

## **PUD Ordinance - Burton Pointe #14 of 1990**

### **CASCADE CHARTER TOWNSHIP**

Ordinance #14 of 1990

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE, BEING ORDINANCE 11 OF 1988, TO ESTABLISH THE BURTON POINTE CONDOMINIUM DEVELOPMENT PROJECT

CASCADE CHARTER TOWNSHIP ORDAINS:

#### **SECTION I. AN AMENDMENT TO THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE.**

That the application received from Benchmark Developments Inc., or their assigns, (hereinafter referred to as the "Developer") for Planned Unit Development designation for the proposed Burton Pointe Condominium development (hereinafter referred to as the {"Premises"}) was recommended for approval by the Cascade Charter Township Planning Commission on September 4, 1990. The Premises is recommended for rezoning from its former zoning classification, R-1, Residential, thereby requiring this amendment to the Cascade Charter Township Zoning Ordinance (being Ordinance No. 11 of 1988), and Zoning Map to incorporate the Planning Commission's recommendation and the Cascade Township Board's action on September 10, 1990.

#### **SECTION II. LEGAL DESCRIPTION**

The legal description of the property is as follows:

##### **Parcel "A" – Phase 2**

That part of the southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 7, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: Commencing at the North  $\frac{1}{4}$  corner of said Section 7; thence S 01 55' 66" E along the North and South  $\frac{1}{4}$  line of said Section 7363.49 feet; thence N 88 26' 27" E along the North line of the Southwest  $\frac{1}{4}$  of said Northwest  $\frac{1}{4}$  50.00 feet to the Point of Beginning of this description; thence N 88 25' 27" E along said North line 358.12 feet; thence S 04 46' 00" W 1131.22 feet; thence Westerly along the Northerly line of relocated Burton Street (100 feet wide) 228.22 feet on the arc of a 686.62 foot radius curve to the left with a central angle of 19 02' 38" and a chord bearing N 86 30' 17" W 227.17 feet; thence N 01 55' 55": W along the East line of Spaulding Avenue (100 feet wide) 1104.23 feet to the point of beginning, containing 7.4551 acres.

##### **Parcel "B" – Phase 1**

That part of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 7, town 6 North, Range 10 West, Cascade Township, Kent County, Michigan described as: Commencing at the East  $\frac{1}{4}$  corner of said Section 7; thence S 87 56' 34" W along the East and West  $\frac{1}{4}$  line of said Section 1600.00 feet; thence N 01 36' 08" W along the West line of the East 1600 feet of the South  $\frac{1}{2}$  of said Northwest  $\frac{1}{4}$  50.00 feet to the Point of Beginning of this description; thence S 87 56' 34" W along the Northerly line of relocated Burton Street (100 feet wide) 136.15 feet; thence Westerly along said Northerly line 269.16 feet on the arc of a 768.51 foot wide radius curve to the right with a central angle of 20 04' 00" and a chord bearing N 82 01' 26" W 267.78 feet; thence N 71 59' 26" W along said Northerly line 120.07 feet; thence N 04 45' 00" E 1218.64 feet; thence N 88 25' 27" E along the North line of the Southwest  $\frac{1}{4}$  of said Northeast  $\frac{1}{4}$  378.07 feet; thence S 01 36' 08" E along the West line of the East 1600 feet of the South  $\frac{1}{2}$  of said Northeast  $\frac{1}{4}$  1294.72 feet to the point of beginning, containing 13.1342 acres.

### SECTION III. GENERAL PROVISIONS.

The following provisions shall hereby apply to the aforementioned Premises in addition to any other provisions so specified in the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988).

### SECTION IV. PURPOSE AND INTENT.

The Premises occupies a 20.58 acre tract of land that may be developed in two (2) phases over a period of five years. The Premises shall not contain more than 53 residential dwelling units that will be sold as individual condominiums.

The regulations contained herein are established to define the procedures necessary to insure high quality development on the Premises. Additionally, they are designed: to achieve integration of the development with adjacent land uses and the natural environment; to permit flexibility in the regulation of land development; and to encourage the provision of useful open space.

