

Chapter 36 ZONING¹

ARTICLE I. TITLE, PURPOSE AND AUTHORITY²

¹Editor's note(s)—The former zoning ordinance of the city, contained in Ch. 36, as amended, was repealed by Ord. No. 622, adopted June 28, 2004, which ordinance also enacted a new zoning ordinance to read as set out in this chapter. The repealed provisions derived from the following ordinances:

Ord. No.	Date	Section	Ord. No.	Date	Section
510	7- 9-90		549	3-14-94	1
515	2-25-91	1—4	551	6-13-94	2
532	5-11-92	1—6	552	6-13-94	1
533	6- 8-92	1—11	563	10-10-94	
540	4-12-93	1	564	10-10-94	
541	4-12-93	1	588	10-26-98	
542	6-14-93	1, 2	591	10-11-99	
545	8- 9-93	1	603	4-20-00	1—4
546	10-11-93	1—5	611	5-14-01	1, 2

In this chapter, the zoning ordinance is set out substantially as enacted; however, a uniform system of capitalization, punctuation and handling of numbers has been employed and obvious misspellings corrected without notation. Material added by the editor for clarity has been included in brackets [], and "this zoning ordinance" changed to "this chapter" where appropriate.

Charter reference(s)—Authority to establish zoning districts, § 2.14; planning and zoning, § 4.18.

Cross reference(s)—Ordinances pertaining to zoning map amendments saved from repeal, § 1-4(12); downtown

development authority, § 2-191 et seq.; buildings and building regulations, Ch. 6; planning, Ch. 24; streets, sidewalks and other public places, Ch. 29; subdivisions, Ch. 30.

State law reference(s)—Authority to regulate land use, MCL 125.581 et seq.

²Editor's note(s)—Ord. No. 644, § 2, adopted Jan. 14, 2008, amended the title of Art. I to read as herein set out. The former title of Art. II was Title, Purpose, Scope and Authority.

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Sec. 36-1.01. Title.

This chapter shall be known and may be cited as the "City of Fenton Zoning Ordinance."

(Ord. No. 622, § 1.01, 6-28-04)

Sec. 36-1.02. Purpose.

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

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

b. In order to effectively meet this purpose, the city is divided into districts of such number, shape, and area, and of such common unity of purpose, adaptability, or use, that are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, and the city as a whole, preserve the property owners right to use their land, and to promote quality of life and business vitality. The regulations of this chapter accomplish these purposes by controlling land uses within each district; acknowledging the unique impacts of special land uses through specific standards for their development in

appropriate locations within selected districts; promoting quality by limiting the location, height, bulk, occupancy, and uses of

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buildings, and other structures; defining maximum residential density, specifying the percentage of a site available for a building; and requiring building and parking setbacks from property lines and public street rights-of-way.

(Ord. No. 622, § 1.02, 6-28-04)

Sec. 36-1.03. Conflicting regulations.

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

(Ord. No. 622, § 1.03, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-1.04. Vested rights.

- a. *Site plans submitted prior to effective date.*
 1. *Construction begun.* Nothing in this chapter shall be deemed to require any change in the plans, construction, or designated use of any building upon which actual construction was begun prior to the enactment of this chapter, provided construction has lawfully begun, is being diligently carried on, and shall be completed within one year of the effective date of this chapter. The zoning board of appeals (ZBA) may permit an extension of up to one year for completion.
 2. *Application submitted.* An application shall meet the requirements of the chapter effective on the date of submission. An application submitted before the effective date of this chapter must be approved by the planning commission by the date that the chapter takes effect or the requirements of this chapter shall be followed.
 3. *Application approved.* If an application has been approved within 12 months of the effective date of this chapter, it shall remain valid if construction is begun within one year and completed within two years of the effective date of this chapter.
- b. *[Building permit.]* For projects not subject to site plan approval, a building permit must be issued prior to the effective date of this chapter; otherwise the requirements of this chapter take effect.

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c. *[Zoning chapter to govern.]* If the conditions of this section are not met, the standards and provisions of this zoning chapter shall govern.

d. *[Amendment of chapter.]* Nothing in this chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

(Ord. No. 622, § 1.04, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-1.05. Validity and severability.

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

(Ord. No. 622, § 1.05, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-1.06. Effective date.

This chapter shall become effective ten days from the date of publication of notice of adoption.

(Ord. No. 622, § 1.06, 6-28-04)

Sec. 36-1.07. Repeal of prior ordinance.

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

Adopted: June 28, 2004

Published: July 18, 2004

Effective: July 28, 2004

ARTICLE II. GENERAL PROVISIONS

Sec. 36-2.01. 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 chapter

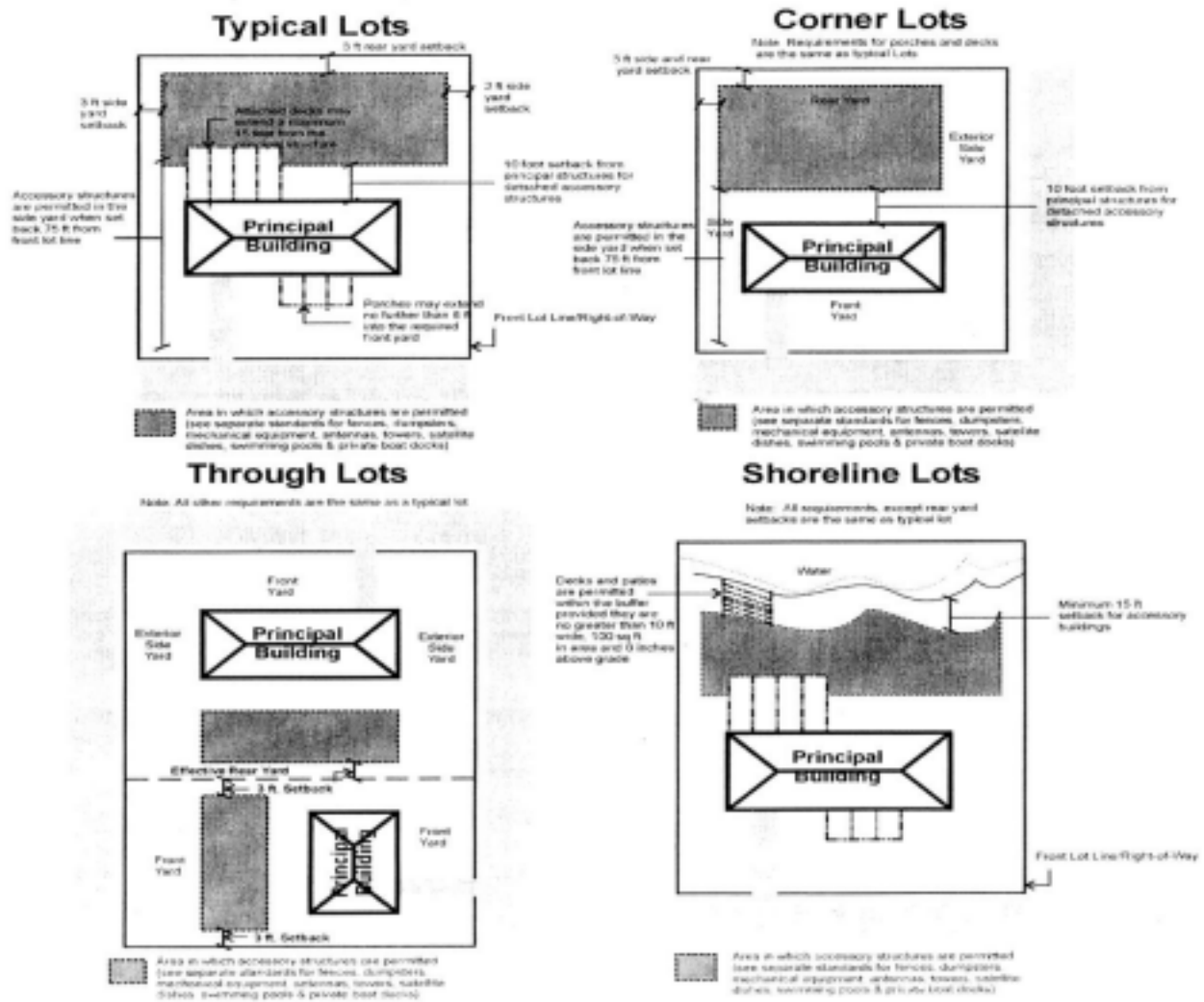
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applicable to principal buildings, structures and uses, unless otherwise noted in section 36-2.24, Projections into yards.

- 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 chapter.
- f. Unless otherwise provided in this chapter, 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 75 feet from the front lot line.
- h. No detached accessory building shall be located closer than ten feet to any principal building, structure, or use, nor shall it be located closer than three 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 30 percent of any rear yard. j. No more than two detached accessory buildings shall be permitted on any one lot.
- k. The maximum building height of any detached accessory building shall be 14 feet, measured as required by Article XXVIII, 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.

(Ord. No. 622, § 2.01, 6-28-04)

**Figure 2.1
Accessory Buildings and Structures Location Standards**



Sec. 36-2.02. Adult and child care facilities.

a. Adult and child care facilities, as defined in Article XXVIII, 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

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Adult Daycare Facilities	SLU as accessor	SLU	SLU	SLU
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	y			
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 Article XIV, Special Land Uses.				
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 XXII, Signs.

4. Off-street parking shall be provided for the maximum number of employees on site at any one 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 state, shall be provided.

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7. There shall be sufficient outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a four 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 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 16 hours per day.
- b. A state-licensed residential adult or child care facility existing prior to the effective date of this chapter (July 28, 2004), that has been operating under a valid state license and is registered with the city no later than 60 days following the effective date of this chapter (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 chapter. Any modification to the use shall require approval following the standards of Article XVI, Site Plan Review, as applicable.

(Ord. No. 622, § 2.02, 6-28-04)

Sec. 36-2.03. 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 XIV Special Land Uses, Wireless Communication Facilities.

- a. *Ground-mounted antennas.* Regulated reception antenna exceeding one (1) meter (3.28 feet) in diameter in residential districts and three meters (9.84 feet) in nonresidential districts, are permitted in all zoning districts subject to the following conditions:
 1. Regulated reception antennas 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 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 XVI Site Plan Review, indicating the location of the satellite dish and buildings, paved areas and other appropriate site features within 100 feet of the proposed location.
 4. The height of regulated reception antenna, with the exception of a satellite dish antenna, shall not exceed 50 feet above mean grade or ten feet above the peak of the roofline, in any residential district, and shall not exceed 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 15 feet in height at its maximum point above mean grade.
 6. The diameter of a regulated reception antenna shall not exceed 12 feet.

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b. *Roof-mounted antennas.* Regulated reception antenna having a diameter of one meter (3.28 feet) or less in residential districts and two meters (6.56 feet) in nonresidential districts may be attached to the roof of a building, provided that no portion of the satellite dish antenna extends more than 36 inches above the highest point of the roof.

1. Roof-mounted regulated reception antennas over two meters (6.56 feet) in diameter are permitted in nonresidential districts only, provided that the antennas comply with the height requirements of the district in which they are located.
2. Roof-mounted regulated reception antennas 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 antennas, including a maximum of one satellite dish antenna, shall be located on the same lot as a principal building. Antennas 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 antennas 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 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.

(Ord. No. 622, § 2.03, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-2.04. 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 chapter, 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.

(Ord. No. 622, § 2.04, 6-28-04)

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Figure 2.2 Development Approval Process

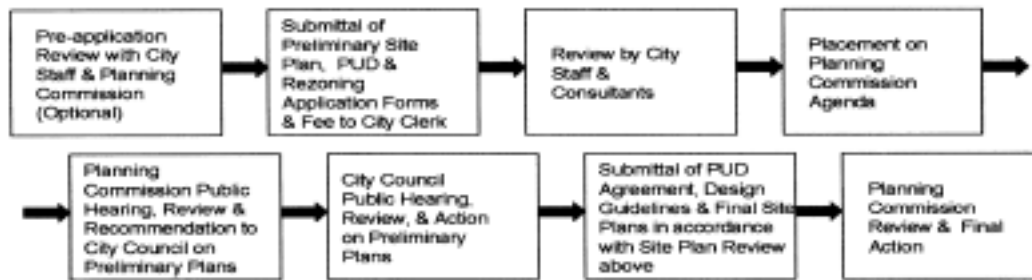
Site Plan Review (Preliminary or Final Site Plan)



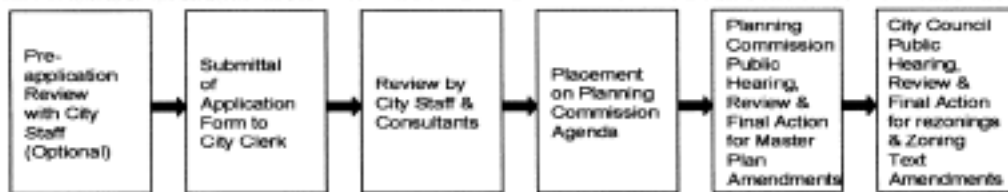
Special Land Use Review



Planned Unit Developments (PUD)



Rezoning, Zoning Ordinance Text & Master Plan Amendments



(Ord. No. 627, § 3, 4-11-05)

Sec. 36-2.05. 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.

(Ord. No. 622, § 2.05, 6-28-04)

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Sec. 36-2.06. Determination of similar use.

- a. Since every type of potential use cannot be addressed in this chapter, 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 chapter, the planning commission may attempt to select a named use listed in this chapter 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 chapter, the applicant may petition for an amendment to this chapter.
- 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.

(Ord. No. 622, § 2.06, 6-28-04)

Sec. 36-2.07. 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 through 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.

(Ord. No. 622, § 2.07, 6-28-04)

Sec. 36-2.08. Essential public services.

The erection, construction, alteration, or maintenance of essential public services and essential public service buildings, as defined in Article XXVIII, 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 chapter or any city ordinance. It is the intention of this chapter to ensure conformity of all structures and uses to the requirements of this chapter 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 chapter shall prevail.

(Ord. No. 622, § 2.08, 6-28-04)

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Sec. 36-2.09. Fences and walls.

(Also see Article XXI Landscape Standards and Tree Replacement)

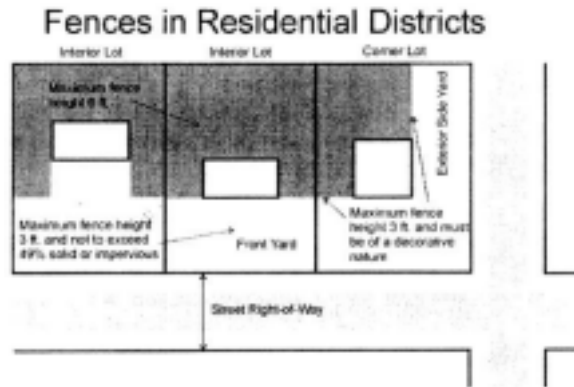
a. *All districts.*

1. Unless specifically authorized elsewhere in this chapter, fences and walls located within the side yard or rear

yard in any district shall not exceed a height of six 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 nonresidential 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 chapter, fences or walls located within the required front yard or exterior side yard shall not exceed three feet in height, be in excess of 49 percent solid or impervious, and shall be of a decorative nature as determined by the building official/zoning administrator.
2. Any fence in the nonrequired 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. Nonresidential districts.

1. Any fence in a front yard on a nonresidential 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.

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2. A security fence for a permitted nonresidential use may include a maximum of one additional foot of height to accommodate the barbed wire.

(Ord. No. 622, § 2.09, 6-28-04; Ord. No. 627, § 4, 4-11-05; Ord. No. 643, § 2, 1-14-08)

Sec. 36-2.10. Flagpoles.

- a. The maximum height of flagpoles shall not exceed 40 feet measured from the average surrounding grade. b. A maximum of three flagpoles per site shall be permitted.
- c. Flagpoles shall be set back a minimum of ten feet from any public right-of-way, private road access

easement, access drive, or property line.

