

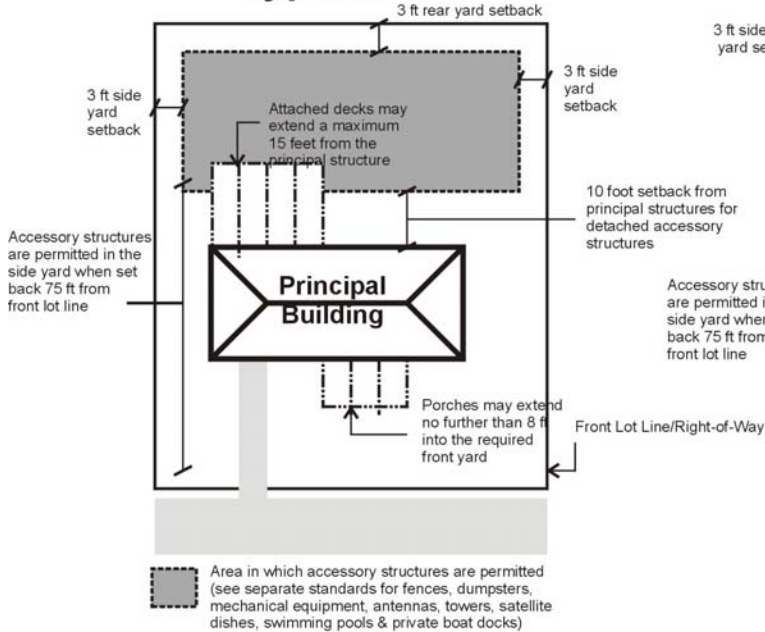
ARTICLE 2
GENERAL PROVISIONS

Sec. 2.01 **Accessory Buildings, Structures, and Uses** (See *Figure 2.1 Accessory Buildings and Structures Location Standards*)

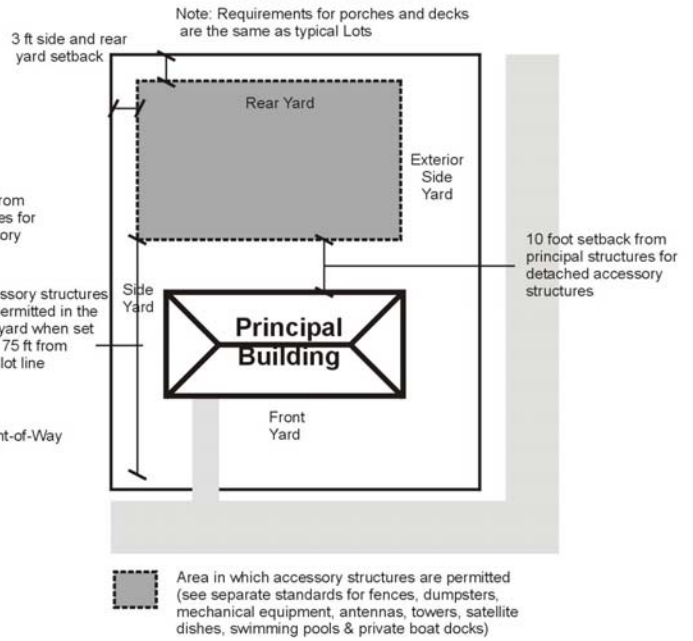
- a. Accessory buildings, structures, and uses are permitted only in connection with, incidental to, and on the same lot with a principal building, structure, or use which is permitted in the particular zoning district.
- b. An accessory building, structure or use must be in the same zoning district as the principal building, structure, or use on a lot.
- c. Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other principal building in a substantial manner, such as by a wall, roof, or breezeway, shall be deemed a part of such main building, and subject to all the regulations of this Ordinance applicable to principal buildings, structures and uses, unless otherwise noted in *Section 2.24 Projections Into Yards*.
- d. No accessory building, structure, or use shall be occupied or utilized unless the principal structure to which it is accessory is occupied or utilized.
- e. Accessory buildings and structures shall not be occupied for dwelling purposes unless otherwise permitted in this Ordinance.
- f. Unless otherwise provided in this Ordinance, no accessory building, structure, or use shall be erected in any yard with public street right-of-way frontage, including the exterior side yard of a corner lot.
- g. No accessory building, structure, or use shall be erected in any required yard except a rear yard, except that accessory buildings, structures, and uses may be erected in any required side yard when set back a minimum of seventy-five (75) feet from the front lot line.
- h. No detached accessory building shall be located closer than ten (10) feet to any principal building, structure, or use, nor shall it be located closer than three (3) feet from any side or rear lot line unless otherwise provided for in *Figure 2.1 Accessory Buildings and Structures Location Standards*.
- i. All accessory buildings, structures, and uses combined shall cover no more than thirty percent (30%) of any rear yard.
- j. No more than two (2) detached accessory buildings shall be permitted on any one (1) lot.
- k. The maximum building height of any detached accessory building shall be fourteen (14) feet, measured as required by *ARTICLE 28 DEFINITIONS*.
- l. The design and building materials of any accessory building shall generally be consistent with the character of the principal building on the property (e.g. material, color), as determined by the Building and Zoning Administrator.

Figure 2.1 Accessory Buildings and Structures Location Standards

Typical Lots

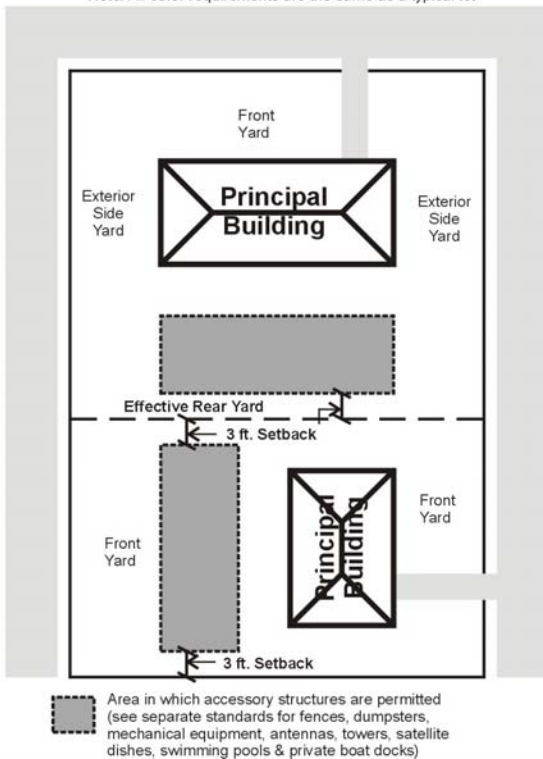


Corner Lots



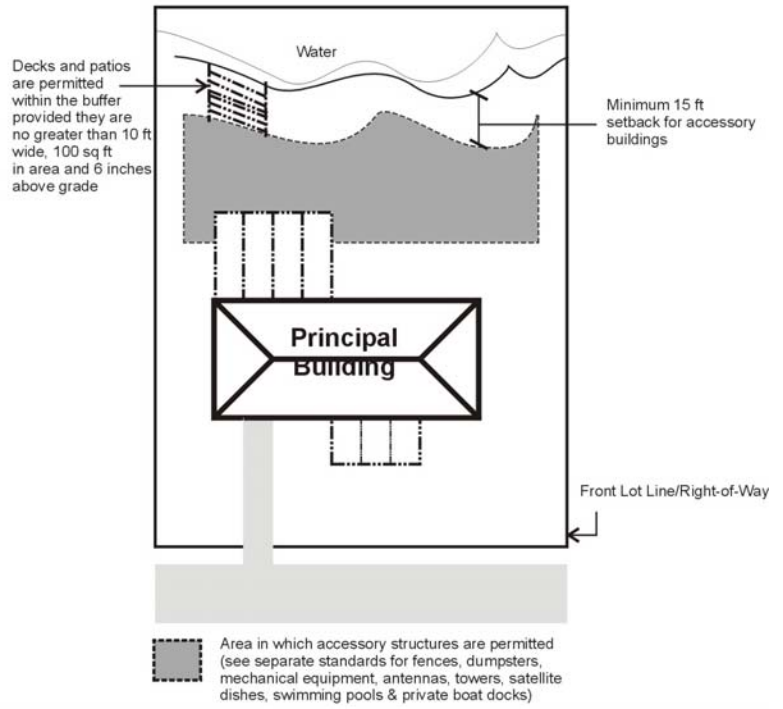
Through Lots

Note: All other requirements are the same as a typical lot



Shoreline Lots

Note: All requirements, except rear yard setbacks are the same as typical lot



Sec. 2.02 Adult and Child Care Facilities

a. Adult and child care facilities, as defined in *ARTICLE 28, DEFINITIONS*, are allowed only as provided for in the following table. Applicable conditions are listed as footnotes to the table.

