

CHAPTER 1270  
Nonconforming Lots, Uses and Structures

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CROSS REFERENCES

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i  
 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  
 Effect of zoning ordinance on zoning decision in presence of demonstrated  
   need for certain land use - see M.C.L.A. Sec. 125.592

**1270.01 COMPLIANCE REQUIRED.**

All nonconforming structures, nonconforming uses of land or structures, and nonconforming lots shall comply with the provisions set forth in this chapter.

**1270.02 PURPOSES.**

Nonconforming uses, structures and lots are incompatible with and detrimental to permitted uses, structures, and lots in the zoning districts in which they are located; they cause disruption of the comprehensive land use pattern of the City; they inhibit present and future development of nearby properties; and they confer upon their owners and users a position of unfair advantage.

It is the intent of this chapter to recognize that nonconformities are not to be expanded, and that they should be abolished or reduced to conformity as quickly as the fair interests of the parties will permit.

It is the further intent of these provisions that existing nonconformities shall not cause further departures from this Zoning Code, and, therefore, the existence of any present nonconformity anywhere in the City shall not be used as grounds for the issuance of a variance for any other property.

**1270.03 GENERAL PROVISIONS.**

(a) There may be a change of tenancy, ownership, or management of any existing nonconforming use of land or structure, provided that there is no change in the nature or character of such nonconforming use.

(b) Uses of land or structures existing prior to the enactment of this Zoning Code, which are listed as conditional uses in the district in which they are located, shall not be considered as nonconforming uses, but shall be deemed a conforming use in such district without further action.

(c) A nonconforming use may be changed to another nonconforming use provided that the Planning Commission finds the proposed use to be more appropriate to the district than the existing nonconforming use.

(d) Any structure, parcel of land, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter not again be devoted to any use other than those uses which are permitted in the district in which the structure or land is located.

**1270.04 NONCONFORMING STRUCTURES.**

Any nonconforming structure may be continued subject to the following provisions:

- (a) No such structure may be enlarged or structurally altered during its life to an extent exceeding, in aggregate, fifty percent of the assessed value of the building at the time the first permit is issued unless said building is changed to a conforming use, and upon approval of proposed plans by the Zoning Board of Appeals, who shall determine whether the enlargement or alteration will have a detrimental effect on neighboring property.
- (b) Should such structure be destroyed by any means to an extent of more than sixty percent of its true cash value, exclusive of the foundation, at the time of the destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Code.
- (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. 2003-06. Passed 5-12-03.)

**1270.05 NONCONFORMING USES OF STRUCTURES.**

Nonconforming uses of structures may be continued subject to the following provisions:

- (a) Should any structure containing a nonconforming use be moved, for any reason, for any distance, the result of the moving shall be to end the nonconforming use.
- (b) On any structure devoted in whole or in part to any nonconforming use, work in any period of 12 consecutive months on ordinary repairs to ensure proper maintenance and replacement of nonbearing walls, fixtures, wiring, or plumbing with similar materials placed in the same manner may be permitted to an extent not exceeding 50% of the current real value of the structure at the time the permit is issued.
- (c) When a nonconforming use of a structure is discontinued or ceases to exist for six consecutive months or for 18 months during any three-year period, the structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- (d) There may be a change of tenancy, ownership or management of any existing nonconforming structure, provided there is no change in the nature or character of such nonconforming structure.

(Ord. 2006-02. Passed 4-11-06.)

**1270.06 NONCONFORMING USES OF LAND.**

Any nonconforming use of land may be continued subject to the following provisions:

- (a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.
- (b) No such nonconforming use shall be moved, in whole or in part, to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Zoning Code.
- (c) If such nonconforming use of land ceases for any reason for a period of more than 90 days, any subsequent use of such land shall conform to the regulations specified by this Zoning Code for the district in which such land is located.
- (d) There may be a change of tenancy, ownership or management of any existing nonconforming use of land, provided there is no change in the nature or character of such conforming use.

**1270.07 NONCONFORMING LOTS.**

(a) In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Zoning Code, a single-family dwelling and customary accessory structures may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code. 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 not involving area or width, or both, of the lots shall conform to the regulations for the district in which such lot is located.

(b) 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 Zoning Code, and if all or part of the lots do not meet the requirements for lot width and area as established by this Zoning Code, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Code, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this Zoning Code, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Zoning Code.