed this section and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

(E) *Saving clause.* Nothing in this section or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court or administrative body, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this section; nor any just or legal right or remedy of any character be lost, impaired, or affected by this section.

(F) *Severability.* If any section, subsection, clause, phrase, or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this section, and such holding shall not affect the validity of the remaining portions of this section.

(Ord. 10-188, passed 10-19-2010; Am. Ord. 21-006-153.006 *et seq.*, passed 10-19-2021)

§ 153.365 COMMUNICATION TOWERS.

(A) *Authorization.*

(1) Changing technology in the field of communications has resulted in reliance upon more versatile convenient forms of communication.

(2) Businesses, individuals and government have all developed a strong dependence upon the ability to quickly contact others.

(3) The uses of radios and cellular phones have proven themselves over and over again in emergency situations.

(B) *Qualifying conditions.* The following site and developmental requirements shall apply:

(1) A minimum site of 1 acre;

(2) A special land use permit issued by the Planning Commission is required;

(3) The applicant will be required to provide an existing cell coverage map, a proposed cell coverage map, and map of existing towers within at least a mile of the proposed site. The maps will assist in identification of "holes" in their coverage and therefore allow the township and the applicant to locate the tower on or near the most appropriate site in order to minimize their gap in coverage;

(4) Communication towers are allowed under prioritized locations:

(a) First:

1. Co-location; and
2. Township property.

(b) Second:

1. Industrial; and
2. Commercial.

(c) Third:

1. Agriculture;
2. Residential farm; and
3. Residential suburban.

(5) The base of the tower and wire cable supports shall be fenced with a minimum 6-foot high fence.

(C) *Special performance standards.*

(1) The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the township engineer that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all cost associated with township engineering review.

(2) Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to front or side property lines than 30 feet.

(3) All towers shall be equipped with an anti-climbing device to prevent unauthorized access.

(4) The plans of the tower construction shall be certified by a registered structural engineer.

(5) The applicant shall provide verification that the antennas mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.

(6) All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.

(7) Communication towers in excess of 100 feet in height above grade level shall be prohibited within a 2-mile radius of a public airport or a one-half-mile radius of a helipad.

(8) No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is to be located. In no case shall a tower or antenna be located. In no case shall a tower or antenna be located within 30 feet of a front or side property line.

(9) Metal towers shall be constructed of, or treated with, corrosive-resistant material.

(10) Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.

(11) Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.

(12) All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least 8 feet above the ground at all points, unless buried underground.

(13) Towers shall be located so that they do not interfere with television or radio reception in nearby residential areas.

(14) Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.

(15) Towers shall not be artificially lighted unless required by the Federal Aviation Administration.

(16) Existing on-site vegetation shall be preserved to the maximum extent practicable.

(17) There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.

(18) Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform to the extent required by the standard of the special use; approval will be subject to revocation by the Planning Commission. Cost for testing and verification of compliance shall be borne by the operator of the antenna.

(19) There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.

(20) The tower shall be removed by the property owner or lessee within 6 months of being abandoned.

(21) Co-location required:

(a) Newly constructed towers shall have 3 times the capacity of intended use in order that secondary users could leave the balance of the tower capacity at a reasonable rate;

(b) The applicant must include a statement in the application and an affidavit stating space on a proposed tower will be made available to future users when technically possible; and

(c) The applicant shall send a written notice via certified mail to all potential users of the new communication tower offering an opportunity for co-location.

1. The list of potential users shall be provided by the township based on those entities who have requested approval of communication towers in the past, current FCC license holders, and any other entities requesting to be included on the list.

2. Copies of the notice letters are sent to potential users, a user or user's request, in writing, to co-locate on the new communication tower, the applicant shall accommodate the request(s), unless co-location is not reasonable possible based on the criteria of this division.

(Ord. 99, passed 11-18-1996, § 22.32; Am. Ord. 129, passed 5-15-2001 ; Am. Ord. 174, passed 11-10-2008) Penalty, see § 153.999

§ 153.366 HOME OCCUPATIONS.

While the township recognizes that many residents feel the necessity to work out of their home, the township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential zoning district. The intent of this section and requirements are to ensure that any home occupation is compatible with other permitted uses in residential districts and to maintain and preserve the residential character of the surrounding neighborhood.

(A) A home occupation permit may be granted by the Planning Commission within a single-family residential dwelling unit as a special land use when a home occupations application, provided on forms by the township, has been submitted and all of the conditions of this ordinance are agreed to. The Planning Commission shall conduct a public hearing in compliance with the township's public hearing notification requirements of § 153.427, prior to approving a home occupation permit.

(B) The following are permitted home occupations provided they meet all of the standards listed in division (C) of this section:

- (1) Dressmaking, sewing and tailoring.
- (2) Painting, sculpturing or writing.
- (3) Telephone answering or telemarketing.
- (4) Barber/hairdresser (one per household)
- (5) Crafts and fine arts.
- (6) Tutoring, limited to not more than 2 students at a time.
- (7) Computer programing.

(8) Home office of a professional person that meets all the standards listed in division (C) of this section.

- (9) Repairing of clocks, instruments or other small appliances.
- (10) Other similar home occupations as determined by the Planning Commission.
- (11) Home Care Centers subject to the regulations set forth in §§ 153.367 *et seq.*

(C) A home occupation may be permitted following a determination by the Planning Commission that the proposed occupation complies with all of the following standards.

(1) Home occupations shall be limited to the applicant and other family members who legally reside in the residence.

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% or 400 square feet, whichever is greater of the total first floor area of the dwelling unit (exclusive of an attached garage, breezeway, and enclosed or unenclosed porches) shall be used for the purposes of the home occupation and the home occupation shall be carried out completely within such dwelling. No accessory building (attached or detached) shall be used in the home occupation, except for the parking or storage of equipment that might be used in the home occupation.

(3) There shall be no change in the outside appearance of the structure or premises, or other visible evidence of the conduct of such home occupation other than 1 sign not exceeding 2 square feet in area, non-illuminated and mounted flat against the wall of the dwelling.

(4) The outdoor storage of goods, equipment, and materials shall be prohibited.

(5) No equipment or process shall be used in said home occupation which would constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, vibrations or electrical disturbances. There shall be no discharge of polluting materials, fluids, or gases into the ground or surface water, soil or atmosphere.

