

PART II - CODE OF ORDINANCES

APPENDIX A ZONING

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Editor's note—Printed herein is the city's zoning ordinance, Ord. No. 241, as adopted on May 1, 2000, and effective on May 18, 2000. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, headings and catchlines have been made uniform and the same system of capitalization, citation to state statutes and expression of numbers in text as appears in the Code of Ordinances has been used. Additions for clarity are indicated by brackets.

Cross reference— Any ordinance constituting the basic zoning ordinance or an amendment thereto, rezoning property, or amending the zoning map saved from repeal, § 1-11(16); buildings and building regulations, ch. 18; sexually oriented businesses, § 22-181 et seq.; community development, ch. 30; environment, ch. 34; floods, ch. 42; streets, sidewalks and other public places, ch. 62; subdivisions and other divisions of land, ch. 66; telecommunications, ch. 74; vegetation, ch. 86; waterways, ch. 90.

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ARTICLE I. TITLE, PURPOSE, SCOPE, AUTHORITY, VALIDITY AND SEVERABILITY, EFFECTIVE DATE, AND REPEAL OF PRIOR ORDINANCE

[Section 1.10. Title.](#)

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Section 1.10. Title.

This ordinance shall be known as the "City of Montague Zoning Ordinance" and may be cited as "this ordinance."

Section 1.20. Purpose.

The purpose of this ordinance is to promote the public health, safety and general welfare of the city and to provide for a wholesome, serviceable and attractive community by having regulations and restrictions that are supported by the citizens of Montague which:

- a) Promote compatibility of existing and future land uses.
- b) Increase the safety and security of residential neighborhoods.
- c) Preserve and create a favorable quality of life for residents.
- d) Provide appropriate locations within which the land use needs of residents and commerce may be efficiently accommodated.
- e) Encourage variety in housing type.
- f) Protect and enhance property values.
- g) Facilitate efficient traffic operations and minimize congestion and accident potential.
- h) Provide for convenient vehicular parking.
- i) Enhance the environment for pedestrian travel and other nonmotorized transportation.
- j) Restrict building in floodplain and wetland areas as a means of protecting property values.
- k) Protect wetlands, shoreline areas, and other unique natural features in recognition of their environmental value.
- l) Encourage preservation of environmental features through flexible design standards.
- m) Promote clean air and water and access to sunlight.
- n) Promote the city's aesthetic quality, while minimizing blight.
- o) Provide opportunity for parks, recreation, schools, religious institutions and community facilities.
- p) Provide infrastructure and public services consistent with demand.
- q) Provide reasonable measures to safeguard the city's economic structure.

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- r) Provide each property owner with a reasonable and economic use of their land.
- s) Lessen congestion, disorder and infringement of property values, safety and quality of life which are often aggravated due to unregulated development.
- t) Prevent overcrowding of land and undue concentrations of populations.
- u) Eliminate nonconforming uses and structures.
- v) Encourage the redevelopment of those areas of the city experiencing decline.
- w) Accomplish the objectives of the City of Montague Master Plan and related plan instruments, including the city recreation plan, downtown development authority plan, and Brownfield Redevelopment Authority Plan.

In order to effectively meet this purpose, the City of Montague is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, that are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district and the city as a whole, preserve the property owners' right to use their land, and to promote local quality of life and business vitality. The regulations in this ordinance accomplish the above objectives by controlling land uses within each district; acknowledging the unique impacts of special land uses through specific standards for their development in appropriate locations within selected districts; promoting quality by limiting the location, height, bulk, occupancy and uses of buildings and other structures; defining maximum residential density; specifying the percentage of a site available for a building; and requiring building and parking setbacks from property lines and public street rights-of-way.

Section 1.30. Scope.

- a) *Application of regulations.* Where any condition imposed by any provision of this ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this ordinance or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes the higher standard or requirement shall govern. In the event of conflict between any provisions of this ordinance, the more restrictive provision shall prevail.
- b) *Easements, covenants, and private agreements.* This ordinance is not intended to repeal, abrogate, or annul any easement, covenant or private agreement, provided, that where any provision of this ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provisions of this ordinance shall govern.
- c) *Uses, buildings, and structures subject to ordinance.* Except as may otherwise be provided in this ordinance, every building and structure erected; every use of any lot, building or structure established; every structural alteration or relocation of an existing building or structure and every enlargement or addition to an existing use, building or structure occurring after the effective date of the ordinance shall be subject to all regulations of this ordinance which are applicable in the zoning district in which such use, building or structure is located.
- d) *Use prohibition (uses not listed).* Unless otherwise indicated, uses not listed within a zone district classification are prohibited within that classification.
- e) *Setbacks and lot area.* No setback or lot area existing at the time of adoption of the ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established herein.
- f) *Minimum regulations.* The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety and welfare.

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- g) *Review and approval authority.* In cases wherein the text of this ordinance specifies that the zoning administrator has been designated as the review and approval body of a proposed zoning action which is subject to final review and approval by the planning commission or city council, the decision of said planning commission or city council on said zoning action shall rule.

Section 1.40. Authority.

This ordinance is enacted in accordance with Public Act No. 208 of 192 (MCL 125.581 et seq.); provided, however, the powers and duties of the zoning commission have been transferred to the planning commission of the City of Montague under the provisions of Public Act No. 285 of 1931 (MCL 125.31 et seq.).

Section 1.50. Validity and severability.

If any court of competent jurisdiction shall declare any part of this ordinance to be invalid, such ruling shall not affect any other provisions of this ordinance not specifically included in said ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this ordinance to a particular parcel, lot, use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot, use, building or structure not specifically included in said ruling.

Section 1.60. Effective date.

This ordinance shall become effective upon publication as provided by law.

Section 1.70. Repeal of prior ordinance and prior conditions attached to land, buildings, or structures.

The City of Montague Zoning Ordinance, ordinance adopted January 19, 1970 (chapter 51 of the city Code of Ordinances), and all amendments thereto, and any prior zoning ordinances of the City of Montague are hereby repealed effective coincident with the effective date of the ordinance. The repeal of said ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture or liability incurred under said ordinance, or any part thereof, and said ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture or liability.

Conditions which have been attached to land, buildings, structures, and uses resulting from actions under a prior ordinance shall remain in effect unless specifically waived by this ordinance, or through proper amendment, subject to the requirements of this ordinance.

ARTICLE II. DEFINITIONS

[Section 2.10. Construction of language.](#)

[Section 2.20. Definitions.](#)

Section 2.10. Construction of language.

The following rules of construction shall apply to the text of this ordinance:

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- a) *Headings*. Except with respect to the headings contained in section 2.20, Definitions, the headings which title a section or subsection of this ordinance are for the purpose of convenience only and are not to be considered in any construction or interpretation of this ordinance, or as enlarging or restricting any of its terms and provisions in any respect.
- b) *Illustrations*. The illustrations contained within this ordinance are intended to describe hypothetical applications of the provisions which refer to them and shall not have the effect of enlarging or restricting the terms and provisions which refer to them, nor shall they be applicable to other provisions of this ordinance which do not refer to them. In the event of a conflict between the provisions of the written text of this ordinance and the illustrations, the text shall govern.
- c) *Tense*. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- d) *Shall and may*. The word "shall" is always mandatory and not merely discretionary. The word "may" is permissive.
- e) *Person*. The word "person" shall include a firm, association, joint venture, corporation, trust, municipal or public entity, or equivalent entity or a combination of any of them, as well as a natural person.
- f) *Used or occupied*. The word "used" or "occupied" includes the word "intended," "designed," or "arranged to be used or occupied."
- g) *Building*. The word "building" includes the word "structure." A building or structure includes any part thereof.
- h) *Dwelling*. The word "dwelling" includes the word "residence."
- i) *Lot*. The word "lot" includes the words "plot," "parcel," and "condominium unit site."
- j) *Erected*. The word "erected" or "erection," as applied to any building or structure, shall be construed to include the word "built," "constructed," "reconstructed," "moved upon," or any physical operation or work on the land on which the building or structure is to be built, constructed, reconstructed or moved upon, such as excavation, filling, drainage or the like.
- k) *Connection of words*. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
 - 1) "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - 2) "Or" and "either...or" indicate that the connected items, conditions, provisions, or events may apply singularly or in any combination.
- l) *Control*. The particular shall control the general.
- m) *Terms not defined*. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.20. Definitions.

For the purpose of their use in this ordinance, the following terms and words are hereinafter defined:

A Definitions.

Abutting lot or parcel is a lot or parcel which shares a common border with the subject lot or parcel. Unless otherwise provided for by this ordinance, parcels separated by a road or alley right-of-way, utility easement, or similar feature shall be considered abutting parcels.

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Acceleration lane is an added roadway lane (segment) that permits vehicles to pass on the right, or to merge with the main vehicle stream after achieving a vehicular speed approaching that of the main stream.

Access management (access control) is a technique to improve traffic operations along a roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Access to property, reasonable, is a property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect or incorporate certain turning movements normally prohibited if determined necessary for improved public safety and traffic operations.

Accessory building is a structure subordinate to, and customarily associated with, a principal use and located on the same lot as the principal use. An accessory building shall not include any building used for a dwelling, lodging, or sleeping quarters for human beings.

Accessory use is a use subordinate to, and customarily associated with, a principal use and located on the same lot as the principal use.

Adjacent lot or parcel is a lot or parcel which abuts or is directly across a street right-of-way or alley from any lot or parcel line of the subject lot or parcel.

Adult is a person having attained the legal age of adulthood as defined by the laws of the State of Michigan.

Adult entertainment use is any use of land, whether vacant or combined with structures or vehicles thereon, by which said property is devoted to selling, displaying or exhibiting material for entertainment, a significant portion of which includes matter or actions depicting, describing or presenting specified sexual activities or specified anatomical areas. For purposes of this definition, the term "significant," as used above and as following, shall be defined as greater than 40 percent of the total material displayed or exhibited for sale or entertainment purposes. Adult entertainment uses shall include, but are not limited to, the following:

- a) *Adult motion picture theater* is an enclosed building, 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 presenting specified sexual activities or specified anatomical areas for observation by patrons therein.
- b) *Adult mini-motion picture theater* is 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 for observation by patrons therein.
- c) *Adult motion picture arcade* is 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 five or fewer persons per machine at any one time, and where a significant portion of images so displayed depict, describe, or present specified sexual activities or specified anatomical areas.
- d) *Adult bookstore* is a use which has a display containing books, magazines, periodicals, slides, pictures, video or audio 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 significant segment or section devoted to the sale or display of such material.
- e) *Adult cabaret* is a nightclub, theater, or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where performances show, depict, or describe specified sexual activities or specified anatomical areas.

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- f) *Adult motel* is a motel wherein matter, actions or other displays are presented which contain a significant portion depicting, describing, or presenting specified sexual activities or specified anatomical areas.
- g) *Adult massage parlor* is any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment exposes specified anatomical areas of the customer or of the person providing such treatment, manipulation or service or which involves real or simulated specified sexual activities. This definition shall not include services provided by a medical doctor, osteopathic physician, or chiropractor licensed by the State of Michigan as a medical professional, or similarly licensed professional providing massage therapy as part of a bona fide health procedure.
- h) *Adult model studio* is any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed or sketched. This definition shall not include an accredited state licensed public or private educational institution or bona fide nonprofit arts organization offering art instruction which may involve the exposure of the human body for purposes of sketching or photography as part of a bona fide course.
- i) *Adult sexual encounter center* is any business, agency, or person who, for any form of consideration or gratuity, provides a place where three 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.

Agriculture shall mean general farming, including horticulture, floriculture, dairying, livestock, poultry raising, farm forestry, and other similar enterprises or uses; provided, however, agriculture shall not include uses which are industrial in orientation. These include, but shall not be limited to, sawmills, wood chipping, and commercial composting. (Refer to "Farm.")

Alley is an improved public right-of-way, not more than 20 feet in width, nor 30 feet in right-of-way, and which affords only a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Alteration is any change, addition or modification in construction or type of occupancy, and any change in the structural members of a building, such as walls or partitions, columns, beams or girders, or roof, the consummated act of which may be referred to herein as "altered" or "reconstructed."

Animal, farm, is any animal or fowl customarily raised on a bona fide farm for the production of income, such as horses, cows, pigs, chickens, turkeys, sheep, ducks, and geese, or for consumption by the residents of the premises on which the farm is located.

Animal, wild, is any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the following: alligator (family); deer (family); opossum (family); badger, wild dog, coyote, wolf (family); primate, excluding humans (family); bear, raccoon, ferret, skunk, cat (wild family); lemur, spider (poisonous); lizard (poisonous); and weasel and marten (family).

Appeal is a request or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this ordinance as provided for by Public Act No. 207 of 1921 (MCL 125.581 et seq.).

Antenna shall mean any structure or device used for collecting, receiving, or transmitting electromagnetic waves, including, but not limited to, directional antennas, such as panels, microwave dishes, satellite dishes; omni-directional antennas, such as whip antennas, and other similar devices.

Architectural feature is that feature of a building generally described as a cornice, eave, gutter, sill, lintel, bay window, chimney, and/or decorative ornament.

Automobile service station is a building and premises wherein gasoline, oil, grease, tires, batteries and other automobile supplies and accessories may be sold at retail and installed, and where minor services may be rendered, not to include the following:

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- a) Major mechanical and body work, such as realignment of frames and other straightening of body parts, painting, rustproofing, steam cleaning, overhaul or replacement of engines, high speed washing, and refinishing.
- b) Storage of damaged automobiles not in operating condition, except those awaiting immediate service.
- c) Other work creating excessive noise, glare, fumes, or smoke.
- d) Vehicular sales or rental.

An automobile service station may include the retail sale of convenience food items typically consumed on a daily basis, newspapers, and sundry goods.

B Definitions

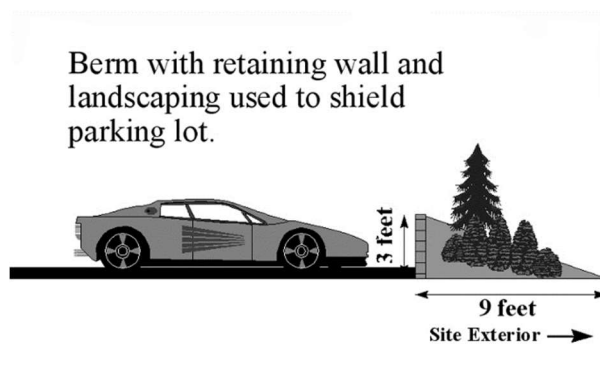
Bar, lounge and pub are a commercial establishment in which the sole or primary activity is the on-site sale and consumption of alcoholic beverages. Secondary activities include the preparation and sale of food for on-site consumption. Subordinate activities may, with the consent of the city council as required by the Michigan Liquor Control Code of 1998 (MCL 436.1101 et seq.), include provisions for a live band or singer, recorded music, video presentations, dance floor, or similar activities. (Refer to "Restaurant.")

Basement and cellar as defined by the city's building code, is that portion of a building in which more than 50 percent of the total perimeter of the floor level is more than four feet below grade, or a floor that, at any point, is more than eight feet below grade.

Bed and breakfast establishment is a single-family dwelling in which transient guests are provided a bedroom, breakfast, and access to bathing and lavatory facilities in return for payment.

Bedroom is a room in a dwelling unit used, or intended to be used, for sleeping purposes by human beings.

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



Billboard. Refer to article VII, signs.

Board of appeals. Refer to the definition of the term "Zoning board of appeals (ZBA)."

Breezeway is a covered structure attached to and connecting an accessory building (typically a garage) with the principal building. A breezeway may be unenclosed or enclosed. For purposes of determining yard requirements, such connected structure shall be considered an integral unit of the principal building.

Buffer zone is a strip of land required between certain zoning districts or land uses, reserved for plant material, berms, walls, or fencing, to serve as a transition area or barrier between said zoning districts or land uses. Buffer zones are employed to:

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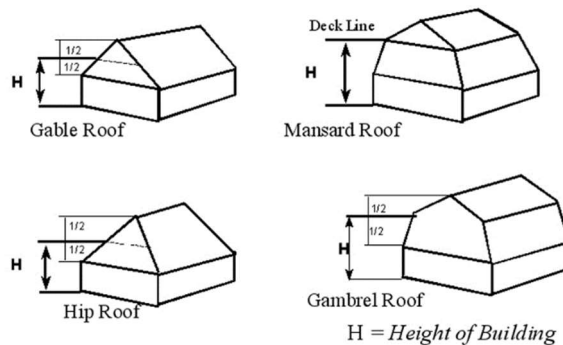
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- a) Mitigate negative impacts between zoning districts or land uses involving, but not limited to, such impacts as noise, excessive glare, surface water drainage, snow storage, fugitive dust emissions, visual concerns, trespass, pedestrian and vehicular safety, and property values.
- b) Enhance the visual and aesthetic quality of specific developments and the city as a whole through placement of landscape, maintenance of view corridors, preservation of light and air, and similar factors which result in an improved quality of life.

Building is any structure which is used or erected for the supporting, shelter, or enclosure of persons, animals, or personal property, or for carrying on business activities or other similar uses. This shall include tents, sheds, garages, greenhouses, accessory buildings, or vehicles situated on private property and used for purposes of a building. When a building is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum requirements for side yards as hereinafter provided. Pursuant to this definition, all buildings shall meet the requirements of this ordinance and appropriate building and health codes, based on the use of the building.

Building, existing. Refer to "Existing building."

Building height (including maximum building height for single- and two-family dwellings) is the vertical distance from the finished grade at the perimeter of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the midpoint between the eaves and ridge of a gable, hip, or gambrel roof, subject to the following standards:



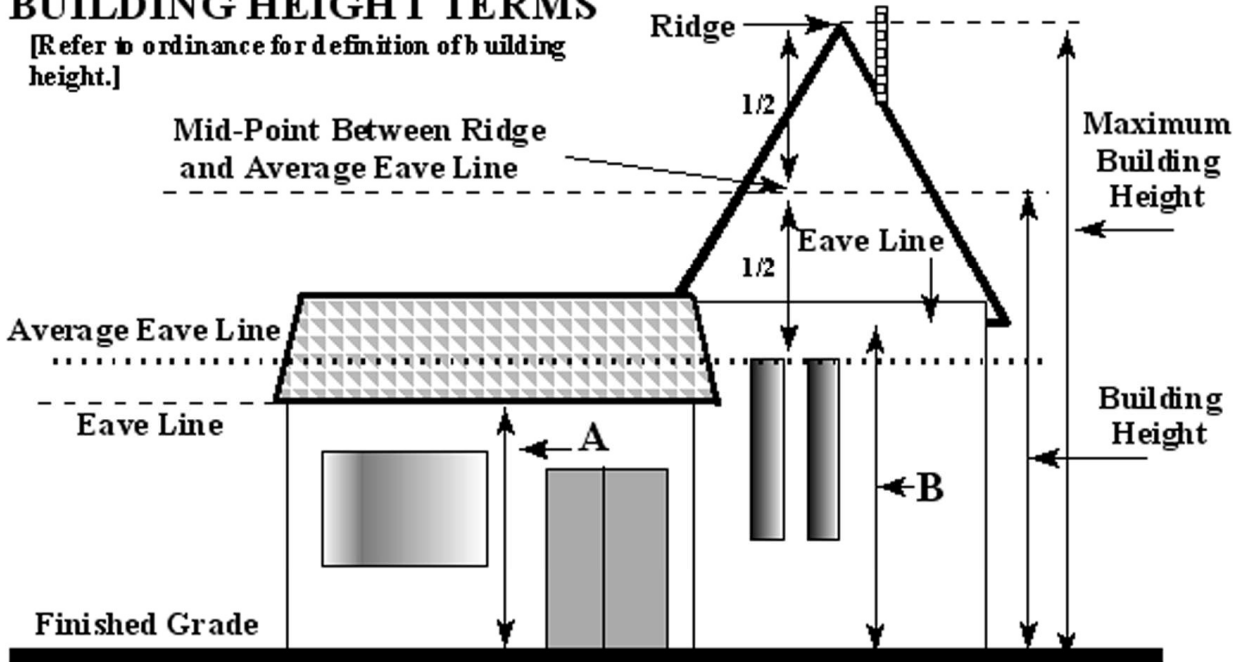
- a) Finished grade for height purposes shall be based on the average of the finished grade of each building wall. Minor filling is permitted when establishing a finished grade when accomplished in compliance with section 3.30).
- b) When calculating roof height, the highest point of the roof shall be used.
- c) When eaves are not of the same height throughout the building, the average eave height of the building as a whole shall be determined and used for purposes of measuring permitted building height. The average eave height of the building as a whole shall be calculated based on the height of the longest eave per each wall. In the event the eaves along a wall are of similar length, the lowest eave height shall be used for purposes of averaging.
- d) Gable ends, dormers, or eyebrow window eaves shall not be used in calculating average eave height.
- e) No single-family or two-family dwelling shall contain more than 2.5 stories.
- f) No portion of a single-family or two-family dwelling possessing a mansard, gable, hip, gambrel or other such roof with a peak ridge shall exceed a maximum constructed height (from the finished grade to the highest point of the roof) of 42 feet and six inches. Chimneys, vents, and other minor

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items, as approved by the zoning administrator, may extend above the height of the built roof by two feet and six inches.

BUILDING HEIGHT TERMS

[Refer to ordinance for definition of building height.]



Average eave line (height) for this wall (building face) is based on the average of A and B.

Building inspector shall mean the building inspector of the City of Montague, or his authorized representative.

Building line is a horizontal line generally parallel to a front, rear, or side lot line, which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

Building, main, and building, principal, are a building in which the principal or main use of the lot on which it is situated occurs.

Building permit for zoning compliance, certificate of zoning compliance and zoning permit are a document signed by the zoning administrator as a condition precedent to the commencement of a use or the construction and/or reconstruction of a structure or building which acknowledges that such use, structure, or building complies with the provisions of this ordinance. In lieu of a separate instrument, and at the discretion of the city, a building permit for zoning compliance may be combined as part of a bona fide building permit.

Building setback line. Refer to "Setback line."

C Definitions

Canopy tree is a deciduous tree whose mature height and branch structure provide foliage primarily on the upper half of the tree. The purpose of a canopy tree is to provide shade to adjacent ground areas.

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Certificate of zoning compliance. See "Building permit for zoning compliance."

Child care center. See "Day care center."

Church, temple and synagogue are a building used principally for religious worship, but the word "church" shall not include or mean an undertaker's chapel or funeral building or a school providing preschool or K through 12th grade instruction.

Clinic. See "Medical clinic."

Club is a nonprofit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Commercial use is a use which relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises, or garage, basement, moving, or estate sales conducted on residential premises for more than six calendar days during a given one-year period. Commercial use shall not include a public recreational use, even though a fee may be charged for said use.

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

Commission shall mean the City of Montague Planning Commission, also referred to as "the commission."

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

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

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

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

Condominium Act refers to Public Act No. 59 of 1978 (MCL 559.101 et seq.), as amended.

Condominium, consolidating master deed, is the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed. (See also Condominium, master deed.)

Condominium, contractible, is a condominium project from which any portion of the submitted land or building may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this ordinance and the Condominium Act.

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Condominium, conversion, is a condominium project containing condominium units, some or all of which were occupied before the establishment of the condominium project.

Condominium, expandable, is a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this ordinance and the Condominium Act.

Condominium, general common element, means the common elements, other than the limited common elements. General common elements are for the use of all condominium owners.

Condominium, limited common element, means a portion of the common elements reserved in the master deed for the exclusive use of less than all of the condominium owners.

Condominium, master deed, is the condominium document recording the condominium project as approved by the city council, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project. (See also "Condominium, consolidating master deed.")

Condominium project is equivalent to [the term] "subdivision," as used in this ordinance and subdivision regulations.

Condominium project, mobile home, is a condominium project in which mobile homes are intended to be located upon separate sites which constitute individual condominium units.

Condominium setbacks shall be measured as follows:

- a) *Front yard setback*: The distance between the street right-of-way and a condominium building.
- b) *Side yard setback*: The distance between the limit of the development and the side of a condominium building, or the distance between the sides of any adjacent buildings.
- c) *Rear yard setback*: The distance between the limit of the development and the rear of a condominium building or the distance between the rear of any two adjacent buildings.

Condominium subdivision plan is the site, survey, and utility plans, and sections showing the existing and proposed structures and improvements, including the location thereof on the land. The plan shall follow and show all aspects as required under the Condominium Act and this ordinance.

Condominium unit is that portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a timeshare unit, or any other type of use.

Condominium unit site is the area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot," for purposes of determining compliance of a site condominium subdivision with provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and maximum floor area ratio.

Construction is the building, erection, alteration, repair, renovation, demolition, or removal of any building, structure, or structural foundation; or the physical excavation, filling, and grading of any lot, other than normal maintenance.

Convalescent home and *nursing home* are a home for the care of the aged, infirm, or a place of rest for those suffering serious bodily disorders necessitating 24-hour care, wherein three or more persons are cared for. Said home shall also conform to, and qualify for, a license under applicable state law (Public Act No. 139 of 1956, as amended) [see now MCL 333.20101 et seq.].

Convenience store with gasoline sales is an establishment that retails convenience food items which occupy 50 square feet or greater of the indoor sales area in conjunction with gasoline sales. Unlike filling/gasoline stations, a convenience store with gasoline sales does not house space and equipment for the installation of minor vehicular operating commodities, such as oil, coolants, lubricants, batteries, tires, and the like. Equipment to furnish air for the inflation of vehicular tires may be provided.

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Convertible area is a unit or a portion of the condominium referred to in the condominium documents, within which additional condominium units or general or limited common elements may be created pursuant to express provisions in the condominium documents and in accordance with the Condominium Act (MCL 559.101 et seq.).

Council shall mean the city council of the City of Montague.

Cul-de-sac is a dead-end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street, allowing for vehicle turnaround.

Curb level is the grade elevation of the curb in front of the center of a building, or proposed building, or the elevation of the traveled street in the event no curb exists.

D Definitions

Day care center and *child care center* are a facility, other than a private residence, licensed by the Michigan Family Independence Agency, in which one or more preschool or school age children are given care and supervision for periods of less than 24 hours per day, and where a parent or legal guardian is not immediately available to the child. Day care center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. (Refer also to "Foster care home.") Day care center does not include:

- a) A Sunday school, a vacation Bible school, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four hours per day for an indefinite period, or not greater than eight hours per day for a period not to exceed four weeks, during a 12-month period, or a facility operated by a religious organization where children are cared for not greater than four hours, while persons responsible for the children are attending religious classes or services.
- b) A commercial enterprise, such as a grocery store, wherein temporary child care is provided on-site for the children of the parents or guardians who are conducting business within the confines of said commercial enterprise coincident with the period of child care.
- c) A place of employment wherein temporary child care is provided for the children of the parents or guardians who are working for said place of employment coincident with the hours of employment for said parents or guardians.

The above definitions do not preclude compliance of child care operations with other applicable local, state, and federal regulations.

Day care home, family, is a single-family dwelling occupied as such, in which one, but less than seven, children are received for care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children or adults related by blood, marriage, or adoption to an adult member of the family occupying the single-family dwelling.

Day care home, group, is a single-family dwelling occupied as such, in which seven, but less than 12, children are received for care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children and/or adults related by blood, marriage, or adoption to an adult member of the family occupying the single-family dwelling.

Deceleration lane is an added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

Density, unless otherwise stated, is the number of dwelling units situated on or to be developed per gross acre of land.

Detention facility is a facility designed for holding stormwater runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

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Development is any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

District is a portion of the city within which a certain use or uses of land and/or buildings are permitted and within which certain regulations, standards, and requirements apply under the provisions of this ordinance. District may also be referred to as a zone district. The location of zone districts shall be as depicted on the official zone district map of the City of Montague.

Drainageways and *streams* are existing permanent or intermittent watercourses.

Drive-through business is a business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.

Driveway is an improved public or private passageway providing vehicular ingress to, and vehicular egress from, a public or private road to or from a lot, parcel, or building on abutting grounds.

Dwelling, multiple-family, is a building containing three or more dwelling units designed for exclusive use and occupancy by three or more families living independently of each other.

Dwelling, single-family, is a building designed for exclusive use and occupancy as a dwelling unit by one family.

Dwelling, townhouse, is a series of attached dwelling units designed in row (linear) fashion, with all units having a ground floor location. Each unit is designed for exclusive use and occupancy by a household or family living independently of each other. The dwelling units within townhouses may function as apartments and/or as owner-occupied units. "Townhouses" may also be referred to as "row housing" or "garden apartments."

Dwelling, two-family, and *duplex* are a building containing two dwelling units designed for exclusive use and occupancy by two families living independently of each other.

Dwelling unit is a building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one family, with no ingress or egress through any other dwelling unit. In no case shall a recreational vehicle, trailer coach, automobile chassis, tent or portable building be considered a dwelling unit. In cases of mixed occupancy where a building is used in part as a dwelling unit, the part so used shall be deemed a dwelling unit for purposes of this ordinance and shall comply with the provisions thereof relative to dwellings.

Dwelling unit, attached, is a dwelling unit attached to one or more dwelling units by common major structural elements or features, such as a wall, garage, carport, breezeway, deck, or like feature.

Dwelling unit, detached, is a freestanding dwelling unit which has no attachment to any other dwelling unit.

E Definitions

Easement is a grant of one or more of the property rights by a property owner to and/or for use by the public, or another person or entity.

Efficiency unit is an attached residential living unit consisting of one room, exclusive of the bathroom (but having access to a shared bathroom), kitchen, hallway, or dining area, and providing not less than the minimum floor area required by this ordinance.

Elder care assisted housing and *housing for the elderly* are a residential facility that provides room, board and supervised care to unrelated, nontransient individuals 60 years of age or older or couples where either the husband or wife is 60 years of age or older. Such facility shall be licensed as a home for the aged by the state department of public health under article 17 of the Public Health Code (MCL 333.20101 et seq.). This does not include a development that contains a convalescent or nursing home as licensed under Public Act No. 139 of 1956, (MCL 33.651 et seq.) [now repealed - see MCL 333.21701 et seq.], or a mental

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hospital for mental patients licensed under sections 51 and 52 of the Public Act No. 151 of 1923 (MCL 330.61) [now repealed - see MCL 333.1101 et seq.]. (Refer to "Convalescent home.")

Erected shall mean built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction purposes. Excavation, fill, drainage and the like shall be considered a part of erection.

Essential public service is the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions, or private entities under public regulation, of underground or overhead gas, electrical, steam or water transmission or distribution systems, or communication systems, including poles, wires, fiber optic systems, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith (but not including buildings and storage yards), reasonably necessary for the furnishing of adequate service by each public utility, municipal department or commission, or private entity under public regulation for the public health, safety, or general welfare. Essential services shall not include communication towers or antennas, said towers and antennas being defined and regulated under section 3.140 of this ordinance.

Essential public service building is a building or structure accessory to an essential public service, such as a drop-off station for residential recyclables, vehicle garage, telephone exchange building, electricity transformer station or substation, gas regulator station, and facilities of a similar nature.

Essential public service storage yard is an outdoor storage area accessory to an essential public service.

Excavation is any breaking of ground, except common household gardening and ground care.

Existing building is a building existing, or a building for which a legal building permit has been issued and the foundations are in place prior to the adoption of the ordinance.

Existing use is the use of land, the use of waters adjacent to land, and the use of buildings and structures existing prior to the adoption of the ordinance, or for which use approval has been granted according to the provisions of this ordinance.

F Definitions

Family

- a) An individual or group of two or more persons related by blood, marriage or adoption, including those related as foster children, who are domiciled together as a single, domestic, nonprofit housekeeping unit in a dwelling unit; or
- b) A collective number of individuals domiciled together in one dwelling unit, whose relationship is of a continuing, nontransient, distinct domestic character and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include a penal institution, halfway house, correctional facility, society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term, jail or prison term, or terms of other similar determinable period.

Farm is all of the contiguous neighboring or associated land operated as a single unit, on which bona fide farming with acceptable farming practices is carried on directly by the owner-operator, manager, or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of ten acres or more in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, and orchards, but establishments keeping or operating fur-bearing animals, chicken hatcheries, poultry farms and apiaries, pigeon lofts, public or private stables, commercial kennels, stone quarries or gravel or sand pits shall not be considered farms hereunder. No farm shall be

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operated as a piggery, or for the disposal of garbage, public sewage, or rubbish, or as rendering plants, or for the slaughtering of animals. (Refer to "Agriculture.")

Fence is an accessory structure intended for use as a barrier to property ingress or egress; a screen to block views or noise; a screen serving to separate incompatible uses; a screen to provide a barrier or buffer between uses; and/or a screen for decorative use. In addition to manmade material, a fence may include hedges, shrubs, or other such plant material if so arranged, designed, and of a character suitable to accomplish the intended purpose of a fence. Fence shall also include any associated gate.

Filling is the depositing or dumping of any matter onto, or into, the ground, except common household gardening and ground care. Filling shall not constitute a hazard to the receiving soils or groundwater.

Filling station and *gasoline station* is a building designed and used for the retail sale of fuel (stored in underground tanks), lubricants, air, coolants, and other minor operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles. A filling station may include the sale of convenience food items and sundry commodities.

Financial services shall mean banks, savings and loan institutions, credit unions, brokerage houses, and similar financial establishments.

Flood and *flooding* are a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland waters.
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard area is land which on the basis of available floodplain information is subject to a one percent or greater chance of flooding in any given year.

Flood insurance rate map (FIRM) is an official map of the City of Montague on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the flood risk premium zones applicable to the city.

Flood Insurance Study is the official report provided by the Federal Emergency Management Agency (FEMA) containing local flood profiles, the base flood water surface elevation, and may include a flood hazard boundary-floodway map.

Floodplain is any land area susceptible to being inundated by water from any source. (See also "Flood.")

Floodway is the channel of a river, creek, or other watercourse and the adjacent land areas which must be reserved in order to discharge a flood.

Floor area, gross, shall be the sum of the horizontal areas of each story of a building, measured from the exterior faces of the exterior walls, exclusive of uninhabitable attics or basements having headroom of seven feet or less.

Floor area, residential, shall be considered for the purpose of computing the floor area of a residential dwelling unit, the sum of the horizontal areas of each story of a dwelling unit, measured from the interior faces of the exterior walls, exclusive of areas of basements, unfinished attics, attached garages, carports, breezeways, and enclosed or unenclosed porches. *Floor area, usable*, and *net floor area* shall be that area used for the sale of merchandise and services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, elevator shafts, restrooms, mechanical areas, or for utilities for sanitary facilities shall be excluded from the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and shall include total usable floor area for all floors.

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FLOOR AREA

Food shall include any substance taken into and assimilated by an animal to keep it alive and enable it to grow and repair tissue.

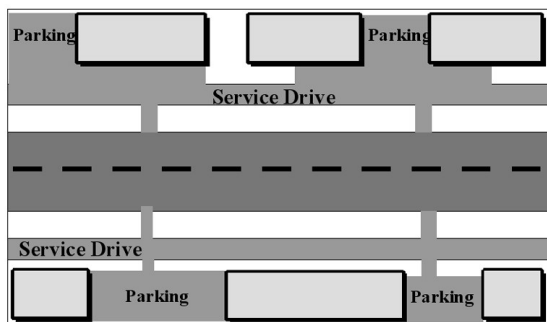
Foster care home, family, is a single-family dwelling occupied as such in which one, but not more than six, minor children and/or adults, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for 24 hours per day, unattended by a parent or legal guardian. A family foster care home shall be licensed by the Michigan Family Independence Agency. (Refer also to "Day care center.")

Foster care home, group, is a single-family dwelling occupied as such in which more than six, but less than 12, minor children and/or adults, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for 24 hours per day, unattended by a parent or legal guardian. A group foster care home shall be licensed by the Michigan Family Independence Agency. (Refer also to "Day care center.")

Frontage is the continuous linear distance along which a parcel of land fronts on a public or private street, measured along the line where the property abuts the public street right-of-way or private road easement.

Frontage (service) drive (road) is a public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the street and adjacent land uses. A road which is directly connected to parking or is used as a maneuvering aisle within a parking area is not considered a frontage road.

Frontage (Service) Drive



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G Definitions

Garage is the part of a main building or an accessory building used primarily for the parking or storage of vehicles necessary in connection with the permitted use of the main building, and customarily associated therewith. A garage, as defined herein, shall not involve vehicle servicing for compensation. (Refer to "Garage, public" and "Vehicle repair.")

Garage, public. Refer to "Vehicle repair."

Garbage [is] any decomposed, rotting, rotten, putrid, or similar organic matter, including, but not limited to, animal or vegetable waste, animal or vegetable byproducts in a decomposed or rotting state, or other such organic matter and materials.

Garden center and *nursery* are a nonfarm commercial establishment primarily associated with the retail sale of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

Gate. Refer to "Fence."

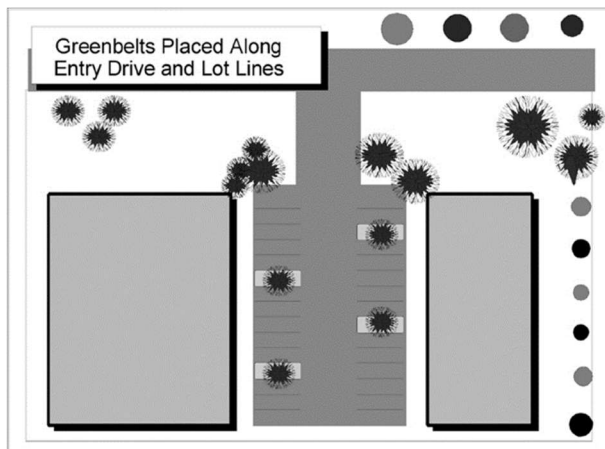
Glare is the effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade and *gradient* are the rate of incline or decline expressed as a percent. For example, a rise of 25 feet in a horizontal distance of 100 feet would be expressed as a grade of 25 percent.

Grade, finished, is the average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the lowest and highest grade elevations in an area within five feet of the foundation line of a building or structure. (Refer to "Building height.")

Grade, natural, is the elevation of the ground surface in its natural state, before construction begins.

Greenbelt is a vegetated strip of land no less than five feet in width, or greater if required by other provisions of this ordinance, which, except for plantings and fencing, shall not be used for placement of structures. In certain instances, greenbelts shall contain landscaping of such type and density to screen adjacent properties from either complete or partial view. Such greenbelts are often referred to as "landscape screens." (Refer to "Landscape screen.")



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H Definitions

Home occupation is a gainful occupation conducted in a dwelling unit as an activity clearly incidental and secondary to the use of the building as a dwelling unit and meeting the required home occupation standards of this ordinance.

Hospital is a state licensed medical establishment whose facilities provide in-patient and out-patient accommodations and care, a wide range of medical and surgical care, and other in-patient, out-patient, and emergency health services for sick, ailing or injured persons, and including such related facilities as examination rooms, rehabilitation facilities, laboratories, outpatient departments, training facilities, central services and staff offices and residences which are integral with and accessory to the principal use of the establishment.

Hotel is a building in which transient lodging or boarding are offered to the public for compensation. The design of a hotel is typically such that all patrons enter the building via a central or main lobby area and move to respective sleeping rooms without having to exit the building. Unlike a motel, patron parking is often concentrated to a confined location rather than dispersed throughout the site. A hotel may contain restaurants, gift and specialty shops, and lounges, provided, these uses are clearly accessory to the hotel. A hotel shall not be considered or construed to be a bed and breakfast establishment, multiple-family dwelling, motel, or similar facility.

I Definitions

Indoor recreation establishment is a privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors within an enclosed building, and operated as a business and open for use by the public for a fee, such as fitness centers, bowling alleys, billiard establishments, and racquetball and tennis clubs. Indoor recreation establishments do not include video establishments or video arcades. (Refer to "Video establishments.")

