

CHARTER TOWNSHIP OF MONITOR
COUNTY OF BAY, MICHIGAN

ORDINANCE 52-W

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 52, AS AMENDED, TO PROVIDE FOR RESIDENTIAL USE IN COMMERCIAL ZONED DISTRICTS BY SPECIAL USE PERMIT AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF

THE CHARTER TOWNSHIP OF MONITOR ORDAINS:

SECTION I

Section 9.02 of Chapter IX, 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 9.02 USE REGULATIONS:

In the C District, no land or building shall be used, and no buildings or structures shall be erected or converted for any use or under any condition other than the following:

- (a) Those nonresidential uses which are permitted in the Residential Zoning Districts, subject to the same conditions, restrictions, and requirements as are provided in the Residential Zoning Districts, except as specifically provided otherwise in this Section.
- (b) Adult foster care congregate facilities, and other similar residential hospitals, infirmaries, and institutions
- (c) Animal hospitals
- (d) Antique sales and service but excluding commercial vat dipping and stripping.
- (e-1) Automobile repair shop or garage limited to minor repairs as defined in Section 2.12
- (e-2) Automobile repair shop or garage including major repair operations as defined in Section 2.11 when authorized as a special use by the Planning Commission.
- (f) Automobile, truck and tractor sales, service and rentals
- (g) Bakery goods store
- (h) Bank, land and finance offices including drive-in branches
- (i) Barber or beauty shop
- (j) Bars, cocktail lounges and taverns
- (k) Bicycle and motorcycle sales, service and rentals
- (l) Blueprinting shops
- (m) Book, stationary or gift store
- (n) Bowling alley, including bars and restaurant
- (o) Bus station
- (p) Business or trade school

- (q) Campgrounds and travel trailer parks in accordance with the provisions of Section 5.02(L)
- (r) Candy store, soda fountain and/or ice cream store
- (s) Car wash
- (t) Catering service, delicatessen and confectionery store
- (u) Clinics - dental and medical, including laboratory
- (v) Clothing and dry goods store
- (w) Contractor (plumbing, heating, electrical, etc.) provided operations and storage are completely enclosed in a building
- (x) Crating and packing service
- (y) Department stores
- (z) Diaper, linen and towel supply service
- (aa) Dress shop
- (bb) Dry cleaning and laundry - custom and self-serve - including laundry pick-up stations
- (cc) Eating place - bar, grill, and cocktail lounge including "drive-in"
- (dd) Electrical appliances and supplies including retail sales and service, wholesale outlets and storage
- (ee) Exterminator service
- (ff) Factory and mill supplies and sales but excluding bulk chemical supplies
- (gg) Florist and gift shop, including nursery stock for retail sale
- (hh) Frozen food locker
- (ii) Fruit and vegetable stores when enclosed within a building
- (jj) Funeral home, mortuaries and ambulance service
- (kk) Furniture and household wares, new and used, including repair and reupholstering
- (ll) Greenhouses
- (mm) Grocery store and meat market
- (nn) Hardware store
- (oo) Hospitals, veterans' facilities and similar uses
- (pp) Hotels, motels and motor courts
- (qq) Household appliance stores
- (rr) Ice pick-up stations
- (ss) Jewelry store
- (tt) Juke box and vending machine service and distribution
- (uu) Laboratory - medical or dental
- (vv) Laundromats
- (ww) Liquor store
- (xx) Locksmiths
- (yy) Lodge hall, private clubs, veterans' clubs, fraternal organization
- (zz) Malt beverage, liquor and wine distribution
- (aaa) Meat market
- (bbb) Mobile home and travel trailer sales and service
- (ccc) Monument sales
- (ddd) Music studios and the sale and servicing of musical instruments
- (eee) Novelty shops
- (fff) Nursery school and day nurseries
- (ggg) Office machines, sales and service

