

ARTICLE III

GENERAL PROVISIONS

SECTION 3.01 ESTABLISHMENT OF ZONING DISTRICTS

The Township is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

Article IV RD - Resource Development District

Article V AR - Agricultural Residential District

Article VI MDR - Medium Density Residential District

Article VII LDR - Low Density Residential District

Article VIII HDR - High Density Residential District

Article VIIIA PUO – Public Utility Residential Overlay District *(added 1/2021)*

Article IX MFR - Multiple Family Residential District

Article IXA RCO – Residential Commercial Overlay

Article X NSC - Neighborhood Service Commercial District

Article XI CSC - Community Service Commercial District

Article XII HSC - Highway Service Commercial District

Article XIII HC - Heavy Commercial District

Article XIV I - Industrial District

Article XIVA AOZ - Airport Overlay Zoning District

Article XIVB Shoreline Protection Overlay District

Article XVIC MBO – Marihuana Business Overly *(added 5-1-23)*

Article XVI PUD - Planned Unit Development District

SECTION 3.02 PROVISIONS FOR OFFICIAL ZONING DISTRICT MAP

These districts, so established, are bounded and defined as shown on the Map entitled: "Zoning District Map of South Haven Township" adopted by the Township Board, and which with all notations, references and other information appearing thereon, is hereby declared to be a part of this Ordinance and of the same force and effect as if the Districts shown thereon were fully set forth herein.

SECTION 3.03 CHANGES TO OFFICIAL ZONING DISTRICT MAP

If, in accordance with the procedures of this Ordinance and of Public Act 184 of 1943, as amended, a change is made in a zoning district boundary, such change shall be made by the Township Clerk with the assistance of the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published by the Township Board. Other changes in the Zoning District Map may only be made as authorized by this Ordinance and such changes, as approved, shall also be promptly made by the Township Clerk with the assistance of the Zoning Administrator.

SECTION 3.04 AUTHORITY OF OFFICIAL ZONING DISTRICT MAP

Regardless of the existence of other copies of the Official Zoning District Map which may from time to time be made or published, the Official Zoning District Map, which shall be located in the office of the Township Clerk, shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

SECTION 3.05 INTERPRETATION OF ZONING DISTRICTS

Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning District Map, the following rules for interpretation shall apply:

- A. A boundary indicated as approximately following the centerline of a highway, road, alley, railroad or easement shall be construed as following such centerline.
- B. A boundary indicated as approximately following a recorded lot line, a boundary of a parcel, section line, quarter section line, or other survey line shall be construed as following such line.
- C. A boundary indicated as approximately following the corporate boundary line of the township shall be construed as following such line.
- D. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.

- E. A boundary indicated as following the centerline of a stream, river, canal, lake or other body of water shall be construed as following such centerline.
- F. A boundary indicated as parallel to or an extension of a feature indicated in paragraphs A through E above shall be so construed.
- G. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- H. All questions concerning the exact location of boundary lines of any zoning district not clearly shown on the Official Zoning Map shall be determined by the Planning Commission consistent with the intent and purpose of this Ordinance.

SECTION 3.06 APPLICATION AND INTERPRETATION REGULATIONS

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each permitted or approved use of land or building, dwelling and structure throughout each district. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals to vary or modify any rules, regulations or provisions of this Ordinance so that the intent and purpose of this Ordinance shall be observed, public safety secured and substantial justice done, all in accordance with the provisions of Article XXIV of this Ordinance and MCL 125.288-125.293 as amended. The provisions of this Ordinance may be used as a basis for property assessment and taxation in accordance with the property assessment practices required or permitted by the Michigan Constitution, State Laws and State Administrative Rules and Regulations.

This Zoning Ordinance is intended to be specific as to its uses permitted and the application of its regulations. It is intended to limit the use of discretion wherever and whenever possible, except for minor discretions by the Zoning Administrator, Planning Commission and Township Board and the granting of variances by the Zoning Board of Appeals.

SECTION 3.07 SCOPE OF REGULATIONS

- A. Except as may otherwise be provided in Article XVII, "Nonconforming Land, Building and Structural Uses," herein every building and structure erected, every use and activity of any lot, building, or structure established, every structural alteration or relocation of any existing building or structure occurring, and every enlargement of, or addition to an existing use, building and structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure shall be located.

- B. All buildings and structures, unless otherwise specified in this Ordinance, shall meet all the requirements of the Construction Code whenever applicable.
- C. Uses are permitted by right only if specifically listed as principal permitted uses in the various zoning districts or is similar to such listed uses. Accessory uses are permitted as listed in the various zoning districts or if similar to such listed uses, and if such uses are clearly incidental to the permitted principal uses. Special uses are permitted as listed and if the required conditions are met. Only one principal use and its normal accessory uses shall be permitted on a single lot or parcel, except as otherwise provided in this Ordinance.
- D. All uses, buildings, and structures shall conform to the area, placement, and height regulations of the district in which located, unless otherwise provided in this Ordinance.
- E. No part of a yard, or other open space, or off-street parking space or loading space required about or in connections with any use, building or structure, for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking lot or loading space similarly required for any other use, building or structure.
- F. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area less than the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- G. No lot, outlot or other parcel of land in a recorded plat shall be further partitioned or divided unless in conformity with the Zoning and Subdivision Control Ordinances of the Township and the Subdivision Control Act of 1967 as amended.

