

## **ARTICLE 17**

### **NON-CONFORMITIES**

**17.1 NONCONFORMING USES: this article is intended to comply with Section 208 of the Michigan Zoning Enabling Act, MCL 125.3208, as amended.**

- A. No nonconforming use of land shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of this Ordinance.
- B. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of this Ordinance.
- C. No additional structure shall be erected in connection with a nonconforming use of land.
- D. Any nonconforming use changed to a conforming use shall not thereafter revert to any nonconforming use.

**17.2 NONCONFORMING STRUCTURES**

- A. A nonconforming structure containing a nonconforming use may be repaired as may be necessary in the interest of public safety or to secure the continued advantageous use of such building, but the right to make repairs shall not constitute a right to alter, enlarge or extend any nonconforming use.
- B. A nonconforming structure containing a conforming use may be repaired, altered or enlarged including second stories provided such changes do not further the manner in which it fails to conform. Therefore, any enlargement shall be wholly located within the setbacks for the Zoning District, shall not exceed the height limitations for the Zoning District, and shall in no way increase any nonconformity on the site.
- C. In altering a nonconforming structure, any nonconforming wall or building section removed from a nonconforming building must be reconstructed in full compliance with the provisions of this Ordinance.
- D. A nonconforming foundation and structure may be expanded only if the expansion is in conformity with the provisions of this Ordinance and where the expansion in no way increases any nonconformity on the site. (see example)
- E. The addition of a second story to a non-conforming structure is allowable as long as it is within the same footprint.