Inoperable vehicle is a motor vehicle which is no longer able to propel itself, fails to comply with the laws of the State of Michigan regulating safety equipment for motor vehicles, is significantly dismantled, or is unlicensed.

Institutional uses are churches, synagogues, temples, schools, hospitals, libraries, museums, governmental uses (e.g., city hall, police department, fire department, etc.) and other similar public or semi-public uses. Institutional uses do not include nursing homes, convalescent homes, elder care facilities, adult foster care facilities, and halfway houses. (Refer to "Public and semi-public institutional buildings, structures and uses.")

J Definitions

Junk and salvage material shall mean any worn out or discarded materials, including, but not necessarily limited to, yard debris, scrap metal, scrap paper, scrap lumber, other scrap and discarded materials, and any inoperable motor vehicles, machinery, appliances, or products. Junk includes the above materials, whether they are to be landfilled, recycled, sold, or used in some other way. Junk shall not include garbage. (Refer to "Garbage.")

Junkyard and recycling/salvage yard are any land or building used for the storage, sorting, dismantling, baling, salvaging, recycling, and/or sale of junk. A junkyard shall not include residential or municipal garden or leaf composting, a municipal dump or municipal landfill, or dropoff stations for residential recyclables.

K Definitions

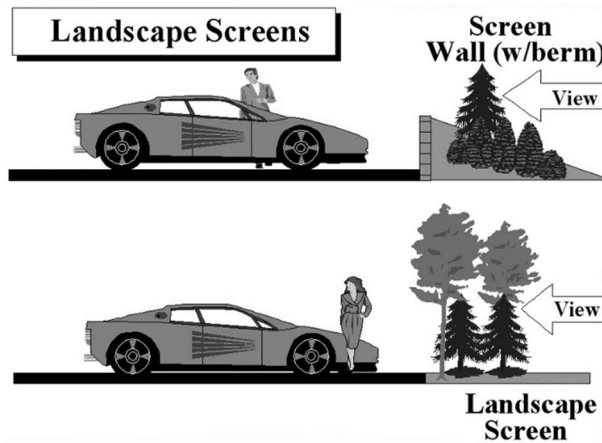
Kenel is any land, building, or structure where four or more cats and/or dogs, including any combination of the two animals, over six months of age are either permanently or temporarily boarded, housed, bred, or sold.

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APPENDIX A ZONING

L Definitions

Landscape screen is a greenbelt used to filter or block the internal views of a site, or site feature, from the public right-of-way or adjoining properties. A landscape screen may also function as a transitional buffer between land uses and/or adjoining parcels. (Refer to "Greenbelt.")

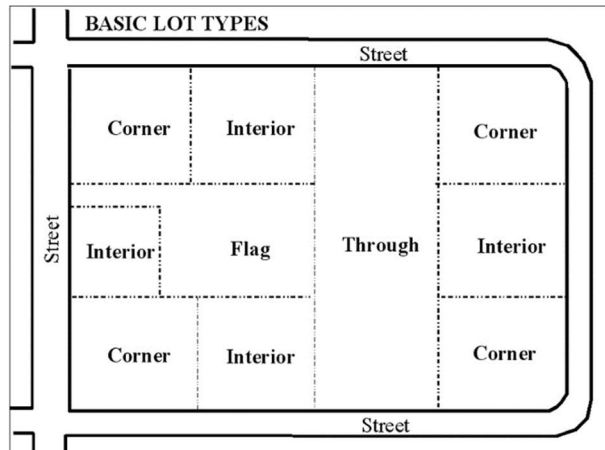


Loading space is an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading and unloading people, merchandise, or material.

Lot is a parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit site in a site condominium subdivision, having frontage upon a public or private street and having sufficient size to comply with the requirements of this ordinance for minimum area, setbacks, coverage, and open space. A lot shall be specifically designated as part of the public record.

Lot area is the total horizontal area included within lot lines. Where the front lot line is the centerline of a public or private street, the lot area shall not include that part which is in the public right-of-way or governed by an easement.

Lot, corner, is a lot where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the curve is of less radius than 150 feet, and tangents to the curve, at the two points where the side lot lines meet the curve, form an interior angle of less than 135 degrees.



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Lot coverage is the percent of a lot occupied by buildings or structures.

Lot depth is the arithmetic average of the shortest and longest distances from the front lot line to the rear lot line.

Lot, double frontage, and through lot are a lot, other than a corner lot, having frontage on two more or less parallel streets. In the case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

Lot, flag, is a lot so called due to its resemblance to that of a flag (flag shape). The street frontage of a flag lot, and immediate connecting interior width, is typically undersized (this being referred to as the "pole" portion of the flag lot). Eventually, the width of the interior portion of the lot expands to a size which normally equals or exceeds lot width requirements (this is the "flag" portion of the lot). A flag lot must possess the minimum required road frontage.

Lot frontage is the length of the front lot line.

Lot, interior, is a lot, other than a corner lot or double frontage lot, having only one lot line fronting on a street.

Lot, lakefront, is a lot with frontage on a stream, river, or lake.

Lot line is the line bounding a lot or parcel.

Lot lines (refer also to the definitions of "required setbacks" and "yards"):

- a) *Front lot line*: In the case of an interior lot, abutting upon one public or private street, the "front lot line" shall mean the line separating such lot from the street right-of-way. (Refer also to paragraph d) following.)
- b) *Rear lot line*: That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line.
- c) *Side lot line*: Any lot line not a front or rear lot line. A side lot line separating a lot from a public or private street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line. (See the definition of "Setback, required.")
- d) *Waterfront lot line*: Any lot line abutting a body of water (e.g., lake, stream, creek, etc.).
- e) *Building orientation for lots with multiple street frontage*: (Refer also to "Setback, required.") In the case of a lot fronting on a public or private right-of-way on two or more sides, or other cases in which the above definitions do not apply, the zoning administrator shall designate front, rear, and side lot lines for building orientation purposes, based on the following considerations:
 - 1) Location and orientation of existing or proposed buildings on the lot in question in relation to existing buildings on properties in the same general neighborhood.
 - 2) Location and impact of existing vegetation, water, or other natural features affecting the location of buildings or structures on the lot in question.

Lot, nonconforming, is a lot of record which does not meet the dimensional requirements of this ordinance.

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

Lot, through, and double frontage lot are an interior lot having frontage on two more or less parallel streets.

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Lot width is the horizontal distance between side lot lines measured parallel to the front lot line at the front lot line and at the required front setback line. For lots fronting on a cul-de-sac, "lot width" shall mean the horizontal distance between side lot lines measured parallel to the front lot line at the at the required front setback line. (Refer to "Setback line.")

M Definitions

Manufactured home is a mobile home, residential building, dwelling unit, dwelling room or rooms, or a building component which is designed for longterm residential use and is wholly or substantially constructed at an off-site location, transported to a site, and erected. (Refer also to section 3.200, standards applicable to single-family dwellings.)

Manufactured home park and *mobile home park* are a parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose, regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. (Refer also to section 3.200, standards applicable to single-family dwellings.)

Manufactured (mobile) home subdivision is a platted or site condominium residential development consisting of manufactured or mobile homes located on individual, separately owned lots or condominium units. (Refer also to section 3.200, standards applicable to single-family dwellings.)

Map. Refer to "Zoning map."

Marina means a facility that is owned or operated by a person or other entity, extends into or over an inland lake or stream, and offers service to the public or members of the marina for docking, loading, or other servicing of recreational watercraft. A fee may or may not be charged for the use of a marina.

Massage is the rubbing or kneading of body parts, usually with the hands, in order to stimulate circulation and make muscles or joints supple and/or to relieve tension. Massage shall not include any touching or other stimulation of male or female genitals or female breasts. Massage does not preclude necessary medical treatments performed on any part of the human body if carried out by, or under the direction of, medical practitioners, including physicians, chiropractors, and associated medical professionals licensed by the State of Michigan.

Massage clinic (not to include adult massage parlor) is an establishment where, for any form of consideration or gratuity, massage services are provided by a licensed medical practitioner, including physicians, chiropractors, or persons under the direction of a licensed medical practitioner, and massage therapists who are certified members of the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards.

Master deed and consolidating master deed. See "Condominium, master deed."

Master plan shall refer to the master plan of the City of Montague, of current adoption, including any amendments or updates thereto.

Medical clinic is an establishment where human patients are admitted for examination and treatment by a group of physicians, dentists, chiropractors, or similar professionals on an out-patient basis. A medical clinic may incorporate customary laboratories and pharmacies necessary or incidental to its operation.

Miniwarehouse and *self-storage warehouse* are a building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers strictly for the in-door storage of a customer's nonhazardous goods or wares.

Mobile home is a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. Mobile home does not include a recreational vehicle or motor home. For purposes of this

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ordinance, those structures which are called variously modular or prefabricated, and are preconstructed in some other location and transported to the housing site, but are built under the standards of a national building code, referred to in the Michigan State Construction Code, under Public Act No. 230 of 1972 (MCL 125.1501 et seq.), are not included in this definition of "mobile home." Such modular and prefabricated housing, however, shall meet the general housing standards of this ordinance and other applicable city codes and ordinances. (Refer to section 3.200, standards applicable to single-family dwellings.)

Mobile home park. Refer to "Manufactured home park."

Mobile home site or space is a portion of the mobile home park set aside and clearly designated for use by a specific mobile home.

Modular housing unit (prefabricated) is a dwelling unit constructed solely within a factory as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction. (Refer to section 3.200, standards applicable to single-family dwellings.)

Motel and motor court are a series of attached, semi-detached, or detached rental units, each containing a bedroom, bathroom, and closet space, in which transient, overnight, lodging or boarding are offered to the public for compensation. The design of a motel is oriented to the public traveling by motor vehicle with individual sleeping rooms exiting directly to the outside with patron parking located at or near each room exit. A motel may contain restaurants, gift and specialty shops, and lounges, provided, these uses are clearly accessory to the motel.

Motor home, recreational vehicle and RV are a self-propelled, licensed vehicle, prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

Municipal park (refer to "Public park") is a park owned and/or operated by the City of Montague, Muskegon County, or other governmental entity.

N Definitions

Nonconforming use is the use of a building or of land lawfully existing at the time the ordinance, or amendments thereto, became effective, but which does not conform with the use regulations of the district in which it is located.

Nonconforming lot of record (substandard lot) is a lot lawfully existing at the time the ordinance, or amendments thereto, became effective, and which fails to meet the minimum area requirements of the zoning district in which it is located.

Nonconforming structure is a structure, or portion thereof, lawfully existing at the time the ordinance, or amendments thereto, became effective, and which fails to meet the minimum requirements of the zoning district in which it is located.

Nursery, plant material. See "Garden center."

O Definitions

Obscuring screen is a visual barrier between adjacent areas or uses. The screen may consist of structures, such as a wall or fence, or living plant material. (Refer to "Landscape screen" and "Greenbelt.")

Occupancy load is the number of individuals who may safely occupy a building or structure, based on the building code standards of the City of Montague.

Occupied includes the term "arranged," "designed," "built," "altered," "converted to," "rented," "leased," or "intended to be inhabited," not necessarily for dwelling purposes.

Offset is the distance between the centerline of driveways or streets across the street from one another.

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Off-street parking lot is a facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering so as to provide safe and efficient access for entrance and exit for the parking of more than two vehicles; provided, however, a driveway serving a single-family detached dwelling or duplex which is capable of holding more than two vehicles shall not be considered as an off-street parking lot.

Open air business is a retail sales establishment operated substantially in the open air (out-of-doors).

Ordinary high water mark is the line between upland and bottom land which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface soil, and the vegetation.

Outdoor recreation establishment is a privately owned facility, designed and equipped for the conduct of sports, amusement, or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public and/or through membership, including guests thereof. Outdoor recreational activities include, but are not necessarily limited to, tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, marinas, and children's amusement parks. A user fee may or may not be charged.

P Definitions

Pad is cement slab or other such feature used for the placement of buildings and structures.

Parapet wall is an extension of a building wall above the roof, which may serve to screen roof-mounted mechanical equipment.

Parcel is a lot described by metes and bounds or described in a recorded plat.

Parking space (area) is a designated stall, open or enclosed, for parking of motor vehicles.

Planned unit development (PUD) is a form of land development comprehensively planned as an entity via a unitary site plan, which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. A planned unit development may contain a single type of use or mix of uses if provided for by the underlying zone district.

Planning commission is the City of Montague Planning Commission, as duly created under Public Act No. 285 of 1931 (MCL 125.31 et seq.). By official action of the city council of the City of Montague, the powers and duties of the zoning board/commission, as delineated under Public Act No. 207 of 1921 (MCL 125.581 et seq.) have been transferred to the planning commission.

Plat is a map of a subdivision of land.

Ponds and lakes are natural or artificial impoundments that retain water yearround.

Principal building or structure is a building or structure in which is conducted the principal use of the lot upon which it is situated.

Principal use is the main use to which the premises are devoted and the principal purpose for which the premises exist.

Principal use permitted is a use permitted in each zoning district by right.

Private club is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Private road is any road or thoroughfare for vehicular traffic, which is privately owned and maintained and which provides the principal means of access to abutting properties. A private road shall meet the design and construction standards of the City of Montague.

Public and semi-public institutional buildings, structures and uses are buildings, structures, and uses of governmental agencies and nonprofit organizations, including, but not limited to, office buildings, municipal parking lots, post offices, libraries, and community centers. (Refer to "Institutional uses.")

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Public open space is any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

Public park and *municipal park* are any undeveloped park, natural area, or parcel used for passive recreational purposes [e.g., hiking, nature photography, etc.] and any developed park, playground, beach, outdoor swimming pool, and other such facilities intended for active recreational pursuits, within the jurisdiction and control of a governmental agency.

Public parking area is an open area, other than a street or other public way, used for the parking of automobiles and available for public use, whether for a fee, free, or as an accommodation for clients or customers.

Public street is a public thoroughfare which affords the principal means of access to abutting property.

Public utility is any person, municipal department, board or commission duly authorized to furnish and furnishing, under state or municipal regulations to the public, gas; steam; electricity; sewage disposal; land line telephone service, telegraph, and cable; transportation; or water. Commercial wireless telecommunication service facilities shall not be considered public utility uses, and are defined separately.

Q Definitions

Reserved for future use.

R Definitions

Radioactive materials are materials defined as radioactive under Michigan Department of Natural Resources, Michigan Department of Environmental Quality, or the United States Environmental Protection Agency regulations for transportation of radioactive materials or under the Michigan Department of Public Health, Michigan Department of State Police, or the Muskegon County Health Department regulations, whichever is determined to be applicable.

Recreational vehicle is a vehicle intended and designed primarily for recreational use, such as motor homes, camper trailers, travel trailers, boats, snowmobiles, off-road and all terrain vehicles, and similar vehicles or trailers. The term "recreational vehicle" shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

Restaurant is an establishment in which the sole or primary activity is the preparation and sale of food for on-site consumption or takeout. Subordinate activities may, with the consent of the city council as required by the Liquor Control Act, include provisions for the sale of alcoholic beverages, including the brewing thereof, for on-site consumption; provided, however, the sale of such beverages shall clearly be incidental to the preparation, sale, and consumption of food.

Retail store is any building or structure in which the indoor (inside) sales of goods, wares, or merchandise are sold to the consumer for direct consumption and/or use and not for resale.

Right-of-way is a street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

S Definitions

Salvage. Refer to "Junk."

Salvage yard. Refer to "Junkyard."

Satellite dish antenna is a device incorporating a reflective surface that is solid, open mesh, or bar configured, and is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially or extraterrestrially based sources. This definition includes, but is not limited to, devices commonly referred to as "satellite earth stations," "TVROs" (television reception only satellite antennas), and "satellite microwave antennas."

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

Service drive is a drive which generally parallels the public right-of-way, but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design. Service drives as defined above are often used for the delivery and pickup of goods and merchandise, but may also be used for other vehicular movement. (Refer to "Frontage drive.")

Setback is the horizontal distance between a front, rear, or side lot line and a building line. (Refer to "Setback, required," and "Yard.")

Setback line is a line, generally parallel to a front, rear, or side lot line, which reflects the minimum required setback for a lot or parcel as specified by underlying zone district standards. The setback line for a yard abutting a street shall be measured from the street right-of-way line. On lots with water frontage, the setback line for a yard abutting a waterfront shall be measured from the ordinary high water mark.

Setback, required, is the required minimum horizontal distance between a front, rear, or side lot line and a building line; provided, however, said horizontal distance shall be measured from the street right-of-way line whenever a yard abuts a public or private street. On lots with multiple street frontage, such as corner lots, all sides of said lots abutting a street shall be considered front yards pursuant to required setback. On lots with water frontage, said horizontal distance shall be measured from the ordinary high water mark. (Separate definitions for condominium projects are listed under "Condominium, setbacks." Refer also to "Lot line." Refer also to article III, general provisions, for information regarding setback from certain easements.)

Setback, parking lot, is the required horizontal distance between the improved portion of a parking lot (e.g., area on which vehicles circulate and park) and the adjacent property line, excluding necessary and approved driveways.

Shopping center is a group of commercial establishments (three or more), planned and developed as a unit, with a minimum gross leasable area of 20,000 square feet, and with off-street parking provided on the property.

Shoreline is the edge of a body of water measured at the ordinary high water mark.

Sight distance is the length of roadway visible to the driver, and generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.

Sign. Refer to article VII, signs.

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

Site plan is a scaled drawing(s) illustrating existing and proposed conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with this ordinance.

Solid waste is any discarded material, substance, product, or byproduct, including, but not limited to, junk, trash, refuse, and garbage. The collection, transport, and disposal of solid waste shall be in accordance with the requirements of the Michigan Department of Environmental Quality, the United States Environmental Protection Agency, and this ordinance.

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

Specified anatomical areas, for purposes of this ordinance, shall be defined as follows:

- a) Less than completely and opaquely covered:
 - 1) Human genitals or pubic region;

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- 2) Buttock; and
 - 3) Female breast below a point immediately above the top of the areola.
- b) Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

Specified sexual activities, for the purposes of this ordinance, shall be defined as follows:

- a) Human genitals in a state of sexual stimulation or arousal.
- b) Acts of human masturbation, sexual intercourse, or sodomy.
- c) Fondling or other erotic touching of the human genitals, pubic region, buttock, or female breast.

Stacking, vehicular, refers to occupied vehicles positioned in a line, either idling or moving at very slow speeds, while awaiting service at a drive-up window, entry into a wash bay, entry into a bay for vehicular service, movement as part of a procession, entry to or from a driveway or roadway, or other such function resulting in a line of vehicles awaiting movement. Vehicular stacking is also referred to as "queuing."

State licensed residential facility (six or fewer persons) is a structure constructed for residential purposes that is licensed by the state pursuant to the Adult Foster Care Facility Licensing Act (MCL 400.701 et seq.), or the Child Care Organizations Act (MCL 722.111 et seq.), which provides resident services or care for six or fewer persons under 24-hour supervision for persons in need of that supervision or care. A "state licensed residential facility (six or less persons)," as defined by this section, shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or roominghouse that does not provide or offer to provide foster care.

Story is that portion of a building, other than a basement or mezzanine, included between the upper surface of any floor and the upper surface of the floor next above it, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused space is more than six feet abovegrade, such usable or unused underfloor space shall be considered a story.

Street is a public or private thoroughfare, which affords the principal means of access to abutting property.

Structure is anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on the ground. This term shall include, but is not necessarily limited to, buildings, pads, parking lots, fences, tanks, towers, dish antennae, advertising devices, tents, trailers, or similar structures on wheels or other support used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames; electrical, telephone, and cable television utilities (poles and wires); or service utilities below the ground.

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

Subdivision is the partitioning or splitting of a parcel or tract of land in accordance with the requirements of the subdivision control regulations of the City of Montague.

Substantial improvement is any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent 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. For purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or (2) any alteration of a structure listed on the National Register of Historic Places or the state inventory of historic places. For

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purpose of this definition, market value shall be based on the assessment records of the City of Montague or, if such records are not available, the city assessor's determination of estimated market value.

Swimming pool is any outdoor structure or container, whether located above[ground] or belowground, designed to hold water to a depth of greater than 24 inches, and intended for swimming, relaxation, therapeutic purposes, or bathing. A swimming pool shall be considered an accessory building for purpose of determining required yard setbacks.

T Definitions

Temporary building, structure or use is a building, structure, or use authorized for a specific period of time according to the provisions of this ordinance.

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

Trash shall mean discarded materials, refuse, and junk, considered and/or classified as worthless or useless. Trash shall not include garbage.

U Definitions

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

V Definitions

Variance is a relaxation or modification of the requirements of this ordinance as authorized by the board of zoning appeals under the provisions of this ordinance and Public Act No. 207 of 1921 (MCL 125.58 et seq.), including any amendments thereto.

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

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

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

Video arcade and *video establishment* are a gallery, mall, or space used for the installation and commercial operation of electronic recreational game equipment (machines), including computerized game equipment. Said equipment incorporates images, or images and sound combined, which may or may not be partially administered through hand controls. Normally, each machine in a video arcade is used by only one or two patrons at any one time. [Refer also to "Adult motion picture arcade."]

W Definitions

Waterfront refers to that portion of a lot or parcel abutting a body of water (e.g., lake, stream, creek, etc.). (Refer also to "Yard.")

Wetland is 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."

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Wetland, regulated, is certain wetlands regulated by the Michigan Department of Natural Resources or Michigan Department of Environmental Quality under the provisions of Public Act No. 203 of 1979, (MCL 281.701 et seq.) [now repealed - see MCL 324.30301 et seq.], and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a "bog," "swamp," or "marsh."

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

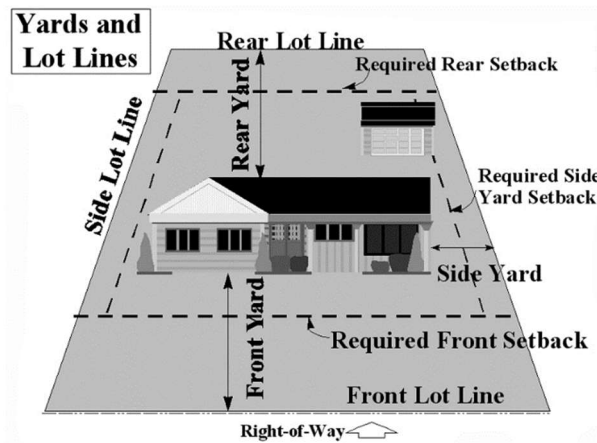
X Definitions

Reserved for future use.

Y Definitions

Yard

- a) *Yard*: a space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this ordinance, on the same lot with a building or structure. A yard is measured between the applicable lot line and the nearest foundation line of a building or structure.



- b) *Front yard*: A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the building or structure. In the case of a waterfront lot, the yard on the street side shall be the front yard. The "required front yard" shall mean the yard to be established as a result of compliance with the required front yard setback.
- c) *Rear yard*: A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building. The "required rear yard" shall mean the yard to be established as a result of compliance with the required rear yard setback.
- d) *Side yard*: A yard between the foundation line of the main building and the side lot line extending from the required front yard to the required rear yard. The "required side yard" shall mean the yard to be established as a result of compliance with the required side yard setback.

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Z Definitions

Zoning act is Public Act No. 207 of 1921 (MCL 125.581 et seq.), including any amendments thereto; provided, however, the powers and duties of the zoning commission have been transferred to the planning commission of the City of Montague under the provisions of Public Act No. 285 of 1931 (MCL 125.31 et seq.).

Zoning administrator is an individual appointed by the city manager of the City of Montague, and delegated to administer the city zoning ordinance.

Zoning board of appeals is the City of Montague Zoning Board of Appeals created under Public Act No. 207 of 1921 (MCL 125.581 et seq.).

Zoning district is a portion of the city within which certain regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

Zoning map is the official zoning map of the City of Montague, approved by the Montague City Council, upon which the zone districts and zone district boundaries as specified by this ordinance are depicted, including pertinent information associated therewith. The official zoning map shall be considered a part of this ordinance.

Zoning permit. Refer to "Building permit for zoning compliance."

ARTICLE III. GENERAL PROVISIONS

[Section 3.10. Construction begun prior to adoption of ordinance.](#)

[Section 3.20. Building to be moved.](#)

[Section 3.30. Excavation, removal and filling of land.](#)

[Section 3.40. Zoning application procedures in general.](#)

[Section 3.50. Required area or space.](#)

[Section 3.60. Projection into yards.](#)

[Section 3.70. Mechanical equipment—Roof and ground mounted.](#)

[Section 3.80. Essential public services.](#)

[Section 3.90. Fences, walls, gates, screens, and landscape—General requirements and intersection visibility \(refer also to section 3.320, required screening\).](#)

[Section 3.100. One principal building, structure or use per lot.](#)

[Section 3.110. Repair and storage of vehicles in residential districts.](#)

[Section 3.120. Use of yard spaces and other open areas for storage of machinery, equipment, junk, and wood impacting residential parcels.](#)

[Section 3.130. Accessory buildings, structures and uses.](#)

[Section 3.140. Wireless \[communication\] antennas \(WCAs\), wireless communication facilities \(WCFs\), wireless communication towers \(WCTs\), and satellite dish antennas \(SDAs\).](#)

[Section 3.150. Temporary buildings and structures \(refer also to section 3.120\).](#)

[Section 3.160. Streets, street frontage, street access, driveway location, driveway surface standards, sidewalks and paths \(refer also to parking and loading, article VI\).](#)

[Section 3.170. Prohibited structures for dwelling purposes and use of recreational vehicles for temporary living.](#)

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[Section 3.180. Withholding approval pending local, state, or federal approval.](#)

[Section 3.190. Change of tenancy of ownership of nonconforming uses.](#)

[Section 3.200. Standards applicable to single-family dwellings.](#)

[Section 3.210. Placement of motor homes and recreational type vehicles.](#)

[Section 3.220. Site plan/use review by building official, fire chief and others.](#)

[Section 3.230. Recording of site plans and other instruments.](#)

[Section 3.240. Plat violations.](#)

[Section 3.250. Restoring unsafe buildings.](#)

[Section 3.260. Grade.](#)

[Section 3.270. Trash receptacles and dumpsters.](#)

[Section 3.280. Home occupations.](#)

[Section 3.290. Site condominiums.](#)

[Section 3.300. Day care and group homes.](#)

[Section 3.310. Determining front yard requirements and averaging of setback.](#)

[Section 3.320. Required screening \(refer also to section 3.90, fences, walls, gates, screens, and landscape - general requirements and intersection visibility\).](#)

[Section 3.330. Lot width to depth ratio.](#)

[Section 3.340. Reserved for future use.](#)

[Section 3.350. Unwholesome substances and working and storage surfaces for certain operations to prevent environmental damage.](#)

[Section 3.360. Boat docks, dockages, and waterfront keyhole development \(keyholing and funneling\), not including commercial marinas.](#)

[Section 3.370. Tents.](#)

[Section 3.380. Bed and breakfast operations.](#)

[Section 3.390. Adult entertainment use.](#)

Section 3.10. Construction begun prior to adoption of ordinance.

The adoption of the zoning ordinance shall not be deemed to require:

- a) A change in the intended use of land where there has been work of a substantial nature in reliance upon a prior zoned use.
- b) Compliance with the location and design requirements of the zoning ordinance to the extent that there has been actual material commencement of construction of a structure pursuant to a building permit.

Any conditions or other requirements imposed by the city shall remain in effect, even though this ordinance may not provide for the same.

Section 3.20. Building to be moved.

Any building or structure which has been wholly or partly erected on any premises shall not be moved to and be placed upon any premises in the city unless the building inspector had made an inspection of the

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building or structure to be moved and has found it in compliance with local building codes and the zoning administrator has, after site plan review, made a positive determination of site suitability pursuant to compliance with the underlying zone district standards and other applicable requirements of this ordinance. Any building or structure normally subject to review and approval by the planning commission shall be subject to said review and approval. Any building or structure to be used in connection with a special land use, whether existing or proposed, shall be subject to the special land use and site plan review requirements of this ordinance.

Cross reference— Buildings and building regulations, ch. 18; streets, sidewalks and other public places, ch. 62.

Section 3.30. Excavation, removal and filling of land.

The use of land for the excavation, removal, filling, or depositing of any type of earth material, topsoil, sand, gravel, or similar material shall be accomplished in accordance with the following provisions:

- a) *Review and approval agency.* The review and approval of applications to excavate or fill shall be processed by the following parties:
 - 1) *Zoning administrator*—Excavation or fill operations not exceeding 1,000 cubic yards and excavation or earth movement projects designed to result in the creation of a pond or similar water retaining feature which does not exceed 500 square feet in surface area, side slopes in excess of 15 percent, nor a depth of three feet. Operations exceeding the above parameters shall be reviewed and approved by the planning commission.
 - 2) *Planning commission*—Excavation or fill operations greater than 1,000 cubic yards and all excavation or earth movement projects designed to result in the creation of a pond, lake, or similar water retaining feature greater than 500 square feet in surface area, side slopes in excess of 15 percent, and/or depth of three feet. The project shall be processed by the planning commission under the site plan review requirements of this ordinance, including any applicable standards of this section.
- b) *Soil erosion and sedimentation control.* All operations shall adhere to the provisions of the Soil Erosion and Sedimentation Control Act, Public Act No. 347 of 1972, including any amendment thereto [repealed see now MCL 324.9101 et seq.].
- c) *Excavation and filling of land.* No use of land for filling (deposition) with soil, sand, gravel, industrial byproducts, cinders, dredging spoils, or any material in any form shall be allowed without a fill permit. In no case shall a fill product represent an environmental hazard or be classified by the state or federal government as environmentally unsafe. All fill materials shall meet or exceed the minimum clean levels identified by the Michigan Department of Environmental Quality or the United States Environmental Protection Agency (the more stringent levels thereof) necessary pursuant to the intended use of the site and the range of uses provided for by the underlying zone district. In no instance shall fill material represent a hazard to those properties adjacent to the site to be filled, nor to the groundwater and surface waters. In all instances, the city may require written analysis and certification regarding the composition and potential health hazard of any material regulated by this section; provided, however, such analysis and certification shall be required for the use of dredge material, industrial byproducts, and cinders. All analysis and certification shall be completed by a bona fide testing laboratory meeting the testing certification requirements of the Michigan Department of Environmental Quality and the United States Environmental Protection Agency, as applicable.
- d) *Excavation and fill standards.* The excavation and filling of land shall comply with the following standards:

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- 1) [It] shall not cause surface water to collect or to run off onto adjoining lands contrary to normal and natural drainage patterns, unless said adjoining lands are part of a bona fide, approved plan designed to redirect, or otherwise modify, normal and natural drainage patterns.
 - 2) [It] shall not result in off-site fugitive dust, grime, fumes, or odors above the levels existing prior to the excavation or filling operation.
 - 3) All fill shall be properly compacted to ensure a stable surface and to prevent settling which may be disruptive to buildings and structures.
 - 4) [It] shall not result in a situation or condition such that the use of the land as designated by this ordinance is no longer viable.
 - 5) [It] shall not result in a reduction of light and air to adjoining properties.
 - 6) [It] shall not result in the spread of dirt, mud, or other debris on the public road system resulting from vehicles entering or leaving the site of the excavation or fill operation.
 - 7) [It] shall only be accomplished between the hours of 7:00 a.m. and 7:00 p.m., unless it can be demonstrated that hours beyond these are necessary due to emergency purposes.
 - 8) [It] shall not represent a fire or other safety hazard.
 - 9) Excavation projects shall require an approved restoration plan indicating the full scope of site restoration and use. The plan shall incorporate detail on final grades, surface water drainage, vehicular and pedestrian access, buildings and structures, proposed infrastructure, landscape, signage, lighting, sidewalks, and/or other such information as applicable to the proposed use, as required under normal site plan review.
- e) *Conditions and performance guarantee.* In approving an excavation or filling operation, the approving party may establish conditions and/or require a performance guarantee which are determined necessary to protect the health, safety, and welfare of the citizens of Montague and to ensure compatibility of the operation with the surrounding neighborhood.
- f) *Permit as part of a building project.* Application for earth moving or filling operations to be completed as a component of a building project, such as the construction of a residential subdivision, may be submitted for review and approval concurrent with the application for said building project. Moreover, the applicant may file a comprehensive (combined) application containing the information necessary for review of all project elements.
- g) *Permit exemptions.* The following shall be exempt from the permit requirements of this section, but shall, unless otherwise indicated, adhere to the standards of section 3.30d)1)—6) and 8):
- 1) The removal of soil (earth materials) necessary for the placement of a building foundation or basement, which has received a bona fide building permit.
 - 2) The movement of material from a lot or parcel, or onto a lot or parcel, provided, the quantity of said material does not:
 - a. Exceed 300 cubic yards.
 - b. Raise or lower the existing natural grade by more than 12 inches over an area encompassing more than 25 percent of the total lot or parcel.
 - c. Cause surface water to collect or to run off onto adjoining lands contrary to normal and natural drainage patterns.
 - 3) Normal lawn maintenance.
 - 4) Site landscaping which does not circumvent the intent of this section.
 - 5) Permitted commercial and industrial uses which, by the nature of their business, temporarily stockpile nonhazardous material in excess of 300 cubic yards (singularly or combined), but not

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exceeding 1,000 cubic yards (singularly or combined). Such uses include, but are not limited to, landscape nurseries, lumberyards selling landscape products, and industries which package, for wholesale or retail, soil and gardening products. The temporary stockpiling of material (singularly or in combination) in excess of 1,000 cubic yards shall require site plan approval by the planning commission.

- 6) The above exemptions do not override the need to also comply with any state and/or federal permit requirements.

Section 3.40. Zoning application procedures in general.

The process for application and review by the City of Montague for site plan review, special use permits, planned unit development (PUD), amendments to this ordinance and rezoning of land, request for variance, and other zoning actions are set forth in those sections of this ordinance dealing with the specific action sought. Application submission dates, application forms, and fee requirements are available at the office of the zoning administrator of the City of Montague. A fully executed application and payment of fees shall be submitted to the city in order to initiate official consideration of any zoning matter.

Section 3.50. Required area or space.

- a) *Required area and dimensions.* No lot, required yard area, required parking area, required lot width, or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this ordinance. The minimum area for any new lot or parcel shall be no less than the minimum lot size of the underlying zone district in which the lot or parcel will be located. If already less than the minimum requirements of this ordinance, a lot, required yard, parking area, lot width, or space shall not be divided or reduced in dimensions or area so as to increase noncompliance with the minimum requirements of this ordinance.
- b) *Requirement to combine nonconforming contiguous lots in common ownership.* Contiguous lots in common ownership, which individually do not meet the required lot area and/or lot width, shall be combined as one lot for purposes of meeting the required lot area and/or lot width. Contiguous lots so combined shall not be divided or reduced in dimensions or area so as to increase noncompliance with the minimum requirements of this ordinance.
- c) *New lots and yards.* Lots or yards created after the effective date of the ordinance shall comply with the requirements of this ordinance.
- d) *Nonconforming lots in general.* Lots legally created prior to the effective date of the ordinance, and not meeting the requirements of this ordinance, shall be considered nonconforming lots and subject to the nonconforming provisions of this ordinance.
- e) *Accessory building part of main building.* Unless provided for by this ordinance, accessory buildings or structures including, but not limited to, porches enclosed by walls and garages attached to a dwelling unit or other principal building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building for the purpose of determining compliance with the provisions of this ordinance concerning required yards for said dwelling unit or principal building.
- f) *Double counting of designated space prohibited.* Unless otherwise permitted by this ordinance, no space which, for purpose of a use or building, has been counted or calculated or included as part of a yard area or other space required by this ordinance may be counted or calculated or included to satisfy the yard or other open space requirements for any other use or building.

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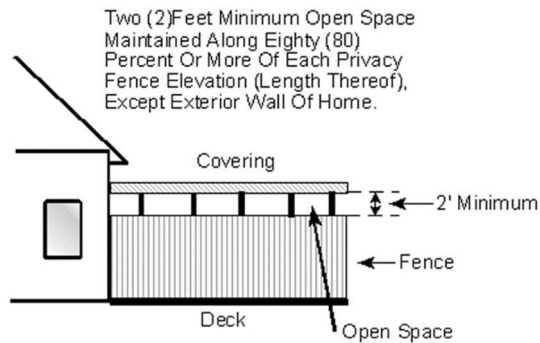
Section 3.60. Projection into yards.

- a) *Projection into yards.* Provided they do not pose a threat to the public health, safety, or welfare, damage to adjoining properties, nor violate city building and construction codes, certain architectural features and structures may project into required yards. In all instances, said projections shall be subject to review and approval by the zoning administrator. In making a determination of approval, the zoning administrator may consult with the building inspector, fire chief, or other such individuals for purposes of determining potential impacts on the public health, safety, welfare, or damage to adjoining property or other code requirements.
- b) *Cornices, eaves, gutters, building overhangs, chimneys, pilasters and similar features.* [Cornices, eaves, gutters, building overhangs, chimneys, pilasters and similar features] may project into required yards as follows:
 - 1) Three feet into a required front yard.
 - 2) Five feet into a required rear yard.
 - 3) Two feet into a required side yard.
- c) *Unenclosed stoop, deck, balcony, or window awning.* [An unenclosed stoop, deck, balcony, or window awning] may project into required yards as follows:
 - 1) Five feet into a required front yard.
 - 2) Ten feet into a required rear yard.
 - 3) Steps and an adjoining landing, said landing not to exceed three by three feet, may project into a side yard if located directly off a main floor exterior door. The projection shall be at least three feet from the side lot line.
- d) *Stoop or deck enclosed by privacy fencing.* [A stoop or deck enclosed by privacy fencing] may project up to ten feet into a required rear yard, subject to the following restrictions:
 - 1) The stoop or deck shall be attached to, or within 12 inches of, the principal dwelling.
 - 2) The enclosure shall be designed and constructed as privacy fencing, as opposed to an enclosed seasonal or yearround living space, such as an enclosed porch, sunroom, family room, etc.
 - 3) The privacy fencing may be covered by a roof-type structure or covering, provided, a minimum distance of two feet between the roof or covering shall be maintained throughout 80 percent of all elevations (length thereof), except for the exterior wall of the home to which the roof structure or covering is attached or abuts.
 - 4) The combined height of the privacy fence on the deck shall not exceed:
 - a. Six feet for a deck located off the first floor.
 - b. Five feet for a deck located off a second story.
 - c. Four feet for a deck located above a second story.
 - 5) The above projection distances shall include any eaves, gutters, or similar devices or features which may be attached to the stoop, deck, roof, or covering.

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Stoop or Deck Enclosed by Privacy Fence



- e) *Low level rear yard deck.* A deck located in the rear yard may cover said yard, subject to the following restrictions:
- 1) The deck shall be subject to site plan review and approval by the following party:
 - a. Deck covering up to 50 percent of the rear yard—by the zoning administrator.
 - b. Deck covering more than 50 percent of the rear yard—by the planning commission.
 - 2) The deck surface shall not exceed 12 inches above ground height.
 - 3) The deck shall be at least three feet from any side or rear lot line.
 - 4) No portion of the deck located in a required yard area may contain a roof; provided, however, a permitted accessory structure located on a deck, such as a pool shower area, changing room, sauna, utility building, and other permitted accessory building, may possess a roof.
 - 5) An accessory building placed on the deck shall be constructed of materials similar to that of the deck. For determining height, the height of the accessory building shall include any distance between the building and ground surface.
 - 6) Adequate provisions shall be made to ensure the proper handling of surface water. The deck shall not result in damage to adjoining properties as a result of modifications to normal surface water drainage patterns.
 - 7) In granting approval, the zoning administrator or planning commission may require additional conditions, including, but not limited to, perimeter landscaping; restrictions on the design, placement, and use of an accessory building; and reduction in deck height and/or yard area coverage.
- f) *Building code requirements.* A yard projection permitted by section 3.60 shall not violate any provisions of the city building code.
- g) *Limits of encroachment.* A projection must be at least three feet from any public right-of-way.