- (hhh) Office supply store
- (iii) Offices - professional and business including sample rooms but not warehouses
- (jjj) Optical goods, retail sales
- (kkk) Ornamental iron works and fence service
- (lll) Paint and wallpaper store
- (mmm) Parcel delivery station
- (nnn) Pet shop
- (ooo) Pharmacy
- (ppp) Photographic studios and dance studios
- (qqq) Photographic supplies, sales, servicing and rentals
- (rrr) Plumbing and heating shop (retail), provided all operations and storage are completely enclosed in a building
- (sss) Printing and publishing, including processes related thereto
- (ttt) Professional studio
- (uuu) Radio and television stores - sales and service
- (vvv) Radio and TV sales and repair and broadcasting studios but not including towers
- (www) Resale shops, including "auction houses"
- (xxx) Residences and mixed use buildings, when authorized as a special use by the Planning Commission. In considering such authorization, the Planning Commission shall consider the provisions of Section 3.31. In order to receive special use approval under the provision of this Section the applicant shall meet the following requirements:
 - (1) All dimensional requirements as set forth in this and other Township codes, including, but not limited to, parking, loading, height, setbacks and lot coverage are met.
 - (2) All landscape, screening, site lighting and other ordinance requirements are met.
 - (3) Compatible businesses in C General Business District may be permitted. Such uses shall be located on the grade level. Uses shall be determined by the Planning Commission to pose no health or safety risk to residents in that structure.
 - (4) Certain uses by the nature of their operation, have a pronounced tendency to be incompatible with residential uses. Therefore, the following uses shall not be permitted with residential uses: Automobile, truck, tractor sales, service or rentals; automobile repair shops (major and minor); motorcycle sales, service or rentals; car wash; dry cleaning and laundry; exterminator services; laboratory, medical or dental; Laundromats; paint and wallpaper store; service stations; sign painting shops; and other similar uses deemed incompatible by Planning Commission.
 - (5) Residential apartments meet the minimum space requirements as established by Zoning and Building Codes.
 - (6) The use will not depress the value of nearby properties or adversely impact planned development patterns.
 - (7) Residential uses without a commercial component must be located in a structure originally designed and constructed to be used as a residence.

- (8) Mixed residential and commercial uses must be designated to safely accommodate mixed residential and commercial uses. Floor plans and a use statement will be required for Planning Commission review.
- (9) Sites with multiple units shall obtain a legal address for each unit on the property.
- (10) A statement indicating that trash collection will be handled in the same manner as all commercial properties is included on the site plan.

- (yyy) Service stations
- (zzz) Shoe repair shop
- (aaaa) Sign painting and servicing shops, provided all operations and storage are completely enclosed in a building
- (bbbb) Signs as regulated in Chapter 15
- (cccc) Special tools and gauges - checking and service
- (dddd) Sporting goods, retail sales
- (eee) Tailor and/or dressmaker
- (ffff) Taxi cab stations
- (gggg) Taxidermist
- (hhhh) Theater
- (iiii) Theater, drive-in, when authorized as a special use by the Planning Commission.

In considering such authorization, the Planning Commission shall consider the provisions of Section 3.31. Drive-in theaters granted a special use permit under the provision of this Section shall meet the following requirements:

- (1) The site shall be at least ten (10) acres in area.
- (2) The area of public assembly shall be enclosed with height (8) foot uniformly painted solid fence or wall.
- (3) Any structure shall be at least one hundred (100) feet from all property lines and the required one hundred (100) foot area landscaped with lawn, trees and shrubs, unless enclosed inside the required fence.
- (4) In order to provide reasonable traffic access, the ticket booth shall be at least two hundred (200) feet from the street right-of-way from which access is gained.
- (5) The Planning Commission may attach other reasonable requirements and conditions which it deems are necessary for the protection of the public health, safety and welfare.

- (jjjj) Trade schools
- (kkkk) Travel agencies
- (llll) Used car lots
- (mmmm) Variety store, including notions and "five and ten" stores
- (nnnn) Video movie rentals
- (oooo) Warehousing and storage structures, when authorized as a special use by the Planning Commission
- (pppp) Any other retail business and service establishment when authorized as a special use by the Planning Commission to be of the same general character as the above permitted uses or which supply services or conveniences or perform services when authorized by the Planning Commission which shall consider the following standards:
 - (1) The size, nature and character of the proposed area;

- (2) The proximity of the proposed use to the adjoining properties;
- (3) The parking facilities provided for the proposed use;
- (4) Any traffic congestion or hazard which will be created by the proposed use;
- (5) How well the proposed use harmonizes, blends with, and enhances adjoining properties in the surrounding neighborhoods.
- (6) The need or necessity for the proposed use to serve the needs of the surrounding neighborhood;
- (7) The effect of the proposed use on adjoining properties in the surrounding neighborhoods; and
- (8) The probability that the proposed use will be objectionable by reason of emission or odors, soot, dust, noise, gas, fumes, vibration, or glare.

SECTION II PENALTY

Any person who shall violate any provision of this Ordinance shall be deemed responsible for the violation of a municipal civil infraction and shall be subject to all of the allowable fines, costs and penalties which shall be applicable for such violation in accordance with Ordinance No. 53, as amended.

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:
November 24, 2014

BY: 
GARY A. BRANDT, Supervisor

Date of 2nd Reading:
December 08, 2014

BY: 
CINDY L. KOWALSKI, Clerk

Date of Publication:
December 11, 2014

Effective Date:
January 12, 2015