- d. A maximum of two flags per flagpole shall be permitted provided that only one non-governmental or institutional flag per flagpole is allowed.

(Ord. No. 622, § 2.10, 6-28-04)

Sec. 36-2.11. 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 subsection 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.

(Ord. No. 622, § 2.11, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-2.12. 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 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 100 square feet may be permitted after review and approval of a sketch plan by the planning commission in accordance with Article XVI, 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 chapter provided that such work is considered incidental to building construction and all necessary permits have been obtained.

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- d. Excavation required for swimming pools is excepted from excavating provisions of this chapter provided that all necessary permits are obtained and the pool is completely constructed within six months of the excavation.
- e. Any clearing of trees on lots of over 100 square feet prior to site plan approval in accordance with Article XVI, Site Plan Review, shall be prohibited.

(Ord. No. 622, § 2.12, 6-28-04)

Sec. 36-2.13. Height exceptions and limitations.

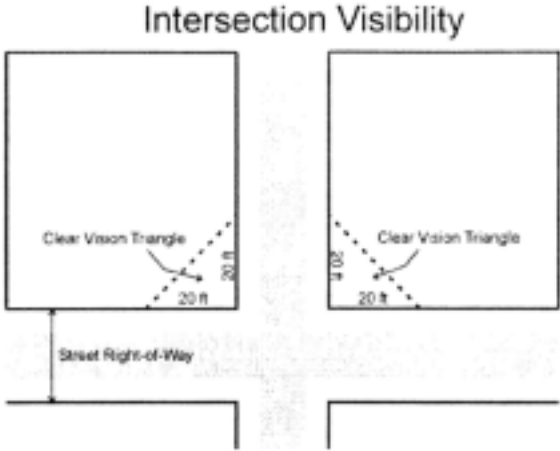
The building height restrictions of all zoning districts shall not apply to the following: parapet walls and cornices not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public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

(Ord. No. 622, § 2.13, 6-28-04)

Sec. 36-2.14. 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.

(Ord. No. 622, § 2.10, 6-28-04)



Sec. 36-2.15. 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 feet and eight feet within the triangular area formed by the intersection of the street right of-way lines and a line connecting two points which are located on those intersecting right-of-way lines 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.

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b. The three-foot and eight-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 20 feet from the intersection of the right-of-way lines.

(Ord. No. 622, § 2.15, 6-28-04)

Sec. 36-2.16. 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 dogs or cats, four months of age or older, in any combination, nor more than a total of five animals, shall be kept or housed in or at one dwelling unit.

b. The keeping of more than three 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 XXVIII Definitions, are permitted in the RDR district.

(Ord. No. 622, § 2.16, 6-28-04; Ord. No. 643, § 2, 1-14-08)

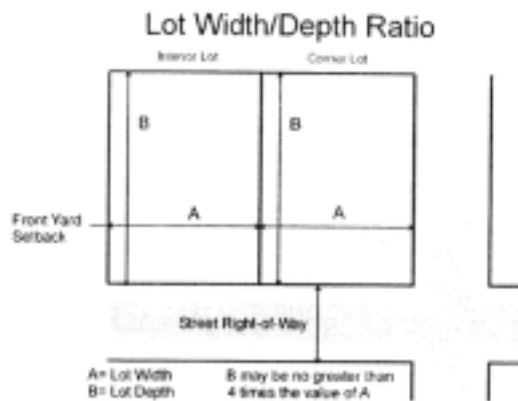
Sec. 36-2.17. Lot area allocation.

- a. 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.
- b. 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 chapter. If already less than the minimum requirements of this chapter, 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 chapter. Lots or yards created after the effective date of this chapter shall comply with the requirements of this chapter.
- c. In calculating the area of a lot that adjoins a dedicated alley or lane, for the purpose of applying lot area requirements of this chapter, one-half the width of such alley abutting the lot shall be considered as part of the lot.

(Ord. No. 622, § 2.17, 6-28-04)

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Sec. 36-2.18. Lot width/depth ratio.

Lots created after the effective date of this chapter having a lot area of less than ten acres shall have a lot width which is equal to, or greater than, one fourth the depth of the lot.

(Ord. No. 622, § 2.18, 6-28-04)

Sec. 36-2.19. 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 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 feet above the surrounding roof surface, and shall occupy no more than 15 percent 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.

(Ord. No. 622, § 2.19, 6-28-04)

Sec. 36-2.20. Non-residential design requirements.

The following design requirements for non-residential buildings shall be applied during site plan review as outlined in Article XVI, 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

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archways, colonnades, cornices, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, or towers.

2. Building walls and roofs over 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 20 percent 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 chapter 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 XXI, 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 12 inches.
3. Architectural methods shall be used to conceal flat roof tops and mechanical equipment.

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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 XXII, 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 principal building entrance oriented parallel toward the front lot line.

(Ord. No. 622, § 2.20, 6-28-04)

Sec. 36-2.21. 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 minutes in any 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 chapter, 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 decibels. Where questions on noise arise, the current standards recognized by the American National Standards Institute shall apply.

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Maximum Permitted Sound Intensity Levels		
Center Frequency (Cycles per second)	Sound Pressure Level in Decibels (0.0002 dyne/cm ²)	
	Residential Districts	Nonresidential 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 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 50 percent 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

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subject to compliance with these performance standards and all other standards of this chapter, 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 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.

(Ord. No. 622, § 2.21, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-2.22. Principal buildings, structures, and uses.

- a. No lot may contain more than one 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 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.

(Ord. No. 622, § 2.22, 6-28-04)

Sec. 36-2.23. 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 24 feet in width for roads and utilities serving two or fewer lots or single-family residential units and not less than 60 feet in width for roads serving more than two 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.

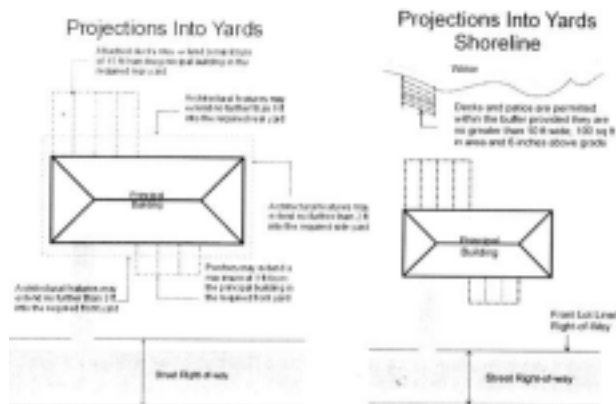
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- e. Any lot created on a private road, along with accompanying buildings, shall comply with all site development standards applicable to the zoning district in which it is located. The easement for the private road shall not be included in the minimum 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 18 feet, however if such roadway is within 300 feet of a fire hydrant, such width may be reduced to 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.

(Ord. No. 622, § 2.23, 6-28-04)



Sec. 36-2.24. 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 feet into a required front yard.
 2. Five feet into a required rear yard.
 3. Two 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 inches or more above grade, into a required side yard shall be

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prohibited. An unenclosed porch, patio, deck, stoop, balcony, or window awning may project no farther than:

1. Eight feet into a required front yard.
 2. Fifteen feet into a required rear yard.
 3. Five feet into the right-of-way in the CBD if such feature is located at least eight feet above ground level.
- c. On a shoreline lot, a minimum 15 foot open space greenbelt shall be provided between the deck and the closest edge of the shoreline; a separate deck or patio of 100 square feet or less shall be permitted along the shoreline, with a maximum length along the shoreline of ten feet and a maximum height of six inches above the mean grade.

(Ord. No. 622, § 2.24, 6-28-04)

Sec. 36-2.25. 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 feet from any structure and set back a minimum of three 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 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 chapter, 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 chapter, 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.

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6. *Through corner lots.* In the case of through lots on a corner (i.e. lots with frontage along three 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 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 subsection 36- 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 subsection 36-2.33.b. below, the length of a temporary use or special event shall not exceed seven days.

f. *Provisions for visitors.*

1. Permit(s) for the occupancy of a recreational vehicle and/or recreational equipment on a residential lot in conjunction with an occupied permanent residence, may be granted provided that the occupant of the recreational vehicle and/or equipment is a friend or a relative of the occupant of such permanent residence and is a visiting guest and not a guest for hire.
2. Permit(s) for the parking of unoccupied recreational vehicles and/or equipment in the street adjacent to a residential lot with an occupied permanent residence may be granted, provided that the owner of the recreational vehicle and/or equipment be a visiting guest and not a guest for hire of the occupant of such residence, and provided further that the recreational vehicle is

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parked in such a manner that it complies with all other applicable parking ordinances and regulations.

3. Such permits shall be secured from the building official/zoning administrator and shall be requested by, and issued to, the occupant of the residence. The total permit period shall not exceed two weeks in any 12-month period, per residence.

g. *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.

(Ord. No. 622, § 2.25, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-2.26. 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 chapter, 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 20 feet.

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g. The dwelling unit shall be placed on the lot so that the portions nearest the principal street frontage are at least 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 120 square feet in 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 chapter pertaining to accessory buildings.

j. Permanently attached steps or porch areas at least three feet in width shall be provided where there is an elevation difference greater than eight 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 feet of rise for each 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.

(Ord. No. 622, § 2.26, 6-28-04)

Sec. 36-2.27. 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.*

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1. *Lot coverage.* The lot coverage of any proposed dwelling unit shall be no less than 90 percent and no more than 135 percent of the lot coverage of other single-family or two-family dwelling units within 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 XV 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 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.

(Ord. No. 622, § 2.27, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-2.28. Residential recreational area.

- a. Any residential subdivision, condominium, or multiple-family development comprising 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 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.

(Ord. No. 622, § 2.28, 6-28-04)

Sec. 36-2.29. 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 feet wide and constructed of concrete to the specifications of the

American Society of Highway and Transportation Officials (ASHTO). Sidewalks abutting parking areas shall be a minimum of seven feet wide to accommodate vehicle overhang.

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3. 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 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 50 percent 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 chapter, 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.

(Ord. No. 622, § 2.29, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-2.30. Storage and repair of vehicles.

- a. The parking of commercial vehicles, as defined in Article XXVIII, 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 principle 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.

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3. No part of the vehicle may exceed seven feet in overall height, measured from grade. 4. The vehicle shall not have more than four rear wheels.
 5. The vehicle shall not exceed 11,000 pounds gross weight.
 6. 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 section shall not be used for the parking or storage of commercial vehicles.
 7. 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 48 hours in duration or which require the vehicle to be immobile or inoperable in excess of 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.
- (Ord. No. 622, § 2.30, 6-28-04; Ord. No. 643, § 2, 1-14-08; Ord. No. 660, 9-12-11)

Sec. 36-2.31. Street access and design.

- a. Any lot created after the effective date of this chapter shall have frontage upon a public street right-of-way or legally recorded access easement at least 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 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 XX, 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.

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(Ord. No. 622, § 2.31, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-2.32. 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 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.

(Ord. No. 622, § 2.32, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-2.33. 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 XVI, 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 15 days after an occupancy permit is issued by the building official/zoning administrator for the permanent structure on such lot, or within 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 special 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 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.

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- 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. 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 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.
7. A minimum of one parking space shall be provided for each 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.
8. 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[s] signs shall also be mapped).
9. All equipment, materials, goods, poles, wires, signs, and other items associated with the temporary use shall be removed from the premises within five days of the end of the event. Following the five-day period, the city shall use the escrow fee to clear such items from the property.
10. The length of a temporary use or special event shall not exceed seven days, except seasonal sales of items such as Christmas trees and pumpkins which are permitted for up to 60 days.
11. Two temporary use permits for a temporary use, seasonal, or special event by a single business or property are permitted each year.
 - c. *Review and approval procedures, permit fees, and required escrow for temporary uses and sales events.*

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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 chapter and any other applicable ordinances.

4. *Sign fee and escrow.* The sign standards provided in Article 22 Signs of this chapter permits both on-premises and off-premises 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-premises signs if not removed by the applicant within one business day following the event. This escrow account shall be in addition to that listed in item 3. above. If the off-premises signs are removed as required, the sign escrow account shall be refunded to the applicant.

(Ord. No. 622, § 2.33, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-2.34. Voting place.

The provisions of this chapter 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.

(Ord. No. 622, § 2.34, 6-28-04)

Sec. 36-2.35. 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 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 feet or one foot above the height of the waste receptacle, whichever is greater. The enclosure must be spaced at least three feet from the waste receptacle.
- e. Waste receptacles and enclosures shall be located in the rear yard, not closer than three feet from the rear lot line, or non-required side yard, unless otherwise approved by the planning commission and shall be as far

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as practical, but in no case be less than 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 accessible to 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 feet by six feet in area, constructed of six inches of reinforced concrete pavement. The base shall extend six 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.

(Ord. No. 622, § 2.35, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-2.36. 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 irreparable 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 dock or boat house containing a maximum of two 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 chapter (July 28, 2004).

(b) Lots of record existing prior to the effective date of this chapter (July 28, 2004) that did not provide common use access to a water body (riparian rights to nonriparian land owners) prior to the effective date of this chapter.

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(c) These regulations shall apply to the establishment of a dockominium, as defined in Article XXVIII Definitions.

2. *Existing keyholes.* Lots of record which existed prior to the effective date of this chapter 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 XIV, 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 50 linear feet of water frontage for each non-riparian lot served and shall provide no more than one 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 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 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.

(Ord. No. 622, § 2.36, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-2.37. Personal ice rinks.

1. Personal ice rinks (not commercial) are permitted as an accessory use in any single-family residential zoning district.
2. Personal ice rinks are not permitted in any required front yard.
3. A four-foot setback is required from adjacent residential property lines.

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4. The ice rink boards shall be no taller than 24 inches in height and must be properly maintained and free from deteriorating conditions such as peeling paint and cracking wood.
5. No ice rinks shall be erected prior to November 15 and shall be removed no later than March 15, or as weather permits.

(Ord. No. 672, 12-10-12)

Sec. 36-2.38. Standards for medical marihuana cultivation in residential districts.

It is the intent of this section to exercise control over the permitted locations for uses involving the cultivation of medical marihuana and establish a basic set of standards for such uses and cultivation in a residential dwelling. To the extent that it is otherwise lawful, the uses associated with and the cultivation of medical marihuana by a medical marihuana patient is only permitted in any one residential dwelling located on a property in a residential zoned district, subject to the standards set forth in this section, and in compliance with the Michigan Medical Marihuana Act and General Rules of the Michigan Department of Licensing and Regulatory Affairs, as amended from time to time.

1. *Restrictions on medical marihuana patient.* A medical marihuana patient may cultivate no more than 12 marihuana plants in compliance with the Michigan Medical Marihuana Act in all residential zoned districts and in residences deemed such according to a planned unit development combined. The medical marihuana patient shall only cultivate the marihuana plants on the residential zoned property where that medical marihuana patient resides.

2. *General standards for medical marihuana cultivated or manufactured at a residentially zoned property.*

- a. *Secondary use.* Any activity or use related to medical marihuana use or cultivation under the Michigan Medical Marihuana Act and this ordinance must be clearly incidental and a secondary use of a residential dwelling unit and shall not alter the exterior of the property or affect the residential character of the neighborhood. Interior alterations to a residential dwelling unit shall comply with all building codes and shall not alter the residential character of the residential dwelling unit.
- b. *Amount of marihuana.* The amount of marihuana located at or on any single residential zoned property shall not exceed 12 marihuana plants and two and one-half ounces of usable marihuana.
- c. *Permits.* In accordance with the building code, all necessary building, electrical, plumbing, and mechanical permits must be obtained for any part of the structure altered for cultivation, growing, or harvesting of marihuana, including changes to electrical wiring, lighting, plumbing, heating, cooling, ventilation or watering devices.
- d. *Cultivating marihuana.* All cultivating and manufacturing of marihuana must take place indoors in either the primary residence or a secondary structure that meets the requirements of an enclosed, locked facility. If the area or room in the primary residence or secondary structure used for the cultivating or manufacturing of marihuana has windows, no light may spill out and cause a distraction for adjacent residential properties during the hours of 8:00 p.m. to 7:00 a.m.

