

## **ARTICLE 1**

### **TITLE, ENABLING AUTHORITY, PURPOSE, SCOPE & VALIDITY AND SEVERABILITY CLAUSE**

#### **SECTION 101        TITLE**

This ordinance shall be known and cited as the Fulton Township Zoning Ordinance and Zoning Map (“Ordinance”).

#### **SECTION 102        STATE ENABLING AUTHORITY**

This Ordinance is adopted by Fulton Township (“Township”) pursuant to the Michigan Zoning Enabling Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et. seq.), hereafter referred to as the “Zoning Act”, as amended, and, when so far as it is applicable, the Michigan Planning Enabling Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), as amended (“Planning Act”).

#### **SECTION 103        PURPOSE**

- A.     The purpose of the Ordinance is to regulate the use of land and structures to:
1.     Promote and protect the public health, safety, and general welfare;
  2.     Meet the needs of the state's citizens for food, fiber, energy, and other natural resources;
  3.     Regulate the use of land and structures to provide places of residence, recreation, industry, commerce, service, and other uses of land;
  4.     Ensure that use of the land is situated in appropriate locations and relationships;
  5.     Limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities; and
  6.     Facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements.
- B.     Such is based on a plan and policy, including but not limited to, the following:
1.     Encouraging the use of lands in accordance with their character and adaptability;

2. Limiting the improper use of land and conserving natural resources and energy,
  3. Ensuring that uses of the land are situated in appropriate locations and relationships as well as providing adequate light and air, reducing congestion of the public roads and streets and reducing hazards to life and property;
  4. Facilitating adequate provisions for transportation, sewage disposal, safe and adequate water supply, education, and recreation;
  5. To conserve the expenditure of funds for public improvements and services to make the most advantageous use of land, resources, and properties under the jurisdiction of the Township; and
  6. Be made with reasonable consideration to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.
- C. It is also the purpose of this Ordinance to provide for the establishment of districts and regulations that shall be uniform for each class of land or buildings, dwellings, and structures within a district located within the jurisdiction of the Township.
- D. It is also the purpose of this Ordinance to establish land development regulations designating or limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may be erected or altered, including tents and recreational vehicles, and to develop procedures for enforcement and penalty to ensure compliance with those provisions.
- E. This Ordinance may also provide for the regulation of land development and the establishment of districts which apply only to land areas and activities involved in a special program to achieve specific land management objectives and avert or solve specific land use problems.

## **SECTION 104        SCOPE OF REGULATIONS**

- A. This Ordinance and the regulations, provisions and requirements herein shall be interpreted, construed and implemented in such a manner as to progress its stated purposes. Nothing, however, within this Ordinance shall be interpreted, construed or implemented to prevent compliance with an order by the appropriate authority to correct, improve, strengthen, or restore to a safe or healthy condition any part of a structure or premises declared unsafe or unhealthy.
- B. Where any requirement imposed by any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations upon the use of any

land, property, lot, building, or structure than are imposed or required by the provisions of any other law or regulation, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or regulation shall govern.

- C. This Ordinance is not intended to modify or annul any easement, covenant, or other private agreement.
- D. Nothing in the Ordinance shall be interpreted or held to authorize, grant, award or provide to any individual, person, firm, corporation or entity any vested right, license, permission, privilege or permit.
- E. The Ordinance and the regulations, provisions, requirements, maps and schedules contained herein are based upon implementation of the Fulton Township Master Plan (“Master Plan”), as amended. The Master Plan is and will continue to be the basis for consideration of the Ordinance and subsequent amendment thereof.
- F. Zoning affects every structure, land use and parcel of land. No building, structure or land shall be used or occupied, and no building or part thereof, or structure or part thereof, shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in compliance with the provisions in this Ordinance for the zone in which such building, structure or land is located and except in compliance with other applicable provisions of this Ordinance. Any building, structure or land use not provided for in this Ordinance is prohibited.

## **SECTION 105            VALIDITY AND SEVERABILITY CLAUSE**

- A. This Ordinance and the articles, sections, regulations, provisions, requirements, maps and schedules contained herein are severable. If any part of this Ordinance is declared by a court of competent jurisdiction to be invalid for any reason, such invalidity shall only apply to the specific adjudicated article, section, regulation, provision, requirement, map or schedule and not affect the remainder of the Ordinance.
- B. If any part of this Ordinance is declared by court of competent jurisdiction to be invalid for any reason for a particular property, portion of land, parcel, lot, district, use, building or structure, such invalidity shall not apply or effect the regulation of any other property, portion of land, parcel, lot, district, use, building or structure located within the jurisdiction of the Township.

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