

**CHARTER TOWNSHIP OF FENTON**  
**Ordinance No. 677**  
**Adopted: April 16, 2007**

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, 06-01-300-003, 06-01-300-035, 06-01-300-036, 06-01-400-011 and part of parcel 06-01-400-019 from AG, Agriculture, and 06-01-400-015, 06-01-400-018 and part of parcel 06-01-400-021 from R-3 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

A PART OF THE SOUTH HALF OF SECTION 1, T5N-R6E, FENTON TOWNSHIP, GENESEE COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION; THENCE ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION S89°41'47"E, 2017.41 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID QUARTER LINE, S89°41'47"E, 154.52 FEET; THENCE S00°31'19"E, 246.90 FEET; THENCE S88°45'56"E, 541.14 FEET; THENCE N00°03'05"W, 255.62 FEET TO THE CENTER OF SAID SECTION; THENCE CONTINUING ALONG SAID QUARTER LINE, S89°18'38"E, 666.63 FEET TO A POINT ON THE CENTERLINE OF FENTON ROAD; THENCE ALONG SAID CENTERLINE, S00°01'17"E, 666.13 FEET; THENCE N89°12'34"W, 666.30 FEET; THENCE S00°07'34"E, 121.47 FEET; THENCE S89°24'53"E, 666.05 FEET TO A POINT ON SAID CENTERLINE; THENCE ALONG SAID CENTERLINE, S00°01'17"E, 258.00 FEET; THENCE N89°25'38"W, 340.85 FEET; THENCE S00°01'17"E, 512.97 FEET; THENCE S89°49'01"E, 340.83 FEET TO A POINT ON SAID CENTERLINE; THENCE ALONG SAID CENTERLINE, S00°01'17"E, 497.59 FEET; THENCE N89°08'58"W, 667.11 FEET; THENCE S00°27'00"E, 677.90 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION; THENCE ALONG THE SOUTH LINE OF SAID SECTION, N88°21'19"W, 1691.95 FEET; THENCE N00°02'22"W, 2299.62 FEET TO A POINT ON THE CENTERLINE OF WIGGINS ROAD; THENCE ALONG SAID CENTERLINE OF WIGGINS ROAD, N52°59'11"E, 413.02 FEET; THENCE S00°02'22"E, 302.12 FEET; THENCE S89°41'47"E, 660.00 FEET; THENCE N00°02'22"W, 440.00 FEET TO THE POINT OF BEGINNING, CONTAINING 118.65 ACRES OF LAND, MORE OR LESS.

The Township Zoning Map is hereby amended to reflect the change in zoning from AG & R-3 to PUD with the following conditions:

1. The Permitted principal uses in the PUD District shall be restricted to the following:
  - a. Single Family Residential: developed either as a platted subdivision or a site condominium on individual lots ("Single Family Units");
  - b. Single Family Detached Condominiums: developed as conventional condominiums but without any shared walls or other interior building space as limited common elements ("Condo Units"); and
  - c. Office Service.
2. Accessory Uses: shall be restricted to those permitted in the R-3 and OS zoning districts.
3. Density: The overall density of the development shall be limited to 1.7 units per net acre. Net acre is defined as gross acres excluding wetlands, which have been initially calculated to include 23.08 acres of regulated wetlands with the possible addition of 1.9 acres of regulated wetland located near Thompson Road. BVM shall obtain a determination from the MDEQ on the regulated wetlands prior to application for preliminary site plan approval; however, any difference between the parties' existing delineation and calculation of the area of existing wetlands and any future MDEQ wetland delineation and/or calculation thereof shall not affect the Developer's right to build a total of 144 residential units on the property.
  - a. If the MDEQ determines that the 1.9 acre area is a regulated wetland and the Developer applies for a wetland permit to fill or otherwise disturb the area, the Township will not object to the developer mitigating the area offsite.
  - b. Even if the 1.9 acres are regulated wetlands, the Developer may build a total of 144 residential units.
  - c. The Developer may construct no more than 58 Detached Condo Units.
  - d. A minimum of 20 acres of the total gross area (excluding regulated wetlands) as identified on the PUD Concept Plan (a reduced-size copy of which is attached as **Exhibit A**) shall remain as dedicated undeveloped land, open space, landscape buffer, scenic vista, or woodland preservation but such areas need not necessarily satisfy the definition of "open space" as defined by Section 3.27 of the Township's Zoning Ordinance.
4. Development Regulations for Single Family Lots:
  - a. The minimum lot size shall be 12,000 square feet.
  - b. The maximum building height shall be 29 feet measured as provided in the Zoning Ordinance.
  - c. The maximum coverage of lots by all buildings shall not exceed 30%.
  - d. Minimum setbacks shall be as follows:
    - (1) Front yard - 30 feet
    - (2) Side yard -10 feet
    - (3) Rear yard -35 feet
  - e. Minimum Floor Area per dwelling unit will be between 1800 and 3000 square feet.
  - f. The homes shall be a mixture of single story, 1½ story or two story structures. This restriction will not prohibit the construction of a two story house with a walk-out lower level if the grade of the site permits.