(Ord. No. 687, § 2, 1-26-15)

ARTICLE III. ZONING DISTRICTS IN GENERAL

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Sec. 36-3.01. Districts established.

For the purposes of this chapter, the city is hereby divided into the following zoning districts:

<i>Residential</i>	
Rural Density Residential District	(RDR)
Low Density Residential District	(LDR)
Low-Medium Density Residential District	(LMR)
Medium Density Residential District	(MDR)
Medium-High Density Residential District	(MHR)
High Density Residential District	(HDR)
Manufactured Housing District	(MHD)
<i>Commercial</i>	
Neighborhood Business District	(NBD)
Central Business District	(CBD)
General Business District	(GBD)

<i>Office</i>	
Office Service District	(OSD)
Office Park District	(OPD)
<i>Industrial</i>	
Industrial District	(IND)

(Ord. No. 622, § 3.01, 6-28-04)

Sec. 36-3.02. Zoning map.

A map showing the various districts into which the city is divided shall be entitled "City of Fenton Zoning Map", and shall bear the date adopted or amended, and it shall be the duty of the mayor and city clerk to authenticate such records by placing their official signatures thereon. The map is hereby made a part of this chapter.

(Ord. No. 622, § 3.02, 6-28-04)

Sec. 36-3.03. Interpretation of district boundaries.

Where uncertainty exists with respect to the boundaries of any of the districts established in this chapter as shown on the zoning map, the following rules shall be applied:

- a. Where district boundaries are indicated as approximately following the center lines of street or highway rights-of-way or street lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- b. Where district boundaries are so indicated that they are approximately parallel to the center lines of street or highway rights-of-way, such district boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the zoning map. If no such distance is given, such dimension shall be determined by the use of the scale shown on the zoning map. The official mylar map available from the city shall be used to determine such dimensions in the case of any disagreement of interpretation.

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- c. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be such boundaries.
- d. Where the boundary of a district follows or terminates at a railroad line, such boundaries shall be deemed to be located or terminated at the rail right-of-way center line.
- e. Where the boundary of a district follows, or terminates at, a stream, lake, or other body of water, the boundary line shall be deemed to be at, or terminated at, the limit of the jurisdiction of the city unless otherwise indicated.
- f. Where the boundary of a district follows a subdivision boundary line, such boundary line shall be construed to be the district boundary line.
- g. The zoning board of appeals shall make a determination, upon written application, or upon its own motion, in those situations where, due to the scale, lack of detail, or illegibility of the zoning map there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon or interpretation concerning the exact location of district boundary lines.

(Ord. No. 622, § 3.03, 6-28-04)

Sec. 36-3.04. Zoning of vacated public rights-of-way.

Whenever any street, alley, or other public way within the city shall be vacated, such street, alley, or other public way or portion thereof shall automatically be zoned consistent with the zoning of the adjacent property or properties, measured from the center line.

(Ord. No. 622, § 3.04, 6-28-04)

Sec. 36-3.05. Zoning of annexed areas.

Any unzoned area annexed to the city shall, immediately upon such annexation, be automatically classified as an RDR Rural Density Residential District until a zoning map for the area has been adopted by the city council. The planning commission shall recommend a zoning district for such area within three months after the matter is referred to it by the city council.

(Ord. No. 622, § 3.05, 6-28-04)

ARTICLE IV. SINGLE-FAMILY RESIDENTIAL DISTRICTS
RURAL DENSITY (RDR),
LOW DENSITY (LDR),
LOW-MEDIUM DENSITY (LMR),
AND MEDIUM DENSITY (MDR)

Sec. 36-4.01. Purpose.

- a. The Rural Density Residential District (RDR) is intended to be the lowest density single-family residential district. The intent of the district is to provide a low density environment of predominantly single-family dwellings along with other residentially related facilities which serve the residents in the district.

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- b. The Low Density Residential District (LDR) is intended to be a low density single-family residential district. The intent of the district is to provide a low density environment of predominantly single-family dwellings along with other residentially related facilities which serve the residents in the district.
- c. The Low-Medium Density Residential District (LMR) is intended to be a low to medium density single-family residential district. The intent of the district is to provide a low to medium density environment of predominantly single-family dwellings along with other residentially related facilities which serve the residents in the district.
- d. The Medium Density Residential District (MDR) is intended to be a medium density single-family residential district. The intent of the district is to provide a medium density environment of predominantly single-family dwellings along with other residentially related facilities which serve the residents in the district.

(Ord. No. 622, § 4.01, 6-28-04)

Sec. 36-4.02. Permitted uses.

In the RDR, LDR, LMR, and MDR districts, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, whereas uses denoted by "S" are

considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in Article XIV Special Land Uses. A notation of "—" indicates that the use is not permitted within the district.

Permitted Uses in the Single-Family Residential Districts				
	RDR	LDR	LMR	MDR
Agricultural				
Farms, Private Stables & Public or Commercial Stables	P	—	—	—
Residential				
Home Occupations	S	S	S	S
Senior Housing, including Congregate, Nursing & Convalescent Homes	—	—	—	S
Single-Family Detached Dwellings (single family subdivisions shall meet the standards of the City of Fenton Subdivision Control Ordinance; condominiums & condominium subdivisions shall meet the standards of Article XVIII Condominium Development Standards)	P	P	P	P
Care Facilities				
Adult & child residential care facilities in accordance with section 2.02 Adult and child care facilities	P & S	P & S	P & S	P & S
Entertainment & Recreational				
Golf Courses	S	S	S	S
Private Parks & Recreation Facilities, Owned & Operated by Homeowner or Condo Associations	S	S	S	S

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Recreation Facilities Public	S	S	S	S
Service & Retail Trade				
Bed & Breakfast Inns	S	S	S	S

Kennels	S	—	—	—
Public, Institutional, & Utilities				
Cemeteries, lawfully occupied at the adoption of chapter	P	P	P	P
Churches, Temples, & other Places of Worship or Public Assembly w Max. Seating of 500 persons	S	S	S	S
Essential Public Services	P	P	P	P
Public & Quasi-Public Institutional Buildings, Structures & Uses	S	S	S	S
Schools, including Public, Private & Parochial Elementary, Middle & High	S	S	S	S
Accessory				
Accessory buildings, structures & uses, customarily incidental to any of the above principal uses	P	P	P	P
Accessory buildings, structures & uses, customarily incidental to any of the above special land uses	S	S	S	S

(Ord. No. 622, § 4.02, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-4.03. Site development requirements.

All principal uses and special land uses are subject to the following site development requirements: a.

Article II General Provisions.

b. Article XV Schedule of Regulations.

c. Article XVI Site Plan Review.

d. Article XIX Off-Street Parking and Loading Standards.

e. Article XX Access Management and Driveway Standards.

f. Article XXI Landscape Standards and Tree Replacement.

g. Article XXII Signs.

h. Article XXIII Lighting Standards.

i. Article XXIV Environmental Protection Standards.

(Ord. No. 622, § 4.04, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Editor's note(s)—Ord. No. 643, § 2, adopted Jan. 14, 2008, deleted § 36-4.03, which pertained to special land uses and derived from Ord. No. 622, § 4.03, adopted June 28, 2004, and renumbered § 36-4.04 as 36-4.03.

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 PART II - CODE OF ORDINANCES
 Chapter 36 - ZONING

ARTICLE V. MULTIPLE-FAMILY RESIDENTIAL DISTRICTS MEDIUM-HIGH DENSITY (MHR) AND HIGH DENSITY (HDR)

**ARTICLE V. MULTIPLE-FAMILY RESIDENTIAL DISTRICTS
 MEDIUM-HIGH DENSITY (MHR) AND HIGH DENSITY (HDR)**

Sec. 36-5.01. Purpose.

- a. The Medium-High Density Residential District (MHR) is intended to be a medium to high density residential district that allows two-family dwellings along with other residentially related facilities which serve the residents in the district. This district also recognizes the existence of older residential areas of the city where larger houses have been or can be converted from single-family to two-family dwellings in order to extend the economic life of these structures and allow owners to justify expenditures for rehabilitation.
- b. The High Density Residential District (HDR) is intended to be the highest density residential district and allow multiple-family dwellings, along with other residentially related facilities which serve the residents in the district. The district will generally serve as a zone of transition between non-residential districts and other residential districts.

(Ord. No. 622, § 5.01, 6-28-04)

Sec. 36-5.02. Permitted uses.

In the MHR and HDR districts, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, whereas uses defined by "S" are considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in Article XIV Special Land Uses. A notation of "-" indicates that the use is not permitted within the district.

Permitted Uses in the Multiple-Family Residential Districts		
	MHR	HDR
Residential		
Home Occupations	S	S
Multiple-Family Dwellings	P	P
Nursing & Convalescent Homes	S	S
Senior Housing, not including Nursing & Convalescent Homes	P	P
Single-Family Attached Dwellings (single-family subdivisions shall meet the standards of the City of Fenton Subdivision Control Ordinance; condominiums & condominium subdivisions shall meet the standards of Article 18 Condominium Development Standards)	P	P

Single-Family Detached Dwellings (single-family subdivisions shall meet the standards of the City of Fenton Subdivision Control Ordinance; condominiums & condominium subdivisions shall meet the standards of Article 18 Condominium Development Standards)	P	P
Two-Family Dwellings (Duplexes)	P	P
Care Facilities		

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Adult & child residential care facilities in accordance with section 36- 2.02 Adult and child care facilities	P & S	P & S
Entertainment & Recreational		
Golf Courses	S	S
Private Parks & Recreation Facilities, Owned & Operated by Homeowner or Condo Associations	S	S
Recreation Facilities, Private	S	S
Recreation Facilities Public	S	S
Service & Retail Trade		
Bed & Breakfast Inns	S	S
Public, Institutional, & Utilities		
Cemeteries, lawfully occupied at the adoption of Ordinance	P	P
Churches, Temples, & other Places of Worship or Public Assembly w Max. Seating of 750 persons	S	S
Colleges & Universities	S	S
Essential Public Services	P	P
Public & Quasi-Public Institutional Buildings, Structures & Uses	S	S
Schools, including Public, Private & Parochial Elementary, Middle & High	S	S
>chgrow;fcell;25>Accessory		
Accessory buildings, structures & uses, customarily incidental to any of the above principal uses	P	P

Accessory buildings, structures & uses customarily incidental to any of the above special land uses	S	S
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(Ord. No. 622, § 5.02, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-5.03. Site development requirements.

All principal uses and special land uses are subject to the following site development requirements: a.

- Article II General Provisions.
- b. Article XV Schedule of Regulations.
- c. Article XV Site Plan Review.
- d. Article XIX Off-Street Parking and Loading Standards.
- e. Article XX Access Management and Driveway Standards.
- f. Article XXI Landscape Standards and Tree Replacement.
- g. Article XXII Signs.
- h. Article XXIII Lighting Standards.
- i. Article XXIV Environmental Protection Standards.

(Ord. No. 622, § 5.04, 6-28-04; Ord. No. 643, § 2, 1-14-08)

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Editor's note(s)—Ord. No. 643, § 2, adopted Jan. 14, 2008, deleted § 36-5.03, which pertained to special land uses and derived from Ord. No. 622, § 5.03, adopted June 28, 2004, and renumbered § 36-5.04 as 36-5.03.

ARTICLE VI. MANUFACTURED HOUSING DISTRICT (MHD)

Sec. 36-6.01. Purpose.

- a. The intent of the Manufactured Housing District (MHD) is to provide an affordable housing alternative where placement of such a development would be appropriate and consistent with the general character of the city. The standards required in this district are intended to be consistent with the adopted standards for other types of housing in the City of Fenton. In addition to the standards of this chapter, all manufactured housing communities shall comply with Act No. 96 of Public Acts of 1987 as amended, being R 125.2301 et seq. of the Michigan Compiled Laws Annotated (MCLA). However, some standards of this chapter are more stringent than the typical standards promoted by the Michigan Manufactured Housing Commission. These more stringent standards reflect the overall nature of the City of Fenton, in contrast with some other areas of Michigan where the universal rules of the Michigan Manufactured Housing Commission may be appropriate. These adopted standards are designed to foster and encourage development which complements and protects the investment on adjacent properties and promotes preservation of important natural features.
- b. Since the characteristics, densities, and impacts of a manufactured housing community typically simulate those of multiple-family residential developments, and because they typically are served by private streets and utility systems which intercept the local street and utility systems, manufactured housing communities are not necessarily considered to be completely compatible with other types of single-family neighborhoods. Therefore, manufactured housing communities may serve as a transitional use between residential and non residential districts, similar to the manner and fashion in which multiple-family districts are to be utilized.

Sec. 36-6.02. Permitted uses.

In the MHD District, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, whereas uses denoted by "S" are considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in Article XIV Special Land Uses.

Permitted Uses in the Manufactured Housing District	
	MHD
Residential	
Home Occupations	S
Manufactured Housing Communities (which conform to the requirements of this article & Department of Housing & Urban Development (HUD) standards, or American National Standards Institute (A.N.S.I) standards)	P
Care Facilities	
Adult & child residential care facilities in accordance with section 36-2.02 Adult and child care facilities	P & S
Entertainment & Recreational	
Golf Courses	S

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Private Parks & Recreation Facilities, Owned & Operated by Homeowner or Condo Associations	S
Recreation Facilities Public	S
Service & Retail Trade	
Commercial Parking Lots for Abutting Commercial Uses	S
Public, Institutional, & Utilities	
Churches, Temples, & other Places of Worship or Public Assembly w Max. Seating of 750 persons	S
Schools, including Public, Private & Parochial Elementary, Middle & High	S
Accessory	

Accessory buildings, structures & uses, including one management office building, utility/laundry buildings, auxiliary storage space for manufactured housing community tenants, community buildings for use by the tenants, recreation areas, playgrounds & recycling stations	P
Accessory buildings, structures & uses customarily incidental to any of the above special land uses	S

(Ord. No. 622, § 6.02, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-6.03. Preliminary plan development standards.

Manufactured housing communities shall be subject to the review and approval of a preliminary site plan by the planning commission. The site plan shall consist of a manufactured housing community preliminary plan, as described in section 11 of the Manufactured Home Act, Act No. 96 of Public Acts of 1987, as amended. Such review of the preliminary site plan is required in order to minimize the possibility of adverse effects upon adjacent property; and furthermore to find proper relationships in the development features as they relate to traffic safety, service roads, driveways, parking areas, accessory buildings and uses, and planned open space.

(Ord. No. 622, § 6.04, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Editor's note(s)—Ord. No. 643, § 2, adopted Jan. 14, 2008, deleted § 36-6.03, which pertained to special land uses and derived from Ord. No. 622, § 6.03, adopted June 28, 2004, and renumbered §§ 36-6.04—36-6.06 as 36- 6.03—36-6.05.

Sec. 36-6.04. Design standards for overall development.

a. *Minimum development size.* Manufactured housing communities shall be at least 15 acres in area, excluding adjacent parcels which may be proposed for expansion.

b. *Access.*

1. The main entrance to the development shall have access to a public thoroughfare or shall be connected to an asphalt or concrete collector or arterial road by a hard surfaced road in a permanent easement which shall be recorded by the developers. Sole access to the development via an alley is prohibited.
2. Entranceway structures, including but not limited to, walls, columns, and gates marking the entrance to a manufactured housing community, may be permitted, and may be located in a required yard, except as provided in this article. Such entranceway structures shall be subject to the requirements of section

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32-2.15 Intersection visibility, to permit unobstructed access by all emergency equipment, and such allowance for "clear vision" shall otherwise comply with all codes and ordinances of the city and Genesee County. Sight distance from points of ingress and egress shall be approved by the Genesee County Road Commission. The structure location shall also be approved by the city.

c. *Perimeter setbacks.* Manufactured homes shall be set back at least 50 feet from any public street right-of way line and ten feet from any other exterior property line. This setback shall include a minimum 20 foot wide greenbelt, which includes minimum screening, as outlined below.

d. *Landscape and screening.* A landscape and screening plan shall be incorporated in the plans submitted for preliminary site plan review to the planning commission. The plan shall indicate the type and size of landscape planting and screening improvements to be completed in the proposed manufactured housing community.

