

ARTICLE XIII

NONCONFORMING BUILDINGS AND USES

SECTION 13.01 Continuation of Nonconforming Building and Uses

Building and structures and uses of buildings and structures and uses of land which were lawful prior to the adoption of the Wheatland Township Zoning Ordinance of 1999, as amended, may be continued, although such structure, building or use does not conform to the provisions and regulations of this Ordinance, subject to the limitations, conditions and the requirements set forth herein.

SECTION 13.02 Structural Changes

No building, structure or land or the use thereof shall be structurally changed, altered, enlarged or increased or moved in whole or in part unless the change, alteration, enlargement or expansion does not increase the nonconformity and complies with all use and site development regulations for the district in which it is located.

SECTION 13.03 Abandonment

Whenever a nonconforming use of land shall be abandoned for a period of more than one hundred and eighty (180) consecutive days, it shall not thereafter be re-established or continued in any manner unless such use conforms to the provisions of this Ordinance applicable to the district in which it is located.

SECTION 13.04 Reversion of Nonconforming Use Building or Structure

If a nonconforming building or structure, a nonconforming use of a building or 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 district in which it is located, such building or structure, use of building or structure, or use of land shall not thereafter be changed back to a nonconforming use, building or structure.

SECTION 13.05 Improvements

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

SECTION 13.07 Repairs

Any lawful nonconforming building or 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 fifty (50) per cent of the assessed value of the building or structure.

SECTION 13.08 Restoration of Damage

Any lawful nonconforming use damaged by fire, explosion, flood or other act of God, may be restored or rebuilt provided that such restoration or rebuilding meets applicable building codes, is commenced within one hundred and eighty (180) days after the date the damage occurs, is completed within one (1) year after the date the damage occurs, and does not add to the nonconformity of the structure.

SECTION 13.09 Prior Construction Approval

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

SECTION 13.10 District Changes

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

SECTION 13.11 Elimination of Illegal Buildings, 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 buildings or structures or uses are located and may remove such uses, buildings or structures or may be used by the Township for a public use. The cost and expenses of such acquisition may be assessed against the real property, or may be paid from other sources of revenue.