

CHARTER TOWNSHIP OF MONITOR
COUNTY OF BAY, MICHIGAN

ORDINANCE 52-V

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 52, AS AMENDED, TO REGULATE THE REPLACEMENT OF NON-CONFORMING STRUCTURES AND NON-CONFORMING LOTS OF RECORD, AND TO PROVIDE DEFINITIONS FOR THE TOWNSHIP BUILDING INSPECTOR/OFFICIAL AND ZONING ADMINISTRATOR

THE CHARTER TOWNSHIP OF MONITOR ORDAINS:

SECTION I

A. Section 16.08 of Chapter XVI, of the Monitor Township Ordinance 52, designated "Monitor Township Zoning Ordinance" effective December 14, 2003, as previously amended is hereby amended to read as follows:

SECTION 16.08 REPLACEMENT

A nonconforming building or structure which has been damaged or destroyed by fire, wind, snow, acts of God, public enemy, or other similar causes and the cost of repair to said structure is greater than the equivalent State Equalized Value of the building or structure to be repaired, then in such event the building or structure shall need to be replaced. No nonconforming structure may be replaced unless it conforms with all conditions and requirements of this Ordinance existing at the time of replacement- with the following exception:

- (a) Single family dwellings, which are so used and so existing in commercial and industrial zoning districts before the effective date of adoption or amendment of this Ordinance may be used and replaced if destroyed, subject to the following conditions:
 - 1) If an existing structure is destroyed, any replacement dwelling or accessory structure shall conform to all applicable yard dimensions, setbacks and other requirements specified in this Ordinance or in the alternative may be replaced within the same footprint with every intent possible.
 - 2) The use of the dwelling and associated parcel of land shall be maintained in conformance with the use provisions specified in this Ordinance for the same type of residential dwelling or structure.

- 3) The use, dwelling and accessory structures shall be maintained in conformance with all other applicable federal, state, county and Township laws, ordinances, regulations and codes.

B. Chapter XVI, of the Monitor Township Ordinance 52, designated "Monitor Township Zoning Ordinance" effective December 14, 2003, as previously amended is hereby amended by the addition of Section 16.12 to read as follows:

SECTION 16.12 NON-CONFORMING LOTS OF RECORD

The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this Ordinance or amendment thereto:

- (a) Use of Non-Conforming Lots - Any nonconforming lot shall be used only for a use permitted in the zoning district in which it is located. In any district in which single family dwellings are permitted or on lots where single family dwellings exist, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory structures may be erected, maintained, or re-built if destroyed on any single lot of record at the effective date of adoption or amendment thereto. This provision shall apply even though such single family lot fails to meet the requirements for area, width or access (such as only having access via a recorded easement and no frontage along a public right of way), that are generally applicable in the district, provided that:
 - 1) The lot width, area and open space requirements are not less than seventy five percent (75%) of the requirements established for the district in which the lot is located. Lots that only have access via a recorded easement and have no frontage along a public right of way are permitted to have single family structures and customary accessory structures erected, maintained, or re-built if destroyed.
 - 2) The lot cannot be reasonably developed for the residential use proposed without such deviations;
 - 3) The Residential Design Standards found in Section 3.29 apply.
 - 4) The lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health and safety, and the lot is in conformance with all other applicable yard and lot requirements for the district in which it is located.

Any application for such single family housing construction shall be submitted to the Building Inspector and Official. Where applicable, the application shall include three (3) copies of the results of soil percolation tests performed by a registered civil engineer at the exact location of a proposed subsurface sewage disposal (septic) system. The application must be approved by both the Bay County Health Department and the Building Inspector and Official prior to issuance of any permit.

- (b) Variance to Building Area, Setback, and Side Yard Requirements - If the use of a nonconforming lot requires a variation from the building area, setback, and side yard requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals.
- (c) Non-Conforming Contiguous Lots Under the Same Ownership - If two or more lots or a combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an individual parcel for the purposes of this Ordinance. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot which does not meet the lot width or area requirements of this Ordinance.

Upon application to the Township Board, the Township Board may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area, setback, and side yard requirements of this Ordinance.

SECTION II

A. Section 2.21 of Chapter II, of the Monitor Township Ordinance 52, designated "Monitor Township Zoning Ordinance" effective December 14, 2003, as previously amended is hereby amended to read as follows:

SECTION 2.21 BUILDING INSPECTOR AND OFFICIAL

The Building Inspector and Official is the Official appointed by the Township Board responsible for the issuance of building and related permits in the Township to protect the health and safety of the public. The Building Official is responsible for reviewing construction plans (Building Department Review) and working with the Zoning Administrator to conduct inspections of construction-in

progress to ensure compliance with state, local building codes, and Township ordinances. At the direction of the Township Board, the roles of the Building Inspector and Official may be fulfilled by other Official(s). In this Ordinance, the term Building Inspector and Official may be used interchangeably with Zoning Administrator.

B. Chapter II, of the Monitor Township Ordinance 52, designated "Monitor Township Zoning Ordinance" effective December 14, 2003, as previously amended is hereby amended by the addition of Section 2.97 to read as follows:

SECTION 2.97 ZONING ADMINISTRATOR

The Zoning Administrator Official is the Official appointed by the Township Board to coordinate with the Building Inspector and Official for the enforcement of Township ordinances to protect the health, safety and general welfare and attractiveness of the Township. The Zoning Administrator enforces Township ordinances by performing field investigations and responding to complaints. The Zoning Administrator is to ensure that Township ordinances are applied fairly to all residents. At the direction of the Township Board, the roles of the Zoning Administrator may be fulfilled by other Official(s). In this Ordinance, the term Zoning Administrator may be used interchangeably with Building Inspector and Official.

SECTION III

This Ordinance shall be published in a newspaper circulated within the Charter Township of Monitor, Bay County, Michigan, and shall take effect on the 31st day after the date of such publication.

THE CHARTER TOWNSHIP OF MONITOR

Date of 1st Reading:
May 12, 2014

BY: 
GARY A. BRANDT, Supervisor

Date of 2nd Reading:
June 9, 2014

BY: 
CINDY I. KOWALSKI, Clerk

Date of Publication:
June 12, 2014

Effective Date:
July 13, 2014