

Effective Date
May 6, 2009

HAMBURG TOWNSHIP ZONING ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE ESTABLISHMENT IN HAMBURG TOWNSHIP OF ZONING DISTRICTS WITHIN WHICH THE PROPER USE OF LAND AND NATURAL RESOURCES SHALL BE ENCOURAGED OR REGULATED BY ORDINANCE AND WITHIN WHICH PROVISIONS MAY ALSO BE ADOPTED DESIGNATING THE LOCATION, SIZE, USES THAT MAY BE MADE, MINIMUM OPEN SPACES, SANITARY, SAFETY, AND PROTECTIVE MEASURES THAT SHALL BE REQUIRED, AND THE MAXIMUM NUMBER OF FAMILIES THAT MAY BE HOUSED IN DWELLINGS, BUILDINGS, AND STRUCTURES THAT MAY BE ERECTED OR ALTERED AFTER THE EFFECTIVE DATE OF THIS ACT; TO PROVIDE FOR A METHOD FOR THE ADOPTION OF ORDINANCES AND AMENDMENTS THERETO; TO PROVIDE FOR THE ADMINISTERING OF ORDINANCES ADOPTED; TO PROVIDE FOR CONFLICTS WITH OTHER ACTS, ORDINANCES, OR REGULATIONS; TO PROVIDE PENALTIES FOR VIOLATIONS; TO PROVIDE FOR THE COLLECTION OF FEES FOR PERMITS ASSOCIATED WITH THIS ORDINANCE; TO PROVIDE FOR PETITIONS, PUBLIC HEARINGS, AND REFERENDA; TO PROVIDE FOR APPEALS; AND TO PROVIDE FOR THE REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

The Township of Hamburg, Livingston County, Michigan, ordains:

ARTICLE 1.00

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

Section 1.1. Title

This Ordinance shall be known and cited as the "Hamburg Township Zoning Ordinance" and will be referred to herein as "this Ordinance."

Section 1.2. Purpose

The purpose of this Ordinance is to provide for the regulation of land development and the establishment of districts in the portions of the Township outside the limits of cities and villages which regulate the use of land and structures, to meet the needs of citizens for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that use of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public services and facility requirements; and to promote the public health, safety, and welfare of the residents of Hamburg Township by imposing certain regulations and restrictions.

In order to more efficiently protect and promote the general welfare and to accomplish the aims and purposes of the Hamburg Township Master Plan, the Township is divided into districts of each 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 interests 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, and size of dwellings, the uses and stories occupancy of dwellings, structures, and land for residential, agricultural, commercial, industrial 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. Rules Applying to Text

The following rules shall apply to the text and language of this Ordinance:

1.3.1. The particular shall control the general.

1.3.2. In case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.

- 1.3.3.** The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- 1.3.4.** 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.
- 1.3.5.** The word "building" includes the word "structure."
- 1.3.6.** The word "building" or "structure" includes any part thereof.
- 1.3.7.** The word "person" includes a corporation as well as an individual.
- 1.3.8.** 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."
- 1.3.9.** Any word or term not defined herein shall be used with a meaning of common or standard utilization.

Section 1.4. Validity and Severability Clause

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.

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 land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

Section 1.5. Conflict with Other Laws

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 the 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 Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

Section 1.6. Enabling Authority

This Ordinance is adopted pursuant to the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, of the State of Michigan. Said Enabling Act covering township rural zoning, is hereby made a part of this Ordinance just as if said Act were repeated word-for-word herein.