Presque Isle Township
Ordinance No. 2 - 2026

AN ORDINANCE TO AMEND THE PRESQUE ISLE TOWNSHIP ZONING ORDINANCE CONCERNING NONCONFORMITIES.

PRESQUE ISLE TOWNSHIP HEREBY ORDAINS:

Section 1: Amendment of Section 3.25 of the Presque Isle Township Zoning Ordinance

Section 3.25 (Nonconformities) of the Presque Isle Township Zoning Ordinance is hereby amended as follows:

E. **Nonconforming Structures.**

Where a lawful structure exists at the time of adoption or amendment of this Ordinance and does not conform, after Ordinance adoption or amendment, to the minimum requirements of area, parcel coverage, height, setbacks, location on the parcel, or other requirements, such structure shall be allowed to exist, provided it is otherwise lawful and shall be subject to the following provisions:

1. **Alterations**. Such nonconforming structure shall not be enlarged, altered, or remodeled in a way which increases the degree of nonconformity; it may be altered in a manner which brings it into greater conformance with this Ordinance or which does not make it more nonconforming. Degree of nonconformity shall include increasing the extent of the nonconformity or expanding the area or volume of the portion of the building or structure that is nonconforming.

2. **Relocation of Nonconforming Structures**. Should such structure, which is nonconforming due to setbacks, be moved to another parcel or to another location on the same parcel, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

H. Damage or Destruction.

1. **Nonconforming Structures**. If more than twenty percent (20%) of the ground floor area (footprint) of a nonconforming structure is damaged or destroyed by natural or accidental means, its reconstruction shall only occur in conformance with this Ordinance. If any portion of a nonconforming structure is damaged or destroyed by purposeful means, that portion of the structure shall not be rebuilt except in conformance with this Ordinance. “Natural means” shall not include deterioration of the structure.

2. **Nonconforming Uses**. If a lawful nonconforming use is damaged or destroyed by any means, it shall be allowed to be restored, rebuilt, or repaired to its original use and configuration.

3. **Timeframe**. Restoration or reconstruction of a nonconforming structure or a nonconforming use shall begin within six (6) months of the date of the damage or destruction. A land use permit shall be required. All work shall be completed within one (1) year of the date of issuance of the land use permit. When a

delay in reconstruction or repair is caused by factors out of the permit holder's control, the Zoning Administrator may extend the land use permit beyond the expiration date.

4. **Reconstruction of Previously Existing Nonconforming Rental Lodging Units**. Nothing in this Ordinance shall prohibit the reconstruction, repair, or restoration of nonconforming rental lodging units damaged by fire, explosion, collapse, or acts of public enemy if these rental lodging units meet the following provisions:

   a. Two (2) or more Rental Lodging Units including the nonconforming rental lodging unit being reconstructed are used as income rental business, and

   b. The owner provides proof of the nonconforming rental lodging unit being used as a rental business in the form of income tax forms and/or personal property tax records.

   Any construction on affected property where the nonconforming rental unit is to be restored or reconstructed shall be done by Special Use Permit in accordance with **Article 6.** The reconstruction, repair, or rebuilding of the nonconforming rental lodging unit shall have the same square footage of living space with the same character of design as the original if the rental lodging unit was one thousand (1,000) square feet or more. Rental lodging units less than one thousand (1,000) square feet may be increased up to one thousand (1,000) square feet if the property can accommodate the increase.

5. **Required Barriers**. Until such time as debris from the damaged building or structure is completely removed or repaired, the owner shall be required to provide a barrier which will adequately prevent access by children attracted to the premises.

Section 2: Severability

If any clause, sentence, paragraph, or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Effective Date

The ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

Ordinance No. __-2026 was adopted on the _____ day of _____, 2026, by the Presque Isle Township Board as follows:

Motion by: _____

Seconded by: _____

Yeas: _____

Nays: _____

Absent: _____

_____ _____

, Clerk Stephen Lang, Supervisor

I certify that this is a true copy of Ordinance No. ____-2026 that was adopted at a regular meeting of the Presque Isle Township Board on _____, 2026 and published in the Presque Isle County Advance on _____, 2026.

Dated: _____ _____

, Clerk