Section 3.70. Mechanical equipment—Roof and ground mounted.

- a) Except as noted under [sub]section b) following, mechanical equipment, including water and gas meters; elevator housings; stairways; tanks; heating, ventilation, and air conditioning equipment (HVAC); and other similar equipment shall comply with the following standards:
- 1) *General provision.* All such equipment, roof or ground mounted, shall be screened by a solid wall, fence, landscaping or architectural feature that is compatible in appearance with the principal building.

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- 2) *Roof mounted.* Roof mounted equipment shall not exceed a height of ten feet above the surrounding roof surface, and shall occupy no more than 15 percent of the total roof area.
 - 3) *Ground mounted.* [Ground mounted equipment] shall be placed in either a nonrequired side or nonrequired rear yard.
- b) The following shall be exempt from the above provisions:
- 1) Single-family homes.
 - 2) Two-family homes.
 - 3) Window air condition[ing] units.

Section 3.80. Essential public services.

- a) The erection, construction, alteration or maintenance of essential public services shall be permitted in any zoning district, subject to the following review and approval procedures:
- 1) *Review and approval by zoning administrator.* The zoning administrator shall have authority to review and approve essential public services buildings which do not exceed a ground floor area of 600 square feet, nor twelve feet in height. A site plan shall be submitted to the zoning administrator for review and approval. The site plan shall include those elements required by the site plan review standards of this ordinance; provided, however, the zoning administrator may waive any required site plan element which he determines is unnecessary to make a determination of conformity of the essential public services building with the character of the surrounding neighborhood and this ordinance.
 - 2) *Review and approval by planning commission.* Essential public services buildings having a ground floor area exceeding 600 square feet or 12 feet in height, and all essential public services outdoor storage areas shall require site plan review and approval by the planning commission pursuant to the site plan review requirements of this ordinance.
- b) All buildings and storage areas used for essential public services shall be designed, erected, and landscaped to conform harmoniously with the character of the surrounding neighborhood.
- c) Communication towers shall comply with the provisions of section 3.140 of this ordinance.

Section 3.90. Fences, walls, gates, screens, and landscape—General requirements and intersection visibility (refer also to section 3.320, required screening).

- a) *Front yard.* Unless otherwise authorized in this ordinance, no fence, wall or screen located within the front yard of any zoning district shall exceed the following height limitations, nor shall said fence, wall, or screen be greater than 50 percent solid throughout its length. [Refer also to paragraph [subsection] f) of this section regarding clear vision standards.]
- 1) Residential districts, four feet.
 - 2) Commercial districts, four feet.
 - 3) Industrial districts, six feet.
- b) *Side and rear yards.* Unless otherwise authorized in this ordinance, no fence, wall or screen located within the side yard or rear yard in any zoning district shall exceed a height of six feet, except that a security fence for a permitted industrial use may include a maximum of one additional foot of barbed wire.
- c) *Measuring fence height.* Fence height shall be measured from the grade (elevation) of the ground immediately below the location of the fence. The grade immediately below the location of the fence

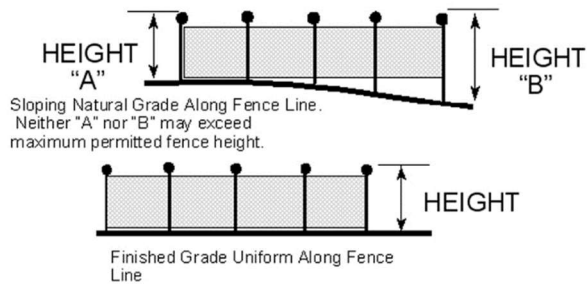
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may not be modified in order to achieve an increase in fence height in excess of ten percent above that obtainable prior to the grade modification. For purposes of this [sub]section, the grade associated with placement of a fence shall be defined as:

- 1) *Fence erected on a site containing no building or structure.* The grade shall be the naturally existing grade without modification.
- 2) *Fence erected on a site containing principal building or structure.* The grade shall be the finished grade existing at the fence site after construction of the principal building or structure. For fence construction purposes, said grade shall be subject to approval by the zoning administrator.

No portion of the fence shall exceed the maximum permitted height as measured from the grade to the top of the fence.



FENCE HEIGHT

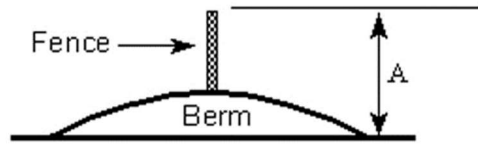
- d) *Fence placed on retaining wall, berm, or similar feature.* A fence, or portion thereof, may be erected on a retaining wall, berm, or similar feature, provided, the combined height of the retaining wall, berm, or such feature and fence shall not exceed the total allowable fence height as referenced under items [subsections] a) and b) above, or as noted in the following paragraph:

The zoning administrator may allow placement of a retaining wall and fence which, when combined, exceed the total allowable fence height as referenced above. Said approval may occur when the zoning administrator determines that additional height is necessary to permit the placement of a retaining wall of sufficient height to stabilize a natural bank against which the retaining wall will be positioned. However, the combined height of the fence and any portion of the retaining wall above the finished grade of the principal structure shall not exceed maximum fence height standards. In granting said approval, the zoning administrator shall determine that the additional height is needed for said stabilization, as opposed to erecting an extended base for purposes of attaining fence height. (Refer to the diagrams of fence located on retaining wall and fence located on berm.)

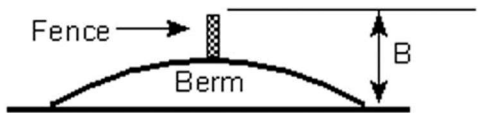
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FENCE LOCATED ON BERM



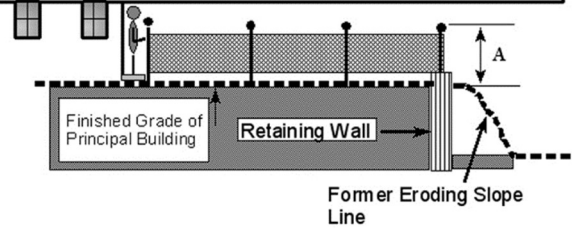
"A" exceeds 6 feet -- **NOT PERMITTED.**



"B" is 6 feet or less -- **PERMITTED.**

**Rear Yard Example - Maximum Height 6 Feet.
Includes berm and fence combined.**

Retaining wall built to hold bank subject to erosion. Fence placed on top of wall. The wall extends above grade [existing and prior grade (slope) line]. Fence and above grade portion of wall [A] remain within fence height standards.



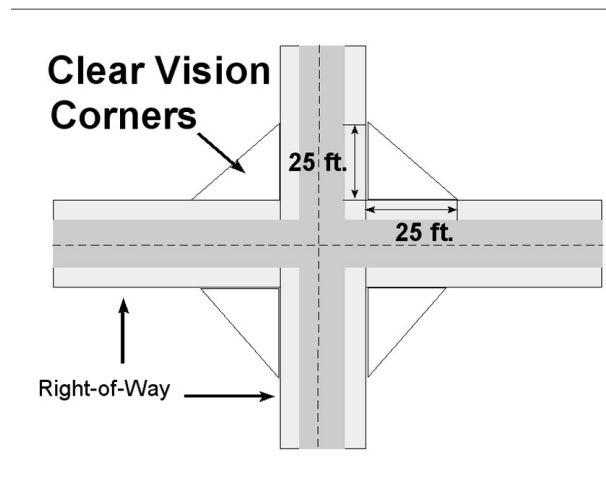
Fence Located on Retaining Wall

- e) *Placement in public right-of-way.* No fence, wall or screen shall be erected within any public right-of-way unless such placement is approved by the city council.
- f) *Proximity to public sidewalk.* No fence shall be placed closer than two feet to a public sidewalk or similar public easement unless such placement is approved by the city council.
- g) *Clear vision area.* Except in the C-1 commercial district (properties located outside of the waterfront overlay zone) as noted below, no fence, wall, screen or planting material greater than 36 inches in height shall be erected or maintained in such a way as to obstruct the vision of motorists within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two points located on those intersecting right-of-way lines 25 feet from the point of intersection with the right-of-way lines. Alley and street intersections shall comply with the above standards; provided, however, the dimensional factor shall be ten feet from the point of intersection with the right-of-way lines.

Due to the zero lot line setback requirements of the C-1 district (outside of the waterfront overlay zone), the above clear vision requirements shall normally not apply. However, all developments shall be designed, constructed, and maintained to ensure a high level of public safety. If, in the opinion of the zoning administrator, clear vision requirements are necessary for public safety, said administrator may require the same, consistent with the standards referenced above. In reaching a determination, the zoning administrator shall consult with the Montague Police Department for a recommendation on this matter. The local exclusion of the C-1 district shall not override applicable clear vision requirements of the Michigan Department of Transportation for state regulated roadways located in the C-1 district.

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- h) *Clear vision and driveway existing.* No fence, wall, screen or planting material shall be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways.
- i) *Property line location.* A fence may be located on a common property line, but may not fully encroach onto an abutting parcel without the written consent of the owner(s) of the abutting parcel, a copy of which written consent shall be filed with the zoning administrator prior to the erection of the fence.
- j) *Electric charge.* The use of electric current or charge on any ground surface or aboveground fence or part thereof is prohibited. Electronic fences buried beneath the ground shall be placed at least three feet from all lot lines (extended) and shall be subject to the provisions of the city electrical code.
- k) *Wall, fence, and gate design/type and animal enclosure.* Walls and fences, including gates, shall be compatible with the neighborhood in which they are placed. Except as noted below, fence and gate designs and types commonly associated with agricultural, commercial, and industrial operations are prohibited in residential districts. Such prohibited fencing and gates include, but are not limited to, livestock fencing, such as barbed wire, cattle and horse fencing and gates, chicken wire, woven wire fencing, commercial and industrial security fencing, and fencing containing barbed wire, electrical charge, razor/knife blades, or other such device. Animal enclosures (e.g., dog pens) placed in a residential district shall be located in the rear yard, a minimum of three feet from adjoining lot lines. Animal enclosures may be constructed of cyclone, woven wire, or similar type fencing.
- l) *Construction material.* Walls and fences, including gates, shall be constructed of new, durable, weather-resistant, rustproof, and easily maintainable materials customarily used in the construction of walls and fences; provided, however, this provision shall not preclude the use of decorative architectural materials when consistent with the intent of this section, the character of the area in which the fence is to be placed, and as approved by the city. Used material may be permitted, subject to review and approval by the zoning administrator.
- m) *Fence posts/supports.* All fences shall be erected with fence posts and supports on the interior side.
- n) *Use of landscape as desired alternative to walls and fences.* The use of existing natural vegetation and new vegetative landscape is encouraged in place of constructed walls and fences, or in combination with walls and fences.
- o) *Fence gaps.* Walls and fences required by the city for reasons of security and/or screening, or similar purposes, shall have no openings or discontinuances (e.g., gaps or other nonsecured or non-screened breaks), except as may be approved by the planning commission.
- p) *Fences for swimming pools.* All swimming pools capable of holding 24 or more inches of water shall be provided with a fence and self-locking gate. The fence and gate shall be no less than 48 inches in

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height; provided, however, more stringent requirements may be imposed by the zoning administrator or building inspector if determined necessary for public safety or as regulated by the building code.

- q) *Fence permit and other regulations concerning fence, wall, and landscape requirements.* Erection of a fence shall require a fence permit and payment of the necessary permit fee. (Refer also to regulations governing landscaping, buffers, architectural screens, and the like, section 3.320.)

Section 3.100. One principal building, structure or use per lot.

No lot may contain more than one principal building, structure, or use; provided, however, this provision shall not apply to groups of multiple-family dwellings, commercial buildings, industrial buildings or other groups of buildings which have been determined by the planning commission or city council, after review, as based on the requirements of this ordinance, to be a principal use collectively.

Section 3.110. Repair and storage of vehicles in residential districts.

- a) *Repair, restoration, and maintenance.* The carrying out of repair, restoration, and maintenance procedures on vehicles in any residential zoning district shall be subject to the following requirements:
- 1) Procedures exceeding 48 hours in duration or which require the vehicle to be immobile or inoperable in excess of 48 hours shall be carried out within an enclosed building.
 - 2) Inoperable and unlicensed vehicles and vehicle parts, packaging material, equipment, and other equipment and materials shall be stored inside an enclosed building.
 - 3) The vehicular repair shall be of a noncommercial nature.
- b) *Parking of trucks and construction equipment.* It shall be unlawful for the owner, tenant or lessee of any lot in any residential zoning district to permit the open storage or outdoor parking of semi-tractor trucks and semi-tractor trailers, bulldozers, earth carriers, cranes or any other similar equipment or machinery, unless parked thereon while in use for approved construction on such lot. Said machinery and equipment shall be removed within one week of the completion of construction.

Section 3.120. Use of yard spaces and other open areas for storage of machinery, equipment, junk, and wood impacting residential parcels.

On any residential parcel, no machinery, equipment, lumber piles, crates, boxes, junk, debris, or other materials shall be stored in any yard or open area that is visible from the street, public right-of-way, or adjoining residential property; provided, however:

- a) *Temporary placement of machinery and equipment used for building activities.* Machinery, equipment, and supplies being used for on-site construction activity for which a bona fide building permit has been issued may be stored on-site. Said machinery, equipment, and supplies shall be removed within one week of the completion of construction.
- b) *Wood used for home heating.* Cut lumber and wood to be used for the heating of a home or accessory building may be stored outside in a rear yard, provided, the wood and lumber shall be neatly stacked, shall not harbor vermin or pests, shall be limited to no more than four cords, shall not exceed the maximum fence height for rear yards, and shall be a minimum of three feet from an adjoining property line. Cut lumber and wood stored in the street side yard of a lakefront lot shall be stored in an approved accessory building and/or screened by landscaping, including the use of natural vegetation. Said wood or lumber shall be for the sole purpose of heating a home or accessory building located on the site at which the wood or lumber is stored. This provision shall not include, nor permit, the commercial storage, commercial cutting, or sale of wood and lumber from a residential premises.

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- c) *Noncommercial compost piles.* Compost piles may be constructed, subject to the following provisions:
 - 1) The pile shall be confined to the rear yard and at least three feet from any adjoining lot line.
 - 2) The pile shall not be used for the placement of household garbage and trash and shall be maintained free of odors and rodents and in a fire-safe manner.
 - 3) The pile shall be properly secured to prevent the off-site movement of leaves and other compost materials.
 - 4) Commercial compost operations shall be restricted to those districts permitting the same.

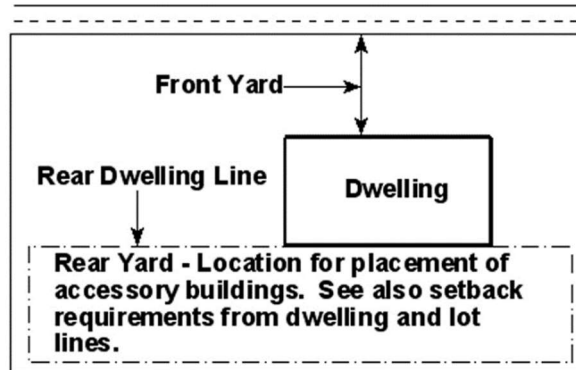
Section 3.130. Accessory buildings, structures and uses.

- a) *Accessory to principal building, structure, or use.* Accessory buildings, structures, and uses are permitted only in connection with, incidental to, and on the same lot with a principal building, structure or use. No accessory building, structure, or use may be placed on a lot without a permitted principal building, structure or use.
- b) *Zone district requirement.* An accessory building, structure, or use must be in the same zoning district of the associated principal building, structure, or use.
- c) *When attached to a principal building or structure.* Unless specifically provided for, accessory buildings or structures structurally attached to a principal building or structure shall be subject to all the regulations of this ordinance applicable to principal buildings, structures, and uses.
- d) *Use requirement and construction standards, including temporary accessory buildings and underground storage tanks.* No accessory building, structure, or use shall be utilized unless the principal structure to which it is accessory is occupied or utilized. Accessory buildings shall be stick-built or of equivalent new building construction. No mobile home, tank, junk object, salvage materials, trailer, vehicle, or similar item shall be utilized as an accessory building or storage structure; provided, however, the above requirements shall not be applicable to:
 - 1) Bona fide agricultural storage buildings or activities.
 - 2) Tool sheds or similar temporary storage structures utilized pursuant to the construction of a building, so long as the period of construction does not exceed two years. All such structures shall be removed prior to issuance of a certificate of occupancy.
 - 3) Underground storage tanks accessory to a permitted use. Said tanks, including the operation of same, shall meet all state and federal permitting and monitoring requirements.
- e) *Residential districts—Additional accessory building standards for residential districts (refer to subsection f, following, for information concerning waterfront lots).* In addition to subsections a) through d) above, accessory buildings in residential districts shall comply with the following:
 - 1) *Yard location:*
 - a. Unless otherwise provided for by this ordinance, no accessory building, structure or use shall be erected or placed within any front yard, or within a side yard unless located behind the rear dwelling line.

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**Detached Accessory Building Location for
Non-Waterfront Lots**



- b. An accessory building, structure, or use shall be a minimum of ten feet from the principal dwelling; provided, however, a breezeway may be constructed in the required ten-foot isolation distance connecting a garage with said dwelling. For purposes of determining yard area requirements, the connected structure (garage and breezeway) shall be considered an integral unit of the principal structure.
 - c. An accessory building, structure, or use shall be at least three feet from any side or rear lot line.
 - d. On corner lots, no accessory building, structure, or use shall encroach on the required front yard setback of an adjoining property (as though the setback were extended onto the subject property).
- 2) *Attached garage.* An attached garage may be erected to extend beyond the front building line of the dwelling if said garage has been designed as an integral part of said dwelling and will be constructed of materials architecturally and aesthetically compatible with the dwelling. In no instance, however, shall the garage extend into the required front yard.
 - 3) *Number of buildings.* No more than two detached accessory buildings shall be permitted on any lot; provided, however, dog pens and similar animal enclosures, swimming pools, satellite dish antennas, towers and antennas, and decks shall not be counted when determining the maximum number of permitted buildings or structures.
 - 4) *Height.* The maximum building height of any detached accessory building shall be 14 feet; provided, however, an additional four feet of height shall be permitted, subject to site plan review and approval by the planning commission. Pursuant to authorizing the additional height, the commission may require building and site development conditions determined necessary to ensure the compatibility of the higher building with surrounding properties.
 - 5) *Area.* Unless otherwise provided for by this ordinance, the total square footage of all accessory buildings located on a lot shall not exceed 50 percent of the rear yard area or the ground floor area of the principal building located on said lot, whichever is less.
 - 6) *Stable or kennel.* A stable, kennel, or such pet enclosure shall not be erected as an integral part of the principal building.
 - 7) *Design and construction.* Accessory buildings shall be designed and constructed consistent with the character of the principal use.

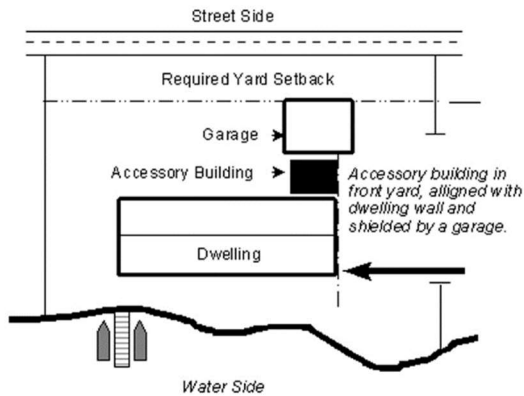
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- f) *Residential waterfront lots.* Due to the unique characteristics of waterfront lots, some deviation from the standards outlined under subsection e) above shall be permitted for lots having frontage on a body of water. These are:
- 1) *Detached garage location.* A detached garage may be placed in the nonrequired front yard between the dwelling and street.
 - 2) *Other accessory buildings.* One accessory (storage) building (not including the garage) may be placed in a nonrequired side yard or nonrequired front yard if located at least 25 feet from the front yard (street) right-of-way line. Accessory buildings so positioned shall be screened in order to reduce the open views of said buildings from off-site, with particular attention given to screening that mitigates open views from properties whose front yards face the street side front yards of waterfront parcels.
 - 3) [*Accessory buildings in the front (street side) yard.*] The following illustrations depict options associated with placement of accessory buildings in the front (street side) yard of a waterfront lot. In each case, open views of accessory buildings have been partially shielded through use of a permitted garage, screening, and/or landscaping. The zoning administrator shall be authorized to review and approve alternative screening designs, provided, said designs comply with the intent of this section.

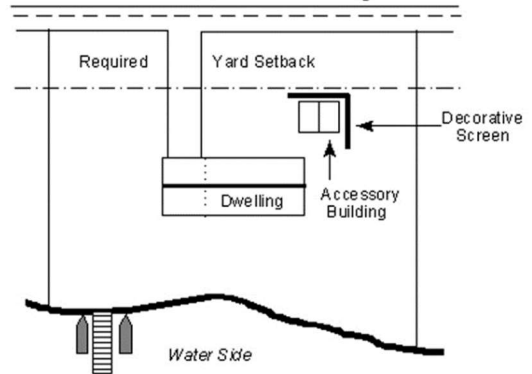
**Placement of Accessory Buildings on Waterfront Lots
"Site Examples"**

A - GARAGE AS A VISUAL BUFFER



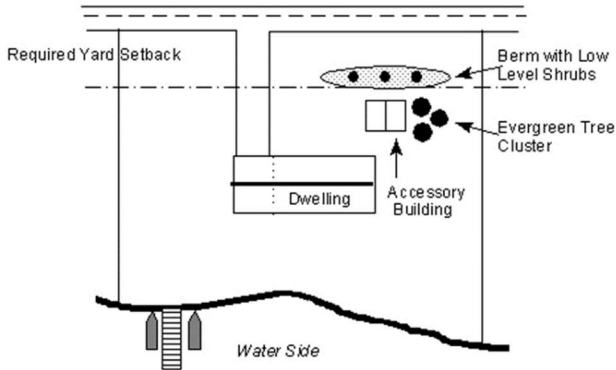
B - DECORATIVE SCREEN

Use of decorative screen to shield view of accessory building from street. Screen may be comprised of wood and/or masonry material and/or vegetation. Wood and/or masonry structure must not exceed 6 feet in height.



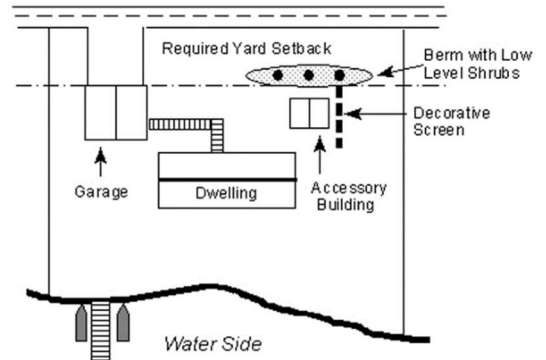
C - BERM WITH VEGETATION

Use of berm and vegetation to shield view of accessory building from street.



D - BERM AND SCREEN

Use of berm and screen to shield view of accessory building from street.



- 4) *Proximity to lot line and water exclusion.* Accessory buildings shall be at least 25 feet from any lot line which is also the waters edge of a lake or river; provided, however, a boathouse or boat lift built partially or totally over the water, and placed at least five feet from an adjoining lot line, shall be permitted following site plan review and approval by the planning commission.
- g) *Multiple front yards and accessory building setback.* Unless otherwise provided for by this ordinance, lots with multiple street frontage shall consider each frontage as a front yard for purposes of determining accessory building setback.

Section 3.140. Wireless [communication] antennas (WCAs), wireless communication facilities (WCFs), wireless communication towers (WCTs), and satellite dish antennas (SDAs).

- a) *Intent.* It is the intent of the following regulations to accommodate the changing communication needs of residents and businesses, while protecting the public health, safety, and general welfare of the city. As such, these regulations recognize the need to provide opportunity for various forms of personal and business communication systems, many of which are experiencing change as a result of technological advances. This section provides for appropriate areas for the siting of SDAs, WCAs, WCFs, and WCTs, and associated support facilities and equipment shelters in recognition of the public need and the requirements of federal law. It is the further purpose and intent of these regulations to:
 - 1) Provide for the appropriate location and development criteria for wireless communication support facilities and wireless communication antennas within the city;
 - 2) Allow and encourage the location of wireless communication support facilities in special zoning districts;
 - 3) Minimize the adverse effects of such facilities through careful design, siting, and screening criteria;
 - 4) Maximize the use of existing and future wireless communication support facilities and encourage multiple uses and collocation of such facilities;
 - 5) Protect the character of residential areas throughout the city from the effects of wireless communication facilities; and

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- 6) Promote the public health, safety, and welfare.
- b) *Uses permitted in all zone districts.* Wireless communication antennas (WCAs) shall be considered a permitted accessory use in any zoning district when:
 - 1) Placed on or attached to any existing structure over 50 feet in height, which constitutes a principal use, including existing communication towers and water towers, provided that any WCA shall not extend more than 20 feet above the tallest portion of the structure to which it is attached.
 - 2) Placed on an existing utility or light pole which will serve as a wireless telecommunications facility and where the height of said existing pole or other structure is not increased more than 20 feet, and the existing pole and other structure is not proposed to be modified in a manner which would materially alter the pole or structure and/or result in an impairment of sight lines or other safety interest.

Pursuant to the above:

- 1) A WCA shall require no personnel on the premises, except as necessary for maintenance and repair.
 - 2) A WCA shall be designed to blend into or meet the aesthetic character of the principal (primary) structure, where reasonably practical, taking into consideration the location of the WCA and the line of sight angle and distance from the right-of-way and neighboring uses.
 - 3) A WCA proposed to be located on a historic landmark or in a designated historic district may be denied if the WCA would create an adverse impact on the historic character of the historic landmark or district.
 - 4) Associated wireless telecommunication equipment shelters must meet accessory building size, height, and setback limitations of the zone district, and receive administrative approval.
 - 5) A site plan meeting the standards of this ordinance has been submitted and approved by the planning commission.
 - 6) This section shall not exempt the applicant from other governmental review, including, without limitation, permitting procedures of the Federal Communications Commission or Federal Aeronautics Administration.
- c) *Special districts where wireless communication towers (WCTs) may be located as special uses.* The following geographic locations shall be districts, which are otherwise zoned for other uses, for the siting of wireless communication facilities (WCFs), including wireless communication towers:
- 1) Any industrial zone district.
- d) *Standards in special districts allowing wireless communication towers (WCTs).* Wireless communication towers (WCTs) may be placed in the special districts after review and approval of the use by the planning commission, after public hearing, subject to the applicable standards and conditions for special uses, generally, and as follows:
- 1) The facility shall comply with all applicable Federal Aeronautics Administration and the Federal Communications Commission requirements.
 - 2) All WCTs shall be constructed in compliance with all applicable construction and safety codes and shall be certified as such by a professional structural engineer licensed in the State of Michigan.
 - 3) Accessory equipment storage structures shall meet the size, setback and height limitations of the underlying zone district. No accessory equipment or structure shall be allowed in any rights-of-way, nor in any existing public or private easement without written authority of the easement holder.

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- 4) The WCT shall not be used for advertising purposes and shall not contain any signage, except one which shall show the identify of the service provider and emergency telephone numbers. The sign shall not exceed two square feet in size, and shall be easily readable from ground level.
- 5) The WCT may be located on a zoning lot containing other permitted principal uses or approved special uses, provided that any required site plan shall be first reviewed and amended by the planning commission.
- 6) The WCT may be located within an area smaller than the minimum lot size of the underlying zone district. The said area shall be designated and identified by the planning commission. The area within which the WCT is located shall be the area subject to the requirements of this section, rather than the entire zoning lot, unless otherwise provided herein, or reasonably required by the planning commission. However, the designated area shall continue, subject to the zoning requirements of the entire lot, unless specifically excepted by the planning commission.
- 7) Existing vegetation (e.g., trees and shrubs) shall be preserved to the maximum extent possible. The WCT shall have a landscaped buffer so that the base of the WCT and accessory equipment structure shall be screened from any right-of-way, residential use, or residential zone district. Such landscaped buffer shall be placed on the site in a manner which will maximize the aesthetic and environmental effects, while at the same time providing the required visual buffer. The landscaped buffer shall consist of hedges planted leaf-to-leaf, which shall reach a height of not less than six feet at maturity, and conifer trees on 15-foot centers along the approved buffer. The hedge planting material (vegetation) shall be no less than two feet in height at the time of original planting. Conifer trees shall be no less than six feet in height at the time of original planting. Requirements may be modified by the planning commission as appropriate for the specific site, including, without limitation, a modification in the required buffer to permit filtered views into the site for safety purposes.
- 8) The application shall contain information showing the geographic search area within which the proposed WCT must be located and shall also provide locations of all structures of similar height within and adjacent to the search area.
- 9) WCTs shall not have a shiny or reflective surface.
- 10) The WCT shall not exceed 200 feet in height, including any antenna.
- 11) If located on the same zoning lot with another permitted use, the WCT shall not be located in a front yard abutting a street.
- 12) Legal access to the WCT shall be provided for purposes of tower maintenance, inspection, safety, and emergency purposes, regardless of other developments that may take place on the property. Said access shall be maintained such that reasonable entry to the WCT for the above purposes is possible throughout the year.
- 13) Towers shall not be artificially lighted unless required by the FAA. When lighting is required by the FAA, or other federal or state authority, it shall be oriented inward so as not to project onto surrounding property or the site shall be landscaped to mitigate light impacts.
- 14) All exterior building material shall be compatible with surrounding structures. Towers, guy wires, and other supports shall be enclosed by a continuous security fence not less than six feet in height.
- 15) A monopole may be required by the planning commission if it is deemed to be more aesthetically compatible with the area than a lattice pole.
- 16) Antenna 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 state and local statutes.
- 17) A written maintenance plan shall be filed and made a condition of site plan approval.

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- 18) Tower owners shall provide maintenance and safety records to the city's building official on a schedule determined by the planning commission.
 - 19) Proof of responsibilities in the case of abandonment shall be submitted with the application, including, without limitation, lease provisions.
 - 20) A written consent by all owners of the land to approval of the use and site plan, including the lien provisions of this ordinance, shall be submitted with the application.
- e) *Replacement of existing wireless communication towers.*
- 1) A replacement WCT (tower and antenna) shall not exceed a total height of 200 feet or, if the existing WCT has an approved height greater than 200 feet, the replacement WCT shall not exceed the approved height.
 - 2) A replacement WCT shall be located within the same zoning lot as the existing WCT and shall be located to comply with existing minimum yard requirements, as well as the designation permitted or required by section 3.140d(6).
 - 3) The existing WCT shall be removed within 90 days of completion of the replacement WCT and the relocation or installation of the WCA.
 - 4) If the location of the replacement WCT is such that the existing WCT must be moved before the replacement WCT is constructed, temporary portable antennae support facilities may be used, but must be removed within 30 days of the completion of the replacement WCT and the relocation or installation of the WCA.
- f) *Review criteria for new wireless communication towers (WCTs).* A new WCT shall not be approved unless it can be demonstrated by the applicant that there is a need for the new WCT which cannot be met by a WCA on an existing WCT or on other structures or replacement of an existing WCT. Information concerning the following factors shall be considered in determining that such need exists:
- 1) Insufficient structural capacity of existing WCTs or other suitable structures and inability to reinforce or replace an existing WCT.
 - 2) Unavailability of suitable locations to accommodate system design or engineering on existing WCTs or other structures.
 - 3) Radio frequency interference or other signal interference problems at existing WCTs or other structures.
 - 4) The cost of using an existing WCT or other structure exceeds the costs of permitting and constructing a new WCT.
 - 5) Inability after an effort, determined by the planning commission to be in good faith, to reach an agreement with the existing tower, land, or structure owner.
 - 6) Other factors which demonstrate the reasonable need for the new WCT.
- g) *Collocation effort required.*
- 1) The applicant must include in the application an affidavit stating space on a proposed tower will be made available to future users when technically possible.
 - 2) Future applicants wishing to locate an antenna requiring placement on a WCT shall attempt to utilize existing tower space. In the event tower space is technically unfeasible or unavailable, the applicant shall provide written certification detailing the basis for same.
- h) *Removal of abandoned wireless communication towers (WCTs).* All persons owning a WCT shall notify the zoning administrator when the use of said tower located in the city will be discontinued and the date it will cease. Any WCT which is abandoned shall be removed or demolished within 90 days of abandonment. For the purposes of this section, "abandoned" shall mean that no WCA or other commercial antenna has been operational and located on the WCT for 180 days or more. Where a

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WCT is abandoned but not removed or demolished as required, the city may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be placed as a lien on the property, to be collected in the manner of real estate taxes, or, without limitation, by personal action.

i) *Satellite dish antennas (SDAs).*

1) *Satellite dish exemption.* A satellite dish having a diameter not exceeding one meter (39.37 inches) shall be exempt from the provisions of this section; provided, however, said antenna shall not extend more than 36 inches above the highest point of the roof of the building to which the antenna is attached.

2) *Height, number, and location standards.*

a. Height and maximum number:

1. *Residential districts*—Fifteen feet, not to exceed one SDA; provided, however, public and private schools may erect two SDAs.
2. *Commercial districts*—Twenty-five feet, not to exceed two SDAs; provided, however, a bona fide radio or television station may increase said maximum number, subject to receipt of a special use permit.
3. *Industrial districts*—Thirty-five feet, not to exceed two SDAs; provided, however, a bona fide radio or television station may increase said maximum number, subject to receipt of a special use permit.

Said above height to be measured from the base of the SAD [SDA], at ground level along the edge of said SDA, to the highest point of the SDA.

b. Satellite dish antennas shall be restricted to the following locations:

1. *Residential districts*—Nonrequired rear yard.
2. *Commercial districts*—Nonrequired rear yard and nonrequired side yard. An SDA located in a side yard shall not extend beyond the front wall of the main structure (i.e., shall not encroach into a front yard).
3. *Industrial districts*—Nonrequired front, side, and rear yards.

j) *Yard prohibition and zoning board of appeals relief.* The zoning board of appeals shall be authorized to permit the placement of an antenna, tower, or satellite dish antenna in yard area locations not expressly authorized by this ordinance, provided, an applicant demonstrates thorough bona fide documentation that adequate reception may only be achieved through relocation and placement as requested. In approving a request, the zoning board of appeals may establish reasonable conditions to mitigate potential impacts of the antenna, tower, or satellite dish location, including conditions for screening, fencing, placement, color, height, and related pertinent items.

Cross reference— Telecommunications, ch. 74.

Sec. 3.150. Temporary buildings and structures (refer also to section 3.120).

Temporary buildings and structures, including tool cribs, construction offices, and construction trailers, incidental to construction work on a lot, may be placed on such lot, subject to the following restrictions:

a) *Use.* 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.

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- b) *Dwelling prohibition.* No temporary building or structure shall be used for dwelling purposes.
- c) *Building permit required.* A building permit for the site related construction activity shall be secured prior to the placement of any temporary facilities.
- d) *Setback compliance.* Insofar as reasonably practical, given the nature of the associated site construction, temporary buildings and structures shall maintain building setbacks commensurate with underlying zone district requirements. The zoning administrator shall have authority to determine the specific placement of temporary buildings and structures, unless said placement has been specifically authorized as part of a formal site plan review and approval process by the planning commission or city council or as the result of a formal action by the zoning board of appeals.
- e) *Removal.* Temporary buildings and structures shall be removed from the lot prior to the issuance of a certificate of occupancy for the permanent structure on such lot, or within 15 days after the expiration of a building permit issued for construction on such lot, or within 15 days after issuance of a certificate of occupancy, whichever occurs first.

Section 3.160. Streets, street frontage, street access, driveway location, driveway surface standards, sidewalks and paths (refer also to parking and loading, article VI).

- a) *Required street frontage.* Any lot created after the effective date of the ordinance shall have frontage upon a public street right-of-way, or upon a legally recorded private street easement, at least 66 feet in width, unless a right-of-way of lesser or greater width has been approved by the city council or other public agency having jurisdiction over the public or private right-of-way fronting said lot.
- b) *Street design requirements.* All public and private streets shall meet the road design and construction standards of the City of Montague.
- c) *Driveways (refer also to section 6.70 for detail on parking lot requirements).*
 - 1) *General.* The number and location of driveways providing direct access to a public or private street shall not exceed those which have been determined by the city to be necessary for proper and efficient traffic flow and for the safety of pedestrians and motorists.
 - 2) *Driveway openings (curb cuts).* All driveway openings shall meet the design and construction standards of the City of Montague. Unless otherwise provided for, driveways shall possess a curb opening and minimum driveway width of:

(Refer also to paragraph [subsection c)]4) following, for detail on the maximum size of driveways)

 - a. Single-family detached dwelling, 16 feet.
 - b. Duplex dwelling:
 - 1. Converted single-family, 16 feet.
 - 2. Side-by-side complex, 20 feet.
 - c. Multiple-family, commercial, and industrial, 30 feet.

More stringent design standards may be required if determined necessary for the public safety and/or to maintain compliance with county or state requirements pursuant to connection with a county or state road.
 - 3) *Driveway surface material.* Private access driveways providing access to a public or private street shall be surfaced with durable pavement, including asphalt, cement binder, or brick paver, and be constructed to the City of Montague's standards; provided, however, a driveway accessing a nonpaved street may be constructed of compacted gravel or stone.

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4) *Driveway location and parking limitations.*

a. *Residential (single- and two-family):*

1. *Single-family detached dwellings.* A driveway shall be permitted in the front and side yard, subject to the following:
 - i. Except as otherwise permitted, the driveway and any connected pad shall be at least three feet from a side lot line.
 - ii. Any portion of the driveway located in a front yard shall not exceed 20 feet in width; provided, however, that portion of the driveway abutting the front elevation of a garage may be of a width equal to said front elevation and of sufficient depth to support placement of a single row of vehicles, plus sidewalk area for pedestrian circulation.
 - iii. The driveway may include an attached pad for purposes of allowing vehicles exiting a garage or driveway to back up in order to permit forward entry onto the street.
 - iv. The driveway shall be positioned on the site such that access to the garage or carport is direct. In the event a garage or carport does not exist, the orientation of the driveway shall be to the rear yard.
 - v. Except as otherwise permitted, the on-site parking of vehicles shall be restricted to the driveway and, as available, an associated garage or carport.
 - vi. Deviations to the above requirements may be approved, subject to site plan review and approval by the planning commission.
2. *Two-family (duplex).* A driveway shall be permitted in the front and side yard, subject to the following:
 - i. *Converted single-family dwelling.* Single-family dwellings which have been converted to multiple-family use shall comply with the provisions of paragraph [subsection c)4)a.1.] above.
 - ii. *Duplex (side-by-side units).*
 - a) A duplex shall include one driveway in common use by the occupants of both dwelling units or one driveway per dwelling unit.
 - b) Except as otherwise permitted, driveway(s) shall be at least three feet from side lot lines.
 - c) Any portion of a common driveway located in a front yard shall not exceed 40 feet in width. Individual unit driveways shall not exceed 20 feet in width. That portion of a driveway abutting the front elevation of a garage may be of a width equal to said front elevation and of sufficient depth to support placement of a single row of vehicles, plus sidewalk area for pedestrian circulation.
 - d) Multiple driveways shall be at least six feet apart. The separation area shall be landscaped in lawn or a combination of lawn or vegetative ground cover combined with shrubs and/or trees.
 - e) The driveway(s) shall be positioned on the site such that access to the garage or carport is direct. In the event a garage or carport does not exist, the orientation of the driveway(s) shall be to the rear yard, or as approved by the city.
 - f) Except as otherwise permitted, the on-site parking of vehicles shall be restricted to the driveway and, as available, an associated garage or carport.