(6) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of such home occupation shall be provided by an off-street parking area, located in other than in a required front or side yard setback area.

(7) The home occupation shall not entail deliveries to or transmitted from the home or property in connection with the home occupation other than those items which are routinely handled by the U.S. Postal Service, United Parcel Service (UPS), Federal Express or similar service.

(8) There shall be no sale of any goods manufactured elsewhere in connection with such home occupation. No interior displays shall be visible from the exterior of a dwelling unit used for the purposes of a home occupation.

(9) The home occupation shall not be open to the public earlier than 8:00 a.m. or later than 8:00 p.m.

(10) No more than 1 home occupation per dwelling unit shall be permitted.

(D) The following uses shall not be permitted as part of a home occupation:

(1) Repair, maintenance, painting, selling and storage of automobiles, machinery, trucks, boats, recreational vehicles and other similar items.

(2) Antique shops.

(3) Any business with employees or volunteers.

(4) Rooming houses.

(5) Private clubs.

(6) Commercial kennels.

(7) Eating or drinking establishments

(E) No home occupation may be carried out without a valid permit issued by the Building Official. Home occupations approved by the Planning Commission shall be renewed annually through the Building Department after review of same. In the event that the township receives a written and signed complaint regarding a specific home occupation, a public hearing and approval by the Planning Commission shall be required prior to any renewal being issued.

(F) Any property owner or occupant who has previously been granted a home occupation permit by the township, and has in fact conducted the approved home occupation in the twelve month period preceding adoption of this section, may continue to conduct the home occupation as previously approved. The home occupation shall be reviewed for renewal in accordance with the provisions of division (E) of this section.

(G) A home occupation permit shall not be transferable or assignable upon sale or other change in ownership of the land upon which the home occupation is conducted. The home occupation permit shall terminate when the person conducting the home occupation for which the permit was issued ceases to occupy the premises.

(H) The use of a home address as a business address or the use of a home phone as a business phone for the sole purpose of meeting state or federal licensing requirements, with no business activity conducted at the home or on the property, is not considered to be a home occupation and is exempt from the provisions of this section.

(l) *Renewal; fees; revocation.*

(1) There shall be an annual renewal fee for all home occupations.

(2) This fee shall be due each year on January 1 and shall be received by the township through January 31 of the same year without penalty.

(3) The fee for renewal shall initially be set at \$25 when paid prior to January 31. If the renewal fee is received by the township February 1 through the last day of February of the year due, the fee shall be increased to \$50.

(4) If the home occupation permit is granted on or after July 1, the permit shall be good for the remainder of that year plus one year and no renewal shall be necessary that first January 1 date.

(5) If the renewal fee is not paid prior to March 1 of each year, the home occupation permit shall be revoked without further notice.

(6) When a public hearing is required before the Planning Commission, there is a \$200 fee in addition to the annual renewal fee.

(7) These fees may be amended from time to time by resolution of the Township Board.

(Ord. 158, passed 7-17-2007, § 22.33; Am. Ord. 13-207, passed 1-21-2014; Am. Ord. 21-001-153.366, passed 6-15-2021) Penalty, see § 153.999

§ 153.367 PRIMARY CAREGIVER HOME OCCUPATIONS (PCHO).

The regulations set forth in this section are designed to regulate and control, but not to exclude, the growing, consumption, distribution, and delivery of medical marijuana in a manner that protects the rights of those authorized to do so under the Michigan Medical Marijuana Act, being M.C.L.A. §§ 333.26421 *et seq.*, as amended, by providing qualifying patients safe access to medicine, and to protect the health, safety and welfare of all resident of the township.

(A) **PRIMARY CAREGIVER** means an individual or enterprise registered with the Michigan Department of Health and Human Services under the Michigan Medical Marijuana Act, initiated Law 1 of 2008, M.C.L.A. §§ 333.26421 *et seq.*, to assist with a qualifying patient's use of medical marijuana through growing and provisioning. Except for a primary caregiver who produces and provides medicinal marijuana only for the primary caregiver and qualifying patients lawfully residing with the primary caregiver at the residence where the medicinal marijuana is produced, the production and providing of medicinal marijuana shall be considered a home occupation.

(B) The operation of a PCHO in the Charter Township of Montrose is permitted in all zoning districts where there exists a primary resident. The principal use of the dwelling unit where a home care center may be located must be residential and must be in actual use as such.

(C) Only 1 PCHO shall be allowed per parcel of record within the Charter Township of Montrose.

(D) PCHO are prohibited in both the MHP - Mobile Home/Manufacturer Home Park and RC - Recreation/Conservation zoning districts. PCHO are also prohibited on property described in a condominium master deed or planned unit development.

(E) Prior to the issuance of a permit for a PCHO, the Township Building Official and/or Michigan State Electrical, Mechanical and or Plumbing Official, whichever is deemed necessary by the Township Building Official, must conduct an inspection confirming that the primary residence, the electrical system, and the plumbing system used to facilitate the growth or cultivation of medical marijuana plants complies with all applicable construction codes adopted by the township.

(F) PCHOs must be operated in accordance with the following requirements:

(1) All primary caregivers shall comply with the MMMA (Michigan Medical Marijuana Act, P.A. 2008, Initiated Law 1, M.C.L.A. §§ 333.26421 *et seq.*, including, M.C.L.A. § 333.26423(d) and meet the rules

established by the Marihuana Regulatory Agency. Activity authorized under the Michigan Regulation and Taxation of Marihuana Act, M.C.L.A. §§ 333.27951 *et seq.*, shall not be subject to the requirements of this section.

(2) A PCHO is not permitted to install any exterior or interior window signs, billboard or other advertisement for any purpose.

(3) The use of the dwelling unit for the operation of a home care center for the growing, cultivation and storage of medical marihuana shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% or 400 square feet, whichever is greater of the total first floor area of the dwelling unit (exclusive of an attached garage, breezeway, and enclosed or unenclosed porches) shall be used for the purpose of the home care center.

