

ARTICLE 1
TITLE, PURPOSE, SCOPE, AUTHORITY, VALIDITY AND SEVERABILITY, EFFECTIVE DATE, AND REPEAL OF PRIOR ORDINANCE

Section 1.10 Title

This ordinance shall be known as the "City of Ferrysburg Zoning Ordinance" and may be cited as "this Ordinance".

Section 1.20 Purpose

The purpose of this Ordinance is to promote the public health, safety and general welfare of the City and to provide for a wholesome, serviceable and attractive community by having regulations and restrictions that are supported by the citizens of Ferrysburg which:

- a) Promote compatibility of existing and future land uses.
- b) Increase the safety and security of residential neighborhoods.
- c) Preserve and create a favorable quality of life for residents.
- d) Provide appropriate locations within which the land use needs of residents and commerce may be efficiently accommodated.
- e) Encourage variety in housing type.
- f) Protect and enhance property values.
- g) Facilitate efficient traffic operations and minimize congestion and accident potential.
- h) Provide for convenient vehicular parking.
- i) Enhance the environment for pedestrian travel and other non-motorized transportation.
- j) Restrict building in floodplain areas as a means of protecting property values.
- k) Protect wetlands, dunes, and other unique natural features in recognition of their environmental value.
- l) Encourage preservation of environmental features through flexible design standards.
- m) Promote clean air and water and access to sunlight.
- n) Promote the City's aesthetic quality, while minimizing blight.
- o) Provide opportunity for parks, recreation, schools, religious institutions and community facilities.
- p) Provide infrastructure and public services consistent with demand.

- q) Provide reasonable measures to safeguard the City's economic structure.
- r) Provide each property owner with a reasonable and economic use of their land.
- s) Lesson congestion, disorder and infringement of property values, safety and quality of life which are often aggravated due to unregulated development.
- t) Prevent overcrowding of land and undue concentrations of populations.
- u) Eliminate nonconforming uses and structures.
- v) Encourage the redevelopment of those areas of the City experiencing decline.
- w) Accomplish the objectives of the City of Ferrysburg Master Plan adopted December 5, 1991, including amendments thereto.

In order to effectively meet this purpose, the City of Ferrysburg is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, that are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district and the City as a whole, preserve the property owners right to use their land, and to promote local quality of life and business vitality. The regulations in this Ordinance accomplish the above objectives by controlling land uses within each district; acknowledging the unique impacts of special land uses through specific standards for their development in appropriate locations within selected districts; promoting quality by limiting the location, height, bulk, occupancy and uses of buildings and other structures; defining maximum residential density; specifying the percentage of a site available for a building; and, requiring building and parking setbacks from property lines and public street rights-of-way.

Section 1.30 Scope

- a) Application of Regulations - 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 any ordinance adopted under any other law, the provision which is more restrictive or which imposes the higher standard or requirement shall govern.
- b) Easements, Covenants, and Private Agreements - This Ordinance is not intended to repeal, abrogate, or annul any easement, covenant or private agreement, provided, that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than the easement, covenant, or other private agreement, the provisions of this Ordinance shall govern.
- c) Uses, Buildings, and Structures Subject to Ordinance - Except as may otherwise be provided in this Ordinance, every building and structure erected; every use of any lot, building or structure established; every structural alteration or relocation of an existing building or structure and every enlargement or addition to, an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which the use, building or structure is located.

- d) Use Prohibition (Uses Not Listed) - Unless otherwise indicated, uses not listed within a zone district classification are prohibited within that classification.
- e) Setbacks and Lot Area - No setback or lot area existing at the time of adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- f) Minimum Regulations - The regulations herein established shall be the minimum regulations for promoting and protecting the public health, safety and welfare.
- g) Review and Approval Authority - In cases wherein the text of this Ordinance specifies that the "Zoning Administrator" has been designated as the review and approval body of a proposed zoning action which is subject to final review and approval by the Planning Commission or City Council, the decision of the Planning Commission or City Council on the zoning action shall rule.

Section 1.40 Authority

This Ordinance is enacted in accordance with Act 110 of the Michigan Public Acts of 2006, as amended, provided, however, the powers and duties of the Zoning Commission have been transferred to the Planning Commission of the City of Ferrysburg under the provisions of Michigan Act 33 of the Public Acts of 2008, including any amendments thereto. [Ordinance No. 265, 10/4/2010]

Section 1.50 Validity and Severability

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, the ruling shall not affect any other provisions of this Ordinance not specifically included in the ruling. Further, if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building or structure, the ruling shall not affect the application of a provision to any other parcel, lot, use, building or structure not specifically included in the ruling.

Section 1.60 Effective Date

This Ordinance shall become effective upon publication as provided by law.

Section 1.70 Repeal of Prior Ordinance and Prior Conditions Attached to Land, Buildings, or Structures

The City of Ferrysburg Zoning Ordinance, Ordinance adopted August 27, 1975, and all amendments thereto, and any prior zoning ordinances of the City of Ferrysburg are hereby repealed effective coincident with the effective date of this Ordinance. The repeal of those ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture or

liability incurred under any prior ordinance, or any part thereof, and the prior ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of the penalty, forfeiture or liability.

Conditions which have been attached to land, buildings, structures, and uses resulting from actions under a prior ordinance shall remain in effect unless specifically waived by this Ordinance, or through proper amendment, subject to the requirements of this Ordinance.

