

**ARTICLE 1  
GENERAL PROVISIONS**

**SECTION 1.00 TITLE**

This Ordinance shall be known and cited as the Tyrone Township Zoning Ordinance No. 36.

**SECTION 1.01 PURPOSE**

The purpose of this Ordinance is to promote and safeguard the public health, safety, morals, prosperity and general welfare of the residents of Tyrone Township. The Ordinance imposes certain regulations and restrictions in order to more effectively protect and promote the general welfare, preserve property values, and to accomplish the aim, policies, and recommendations in the Tyrone Township Master Plan. The Township is divided into districts of such number, boundaries, shape and area, and of such community of purpose, adaptability or use, that are deemed most suitable to provide the best civil use, protect the common rights and interests of all, and promote improved wholesome, harmonious, aesthetic development of Tyrone Township. Further regulations and restrictions limit the location, the height, bulk, number of stories, the size of dwellings, the uses and occupancy of dwellings, structures and land for residential, agricultural, commercial, industrial or other purposes. The size of front, rear and side yards, courts, or other open spaces are regulated. The provisions create a Zoning Board of Appeals, defining and limiting the power and duties of said Board and providing the means for enforcing said Ordinance.

**SECTION 1.02 CONSTRUCTION**

This Ordinance shall be liberally construed in such manner as to best accomplish its purpose. In interpreting and applying the provisions of this Ordinance, the requirements shall be held to be minimum for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. 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, however, that where any inconsistency or conflict cannot be avoided, then the most restrictive of such inconsistent or conflicting provision shall control and prevail.

**SECTION 1.03 ENABLING AUTHORITY**

This Ordinance is adopted pursuant to Act 184 of the Public Acts of 1943, of the State of Michigan, as amended. Said Enabling Act covering Township Rural Zoning, is hereby made a part of this Ordinance. The continued administration of this Ordinance, amendments to this Ordinance, and other matters concerning operation of this Ordinance shall be done pursuant to P.A. 110 of 2006, as amended (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq.) hereinafter referred to as the "Zoning Act."

**SECTION 1.04 CONFLICTING REGULATIONS**

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are important or required by the provisions of any other law or Ordinance, the provisions of this Ordinance shall govern.

**SECTION 1.05 EXEMPTION OF ESSENTIAL SERVICES**

Essential services shall be permitted as authorized and regulated by state law and ordinances of Tyrone Township. The construction of buildings associated with essential services shall be subject to the provisions of Article 23, SITE PLAN REVIEW. Otherwise, the construction, maintenance and alteration of essential services shall be exempt from the provisions of this Ordinance. Those services considered dangerous to the health, safety, and welfare of township residents shall not be permitted.

**SECTION 1.06 COMPLIANCE**

Any structure or part thereof shall not be located, moved, erected, constructed, reconstructed, altered, converted, enlarged or maintained, nor shall any structure or land be utilized or designed to be utilized unless in full compliance with the provisions of this Ordinance. Hereafter, every building erected, altered or moved, shall be located on a parcel of record. Except in the case of an approved multiple family development complex with more than one (1) apartment building, there shall be no more than one (1) principal building and its permitted accessory structures located on each such parcel in any residential district. The principal building may contain one-family, two-family, or multiple-family dwelling units depending on the residential zoning district.

**SECTION 1.07 RELATIONSHIP TO MASTER PLAN**

This Ordinance has been developed and designed to compliment the Tyrone Township Master Plan, and to ensure that the guidelines detailed in that Plan will be considered and adhered to as future decisions regarding requested zoning changes are made.

**SECTION 1.08 VESTED RIGHT**

Nothing in this Ordinance shall be interpreted as imparting, 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. All such considerations are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

**SECTION 1.09 USES IN DISTRICT**

Permitted and special land uses allowed in each zoning district are listed in the article for each district. Any use not expressly listed in a district article is prohibited in that district unless the district article provides for the use to be found a “similar use” according to Section 21.44. All special land uses require review by the Planning Commission and approval by the Township Board, subject to the requirements of Article 22, SPECIAL LAND USES, herein. Special land uses also require the submittal, review, and approval of a site plan, subject to the requirements of Article 23.

**SECTION 1.10 SEVERABILITY**

This Ordinance and the various articles, sections, paragraphs and clauses thereof, are hereby declared to be severable. If any article, section, paragraph or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

**SECTION 1.11 GENERAL RESPONSIBILITY**

The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the provisions within the Ordinance. Said Board is hereby empowered in the name of Tyrone Township to commence and pursue any and all necessary and appropriate action and/or proceedings in the Circuit Court of Livingston County, Michigan, or any other court having jurisdiction, to restrain and/or prevent any noncompliance with or violation of

any of the provisions of this Ordinance, and to correct, remedy and/or abate such noncompliance or violation. It is further provided that any person aggrieved or adversely affected by such a noncompliance or violation may institute suit and/or join the Township Board in such a suit to abate the same.

#### **SECTION 1.12 TRANSFER OF ZONING COMMISSION POWERS**

The Tyrone Township Board of Trustees hereby transfers all powers of the Zoning Commission, as provided in the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended, to the Tyrone Township Planning Commission, having been properly established prior to the effective date of Public Act 110 of 2006.

#### **SECTION 1.13 ZONING ORDINANCE REPORT**

At least once per year, the Planning Commission shall prepare a report for the Township Board of Trustees on the administration and enforcement of the Zoning Ordinance and recommendations of amendments or supplements to the Ordinance. This shall be a written report to be discussed at a joint meeting of the two bodies.

#### **REVISIONS:**

2007 APRIL - Section 1.03; Section 1.12; Section 1.13