

**CHARTER TOWNSHIP OF FENTON**

**Ordinance No. 661**

**Adopted: June 19, 2006**

An ordinance to amend ordinance No. 594 of the Township of Fenton, commonly known as the Fenton Township Zoning Ordinance, to change the zoning of certain parcels of land, 06-03-300-003 & 06-10-100-018 owned by Crystal Creek Estates, LLC from AG, Agriculture and/or RMH, Residential Mobile Home, R-3, Single Family Residential & C-2, General Business to PUD, Planned Unit Development and to amend the Township Zoning Map to reflect the zoning change.

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

After public hearing and publication of notice thereof as required by the statutes of the State of Michigan, Section 3.02 A of the Fenton Township Zoning Ordinance (Ordinance No. 594) is hereby amended as follows:

SECTION 3.02 A

06-03-300-003

W 1/2 OF SW 1/4 EXCEPT E 125 FT OF N 200 FT AND ALL THAT PART OF SE 1/4 OF SW 1/4 SEC 3 AND E 1/2 OF NW 1/4 SEC 10 LYING WLY OF A LINE DESCRIBED AS BEG S 89 DEG 34 MIN 47 SEC E 2388.24 FT FROM W 1/4 COR OF SEC TH S 0 DEG 43 MIN 17 SEC E 1763.28 FT TH N 89 DEG 46 MIN E 5 FT TH S 0 DEG 43 MIN 17 SEC E 1989.28 FT TH ON CURVE TO LEFT CHORD S 8 DEG 42 MIN 03 SEC E 1910.75 FT AND POINT OF ENDING SEC 3 AND 10 T5N R6E

06-10-100-018

A PARCEL OF LAND BEG S 1 DEG 25 MIN 30 SEC E 2453 FT FROM NW COR OF SEC TH N 89 DEG 17 MIN E 475.48 FT TH N 1 DEG 37 MIN 08 SEC W 165 FT TH N 89 DEG 17 MIN E 865 FT TH S 1 DEG 36 MIN 57 SEC E 389.97 FT TH S 89 DEG 17 MIN W 1341.23 FT TH N 1 DG 25 MIN 30 SEC W 224.95 FT TO PL OF BEG SEC 10 T5N R6E (05) 10.2 A FR 06-10-100-015/016

The Township Zoning Map is hereby amended to reflect the change in zoning from AG and/or RMH, R-3 and C-2 to PUD with the following conditions:

For the area to be developed as commercial:

1. Permitted principle & accessory uses shall be restricted to the uses allowed in the C-2, General Business zoning district.
2. The maximum height of buildings without a residential component shall not exceed 40 feet.
3. The maximum height of buildings with a residential component shall not exceed 29 feet, unless the method for fire protection is reviewed and approved by the Fire Department, in which case height may exceed 29 feet but shall not exceed 40 feet.
4. Minimum set backs shall be established at the time of site plan review & approval.
5. The architectural design of the buildings and streetscape shall conform to the concept rendering submitted as part of this PUD.

For the area to be developed as an assisted living facility:

6. Permitted principle uses shall be restricted to an assisted living facility.
7. The maximum building height shall not exceed 29 feet, unless the method for fire protection is reviewed and approved by the Fire Department, in which case height may exceed 29 feet but shall not exceed 40 feet.

8. Minimum set backs shall be established at the time of site plan review & approval.
9. Number of beds shall not exceed 100.
10. The architectural design of the facility shall conform to the concept rendering submitted as part of this PUD.

For the areas developed as single family detached dwelling units:

11. Permitted principle uses shall be restricted to Single Family Residential – Detached
12. Permitted accessory uses shall be restricted to those permitted in the R-3 zoning district.
13. The maximum building height shall not exceed 29 feet.
14. Maximum coverage of lots by all buildings shall not exceed 30%
15. The maximum number of units shall not exceed 194.
16. The minimum floor area for each unit shall be 1,250 square feet.
17. The minimum lot size for each unit shall be 10,800 square feet.
18. The minimum lot width for each unit shall be 90 feet.
19. Minimum set backs for each unit shall be as follows:
  - a. front yard 30 feet
  - b. side yard 10 feet
  - c. rear yard 35 feet
20. The architectural design of the buildings shall conform to the concept rendering submitted as part of this PUD.

For the areas developed as single family attached dwelling units:

21. Permitted principle uses shall be restricted to Single Family Residential – Attached
22. Permitted accessory uses shall be restricted to those permitted in the R-6 zoning district.
23. The maximum building height shall not exceed 29 feet.
24. Maximum coverage of lots by all buildings shall not exceed 30%
25. The maximum number of units shall not exceed 136.
26. The minimum floor area for each unit shall be 1,000 square feet for the center units and 1,250 square feet for the exterior units.
27. Minimum set backs for each building shall be as follows:
  - a. front 25
  - b. set back between buildings 15
  - c. rear yard 25
28. The architectural design of the buildings shall conform to the concept rendering submitted as part of this PUD.
29. Adequate drainage shall be provided to address the existing drainage problems along Jennings and to the south of this site per a plan approved by the Genesee County Drain Commissioners Office.
30. A buffer screen approved by the Planning Commission shall be provided between the commercial property and the single family attached dwelling units and along the property lines that abut the existing adjacent properties along Jennings Road with the exception of the areas that are naturally heavily wooded and will remain undisturbed.
31. The developer shall construct a type I well and provide the ability for adjacent property owners to tap into the well should they choose.
32. Commensurate with the effective date of this rezoning ordinance, the Consent Judgment, which currently dictates the nature of any future development on the subject property shall be either amended by both parties to permit the development of the property in accordance with the provisions of this ordinance or, in the alternative, said Consent Judgment shall be set aside by the parties, and the related case shall be dismissed with prejudice.

33. The developer of the PUD project shall pay to Fenton Township the total cost of any necessary upgrades to the sanitary sewer system, as determined by the Township.
34. The developer shall construct the sanitary sewer infrastructure along Jennings Road, from Thompson Road to Lahring Road in such a manner to allow adjacent property owners on both sides of Jennings Road to connect to it.
35. The Planning Commission & Township Board will evaluate this request in 5 years and may initiate a rezoning of the property if the developer has not demonstrated that suitable, continual progress has been made to develop the property consistent with this ordinance.
36. This amendatory ordinance shall not become effective until twenty-one (21) days after the Consent Judgment affecting the subject property, (approved 12/20/02; Circuit Court Case No. 01-71444-CZ), is amended to permit rezoning of the property.

This amendatory ordinance is hereby declared to have been enacted by the Fenton Township Board of Trustees at a regular meeting thereof held on the 19th day of June 2006 and is ordered to be given publication in the manner prescribed by law. It shall become effective seven (7) days after adoption and publication.

**Bonnie K. Mathis, Supervisor**

**Robert E. Krug, Clerk**