ORDINANCE NO. 2025-\_\_\_\_

AN ORDINANCE TO AMEND IN PART AN ORDINACE ENTITLED “FREDONIA TOWNSHIP ZONING ORDIANCE” WHICH WAS ADOPETED DECEMBER 19, 2022, AS AMENDED, TO AMEND DEFINITIONS IN SECTION 18.2 TITLED LOT COVERAGE AND SETBACK AND TO ADD ARTICLE 12 CREATING REGULATIONS FOR A NEW ZONING DISTIRCT TITILED LAKE RESIDENTIAL DISTRICT, AND TO NEW SECTION TITLED DECK STANDARDS.

FREDONIA TOWNSHIP, CALHOUN COUNTY, MICHIGAN, ORDAINS:

**Section 1: Definitions to be amended in section 18.2**

The following definitions shall be amended in section 18.2 of the Township zoning ordinance.

***Lot Coverage****:* The part or percent of the lot occupied by buildings or structures including accessory buildings or structures, and areas of impervious surface (i.e. concrete or asphalt driveways, patios, pathways, etc.)

***Setback***: The minimum horizontal distance between the street, rear or side lines of the lot and the front, rear, or side lines of the building measured at the eves/ overhang. When two (2) or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining offsets.

***Average Established Setback***means a line drawn across the subject property connecting the parts of the adjacent neighboring primary structures that are closest to the water. If a neighboring lot does not have a primary structure, the line shall connect to the edge of the allowed building area (building envelope) on that lot that is closest to both the water and the subject property.

This line sets the minimum distance a new primary structure must be from the water, unless a greater setback is required by this ordinance.

**Section 2: Add a new article titled “Lake Residential District”**

Article 12 shall be created to add a new zoning district to the Zoning Ordinance and shall read as follows:

ARTICLE 12 LR – LAKE RESIDENTIAL DISTRICT

SECTION 12.1 Purpose and Intent

The purpose of this District is to clarify and separate that area that no longer reflects Low Density zoning. This District will continue to support single family dwellings and promote an overall sense of the neighborhood.

SECTION 12.2 Permitted Uses

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

1. Single family dwellings and any use, building, or structure accessory, thereto including Roof or Building Mounted Private Solar Energy Systems pursuant to Section 10A.02.
2. A sign, only in accordance with the regulations specified in Article 8.
3. Family childcare home.
4. State licensed residential facility.
5. A facility in use as described in section 3(4)(k) of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703 (provided, however, that this is not intended to permit adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions).
6. Churches and/or schools, subject to the following conditions:
	1. The minimum lot area shall be two (2) acres, the minimum lot width shall be three hundred (300) feet and the minimum side yard setback shall be no less than fifty (50) feet.
	2. No parking or drive aisles shall be located within the side or rear yard setback areas and screening shall be provided between any parking lot or drive aisle and any adjoining residence within one hundred (100) feet.
	3. Hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m. Monday through Sunday.
7. Private Solar Energy System BIVPs pursuant to Section 10.26.B.2.

SECTION 12.3 Conditional Uses

The following buildings and structures and use of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a conditional use permit as provided in Article 10:

1. Community facilities.
2. Home occupation.
3. A planned unit residential development (PURD) only in accordance with the procedures and regulations specified in Article 10.
4. Essential Service Buildings.
5. A group childcare home if the group childcare home meets all of the following standards:
	1. Is located not closer than 1,500 feet to any of the following:
		1. Another licensed group childcare home.
		2. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
		3. A facility offering substance use disorder services to 7 or more people that is licensed under part 62 of the public health code, 1978 PA 368, MCL 333.6230 to 333.6251.
		4. A community correction center, resident home, halfway house, or other similar facility that houses an inmate population under the jurisdiction of the department of corrections.
	2. Has appropriate fencing for the safety of the children in the group childcare home as determined by the township board.
	3. Maintains the property consistent with the visible characteristics of the neighborhood.
	4. Does not exceed 16 hours of operation during a 24-hour period. The township board may limit but not prohibit the operation of a group childcare home between the hours of 10 p.m. and 6 a.m.
	5. Meets regulations, if any, governing signs used by a group childcare home to identify itself.
	6. Meets regulations, if any, requiring a group childcare home operator to provide off-street parking accommodations for his or her employees.

SECTION 12.4 Regulations and Development Standards

1. *Minimum Lot area:* Nine thousand (9,000) square feet.
2. *Minimum Lot Width:* The lot width shall be fifty (50) feet.
3. *Maximum Lot Coverage:* The maximum lot coverage shall not exceed fifty percent (50%).
4. *Minimum Floor Area:* The minimum first floor area shall not be less than seven hundred twenty (720) square feet. The minimum first floor area for a two (2) story dwelling is five hundred fifty (550) square feet.
5. *Setbacks*: The following shall apply to every lot, building or structure except for deck as provided in section 6.19:
	1. *Roadside yard:* Shall be no closer than 20 feet from the right of way line, as verified by the Calhoun County Road Commission, if necessary.
	2. *Side Yards*: Both side yards shall be no less than ten (10) feet in width. However, for lots of record established prior to the effective date of this ordinance, the required side yard setbacks shall conform to the requirements specified in the table below, based on the width of the lot on which the structure is located*.*

|  |  |
| --- | --- |
| Sigle and Combined Side Yard Setback | Lot Width |
| Less than 35’ | 35’-39’ | 40’ - 45’ | Greater than 45’ |
| Minimum Setback | 4’ | 4’ | 4’ | 4’ |
| Min. Combined Setback | 10’ | 11’ | 12’ | 13’ |

