

VILLAGE OF LAWRENCE
COUNTY OF VAN BUREN, STATE OF MICHIGAN

ORDINANCE NO. _____

ADOPTED: _____

EFFECTIVE: _____

AN ORDINANCE TO REPEAL AND REPLACE
THE CODE OF THE VILLAGE OF LAWRENCE, CHAPTER 32 ZONING, ARTICLE IV
SUPPLEMENTAL REGULATIONS, SECTION 32-539 NONCONFORMING LOTS; USES OF
LAND; STRUCTURES; PREMISES

Said ORDINANCE repealing and replacing THE CODE OF THE VILLAGE OF LAWRENCE, CHAPTER 32 ZONING, ARTICLE IV SUPPLEMENTAL REGULATIONS, SECTION 32-539 NONCONFORMING LOTS; USES OF LAND; STRUCTURES; PREMISES, is adopted at a REGULAR meeting of the VILLAGE COUNCIL held on ___-___-2024 at 7:00 P.M., Village Hall, 157 N. Paw Paw St Lawrence, Michigan 49064

WHEREAS, The Code of Ordinances of the Village of Lawrence includes Chapter 32 Zoning, Article IV Supplemental Regulations, Section 32-539 Nonconforming lots; uses of land; structures; premises; and

WHEREAS, It is necessary to repeal and replace Chapter 32 Zoning, Article IV Supplemental Regulations, Section 32-539 Nonconforming lots; uses of land; structures; premises in order to promote the public health, safety, and general welfare of the residents of the Village of Lawrence.

THE VILLAGE OF LAWRENCE
VAN BUREN COUNTY, MICHIGAN
ORDAINS:

SECTION I

REPEAL AND REPLACEMENT OF CHAPTER 32, ARTICLE IV SECTION 32-539 REGARDING
Nonconforming lots; uses of land; structures; premises

Repeal of Chapter 32, Article IV, Section 32-539

Chapter 32, Article IV, Section 32-539 is hereby repealed and replaced with:

Chapter 32, Article IV, Section 32-539 NONCONFORMING LOTS; USES OF LAND;
STRUCTURES; PREMISES

Section 32-539. - Nonconforming lots; uses of land; structures; premises.

(a) Intent. Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions or requirements of this chapter or a subsequent amendment, but which

were lawfully established prior to the time of adoption of the chapter or amendment. Such nonconformities are not compatible with the current or intended use of land in the district in which they are located. Therefore, it is the intent of this chapter to permit such nonconformities to continue under certain conditions, but to discourage their expansion, enlargement, or extension. Accordingly, the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension, and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

(b) The following table summarizes the nonconforming regulations contained in this article:

Summary of Nonconformity Regulations	
Issue	Requirements
Change to a different nonconforming use	Not allowed
Change in ownership	No effect on nonconformity
Expansion of nonconforming use	Not allowed
Expansion of nonconforming building/structure	Generally allowed; no expansion of nonconformity allowed
Maintenance; structural repairs	Generally allowed
Renovation; modernization	Generally allowed
Rebuilding after catastrophe	Generally allowed; no expansion of nonconformity allowed
Nonconforming contiguous lots under same ownership	Must be combined if vacant

(c) General Requirements. The following regulations shall apply to all nonconforming uses, structures, and lots:

(1) Continuance of nonconforming uses and structures. Only lawful nonconforming uses or structures in existence at the time of passage of this chapter or amendments thereof, may be continued, but shall not be extended or added to unless each such extension or addition is in conformity with the provisions of this chapter. Land now occupied by an illegal nonconforming use or structure shall not be eligible for any variance or zoning permit until the illegal nonconformity is removed.

(2) Change of use or structure. A nonconforming use may be changed to another nonconforming use if the zoning board of appeals finds that such new use would markedly decrease the degree of nonconformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a nonconforming use to a prior nonconforming use, not to waive the other provisions of this chapter.

(3) *Nonconforming due to reclassification.* The foregoing provisions of this chapter shall also apply to buildings, land or uses which thereafter become nonconforming due to any reclassification or districts or any subsequent change in the regulations of this chapter.