SECTION 3.08 CONFORMANCE TO OTHER PUBLIC LAWS, RULES AND REGULATIONS

All uses of land, buildings or structures shall conform to all applicable local, county, state and federal laws, rules and regulations that have been promulgated and administered by the respective responsible public agency or official as well as the provisions of this Zoning Ordinance.

SECTION 3.09 CONFLICTING REGULATIONS

Whenever there is a difference between minimum or maximum standards, dimensions, or other provisions in this Ordinance, or those contained in lawfully adopted county, state, federal or other governmental agency rules, regulations, ordinances or laws, the most liberal interpretation of the most restrictive or the one imposing the most desirable standard shall prevail.

SECTION 3.10 ZONING - NOT A VESTED RIGHT

The fact of any portion of the written text or districting on the map of this Zoning Ordinance is a function of the lawful use of the police power and shall not be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities in this Ordinance, and are subject to possible future change, amendment or modification as may be necessary to the present and future protection of the public health, safety and welfare of the Township. This provision in no way can stop an existing legal use of land, buildings or structures from continuing exactly as it existed if it should become nonconforming as to use, dimensional or other provisions of this Ordinance or any future amendment to it.

SECTION 3.11 SITE PLAN REVIEW PROCEDURES

All uses permitted under the provisions or as a consequence of this Zoning Ordinance, applying for a zoning permit, shall follow the requirements of Article XXII, "Site Plan Review", except that all farm dwellings, farm buildings and single family homes located on a single lot or parcel shall only be required to submit a site plan, prepared in accordance with those relative portions of Article XXII, "Site Plan Review", and submitted with the application for a zoning permit.

SECTION 3.12 ZONING PERMITS IN RELATION TO BUILDING PERMITS

Prior to the issuance of any Building Permit in the Township, it shall be necessary for any applicant for construction under the provisions of the Construction Ordinance to first apply for and obtain a zoning permit from the Zoning Administrator of the Township in accordance with the provisions of this Zoning Ordinance.

SECTION 3.13 PERMITTED ZONING DISTRICT USES AND OTHER PROVISIONS

Each Zoning District and the uses it permits are designed to represent separate categories of compatible land uses. However, regulations controlling other Articles in this Zoning Ordinance may also appropriately apply, including those provisions included in Article XIVA "Airport Overlay Zoning District"; Article XVIII, "Supplemental Regulations"; "Article XVII, "Nonconforming Land, Building and Structural Uses"; Article XX, "Off-Street Parking, Loading and Unloading Requirements"; Article XXI, "Sign Regulations"; and Article XXII, "Site Plan Review." Applicants for zoning permits should relate their requests to both the appropriate zoning district as to use and the above Articles for applicability.

SECTION 3.14 USES NOT SPECIFICALLY LISTED IN THE PERMITTED OR SPECIAL USE SECTIONS OF THE RESPECTIVE ZONING DISTRICTS

It is the intent and purpose of this Zoning Ordinance to limit the permitted uses, special uses and planned unit development uses and their accessory land uses and activities to those specifically included in the respective Zoning Districts. Any uses not listed shall be added only by the Zoning Amendment procedure as required in Article XXV, "Amending the Zoning Ordinance."

SECTION 3.15 CONTINUED CONFORMANCE WITH REGULATIONS AND APPROVED SITE PLANS

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, signs and all other requirements for a building or use specified within this Ordinance and developments required and approved on Site Plans shall be a continuing obligation of the owner of such building or property on which such building or use is located.

SECTION 3.16 WETLAND DEVELOPMENT

All "Wetland Areas" in the Township as designated by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) shall be required to meet the provisions of this Ordinance and the provisions of Part 303 of Public Act 451 of 1994, as amended, "The Natural Resources and Environmental Protection Act" and any rules promulgated by the Michigan Department of Environment, Great Lakes, and Energy (EGLE). [amended 1996]

SECTION 3.17 PROJECT PLANNING AND PLAN INFORMATION FROM OTHER AGENCIES AND OFFICIALS

All township, county, school districts, state and federal agencies and officials are required to submit to the Planning Commission through the Zoning Administrator their planning programs and project plans relative to all building, structural and land improvements to be made within the Township prior to the final approval of site acquisition or construction plans and specifications by the respective township, county, school district, state and federal agencies and officials in accordance with MCLA 125.330, as amended.

SECTION 3.18 CONFORMANCE OF LOTS AND PARCELS TO THE LAND DIVISION ACT

All uses permitted in any district shall be located on lots or parcels of land subdivided in accordance with the provisions of Public Act 288 of 1967, as amended, "The Land Division Act" and the Subdivision Regulations of the Township adopted and in effect at the time. Particular reference shall be made to Public Act 591 of 1996, as amended for lots and parcels created as land divisions not subject to platting.