

EXECUTIVE SUMMARY AND USER GUIDE FOR CHAPTER 220 OF RUTLAND CHARTER TOWNSHIP CODE (ZONING)

This Executive Summary and User Guide is intended to provide a general orientation to the format and organization of Chapter 220 of the Rutland Charter Township Code (Zoning), to make the document easier to understand and use. For convenience we will refer herein to Chapter 220 as the "Zoning Ordinance".

Like every municipal zoning ordinance, the Zoning Ordinance of Rutland Charter Township regulates the development and use of land by dividing the Township into "zoning districts", sometimes commonly referred to as "zones". This Zoning Ordinance establishes ten such zoning districts as noted in § 220-3-1, and as shown on the Zoning Map made part of Chapter 220 by § 220-3-2.

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 land use designated as a "permitted use" in a zoning district is recognized as being harmonious with other such uses within the same district, and may therefore require no prior land use approval; but even some permitted uses are subject to "site plan review" or other prior land use approval. A land use designated as a "special land use" in a zoning district always requires prior land use approval by the Township Planning Commission, pursuant to 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 IV-XIII of this Zoning Ordinance indicate the permitted uses and special land uses for each of the ten zoning districts.

Article XV specifies other requirements applicable in each zoning district, such as the minimum requirements for property ("lot") in each zoning district, 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 generally throughout the Township, such as the "General Provisions" in Article XVI. Other parts of Chapter 220 regulate specific matters that may also apply in one or more zoning districts, or throughout the Township, as indicated to be applicable. Examples of such provisions include the following sections/articles and subject matters:

- § 220-17-1---Accessory Uses
- § 220-17-2---Accessory Buildings
- § 220-17-3---Permits for Various Temporary Uses or Structures
- § 220-17-5---General Lighting and Screening Requirements
- § 220-17-10---Waterfront Property Development Regulations
- § 220-17-11---Building Design and Architectural Standards

- § 220-17-13---Private Roads
- Article XVIII---Signs
- Article XIX---Parking and Loading Areas

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 XV; or is otherwise a legal buildable “nonconforming lot” pursuant to § 220-22-9 (Article XXII also includes special provisions pertaining to “nonconforming” uses and building/structures lawfully established before the enactment of the Zoning Ordinance).
- ❖ Step 3: refer to the pertinent Article covering that zoning district from Articles IV-XIII; and determine whether the intended land use is listed there 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 § 220-21-1 to see whether that use is subject to a “site plan review” requirement. If so, other provisions of Article XXI 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 XX 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. § 220-20-3 specifies the approval standards that apply to all special land uses; but § 220-20-7 includes additional specific standards that are required of certain special land uses. Note: the “site plan review” requirements of Article XXI apply to all special land uses.

- ❖ Step 5: for every permitted use or special land use check whether additional regulations are applicable from either Article XVI (General Provisions), Article XVII (Supplementary Provisions), or other articles/sections dealing with specific subjects, such as the examples listed above in the bullet points.

User hint: many words and terms used in this Zoning Ordinance are given a specific definition in § 220-2-2. It is therefore important to refer to that section 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 that section or elsewhere in this Ordinance (such as in § 220-18-3 with respect to various terms relating to signage) is defined in accordance with its 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 XXIII---Administration and Enforcement
- Article XXIV---Zoning Board of Appeals
- Article XXV---Zoning Text/Map Amendment

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 Article XXIV, as that Article has provisions addressing the authority of the Zoning Board of Appeals to grant variance relief and generally covers the authority and functions of that board.

Disclaimer: this Executive Summary and User Guide is intended to provide a general orientation to the format and organization of the Zoning Ordinance to help persons better understand how to use the Ordinance, generally. 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 Executive Summary 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 less of a mystery to township officials and residents alike, and more accessible to all.

Chapter 220 Format Note

In the 2009 codification of the ordinances of Rutland Charter Township the Zoning Ordinance was codified as Chapter 220 of the Code, and organized with a consecutive section numbering system. The initial Code also used a consecutive page numbering system for all of the pages in Chapter 220.

When parts of Chapter 220 were updated in 2014-2015 (Ordinance Nos. 2014-150 and 2015-152), the Township also significantly reorganized the content of Chapter 220 and implemented an article-based section numbering system, and a related article-based page numbering system.

The article-based section numbering system chronologically numbers each section within each article, with the number for each section beginning with a prefix for the Code chapter number (220), followed by the article number within Chapter 220, and then the consecutive number of each section as it appears within the article.

Thus, for example, the first section of Article I of Chapter 220 is § 220-1-1, and the fourth section of that same article is § 220-1-4. The first section of Article II is § 220-2-1, and so on.

In coordination with this article-based numbering system, all of Chapter 220 is also now repaginated using a unique article-based page numbering system that enables the user to immediately discern from each page number the article of the content on each page, and the consecutive number of each page within that article.

For example, the fourth page of Article II is numbered 220:2:4 at the bottom of the page. This page number tells the user the content of that page pertains to Article II of Chapter 220, and is the fourth page of content within that article.