

CHARTER TOWNSHIP OF FENTON
Ordinance No. 668
Adopted: July 24, 2006

An ordinance to amend the Preamble, Section 9.05, Section 11.27, Section 13.01 and Section 14.02 of Fenton Township Zoning Ordinance No. 594 to comply with the provisions of the Michigan Zoning Enabling Act, Public Act No. 110 of 2006.

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

ARTICLE I. The Preamble of Zoning Ordinance No. 594 is hereby amended to provide as follows:

PREAMBLE

In accordance with the authority and intent of Act 110, of the Public Act of 2006, as amended, the Township of Fenton desires to provide for the orderly development of the Township, which is essential to the well-being of the community, and which will place no undue burden upon developers, industry, commerce, or residents. The Township further desires to assure the provision of adequate sites for industry, commerce, and residence including open space and recreation, to provide for the free movement of vehicles upon the proper streets and highways of the Township; to protect industry, commerce, and residences against incongruous and incompatible uses of land, and to promote the proper use of land and natural resources for the economic well-being of the Township as a whole; to assure the provision of adequate space for the parking of vehicles of customers using commercial, retail and industrial areas; and to ensure that all uses of land and buildings within the Township of Fenton be so related as to provide for economy in government and mutual support. This ordinance, which is based on the goals and policies of the Township's land use plan, will promote and protect the public health, safety, comfort, convenience, and general welfare of the residents, shoppers, and workers in the Township of Fenton.

ARTICLE II. Subsection B of Section 9.05 (Special Use Permit Review Process) of Zoning Ordinance No. 594 is hereby amended to provide as follows:

SECTION 9.05 Special use permit review process

B. Public hearing

Upon receipt of an application for a special use permit, a public hearing shall be scheduled for a Planning Commission meeting at which the special use permit will be reviewed. This public hearing will coincide with the preliminary review of the project's site plan. One (1) notice of the public hearing shall be published in a newspaper of general circulation in the Township and shall be sent by mail or personal delivery to the owners of property for which approval is being

considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, as identified by the most recent tax roll and to the occupants of all structures within three hundred (300) feet and to the occupants of all structures within 300 feet of the property. If a portion of the general common area of a condominium falls within the three hundred (300) feet radius, notice will be sent to the condominium association. The notice shall be given not less than fifteen (15) days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnership, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwellings units or other distinct spatial areas owned or leased by different individuals, partnership, business, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at a primary entrance to the structure. The notice shall:

1. Describe the nature of the special use request.
2. Indicate the property which is the subject of the special use request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the public hearing on the special use request will be held.
4. Indicate when and where written comments will be received concerning the special use request.

ARTICLE III. Section 11.27 (Day care homes, group (7-12 persons)), of Zoning Ordinance No. 594 is hereby amended to provide as follows:

SECTION 11.27 Day care homes, group (7-12 persons)

Group day care homes are permitted by special use permit in the R-2, R-3, R-4, R-5, R-6, R-M and R-MH zoning district provided:

- A. The facility is licensed by the State of Michigan as a group day care home.
- B. Fencing is provided around any outdoor play areas.
- C. The building retains the appearance of a single family residence.

- D. The use does not exceed sixteen (16) hours of operation in a twenty four (24) hour period.
- E. The use is no closer than one thousand five hundred (1,500) feet to another licensed group day care home.

Per Section 206 (3) of PA 110 of 2006, the Michigan Zoning Enabling Act, these are the only standards that may be imposed.

ARTICLE IV. Section 13.01, (Creation of Zoning Board of Appeals), of Zoning Ordinance No. 594 is hereby amended to provide as follows:

SECTION 13.01 Creation of Zoning Board of Appeals

- A. There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in this section of the ordinance, inclusive of Act 110 of the Public Acts of 2006, as amended, in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Zoning Board of Appeals shall consist of seven (7) regular members, and may include two (2) alternate members all of whom shall be appointed by the Township Board following recommendations by the Township Supervisor.

ARTICLE V. Section 14.02, (Amendments Procedures), is hereby amended to provide as follows:

SECTION 14.02 Procedures

- B. The Township Clerk shall give notice of the time and place of the Planning Commission public hearing at which the amendment will be heard, by publication of a notice in a newspaper of general circulation in the Township.
 - 1. The notice shall be published not less than fifteen (15) prior to the date of the hearing.
 - 2. The notice shall include:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered

d. Indicate when and where written comments will be received concerning the request and the places and times at which the proposed amendment may be examined prior to the meeting.

B. The Clerk shall give similar notice by mail of the time and place of such hearing to the owner or owners of the property or properties in question as well as all the owners of property within three hundred (300) feet of the parcel as identified in the most recent tax roll of the Township and to the occupants of all structures within 300 feet of the property, not less than fifteen (15) days before the hearing. If the portion of the general common area of a condominium falls within the three hundred (300) feet radius notice will be sent to the condominium association. Notice shall also be given in similar fashion to each public utility company and to each railroad company owning or operating any public utility or railroad within zoning districts affected that registers its name and mailing address with the Township for the purpose of receiving the notice. An affidavit of mailing shall be maintained.

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

ARTICLE VIII. 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 24th day of July 2006.

Bonnie K. Mathis, Supervisor

Robert E. Krug, Clerk