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- g) Deviations to the above requirements may be approved, subject to site plan review and approval by the planning commission.
 - b. *Multiple-family, commercial, and industrial uses:*
 - 1. Except as otherwise permitted, the designated travel portion of an approved driveway shall not be used for vehicular parking.
 - 2. Driveways serving multiple-family (except two-family and duplexes), commercial, and industrial uses shall be at least 20 feet from any parcel containing a single- or two-family dwelling unit, or 20 feet from any parcel zoned for single-family use.
 - 3. Driveways shall be subject to site plan review and approval. The city may require proposed driveways to be reduced or enlarged in size, relocated, and/or otherwise modified as determined necessary and appropriate to ensure public safety.
 - c. *Common driveway may overlap property lines.* A common driveway providing access to adjoining properties may overlap the common property line of said properties.
- d) *Sidewalks and activity paths.* Sidewalks and paths are structures used for the conveyance of pedestrians, normally via a walking mode. However, in certain instances, a sidewalk or path may be designed and constructed to accommodate pedestrians in a running/jogging mode, for nonmotorized bicycling, or for other such purposes.
 - 1) *Proximity to lot lines.* Except for public sidewalks and paths located in a public right-of-way or other such right-of-way or easement providing for public access, sidewalks and paths shall be at least three feet from all lot lines. Public sidewalks and paths located in the public right-of-way or other such right-of-way or easement shall be located per the requirements of the city.
 - 2) *Design and construction standards:*
 - a. *Public sidewalks and paths.* [Public sidewalks and paths] shall meet the design, construction, and use requirements of the City of Montague.
 - b. *Private sidewalks and paths.* Private sidewalks and paths shall:
 - 1. Not exceed 60 inches in width, nor 12 inches in height unless a greater width and/or height has been approved by the planning commission after site plan review. Additionally, any sidewalk or path designed and constructed for use by other than pedestrian walking shall be subject to site plan review and approval by the planning commission.
 - 2. Be constructed of hard surfaced material, such as concrete, asphalt, or brick pavers, or may be constructed of treated wood.
 - 3. Pursuant to the approval of a private sidewalk or path, the city shall have the authority to specify the dimensions and material used for construction purposes.
 - 4. Any private sidewalk or path greater than 60 inches in width or greater than 12 inches in height, unless otherwise approved by the planning commission as provided for above, shall be classified as a deck and shall meet the requirements of this ordinance pursuant to decks.

Section 3.170. Prohibited structures for dwelling purposes and use of recreational vehicles for temporary living.

- a) *Prohibited structures for dwelling purposes.* The use of any portion of the basement of a partially completed structure, building, or any garage, accessory building, or like structure for dwelling or sleeping purposes in any zoning district is prohibited.

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- b) *Use of recreational vehicles for temporary living purposes.*
- 1) *Length of temporary use.* Unless otherwise provided for, recreational vehicles, camping trailers or tents may be used for temporary living purposes when accessory to single-family or two-family dwellings. Except as permitted under [subsection b)]2) below, such use shall only be permitted for a seven-day period and for no more than one such period in any 30 consecutive days.
 - 2) *Extension of use.* Use of a recreational vehicle, camping trailer, or tent in excess of a seven-day period may be permitted by the zoning administrator, subject to the following:
 - a. *Application form.* Application shall be made on a form supplied by the zoning administrator requesting said extension.
 - b. *Inspection and sanitary requirements.* The zoning administrator reserves the right to inspect the grounds upon which the temporary dwelling will be placed to ensure that adequate provisions have been made pursuant to potable water and sanitary needs.
 - c. *Conditions.* The zoning administrator reserves the right to place reasonable conditions on the request, including, but not limited to, placement of the temporary dwelling, parking of associated vehicles, outside storage of camping and other equipment, noise abatement, trash collection, and other such factors.
 - d. *Extension limit.* In no case shall the extended period exceed seven days in any 30-day period, nor shall the number of requests for extensions exceed two in any one-year period.

Section 3.180. Withholding approval pending local, state, or federal approval.

The zoning administrator, planning commission, city council, or zoning board of appeals may withhold granting of approval of any use, site plan, PUD plan, appeal, or other approval authorized by this ordinance pending approvals which may be required by local, state, or federal agencies. Except for a rezoning request, and if deemed appropriate, the zoning administrator, planning commission, city council, or zoning board of appeals may grant conditional approval of a request, based on the applicant's successful receipt of necessary local, state, or federal agency approval. In the event local, state, or federal agency approval is not forthcoming, the conditional approval granted shall be automatically voided.

Section 3.190. Change of tenancy of ownership of nonconforming uses.

There may be a change of tenancy, ownership or management of any existing nonconforming use of land, structures and premises; however, there shall be no change in the nature or character of such nonconforming use without approval of the zoning board of appeals, as based on the standards of article X of this ordinance.

Section 3.200. Standards applicable to single-family dwellings.

All single-family dwellings, other than those located in mobile home parks as regulated by the Michigan Mobile Home Commission, shall comply with the following standards:

- a) *Basic code compliance.* The dwelling shall comply with all applicable city building, electrical, plumbing, fire, mechanical, energy and other such codes; provided, however, that where a dwelling is required by law to comply with any federal or state regulations for construction, and where such regulations are different than those imposed by city codes, then the federal or state regulations shall apply. Appropriate evidence of compliance with such regulations shall be provided to the building official. Notwithstanding compliance with federal or state regulations, the dwelling shall comply with the other standards of this ordinance.

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- b) *Compliance with zoning standards.* The dwelling shall comply with all requirements of this ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, required yard and yard setbacks, and maximum building height limitation of the zoning district in which it is located.
- c) *Removal of wheels and tongue.* If the dwelling is a mobile home, the mobile home shall be installed with the wheels and tongue removed.
- d) *Required building elevation width and area.* All front, rear, and side elevations of a dwelling shall possess a horizontal dimension of not less than 24 feet each and a gross area, exclusive of attached garages, porches, breezeways, etc., of not less than 864 square feet. The dwelling shall possess a minimum of 720 square feet of gross living area on the first floor.
- e) *Foundation.* A dwelling shall be firmly attached to a permanent, continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimension as the dwelling and constructed as required by the building code for on-site constructed single-family dwellings.
- f) *Anchoring system.* If the dwelling is a mobile home, it shall be installed on the foundation as referenced above (item [subsection] e)) pursuant to the manufacturer's setup instructions. It shall be secured to the building site by an anchoring system complying with the regulations of the Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for mobile home parks.
- g) *Steps or porch.* The dwelling shall have permanently attached steps or a porch at least three feet in width where there is an elevation difference greater than eight inches between the first floor entry of the dwelling and the adjacent grade. Railings shall be provided on the steps or porch in accordance with the city building code.
- h) *Exterior doors and position on lot or parcel.* A dwelling unit shall have not less than two exterior doors. One door shall be located along a front elevation and one door along a side or rear elevation. Except for waterfront lots, the front elevation of the dwelling unit shall face, and be generally parallel to, the adjoining street; however, on a parcel with multiple street frontages, placement shall be determined by the zoning administrator, who shall consider the position of adjoining homes and the character of the surrounding area when making said determination. On waterfront lots, the front of the dwelling unit may face the waterfront.
- i) *Building addition.* Building additions shall be designed and constructed to aesthetically blend with the character of the building to which the addition will be attached.
- j) *Dwellings located in licensed mobile (manufactured) home parks.* Dwellings located in mobile home parks licensed by the Michigan Mobile Home Commission shall comply with the design and construction standards of said commission.
- k) *Prohibited dwellings.* No basement, cellar, garage, damaged or incomplete structure shall be used as a dwelling.

Section 3.210. Placement of motor homes and recreational type vehicles.

- a) *Regulations.* The outdoor placement of motor homes, boats, other recreational vehicles, recreational vehicle trailers, and utility trailers on any residential lot or parcel shall be subject to the following regulations:
 - 1) *Number.* Except for recreational vehicles identified as exempt under subsection b) following, the outdoor placement of the above recreational vehicles and trailers shall be limited to three, as based on the following equivalency table:

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| | Vehicle Type | Equivalency |
|----|---|-------------|
| a. | One boat with attendant trailer | 1 |
| b. | One self-propelled motor home | 1 |
| c. | One fifth wheel motor home | 1 |
| d. | One travel trailer | 1 |
| e. | One utility trailer | 1 |
| f. | One snowmobile on one trailer | 1 |
| g. | Multiple snowmobiles on one trailer | 1 |
| h. | One jet ski on one trailer | 1 |
| i. | Multiple jet skis on one trailer | 1 |
| j. | One motorcycle (nonlicensed) on one trailer | 1 |
| k. | Multiple motorcycles on one trailer | 1 |
| l. | One empty boat trailer/RV trailer | 1 |
| m. | Units comparable to the above | 1 |

- 2) *Placement prohibition.* Except as provided for by this ordinance, there shall be no placement in the required front yard.
- 3) *Side and rear yard placement.* The placement of all such vehicles and trailers in the side and rear yards shall be subject to the setback standards of other accessory buildings, structures, and uses as permitted and regulated; provided, however, in no instance shall the setback in a side yard be less than ten feet.
- 4) *Additional setback provisions.* Setbacks greater than the above may be required if determined by the zoning administrator to be necessary for the health, safety, and welfare of the residents of the subject and neighboring properties. Similarly, the zoning administrator may authorize a reduction in a side yard setback, not less than three feet from the property line, if said administrator determines that a reduction is necessary to permit placement of a vehicle. In authorizing a reduction, the zoning administrator shall determine:

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- a. That placement of the vehicle as normally required is not possible due to a lack of space between the side lot line and adjoining structure;
- b. That placement in another location on the site consistent with the standards of this ordinance may not reasonably be achieved;
- c. That the permitted reduction is limited to the minimum extent necessary to permit reasonable placement of the vehicle; and
- d. That the permitted reduction will not be detrimental to the health, safety, and welfare of adjacent property owners and residents.

A setback reduction shall only extend to the placement of vehicles regulated by the provisions of section 3.210. The reduction shall not be classified as a dimensional variance for building or other purposes. At any time the zoning administrator determines that the conditions of an authorized reduction have been violated or that a reduction is no longer necessary to achieve compliance with the provisions of this section, said administrator shall cause the reduction to be rescinded.

- 5) *Lot coverage.* Said vehicles shall be considered as structures for purposes of determining maximum lot coverage.
 - 6) *Protective covers.* A suitable covering in good condition shall be placed over all boats and other unenclosed recreational vehicles in order to deter vandalism or injury to the general public. The covering shall be properly secured to prevent unnecessary movement and/or noise caused by wind or other natural forces.
 - 7) *Licensing.* Unless provided for elsewhere by this ordinance, all such vehicles and trailers shall be duly licensed as required by the State of Michigan to the residents of the parcel on which said vehicles and trailers are placed.
 - 8) *Clear vision impact.* No vehicle or trailer shall be placed in a location or manner which restricts the clear vision area of street intersections, driveway and street intersections, and alley and street intersections.
 - 9) *Parking in public right-of-way.* No vehicle shall be placed in a public right-of-way unless said right-of-way legally authorizes same.
- b) *Recreational vehicles exempt from outside placement count.* Nonmotorized recreational vehicles, such as canoes, small sail boats, row boats, and paddle boats, meeting all of the following standards, shall not be counted as part of the maximum number of units that may be placed outdoors:
- 1) Shall not exceed 14 feet in length.
 - 2) Shall not be located on a trailer.
 - 3) Shall be located in the rear yard.
 - 4) Shall be owned by the individuals residing in the premises upon which the exempt vehicles are placed.

Recreational vehicles stationed in the water shall also be exempt from the above count.

Section 3.220. Site plan/use review by building official, fire chief and others.

As determined necessary and appropriate by the zoning administrator, planning commission, city council, or zoning board of appeals, zoning applications may be forwarded to the various city departments, such as the departments of police, fire, public works, inspections, and the like, for purpose of receiving departmental comment, recommendations, and/or information regarding city code requirements as pertaining to the nature of the application.

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Section 3.230. Recording of site plans and other instruments.

After final city approval, the city may record with the Muskegon County Registrar of Deeds approved site plans and other such instruments which include more than one platted lot, planned unit developments, and other zoning actions and approvals as determined necessary and appropriate. The recording fee shall be borne by the applicant, who shall remit the same prior to receipt of a permit for zoning compliance. This provision shall not be construed to replace any recording requirement mandated by other statutes, ordinances, or regulations.

Section 3.240. Plat violations.

Where the zoning administrator determines that an area proposed for subdividing in violation of the Subdivision Control Act, as amended by the Land Division Act (MCL 560.101 et seq.); Site Condominium Act (MCL 559.101 et seq.); or the Subdivision Regulations of the City of Montague, no permit for zoning compliance or a building permit shall be issued.

Section 3.250. Restoring unsafe buildings.

- a) *Repair of unsafe buildings.* Except as noted in [sub]section b) following, nothing in this ordinance shall prevent the strengthening or repair to a safe condition of any part of a building or structure declared to be unsafe by the building inspector. Such strengthening or repair shall not be interpreted as authorizing a use, or continuation of a use, not permitted by the underlying zone district.
- b) *Condemned buildings.* A building which has been officially declared as condemned under the provisions of the city's building code shall not be repaired unless authorized by the building official. A building which has been officially authorized for demolition by the city council shall not be repaired unless authorized by said council; provided, however, the requirements of this section shall not prevent the building official from authorizing building or site repairs or other modifications which, if left undone, would pose an imminent threat to the public health, safety, and welfare.

Section 3.260. Grade.

- a) *Yards.* All yards shall be provided with adequate drainage and shall be graded so as to drain surface water away from foundation walls towards the adjoining street.
- b) *Exceptions to grade standards.* Exceptions to the above grading standards may be approved by the zoning administrator, based on demonstrated evidence that the lot or parcel contains unique natural features that would be destroyed or significantly altered based on compliance with the above standards. In considering an exception to the above standards, the zoning administrator shall not be authorized to permit a change contrary to other local, state, or federal regulations or standards or, if approved, result in significant negative impact to adjoining properties. In approving an exception, the zoning administrator may attach conditions necessary to protect, and ensure compatibility with, adjoining properties.
- c) *Grade modification impacts.* A grade modification shall not result in negative impacts on surrounding properties. Such impacts include, but shall not be limited to, increases in the off-site discharge of surface water, flooding, elimination of off-site or through views, and the like.
- d) *Specific grade requirements.* Prior to any permitting, the city shall have authority to establish specific grades should it be determined said grades are necessary for drainage purposes, utility and other infrastructure requirements, to achieve site design consistency among abutting projects, or for other purposes determined to be beneficial for the public health, safety, and welfare. Once established, a grade shall be used for all design and construction purposes and shall not be modified without city approval.

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Section 3.270. Trash receptacles and dumpsters.

- a) All trash receptacles, including the enclosure and surrounding ground area, shall be maintained in a neat and orderly condition, free from rubbish and other debris. No rubbish or other debris shall be allowed to accumulate on the grounds surrounding the receptacle.
- b) All trash receptacles shall have tightfitting lids, which shall be kept completely closed at all times, except for times of filling and collection.
- c) All dumpsters and other trash receptacles shall be emptied at least once per week, or at increased intervals if necessary to prevent the unreasonable development of odors and attraction of rodents and other pests.
- d) Adequate vehicular access shall be provided to such containers for truck pickup via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exists from principal buildings nearby.
- e) No dumpster shall be located in a required yard unless approved by the planning commission as part of site plan review.
- f) All dumpsters and trash collection areas containing more than three 90-gallon garbage containers shall be enclosed by a solid ornamental screen wall or fencing around all sides of the trash containers, with a gate provided for access. The enclosure shall be of such height as to completely screen said containers, the maximum height of which shall not exceed eight feet, but shall always be at least one foot above the height of the containers. The height requirement shall apply to all sides, including the gated side. For purposes of the above standard, screening materials may consist of any of the following:
 - 1) Wood, provided the wood is cedar, redwood or equivalent of at least five-eighths-inch thickness or other types of comparable wood which have been treated with preservatives to ensure longevity.
 - 2) Decorative masonry wall.
 - 3) Evergreen shrubbery consisting of permanent living plant materials which shall be continually maintained in a sound, healthy, and vigorous growing condition, free of plant diseases and insect pests, and free of weeds, refuse, and debris. The shrubbery shall be of a size, and planted at a density, capable of achieving a continuous, visual, barrier comparable to that of a wood or masonry wall.
 - 4) Other materials as approved by the planning commission.
- g) No person shall make unauthorized use of a dumpster.
- h) All commercial establishments providing food prepared for takeout shall provide and maintain convenient outside trash receptacles, sufficient to contain rubbish and garbage that is generated by the customers of such establishments.
- i) It shall be the responsibility of the land owner and lessee of the premises upon which a dumpster and/or garbage container is placed to empty said dumpster and garbage container, maintain required screening, and otherwise comply with the provisions of this ordinance.
- j) This ordinance [section] is not intended to require the enclosure of any dumpster used on a temporary basis for less than 60 days, or in connection with construction activity for which a bona fide building permit has been issued. When used in connection with construction activity, the dumpster shall be removed, or otherwise located in compliance with the enclosure provisions of this ordinance [section], prior to issuance of a final certificate of building occupancy.
- k) At the request of the applicant, the planning commission may modify the screening requirements of this ordinance [section] pursuant to dumpsters, provided, the applicant satisfactorily demonstrates:

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- 1) Said modification will not have a negative impact on surrounding properties;
- 2) Natural screening or other features exist which will provide screening comparable to that of item [subsection] f) above;
- 3) The requested modification will be compatible with surrounding uses;
- 4) The requested modification will not represent a threat to the public health, safety, and welfare; and
- 5) That the request will not provide the applicant with a benefit not made available to other businesses possessing similar site conditions.

Section 3.280. Home occupations.

Home occupations, unless otherwise provided for by this ordinance, shall be permitted by right if they meet the below listed standards. If a home occupation does not meet all of the standards it shall not be permitted. The home occupation:

- a) Shall not involve any outdoor activities or use of an attached or detached garage or accessory building.
- b) No employee shall maintain an office, work station, or otherwise be located in the home or on the premises unless said employee is a resident of said home.
- c) Shall not involve the storage or use of any significant amount of materials for which there is high risk of flammability or explosion. For purposes of this section, "significant amount" shall be defined as any amount and/or use and/or type of material that would be classified by the city building code as requiring any form of special construction beyond that customarily associated with a single-family dwelling.
- d) Shall not generate more than 12 client or sales trips to the home during the hours of 8:00 a.m. to 8:00 p.m. Clients shall not be received during other hours. Client trips shall include trips by patrons of the home occupation, sales representatives, other vendors (except mail delivery), and the like.
- e) All parking shall be on-site, in the driveway of the dwelling unit.
- f) Shall not result in the exterior of the home having other than a residential appearance.
- g) Shall not involve deliveries by trucks greater than normal U.S. Postal or United Parcel Service step-type vans. Said deliveries shall not exceed two trips per day.
- h) Shall not emit noise, odor, vibration, or other such impacts discernible beyond the property lines of the lot or parcel upon which the home occupation is located.
- i) The home in which the home occupation is proposed must be used principally for residential purposes.
- j) Shall not display a sign which is visible from off-site.
- k) Shall comply with all applicable building and licensing requirements of the city.
- l) Instruction in a craft, music, or fine art within a dwelling, by a resident member of the family residing in the dwelling, shall be considered a home occupation and shall be subject to the requirements for a home occupation.

The allowance of a home occupation by the city, subject to the regulations contained in this ordinance [section], shall not in any way constitute an acceptance of, or give validity to, the introduction of nonresidential uses into any residential zone district.

Cross reference— Businesses, ch. 22.

State Law reference— Mandated home occupations, MCL 125.583c.

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Section 3.290. Site condominiums.

Site condominiums shall be processed according to the following procedure:

- a) *Preliminary review and approval stage.*
 - 1) *Planning commission review.* An application and site plan for preliminary review and approval shall be submitted to the planning commission for review and recommendation, based on compliance with the site plan review standards of article V. The planning commission shall make a recommendation to the city council to approve, approve with conditions, or deny the request. In making a recommendation, the planning commission shall provide the city council with a statement supporting the reasons for said recommendation.
 - 2) *City council review.* After receipt and review of a recommendation from the planning commission, the city council shall review the application and site plan pursuant to the site plan review standards of article V. The city council may, at their discretion, conduct a public hearing on the proposed site condominium project for the purpose of receiving public comment. The city council may approve, approve with conditions, or deny the site condominium request, based on a finding of compliance with the provisions of this section, article V, and other applicable regulations.
- b) *Final review and approval stage.* A final application and site plan shall be submitted to the city council incorporating all conditions placed on the preliminary plan. The city council shall review said plan for conformity with the approved preliminary plan and conditions, if any, attached thereto. The final application and site plan shall be approved, based on a finding that all requirements attached to the preliminary plan have been complied with.
- c) *Additional information for preliminary and final review.* In addition to the information required by article V, the following information shall also be included for preliminary and final review and approval:
 - 1) A condominium subdivision plan as required by section 66 of the Condominium Act.
 - 2) Documented proof of review by other applicable agencies, including the Montague Department of Public Works, Montague Police and Fire Departments, Muskegon County Road Commission, Muskegon County Drain Commissioner, Muskegon County Health Department, Michigan Department of Transportation, Muskegon Department of Public Health, and the Michigan Departments of Natural Resources and Environmental Quality.
- d) *Zoning compliance.* A site condominium subdivision shall meet the minimum requirements of the district in which it is located, including minimum lot size, minimum setbacks, and minimum floor area.
- e) *Design and construction consistency with the Montague subdivision ordinance.* The design and construction of streets, alleys, sidewalks, curb and gutter, easements, street tree plantings, street signs, water, sanitary sewer, storm drainage, and other such systems and utilities shall equal or exceed the design and construction requirements of subdivisions as regulated by Ordinance No. 24, subdivision regulations, of the City of Montague.
- f) *Underground placement of utilities.* All utilities, including power lines and communication lines, shall be placed belowground.
- g) *Master deed.* The Montague City Clerk shall be furnished with a copy of the recorded master deed. The master deed must ensure that the City of Montague will not be responsible for maintenance or liability of the nondedicated portions of the site condominium and that all private roads will be properly maintained, that snow removal will be provided and that there is adequate access and turnaround capacity for emergency vehicles. Responsibility for the maintenance of stormwater retention areas, drainage easements, drainage structures, lawn cutting, and other general maintenance of common areas must be clearly stated.
- h) *As-built drawings.* The Montague City Clerk shall be furnished with two copies of all as-built drawings for review by the city engineer for compliance with all city ordinances prior to the issuance of any building permits.

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State Law reference— Condominium Act, MCL 560.101 et seq.

Section 3.300. Day care and group homes.

To promote the health, safety, and welfare of the occupants and residents of day care homes and group homes and to ensure compatibility with the surrounding neighborhood, all day care homes and group homes shall:

a) *General standards (all operations).*

- 1) Meet applicable state and federal regulatory requirements.
- 2) Meet applicable local building and other safety codes.
- 3) Demonstrate that adequate provisions have been made to secure the health, safety, and welfare of those occupying the day care or group home, including, but not limited to, safety fencing around play areas, vehicular dropoff area out of the flow of traffic, and adequate off-street parking.
- 4) Provide and maintain an on-site, outdoor recreation or play area. The dedicated play area shall be fully accessible and useable for such purposes.
- 5) If located within a residential dwelling in a residential district, not result in the exterior of the home having other than a residential appearance.

b) *Specific standards.*

1) *Homes licensed for seven to 12 children or adults:*

- a. Such operations shall be subject to site plan review and approval by the planning commission.
- b. There shall be a minimum distance of 1,500 feet between such day care and group home operations. Said distance is to be a straight line measurement taken from the nearest point of the lot or parcel of an existing operation to the nearest point of the lot or parcel of a proposed operation.
- c. There shall provided and maintained an on-site, outdoor recreation or play area of not less than 5,000 square feet. The dedicated play area shall be fully accessible and useable for such purposes.
- d. The outdoor recreation or play area shall be enclosed by a fence. All gates shall be self-locking.
- e. The exterior of the fence surrounding the outdoor recreation or play area shall be landscaped along all perimeter sectors, except gate locations. Landscaping shall consist of evergreen shrubs, conifers, deciduous trees, or combinations thereof. Landscaping shall be of sufficient density such that no less than 50 percent of the fenced area is screened by landscape vegetation. Said vegetation is to be evenly (uniformly) applied along all perimeter areas. The required vegetation may be placed on the interior side of the fence if said fence is located on, or within three feet of, a property line and is of an open weave and/or mesh character. The planning commission may approve a landscape design, including vegetation and materials, which differs from the above, provided, said design provides buffering and aesthetic characteristics equal to or exceeding the above.
- f. Employee parking shall be restricted to the driveway and/or garage of the home at which the day care or group home is located. The operation shall not involve the construction of a separate employee parking area or parking lot.
- g. The traveled portion of a public street or alley shall not be used for patron delivery (dropoff) and pickup. The planning commission may require all such operations to take place fully on

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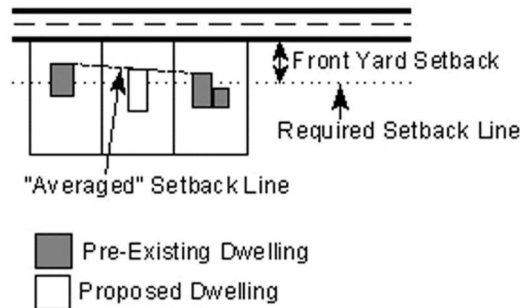
State Law reference— Certain state licensed facilities as permitted uses, MCL 125.583b.

Section 3.310. Determining front yard requirements and averaging of setback.

The required front yard shall be measured from the right-of-way line to an imaginary line across the width of the lot which represents the minimum required front setback distance for that district; provided, however, that where an average setback line less than required has been established by existing buildings on the same side of the street and within 200 feet of the proposed building, such established setback shall apply. However, such reduction shall not exceed 50 percent of the required underlying zone district standard, nor permitted on streets or roads which have been identified by the city for future widening.

SETBACK AVERAGING

Setback line for proposed building based on average of pre-existing buildings on same side of street and within two-hundred feet. Reduction may not exceed fifty percent of required standard.



Section 3.320. Required screening (refer also to section 3.90, fences, walls, gates, screens, and landscape—general requirements and intersection visibility).

- a) *General screening requirements.* All uses listed below shall be screened as required in this ordinance. Screening may consist of decorative walls and fences, vegetation, berms, or a combination of any of these as approved or required by the planning commission.
- 1) Off-street parking lots associated with multiple-family, institutional, commercial, and industrial uses.
 - 2) Loading and unloading areas.
 - 3) Trash and refuse storage areas.
 - 4) Outdoor storage yards of commercial and industrial uses.
 - 5) Outdoor processing operations and yards of mining and other industrial operations.
 - 6) Special land uses which have been conditioned by the provision of screening requirements.
 - 7) Variances issued by the zoning board of appeals which have been conditioned by the provision of screening requirements.
 - 8) All other uses specifically identified as having to meet the screening requirements of this ordinance.
 - 9) In the event other sections of this ordinance require specific screening standards for an identified use, those specific standards shall apply to that use.

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b) *Screening standards—Vegetation and berms.*

1) *Trees:*

- a. Trees shall be comprised of one or more species of upright conifers or deciduous trees.
- b. Conifers shall be planted 15 feet on center. Deciduous trees shall be planted 25 feet on center. Trees may have up to a 30-degree spacing. The planning commission may require a combination of multiple rows and/or the planting of both varieties if necessary to achieve desired visual effects.
- c. Conifers shall not be less than five feet in height at the time of planting, as measured from the top of the root ball to the midpoint of the leader branch. Deciduous trees shall not be less than 1½ inches in caliper, as measured at a point four feet from the top of the root ball.
- d. Existing trees that comply with the standards of this ordinance may be credited towards meeting the screening requirements.
- e. All tree plantings shall be maintained in a neat and attractive manner commensurate with the adjoining areas and applicable approvals and shall maintain their density and screening effect throughout the calendar year.

2) *Shrubs and evergreens:*

- a. Vegetation shall be comprised of one or more species of evergreen and/or deciduous plants.
- b. Shrubs and evergreens shall be planted seven to ten feet on center and may have a varied spacing arrangement to accommodate the planting area and desired visual effect.
- c. All plants shall be no less than one-gallon container size at the time of planting.
- d. Existing plant material that complies with the standards of this ordinance [subsection] may be credited towards meeting the landscape requirements.

3) *Berms:*

- a. Shall be at least three feet in height, constructed with one foot of rise for each three feet of horizontal run (distance). The planning commission may increase the required berm height if determined necessary to secure appropriate visual buffering. Similarly, the planning commission may restrict berm height if determined necessary to secure desired views, promote public safety, and/or achieve visual compatibility with the surrounding area.
- b. Shall be seeded with perennial rye and an appropriate grass seed and shall be covered with an organic mulch, or may be sodded to achieve an immediate grass cover.
- c. Shall be landscaped with shrubbery and trees to enhance the screening effect and aesthetic appearance of the berm. At least 50 percent of the shrubbery and trees applied to berms located along the perimeter of lot lines shall be placed on the exterior side.

4) *Vegetation—General requirements.* Vegetation shall:

- a. Consist of varieties capable of withstanding the climatic conditions of the area.
- b. Be properly irrigated. Automatic irrigation shall be required for landscaped areas unless it can be demonstrated that the plant species used is capable of withstanding periods of drought common to the area.
- c. Be maintained in a healthy, growing condition. Any required vegetation that is destroyed, removed, diseased, or dies shall be replaced within six months (or the next growing season if the six-month period falls within a nongrowing season) with vegetation that meets the landscape requirements as originally approved.

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- 5) *Screening standards—View blockage.* Unless specifically stated to the contrary, screening standards (e.g., views to be filtered or blocked) are based on horizontal views achieved from pedestrian level heights (e.g., approximately four feet, six inches to six feet, six inches).
- 6) *Screening standards—Specific uses.*
 - a. *Off-street parking lots.* Landscaping for off-street parking lots shall be provided in accordance with the following general design standards:
 - 1. Landscape shall be designed and arranged to mitigate the visual impact of large expanses of pavement and to achieve greater compatibility with surrounding land uses. Perimeter berming of parking lots shall be encouraged and may be required by the planning commission.
 - 2. Landscaping shall be dispersed throughout the parking lot; provided, however, the heaviest concentrations shall be located along public rights-of-way and between adjoining properties.
 - 3. All landscaped beds which abut a parking lot, or any landscaped area which is internal to a parking lot shall be protected with continuous concrete curbing or similar structure or feature.
 - 4. Trees shall be installed in such a manner that shading of parked vehicles is maximized.
 - 5. Landscaping shall be arranged so as not to jeopardize security and surveillance.
 - 6. Landscaping internal to the parking lot shall be provided, based on the following formula:

| Spaces | Percent Of Internal Portion Of Lot To Be Landscaped |
|------------|---|
| 20 or less | None required |
| 21 to 100 | 5 percent of parking lot |
| Over 100 | 8 percent of parking lot |

- 7. Internal landscaping may be placed in boulevards, parking isles, landscape clusters, or similar features and shall consist of trees and/or shrubs and evergreens, with necessary ground cover.
- 7) *Loading and unloading areas.* Loading and unloading areas shall be designed and placed on the site such that they are fully shielded from surrounding residential districts. In situations where loading and unloading areas must be positioned resulting in their view from off-site, landscaping and/or decorative fencing shall be provided between the loading/unloading area and said off-site view. The landscaping and/or decorative fencing shall be sufficient to filter at least 50 percent of the view of the loading/unloading area.
- 8) *Trash and refuse storage areas (dumpsters).* Refer to section 3.270.

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- 9) *Outdoor storage yards of commercial and industrial uses.* [Outdoor storage yards of commercial and industrial uses] shall be screened according to the following requirements:
- a. Storage yards of industrial uses facing residential districts, not including parking lots, shall incorporate a solid wall fence and vegetative screen. The fence may be of an open weave, chainlink variety, provided, the vegetative screen is located on the exterior side of the fence and is of sufficient density and opacity to provide the same, or better, screening effect as that of a solid fence.
 - b. Storage yards of commercial uses facing residential districts, not including parking lots, shall be provided with a combination fence and vegetative screen of sufficient density and opacity to reduce the views of the materials being stored by approximately 50 percent.
- 10) *Special land uses, variance conditions, and other uses subject to screening requirements.* The city council, planning commission, and zoning board of appeals may require the placement of fencing and screening which they determine necessary to mitigate identified impacts associated with a proposed use, to achieve neighborhood compatibility, to achieve security, and to promote the public health, safety, and welfare.
- c) *Required increase in screening standards.* The city shall have the right to require screening which is more stringent than the above when it is determined that greater standards are necessary to protect the public health, safety, and welfare. This right shall be interpreted to mean the placement of fencing, including decorative fencing or solid wall fencing, and placement of landscape consisting of vegetative varieties at sizes and densities necessary to achieve the desired effect.
 - d) *Performance guarantee.* A performance guarantee, as described in this ordinance, may be required and employed if the required screening improvements are not completed within 12 months after issuance of a certificate of occupancy, or similar use approval, associated with the principal use of the parcel.

Section 3.330. Lot width to depth ratio.

In all zoning districts, the depth of all nonplatted lots created of record after the adoption of the ordinance shall not exceed four times the width of the lot. Platted lots and lots developed for site condominium projects shall meet the lot width to depth requirements of the Montague subdivision control regulations.

Section 3.340. Reserved for future use.

Section 3.350. Unwholesome substances and working and storage surfaces for certain operations to prevent environmental damage.

- a) An unwholesome substance, as hereinafter defined, shall not be deposited, buried, stored, dumped or accumulated by any person in any body of water or on or under any land, private or public, in the city, unless such place has been designated as a public dumping ground by the city, or unless such substance is housed in a completely enclosed building and in a safe and sanitary manner. For purposes of this section only, the term "unwholesome" shall be defined to mean any trash, garbage, tin can, automobile body, junk vehicle, trailer body, junk, hazardous compounds, waste, offal, refuse, rubbish, food containers, bottles, crockery or utensils, stoves, nite soil, oil, hazardous or harmful substances, industrial byproducts or waste, flammable matter or substances, debris, filth, used tires, or any other material which constitutes a threat or menace to the health, safety or general welfare of the public. For purposes of this section only, the term "automobile body" shall be defined to mean any vehicle which 1) is unable to be driven upon a street under its own power; and/or 2) which lacks all of the necessary component parts to make it operable and serviceable as a vehicle. For purposes of this

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section only, the term "trailer body" shall be defined to mean any boat trailer, utility trailer, horse or animal trailer, truck trailer, travel trailer or any type of trailer or device used for hauling or moving things, which lacks all of the necessary component parts to make it operative and serviceable as a trailer to be pulled as such on a street. The provisions of this section shall not be deemed to prohibit the storing or spreading of manure, fertilizers or other soil conditioners as part of a farm operation.

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

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

- b) For any junkyard, scrapyards, salvage operation, automobile or vehicle repair or overhaul operation or similar business, all areas (indoors and outdoors) used for junk, scrap or materials storage and/or repair, salvage or overhauling operations shall be paved with a layer of concrete at least four inches thick or asphalt at least 1½ inches thick. No chemicals or potentially hazardous substances from such operations shall be disposed of on-site or leaked or deposited onto or into the soil or ground. Such hard surface shall be repaired and maintained such that leakage into the soil shall not occur. The above requirements do not preclude compliance with applicable state and federal environmental regulations and other such regulations.

Section 3.360. Boat docks, dockages, and waterfront keyhole development (keyholing and funneling), not including commercial marinas.

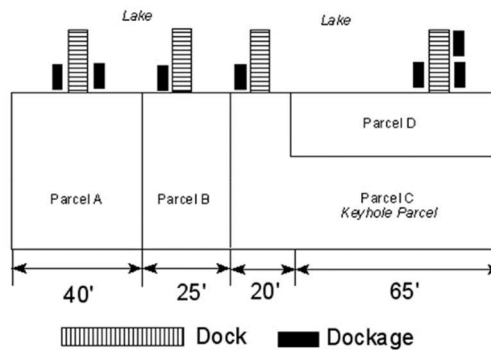
The purpose of this section is to regulate the use of waterfront property and to control boat docks and dockages. The following restrictions apply to all waterfront property in all zoning districts, regardless of whether access is by easement, private park, club membership, common-fee ownership, land contract, single-fee ownership, condominium arrangement, license, or lease, and are intended to prevent congestion, overuse, and deterioration of beaches and shorelines, and to preserve the quality of the waters, protect natural resources, guide the proper development of waterfront areas, promote safety, and preserve the quality of recreational use of all waters within the city. The regulations do not apply to commercial marinas.

- a) For parcels possessing frontage on a lake or stream, there shall be at least 40 feet of frontage, as measured along the ordinary high water mark of the lake or stream, for each dwelling unit utilizing or accessing the waterfront; provided, however, the minimum amount of frontage must be increased if required by the underlying zone district.
- b) For the 40 feet of frontage as specified in paragraph [subsection] a) above, not more than one dock and no more than two boat dockages (e.g., number of boats anchored to a dock) shall be permitted; provided, however, one additional dock may be permitted for each 40 feet of additional continuous water frontage, and one additional boat dockage may be allowed for each additional 20 feet of continuous water frontage. Docks may be combined or dispersed along the waterfront.
- c) Lots of record of less than 40 feet in width, but greater than 20 feet in width will be allowed one dock. In these instances, one boat dockage will be allowed for every 20 feet of continuous water frontage. Boat dockages are not allowed on waterfront properties having a minimum width of less than 20 feet throughout their entire depth.
- d) The minimum waterfront requirements of this section shall be doubled if the property involved is not served with public sewer or if more than 50 percent of the water frontage of the property involved is comprised of a regulated wetland as defined by Michigan law.

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Docks and Boat Dockages - Section 3.360



Cross reference— Waterways, ch. 90.

Sec. 3.370. Tents.

a) *Residential districts.* Within residential districts, tents may be used as temporary accessory buildings (e.g., shelters) subject to the following:

1) *Use restrictions:*

- a. Tents shall not be used for dwelling purposes, but may be used for the temporary shelter of events (e.g., picnics, parties, and like uses) which are customarily associated with the activities of residential neighborhoods.
- b. Tents shall only be placed on a lot or parcel on which a principal building also exists.
- c. Tents may be used for the temporary shelter of goods and equipment, provided, said goods and equipment are accessory to, and customarily associated with, a residential dwelling which is located on the same lot or parcel at which the tent will be placed.
- d. Tents may not be used for the conduct of business, including businesses associated with home occupations.

2) *Location and maintenance.* Tents shall:

- a. Be erected only in the rear yard.
- b. Be located not less than ten feet from all lot lines and other buildings and structures.
- c. Be limited to one tent, not to exceed 240 square feet, and not to exceed a maximum height of 14 feet, said height to be measured from the ground surface at the base of the tent to the highest point of the tent.
- d. Be maintained in sound condition and properly anchored to prevent damage to surrounding properties and to prevent the occurrence of off-site noise resulting from natural wind forces.
- e. Be fully temporary in design and construction. Tents shall not contain a permanent foundation or floor, nor be provided with water, sanitary, or other utility services.
- f. Not contain any advertising, text, corporate logo, or other such feature which is visible from off-site.

3) *Time regulations.* The erection of tents shall be limited to a continuous period not to exceed 180 days in any one calendar year period; provided, however, there shall be a period of not less than 30 days between successive periods of erection.