(4) Primary caregiver home occupation activities conducted in an accessory structure shall not be included in the floor area limitation stated in the division (3) above, but shall be subject to a separate limitation of the lesser of 750 square feet or 50% of the floor area of the accessory structure in which the activity is conducted. The accessory structure shall have a roof system and be built with construction material approved by the Building Official. No fencing or fence screening materials are permitted.

(5) There shall be no on-site person-to-person transfers of medical marihuana on the premises of a PCHO by a primary caregiver where the PCHO is located in a residential zone; however, a primary caregiver may deliver medical marihuana to the primary residence of his or her registered qualifying patients.

(6) No offensive noise, vibration, smoke, dust, odor, heat, artificial light noticeable at or beyond the property lines are permitted.

(7) All medical marihuana plants must be contained in an enclosed, locked facility.

(8) No medical marihuana plants contained in an accessory structure that is located outside of a primary residence shall be located within 1,000 feet from any school, library, church, or playground area.

(9) When a PCHO is located within 1,000 feet from the property of any school, library, church, or playground area, there shall be no outside usage of any kind of medical marihuana within the sight of children under the age of 18 years old.

(10) The holder of the primary caregiver license shall renew their permit on an annual basis in compliance with the home occupation guidelines. This will ensure all information is accurate and up to date for each PCHO.

(11) The location of primary caregiver home occupations shall be kept on private record with the township and shall not be accessible through requests that cite the Freedom of Information Act, pursuant to M.C.L.A. §§ 15.261 *et seq.*

(12) When deemed reasonably necessary to effective enforcement of this section, the building inspector, code enforcement officer, and police personnel may conduct inspections of the property where a primary caregiver home occupation is conducted to ensure all operations are compliant with this chapter and applicable local and state laws. Inspection shall be at the time the home occupation is first established, as part of the annual renewal, and if there is reasonable cause to believe the home occupation is not in compliance with this section or other applicable laws.

(G) If an application for a primary caregiver home occupation permit is denied, the applicant may appeal to the Zoning Board of Appeals.

(Ord. 13-206, passed 1-21-2014; Am. Ord. 2021-007-153.367, passed 11-9-2021) Penalty, see § 153.999

NONCONFORMING LOTS, STRUCTURES, AND USES OF LAND AND STRUCTURES

§ 153.380 PURPOSE.

(A) It is the intent of this subchapter to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

(B) It is recognized that there exists within the districts established by this chapter and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this chapter was passed or amended which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments.

(C) To avoid undue hardship, nothing in this subchapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on.

(D) **ACTUAL CONSTRUCTION** is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, the demolition or removal shall be deemed to be **ACTUAL CONSTRUCTION**, provided that work shall be diligently carried on until completion of the building involved.

(Ord. 99, passed 11-18-1996, § 23.01)

§ 153.381 NONCONFORMING LOTS.

(A) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter.

(B) This provision shall apply even though the lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which the lot is located.

(C) Yard requirement variances may be obtained through approval of the Board of Zoning Appeals.

(Ord. 99, passed 11-18-1996, § 23.02)

§ 153.382 NONCONFORMING USES OF LAND.

Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, the use may be continued, so long as it remains otherwise lawful, subject to the following provisions.

(A) No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

(B) No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by the use at the effective date of adoption or amendment of this chapter.

(C) (1) No nonconforming use shall be expanded by the addition of products or services which were not part of the use being engaged in at the effective date of adoption or amendment of this chapter.

(2) The addition of uses or activities which were not part of the prior use, even though the uses or activities were permitted in the prior zoning district, constitutes an expansion of a nonconforming use which is prohibited by this chapter.

(D) If the nonconforming use of land ceases for any reason for a period of more than 1 year, any subsequent use of the land shall conform to the regulations specified by this chapter for the district in which the land is located.

(Ord. 99, passed 11-18-1996, § 23.03; Am. Ord. 119, passed 5-17-1999) Penalty, see § 153.999

§ 153.383 NONCONFORMING STRUCTURES.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, the structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(A) No like structure may be enlarged or altered in a way which increases its nonconformity;

(B) Should the structure be destroyed by any means to an extent of more than 65% of its replacement costs, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this chapter, provided that the restoration or repairing shall have commenced and is diligently prosecuted within 1 year after the date of destruction;

(C) Non-conforming single-family residential structures are exempt from this section; however, application for rebuilding shall be made within 1 year from the date of damage or destruction; and

(D) Should the structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.

(Ord. 99, passed 11-18-1996, § 23.04; Am. Ord. 125, passed 10-18-1999) Penalty, see § 153.999

§ 153.384 NONCONFORMING USES OF STRUCTURES AND LAND.

If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this chapter, that would not be permitted in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

(A) No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

(B) (1) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for the use, and which existed at the time of adoption or amendment of this chapter, but no like use shall be extended to occupy any land outside the building.

(2) If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification provided that the Planning Commission, either by general rule or by specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use.

(C) (1) In permitting the change, the Planning Commission may require conditions and safeguards in accord with the purpose and intent of this chapter.

(2) Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.

(3) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which the structure is located, and the nonconforming use may not thereafter be resumed.

(D) (1) When a nonconforming use of a structure, or structure and land in combination, is discontinued or ceases to exist for 6 consecutive months or for 18 months during any 3-year period, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(2) Structures occupied by seasonal uses shall be exempted from this provision.

(E) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(Ord. 99, passed 11-18-1996, § 23.05 ; Am. Ord. 157, passed 7-17-2007)

§ 153.385 REPAIRS AND MAINTENANCE.

(A) On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing or for exterior aesthetic improvements to an extent not exceeding 50% of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

(B) Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of the official.

(Ord. 99, passed 11-18-1996, § 23.06)

§ 153.386 SPECIAL LAND USES NOT NONCONFORMING USES.

Any special land use which is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in the district.

(Ord. 99, passed 11-18-1996, § 23.07; Am. Ord. 157, passed 7-17-2007)

§ 153.387 CHANGE OF TENANCY OR OWNERSHIP.

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and land in combination.

(Ord. 99, passed 11-18-1996, § 23.08)

ZONING BOARD OF APPEALS

§ 153.400 ESTABLISHMENT AND MEMBERSHIP.

(A) There is hereby established a Zoning Board of Appeals as authorized by Public Act 12 of 2008, as amended.