Manufactured housing communities shall be landscaped and screened as follows:

1. *Ground surfaces.* Exposed ground surfaces in all parts of the manufactured housing community shall be paved or covered with stone or other solid material or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every manufactured housing community shall be graded and equipped to drain all surface water in a safe, efficient manner.
 2. *Perimeter screening.* All manufactured housing communities shall be screened from an abutting a public right-of-way and existing adjacent residences. The required screening shall consist of evergreen trees or shrubs at least three feet in height, which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured home development as effectively as the required landscaping described above.
 3. *Right-of-way greenbelt.* A landscaped berm measuring two and one-half to three feet in height shall be constructed along the public roads on which the manufactured housing community fronts. The berm shall be constructed with slopes no steeper than one foot vertical rise for each four feet [of] horizontal run. A minimum of one deciduous shade tree, one evergreen tree and four shrubs shall be planted for each 30 lineal [linear] feet, or portion thereof, of required greenbelt length. At time of planting, canopy trees shall have a minimum size of three inch caliper and evergreen trees shall have a minimum height of six feet. Trees may be planted at uniform intervals, at random, or in groupings. All existing trees four inches or greater in diameter (dbh) within the greenbelt shall be preserved, except where their removal is necessary to install access points.
 4. *Site landscaping.* A minimum of one deciduous or evergreen tree shall be planted per two manufactured home sites.
 5. *Parking lot landscaping.* Off-street parking lots containing more than 15 spaces shall be provided with at least ten square feet of interior parking lot landscaping per space. Such areas shall measure at least 150 square feet and shall be covered by grass, ground cover, shrubs, or other live plant material. At least one deciduous tree shall be planted per parking lot landscaped area.
 6. *Perpetual maintenance.* Dead, damaged, and/or diseased screening shall be replaced, within a reasonable time frame, so as to maintain the approved and/or allowed screening technique originally put in place.
- e. *Required open space.* For developments with 50 or more sites, a minimum of two percent of the development's gross acreage shall be dedicated to well drained, useable open space. A minimum of 25,000 square feet of open space shall be provided. Open space shall be maintained by the manufactured housing community management, and shall be relatively accessible to all areas of the development.
- f. *Streets.*
1. *Street layout.* Maximum cul-de-sac length shall be 1,000 feet. A dead-end road shall terminate with a 50 foot in diameter cul-de-sac; a blunt-end road is prohibited. Adequate sight distance shall be

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provided at all intersections, in accordance with clear vision standards applicable to all areas of the City of Fenton, and those set forth in section 36-2.15 Intersection visibility.

2. *Street width.* Minimum street widths within the manufactured home park shall be accordance with the following schedule:

Street Width Requirements	
Parking	Minimum Street Width
No on-street parking	21 feet
Parallel parking one side	31 feet
Parallel parking both sides	41 feet

3. *Street names/signs.* All streets and roads shall be clearly marked with appropriate identification and traffic control signs. For the protection of the public safety, an orderly street name system and numbering system shall be established by the manufactured housing community owner and a plan of this system shall be verified and approved by the City of Fenton Fire Department. Manufactured home space numbers shall be located uniformly on each space, manufactured home unit or identification marker, throughout the manufactured housing community and street names shall be adequately marked.
 4. *Street geometry.* The alignment and gradient of a street shall be graded for its full width to drain surface water. Specific standards promulgated by the Michigan Department of Environmental Quality (MDEQ) for the Manufactured Housing Commission shall be strictly adhered to.
 5. *Street materials.* All streets and drives shall be constructed with materials suitable for sub grades and hard surface in compliance with the standards of the American Association of State Highway and Transportation Officials, adopted herein by reference. Curbing may be installed on service drives and must meet the City of Fenton Street and Private Road Design Specifications.
- g. *Sidewalks.* A five foot wide concrete sidewalk shall be constructed along the public road(s) on which the manufactured housing community fronts. Such sidewalk shall be located within the road right-of-way or easement, beginning one foot inside the right-of-way or easement line. Additionally, should the developer choose to employ internal sidewalk systems, such sidewalk systems shall conform to the Manufactured Housing Commission standards, as promulgated.
- h. *Accessory buildings and facilities.* Any accessory buildings and facilities constructed within the manufactured housing community shall be designated and serviced consistent with the following requirements:
1. Accessory buildings and structures, including development management offices and public works facilities, storage building, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by only residents, guests, and employees of the manufactured housing community.
 2. Site-built buildings within a manufactured housing community shall be constructed in compliance with the manufactured home construction and safety standards. Site plan approval shall be required prior to construction of any on-site building within a manufactured home development, except for storage sheds or garages for individual manufactured homes. Storage sheds and garages shall require a building permit from the city prior to construction.
 3. Each manufactured home shall be permitted one storage shed and one garage. The installation of any such shed or garage shall comply with codes and ordinances of the City of Fenton and shall require a building permit. Storage underneath a manufactured home or unscreened outdoor storage area on any manufactured home site is prohibited. Storage sheds need not be supplied by the owner of the
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- manufactured housing community. A storage shed shall not exceed a floor area greater than 144 square feet. A carport or garage shall not exceed 576 square feet.
4. Maximum height of any community accessory buildings and structures shall be 35 feet, or two stories, whichever is less. Storage or service buildings shall not exceed 15 feet, or one story in height.
- i. *Storage.* If the owner of the manufactured housing community shall permit storage of boats, motorcycles, recreation vehicles, and similar equipment in the manufactured housing community, common areas for the storage of that equipment shall be provided by the owner within the development. Such storage shall be limited to use only by residents of the manufactured housing community. If proposed, the location of such storage areas shall be shown on the preliminary site plan. No part of any such storage area shall be located in a required yard on the perimeter of the manufactured housing community. Such storage area shall be screened from view from existing residences adjacent to the manufactured housing community, in accordance with the perimeter screening provisions described above. Manufactured housing community owners who prohibit storage of boats, off-the-road motorcycles, recreation vehicles, and similar equipment are not required to construct common areas for storage.
- j. *Drainage.* The manufactured housing community shall provide sufficient stormwater facilities, independent of sanitary sewers, to prevent flooding of streets, lot, or recreation areas. On-site stormwater detention facilities, if

provided, may be required to be fenced for safety reasons. The street drainage system shall be designed in such a way so as to minimize ponding and icing conditions. All stormwater drainage improvements shall be subject to review and approval by the Genesee County Drain Commissioner, and the MDEQ, in accordance with MDEQ Manufactured Home Park Standards, pursuant to 1987 P.A. 96, as amended.

k. *Waste receptacles.* Waste receptacles shall be provided unless curb side pick-up is provided. An on-site recycling station for residents may be provided at a location approved by the planning commission and the MDEQ. Adequate screening shall be provided, as required for the placement of outdoor storage areas.

l. *Underground wiring.* All local distribution lines for franchised utilities (telephones, electric service, and cable television) shall be placed entirely underground throughout the manufactured housing community area. Mainlines and perimeter feed lines located on a section or quarter section line may be above ground if they are configured or installed within the state electrical code guidelines. Conduits or cables shall be placed within private easements provided to the service companies by the proprietor and/or developer or within public ways. Those telephones and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephones and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

m. *Mailbox clusters.* If mail box clusters are required by the U.S. Postal Service, they shall be located at least 200 feet from any intersection of a manufactured housing community road with a public road.

(Ord. No. 622, § 6.05, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Editor's note(s)—See note following § 36-6.03.

Sec. 36-6.05. Design standards for individual lots/dwelling units.

No manufactured home shall be permitted to occupy any site or lot in the manufactured housing community if the home is either longer or wider than would permit compliance with the following requirements:

a. *Site size.* The manufactured home development shall be developed with sites averaging 5,500 square feet per manufactured home unit. These 5,500 square feet for any one site may be reduced by up to 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount

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of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code and this Article.

b. *Setbacks and spacing.* Each manufactured home site shall have the following minimum yard requirements:

1. *Home not sited parallel to an internal road.* Twenty feet from any part of an attached structure of an adjacent home that is used for living purposes for the entire year.

2. *Home sited parallel to an internal road.* Fifteen feet from any part of an attached structure of an adjacent home that is used for living purposes for the entire year if the adjacent home is sited next to a home on and parallel to the same internal road or an intersecting internal road.

(Ord. No. 622, § 6.06, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Editor's note(s)—See note following § 36-6.03.

ARTICLE VII. NEIGHBORHOOD BUSINESS DISTRICT (NBD)

Sec. 36-7.01. Purpose.

The Neighborhood Business District (NBD) is intended for the convenience shopping of persons residing in nearby residential areas. The intent of this district is to concentrate businesses that harmonize with the character of the surrounding uses and to prohibit uses which might create traffic hazards, offensive noises, and late hours of operation.

(Ord. No. 622, § 7.01, 6-28-04)

Sec. 36-7.02. Permitted uses.

In the NBD District, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, whereas uses denoted by "S" are considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in Article XIV Special Land Uses.

Permitted Uses in the Neighborhood Business District	
	NBD
Residential	
Home Occupations	S
Multiple-Family Dwellings	S
Nursing & Convalescent Homes	S
Residential Dwellings, Existing Single-Family Detached Only	S
Senior Housing, not including Nursing & Convalescent Homes	S
Two-Family Dwellings	S
Care Facilities	
Adult & child residential care facilities in accordance with section 36-2.02 Adult and child care facilities	S
Entertainment & Recreational	

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Health Clubs & Fitness Centers	S
Marinas & Boat Slips	S
Recreation Facilities Public	P
Finance, Medical & Professional Office & Research & Development	
Banks, S & L, Credit Unions & Similar with No Drive-Throughs	P
Banking Centers, including ATMs which are Separate from a Financial Institution	S

Business Service Establishments	P
Offices & Medical Clinics including Chiropractors, Osteopaths, Optometrists & Similar or Allied Professions	P
Professional Services	P
Urgent Care Centers, Emergency Medical Stations & Similar Uses	S
Veterinary Offices, Clinics, Hospitals & Animal Grooming Establishments	S
Service & Retail Trade	
Bed & Breakfast Inns	S
Commercial Parking Lots	S
Dry Cleaners, Retail Outlet	P
Funeral Homes & Mortuaries, not including Crematoriums	S
Personal Service Establishments	P
Restaurants, including Carry-out, Delicatessens, Fast-Food & Standard Restaurants	S
Restaurants with Open Front Restaurant Windows & Seasonal Outdoor Seating	S
Retail Businesses up to 7,500 sq. ft. GLA	P
Retail Centers up to 15,000 sq. ft. GLA	P
Studios of Art, Photography, Music, Dance & Similar Uses	P
Video Rental Establishments	S
Public, Institutional, & Utilities	
Churches, Temples, & other Places of Worship or Public Assembly w Max. Seating of 500 persons	S
Essential Public Services	P
Public & Quasi-Public Institutional Buildings, Structures & Uses	P
Accessory	
Accessory buildings, structures & uses, customarily incidental to any of the above principal uses	P
Accessory buildings, structures & uses customarily incidental to any of the above special land uses	S

Sec. 36-7.03. Site development requirements.

All principal uses and special land uses are subject to the following site development requirements: a.

Article II General Provisions.

b. Article XV Schedule of Regulations.

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c. Article XVI Site Plan Review.

d. Article XIX Off-Street Parking and Loading Standards.

e. Article XX Access Management and Driveway Standards.

f. Article XXI Landscape Standards and Tree Replacement.

g. Article XXII Signs.

h. Article XXIII Lighting Standards.

i. Article XIV Environmental Protection Standards.

(Ord. No. 622, § 7.04, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Editor's note(s)—Ord. No. 643, § 2, adopted Jan. 14, 2008, deleted § 36-7.03, which pertained to special land uses and derived from Ord. No. 622, § 7.03, adopted June 28, 2004, and renumbered § 36-7.04 as 36-7.03.

ARTICLE VIII. CENTRAL BUSINESS DISTRICT (CBD)

Sec. 36-8.01. Purpose.

The Central Business District (CBD) is intended to provide for a traditional mixture of small office buildings, specialty retail stores, entertainment, public spaces, and related activities that are mutually supporting and serve the needs of both the city and surrounding communities. The intent of these district regulations is to encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian oriented unified setting, with shared parking. The district makes special provisions for vertical zoning, allowing the upper floors to be used as residential dwellings.

The city initiated a planned unit development which covers the entire CBD to help ensure that the development/redevelopment of sites is cohesive with surrounding uses and to establish higher site design standards this district.

(Ord. No. 622, § 8.01, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-8.02. Permitted uses.

In the CBD District, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, whereas uses denoted by "S" are considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in Article XIV Special Land Uses.

Permitted Uses in the Central Business District	
	CBD
Residential	

Home Occupations	S
Multiple-Family Dwellings	P
Residential dwellings, existing single-family detached only	P
Nursing & Convalescent Homes	S
Senior Housing, not including Nursing & Convalescent Homes	S
Single-Family Attached Dwellings	P

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Two-Family Dwellings	P
Care Facilities	
Adult & child residential care facilities in accordance with section 36-2.02 Adult and child care facilities	S
Entertainment & Recreational	
Banquet, Conference, Dance, Lodge & Union Halls & Private Clubs	S
Health Clubs & Fitness Centers	S
Recreation Facilities, Private	S
Recreation Facilities Public	P
Theaters, Cinemas & Similar Assembly Buildings	S
Finance, Medical & Professional Office & Research & Development	
Banks, S & L, Credit Unions & Similar with No Drive-Throughs	P
Banking Centers, including ATMs which are Separate from a Financial Institution	S
Business Service Establishments	P
Offices & Medical Clinics including Chiropractors, Osteopaths, Optometrists & Similar or Allied Professions	P
Professional Services	P
Service & Retail Trade	
Bars, Taverns, Lounges, Microbreweries (Accessory Only) & Brewpubs	S
Bed & Breakfast Inns	S

Bus & Rail Passenger Stations	S
Commercial Parking Lots & Parking Garages	S
Convenience Stores without Gasoline Service	P
Dry Cleaners, Retail Outlet	P
Funeral Homes & Mortuaries, not including Crematoriums	S
Garden Centers	S
Hotels & Motels including Accessory Convention/Meeting Facilities & Restaurants	S
Newspaper & Publisher's Offices	P
Outdoor Display, Sales & Storage	S
Personal Service Establishments	P
Restaurants, including Carry-out, Delicatessens, Fast-food & Standard Restaurants	P
Restaurants with Open Front Restaurant Windows & Seasonal Outdoor Seating	S
Retail Businesses & Centers up to 18,000 sq. ft. GLA	P
Retail Business & Centers exceeding 18,000 sq. ft. GLA	S
Storage on Upper Levels, provided no storage shall be allowed on a floor having residential dwellings & all storage shall be related to a principal use within the structure	P
Studios of Art, Photography, Music, Dance & Similar Uses	P
Video Rental Establishments	P
Public, Institutional, & Utilities	
Churches, Temples, & other Places of Worship or Public Assembly	S
Essential Public Services	P
Public & Quasi-Public Institutional Buildings, Structures & Uses	P

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Accessory	
Accessory buildings, structures & uses, customarily incidental to any of the above principal uses	P

Accessory buildings, structures & uses customarily incidental to any of the above special land uses	S
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(Ord. No. 622, § 8.02, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Editor's note(s)—Ord. No. 643, § 2, adopted Jan. 14, 2008, deleted § 36-8.03, which pertained to special land uses and derived from Ord. No. 622, § 8.03, adopted June 28, 2004, and renumbered § 36-8.04 as 36-8.03.

Sec. 36-8.03. Site development requirements.

