

ZONING

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Township of Paw Paw

INTRODUCTION AND USER GUIDE

This Introduction and User Guide is intended to provide a general orientation to the format and organization of the Zoning Ordinance to make the document easier to understand and use. Like every municipal zoning ordinance, this Zoning Ordinance regulates the development and use of land by dividing the Township into “zoning districts,” sometimes commonly referred to as “zones.” This Zoning Ordinance establishes 12 such zoning districts as noted in Section 3.01, and as shown on the Zoning Map.

This Zoning Ordinance is based on what is sometimes called a “permissive” zoning concept; that is, land in each zoning district can be used only for the land uses and activities that are specifically designated in the Zoning Ordinance as permissible in that district. The permissible land uses within each zoning district are further divided into either “permitted uses” or “special land uses.” A use listed as a “permitted use” in a zoning district is recognized as being harmonious with other such uses within the same district, and therefore generally requires no prior land use approval. A “special land use” is recognized as requiring prior land use approval, pursuant to a public hearing and approval standards specified in the Zoning Ordinance, to make sure the particular location proposed for the land use will not adversely impact other property, or the general health, safety and welfare of the community. Articles 4.00 and 5.00 of this Zoning Ordinance indicate the permitted uses and special land uses for each of the zoning districts.

Article 6.00 (Schedule of Regulations) specifies other requirements applicable in each zoning district, such as the minimum “lot” requirements for buildable property, and “setback” and other location requirements for buildings and other structures in each zoning district.

Some provisions of the Zoning Ordinance are intended to apply to specific uses as they are allowed within certain zoning districts in the Township and are set forth in the “Use Standards” of Article 8.00. Other provisions regulate more general matters that may apply in one or more zoning districts, or throughout the Township, as indicated to be applicable. Such provisions of the Zoning Ordinance are set forth in the “Supplemental Regulations” of Article 9.00 and address land use elements such as:

- Section 9.12 — Off-Street Parking and Loading
- Section 9.13 — Outdoor Lighting
- Section 9.18 — Signs

So, to determine whether property can be used for a particular land use or activity, and what regulations may apply to that property/land use, a person using this Zoning Ordinance will generally go through the following steps:

- ❖ **Step 1:** find the property on the official Zoning Map and determine the “zoning district” in which the property is located.
- ❖ **Step 2:** make sure the property meets the minimum “lot” requirements for that zoning district, and is therefore “buildable” pursuant to the Schedule in Article 6.00; or is otherwise a legal buildable “nonconforming lot” pursuant to Article 10.00 - Nonconformities.

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- ❖ **Step 3:** refer to the Table of Uses in Article 4.00 and determine whether the intended land use is listed as either a “permitted use” or a “special land use.”
- ❖ **Step 4a:** if the intended land use is listed as a “permitted use” in the zoning district in which the property is located, check Section 11.02B to see whether that use is subject to a “site plan review” requirement. If so, other provisions of Article 11.00 will apply.
- ❖ **Step 4b:** if the intended land use is listed as a “special land use” in the zoning district in which the property is located, review Article 7.00 for information about applying for special land use approval and the “standards” that must be shown to be complied with before the Planning Commission can grant such approval, after a public hearing. Section 7.03 specifies what are sometimes called the general standards that apply to all special land uses; but Article 8.00 includes additional standards that are required of certain special land uses. Note: the “site plan review” requirements of Article 11.00 apply to all special land uses.
- ❖ **Step 5:** for every permitted use or special land use, check whether additional regulations are applicable from either Articles 8.00 or 9.00.

User hint: many words and terms used in this Zoning Ordinance are given a specific definition in Section 2.02. It is therefore important to refer to Section 2.02 to determine whether a particular word or term has a specific definition for purposes of this Ordinance. Any word or term not specifically defined in this Ordinance is defined in accordance with its most applicable customary or common meaning.

Finally, other parts of this Zoning Ordinance address what may be called “administrative” matters, including the following articles on the indicated subjects:

- Article 11.00 — General Procedures and Related Standards
- Article 12.00 — Administrative Organization

These articles are not generally relevant to determining how a particular land use is regulated by the Zoning Ordinance, but may apply in certain circumstances. For example, a potential applicant for a “variance” should review Section 11.03 addressing the limited authority of the Zoning Board of Appeals to grant variance relief, or Section 11.04 for direction on how to initiate consideration of the rezoning of property.

Disclaimer: this Introduction and User Guide is intended to provide a general orientation to the format and organization of the Zoning Ordinance. Many zoning questions can be answered upon simple reference to the appropriate parts of this Zoning Ordinance; but some questions will require knowledgeable assistance from someone such as the Zoning Administrator, and sometimes from legal counsel with special expertise in zoning matters. In short, although this Introduction and User Guide is not intended to substitute for knowledgeable assistance to address a particular zoning question or issue where required, it will hopefully make this Zoning Ordinance easier to understand and use.