

CHARTER TOWNSHIP OF FENTON
Ordinance No. 804
Adopted: November 19, 2018

An ordinance to amend Articles 2, 3, 4 and 11 of Zoning Ordinance No. 594 to revise language relating to accessory buildings and structures.

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

ARTICLE I. Article 2 Section 2.01 (Definitions) of Zoning Ordinance No. 594 is hereby amended to revise the definition of “Accessory buildings” to “Accessory buildings, attached”, and to add definitions for “Accessory buildings, detached”, “Road, principal arterial”, “Road, minor arterial”, “Road, collector”, “Road, local”, as follows:

Accessory buildings, attached – A permanent structure, or portion of a permanent structure having a roof supported by columns, or walls subordinate to a principle building to which it is physically joined, and devoted exclusively to, an accessory use for storage of vehicles and other personal items.

Examples include: garages and storage buildings.

Accessory buildings, detached – A permanent structure, or portion of a permanent structure having a roof supported by columns, or walls subordinate to a principle building from which it is physically separated, devoted exclusively to an accessory use for storage of vehicles and other personal items.

Examples include: garages, storage buildings, sheds and gazebos.

Road, arterial – Principal arterials are designed to carry a higher volume of traffic for long distances. Minor arterials are designed similarly as a principal arterial but carry traffic for shorter distances. (Road types are shown as classified in the Township’s Master Plan).

Road, collector – Thoroughfares designed typically to provide access to properties other than the arterials. They are the primary connection between residential or rural areas and arterials. (Road types are shown as classified in the Township’s Master Plan).

Road, local – Thoroughfares designed primarily to provide access to property. (Road types are shown as classified in the Township’s Master Plan).

ARTICLE II. Article 3 (District Regulations) of Zoning Ordinance No. 594 is hereby amended to add the use **Accessory buildings on a separate lot** as a use permitted by special use permit in the following Sections, and to update Table 3-3 accordingly:

Section 3.05 AG Agricultural

Section 3.06 R-1 Single Family Residential – Rural

Section 3.07 R-2 Single Family Residential – Low Density

Section 3.08 R-3 Single Family Residential – Medium Density

Section 3.09 R-4 Single Family Residential

Section 3.10 R-5 Single Family Residential

Section 3.11 R-6 Single Family Residential – Attached

Section 3.12 R-M Multiple Family Residential

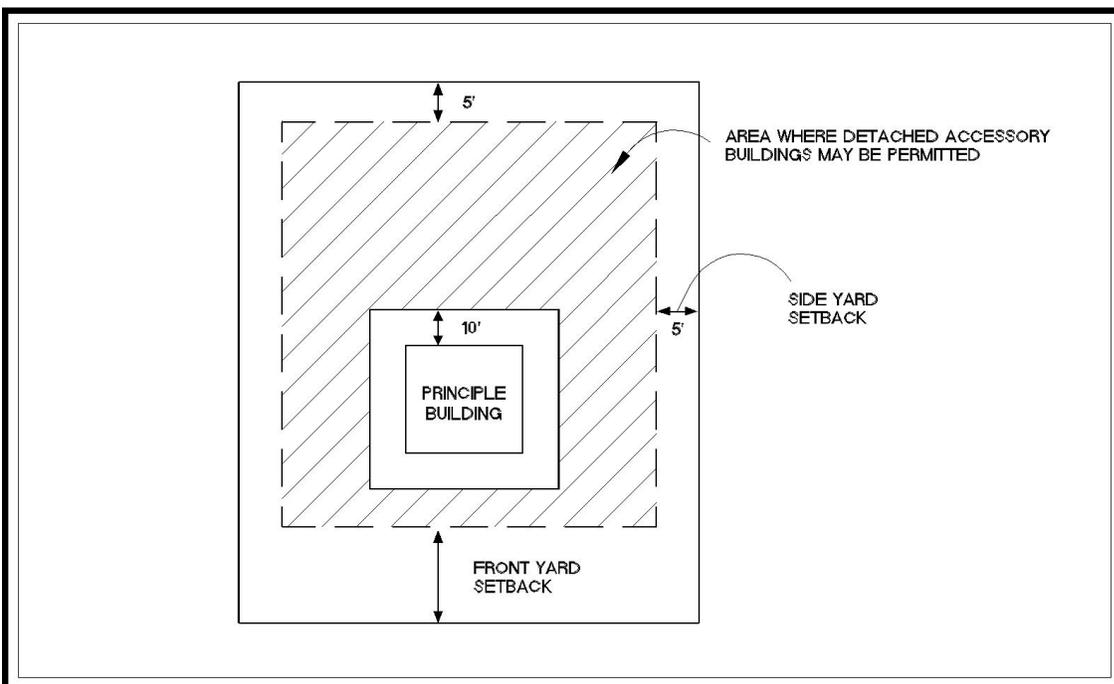
ARTICLE III. Article 4 (General Provisions) Section 4.02 (Accessory buildings in residential and agricultural districts) of Zoning Ordinance No. 594 is hereby amended in its entirety to provide as follows:

