

**1.2401 PURPOSE**

It is the purpose of this Article to provide regulations governing buildings, structures and uses of parcels, lots, buildings and structures which were legal before this ordinance was adopted or amended, including legal nonconforming uses, buildings and structures that would be prohibited, regulated or restricted. It is the intent of this Article to permit these buildings and structures and uses of parcels, lots, buildings and structures, referred to as nonconformities, to remain until they are discontinued or removed. These nonconformities are declared to be incompatible with the buildings and structures, and uses of parcels, lots, buildings and structures permitted by this ordinance in certain districts. The regulations contained in this Article are designed to ensure that such uses will be properly regulated so as to result in a minimum of disharmony between those uses and the districts in which they are located.

**1.2402 ALL NONCONFORMING USE OF PARCELS AND LOTS**

Where, on the date of adoption or amendment of this ordinance, a lawful use of a parcel or lot exists, but is no longer permissible under the provisions of this ordinance, such principal use may be continued so long as it remains otherwise lawful subject to the following provisions:

1.2402.1 All nonconforming uses shall be maintained in good condition.

1.2402.2 Nonconforming uses shall not be expanded or increased in intensity of use. For the purposes of this section increases in the intensity of use shall include, but shall not be limited to, activities such as the addition of one or more dwelling units, the provision of additional manufacturing storage or selling area, or the addition of facilities which would allow the establishment of another use or other uses.

1.2402.3 Nonconforming uses shall not be reestablished after discontinued use and/or abatement of use for a period of 240 consecutive days.

**1.2403 NONCONFORMING STRUCTURES AND BUILDINGS**

Nonconforming structures shall not be altered or expanded without the prior approval of the Planning and Zoning Commission, except that structural alterations or extensions which do not add to the bulk of structure or increase the intensity of use of the structure shall not require prior approval of the Planning/Zoning Commission.

**1.2404 REESTABLISHMENT**

Nonconforming structures shall not be reestablished in their nonconforming condition in any zoning district after damage or destruction of the nonconforming structure, if the estimated expense of reconstruction exceeds fifty (50) percent of the appraised replacement cost of the entire building or structure exclusive of foundations. In cases where the cost does exceed fifty (50) percent, the nonconforming structure shall not be replaced unless it shall comply with the provisions of this ordinance, except that if the building or structure is nonconforming due only to its having an insufficient setback or due to its being located on a site having a size, width (or both), less than prescribed in the applicable sections of this ordinance, it may be replaced if it complies with other regulations of this ordinance. The estimated expense of reconstruction shall be determined by the Manlius Township Zoning Administrator after consultation with the Allegan County Building Inspector. Persons aggrieved by the determination of the estimated replacement cost by the Zoning Administrator may appeal the determination to the Board of Appeals.

**1.2405 NONCONFORMING LOTS OF RECORD**

Notwithstanding limitations imposed by other provisions of this ordinance, in any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings or structures may be permitted on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as the date of adoption of this ordinance. This provision shall apply even though the lot fails 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 lot shall conform to the regulations for the district in which the lot is located.