- g. Each home shall have an attached two-car garage.
  - h. The width of the single family lots will include 27 lots 100 feet in width, 14 lots 90 feet in width, and 45 lots 80 feet in width. No lot shall be less than 80 feet in width.
  - i. The Developer will offer a choice of traditional and craftsman style architecture for the single family units.
  - j. All roads within the single family lot portion of the development shall be constructed in compliance with the requirements of the Private Roads standards as stated in 4.23 of Article 4 (General Provisions) of the Zoning Ordinance.
5. Condo Units: The development regulations applicable to the condo units are as follows:
- a. Minimum Floor Area per Condo Unit shall range from 1,300 to 1,800 square feet.
  - b. There will be a mixture of single story and 1½ story units.
  - c. Each Condo unit shall have an attached two-car garage.
  - d. The streets in the Condo portion of the development may be constructed with a right-of-way width of 50 feet, may be private and shall be constructed in compliance with the requirements of the Private Roads standards as stated in 4.23 of Article 4 (General Provisions) of the Zoning Ordinance.
  - e. Minimum setbacks shall be as follows:
    - (1) Front yard - 35 feet (measured from the back of the curb) or 20 feet from the road right-of-way
    - (2) Minimum distances between structures - 12 feet
    - (3) Rear yard - 20 feet
  - f. The maximum building height shall be 29 feet measured as provided in the Zoning Ordinance.
6. Office Building:
- a. The Developer may construct 54,000 square feet of office building space consistent with the Township's OS zoning ordinance. The applicant's conceptual plan depicts 5 office buildings on the office area of the site.
  - b. The office building will be constructed in the northeast corner of the site and the area that will be dedicated for OS uses shall not exceed 10 acres.
  - c. The minimum setbacks for the OS area are as follows:
    - (1) Front yard – 25 feet
    - (2) Side yard - 30 feet
    - (3) Rear yard - 20 feet.
  - d. Parking for the Office Service area shall be in the rear of the buildings. Parking needs for off-street parking shall be calculated in accordance with the requirements of the Zoning Ordinance.
7. Utilities:
- a. The Developer may provide water to the units either by individual wells, a community well system or public water, if it becomes available. If the Developer chooses to seek approval for the construction of a community well, the well, including its isolation zone, cannot be constructed in any area

designated for dedicated undeveloped land or open space on the conceptual and final site plans for the development.

- b. The Developer shall be required to submit all required documentation to Genesee County for the review and approval of stormwater improvements, and pay all costs for the improvements.
- c. The Developer shall be required to submit all required documentation to the Genesee County Drain Commissioner for the review and approval of any improvements required to the portion of the Dawe Drain located on the Developer's property, and to pay all costs for such improvements.
- d. The Developer shall provide public sanitary sewer to the development, including all buildings on the property. The Developer shall be required to reimburse the Township for all costs associated with any upgrades to the Butcher Road Pump Station that are necessary to accommodate the Developer's development, as determined by the Township. For any sanitary sewer pump stations installed by the Developer, the Developer shall be required to install a backup, natural gas generator which shall meet all Township specifications. Upon approval of the Developer's sanitary sewer system by the County and the Township, the sewer system installed on the Developer's property shall be dedicated to the Township. The Developer shall be required to post a bond for 2 years regarding the sewer improvements. The Developer must obtain approval for the sewer from the Township, Genesee County, and the MDEQ.

8. Storm Water:

- a. The storm water management system for this project shall be designed to detain and release water for this project and Phases I and II of Springfield Hills PUD at no more than the agricultural rate. The Developer shall not be required to design a storm water management system to accommodate any storm water from Phase III of Springfield Hills PUD which phase has not yet been constructed.
- b. The Developer shall be required to submit all required documentation to Genesee County for the review and approval of the storm water improvements and pay all costs for the improvements.

- 1. There is an existing approximate 2-acre pine grove on the property. The pine grove shall be left in a natural state.

10. Timing for completion of Development:

- a. The Developer shall have 5 years from the date of final PUD approval to obtain preliminary site plan approval of the PUD conceptual plan under the procedures contained in the Zoning Ordinance;
- b. The Developer shall have 2 years after getting preliminary site plan approval to apply for final site plan approval. The two year period following preliminary site plan approval will begin to run from the date of approval, even if it occurs before the expiration of 5 years,
- c. Following final site plan approval, the Developer shall have two years to obtain building permits for the construction of the houses;

- d. The Developer may obtain permits to make infrastructure improvements, if and as permitted under applicable Township ordinance between preliminary and final site plan approval.
  - e. The Developer will have no right to seek extensions of the time frames outlined above, but the Township may at its sole discretion entertain and grant a request for an extension. The Developer agrees however that it has no entitlement to an extension and the Township will have no obligation to grant an extension.
  - f. The Developer understands that the Township may initiate the rezoning of the property to a reasonable classification or the original classification if the Developer does not meet the specified time frames in this PUD ordinance and has not made significant improvements to the property before expiration of the time frame for development.
11. If there are any conflicts between this ordinance and the Zoning Ordinance, this ordinance shall govern. If an item is not specifically addressed in this ordinance, then the terms and requirements of the Zoning Ordinance shall govern.
12. The Fire Chief shall review and approve the road layout, street names, and the 12 foot minimum distance between structures for the Condo Units.
13. Commensurate with the effective date of this rezoning ordinance, all pending litigation brought against the Charter Township of Fenton and Springfield Hills Condominium Association by BVM Development, LLC shall be dismissed with prejudice and without costs to all parties.

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 16th day of April 2007 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**