SECTION 4.02 Accessory buildings in residential and agricultural districts

In residentially and agriculturally zoned districts accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. No accessory building shall be used for dwelling, lodging or sleeping purposes.
2. No accessory building shall be used for commercial purposes.
3. If the accessory building is attached to the principal building, it shall be subject to and must comply with all setback and height regulations of this Ordinance applicable to the principal residential building in the zoning district in which it is located.
4. If the accessory building is detached, it shall only be erected on the same zoning lot as its associated principal building. A detached accessory building shall comply with the front yard setback of the zoning district in which it is located.
5. No detached accessory building shall be located in the sight line.
6. No detached accessory building shall be located closer than ten (10) feet to any other building on the property or any closer than five (5) feet of the side or rear property line.

Figure 4- 1



7. No detached accessory building in a residential zoning district shall exceed nineteen (19) feet in height (see definition of building height).
8. No building permit for a detached accessory building shall be issued prior to the issuance of the building permit for its principal structure.
9. For the purposes of this section, a residential building must be habitable as determined by the Township Building Inspector in order to qualify as a "principal structure".
10. Accessory buildings may be built on a lot separate from the lot on which the principal structure is located only by issuance of a special use permit as provided for in Section 11.01A of the Ordinance.
11. When determining allowable square footage for accessory buildings associated with a residential dwelling, garage area (whether attached or detached) as well as any sheds or other out buildings will be included in the calculation of the maximum allowable square footage.

In residential and agricultural zoning districts the total allowable square footage of all residential accessory buildings including attached and detached garages, shall be as follows:

- a. On lots twenty thousand (20,000) square feet or less in size, the total square footage of accessory buildings shall not exceed one thousand two hundred (1,200) square feet.
- b. On lots greater than twenty thousand (20,000) square feet the total square footage of accessory buildings shall not exceed one thousand two hundred (1,200) square feet plus three percent (3%) of the lot area over twenty thousand (20,000) square feet. (Example: see Table 4-1).
- c. The total square footage of the accessory buildings may not exceed four thousand five hundred (4,500) square feet.
- d. Total number of detached accessory buildings shall not exceed four (4).

These standards do not apply to non-residential accessory uses, including agricultural buildings.

