

**CHARTER TOWNSHIP OF FENTON**  
**Ordinance No. 638**  
**Adopted: April 4, 2005**

An ordinance to amend Sections 14.01 and 14.02 of Fenton Township Zoning Ordinance No. 594 to revise the provisions regarding amendments to the Zoning Ordinance.

THE CHARTER TOWNSHIP OF FENTON, GENESEE COUNTY, MICHIGAN, ORDAINS:

**ARTICLE I.** Subsection B of Section 14.01 (Initiating Amendments) of Zoning Ordinance No. 594 is hereby amended to provide as follows:

- B. Any proposal for an amendment to the Zoning Map (i.e. to rezone a parcel(s)) may be initiated by the owner of that parcel(s) or a person with written permission of the owner. The process is initiated with the filing of the following with the Zoning Administrator:
1. An application for rezoning.
  2. A map at a scale of not less than 1"=50' showing the subject parcel in relation to adjoining parcels of land.
  3. The necessary fees for such zoning change.
  4. A copy of the deed to the property.
  5. A sewer capacity report prepared by a licensed professional civil engineer, provided by the developer and reviewed by the Township Engineer.

**ARTICLE II.** Subsection E of Section 14.02 (Procedures) of Zoning Ordinance No. 594 is hereby amended to provide as follows:

- E. Following the public hearing, the Planning Commission shall consider the request. At the meeting the Planning Commission may recommend approval, denial or postpone the request for further study. In making a recommendation on the proposed amendment, the Planning Commission shall consider the following:
1. In the case of a proposal to amend the zoning ordinance text the Planning Commission must find:
    - a. The change is necessary to clarify a provision of the ordinance, or
    - b. The change is necessary to correct a mistake in the ordinance, or
    - c. The change is necessary to implement a goal or policy of the Township Land Use Plan, or
    - d. The change is necessary to improve administration of the ordinance or to better serve the community.
    - e. In addition to one (1) or more of the above findings, the Planning Commission must determine that the requested amendment is in

compliance with the Township Land Use Plan or that a mistake in the plan, or changes in conditions or township policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.

2. In the case of a proposed zoning map amendment (rezoning) the Planning Commission must find one of the following:
  - a. The requested amendment is in compliance with the Township Land Use Plan or that a mistake in the plan, or changes in conditions or township policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
  - b. The property cannot be reasonably used as it is currently zoned and the proposed request represents the most suitable alternative zoning classification based on the Land Use Plan.
3. In addition to the findings required in paragraph 2 above, the Planning Commission must find that there is adequate sewer capacity for the uses that would be permitted as a result of the rezoning, based on a sewer capacity report.

**ARTICLE III.** This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

**ARTICLE IV.** All ordinances and provisions of ordinances of the Charter Township of Fenton in conflict herewith are hereby repealed.

**ARTICLE V.** This amendatory ordinance shall be published as required by law and shall take effect 7 days after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 4th day of April 2005.

**Bonnie Mathis, Supervisor**

**Robert Krug, Clerk**