

CHARTER TOWNSHIP OF FENTON

Ordinance No. 636

Adopted: April 4, 2005

An ordinance to amend Sections 2.01, 3.26 and 3.27 of the Fenton Township Zoning Ordinance No. 594, to revise the maximum density in the R-M zoning district and to revise the density bonus provisions in the R-3 and R-4 zoning districts.

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

ARTICLE I. Sections 3.26 (Table of Zoning District Regulations) and Section 3.27 (Footnotes) of Zoning Ordinance No. 594 are hereby amended to provide as follows:

Section 3.26 Table of zoning district regulations

TABLE 3-1 Zoning District Regulations											
Designation	Zoning District Description	Minimum Lot Size/ Dwelling Unit (Area in Square Ft.)	Maximum Density in Subdivisions and Condominium Projects (m) (Dwelling Units/Acre)	Lot Width at Road Frontage (Feet)	Maximum Building Height (Feet)	Maximum Coverage of Lots by All Buildings (% of lot area)	Minimum Yard Setbacks				Minimum Floor Area/ Dwelling Unit (Square Ft.)
							Front (a,b)	Side		Rear (k)	
								Least 1	Total 2		
AG	Agricultural	2 acres	0.5 (h,l)	200	29	30	50	25	50	50	1,250(j)
R-1	Single Family Residential - Rural	2 acres	0.5 (h,l)	165	29	30	50	25	50	50	1,250(j)
R-2	Single Family Residential - Low Density	2 acres	0.5 (h,l)	150	29	30	50	25	50	50	1,250(j)
R-3	Single Family Residential - Medium Density	20,000* (h) 1 acre**	1.00 (h,i)	100 (g)	29	30	30	10	20	35	1,250(j)
R-4	Single Family Residential	15,000* (h) 1 acre **	1.25 (h,i)	80 (g)	29	30	30	10	20	35	1,100(j)
R-5	Single Family Residential	12,000* (h) 1 acre **	N/A	65	29	30	25	5	15	35	1,100(j)
R-6	Single Family Residential - Attached	--	4.00(h)	20	29	30	25	10 (c)	20 (c)	35	850(j)
R-MH	Single Family Residential - Mobile Home	Development shall comply with the requirements of the Michigan Mobile Home Commission									
R-M	Multiple Family Residential	--	6.00 (h)	--	29	30	25	10 (c)	20 (c)	25	(d)
OS	Office Service	--	--	66	29	--	25	(e)	(e)	20	--
C-1	Local Business	--	--	66	40	--	25 (f)	(e)	(e)	20	--
C-2	General Business	--	--	66	40	--	25 (f)	(e)	(e)	20	--
C-3	Highway Service	--	--	66	40	--	25 (f)	(e)	(e)	20	--
M-1	Low Intensity Industrial	--	--	66	40	--	25 (f)	20	40	20	--
M-2	Light Industrial	--	--	66	40	--	25 (f)	20	40	20	--
M-3	General Industrial	--	--	66	40	--	25 (f)	20	40	20	--
PUD	Planned Unit Development		(h,i)	To be determined based on the approved conceptual plan							

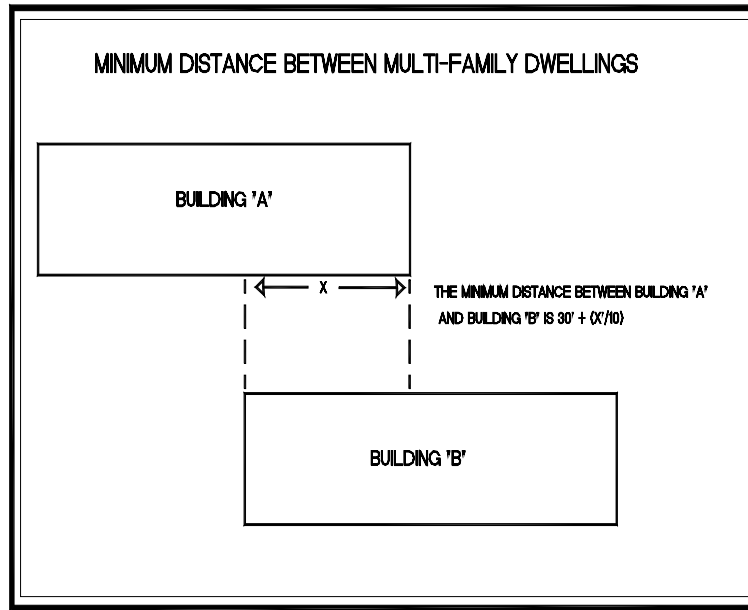
* lots with sewer

** lots without sewer

Section 3.27 Footnotes

- a. In all residential zoning districts, the required front yard setback shall not be used for off-street parking and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives. All yards abutting upon a public or private street shall be considered as front yards for setback.
- b. In all residential zoning districts, the front yard setback shall apply to both lot lines of a corner lot which abut upon a public or private street.
- c. Where two (2) or more multiple, row or terrace dwelling structures are erected on the same lot or parcel, a minimum distance between any two (2) structures shall be thirty (30) feet plus one (1) foot for each ten (10) feet, or part thereof, by which the total length of that portion of the two structures lies opposite each other. (See Figure 3-1)

