

**PROPOSED AMENDMENT TO ORDINANCE 67**

**CHARTER TOWNSHIP OF MONITOR  
BAY COUNTY, MICHIGAN  
ORDINANCE NO. 67-U**

**AN ORDINANCE TO ALLOW USES OR STRUCTURES THAT HAVE LOST THEIR NONCONFORMANCE STATUS DUE TO DISCONTINUATION OF THE NONCONFORMITY FOR A PERIOD OF 12 CONSECUTIVE MONTHS OR MORE TO BE REUSED FOR ADAPTIVE PURPOSES BY SPECIAL USE PERMIT GRANTED BY THE PLANNING COMMISSION EVEN IF THE USE WOULD NOT BE PERMITTED IN THE ZONE WHERE THE STRUCTURE IS LOCATED.**

Additions in blue text

~~Deletions will appear like this~~

The Charter Township of Monitor hereby ordains:

**SECTION 1**

That Section 2.110 would be added to the ordinance “Adaptive Reuse means the development of a new use for an older building or for a building originally designated for a different use”.

**SECTION 2** That Section 3.54 would be added to the ordinance “GENERAL PROVISIONS FOR ADAPTIVE REUSE

(a) **Intent.** The intent of this is to facilitate the retention and conversion of older, economically distressed, existing, underutilized properties, to viable uses. Reuse of existing properties will help to reduce vacant space, create opportunities for new development, and reduce property degradation and blight. Specifically, the intent of this section is to:

- (1) Provide regulations specifically tailored to encourage and promote the rehabilitation of older used and underutilized buildings.
- (2) Provide a mix of uses within said adaptive reuse developments which promote the economic revitalization of Monitor Charter Township.
- (3) Promote the retention of older buildings and lands which enhance the image and preserve the existing character of Monitor Charter Township.

(4) Provide reasonable standards for the blending of new construction with existing buildings, so as to allow quality development of older structures within contemporary development and buildings standards.

(b) ALLOWANCES.

(1). Setbacks. Existing building setbacks may remain and shall be considered legally nonconforming, but no further encroachments shall be permitted into any nonconforming setback without the grant of a variance and approval by the Planning Commission and the special use permit process.

(2). Height. The height of the structure, if it exceeds the maximum height of the zoning district, may remain and shall be considered legally nonconforming. Any rooftop construction needed for drainage, ventilation, and utilities shall be included within the height exemption. This height exemption does not include new residential or commercial floor area.

(3). Loading Zone. At the discretion of the Planning Commission, a new loading zone may not be required if the existing building does not have an existing loading zone.

(4). Parking. At the discretion of the Planning Commission new parking spaces may be not required for any converted use within the existing footprint of the building, but expansions to floor area shall be required to provide more parking in accordance with Section 14.10.

(c) USES

(1). Permitted Uses: Any use that is a permitted use in the underlying zoning district.

(2). Assembly uses, clubs, banquet halls, and other such uses are not permitted.

(3). The following uses shall be permitted as part of the special use request with Planning Commission approval if they are within the adaptive reuse development:

- 1) Adult day care facilities, and other similar facilities.
- 2) Adult foster care congregate facilities, and other similar residential infirmaries.
- 3) Antique sales and services but excluding commercial vat dipping and stripping.
- 4) Banks and finance offices excluding drive-in branches
- 5) Barber or beauty shops.
- 6) Bicycle sales, service and rentals excluding motorcycles.
- 7) Catering businesses.
- 8) Clinics- dental and medical including laboratories.
- 9) Contractor (plumbing, union, electrical, etc.) provided operation and storage are completely enclosed in a building.

- 10) Dry cleaning pickup and delivery, however, actual cleaning processes are prohibited.
- 11) Farm markets if they meet the standards of a generally accepted agricultural management practice as promulgated by the Department of Agriculture.
- 12) Florist shops.
- 13) Food stores.
- 14) Food truck sales, service, and delivery.
- 15) Funeral homes.
- 16) Furniture and household wares.
- 17) Greenhouses, if it meets the GAAMPs promulgated by the Department of Agriculture for farm market.
- 18) Gyms
- 19) Meeting space for small groups.
- 20) Nursery schools and day nurseries.
- 21) Offices.
- 22) Pet shops.
- 23) Pharmacies.
- 24) Printing and publishing.
- 25) Professional studios.
- 26) Restaurants, cafeterias and other eating establishments are precluded unless they are an accessory to a permitted use.
- 27) Retail sales.
- 28) Retail seasonal sales, inside and outside.
- 29) Sign painting
- 30) Sports training facilities.
- 31) Storage units (current) with time restrictions as to the use of storage, but no new storage facilities to be built in a residential zone, and no light pollution shall shine off of the lot where the storage units are.

