

Chapter 11 - Nonconforming Uses, Buildings, Structures and Parcels

- 11.1. **Nonconforming Uses.** Except where specifically provided to the contrary, and subject to the provisions of this chapter, the lawful use of any building or structure or of any land that exists and is lawful on the effective date of this Ordinance or any amendment thereto may be continued although such use does not conform with the provisions of this Ordinance or any amendment thereto.
- 11.1.1. 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 Ordinance.
 - 11.1.2. No such nonconforming use shall be moved in whole or in part to any other portion of the parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
 - 11.1.3. Any nonconforming use may be extended throughout any parts of a building designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
 - 11.1.4. No existing structure devoted to a use not permitted in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered unless it is changed to a use permitted in the zoning district in which it is located.
- 11.2. **Nonconforming Buildings Or Structures.** Except where specifically provided to the contrary, and subject to the provisions of this chapter, a building or structure which is existing and lawful on the effective date of this Ordinance or amendments thereto, may be maintained and continued although such building or structure does not conform with the provisions of this Ordinance or any amendments thereto.
- 11.2.1. No such structure may be enlarged or altered in a way which increases its nonconformity.
 - 11.2.2. If such structure is moved for any reason, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.
 - 11.2.3. Where two or more legal nonconforming dwellings are located on one parcel, effective on the date of this Ordinance, a dwelling may be removed or replaced if the following conditions are met:
 - a. All requirements applicable to dwellings under this Ordinance shall be met (except for such non-conformity).
 - b. The replacement dwelling is erected within one year of removal of the original dwelling.
 - c. The replacement dwelling shall not be located closer to any boundary line than the original dwelling or 20 feet, whichever is greater.
 - d. The replacement dwelling shall not be located closer than 10 feet to any other building .
 - e. The Hillsdale County Health Department approves the water supply and sewage disposal facilities serving that dwelling.
- 11.3. **Nonconforming Parcel.** If a parcel which is platted, exists or is otherwise of record as of the effective date of this Ordinance does not comply with the area and/or width requirements of its zoning district, then such parcel may be used as authorized by the Planning Commission as a special land use pursuant to the general standards and procedures specified in Chapter 10. However, a parcel which is platted, exists or is otherwise of record as of the effective date of this Ordinance may be used without authorization from the Planning Commission as a special land use if the conditions set forth below are met.
- 11.3.1. The parcel has a minimum lot area of 9,000 square feet.
 - 11.3.2. The minimum side yard is 10 percent of the lot width or 6 feet, whichever is greater.
 - 11.3.3. The minimum lot width is not less than 50 feet.

11.3.4. The minimum rear yard is 25 feet.

11.3.5. The minimum front yard is 25 feet.

11.3.6. Where two or more noncomplying parcels are adjacent to each other and in common ownership, such parcels shall be combined so that the parcel or parcels created by this combination comply with the minimum requirements of this Ordinance.

11.4. **Change Of Nonconforming Use.** A nonconforming use may be changed to another nonconforming use as a special land use if the Planning Commission finds that such new use would decrease the degree of nonconformance and would not adversely affect adjacent properties. Whenever a nonconforming use is changed to a more conforming use, such use shall not thereafter revert to the prior nonconforming use.

11.5. **Discontinuance.** If a nonconforming use is discontinued for a period of 12 consecutive months or more, it may not thereafter be continued. No nonconforming use, if changed to a use permitted in the zoning district in which it is located, shall be resumed or changed back to a nonconforming use.

11.6. **Restoration And Repair.** Only repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made.

11.7. **Damaged Building.** A building or a structure damaged by the elements, act of God or other casualty may be rebuilt or restored to 100% of its size prior to such damage and its use resumed.

11.8. **Building Or Structure Under Construction.** Any building or structure shall be considered existing and lawful, and to have been in use for the purpose for which constructed if on the effective date of this Ordinance a building permit has been obtained therefore and construction is completed within 12 months after the issuance of the building permit.