Adult and Child Care Facilities Regulations				
Type of Facility	Zoning District			
	RDR, LDR, LMR, MDR	MHR, HDR, MHD	NBD, CBD, GBD, OSD, OPD	IND
Adult Daycare Facilities	SLU as accessory	SLU	SLU	SLU
Adult Foster Care Family Home (6 or fewer adults 24 hours per day) (1, 2, 3, 4, 5)	P	P	NA	NA
Adult Foster Care Small Group Home (12 or fewer adults 24 hours per day) (1, 2, 3, 4, 5, 9)	SLU	SLU	NA	NA
Adult Foster Care Large Group Home (13 to 20 adults 24 hours per day) (1, 2, 3, 4, 5, 9)	NA	SLU	NA	NA
Congregate Facility (more than 20 adults 24 hours per day) (1, 2, 3, 4, 5, 9)	NA	SLU	NA	NA
Foster Family Home (4 or fewer children 24 hours per day)	P	P	NA	NA
Foster Family Group Home (5 to 6 children 24 hours per day) (1, 2, 3, 4, 5)	P	P	NA	NA
Family Day-Care Home (6 or fewer children less than 24 hrs. per day) (1, 2, 3, 4, 5, 6, 7, 8, 10)	P	P	NA	NA
Group Day-Care Home (7 to 12 children less than 24 hours per day) (1, 2, 3, 4, 5, 6, 7, 8, 9, 10)	SLU	SLU	NA	NA
Child Care Center or Day-Care Center (more than 6 children less than 24 hours per day) (1, 2, 3, 4, 5, 6, 7, 8, 9)	SLU as accessory	SLU	SLU	SLU
Child Caring Institution (1, 2, 3, 4, 5, 6, 7, 8)	NA	SLU	SLU	SLU
P:	Permitted use			
SLU:	May be allowed upon review and approval of a special land use, in accordance with the general standards in <i>ARTICLE 14 SPECIAL LAND USES</i> .			
SLU as accessory:	May be allowed as an accessory to an approved use, such as a church, school, office, or other place of employment, upon review and approval of a special land use.			
NA:	Not allowed in zoning district.			

Footnotes:

1. The use shall be registered with the City of Fenton Clerk's Office and shall continually have on file with the City documentation of a valid license as required by the State.
2. Since the State law preempts in this area, the facility shall be brought into compliance with all State building and fire codes pursuant to State Licensing Rules R400.1831-R400.1835. Documentation of such compliance with State requirements shall be provided.
3. The site shall comply with the sign provisions of *ARTICLE 22 SIGNS*.
4. Off-street parking shall be provided for the maximum number of employees on-site at any one (1) time.
5. The building shall have an appearance which is non-intrusive and consistent in color, materials, roof-line, and architecture with the single-family or multiple-family residential district in which it is located, as determined by the Planning Commission.
6. Documentation of sufficient indoor classroom, crib, or play area meeting State requirements shall be provided. Documentation of approved areas, as licensed by the

7. State, shall be provided.
 7. There shall be sufficient outdoor play area to meet State regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fenced outdoor play area shall be located in a front yard.
 8. There shall be sufficient drop-off parking spaces to allow maneuvers without creating a hazard to traffic flow.
 9. The lot shall be at least one thousand five hundred (1,500) feet from another group day care home or similar facility. This may be reduced by the Planning Commission upon a finding by the Planning Commission that the proposed facility will not contribute to an excessive concentration of State licensed residential care facilities in the area.
 10. The facility shall operate not more than sixteen (16) hours per day.
- b. A State-licensed residential adult or child care facility existing prior to the effective date of this Ordinance (July 28, 2004), that has been operating under a valid State license and is registered with the City no later than sixty (60) days following the effective date of this Ordinance (July 28, 2004), shall be considered an approved special land use, provided such use conforms with the conditions of this Section. Any change in class of the use to a larger care facility shall require approval in accordance with the requirements of this Ordinance. Any modification to the use shall require approval following the standards of *ARTICLE 16 SITE PLAN REVIEW* as applicable.

Sec. 2.03 Antennas and Towers

Radio or television antennas or towers, or similar devices, including satellite dish antennas and transmission or reception antennas (hereinafter referred to as “regulated reception antenna”), may be erected or installed in any zoning district as an accessory structure to a permitted use, and shall comply with the following requirements. Wireless communication facilities, such as cellular antenna, wireless internet antenna, and commercial broadcasting antenna, shall be subject to the requirements of *ARTICLE 14 SPECIAL LAND USES Wireless Communication Facilities*.

- a. **Ground-Mounted Antennae.** Regulated reception antenna exceeding one (1) meter (3.28 feet) in diameter in Residential Districts and three (3) meters (9.84 feet) in Non-Residential Districts, are permitted in all zoning districts subject to the following conditions:
1. Regulated reception antenna shall be located only in a rear yard and shall not be within the required side yard setback. A satellite dish antenna shall be located only in a rear yard.
 2. No portion of an antenna, including a satellite dish antenna, shall be located closer than six (6) feet, measured on a horizontal plane, from any side or rear lot line, or placed on any easement.
 3. The site must be approved by the Planning Commission, which shall require a sketch plan in accordance with *ARTICLE 16 SITE PLAN REVIEW*, indicating the location of the satellite dish and buildings, paved areas and other appropriate site features within one hundred (100) feet of the proposed location.
 4. The height of regulated reception antenna, with the exception of a satellite dish antenna, shall not exceed fifty (50) feet above mean grade or ten (10) feet above the peak of the roofline, in any Residential District, and shall not exceed one hundred (100) feet above mean grade in any other zoning district.
 5. The height of a satellite dish antenna, including any platform or structure upon which the antenna is mounted, shall not exceed fifteen (15) feet in height at its maximum point above mean grade.
 6. The diameter of a regulated reception antenna shall not exceed twelve (12) feet.
- b. **Roof-Mounted Antennae.** Regulated reception antenna having a diameter of one (1) meter (3.28 feet) or less in Residential Districts and two (2) meters (6.56 feet) in Non-Residential Districts may be attached to the roof of a building, provided that no portion of the satellite dish antenna extends

more than thirty-six (36) inches above the highest point of the roof.

1. Roof-mounted regulated reception antenna over two (2) meters (6.56 feet) in diameter are permitted in Non-Residential Districts only, provided that the antenna complies with the height requirements of the district in which they are located.
2. Roof mounted regulated reception antenna shall be placed on a section of the roof in the rear yard.

c. General

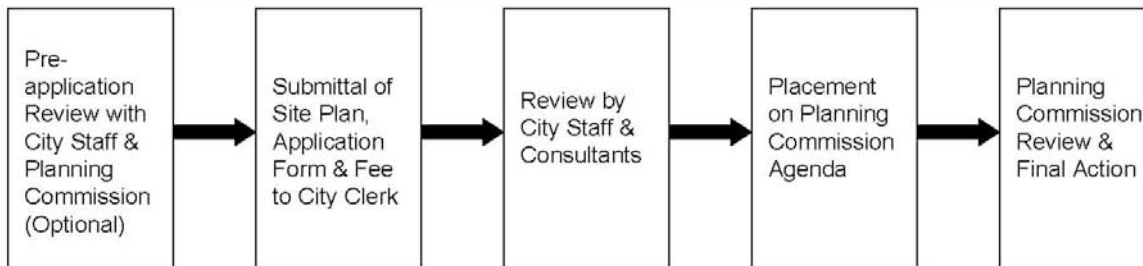
1. No advertising or identification display shall be placed on any portion of an antenna or tower, including a satellite dish antenna, except for the name of the manufacturer and serial number.
2. No more than two (2) antennas, including a maximum of one (1) satellite dish antenna, shall be located on the same lot as a principal building. Antennae are permitted only in connection with, incidental to, and on the same lot as a principal building, structure, or use.
3. The color of the antennae shall be of tones similar to the surroundings.
4. All electrical and antenna wiring shall be placed underground where applicable.
5. Antennas shall be securely mounted and anchored in accordance with manufacturer's specifications and building code requirements.
6. The antenna shall be located and designed to meet the manufacturer's specifications to withstand a wind force of one hundred (100) miles per hour.
7. The installation of an antenna, including a satellite dish antenna, shall require issuance of a building permit by the Building and Zoning Administrator prior to erection.
8. If a usable signal cannot be obtained by locating the antenna in the rear yard, the antenna may be located in the side yard of the property subject to the submission of a written affidavit and approval of the Zoning Board of Appeals (ZBA) provided the placing of an antenna in a side yard shall remain subject to all other conditions set forth in this section.

Sec. 2.04 Application Procedures in General

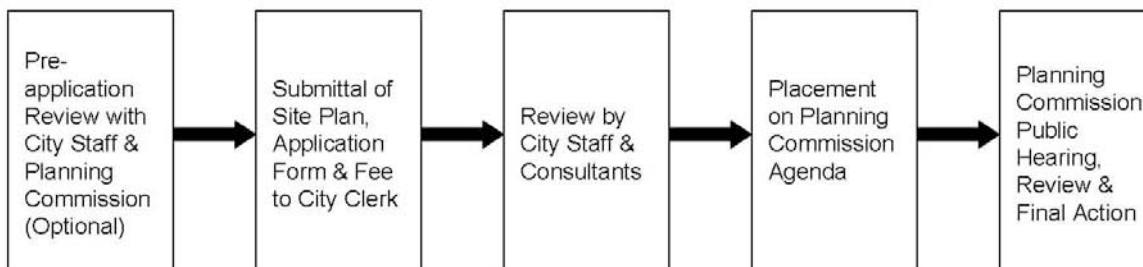
- a. The process for application and review by the City for site plan review, special land use approvals, planned unit developments (PUDs), condominium developments, text amendments to this Ordinance, and rezonings of land is shown on *Figure 2.2 Development Approval Process*. Submittal dates, application forms, and information on fee requirements are available at the City Clerk's office.
- b. The Planning Commission, Zoning Board of Appeals (ZBA), or City Council may withhold granting approval of any use, site plan, PUD plan, or other approval required by this Zoning Ordinance pending approvals which may be required by County, State, or Federal agencies or departments.

