

## **ARTICLE 1 INTRODUCTION**

This ordinance will be known and may be cited as the Village of Freeport Zoning Ordinance (Zoning Ordinance).

### **1.01 PURPOSE**

This Ordinance is based upon the Village of Freeport Land Use Plan and is designed to promote public health, safety and general welfare; to encourage the use of land in accordance with its character and adaptability and limit the improper use of land; to avoid the overcrowding of population; to provide adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public improvements and services to obtain the most advantageous uses of land, resources and properties. This Ordinance is adopted with reasonable consideration for, the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

### **1.02 RESOLUTION**

Be it ordained by the Village Council of Freeport pursuant to the provisions of Act 207 of the Public Acts of 1921 as amended, that this ordinance is known as the Village of Freeport Zoning Ordinance. The ordinance is for the establishment of zoning districts within which the use of land for agriculture, recreation, residence, industry, trade, soil conservation, water supply conservation and additional uses of land may be encouraged, regulated, or prohibited. Said ordinance is also for such purposes as to divide portions of Freeport into districts of such number, shape and area as may be deemed best suited to carry out the provisions of the ordinance. Within each district provisions may limit the location, height, number of stories, size of dwellings, buildings, and structures that may be built or altered. Each district may provide for specific uses for which dwellings, buildings, and structures may be built or altered; and for the regulation of the area of yards, courts and other open spaces and the sanitary, safety, and protective measures that will be required for such dwellings or buildings. The ordinance may provide for the designation of the maximum number of families that may be housed in buildings, dwellings, and structures, built or altered. The ordinance includes provisions for amendments; administration; conflicts with other acts, ordinances or regulations; the collection of fees for the furtherance of the purpose of this ordinance; to provide for petitions and public hearings; to provide for appeals and for organization and procedure of the Freeport Zoning Board of Appeals (ZBA); and to provide for penalties for the violation of this ordinance.

### **1.03 VALIDITY OR SEVERABILITY CLAUSE**

Should any section, subsection, clause or provision of this ordinance be declared by the courts to be invalid, such decisions will not affect the validity of the ordinance in its entirety or of any part of it other than that portion so declared to be invalid.

### **1.04 CONFLICT WITH OTHER LAWS**

Wherever the provision(s) of this ordinance, impose more stringent requirements than are imposed or required by existing provisions of law or ordinance, the provisions of such local ordinance or regulation adopted under the provisions of this act shall govern. Where, however, the provisions of the state housing code or other ordinances or regulations of any city or village impose more stringent requirements, the more restrictive of the two shall govern.

### **1.05 INTERPRETATION OF CONFLICTING PROVISIONS**

In this ordinance, words used in the present tense include the future; the singular number includes the plural number and plural the singular; the word "shall" is mandatory and not permissive and the word "may" is permissive. In interpreting and applying this ordinance, the requirements contained herein are declared to be the minimum requirements for the protection of health, morals, safety, or welfare. This ordinance shall not be deemed to interfere with or abrogate or annul or otherwise affect in any manner whatever in the ordinances, rules, regulations or permits or by easements, covenants or other agreements between parties provided however that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or larger open spaces than are imposed or required by other ordinances, rules, regulations or permits or by easements, covenants or agreements between parties, the provisions of this ordinance will prevail.