(4). Said Special Use Permit may be reviewed on an annual basis. If there are complaints received that the operator of the Special Use Permit is exceeding the allowed use granted under this section of the ordinance, the Planning Commission may revoke the permit.

(5). Unless listed in this section, other uses are not permitted.

(d) Specific Conditions: All adaptive reuse projects require site planning review as provided by Section 3.20.

(1). The performance standards of this special use are intended to modify the standards otherwise applied to the site by its underlying district. Unless specifically modified in this section, all other standards adopted for this site shall apply.

(2) Expansion to the floor area of an eligible building and new construction on the lot must comply with the dimensional requirements provided in the district in which it is located.

(3). The following site elements may need to be brought into compliance with existing ordinance depending on the Planning Commission's determination of viable reuse and rehabilitation of the property actual reconstruction.

- (a) Parking lot pavement/repairs.
- (b) Lighting as set forth in Section 3.42
- (c) Landscaping as set forth in Section 3.40.
- (d) Applicant shall make necessary façade improvements to ensure the building exteriors are in good repair.
- (e) The adaptive reuse project may include both additions and new construction.
- (f) The Planning Commission has the authority to require traffic, environmental, and other reports that aid in the review of the site plan.

**SECTION 3** The rest of the ordinance remains unchanged through Section 16.09, which would be modified to state the following.

#### **SECTION 16.09 CHANGE OR DISCONTINUANCE**

The nonconforming use of a building or structure of any parcel shall not be:

- ~~(a) Reestablished after a discontinuance, vacancy, lack of operation, or otherwise for a period of 12 consecutive months.~~
- ~~(b) Reestablished after it has been changed to a conforming use.~~
- ~~(c) A nonconforming use may be changed to another nonconforming use which is more restrictive than the current use, by receiving a special land use permit from the Township Planning Commission. The Planning Commission shall evaluate this request under the criteria of Section 3.32. However, once a nonconforming use is changed to a more restricted nonconforming use, it may not be changed back to its original use. (By way of example, a commercial use in an agricultural zone, if changed to residential, may be allowed, but it may not be changed back to~~

~~commercial.)~~

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(c) Reestablished after a discontinuance, vacancy, lack of operation, or otherwise for a period of 12 consecutive months. However, by issuance of a special use permit granted by the Planning Commission, a use may be reestablished after discontinued under the following conditions”:

(d) A special use permit under this section shall be governed by Section 3.32 of this ordinance, and would specifically:

(1) Limit the hours of operation to a new approved use between 7:00 a.m., and 9:00 p.m.;

(2) Prohibit excess light shining off of the lot;

(3) No excessive noise higher than 55 decibels (db) at the property line;

(4) and outside sales would be permitted if appropriate setbacks as determined by the Planning Commission.

#### **SECTION IV REPEAL**

Any provisions of Ordinance 67 or any amendment thereto which is in conflict in whole or in part with any provisions of this Ordinance, are to the extent of such conflict hereby repealed for the purposes of utilization of this conditional rezoning

#### **SECTION V PENALTY**

Penalties for violation of this Ordinance will be the same as for all sections of Ordinance 67.

#### **SECTION VI SEVERABILITY**

If any provision or part of this ordinance is declared by any court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity or enforceability of any other provision or part, which shall remain in full force and effect.

**SECTION VII EFFECTIVE DATE**

The effective date of this Ordinance shall be 30 days after the publication after adoption of the Ordinance.

**AUTHENTICATION OF RECORD**

We, Terry Spencer, Supervisor, and Linda K. Stewart, Clerk, for the Charter Township of Monitor, Bay County, Michigan, hereby authenticate the following relative to the foregoing ordinance:

1. That the same was adopted by the Charter Township of Monitor Board on the \_\_\_\_\_ day of \_\_\_\_\_, 2026.
2. That the following members of the Township Board voted “yes” in favor of said Ordinance: \_\_\_\_\_
3. That the following members of the Township Board voted “no” against said Ordinance: \_\_\_\_\_
4. That the following members of the Township Board were absent: \_\_\_\_\_

I, Linda K. Stewart, as clerk of the Charter Township of Monitor, Bay County, Michigan hereby certifies the following was adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2026 and became effective on the 31<sup>st</sup> date of publication, said publication occurring on \_\_\_\_\_.

**THE CHARTER TOWNSHIP OF MONITOR**

Date of 1<sup>st</sup> Reading: \_\_\_\_\_  
\_\_\_\_\_  
Terry Spencer, Supervisor

Date of 2<sup>nd</sup> Reading: \_\_\_\_\_  
\_\_\_\_\_  
Linda Stewart, Clerk

Date of Publication:

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Effective Date:

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