

**ZONING ORDINANCE
KEARNEY TOWNSHIP
ANTRIM COUNTY MICHIGAN**

ARTICLE II
NONCONFORMING BUILDINGS AND USES

Section 2.01 MAINTENANCE. Nothing in this Ordinance shall prevent 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.

Section 2.02 COMPLETION. Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure, the construction of which shall have been substantially under way on the effective date of this Ordinance.

Section 2.03 RESTORATION AND REPAIR. Such repairs and maintenance work as are required to keep a nonconforming building or structure in a sound condition may be made. In the event any nonconforming building or structure shall be damaged by fire, wind, or an act of God or the public enemy, it may be rebuilt or restored provided the cost thereof shall not exceed one hundred (100%) percent of the assessed valuation of such building or structure for tax purposes after such rebuilding or restoration; * said determination to be made by the Zoning Administrator. In the event any nonconforming building or structure shall be damaged by fire, wind, or an act of God or the public enemy and the cost of rebuilding or restoration shall exceed one hundred (100%) percent of the assessed valuation of such building or structure for tax purposes after rebuilding or restoration, the same shall be permitted only with approval of the Board of Appeals which approval shall be granted only upon a finding:

1. That such rebuilding or restoration will not substantially extend the probable duration of such nonconforming use, or
2. That circumstances are such that the land previously occupied by such nonconforming use cannot then be advantageously used for a use permitted in the zone.
3. That such rebuilding or restoration will reduce the nonconforming nature of the building or use.

Section 2.04 ALTERATIONS. A nonconforming building may not be reconstructed or structurally altered during its life to an extent in aggregate cost fifty (50%) percent of the * value as determined by a qualified appraiser unless said building is changed to a conforming use.

Section 2.05 DISCONTINUANCE OF NONCONFORMING USE. Whenever a nonconforming use has been discontinued for a period of one (1) year, such use shall not hereby be reestablished and any future use shall be in conformity with this Ordinance.

Section 2.06 CHANGE OF NONCONFORMING USES. No nonconforming use shall be changed to other than a conforming use, nor shall any use be reverted to a former nonconforming use after use has been changed to conforming use.

Section 2.07 EXTENSION OF NONCONFORMING USES. Special approval for extensions 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 Zoning Board of Appeals when not contrary to the purpose of the Ordinance of the District. Application for such approval shall be made through the office of the Zoning Administrator.

Section 2.08 SUBSTANDARD LOTS. Any lot which has less area and/or width and which was a lot of record or was held under separate ownership on the effective date of this Ordinance, may be occupied by any use otherwise qualified in the Zoning District, provided the Zoning Board of Appeals shall, on written application through the office of the Zoning Administrator, prescribe the side yard and setback requirements.

*Administrative Note, Sec. 2.03, ZBA decision, 70200: *rebuilding or restoration may be at full replacement value.*

*Administrative Note, Sec. 2.04, ZBA decision, 62300: *up to 50% of appraised value.*