

## Chapter 150. Zoning

### Article III. District Regulations

#### § 150-10. Residential-A District (R-A).

Those areas designated on the Town of Fenton Zoning Map as "Residential-A Districts" shall be used and improved only as permitted by this section.

A. Permitted uses shall be as follows:

- (1) One- and two-family dwellings, including factory manufactured homes (modular homes).  
[Amended 6-4-2014 by L.L. No. 5-2014]
- (2) Places of religious worship, parish houses and convents, subject to the provisions of § **150-47** of this chapter.
- (3) Public schools, subject to the provisions of § **150-47** of this chapter.  
[Amended 11-18-2008 by L.L. No. 6-2008]
- (3.1) Private schools, but only upon the issuance of a special permit by the Town Board of the Town of Fenton, which special permit may be denied upon a finding by the Town Board that the issuance of such a special permit may be detrimental to the health, welfare or safety of Town residents, taking into account the nature of the proposed use and the current state of development of private schools within the Residential-A and Residential-B Zoning Districts. Upon the granting of such a special permit, further development shall be subject to the provisions of § **150-47** of this chapter.  
[Added 11-18-2008 by L.L. No. 6-2008]
- (4) Public parks and recreation areas not conducted for profit.
- (5) Temporary structures incidental to the development of land or the erection of a permanent structure.
- (6) Electrical distribution substations and other public utility structures, subject to the provisions of § **150-47** of this chapter.
- (7) Any accessory use or building customarily incidental to a permitted use when located on the same lot; and further provided that no garage or storage building shall be permitted, whether or not attached to the principal structure, incorporating a door of more than 10 feet in height or containing a first floor area in excess of 1,200 square feet, except upon compliance with provisions of § 150-47A of this chapter.  
[Amended 5-3-1989 by L.L. No. 4-1989; 7-1-1992 by L.L. No. 2-1992; 5-11-2016 by L.L. No. 4-2016]
- (8) Home occupations and offices for the practice of licensed professions, except veterinary medicine, provided that:
  - (a) No such use shall occupy more than one-half (1/2) of the gross floor area of one floor of the principal building.

- (b) No outdoor evidence of any such occupation shall be evident, except one unlighted announcement or professional sign not exceeding two square feet in area.
  - (c) The person owning the business lives on the premises.
  - (d) Not more than two other persons, whether professional or other persons, are employed therein.
  - (e) Off-street parking is provided, as prescribed by § **150-38** of this chapter.
- (9) Nursing and convalescent homes, subject to the provisions of § **150-47** of this chapter.
- (9.1) Elderly housing, subject to the provisions of § **150-47** of this chapter.  
[Added 11-18-2008 by L.L. No. 6-2008]
- (10) An accessory building designated for storage of commercial vehicles, but only upon compliance with and subject to the restrictions of § **150-47A** and **I** of this chapter.  
[Added 7-1-1992 by L.L. No. 2-1992]
- B.** Lot limitations and yard requirements shall be as follows:
- (1) Minimum lot area:
    - (a) If served by public sanitary sewer: 8,000 square feet.
    - (b) If not served by public sanitary sewer: one acre, in which case the provisions of § 150-47 shall not apply. For lots smaller than one acre in size, the provisions of § **150-47** shall apply.  
[Amended 5-11-2016 by L.L. No. 4-2016]
  - (2) Minimum lot frontage shall be 70 feet, or 70 feet measured at the front building line, provided that such lot has a minimum width of 50 feet at the front lot line.
  - (3) Minimum lot depth in feet:
    - (a) If served by public sanitary sewers: 110 feet.
    - (b) If not served by public sanitary sewers: 150 feet.
  - (4) Maximum percentage of lot coverage:
    - (a) Principal building, dwelling: 30%.
    - (b) Principal building, other than a dwelling: 50%.
    - (c) Accessory building: 10%.
  - (5) Minimum distance from the lot line to principal building lines:
    - (a) Front yard: 35 feet or the average distance of lawfully located dwellings within 150 feet of the subject property on the same street, whichever is less.
    - (b) Side yard:
      - [1] Dwelling: eight feet.
      - [2] Principal building permitted in Subsections **A(2)**, **(3)** and **(6)** of this section: 20 feet.
      - [3] Corner lot side yard: the same distance from the street as required for the front yard.
    - (c) Rear yard: 25 feet.
    - (d) Front, side and rear yards. For each one foot that a permitted building exceeds 35 feet in height, the depth of front, side and rear yards shall be increased by one foot (see maximum height limitations of Subsection **C** of this section).

- (6) Minimum distance from accessory building to:
  - (a) Principal building: 10 feet.
  - (b) Front lot line: 35 feet.
  - (c) Side lot line: five feet, except that on a corner lot, the side yard adjacent to the street shall be not less than the depth required for a front yard on that street.
  - (d) Rear lot line: five feet.

C. Building height limitations shall be as follows:

- (1) Principal building:
  - (a) Dwelling: 35 feet.
  - (b) Principal building, other than dwelling: 45 feet.
- (2) Accessory building: 32 feet.  
[Amended 5-11-2016 by L.L. No. 4-2016]

D. Off-street parking and loading requirements are as follows (see § 150-38, off-street parking and loading).

(1) Parking.

<b>Use</b>	<b>Spaces required</b>
One- and two-family dwellings	1 for each dwelling unit
Churches or places of worship	1 for each 10 seats in sanctuary
Schools	2 for each 3 full-time employees on premises at 1 time
Nursing and convalescent homes	1 for each bed
Professional offices and home occupations	3 for each person employed therein

(2) Off-street loading areas.

<b>Use</b>	<b>Loading Area Required</b>
School, nursing or convalescent home	1 for each building

E. Replacement of accessory buildings. Area requirements may be waived in connection with the replacement of accessory buildings, under certain circumstances, when such buildings are destroyed by natural disasters, fires, and similar occurrences as determined by the Building Inspector. Under such circumstances the Building Inspector may, in his discretion, waive applicable area requirements, provided that the replacement structure has the same footprint and height, and is similar or superior aesthetically, to the building to be replaced. Any such waiver shall be memorialized in writing and maintained in the Building Inspector's file pertaining to the property and construction.

[Added 2-3-2021 by L.L. No. 2-2021]