

ARTICLE 6:

NONCONFORMING BUILDINGS, STRUCTURES, USES, LOTS, AND SIGNS

Section 6.0 - Nonconforming Buildings and Structures

If a structure is nonconforming because of height, floor area, parking or loading space provisions of this Ordinance, it may be extended, enlarged, altered, remodeled or modernized to comply with these provisions. Once in compliance, no structure or use shall again become nonconforming in these categories. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is in the best interest of Secord Township that these nonconformities be discontinued as circumstances permit.

A. Maintenance of Nonconforming Buildings and Structures

Nothing in this Ordinance shall prevent such necessary repairs and incidental alterations of a nonconforming building existing on the effective date of this Ordinance as may be necessary to secure a reasonable advantageous use thereof during its natural life.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Gladwin County Building Official.

B. Completion of Nonconforming Buildings and Structures

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure if the construction of such building or structure has been substantially under way on the effective date of this Ordinance.

C. Damaged or Total Destruction of Nonconforming Building or Structure

Any building or structure, whether it be nonconforming because of the building itself or the lot on which it is located, may be reconstructed to its original configuration in the event it is destroyed or partially destroyed by explosive, fire, or other acts of God or the public enemy.

The Secord Township Zoning Board of Appeals shall make such determination based on the Request for Land Use Variance to repair, replace or modify the above-mentioned non-conforming structure.

Any debris that is remaining as a result of the destruction or damage shall be removed from the site within thirty (30) days of said damage or destruction. A new Zoning Permit and an approved Land Use Variance is required before any work or reconstruction is started. The Zoning Permit and Land Use Variance must be obtained within twelve (12) months from the date of the damage.

D. Alterations of a Nonconforming Building or Structure

1. Structural alterations which do not increase the nonconformity of the building or structure shall be permitted with an approved Zoning Permit.
2. Nothing in this Ordinance shall prevent the modification of a building without limit when doing so to comply with barrier-free requirements and the Americans with Disabilities Act. If modifications require structural revisions a Zoning Permit is required.
3. Expansion or modification of a structure does not remove the non-conformance unless the expansion or modification actually removes the nonconformity.

E. Moving of a Nonconforming Building or Structure

No such nonconforming building or structure shall be moved in whole or in part to any other portions of the lot or parcel occupied, other than to correct or lessen the nonconforming conditions.

Section 6.1 - Nonconforming Uses

The lawful use of any premises existing at the time of the adoption of this Ordinance may be continued, although such use does not conform to provisions of this Ordinance.

A. Abandonment of a Nonconforming Use

If a property owner has the intent to abandon a nonconforming use or structure and in fact abandons a nonconforming use or structure for a period of one (1) year or more, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use or structure, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the nonconforming use have been removed.
4. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.

5. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

B. Change of Nonconforming Use

No nonconforming use shall be changed to other than a conforming use, nor shall any use be reverted to a former nonconforming use after said use has been changed to a conforming use.

Any nonconforming use may be changed to another nonconforming use provided the new use is equally or more appropriate to the district than the existing nonconforming use. The Planning Commission shall make the determination as to what is more appropriate to the District.

C. Extension of Nonconforming Use

A Special Use Permit for extension of a nonconforming use throughout a building or parcel of land not completely occupied by such nonconforming use on the effective date of this Ordinance may be granted by the Planning Commission when not contrary to the purposes of the Ordinance or the District. Extension of a nonconforming use throughout a building or structure does not remove nonconforming status.

Section 6.2 - Nonconforming Lots of Record

Except as provided in §6.3, any nonconforming lot of record may be used for any purpose authorized by the district in which it is located. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.

Section 6.3 - Nonconforming Contiguous Parcels

If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels, or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance.

Section 6.4 - Nonconforming Signs

- A. Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.

- B.** No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
- C.** A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Zoning Ordinance or as allowed in **§6.4.D.**
- D.** If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be cleared from the land. For purposes of this section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
- E.** Subject to the other provisions of this section, nonconforming signs may be repaired, maintained, serviced or repainted so long as the cost of such work does not exceed, within any twelve (12) month period, fifty (50) percent of the value of such sign.
- F.** If a nonconforming sign, other than an off-premise sign, advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed by the owner of the sign, the owner of the property where the sign is located, or the party having control over such sign within thirty (30) days after such abandonment.
- G.** If a nonconforming off-premise sign remains blank for a continuous period of one hundred eighty (180) days, that off-premise sign shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this Zoning Ordinance or be removed by the owner of the sign, the owner of the property where the sign is located, or the persons having control over such sign. For purposes of this section, a sign is “blank” if:

 - 1.** It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
 - 2.** The advertising message it displays becomes illegible in whole or substantial part; or
 - 3.** The advertising copy that either has been paid for by a party other than the sign owner or promotes an interest other than rental of the sign has been removed.