

CHARTER TOWNSHIP OF MONTROSE
ORDINANCE NO.: 2010 - 183

AN ORDINANCE TO AMEND THE TOWNSHIP OF MONTROSE CODE OF ORDINANCES, TITLE XV, LAND USAGE, ALSO KNOWN AS THE TOWNSHIP ZONING ORDINANCE, by changing, adding to, deleting or other wise modifying the following Sections of the Code.

NOW, THEREFORE, THE CHARTER TOWNSHIP OF MONTROSE ORDAINS:

That the Charter Township of Montrose Code of Ordinances, Section 153.006, titled Definitions, be amended by adding the following:

Medical Marijuana Dispensary - A medical marijuana dispensary means any residence, retail store, store front, office building, or other structure or any type of mobile unit or entity that dispenses, facilitates, sells, or provides, in any manner, marijuana or cannabis or any product containing marijuana or cannabis for medicinal purposes only, as allowed by state law.

That the Charter Township of Montrose Code of Ordinances, Section 153.157, titled Special Land Uses, be amended to read as follows:

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

- (A) Adult entertainment uses;
- (B) Automobile repair facility (garage, repair);
- (C) Automobile service stations;
- (D) Buildings and lumber supply, provided that the use is primarily for the storage and sale of retail goods, and excludes manufacturing, processing, planning or milling operations, provided that all outdoor storage areas are screened;
- (E) Car wash; automatic or self-service;
- (F) Child care centers;
- (G) Commercial outdoor storage;
- (H) Convenience stores with gasoline service;

- (I) Medical Marijuana Dispensaries provided they meet the following conditions:
 - a. Use Limitations - A medical marijuana dispensary shall only manufacture, harvest, possess, dispense, facilitate, sell or provide marijuana for medicinal purposes as allowed by state or federal law.
 - b. Location Requirements - Not more than one (1) medical marijuana dispensary use shall be permitted within a thousand-foot (1000 foot) distance. No medical marijuana dispensary use shall be permitted within one hundred (100) feet of a residential district or use. No medical marijuana dispensary use shall be permitted within one thousand (1000) feet of any site on which is located a church, school, park or playground, or any area where minors regularly congregate.
 - c. Signage Requirements – Medical Marijuana dispensaries may be permitted a single wall mounted sign, attached and parallel to the face of the building wall or canopy face, not to exceed four (4) square feet.
- (J) New and or used automobile sales and showroom;
- (K) Nurseries, and garden centers, provided that all outdoor storage areas are screened;
- (L) Open front restaurant windows, when accessory to a principal permitted restaurant and designed for walk-up patrons only;
- (M) Outdoor recreational establishments;
- (N) Open-air business uses; businesses not conducted within a wholly enclosed building;
- (O) Public, institutional, or semi-public facilities;
- (P) Restaurants and other establishments serving food and/or beverages, on premises with drive-through and/or drive-in facilities;
- (Q) Self-storage units;
- (R) Any special land use permitted as a special land use in a C-1 Zoning District; and
- (S) Accessory buildings, structures and uses customarily incidental to any of the above special land uses.

That the Charter Township of Montrose Code of Ordinances, Section 153.172, titled Special Land Uses, be amended to read as follows:

Section 153.172 SPECIAL LAND USES.

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

- (A) Automobile repair facility (garage, repair);
- (B) Automobile service station;
- (C) Car wash establishments;
- (D) Express office/truck terminals;
- (E) Fast food, carry-out, drive-in, and drive-through restaurants;
- (F) Junk yards;
- (G) Lumber and planing mills when completely enclosed and when located in the interior of the district so that no property line shall form the exterior boundary of the I-1 District;

(H) Medical Marijuana Dispensaries provided they meet the following conditions:

1. **Use Limitations - A medical marijuana dispensary shall only manufacture, harvest, possess, dispense, facilitate, sell or provide marijuana for medicinal purposes as allowed by state or federal law.**
2. **Location Requirements - Not more than one (1) medical marijuana dispensary use shall be permitted within a thousand-foot (1000 foot) distance. No medical marijuana dispensary use shall be permitted within one hundred (100) feet of a residential district or use. No medical marijuana dispensary use shall be permitted within one thousand (1000) feet of any site on which is located a church, school, park or playground, or any area where minors regularly congregate.**
3. **Signage Requirements – Medical Marijuana dispensaries may be permitted a single wall mounted sign, attached and parallel to the face of the building wall or canopy face, not to exceed four (4) square feet.**

- (I) Metal casting foundries, subject to appropriate measures to control the process to prevent noxious results and/or nuisances to adjacent residential or business areas;
- (J) Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances;
- (K) Open-air business uses; businesses not conducted within a wholly enclosed building;
- (L) Retail uses which have an industrial character in terms of either their outdoor storage requirements or activities;
- (M) Self-storage units;
- (N) Accessory buildings, structures, and uses customarily incidental to any of the above special land uses; and
- (O) Accessory buildings, structures, and uses customarily incidental to any of the above special land uses.

Repeal

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, any such decision shall not affect the validity of the remaining portions of this Ordinance. The Township hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Saving clause

Nothing in this ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court or administrative body, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance; nor any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Severability

If any section, subsection, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

Effective Date

This Ordinance shall take effect at 12:01 a.m. on the ___ day of April 2010, after publication the Tri-County Citizen.

ON MOTION DULY MADE BY: _____ supported by _____.

YEAS:

NAYS:

MADE AND PASSED by the Charter Township of Montrose on the ___ day of April, 2010 by a vote of _ yeas and _ nays.

MARK EMMENDORFER, SUPERVISOR

FRED DOMINE, TOWNSHIP CLERK

I, Fred Domine, Clerk for the Charter Township of Montrose do hereby certify that the foregoing Ordinance No. 2010-183 was duly adopted at a regular meeting of the Charter Township of Montrose held on the ___ day of April, 2010 at the Township Hall at 139 South Saginaw, Montrose, Michigan 48457.

FRED DOMINE, TOWNSHIP CLERK