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- 4) *Zoning administrator approval and application of more restrictive standards.* The erection of tents shall require zoning administrator review and approval. In approving the erection of a tent, the zoning administrator may require a site plan and/or other detail concerning the anchoring and maintenance of the tent as determined necessary to ensure compliance with the provisions of this ordinance. Additionally, the zoning administrator is authorized to:
 - a. Require setbacks which are more restrictive than the provisions of this section, based on the determination by the administrator that additional setback distances are necessary to ensure the public health, safety, and welfare and neighborhood compatibility.
 - b. Reduce the number of days during which the tent may be erected to a specific period of less than 180 days if said administrator determines that a reduction is necessary to ensure the public health, safety, and welfare and neighborhood compatibility.
 - 5) *Play tent exclusion.* The above regulations do not apply to a play tent used by children for play purposes, including those used for overnight sleeping, provided, said play tent does not exceed 240 square feet in area, nor be erected for a period of greater than seven days in any one-month period.
- b) *Nonresidential districts.* Within nonresidential districts, tents may be used as temporary accessory buildings (e.g., shelters), subject to the following:
- 1) *Use restrictions:*
 - a. Tents shall not be used for dwelling purposes, but may be used for the temporary shelter of events and activities which are customarily associated with the events and activities of the district within which the tent will be located.
 - b. Except as permitted by this ordinance, tents shall only be placed on a lot or parcel on which a principal building also exists.
 - c. Tents may be used for the temporary shelter of goods and equipment, provided, said goods and equipment are accessory to, and customarily associated with, a principal use which is located on the same lot or parcel at which the tent will be placed.
 - 2) *Location and maintenance.* Tents shall:
 - a. Be erected in the rear yard or nonrequired front and side yards.
 - b. Be located not less than 20 feet from all lot lines and other buildings and structures.
 - c. Be limited to one tent, not to exceed 1,200 square feet, and not to exceed a maximum height of 16 feet, said height to be measured from the ground surface at the base of the tent to the highest point of the tent.
 - d. Not displace required parking, nor result in a need for additional off-street parking which cannot be met on the site of the tent.
 - e. Not result in a hazard to vehicular and pedestrian movement.
 - f. Be maintained in sound condition and properly anchored to prevent damage to surrounding properties and to prevent the occurrence of off-site noise resulting from natural wind forces.
 - g. Be fully temporary in design and construction. Tents shall not contain a permanent foundation or floor, nor be provided with water, sanitary, or other utility services; provided, however, temporary electrical service may be provided. The provision of electrical service shall meet the [requirements of the] city electric code.
 - h. Shall meet applicable building codes and ADA (American's With Disability Act) accessibility requirements.
 - i. Not contain any advertising, text, corporate logo, or other such feature which is visible from off-site.

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- 3) *Time regulations for the placement of tents.* The erection of tents shall be limited to a continuous period not to exceed 30 days in any one calendar year period; provided, however, there shall be a period of not less than 30 days between successive periods of erection.
- 4) *Zoning administrator approval and application of standards.* The erection of tents shall require zoning administrator review and approval. In approving the erection of a tent, the zoning administrator may require a site plan and/or other detail concerning the anchoring and maintenance of the tent as determined necessary to ensure compliance with the provisions of this ordinance. Additionally, the zoning administrator is authorized to:
 - a. Require setbacks which are more restrictive than the provisions of this section should said administrator determine that additional setback distances are necessary to ensure the public health, safety, and welfare and neighborhood compatibility.
 - b. Reduce the number of days during which the tent may be erected to a specific period of less than 30 days if said administrator determines that a reduction is necessary to ensure the public health, safety, and welfare and neighborhood compatibility. The zoning administrator may also extend the time-frame for continuous erection of a tent, not to exceed an additional 30 days, provided, said administrator finds the additional period to be consistent with the public health, safety, welfare, and neighborhood compatibility.
 - c. Waive the additional need for off-street parking, provided, the applicant demonstrates to the satisfaction of the zoning administrator that other off-street parking facilities, within 300 feet of the tent, are available for purposes of meeting parking requirements.
- 5) *Temporary placement for special activities and events.* The planning commission may, after site plan review, authorize the temporary placement of a tent on a vacant lot or parcel for a period not to exceed 14 days, subject to the following:
 - a. The tent shall be used for municipal or civic activities, such as festivals, special civic events, and other such activities as determined by the planning commission to be consistent with the character of the district.
 - b. The tent shall be used for a commercial activity in conjunction with the activities of a business located in the district within which the tent is to be located.
 - c. The tent and associated use(s) shall meet the setback and parking requirements of the underlying zone district.
 - d. The tent and use shall be subject to applicable building and health code requirements.

Section 3.380. Bed and breakfast operations.

Bed and breakfast establishments, as defined by this ordinance, are permitted as special land uses within certain residential and commercial districts. In addition to compliance with the special land use standards and provisions, all bed and breakfast establishments shall meet the following criteria:

- a) The total number of bedrooms rented to guests shall not exceed 50 percent of the total number of bedrooms located in the residence.
- b) Rooms utilized for guest sleeping shall not exceed four adults, nor more than six occupants per room. Rooms for guest sleeping shall meet or exceed the following room size criteria:

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| Number of Occupants Per Sleeping Room | Minimum Room Size (Net Square Feet) |
|--|--|
| 1 to 2 | 100 |
| 3 | 130 |
| 4 | 160 |
| 5 (see note)] | 190 |
| 6 (see note) | 210 |
| Greater than six occupants not permitted | |
| <i>Note:</i> Not to exceed four adults. | |

- c) The bed and breakfast facility and operation shall meet all applicable building, health, and related safety codes. All sleeping rooms shall contain a separate smoke detector in proper working order. Each floor of the dwelling shall contain a fire extinguisher in proper working order.
- d) The guest room charge shall include the preparation and serving of breakfast to overnight guests. No additional breakfast fees shall be charged.
- e) No separate or individual cooking facilities shall be provided for the use of guests, including existing cooking facilities.
- f) The bed and breakfast operation may include a wall sign, attached flat against the front face of the dwelling, not to exceed two square feet in area. The sign shall be nonilluminated and designed and constructed consistent with the architectural and aesthetic character of the dwelling to which the sign shall be affixed. In lieu of a wall sign, the bed and breakfast operation may erect a freestanding decorative sign, not to exceed a total height of five feet, nor a sign area greater than six square feet. The sign shall be placed not less than ten feet from the public right-of-way, nor be located in a clear vision area.
- g) No transient guest shall reside on the premises for more than 14 consecutive days and not more than 30 days in any one year.
- h) Off-street parking shall be provided as required by the parking and loading standards of this ordinance.
- i) The use of outdoor yard areas, open decks, pools, and the like shall not result in the production of excessive off-site noise, odor, and other external disturbances. Approval of a bed and breakfast operation may be conditioned upon the installation of screening, fencing, plantings, and/or other such installations and conditions to ensure compatibility of the bed and breakfast operation with the surrounding area.
- j) Bed and breakfast operations proposed for the commercial district shall be limited to the placement of such operations within dwellings existing on the effective date of the ordinance.

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Section 3.390. Adult entertainment use.

Adult entertainment uses, as provided for by this ordinance, shall also be subject to the following:

- a) The provisions of the City of Montague Sexually-Oriented Business Ordinance.
- b) Other applicable local, state, and federal regulations governing adult entertainment uses.

In the event of conflict between this ordinance and the above ordinances and regulations, the most stringent standards shall apply to adult entertainment uses.

ARTICLE IV. SPECIAL LAND USE

[Section 4.10. Purpose.](#)

[Section 4.20. Standards for approval.](#)

[Section 4.30. Application procedure.](#)

[Section 4.40. Designated review authority and approval procedure.](#)

[Section 4.50. Conditions of approval.](#)

[Section 4.60. Validity of special use.](#)

[Section 4.70. Amendments and deviations from approved special land use permits.](#)

Section 4.10. Purpose.

It is the basic intent of most zone districts to provide for a range of uses permitted by right. Such uses represent the embodiment of the character of the district within which they are located. However, in addition to permitted uses, some zoning districts also accommodate land uses which are referred to as "special land uses."

A special land use represents a development opportunity (e.g., land use) that has been determined to be essentially compatible with the range of permitted uses of the district within which the special land use is placed. However, the use has been categorized as a special land use due to its potential to exhibit certain impacts which may result in compatibility concerns for the district unless carefully examined and controlled through special review regulations, special design standards, and the possible attachment of impact conditions. The processing of a special land use involves a detailed project review, including a public hearing. Approval of a special land use is based on a finding of compliance with a series of identified approval standards.

Section 4.20. Standards for approval.

- a) *General approval standards for all special land uses.* Prior to approving a special land use application, the following general standards shall be satisfied. These standards shall be in addition to any specific standards required for an individual special use. The special use shall:
 - 1) *Master plan compliance.* Be compatible and in accordance with the current City of Montague Master Plan.
 - 2) *Neighborhood compatibility.* Be designed, constructed, operated and maintained so as to be compatible with the existing or intended character of the general vicinity, and so as not to change the essential character of the area in which it is proposed unless said change is consistent with the City of Montague Master Plan.

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- 3) *Infrastructure.* Be adequately served by public facilities and services, such as streets, police and fire protection, drainage structures, water and sewage facilities, recreation facilities, primary and secondary schools, and other applicable public facilities and services.
 - 4) *Public health, safety, and welfare.* Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment or public health, safety or welfare by reason of excessive production of traffic, noise, smoke, odors or other such nuisances.
- b) *Additional standards for marinas and yacht clubs.* White Lake and White River, and associated tributaries and wetlands, represent Montague's most significant natural resources. Due to their linkage to Lake Michigan, effect on local and regional growth and development, impact on tourism and recreation, and relationship to other such factors, these fragile systems are subject to high levels of use, including increasing demand for marina facilities.

The general approval standards applied to special uses (a) above) are highly oriented to land based development; therefore, the following additional standards shall apply to uses proposed for location within or over the various water resources. These include marinas and yacht clubs.

- 1) Whether the proposed marina or yacht club would seriously contribute to an overcrowding of White Lake. In meeting this standard, the applicant shall demonstrate that the capacity of the impacted water resource is sufficient to accommodate the increased demand anticipated by the marina or yacht club.
 - 2) Whether the proposed marina or yacht club would result in a nuisance or other undesirable condition or whether it would tend to impair the condition or nature of White Lake as a natural resource available for reasonable recreational use. In meeting this standard, the applicant shall detail the impact of the proposed project on the existing recreational use of the water system and shall detail measures to be taken to ensure that existing recreational opportunities will not be significantly impacted.
 - 3) Whether the proposed marina or yacht club would result in an impairment of, or serious adverse affect upon, the public health, safety and welfare, including the health, safety and welfare of persons using White Lake and lands adjacent to White Lake. In meeting this standard, the applicant shall detail the potential safety concerns of the proposed use and the measures to be taken to mitigate those concerns.
- c) *Site plan review standards.* Properties for which application for a special land use is made shall also be subject to site plan review and approval in accordance with the requirements of article V, Site Plan Review.

Section 4.30. Application procedure.

- a) *Applicant.* Persons owning or having an interest in the subject property may file a written application for a special land use permit as provided for in this ordinance [article].
- b) *Application and fee.* The following materials shall be submitted to the zoning administrator at least 21 days prior to the meeting at which the planning commission first considers the special land use application. Unless waived by the zoning administrator, 12 copies of the application, site plan, and other written and graphic instruments shall be provided. Information waived by the zoning administrator may be subsequently requested by the planning commission.
 - 1) Payment of the required fee.
 - 2) Copies of a site plan meeting the requirements of article V.
 - 3) Completed and signed application form.
 - 4) Proof of ownership and description of ownership interest.

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- 5) An analysis of the planning and market implications of the proposed use may be required by the planning commission pursuant to the following impacts:
 - a. Traffic impacts, including analysis of trip generation, impact on existing and projected traffic capacities, and impact on surrounding traffic patterns.
 - b. Environmental impacts.
 - c. Impacts on public facilities and services, including, but not limited to, sanitary sewers, water, storm drainage, police and fire protection, schools and recreational facilities.
 - d. Analysis of the market impact on surrounding properties.

In presenting the analysis of the planning implications and market findings, the applicant shall provide information which describes the methodology used. The analysis shall be carried out by qualified individuals and verification of same shall be provided by the applicant.

Section 4.40. Designated review authority and approval procedure.

- a) *Approval by the planning commission.* Except for planned unit developments (PUDs), the planning commission shall have final review and approval authority for all special land uses. (Refer to article VIII for detail on planned unit developments.)
 - 1) Following the submission of the required application materials, the planning commission shall hold a public hearing in accordance with the Zoning Act.
 - 2) The planning commission shall review the application in terms of the requirements of section 4.20, as well as any specific standards required for the special land use, and shall approve, approve with conditions, or deny the special land use application.
- b) *Special use permit.* Upon approval of a special land use application, the zoning administrator shall issue a special land use permit.

Section 4.50. Conditions of approval.

- a) *Conditions.* In granting a special land use, the planning commission may impose conditions or limitations as, in its judgment, may be necessary for the protection of the public interest. Such conditions shall be related to, and ensure that, the review considerations of section 4.20 are met.
- b) *Conditions attached to property.* Approval of a special land use, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.
- c) *Record of conditions.* A record of conditions imposed shall be maintained by the city. The conditions shall remain unchanged unless an amendment to the special land use permit is approved.
- d) *Record shall be contained in the planning commission minutes.* A record of the decision of the planning commission, the reasons for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the planning commission.

Section 4.60. Validity of special use.

- a) *Termination of special land use for failure to commence construction.* In cases where actual physical construction of a substantial nature of the structure authorized by a special land use permit has not commenced within one year of issuance, and a written application for extension of the approval has not been filed as provided in subsection b) below, the permit shall automatically become null and void and all rights thereunder shall terminate.

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- b) *Extension.* Upon written application filed with the city clerk of the City of Montague prior to the termination of the one-year period, the planning commission may authorize a single extension of the time limit for a further period of not more than one year. Such extension shall only be granted, based on evidence from the applicant that the development has a reasonable likelihood of commencing construction with[in] the one-year extension period. The one-year extension period shall commence upon the granting of same by the planning commission.
- c) *Special land use conforming.* The granting of a special land use permit shall allow that particular use to be conforming on the subject property, as long as the standards of this ordinance, and any conditions required as part of permit approval, are maintained.
- d) *Cessation of special use resulting in termination.* Any use for which a special land use permit has been granted and which ceases to continuously operate for a one-year period shall be considered abandoned and subject to revocation by the city. The process of revoking a special land use permit shall be based on the following:
 - 1) *Planning commission public hearing.* At the expiration of the one-year period, the planning commission shall conduct a public hearing regarding revocation of the special land use permit.
 - 2) *Notification of owner.* The owner of the property on which the special land use permit has been granted shall be notified of said hearing for purposes of providing evidence as to why the special land use permit should be maintained and to demonstrate that the use authorized by the permit has a strong likelihood of commencing within a period of 180 days after final disposition of this matter by the planning commission.
 - 3) *Planning commission action.* Upon consideration of the matter as referenced above, the planning commission shall act to extend the special land use for a period not to exceed 180 days during which the PUD shall be activated, or shall terminate the special land use permit. In authorizing an extension, the planning commission may attach reasonable conditions.
 - 4) *Permit revocation and use of the property.* A special land use which has received the above extension, but which has not been initiated in the required time period, or has failed to comply with any conditions which have been attached to the extension approval, shall become null and void and the special land use permit shall be revoked. Future use of the property shall be in compliance with underlying zone district standards for permitted uses.
- e) *Resubmittal of a special land use request.* No application for a special land use permit which has been denied wholly or in part, or for a special land use which has been revoked, shall be resubmitted for a period of one year from the date of said order of denial or revocation, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial or revocation found to be valid by the planning commission.

Section 4.70. Amendments and deviations from approved special land use permits.

Amendments to approved special land use permits shall require submittal of a new application which shall be subject to all the requirements of article IV.

State Law reference— Special land uses, MCL 125.584a, 125.584c.

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ARTICLE V. SITE PLAN REVIEW STANDARDS

[Section 5.10. Site plan review required.](#)

[Section 5.20. Party responsible for site plan review.](#)

[Section 5.30. Additional site plan review by zoning administrator and submission to the planning commission - Plans not covered under section 5.20.](#)

[Section 5.40. Site plan application procedure.](#)

[Section 5.50. Required site plan contents.](#)

[Section 5.60. Planning commission review and action.](#)

[Section 5.70. Site plan review standards.](#)

[Section 5.80. Construction in conformity with approved site plan required.](#)

[Section 5.90. Time limit for approved site plans.](#)

[Section 5.100. Changes to approved site plans.](#)

Section 5.10. Site plan review required.

Site plan review and approval shall be required prior to:

- a) The issuance of a building permit for the construction, reconstruction, erection, expansion, or relocation of any building or structure in any zoning district.
- b) The initiation of any special land use in any zoning district.
- c) The initiation of any new use of land use not requiring a building permit or other such action subject to the provisions of this ordinance.

Section 5.20. Party responsible for site plan review.

Except as provided for by this ordinance, no permit shall be issued for any of the activities referenced under section 5.10 until a site plan and site plan application have been approved by the zoning administrator, planning commission, or city council as required by this ordinance and detailed as follows:

- a) *Final site plan approval by the zoning administrator.* The zoning administrator shall be responsible for the review and approval of zoning applications for:
 - 1) *Single-family dwellings.* Construction, reconstruction, erection and/or expansion of a single-family dwelling on a parcel zoned solely for residential purposes and classified as a principal permitted use.
 - 2) *Residential garages and accessory buildings.* Construction of detached garages and accessory buildings, unless located on the site of a special land use.
 - 3) *Interior construction.* Construction solely on the building interior that does not increase usable floor area, nor result in a change in building use.
 - 4) *Signs, walls, decks, etc.* Construction or erection of signs; retaining walls; fences; buffer screens or walls; refuse storage stations; sidewalks; lights; poles; cooling, heating or other mechanical equipment when located on a building or occupying a ground area of less than 100 square feet; and accessory buildings or structures of less than 200 square feet.
 - 5) *Building expansion.* Expansion of an existing, permitted principal building or structure wherein the size of said expansion does not exceed ten percent of the gross floor area of the principal

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building or structure, to a maximum of 1,000 square feet. This provision does not include additions of special land uses.

- 6) *Essential services.* Certain essential services as provided for by section 3.80 of article III.
- b) *Final site plan approval by the planning commission.* The planning commission shall be responsible for the review and approval of zoning applications for:
 - 1) All residential, recreational, office, commercial, industrial, and other uses, except:
 - a. Uses subject to final approval by the zoning administrator, as specified by subsection a) above.
 - b. Uses subject to final approval by the city council, as specified by subsection c) following.
- c) *Final site plan approval by the city council.* The city council shall be responsible for final review and approval of zoning applications for:
 - 1) Special land uses, including amendments thereto.
 - 2) Site condominiums and subdivisions, including amendments thereto.
 - 3) Planned unit development, including amendments thereto.

Section 5.30. Additional site plan review by zoning administrator and submission to the planning commission—Plans not covered under section 5.20.

- a) *Zoning administrator.* Site plan review not specifically provided under the provisions of section 5.20 shall be reviewed by the zoning administrator.
- b) *Referral to planning commission.* Pursuant to section 5.30a), the zoning administrator has the discretionary authority to refer such site plans to the planning commission for review and approval.

Section 5.40. Site plan application procedure.

- a) *Projects subject to review by the zoning administrator.* Application for site plan review shall be made by submitting the following materials to the zoning administrator at least three working days prior to the.
- b) [Submission of materials.] Application for site plan review shall be made by submitting the following materials to the zoning administrator at least 21 days prior to the planning commission meeting at which the site plan is to be considered:
 - 1) *Application.* One copy of a completed site plan review application on an approved form provided by the office of the zoning administrator.
 - 2) *Site plan.* Twelve copies of a site plan drawing containing all of the information required in section 5.50. For projects subject to final review by the zoning administrator, three copies of the site plan drawing shall be submitted. Additional site plan copies may be requested by the zoning administrator for any zoning request if he/she determines additional copies are needed for proper completion of the review process.

Site plans subject to final review by the zoning administrator may be filed concurrent with a building permit application.
 - 3) *Fee.* Payment of an application fee, which shall be nonrefundable, and which shall be established from time to time by resolution of the city council.

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Section 5.50. Required site plan contents.

- a) A site plan submitted in accordance with this ordinance [article] shall contain all of the following information:

| SITE PLAN CHECKLIST—SECTION 5.50 | |
|---|--|
| 1 | Date, north arrow, and scale. Unless approved by the zoning administrator, the scale shall be one inch equals 30 feet. |
| 2 | Name, address, telephone number, and fax number of the applicant. |
| 3 | Name, address, telephone number, and fax number of the person or agency preparing the site plan. |
| 4 | Address, legal description, and tax identification number of the subject property. |
| 5 | Size of the parcel, in acres and square feet. |
| 6 | Existing and proposed lot lines, with bearings and dimensions, including setback lines. |
| 7 | The location of abutting properties, existing structures, adjacent street(s) and street rights-of-way, pavement, access drives, and driveways within 100 feet of the subject property. |
| 8 | The location and dimensions of all existing and proposed structures on the subject property, including, but not limited to, all buildings and other structures, signs, fences, walls, accessory buildings, storage sheds, mechanical and similar equipment, dumpsters, and the method of screening, where applicable. |
| 9 | Location of exterior site lighting shall be shown, including specification of the height, type of fixture, and light/glare containment capability. |
| 10 | The location and dimensions of all existing and proposed drives, sidewalks, curb openings, curbing, loading/unloading areas, parking areas and parking spaces, and vehicular and pedestrian circulation routes. Parking areas shall indicate the number of spaces and the dimensions of a typical space and aisle. Barrier free parking spaces shall be indicated. |
| 11 | The existing zoning of all properties abutting the subject property. |

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| | |
|----|---|
| 12 | The location and specification for all proposed landscaping on the site, including size at the time of planting, species of plant material, and identification of areas to be covered by automatic irrigation systems. |
| 13 | The size and location of existing and proposed sewer and water supply systems, storm sewers, fire hydrants, manholes, stormwater intakes and cleanouts. |
| 14 | The location of all other public and private utilities on the site, including, but not limited to, natural gas, electric, cable television, fiber optic, and telephone and other voice cable. |
| 15 | The proposed method of site surface water drainage, including any proposed surface and subsurface facilities. If applicable, the boundary of any area within a 100-year floodplain shall be identified. |
| 16 | The location, size, and use of existing and proposed easements. |
| 17 | Existing and proposed site topography, at a scale not exceeding five-foot contour intervals. |
| 18 | Other site plan and project information considered necessary to achieve a determination of ordinance compliance. This includes, but is not limited to, environmental impact assessments, traffic studies, market impact studies, utility impact assessments, and cost-benefit assessment (cost of project to the city, based on provision of city services in return for tax base and other revenue). |

- b) *Accompanying detail.* The following documentation shall accompany the site plan or may be placed directly on the plan, if applicable:
- 1) *Owner and petitioner.* The name and address of the property owner and petitioner, if different, and proof of ownership or option to purchase by the petitioner.
 - 2) *Elevation views.* Typical elevation views, with dimensions, of all sides of each principal building type.
 - 3) *Schedules.* Summary schedules, with the following information, as applicable:
 - a. Number, size, and bedroom mix of dwelling units proposed.
 - b. List of uses proposed and the gross floor area of each.
 - c. Area and percentage of site coverage by buildings, structures, pavement, and open space.
- c) *Information waiver.* Where final site plan approval rests with the zoning administrator, he/she may waive any of the requirements of section 5.50, if, in his/her opinion, such information is not necessary for review of the site plan and determination of ordinance compliance.

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Section 5.60. Planning commission review and action.

- a) *Site plan review.* The planning commission shall review the site plan and shall approve, deny, or approve with conditions the site plan, based on conformance with section 5.70, site plan review standards, and with all applicable provisions of this ordinance. The review of site plans classified as special land uses or planned unit developments shall be conducted only after completion of a public hearing as required by this ordinance. Action by the planning commission on matters of special land uses and planned unit developments shall be in the form of a recommendation to the city council.
- b) *Attachment of conditions.* The planning commission may impose reasonable conditions in conjunction with approval of a site plan which it deems necessary to ensure conformance with applicable provisions of this ordinance. Said conditions may include provision for landscaping, fencing, pedestrian access, drainage modifications, buffers or other features to mitigate impacts from sound, noise, or light, building relocation, additional parking, and any other reasonable condition necessary to ensure compatibility of the proposed project with adjoining uses and the health, safety, and welfare of city residents.

For special land uses and planned unit developments, the planning commission may recommend to the city council reasonable conditions, as referenced in the above paragraph, in conjunction with approval of a site plan which it deems necessary to ensure conformance with the provisions of this ordinance. The city council may accept the recommendation(s) of the planning commission, either wholly or partly, or may impose other conditions as they determine necessary to achieve conformance with the provisions of this ordinance.

Section 5.70. Site plan review standards.

All site plans shall comply with all applicable provisions of this ordinance [article] and with each of the following standards:

- a) *Building relationships.* Where possible, buildings and structures shall be placed in an orderly, nonrandom fashion, such that an uncrowded, open appearance is maintained. Open spaces shall be located and arranged in a manner which provides view protection, visual relief, physical separation, environmentally sensitive area protection, and aesthetic attractiveness to surrounding properties.
- b) *Driveways, parking and circulations.*
 - 1) Vehicular and pedestrian circulation facilities shall be designed so as to provide for safe and efficient movement of vehicles and pedestrians, in a manner which avoids conflict.
 - 2) Points of vehicular access to public streets shall be limited to the minimum number required to provide safe and efficient access. Points of access shall be either be directly aligned or offset a minimum of 150 feet, whenever possible.
- c) *Surface water drainage.* The removal of surface water shall not adversely affect neighboring properties or the public storm drainage system. Temporary on-site storage to reduce peak runoff from the site may be required. 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.
- d) *Utility service.* All new utility distribution lines shall be placed underground.
- e) *Emergency access.* The site plan shall provide for adequate access to the site and to all buildings on the site by emergency vehicles.
- f) *Exterior lighting.* Exterior lighting shall be placed and designed so that illumination is directed away from adjacent properties. Lights shall generally be shielded such that resultant illumination is cast in a downward fashion to prevent off-site spillage and glare.

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- g) *Landscaping.* All portions of any site not occupied by buildings, parking lots, and other structures shall be maintained as landscape, subject to the following standards:
- 1) All landscape shall be compatible with the character of surrounding development.
 - 2) All landscape shall be maintained in a healthy condition. Diseased or dying vegetation shall be promptly removed and replaced.
 - 3) The use of natural plant material is encouraged.
 - 4) All landscape shall be provided with adequate irrigation. Landscape not subject to receipt of water via an automatic irrigation system shall be capable of withstanding periods of drought.
- The site plan shall indicate the type and location of existing and proposed landscape. Proposed landscape detail shall include the identification of plant materials, size of trees and shrubs at time of planting, method of irrigation, and proposed maintenance schedule.
- h) *Special features.* Exposed storage areas, trash receptacles, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas shall be reasonably screened by [from] view from adjoining streets and other public areas, or as required by this ordinance.
- i) *Character of area.* When reviewing a site plan, consideration shall be given to the safety, environmental, economic, and aesthetic impacts of the proposed site layout on adjacent properties and the general area. Changes in the location of site features and the application of conditions so as to ensure that a harmonious relationship will result may be required.

Section 5.80. Construction in conformity with approved site plan required.

- a) *Official site plan.* Upon approval of a site plan by the planning commission, the planning commission chairperson or, in the event of his/her absence, the acting chairperson, and the applicant shall sign three copies of the approved site plan. Signed copies shall be provided to the applicant and the zoning administrator, and one signed copy shall be made a part of the record of approval and filed with the city. The site plan included as part of the record of approval and filed with the city shall be considered the official site plan. The official site plan shall be used in all matters of interpretation or dispute concerning approved site plan requirements.
- b) *Conformity with the approved site plan.* Following approval of a site plan by the planning commission, construction of all improvements and other subsequent actions relating to the activity authorized shall be in conformity with the approved site plan.
- c) *Plans approved by council.* Provisions [Subsections] a) and b) above shall also apply to site plans approved by the city council; provided however, the city clerk shall sign the site plan on behalf of the city council.

Section 5.90. Time limit for approved site plans.

- a) *Plan expiration.* A site plan approval granted pursuant to this ordinance [article] shall be valid for a period of one year from the date of approval. If construction is not commenced by the end of this period, and if a written request for extension of the approval has not been submitted by the applicant as outlined by subparagraph [subsection] b) below, the site plan approval shall be deemed expired and no longer valid.
- b) *Extension of approved site plan.* The planning commission may grant one extension of the site plan approval for a one-year period, upon submittal in writing by the applicant of a request for an extension. The planning commission shall grant such an extension only upon presentation of written evidence indicating that construction of the project has been delayed by factors beyond the reasonable control

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of the applicant and that construction of the project is likely to proceed within one year of said extension. The written request for an extension shall be made 30 days prior to the expiration of the initial site plan approval.

- c) *Plans approved by council.* Pursuant to subparagraphs [subsections] a) and b) above, extensions of special land uses and planned unit developments shall be processed by the city council.

Section 5.100. Changes to approved site plans.

- a) *Authority to approve minor plan amendments.* As outlined under subparagraph [subsection] b) below, minor amendments to a site plan approved by the planning commission may be authorized by the zoning administrator, provided, such amendments are in conformance with this ordinance and receive the mutual agreement of the applicant and the zoning administrator. Minor amendments shall generally be restricted to situations resulting from unforeseen site constraints or other unusual site conditions that were not recognized at time of the initial site plan approval by the planning commission or city council.

If a request for approval of a minor amendment to the site plan is made by the applicant, then said request shall be submitted to the zoning administrator in writing by the applicant. If a request for an amendment to the site plan is made by the city, then said request shall be initiated by the zoning administrator who shall, in writing, inform the applicant of same.

Minor amendments to site plans approved as part of a special land use or planned unit development or to conditions specifically imposed as part of site plan approval are not subject to section 5.100. Said amendments require resubmission of the request as required for the original submittal.

- b) *Minor amendments.* Minor amendments to an approved site plan may be approved by the zoning administrator, provided, the proposed revisions do not alter the basic intent and design of the plan. Said minor amendments shall be limited to the following:
 - 1) Movement of a building or buildings by no more than five feet; provided however, said movement shall not encroach on required setbacks.
 - 2) Horizontal and/or vertical elevations may be altered by up to five percent; provided however, an alteration of height shall not result in a height exceeding the height limitations of the underlying zone district.
 - 3) Approved plantings may be replaced by similar types and sizes of landscaping.
 - 4) Changes in floor plans which do not alter the character of use or have an exterior site impact.
 - 5) Slight modification of sign placement or reduction of size.
 - 6) Relocation of sidewalks and refuse storage stations.
 - 7) Internal arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or general design.
 - 8) Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, and similar features.
 - 9) Changes of building materials to another of higher quality.
- c) *Notification of minor amendment.* The zoning administrator shall notify the planning commission, and city council if responsible for the original final approval, in writing of the approved minor amendments. A record of approved minor amendments shall be placed on file with the original site plan review record. A notation shall be made on the official site plan, indicating that amendments have been made to said document, with a description of same. The notation shall be signed and dated by the applicant and the zoning administrator, with a copy of the amended plan forwarded to the planning commission, and city council if responsible for the original final approval. The amended plan shall be filed with the

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commission and council within 30 days of said signing, or the next regular meeting of said commission and council if less than 30 days from the date of said signing.

- d) *Other changes.* Other changes to an approved site plan shall be subject to review and approval by the planning commission and city council following the procedures required for the initial site plan review.

State Law reference— Site plans, MCL 125.584d.

ARTICLE VI. PARKING AND LOADING STANDARDS

[Section 6.10. Purpose and application of standards.](#)

[Section 6.20. General requirements.](#)

[Section 6.30. Parking units of measurements.](#)

[Section 6.40. Parking space numerical requirements \(parking space schedule\).](#)

[Section 6.50. Barrier free parking requirements.](#)

[Section 6.60. Stacking space requirements.](#)

[Section 6.70. Off-street parking space design standards and setback requirements.](#)

[Section 6.80. Parking lot construction and maintenance.](#)

[Section 6.90. Off-street loading and unloading areas.](#)

Section 6.10. Purpose and application of standards.

The purpose of this article is to provide all districts, at the time of erection, enlargement or change in use, of any principal building or structure, off-street parking space with adequate access to all spaces. Off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a certificate of zoning compliance as hereinafter prescribed.

Section 6.20. General requirements.

- a) *Residential off-street parking.* Residential off-street parking spaces shall consist of a parking strip, driveway, garage, or combination thereof, and shall be located on the premises they are intended to serve.
- b) *Commercial district.* Off-street parking within the C-1 downtown commercial district shall either be on the same lot, contiguous lots under the same ownership, or open public (municipal) parking lots within 500 feet of the building it is intended to serve, measured from the nearest public building entrance to the nearest parking space of the off-street parking lot; provided, however, the city may require that some or all of the required parking be provided outside of municipal parking lots if it is determined that sufficient capacity is unavailable within the municipal parking lot(s).
- c) *Change in parking location.* Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided elsewhere, or the parking requirements of the site change.
- d) *Prohibited use of parking area for storage.* The use of required parking areas for material storage, refuse storage stations and dumpsters, storage or display of vehicles and/or merchandise, or for vehicle or machinery repair or maintenance is expressly prohibited, except during construction for

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which a building permit has been issued. The use of semi-trailers or similar vehicles for storage purposes on the premises for five or more days is prohibited.

- e) *Collective parking arrangements.* Except for single-family detached housing units, two or more buildings or uses may collectively provide the required off-street parking, in which case, the required number of parking spaces for the uses calculated individually may be reduced by up to ten percent if a signed agreement is provided by the property owners, and the zoning administrator, after site plan review, determines that the peak usage will occur at different periods of the day. The agreement shall be recorded by the applicant with the Muskegon County Register of Deeds, shall run with the land and not the property owners or users of record, and shall only be modified by consent of the planning commission.
- f) *More than one use on premises.* Where two or more uses are present on the premises, parking requirements shall be calculated for each use, unless specifically provided otherwise herein.
- g) *Parking lot deferment.* Where the property owner can demonstrate that the required amount of parking is excessive, the planning commission may approve a smaller parking area, provided that an area of sufficient size to meet the parking space requirements of this article is retained as open space, and the owner agrees to construct the additional parking at the direction of the planning commission, based on observed usage within six months of being informed of such request in writing by the zoning administrator. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout. The planning commission may require the applicant to post a performance guarantee to ensure construction of the deferred parking if it is determined that said parking is needed. Parking lot deferment for special land uses and planned unit developments shall be processed by the city council.
- h) *Use enlargement or change.* In the event an existing use is enlarged or changed to a different use, the available on-site parking provided shall be adjusted to reflect the parking requirements of the expanded use or new use; provided, however, should the expansion or new use require less parking than the former use, the applicant shall not be required to modify the existing parking.
- i) *Excess parking/pavement.* In order to minimize excessive areas of pavement which depreciate aesthetic standards and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than 20 percent shall not be allowed, except as approved by the planning commission. In granting such additional space, the planning commission shall determine that such parking will be required, based on documented evidence.
- j) *Parking for vehicles during construction.* During construction, off-street parking (off the public right-of-way) shall be provided for all construction vehicles and employees. Said parking shall be on the lot or parcel at which the construction is occurring or another lot or parcel. If parking is to occur on another lot or parcel, written permission shall be secured from the owner of said lot or parcel prior to the parking of vehicles. In all cases, the zoning administrator shall have the authority to require the rearranging and/or relocation of parking so as to assure the public safety.
- k) *Uses not listed, including temporary and seasonal uses.* For uses not specifically listed in section 6.40, the requirements for off-street parking facilities shall be in accordance with a similar use or based on documentation regarding the specific parking needs for the particular use, as determined by the planning commission or, in the case of a special land use or planned unit development, the city council following a recommendation from the planning commission.

Section 6.30. Parking units of measurements.

- a) *Floor area.*
 - 1) *Gross floor area.* Where floor area is the unit for determining the required number of off-street parking and loading spaces, said unit shall mean the gross floor area (GFA), unless otherwise noted.

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- 2) *Usable floor area.* Where the floor area measurement is specified as usable floor area (UFA), 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. Where these areas are not defined, usable floor area shall be considered to be 85 percent of the gross floor area.
- b) *Benches and pews.* In calculating bench seating for places of assembly, each 24 inches of benches, pews or other such seating shall be counted as one seat.
- c) *Number of employees.* 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.
- d) *Fractional spaces.* When units of measurements determining the number of required parking or loading spaces result in a fractional space, any fraction shall be counted as one additional space.

Section 6.40. Parking space numerical requirements (parking space schedule).

