

CHAPTER 1288
Nonconforming Lots, Uses and Structures

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CROSS REFERENCES

- Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581
- Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582
- Regulation of congested areas - see M.C.L.A. Sec. 125.583
- Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

1288.01 COMPLIANCE WITH CHAPTER.

Any lawful use of the land or buildings existing at the date of passage of this Zoning Code, and located in a district in which it would not be permitted as a new use under this Zoning Code, is hereby declared to be a nonconforming use and not in violation of this Zoning Code, provided that a nonconforming use shall be subject to, and the owner thereof shall comply with, this chapter. (Ord. Unno. Passed 12-14-87.)

1288.02 NONCONFORMING USES OF LAND.

Where, at the time of passage of this Zoning Code, lawful use of land exists which would not be permitted by this Zoning Code, and where such use involves no individual structure with an assessed value exceeding five hundred dollars (\$500.00), the use may be continued as long as it remains otherwise lawful, provided:

- (a) No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of this chapter (January 31, 1988).
- (b) No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the effective date of this chapter.
- (c) If any such nonconforming use of land ceases for any reason for a period of more than one year, such land shall conform to the regulations specified by this Zoning Code for the district in which such land is located.
- (d) No additional structure not conforming to the requirements of this Zoning Code shall be erected in connection with such nonconforming use of land.
(Ord. Unno. Passed 12-14-87.)

1288.03 NONCONFORMING USES OF STRUCTURES.

If lawful use involving individual structures with an assessed value of five hundred dollars (\$500.00) or more, or of structure and premises in combination, exists at the effective date of this chapter (January 31, 1988) that would not be allowed in the district under the terms of this Zoning Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located.
- (b) If any such nonconforming use of a structure ceases for any reason for a period of more than one year, such use shall conform to the regulations specified by this Zoning Code for the district in which such use is located.
- (c) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- (d) If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use, provided that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. Whenever a nonconforming use had been changed to a conforming use, or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use.

- (e) Where a nonconforming use status applies to a structure and premise in combination, removal or destruction of the entire structure shall eliminate the nonconforming status of land.
(Ord. Unno. Passed 12-14-87.)

1288.04 NONCONFORMING STRUCTURAL CONFIGURATION.

Where a lawful structure exists at the effective date of this chapter (January 31, 1988) that could not be built under the terms of this Zoning Code by reason of restrictions on area, lot coverage, height, yards, location on the lot or other requirements concerning the structure, such structure may be continued as long as it remains otherwise lawful, subject to the following:

- (a) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity, unless a variance is granted by the Zoning Board of Appeals.
- (b) If any such nonconforming structure is discontinued and abandoned for a period of more than one year, any subsequent use of such structure shall conform to this Zoning Code for the district in which such structure is located.
(Ord. Unno. Passed 12-14-87.)

1288.05 NONCONFORMING LOTS OF RECORD.

In any district in which single-family dwellings are permitted, notwithstanding other limitations imposed by this chapter, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of this chapter (January 31, 1988). This provision shall apply even though such lots fail to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements of the lot, not involving area or width, or both, shall conform to the regulations for the district in which such lot is located.

(Ord. Unno. Passed 12-14-87; Ord. 2003-13. Passed 10-13-03.)

1288.06 REPAIRS AND MAINTENANCE.

On any nonconforming structure or portion of structure containing a nonconforming use, work may be done in any period of twelve consecutive months on ordinary building repairs, or on repair or replacement of fixtures, wiring or plumbing, to an extent not exceeding fifty percent of the State Equalized Valuation of the nonconforming structure or nonconforming portion of the structure, as the case may be, provided that the cubic content existing when it

became nonconforming shall not be increased. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt, except in conformity with the regulations of the district in which it is located.

(Ord. Unno. Passed 12-14-87.)

1288.07 RECONSTRUCTION OF DAMAGED BUILDINGS OR OTHER STRUCTURES.

Nothing in this chapter shall prevent the reconstruction, repair or restoration and the continued use of any nonconforming building or other structure damaged by fire, collapse, explosion, an act of God or an act of a public enemy, subsequent to the effective date of this chapter (January 31, 1988), wherein the expense of such reconstruction does not exceed one-half the replacement value of the entire building or other structure at the time such damage occurred, provided that such restoration and resumption shall take place within six months of the time of such damage and be completed within one year from the time of such damage, and provided, further, that such use is identical to the nonconforming use permitted and in effect directly preceding such damage. Where pending insurance claims require an extension of time, the Building Inspector may grant a time extension, provided that the property owner submits a certification from the insurance company attesting to the delay. Until such time as the debris from the damage is fully removed, the premises shall be adequately fenced or screened from access by persons who may be attracted to the premises.

(Ord. Unno. Passed 12-14-87.)

1288.08 MOVING OF NONCONFORMING BUILDINGS OR OTHER STRUCTURES.

No nonconforming building or other structure shall be moved in whole or in part to another location unless such building or other structure and the off-street parking spaces, yards and other open spaces provided are made to conform to all the regulations of the district in which such building or other structure is to be located. (Ord. Unno. Passed 12-14-87.)

1288.09 CERTIFICATE OF OCCUPANCY.

After the adoption of this chapter, or any amendments thereto, the Zoning Administrator shall prepare a record of all known nonconforming uses and occupations of lands, buildings and structures, including tents, mobile homes, travel trailers and motor homes, existing at the time of adoption of such chapter or amendment. Such record shall contain the names and addresses of the owners of record of such nonconforming use and of any occupant thereof, other than the owner, a legal description of the land and the nature and extent of such use. Such record shall be available at all times in the office of the Zoning Administrator.

(Ord. Unno. Passed 12-14-87; Ord. Unno. Passed 7-10-89.)

1288.10 PLANS ALREADY FILED.

If plans and specifications for a building or other structure have been filed, which would conform with the zoning regulations effective at the date of such filing but not with this Zoning Code, and where a building permit for such building or structure has been issued and construction work started at the effective date of this chapter (January 31, 1988), such work may proceed provided it is completed within one year of such date.

(Ord. Unno. Passed 12-14-87.)