Figure 2.2 Development Approval Process

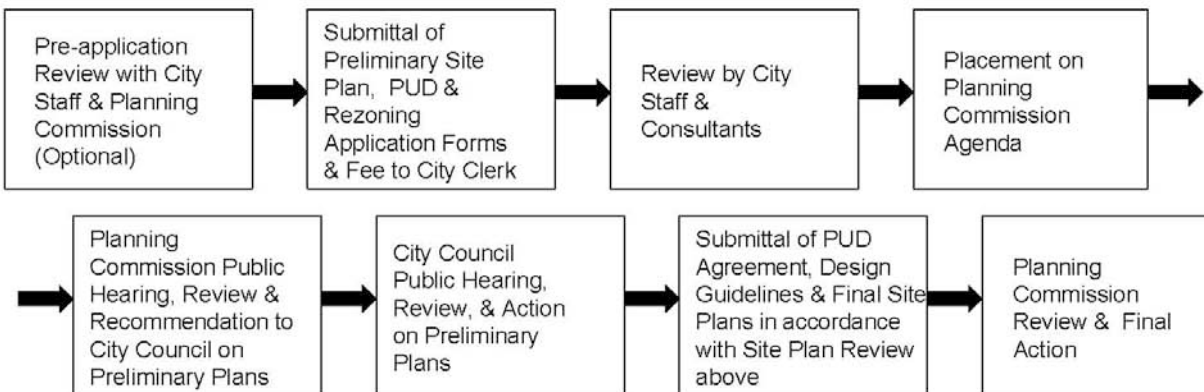
Site Plan Review (Preliminary or Final Site Plan)



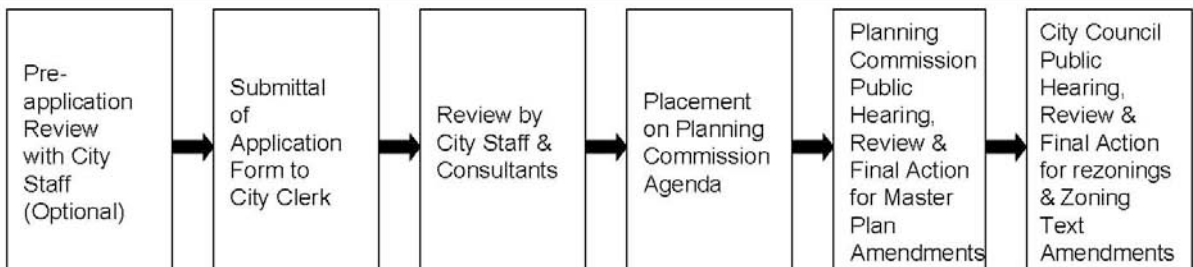
Special Land Use Review



Planned Unit Developments (PUD)



Rezoning, Zoning Ordinance Text & Master Plan Amendments



Sec. 2.05 Building Grades

All new buildings and structures constructed on vacant lots adjacent to and in between existing buildings shall be constructed at the elevation of the average grade unless otherwise approved by the Planning Commission or Building Official/Zoning Administrator. New grades shall not be established that would permit an increase in the runoff or surface water onto adjacent properties.

Sec. 2.06 Determination of Similar Use

- a. Since every type of potential use cannot be addressed in this Ordinance, each district provides for similar uses, referencing this Section. All applications for a use not specifically addressed in any zoning district shall be submitted to the Planning Commission for review and decision, based on the following standards:
1. A finding is made that the proposed use is not listed as a named permitted or special land use in any zoning district.
 2. If the use is not addressed in this Ordinance, the Planning Commission may attempt to select a named use listed in this Ordinance which most closely resembles the proposed use. Such named use shall be determined using criteria such as potential impact on property values, nature of use, traffic generated, aesthetics, noise, vibration, dust, smoke, odor, glare, and other objectionable impacts on the health, safety, and welfare in the City.
 3. If a use is determined to be similar to a named use, the proposed use shall comply with any special land use standards or other Ordinance requirements that apply to the named use.
 4. Where the Planning Commission determines a proposed use is not similar to any named use addressed in this Ordinance, the applicant may petition for an amendment to this Ordinance.
- b. The determination as to whether a proposed use is similar in nature and class to another named permitted or special land use within a district shall be considered as an interpretation of the use regulations, and not as a use variance. Any use determined by the Planning Commission to be similar shall thereafter be deemed to be included in the enumeration of the uses.

Sec. 2.07 Electric Distribution and Service Lines

The electric distribution system for new residential developments shall be placed underground in accordance with the rules of the Michigan Public Service Commission (Michigan Administrative Code Rules 460.511 - 460.512.) Electric lines servicing new office, commercial, and industrial developments shall be located underground in accordance with the rules of the Michigan Public Service Commission (Michigan Administrative Code Rule 460.513) unless the practical difficulty associated with such action shall result in an undue burden to the customer as determined by the City Council.

Sec. 2.08 Essential Public Services

The erection, construction, alteration, or maintenance of essential public services and essential public service buildings, as defined in *ARTICLE 28 DEFINITIONS*, authorized under any franchise in effect within the City shall be permitted subject to regulation as provided in any law in the State of Michigan or in this Ordinance or any City Ordinance. It is the intention of this Ordinance to ensure conformity of all structures and uses to the requirements of this Ordinance wherever such conformity shall be practical and not in conflict with the specific requirements of such franchise, State legislation, or City Ordinance. In absence of such conflict, the standards of this Ordinance shall prevail.

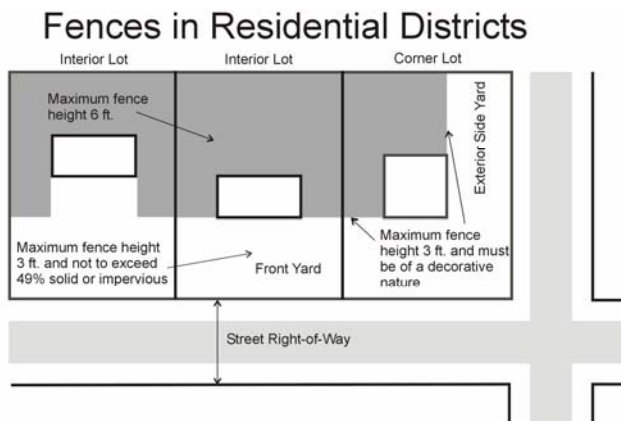
Sec. 2.09 Fences and Walls (Also see *ARTICLE 21 LANDSCAPE STANDARDS AND TREE REPLACEMENT*)

a. All Districts

1. Unless specifically authorized elsewhere in this Ordinance, fences and walls located within the side yard or rear yard in any district shall not exceed a height of six (6) feet.
2. Fences and walls shall not be erected within any public right-of-way.
3. Fences or walls shall not be erected or maintained in such a way as to obstruct the vision of motorists exiting driveways.
4. Chain link fences shall not be erected in any non-residential front or exterior side yard, except Industrial Districts, unless enclosing a retention pond approved by the Planning Commission. The chain link fence must be black vinyl coated.
5. Electronic fences buried beneath the ground are permitted in all districts.
6. All supporting posts, cross members and protruding bolts, screws and/or hardware of all fences shall be inside the lot and faced toward the interior lot or be centered between the two vertical exterior surfaces of the fence.

b. Residential Districts

1. Unless specifically authorized elsewhere in this Ordinance, fences or walls located within the required front yard or exterior side yard shall not exceed three (3) feet in height, be in excess of forty-nine percent (49%) solid or impervious, and shall be of a decorative nature as determined by the Building Official/Zoning Administrator.
2. Any fence in the non-required front yard or exterior side yard shall be:



- (a) Decorative in nature as determined by the Building Official/Zoning Administrator, or
- (b) Black vinyl coated chain link where it is determined by the Building Official/Zoning Administrator that the fence will not be detrimental to the property or its surroundings including neighboring properties, streetscape, or intersection visibility.

c. Non-Residential Districts

1. Any fence in a front yard in a Non-Residential District shall be of a decorative nature as determined by the Building Official/Zoning Administrator. The Building Official/Zoning Administrator may require landscaping to obscure the visual impact of the fencing in such situations as noted above.
2. A security fence for a permitted non-residential use may include a maximum of one (1) additional foot of height to accommodate the barbed wire.

Sec. 2.10 Flagpoles

- a. The maximum height of flagpoles shall not exceed forty (40) feet measured from the average surrounding grade.
- b. A maximum of three (3) flagpoles per site shall be permitted.
- c. Flagpoles shall be set back a minimum of ten (10) feet from any public right-of-way, private road access easement, access drive, or property line.
- d. A maximum of two (2) flags per flagpole shall be permitted provided that only one (1) non-governmental or institutional flag per flagpole is allowed.

Sec. 2.11 Front Yard Requirements

- a. Front yard requirements along rights-of-way shall be measured from the public road right-of-way line, private road access easement line or the curb of any access road, drive, or internal driveway where no right-of-way or easement exists.
- b. Front yard setback reductions are permitted as regulated in *Section 15.02.k. Footnotes to Section 15.01 Schedule Limiting Height, Bulk, Density and Area by Zoning District*.
- c. Corner lots and through lots in all zoning districts must provide the required front yard setback on each side of the lot which abuts a public street, private road, or access drive.
- d. All references to front yard requirements include the exterior side yard of corner lots unless otherwise noted.
- e. On curvilinear streets, the minimum front yard setback is measured along a curve parallel to the front lot line.

