

ARTICLE 19
NONCONFORMING STRUCTURES AND USES

1901 PURPOSE

The purpose of this Article is to provide for the terms and conditions upon which nonconforming structures and uses may be used, extended, continued, repaired, improved, abandoned and terminated.

1902 DEFINITIONS

A. "Abandoned" means to cease to use or occupy a structure or land for its allowed use for the period specified in this Ordinance.

B. "Nonconforming Structure" means a structure or portion thereof, existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance or to the use regulations of the district in which it is located.

C. "Non-conforming lot or use" means a lot or use of land or any structures or portion thereof, existing at the effective date of this Ordinance or amendments thereto, and which does not conform to the provisions of this Ordinance or of the district in which it is located.

D. "Structure" means anything (including a building) constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Also see Article 4 for other definitions.

1903 CONTINUATION OF NONCONFORMING STRUCTURES AND USES

Nonconforming structures and nonconforming uses of structures and land, which were lawful at the time of the commencement of such use may be continued subject to the provisions of this Article.

1904 EXTENSIONS OR CHANGES IN THE NONCONFORMITY

The nonconforming nature or use of a structure or lot shall not be extended, increased, or enlarged in any manner unless such new use fully complies with the provisions of this Ordinance applicable to the zone in which such use is located.

1905 ABANDONMENT

Whenever a nonconforming use of a structure or land shall be abandoned for a period of more than ninety (90) consecutive days, such use shall not thereafter be re-established or continued in any manner unless such use is made to conform to the provisions of this Ordinance.

1906 NONCONFORMING USE BROUGHT INTO COMPLIANCE -- NO REVERSION

If a nonconforming structure or a nonconforming use of a structure or land is changed or altered in any manner so as to bring it into compliance with the provisions of this Ordinance applicable to the zone in which it is located, such structure or use of a structure or land shall not thereafter be changed back to a nonconforming use or structure.

1907 UNDERSIZED LOTS

If two (2) or more lots, one (1) or more of which does not comply with the area or lot line requirements of this Ordinance, become owned by the same person(s) or entity, the result of which is to create a combined parcel of land which complies with this Zoning Ordinance's lot area and lot line requirements, such parcel shall not be returned to separate ownership except to the extent that the resulting separate parcels shall all comply with this Ordinance.

1908 IMPROVEMENTS

Nothing in this Ordinance shall prohibit the improvement or modernizing of a lawful nonconforming structure provided that such improvement or modernizing does not increase the height, area, bulk or use of such structure.

1909 REPAIRS

Any lawful nonconforming structure may be repaired during its normal useful life to correct deterioration, obsolescence depreciation, and normal wear and tear, provided that such repair does not exceed an aggregate cost of thirty percent (30%) of the assessed value (not taxable value) of the structure.

1910 RESTORATION OF DAMAGE

Any lawful nonconforming structure damaged by fire, explosion, flood or other act

of God, may be restored or rebuilt provided that such restoration or restructure does not exceed sixty percent (60%) of such structure's assessed value (not taxable value).

1911 PRIOR CONSTRUCTION APPROVAL

When, on the effective date of this Ordinance or any amendment thereto, a zoning and billing permit has been issued for the construction or erection of a nonconforming structure, such structure may be completed in accordance with the billing permit and shall thereafter become a nonconforming structure, provided that construction is commenced within ninety (90) days after the issuance of the zoning and billing permit (whichever is later) and that construction is carried on diligently and in accordance with the billing permit and completed within two (2) years.

1912 ZONE MAP CHANGES

Whenever the boundaries of a zone shall be changed by amendment to this Ordinance so as to transfer land from one zone to another of a different classification or having different regulations, lawful structures and lawful uses of structures and land existing on the effective date of such amendment shall become nonconforming structures or uses of structures or land as a result of the boundary changes.

1913 ELIMINATION OF ILLEGAL STRUCTURES AND USES

In accordance with Act 272 of the Public Acts of Michigan of 1947, as amended, the Township Board may acquire by condemnation or other means, properties on which illegal structures or uses are located and may remove such uses, structures, or may be used by the Township for a public use.