TABLE 4-1			
Examples of Accessory Building			
Maximum Square Footage Calculations			
Lot Size	Square Footage Threshold	Square Footage Over Threshold	Maximum Square Footage
20,000 or less	20,000	0	1,200
35,000	20,000	15,000	1,200 + 450 = 1,650
60,000 (1.4 acre)	20,000	40,000	1,200 + 1,200 = 2,400
110,000 (2.5 acre)	20,000	90,000	1,200 + 2,700 = 3,900
130,000 (3 acres or more)	20,000	110,000 or more	4,500

ARTICLE IV. Article 11 (Design Standards) of Zoning Ordinance No. 594 is hereby amended to add the following section:

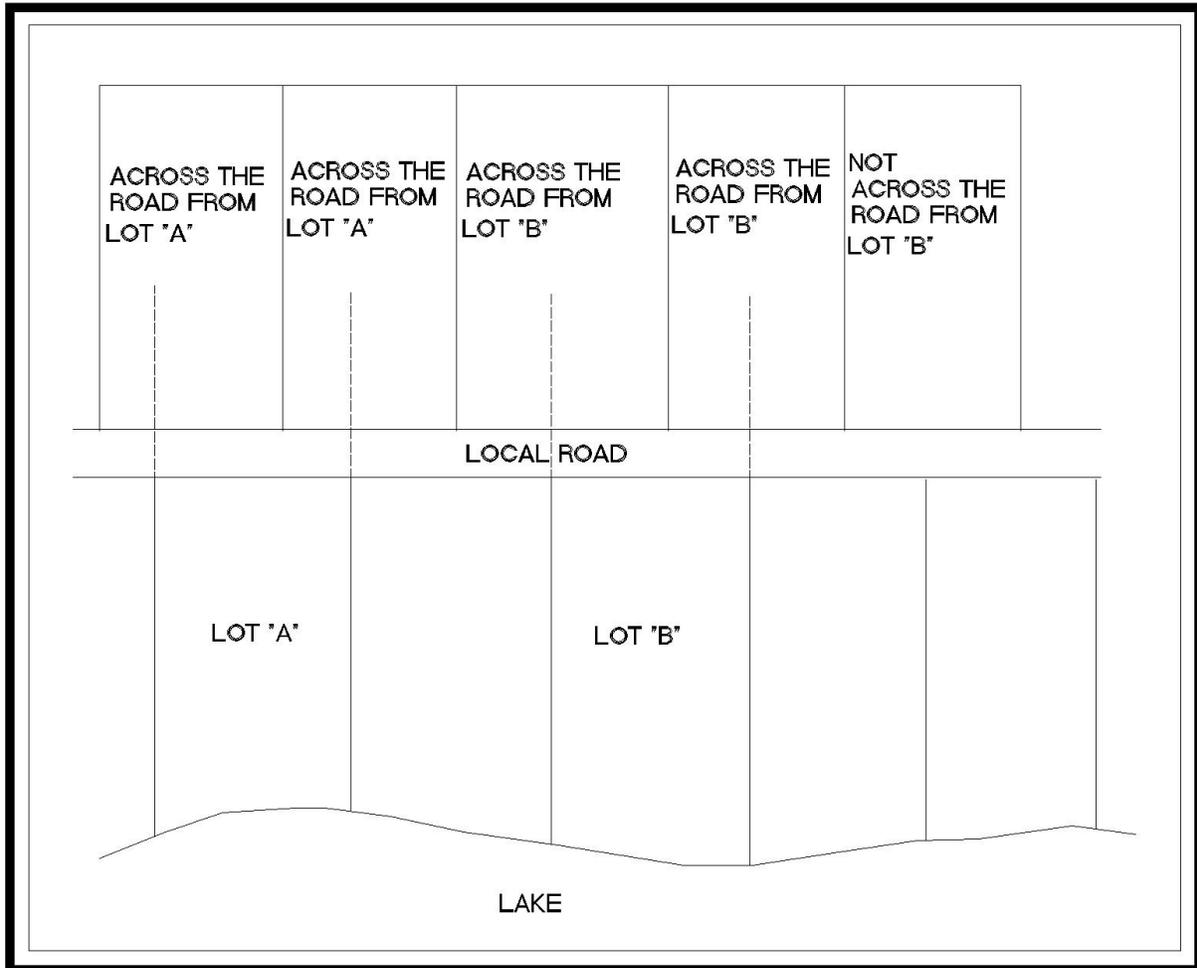
SECTION 11.01A Accessory buildings on a separate lot

