

ARTICLE 1.0

TITLE, PURPOSES, AND ENABLING AUTHORITY

Section 1.01 Title.

This Ordinance shall be known and may be cited as the Frankenlust Township Zoning Ordinance, and shall be referred to herein as "this Ordinance."

Section 1.02 Enabling Authority.

This Ordinance has been prepared for and adopted by the Frankenlust Township Board of Trustees under the authority of the Michigan Zoning Enabling Act, following compliance with all procedures required by this Act.

Section 1.03 Purposes.

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and structures, and for all other purposes described in Section 201 and 203 of the Michigan Zoning Enabling Act. This Ordinance is based on the Township's Master Plan, and is intended to carry out the objectives of the plan. This Ordinance has further been established for the purposes of:

1. Promoting and protecting the public health, safety and general welfare;
2. Protecting the character and the stability of the agricultural, recreational, residential, commercial and industrial areas within the Township and promoting the orderly and beneficial development of such areas;
3. Providing adequate light, air, privacy and convenience of access to property;
4. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;
5. Lessening and avoiding congestion on the public highways and streets;
6. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth;
7. Promoting healthful surroundings for family life in residential and rural areas;
8. Fixing reasonable standards to which buildings and structures shall conform and prohibiting land uses and improvements that are incompatible with the character or permitted land uses and structures of the zoning districts;
9. Preventing such additions to or alteration or remodeling of existing structures in such a way as to avoid the regulations and limitations imposed hereunder;
10. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the public health, safety and general welfare;

11. Preventing the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
12. Conserving the taxable value of land, buildings, and structures throughout the unincorporated portions of the Township;
13. Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses;
14. Creating a Board of Appeals and defining the powers and duties thereof;
15. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance; and
16. Providing for the payment of fees for zoning permits and approvals, and for penalties for the violation of this Ordinance.

Section 1.04 Scope.

The standards and regulations of this Ordinance shall apply to all land, structures, uses, and land development projects established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established, changed or commenced, nor any structure constructed, altered, or extended, except in compliance with this Ordinance.

1. **Minimum requirements.** The provisions of this Ordinance shall be held to be the minimum required for promoting and protecting the public health, safety, and general welfare, and shall be uniform for each class of land, buildings, structures, or uses throughout each zoning district. Wherever the requirements of this Ordinance are at variance with the requirements of any other adopted rules, regulations, or ordinances, the most restrictive or those imposing the higher standards shall govern.
2. **Relationship to other ordinances or agreements.** This Ordinance is not intended to repeal or annul any ordinance, rule, regulation or permit previously adopted, issued, or entered into and not in conflict with this Ordinance.
3. **Unlawful uses, structures, and other site improvements.** A use, structure or other site improvement not lawfully existing prior to adoption of this Ordinance shall not be made lawful by adoption of this Ordinance.
4. **Vested right.** Nothing in this Ordinance shall 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 therein. Such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation, protection or promotion of the public health, safety, convenience, comfort or general welfare.

Section 1.05 Adoption.

This Ordinance was adopted by the Frankenlust Township Board of Trustees following compliance with all procedures required by the Michigan Zoning Enabling Act, at its regular meeting duly held on the tenth day of December, 2013, and ordered to be given publication in the manner prescribed by law.

Section 1.06 Effective Date.

This Ordinance is hereby declared to be effective as of the first day of January, 2014, pursuant to the notice of adoption required under the Michigan Zoning Enabling Act. This Ordinance shall remain in full force and effect from this date forward unless repealed.

Section 1.07 Severability.

Should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the section or provision so declared to be unconstitutional or invalid. Should any court of competent jurisdiction declare the application of any provision of this Ordinance to any lot, structure, or use to be unconstitutional or invalid, such declaration shall not affect the application of said provision to any other lot, structure, or use not specifically included in said judgment.

Section 1.08 Repeal of Previous Ordinances.

All previous zoning ordinances adopted by the Frankenlust Township Board of Trustees, and all amendments thereto, are hereby repealed as of the effective date of this Ordinance, together with all other ordinances, or parts thereof, that conflict with this Ordinance. However, no offense committed nor penalty incurred prior to the effective date of this Ordinance shall be affected or impaired.

Any prosecution pending at the time this Ordinance becomes effective may be tried and determined exactly as if such ordinance has not been repealed. Any prosecution started within 365 calendar days after the effective date of this Ordinance in consequence of any violation of any ordinance repealed herein, which was committed previous to the effective date of this Ordinance, may be tried and determined exactly as if such ordinance has not been repealed.

Section 1.09 Conflict With Other Laws.

Where any condition imposed by any provision of this Ordinance upon the use of any lot 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 any ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern. This Ordinance is not intended to abrogate or annul any easement, covenant, deed restriction or any other private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, deed restriction or any other private agreement, the provision of this Ordinance shall govern.

Effective Date: January 1, 2014

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