

## **PREAMBLE**

An Ordinance to provide for the establish land use zoning districts and regulations in the Townships of Homestead and Inland, County of Benzie and State of Michigan, in accordance with the provisions of Act 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, MCL 125.3101 et seq.) herinafter referred to as the “Zoning Act”; to regulate the use of land and encourage proper location of buildings and structures for residence, trade, industry, or other purposes, to regulate dimensions of yards and other spaces, to define certain terms used herein; to provide for regulations covering nonconforming uses and structures; to establish a board of appeals and define its duties and powers; to provide for the administration of this Ordinance; to provide for enforcement and to impose penalties for the violation of this Ordinance.

### **ARTICLE I – TITLE, PURPOSE AND LEGAL CLAUSES**

#### **Section 1.01 Title**

This Ordinance shall be known and may be cited as the “Homestead Inland Joint Zoning Ordinance” and will be referred to herein as “this Ordinance”.

#### **Section 1.02 Purpose**

Chapter 1 The purposes of this Ordinance are to provide for the regulation of land development and the establishment of one or more districts within its zoning jurisdiction which regulate the use of land and structures to meet the needs of the state’s citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water , energy, education, recreation, and other public services and facility requirements, and to promote public health, safety and welfare. Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited. This last sentence added by amendment 12-02 effective May 25, 2012

#### **Section 1.03 Scope**

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of law or ordinance, except as hereinafter specifically repealed, or with any rules, regulations for permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, or with any private restrictions placed upon property by covenant or deed; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, or by such private restrictions, the provisions of this Ordinance shall control.

#### **Section 1.04 Validity**

This Ordinance and its various parts, sections, subsections, sentences, phrases and clauses are declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected. The Township Boards declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

#### **Section 1.05 Unclassified Uses**

This Ordinance provides for the regulation of various uses as listed in the text of the Ordinance. For uses not listed:

If a use is not referenced in the Ordinance together with suitable regulations, then that use is not currently allowed. Or, where a proposed use of land or use of a building is not contemplated or specified by this Ordinance, or where the Zoning Administrator has a question as to the appropriateness of a use which, although permitted, involves other features which were not contemplated or specified by this Ordinance, then the Zoning Administrator shall request a determination by the Planning Commission. If the Planning Commission determines that such a use is not contemplated or specified by this Ordinance, or that it involves features which were not contemplated or specified herein, such use shall be prohibited. Any person, firm or corporation may apply to the Planning Commission to have a use considered for inclusion in the Ordinance. In that event, the amendment process specified in the Zoning Act will be followed. Only upon listing a use, together with its regulations, is that use allowed in the Townships.

#### **Section 1.06 Codification**

This Ordinance is codified by use of articles and sections, and organized in the following manner: section numbers and article numbers not used in this Ordinance, or skipped, are reserved for future use.