Sec. 2.12 Grading, Excavation, Filling, Soil Removal, Creation of Ponds, and Clearing of Trees

- a. The grading, excavation, filling, soil removal, creation of ponds, or clearing of trees within an area of less than one hundred (100) square feet, shall be permitted activities on any lot provided such activity is incidental to the uses on the lot and in accordance with applicable County and State regulations.
- b. Grading, excavation, filling, soil removal, creation of ponds, or tree clearing within an area over one hundred (100) square feet may be permitted after review and approval of a sketch plan by the Planning Commission in accordance with *ARTICLE 16 SITE PLAN REVIEW* and with applicable County and State regulations.
- c. Excavation and site preparation for building foundations is excepted from the excavating provisions of this Ordinance provided that such work is considered incidental to building construction and all necessary permits have been obtained.
- d. Excavation required for swimming pools is excepted from excavating provisions of this Ordinance provided that all necessary permits are obtained and the pool is completely constructed within six (6) months of the excavation.
- e. Any clearing of trees on lots of over one-hundred (100) square feet prior to site plan approval in accordance with *ARTICLE 16 SITE PLAN REVIEW* shall be prohibited.

Sec. 2.13 Height Exceptions and Limitations

The building height restrictions of all zoning districts shall not apply to the following: parapet walls and cornices not exceeding four (4) feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, belfries, cupolas, domes, ornamental towers, and penthouses or roof structures housing necessary mechanical appurtenances.

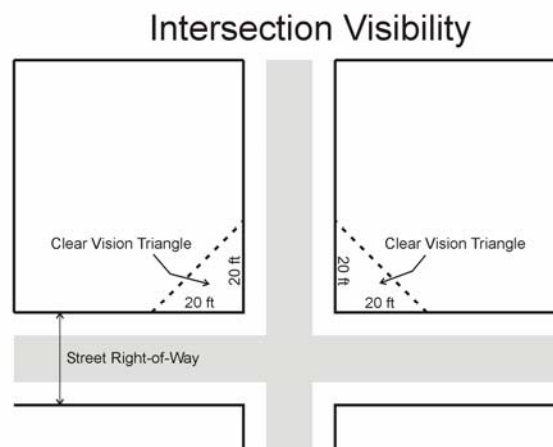
Sec. 2.14 Illegal Dwellings

For the express purpose of protecting the health, safety, and general welfare of the inhabitants of the City and of reducing hazards to life and property, no garage, accessory building, or other similar structure or building shall hereafter be occupied, erected, or moved upon any premises and occupied or used for dwelling purposes. A basement dwelling or other habitable area may be permitted provided it complies with the building code.

Sec. 2.15 Intersection Visibility

a. No fence, wall, sign, hedge, screen, or any planting shall be erected or maintained to obstruct vision between a height of three (3) feet and eight (8) feet within the triangular area formed by the intersection of the street right-of-way lines and a line connecting two (2) points which are located on those intersecting right-of-way lines twenty (20) feet from the point of intersection of the right-of-way lines. If the road is an access drive, these dimensions shall be measured from the pavement edge.

b. The three (3) foot and eight (8) foot height limit shall be measured from the lowest elevation of the segment of the intersecting roads centerline which lies between the point of the intersection of the other centerline and the extension of the line drawn through the points twenty (20) feet from the intersection of the right-of-way lines.



Sec. 2.16 Keeping of Animals

- a. The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters, and other animals generally regarded as household pets is permitted as an accessory use in any Residential District. However, no more than three (3) dogs or cats, four (4) months of age or older, in any combination, nor more than a total of five (5) animals, shall be kept or housed in or at one (1) dwelling unit.
- b. The keeping of more than three (3) dogs on one premises shall be deemed to be a kennel and must follow the regulations set forth in *Chapter 5 the Code of Ordinances*.
- c. The keeping of animals not normally considered domesticated including, but not limited to, pigs, horses, sheep, cattle, poultry, reptiles and wild, vicious, and exotic animals, is prohibited in all zoning districts. However, farms, private stables, and public and commercial stables, as defined in *ARTICLE 28 DEFINITIONS*, permitted in the RDR District.

Sec. 2.17 Lot Area Allocation

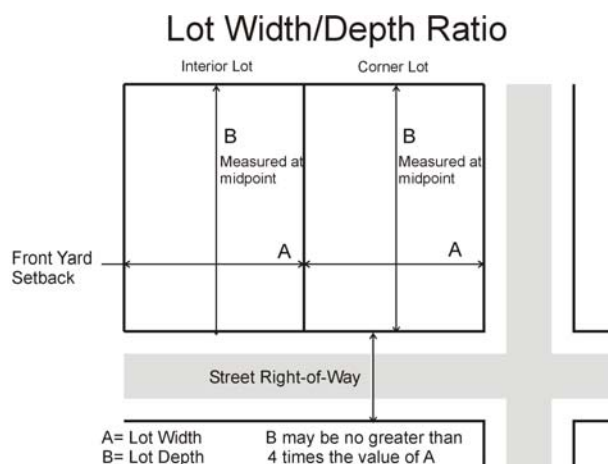
- c. No portion of a lot can be used more than once for determining compliance with the provisions for

lot area and yard dimensions for construction or alteration of buildings.

- d. No lot, adjacent lots in common ownership, required yard, parking area, or other required open space shall be created, divided, or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot, adjacent lots in common ownership, required yard, parking area, or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.
- e. In calculating the area of a lot that adjoins a dedicated alley or lane, for the purpose of applying lot area requirements of this Ordinance, one-half (1/2) the width of such alley abutting the lot shall be considered as part of the lot.

Sec. 2.18 Lot Width/Depth Ratio

Lots created after the effective date of this Ordinance having a lot area of less than ten (10) acres shall have a lot width which is equal to, or greater than, one fourth (1/4) the depth of the lot.



Sec. 2.19 Mechanical Equipment and Utilities

- a. Ground mounted mechanical equipment, such as blowers, ventilating fans, and air conditioning units are permitted only in non-required side yards and in any rear yard, as determined by the Building Official/Zoning Administrator.
- b. Mechanical equipment shall be placed no closer than three (3) feet to any lot line in the CBD.
- c. Any ground, building, or roof mounted mechanical equipment or utilities, including water and gas meters, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air conditioning equipment (HVAC), and other similar equipment, shall comply with the following standards:
 - 1. All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearance with the principal building.
 - 2. Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. All roof mounted mechanical units must be screened so they are not visible from ground level, even if not specifically addressed as part of site plan review.

Sec. 2.20 Non-Residential Design Requirements

The following design requirements for non-residential buildings shall be applied during site plan review as outlined in *ARTICLE 16 SITE PLAN REVIEW*.

a. Exterior Building Design

- 1. Buildings shall possess architectural variety, but enhance the overall cohesive community

character. All buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, or towers.

2. Building walls and roofs over fifty (50) feet in length shall be broken up with varying building lines, windows, gables, and/or architectural accents such as pilasters, columns, dormers, and awnings.
3. Window area shall make up at least twenty percent (20%) or more of the exterior wall area facing the principal street(s) from which access is gained.
4. In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements of this Ordinance must also be satisfied.
5. Overhead doors shall not face a public street or residential district. The Planning Commission can modify this requirement upon a determination that there is no reasonable alternative and the visual impact will be moderated through use of building materials, architectural features and landscaping beyond that required in *ARTICLE 21 LANDSCAPE STANDARDS AND TREE REPLACEMENT*.
6. Additions to existing buildings must complement the current building design with regard to height, proportions, scale, materials, and rhythm of openings.

b. Building Materials

1. Durable building materials which provide an attractive, quality appearance must be utilized.
2. The predominant building materials should be quality materials that are characteristic of Michigan such as earth-toned brick, decorative tilt-up panels, wood, native stone, and tinted/textured concrete masonry units and/or glass products.
3. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete dryvit panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure.
4. Metal roofs may be allowed if deemed by the Planning Commission to be compatible with the overall architectural design of the building.

c. Building and Sign Colors

1. Exterior colors shall be of low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors such as neon, metallic, or fluorescent for the facade and/or roof of the building are prohibited except as approved by the Planning Commission for building trim.
2. The use of trademark colors not meeting this requirement shall be approved by the Planning Commission.
3. Mechanical and service features such as gutters, ductwork, service doors, etc. that cannot be screened must be of a color that blends in with the color of the building.

d. Roof Design

1. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building.
2. Variations in architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged, with a minimum overhang of twelve (12) inches.
3. Architectural methods shall be used to conceal flat roof tops and mechanical equipment.
4. Overhanging eaves, peaked roofs, and multiple roof elements are highly encouraged.

- e. **Customer Entrances.** Clearly defined, highly visible customer entrances may be included in the design. Features such as canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged to identify such entrances.
- f. **Community Amenities.** Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches, or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.
- g. **Signs.** Signs shall be in accordance with *ARTICLE 22 SIGNS*. All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises.
- h. **Natural Features.** Buildings shall be sited to protect existing natural areas such as steep natural grades, trees, significant groupings of healthy vegetation (shrubs and trees), and rock outcroppings. To the extent practical, these areas shall be incorporated into the overall site plan.
- i. **Building Location and Orientation.** New buildings shall have at least one (1) principal building entrance oriented parallel toward the front lot line.

Sec. 2.21 Performance Standards

No land use otherwise allowed shall be permitted within a zoning district that does not conform to the following standards of use, occupancy, and operation. These performance standards are hereby established as the minimum requirements to be maintained.

a. Smoke

- 1. **Generally.** It shall be unlawful for any person to permit the emission of any smoke from any source, excepting smoke from a chimney for a fireplace or wood/coal burning stove in a residential structure, to a density greater than that density described as No. 1 of the Ringelmann Chart; provided that the following exceptions shall be permitted: smoke, the shade or appearance of which is equal to, but not darker than No. 2 of the Ringelmann Chart, for a period, or periods, aggregating four (4) minutes in any thirty (30) minute period.
- 2. **Method of Measurement.** For the purpose of grading the density of smoke, the Ringelmann Chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this Ordinance, shall be the standard. However, the umbra scope readings of smoke densities may be used when correlated with the Ringelmann's Chart.

