

**CHARTER TOWNSHIP OF FENTON PLANNING COMMISSION  
MINUTES FOR REGULAR MEETING OF OCTOBER 11, 2018**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER  
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Chairperson McGuirk called the meeting to order at 7:00 p.m.

Present: Cypher, Marko, McGuirk, Mustola, Tucker, Warren, Westbrook  
Also present: Michelle Bennett, Beckett & Raeder, Landscape Architecture Planning,  
Engineering & Environmental Services, Ann Arbor  
Recording Secretary: McDonald  
Absent: None

**APPROVAL OF AGENDA:**

Motion to approve the agenda as presented

Motion by: Tucker

Seconded by: Cypher

Ayes: Cypher, Marko, McGuirk, Mustola, Tucker, Warren, Westbrook

Nays: None

Absent: None

Motion carried

**PUBLIC HEARINGS**

**Adoption of the Township Master Plan:**

Michelle Bennett, Becket & Raeder, Inc. explained a memo she drafted dated October 10, 2018 stating the only comment she had received on the website asked that the entrance and exists ramps from US-23 to Thompson Rd. be maintained. McDonald explained that the company that does the Townships lawn maintenance has been contacted to maintain this area. She indicated she received comments from Genesee County Planning Commission who stated the plan is consistent with the plans of the neighboring communities. Marko added that he attended the Counties Planning Commission meeting and they were very complimentary of the Township plan. Bennett said she also received a letter from Tyrone Township suggesting that the plan mention Fenton Township shares a border with Tyrone Township. She said other edits done during the 63 day review period were based on her final review of the plan and they included changing some of the photographs that were too dark, mention of the urban services boundary and adding a reference to the fact that there is no municipal water available for development of Thompson Road. The Commission thanked Bennett for her assistance with work on the plan. Chairperson McGuirk called for public comments. There were none.

There was no further discussion. Secretary Warren presented the following resolution:

**RESOLUTION NO. 2018-01**

***A Resolution to adopt the Fenton Township Community Master Plan***

WHEREAS, the Michigan Planning Enabling Act (MPEA) authorizes municipal planning commissions to prepare a "master plan" pertinent to the future development of the municipality, and

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WHEREAS, the Fenton Township Planning Commission has prepared a draft master plan for the municipality, to update and replace its previous community master plan, and

WHEREAS, the Fenton Township Board authorized the distribution of the draft Community Master Plan to the general public and the various entities as required by the MPEA, for review and comment purposes, and

WHEREAS, the proposed Community Master Plan was made available to the various entities and the general public as required by the MPEA, and a public hearing thereon was held by the Planning Commission on October 11, 2018 pursuant to notice as required by the MPEA, and

WHEREAS, the Fenton Township Planning Commission finds the proposed Master Plan as submitted for the public hearing is desirable and proper, and furthers the land use and development goals and strategies of the Charter Township of Fenton;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the Charter Township of Fenton hereby adopts the new ***Fenton Township Community Master Plan*** as submitted for the public hearing, including all the text, charts, tables, maps, and descriptive and other matter therein intended by the Planning Commission to form the complete Master Plan, including the Future Land Classification Map.

Motion to adopt Planning Commission Resolution No. 2018-01 as presented.

Motion by: Tucker

Seconded: Cypher

Ayes: Cypher, Marko, McGuirk, Mustola, Tucker, Warren, Westbrook

Nays: None

**Amendment to Zoning Ordinance 594, Section 4.02, Accessory buildings:**

Ordinance amendment to allow accessory structures to be built on vacant lots across the street from principal structures.

Tucker explained he has marked up several things since the current draft was prepared after the last meeting. He stated the reference to the road types should reflect the definitions in the Master Plan. He suggested road, arterial not be separated into two categories for arterial roads. Currently the draft ordinance list principal and minor arterials as separate categories, in the Master Plan they are both described in one paragraph. He noted that the terms for accessory buildings and principal structure need to be consistently used throughout the ordinance. The Commission noted that residential accessory buildings are limited to a maximum size of 4,500 sq. ft. and that should be in the table of examples. Westbrook did the calculations and noted a line should be added to the table for a lot size of 130,000 sq. ft. or 3 acres or more. Tucker said the diagram illustrating what constitutes contiguity should be labeled as local road rather than street. The Commission discussed the language regarding the material used for siding. Mustola stated the principal structure could be sided in T-111, he said that is an acceptable siding material in the building trade. After discussing the maintenance of the product, the Commission decided to remove T-111 from the list of prohibited material. Tucker also suggested the criteria the Commission will use in reviewing a special use permit should read as follows:

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In making a decision on the special use permit the Planning Commission shall consider the impact of the proposed accessory building on the surrounding area based on the following:

- a. The distance between the proposed accessory building and the other residential structures and accessory buildings.
- b. Whether inconsistencies with the surrounding area can be overcome by design elements in the proposed accessory building.
- c. Whether the accessory buildings location would violate building and use restrictions.

The Commission agreed this amendment could be voted on as amended to be able to send it to the Township Board for their November 19<sup>th</sup> meeting.