(B) The Zoning Board of Appeals shall consist of 7 members appointed by a majority vote of the members of the Township Board.

(1) One member shall be a member of the Planning Commission.

(2) One member shall be a member of the Township Board.

(3) The remaining regular (5) members, and any alternate (2) members shall be electors of the township who shall reside within the township.

(C) Members selected to serve on the Zoning Board of Appeals shall be representative of the population distribution and of various interests present in the township.

(D) Each member shall be appointed for a term of 3 years, except that the term of office of the members who are also members of the Township Board or Planning Commission shall terminate if their membership on the Township Board or Planning Commission terminates.

(E) The Zoning Board of Appeals shall elect a Chairperson, Vice-Chairperson, and Secretary. The Township Board member may not serve as Chairperson.

(F) The Township Board may appoint 2 alternate members for the same term as regular members to the Zoning Board of Appeals.

(G) An alternate member may be called, as specified in the Zoning Ordinance, to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member, if a regular member is absent from or unable to attend 1 or more meetings.

(H) An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision of a case in which the regular member for the Board has abstained for reason of conflict of interest.

(I) Having been appointed, the alternate member shall serve in the case until a final decision has been made.

(J) The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

(K) A member of the Zoning Board of Appeals may be paid a reasonable per diem as established and approved by the Township Board.

(L) A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. A member's failure to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(M) Upon written charges and after a public hearing, a member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office.

(N) A vacancy on the Zoning Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as original appointments.

(Ord. 99, passed 11-18-1996, § 24.01; Am. Ord. 157, passed 7-17-2007; Am. Ord. 174, passed 11-10-2008)

§ 153.401 APPEALS.

(A) The Zoning Board of Appeals shall not conduct business unless a majority of its regular members are present.

(B) An appeal to the Zoning Board of Appeals may be taken by any person aggrieved or by an officer, department, township board or bureau of the State of Michigan.

(C) All appeals must be applied for in writing, on forms provided by the township. The Zoning Board of Appeals shall give notice of the hearing to the parties involved.

(D) The Zoning Board of Appeals shall also give notice to owners and occupants of property as required by §153.427.

(E) The Zoning Board of Appeals shall state the grounds of any determination made by the Board, including listing all conditions.

(F) At a hearing a party may appear personally or by agent or attorney.

(Ord. 99, passed 11-18-1996, § 24.02; Am. Ord. 157, passed 7-17-2007; Am. Ord. 174, passed 11-10-2008)

§ 153.402 POWERS AND DUTIES.

The Zoning Board of Appeals shall have the following specified powers and duties.

(A) *Administrative review.* To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the administrative official or any other administrative official in carrying out, or enforcing, any provisions of this chapter.

(B) *Interpretation.* To hear and decide in accordance with the provisions of this chapter:

(1) Appeals for the interpretation of the provisions of this chapter; and

(2) Requests to determine the precise location of the boundary lines between the zoning districts as they are displayed on the zoning map, when there is dissatisfaction with the decision on the subject.

(C) *Variances.*

(1) *Generally.*

(a) The Zoning Board of Appeals shall have the power to authorize use variances and dimensional (non-use) variances from such requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations; such requirements as off-street parking and loading space, and sign regulations; and other similar requirements as specified in this chapter.

(b) To obtain a variance, the applicant must submit an affidavit indicating that the standards for either a "practical difficulty" or "unnecessary hardship" exist, as described below.

(2) *Dimensional or non-use variances.*

(a) To authorize, upon an appeal, a variance from the strict application of the provisions of this chapter where by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this chapter or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties upon the owner of such property; provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter.

(b) In granting a dimensional variance, the Zoning Board of Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed use as it may deem reasonable in furtherance of the purpose of this chapter. A dimensional variance shall not be granted unless all of the following standards are met:

1. Special conditions and circumstances exist that are unique to the land, structures, or buildings involved, and are not applicable to other lands, structures, or buildings in the same district;
2. The special conditions and circumstances on which the variance request is based do not result from the actions of the applicant;
3. Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this chapter;
4. Granting the variance requested would not confer upon the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district;
5. The existence of non-conforming uses of neighboring lands, structures, or buildings in the same district; permitted or non-conforming uses of land, structures, or buildings in other districts; and non-conforming structures shall not be considered grounds for the issuance of a variance;
6. A variance granted shall be the minimum that will make possible a reasonable use of the land, building, or structure; and
7. The variance granted shall be in harmony with the intent of this chapter and will not be injurious to the environment, neighborhood, or otherwise detrimental to the public interest.

(3) *Use variances.*

(a) To authorize, upon an appeal, a variance for a specific use of land that is not otherwise permitted in the district in which the property is located where the strict application of the regulations enacted would result in an unnecessary hardship upon the owner of such property.

(b) In granting a use variance, the Zoning Board of Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed use as it may deem reasonable in

the furtherance of the purpose of this chapter.

(c) A use variance shall not be granted unless all the following standards have been met:

1. The property cannot reasonably be put to a conforming use (i.e., that the property cannot yield a reasonable economic return if it is used in strict compliance with this chapter);

2. The plight of the owner is due to unique circumstances of the property and not to general neighborhood conditions which may reflect the unreasonableness of the zoning itself;

3. The use to be authorized will not alter the essential character of the locality;

4. The problem is not self-created; and

5. A variance granted shall be the minimum that will make possible a reasonable use of the land, building, or structure.

(4) The Zoning Board of Appeals shall not approve an application for a variance unless it has found positively that a practical difficulty or unnecessary hardship exists under the preceding criteria.

(Ord. 99, passed 11-18-1996, § 24.03; Am. Ord. 174, passed 11-10-2008; Am. Ord. 21-006-153.006 *et seq.*, passed 10-19-2021)

§ 153.403 DECISIONS.

(A) The Zoning Board of Appeals may require the applicant to provide such additional information as is necessary to make a decision.

(B) The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination, and may direct the issuance of a permit.

(C) In making a decision, the Zoning Board of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of this chapter.

(D) No variance may be granted or decision overruled unless at least 4 members vote in favor thereof.

(E) A variance shall expire 12 months from the date it is granted, unless a building permit has been acquired and construction undertaken pursuant to the variance. The Zoning Board of Appeals shall state the grounds for each decision.

