

# **ARTICLE I. GENERAL PROVISIONS**

## **Section 101. SHORT TITLE**

This Ordinance shall be known as the Wayne Township Zoning Ordinance.

## **Section 102. PURPOSES**

- A. Promoting and protecting the public health, safety and general welfare.
- B. Protecting the character and the stability of the agricultural, recreational, residential, commercial and other areas within the Township and promoting the orderly and beneficial development of such areas.
- C. Regulating the intensity of use of land and lot areas and determining the area of open space surrounding buildings and structures necessary to provide adequate light and air to protect the public health and convenience of access to property.
- D. Lessening and avoiding congestion on the public highways and streets.
- E. Providing for the needs of agriculture, recreation, residence, commerce and other land uses in future growth.
- F. Preserving agricultural lands which have been determined within the Land Use Plan to be essential to the stability and future economic well being of the Township.
- G. Fixing reasonable standards to which buildings and structures shall conform.
- H. Prohibiting uses, buildings or structures which are incompatible with the character of development or the uses, buildings or structures permitted within specified zoning districts.
- I. Protecting against fire, explosion, noxious fumes and odors, dust, smoke, glare, noise and other nuisances and hazards in the interest of the public health, safety and general welfare.
- J. Conserving the taxable value of land, buildings and structures throughout the Township.
- K. Providing for the completion, extension, substitution or elimination of nonconforming uses.

### **Section 103. CONFLICT WITH OTHER LAWS**

- A. Where any condition imposed by any provisions of this Ordinance upon the use of any lot, building or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- B. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive, or impose a higher standard or requirement, than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.
- C. Amendments made to any provisions of this Ordinance as it was adopted on July 1, 1996 shall be effective as of the effective date of the amendment thereof; however, any permit or work pending under a provision of this Ordinance may be permitted to be completed under the provisions of the Ordinance prior to amendment. Additionally, any lawsuit or enforcement pending under any provision of this Ordinance which provision is subsequently amended may be continued to its completion under the provisions of the Ordinance as it existed prior to said amendment.

### **Section 104. SCOPE OF REGULATIONS**

- A. All buildings or structures erected hereafter, all uses of land, buildings, or structures established hereafter, all structural alteration, enlargement, or relocation of existing buildings or structures occurring hereafter, shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, structures, uses, or land shall be located.
- B. Where a building permit for building or structure has been issued in accordance with law prior to the effective date of this Ordinance and provided that construction is begun within six months of the effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further may upon completion be occupied under a certificate of occupancy by the use of which originally designated -- subject thereafter, if applicable, to the provisions herein for nonconforming buildings, structures, and uses.
- C. Where the Building Inspector has issued a building permit for a permitted use or special use, such permit shall become null and void unless work thereon is under way within six months of the date of the issuance of such permit, or within the period of time beyond six months granted by the Planning Commission.

## **Section 105. RULES APPLYING TO TEXT**

The following rules of construction apply to the text of this Ordinance:

- A. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- B. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- C. The word “building” includes the word “structure”.
- D. A “building” or “structure” includes any part thereof.
- E. The word “person” includes a corporation as well as an individual.
- F. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
- G. Any word or term not defined herein shall be used with a meaning of common or standard utilization.
- H. Where, in this Ordinance reference is made to the Township Zoning Act and has not been changed by official amendment to this Ordinance, the reference shall be to the Zoning Enabling Act, PA 10 of 2006, as amended. Where, in this Ordinance reference is to the “TZA” meaning the “Township Zoning Act” (PA 184 of 1943 repealed effective July 1, 2006) that reference shall be to the Michigan Zoning Enabling Act. The acronym “ZEA” as it may be utilized throughout this Ordinance shall mean the Zoning Enabling Act, PA 110 of 2006, as amended.

## **Section 106. ESTABLISHMENT OF DISTRICTS**

In order to carry out the purposes and provisions of this Ordinance, the following districts are hereby established

- A. Prime Agricultural (A-1)
- B. General Agricultural (A-2)
- C. Open Space and Recreation (OSR)
- D. Single Family Residential (R-1)
- E. Medium Density Residential (R-2)
- F. Low Density Lake Residential (LR - 1)
- G. Medium Density Lake Residential (LR-2)
- H. Neighborhood Commercial (C-1)
- I. Light Industrial (I-1)

J. Manufacturing (I-2)

**Section 107. INCORPORATION OF MAPS**

The locations and boundaries of the districts established by the Ordinance are shown upon the Zoning Map(s), which are hereby incorporated into the provisions of this Zoning Ordinance and which map in its entirety, including all amendments thereto, shall be as much a part of this Ordinance as if fully set forth and described herein. The official Zoning Map and amendments thereto, shall be certified and maintained by the Township of Wayne.

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be entered and certified on the official Zoning Map promptly after the amendment has been approved by the Township Board.

**Section 108. BOUNDARIES OF ZONING DISTRICTS**

Unless shown otherwise, boundary lines of the Zoning Districts shall be interpreted as measured from Section Lines; or Quarter-Section Lines; or Subdivision lines; or center lines of highways or waterways; or the boundary lines of incorporated areas; or property lines on Legal Record on the date of enactment of this Ordinance. All questions concerning the exact location of boundary lines shall be determined by the Board of Appeals consistent with the purpose of this Ordinance.

**Section 109. REPLACEMENT OF ZONING MAP**

In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Township Board may by resolution adopt a new Zoning Map which shall supersede the prior Zoning Map. The new Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such correction shall have the effect of amending the original Zoning Map or any subsequent amendment thereof

**Section 110. SPECIAL USES**

- A. To provide for the location of certain uses hereinafter specified which are deemed desirable for the public welfare within a given district or districts, but which might have an adverse effect upon nearby properties, or upon the character and future development of the district in which they are located, a classification of special land use is hereby established. Procedures for special land uses are set forth in Article XIII.
- B. Where a use exists on the effective date of this Ordinance and it is classified as a special land use by said Ordinance, it shall be considered to be a lawful nonconforming use. Additions or alterations to existing buildings or land

improvements for expansion of lawful nonconforming uses may be made within the area of the lot included in the ownership existing at the time of adoption of this Ordinance, and shall be subject to yard and building height requirements set forth in this Ordinance for permitted uses in the districts in which they are located.