

Chapter 1 – Preamble

SECTION 1.01 PREAMBLE

An ordinance to provide for the establishment of Zoning Districts to encourage and regulate the proper location and use of land, buildings (*D2-2*), and structures (*D2-20*) for residence, trade or other purposes; to regulate the height and bulk of buildings; the density of population (*D2-14*), and the minimum dimensions of yards, and other spaces; to provide for the administration, enforcement, penalties for violation, and amendment of said ordinance.

SECTION 1.02 SHORT TITLE

This ordinance shall be known as the Tuscola Township Zoning Ordinance (*D2-23*).

SECTION 1.03 BACKGROUND

In 2006 the State of Michigan enacted a new Zoning Enabling Act governing all units of local government in the state. Prior to that time there had been three different zoning enabling acts governing township zoning, county zoning, and city/village zoning. The new act included sections from each of the previous acts and entirely new provisions. All governmental units covered by the new act were required to change their zoning ordinances to comply with the new act.

SECTION 1.04 OBJECTIVES

It is the general purpose of this ordinance to promote the public safety, health, convenience, and general welfare. Tuscola Township adopted the following objectives in revising our ordinance:

- A. Conform to all requirements of the new Michigan Zoning Enabling Act.
- B. Avoid redundancy by listing a requirement only once and referring to it when additional sections of the ordinance had the same requirements.
- C. Use easily understood plain language as much as possible throughout the ordinance.
- D. Correct typos and change text to meet these objectives.
- E. Whenever a term is used in the text of the ordinance that has a definition in Chapter 2, refer to the page where the definition can be found.
- F. Attempt to deliver the minimum size final document avoiding a unnecessarily large document.

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- G. Guide the use and development of land, buildings (D2-2) and natural resources according to their suitability for particular activities.
- H. Protect the community's quality of life and enhance the social and economic stability of the Township.
- I. Reduce congestion on public streets and highways and facilitate safe and convenient access to buildings and land uses.
- J. Guide efforts to provide public services, such as water supply, sewers, storm drainage, waste disposal, transportation, education, recreation and public safety.
- K. Establish standards to guide physical development of each Zoning District and of the Township as a whole, and provide for enforcement of said standards.
- L. Educate citizens and public officials about our shared responsibility of effective use of community resources.
- M. Strive to balance one property owners right to the peaceful use and enjoyment of his or her parcel (D2-13) with the rights of neighboring property owners to the peaceful use and enjoyment of theirs.
- N. Carry out the objectives of the Tuscola Township Master Plan.

SECTION 1.05 INTERPRETATION

The provisions of this ordinance shall be held to be minimum requirements, adopted to promote public health, safety, comfort, convenience and general welfare. Except for the prior Tuscola Township Zoning Ordinance, adopted 11-12-96, this ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing provisions of law or ordinance. Nor is it intended to overturn any previously approved or adopted rules, regulations or permits which relate to the use of land or buildings (D2-2). Nor is this ordinance intended to interfere with, abrogate or annul any lawful easements (D2-7), covenants or other agreements.

Where this ordinance imposes a greater restriction upon the use of land or buildings than is imposed by other laws or ordinances, or by rules, regulations, permits, easements, covenants or agreements that may be in force, the provisions of this ordinance shall control. Where provisions of any other ordinance or regulation of Tuscola Township impose stricter requirements for the use of land or buildings, the provisions of the other ordinance or regulation shall govern.

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SECTION 1.06 SEVERABILITY

This ordinance and the various parts, sections, subsections, phrases and clauses are hereby declared severable. If any part, sentence, paragraph, section, subsection, phrase or clause or the application thereof to any person (*D2-13*) or circumstance be adjudged invalid by the courts, it is hereby provided that the remainder of this ordinance shall not be affected thereby. The Tuscola Township Board (*D2-19*) hereby declares that it would have passed this ordinance and each section, subsection, phrase, sentence or clause thereof irrespective of the fact that any one or more section, subsection, phrases sentences or clauses be declared invalid.

SECTION 1.07 SEVERABILITY, APPLICABLE TO AMENDMENTS

The provisions of subsection 1.06 of this chapter shall apply to the amendment of any section of this ordinance whether or not such provision is re-enacted in the amendatory ordinance.

SECTION 1.08 REPEAL

The Tuscola Township Zoning Ordinance (*D2-23*) adopted the 12th day of March, 1996; as amended, is hereby repealed. Any other ordinance or parts of any ordinance in conflict with any of the provisions of this ordinance are hereby repealed subject to the limitation hereinafter provided.

SECTION 1.09 EFFECTIVE DATE

This ordinance enacted by the Township Board (*D2-19*) of Tuscola Township, Tuscola County, State of Michigan, at a regular meeting of said Township Board, on the 18th day of June, 2013.

This ordinance shall become effective 7 days from and after the date of publication of notice of the adoption of this ordinance, per P.A. 110 of 2006, as amended, (Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*).

SECTION 1.10 LEGAL BASIS

This ordinance is enacted pursuant to P.A. 184 of 1943, as amended, (being the Township Zoning Act, M.C.L. 125.271 *et seq.*). The continued administration of this ordinance, amendments to this ordinance, and all 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 “Michigan Zoning Enabling Act.”

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