The minimum number of off-street parking spaces shall be determined by the type of use in accordance with the following schedule:

| A. General Residential | |
|--|--|
| Single-family and two-family dwellings | 2.0 spaces per dwelling unit |
| Multiple-family dwelling and dormitories | 1.5 spaces per each efficiency or one-bedroom dwelling unit and 2.0 spaces per each unit with two or more bedrooms |
| Manufactured homes in a mobile home park | 2.0 spaces per each manufactured/mobile home unit or site |

| B. Senior Housing (Retirement Villages/Centers, Independent Care Units, Elder Care Housing, Intermediate Care Units, Convalescent Homes, and Nursing Homes) | |
|--|---|
| Housing for fully independent residents: Senior independent units and independent care retirement village or center | 1.5 spaces per each room and living unit |
| Housing for residents requiring a moderate level of care: Senior interim care, elder care, and intermediate care units | 1.0 space per each room, plus 1.0 space per employee |
| Housing for residents whose care is fully dependent on others: Convalescent homes, nursing homes, rest homes, etc. | 1.0 space per each two rooms, plus 1.0 space per employee |

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| C. Institutional/Civic (Religious, Municipal, Hospital, Child Care, Schools, and Halls) | |
|--|---|
| Churches, temples, synagogues and other places of worship | 1.0 space per each three seats or six feet of pews |
| Municipal office buildings | 4.0 spaces per 1,000 sq. ft. GFA, plus spaces required for any assembly hall, auditorium, and outdoor arena |
| Hospitals | 2.5 spaces per each licensed bed, plus out-patient care and emergency care requirements |
| Outpatient care and emergency care services | Refer to office parking requirements |
| Child care centers | 2.0 spaces, plus 1.0 additional space for each seven children of licensed authorized capacity |
| Primary schools (elementary and junior high schools) | 1.0 space per each classroom, plus 3.5 spaces per each 1,000 square feet of gross office area, plus spaces required for any assembly hall, auditorium, and outdoor arena |
| Secondary (high) schools, commercial/trade schools, colleges/universities | 5.0 spaces per each classroom, plus 3.5 spaces per each 1,000 square feet of gross office area, plus spaces required for any assembly hall, auditorium, outdoor arena, and dormitory or other on-campus housing |
| Auditoriums, assembly halls, outdoor arenas | 1.0 space per each three seats or six feet of bleachers |
| Public recreation centers | 5.0 spaces per 1,000 square feet of GFA |
| Dancehall, union/lodge hall, fraternal hall/club, similar uses | 1.0 space per every two persons of capacity authorized by the city building code, or fire code if more stringent |

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| D. Office | |
|--|---|
| Medical/dental office/clinic | 7.0 spaces per 1,000 sq. ft. GFA, plus out-patient care, emergency, 24-hour med station requirements |
| Outpatient care, emergency care, 24-hour med station | 2.0 spaces per exam or out-patient procedure/operating room, plus 1.0 space per laboratory or recovery room, plus 1.0 space for each 2 rooms for employee parking |
| General office building | 3.5 spaces per 1,000 sq. ft. GFA |
| Branch bank, credit union, savings and loan | 5.0 spaces per 1,000 sq. ft. GFA, plus 4.0 stacking spaces per window and ATM |

| E. Commercial/Retail/Service | |
|---|---|
| Appliance store | 4.0 spaces per 1,000 sq. ft. UFA |
| Auto service stations and auto care centers without convenience goods | 2.0 spaces per each service bay, plus 1.0 space per employee, plus 1.0 space per each tow truck, plus 1.0 space for each 500 square feet devoted to sales of automotive goods, plus 2.0 spaces per pump |
| Auto service-oil change/quick lube | 2.0 spaces per service bay, plus 1.0 space per employee |
| Automobile sales | 1.0 space per 200 sq. ft. gross sales (showroom and office) floor area, plus 3.0 spaces per each auto service bay |
| Automobile wash (automatic or semi-automatic) | 2.0 spaces, plus 1.0 space per employee, plus 16.0 stacking spaces per bay |
| Automobile wash (self-serve) | 2.0 spaces per bay, 2.0 spaces per vacuum |
| Bar (lounge) | 16.0 spaces per 1,000 sq. ft. UFA, or 0.7 space per seat, whichever is greater |
| Barbershop/beauty salon/hair salon | 2.5 spaces per each barber's or beautician's chair or station |

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| Bed and breakfast inn | 2.0 spaces, plus 1.0 space per guest room |
| Conference rooms, exhibit halls, and similar uses | 1.0 space per every two persons of capacity authorized by the city building code, or 10.0 spaces per 1,000 sq. ft. GFA, whichever is greater |
| Convenience store, with or without gasoline service | 4.0 spaces per 1,000 sq. ft. UFA, plus 2.0 spaces per pump |
| Discount retail store | 5.0 spaces per 1,000 sq. ft. UFA |
| Dry cleaners | 2.0 spaces per 1,000 sq. ft. UFA, plus 2.0 spaces per drive-up window |
| Equipment repair | 1.0 space per 4,000 sq. ft. UFA |
| Funeral homes | 1.0 space per 50 sq. ft. UFA devoted to service parlors, chapels, and reception areas, plus 1.0 space per each funeral vehicle stored on the premises |
| Furniture/carpet store | 1.5 spaces per 1,000 sq. ft. UFA |
| Hardware/paint/home improvement store | 3.0 spaces per 1,000 sq. ft. UFA |
| Laundromat | 1.0 space per each two washing machines |
| Mini/self-storage warehouse | Minimum of 6.0 spaces, plus 1.0 space per each mini/self-storage unit, with parking to be located adjacent to the front garage door of each unit |
| Motel/hotel with lounge, restaurant, conference or banquet rooms or exhibit facility | 1.0 space per guest room, plus 10.0 spaces per 1,000 sq. ft. of lounge, restaurant, conference or banquet rooms or exhibit space |
| Recreational vehicle, boat, mobile home and similar sales | 1.0 space per 800 sq. ft. UFA, plus 2.0 spaces per each vehicle sales service bay |

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| Restaurant, sit-down type, with liquor license | 16.0 spaces per 1,000 sq. ft. UFA, or 0.6 space per seat, whichever is greater |
| Restaurant, family type, without liquor license | 12.0 spaces per 1,000 sq. ft UFA or 0.5 space per seat, whichever is greater, plus 5.0 longer spaces (no less than 25 ft.) designated for recreational vehicles |
| Restaurant, fast food, with drive-through window | 15.0 spaces per 1,000 sq. ft. UFA or 0.6 space per seat, whichever is greater, plus 10.0 designated drive-through shortterm waiting spaces, plus 5.0 longer spaces (no less than 25 ft.) designated for recreational vehicles |
| Restaurant, takeout with less than six tables and/or booths | 6.0 spaces, plus 1.0 space per employee |
| Shopping center | 4.0 spaces per 1,000 sq. ft. UFA |
| Showroom of a plumber, cabinetmaker, decorator, or similar trade | 1.0 space per 800 sq. ft. UFA |
| Supermarket | 4.5 spaces per 1,000 sq. ft. UFA |
| Mega-market (combined grocery and department store) | 4.0 spaces per 1,000 sq. ft. UFA |
| Video rental establishments | 15 spaces per 1,000 sq. ft. UFA, with a minimum of 8.0 spaces provided |

| F. Recreation/Entertainment | |
|------------------------------------|---|
| Batting cages | 3.0 spaces per cage |
| Bowling centers | 5.0 spaces per lane, plus amount required for the bar if a bar or lounge is present |

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| Commercial outdoor recreation not listed elsewhere | 5.0 spaces per 1,000 sq. ft. GFA, with a minimum of 10 spaces provided |
| Golf course driving range | 1.0 space per tee |
| Golf course, miniature | 1.0 space per course hole |
| Golf course, par three | 3.0 spaces per course hole |
| Golf course | 6.0 spaces per course hole |
| Golf course banquet hall/lounge | 0.5 space per seat, plus spaces required for golf course |
| Health fitness centers without swimming pool | 5.0 spaces per 1,000 sq. ft. UFA |
| Ice/roller skating rink | 6.0 spaces per 1,000 sq. ft. GFA |
| Marina | 1.5 spaces per boat slip, plus 1.0 space for each four boat racks in an in-out boat keeping building, plus 1.0 space per 800 sq. ft. UFA for showroom sales, plus 2.0 spaces per each vehicle sales service bay |
| Swimming pool | 1.0 space per each three persons of capacity authorized by the city building code |
| Theater, cinema | 1.0 space per each four seats, plus 4.0 spaces per screen or stage |
| Racquetball/tennis centers | 1.0 space per 1,000 sq. ft. GFA or 6.0 spaces per court, whichever is greater |
| Video arcade | 1.0 space per 50 sq. ft. UFA, with a minimum of 6.0 spaces required |

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| G. Industrial | |
|---|--|
| Light industrial, manufacturing, testing labs, research and development centers, other industrial | 1.5 spaces per 1,000 sq. ft. GFA, or 1.2 spaces per employee, whichever is greater, plus 1.0 space for each corporate vehicle |
| Warehousing | 1.0 space per each 2,500 sq. ft. GFA, or 1.0 space per employee, whichever is greater, plus 1.0 space for each corporate vehicle (<i>Note: Separate standard provided for mini-storage.</i>) |

| H. Uses Not Specified |
|---|
| Refer to [Section] 6.20k) for determining required parking for uses not specified under section 6.40. |

Section 6.50. Barrier free parking requirements.

- a) *Barrier free spaces.* Within each parking lot, signed and marked barrier free spaces shall be provided at a convenient location, in accordance with state and federal law.
- b) *Barrier free access.* Wheelchair access requirements shall be according to state or federal barrier free regulations, with the most restrictive requirements applying.

Section 6.60. Stacking space requirements.

Where the requirements of section 6.40, parking space schedule, requires the reservation of space for the stacking of vehicles, the follows standards shall apply to said space:

- a) *Conflict with other traffic.* Stacking spaces shall not conflict with traffic accessing the use, nor adjacent uses.
- b) *Length.* Each space shall be at least 25 feet in length.
- c) *Blocking of parking spaces.* Parking spaces blocked by stacking spaces shall not be included in calculating the required number of parking spaces.
- d) *Use of public or private street.* The use of a public or private street for stacking of vehicles is prohibited.
- e) *Additional spaces required.* Additional stacking spaces may be required if it is determined, during site plan review, such spaces are necessary for proper traffic safety and control.

Section 6.70. Off-street parking space design standards and setback requirements.

Off-street parking facilities shall be designed, constructed and maintained according to the following standards and regulations:

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- a) *Ingress and egress.* Adequate ingress and egress to the parking facility shall be provided by clearly defined driveways. For purposes of public safety, ingress and egress movements may be restricted or otherwise regulated pursuant to vehicular movement (e.g., one-way, out only, right turn only, etc.), driveway openings and spacings, driveway size, and related factors.
- b) *Construction material surface for parking lots.* Unless otherwise provided for in this section, all parking lots shall have a concrete, cement, asphalt, or brick paver surface.

Except for the C-1, C-2, and HC commercial districts, the planning commission may authorize the use of other surface materials, such as crushed limestone, dolomite, gravel, or similar materials; provided, however, within the C-1, C-2, and HC commercial districts, the authorization to approve other surface material shall also extend to parking lots and parking areas under the ownership and/or control of the city that are ancillary to public works facilities, cemeteries, parks, playgrounds, or other recreational facilities. All areas designated for barrier free parking, driveways, sidewalks, and/or as required by the planning commission shall be surfaced with concrete, cement, asphalt, or brick pavers. In approving an alternate surface material, the planning commission shall find that said material will not result in unsafe or hazardous conditions, will be consistent with the character of the site and neighborhood area, and will not result in a need for excessive maintenance.

- c) *Driveway surface material.* Refer to section 3.160 of the general provisions.
- d) *Maneuvering lanes.* All spaces shall be provided adequate access by means of maneuvering lanes.
- e) *Lighting.* All parking lot or display lighting shall be designed, located and/or shielded to prevent spillover onto adjacent properties, and shall be arranged to prohibit an adverse affect on motorist visibility on adjacent public roadways. The maximum height of parking lot light fixtures shall be 20 feet for any lot within 150 feet of a residential district, and a maximum height of 40 feet in all other parking lots.
- f) *Curbing.* Curbing or bumper blocks shall be provided where parking spaces abut landscaping, property lines, sidewalks or required setback areas.
- g) *Use of public street.* Parking lots shall be designed to prevent vehicles from backing into the street or requiring use of the street for maneuvering between parking rows.
- h) *Right-of-way setback for parking lots and maneuvering aisles.* Parking lots and related maneuvering aisles shall have a minimum setback of ten feet from any adjacent right-of-way line. Required parking lot setback areas shall be landscaped.
- i) *Parking lot setback from property line.* Parking lots shall have a minimum setback of ten feet from any property line that is not a street right-of-way line. This requirement may be waived where a shared access driveway, connected parking lots, frontage road, or rear service drive exists.
- j) *Parking lot setback from residential zone.* Parking lots shall have a minimum rear and side yard setback of 20 feet from any residential zoning district. This setback area shall include either a landscape berm or other landscaping and/or a wall to screen headlights. The design of the landscape or wall feature shall be compatible with the character the adjacent residential district.
- k) *Parking space design.* All spaces shall be designed and marked with dimensions described below:

| ANGLE | SPECIFICATION |
|------------------|---|
| 76- to 90-degree | 10 × 18 feet with 26-foot wide aisle for two-way traffic or 18 feet for single-loaded one-way aisle |

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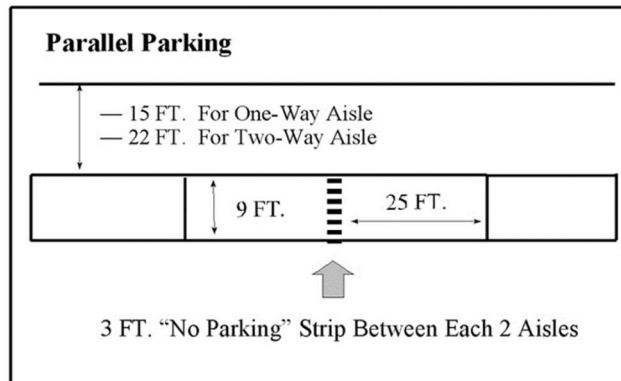
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| 30- to 75-degree | 9.5 × 21 feet with 24-foot wide aisle for two-way traffic or 15 feet for single-loaded one-way aisle |
| Parallel parking | 9 × 25 feet with a three-foot area striped for "No Parking" between each two spaces, and 22 feet for two-way traffic aisle or 15 feet wide for one-way aisle |

- l) *Space width reduction option.* Required width of parking spaces may be reduced by six inches per space if the parking lot is marked with double (or loop) stripes at three or four inches wide and spaced 18 to 24 inches apart.
- m) *Use of front yard for parking.*
 - 1) *Single-family residential.* On any single-family residential lot, the parking of vehicles shall be restricted to the driveway, carport, or garage. Except for the parking of recreational vehicles as provided for under section 3.210, and as provided above, the front yard shall not be used for the parking of vehicles.
 - 2) *Other than single-family residential.* Parking shall be restricted to those locations (e.g., driveways and parking lots) approved for such use, based on the provisions of this ordinance and subject to site plan review and approval.

Parking Space Design Standards

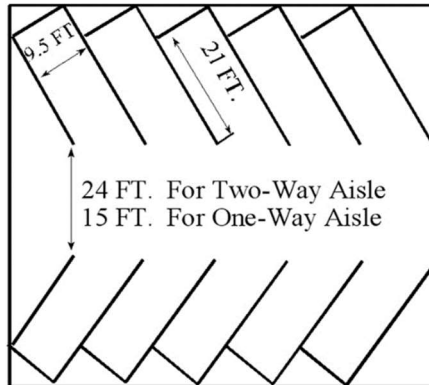
Parallel Parking



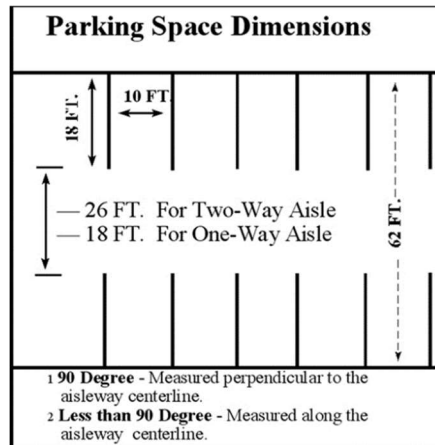
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30 to 75 Degree Angle Parking



76 to 90 Degree Angle Parking



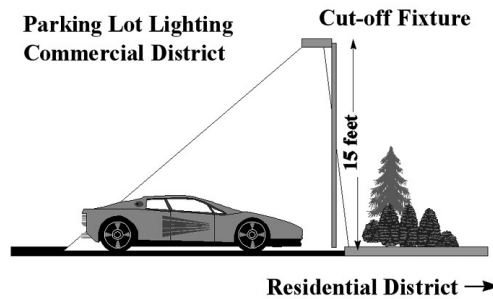
Section 6.80. Parking lot construction and maintenance.

- a) *Plans and review and approval.* Plans and specifications for parking areas shall be submitted to the zoning administrator prior to the issuance of a building permit. These plans shall be reviewed by the zoning administrator for compliance with this ordinance [article] and the building official for compliance with city construction codes. If the parking lot is to be constructed in conjunction with a building project, the following information may be submitted as part of an overall project site plan which incorporates all project elements. The plan shall include:
- 1) Existing and proposed locations, sizes, and grades of the parking lot(s).
 - 2) Sufficient engineering design detail, including runoff calculations, to demonstrate that stormwater runoff shall be accommodated on-site, through approved drainage facilities, including catchbasins, proper pipe sizes, and connections to existing drainage structures.
 - 3) Design detail of surface and base materials to be used during construction.
 - 4) Curb cut and deceleration and acceleration lane detail, including size, design, relationship to curb cuts on adjacent property, turning radius, and traffic flow.
 - 5) Perimeter and interior landscaping, including location, size, and setbacks of planting areas, type and size of plant materials, irrigation, architectural screens or walls, and other such features.

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- 6) Signs, including placement, purpose, size, type, and method of illumination.
- 7) Lighting detail, including location, size, and type(s) of fixture(s). Fixtures used for the lighting of parking lots shall be of a cutoff (or comparable) design to prevent the spillage of light/glare onto adjoining residential properties.



- b) *Installation period.* Approved parking lots shall be installed and completed before issuance of a building occupancy permit. The zoning administrator may grant a temporary occupancy permit, combined with an extension for up to six months to complete said parking in the event of adverse weather conditions or unusual delays beyond the control of the property owner. In granting a temporary occupancy permit, the uncompleted parking lot must be sufficiently improved to permit safe use by the public. In granting said extension, the zoning administrator may require the applicant to file a performance guarantee to ensure construction of the parking lot as approved.
- c) *Pavement markings.* All parking spaces, aisles, loading and unloading areas, pedestrian crossings, and directional controls shall be marked. The visibility of pavement markings shall be of high quality and well maintained. Pavement markings shall be maintained on a regular basis to ensure lasting visibility.
- d) *General maintenance.* All parking lots shall be maintained. Zoning approval is not required for normal maintenance, such as cleaning, sealing, and/or patching.

Section 6.90. Off-street loading and unloading areas.

On the premises, space for standing, loading and unloading vehicles shall be provided for each use involving the receipt or distribution of goods, based on the following criteria:

- a) *Size and location (general).* The loading area shall be of sufficient size, and properly located, to prevent undue interference with adjacent required parking spaces, maneuvering aisles, or traffic flow on public streets.
- b) *Alley location.* Where an alley exists at the rear of the building, the required loading area may be computed from the centerline of the alley.
- c) *Visible to a public street.* Loading/unloading areas and docks shall not be provided in the front yard or on any building side facing and directly visible to a public street.
- d) *Visible to a residential district.* Loading docks and loading areas facing a residential district shall be adequately screened by a wall and/or landscaping.
- e) *May not be used in the calculation of off-street parking.* Required loading areas shall not be included in calculations for off-street parking space requirements.

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- f) *Space size and clearance.* The size of all required loading/unloading spaces shall be at least ten feet by 50 feet or 500 square feet in area, with a clearance of at least 14 feet in height.
- g) *Construction material.* Loading dock approaches shall be constructed of an asphalt or cement binder, with a base sufficient to accommodate expected vehicle weight.
- h) *Required spaces.* The minimum number of loading spaces shall be provided in accordance with the following table:

| Required Loading and Unloading Spaces Institutional, Commercial and Office Uses | |
|--|--|
| Up to 2,000 sq. ft. GFA | None required |
| 2,001 to 20,000 sq. ft. GFA | 1.0 space |
| Exceeding 20,000 sq. ft. GFA | 1.0 space per each 20,000 sq. ft. GFA, with a maximum of 5 spaces required |

| Required Loading and Unloading Spaces Industrial Uses | |
|--|--|
| Up to 5,000 sq. ft. GFA | 1.0 space |
| 5,001—25,000 sq. ft. GFA | 2.0 spaces |
| 25,001—100,000 sq. ft. GFA | 1.0 space per each 25,000 sq. ft. GFA, but no less than 2.0 spaces |
| 100,001 sq. ft. GFA and over | 1.0 space per each 30,000 sq. ft. GFA, but no less than 4.0 spaces |

Cross reference— Traffic and vehicles, ch. 78.[\(Back\)](#)

ARTICLE VII. SIGNS

[Section 7.10. Statement of Purpose](#)

[Section 7.20. Definitions.](#)

[Section 7.30. General Sign Provisions.](#)

[Section 7.40. Nonconforming signs, illegal signs, and signs accessory to nonconforming uses.](#)

[Section 7.50. Signs – Units of Measurement.](#)

[Section 7.60. District sign regulations.](#)

[Section 7.70. Billboards.](#)

Section 7.10. Statement of Purpose.

The sign regulations of this ordinance (article) are intended to protect and further the health, safety, and welfare of the residents of the City of Montague; to maintain and improve the appearance of the City of Montague; to conserve community character; to prevent traffic hazards; and to provide safer conditions for pedestrians by regulating the construction, alteration, repair, maintenance, size, location, and number of signs.

Section 7.20. Definitions.

- a) *Sign.* An emblem, name, identification, description, illustration, device, structure, fixture, or placard using graphics, symbols, color, and/or written copy designed specifically for the purpose of advertising, identifying, and/or drawing attention to an establishment, product, service, activity, object, person, institution, organization, business, or piece of land. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign.
- b) *Sign area.* Refer to section 7.50, signs, unit of measurement.
- c) *Awning sign.* An awning is a retractable or fixed shelter, constructed of rigid or non-rigid materials on a supporting framework that projects more than 12 inches from the exterior wall or a building to which it is attached. An awning sign is a sign affixed flat against, or printed on, the surface of an awning. Refer also to (the definition of the terms) “wall sign” and “projecting sign.”
- d) *Balloon sign.* A sign composed of a nonporous bag of material filled with air or lighter than air gas.
- e) *Banner sign.* A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework. A banner sign includes flags and pennants.
- f) *Billboard sign.* A sign erected on a framework independent of a building and unrelated to the parcel upon which the sign is located.
- g) *Directional sign.* A sign which give directions, instructions, or facility information for the use of the lot on which the sign is located, such as entering, parking, queuing/stacking, loading and/or unloading, or exiting.
- h) *Freestanding sign.* A sign supported by uprights, poles, or braces in or upon the ground surface and not attached to a building or wall, and is related to a parcel, lot, structure, business,

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commodity, service, or entertainment upon which the sign is located.

- i) *Government sign.* A temporary or permanent sign erected by the City of Montague, Muskegon County, or state, or federal governmental agency.
- j) *Ground (monument) sign.* A low level ground mounted sign typically attached to, or resting on, the ground, on a solid base, with no, or minimal (<2 feet) open space between the base (ground) and sign face.
- k) *Marquee sign.* A permanent structure, constructed of rigid materials, that projects from the exterior wall of a building. Marquee sign is a sign affixed flat against the surface of a marquee.
- l) *Mural / Wall Art.* A design or representation painted or drawn on a wall, which does not contain narrative, logos, or other information meant to advertise an establishment, product, service, or activity.
- m) *Pole / Post sign.* A sign elevated from the ground by a single post, or multiple posts, for the purpose of increasing the height of the sign face.
- n) *Portable sign.* A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building. A sign constructed on a frame with wheels and axles, or of similar construction, and made to be transportable shall be classified as a portable sign, even if the wheels and/or axles have been removed.
- o) *Projecting sign.* A double-faced sign, attached to a building or wall, which extends more than 12 inches, but not more than 36 inches from the face of the building or wall.
- p) *Reader board.* A portion of a sign on which copy is changed manually.
- q) *Roofline.* The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- r) *Roof sign.* Any sign erected, constructed and maintained wholly upon or over the roof of any building, with the principal support on the roof structure.
- s) *Wall or flat sign (refer also to the definition of the term "awning sign").* A sign which is attached directly to or painted upon a building wall or dropped roof and which does not extend more than 12 inches therefrom, with the exposed face of the sign in a plane parallel to the building wall. An awning sign projecting 12 inches or less shall be classified as a wall sign.
- t) *Window sign.* A sign installed on the interior (inside) surface of a building window and intended to be viewable from outside the building.

Section 7.30. General Sign Provisions.

- a) *Permit required to install sign unless exempted.* No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a sign permit and City approval; with the exception of those signs designated as exempted.
- b) *Exempted signs.* The following signs are allowed, without a permit, throughout the City if applicable requirements are met, and as outlined below.
 - 1) Government signs and state historic markers.

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- 2) Signs with the address and/or owner or occupant name, not to exceed two square feet in area and located on the premises to which the sign address and/or name refers.
- 3) Temporary banner signs are permitted in non-residential zoning districts, subject to the following restrictions:
 - a. One sign per lot or parcel.
 - b. No such sign shall exceed a maximum size of 32 square feet in area and no higher than 6 feet.
 - c. The sign shall not remain erected for more than 30 days.
 - d. The sign shall be set back from any front or side lot line a minimum of 15 feet and no less than 25 feet from any corner (clear vision area); or as approved by the City.
- 4) Directional signs are permitted in non-residential zoning districts, subject to the following restrictions:
 - a. No such sign shall exceed 6 square feet and no higher than 6 feet.
 - b. Directional signs shall be limited to traffic control functions only.
 - c. Minimum of 1 foot from the property line and no less than 25 feet from any corner (clear vision area); unless location within right-of-way approved by City.
- 5) Temporary (yard) signs are permitted, subject to the following restrictions:
 - a. One sign within every 100 lineal feet of street frontage of a lot or parcel.
 - b. No greater than 6 square feet and no higher than 3 feet.
 - c. The sign shall not remain erected for more than 30 days.
 - d. The sign shall be a minimum of 10 feet from the edge of the road / curbing and no less than 25 feet from any corner (clear vision area).
 - e. The sign shall be erected by the owner of the parcel and / or with the approval of the owner.
- 6) Temporary Free Standing / Post Mounted Signs are permitted, subject to the following restrictions:
 - a. One sign per lot or parcel.
 - b. No greater than 6 square feet for parcels up to one acre and 12 square feet for parcels over an acre.
 - c. The sign shall not remain erected for more than 180 days. Zoning Administrator may approve additional 180 increments; not to exceed more than 540 days total.
 - d. The sign shall be a minimum of 3 feet from the property line and 15 feet from any side and rear property line.

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- c) *Maintenance.* Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.
- d) *Sign hazards.* Sign supports, braces, guys, and anchors shall be maintained in such a manner as not to cause a hazard.
- e) *Illumination.* Signs may be internally illuminated or externally illuminated, except for signs in residential zoning districts which shall not be illuminated. The source of the illumination shall be directed to prevent said light from shining directly onto traffic or adjoining properties.
- f) *Right-of-way encroachment.* No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this ordinance, or as approved by the City.
- g) *Placement restriction.* No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
- h) *Hazard or nuisance.* No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- i) *Use of vehicle as sign.* No vehicle, which has the intended function of acting as a sign, shall be parked in any area or lot abutting the street, or in the public right-of-way; and determined by stationary location, duration in single location, operability of the vehicle.
- j) *Moving or flashing signs.* No sign shall employ any moving or oscillating parts. No sign shall employ any flashing, blinking, or variable intensity light.
- k) *Moving signs.* No sign shall contain any moving or animated parts, nor have the appearance of having any moving or animated parts.
- l) *Miscellaneous signs.* Unless otherwise provided for, balloons, strings of light bulbs, and streamers hung overhead and which may cause a public safety hazard shall be prohibited.
- m) *Wall sign placement extension.* No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roofline of a building.
- n) *Reader Boards.* All permanent ground, wall and freestanding signs may include reader boards. Portable reader board signs, whether with or without attached wheels are not permitted; except as approved by the City and for a duration not to exceed 7 days.
- o) *Clear Space.* Any sign where a person may walk underneath, including awnings to which signs are affixed or displayed, and not resting directly on the ground, shall maintain a minimum clear space of 8 feet from the bottom of the sign to the ground.

Section 7.40. Nonconforming signs, illegal signs, and signs accessory to nonconforming uses.

- a) Every permanent sign which does not conform to the height, size, area, or location requirements of this article as of the date of adoption of the ordinance (from which this article is derived), is hereby deemed to be nonconforming.

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- b) Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
- c) For the purposes of this ordinance (section), a nonconforming sign may be diminished in size or dimension of the copy of the sign amended or changed without jeopardizing the privilege of nonconforming use.
- d) Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than 50% of the value of the sign on the date of loss.
- e) Any sign which, for a period of one year or more, no longer applicable or related to a building, structure, or property upon which such sign is located, shall be removed within 30 days of receipt of written notice by the zoning administrator.
- f) A sign accessory to an allowable nonconforming use (as defined by Section 10.30) may be erected in the city in accordance with the sign regulations for the district in which the property is located.

Section 7.50. Signs – Units of Measurement.

- a) *Sign area.* The area of a sign shall be measured as the area within a single, continuous perimeter composed of a rectangular straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
- b) *Area and multiple sign faces.* The area of a freestanding, ground, or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back, with said backs no greater than 12 inches apart, and are of equal size, the area of the two back-to-back faces shall be counted as one face. If the back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
- c) *Height.* The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.
- d) *Apportioning sign area for multiple tenants.* For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.

Section 7.60. District sign regulations.

The following signs are permitted with submission of an application, including payment of necessary fees, and approval from the City. Approval shall not be based on content.

| R-1A, R-1B, RM, CON, and MC Zoning Districts – PERMITTED SIGNS | |
|--|-------------------------------|
| WALL SIGNS FOR RESIDENTIAL USES | |
| Number | One per lot or parcel |
| Size | No greater than 4 square feet |

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| | |
|--|--|
| Location | On wall of structure facing street, unilluminated |
| WALL SIGNS FOR PERMITTED NONRESIDENTIAL USES | |
| Number | One per street frontage |
| Size* | No greater than 5% of the wall area to which the sign is affixed |
| Location | On wall of building facing street |
| GROUND SIGNS FOR PERMITTED NONRESIDENTIAL USES | |
| Number | One per lot or parcel |
| Size* | No greater than 32 square feet |
| Location | Minimum 5 feet from front right-of-way line and 15 feet from any side and rear property line |
| Height | No higher than 6 feet |
| DIRECTIONAL SIGNS FOR PERMITTED NONRESIDENTIAL USES | |
| Size | No greater than 6 square feet (<i>limited to traffic control functions only</i>) |
| Location | Minimum five feet from front right-of-way line and 15 feet from any side and rear property line |
| Height | No higher than 6 feet |
| BANNER SIGNS FOR PERMITTED NONRESIDENTIAL USES | |
| Number | One per lot or parcel (<i>shall not remain erected for more than 30 days</i>) |
| Size | No greater than 32 square feet |
| Location | Minimum 15 feet from property line and no less than 25 feet from any corner (clear vision area). |
| Height | No higher than 6 feet |
| C-1, C-2, RO, and HC DISTRICTS – PERMITTED SIGNS | |
| GROUND SIGNS | |
| Number | One per lot or parcel; except that only one ground sign or one freestanding sign shall be permitted per lot or parcel; and, except for parcels with two or more tenants and having public street frontages equaling or exceeding 300 feet shall be permitted two ground signs. |
| Size* | C-1 and C-2: No greater than 32 square feet for each sign. HC: No greater than 50 square feet for each sign. |
| Location | Minimum 5 feet from front right-of-way line and 5 feet from any side and rear property line. May be placed within right-of-way with approval by the City. |
| Height | No higher than 6 feet |
| WALL SIGNS | |
| Number | One per street frontage |
| Size* | No greater than 5% of the wall area to which the sign is affixed. |
| Location | On wall of building facing street(s) |
| FREESTANDING / POLE SIGNS | |
| Number | C-1, C-2, & RO: None permitted HC: One per lot or parcel; except that only one ground sign or one freestanding sign shall be permitted per lot or parcel. |
| Size* | No greater than 24 square feet. |

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| | |
|---|--|
| Location | Minimum 10 feet from front right-of-way line and 25 feet from any side and rear property line. |
| Height | No higher than 15 feet |
| MURALS AND WALL ART | |
| Number | One per building |
| Size & Height | Subject to review and approval by the City Council. |
| BILLBOARDS (see also Sec. 7.80) | |
| Number | C-1, C-2, & RO: None permitted HC: One per lot or parcel; except that only one ground sign, one freestanding sign, or one billboard shall be permitted per lot or parcel. |
| Size* | No greater than 200 square feet. |
| Location | (see Sec. 7.80) |
| Height | No higher than 20 feet |
| M-1 INDUSTRIAL DISTRICTS – PERMITTED SIGNS | |
| GROUND SIGNS | |
| Number | One per lot or parcel |
| Size* | No greater than 32 square feet |
| Location | Minimum of 5 feet from the front right-of-way line and 15 feet from any side and rear property line |
| Height | No higher than 6 feet |
| WALL SIGNS | |
| Number | One per street frontage |
| Size* | No greater than 5% of the wall area to which the sign is affixed |
| Location | On wall of building facing street(s) |
| * The sign size may be increased by 20% if approved by the Planning Commission with accommodation and consideration of sign materials and designs that reflect the regional landscape, community character, and architectural style of the community. | |

Section 7.70. Billboards.

- a) Billboards shall be permitted in the HC commercial district, subject to the following:
- 1) Billboards within the HC district shall be classified as a permitted use, but shall be subject to review and approval by the planning commission under the site plan review provisions of Article V of this ordinance.
 - 2) The maximum number of signs per parcel shall not exceed one sign. The sign shall be in addition to the other signs permitted for an existing use located on the same site on which the billboard is to be placed.
 - 3) The maximum sign area shall not exceed 200 square feet.
 - 4) The sign shall not exceed a height of 20 feet.

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- 5) The sign may not be illuminated.
- 6) Sign placement shall be regulated as follows:
 - a. A sign shall not be located within 500 feet of the White River, another Zoning District, or other structure within the HC district.
 - b. A sign shall not be located closer than 75 feet from the nearest edge of the main traveled portion of Highway Business Route US 31.
 - c. A sign shall not be located within 500 feet of another off-premises sign on the same side of the highway, including official and off-premises signs as defined in 23 USC 131(c). Said spacing measurements shall apply separately to each side of the highway and shall be measured along the nearest edge of the pavement of the highway between points directly opposite each sign.
- 7) A billboard shall not be located or maintained on trees or painted or drawn upon rocks or other natural resources.
- 8) When a sign is removed, or required to be moved, the entire structure, including supports, foundation, electrical apparatus, and other sign components and related materials, shall be removed from the site.
- 9) The sign shall be subject to all state and federal permitting requirements.

(Article VII Signs amendment effective 10-4-16)

ARTICLE VIII. PLANNED UNIT DEVELOPMENT (PUD)

[Section 8.10. Planned unit development \(PUD\)\[—Intent.\]](#)

[Section 8.20. Minimum size and ownership for PUD eligibility.](#)

[Section 8.30. District and uses permitted.](#)

[Section 8.40. Limitation regarding PUD uses.](#)

[Section 8.50. Relaxation of select standards.](#)

[Section 8.60. PUD application processing.](#)

[Section 8.70. PUD approval standards.](#)

[Section 8.80. Conformity with PUD required and PUD agreement.](#)

[Section 8.90. Changes to an approved planned unit development.](#)

[Section 8.100. Time limit for approved planned unit developments.](#)

[Section 8.110. Phasing the PUD.](#)

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Section 8.10. Planned unit development (PUD)[—Intent.]

It is the intent of this article to provide for flexibility in the regulation of land development, encourage innovation in land use and variety in design, layout, and type of structures, achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities, encourage useful open space and provide a variety of housing, employment and shopping opportunities. In order to accomplish these objectives, this article permits the relaxation or waiving of one or more of the zoning district requirements otherwise applicable to the land proposed for a planned unit development (PUD). The use of land and the construction and use of buildings and other structures as a planned unit development shall be in conformance with the procedures, standards, requirements and conditions for eligibility contained in this article. A planned unit development shall be classified as a special land use in all districts, subject to the provisions of this section [article].

Section 8.20. Minimum size and ownership for PUD eligibility.

In order to qualify for consideration as a planned unit development, the proposed site must possess at least three acres of fully contiguous property not separated by a public road, railroad, or other such feature or barrier; provided, however, land divided by an alley shall be considered fully contiguous. The applicant shall own the property or possess a bona fide option to purchase the property.

Section 8.30. District and uses permitted.

Planned unit developments shall be permitted in any zone district, according to the following:

- a) *Residential districts.* PUD uses shall be limited to the range of uses provided for within the underlying zone district classification.
- b) *Commercial districts.* PUD uses may include any of the range of uses permitted in the commercial districts.
- c) *Industrial districts.* PUD uses shall be limited to the range of uses provided for within the underlying zone district classification.

Section 8.40. Limitation regarding PUD uses.

Approval of a planned unit development shall include the specific identification of uses permitted within the planned unit development, and only those uses so approved shall be permitted.

Section 8.50. Relaxation of select standards.

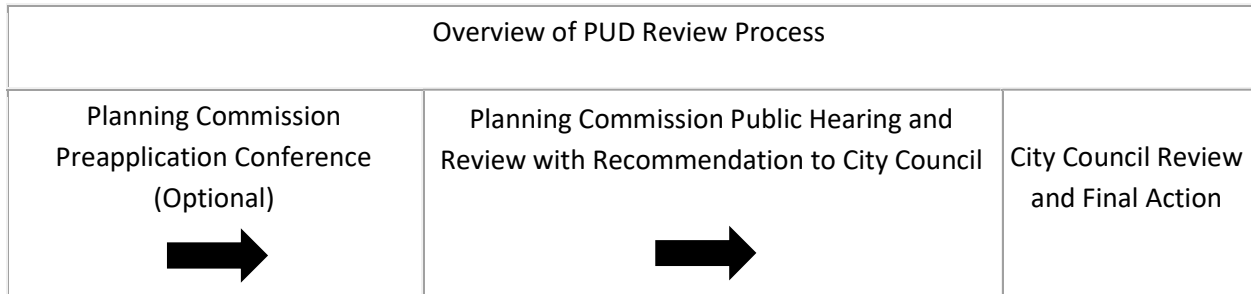
- a) *Dimensional standards.* The basic dimensional requirements for a PUD are as provided for by the underlying zone district. However, to promote creativity and flexibility in site design, certain of the underlying zone district standards may be relaxed as follows:
 - 1) *Setback reduction.* Internal setbacks (buildings and parking) may be reduced up to 25 percent.
 - 2) *Housing density.* Housing density may be increased up to 20 percent of the underlying zone district maximum.
- b) *Mixing of land uses.* Subject to the provisions of this article, a single parcel may be used for the combining of differing land uses.
- c) *Waiver documentation.* In granting the relaxation of a district standard as detailed above, the city may require the applicant to demonstrate, through bona fide documentation, that said waiver will not be

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detrimental to the public health, safety, or welfare of the future occupants of the PUD, the surrounding neighborhood, or the city as a whole. Such documentation may include, but is not limited to, traffic impact studies, environmental impact studies, market needs assessments, infrastructure impact studies, and other such studies and reports.

Section 8.60. PUD application processing.



a) *Optional preapplication conference.* A preapplication conference may be held with the planning commission for the purpose of establishing general direction and eliciting feedback from the planning commission regarding the general content of a proposed planned unit development. Application for a preapplication conference shall be made on an appropriate form provided by the city. A site development plan is not required, but may be presented by the applicant. In lieu of a site development plan, the applicant shall submit a basic PUD concept plan which includes the following information:

- 1) Overview (layout) of the proposed PUD site, including the general location of buildings and parking areas, open space areas and natural features, circulation systems, and other information necessary to convey the intent of the proposed project.
- 2) The proposed use of all buildings, parking areas, open space areas, and other site features depicted on the concept plan shall be identified.
- 3) The plan shall be properly scaled and dimensioned in order to accurately depict land use relationships.

A preapplication conference is provided for informational purposes only and shall not obligate the planning commission or city council pursuant to the final disposition of the PUD.

b) *Development plan application requirements.* Applicants seeking approval of a planned unit development shall submit a complete application for review of the proposed development plan to the zoning administrator at least 21 days prior to review by the planning commission. Such application shall contain all of the following:

- 1) *Site plan copies and information.* Twelve copies of a proposed, fully dimensioned, site development plan encompassing all phases of the proposed PUD and containing all site plan information required by article V.
- 2) *Detail regarding waiver of standards.* A listing of the underlying zone district requirements and standards that the applicant seeks to have relaxed and/or waived, based on the design and uses proposed for the PUD.
- 3) *Project narrative.* A narrative statement describing the overall objectives of the PUD and the standards for PUD approval (section 8.70).
- 4) *Application.* A completed application on a form supplied by the city.
- 5) *Fee.* Payment of the required PUD plan review fee.