- b. **Radioactive, Toxic and Hazardous Materials.** Radioactive materials and wastes, including electromagnetic radiation such as X-ray machine operation, shall not be emitted in excess of quantities established as safe by the American National Standards Institute, when measured at the property line. All transportation, including by rail, of radioactive materials, hazardous waste, and toxic waste shall be within permissible standards set by the Federal government.

- c. **Noise.** Operations or activities which exceed the maximum sound intensity levels defined below shall be prohibited. A sound level meter and an octave band analyzer shall be used to measure the intensity and frequency of the sound or noise levels. Sounds with very short duration, which cannot be accurately measured with a sound level meter, shall be measured by an impact noise analyzer; and the maximum levels indicated in the following table may be exceeded by no more than five (5) decibels. Where questions on noise arise, the current standards recognized by the American National Standards Institute shall apply.

Maximum Permitted Sound Intensity Levels		
Center Frequency (Cycles per second)	Sound Pressure Level in Decibels (0.0002 dyne/cm ²)	
	Residential Districts	Non-Residential Districts
31.5	72	77
63	71	76
125	65	70
250	57	62
500	51	56
1,000	45	50
2,000	39	44
4,000	34	39
8,000	32	37

Source: American National Standards Institute

1. The following sources of noise are exempt:
 - (a) Transportation vehicles not under the control of an on-site use.
 - (b) Occasionally used safety signals, warning devices and emergency pressure-relief valves.
 - (c) Temporary construction activity between 6:00 a.m. and 7:00 p.m.
 - (d) Warning or alarm devices that have the purpose of signaling unsafe or dangerous situations or calling for police.
 - (e) Noises resulting from authorized public activities such as parades, fireworks displays, sports events, musical productions, and other activities that have the approval of the City Council or its designee.

d. **Dust, Dirt, and Fly Ash**

1. **Generally.** No person, firm, or corporation shall operate or maintain any process, furnace, or combustion device for the burning of coal or other fuels, unless such processes or devices are equipped with recognized and approved equipment, methods, or technology to effectively reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air, which is operated in conjunction with the process, furnace, or combustion device so that the quantity of gas-borne or air-borne solids shall not exceed 0.20 grains per cubic foot of carrying medium at a temperature of five hundred (500) degrees Fahrenheit. These standards are not intended to apply to residential uses, such as chimneys for a fireplace or wood/coal burning stove.
2. **Method of Measurement.** For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty percent (50%) at full load. The foregoing requirement shall be measured by the A.S.M.E. Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The Building Official/Zoning Administrator may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

e. **Fire and Explosive Hazards.** The storage, utilization, or manufacture of materials, goods, or

products ranging from free or active burning to intense burning, as determined by the Fire Chief, is permitted subject to compliance with these performance standards and all other standards of this Ordinance, and providing that the following conditions are met:

1. Such materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the building code.
2. All such buildings or structures shall be set back at least forty (40) feet from lot lines and all buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by NFPA prevention codes.
3. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with the State rules and regulations as established by the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the NFPA.

Sec. 2.22 Principal Buildings, Structures, and Uses

- a. No lot may contain more than one (1) principal building, structure, or use.
- b. Groups of multiple-family dwellings, site condominiums, retail business buildings, or other groups of buildings contained within a single, integrated complex, sharing parking, signs, access, and other similar features which together form a unified function and appearance may be deemed a principal use collectively, by the Building Official/Zoning Administrator.
- c. In cases where there is more than one (1) use, the use comprising the greatest floor area shall generally be considered the principal use, except in cases where a use comprising a secondary amount of floor area is considered to have greater impact in terms of traffic generated, noise levels, disruption of views, and similar impacts, as determined by the Building Official/Zoning Administrator

Sec. 2.23 Private Road Standards

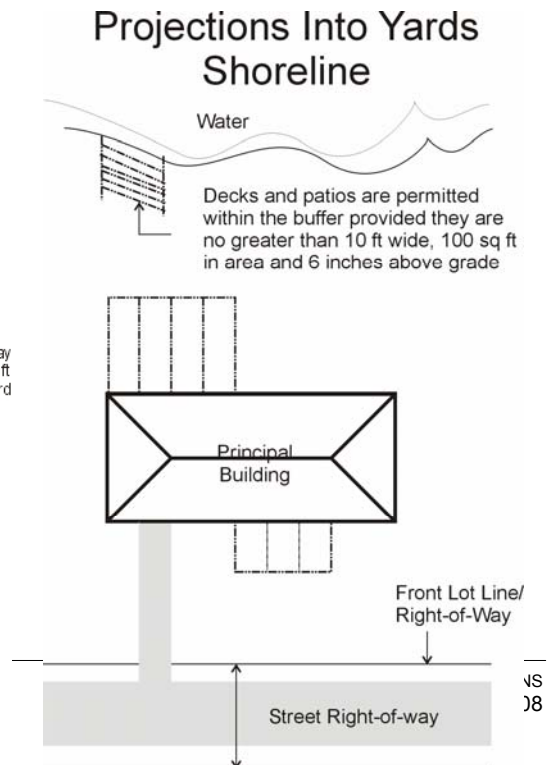
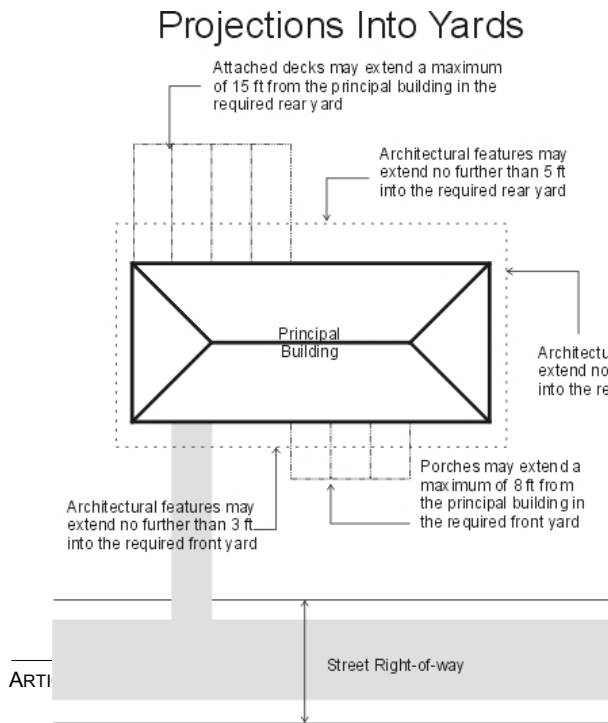
- a. The City may allow private roads only when meeting the standards of this Section. The regulations for private roads contained herein shall not apply to approved private roads within platted subdivisions regulated by the *City of Fenton Subdivision Control Ordinance*, as amended, or internal access drives to parking within approved site plans for multiple-family developments or commercial access drives.
- b. Private roads are reviewed and approved by the City Council after a recommendation from the Planning Commission. Documentation accepted by the City Council, must support that the property possesses unusual configuration and/or topography which would render construction of public streets under City standards for grades, radii, width, and/or materials impractical.
- c. An easement for private road access shall be provided of not less than twenty-four (24) feet in width for roads and utilities serving two (2) or fewer lots or single-family residential units and not less than sixty (60) feet in width for roads serving more than two (2) homes. This easement shall be recorded with the Genesee County Register of Deeds office and a copy of the recorded easement provided to the Building Official/Zoning Administrator.
- d. Any lot gaining access from a private road shall have at least the minimum lot frontage required herein for the zoning district in which the lot is located. The frontage for the lot shall be measured at the point between the lot lines designated by the Building Official/Zoning Administrator as the side lot lines.
- e. Any lot created on a private road, along with accompanying buildings, shall comply with all site development standards applicable to the zoning district in which it is located. The easement for

the private road shall not be included in the minimum lot width and lot area requirements.

- f. The maximum length of any private road cul-de-sac shall not exceed the City standard for public roads.
- g. The minimum roadway width of any private road shall be at least eighteen (18) feet, however if such roadway is within three hundred (300) feet of a fire hydrant, such width may be reduced to fourteen (14) feet upon approval of the City of Fenton Fire Department.
- h. The surface and base material and construction of any private road shall be approved by the City Engineer and City of Fenton Fire Department as being sufficient to accommodate emergency vehicles.
- i. Issuance of a building permit for the placement of buildings/structures on lots and/or parcels on a private road shall not be considered a guarantee or warranty that adequate access exists to the lot for emergency vehicles. The City assumes no responsibility for the maintenance of or improvements to private roads.
- j. The applicant shall submit a joint maintenance agreement or master deed in recordable form that runs with the land, binds benefiting parcels, and allows the City to make any repairs or conduct any maintenance it deems necessary, and charge the property owners or homeowners association served by the private road for such service.
- k. The applicant shall provide a recorded statement running with the land informing purchasers of lots accessed by the private road that the access road is private.

Sec. 2.24 Projections into Yards (See also *Figure 2.1 Accessory Buildings and Structures Location Standards*)

- a. Certain architectural features, such as cornices, eaves, gutters, chimneys, pilasters, and similar features may project no farther than:
 1. Three (3) feet into a required front yard.
 2. Five (5) feet into a required rear yard.