(F) Any conditions imposed by the Zoning Board of Appeals shall meet the following requirements:

(1) Be designed to protect natural resources, the health, safety and welfare, and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;

(2) Be related to the valid exercise of the police power, and purposes affected by the proposed use or activity; and

(3) Be necessary to meet the intent and purpose of this chapter, be related to the standards established in this chapter for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

(G) The decision of the Zoning Board of Appeals shall be final. An appeal from a decision of the Zoning Board of Appeals to the Circuit Court for the County of Genesee shall be filed within 21 days after the Zoning Board of Appeals approves the meeting minutes of its decision.

(Ord. 99, passed 11-18-1996, § 24.04; Am. Ord. 103, passed 7-21-1997; Am. Ord. 157, passed 7-17-2007; Am. Ord. 174, passed 11-10-2008)

§ 153.404 REHEARING.

The Zoning Board of Appeals is without general authority to reconsider a matter it has decided and from reversing its previous decision, unless the facts and circumstances that actuated the decision have so changed as to vitiate or materially affect the reason that produced and supported it, and no vested rights have intervened.

(Ord. 99, passed 11-18-1996, § 24.05; Am. Ord. 174, passed 11-10-2008)

ADMINISTRATION AND ENFORCEMENT

§ 153.415 ENFORCEMENT.

The provisions of this chapter shall be enforced by the administrative official or by any other township official designated by the Township Board.

(Ord. 99, passed 11-18-1996, § 25.01)

§ 153.416 ADMINISTRATIVE OFFICIAL.

(A) The administrative official, and/or the Code Enforcement Officer, if any, designated by the Township Board shall administer and enforce this chapter. These official(s) may be provided with the assistance of other persons as the Township Board may direct.

(B) If the administrative official or the Code Enforcement Officer shall find that any of the provisions of this chapter are being violated, the official shall notify, in writing, the person responsible for the violation, or the owner of record of the lot upon which the violation is taking place, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of the illegal use of any lot or structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

(C) The administrative official shall have the power to grant zoning compliance permits and to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this chapter.

(D) The administrative official shall require that every application for a permit for excavation, construction, moving, or structure alteration or change in type of use or the type of occupancy, be accompanied by a written statement and plans drawn to scale, in triplicate, and showing the following, in sufficient detail, to ascertain whether the proposed work or use is in conformance with this chapter:

(1) The actual shape, location, and dimensions of the lot;

(2) The shape, size and location of all buildings or other structure to be erected, altered, or moved, and of any buildings or other structures already on the lot;

(3) The existing and intended use of the lot and of all the structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate;

(4) The signature of the owner of the premises concerned; and

(5) Other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

(E) If the proposed excavation, construction, moving, or alteration or use of land as set forth in the application are in conformity with the provisions of this chapter, the administrative official shall issue a permit.

(F) If any application for the permit is not approved, the administrative official shall state in writing on the application, the cause for the disapproval.

(G) When required or authorized by this chapter, the administrative official shall refer the application to the Planning Commission, Zoning Board of Appeals, Township Board, or other agency for required

approvals.

(H) Issuance of a permit shall in no case be construed as waiving any provisions of this chapter and a permit issued contrary to the terms of this chapter shall be void.

(I) The administrative official is under no circumstances permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this chapter to any person making application to excavate, construct, remove, alter, or use either building, structures or land within the township.

(Ord. 99, passed 11-18-1996, § 25.02)

§ 153.417 PRIVATE COVENANTS.

The administrative official shall not refuse to issue a permit when the conditions imposed by this chapter are complied with by the applicant, despite possible violations of private covenants or agreements to which the township is not a party.

(Ord. 99, passed 11-18-1996, § 25.03)

§ 153.418 ZONING COMPLIANCE PERMITS.

(A) It shall be unlawful for any person to commence excavation for or construct any building or structure, make any structural changes, or move an existing building or initiate any change in the use of land or buildings without first obtaining a zoning compliance permit.

(B) No permit shall be issued for a land use, building use, or construction until an application has been submitted in accordance with the provisions of this chapter showing that the construction proposed is in compliance with the provisions of this chapter and with the Building Code, and with other applicable codes and ordinances.

(Ord. 99, passed 11-18-1996, § 25.04) Penalty, see § 153.999

§ 153.419 CERTIFICATE OF OCCUPANCY.

It shall be unlawful to use or permit the use of any land, building, or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the administrative official shall have issued a certificate of occupancy stating that the provisions of this chapter have been complied with.

(Ord. 99, passed 11-18-1996, § 25.05) Penalty, see § 153.999

§ 153.420 PLANNING COMMISSION.

(A) The Charter Township of Montrose Planning Commission, as created under a planning act repealed under Section 85 of Public Act 33 of 2008, provides for the continuation of the Planning Commission and shall perform all of the duties of the Commission in accordance with the Michigan Planning Enabling Act.

(B) The chief elected official (Township Supervisor) shall appoint members of the Planning Commission, subject to approval by a majority vote of the members of the legislative body elected and serving.

(C) The Planning Commission shall consist of 7 members and, other than the ex officio members, shall be appointed for 3-year terms.

(1) However, of the members of the Planning Commission, other than ex officio members, first appointed, a number shall be appointed to 1-year or 2-year terms such that, as nearly as possible, the terms of 1/3 of all the Planning Commission members will expire each year.

(2) If a vacancy occurs, it shall be filled for the unexpired term in the same manner as provided for an original appointment.

(3) A member shall hold office until his or her successor is appointed.

(D) The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the local unit of government, in accordance with the major interests as they exist in the local unit of government, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the local unit of government to the extent practicable.

(E) Members of the Planning Commission shall be qualified electors of the local unit of government, except that 1 of Planning Commission members may be an individual who is not a qualified elector of the local unit of government.

(F) Being created under PA 285 of 1931, as amended, the Planning Commission may have 1 member of the legislative body or the chief elected official, or both, appointed to the Planning Commission as ex officio members.

(1) In any other township, 1 member of the legislative body shall be appointed to the Planning Commission as an ex officio member.

(2) Except as provided in this division, an elected officer or employee of the local unit of government is not eligible to be a member of the Planning Commission.

