

ARTICLE I

TITLE, PURPOSE AND SCOPE

Section 1.1 Title

This Ordinance shall be known and cited as the “Thornapple Township Zoning Ordinance”.

Section 1.2 Authority

This Thornapple Township Zoning Ordinance is enacted pursuant to the authority granted and provisions of the Michigan Zoning Enabling Act, being Public Act 110 of 2006, as amended [MCL 125.3101-125.3702].

Section 1.3 Purpose and Intent

The Thornapple Township Board of Trustees determines this Zoning Ordinance is necessary to promote the public health, safety, morals and general welfare of the Township as well as to:

- (a) Provide places for residences, recreation, industry, trade, services and other uses of land.
- (b) Ensure uses of land are situated in appropriate locations.
- (c) Limit inappropriate overcrowding of land and congestion of population, public streets and highways and other public facilities.
- (d) Facilitate adequate and efficient public infrastructure including but not limited to transportation, sanitary sewer, potable water, fire protection, storm sewer collection and disposal, pedestrian facilities, recreation and other public services and community amenities.
- (e) Promote a balanced supply of commercial, industrial and institutional land uses that are compatible with adjacent uses of land and provide good access to public infrastructure and transportation services.
- (f) Preserve the overall quality of life for residents.
- (g) Protect the character and quality of rural areas and established residential neighborhoods.
- (h) Allow for and encourage innovation in new residential development and redevelopment that meets need for housing with a greater variety in type and design of dwelling.
- (i) Maintain and enhance business and commercial areas and encourage infill within existing business and commercial areas.
- (j) Implement the policies, goals and physical plans contained in the officially adopted 2007-2020 Thornapple Township Master Plan.
- (k) Promote active, healthy life styles with provision of pedestrian and bicycle facilities.
- (l) Ensure adequate light, air, privacy and access to all real property.
- (m) Support and implement environmentally responsible development practices.

- (n) Establish clear, fair and consistent development review and approval procedures.
- (o) Facilitate a visually pleasing, man-made environment.
- (p) Use land and maintain property and buildings in a manner that is not detrimental to or a nuisance to adjoining properties.
- (q) Conserve natural resources and protect sensitive natural environment, wildlife habitat and areas with unique flora and fauna.
- (r) Accommodate growth and development within the Township that complies with purposes stated in paragraphs a-q in this section.

Section 1.4 Applicability of Zoning Ordinance

This Ordinance is applicable to all lands, buildings and structures located within Thornapple Township, except as otherwise provided by law.

No land, buildings, structures or premises within the Township shall be used, occupied, erected, razed, moved, placed, reconstructed, structurally altered or enlarged except in conformance with the terms, conditions and requirements of this Ordinance.

Section 1.5 Vested Rights

Nothing in this Ordinance shall be interpreted or construed to give rise to permanent vested rights in the continuation of any use of land, density of use, zoning district or permissible activity therein. All land, buildings, structures, land use and zoning districts are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation and protection of the public health, safety and general welfare.

Section 1.6 Relationship of Zoning Ordinance to the Adopted Township Master Plan

Administration, enforcement and amendment of this Ordinance shall be consistent with the adopted 2007-2020 Thornapple Township Master Plan and any adopted area specific or topic specific plans. In the event this Ordinance becomes inconsistent with the aforementioned plans, then this Ordinance or the Plan shall be amended within a reasonable time period to become or remain consistent.

Section 1.7 Relationship to Other Laws, Agreements and Private Covenants

- (a) This Ordinance is intended to compliment other municipal, state and federal laws and regulations that affect use of land. Whenever conditions, standards or regulations imposed by this Ordinance are more restrictive than those imposed by other laws or regulations, the provisions of this Ordinance shall apply.

- (b) Private agreements and covenants are not revoked or repealed by this Ordinance provided, however, that whenever this Ordinance imposes a greater restriction or imposes higher standards or requirements, the provisions of this Ordinance shall govern and control. Nothing in this Ordinance shall have the effect of abrogating any deed restriction on land, but shall not excuse failure to comply with this Ordinance. The Township is not obligated nor will it enforce any provision of any recorded private agreements, covenants or deed restrictions between private parties.

Section 1.8 Conflicting Provisions

In cases where two or more standards in this Ordinance may be in conflict, the more restrictive standard shall apply.

Section 1.9 Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this Ordinance. In the case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure or illustration, the text shall govern.

Section 1.10 Severability

- (a) If any court of competent jurisdiction invalidates any provision of this Ordinance, then such judgment shall not affect the validity and continued enforcement of any other provision of this Ordinance.
- (b) If any court of competent jurisdiction invalidates the application of any provision of this Ordinance as to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.
- (c) If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.
- (d) Whenever a condition or limitation is included in an administrative action authorizing regulated activity, then it shall be conclusively presumed that the authorizing officer, commission or board considered such condition or limitation necessary to carry out the spirit and intent of this Ordinance and that the officer, commission or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

Section 1.11 Transitional Provisions

The purpose of transitional provisions is to resolve the status of properties with pending applications or recent approvals and properties with outstanding violations prior to the effective date of this Ordinance.

- (a) **Processing of Applications.** Applications, re-applications or requests that were submitted in complete form and are pending approval before the effective date of this ordinance, shall be governed exclusively by the previous Zoning Ordinance originally enacted on September 5, 1991 (known as “previous Ordinance”). All development applications, re-applications or requests submitted on or after the effective date of this ordinance shall be subject to and reviewed wholly under the terms of this Ordinance.
- (b) **Approved Project.** Any building, development or structure for which a building permit was issued, may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not fully comply with provisions of this Ordinance. If construction is not commenced or diligently pursued within the time allowed under the original permit then the building, development or structure must be constructed, completed and occupied only in full compliance with the standards of this Ordinance.
- (c) **Violation Continues.** Any violation in existence prior to the effective date of this Ordinance shall continue to be a violation under this Ordinance and be subject to penalties and enforcement. If the use, development, construction or other activity that was a violation prior to the effective date of this Ordinance complies with the express terms of this Ordinance, enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before the effective date of this Ordinance. The adoption of this Ordinance does not affect or prevent any pending or future prosecution of, or action to abate, violations that occurred before the effective date of this Ordinance.
- (d) **Nonconformity.** Any nonconformity in existence prior to the effective date of this Ordinance shall also be a nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status continues to exist. If, however, a nonconforming situation in existence prior to the effective date of this Ordinance becomes conforming because of the adoption of this Ordinance, or any subsequent amendment, then the situation shall no longer be considered a nonconformity. A situation that did not constitute lawful nonconforming status prior to the effective date of this Ordinance does not achieve lawful nonconforming status under this Ordinance merely by repeal of the previous Ordinance.

Section 1.12 Existing Special Land Uses

Whenever a use classified as a special land use existed prior to the effective date of this Ordinance, such special land use may continue so long as it conforms to all terms and conditions of the initial special land use approval granted by the Planning Commission.

Any existing, lawful special land use that is not allowed as a special land use under terms of this Ordinance shall be considered a lawful nonconforming land use and shall be subject to all applicable regulations.

Sections 1.13 – 1.99 *[Reserved]*