

CHARTER TOWNSHIP OF FENTON

Ordinance No. 649

Adopted: September 19, 2005

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 a certain parcels of land, 06-27-100-004 & 06-27-100-015 from C-2, General Business to PUD, Planned Unit Development, property is owned by Nancy Carol Croasdell 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

Beginning at the SW cor of Supervisors plat of Ponemah Beach, a subdivision of part of the E ½ of the NW ¼ of Sec 27 an part of the SE ¼ of the SE ¼ and the SW ¼ if the SE ¼ of Sec 22, T5N-R6E, Fenton Township, Genesee County, MI as recorded in Liber 18 of Plats, Page 25, Genesee County Records; th N 62°49'00" W 578.15 ft along the Northerly right-of-way of Grand Trunk and Western Railroad; th N 37°09'50" E 59.56 ft; th S 59°45'20" E 83.50 ft; th N 41°41'40" E 132.16 ft; th N 40°47'32" W 11.50 ft; th N 27°03'42" W 79.53 ft; th N 10°09'30" W 77.61 ft; th N 11°01'09" W 114.25 ft to Intermediate Traverse Point "B"; th cont N 11°01'09" 10+/- ft to the water's edge of Lake Ponemah; th Southeasterly 196+/- ft along said water's edge to a pt being dis N 08°15'44" W 35+/- ft from Intermediate Traverse Point "C", said Traverse Point "C" being distant S 82°06'43" E 90.04 ft and S 37°35'11" E 100.04 ft from Intermediate Traverse Point "B"; th Northeasterly 342+/- ft along said water's edge; th S 01°04'19" E 30+/- ft to Intermediate Traverse Point "D", said pt being distant N 56°44'04" E 24.70 ft, N 15°36'59" W 46.87 ft, N 38°19'57" E 104.70 ft and N 66°35'01" E 174.56 ft from Intermediate Traverse Point "C"; th continuing S 01°04'19" E 754.98 ft along the W line of said Supervisor's Plat of Ponemah Beach to the pob. Being a part of the NW ¼ of Sec 27, T5N-R6E, Fenton Township, Genesee County, MI. Containing 4.94 acres of land, more or less lying Southerly of the Intermediate Traverse Line and 0.1 acres of land, more or less lying between the Intermediate Traverse Line and the water's edge of Lake Ponemah. Subject to and together with a private easement for ingress and egress as recorded in Liber 3275, page 436 and Liber 4107, page 1, Genesee County Records, also subject to a certain Genesee County Circuit Court Order fixing the mean water level of 869 ft (above sea level) and the high water level of 870 ft (above sea level) for Lake Ponemah, Tupper Lake and Squaw Lake and recorded in Liber 1509, page 443, Genesee County Records, also subject to Michigan State Law(s) pertaining Littoral and/or Riparian Rights as set forth in the "Natural Resources and Environmental Protection Act" – Act 451 of 1994, Chapter 324 "Natural Resources and Environmental Protection" Article III – Natural Resources Management, Sub Chapter 1 "Inland Waters" (451-1994-III-1-Inland-Waters), also subject to and together with easements and restrictions of record, if any.

The Township Zoning Map is hereby amended to reflect the change in zoning from C-2 to PUD with the following conditions:

1. Boundary survey and legal description of the property shall describe the boundary of the project excluding any leased or other lands.
2. Permitted principal uses shall be restricted to the following: Attached Single Family Residential.

3. Permitted accessory uses shall be restricted to those permitted in the R-6 zoning district.
4. The maximum number of boat slips allowed for the subject parcels shall not exceed 22.
5. The boats shall be registered with the association and a copy supplied to the Township on a yearly basis.
6. The launch and gas tank(s) shall be removed.
7. Dock placement shall not interfere with navigation of watercraft on Lake Ponemah.
8. Bubblers shall be prohibited.
9. The maximum number of dwelling units to be constructed on the subject parcel shall not exceed 26.
10. The above maximum is only available if during the engineering the following set backs are met.
11. Minimum setbacks shall be as follows:

Front yard	25 feet
Side yard	15 with a minimum of 15 feet between buildings
Rear yard	30 feet
12. The maximum building height shall not exceed 29 feet.
13. The architectural design for the buildings shall be that of the cottage theme as presented with the conceptual plan.
14. The minimum floor area per dwelling unit shall comply with the requirements of the R-6 zoning district.
15. The roads within the development shall be constructed as and remain private.
16. There shall be no access to subject parcel from Silver Lake Road with the exception of an emergency ingress/egress acceptable to the Planning Commission and the Fenton Township Fire Chief.
17. Ponemah Drive shall remain closed until a building permit is issued for a structure.
18. The use of Ponemah Drive for commercial and construction traffic shall be prohibited.
19. Any improvements to Ponemah Drive by way of special assessment shall be equally shared by each unit.
20. The developer shall enter into a development agreement that is acceptable both in form and content to Fenton Township.
21. 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 Fenton Township.
22. The Planning Commission & Township Board will evaluate this request in 2 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.

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 September 2005 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