



DEXTER TOWNSHIP

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DATE: December 10, 2015
TO: Dexter Township Planning Commission
FROM: Zach Michels, Director of Planning & Zoning
RE: Draft Introduction Article of the Zoning Ordinance

MEMORANDUM

The Zoning Ordinance Review Committee (Pizza Club) has been reviewing and helping the Director of Planning and Zoning prepare revisions to the Zoning Ordinance. The attached article outlines serves as the introduction and includes several important, if dry, elements of any zoning ordinance. It includes concepts that are part of Article 1 and Article 26 of the current Zoning Ordinance and has some added materials. *It does not show redline changes from the current Zoning Ordinance.*

The reason for combining the two articles was to reduce the total number of articles for ease of use. Additional, the materials included in them are similar in nature.

This article has been reviewed by the Township Attorney. No objections or recommend changes were offered.

§1.05 Title

This section establishes the legal name for the ordinance and the zoning map.

§1.10 Intent and Purpose

This section establishes the goals of the Zoning Ordinance, what the rest of the document is attempting to do. Some of this language (*the especially peculiar language*) is bestowed upon us from the State through the Zoning Enabling Act or through case law; some comes from the adopted Master Plan; and some comes from the current Zoning Ordinance.

While this language is rather dry and receives little attention, it is important for establishing the legality of the Zoning Ordinance and to provide guidance whenever any section of it is unclear.



§1.15 Authority and Findings.

This is a new section that has been added to help establish the authority of the Township to adopt the Ordinance.

§1.20 Scope of Application

This is a new section that has been added to help clarify the extent of the Zoning Ordinance. Several of these concepts are located in various sections of the current Zoning Ordinance, but it is easier and clearer to have them all in one place.

§1.25 Conflicting Laws

This section describes how to handle situations when the Zoning Ordinance may conflict with other ordinances.

§1.30 Types of Uses

This is a new section that is intended to help individuals understand these types of uses. They are defined in the definitions article, but this is to help clarify how they interact within the Zoning Ordinance.

§1.35 Prior Unlawful Structures, Sites, Lots, and Uses

This section makes it clear that anything that was unlawful before remains unlawful, unless the new Zoning Ordinance makes it lawful.

§1.40 Validity and Severability

This section is common in most laws and allows for it to continue to be in effect if a court determines that a part of it is invalid. Many experts have claimed that this language is not necessary because it is generally a matter of settled law, but it does not hurt anything to include it.

§1.45 Repeal

This section is important because it repeals the current Zoning Ordinance and describes how violations of that may be enforced. It is possible that parts of other Township Ordinances may be incorporated into the Zoning Ordinance, which may call for repealing of those police-power ordinances.

§1.50 Enactment

This section makes it clear when it becomes law.

ARTICLE 1**TITLE, INTENT & PURPOSE, AUTHORITY, & ENACTMENT****§ 1.05 - TITLE**

This Ordinance shall be known and may be cited as the “Dexter Township Zoning Ordinance.” The Zoning Map, a part of this Ordinance, shall be known and may be cited as the “Dexter Township Zoning Map.”

§ 1.10 - INTENT & PURPOSE

The intent and purpose of this Ordinance is to promote and protect the public health, safety, and general welfare, by incorporating provisions aimed at achieving the following:

- (A) Preventing the overcrowding of land and undue concentration of structures and uses by regulating the intensity of use of land and lot areas and determining the areas of open spaces surrounding buildings and structures necessary to protect adequate light, air, privacy, and convenience of access to property;
- (B) Promoting healthful surroundings for life in agricultural, residential, rural, and lake areas;
- (C) Reducing flooding and water pollution;
- (D) Protecting against explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, radioactivity, and other nuisances and hazards;
- (E) Protecting against fire and facilitating the fighting of fires;
- (F) Managing and lessening the impacts of congestion on public highways and streets;
- (G) Promoting the orderly and beneficial development of the agricultural, recreational, residential, and commercial areas within the Township’s Zoning Jurisdiction based on a consideration of the character and stability of these areas;
- (H) Encouraging use of lands and natural resources in accordance with their character, adaptability, and suitability for particular purposes;
- (I) Encouraging adequate and economical provision of transportation, sewerage, drainage, water supply and distribution, education, recreation, and other public services and facilities;
- (J) Promoting adequate provision for the State’s citizens of food, fiber, energy, and other natural resources;
- (K) Allowing for a variety of residential housing types, commercial, institutional, and public uses;
- (L) Conserving and preserving the value of land, buildings, and structures;
- (M) Prohibiting uses or structures that are incompatible with the character of development or the uses or structures permitted within zoning districts;
- (N) Fixing reasonable standards with which all structures and uses shall comply;
- (O) Preventing additions to, alterations of, or remodeling of existing buildings or structures in a manner to avoid the provisions and limitations imposed in this Ordinance;

- (P) Providing for the completion, restoration, reconstruction, extension, or substitution of legally non-conforming structures and uses;
- (Q) Establishing standards that are consistent with and promote the Master Plan; and
- (R) Providing for the administration, enforcement, and amendment of this Ordinance.