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c) *Notices, public hearings, and review process.*

- 1) *Public hearing notice.* Upon receipt of all information detailed under [subsection] b) above, the zoning administrator shall cause notice to be given in accordance with the Zoning Act. Distribution of the notice shall be similar to that required for special land uses under article IV of this ordinance. The notice shall:
 - a. Describe the nature of the proposed planned unit development.
 - b. Describe the property which is the subject of the application, by both legal description and street address.
 - c. State when and where a public hearing on the application will be held.
 - d. State when and where written comments will be received concerning the application.
- 2) *Planning commission public hearing.* Following publication of the above notice, the planning commission shall hold a public hearing on the proposed planned unit development within the time specified by the Zoning Act for the purpose of receiving public comment on the application.
- 3) *Planning commission review of PUD.* Following the public hearing, the planning commission shall review the proposed development plan, and shall recommend to the city council approval, approval with conditions, or denial, based on consideration of the standards for approval contained in section 8.70, and public comments received, and other approval standards of this ordinance applicable to the PUD request.
- 4) *Planning commission recommendation.* The recommendation of the planning commission shall be incorporated in a statement of conclusions (report) specifying the basis of the recommendation and any conditions included in the recommendation. The statement of conclusions, including recommended conditions attached to an approval recommendation, shall be transmitted to the city council. The report may be incorporated as part of the official meeting minutes of the planning commission.
- 5) *City council review and decision.* Following receipt of the planning commission's recommendation, the city council shall review the proposed planned unit development and the report and recommendation of the planning commission and shall take action to approve, approve with conditions, or deny the planned unit development. Approval shall be made, based upon a determination of compliance with all of the standards for approval contained in section 8.70, the report of the planning commission, and other approval standards of this ordinance applicable to the PUD request. Prior to making a decision, the city council may:
 - a. Conduct an additional public hearing. Notification of the hearing shall include publication of items [subsections] 1)a. through d. above, in a newspaper of general circulation within the City of Montague.
 - b. Request of the planning commission's further consideration and/or investigation and/or clarification of any matter concerning the PUD as the council deems appropriate.
- 6) *Council report.* In taking action, the city council shall prepare a report stating its conclusions with respect to the planned unit development, the decision, the basis for the decision, and any conditions imposed on an approval. The report may be incorporated as part of the official meeting minutes of the city council.
- 7) *Conditions.* The city council may impose reasonable conditions in conjunction with the approval of a planned unit development. The conditions may include conditions necessary to ensure that public services and facilities affected by the planned unit development will be capable of accommodating increased service and facility loads caused by the planned unit development, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

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Section 8.70. PUD approval standards.

A planned unit development shall be approved only if it complies with each of the following standards. The PUD shall:

- a) Meet the site plan requirements of article V.
- b) Be consistent with and promote the intent of this ordinance.
- c) Be compatible with surrounding uses of land.
- d) Where feasible, preserve and integrate natural features into the overall site design. In the event the integration of such features is not practicable, the PUD shall incorporate a site development and landscape program of sufficient quality, character, and mass to mitigate the loss of the site's natural characteristics.
- e) Be supported by existing or planned capacities of public services and facilities and will not be detrimental to those capacities.
- f) Be consistent with the public health, safety and welfare needs of the city.
- g) Be designed to provide safe and efficient ingress and egress, with particular reference to pedestrian safety and convenience, traffic flow and control and access in case of fire or other emergency. Multiple structures and uses shall be linked via an internal system of sidewalks and streets.
- h) Be designed such that the proposed character and placement of buildings and other structures, parking, lighting, signs, refuse storage, landscaping and other site elements are compatible with surrounding properties. This includes a determination that any waiver and/or relaxation of underlying zone district requirements will not be detrimental to the internal elements of the PUD, surrounding area, and city as a whole.
- i) Be consistent with the goals and policies of the city's master plan.
- j) Incorporate innovative design, site features and amenities offering high quality, and aesthetically pleasing, visual relief to the surrounding area. Such features and amenities include, but are not limited to, open space, vistas through the site, landscaped flower gardens, berms, tree clusters, architectural screening, use of natural building materials, water fountains, sculptures, decorative lighting, brick pavers, and related or comparable elements.

Section 8.80. Conformity with PUD required and PUD agreement.

- a) *Construction must conform to approved plan.* Following approval of a planned unit development, no construction on the land included in the planned unit development shall be undertaken unless such construction is in conformity with the approved plan, including any conditions imposed in conjunction with said approval.
- b) *PUD agreement.* Prior to issuance of any buildings permits for construction of any portion of a planned unit development, the applicant shall enter into an agreement with the city, setting forth the applicant's obligations with respect to the planned unit development. The agreement shall describe all improvements to be constructed as part of the planned unit development, and shall incorporate by reference the final development plan submitted with the planned unit development application, other documents which comprise the planned unit development, and all conditions attached to the approval by the city council. The agreement shall also establish the remedies of the city in the event of default by the applicant in carrying out the planned unit development, and shall be binding upon all successors in interest to the applicant. Said remedies may include, but shall not be limited to, monetary performance guarantees in a form and amount acceptable to the city covering such items as the project's public infrastructure elements, landscaping, parking, and the site development conditions required as part of project approval.

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Section 8.90. Changes to an approved planned unit development.

- a) *Changes to an approved PUD plan.* No changes to an approved final development plan for a planned unit development shall be made, except by mutual agreement between the applicant and the city. Revisions to an approved final development plan or to any conditions imposed on a approved final development plan shall be processed in the same manner as an original PUD application.

Section 8.100. Time limit for approved planned unit developments.

- a) *Construction commencement.* For each approved planned unit development, or approved PUD phase, construction shall commence and proceed meaningfully toward completion within 24 months from the date on which the PUD permit is issued. Completed construction shall refer to the infrastructure (e.g., roads, water, sanitary sewer, storm sewer, streetlights, buffers, soil stabilization, and so forth) and conditions, if any, necessary to support the PUD land uses.
- b) *PUD extension of time for construction.* The owner or applicant of the planned unit development may apply to the city council for one extension of the original approval for an additional term of one year. The city council may, in its discretion, authorize this extension. In approving an extension, the city council shall consider the following factors:
 - 1) The approved planned unit development, or approved phase thereof, has encountered unforeseen difficulties beyond the reasonable control of the owner/applicant.
 - 2) The approved planned unit development, or approved phase thereof, has a likelihood of proceeding within the extended time period.
- c) *Voiding of PUD approval due to nonconstruction.* If the planned unit development, or approved phase thereof, has not commenced and proceeded meaningfully towards completion at the end of the initial 24-month time period, or any extension thereof, then the planned unit development approval shall be automatically null and void. Thereafter, additional construction on the site will require the filing of a new PUD application, or other appropriate zoning application if the project is no longer to continue as a PUD. The city may exercise the full benefits of the existing performance guarantee as determined necessary and appropriate.
- d) *Modified construction schedule oriented to the PUD.* In lieu of the above items [subsections] a) through c), the city council may approve a construction schedule oriented specifically to the proposed planned unit development, including any phases thereof. In approving a modified construction schedule, the city council shall determine that a typical completion schedule is not appropriate, or in the best interest of the city, based on the size, complexity, and/or uniqueness of the planned unit development.

Section 8.110. Phasing the PUD.

- a) *Request for PUD site development phasing.* At the request of the applicant, coincident with the filing of the original PUD application, the city council may consider and approve a PUD to be constructed in phases (differing sequences of time). If a phased PUD is approved, only those phases so approved shall receive necessary city permits for construction purposes.
- b) *PUD application and site plan for phased construction.* Generally, the PUD application and site development plan shall be fully executed and cover the entire site, according to the provisions of [this] article VIII. At the discretion of the city, the level of site plan detail and associated developmental documentation normally required may be relaxed for future phases until such time said phases become subject to the site plan review requirements specified under subparagraph [subsection] c) following. The degree to which submission of any information may be relaxed shall be subject to the full discretion of the city.

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- c) *Approval and construction of future phases.* Provided the original PUD plan as approved, including future phases, remains unchanged, subsequent construction phases shall be processed under the site plan review and approval provisions of the zoning ordinance in effect at the time of the applicant's request to proceed with a subsequent construction phase.
- d) *Installation of improvements and performance guarantees.* In approving a phased PUD, the city may permit the project's infrastructure and conditions, if any, to be constructed in time-frames consistent with the construction of approved phases, or the city may require immediate installation of any or all of the infrastructure and/or other public elements and conditions necessary to serve the entire PUD site. Similarly, for a phased PUD, the city may permit performance guarantees to be allocated and submitted as the various phases are approved for construction, or may require a performance guarantee to cover multiple phases or the entire project.

State Law reference— Planned unit developments, MCL 125.584b, 125.584c.

ARTICLE IX. ESTABLISHMENT OF ZONING DISTRICTS

[Section 9.10. Zoning districts.](#)

[Section 9.20. Zoning districts map.](#)

[Section 9.30. Interpretation of zoning district boundaries.](#)

[Section 9.40. Areas not included within a district.](#)

[Section 9.50. Parcel covered by more than one zone district.](#)

[Sections 9.60—9.100. Reserved for future use.](#)

[Section 9.110. R-1A single-family residential district.](#)

[Section 9.120. R-1B single-family residential district.](#)

[Section 9.130. RM multiple-family residential district.](#)

[Section 9.140. RO residential office parkway district.](#)

[Section 9.150. C-1 downtown \(core\) commercial \[district\]; C-2 general commercial \[district\]; HC highway commercial \[district\]; MC marine commercial \[district\].](#)

[Section 9.160. M-1 industrial district.](#)

[Section 9.170. CON conservation district.](#)

[Section 9.180. WOZ waterfront overlay zone.](#)

Section 9.10. Zoning districts.

In order to regulate and restrict the location, erection, alteration or use of buildings, structures or land and to carry out the purposes of this ordinance, the City of Montague is hereby divided into the following zoning districts:

| | |
|------|---------------------------|
| R-1A | Single-family residential |
| R-1B | Single-family residential |

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| | |
|-----|-----------------------------|
| RM | Multiple-family residential |
| RO | Residential office parkway |
| C-1 | Downtown (core) commercial |
| C-2 | General commercial |
| HC | Highway commercial |
| MC | Marine commercial |
| M-1 | Industrial |
| CON | Conservation |
| WOZ | Waterfront overlay zone |

Section 9.20. Zoning districts map.

The locations and boundaries of these districts, so established, are bounded and defined as shown on the map entitled "Zone District Map," City of Montague, which accompanies and is hereby declared to be a part of this ordinance [article]. A current and up-to-date zone district map, with all amendments noted, shall be kept on file at the offices of the City of Montague. Said map shall be the final authority as to the current zoning status of land, buildings, and other structures in the City of Montague.

Section 9.30. Interpretation of zoning district boundaries.

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the zoning district map, the following rules shall apply:

- a) Where district boundaries are indicated as approximately coterminous with street or highway centerlines or right-of-way lines, such centerlines or right-of-way lines shall be construed to be said boundaries.
- b) Where district boundaries are indicated as approximately coterminous with platted lot lines, section lines, quarter-section lines, or other such survey lines, such lines shall be construed to be said boundaries.
- c) Where district boundaries are indicated as approximately parallel to street or highway centerlines or right-of-way lines, or to section lines, quarter-section lines, or other survey lines, such boundaries shall be construed to be parallel thereto and at such distances therefrom as indicated on the zone district map.
- d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be coterminous with the centerline of the main track of said railroad line.

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- e) Where the boundary of a district follows the shoreline of a natural stream, lake, or other natural body of water, the boundary line shall be interpreted as following such shoreline and, in the event of a change in shoreline, shall be construed as moving with said shoreline.

Section 9.40. Areas not included within a district.

In every case where property has not been specifically included within a district, such property shall be in the R-1A residential zone district.

Section 9.50. Parcel covered by more than one zone district.

In situations where a lot or parcel is included in more than one zone district, the underlying zone district requirements shall apply to the respective portion of the lot or parcel so covered.

Sections 9.60—9.100. Reserved for future use.

Section 9.110. R-1A single-family residential district.

- a) *Purpose.* The R-1A single-family residential district is the most restrictive residential district. The district provides an opportunity for a low density residential environment suitable for the placement of single-family detached homes on relatively large lots. The district experiences limited through traffic, is generally void of nonresidential uses, and contains facilities and services desired by families, such as parks and playgrounds, schools, and religious institutions.
- b) *Use regulations.* The land and/or buildings in the R-1A district may be used for the following purposes:
 - 1) *Permitted uses:*
 - a. Single-family detached dwellings.
 - b. Publicly owned and operated parks, playgrounds, play fields, and similar recreational facilities.
 - c. Cemeteries existing and lawfully operating at the time of adoption of the ordinance. (*Note:* Expansion of an existing cemetery requires special use approval. Refer to [subsection b)2), special uses, following.)
 - d. Day care or group home licensed for less than seven children or adults, subject to the provisions of section 3.300.
 - e. Accessory buildings and uses customarily incidental to the above permitted uses.
 - 2) *Special uses:*
 - a. Churches and synagogues, and other facilities incidental thereto, subject to the following:
 - 1. The site shall contain not less than one acre.
 - 2. The site shall be located on a paved public street.
 - 3. All parking lots shall be landscaped as provided for by this ordinance.
 - 4. Buildings in excess of 25 feet in height shall be set back from all required setback lines an additional one foot per each one foot of height said building exceeds 25 feet.
 - b. Public, charter, parochial, or other private elementary, intermediate, and high schools offering courses in general education, subject to the following:

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1. The site shall contain not less than five acres.
 2. The site shall be located on a paved public street.
 3. All parking lots shall be landscaped as provided for by this ordinance.
 4. Buildings in excess of 25 feet in height shall be set back from all required setback lines an additional one foot per each one foot of height said building exceeds 25 feet.
 5. All playgrounds shall be a minimum of 100 feet from any lot or parcel zoned residential.
 6. Areas for the loading and unloading of children shall be located fully on the site of the schoolgrounds and shall be of sufficient size to accommodate the circulation and parking of school buses and other delivery vehicles during peak periods.
 7. All driveways shall be a minimum of 100 feet from adjoining property.
- c. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the district to serve the immediate needs of the vicinity.
- d. Day care or group home licenced for seven to 12 children or adults, subject to the provisions of section 3.300.
- e. Nine- and 18-hole golf courses, not to include miniature golf, subject to the following:
1. The site for a nine-hole course shall be not less than 40 acres. The site for an 18-hole course shall be not less than 40 acres.
 2. All parking lots shall be landscaped as provided for by this ordinance.
 3. All tee-off locations, fairways, and greens shall be not less than 300 feet from adjoining lot lines; provided, however, lots which have been planned and/or developed in conjunction with the golf course may abut the above features.
 4. Tees, fairways, greens, pedestrian paths, motorized cart pathways, and course lighting shall be arranged so as to avoid significant impacts on surrounding property and development. Said impacts including, or resulting from, but not limited to, noise, use of motorized golf carts, poor ball trajectory and/or placement, and other such impacts resulting from the use and operation of the golf course.
 5. The course may include a driving range as an accessory use, subject to the following:
 - i. A clearing driving range distance of not less than 500 feet shall be made available. Said distance shall be measured from the tee-up points outward to the points of impact. The clear driving range distance shall encompass all areas likely to experience the flight and/or receipt of driven golf balls. The use of netting or other such device shall not be substituted for the required driving range distance.
 - ii. Lighting used for the driving range shall not result in off-site glare or unnecessary spillage or intrusion on adjoining property. The applicant shall provide a comprehensive lighting plan as part of the site plan. The lighting plan shall provide specific detail on the off-site impacts of the proposed lighting.
 - iii. The hours of operation shall not extend beyond 8:00 a.m. to 10:00 p.m.
 - iv. The driving range shall not include separate public parking facilities for vehicular access, circulation, and parking. These amenities shall be provided for within (combined with) the main access, circulation, and parking facilities of the golf course.
 6. The golf course may include a pro shop and/or restaurant as accessory uses, subject to the following:

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- i. The pro shop and restaurant shall not include separate public facilities for vehicular access, circulation, and parking. These amenities shall be provided for within (combined with) the main access, circulation, and parking facilities of the golf course.
 - ii. All buildings and operations shall be located not less than 100 feet from adjoining lot lines.
 - f. New cemeteries and expansion of existing cemeteries, subject to the following:
 - 1. An expanding cemetery must share a common border with a preexisting cemetery unless sufficient area is provided to meet the requirements of a new cemetery.
 - 2. The site shall contain not less than three acres.
 - 3. The site shall be located on a paved public street.
 - 4. The front yard setback requirements shall be met along all sides. This setback shall be used for a landscape buffer; provided, however, it may contain an access drive for vehicular purposes. Said drive to be placed internal to the setback area.
 - 5. The cemetery shall provide sufficient area for the on-site stacking of vehicles. Parking may be permitted along drives located within the cemetery, provided, said parking does not interfere with the movement of emergency vehicles attempting to use said drives.
 - 6. For expanded operations, the city may require the upgrading of the existing cemetery, including additional landscaping, parking, relocation of entry and exit drives, and other such improvements.
 - g. Planned unit development (refer to article VIII).
- c) *Dimensional standards.* Unless otherwise provided for by this ordinance, land and structures within the R-1A district shall comply with the following dimensional regulations:

| Area and Height Regulations Table | |
|-----------------------------------|------------------------------------|
| R-1A Residential District | |
| STANDARD | DIMENSION |
| Lot area | 12,000 square feet |
| Lot width | 90 feet |
| Frontage of street | 90 feet |
| Front yard setback | 35 feet |
| Side yard setback | 25 feet total (10 feet least side) |
| Rear yard setback | 35 feet |

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| | |
|---|-----------------------------------|
| Length/width ratio | 4:1 |
| Maximum building height | 2½ stories or 35 feet (least one) |
| Lot coverage | 30% |
| Special Notes to Table | |
| 1. No lot shall be created hereafter which does not comply with the minimum lot area and lot width requirements listed above. In certain instances, special uses may require increased lot area, setbacks, etc. | |

(Ord. No. 267, 2-17-2014)

Section 9.120. R-1B single-family residential district.

- a) *Purpose.* The R-1B environmental environment is very similar to that of the R-1A; however, opportunity is provided for the placement of single-family detached homes on moderately sized lots. In many cases, the R-1B density results from historic development trends pre-dating this ordinance. The district experiences limited through traffic, is generally void on nonresidential uses, and contains facilities and services desired by families, such as parks and playgrounds, schools, and religious institutions.
- b) *Use regulations.* The land and/or buildings in the R-1B district may be used for the following purposes:
 - 1) *Permitted uses:*
 - a. Single-family detached dwellings.
 - b. Publicly owned and operated parks, playgrounds, play fields, and similar recreational facilities.
 - c. Cemeteries existing and lawfully operating at the time of adoption of the ordinance. (*Note:* Expansion of an existing cemetery requires special use approval. Refer to [subsection b)2), special uses, following.)
 - d. Day care or group home licensed for less than seven children or adults, subject to the provisions of section 3.300.
 - e. Accessory buildings and uses customarily incidental to the above permitted uses.
 - 2) *Special uses:*
 - a. Churches and synagogues, and other facilities incidental thereto, subject to the following: Refer to the special land use standards for churches and synagogues under the special uses of the R-1A district.
 - b. Public, charter, parochial, or other private elementary, intermediate, and high schools offering courses in general education, subject to the following: Refer to the special land use standards for public, charter, parochial, or other private elementary, intermediate, and high schools offering courses in general education under the special uses of the R-1A district.

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- c. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the district to serve the immediate needs of the vicinity.
 - d. Day care or group home licensed for seven to 12 children or adults, subject to the provisions of section 3.300.
 - e. Nine- and 18-hole golf courses, not to include miniature golf, subject to [the following]: Refer to the special land use standards for golf courses under the special uses of the R-1A district.
 - f. New cemeteries and expansion of existing cemeteries, subject to the following: Refer to the special land use standards for cemeteries under the special uses of the R-1A district.
 - g. Planned unit development (refer to article VIII).
 - h. Two-family dwellings.
- c) *Dimensional standards.* Unless otherwise provided for by this ordinance, land and structures within the R1-B district shall comply with the following dimensional regulations:

| Area and Height Regulations Table | |
|-----------------------------------|-----------------------------------|
| R-1B Residential District | |
| STANDARD | DIMENSION |
| Lot area | 7,200 square feet |
| Lot width | 60 feet |
| Frontage of street | 60 feet |
| Front yard setback | 25 feet |
| Side yard setback | 15 feet total (5 feet least side) |
| Rear yard setback | 35 feet |
| Length/width ratio | 4:1 |
| Maximum building height | 2½ stories or 35 feet (least one) |
| Lot coverage | 30% |
| Special Notes to Table | |

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1. No lot shall be created hereafter which does not comply with the minimum lot area and lot width requirements listed above. In certain instances, special uses may require increased lot area, setbacks, etc.

(Ord. No. 248, 11-19-2001; Ord. No. 267, 2-17-2014)

Section 9.130. RM multiple-family residential district.

- a) *Purpose.* The RM multiple-family residential district provides an opportunity for the placement of multiple-family dwelling units, including attached single-family homes, duplexes, townhouses, apartments, and other such housing types. The district also permits single-family detached homes. The district experiences limited through traffic, is generally void of nonresidential uses, and contains facilities and services desired by families, such as parks and playgrounds, schools, and religious institutions.
- b) *Use regulations.* The land and/or buildings in the RM district may be used for the following purposes:
- 1) *Permitted uses:*
 - a. Permitted uses of the R-1B district, subject to the area, height, bulk, and placement regulations of that district.
 - b. Two-family dwellings.
 - c. Row and terrace dwellings and townhouses.
 - d. Multiple-family dwellings.
 - e. Day care or group homes licensed for less than seven children or adults, subject to the provisions of section 3.300.
 - f. Accessory buildings and uses customarily incidental to the above permitted uses.
 - 2) *Special uses:*
 - a. Special uses of the R-1B district, subject to the area, height, bulk, and placement regulations of that district.
 - b. Hospitals, convalescent homes, elder care homes, and nursing homes, subject to the following:
 1. The site shall contain not less than five acres.
 2. The site shall be located on a paved public street.
 3. All parking lots shall be landscaped as provided for by this ordinance.
 4. Buildings in excess of 25 feet in height shall be set back from all required setback lines an additional one foot per each one foot of height said building exceeds 25 feet.
 5. All outdoor recreational areas shall be a minimum of 100 feet from any lot or parcel zoned residential.
 6. All driveways shall be a minimum of 100 feet from an adjoining property zoned R-1A or R-1B.
 - c. Planned unit development (refer to article VIII).
 - d. Manufactured/mobile home parks, subject to the following:

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1. The park shall comply with the regulations of the Michigan Mobile Home Commission.
 2. The overall site shall contain not less than 20 acres and shall be restricted to the RM district sector located adjacent to the northerly city limit, west of BR-31, and east of the creek.
 3. The park shall be designed and constructed in a manner which protects the natural character of the land. Where possible, existing vegetation (e.g., trees) shall be maintained. The overall developed site shall be landscaped.
 4. Ingress and egress access points shall be located on BR-31.
 5. The park shall be fully connected to the city's municipal water and sanitary systems.
 6. The park shall possess a noncommercial recreation building/center for use by park residents. The building/center shall be designed and constructed to have a residential appearance.
 7. There shall be no display area, sales area, or maintenance area or buildings used for the display, sale, or maintenance of homes and equipment. The site may possess a building used for the storage of ground maintenance equipment (e.g., lawn care, snow removal, etc.).
 8. The site shall possess a secured fenced area, not less than one acre, for use by park residents for the outdoor storage of recreational vehicles.
- e. Residential resorts for the housing of tourists, not including motels, hotels, apartments, or condominium units, subject to the following:
1. The site shall contain not less than five contiguous acres.
 2. The project shall be processed as a planned unit development under the PUD provisions of this ordinance.
 3. Buildings, structures, and the overall site shall be of a residential character, compatible with the residential character of the surrounding area.
 4. The number of guest rooms for sleeping purposes shall not exceed the ratio of eight guest rooms per acre of land.
 5. The site shall be located on a paved public or private street.
 6. All parking lots shall be landscaped as provided for by this ordinance and shall be located not less than 50 feet from an adjoining property line.
 7. Guest parking shall be restricted to designated parking lots.
 8. All outdoor recreational areas used for active recreational activities (e.g., volleyball, tennis, horseshoes, badminton, baseball, other court and field games, swimming pools, and similar activities) shall be a minimum of 100 feet from any lot or parcel zoned single- or multiple-family residential. Recreational facilities and activities shall be for the exclusive use of individuals occupying guest rooms.
 9. As an accessory use, the resort may possess common dining facilities with indoor seating. Outdoor, cafe type seating may also be provided. Dining facilities may be made available to the general public, provided, the parking space requirements of this ordinance for indoor restaurants shall be met.
 10. As an accessory use, the resort may possess meeting and conference room facilities for small group meetings and conferences. For purposes of this ordinance [subsection], small groups shall be defined as 25 or less persons.

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- e) *Dimensional standards.* Unless otherwise provided for by this ordinance, land and structures within the RM district shall comply with the following dimensional regulations:

| Area and Height Regulations Table | |
|-----------------------------------|---|
| RM Residential District | |
| STANDARD | DIMENSION |
| Lot area(1) | 2,800 sq. ft./Each efficiency or one-bedroom unit 3,500 sq. ft./Each two-bedroom unit 4,900 sq. ft./Each three or more bedroom unit |
| Lot width | 60 feet |
| Frontage of street | 60 feet |
| Front yard setback | 25 feet |
| Side yard setback | 25 feet total (10 feet least side) |
| Rear yard setback | 35 feet |
| Length/width ratio | 4:1 |
| Maximum building height | 2½ stories or 35 feet (least one) (Not to exceed 35 feet in the WOZ) |
| Lot coverage | 30% |
| Special Notes to Table | |
| 1. | |

(Ord. No. 267, 2-17-2014)

Section 9.140. RO residential office parkway district.

- a) *Purpose.* The RO residential office parkway district is a special district oriented to that portion of BR-31 (Water Street) between Stanton Boulevard and Walsh Road. On the north, the district extends for a distance of 60 feet from the BR-31 right-of-way line. On the south side, the district extends to the

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railroad track. This area lies in an area of generally steep topography overlooking the White River. It is heavily landscaped with mature native vegetation. Historically, the area encompassed by the district was comprised of single-family homes. Today, the area retains its residential character, but also exhibits a modes level of low intensity commercial use. The district offers a positive entry image as one enters Downtown Montague.

- b) *Use regulations.* The land and/or buildings in the RO district may be used for the following purposes:
- 1) *Permitted uses:*
 - a. Single-family detached dwellings.
 - 2) *Special uses:*
 - a. Multiple-family dwellings/site condominiums.
 - b. Professional offices, such as the office of an attorney, medical doctor, dentist, optometrist, engineer, architect, real estate broker, insurance sales, accountant, and professional offices of a similar character.
 - c. Motels and hotels.
 - d. Uses customarily accessory to the above.
 - e. Planned unit development (refer to article VIII).
 - 3) *Development standards.* In addition to the other standards of this ordinance, all special uses shall be subject to design standards which:
 - a. *Limit terrain alteration.* Buildings shall be designed and constructed in a manner which limits the modification of existing grades and removal of earth material. Locations not utilized for placement of structures shall not be altered.
 - b. *Limit removal of natural vegetation.* Site plans shall incorporate existing deciduous trees four inches or larger in caliper and existing evergreen trees greater than six feet in height as a component of the overall site landscape plan. Said trees, if located in required setbacks, shall not be removed unless dead or diseased; provided, however, removal may occur in the area required for driveway access and if necessary for public safety.
 - c. *Maintain front yard greenbelt/open space areas to limit the tunnel effect of strip development.* Required front yards shall not be used for any form of development, including signs. Required front yards shall be landscaped and, where existing, shall incorporate natural vegetation.
 - d. *Screen parking lots.* All parking lots shall be screened from view (filtered view) from BR-31 by existing natural vegetation and/or through appropriate site landscaping.
 - e. *Limit BR-31 curb cuts.* Curb cuts off BR-31 shall be highly restricted. Generally, no more than one cut per parcel shall be permitted.
 - f. *Limit use of certain materials and building designs (for instance, no metal pole type buildings).* Buildings shall blend with (compliment) the aesthetic character of the corridor. Buildings having an industrial appearance shall be prohibited.
 - g. *Incorporate approved lighting and sign design standards throughout the corridor.* Signs should be of a ground-mounted, monument type. Site/parking lot lighting shall be conducive to the area's residential character. High intensity spotlights shall be prohibited.
- c) *Dimensional standards.* Unless otherwise provided for by this ordinance, land and structures within the RM district shall comply with the following dimensional regulations:

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| Area and Height Regulations Table | |
|---|--|
| RO Residential Office Parkway District | |
| STANDARD | DIMENSION |
| Lot area | Single-family detached dwelling—Use the R-1B for all dimensional standards. Multiple-family—Use the RM for all dimensional standards. All other uses—1 acre. |
| Lot width | 200 feet |
| Frontage of street | 200 feet |
| Front yard setback | 50 feet |
| Side yard setback | 50 feet total (25 feet least side) |
| Rear yard setback | 35 feet |
| Length/width ratio | 4:1 |
| Maximum building height | 2½ stories or 35 feet (least one) |
| Lot coverage | 30% |
| Special Notes to Table | |
| 1. No lot shall be created hereafter which does not comply with the minimum lot area and lot width requirements listed above. In certain instances, special uses may require increased lot area, setbacks, etc. | |

(Ord. No. 267, 2-17-2014)

Cross reference— Businesses, ch. 22.

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Section 9.150. C-1 downtown (core) commercial [district]; C-2 general commercial [district]; HC highway commercial [district]; MC marine commercial [district].

a) *Purpose:*

- 1) *C-1 downtown (core commercial [district]).* The C-1 downtown commercial district encompasses the area typically identified as the city's central business district. The district provides for a full range of commercial facilities and services in a compact setting which is conducive for use by pedestrians. The district is in close proximity to many residential areas and to nearby public facilities located on White Lake and the White River.
- 2) *C-2 general commercial [district].* The C-2 general commercial [district] provides opportunity for a broader range of commercial uses which are often characterized by a need for medium to large lots, use of outdoor displays and outdoor storage, potential need for proximity to regional highways, and general dependence on the automobile.
- 3) *HC highway commercial [district].* The HC highway commercial district is intended to permit business uses dependent on a regional market base and/or requiring large lot sites, location on a major highway, and close proximity to the area's regional transportation network. While similar to the C-2 general business district, the HC highway commercial district also provides for business warehousing and certain types of commercial uses common to industrial locations.
- 4) *MC marine commercial [district].* The MC marine commercial district provides an opportunity for the development of marinas and other select uses of a compatible nature in limited locations along White Lake. Due to potential impacts on the water and shoreline environments and residential development, the range of MC uses is limited and shall be subject to rigid review standards.

b) *Use regulations.* The land and/or buildings in the C-1, C-2, HC, and MC commercial districts may be used for purposes listed in the following table. Permitted uses are denoted by the letter "P," while special uses are denoted by the letter "S." The lack of a symbol or use of the "-" means that the use is not permitted in the designated district.

Table of Permitted (P) and Special (S) Land Uses (Section 9.150 b))
C-1, C-2, HC, and MC Commercial Districts

| USE | | C-1 | C-2 | HC | MC |
|--|--|-----|-----|----|----|
| GROCERY, FOODSTUFFS, PHARMACIES AND RELATED USES | | | | | |
| 1 | Grocery store | S | P | P | - |
| 2 | Convenience store selling foods, without gasoline sales | S | P | P | - |
| 3 | Specialty food store, meat market, and health food store | S | P | P | - |
| 4 | Bulk food sales (retail) | S | P | P | - |
| 5 | Bakery and donut shop (retail) | S | P | P | - |

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| 6 | Pharmacy, with or without drive-through service | S | P | - | - |
| 7 | Medical supplies | S | P | - | - |
| 8 | Liquor sales | S | P | S | - |
| AUTOMOTIVE, MOBILE HOME, RV, AND MARINE SALES AND SERVICE | | | | | |
| 9 | Automobile sales and service | - | S | S | - |
| 10 | Light truck sales and service | - | S | S | - |
| 11 | Mobile/modular home sales and service | - | S | S | - |
| 12 | Recreational vehicles sales and service | - | S | S | - |
| 13 | Gasoline sales, with or without convenience goods | S | S | S | - |
| 14 | Automobile service stations with minor body and engine work (e.g., oil change, lube, fan replacement, etc. No engine overhaul, transmission work, under-coating, etc.) | - | S | S | - |
| 15 | Carwash, automatic or manual | - | S | S | - |
| 16 | Quick oil change | - | S | S | - |
| 17 | Automobile and light truck parts sales, not including junkyards or outdoor vehicle storage | - | P | P | - |
| 18 | Marine supplies and gas, not including watercraft sales and minor service | P | P | P | S |
| 19 | Marine supplies and gas, including (except as noted) commercial retail of watercraft and minor servicing. (Note: Commercial retail of watercraft not permitted in the MC [district].) | S | S | S | S |
| OFFICES | | | | | |
| 20 | Executive, professional, and administrative offices | P | P | S | - |

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|---|---|---|---|---|---|
| 21 | Medical offices and outpatient clinics, emergency med-center | S | P | S | - |
| 22 | Veterinary office, but not including outdoor kennels, runs, or exercise facilities | - | S | S | - |
| 23 | Municipal offices and facilities, but not including penal institutions, halfway houses, work release facilities, or facilities of a similar character | S | S | S | - |
| 24 | Banks, credit unions, savings and loan, mortgage, stock brokerage, including facilities with or without drive-through facilities | S | S | - | - |
| RESTAURANTS, LOUNGES, BARS, AND PUBS | | | | | |
| 25 | Restaurants, cafes, ice cream shops without drive-through service | P | P | P | - |
| 26 | Restaurants, cafes, ice cream shops, retail bakeries with drive-through service | S | S | S | - |
| 27 | Bar, lounge, and pub, but not including adult entertainment | S | S | S | - |
| GENERAL AND SPECIALTY RETAIL AND PERSONAL SERVICES | | | | | |
| 28 | Sporting goods, not including recreational vehicle sales and service | P | P | P | - |
| 29 | Bait shops | S | P | P | - |
| 30 | New retail merchandise sales conducted entirely within an enclosed building and limited to new merchandise | P | P | P | - |
| 31 | Used retail merchandise sales conducted entirely within an enclosed building and limited to new merchandise | S | S | S | - |
| 32 | Shopping center containing multiple stores, either detached or attached | S | S | S | - |
| 33 | Service of small appliances, computers, office equipment | S | P | P | - |
| 34 | Printing and mailing services, not including commercial delivery services maintaining a fleet (in excess of 2 vehicles) of trucks, vans, or cars | S | P | S | - |

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| | | | | | |
|--|---|---|---|---|---|
| 35 | Hair salons, nail care salons, beauty and barber-shops, health and fitness salons and spas, photographic studios, travel agencies, locksmiths, and personal services of a similar character | P | P | - | - |
| 36 | Tattoo parlors and body piercing | - | S | S | - |
| 37 | Massage clinics, massage services | S | S | S | - |
| 38 | Laundromats and dry cleaning (nonindustrial) outlets | S | S | S | - |
| 39 | Funeral homes | S | S | S | - |
| 40 | Lumber and building supply, with or without outdoor display | - | S | S | - |
| 41 | Lawn and garden sales and services | S | S | S | - |
| 42 | Florist, without greenhouse | P | P | - | - |
| 43 | Florist, with greenhouse | S | S | S | - |
| 44 | Books, magazines, and video sales and rentals, not including adult entertainment material | S | P | P | - |
| RECREATION, LEISURE, HOTELS, AND MOTELS | | | | | |
| 45 | Marinas and yacht clubs, including clubhouse, marine store, and boat storage as accessory uses | S | S | S | S |
| 46 | Bowling alley, with or without sale of food and alcoholic beverages | S | S | S | - |
| 47 | Miniature golf | S | S | S | - |
| 48 | Indoor movie theater, not including adult entertainment | S | S | S | - |
| 49 | Lodge halls, social clubs, fraternal organizations, and other similar uses not involving residential occupancy or adult entertainment | S | S | S | - |
| 50 | Public parks and playgrounds | P | P | S | S |

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| | | | | | |
|--------------------------|---|---|---|---|---|
| 51 | Hotel/inn | S | S | S | - |
| 52 | Motel | - | S | S | - |
| 53 | Bed and breakfast | S | S | - | - |
| MISCELLANEOUS | | | | | |
| 54 | Public utility buildings and uses, but not including storage yards | S | S | S | S |
| 55 | Planned unit development (article VIII) | S | S | S | S |
| 56 | Open air businesses (unless specifically exempted) | S | S | S | - |
| 57 | Attached residential site condominium dwellings per RM standards | S | - | - | - |
| 58 | Mini-storage facilities and nonindustrial warehousing | - | - | S | - |
| 59 | Single-family dwellings existing on the effective date of the ordinance | - | - | P | - |
| 60 | Second and third story residential apartments | S | S | - | - |
| 61 | Adult entertainment use | - | - | S | - |
| 62 | Commercial Day Care Operations | — | S | S | |
| Reserved for future use. | | | | | |

- c) *Accessory buildings and uses.* Accessory buildings and uses customarily incidental to a principal permitted use or special land use are permitted in the C-1, C-2, HC, and MC districts.
- d) *Dimensional standards.* Unless otherwise provided for by this ordinance, land and structures within the C-1, C-2, HC, and MC districts shall comply with the following dimensional regulations:

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| Area and Height Regulations Table (Section 9.150d)) | | | |
|--|--|---|-------------------------------|
| C-1, C-2, HC, and MC Commercial Districts | | | |
| STANDARD | DIMENSION | | |
| | C-1 [Outside of the Waterfront Overlay Zone] | C-1 [Within the Waterfront Overlay Zone] | C-2, HC, and MC |
| Lot area | Not applicable | Not applicable | 45,000 square feet |
| Lot width | Not applicable | Not applicable | 150 feet |
| Frontage on street | Not applicable | Not applicable | 150 feet |
| Front yard setback | Not applicable | 20 feet | 50 feet |
| Side yard setback | Not applicable | 25 feet total (10 feet least) | 40 feet total (15 feet least) |
| Rear yard setback | Not applicable | 20 feet | 25 feet |
| Length/width ratio | 4:1 | 4:1 | 4:1 |
| Maximum building height | 35 feet | 35 feet (grade to highest point of structure) | 50 feet (25 feet in the WOZ) |
| Lot coverage | Not applicable | 35% | 50% (35% in the WOZ) |
| Special Notes to Table | | | |
| <p>1. <i>C-1 district.</i> Due to the location and current zero lot line character of the C-1 district, many of the setbacks and other dimensional criteria associated with zone districts have been waived. Said waiver does not preclude compliance with applicable setback or other standards which may be required by the city's building and/or other regulatory codes. Moreover, in approving a special land use, the city</p> | | | |

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may impose, as a condition of approval, the application of dimensional requirements determined necessary for the protection of the public health, safety, and welfare, and to ensure compatibility with surrounding property and land uses.

2. *Corner lots.* All side yards abutting a public or private street shall maintain a setback along said street a distance not less than the required front yard setback. All side yards abutting an alley shall maintain a setback of not less than ten feet from the alley right-of-way.

3. *Setback from residential district.* All side yards in the C-1, C-2, HC, and MC districts abutting a residential district (single- or multiple-family) shall maintain a minimum setback of 50 feet. The first ten feet shall be fully landscaped.

4. *[Manner of conducting business.]* All business shall be conducted in such a manner that no unreasonable noise, dust, vibration, or any other like nuisance shall exist to adversely affect adjoining property.

5. *[Structures for housing mechanical equipment.]* Within the waterfront overlay zone, chimneys, radio and television antennas, flagpoles, and roof structures for the housing of mechanical equipment may exceed the indicated height, subject to the provisions of this ordinance.

6. *[Compliance with minimum lot area and lot width requirements.]* No lot shall be created hereafter which does not comply with the minimum lot area and lot width requirements listed above.

7. *[Design and construction standards.]* In certain instances, special uses may require more stringent design and construction standards.

(Ord. No. 267, 2-17-2014)

Cross reference— Businesses, ch. 22.

Section 9.160. M-1 industrial district.