* 1. *Waterfront yards:* No less than Fifty (50) feet or average established setback and no closer than twenty-five (25) feet from the water’s edge and shall comply with the viewshed area standards.
	2. *Viewshed area standards:* Measuring along the subject property lines to the required setback and creating an angle of 30 degrees into the subject property. The following is not permitted to be established in the viewshed area:

**Lake**

Credit: Robert Hawley

**Waterfront Setback**

**Roadside Setback**

**Side yard Setback**

**Side yard Setback**

**Road Right of Way**

**Viewshed**

**Viewshed**

* + 1. One (1) or more plantings of evergreen trees, or screening vegetation, and fences of any kind.
		2. Any new or modified permanent or temporary structures excluding patios or decks less than 6 inches.
1. *Height:*
	1. For buildings and structures: No building and no structure shall exceed a height of two and one half (2 1/2) stories or thirty-five (35) feet.
	2. For detached accessory buildings: No detached accessory building shall exceed a height of twenty-five (25) feet.
2. *Off Street Parking*: As required in Article 9.
3. *Deck Standards*: As required in Section 6.19.

**Section 3. Add new section titled “Deck Standards”**

Section 6.19 shall be created to consider decks when sited with residential use, and shall read as follows:

Section 6.19 Deck Standards

This section shall apply to all residential uses or districts within the township.

1. Project Applicability: Any new or modified deck shall meet the standards of this section.
2. Types: the following types of structures shall be permitted
	1. Standards Deck (between 6” and 29” off the ground)
	2. Elevated Deck (over 29” off the ground)
3. *Relationship*: The use of the deck shall be related to primary residential use of the lot and shall not be installed or built prior to the construction of a primary residential structure.
4. *Location*:
	1. Roadside Yard Envelope: Standard decks shall be permitted in the front yard envelope. Elevated decks shall not be permitted in the front yard envelope.
	2. Waterfront and Side Yard Envelope: Standard decks and elevated decks shall be permitted in the side yard envelope and rear yard envelope.
5. *Quantity and Size:*
	1. Maximum Number: There is no limit on the number of decks.
	2. Maximum Size:
		1. Front Yard Envelope: Seventy-five (75) square feet when in the front yard envelope.
		2. Rear and Side Yard Envelope: There is no limit on deck sizes in rear yard envelopes and side yard envelopes; except as restricted by other sections of the Zoning Ordinance (e.g. setbacks and maximum lot coverage).
6. *Setback Exceptions*:
	1. Standard Deck: A standard deck and stairs to said deck shall be permitted to extend into a required side yard setback or rear yard setback by up to ten (10) feet. However, a standard deck shall not be closer than five (5) feet to a side property line or rear property line.
	2. Elevated Deck:
		1. Side Yard: An elevated deck and stairs to said elevated deck shall be permitted to extend into a required side yard setback by up to five (5) feet.
		2. Rear Yard: An elevated deck and stairs to said elevated deck shall be permitted to extend into a required rear yard setback by up to ten (10) feet. However, an elevated deck shall not be closer than ten (10) feet to a rear property line.
		3. Waterfront
		4. Yard: An elevated deck and stairs to said elevated deck shall be permitted to extend into a required lake yard setback by up to four (4) feet.
		5. Elevated Deck Lake Yard Setback Limitation: Under no circumstances shall an elevated deck, stairs to said elevated deck, or related part of an elevated deck structure be closer than twenty-five (25) feet to the lake edge.

**Section 5. Publication and Effective Date:** The Township Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

**Section 6. Conflicting Ordinances:** All other ordinances and parts of ordinances, or amendments thereto, of Fredonia Township in conflict with the provisions of this ordinance are hereby repealed.

**Section 7. Recodification:** That the Ordinance is hereby amended to recodify the numbering of articles and sections to conform to a standard or model codification scheme established by the Ordinance.

**Section 8. Effective Date:** This ordinance amendment shall take place on the eighth day following the publication of this amendment. (MCL125.3401(6))

YEAS:

NAYS:

ABSENT/ ABSTAIN:

The Ordinance was declared Adopted/ Denied.

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Doug Damion, Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an ordinance adopted by the Fredonia Township Board at a duly scheduled and notice meeting of the township board held on (DATE), pursuant to the required statutory procedures.
2. A summary of the above ordinance was duly published in the (PAPER NAME), a newspaper that circulates within Fredonia Township, on (DATE).
3. Within 1 week after such publication, I recorded the above ordinance in a book of ordinance kept by me for the at purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.

ATTESTED:

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Cathy Combs, Fredonia Township