(3) The term of an ex officio member of the Planning Commission shall be as follows:

(a) The term of a chief elected official shall correspond to his or her term as chief elected official.

(b) The term of a member of the legislative body shall expire with his or her term on the legislative body.

(G) Upon written charges and after a public hearing, the legislative body may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office.

(1) Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission.

(2) The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the Planning Commission.

(3) Failure of a member to disclose a potential conflict of interest as required by this division constitutes malfeasance in office.

(4) Unless the legislative body, by ordinance, defines conflict of interest for the purposes of this division, the planning commission shall do so in its bylaws.

(H) The Planning Commission shall elect a Chairperson and Secretary from its members, and create and fill other offices as it considers advisable.

(1) An ex officio member of the Planning Commission is not eligible to serve as Chairperson.

(2) The term of each officer shall be 1 year, with opportunity for reelection as specified in bylaws adopted under division (G).

(I) With approval of the Township Board, the Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.

(J) The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

(K) The Planning Commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.

(L) The Planning Commission shall hold monthly meetings, and by resolution shall determine the time and place of the meetings.

(1) Unless the bylaws provide otherwise, a special meeting of the Planning Commission may be called by the Chairperson or by 2 other members, upon written request to the Secretary.

(2) Unless the bylaws provide otherwise, the Secretary shall send written notice of a special meeting to Planning Commission members not less than 48 hours before the meeting.

(M) The business that the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, 1976 PA 267, M.C.L.A. §§ 15.261 through 15.275. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.

(N) A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, 1976 PA 442, M.C.L.A. § 15.231 through 15.246.

(O) (1) Members of the Planning Commission may be compensated for their services as provided by the legislative body.

(2) The Planning Commission may adopt bylaws relative to compensation and expenses of its members and employees for travel, when engaged in the performance of activities authorized by the legislative body, including but not limited to, attendance at conferences, workshops, educational and training programs, and meetings.

(P) After preparing the annual report required under Section 19 of Public Act 33 of 2008, the Planning Commission may prepare a detailed budget, and submit the budget to the legislative body for approval or disapproval. The legislative body annually may appropriate funds for carrying out the purposes and functions permitted under this act, and may match local government funds with federal, state, county, or other local government or private grants, contributions, or endowments.

(Q) The Planning Commission may not accept gifts for the exercise of its functions.

(R) A local unit of government may employ a planning director and other personnel as it considers necessary, contract for the services of planning and other technicians, and incur other expenses, within a budget authorized by the legislative body. This authority shall be exercised by the legislative body, unless a charter provision or ordinance delegates this authority to the Planning Commission or another body or official. The appointment of employees is subject to the same provisions of law as govern other corresponding civil employees of the local unit of government.

(S) For the purposes of this act, the Planning Commission may make use of maps, data, and other information and expert advice provided by appropriate federal, state, regional, county, and municipal officials, departments, and agencies. All public officials, departments, and agencies shall make available public information for the use of planning commissions, and furnish such other technical assistance and advice as they may have for planning purposes.

(T) In cases where the Planning Commission is required to recommend or approve certain use of premises under the provisions of this chapter, the applicant shall comply with the provisions of §§ 153.230 through 153.232, and all other applicable provision of the Zoning Code as may be reasonable required by the Commission for the proper consideration of the matter.

(Ord. 99, passed 11-18-1996, §25.06; Am. Ord. 174, passed 11-10-2008)

§ 153.421 FEES.

The Township Board shall establish, by resolution, fees for each of the following.

(A) *Inspection and certification.* Fees for inspections and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this chapter shall be collected by the Township Treasurer in advance of the issuance of the permits or certificates.

(B) *Appeals.* Any person appealing under §§ 153.400 through 153.404 above shall pay the established fixed fee, plus the additional fees as may be deemed reasonable by the Township Board for expert services necessary to render a proper decision.

(C) *Reviews.* Fees for the review of site plans, condominium projects, special land use permits, extraction activities, ponds, or other matters requiring Township Board, Township Planning Commission, or the Township Zoning Board of Appeals review under the terms of this chapter, shall be paid to cover 100% of the cost of the reviews including notice, publication, delivery, administration, and professional services.

(D) *Rezoning.*

(1) Any petition for the rezoning of land requiring an amendment of the Charter Township of Montrose Zoning Ordinance shall be accompanied by a fee payable by the petitioner.

(2) The fee shall be utilized to defray all costs, including necessary expert opinions in conjunction with the legislative review of the petition.

(E) *Other.* Fees for special resolutions pertaining to any matter relevant to this chapter or for the cost of special meetings of the Township Board, Planning Commission or the Board of Appeals shall be paid by the applicant prior to the resolution or meeting.

(Ord. 99, passed 11-18-1996, § 25.07)

§ 153.422 AMENDMENTS.

(A) The Township Board may, after a public hearing by the Township Planning Commission, amend the regulations or the district boundaries of this chapter pursuant to the authority and according to the procedures set forth in Public Act 110 of 2006, as amended.

(B) Proposed amendments to the regulations or district boundaries of this chapter may be initiated by the Township Planning Commission, Township Board, or an individual petitioner.

(C) Whenever an individual petitioner requests a zoning amendment, he or she shall be the fee owner of the premises concerned, or else have the fee owner subscribed to his or her petition, and shall submit a petition for rezoning to the Township Clerk.

(D) Any applicant desiring to have any change made in this chapter shall, with his or her petition for the change, deposit a fee as established by the Township Board with the Township Treasurer at the time that the petition is filed to cover the costs of processing the petition.

(E) The notice shall include a description of the nature of the request, indicate the property that is the subject of the request by street address, state when and where the request will be considered and indicate when and where written comments can be received. The notice shall also include the places and times at which the tentative text and any maps of this chapter may be examined. The Township Board shall comply with the notice requirements for public hearings continued in § 153.427 herein.

(F) Prior to making a decision at the next regularly scheduled Board of Trustees meeting, the Board of Trustees must provide a hearing to any person requesting it that owns property or is a resident within 300 feet of the subject parcel, regardless of municipal boundaries. The Board of Trustees shall consider the proposed amendment and may take the following actions on a zoning amendment.