Figure 3- 1



- d. The minimum required floor space per dwelling unit in each multiple dwelling structure shall be:

Efficiency apartment	350 square feet
One bedroom apartment	600 square feet
Two bedroom apartment	800 square feet
Three bedroom apartment	1,000 square feet

Plus an additional eighty (80) square feet for each bedroom in excess of three (3) bedrooms in any unit.
- e. In any business zoning district, side yards are not required except as provided below. A side setback of eighty (80) feet shall be required for all buildings and

parking and loading areas in any business zoning district where such business zoning district is located adjacent to and adjoining a residential zoning district or where the business zoning district borders a side street. The Planning Commission may reduce the setback to not less than fifty (50) feet at site plan approval. Where a business zoning district is adjacent to and adjoining an industrial zoning district, the side lot setback requirements shall be determined by the Planning Commission at the time of Site Plan approval. The required setback area shall be open and unoccupied from the ground upward except for landscaping and vehicle access drives.

- f. Loading space and parking spaces shall not be located in a required front yard.
- g. Required road frontage may be reduced to sixty five (65) feet in cases of lots fronting on cul-de-sacs and curvilinear streets, provided that the lot meets the required lot width at the required front yard setback line.
- h. For purposes of determining whether a residential development complies with the maximum density requirement and/or whether a parcel meets the minimum requirement for area, (square footage), only usable land area shall be considered. Wetlands, floodplains or submerged land such as a lake, pond or stream shall be excluded from the land area calculation.
- i. To encourage the preservation of unique natural features and the Township's rural character, a single family condominium development or a single family platted subdivision in an R-3, R-4 or PUD zoning district is eligible to utilize a clustering option to receive a density bonus. The clustering option must include the dedication of a certain percentage of the land as undeveloped open space. The density bonus increase will be equal to the percentage of land dedicated as undeveloped open space (see table 3-2 below). Unbuildable or undevelopable land such as wetlands, floodplains or submerged land such as a lake, pond or river shall not be included when calculating permitted density. Such unbuildable or undevelopable land cannot be counted as dedicated undeveloped open space for purposes of determining the allowable density bonus.

**TABLE 3-2
Undeveloped Space**

	Dedicated Undeveloped Open Space															
	less than 20%	20%	21%	22%	23%	24%	25%	26%	27%	28%	29%	30%	31%	32%	33%	34%
R-3 Units per Acre	1.00	1.20	1.21	1.22	1.23	1.24	1.25	1.26	1.27	1.28	1.29	1.30	1.31	1.32	1.33	1.34
R-4 Units per Acre	1.25	1.50	1.51	1.53	1.54	1.55	1.56	1.58	1.59	1.60	1.61	1.63	1.64	1.65	1.66	1.68

	Dedicated Undeveloped Open Space															
	35%	36%	37%	38%	39%	40%	41%	42%	43%	44%	45%	46%	47%	48%	49%	50%
R-3 Units per Acre	1.35	1.36	1.37	1.38	1.39	1.40	1.41	1.42	1.43	1.44	1.45	1.46	1.47	1.48	1.49	1.50
R-4 Units per Acre	1.69	1.70	1.71	1.73	1.74	1.75	1.76	1.78	1.79	1.80	1.81	1.83	1.84	1.85	1.86	1.88

	Minimum Parcel Size (square feet)		Minimum Parcel Width (Feet)	
	Under 20% Open Space	20% or more Open Space	Under 20% Open Space	20% or more Open Space
R-3	20,000	12,000	100	75
R-4	15,000	12,000	80	70

** Compliance with the Michigan Land Division Act and/or Condominium Act is required in order to develop lots/units less than 12,000 square feet in area.*

- j. The minimum ground level floor area for 1 1/2 story, 2 story and split level homes shall be 800 square feet.
- k. See limitation on structures in rear yards of lots or parcels on lakes in Section 4.28.
- l. Property may be developed using the open space option, provided that the minimum lot size is 1 acre and the minimum lot width complies with the requirements shown in Table 3-1.
- m. The Planning Commission shall have discretion to reduce maximum density to reflect unique features of the property or issues relating to public health, safety and welfare.

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

ARTICLE IV. 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 4th day of April 2005.

Bonnie Mathis, Supervisor

Robert Krug, Clerk