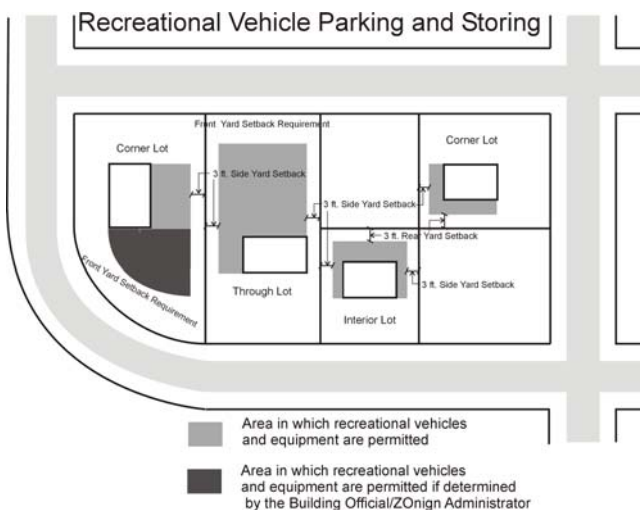
3. Two (2) feet into a required side yard.
- b. Projection of building appurtenances such as porches, patios, decks, balconies, stoops, window awnings, or similar features which are elevated six (6) inches or more above grade, into a required side yard shall be prohibited. An unenclosed porch, patio, deck, stoop, balcony, or window awning may project no farther than:
 1. Eight (8) feet into a required front yard.
 2. Fifteen (15) feet into a required rear yard.
 3. Five (5) feet into the right-of-way in the CBD if such feature is located at least eight (8) feet above ground level.
- c. On a shoreline lot, a minimum fifteen (15) foot open space greenbelt shall be provided between the deck and the closest edge of the shoreline; a separate deck or patio of one hundred (100) square feet or less shall be permitted along the shoreline, with a maximum length along the shoreline of ten (10) feet and a maximum height of six (6) inches above the mean grade.

Sec. 2.25 Recreational Vehicle Parking and Storing

The purpose of these standards is to regulate and control the parking and storage of recreational vehicles and equipment on private property to promote the public health, safety, and welfare and to preserve property values.

a. **Location Standards** (See also *Figure 2.1 Accessory Buildings and Structures Location Standards*)

1. **Generally.** Recreational vehicles and/or recreational equipment shall be prohibited in the front yard unless otherwise permitted in this Section. Recreational vehicles or equipment shall be placed or parked in the rear yard or side yard behind the front building line, on a hard surface not closer than ten (10) feet from any structure and set back a minimum of three (3) feet from any lot line, except as provided in paragraphs 2. through 7. below.
2. **Placement on Lot.** Recreational vehicles and equipment are permitted to be parked or stored only on a lot with a principal building, structure, or use unless it is adjacent lot which is under the same ownership.
3. **Time Limits.** Recreational vehicles or recreational equipment may be stored, parked, or placed within any front yard or within a public right-of-way where on-site parking is permitted for a period not exceeding seventy-two (72) hours for loading and unloading or for normal maintenance and cleaning.
4. **Corner Lots.** In the case of corner lots, as defined in this Ordinance, the regulations of this Section shall apply to both the front yard and the exterior side yard.
5. **Through Lots.** In the case of through lots, as defined in this Ordinance, parking and storage shall be permitted in the rear yard, as determined by Building Official/Zoning Administrator, provided the parked vehicle meets the front and side yard principal building setback requirements of the zoning district.



6. **Through Corner Lots.** In the case of through lots on a corner (i.e. lots with frontage along three (3) streets), parking shall be allowed only in the side yard. The Building Official/Zoning Administrator may permit parking in the rear yard, as noted in paragraph 5. above, upon determination that such parking is allowed on the adjacent lot.
 7. **Shoreline Setbacks.** Recreational vehicles shall be set back at least fifteen (15) feet from the edge of a shoreline, except storage during the season the vehicle is used is permitted within this setback area. For example, storage in the setback area is permitted for a boat during summer months and an ice fishing shanty or snowmobiles during winter months.
- b. **Owner or Legal Tenant.** The owner of any recreational vehicle or equipment placed or parked on a lot shall be the owner of the lot or the legal tenant.
 - c. **Condition and Licensing Requirements.** All recreational vehicles and/or recreational equipment stored or parked in any Residential District shall be in an operable condition, as determined by the Building Official/Zoning Administrator.
 - d. **Detachable Camper Tops.** Detachable camper tops shall not be stored in any Residential District except in accordance with above guidelines. Further, camper tops that are not installed on a licensed and operable vehicle must be placed on the ground and stabilized.
 - e. **Occupation of Stored Recreational Vehicles.** At no time, except in conformance with Section 2.33.b. below, shall any stored, parked, or placed recreational vehicles and/or recreational equipment be occupied or used for living purposes. At no time shall any such recreational vehicle and/or equipment have fixed connections to water, gas, or a sanitary sewer. At no time shall any such recreational vehicles and/or equipment, other than those granted a temporary use permit in conformance with Section 2.33.b. below.
 - f. **Permanent Special Exceptions.** A recreational vehicle and/or recreational equipment which is officially licensed as a vehicle for a disabled person in accordance with State law and which is used as the regular means of transportation by or for a disabled person may be parked within the required setback area. Appropriate landscaping must be provided to screen the recreational vehicle from adjacent residential structures.

Sec. 2.26 Regulations Applicable to Single-Family Dwellings Outside of Manufactured Housing Developments

Any single-family dwelling, constructed and erected on a lot outside a manufactured housing development, shall be permitted only if it complies with all of the following requirements:

- a. If the dwelling unit is a manufactured home, it must either be:
 1. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Manufactured Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated.
 2. Used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced in subsection (1) above, and found, on inspection by the Building Official/Zoning Administrator or his designee, to be in excellent condition and safe and fit for residential occupancy.
- b. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels and tongue removed.
- c. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's

setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Manufactured Home Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks or manufactured housing communities.

- d. The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy, and other similar codes adopted by the City, provided, that where a dwelling unit is required by law to comply with any Federal or State standards or regulations for construction, and where such standards or regulations for construction are more strict than those imposed by City codes, then and such Federal or State standards or regulations shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Official/Zoning Administrator.
- e. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, yard requirements, and maximum building height requirements of the zoning district in which it is located.
- f. The dwelling unit shall have a minimum horizontal dimension across any side or rear elevation of twenty (20) feet.
- g. The dwelling unit shall be placed on the lot so that the portions nearest the principal street frontage are at least thirty (30) feet in dimension parallel to the street.
- h. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site. Such foundation must have a wall of the same perimeter dimensions as the dwelling unit and be constructed of such materials and type as required by the building code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation and skirting shall fully enclose the chassis, undercarriage, and towing mechanism.
- i. A storage area within a building not less than one hundred twenty (120) square feet in a area shall be provided. This storage area may consist of a basement, closet area, attic, or attached garage in a principal building, or in a detached accessory building which is in compliance with all other applicable provisions of this Ordinance pertaining to accessory buildings.
- j. Permanently attached steps or porch areas at least three (3) feet in width shall be provided where there is an elevation difference greater than eight (8) inches between the first floor entry of the dwelling unit and the adjacent grade. Railings shall be provided in accordance with the City building code.
- k. The main roof of the dwelling unit shall have a minimum pitch of four (4) feet of rise for each twelve (12) feet of horizontal run.
- l. The exterior finish of the dwelling unit shall not cause glare or reflection that is greater than that from siding coated with clean, white, gloss exterior enamel.
- m. The dwelling unit shall not contain any additions of rooms or other areas which are not constructed with similar quality workmanship and materials as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- n. The above standards may be modified by the Building Official/Zoning Administrator upon determination that the proposed design is consistent with the predominant standard in the surrounding area.

Sec. 2.27 Residential Development Regulations for Infill Housing for Existing Neighborhoods

a. **Intent.** The development regulations contained herein are intended to regulate the character of new infill housing development in certain areas of the City which contain traditional and historic exterior design elements. The purpose of these regulations is to promote harmony in neighborhoods between new housing units and the existing buildings by assuring that new construction is of suitable character in terms of site layout, building dimensions, architectural design, and building materials.

b. **Procedure**

1. All building permit applications for new single-family and two-family housing development located in platted subdivisions approved prior to 1967 must be submitted to the Building Official/Zoning Administrator.
2. The Building Official/Zoning Administrator shall have final approval on any applicable infill housing development in accordance with paragraph c. below. However, the Building Official/Zoning Administrator may refer applications to the Planning Commission for final approval.

c. **Site Design and Architectural Standards for Single and Two-Family Dwellings**

1. **Lot Coverage.** The lot coverage of any proposed dwelling unit shall be no less than ninety percent (90%) and no more than one hundred thirty-five percent (135%) of the lot coverage of other single-family or two-family dwelling units within three hundred (300) feet of the subject lot, including dwelling units on both sides of the street of the same block.
2. **Front Yard Setbacks.** The front and exterior side yard setbacks of any proposed single-family or two-family dwelling unit shall be in accordance with district regulations as set forth in *ARTICLE 15 SCHEDULE OF REGULATIONS*.
3. **Building Appearance.** Building appearance for new single-family and two-family dwelling units shall reflect a continuity of design with surrounding buildings by maintaining the architectural styles, details, building materials, and design themes of dwelling units on both sides of the street within three hundred (300) feet of the subject lot. Similarity and compatibility with surrounding dwelling units in terms of the following features may be necessary in order to meet this requirement:
 - (a) Roof and overhang style (e.g. gable, mansard, hip, A-frame, flat).
 - (b) Facade appearance (door and window openings).
 - (c) Building massing and height.
 - (d) Exterior building materials.
 - (e) Porches.
 - (f) Detached garage style and design.