- (1) Approve the proposed amendment by a majority vote;
- (2) Deny the request by a majority vote;
- (3) Hold a public hearing on the matter before reaching a decision; and/or
- (4) Consider changes to the proposed amendment.

(G) Following adoption of the zoning amendment, 1 notice of adoption shall be published in a newspaper of general circulation in the township within 15 days of adoption. The notice shall include:

(1) A summary of the regulatory effect of the amendment or the actual text of the amendment; and

(2) The place and time where a copy of the ordinance may be purchased or inspected.

(H) The Zoning Ordinance or ordinance amendment takes effect 7 days after publication.

(Ord. 99, passed 11-18-1996, § 25.08; Am. Ord. 157, passed 7-17-2007)

§ 153.423 VIOLATIONS.

(A) A **VIOLATION** includes any act, which is prohibited or made or declared to be unlawful, or in offense by this chapter and any omission or failure to act where the act is required by this chapter.

(B) The administrative official and the Code Enforcement Officer, if any, together with police officers of the township, are the township officials authorized to issue and serve notices or citations of any violations of this chapter.

(Ord. 99, passed 11-18-1996, § 25.09; Am. Ord. 137, passed 5-21-2002)

§ 153.424 PUBLIC NUISANCE PER SE.

Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this chapter and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated order of any court of competent jurisdiction.

(Ord. 99, passed 11-18-1996, § 25.11)

§ 153.425 EACH DAY A SEPARATE OFFENSE.

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

(Ord. 99, passed 11-18-1996, § 25.12)

§ 153.426 RIGHTS AND REMEDIES ARE CUMULATIVE.

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(Ord. 99, passed 11-18-1996, § 25.13)

§ 153.427 ZONING - PUBLIC HEARING REQUIREMENTS.

(A) All zoning applications, amendment applications, special land use applications, appeal or variance applications or other approvals requiring a public hearing notice, as required by this chapter and/or Public Act 110 of 2006, Public Act 12 of 2008 and Public Act 33 of 2008, shall be published once in a newspaper of general circulation, not less than 15 days before the date of the public hearing meeting at which the application will be considered. In addition to the newspaper public notice, the notice must also be sent by mail or personal delivery to the following:

(1) Owners of property for which the approval or appeal is being considered;

(2) All persons to whom real property is assessed with 300 feet of the property (regardless of whether the property or occupant is located in the township);

(3) Occupants of all structures within 300 feet of the property (regardless of whether the property or occupant is located in the township). If the name of the occupant is not known, the term "occupant" may be used;

(4) If a single structure contains multiple dwelling units exceeding 4 units or other distinct occupied areas, owned or leased by different persons, a notice may be mailed to the manager or owner of the structure/property, who shall be requested to post the notice at the primary entrance of the structure; and

(5) To the persons(s) requesting an interpretation or an appeal from the Zoning Board of Appeals or a temporary use from the Planning Commission.

(B) Notices shall include, but not be limited to, the following items:

(1) Describing the nature of the request;

(2) Stating the time, date, and place of the meeting;

(3) Indicating the property that is the subject of the request;

(4) Listing all existing street addresses within the property. In lieu of street address, other means of identification, such as a parcel's identification number, may be used.

(5) Indicating when and where written comments will be received concerning the request or application.

(Ord. 157, passed 7-17-2007, § 25.14; Am. Ord. 174, passed 11-10-2008)

§ 153.428 MASTER PLAN.

(A) The Planning Commission shall make and approve a master plan as a guide for development within the planning jurisdiction subject to the provision of Public Act 33 of 2008.

(B) In preparing a master plan, the Planning Commission shall do all of the following, as applicable:

(1) Make careful and comprehensive surveys and studies of present conditions and future growth within the township, with due regard to its relation to neighboring jurisdictions.

(2) Consult with representatives of adjacent local units of government with respect to their planning so that conflicts in master plans and zoning may be avoided.

(3) Cooperate with all departments of the state and federal governments and other public agencies concerned with programs for economic, social, and physical development within the township, and seek the maximum coordination of the local unit of government's programs with these agencies.

(C) In preparing the master plan, the Planning Commission may meet with other governmental planning commissions or agency staff to deliberate.

(D) In general, the Planning Commission has such lawful powers as may be necessary to enable it to promote local planning and otherwise carry out the purposes of this act.

(E) A master plan shall address land use and infrastructure issues, and may project 20 years or more into the future. A master plan shall include maps, plats, charts, and descriptive, explanatory, and other related matter, and shall show the Planning Commission's recommendations for the physical development of the township.

(F) A master plan shall also include those of the following subjects that reasonably can be considered as pertinent to the future development of the township:

(1) A land use plan that consists in part of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes.

(2) The general location, character and extent of streets, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways, and waterfront developments; sanitary sewers and water supply systems; facilities for flood prevention, drainage, pollution prevention, and maintenance of water levels; and public utilities and structures.

(3) Recommendations as to the general character, extent, and layout of redevelopment or rehabilitation of blighted areas; and the removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of streets, grounds, open spaces, buildings, utilities, or other facilities.

(4) A zoning plan for various zoning districts, controlling the height, area, bulk, location, and use of buildings and premises. The zoning plan shall include an explanation of how the land use categories on the future land use map relate to the districts on the zoning map.

(5) If the township's master plan includes a master street plan, the means for implementing the master street plan in cooperation with the County Road Commission and the State Transportation Department shall be specified in the master street plan, in a manner consistent with the respective powers and duties of and any written agreements between these entities and the municipality.

(G) The Planning Commission may, by a majority vote of its members, adopt a subplan for a geographic area less than the entire planning jurisdiction, if, because of the unique physical characteristics of that area, more intensive planning is necessary.

(H) The master plan shall be adopted under the procedures set forth in this section and Public Act 33 of 2008. A master plan may be adopted as a whole, or by successive parts corresponding with major geographical areas of the township, or with functional subject matter areas of the master plan.

(I) Before preparing a master plan, the Planning Commission shall send to all of the following, by first-class mail or personal delivery, a notice explaining that the Planning Commission intends to prepare a master plan and requesting the recipient's cooperation and comment:

(1) To each municipality located within or contiguous to the local unit of government.

(2) To the County Planning Commission.

