

CHARTER TOWNSHIP OF FENTON
Ordinance No. 764
Adopted: May 5, 2014

An ordinance to amend Sections 2, 4, 7, 8, 9 and 10 of Lot Partition Ordinance No. 688 to grant authority for approval of certain lot partitions to the Fenton Township Zoning Board of Appeals.

ARTICLE I. Section 2 (Approval, disapproval) of Ordinance No. 688 is hereby amended to provide as follows:

SECTION 2. Approval, disapproval; Planning Commission and ZBA.

- (a) The Fenton Township Planning Commission, after consideration of the recommendations of the advisory authorities hereafter identified, may approve or disapprove any proposed partition. The Township Planning Commission shall approve, approve with conditions or deny each application. The Planning Commission may also approve or deny an application as it may be modified by the applicant.
- (b) In the case where a proposed lot partition does not meet the requirements of the Township Zoning Ordinance and will require a variance prior to approval, the request shall be referred to the Township Zoning Board of Appeals (ZBA) which will have the power to approve the lot partition as well as the variance.

ARTICLE II. Section 4 (Application Procedure) is hereby amended to provide as follows:

SECTION 4. Application Procedure

The following procedure shall be followed by a party making application to partition a lot, outlot or other parcel of land in a plat:

- (a) Ten (10) copies of an application for the proposed partition shall be submitted to the Township Clerk at least 30 days prior to any meeting of the Fenton Township Planning Commission or ZBA as applicable which may be required. Application shall be on a form provided by the Township Clerk.
- (b) The application shall be accompanied by a sealed drawing of the proposed partition prepared by a registered civil engineer or registered surveyor. The drawing shall contain the information relating to the physical characteristics of the land and surrounding areas including driveways, fences, septic systems and wells on the subject property and all buildings on the property and within 100' of the subject parcel; the adjacent rights-of-way and public utilities; the existing plat lot lines and zoning classifications; and such other pertinent information as the Planning Commission or ZBA shall from time to time request.

ARTICLE III. Section 7 (Referral to other commissions, agencies) is hereby amended to provide as follows:

SECTION 7. Referral to other commissions, agencies.

Applications proposing partitions shall be referred by the Township Planning Commission or ZBA, (if deemed necessary, because of the particular circumstances of the land or surrounding land), to the Genesee County Road Commission, the Genesee County Drain Commissioner, and to the Genesee County Health Department.

ARTICLE IV. Section 8 (Review) is hereby amended to provide as follows:

SECTION 8. Review by Planning Commission or ZBA.

The Township Planning Commission or ZBA shall review all proposed partitions referred to them and determine if all proposed sites will comply with the Fenton Township Zoning Ordinances and all applicable administrative rules and regulations.

ARTICLE V. Section 9 (Notification; published notice) is hereby amended to provide as follows:

SECTION 9. Notification; published notice.

The Township Clerk shall notify all residents and property owners of the Township Planning Commission or ZBA public hearing on the application for partition. The notice will comply with the requirements for notices for Special Use Permits outlined in Section 9.05 of the Township Zoning Ordinance.

ARTICLE VI. Section 10 is hereby amended to provide as follows:

SECTION 10. Standards for Approval In considering the approval of a proposed lot partition, the Planning Commission or ZBA shall base the decision on the following standards: The proposed lots shall comply with the township zoning ordinance requirements for lots including density of dwelling units, minimum lot size standards, unless granted a variance by the ZBA, and must be able to meet all of the setback requirements of the ordinance.

- (a) A platted lot may be split into two non-conforming parcels for the purpose of adding to adjacent tax parcels.
- (b) The proposed lots shall be accessible as determined by the Genesee County Road Commission when the lot is adjacent to a public road, or by the Planning Commission when adjacent to a private road.
- (c) The proposed partition shall not have a negative drainage impact on adjacent properties.
- (d) The proposed partition shall not exceed the capacity of public infrastructure to service the area.
- (e) The proposed partition shall be consistent with the public health, safety and welfare of the community.
- (f) A platted lot may not be divided into more than four (4) parts, per the Land Division Act.
- (g) In the case of requests that require a variance from the ZBA, the ZBA shall apply the standards for approval of a variance contained in the Township Zoning Ordinance.

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

ARTICLE IX. This amendatory ordinance shall be published as required by law and shall take effect immediately after adoption and publication.

Enacted at a regular meeting of the Fenton Township Board held on the 5th day of May 2014.

Bonnie K. Mathis, Supervisor

Robert E. Krug, Clerk