Sec. 2.28 Residential Recreational Area

- a. Any residential subdivision, condominium, or multiple-family development comprising twenty (20) or more lots or dwelling units, either as a single development or as a group of adjacent developments offered by a single proprietor, shall provide an active recreational area which shall contain an area equal in size to fifteen hundred (1,500) square feet for each lot or dwelling unit in the subdivision, condominium project, or multiple-family development.
- b. The recreational area shall be well-drained, graded, seeded or sodded, safe from hazard, accessible to all dwellings, and the location shall be approved by the Planning Commission.

- c. Preservation of the recreational area shall be achieved through deed restrictions or dedication to a subdivision homeowner's association.

Sec. 2.29 Sidewalks, Bikepaths, and Other Pedestrian Pathways

Any development shall provide pedestrian pathways meeting the following requirements:

a. Sidewalks

- 1. Sidewalks shall be required on both sides of the street or road in accordance with *CHAPTER 29 STREET, SIDEWALKS AND OTHER PUBLIC PLACES OF THE CITY OF FENTON CODE OF ORDINANCES*. Sidewalks can only be waived by the City Manager.
- 2. All sidewalks shall be a minimum five (5) feet wide and constructed of concrete to the specifications of the American Society of Highway and Transportation Officials (ASHTO).
- 3. Sidewalks abutting parking areas shall be a minimum of seven (7) feet wide to accommodate vehicle overhang.
- 4. In lieu of concrete sidewalks, the Planning Commission may permit stone or wood chip paths, or wooden boardwalks in open space areas or areas with sensitive environmental features. The path or boardwalk shall provide direct access to all lots where the Planning Commission waives the requirement for concrete sidewalks.

- b. **Bikepaths.** Bikepaths shall be at least eight (8) feet wide and constructed of concrete or asphalt in accordance with the specifications of the ASHTO.

c. Walkways from the Sidewalk to Building Entrances

- 1. A continuous pedestrian walkway shall be provided from any adjacent street sidewalk to building entrances.
- 2. The walkways shall incorporate a mix of landscaping, benches, drop-off bays, and bicycle facilities for at least fifty percent (50%) of the length of the walkways.
- 3. Walkways shall be connected to adjacent sites wherever practicable.

d. Walkways from Parking Areas to Building Entrances

- 1. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall be located within the parking areas and shall be designed to provide access from these areas to the entrances of the building(s).
- 2. The walkways shall be designed to separate people from moving vehicles as much as possible.
- 3. The walkways must be designed for disabled access according to the adopted building code for the City of Fenton and other applicable laws.
- 4. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation, or scored concrete. Other materials may be approved by the Planning Commission if appropriate to the overall design of the site and building.

e. General

- 1. Unless otherwise permitted by this Ordinance, sidewalks and bikepaths shall be installed by the developer or property owner within the dedicated street right-of-way or private road access easement. A special easement may be provided where grades or other factors prevent placement within the right-of-way or access easement.

2. Crosswalk pavement markings and signs may be required in areas of potential vehicular and pedestrian conflict.

Sec. 2.30 Storage and Repair of Vehicles

- a. The parking of commercial vehicles, as defined in *ARTICLE 28 DEFINITIONS*, shall be prohibited in all zoning districts except Industrial Districts unless otherwise permitted.
- b. Commercial vehicles shall not be permitted in a Residential District except as permitted below:
 1. The vehicle shall be used as the principal means of transportation for a resident in the conduct of such resident's employment or profession or is the resident's sole means of motor vehicle transportation.
 2. The vehicle shall not be a utility trailer, dump truck, stake truck, flat-bed truck, wrecker, or semi-tractor.
 3. No part of the vehicle may exceed seven (7) feet in overall height, measured from grade.
 4. The vehicle shall not have outside brackets or holders for ladders, tools, pipes, or other similar equipment.
 5. The vehicle shall not have more than four (4) rear wheels.
 6. The vehicle shall not exceed eleven thousand (11,000) pounds gross weight.
 7. The vehicle shall not display markings or advertising identifying a company, firm, corporation, or other place of business. Such vehicles are permitted if all advertising markings are covered while the vehicle is on the residential premises.
 8. In any Multiple-Family Residential District, the property owner or the controlling association shall provide a designated area, approved by the Planning Commission, to park or store commercial vehicles. Parking spaces required to meet the parking requirements of this Ordinance shall not be used for the parking or storage of commercial vehicles.
 9. The parking or storage of essential public service vehicles where the vehicle is operated by the homeowner or the occupant is exempt from these provisions.
- c. Commercial vehicles which are employed in conjunction within a Non-Residential District shall be parked or stored in compliance with the following provisions:
 1. For sites with a site plan approved subsequent to the effective date of this Section, such vehicles shall be parked or stored in parking or loading spaces designated for that purpose on the site plan.
 2. For situations not covered under 1. above, commercial vehicles shall not be parked or stored in the front yard.
- d. The parking or storage of commercial vehicles for residential, office, or storage purposes shall not be permitted.
- e. The repair, restoration, and maintenance of vehicles in any Residential District, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:
 1. Procedures exceeding forty-eight (48) hours in duration or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours shall be carried out within an enclosed building.
 2. Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.
- f. The outdoor storage of inoperable and/or unregistered vehicles shall be prohibited, as regulated in *CHAPTER 19 NUISANCES OF THE CITY OF FENTON CODE OF ORDINANCES*.

Sec. 2.31 Street Access and Design

- a. Any lot created after the effective date of this Ordinance shall have frontage upon a public street right-of-way or legally recorded access easement at least sixty (60) feet in width, unless a private road of lesser width has been approved by the City Council.
- b. A building permit shall not be issued for the construction of any principal building unless said lot has the minimum frontage required on an improved public street or legally recorded access easement at least sixty (60) feet in width, unless a private road of lesser width has been approved by the City Council.
- c. Access driveways located on access easements or on a flag lot, upon which the lots access to a public street consists of a narrow access easement, shall be surfaced with a durable pavement having an asphalt or cement binder and be constructed to the City standards.
- d. All street access shall meet the standards of *ARTICLE 20 ACCESS MANAGEMENT AND DRIVEWAY STANDARDS*.
- e. All streets shall be constructed in accordance with *CHAPTER 30 SUBDIVISION REGULATIONS OF THE CITY OF FENTON CODE OF ORDINANCES*.
- f. All streets shall be constructed with curb and gutter unless waived by the City Manager.

Sec. 2.32 Swimming Pools

- a. Swimming pools, spas, hot tubs, and similar devices shall be built in accordance with the Michigan Building Code.
- b. Swimming pools, spas, hot tubs, and similar devices shall not be located in any front yard.
- c. Swimming pools, spas, hot tubs, and similar devices shall not be located less than four (4) feet from any lot line.
- d. Swimming pools shall be considered in computing lot coverage calculations.
- e. All swimming pools, spas, hot tubs, and similar devices shall be enclosed by a barrier (i.e. fence or other enclosure) as required by State law and as approved by the Building Official/Zoning Administrator.

Sec. 2.33 Temporary Buildings, Structures, Uses, and Special Events

Temporary principal or accessory buildings, structures, uses and special events may be permitted, subject to the following conditions:

a. Temporary Construction, Buildings, Structures, and Uses

- 1. Temporary buildings and structures may only be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation, solid waste, or fuel facilities, related to construction activity on the same lot.
- 2. No temporary building or structure shall be used for dwelling purposes.
- 3. The placement of temporary buildings and structures shall be in conformance with the requirements of *ARTICLE 16 SITE PLAN REVIEW*. A building permit for such building or structure shall be issued by the Building Official/Zoning Administrator prior to installation.

4. Temporary buildings and structures shall be removed from the lot within fifteen (15) days after an occupancy permit is issued by the Building Official/Zoning Administrator for the permanent structure on such lot, or within fifteen (15) days after the expiration of a building permit issued for construction on such lot.
- b. **Temporary Uses, Seasonal, and Special Events.** Temporary uses and seasonal or special events may be allowed in any district upon issuance of a permit by the Building Official/Zoning Administrator, when meeting the standards listed below:
1. Temporary uses, seasonal, and special events may be allowed on any lot with a permitted principal building.
 2. Temporary uses, seasonal, and specials events may be allowed on a vacant lot when providing the minimum setback for all buildings, structures, and parking required for the appropriate zoning district.
 3. In no case shall the setbacks for any buildings, structures or parking be less than ten (10) feet except in the CBD.
 4. The temporary use, seasonal, and special event must not prevent the continued use of sidewalks, rights-of-way, fire lanes, etc.
 5. If the petitioner is not the owner of the property, the petitioner shall provide written permission of the owner of the property to allow such an event prior to beginning such temporary use, seasonal, and special event.
 6. A minimum of one (1) parking space shall be provided for each eight hundred (800) square feet of gross lot area used for the activity (not including storage areas) plus additional parking space for any structure utilized for retail sales computed in accordance with the requirements for retail stores.
 7. A sketch plan (to scale) shall be provided illustrating:
 - (a) Property lines.
 - (b) Adjacent uses and zoning districts.
 - (c) Existing and proposed buildings and structures.
 - (d) Location of any areas for storage such as inventory not being displayed.
 - (e) Fire hydrants.
 - (f) Layout of parking.
 - (g) Boundaries of proposed sales areas.
 - (h) Location and size of any proposed sign (off-premise signs shall also be mapped).
 8. All equipment, materials, goods, poles, wires, signs, and other items associated with the temporary use shall be removed from the premises within five (5) days of the end of the event. Following the five (5) day period, the City shall use the escrow fee to clear such items from the property.
 9. The length of a temporary use or special event shall not exceed seven (7) days, except seasonal sales of items such as Christmas trees and pumpkins which are permitted for up to sixty (60) days.
 10. Two (2) temporary use permits for a temporary use, seasonal, or special event by a single business or property are permitted each year.
 11. Special standards for carnivals, circuses, farmers markets, flea markets, and similar events shall be as follows:
 - (a) Such uses shall be approved by the City Council. The City Council shall consider the intensity of the proposed use in relation to adjacent land uses and sufficiency of parking. The City Council may require site improvements, such as fencing, increased setbacks, and restricted hours of operation to help ensure compatibility with surrounding land uses.
 - (b) The applicant shall provide information establishing that a reasonable amount of

liability insurance coverage is carried, as determined by the City's insurance carrier.

