

ARTICLE I – GENERAL PROVISIONS

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GENERAL PROVISIONS

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ENACTING CLAUSE

The Charter Township of Marquette Ordains:

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SECTION 1.01: SHORT TITLE

This Ordinance shall be known as the “**Charter Township of Marquette Zoning Ordinance.**”

SECTION: 1.02: REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance of the Charter Township of Marquette, enacted May 13, 1966, and all amendments thereto, are hereby repealed in full. The adoption of this Ordinance, however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of the repealed Ordinance if the violation is also a violation of the provisions of this Ordinance.

SECTION 1.03: PURPOSE

- A. This Ordinance is based upon the detailed consideration and mapping of the Township’s resource base, public infrastructure, land and water uses, and anticipated trends presented in the *Comprehensive Development Plan for Marquette Township*. The intent of this Ordinance is to divide the Charter Township of Marquette into basic zoning districts and to utilize performance standards to provide flexibility for development while assuring the health, safety, and general welfare for the present and future residents of the Township. The general purpose of this Ordinance is to:
1. Promote compatibility of land uses to protect neighboring landowners from adverse effects of adjoining development and to preserve property values.
 2. Protect and preserve natural resource systems for continued and appropriate sustained productivity and benefit.
 3. Control and regulate growth, concentrating development in suitable areas where the necessary infrastructure presently exists or where it can be feasibly provided.
 4. Assure the most practical balance between natural and man-made systems for the continued benefit of the Township.

SECTION 1.04: INTENT

The goals and objectives of individual land owners and residents of the Township may at times conflict or compete; therefore, the primary intent of this performance oriented zoning ordinance is to minimize land use conflicts between landowners and the public interest by devising performance standards to eliminate or minimize potential negative impacts of varying uses on

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adjacent lands. The performance standards are designed to protect the health, safety, and general welfare of the residents as well as to encourage creativity in the design of future land developments within the Township. Zoning districts designations are few in number; however, each district has a specific purpose and the distinction between districts is significant. The districts have been located and sized to accommodate the long range objectives based upon the *Comprehensive Development Plan for Marquette Township*.

SECTION 1.05: DESIGNATED AUTHORITY

The Charter Township of Marquette Planning Commission is hereby designated the “Planning Commission” as specified in *Section 1, The Township Planning Act, P.A. 168 of 1959, as amended*. In accordance with the requirements of this Act, it shall be the duty and responsibility of the Planning Commission to advise the Township Board on all planning matters. In addition, the Planning Commission shall also assume the duties and responsibilities of the Zoning Board in accordance with the requirements as set forth in *Act 110 of the Public Acts of 2006, as amended (being the Michigan Zoning Enabling Act), in MCL 125.3102, Section 102(u).*(Amend. 08-02-10)

SECTION 1.06: APPLICATION

Except as otherwise provided for by preemptive law having authority over township zoning or as provided for in this Ordinance, no building, structure, development, or land use shall be commenced, altered, expanded, continued, used, or occupied unless it is in compliance with the applicable regulations and requirements of this Ordinance and in accordance with permits and stated conditions, issued hereunder.

SECTION 1.07 VESTED RIGHT

Nothing in this Ordinance shall be interpreted or construed to give rise to permanent vested rights in the continuation of any particular use, district, zoning classification, or any permissible activities therein. Any part of this Ordinance may be amended when deemed reasonable for the preservation of the public health, safety, and general welfare.

SECTION 1.08 SEVERANCE

This Ordinance and the various parts, sections, subsections, provisions, sentences and clauses are severable. If any part of this Ordinance is found to be unconstitutional or invalid it is declared that the remainder of the Ordinance shall not be affected thereby.

SECTION 1.09: RELATIONSHIP TO OTHER LAWS

Whenever regulations or requirements imposed by this Ordinance are either more or less restrictive than regulations imposed by any other governmental authority through legislation, rule, or regulation, the most restrictive, which impose the highest standards, shall govern. Regardless of any other provision of this Ordinance, no land shall be used nor structure erected or maintained in

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violation of any federal, state, or county pollution control, health, or environmental protection law or regulation.

SECTION 1.10: RELATIONSHIP TO TEXT AND ATTACHMENTS

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

SECTION 1.11: ADMINISTRATIVE PROCEDURAL GUIDES

For the benefit of residents, landowners, developers, and other interested parties, guides may be developed explaining the various requirements and procedures established in this Ordinance. In the event of any discrepancy between this Ordinance and any guide, the Ordinance shall be the controlling document. The guides are intended to be an aid to understanding and are not supplements or additions to this Ordinance.