Motion to recommend approval as amended as follows:

**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 arterial 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

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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:

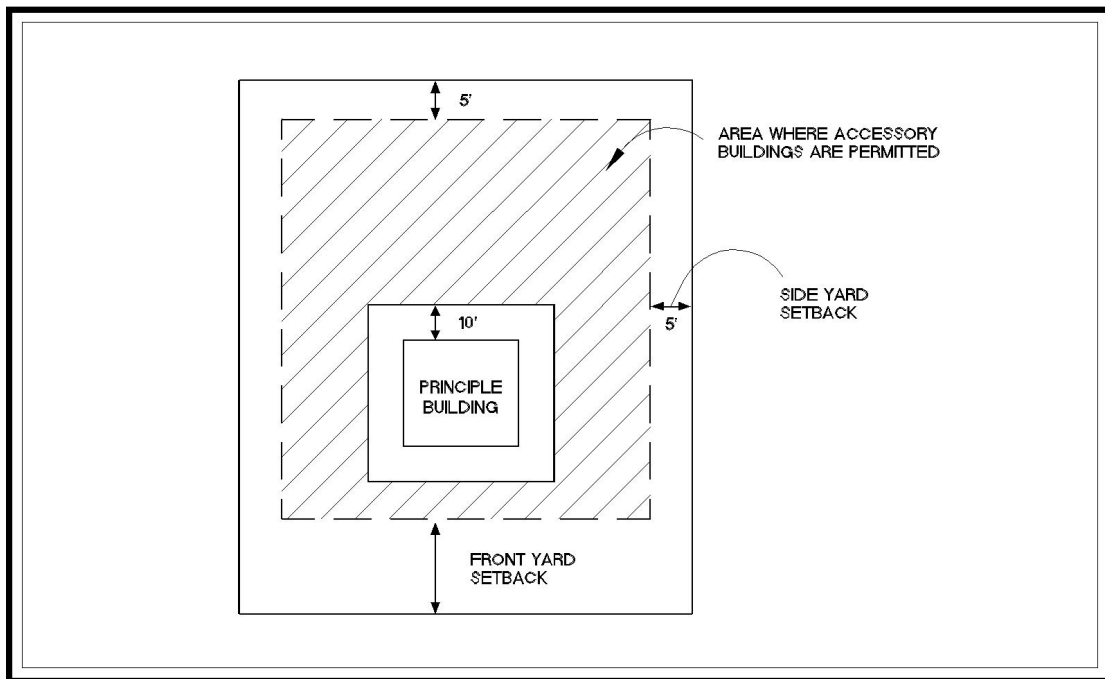
**SECTION 4.02 Accessory buildings in residential and agricultural districts**

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 10 ten feet to any other building on the property or any closer than 5 five feet of the side or rear property line.

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**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:

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- 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.

<b>TABLE 4-1 Examples of Accessory Building Maximum Square Footage Calculations</b>			
<b>Lot Size</b>	<b>Square Footage Threshold</b>	<b>Square Footage Over Threshold</b>	<b>Maximum Square Footage</b>
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	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, provided:

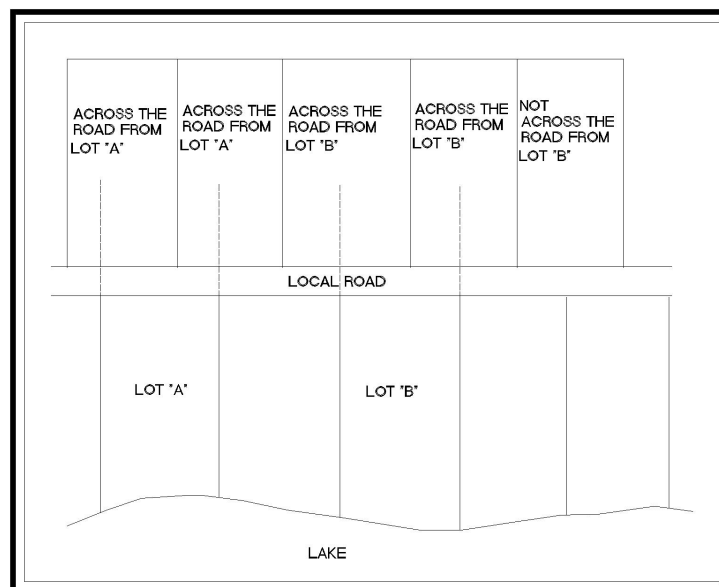
- 1. No building permit for a detached accessory building shall be issued prior to the issuance of the building permit for the principal structure.
- 2. No detached accessory building shall be used for dwelling, lodging or sleeping purposes.

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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 there is an existing principal structure is located on a contiguous lot that is under common ownership. Local roadways for the purpose of this ordinance do not negate contiguity.
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 is contiguous to the property on which the associated principal structure is located. The lot upon which the principal structure is located must be generally across the local road from the lot being used for the accessory building. This requirement is met if the side lot lines of the lot upon which the principal structure is located were extended across the local road touch a portion of the lot across the street.

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

**Figure 11-1**



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8. Detached accessory buildings shall not exceed nineteen (19) feet in height (see definition of building height) however; the Planning Commission may increase the height at the time of site plan approval.
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 and to surrounding buildings and structures.
13. The accessory building's exterior siding material shall not consist of steel, tarpaper, fiberglass, asphalt shingles or similar material.
14. In making a decision on the special use permit the Planning Commission shall consider the impact of the proposed accessory building on the surrounding area based on the following:
  - d. The distance between the proposed accessory building and the other residential structures and accessory buildings.
  - e. Whether inconsistencies with the surrounding area can be overcome by design elements in the proposed accessory building.
  - f. Whether the accessory buildings location would violate building and use restrictions.
15. To compensate for potential inconsistencies with the character of the surrounding area the Planning Commission may reduce the maximum size or height allowed and increase the required setbacks.
16. In considering approval of an accessory building on a separate lot, the Planning Commission shall consider the magnitude of hardship on the owner based on the amount of room for an accessory building on the lot that includes the principle structure.

**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.



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

**PUBLIC COMMENT CONCERNING ITEMS NOT ON THE AGENDA:** 5 Minute Limit

**MINUTES:** September 13, 2018 stand approved as submitted

**ADJOURN:** 8:40 p.m.

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Jim McGuirk, Chairperson  
Minutes Posted 10/16/18

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Donna Warren, Secretary