- a) *Purpose.* The intent of the M-1 industrial district is to permit in planned areas of the city certain industries which are light manufacturing in character and do not create an adverse impact on the environment or pose the probability of creating a heavy demand on public services or utilities. To ensure that such uses may be integrated with nearby land uses, such as commercial and residential uses, limitations are placed on the degree of acceptable noise, smoke, glare, waste, and other such impacts so as to avoid adverse effects. The M-1 district also provides for a limited range of commercial uses.
- b) *Use regulations.* The land and/or buildings in the M-1 district may be used for the following purposes:
 - 1) *Permitted uses:*

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- a. Light manufacturing and processing industries enclosed entirely within a building, not including the baking or processing of food or food products, processing of organic wastes, recycling, or similar activities employing plant or animal products or other goods, materials, or products or procedures likely to result in the off-site transmission of odor, dust, light, glare, noise, vibration, or other external impacts of a similar nature. Examples of permitted light industrial uses include the assembly of premanufactured electronic, computer, vehicular, communication, furniture, or other such components; fabrication of signs and sheet metal products; production of clothing from premanufactured materials; silk screening; commercial and industrial packaging and mailing services; and delivery services (e.g., United Parcel Service).
 - b. Warehousing of new materials and products when enclosed entirely within a building.
 - c. Moving and storage operations, with no outside storage.
 - d. Indoor boat storage facilities.
 - e. Printing and copy services of a high volume commercial nature (as opposed to services oriented to day-to-day, walk-in, pedestrian traffic).
 - f. Public utility facilities.
 - g. Service and repair shops enclosed entirely within a building, except those classified as special land uses.
- c) *Accessory buildings and uses:*
- 1) Accessory buildings and uses customarily incidental to a permitted use or a special land use.
- d) *Special land uses:*
- 1) Light industrial uses having a potential to result in the limited transmission of off-site odor, dust, light, glare, noise, vibration, or other external impacts or those possessing large quantities of explosives, fuels, or other such materials potentially detrimental to surrounding uses and the overall environment unless properly stored and handled. For purposes of this section, "large quantities" shall mean quantities in excess of 1,000 gallons of liquid or semi-liquid products and 500 pounds for dry products. The above light industrial uses may be permitted, subject to the provisions of this ordinance and after demonstration that all potential off-site impacts may be mitigated through appropriate design controls.
 - 2) Automobile, truck tractor and trailer service.
 - 3) Machinery and transportation equipment servicing.
 - 4) Heavy equipment rental.
 - 5) Freight and trucking terminals.
 - 6) Warehousing of new materials and products involving outside storage.
 - 7) Moving and storage operations involving outside storage.
 - 8) Outdoor boat storage facilities.
 - 9) Outdoor storage of junk and debris, not to include garbage or animal or plant waste.
 - 10) Planned unit development (refer to article VIII).
 - 11) Wireless communication facilities and towers.
- e) *Dimensional standards.* Unless otherwise provided for by this ordinance, land and structures within the M-1 district shall comply with the following dimensional regulations:

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| Area and Height Regulations Table M-1 Industrial District | |
|---|----------------------------------|
| STANDARD | DIMENSION |
| Lot area | 1 acre |
| Lot width | 200 feet |
| Frontage of street | 200 feet |
| Front yard setback | 40 feet |
| Side yard setback | 40 feet total/least side 20 feet |
| Rear yard setback | 20 feet |
| Length/width ratio | 4:1 |
| Maximum building height | 50 feet |
| Special Notes to Table | |
| 1. <i>Corner lot.</i> All sides of a lot abutting a street shall maintain a minimum setback of 40 feet. | |
| 2. <i>Side yard.</i> All side yards abutting a lot in a residential district shall maintain a minimum setback of 40 feet. The first ten feet shall be fully landscaped. | |
| 3. <i>Rear yard.</i> A rear yard abutting a lot in a residential district shall maintain a minimum setback of 40 feet. The first ten feet shall be fully landscaped. | |
| 4. [<i>Lot area and lot width requirements.</i>] No lot shall be created hereafter which does not comply with the minimum lot area and lot width requirements listed above. In certain instances, special uses may require increased lot area, setbacks, etc. | |

- f) *Additional performance standards.* All industrial uses [shall comply with the following:]
- 1) *Fire and explosive hazards.* All uses shall meet applicable building codes and fire ordinances and codes.

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- 2) *Smoke and nuisance factors.* No radiation, fumes, gas, dust, odors, or other atmosphere pollutants causing property damage, hazards to health, or interference with property rights shall be emitted.
- 3) *Liquid or solid waste.* No waste shall be directly discharged into any body of water. County, state, and federal disposal and treatment requirements shall be met.
- 4) *Vibration, noise and glare.* No noise, vibration or glare is permitted to pass beyond the boundaries of the premises.
- 5) *Hazardous substances.* All hazardous substances shall be stored and disposed of according to state and federal regulations. All hazardous substances used on the premises shall be listed with the city and shall be detailed during site plan review.

Pursuant to the above, the city may require the applicant to provide bona fide evidence that compliance with all applicable local, state, and federal standards have, or will, be met as a condition of project approval. Moreover, the applicant shall maintain compliance with said applicable standards throughout the life of the project. In the event a local, state, or federal regulation is amended, resulting in a more stringent standard, or in the event new environmental regulations emerge which are more stringent than those in effect at the time of project approval, the applicant shall comply with the more stringent standards as required by law.

Cross reference— Businesses, ch. 22.

Section 9.170. CON conservation district.

- a) *Purpose.* The [CON] conservation district is intended to recognize certain natural areas contiguous to White River and White Lake. A high percentage of the land is comprised of wetlands and associated flora and fauna. Limited areas of agricultural and residential development also exist. It is the primary goal of the district to encourage the preservation and protection of the area's natural qualities, while permitting limited forms of development.
- b) *Use regulations.* The land and/or buildings in the CON district may be used for the following:
 - 1) *Permitted uses:*
 - a. Production of forest crops and tree plantations, but not including sawmills or commercial operations involving wood chipping, composting, processing, or manufacturing.
 - b. General farming, but not including the keeping, raising, or processing of farm animals.
 - c. Single-family dwellings.
 - d. Public outdoor recreational uses of a generally passive or nondisruptive character. Examples include nature trails, scenic overlooks, fishing piers, nonmotorized pathways, and picnic areas.
 - e. Wildlife refuges.
 - f. Essential services and public utilities.
 - 2) *Accessory buildings and uses:*
 - a. Accessory buildings and uses customarily incidental to a principal permitted use or special land use are permitted in the CON district.
 - 3) *Special land uses:*
 - a. Campgrounds, subject to the following:
 1. The site shall contain not less than three acres.

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2. In addition to the requirements of this ordinance, the site shall meet the design and permitting requirements of the Michigan Department of Natural Resources and the Michigan Department of Public Health.
 3. All campsites and playground areas shall be not less than 100 feet from an adjoining lot line.
 4. Except for driveway access points and clear vision corners, the perimeter of the campground shall be landscaped. Landscaping shall consist of evergreen trees or deciduous trees, or combinations thereof. Trees shall be planted in two rows, said rows being not greater than 30 feet apart. Trees shall be planted in a staggered fashion.
 5. The campground shall be fully connected to the city's public water and sanitary sewer systems.
 6. Except as noted, the campground may not be used for longterm occupancy, nor for the longterm storage of tents, campers, camper trailers, recreational vehicles, or other such units. Occupancy and/or storage shall not exceed a period of six months per year. The owner or manager of the campground may occupy a residence on a yearround basis. The residence shall meet the single-family dwelling standards of this ordinance [article]. The residence and campground office may be designed and constructed in an integrated manner.
 7. The campground shall include an on-site office building for the conduct of campground business. The office building may also be used for the retail sale of sundry items to campers.
 8. The driveway providing primary access to the campground office shall be paved from the point of entry to the campground site to the campground office. The parking area required in conjunction with the campground office shall also be paved. All other drives and circulation routes shall, at a minimum, be constructed of compacted gravel of sufficient composition and depth to support the loading requirements of vehicles anticipated to use said drives and routes. All driveways and circulation routes shall be regularly maintained.
 9. Except for location in designated fire pits, open fires shall not be permitted.
 10. The campground shall prepare and enforce rules of conduct governing such matters as noise, littering, campfires, waste disposal, hours of operation, and the like. The rules shall be subject to review and approval by the planning commission.
 11. All waste receptacles shall be enclosed by a landscape or wooden screen. Containers shall be watertight and shall be emptied on a weekly basis.
 12. The planning commission may permit accessory uses not listed above if the commission determines that said uses are appropriate to the campground operation, are consistent with the intent and purpose of the CON district, and will not negatively impact surrounding properties and uses.
 13. The planning commission may impose additional site development and/or operational conditions on the campground if determined necessary to protect the health, safety, and welfare of the public.
- b. Planned unit development (refer to article VIII).
- c) *Dimensional standards.* Unless otherwise provided for by this ordinance, land and structures within the CON district shall comply with the following dimensional regulations:

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| Area and Height Regulations Table CON Conservation District | |
|--|------------------------------------|
| STANDARD | DIMENSION |
| Lot area | 12,000 square feet |
| Lot width | 90 feet |
| Frontage of street | 90 feet |
| Front yard setback | 35 feet |
| Side yard setback | 25 feet total (10 feet least side) |
| Rear yard setback | 35 feet |
| Length/width ratio | 4:1 |
| Maximum building height | 2½ stores or 25 feet (least one) |
| Lot coverage | 30% |
| Special Notes to Table | |
| <p>1. No lot shall be created hereafter which does not comply with the minimum lot area and lot width requirements listed above. In certain instances, special uses may require increased lot area, setbacks, etc.</p> | |
| <p>2. All land within the CD district is also included in the waterfront overlay zone (WOZ). Refer to the WOZ regulations for additional development standards.</p> | |

Section 9.180. WOZ waterfront overlay zone.

- a) *Purpose.* It is the purpose of the waterfront overlay zone to protect the aesthetic and environmental quality of White Lake and the White River for the benefit of all residents, while providing an opportunity for appropriate public and private development along the adjacent land area. The overlay zone offers the application of uniform design standards and controls as a supplement to underlying zone district requirements for the coastal land areas exhibiting a high degree of relationship to the lake and river resource.

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- b) *Design standards.* The following design standards shall be in addition to those of the underlying zone district. In the event these standards are more stringent than those of the underlying zone district, the more stringent standards shall apply:
- 1) *Height restriction.* "Height" shall be defined as the vertical distance from the finished grade of the building or structure to the highest point of the building or structure. However, chimneys, radio and television antennas, flagpoles, and roof structures for the housing of mechanical equipment may exceed the maximum height, subject to the provisions of this ordinance.
 - 2) *Outdoor storage.* Except for outdoor storage permitted in residential districts, all required yard areas shall remain as open space unoccupied and unobstructed from the ground upward, except for landscaping and vehicle access drives.
 - 3) *Views.* To achieve view corridors through the site to the water, the linear footage of any building elevation facing the waterfront shall not exceed 60 percent of the amount of linear frontage of shoreline existing on the subject parcel.
 - 4) *Natural vegetation and topography.* Natural vegetation and topography shall be retained whenever possible. All site plans submitted for review shall provide sufficient detail to indicate the manner by which compliance with this standard is being met.
 - 5) *Pedestrian access.* While the city recognizes the right of property owners to limit pedestrian access to the waterfront shoreline, the city shall encourage those developing properties within the overlay zone to support the provision of such access and provide for it accordingly.
 - 6) *Overlapping boundaries.* A single parcel having a location within and outside the limits of the overlay zone shall fully comply with the requirements of the overlay zone.

Cross reference— Waterways, ch. 90.

State Law reference— Zoning districts authorized, MCL 125.581.

ARTICLE X. NONCONFORMING USES AND STRUCTURES

[Section 10.10. Intent.](#)

[Section 10.20. Nonconforming lots.](#)

[Section 10.30. Nonconforming uses of land not involving a building or structure.](#)

[Section 10.40. Nonconforming structures.](#)

[Section 10.50. Nonconforming use of structure.](#)

[Section 10.60. Basic repairs and maintenance.](#)

[Section 10.70. Structures under construction.](#)

[Section 10.80. Purchase and condemnation of nonconforming uses and structures.](#)

Section 10.10. Intent.

Upon the adoption of the ordinance or subsequent amendments, there may exist lots, structures, and uses of land and structures which were lawful prior to the adoption of the ordinance, or amendments thereto, but which are not in conformance with the provisions of this ordinance, or amendments thereto. It is the intent of this ordinance to permit these nonconforming lots, structures and uses to continue but, except as otherwise noted, not to encourage their prolonged existence. Because nonconforming lots, structures and uses, so long as they exist, prevent the full realization of the goals and objectives of the City of Montague Master Plan, the spirit of this ordinance is to reduce, rather than increase, such nonconformances.

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Section 10.20. Nonconforming lots.

- a) *Existing lot of record.* In any zoning district, notwithstanding limitations imposed by other provisions of this ordinance, where an existing lot of record which does not abut any lot or lots of record in the same ownership fails to meet the requirements for minimum lot area, minimum lot width, or both, of the zoning district in which it is located, such lot may be used for the permitted uses of the zoning district, provided that the required front, side, and rear yard setbacks of the zoning district in which such lot is located are complied with.
- b) *Abutting lots of record under single ownership.* In any zoning district, where two or more abutting lots of record in the same ownership do not, when considered individually, meet the requirements for minimum lot area, minimum lot width, or both, of the zoning district in which the lots are located, such lots shall be combined and considered as one lot for the purposes of this ordinance. Where abutting lots of record which have been combined fail to meet the requirements for minimum lot area, minimum lot width, or both, of the zoning district in which said combined lots are located, the combined lots may be used for the permitted uses of the zoning district, provided that the required front, side, and rear yard setbacks of the zoning district in which the combined lots are located are complied with.

Section 10.30. Nonconforming uses of land not involving a building or structure.

The lawful use of any land, not involving a building or structure, existing and lawful on the effective date of the ordinance, or amendments thereto, may be continued, even though such use does not conform with the provisions of this ordinance, or amendments thereto, subject to the following provisions:

- a) *Enlargement.* No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of the ordinance, or amendments thereto.
- b) *Relocation.* No such nonconforming use shall be moved in whole or in part to any other portion of the lot occupied by such use on the effective date of the ordinance, or amendments thereto.
- c) *Cessation.* If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the requirements of this ordinance. Maintenance of the land or buildings or structures, including the provision of maintaining utility service, postal service, newspaper services, or the like, shall not constitute a continuation of the use of land.

Section 10.40. Nonconforming structures.

Structures which are existing and lawful on the effective date of the ordinance, or amendments thereto, may be continued, even though such structure does not conform with the provisions of this ordinance, or amendments thereto, subject to the following provisions:

- a) *Enlargement/alteration.* No nonconforming structure may be enlarged or altered in a way which increases its nonconformity with the provisions of this ordinance, unless authorized by the zoning board of appeals, following a public hearing. In authorizing such enlargement or alteration, the zoning board of appeals shall consider and document all of the following:
 - 1) Whether the proposed enlargement or alteration will change the essential character of the area.
 - 2) Whether the proposed enlargement or alteration will be contrary to the master plan.
 - 3) Whether the proposed enlargement or alteration will have an adverse impact on adjoining property or the general welfare of the city, by reason if its nonconformity with the provisions of this ordinance.
 - 4) Whether there are reasonable and practical alternatives to achieving the desired enlargement or alteration in a manner which does not increase the degree of nonconformity of the structure with the provisions of this ordinance.

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- b) *ZBA conditions pursuant to enlargement/alteration.* In authorizing approval to enlarge or alter a nonconforming structure, the zoning board of appeals may impose conditions, including, but not limited to, additional site landscaping; site buffers; fencing; facade design requirements, building materials and building color changes; additional off-street parking and vehicular circulation modifications; signage; exterior lighting; and related building and site design modifications and conditions.
- c) *Damage and reconstruction.*
 - 1) *Nonconforming structure, except single-family detached dwelling.* In the event that any nonconforming structure shall be damaged by fire, wind, accident, act of God, or other such means or manner, to the extent that the cost of reconstruction or restoration is equal to, or less than, one-half of the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, for purposes of taxation, reconstruction or restoration, shall be permitted by right, subject to the provisions of this ordinance. If the cost of reconstruction or restoration is greater than one-half of the value of the structure prior to the damaging occurrence, as determined above, said nonconforming structure shall not be reconstructed or restored. The use and dimensional requirements of the underlying zone district shall be complied with.
 - 2) *Nonconforming single-family detached dwelling.* In the event that any nonconforming single-family detached dwelling shall be damaged by fire, wind, accident, act of God, or other such means or manner, reconstruction or restoration shall be permitted by right, regardless of the district within which the preexisting dwelling was located. A dwelling which is to be reconstructed or restored equal to an amount greater than one-half of the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, exclusive of the market value of land, for purposes of taxation, shall be brought into dimensional conformity with the underlying zone district.
 - 3) *Building permit required.* The above reconstruction or restoration shall require the issuance of a building permit within six months of the occurrence of such damage.
 - 4) *Secured building requirement.* Within 21 days after a damaging occupancy, a structure awaiting reconstruction or restoration shall be properly secured to prevent trespass, vandalism, and injury to the public. In the event the zoning administrator determines that the damaged building represents an immediate threat to the public health, safety, and welfare, said zoning administrator may require the damaged building to be properly secured in a time-frame of less than 21 days. In the event the zoning administrator requires a time-frame of less than 21 days, said administrator shall provide written notice to the owner of the property of the reduced time period.
- d) *Decrease of nonconformity and reestablishment.* If a nonconforming structure is altered or modified so as to eliminate, remove, or lessen any or all of its nonconforming characteristics, then such nonconforming characteristics shall not be later reestablished or increased.

Section 10.50. Nonconforming use of structure.

The lawful use of any structure existing and lawful on the effective date of the ordinance, or amendments thereto, may be continued, even though such use does not conform with the provisions of this ordinance, or amendments thereto, subject to the following provisions:

- a) *Extending use within a structure.* Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of the ordinance, or amendments thereto, but no such use shall be extended to occupy any portion of a building which was not manifestly arranged or designed for such use at the effective date of the ordinance, or amendments thereto, nor shall such use be extended to occupy any land outside such building.

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- b) *Alteration of structure possessing a nonconforming use.* No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the zoning district in which it is located.
- c) *Reconstruction of structure occupied by a nonconforming use.* If a structure which conforms with the provisions of this ordinance, but which is occupied by a nonconforming use, is damaged by any means or in any manner to the extent that the cost of reconstruction or restoration exceeds one-half the value of such structure prior to the damaging occurrence, as determined by the most recent assessment of the market value of the structure, excluding the value of land, for purposes of taxation, such structure may be reconstructed or restored only if its use conforms with the provisions of this ordinance.
- d) *Reestablishment of nonconforming use.* If a nonconforming use of any structure is terminated and replaced by a permitted use, such nonconforming use shall not be later reestablished.
- e) *Cessation.* If any such nonconforming use of a structure, or structure and land in combination, ceases for any reason for a period of more than six months, any subsequent use of such structure shall conform to regulations of the zoning district in which it is located. Maintenance of the land or buildings or structures, including the provision of maintaining utility service, postal service, newspaper services, or the like, shall not constitute a continuation of the use of a structure.
- f) *Removal of nonconforming use status after removal or destruction of building.* Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming use status of the land.
- g) *Change in use (substitution).* A nonconforming use of a structure may be changed to another nonconforming use, subject to prior approval of the planning commission. Application for a change in use shall require site plan review and approval by the planning commission. The commission may approve such change only if it complies with all of the following standards:
 - 1) The proposed use does not increase the degree of nonconformity existing prior to such change of use. Pursuant to this standard, the proposed use shall not create, or result in, impacts which are considered more objectionable than the use to be replaced. Such impacts shall include, but are not limited to, increased traffic, truck deliveries, parking requirements, hours of operation, noise, vibration, odors, litter, outside storage, pedestrian movement, off-site drainage, and other factors.
 - 2) No structural alteration of the existing structure will be required to accommodate the new use, unless the alteration will render the structure more conforming to the underlying zone district standards.

In approving a change in use, the commission may require reasonable conditions in order to increase the degree of conformity. Such conditions shall include, but are not limited to, buffers, landscaping, off-street parking, access controls, hours of operation, and other such conditions to bring about a greater degree of conformity.

Section 10.60. Basic repairs and maintenance.

- a) *Basic repairs and maintenance.* On any structure devoted in whole or in part to any nonconforming use, or on a structure which exhibits dimensional nonconformity (i.e., building size, lot size, setbacks, etc.), work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, mechanical equipment, or plumbing, to an extent not exceeding 20 percent of the current replacement value of the structure, as based on the records of the city assessor, provided that the structure is not enlarged, extended, moved or structurally altered unless otherwise provided for by this ordinance.

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- b) *Safety improvements.* Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any structure, or part thereof, declared to be unsafe by any official charged with protecting the public health, upon order of such official.

Section 10.70. Structures under construction.

Any structure on which actual construction was lawfully begun prior to the effective date of the ordinance, or amendments thereto, but which, under this ordinance, or amendments thereto, is classified as nonconforming, shall be considered existing and legally nonconforming pursuant to construction purposes and the intended use. Nothing in this ordinance shall be deemed to require any change in the plans, construction or use of such structure. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to reconstruction, such demolition or removal shall be deemed actual construction.

Section 10.80. Purchase and condemnation of nonconforming uses and structures.

Subject to the provisions of the city and village Zoning Act (MCL 125.581 et seq.), the city may acquire, by purchase, condemnation, or other means, private property, or an interest in private property, for the removal of nonconforming uses and structures.

Cross reference— buildings and building regulations, ch. 18.

State Law reference— Nonconforming uses and structures, MCL 125.583a.

ARTICLE XI. ZONING BOARD OF APPEALS

[Section 11.10. Creation and membership.](#)

[Section 11.20. Composition and alternate members.](#)

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[Section 11.150. Stay of proceedings.](#)

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[Section 11.170. Appeals of special land uses and planned unit developments.](#)

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Section 11.10. Creation and membership.

There is hereby created a zoning board of appeals, herein referred to as the "board of appeals," the membership, powers and duties of which are prescribed in this ordinance.

Section 11.20. Composition and alternate members.

- a) *Membership.* The board of appeals shall consist of five members appointed by the city council, and shall include one, but not more than two, members from the city council and planning commission, respectively. One of the first members shall be appointed for a term of one year, two for a term of two years, and two for a term of three years. Thereafter, each member shall be appointed for a full term of three years; provided, however, the term of a member who is also an elected official of the city shall cease upon termination of the elected position.
- b) *Alternate members.* Two alternate members to the board of appeals may also be appointed by the city council. Alternate members shall be appointed for a term of three years. The alternate members of the board of appeals may be called as specified herein, to sit as regular members of the board of appeals, if a regular member is absent from or unable to attend two or more consecutive meetings of the board of appeals, or for a period of more than 30 consecutive days. An alternate member may also be called to serve in the place of a regular member for reasons of conflict of interest. The alternate member having been called to serve on a case shall serve on said case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the board of appeals. The decision of whether an alternate member shall sit in the absence of a regular member shall be determined by the chairperson of the board of appeals, and if there is no chairperson, by a majority of the board of appeals members then in attendance at a duly called meeting of the same, and the records maintained by the board of appeals shall reflect the attendance and participation of any such alternate member.
- c) *Compensation.* All members of the board of appeals, including alternate members, shall serve without compensation as members thereof.

Section 11.30. Rules of procedure.

Rules of procedure, prescribing the board of appeals process for the performance of its authorized powers, shall be adopted by the board of appeals.

Section 11.40. Jurisdiction.

The board of appeals shall have all jurisdiction and powers granted by the Zoning Act, all jurisdiction and powers prescribed in other sections of this ordinance, and the following specific jurisdiction and powers:

- a) *Appeals.* To hear and decide appeals from and review any order, requirement, permit, decision or determination made by any city official enforcing the provisions of this ordinance. The board of appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, permit, decision or determination as, in the board's opinion, ought to be made in the premises, and to that end, shall have all the powers of the official from whom the appeal is taken.
- b) *Matters referred.* To hear and decide matters referred to the board of appeals or upon which the board of appeals is required to pass under this ordinance.
- c) *Practical difficulties and unnecessary hardships.* If there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance applicable to the matter under appeal, the board of appeals shall have power, in passing upon said appeal, to vary or modify any of the rules or provisions of this ordinance relating to the construction, structural changes in, equipment,

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or alteration of buildings or structures or the uses of land, so that the spirit of this ordinance shall be observed, public safety secured, and substantial justice done.

Section 11.50. Granting of variances.

Standards for granting of variance. No variance in the provisions or requirements of this ordinance shall be authorized by the board of appeals unless it is found from the evidence that all of the following conditions exist:

- a) That there are practical difficulties or unnecessary hardships resulting from exceptional, extraordinary, or unique circumstances or conditions applying to the property in question which are different than other properties in the same zoning district or result from conditions which do not exist throughout the City of Montague.
- b) That such variance is necessary for the preservation and enjoyment of a substantial property right. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
- c) That the granting of such variance will not be of substantial detriment to adjacent property or materially impair the intent and purposes of this ordinance or the public interest.
- d) That the applicant shall not have created the problem for which the variance is being sought.
- e) That the granting of the variance will not be contrary to the public interest and that the spirit of this ordinance shall be observed, public safety secured, and substantial justice done for both the applicant and other property owners in the district.

In approving a variance, the zoning board of appeals shall only approve the minimum variance necessary to relieve the practical difficulty or unnecessary hardship.

Section 11.60. Application.

Application requirements. The following materials shall be filed with the zoning administrator before consideration of an appeal, variance, or ruling on other matters by the board of appeals:

- a) A completed application form, signed by the applicant or his/her agent. Applicants, other than the owner of the property, must submit written evidence that the owner of the property is aware and approves of the application.
- b) Payment of a fee, which shall be established by the city council, and which shall be nonrefundable.
- c) A legal description of the property involved in the request.
- d) A narrative and, where applicable, a site plan, drawn to scale, sufficient to show:
 - 1) The nature and extent of the requested variance; and,
 - 2) The relationship of said variance to other on-site buildings and facilities; and,
 - 3) The relationship of said variance to the abutting lot(s) and associated buildings and facilities located on said abutting lot(s).

Notwithstanding the above, an application for a dimensional variance shall include a site plan, drawn to scale.

- e) Other information as determined by the zoning administrator and board of appeals to be necessary in order make a determination of findings.

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Section 11.70. Information from prior zoning actions.

In addition to the complete application, the zoning administrator shall transmit to the board of appeals other information and evidence relevant to the requested appeal. This shall include, but is not limited to, prior actions taken by the zoning administrator, planning commission, or city council on the matter under consideration for appeal or variance.

Section 11.80. Submission of application to the zoning board of appeals.

The zoning administrator shall take the actions necessary to place the appeal on the agenda of the zoning board of appeals.

Section 11.90. Applicant representation.

Appellants for variances or other actions by the board of appeals shall be required to appear before the board or be represented by a party who can speak for, and make commitment on behalf of, the applicant.

Section 11.100. Voting requirements.

Votes needed to authorize a variance, appeal, or other affirmative action. The concurring vote of three members of the board of appeals shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant on a matter upon which the board of appeals is required to pass under a provision of this ordinance, or to effect a variation from the requirements of this ordinance, except that a concurring vote of four members of the board of appeals shall be necessary to grant a variance from uses of land permitted in any zoning district.

Section 11.110. Time of hearing and notice of hearing.

The board of appeals shall fix a reasonable time for the hearing of an appeal and shall give due notice thereof to the persons to whom real property within 300 feet of the premises in question shall be assessed, and to the occupants of dwellings within 300 feet [thereof]. Said notice is to be delivered personally or by mail, addressed to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. The notice shall include:

- a) Nature of the appeal.
- b) Property location, including address and legal description.
- c) Location (address) of the public hearing.
- d) Public hearing date and time.
- e) Address and timing for receipt of written comments.
- f) Other information as determined by the city to be relevant to the matter.

Section 11.120. Conditions on variances and other approvals.

Conditions. The board of appeals may impose conditions upon an affirmative decision. Said conditions shall:

- a) Be designed to protect natural resources.

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- b) Be designed to protect the public health, safety, and welfare, as well as 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 city as a whole.
- c) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- d) Be necessary to meet the intent and purpose of the zoning regulations; be related to standards established in this ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.

Section 11.130. Official record and findings of fact.

The board of appeals shall prepare an official record for all appeals and shall base its decisions on this record. The official record shall include the following:

- a) The relevant administrative records and orders issued relating to the appeal.
- b) The notice of the appeal.
- c) Such documents, exhibits, photographs or written reports as may be submitted to the board of appeals for its decision.
- d) Factual information received at the public hearing.
- e) Determination of compliance with the provisions of section 11.50.
- f) The official vote of the board of appeals, stating the conclusions of the board relative to the appeal, the basis for the decision, and any conditions imposed.

Section 11.140. Decisions of the board of appeals.

- a) *Official record.* The decision and orders of the board of appeals in disposing of the appeal shall be entered in the official record after they have been signed by the chairperson and after written notice of the disposition has been served, whether in person or by mail, upon the parties to the appeal, the zoning administrator, and the city clerk. The chairperson shall sign the necessary orders to effectuate the decision within ten days after the board of appeals reaches its final decision.
- b) *Effective date.* The decision and orders of the board of appeals shall become effective five days after the decision and orders are entered on the official record unless the board shall find immediate effect is necessary to preserve property or personal rights and shall so certify on the record.
- c) *Copy of official record.* A copy of the official record of the appeal shall be made available to the parties to any appeal upon request and after payment of a reasonable fee, as set by the city council, sufficient to recover the costs of duplicating such material.
- d) *Construction time-frame.* If the board of appeals grants a variance to the appellant, such variance shall be exercised (construction commenced and actively continued) within one year from the date of such action, unless more time is specifically granted by the board of appeals. Failure to exercise the variance within the time-frame as specified above shall cause the variance approval to be terminated.

Section 11.150. Stay of proceedings.

An appeal to the board of appeals shall stay all proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the board of appeals, after notice of appeal shall have been filed, that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order

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which may, on due cause shown, be granted by the board of appeals or by the circuit court on application, after notice to the zoning administrator.

Section 11.160. Rehearing and appeal of decision to circuit court.

The decision of the board of appeals shall be final, provided that the board may, on its own motion or at the request of any interested party, at any time subsequent to a decision on an appeal, grant a rehearing. In such case, notice of the rehearing shall be made according to the process for an original hearing and the provisions of this ordinance, and shall be treated as a new hearing. Any person having an interest affected by a final decision on the appeal shall have the right of appeal to the circuit court as provided by the Zoning Act.

Section 11.170. Appeals of special land uses and planned unit developments.

The board of appeals is not authorized to receive, hear, nor act on appeals of decisions made pursuant to special land uses and planned unit developments.

Cross reference— Boards and commissions, § 2-151 et seq.

State Law reference— Board of appeals, MCL 125.585 et seq.

ARTICLE XII. ADMINISTRATION AND ENFORCEMENT

[Section 12.10. Zoning administrator's duties.](#)

[Section 12.20. Zoning ordinance amendments, initiation.](#)

[Section 12.30. Amendment \[processing\] procedure.](#)

[Section 12.40. Consideration of amendment.](#)

[Section 12.50. Zoning compliance permits.](#)

[Section 12.60. Performance guarantee.](#)

[Section 12.70. Ordinance violations.](#)

Section 12.10. Zoning administrator's duties.

- a) *Basic duties.* The zoning administrator shall be responsible for the general administration of this ordinance and shall have the power to grant certificates of zoning compliance and to make inspections of premises necessary to carry out his/her duties in the enforcement of this ordinance, and to otherwise carry out the duties assigned herein.
- b) *Violations.* The zoning administrator shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with, or prevent violations of, its provisions.
- c) *Deputy administrator.* Where the provisions of this ordinance authorize or direct the zoning administrator to perform any act or carry out any function, such act or function may also be carried out by a deputy or deputies designated by the city manager.

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Section 12.20. Zoning ordinance amendments, initiation.

- a) *Time-frame for application submittal.* All applications for amendments to the zoning ordinance shall be submitted to the zoning administrator at least 25 days prior to the first consideration by the city planning commission.
- b) *Initiation of amendments and application requirements.* Requests for amendments to the zoning ordinance may be initiated in writing by the owner of the property requested for rezoning, or his/her authorized representative. Requests may also be made by the city planning commission or the city council through official action of the commission or council taken at a public meeting which has been properly noticed as required by law. In the case of an amendment requested by a property owner or his/her authorized representative, the request shall include the following:
 - 1) Completion of a zoning amendment application as provided by the city. Said application is to include:
 - a. The name and address of the person making the request and all persons having a legal or equitable interest in any land which is requested to be rezoned.
 - b. In the case of a text amendment, the specific section to be amended and the proposed text change.
 - c. If the requested amendment requires a change in the zoning map, the common address, legal description of the area requested for change, and present and proposed district classifications shall be provided. The applicant shall also indicate, by map form, the location of the property requested for rezoning. If, in the opinion of the zoning administrator, planning commission, or city council, the information submitted does not provide a clear delineation of the specific area to be rezoned, said zoning administrator, planning commission, or city council shall require the applicant to submit a boundary survey of the property in question. Said survey is to include a written legal description and drawing of the area to be rezoned. The boundary survey, including legal description and map, shall be completed by a land surveyor registered by the State of Michigan.
 - d. The nature of the amendment shall be fully identified in writing.
 - e. Payment of all fees as required by the City of Montague.

Section 12.30. Amendment [processing] procedure.

After submission of the application and fee, amendments to this ordinance shall be processed as provided for in the Zoning Act.

State Law reference— Amendments, MCL 125.584.

Section 12.40. Consideration of amendment.

The following standards shall be used by the planning commission and city council pursuant to consideration of amendments to the zoning ordinance:

- a) *Text amendment.*
 - 1) As applicable, the amendment shall be consistent with the city's master plan.
 - 2) In the event the amendment will add a use to a district, said use shall be fully consistent with the character of the range of uses provided for within the district.

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- 3) The amendment shall not result in problems of incompatibility among land uses within a zoning district, or among adjacent districts.
 - 4) As applicable, the proposed change shall be consistent with the city's ability to provide adequate public facilities and services.
 - 5) The proposed change shall be consistent with the public health, safety, and welfare.
- b) *Map amendment.*
- 1) The change shall be consistent with the city's master plan.
 - 2) The range of uses permitted by the proposed change shall be consistent with the character of the area.
 - 3) The existing or planned infrastructure, including streets, sanitary sewers, storm sewers, sidewalks, and streetlighting, shall have sufficient capacity to support those uses provided for within the proposed zone district classification.
 - 4) Existing city facilities and services, including, but not limited to, police and fire protection, recreational facilities, educational facilities, and waste collection, shall have sufficient capacity to support those uses provided for within the proposed zone district classification.
 - 5) The proposed change shall not result in the economic decline of adjoining property values.
 - 6) The proposed change shall be governed by sufficient standards to ensure that the potential for problems of incompatibility between the proposed and adjoining districts shall be minimal.
 - 7) The proposed change shall not endanger the public health, safety, or welfare.

Section 12.50. Zoning compliance permits.

- a) *Zoning permits.* Unless otherwise exempted by this ordinance, the construction, erection, alteration, expansion, moving, repair, or use of any land, building, or structure shall not be initiated prior to receipt of a zoning permit. No land, building, or structure shall be used or occupied until a certificate of zoning compliance has been issued therefor.
- b) *Zoning compliance permit required for building permit.* No building permit shall be issued for the construction, erection, alteration, expansion, moving or repair of any building or other structure until a certificate of zoning compliance has been issued therefor. Issuance of such a certificate shall indicate that the use and plans for which the permit is requested comply with this ordinance.
- c) *Use and occupancy.* It shall be unlawful to use or occupy, or permit the use or occupancy, of any building, structure, or premises, or part thereof, hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use, as permitted under the terms of this ordinance, until a certificate of zoning compliance shall has been issued hereunder by the zoning administrator. The certificate shall state that the building, structure, and lot, and use thereof, conform to the requirements of this ordinance.
- d) *[Record.]* The zoning administrator shall maintain a record of all certificates of zoning compliance.
- e) *[Applicability.]* Certificates of zoning compliance authorize only the use, arrangement and construction set forth in the application and any appended plans, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance, and is punishable as provided by law. Any change in approved plans shall occur as provided for in this ordinance and shall require the issuance of an amended certificate of zoning compliance.

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Section 12.60. Performance guarantee.

- a) As a condition of approval of a site plan, special land use, planned unit development, or variance, and as otherwise provided for by this ordinance, the planning commission, city council, or zoning board of appeals, as appropriate, may require a bond or other financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include, but shall not be limited to, roadways, curbs, landscaping, fences, walls, screens, lighting, drainage facilities, sidewalks, utilities and similar improvements.
- b) Performance guarantees shall be processed in the following manner:
 - 1) The applicant shall prepare an itemized cost estimate of the required improvements, which shall then be reviewed and approved by the zoning administrator. The amount of the performance guarantee shall be 100 percent of the following costs:
 - a. Purchase and/or construction of the improvements.
 - b. Installation of improvements.
 - c. Architectural and engineering design and related professional costs.
 - d. Reasonable amount for contingencies, but in no case less than five percent of total costs for [subsections b)1)]a. through c. above.
 - 2) The required performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit, surety bond, or other form of guarantee acceptable to the city.
 - 3) Upon receipt of the required performance guarantee, the zoning administrator shall issue a certificate of zoning compliance for the subject development or activity.
 - 4) The city, upon the written request of the applicant, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.
 - 5) When all of the required improvements have been completed, the applicant shall send written notice to the zoning administrator of the completion of said improvements. Thereupon, the zoning administrator shall inspect all of the improvements and shall recommend to the planning commission, city council, or zoning board of appeals, as appropriate, approval, partial approval, or rejection of the improvements, with a statement of the reasons for any rejections.
 - 6) The planning commission, city council, or zoning board of appeals, as appropriate, shall either approve, partially approve, or reject the improvements. The zoning administrator shall notify the applicant in writing of the action of the planning commission, city council, or zoning board of appeals, as appropriate, within 30 days after the official action of said commission, council, or ZBA. Where partial approval is granted, the applicant shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
 - 7) A record of authorized performance guarantees shall be maintained by the city.

State Law reference— Authority to require guarantees, MCL 125.584e.

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Section 12.70. Ordinance violations.

- a) Any building or structure moved, erected, razed, converted, or used, and any use of land or premises, which is carried on in violation of this ordinance is declared to be a nuisance per se. All buildings, structures, and land uses considered to be in violation of this ordinance shall be reported to the zoning administrator.
- b) After the order to correct the violation has been issued, the offender shall have five days to correct the violation. If the violation cannot be corrected within five days, the zoning administrator may, with just cause, extend the correction period for an appropriate amount of time, up to a period of six months. In the event a longer period of time is required, the zoning board of appeals, upon petition, may grant up to one year to correct the violation if conditions warrant such an extended period of time; provided, however, if the violation involves a special land use or planned unit development, the request for the extended period of time shall be made to the city council. Any violation not corrected within the required time-frame shall be reported to the city council. The city council may initiate prosecution procedures.

In the event the zoning administrator determines the violation poses an imminent threat to the health, safety, and welfare of the occupants of the premises on which the violation is located or to the general public, the zoning administrator may require that immediate measures be taken to correct the violation.

- c) Any person, firm, corporation, or organization who violates, disobeys, omits, or refuses to comply with any provisions of this ordinance or lawful order of the zoning administrator, planning commission, zoning board of appeals, or city council issued in pursuance of this ordinance shall be responsible for a civil infraction, punishable by the sanctions as set forth below. Each day which a violation continues may be deemed a separate infraction.

State Law reference— Violations, MCL 125.587.

Cross reference— Administration, ch. 2.