

**ARTICLE 56.0
NONCONFORMITIES**

SECTION 56.01-PURPOSE

Within the districts established by this Ordinance or by amendments thereto, there exist buildings and structures and uses of parcel, lots, buildings and structures which were lawful before this Ordinance was adopted or amended and which would be prohibited, regulated or restricted under this Ordinance. The purpose of this Article is to permit these buildings and structures and uses of parcels, lots buildings and structures, herein referred to as nonconformities, to continue until they are discontinued, damaged or removed but not to encourage their survival. These nonconformities are declared by this Ordinance to be incompatible with the buildings and structures and uses of parcels, lots, buildings and structures permitted by this Ordinance in certain districts.

It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded or extended except as provided herein nor to be used as grounds for adding other buildings and structures and uses of parcels, lots, buildings and structures prohibited elsewhere in the same district. The terms and conditions for resumption, restoration, reconstruction, expansion, extension, substitution, and elimination of nonconformities in the Township are hereby established consistent with the purposes of this Article and Ordinance.

SECTION 56.02-NONCONFORMING USES OF PARCELS AND LOTS

Where, on the date of adoption or amendment of this Ordinance, a lawful use of a parcel or lot, such use not involving any building or structure or upon which parcel or lot a building or structure is accessory to such principal use, exists that is no longer permissible under the provisions of this Ordinance, such principal use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No such nonconforming use of a parcel or lot shall be enlarged, expanded or extended to occupy a greater area of land than was occupied on the date of adoption or amendment of this Ordinance, and no accessory use, building or structure shall be established therewith.
- B. No such nonconforming use of a parcel or lot shall be moved in whole or in part to any other portion of such parcel or lot not occupied on the date of adoption of this Ordinance.
- C. If such nonconforming use of a parcel or lot ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such parcel or lot shall conform to the regulations and provisions set by this Ordinance for the district in which such parcel or lot is located.

SECTION 56.03-NONCONFORMING BUILDINGS AND STRUCTURES

Where, on the date of adoption or amendment of this Ordinance, a lawful building or structure exists that could not be built under the regulations of this Ordinance by reason of restrictions upon lot area, lot width, lot coverage, floor area ratio, height, open spaces or other characteristics of such building or structure or its location upon a lot, such building or structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No such building or structure shall be enlarged, expanded, extended or altered in a way which increases in nonconformance.
- B. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming building or structure or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official, provided that the condition of the building or structure and extent of such work conform to the provisions of this Section. Should any such building or structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

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- C. Should any such building or structure be moved for any reason for any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

SECTION 56.04-NONCONFORMING USES OF BUILDINGS AND STRUCTURES

Where, on the date of adoption or amendment of this Ordinance, a lawful use of a building or structure exists that is not longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No existing building or structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, expanded, extended or altered except in changing the use of such building or structure to a use permitted in the district in which such building or structure is located.
- B. When a nonconforming use of a building or structure is discontinued or abandoned for more than one hundred and eighty (180) consecutive days, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which, it is located.

SECTION 56.05-REPAIRS AND MAINTENANCE

On any building or structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not to exceed ten (10) percent of the then current replacement value of the building or structure, provided that the volume of such building, or the number of families housed therein, or the size of such structure as it existed on the date of adoption or amendment of this Ordinance shall not be increased.

SECTION 56.06-CHANGE OF TENANCY OR OWNERSHIP

There may be a change of tenancy, ownership or management of an existing nonconforming use, building or structure, provided there is no change in the nature or character of such nonconforming use, building or structure.

SECTION 56.07-EXTENSION

A nonconforming use, building or structure shall not be extended unless it fulfills the requirements of ARTICLE 56 of this Ordinance.

SECTION 56.08-COMPLETION OF PENDING CONSTRUCTION

The adoption of this Ordinance shall not limit the construction of any building or structure for which a permit had been obtained prior to its adoption and upon which work had been commenced and carried on within thirty (30) days of obtaining of such permit, even though such building or structure does not conform to the provisions of this Ordinance.

SECTION 56.09-SUBSTANDARD, NONCONFORMING LOTS OF RECORD

In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings or structures may be erected on any single nonconforming lot of record that was lawfully established prior to the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance and, if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel or lot shall be used or sold which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this Ordinance.

Article: 56.0 NONCONFORMITIES**SECTION 56.10-CESSATION OF NONCONFORMITIES BY TOWNSHIP ACTION**

The elimination of nonconforming structures and uses shall be considered to be for a public purpose and for a public use. The Township may acquire private property by purchase, condemnation, or other means for the removal of nonconforming uses. The cost of acquiring the private property may be paid from general funds or assessed to a special district, as provided in the Michigan Zoning Enabling Act. The Township Board may institute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with applicable Michigan statutes.

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