- All principal uses and special land uses are subject to the following site development requirements: a.
- Article II General Provisions.
 - b. Article XV Schedule of Regulations.
 - c. Article XVI Site Plan Review.
 - d. Article XIX Off-Street Parking and Loading Standards.
 - e. Article XX Access Management and Driveway Standards.
 - f. Article XXI Landscape Standards and Tree Replacement.
 - g. Article XXII Signs.
 - h. Article XXIII Lighting Standards.
 - i. Article XIV Environmental Protection Standards.

(Ord. No. 622, § 8.04, 6-28-04; Ord. No. 643, § 2, 1-14-08)

ARTICLE IX. GENERAL BUSINESS DISTRICT (GBD)

Sec. 36-9.01. Purpose.

The General Business District (GBD) is intended to accommodate commercial establishments that serve community-wide shopping and service needs, including motorists using U.S. 23. This district is intended to create cohesive commercial areas that take advantage of access provided by the city's roadway system but also provide convenient vehicular access between businesses in attractive settings, thereby ensuring the safety and discouraging undesirable commercial development.

(Ord. No. 622, § 9.01, 6-28-04)

Sec. 36-9.02. Permitted uses.

In the GBD District, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, whereas uses denoted by "S" are

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considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in Article XIV Special Land Uses.

Permitted Uses in the General Business District

	GBD
Residential	
Residential dwellings, existing single-family detached only	P
Care Facilities	
Adult & child residential care facilities in accordance with section 36-2.02 Adult and child care facilities	S
Entertainment & Recreational	
Amusement Parks, Carnivals, Fairgrounds, Fairs & Other Types of Outdoor Entertainment Facilities	S
Banquet, Conference, Dance, Lodge & Union Halls & Private Clubs	S
Entertainment Establishments such as Video Arcades, Bowling Alleys, Billiard Halls & Similar Uses in an Enclosed Building	S
Golf Courses	S
Golf Driving Ranges & Miniature Golf Courses	S
Health Clubs & Fitness Centers	P
Marinas & Boat Slips	S
Recreation Facilities, Private	S
Recreation Facilities Public	P
Theaters, Cinemas & Similar Assembly Buildings	S
Finance, Medical & Professional Office & Research & Development	
Banks, S & L, Credit Unions & Similar with No Drive-Throughs	P
Banking Centers, including ATMs which are Separate from a Financial Institution	P
Business Service Establishments	P
Hospitals	S
Offices & Medical Clinics including Chiropractors, Osteopaths, Optometrists & Similar or Allied Professions	P
Professional Services	P
Urgent Care Centers, Emergency Medical Stations & Similar Uses	P
Veterinary Offices, Clinics, Hospitals & Animal Grooming Establishments	S

Service & Retail Trade	
Automobile Gasoline Stations	S
Automobile Service Establishments (Routine Maintenance & Minor Repair)	S
Automobile Washes, Automatic or Self-Service	S
Automobile or Vehicle Dealerships	S
Bars, Taverns, Lounges, Microbreweries (Accessory) & Brewpubs	S
Bed & Breakfast Inns	S
Boarding Houses	S
Bus & Rail Passenger Stations	S
Commercial Parking Lots & Parking Garages	S
Drive-Through Window Facilities for Banks, Restaurants or Other Permitted Uses	S

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Dry Cleaners, Retail Outlet	P
Funeral Homes & Mortuaries, not including Crematoriums	S
Garden Centers	S
Hotels & Motels including Accessory Convention/Meeting Facilities & Restaurants	S
Kennels	S
Newspaper & Publisher's Offices	P
Commercial Printers	P
Outdoor Display, Sales & Storage	S
Personal Service Establishments	P
Restaurants, including Carry-out, Delicatessens, Fast-food & Standard Restaurants	P
Restaurants with Open Front Restaurant Windows & Seasonal Outdoor Seating	S
Retail Businesses & Centers up to 50,000 sq. ft. GLA	P
Retail Businesses & Retail Centers exceeding 50,000 sq. ft. GLA	S
Studios of Art, Photography, Music, Dance & Similar Uses	P

Video Rental Establishments	P
Public, Institutional, & Utilities	
Business, Research, Vocational & Technical Training Schools	S
Churches, Temples, & other Places of Worship or Public Assembly	S
Colleges, Universities & Other Institutions of Higher Learning	S
Essential Public Services	P
Essential Public Service Buildings	S
Public & Quasi-Public Institutional Buildings, Structures & Uses	P
Accessory	
Accessory buildings, structures & uses, customarily incidental to any of the above principal uses	P
Accessory buildings, structures & uses customarily incidental to any of the above special land uses	S

(Ord. No. 622, § 9.02, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Editor's note(s)—Ord. No. 643, § 2, adopted Jan. 14, 2008, deleted § 36-9.03, which pertained to special land uses and derived from Ord. No. 622, § 9.03, adopted June 28, 2004, and renumbered § 36-9.04 as § 36-9.03.

Sec. 36-9.03. Site development requirements.

All principal uses and special land uses are subject to the following site development requirements: a.

Article II General Provisions.

b. Article XV Schedule of Regulations.

c. Article XVI Site Plan Review.

d. Article XIX Off-Street Parking and Loading Standards.

e. Article XX Access Management and Driveway Standards.

f. Article XXI Landscape Standards and Tree Replacement.

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g. Article XXII Signs.

h. Article XXIII Lighting Standards.

i. Article XIV Environmental Protection Standards.

(Ord. No. 622, § 9.04, 6-28-04)

ARTICLE X. OFFICE SERVICE DISTRICT (OSD)

Sec. 36-10.01. Purpose.

The Office Service District (OSD) is intended to concentrate a variety of office uses of a business and professional nature, and personal and professional service activities compatible with office uses. This district is intended to provide a transition between commercial and residential districts.

(Ord. No. 622, § 10.01, 6-28-04)

Sec. 36-10.02. Permitted uses.

In the OSD District, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, whereas uses denoted by "S" are considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in Article XIV Special Land Uses.

Permitted Uses in the Office Service District	
	OSD
Care Facilities	
Adult & child residential care facilities in accordance with section 36-2.02 Adult and child care facilities	S
Personal service establishments that operate primarily by appointment only, and which operation is determined to be similar to other uses permitted in this district	S
Entertainment & Recreational	
Banquet, Dance, Lodge & Union Halls & Private Clubs	S
Health Clubs & Fitness Centers	S
Recreation Facilities, Private	S
Recreation Facilities Public	P
Finance, Medical & Professional Office & Research & Development	
Banks, S & L, Credit Unions & Similar with No Drive-Throughs	P
Banking Centers, including ATMs which are Separate from a Financial Institution	S
Business Services such as Mailing, Copying, Data Processing & Computer Centers	P
Hospitals	S
Offices for Manufacturers Representative or Corporate Branch Offices	P
Offices & Medical Clinics including Chiropractors, Osteopaths, Optometrists & Similar or Allied Professions	P
Personal Service Establishments & Restaurants compatible with Office Uses, as determined by PC, when in Office Building & no more than 25% of GFA	P

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Professional Services	P
Research, Development & Design Centers	P
Urgent Care Centers, Emergency Medical Stations & Similar Uses	P
Veterinary Offices, Clinics, Hospitals	S
Service & Retail Trade	
Commercial Parking Lots & Parking Garages	S
Drive-Through Window Facilities for Banks, Restaurants or Other Permitted Uses	S
Dry Cleaners, Retail Outlet	P
Funeral Homes & Mortuaries, not including Crematoriums	S
Hotels & Motels including Accessory Convention/Meeting Facilities & Restaurants	S
Kennels	S
Restaurants, including Carry-out, Delicatessens, Fast-food & Standard Restaurants	S
Studios of Art, Photography, Music, Dance & Similar Uses	S
Public, Institutional, & Utilities	
Business, Research, Vocational & Technical Training Schools	S
Churches, Temples, & other Places of Worship or Public Assembly	S
Colleges, Universities & Other Institutions of Higher Learning	S
Essential Public Services	P
Essential Public Service Buildings	S
Public & Quasi-Public Institutional Buildings, Structures & Uses	P
Schools, including Public, Private & Parochial Elementary, Middle & High	S
Accessory	
Accessory buildings, structures & uses, customarily incidental to any of the above principal uses	P
Accessory buildings, structures & uses customarily incidental to any of the above special land uses	S

(Ord. No. 622, § 10.02, 6-28-04; Ord. No. 643, § 2, 1-14-08; Ord. No. 656, § 2, 10-11-10)

Editor's note(s)—Ord. No. 643, § 2, adopted Jan. 14, 2008, deleted § 36-10.03, which pertained to special land uses and derived from Ord. No. 622, § 10.03, adopted June 28, 2004, and renumbered § 36-10.04 as § 36-10.03.

Sec. 36-10.03. Site development requirements.

All principal uses and special land uses are subject to the following site development requirements: a.

Article II General Provisions.

b. Article XV Schedule of Regulations.

c. Article XVI Site Plan Review.

d. Article XIX Off-Street Parking and Loading Standards.

e. Article XX Access Management and Driveway Standards.

f. Article XXI Landscape Standards and Tree Replacement.

g. Article XXII Signs.

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h. Article XXIII Lighting Standards.

i. Article XIV Environmental Protection Standards.

(Ord. No. 643, § 2, 1-14-08)

ARTICLE XI. OFFICE PARK DISTRICT (OPD)

Sec. 36-11.01. Purpose.

The Office Park District (OPD) is intended to accommodate office buildings, restricted retail, and research and development facilities. A major purpose of this district is to provide attractive setting to create office campus environments which are attractive and typically visible from freeways or arterial roadways. This district is intended to be predominantly office in nature but also to permit related commercial and service uses to serve the office employees and visitors.

(Ord. No. 622, § 11.01, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-11.02. Permitted uses.

In the OPD District, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, whereas uses denoted by "S" are considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in Article XIV Special Land Uses.

Permitted Uses in the Office Park District	
	OPD
Care Facilities	

Adult & child residential care facilities in accordance with section 36-2.02 Adult and child care facilities	S
Finance, Medical & Professional Office & Research & Development	
Business Services such as Mailing, Copying, Data Processing & Computer Centers	P
Offices	P
Offices & Medical Clinics including Chiropractors, Osteopaths, Optometrists & Similar or Allied Professions	P
Professional Services	P
Research, Development & Design Centers	P
Service & Retail Trade	
Commercial Parking Lots & Parking Garages	S
Public, Institutional, & Utilities	
Business, Research, Vocational & Technical Training Schools	P
Essential Public Services	P
Essential Public Service Buildings	S
Accessory	
Accessory buildings, structures & uses, customarily incidental to any of the above principal uses	P

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Accessory buildings, structures & uses customarily incidental to any of the above special land uses	S
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(Ord. No. 622, § 11.02, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Editor's note(s)—Ord. No. 643, § 2, adopted Jan. 14, 2008, deleted § 36-11.03, which pertained to special land uses and derived from Ord. No. 622, § 11.03, adopted June 28, 2004, and renumbered § 36-11.04 as 36-11.03.

Sec. 36-11.03. Site Development requirements

All principal uses and special land uses are subject to the following site development requirements: a.

Article II General Provisions.

b. Article XV Schedule of Regulations.

- c. Article XVI Site Plan Review.
- d. Article XIX Off-Street Parking and Loading Standards.
- e. Article XX Access Management and Driveway Standards.
- f. Article XXI Landscape Standards and Tree Replacement.
- g. Article XXII Signs.
- h. Article XXIII Lighting Standards.
- i. Article XIV Environmental Protection Standards.

(Ord. No. 622, § 11.04, 6-28-04; Ord. No. 643, § 2, 1-14-08)

ARTICLE XII. INDUSTRIAL DISTRICT (IND)

Sec. 36-12.01. Purpose.

The Industrial District (IND) is intended to primarily accommodate research, wholesale, and warehouse activities, and light industrial operations whose external and physical effects are restricted to the district and in no manner affect in a detrimental way any of the surrounding districts. The IND is intended for the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semifinished products from previously prepared material. The processing of raw material for shipment in bulk form, to be used in an industrial operation at another location, shall not be permitted.

(Ord. No. 622, § 12.01, 6-28-04)

Sec. 36-12.02. Permitted uses.

In the IND District, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right, whereas uses denoted by "S" are considered special land uses and may be approved by the planning commission subject to the applicable general and specific standards in Article XIV Special Land Uses.

Permitted Uses in the Industrial District

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	IND
Care Facilities	
Adult & child residential care facilities in accordance with section 36-2.02 Adult and child care facilities	S
Entertainment & Recreational	
Adult Entertainment Regulated Uses	S
Recreation Facilities, Private	S
Finance, Medical & Professional Office & Research & Development	

Professional & Corporate Offices related to a Permitted manufacturing Operation	P
Service & Retail Trade	
Automobile Repair Establishment (Major Repair)	S
Billboards & Off-Premises Signs	S
Commercial Parking Lots	S
Central Dry Cleaning Plants & Laundries	P
Kennels	S
Mini- or Self-Storage Warehouses	S
Outdoor Display, Sales & Storage	S
Pet Boarding Facilities in accordance with section 36-14.08, pet boarding facilities	S
Radio & Television Studios & Stations	S
Public, Institutional, & Utilities	
Business, Research, Vocational & Technical Training Schools	P
Essential Public Services	P
Essential Public Service Buildings & Storage Yards	S
Public & Quasi-Public Institutional Buildings, Structures & Uses	P
Wireless Communications Facilities	S
Industrial	
Airports, Landing Fields, Hangars & Similar Uses	S
Assembly, Manufacture, Compounding, Processing, Packaging, or Treatment from previously prepared materials, or repair, of such products as, but not limited to food products, excluding bakery goods & candy & plastics	S
Assembly, Manufacture, Compounding, Processing, Packaging, or Treatment from previously prepared materials, or repair, of such products as, but not limited to: bakery goods & candy; cosmetics, pharmaceuticals, & toiletries; hardware & cutlery; pottery & figurines or other similar ceramic products using only previously pulverized clay & kilns fired only by electricity or gas; musical instruments, toys, sporting goods, & novelties; small molded rubber products; electrical appliances, electronic instruments & devices, electronic consumer products, & photographic equipment; electric or neon signs; light sheet metal products, including heating & ventilating equipment, siding, cornices, eaves, & the like; textile goods; apparel, jewelry, & leather goods; & furniture & fixtures	P

Assembly, Manufacture, Fabrication, Processing, Packaging, or Treatment of products indoors from previously prepared material including bone, canvas, cellophane, cloth, cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, rubber,	P
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precious or semiprecious metals or stones, shell, textiles, tobacco, wax, wire, wood (planning mills shall not be permitted), & yarns	
Breweries, Distilleries & Wineries	P
Concrete & Asphalt Batch Plants	S
Experimental, Film, or Testing Laboratories	P
Extractive Uses (Commercial Mining of sand, gravel, stone & similar)	S
Filing Stations (Flammable & Combustible Liquids or Gases)	S
Heat Treatment Plants	S
Incinerators, Cogeneration Plants, Recycling Centers, & Composting Facilities	S
Lumber & Planing Mills	S
Medical Marihuana Growing Facility	S
Metal Plating, Buffing, & Polishing	S
Painting & Varnishing Shops	P
Printing, Lithography, Blueprinting, Publishing & Similar Uses	P
Railroad Transfer & Storage Yards	S
Retail Sales of Goods Assembled, Manufactured, Compounded, Processed, Packaged, or Treated from Previously Prepared Materials, or Repaired or Stored, on The Premises, Provided the Building Floor Area Devoted to Retail Sales Comprises no more than 25% of Principal Building Floor Area & the Outdoor Sales Area Comprises no more than 25% of the Minimum Required Lot Area	S
Salvage Yards	S
Stamping Plants	S
Tool, Die, Gauge & Machine Shops	P
Truck Terminals, Truck Stops, & Truck Service Facilities	S

Warehousing & Wholesale Establishments, Material Distribution Facilities	S
Water Filtration & Wastewater Treatment Plants, Reservoirs, & Sewage Treatment Facilities	S
Accessory	
Accessory buildings, structures & uses, customarily incidental to any of the above principal uses	P
Accessory buildings, structures & uses customarily incidental to any of the above special land uses	S

(Ord. No. 622, § 12.02, 6-28-04; Ord. No. 643, § 2, 1-14-08; Ord. No. 686, 6-10-13; Ord. No. 687, § 3, 1-26-15)

Editor's note(s)—Ord. No. 643, § 2, adopted Jan. 14, 2008, deleted § 36-12.03, which pertained to special land uses and derived from Ord. No. 622, § 12.03, adopted June 28, 2004, and renumbered § 36-12.04 as 36-12.03.

