

ARTICLE 1
TITLE, PURPOSE AND AUTHORITY

Sec. 1.01 Title

This Ordinance shall be known and may be cited as the “City of Fenton Zoning Ordinance.”

Sec. 1.02 Purpose

a. The purpose of this Ordinance is to promote the public health, safety, and general welfare of the community as a wholesome, serviceable, and attractive municipality, by having regulations and restrictions that:

1. Promote compatibility of existing and future land uses.
2. Increase the safety and security of home life.
3. Preserve and create a favorable quality of life for residents.
4. Develop good citizenship.
5. Protect and enhance property and civic values.
6. Facilitate efficient traffic operations, minimize congestion, and accident potential.
7. Enhance the environment for pedestrians and other non-motorized types of transportation.
8. Restrict building in floodplain areas as a means of protecting property owners.
9. Protect wetlands in recognition of their irreplaceable environmental value.
10. Promote aesthetics and minimize blight.
11. Provide for convenient vehicular parking.
12. Provide parks, recreation, schools, religious institutions, and community facilities.
13. Encourage a variety of quality housing.
14. Encourage preservation of environmental features through flexible design standards.
15. Promote clean air and water, access to sunlight, sufficient infrastructure, and public services.
16. Assist in implementing and accomplishing the objectives of the City’s adopted Master Plan.
17. Provide reasonable means of protecting and safeguarding the City’s economic structure.
18. Provide each property owner with a reasonable and economic use of their land.
19. Lessen congestion, disorder and infringement on property values, safety, and quality of life which are often aggravated due to unregulated development.
20. Prevent overcrowding of land and undue concentration of population.

b. In order to effectively meet this purpose, the City is divided into districts of such number, shape, and area, and of such common unity of purpose, adaptability, or use, that are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, and the City as a whole, preserve the property owners right to use their land, and to promote quality of life and business vitality. The regulations of this Ordinance accomplish these purposes by controlling land uses within each district; acknowledging the unique impacts of special land uses through specific standards for their development in appropriate locations within selected districts; promoting quality by limiting the location, height, bulk, occupancy, and uses of buildings, and other structures; defining maximum residential density, specifying the percentage of a site available for a building; and requiring building and parking setbacks from property lines and public street rights-of-way.

Sec. 1.03 Conflicting Regulations

a. Where any condition imposed by any provision of this Ordinance, upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any Ordinance adopted under any other law, the provision which is more restrictive or which imposes the higher standard or requirement shall govern.

- b. This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement, provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.
- c. Except as may otherwise be provided in this Ordinance, every building and structure erected; every use of any lot, building, or structure; every structural alteration or relocation of an existing building or structure and every enlargement of, or addition to, an existing use, building, or structure shall be subject to all regulations of this Ordinance which are applicable in the zoning district in which such use, building, or structure is located.
- d. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.
- e. The regulations herein established shall be considered the minimum regulations for promoting and protecting the public health, safety, and welfare.

Sec. 1.04 Vested Rights

a. Site Plans Submitted Prior to Effective Date

- 1. **Construction Begun.** Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designated use of any building upon which actual construction was begun prior to the enactment of this Ordinance, provided construction has lawfully begun, is being diligently carried on, and shall be completed within one (1) year of the effective date of this Ordinance. The Zoning Board of Appeals (ZBA) may permit an extension of up to one (1) year for completion.
 - 2. **Application Submitted.** An application shall meet the requirements of the Ordinance effective on the date of submission. An application submitted before the effective date of this Ordinance must be approved by the Planning Commission by the date that the Ordinance takes effect or the requirements of this Ordinance shall be followed.
 - 3. **Application Approved.** If an application has been approved within twelve (12) months of the effective date of this Ordinance, it shall remain valid if construction is begun within one (1) year and completed within two (2) years of the effective date of this Ordinance.
- b. For projects not subject to site plan approval, a building permit must be issued prior to the effective date of this Ordinance; otherwise the requirements of this Ordinance take effect.
 - c. If the conditions of this Section are not met, the standards and provisions of this Zoning Ordinance shall govern.
 - d. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Sec. 1.05 Authority

This Ordinance is enacted in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.

Sec. 1.06 Validity and Severability

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in such ruling. Further if any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot, use, building, or structure, such ruling shall not affect the application of such provision to any other parcel, lot, use, building, or structure not specifically included in such ruling.

Sec. 1.07 Effective Date

This Ordinance shall become effective ten (10) days from the date of publication of notice of adoption.

Sec. 1.08 Repeal of Prior Ordinance

Ordinance No.510, adopted July 9, 1990, and all amendments thereto, and any prior Zoning Ordinances of the City are hereby repealed effective coincident with the effective date of this Ordinance. The repeal of such Ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture, or liability incurred under such Ordinance, or any part thereof, and such Ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty, forfeiture, or liability.

Amended: January 14, 2008

Adopted: June 28, 2004

Published: January 27, 2008

Effective: February 26, 2008

CITY OF FENTON ZONING ORDINANCE
