

ARTICLE 1. PURPOSE

Section 1.01 Title

This ordinance shall be known and cited as the Conway Township Zoning Ordinance and may hereinafter be referred to as “this ordinance”.

Section 1.02 Purpose

The purpose of this ordinance is to impose certain regulations and restrictions in order to effectively implement the Conway Township Comprehensive Plan by controlling the use of land, buildings and structures to promote the public health, safety and general welfare of the residents of Conway Township. Zoning districts are established in this ordinance of such number, shape and area, and of such common unity of purpose, adaptability or use, that are deemed most suitable to provide the highest and best use of the land and protect the common rights and interests of all, while promoting wholesome, harmonious and aesthetic development of Conway Township. Regulations and restrictions within this ordinance limit the location, height, bulk, number of stories, size, use and occupancy of dwellings, structures and land for agricultural, residential, commercial or other purposes, with such minimum regulations as are deemed necessary to carry out the provisions of the ordinance.

Section 1.03 Conflicting Regulations

- A. This ordinance shall be liberally construed in such manner as to best accomplish its purpose. The provisions of this ordinance shall be construed, if possible, in such manner as to make such provisions compatible and consistent with each other, provided that where any inconsistency or conflict cannot be avoided, then the most restrictive of such inconsistent or conflicting provisions shall control and prevail.
- B. The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety and general welfare. Any conflicting laws of a more restrictive nature shall overrule the appropriate provisions of this ordinance. Whenever any provision of this ordinance imposes more stringent restrictions than those required by the provisions of any other law or ordinance, the provisions of this ordinance shall govern.

Section 1.04 Compliance

- A. Except as otherwise provided in this Section, every building and structure erected; every use of any lot, building or structure established; every structural alteration or relocation of an existing building or structure and every enlargement of, or addition to, an

existing use, building or structure occurring after the effective date of this ordinance shall be in full compliance with the provisions of this ordinance.

- B. Hereafter, every building or structure erected, altered or moved, shall be located on a parcel of record.
- C. This ordinance shall promote the gradual elimination of uses, buildings and structures which do not conform to the regulations and standards herein.

Section 1.05 Uses in District

Permitted and special land uses allowable relative to each zoning district are listed according to that district herein. Any use not expressly listed for a district is prohibited in that district. All special land uses require approval by the Planning Commission, subject to the requirements of Special Land Uses, herein (See Article 13).

Section 1.06 General Responsibility

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the provisions within this ordinance. In addition to handling violations of this ordinance pursuant to the Conway Township Municipal Ordinance Violations Bureau Ordinance as a civil infraction, or as otherwise permitted herein, said Board is hereby empowered, in the name of Conway Township, to commence and pursue any and all necessary and appropriate action or proceedings in the District Court and Circuit Court of Livingston County, Michigan, or any other court having jurisdiction, to restrain and prevent any noncompliance with or violation of any of the provisions of this ordinance, and to correct, remedy or abate such nuisance, noncompliance, or violation. It is further provided that any person aggrieved or adversely affected by such a noncompliance or violation may institute suit or join the Township Board in such a suit to abate the same.

Section 1.07 Relationship to Comprehensive Plan

This ordinance has been developed and designed to complement the Conway Township Comprehensive Plan. The guidelines detailed in that Plan shall be considered and adhered to when zoning changes are requested and made under this ordinance.

Section 1.08 Rules Applying to Text

- A. Any particular or detailed provision or requirement shall control over any general provision or requirement.

- B. Where any difference of meaning or implication between the text of this ordinance and any caption exists, the text shall control.
- C. The word “shall” is always mandatory and not discretionary.
- D. All words used in the present tense shall include the future; all words in the masculine include the feminine; all words in the singular number include the plural number; and all words in the plural number include the singular number..
- E. Any word or term not herein defined shall have the meaning customarily assigned to them.
- F. All references to laws, rules, regulations, or procedure include any subsequent amendments to these laws, rules, regulations, or procedures.
- G. Where federal or state law conflicts with the provisions of this ordinance, the state or federal law shall govern only to the extent applicable and inconsistent, and any such conflict shall not affect the validity or applicability of the remaining provisions of this ordinance.

Section 1.09 Validity and Severability Clause

This ordinance and the various articles, sections, subsections, paragraphs and clauses thereof, are hereby declared to be severable. If any article, section, subsection, paragraph or clause is judged unconstitutional or invalid, such ruling shall not affect any other provisions of this ordinance not specifically included in such ruling.

Section 1.10 Enabling Authority

This ordinance is adopted pursuant to the authority delegated to the Township under the Michigan Zoning Enabling Act (MZEA), 2006 PA 110, MCL 125.3101 et seq., as amended, and the Michigan Planning Enabling Act (MPEA), 2008 PA 33, MCL 125.3801 et seq., as amended.

Section 1.11 Certification and Effective Date

This zoning ordinance is hereby declared and certified to have full force and effect as previously enacted, and as duly amended in 2009 by the Conway Township Board, Livingston County, State of Michigan, at a meeting of said Board duly called and held on the 18th day of August, 2009, and as may be subsequently amended from time to time.