Sec. 36-12.03. Site development requirements.

All principal uses and special land uses are subject to the following site development requirements: a.

Article II General Provisions.

b. Article XV Schedule of Regulations.

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c. Article XVI Site Plan Review.

d. Article XIX Off-Street Parking and Loading Standards.

e. Article XX Access Management and Driveway Standards.

f. Article XXI Landscape Standards and Tree Replacement.

g. Article XXII Signs.

h. Article XXIII Lighting Standards.

i. Article XIV Environmental Protection Standards.

(Ord. No. 622, § 12.04, 6-28-04; Ord. No. 643, § 2, 1-14-08)

ARTICLE XIII. PLANNED UNIT DEVELOPMENT (PUD) OVERLAY³

Sec. 36-13.01. Purpose.

The Planned Unit Development (PUD) standards are a supplementary list of "overlay" zoning standards which apply to properties simultaneously with one of the other zoning districts established in this chapter, hereinafter referred to as the "underlying" zoning district. For properties approved for PUD designation, these PUD standards replace the schedule of regulations listed for the underlying zoning district in Article XV, Schedule of Regulations.

The PUD standards are provided as a design option, intended to permit flexibility in the regulation of land development; to encourage innovation in land use, form of ownership (such as condominiums), and variety in design,

layout, and type of structures constructed; to achieve economy and efficiency in the use of land to preserve significant natural, historical, and architectural features and open space; to promote efficient provision of public services and utilities; to minimize adverse traffic impacts; to provide better housing, employment, and shopping opportunities particularly suited to residents of the city; to encourage development of convenient recreational facilities; and to encourage the use and improvement of existing sites when the uniform regulations contained in other zoning districts alone do not provide adequate protection and safeguards for the site or its surrounding areas.

The standards are intended to accommodate development on sites with significant natural, historical, and architectural features, as noted in the City of Fenton Master Plan, on land which exhibits difficult development constraints, and/or to provide the opportunity to mix compatible uses or residential types, and/or to allow clustering of residential units to preserve common open space and natural features. The PUD standards shall not be sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated purposes herein set forth.

In order to encourage PUD developments on specific properties, these standards relax or waive one or more of the requirements of the underlying district. The PUD also allows the developer the opportunity to mix compatible uses or residential types on a single property, allows clustering to reduce construction costs, and may enhance marketability through the preservation of significant natural, historical, and architectural features.

(Ord. No. 622, § 13.01, 6-28-04)

³Editor's note(s)—Ord. No. 643, § 2, adopted Jan. 14, 2008, amended the title of Art. XIII to read as herein set out. The former title was Planned Unit Development (PUD) Overlay Standards.

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Sec. 36-13.02. Principal permitted uses.

Principal uses permitted under the PUD standards are based on the underlying zoning district, as indicated below:

- a. *RDR, LDR, LMR, MDR.* All principal uses of the underlying district shall be permitted. In addition to those uses, low density multiple-family dwellings or a mixture of single and multiple-family dwellings on a planned basis, through the use of attached dwellings, townhouses, apartment buildings, zero lot line configurations, and/or other similar building configurations; or any combination of these residential uses may be permitted within the PUD.
- b. *MHR, HDR, MHD.* All principal uses of the underlying district shall be permitted. The list of permitted uses includes low density multiple-family dwellings or a mixture of single and multiple-family dwellings on a planned basis, through the use of attached dwellings, townhouses, apartment buildings, zero lot line configurations, and/or other similar building configurations; or any combination of these residential uses. In addition, for sites having a minimum size of 20 acres, up to ten percent of the total site acreage may be developed with uses permitted in the NBD. Such uses must front a public street and be developed in conjunction with, or following, development of the residential uses.
- c. *NBD.* The PUD development option is not permitted in this district.
- d. *CBD.* All business, service, professional office, and other commercial uses, or any combination of these uses, listed as principal uses permitted in the underlying zoning district shall be allowed. In addition, other business, service, and residential uses may be permitted, if determined by the planning commission to be similar to other uses in the surrounding area.
- e. *GBD, OSD, OPD, IND.* All business, service, professional offices, light manufacturing, and other commercial uses, or any combination of these uses, listed as principal permitted uses in the underlying zoning district shall be permitted. In addition, other business, service, office, light manufacturing, and residential uses may be permitted, if determined by the planning commission to be compatible with other proposed PUD uses and surrounding uses.

(Ord. No. 622, § 13.02, 6-28-04)

Sec. 36-13.03. Special land uses.

All uses listed as special land uses in the underlying district are considered as special land uses within the planned unit development designation.

(Ord. No. 622, § 13.03, 6-28-04)

Sec. 36-13.04. Qualifying conditions.

In order to qualify for PUD approval, the applicant must demonstrate in writing that the proposed PUD will meet each of the following criteria:

- a. *Demonstrated benefit.* The PUD shall provide two or more of the following benefits not possible under the requirements of another zoning district, as determined by the planning commission:
 1. Preservation of significant natural or historic features.
 2. A complementary mixture of uses or a variety of housing types.
 3. Common open space for passive or active recreational use.

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4. Mitigation to offset community impacts.
 5. Redevelopment of a nonconforming site where creative design can address unique site constraints.
- b. *Availability and capacity of public services.* The proposed type and design of use shall not result in an unreasonable increase in the use of public services, public facilities, and utility capacities.
 - c. *Compatibility with the master plan.* The proposed PUD shall be compatible with the overall goals and recommendations as proposed in the City of Fenton Master Plan.
 - d. *Compatibility with the PUD purpose.* The proposed PUD shall be consistent with the purpose of article 13 and spirit of this chapter.
 - e. *Development impact.* The proposed PUD shall not impede the continued use or development of surrounding properties for uses that are permitted in this article.
 - f. *Unified control of property.* The proposed PUD shall be under single ownership or control such that there is a single entity having responsibility for completing the project in conformity with the PUD regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is provided to the city.

(Ord. No. 622, § 13.04, 6-28-04; Ord. No. 627, § 1, 4-11-05)

Sec. 36-13.05. Application and review procedure for preliminary PUD site plan and final PUD site plan.

The application process for a PUD involves a three step process including review of a preliminary (conceptual) site plan by both the planning commission and city council. Upon approval of the preliminary plan, a final site plan shall be reviewed by the planning commission. The procedures are described below and illustrated on Figure 2.2, Development Approval Process.

- a. An optional pre-application workshop with the planning commission may be requested by the applicant to discuss the appropriateness of the PUD concept, solicit feedback, and receive requests for additional materials supporting the proposal. An applicant desiring such a workshop shall request placement on the

planning commission agenda.

- b. The applicant shall prepare and submit to the city clerk 15 copies of a preliminary PUD site plan for a PUD, meeting the requirements of section 36-13.06 Preliminary PUD site plan submittal requirements, at least 30 days prior to the meeting at which the planning commission shall first review the request; 21 days for an applicant who has had a preapplication workshop on the proposal within 60 days of the preliminary PUD site plan submittal. The building official/zoning administrator shall promptly transmit this plan to the members of the planning commission.
- c. The planning commission shall review the preliminary PUD site plan, and shall conduct a public hearing in accordance with section 36-26.05 Public hearings. During this review, the planning commission may request additional materials supporting the PUD proposal, or recommend modifications or conditions based on the standards of section 36-13.07 Standards for approval of preliminary PUD site plan. The planning commission shall then, within 60 days of the submittal, make a recommendation on the preliminary PUD site plan to the city council. The applicant shall incorporate these modifications or conditions recommended by planning commission prior to the review by the city council.
- d. Following receipt of the planning commission recommendations, the city council shall conduct a public hearing in accordance with section 36-26.05 Public hearings on the preliminary PUD site plan and petition. The city council shall take final action on said plan and petition within 90 days of the date it

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receives a report from the planning commission or such reasonable extension of time as may be necessary for adequate review.

- e. If any conditions are imposed upon the approval of the preliminary PUD site plan by the city council, a list of those conditions shall be made part of the approval and shall be reflected in the final PUD site plan.
- f. Approval of the preliminary PUD site plan by the city council shall confer upon the owner the right to proceed through the subsequent PUD plan review phases for a period not to exceed three years from date of approval. This period may be extended by the city council for one additional three-year period.
- g. The applicant shall submit 15 copies of detailed final site plans to the city clerk, as described in section 36-13.08 Final PUD site plan submittal requirements, for all, or any phase of, the approved preliminary PUD site plan at least 30 days prior to the planning commission meeting at which the planning commission shall first review the request.
- h. Upon submission of all required materials and fees, the planning commission shall review such and shall approve, deny, or approve with conditions, in accordance with the standards and regulations of this zoning ordinance, the final PUD site plan.
- i. If the final PUD site plan was approved with conditions, the applicant shall submit a revised site plan to the building official/zoning administrator in accordance with section 36-16.12. Projects eligible for sketch plan review and administrative approval for approval prior to the issuance of any building permits.
- j. If the approved preliminary PUD site plan indicated that the proposed development was to occur in phases, final site plan approval may be granted on each phase of the development, provided that each phase contains all the necessary components to insure protection of significant natural, historical, and architectural features, and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. Subsequent phases shall also follow the process for final PUD site plan outlined in this article.
- k. In the CBD district, the city council may, upon recommendation of the planning commission, approve an overall PUD plan for multiple sites and then require each subsequent developer to follow the process for final PUD site plan outlined in this article. The city council shall then require each developer to enter into a separate PUD agreement for each individual site or series of projects.

(Ord. No. 622, § 13.05, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-13.06. Preliminary PUD site plan submittal requirements.

The preliminary PUD site plan shall set forth the proposed uses to be developed in the PUD. The following specific information shall be provided on a site plan:

- a. *Proof of ownership.* Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
- b. *Written documentation.* Written documentation that the proposal meets the standards of section 36-13.04 Qualifying conditions.
- c. *Application form and fees.* A completed application form, supplied by the building official/zoning administrator, and an application/review fee; a separate escrow deposit may be required for administrative charges to review the PUD submittal.

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d. *Sheet size.* Sheet size of submitted drawings shall be at least 24 inches by 36 inches, with graphics at an engineer's scale of one inch equals 20 feet for sites of 20 acres or less; and one inch equals 100 feet or less (i.e. one inch equals 20 to 100 feet) for sites over 20 acres.

e. *Cover sheet.* Cover sheet providing:

1. Applicant's name.
2. Name of the development.
3. Preparer's name and professional seal of architect, engineer, surveyor, or landscape architect indicating license in the State of Michigan.
4. Date of preparation and any revisions.
5. North arrow.
6. Property lines and dimensions.
7. Complete and current legal description and size of property in acres.
8. Small location sketch of the subject site and area within one-half mile, and scale.
9. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the PUD site.
10. Lot lines and all structures on the property and within 100 feet of the PUD property lines.
11. Location of any vehicle access points on both sides of the street within 100 feet of the PUD site along streets where vehicle access to the PUD is proposed.

f. *PUD site plan.* A site plan sheet indicating:

1. Existing locations of all natural, historical, and architectural features, existing drainage patterns, surface water bodies, floodplain areas, MDEQ designated or regulated wetlands with supporting documentation (see Article XIV, Environmental Protection Standards), nonregulated wetland areas two or more acres in size, and a tree survey indicating the location and diameter (in inches, measured four feet above grade) of "landmark" trees.
2. Existing and proposed topography at five foot contour intervals, and a general description of grades within 100 feet of the site.
3. Dimensions of existing and proposed right-of-way lines, names of abutting public streets, proposed access driveways and parking areas, and existing and proposed pedestrian and/or bicycle paths.
4. Existing buildings, utility services (with sizes), and any public or private easements, noting those which will remain and which are to be removed.
5. Layout and typical dimensions of proposed lots, footprints, and dimensions of proposed buildings and

structures; uses with the acreage allotted to each use. For developments with residential components: the number, type, and density of proposed housing units.

6. General location and type of landscaping proposed (evergreen, deciduous, berm, etc.) noting existing trees and landscaping to be retained.

7. Size, type, and location of proposed identification signs.

g. *Site analysis*. A separate plan sheet indicating locations of significant natural, historical, and architectural features, including landmark trees, that will be designated as "areas not to be disturbed"

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and secured through installation of a snow fence, other fencing, or police line during development of the PUD, including acreage of designated areas.

h. *PUD development agreement*. A draft written PUD development agreement specifying all the terms and understandings of the PUD development as prescribed in section 13.08, Final PUD site plan submittal requirements, may be required when deemed necessary by the planning commission.

i. *Multiphased PUD*. If a multiphase PUD is proposed, identification of the areas included in each phase; for residential uses identify the number, type, and density of proposed housing units within each phase.

j. *Additional information*. Any additional graphics or written materials requested by the planning commission or city council to assist the city in determining the appropriateness of the PUD such as, but not limited to: aerial photography; market studies; impact on public primary and secondary schools and utilities; traffic impact using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost.

(Ord. No. 622, § 13.06, 6-28-04; Ord. No. 627, § 5, 4-11-05; Ord. No. 643, § 2, 1-14-08)

Sec. 36-13.07. Standards for approval of preliminary PUD site plan.

Based upon the following standards, the planning commission may recommend denial, approval, or approval with conditions, and the city council may deny, approve, or approve with conditions the proposed PUD.

a. The uses proposed shall be consistent with the city's adopted master plan. Such uses must have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed must not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone or that of any other zoning district.

b. Any amendments to the dimensional standards of this chapter, such as lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards shall be reviewed and approved by the planning commission.

c. Any increase in the density requirements of the underlying zoning district must be approved by the city council upon recommendation of the planning commission and be included under preliminary review of the site plan.

d. The number and dimensions of off-street parking shall be sufficient to meet the minimum required by Article XIX, Off-Street Parking and Loading Standards. However, where warranted by overlapping or shared parking arrangements, the planning commission or city council may reduce the required number of parking spaces in accordance with section 36-19.02, General requirements.

e. All streets and parking areas within the PUD shall meet the minimum construction and other requirements of city ordinances, unless modified by city council.

f. Safe, convenient, uncongested, and well defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points.

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- g. Sidewalks shall be provided in accordance with section 36-2.29, Sidewalks, bikepaths, and other pedestrian pathways.
- h. Landscaping shall be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. Plantings and other landscape features shall exceed the standards of Article XXI, Landscape Standards and Tree Replacement.
- i. Judicious effort shall be used to preserve significant natural, historical, and architectural features and the integrity of the land, including MDEQ regulated and nonregulated wetlands.
- j. Surface water shall be retained on the site wherever possible.
- k. The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the building official/zoning administrator.
- l. Public water and sewer facilities shall be available or shall be provided by the developer as part of the site development.
- m. Building design shall be of a high quality, exceeding the standards of section 36-2.20, Non-residential design requirements.

(Ord. No. 622, § 13.07, 6-28-04; Ord. No. 627, § 2, 4-11-05)

Sec. 36-13.08. Final PUD site plan submittal requirements.

The final PUD site plan shall include all the following information, unless the building official/zoning administrator determines that some of the required information is not reasonably necessary for the consideration of the PUD:

- a. All information required for site plan submittal in accordance with section 36-16.05, Site plan submittal requirements.
- b. Any additional graphics or written materials requested by the planning commission to assist in determining the impacts of the proposed site plan, including, but not limited to, economic or market studies; impact on public utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost.
- c. A proposed written development agreement specifying all the terms and understanding of the PUD development including:
 - 1. A survey of the acreage comprising the proposed PUD.
 - 2. All conditions upon which the PUD approval is based, with reference to the approved preliminary PUD plan and a description of all deviations from city regulations which have been requested and approved.
 - 3. The manner of ownership of the developed land.
 - 4. The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
 - 5. Provisions assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose; the city may require conveyances or other documents to be placed in escrow to accomplish this.