- (c) The sketch plan for the event shall include a description of traffic flow and parking management to ensure safe and efficient traffic operations without creating unreasonable congestion on City streets.
- (d) Farmer's markets which are to occur on a regular schedule shall be permitted only in commercially zoned districts. The City Council may extend the time period for the temporary use permit so that a separate permit is not required for each event within any one (1) calendar year, provided the number of dates and a schedule are established at the time of application and that the conditions and requirements of the City Council are maintained.

c. **Review and Approval Procedures, Permit Fees, and Required Escrow for Temporary Uses and Sales Events**

- 1. **Review.** Except as otherwise noted above for carnivals, circuses, farmers markets, and similar events as defined by the Building Official/Zoning Administrator, the Building Official/Zoning Administrator shall review and approve requests for a temporary use or seasonal event. Where appropriate, the Building Official/Zoning Administrator shall consult with the Police Chief and Fire Department official. If the request is denied, the Building Official/Zoning Administrator shall State the reasons for denial in writing and provide a copy to the applicant.
- 2. **Use Fee.** The applicant shall pay a nonrefundable permit fee to the City Clerk. The fee shall be established and modified, from time to time, by the City Council. The amount of the permit fee may vary depending upon the type of event.
- 3. **Use Escrow.** The proprietor of the temporary use or seasonal event shall deposit a cash bond or similar type of escrow, in an amount established by the Building Official/Zoning Administrator, prior to the issuance of a permit. The escrow shall be used by the City to pay the cost of returning the property to its state prior to commencement of the event or refunded to the proprietor upon compliance with the requirements of this Ordinance and any other applicable ordinances.
- 4. **Sign Fee and Escrow.** The sign standards provided in *ARTICLE 22 SIGNS* of this Ordinance permits both on-premise and off-premise temporary signs. A separate nonrefundable sign permit fee is required in an amount established, and periodically amended, by the City Council. The City shall also require an escrow, in an amount established by the Building Official/Zoning Administrator, to cover the cost of removing off-premise signs if not removed by the applicant within one (1) business day following the event. This escrow account shall be in addition to that listed in item 3. above. If the off-premise signs are removed as required, the sign escrow account shall be refunded to the applicant.

Sec. 2.34 Voting Place

The provisions of this Ordinance shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

Sec. 2.35 Waste Receptacles and Enclosures

- a. Waste receptacles, including dumpsters or compactors, shall be required for all nonresidential uses unless interior facilities are provided. Waste receptacles shall not be permitted as accessory to any single-family residential use.
- b. All outdoor waste receptacles shall be enclosed on three (3) sides and screened. The enclosure shall be constructed of brick or decorative concrete material, consistent with the building materials

of the principal building.

- c. The enclosure shall also include a gate, made of wood or other high quality material, as determined by the Planning Commission, on the fourth side. If the waste receptacle is a dumpster it must have an enclosing lid or cover.
- d. The enclosure shall have a minimum height of six (6) feet or one (1) foot above the height of the waste receptacle, whichever is greater. The enclosure must be spaced at least three (3) feet from the waste receptacle.
- e. Waste receptacles and enclosures shall be located in the rear yard, not closer than three (3) feet from the rear lot line, or non-required side yard, unless otherwise approved by the Planning Commission and shall be as far as practical, but in no case be less than twenty (20) feet, from any residential district. If practical, the back side of the waste receptacle enclosure should be placed against the building. In this circumstance the wall may act as one side of the enclosure.
- f. Waste receptacles shall be easily accessed by refuse vehicles without potential to damage automobiles parked in designated parking spaces or interfering with the normal movement of vehicles on or off the site. If possible, the opening shall not directly face the driveway.
- g. The waste receptacle base shall be at least nine (9) feet by six (6) feet in area, constructed of six (6) inches of reinforced concrete pavement. The base shall extend six (6) feet beyond the waste receptacle pad or gate to support the front axle of a refuse vehicle.
- h. The unloading of waste receptacles shall only occur between the hours of 7 a.m. and 11 p.m.
- i. The shared use of receptacles shall be allowed by adjoining businesses where sharing will not create a health or safety concern and where it does not result in the accumulation of visibly excessive quantities of waste. Necessary shared use agreements are required.

Sec. 2.36 Waterfront Docks and Uses

- a. **Intent.** The purpose of these regulations is to protect the public health, safety, and welfare which could be threatened by the over-use of inland lakes and avoid situations which may create a nuisance, impair important irreplaceable natural resources, and diminish property values. These regulations are intended to complement the implementation of the Michigan Inland Lakes and Streams Act (Public Act 346 of 1972).
- b. **Boat Docks**
 - 1. **Applicability.** These regulations shall apply to the waterfront lots which are used exclusively for single-family and two-family dwellings on waterfront lots.
 - 2. **Requirements.** Boat docks shall meet the following minimum requirements:
 - (a) One (1) dock or boat house containing a maximum of (2) boat slips per lot shall be permitted for single-family and two-family dwellings on waterfront lots.
 - (b) Boat docks, boat houses, and boat slips shall be used only by persons residing on the premises or their short-term guests, and shall not be leased, rented, or otherwise used for compensation except in conjunction with the lease or rental of the dwelling unit on the same lot, unless approved as a private or public marina as a special land use.
 - (c) Construction or installation of the dock shall not obstruct the natural flow of water or access of boaters to adjoining or nearby parcels, deeper waters, or normal boating routes.

c. **Keyholes**

1. **Applicability.** These regulations shall apply to the following waterfront lots, parcels, sites, and easements held in common by a development, subdivision, condominium, association, similar agency, or group of individuals (i.e. more than one individual or family):
 - (a) All lots created after the effective date of this Ordinance, July, 28, 2004.
 - (b) Lots of record existing prior to the effective date of this Ordinance, July, 28, 2004, that did not provide common use access to a water body (riparian rights to non-riparian land owners) prior to the effective date of this Ordinance.
 - (c) These regulations shall apply to the establishment of a dockominium, as defined in *ARTICLE 28 DEFINITIONS*.
2. **Existing Keyholes.** Lots of record which existed prior to the effective date of this Ordinance that provided common use access to a water body may continue to provide riparian rights subject to the marina operating permit requirements of the Michigan Department of Natural Resources under the Michigan Inland Lakes and Streams Act (Public Act 346 of 1972) where applicable.
3. **Easements.** An easement over a residential riparian lot shall not be utilized to provide boat access or docking for an individual who is not a resident of such residential riparian lot.
4. **Use.** Boat launching sites and boat docks within a common use riparian lot shall be permitted in any district as a special land use upon review and approval in accordance with the general standards of *ARTICLE 14 SPECIAL LAND USES Marinas and Boat Slips*. Boat docks shall comply with the requirements of b. above.
5. **Requirements.** Waterfront lots dedicated to common use for boat launching and docking shall conform in all respects to the area and bulk requirements of the district which they are located. In addition, common use riparian lots shall have the following minimum requirements:
 - (a) The riparian lot shall have a minimum of fifty (50) linear feet of water frontage for each non-riparian lot served and shall provide no more than one (1) boat slip per dwelling unit served. Water frontage shall be measured by a straight line which intersects each side lot line at the water's edge. Artificially created shoreline may not be used to increase the calculated riparian frontage.
 - (b) Construction or installation of the dock(s) shall not obstruct the natural flow of water or access of boaters to adjoining or nearby parcels, deeper waters, or normal boating routes.
 - (c) Such riparian lot or parcel shall have a minimum lot depth of one hundred (100) feet, measured as the minimum distance between the water's edge and the lot line which is opposite the water's edge.
 - (d) The deed to such lot or parcel shall specify the non-riparian lots or parcels which shall have rights to its use.
6. **PUDs.** For PUDs where there are common areas with riparian frontage, there shall be a minimum of fifty (50) linear feet of riparian frontage for each boat docked within the common area. The Planning Commission has the discretion to modify this standard within PUDs provided that the overall number of boats from the PUD accessing the lake remains constant. This shall be determined based upon the total number of boats with access to the lake from both private and common use sites and the PUDs overall riparian frontage.

7. **Michigan Department of Natural Resources (MDNR) Permits.** Any boat dock facility within a common use riparian lot must obtain a permit for marina operation from the MDNR in accordance with Administrative Rules of the Michigan Inland Lakes and Streams Act (P.A. 346 of 1972, as amended). Design for a boat dock facility shall meet all of the MDNR standards for marinas. Public access sites owned and operated by the State of Michigan are exempt from these regulations.