

Sec. 30-507. - Nonconforming uses and structures.

- (a) **Nonconforming uses and structures within the city are those which do not conform to a zoning provision or requirement of this article VIII, but were lawfully established prior to December 18, 1986, or lawfully established prior to any amendment of this article VIII.** Class A nonconforming uses or structures are those which have been designated by this article or the zoning board of appeals, after application by an interested person or the zoning administrator, upon findings that continuance of such use or structure would not be contrary to the public health, safety or welfare, or the spirit of this article; that the use of the structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; and that no useful purpose would be served by strict application of the provisions or requirements of this article with which the use or structure does not conform. All nonconforming uses and structures not designated as class A are class B nonconforming uses or structures.
- (b) All residential structures lawfully existing on December 18, 1986, are designated as class A nonconforming uses with the right to alter, enlarge and rebuild within the limits set forth in this article for R-2 zoning districts.
- (1) *Procedure for obtaining class A designation; conditions.* A written application shall be filed setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains, and including such other information as may be necessary to enable the zoning board of appeals to make a determination on such designation. The zoning board of appeals may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the zoning board of appeals shall be the same as in the case of an application for variance. The decision on such application shall be in writing and shall set forth the findings and reasons on which such decision is based. Any conditions shall be attached to the notice, including any time limit, where necessary, to assure that the use or structure does not become contrary to the public health, safety or welfare, or the spirit and purpose of this article. A vested interest shall not arise of a class A designation, whether it arises from designation in this article or by action of the zoning board of appeals.
- (2) *Revocation of class A designation.* A class A designation shall be revoked, following the same procedure required for designation, upon a finding that, as a result of any change of conditions or circumstances, the use or structure no longer qualifies for a class A designation.
- (3) *Regulations for class A nonconforming uses and structures.* A class A nonconforming use shall not be resumed if it has been abandoned or has been changed to a conforming use for any period of time. A class A structure shall not be used, altered or enlarged in violation of any condition imposed in the designation of such structure as a class A nonconforming structure.
- (4) *Regulations for class B nonconforming uses and structures.* It is the purpose of this article to eliminate class B nonconforming uses and structures as rapidly as permitted by law without payment of compensation. A class B nonconforming use shall not be resumed if it has been abandoned or has been changed to a conforming use for any period of time, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such structure. A class B nonconforming structure shall not be enlarged or structurally altered, nor shall it be repaired or reconstructed if it has been damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such structure. A class B nonconforming use shall not be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming.
- (c) The legislative body may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses and structures. The legislative body may provide that the cost and expense of acquiring private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in local units of government. Property acquired under this subsection by a city shall not be used for public housing.
- (d) The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The legislative body may institute proceedings for condemnation of nonconforming uses and structures under 1911 Public Act No. 149, MCL 213.21 to 213.25.

(Code 1976, § 150.37; Ord. No. 453, § 511, 12-8-1986; Ord. No. 574, 10-27-2008)

State Law reference— Nonconformities, MCL 125.583a.

Sec. 30-548. - B-2 district.

- (a) *Scope and intent.* This section applies to the B-2 district. The intent of the B-2 district is to establish and preserve general commercial areas within the city that are convenient and attractive for a wide range of retail uses and business, government and professional offices. The intent of this district is to encourage the concentration of commercial business to the mutual advantage of both the consumers and merchants and thereby promote the best use of land at certain strategic locations.
- (b)

Permitted principal uses. Permitted principal uses within the B-2 district shall include retail establishments selling gifts, hardware, clothing, drugs, groceries, sporting goods, antiques, baked goods, arts and crafts, studios, beauty shops and barbershops, banks, restaurants, cocktail lounges, offices, clinics, personal service establishments, hotels, motels, funeral homes, theaters (except drive-in), and gas stations. Residential occupancy shall be permitted above the ground floor in the district.

(c) *Conditional uses.* Conditional uses within the B-2 district shall include open-air business uses, such as sales and rental establishments for trailers, mobile homes, boats, farm equipment, automobile dealers for new or used cars, and the same conditional uses as permitted in the R-3 district.

(d) *Prohibited uses.* Prohibited uses within the B-2 district shall include junkyards.

(Code 1976, § 150.11; Ord. No. 453, § 207, 12-8-1986; Ord. No. 503, § 207, 2-26-1996)

Cross reference— Businesses, ch. 10.

State Law reference— Mandatory permitted uses, MCL 125.583b, 125.583c.