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6. Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas, and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the city council.
 7. The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the city council.
 8. Provisions to ensure adequate protection of natural features and assurance for replacement of any trees and woodlands.
 9. Any other concerns raised by the planning commission or city council regarding the construction and maintenance of the PUD.
 10. The preliminary PUD plan shall be incorporated by reference and attached as an exhibit.
- d. A written draft of PUD design guidelines specific to the PUD. Such document shall include provisions for site layout, access, vehicular and pedestrian circulation, parking, screening, building design and architecture, landscaping, open space, lighting, and signage. The design guidelines shall also include any variations to the dimensional standards of this chapter, such as density, lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards.

(Ord. No. 622, § 13.08, 6-28-04)

Sec. 36-13.09. Standards for approval of final site plan.

The planning commission shall use the standards for approval of section 36-16.06, Standards for site plan approval, and any design requirements developed specifically for the PUD by the city council, in reviewing the final PUD site plan.

(Ord. No. 622, § 13.09, 6-28-04)

Sec. 36-13.10. Conditions of approval.

The planning commission may attach conditions to the final PUD site plan approval to meet the intent of this article and section 36-16.08, Conditions of site plan approval.

(Ord. No. 622, § 13.10, 6-28-04)

Sec. 36-13.11. Validity of approved final PUD site plan.

a. *Project commencement.* Construction on the approved final site plan, or for a phase thereof, shall be commenced and proceed in a reasonably diligent manner, within 12 months of approval. If the PUD has not commenced and proceeded beyond site grading to include, at a minimum, installation of footings or foundations and underground utilities at the end of that 12-month period, then the site plan shall be invalid and void.

b. *Project completion.* The approved site plan shall remain valid for a three year period following the date of final site plan approval, provided that the requirements of paragraph a. above are met.

c. *Extensions.* The three year period for project completion may be extended for one year, if applied for by the petitioner and granted by the planning commission in writing following public notice and a public hearing. Failure on the part of the owner to secure the written extension shall result in a stoppage of all construction.

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(Ord. No. 622, § 13.11, 6-28-04)

Sec. 36-13.12. Deviations from approved final PUD site plan.

- a. Deviations and amendments from the approved final PUD site plan shall be reviewed and approved in accordance with section 36-16.11 Deviations from approved site plan.
- b. Should the planning commission determine that the modifications to the final PUD site plan significantly alter the intent of the preliminary PUD site plan, a new submittal illustrating the modification shall be required and must be approved by the city council as a new preliminary PUD plan.
- c. Any amendment to the PUD design guideline requirements established specifically for the PUD by the city council shall be adopted by resolution of the city council, upon recommendation of the planning commission, and will not require amendment of this article of the zoning ordinance. Amendments to this document must be reviewed and approved in accordance with paragraph a. above.
- d. Any deviation from the approved PUD site plan, except as authorized in section 36-13.12 Deviations from approved final PUD site plan shall be considered a violation of this Article and treated as a misdemeanor. Further, any such deviation shall invalidate the PUD designation.

(Ord. No. 622, § 13.12, 6-28-04)

Sec. 36-13.13. Appeals and variances.

Amendments, appeals, and variances related to a PUD cannot be taken to the zoning board of appeals in a PUD. Amendments can only be granted by the planning commission when it is determined that the requested amendments are in keeping with the overall purpose of PUD, as identified in section 36-13.01 Purpose and improve the quality of the development.

(Ord. No. 622, § 13.13, 6-28-04)

Sec. 36-13.14. PUDs approved prior to this chapter.

All properties zoned as PUD under the zoning district classifications in place prior to the adoption of this chapter shall be treated as follows:

- a. Approved residential PUDs shall be rezoned to the appropriate residential district in conformance with their approved density. These and future such locations will be noted on the map as being approved PUD overlay zone districts. Any changes to the preliminary PUD plan and/or final site plans or revisions shall be regulated by this chapter.
- b. Approved preliminary PUD site plans for mixed use PUDs shall be considered zoned as a mixed use PUD in the Office Service District (OSD). The approved uses within such PUDs shall be in accordance with the approved locations of commercial, office, and residential uses as designated on the preliminary PUD site plan.
- c. Any changes to the uses and/or their locations as approved on a mixed use preliminary PUD plan shall meet section 36-13.07 Standards for approval for preliminary PUD site plan. The applicant shall present graphics to illustrate the requested change, submit written materials documenting the need for the change and the adherence with the overall approved PUD concept, and submit updated copies of any traffic, environmental, or market studies which the planning commission or city staff consider necessary to review the impacts of the proposed change.

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- d. All final site plans or revisions to final site plans for PUDs approved prior to the adoption of this chapter shall be regulated and reviewed in accordance with this article.

(Ord. No. 622, § 13.14, 6-28-04)

ARTICLE XIV. SPECIAL LAND USES

Sec. 36-14.01. Purpose.

The intent of this article is to provide standards for special land uses, which are uses that under usual circumstances could be detrimental to other land uses permitted within the same zoning district, but may be permitted because of circumstances unique to the location of the particular use. This article provides standards for the planning commission to determine the appropriateness of a given special land use using factors such as: compatibility with adjacent zoning, location, design, size, intensity of use, impact on traffic operations, potential impact on groundwater, demand on public facilities and services, equipment used, and processes employed. Accordingly, special land uses should not be permitted without consideration of relevant restrictions or conditions being imposed which address their unique characteristics.

(Ord. No. 622, § 14.01, 6-28-04)

Sec. 36-14.02. Standards for approval.

- a. Prior to approving a special land use application the planning commission shall require that the following general standards, in addition to the specific standards noted for individual uses in section 36-14.08, Special land use specific requirements, be satisfied. The proposed use or activity shall:
1. Be compatible and in accordance with the goals, objectives, and policies of the City of Fenton Master Plan and promote the intent of the zoning district in which the use is proposed.
 2. Be constructed, operated, and maintained so as to be compatible with the existing or intended character of the general vicinity and so as not to change the essential character of the area in which it is proposed.
 3. Be served adequately by public facilities and services, such as highways, streets, police and fire protection, drainage structures, water and sewage facilities, and primary and secondary schools.
 4. Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to the natural environment, public health, safety, or welfare by reason of excessive production of traffic, noise, smoke, odors, or other such nuisance.
- b. Properties for which application for special land use approval is made shall also be subject to site plan review in accordance with the requirements of Article XVI, Site Plan Review. Failure to obtain site plan approval will constitute denial of the approved special land use.

(Ord. No. 622, § 14.02, 6-28-04)

Sec. 36-14.03. Application procedure.

- a. Any person owning or having an interest in the subject property may file an application for special land use approval as provided for in this Article.

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- b. The following materials shall be submitted to the city at least 30 days prior to the meeting at which the planning commission first considers the special land use application:
1. Payment of the required fee.
 2. Copies of completed application forms.
 3. Copies of a site plan meeting the requirements of Article XVI, Site Plan Review.
 4. Impact assessment if required by the planning commission; the analysis shall be carried out by qualified individuals and shall include, but need not be limited to, the impact on: natural features, stormwater management, surrounding land uses, public facilities/services, public utilities, and traffic.

(Ord. No. 622, § 14.03, 6-28-04)

Sec. 36-14.04. Designated review authority and approval procedure.

- a. The planning commission shall have final review authority for all special land uses.
- b. Following the submission of the required application materials the planning commission shall hold a public hearing in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended and with section 36-26.05 Public hearings.
- c. The planning commission shall review the application in terms of the requirements of section 36-14.02, Standards for approval and shall approve, approve with conditions, or deny the application.

(Ord. No. 622, § 14.04, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-14.05. Conditions of approval.

- a. as part of any special land use approval, the planning commission may impose any additional conditions or limitations as, in its judgment, may be necessary for protection of the public interest. Such conditions shall be related to and ensure that the review considerations of section 36-14.02 Standards for approval and the applicable specific regulations of section 36-14.08 Special land use specific requirements are met.
- b. The approval of a special land use, including conditions made as part of the approval, is attached to the property described as part of the application and not to the owner of such property.
- c. A record of conditions imposed shall be maintained. The conditions shall remain unchanged unless an amendment to the special land use approval is approved.
- d. A record of the decision of the planning commission, the reasons for the decision reached, and any conditions attached to such decision shall be kept and made a part of the minutes of the planning commission.
- e. The building official/zoning administrator shall make periodic investigations of developments authorized by special land use approval to ensure continued compliance with all requirements imposed by the planning commission and this article. Noncompliance with the requirements and conditions approved for the special land use shall constitute grounds for the planning commission to terminate the approval following a public hearing. Such hearing shall be held in accordance with the procedures used for the original hearing as described in section 36-26.05 Public hearings and as required by this article.

(Ord. No. 622, § 14.05, 6-28-04; Ord. No. 643, § 2, 1-14-08)

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Sec. 36-14.06. Validity of special land use approval.

- a. In cases where actual physical construction of a substantial nature of the structures authorized by a special land use approval has not commenced within one year of issuance, and a written application for extension of the approval has not been filed as provided below, the approval shall automatically become null and void and all rights thereunder shall terminate.
- b. Upon written application filed prior to the termination of the one year period, the planning commission may authorize a single extension of the time limit for a further period of not more than one year. Such extension shall only be granted based on evidence from the applicant that the development has a reasonable likelihood of commencing construction within the one year extension.
- c. The granting of a special land use shall allow that particular use to be conforming on the subject property, as long as the standards of this article are maintained.
- d. Any use for which a special land use approval has been granted and which ceases to continuously operate for a six month period shall be considered abandoned and the special land use approval shall become null and void.

e. No application for a special land use approval which has been denied wholly or in part shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the planning commission.

(Ord. No. 622, § 14.06, 6-28-04)

Sec. 36-14.07. Special land use amendments and expansions.

a. *Amendments.* Any person or agency who has been granted a special land use approval shall notify the building official/zoning administrator of any proposed amendment to the approved site plan of the special land use. The building official/zoning administrator shall determine whether the proposed amendment constitutes a minor or major amendment based on the determination standards for all site plans in accordance with the requirements of section 36-16.11 Deviations from approved site plan. A major amendment to a special land use approval shall comply with the application and review procedures contained in this article.

b. *Expansion or change in use.* The expansion, change in activity, reuse, or redevelopment of any use requiring a special land use approval, with an increase of ten percent or greater, shall require resubmittal in the manner described in this article. A separate special land use approval shall be required for each use requiring special land use review on a lot, or for any expansions of a special land use on property which has not previously received special land use approval.

(Ord. No. 622, § 14.07, 6-28-04; Ord. No. 643, § 2, 1-14-08)

Sec. 36-14.08. Special land use specific requirements.

The general standards and requirements of section 36-14.02 Standards for approval are basic to all uses authorized by a special land use approval. However, certain special land uses, because of their unique character and potential impacts on the welfare of adjacent properties and the city, require additional specific requirements. Such uses are listed below with specific standards and regulations that must be met in addition to the general standards of section 36-14.02 Standards for approval and other sections of this chapter.

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The following are special land uses with specific site and/or use standards which are described on the following pages:

Land Uses with Specific Requirements

Adult entertainment regulated uses (subsection a.).

Amusement parks, carnivals, fairgrounds, fairs, and other types of outdoor entertainment facilities (subsection b.).

Automobile gasoline stations (subsection c.).

Automobile repair establishments (major repair) and automobile service establishments (routine maintenance and minor repair) (subsection d.).

Automobile washes, automatic or self-service (subsection e.).

Automobile or vehicle dealerships (subsection f.).

Bars, taverns, lounges, microbreweries (accessory), and brewpubs (subsection g.).

Bed and breakfast inns (subsection h.).

Billboards and off-premises signs (subsection i.).

Churches, temples, and similar places of worship or public assembly (subsection j.).

Commercial parking lots (subsection k.).
Drive-through window facilities for banks, restaurants or other permitted uses (subsection l.).
Essential public service buildings and structures (subsection m.).
Extractive uses (commercial mining of sand, gravel, stone, and similar materials) (subsection n.).
Funeral homes and mortuary establishments (subsection o.).
Garden centers (subsection p.).
Golf courses (subsection q.).
Golf driving ranges and miniature golf courses (subsection r.).
Home occupations (subsection s.).
Hospitals, urgent care centers, emergency medical stations and similar uses (subsection t.).
Incinerators, cogeneration plants, recycling centers, and composting facilities (subsection u.).
Kennels (subsection v.).
Marinas and boat slips (subsection w.).
Medical marihuana growing facility (subsection kk.).
Mini- or self-storage warehouses (subsection x.).
Outdoor display, sales, or storage (subsection y.).
Parking structures (subsection z.).
Pet boarding facilities (subsection ll.).
Recreation facilities: private and public (subsection aa.).
Restaurants with open front window and seasonal outdoor seating (subsection bb.).

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Retail businesses and centers exceeding 50,000 square feet (subsection cc.).
Salvage yard (subsection dd.).
Schools, including public, private and parochial elementary, middle, and high (subsection ee.).
Senior housing and nursing and convalescent homes (subsection ff.).
Theaters, cinemas, and similar assembly buildings (subsection gg.).
Veterinary offices, clinics, and hospitals; animal grooming establishments (subsection hh.).
Wireless communication facilities (subsection ii.).

a. *Adult entertainment regulated uses.*

1. *Intent.* In the development and execution of these zoning regulations, it is recognized there are some uses that, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby causing a deleterious effect upon the adjacent areas. The proximity of adult entertainment regulated uses to certain uses considered particularly susceptible to the negative impacts or the concentration of adult uses tends to erode the quality of life, adversely affect property values, disrupt business investment, encourage residents and businesses to move or avoid the community, increase crime, and contribute a blighting affect on the surrounding area. This subsection describes the uses regulated and the specific standards needed to insure that the adverse effects of these uses will not contribute to the deterioration of the surrounding neighborhood, to prevent undesirable concentration of these uses, and to require sufficient spacing from uses considered most susceptible

to negative impacts.

2. *Definitions.* The following definitions shall apply to adult entertainment regulated uses: (a)

Specified anatomical areas. Portions of the human body defined as follows:

(1) Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below the point immediately above the top of the areola.

(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(b) *Specified sexual activities.* The explicit display of one or more of the following: (1)

Human genitals in a state of sexual stimulation or arousal.

(2) Acts of human masturbation, sexual intercourse, or sodomy.

(3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

3. *Uses regulated.* The following uses are regulated by this subsection and defined for purposes of regulating adult entertainment regulated uses:

(a) *Adult book or supply store.* An establishment having ten percent or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, video tapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

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(b) *Adult model studio.* Any place where models who display specified anatomical areas as defined herein are present to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons who pay some form of consideration or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

(c) *Adult motion picture arcade or mini motion picture theater.* Any place where motion picture machines, projectors, or other image producing devices are maintained to show images and where the images displayed depict, describe, or relate to specified sexual activities or specified anatomical areas as defined herein.

(d) *Adult motion picture theater or adult live stage performing theater.* An enclosed building wherein still or motion pictures, video tapes, or similar material is presented or viewed which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons therein. Such an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

(e) *Adult outdoor motion picture theater.* A drive-in theater used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

(f) *Adult physical cultural establishment.* Any establishment, club, or business by whatever name designated, which offers or advertises, or is equipped or arranged to provide as part of its services, massages, body rubs, alcohol rubs, physical stimulation, baths, or other similar treatment by any person. An adult physical cultural establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths,

Turkish bathhouses, and steam baths. The following uses shall not be included within the definition of an adult physical culture establishment:

- (1) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed osteopath, a licensed physical therapist, a licensed practical nurse practitioner, a therapeutic massage practitioner as defined in this chapter or any other similarly licensed medical professional.
 - (2) Fitness center, as defined in this chapter.
 - (3) Electrolysis treatment by a licensed operator of electrolysis equipment.
 - (4) Continuing instruction in martial or performing arts, or in organized athletic activities.
 - (5) Hospitals, nursing homes, medical clinics, or medical offices.
 - (6) Barber shops or beauty parlors and salons which offer massages to the scalp, the face, the neck, or shoulders only.
 - (7) Adult photography studios whose principal business does not include the taking of photographs of specified anatomical areas as defined herein.
- (g) *Cabaret*. An establishment where live entertainment is provided, presented, permitted or performed, which performances are distinguished or characterized by an emphasis on or relationship to specified sexual activities or specified anatomical areas as defined herein for

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observation by or participation of patrons therein. Also, an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, topless and/or bottomless waiters, waitresses and/or employees.