Accessory buildings on a separate lot are only permitted by special use permit in the AG, R-1, R-2, R-3, R-4, R-5 R-6 and R-M zoning districts, and if so permitted are subject to the following restrictions and requirements:

1. No building permit for a detached accessory building shall be issued prior to the issuance of the building permit for the principal structure.
2. No detached accessory building shall be used for dwelling, lodging or sleeping purposes.
3. No detached accessory building shall be used for commercial purposes.
4. Accessory buildings shall only be permitted when used subordinate to an existing principal residential structure and only if the existing principal structure is located on a contiguous lot that is under common ownership. Local roadways do not negate contiguity for purposes of this ordinance. Other roadway types do negate contiguity for purposes of this ordinance.
5. The lot on which the accessory building will be built must be joined, for the purposes of zoning, with the lot on which the principal structure is built. This will be considered one zoning lot. The owner of the two lots being considered as one zoning lot must record deed restrictions (or other legal instruments) acceptable to the township attorney with the Register of Deeds Office requiring the two lots to be used and/or sold as one development site.
6. For the purpose of the zoning lot, the road separating the two parcels must be a local road as defined in the Townships Master Plan.
7. The lot on which the accessory building will be built must be contiguous to the property on which the associated principal structure is located. For purposes of determining whether contiguity exists when the lots are separated by a local road, the lot upon which the principal structure is located will generally be located directly across the local road from the lot being used for the accessory building. The contiguity requirement is met if the side lot lines of the lot upon which the principal structure is located, as extended across the local road, touch any portion of the lot across the local road on which the accessory building is proposed to be constructed.

For the purpose of determining whether contiguity exist across the local road see figure 11-1.

Figure 11-1



8. Detached accessory buildings shall not exceed nineteen (19) feet in height (see definition of building height).
9. Setbacks for accessory buildings in this section shall be determined by the Planning Commission at the time of site plan review.
10. No more than one (1) accessory building can be built on the lot that does not have the principal structure.
11. Total square footage of the accessory building on the lot that does not have the principal structure shall not exceed 1200 – 1400 square feet, which will be determined by the Planning Commission at the time of site plan review.

12. The accessory building's exterior material shall be the same or similar to the principal structure or to surrounding buildings and structures as determined by the Planning Commission.
13. The accessory building's exterior siding material shall not consist of steel, tarpaper, fiberglass, asphalt shingles or similar material.
14. In determining whether to approve the proposed special use permit the Planning Commission shall consider the following factors:
 - a. the proposed accessory building's impact on and consistency with the surrounding area;
 - b. the distance between the proposed accessory building and the other residential structures and accessory buildings in the area;
 - c. whether inconsistencies with or impacts on the surrounding area can be overcome by design elements of the proposed accessory building or its curtilage;
 - d. whether the construction of the accessory building would violate any applicable building and use restrictions of record; and
 - e. the magnitude of the hardship on the applicant based on the amount of room available for accessory buildings on the lot that includes the principle structure.
15. To compensate for potential inconsistencies with or impacts on the character of the surrounding area the Planning Commission may take any one or more of the following actions as condition(s) to approval of the application:
 - a. require specific design or construction elements be incorporated into the proposed accessory structure or its curtilage;
 - b. reduce the maximum size of or height allowed for the proposed accessory structure;
 - c. increase the required setbacks for the proposed accessory structure;
 - d. require buffering with landscape elements;
 - e. require any other design or construction element be modified as required by the Planning Commission to achieve compatibility and harmony with the surrounding area or to reduce or eliminate any negative impact on the surrounding area.

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

ARTICLE VII. 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 19th day of November 2018.

Bonnie K. Mathis, Supervisor

Robert E. Krug, Clerk