

TOWNSHIP OF FOREST
ZONING ORDINANCE

ARTICLE 7: Non-conforming Lots, Uses, and Structures

Section 7.01 - Continued Non-Conformities Permitted

Within the districts established by this Ordinance there are lots, structures, and uses, which were lawful before adoption of this Ordinance and future amendments, but no longer conform with requirements in this ordinance. These non-conformities may continue until they are removed.

Section 7.02 - Non-Conforming Lots of Record

A single-family dwelling and customary accessory buildings may be erected on any lot of record at the effective date of adoption of this Ordinance, provided the width, and area is not less than fifty (50%) percent of that required by this Ordinance and setback requirements are met. Construction on a non-conforming lot of record for any other use requires approval of a variance. Where two or more non-conforming lots of record are adjacent and owned by the same person as of the date of this ordinance they shall be considered one parcel and may not be divided except in compliance with this ordinance.

Section 7.03 - Non-Conforming Structures

A legal non-conforming structure may be continued, subject to the following provisions:

- A. A non-conforming structure may not be enlarged or altered in any way which increases its non-conformity. A change that increases its non-conformity is one that increases the square footage that lies within a required setback.
- B. If a non-conforming structure is destroyed by any means to an extent of more than seventy-five (75%) percent of its value, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The value of the structure for the purpose of this calculation shall be equal to twice its listed SEV. The value of improvements shall be calculated by the Township Building Inspector.
- C. A structure may not be moved on the lot or onto another lot unless it is brought into compliance with the Zoning Ordinance.

Section 7.04 - Non-Conforming Uses

A legal non-conforming use may be continued, provided:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land, additional structures, or additional parts of structures, than that occupied at the effective date of adoption of this Ordinance.
- B. If any such non-conforming use ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use shall conform to this Ordinance. This requirement does not apply to the non-conforming use of land to grow crops.
- C. No additional structures shall be erected in connection with any non-conforming use.
- D. If a structure housing a non-conforming use is destroyed by any means to an extent of more than seventy-five percent (75%) of its value, the future use of a repaired structure shall conform to this ordinance.

E. A non-conforming use may not change to another use unless it conforms to this ordinance. For the purpose of this section the term "use" is to be defined narrowly. For example, a bookstore is a different use than a shoe store even though both are retail uses.

Section 7.05 - Repairs and Maintenance

On any building housing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building which is two times its State Equalized Value, provided that the size or shape of the building is not changed. Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 7.06 - Change of Tenancy or Ownership

As long as there is no change in the character or nature of the nonconformity, a change of tenancy or ownership is allowed.

Section 7.07 - Illegal Nonconformities

Nonconforming uses, structures or parcels that were established in violation of the zoning ordinance in effect when at that time shall be declared illegal nonconformities and are not entitled to the status and rights accorded legally established nonconformities.