

**120.330 Nonconforming Uses, Lots or Structures.**

The following regulations shall control nonconforming uses, lots or structures in existence at the time of passage of this Ordinance:

- A. Nonconforming uses, lots or structures in existence at the time of passage of this Ordinance shall not be extended, added to or altered unless such extensions, alterations or additions are in conformity with the provisions of this Ordinance. Notwithstanding, the Township Planning Commission shall have the authority to waive conformity with the provisions of this Ordinance for the extension, addition, alteration, or improvement of a nonconforming use, lot or structure in existence at the time of passage of this Ordinance if such extension, addition, alteration, or improvement does not: (1) increase the non-conformity with the provisions of this Ordinance and (2) does not have a negative impact on the public health, safety or welfare.
- B. If the nonconforming use, lot or structure shall terminate its activity for a continuous period of time exceeding one year, such use shall not be re-established, and any future use, lot or structure shall be in conformity with this Ordinance.
- C. If a nonconforming use, lot or structure is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a nonconforming or less restrictive use.
- D. The lawful nonconforming use of land not involving substantial buildings, nonconforming advertising signs and structures which are not necessary to the permitted uses of substantial structures, and temporary, movable or makeshift buildings, fences and other structures which are accessory to nonconforming uses not involving substantial buildings shall be discontinued and the incidental structures removed within five years from the date of passage of this Ordinance. All subsequent use of such land shall be in conformity with the provisions of this Ordinance.
- E. When a non-conforming structure is damaged or destroyed by fire or other calamity it may be repaired or reconstructed to its original size, shape and design if a building permit therefore is obtained within twelve (12) months from the date of the damage and providing construction is completed within one (1) year from the date of permit issuance.

- F. Agricultural uses that existed at the time of passage of this Ordinance provision shall be deemed to be legal nonconforming uses that may be extended, added to or altered provided such uses are in compliance with the Michigan Right to Farm Act, Public Act 93 of 1981 (the “Act”), and any Generally Accepted Agricultural Management Practices adopted pursuant to the Act. The applicant must prove that such prior agricultural use was a “Farm” or “Farm operation” used in the commercial production of farm products.

[Ord. No. 245, eff 11/26/2017]

[Ord. No. 249, eff 01/29/2019]