(4) *Discontinuance of nonconforming uses.* If the nonconforming use of any land shall terminate for a continuous period of over 12 months or more, such use shall not be re-established and any future use of such land or structure shall be in conformity with this chapter.

(d) Nonconforming uses or buildings/structures. No nonconforming use or building/structure shall be enlarged, extended, or structurally altered except as permitted in this section.

(1) Alteration, expansion, extension, and enlargement.

- i. *Alterations.* Alterations of an existing nonconforming structure may be permitted if the alteration does not extend beyond the existing building envelope of the structure.
- ii. *Additions.* Any additions or expansions to an existing nonconforming structure may be permitted if the addition/expansion complies with all dimensional standards of the zoning district in which it is located.

iii. *Restoration and repair.*

- a. Such repairs and maintenance work as are required to keep a nonconforming building or structure in a sound condition may be made.
- b. In the event a nonconforming building/structure is damaged by fire, wind, or an act of God or the public enemy, the same may be rebuilt or repaired provided it does not exceed the size, floor area, height, and/or placement of the original building/structure and may not result in an increase of any nonconformity.

(2) Removal of a nonconforming structure. Should any portion of a nonconforming building be voluntarily demolished; it may be reconstructed in its nonconforming location.

(e) Nonconforming lots of record. The following regulations shall apply to any nonconforming lot of record or nonconforming lot described in a deed or land contract executed and delivered prior to the effective date of this chapter or amendment thereto:

- (1) Use of nonconforming lots. Any nonconforming lot shall be used only for a use permitted in the district in which it is located. Notwithstanding limitations imposed by other provisions of this chapter, a permitted use may be erected on any single lot of record in existence at the effective date of adoption or amendment thereto. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare.
- (2) Area and bulk requirements. No division of any parcel shall be made which creates a lot with area or width/frontage less than the area or bulk requirements of this chapter or the zoning district in which it is situated.

- (3) Nonconforming contiguous lots under the same ownership. If a nonconforming lot of record abuts one or more nonconforming lots of record in the same ownership, such lots shall be combined and considered as one lot for the purposes of this chapter. No portion of the combined lots shall be used, occupied, or sold in a manner which diminishes compliance with lot area or frontage requirements of this chapter, nor shall any division of the combined lot be made which creates a lot with area or width/frontage less than the requirements stated in this chapter. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing principal use/building.
- (4) Combination of nonconforming lots. The Village Assessor may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this chapter, provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area and setback requirements of this chapter.

SECTION III
SEVERABILITY

The provisions of this Chapter are hereby declared to be severable, and should any provision, Section or part thereof be declared to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, Section or part thereof involved in such decision and shall not affect or invalidate the remainder of this Chapter, which shall continue in full force and effect.

SECTION IV
REPEAL

All other ordinances and parts of ordinances, or amendments thereto, of Lawrence Village in conflict with the provisions of this Chapter are hereby repealed. However, a prosecution that is pending on the effective date of this ordinance and that arose from a violation of an ordinance repealed or amended by this ordinance, or a prosecution that is started within 1 year after the effective date of this ordinance arising from a violation of an ordinance repealed or amended by this ordinance and that was committed before the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed or amended.

SECTION V
UNCHANGED

All other acts, Sections, and provisions of the Village's codification and ordinances shall remain in full force and effect except as changed by this Chapter.

SECTION VI
RECODIFICATION

The Code of Ordinances is hereby amended to recodify the numbering of chapters, articles, acts, Sections, and provisions to conform to a standard or model codification scheme established by Ordinance. The above repeal and replacement may be inserted into the respective chapter, article, Section, and other designations not necessarily contained herein.

SECTION VII
EFFECTIVE DATE

This Ordinance shall take effect 7 days after publication.

Motion offered by _____ and supported by _____.

Roll Call Vote: Yes: _____

 No: _____

ORDINANCE DECLARED ADOPTED

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance adopted by the Lawrence Village Council at a regular meeting held on _____, 20__, at ____ p.m., pursuant to the required statutory notice and procedures. Publication occurred in the Courier Leader on _____. No copy is on file with the County Clerk as the Village maintains regular hours during each business day.

TERESA STROUD, Manager
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