*As recommended for **APPROVAL** by the Monterey Township Planning Commission 9/11/2023.*

MONTEREY TOWNSHIP, ALLEGAN COUNTY, MICHIGAN

AMENDMENT TO THE MONTEREY TOWNSHIP ZONING ORDINANCE

Ordinance No. 23-03

Adopted: October 2, 2023

Effective: _____

AN ORDINANCE TO AMEND THE MONTEREY TOWNSHIP ZONING ORDINANCE'S SECTION 12.02 TO PERMIT SELECT EXPANSIONS OF NONCONFORMING USES BY SPECIAL USE PERMIT

MONTEREY TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, ORDAINS:

At a regular meeting of the Township Board for the Township of Monterey, Allegan County, Michigan, held at the Township Hall on October 2, 2023, the following amendment to the Monterey Township Zoning Map was offered for adoption by Township Board Member **Williams** and seconded by Township Board Member **Commons**

Yeas: **Reinart, Frank, DeHaan, Williams, Commons**.

Nays:

Motion: __x__ Passes   ____ Fails   __x__ Unanimously *(if applicable)*

ARTICLE I. *Amend Section 12.02 of the Monterey Township Zoning Ordinance in its entirety to read as follows:*

SECTION 12.02 NONCONFORMING USES OF LAND

"A nonconforming use of land occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located.

A. **Expansion of Use.** Structures, buildings or uses nonconforming by reason of height, area and/or parking and loading space provisions only may be extended, enlarged, altered, remodeled, or modernized provided:

   1. there is compliance with all height, area, and/or parking and loading provisions with respect to such extension, enlargement, alteration, remodeling or modernization; and

   2. the Zoning Administrator shall determine that such alteration, remodeling, or modernization will not substantially extend the life of any nonconforming building or structure. Any use of a building or

structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming by the addition of parking and/or loading space shall not thereafter be permitted to use such additionally acquired parking and/or loading space to meet requirements for any extension, enlargement, or change of use which requires greater areas for parking and/or loading space.

No nonconforming use of any building or structure or of any land or premises which is nonconforming for reasons other than height, area and/or parking and loading space provisions shall hereafter be extended or enlarged, unless:

1. all extensions or enlargements do not exceed fifty (50) percent of the area of the original building(s) or structure(s) in which the nonconforming use takes place;

2. such extensions or enlargement is authorized by the Planning Commission as a special use.

In considering such authorization, the Planning Commission shall consider the following standards:

1. whether the extension or enlargement with substantially extend the probable duration of such nonconforming use; and

2. whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with the provisions of this Ordinance."

ARTICLE II. SEVERABILITY:

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain valid and in effect.

ARTICLE III. REPEAL AND EFFECTIVE DATE:

This Ordinance is ordered to take effect the eighth day following publication of notice of its adoption in accordance with the Michigan Public Act 110 of 2006 as amended. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Signed: _____   Date: _____
      Henry Reinart
      Monterey Township Supervisor

Signed: _____   Date: _____
      Megan Frank
      Monterey Township Clerk

I, Megan Frank, Clerk of the Township of Monterey, do hereby certify that the above is a true action taken by the Township Board of Trustees on the 2nd day of October, 2023.

Publication date: _____

Effective date: _____