(3) To each public utility company and railroad company owning or operating a public utility or railroad within the local unit of government, and any government entity that registers its name and mailing address for this purpose with the Planning Commission.

(4) If the master plan includes a master street plan, the County Road Commission and the State Transportation Department.

(J) A submittal of the master plan to an entity described in division (I) above may be made by personal or first-class mail delivery of a hard copy or by electronic mail.

(1) However, the Planning Commission preparing the plan shall not make such submittals by electronic mail unless, in the notice described in division (I), the Planning Commission states that it intends to make such submittals by electronic mail, and the entity receiving that notice does not respond by objecting to the use of electronic mail.

(2) Electronic mail may contain a link to a website on which the submittal is posted, and which is accessible to the public free of charge.

(K) After preparing a proposed master plan, the Planning Commission shall submit the proposed master plan to the legislative body for review and comment. The process of adopting a master plan shall not proceed further unless the legislative body approves the distribution of the proposed master plan.

(L) If the Township Board approves the distribution of the proposed master plan, it shall notify the Secretary of the Planning Commission, who shall submit a copy of the proposed master plan, for review and comment, to all of the following:

(1) To each municipality located within or contiguous to the local unit of government.

(2) To the County Planning Commission.

(3) To each public utility company and railroad company owning or operating a public utility or railroad within the local unit of government, and any government entity that registers its name and mailing address for this purpose with the Planning Commission.

(4) If the master plan will include a master street plan, the County Road Commission and the State Transportation Department.

(M) Before approving a proposed master plan, the Planning Commission shall hold not less than 1 public hearing on the proposed master plan.

(1) The hearing shall be held after the expiration of the deadline for comments.

(2) The Planning Commission shall give notice of the time and place of the public hearing, not less than 15 days before the hearing, by publication in a newspaper of general circulation within the local unit of government.

(3) The Planning Commission shall also submit notice of the public hearing in the same manner to each entity described in division (I).

(N) The approval of the proposed master plan shall be by resolution of the Planning Commission, carried by the affirmative votes of not less than a majority of its members.

(1) The resolution shall refer expressly to the maps and descriptive and other matter intended by the Planning Commission to form the master plan.

(2) A statement recording the Planning Commission's approval of the master plan, signed by the Chairperson or Secretary of the Planning Commission, shall be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map.

(3) Following approval of the proposed master plan by the Planning Commission, the Secretary of the Planning Commission shall submit a copy of the master plan to the legislative body.

(O) Approval of the proposed master plan by the Planning Commission is the final step for adoption of the master plan, unless the legislative body by resolution has asserted the right to approve or reject the master plan.

(1) In that case, after approval of the proposed master plan by the Planning Commission, the legislative body shall approve or reject the proposed master plan.

(2) A statement recording the legislative body's approval of the master plan, signed by the clerk of the legislative body, shall be included on the inside of the front or back cover of the master plan and, if the future land use map is a separate document from the text of the master plan, on the future land use map.

(P) If the legislative body rejects the proposed master plan, the legislative body shall submit to the Planning Commission a statement of its objections to the proposed master plan.

(1) The Planning Commission shall consider the legislative body's objections and revise the proposed master plan so as to address those objections.

(2) The procedures provided in these provisions shall be repeated until the legislative body approves the proposed master plan.

(Q) Upon final adoption of the master plan, the Secretary of the Planning Commission shall submit copies of the adopted master plan to the same entities to which copies of the proposed master plan were required to be submitted.

(R) An extension, addition, revision, or other amendment to a master plan shall be adopted by following the same procedure as approval for the original master plan, subject to all of the following:

(1) Any of the following amendments to a master plan may be made without following the same approval procedure for the master plan:

(a) A grammatical, typographical, or similar editorial change.

(b) A title change.

(c) A change to conform to an adopted plat.

(2) Subject to division (1), the review period shall be 42 days.

(3) When the Planning Commission sends notice to an entity that it intends to prepare a sub-plan, the notice may indicate that the local unit of government intends not to provide that entity with further notices or copies of proposed or final sub-plans otherwise required to be submitted to that entity. Unless the entity responds that it chooses to receive notice of sub-plans, the local unit of government is not required to provide further notice of sub-plans to that entity.

(S) At least every 5 years after adoption of the township's master plan, the Planning Commission shall review the master plan and determine whether to commence the procedure to amend the master plan or adopt a new master plan. The review and its findings shall be recorded in the minutes of the relevant meeting or meetings of the Planning Commission.

(T) Notwithstanding, the Planning Commission shall comply with the requirements of Public Act 33 of 2008.

(U) To promote public interest in, and understanding of, the township's master plan, the Planning Commission may publish and distribute copies of the master plan or of any report, and employ other means of publicity and education.

(V) The Township Planning Commission shall consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens concerning the promotion or implementation of the master plan.

(Ord. 174, passed 11-10-2008)

§ 153.999 PENALTY.

(A) Any violation of any provision of this chapter or any permit, license or exception granted hereunder, or any lawful order of the administrative official, Board of Appeals or the Township Board issued in pursuance of this chapter shall be deemed a civil infraction.

(B) Any person, firm, or corporation violating any of the provisions of the Charter Township of Montrose's Zoning Code shall be responsible for a municipal civil fraction and be subject to the following civil fines, in addition to any equitable relief as may be ordered by a court of competent jurisdiction:

(1) *First offense.* The fine for a first offense of any infraction shall be no less than \$150;

(2) *Second offense within two years.* The fine for a second offense of any zoning infraction shall be no less than \$250; and

(3) *Repeat offense, any 3 or subsequent offenses within 3 years.* The fine for any infraction which is a third or greater offense within 3 years shall be no less than \$500.

(C) In addition to the penalty provided in division (A) above, any condition caused or permitted to exist in violation of the provisions of this code, or any ordinance, shall be deemed a new and separate offense for each day that the condition continues to exist.

(Ord. 99, passed 11-18-1996, § 22.28; Ord. 99, passed 11-18-1996, § 22.29; Ord. 99, passed 11-18-1996, § 22.30; Am. Ord. 116, passed 1-18-1999; Am. Ord. 117, passed 1-18-1999; Am. Ord. 118, passed 3-15-1999; Am. Ord. 21-005-153.99, passed 9-21-2021)