- (h) *Adult, nude, partially nude dancing*. A business having as its principal activity the live presentation of or display of nude or partially nude male or female impersonator(s), dancer(s), entertainers(s), waiter(s) or waitress(es), or employee(s) and which may or may not feature the service of food or beverage. For the purpose of this article, nude or partially nude shall mean having any or all of the specified anatomical areas exposed as defined herein.

4. *Required spacing*. The establishment of the types of adult entertainment regulated uses listed above shall meet all of the following space requirements, with the minimum distance between uses measured horizontally between the nearest points of each property line:

(a) One thousand feet from:

- (1) Any other adult entertainment regulated use.
- (2) All churches, convents, temples and similar religious institutions.
- (3) All public, private or parochial nursery, primary or secondary schools, public parks, and hospitals.
- (4) Any adult or child care facility.

(b) Eight hundred feet from:

- (1) Any single-family or multiple-family residential district or use.
- (2) Any pool or billiard hall, concreted amusement center, indoor and outdoor recreation such as miniature golf; dance club catering primarily to teenagers, movie theaters, ice or roller skating rinks, and similar uses generally frequented by children and teenagers.

5. *Special site design standards*.

- (a) The maximum size of the building shall be 5,000 square feet.

- (b) The building and site shall be designed, constructed, and maintained so material such as a display, decoration, or sign depicting, describing, or relating to specified sexual activities or specified anatomical areas cannot be observed by pedestrians and motorists on a public right-of-way or from an adjacent land use.
- (c) Adult entertainment regulated uses shall be located within a freestanding building. A shared or common wall structure or shopping center are not considered to be a freestanding building.
- (d) The color of the building materials shall be reviewed and approved by the planning commission.
- (e) The planning commission shall determine the type of buffer zone to be required and maintained along the side and rear lot lines, based on the site conditions, views from public streets, and distance and type of surrounding land uses.
- (f) The hours of operation shall be approved by the planning commission.
- (g) Access shall be from an arterial roadway.

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- (h) Any adult entertainment regulated use which allows customers to remain on the premises while viewing live, filmed, or recorded entertainment, or while using or consuming the products or services supplied on the premises shall provide at least one security guard on duty outside the premises, patrolling the grounds and parking areas, at all times while the business is in operation.

6. *Obscene material strictly prohibited.* The applicant for a special land use for any adult entertainment regulated use shall set forth in his or her application a statement in sufficient detail to describe the material contained in the adult entertainment regulated use. In the event that the planning commission finds the material proposed to be within the adult entertainment regulated use to be obscene, then the special land use shall not be granted.

For purposes of this subsection, a form of expression shall be classified as obscene if the material meets all of the following criteria:

- (a) The average individual, applying contemporary community standards for the City would find that the material, taken as a whole, appeals to the prurient interest.
- (b) The material, taken as a whole, lacks serious literary, artistic, political, or scientific value. (c) The material depicts or describes, in a patently offensive way, sexual conduct.

7. *Waivers.* Upon denial of any application for an adult entertainment regulated use under this section the applicant may appeal for a waiver of the location provisions above to the zoning board of appeals (ZBA) consistent with the standards set forth below. The ZBA may waive the location provisions set forth in this section, after all the following findings are made:

- (a) *Compliance with regulations.* The proposed use will not be contrary to any other provision of these zoning regulations or injurious to nearby properties.
- (b) *Not enlarge district.* The proposed use will not enlarge or encourage the development of a "skid row" or "strip".
- (c) *Consistent with programs.* The establishment of an additional adult entertainment regulated use will not be contrary to, or interfere with, any program of urban renewal or neighborhood development.
- (d) *Consistent with law.* All applicable city, state or federal laws and regulations will be observed.
- (e) *Procedure for waiver.* Prior to granting a waiver of the location restrictions set forth above, a public hearing in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as

amended and with section 36-26.05 Public hearings, shall be held.

8. *Conditions of approval.* Prior to the granting of approval for the establishment of any adult entertainment regulated use, the planning commission may impose any conditions or limitations upon the establishment, location, construction, maintenance, or operation of the adult entertainment regulated use which is necessary for the protection of the public interest. Any evidence, bond, or other performance and guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.

9. *Specific penalties.* No person operating an adult entertainment regulated use shall permit any person under the age of 18 to be on the premises of the business as an employee, customer, or otherwise.

b. *Amusement parks, carnivals, fairgrounds, fairs, and other types of outdoor entertainment facilities.* 1.

Minimum lot size shall be ten acres.

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2. Activity areas using fences, buildings, walkways, or other suitable barriers shall be clearly defined on the site plan.

3. All buildings, structures, and parking shall be at least 300 feet from any dwelling unit, excluding any dwelling unit on the site.

4. Vehicle access shall be provided onto a primary road. Vehicle access shall be controlled, with capability to accommodate at least three lanes of ingress traffic. At least 300 feet of stacking (queuing) area shall be provided on-site for parking fee collection.

5. The planning commission shall determine the sufficient amount of on-site parking. 6.

Maximum lot coverage by buildings and structures shall be 20 percent.

7. The planning commission may require posting of a performance bond or other form of financial guarantee. The bond shall be in an amount determined by the planning commission as necessary to cover any potential damage or clean-up on the site or adjacent properties.

8. The planning commission may establish limits on hours of operation, time limits on the validity of the special land use approval, or any other measures deemed necessary to minimize negative impacts on nearby uses and traffic operations along public streets.

9. Prior to issuance of a special land use approval, the applicant shall provide evidence of public liability insurance and property damage insurance to cover potential liability for death or injury to persons or damage to property, which may result from the conduct of the activity.

c. *Automobile gasoline stations.*

1. There shall be a minimum lot area of one acre and minimum lot width of 250 feet.

2. Pump islands shall be a minimum of 40 feet from any public right-of-way or lot line. Tanks, propane, and petroleum products shall be set back at least 15 feet from any lot line.

3. Overhead canopies shall be setback at least 20 feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo, or identifying paint scheme shall be in accordance with Article XXII, Signs. The canopy shall be no higher than the principal building. Lighting in the canopy shall be recessed, fully shielded, and directed downward to prevent off-site glare.

4. Only one driveway shall be permitted from each street unless the planning commission determines additional driveways will be necessary to ensure safe and efficient access to the site.

5. The intensity of lighting within a site shall not exceed 20 footcandles or one footcandle at the property line, except where it abuts a residentially used or zoned site, whereby a maximum of 0.5 footcandles is permitted.

6. There shall be no outdoor storage or display of vehicle components and parts, supplies, or equipment

except within an area defined on the site plan approved by the planning commission and which extends no more than ten feet beyond the building.

7. The applicant shall submit a pollution incidence protection plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves.
8. Any use involving maintenance, service, or repair shall also meet the standards for automobile service establishments.

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9. In the event that an automobile service station use has been abandoned or terminated for a period of more than one year, all underground gasoline storage tanks shall be removed from the premises, in accordance with State requirements.

d. Automobile repair establishments (major repair) and automobile service establishments (routine maintenance and minor repair)

1. All principal and accessory structures shall be set back a minimum of 500 feet from a single family residential district.
2. There shall be a minimum lot frontage on a paved road of 200 feet.
 3. All maintenance and repair work shall be conducted completely within an enclosed building.
4. There shall be no outdoor storage or display of vehicle components and parts, materials, commodities for sale, supplies, or equipment.
5. Storage of wrecked, partially dismantled, or other derelict vehicles, or overnight parking of any vehicle except a tow truck shall be permitted in a designated area. Such area shall be appropriately screened from public view as determined by the planning commission.
6. The applicant shall submit a pollution incidence protection plan (PIPP). The PIPP shall describe measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins, and automatic shut off valves, as approved by the City of Fenton Fire Department.
7. Any use with gasoline sales shall also meet the standards for automobile gasoline stations. e.

Automobile washes, automatic or self-service.

1. Only one ingress/egress driveway shall be permitted on any single street.
2. Where adjoining residentially zoned or used property a decorative masonry wall six feet in height shall be erected along any common lot line. Such wall shall be continuously maintained in good condition. The planning commission may approve a fence, landscaped berm, or landscaping as an alternative.
3. All washing facilities shall be within a completely enclosed building. Self-service facilities may be within a partially enclosed building.
4. Vacuuming and drying may be located outside the building, but shall not be in the required front yard and shall be set back at least 50 feet from any residential district. Such areas shall be screened with obscuring landscaping as determined by the planning commission.
5. Adequate stacking space shall be provided in accordance with the requirements of Article XIX, Off-Street Parking and Loading Standards. Stacking spaces shall not be permitted in the public right-of-way.

f. Automobile or vehicle dealerships.

1. Outdoor storage of automobiles or vehicles for sale shall not be permitted in any required front or side yard.

2. All parking and outdoor storage areas shall be paved with a permanent and durable surface. Curbing around all parking and storage areas shall be provided.
3. Any use involving the maintenance, service, or repair of vehicles shall also meet the standards for automobile repair and/or service establishments.

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4. Exterior lighting shall be fully shielded and directed downward to prevent off-site glare. The intensity within a site shall not exceed 20 footcandles within the site or one footcandle at the property line, except where it abuts a residentially used or zoned site, whereby a maximum of 0.5 footcandles is permitted.
5. Flags, banners, and streamers shall not be permitted unless approved by the planning commission.

g. Bars, taverns, lounges, microbreweries (accessory), and brewpubs.

1. The principal building shall be setback at least 100 feet from a residential district.
2. Noise shall not be apparent outside of the building in accordance with section 36-2.21, Performance standards, and other city ordinances.
3. Outdoor seating must meet the special land use standards for restaurants: open front window and seasonal outdoor seating.

h. Bed and breakfast inns.

1. Parking areas shall be located off-street and shall not be located in any required front yard.
2. No bed and breakfast inn shall be located closer than 300 feet to another bed and breakfast inn.
3. Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests of the inn.
4. The dwelling unit in which the bed and breakfast establishment is located shall be the principal residence of the operator, and such operator shall live on the premises while the establishment is active. In the case of multiple ownership, at least one owner shall occupy the premises while the establishment is active.
5. No guest of the bed and breakfast inn shall be permitted to reside on the premises for more than 30 consecutive days.
6. Any dwelling or structure proposed as a bed and breakfast inn must possess some historical or architectural significance that makes it a unique location for such an establishment. The exterior appearance of the bed and breakfast shall not be changed from its single-family or historic character.
7. No more than five rooms shall be available for rent at any time.

i. Billboards and off-premise[s] signs.

1. Billboards and off-premise[s] signs shall be permitted only in the IND industrial district.
2. Billboards shall not exceed 300 square feet in area.
3. Billboards shall not exceed 20 feet in height.
4. Billboards shall be spaced a minimum of 500 feet from any on-premise[s] sign or building and 1,200 feet from any other billboard.
5. Billboards east of U.S. 23 and west of Fenway Drive shall be located no further than 200 feet and no closer than 100 feet from U.S. 23.
6. Billboards shall be set back at least 100 feet from any property line or any other public right-of way.

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7. Billboards shall be set back at least 500 feet from the property lines of any public park, playground, school, residential district, religious institution, or other areas of public assembly as determined by the planning commission.
8. Billboards shall not be permitted adjacent to or within 500 feet of an interchange or an intersection. The distance shall be measured from the point of beginning or ending of pavement widening at the exit from, or entrance to, the main traveled way.
9. Each face shall exhibit no more than two pictorials and/or two written messages about one use, product, service, goods, event, or facility located on other premises. No face of a sign shall be so designed as to give the impression of more than two (2) signs.
10. Any off-premise[s] sign not in use for advertising purposes shall have unused surfaces kept uniformly white in color overall. However, the owner of the sign shall be permitted to place a phone number on it to which inquiries for advertisement may be directed.
11. All billboards and off-premise[s] signs shall obtain a sign permit to confirm compliance with Article XXII, Signs.
12. Billboards shall comply with all applicable requirements and conditions to P.A. 106 of 1972, as amended, the "Highway Advertising Act of 1972". All signs prohibited by the Highway Advertising Act of 1972 are also prohibited by the City of Fenton.

j. Churches, temples, and similar places of worship or public assembly.

1. Buildings of greater than the maximum height allowed in Article XV, Schedule of Regulations, may be allowed provided front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed. The building height cannot exceed 35 feet.
2. All principal and accessory buildings shall be set back a minimum of 100 feet from any single family residential use. Parking shall be set back a minimum of 50 feet from any single-family residential use.
3. Vehicle access to the site shall be provided from a street classified as a "major street" or collector street on the city's Act 51 map.
4. The planning commission may require an operations plan and/or parking generation studies to determine parking needs.
5. All churches, temples, and similar places of worship or public assembly in existence at the time of adoption of this chapter shall be considered conforming, but must meet the standards of this chapter for any expansions.

k. Commercial parking lots.

1. A commercial parking lot may be permitted as an expansion of an existing parking lot or new construction that is abutting a principal permitted or special land use.
2. The applicant must demonstrate that there is an on-site parking shortage that cannot be economically resolved without expanding onto an abutting lot.
3. All access to the lot shall be provided from the commercial property and/or the street on which the commercial use fronts; not onto a residential (local) street.

l. Drive-through window facilities for banks, restaurants or other permitted uses.

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1. Sufficient stacking capacity in accordance with Article XIX, Off-Street Parking and Loading Standards, for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way.
2. A bypass lane shall be provided around the stocking [stacking] spaces.
3. In addition to parking space requirements, at least three parking spaces shall be provided in close proximity to the exit of the drive-through portion of the operation to allow for customers waiting for delivery of orders.
4. Only one ingress/egress driveway shall be permitted on any single street. If the use is located on a corner lot access to the drive-through facility shall be only from the street which carries the least amount of daily traffic at the time the application is approved, except that such access from any other street may be shared with an adjoining property.
5. The planning commission may require direct vehicular access connections with adjacent commercial developments where feasible.
6. Access driveways shall be located no less than 100 feet from the centerline of the intersection of any street or 75 feet from the centerline of any other driveway.
7. Reserved.
8. Overhead canopies shall be setback at least 20 feet from the right-of-way and constructed of materials consistent with the principal building. The proposed clearance of any canopy shall be noted on the site plan. The canopy shall be no higher than the principal building.
9. Outdoor speakers for the drive through facility shall be located in a way that minimizes sound transmission toward neighboring property and uses.

m. *Essential public service buildings and structures.*

1. Such facilities shall not be located closer than 150 feet from any lot occupied by a residential use or located in a residential district.
2. Electric or gas regulator equipment and apparatus shall be set back a minimum of 50 feet from any public right-of-way and 30 feet from all other lot lines.
3. An open-air fence six feet in height shall be constructed for security purposes as determined by the planning commission.

n. *Extractive uses (commercial mining of sand, gravel, stone, and similar materials).*

1. Extractive operations reasonably related to site development for building foundations, parking lot grading and preparation, grading for approved detention or retention ponds, and/or intended to accommodate swimming pools, in accordance [with] Article II, General Provisions and Article XVI, Site Plan Review and as determined by the building official/zoning administrator, shall not require a special land use approval.
2. All extractive uses shall be established and maintained in accordance with all applicable State of Michigan statutes.
3. The applicant shall submit a written statement describing:
 - (a) Equipment to be used and the process involved including hauling capacity, noise ratings, and size.
 - (b) Planned travel routes for haulers.