
IOSCO TOWNSHIP ZONING

ARTICLE 1

**TITLE, PURPOSE, CONSTRUCTION,
RULES APPLYING TO TEXT AND ENABLING AUTHORITY**

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ARTICLE 1

TITLE, PURPOSE, CONSTRUCTION, RULES APPLYING TO TEXT AND ENABLING AUTHORITY

Section 1.1 Title

This Ordinance shall be known and cited as the Iosco Township Zoning Ordinance.

Section 1.2 Purpose

1.2.1 The purpose of this Ordinance is to provide for the regulation of land development and the establishment of districts in the Township which regulate the use of land and structures; to meet the needs of the state's citizens for food, fiber, energy and other uses of land; to insure that the use of land shall be situated in appropriate locations and relationships; to prevent the inappropriate overcrowding of facilities; to facilitate adequate and efficient provision for transportation systems, waste disposal, water, energy, education, recreation and other public services and facility requirements; and to promote the public health, safety, and general welfare of the residents of Iosco Township by imposing certain regulations and restrictions.

1.2.2 In order to more efficiently protect and promote the general welfare and to accomplish the aims and purposes of the Iosco Township Master Plan, the Township is divided into districts of such number, boundaries, shape and area, and of such common unity of purpose, adaptability of use, that are deemed most suitable to provide the best civic use, protect the common rights and interest of all, and to promote improved wholesome, harmonious, aesthetic development of said Township; and by further regulations and restrictions to limit the location, height, bulk, number of stories, size of dwellings, the uses and occupancy of dwellings, structures and land for residential, agricultural, commercial, or other purposes; to regulate the size of front, rear and side yard, courts, or other open spaces; to promote a Board of Appeals, defining and limiting the power and duties of said Board and providing the means for enforcing said Ordinance.

Section 1.3 Scope and Construction of Regulations

1.3.1 This Ordinance shall be liberally construed in such manner as to best effectuate 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.

- 1.3.2 No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except as permitted by and in conformity with the provisions of this Ordinance.
- 1.3.3 Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance, or by the provision of an ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern. This section is not intended to supersede the Mobile Home Commission Act, 1987 PA 96, as amended.
- 1.3.4 Nothing within this Ordinance shall be construed 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 building or premises declared unsafe or unhealthy.

Section 1.4 Rules Applying to the Text

- 1.4.1 The following rules shall apply to the text and language of this Ordinance:
- A) The particular shall control the general.
 - B) In case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
 - C) The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
 - D) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural shall include the singular, unless the context clearly indicates the contrary.
 - E) The word “used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
 - F) Any word or term not defined herein shall be used with a meaning of common or standard utilization.

Section 1.5 Validity and Severability Clause

- 1.5.1 If any Court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.
- 1.5.2 If any Court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other parcel, lot, district, use, building, or structure not specifically included in said ruling.

Section 1.6 Vested Right

- 1.6.1 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 1.7 Repeal of Prior Ordinance

- 1.7.1 The zoning ordinance previously adopted by the township of Iosco and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 1.8 Enabling Authority

- 1.8.1 This ordinance is adopted pursuant to Public Act 110 of 2008, Michigan Zoning Enabling Act, of the State of Michigan, as amended. Said Enabling Act covering Township Rural Zoning, is hereby made a part of this ordinance.

Section 1.9 Severability

- 1.9.1 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 judged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby.

Section 1.10 Enactment

- 1.10.1 The provisions of this ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety and welfare of the people of the township of Iosco and are hereby ordered to become effective thirty (30) days after the date of its publication as required by law. Such publication shall be preceded by a public hearing and by approval by the Township Board, in that order.