§ 1.15 - AUTHORITY & FINDINGS

- (A) **Zoning Enabling Act:** The Michigan Zoning Enabling Act establishes the authority for local units of government to adopt comprehensive zoning regulations and empowers the Township to enact a zoning ordinance and provide for its administration, enforcement, and amendment.
- (B) **Necessity:** The Township has determined it necessary to enact zoning regulations for the purpose of promoting the public health, safety, and general welfare.
- (C) **Master Plan Compliance:** The Township has adopted a Master Plan intended to guide growth in a logical and orderly fashion, which serves as the basis of this Ordinance.

§ 1.20 - SCOPE of APPLICATION

The provisions of this Ordinance shall apply to all structures and uses in all zoning districts, unless noted otherwise.

- (A) **Scope:** This Ordinance shall be construed in such a manner as to best accomplish its intent and purpose. In interpreting and applying the provisions of this Ordinance, the standards shall be held to be the minimum necessary for the promotion of health, safety, convenience, comfort, prosperity, and general welfare and shall apply uniformly to each class or kind of structure, land, or use.
- (B) **Construction:** No structure, or portion thereof, shall be erected, constructed, reconstructed, altered, or maintained except as permitted by and in conformity with this Ordinance.
- (C) **Use:** No new use or change of use shall be made or maintained in any structure, property, or portion thereof except as permitted by and in conformity with this Ordinance.
- (D) **Active Permits:** Any structure for which a permit has been issued prior to the effective date of this Ordinance may be completed and used in accordance with the plans and applications upon which the permit was granted, provided the construction must be completed within two (2) years of the effective date of this Ordinance.
- (E) **Area:** This Ordinance shall apply to all areas within the Township's zoning jurisdiction.

§ 1.25 - CONFLICTING LAWS

The provisions of this Ordinance shall be in addition to all other ordinances and regulations in effect within the Township.

- (A) **More Restrictive:** Where any condition imposed by any provision of this Ordinance is either more or less restrictive than any condition imposed by any other provision of this Ordinance or any ordinance adopted under any other law, the provision that is more restrictive or that imposes a higher standard shall govern.
- (B) **Abrogate or Annul:** 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 imposes a higher standard than such easement, covenant, or other private agreement, this Ordinance shall govern.

§ 1.30 - TYPES of USES

There shall be no use commenced or continued within the Township, except as authorized by this Ordinance. Only the following types of uses are recognized:

- (A) **Permitted Use:** Permitted uses are listed for each zoning district. Permitted uses may also include comparable or similar uses, to be determined as outlined in this Ordinance.
- (B) **Special Land Use:** Special land uses are listed for each zoning district.
- (C) **Accessory Use:** Accessory uses may or may not be listed for each zoning district.
- (D) **Prohibited Uses:** Prohibited uses include all those uses that are not listed for a zoning district, excluding accessory uses and legally nonconforming uses.
- (E) **Legally Nonconforming Use:** Legally nonconforming uses are not listed for each zoning district, but may be continued as outlined in this Ordinance.

§ 1.35 - PRIOR UNLAWFUL STRUCTURES, SITES, LOTS, & USES

Any structure, site, or use that was unlawfully constructed, occupied, or created prior to the adoption of this Ordinance shall continue to be unlawful unless expressly permitted by this Ordinance. Such structures, sites, or uses shall not be considered to be legally nonconforming under this Ordinance.

§ 1.40 - VALIDITY & SEVERABILITY

- (A) **Validity:** If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, that ruling shall not affect any other parts of this Ordinance not specifically subject to the ruling.
- (B) **Severability:** If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular property, district, use, building, or structure, that ruling shall not affect the application of that provision to any other property, district, use, building, or structure not specifically included in the ruling.

§ 1.45 - REPEAL

- (A) **Repeal:** The Dexter Township Zoning Ordinance adopted on April 15, 2003, with an effective date of May 1, 2003, and all amendments to that Ordinance shall be repealed upon the effective date of this Ordinance. **[OTHER POLICE POWER ORDINANCES REPEALED]**
- (B) **Future Enforcement:** The adoption of this Ordinance and repeal of previous ordinances shall not affect or prevent any pending or future prosecution of or action to abate any violation of any previous zoning ordinance, if the violation is also a violation of this Ordinance.
- (C) **Pending Actions:** The adoption of this Ordinance shall not alter, limit, void, affect, or abate any pending litigation, administrative proceeding, or appeal that existed on the effective date of this Ordinance, order, permit, or decision that was based on the ordinances repealed by this Section.

§ 1.50 - ENACTMENT

This Ordinance was adopted at a regular meeting of the Township Board on **DATE**, and it shall be effective at 12:01 am on **DATE**.

End of Article 1.