
CHAPTER 1 PURPOSE, TITLE, AND SCOPE

SECTION 1.1 PURPOSE

- A. The fundamental purpose of this Ordinance is to promote the public health, safety, and general welfare of the people of Otsego.
- B. Pursuant to the authority by Act No. 110 of the Public Acts of Michigan of 2006, and the City Charter of the City of Otsego, this Ordinance is adopted for the following purposes:
1. to meet the needs of the state's residents for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land;
 2. to insure that uses of the land shall be situated in appropriate locations and relationships;
 3. to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities;
 4. to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and
 5. to promote public health, safety, and welfare

SECTION 1.2 SCOPE

- A. Interpretation and Application

In its interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and/or general welfare. It is not intended by this Ordinance to impair or interfere with any other existing provision of law or ordinance. However, where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations, or permits, the provisions of this Ordinance shall control.

- B. Vested Rights

Except as otherwise provided in this Ordinance, nothing in this Ordinance shall be interpreted or construed to provide any permanent vested rights in the continuation of any particular use, district, zoning classification, or activities and all rights are declared to be subject to a subsequent amendment, change or modification to permit the preservation or protection of public health, safety, and welfare.

C. Uses Permitted by Right

All land development specifically listed under the heading "Uses Permitted by Right" are permitted when in accordance with all provisions of this Ordinance and all other applicable laws, regulations or ordinances applicable to the proposed use of land. Where not specifically permitted, uses are prohibited, unless construed to be similar to a use as determined by Section 1.2, E.

D. Uses Permitted by Special Land Use

All land development specifically listed under the heading of "Special Land Uses" in the Districts contained in this Ordinance shall be conducted in accordance with the requirements of the Chapter 15, Special Land Uses, of this Ordinance.

E. Uses Not Specifically Mentioned

1. Any use of land or development activity not specifically mentioned in this Ordinance shall be forwarded to the Zoning Board of Appeals for classification.
2. If the Zoning Board of Appeals finds that the use is not similar in character to uses listed in the Ordinance it shall so find.
3. The Zoning Board of Appeals may recommend to the Planning Commission consideration of an amendment to the Zoning Ordinance to include the proposed use in one (1) or more of the Zoning Districts of this Ordinance, either as a Use Permitted by Right or a Special Land Use.
4. If the Zoning Board of Appeals finds the use is similar to other uses, it shall be permitted under the same terms and conditions as the use to which the Zoning Board of Appeals finds it is most similar.

F. Uses Existing Before Ordinance

1. Any use of the land or activity existing on the effective date of this Ordinance may continue subject to the provisions of Section 3.13, Nonconforming Uses, Structures, and Lots.
2. The right to continue a land use or activity or construct a building or structure which is either permitted by this Ordinance or established as a legal nonconformity shall be vested with the property rather than the owner. No rights shall be terminated for reasons of transfer of ownership. The right to continue a land use or activity shall transfer automatically upon the conveyance of the property unless terminated pursuant to Section 3.13, Nonconforming Uses, Structures and Lots.

- G. If construction on a building is lawfully begun prior to adoption of this ordinance, nothing in this ordinance shall be deemed to require any change in the planned or designed use of any such building provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within two (2) years from the effective date of this Ordinance, or affecting amendment.

SECTION 1.3 TITLE

This Ordinance shall be known and may be cited as the "City of Otsego Zoning Ordinance."

SECTION 1.4 EFFECT OF ZONING

- A. Zoning affects every structure and use. Except as otherwise specified, no building, structure, or premises shall after the effective date of this Ordinance be used or occupied, and no building or part of a building or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except when in conformity with the regulations for the Zoning District in which it is located.
- B. In case any building or part of a building or other structure is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.