The provisions of this ordinance are not intended as a substitute for the Cascade Charter Township Zoning Ordinance and General Development Plan, nor do they in any relieve the Developer from obtaining all approvals and permits required by the Township except as provided herein. In the event that a development issue or site plan element is not addressed by this Ordinance, the specifications and requirements of the Cascade Charter Township Zoning Ordinance shall be enforced.

### SECTION V. PERMITTED USES.

For land and buildings, the permitted uses for the Premises shall be limited to single family residential units.

### SECTION VI. DESIGN STANDARDS.

The development of all permitted uses within the Premises shall conform to the following design standards.

A. Maximum Number of Residential Units - The maximum number of residential dwellings for Burton Pointe shall be limited to 53 units.

B. Maximum Height – The maximum building or structure height erected on the Premises shall not exceed thirty-five (35) feet or two and one-half (2-1/2) stories, whichever is lesser.

C. Minimum Floor Area – The minimum gross floor area for the first floor for each residential dwelling unit shall be 1,400 square feet.

D. Minimum Parking Requirements - Each residential dwelling unit shall provide 2.5 parking spaces with a minimum of two (2) enclosed off-street parking spaces per dwelling unit. The use of outside parking areas for the storage of campers, mobile homes, trailers, snowmobiles, recreation vehicles, boats, or commercial trucks is prohibited.

E. Minimum Setback and Spacing Requirements - All buildings and structures (except signs) shall adhere to the following setback requirements:

1. Front – minimum 50 feet from the property line
2. Rear – minimum 25 feet from the property line

3. Side –

a. Where abutting Consumer's Power transmission line property – minimum 10 feet.

b. all others – minimum 25 feet.

4. Between building and structures – minimum 20 feet, unless modified at site plan approval by the Planning Commission.

F. Stormwater Drainage - The Premises shall be designed to maintain stormwater drainage at predevelopment rates. All proposed stormwater drainage facilities shall be reviewed and approved by the Township Engineer and the Kent County Drain Commissioner prior to development of the Premises.

G. Exterior Lighting – The Developer shall provide street lighting within the Premises at his expense. All street lighting shall be consistent with Section 19.09 of the Zoning Ordinance.

H. Road Requirements –

1. The occupancy of the Premises shall not commence until the developer receives a driveway permit from the Kent County Road Commission. A copy of said permit shall be forwarded to the Planning Director.

2. All internal road construction plans shall be reviewed by the Township Engineer for consistency with the following requirements:

a. All internal roads within the Premises shall be paved with asphalt or bituminous cement. The roads shall be a minimum width of 26 feet. Any road cul-de-sac within the Premises shall have a minimum radius of forty (40) feet.

b. The construction of all internal roads shall meet Kent County Road Commission standards relating to: road grade, drainage, and road construction materials (i.e. subbase, aggregate base, road surface).

I. Development Entrance – The Premises shall be served by two (2) boulevard entrances meeting Kent County Road Commission Design standards. The entrances shall be located in a manner consistent with the approved PUD Master Development Plan dated September 10, 1990. Each entrance shall be designed with an acceleration and a deceleration lane to accommodate traffic speeds of at least 35 miles per hour (m.p.h.). Said improvements shall be completed to the satisfaction of the Kent County Road Commission and the Township Engineer prior to occupancy of any condominium unit in the Premises.

J. Signs – The Premises shall be permitted two (2) development identification signs, each not to exceed thirty-two (32) square feet in sign area. The signs must be setback at least 25 feet from the property line. The signs may be illuminated provided it is in compliance with Section 5.05 of the Cascade Charter Township Sign Ordinance, (as amended).

SECTION VII. TEMPORARY BUILDINGS.

No structure of a temporary nature; trailer, tent, or construction shack shall be constructed, placed or maintained on the Premises except accessory to and during construction of a permanent building.

SECTION VIII. BUFFERYARD AND LANDSCAPING REQUIREMENTS.

A. Minimum Bufferyard and Landscape Requirements - For the purposes of screening the Premises the Developer shall provide bufferyard and landscaping materials consistent with the following requirements setforth below:

1. A minimum 25 foot wide bufferyard along Burton Street and Spaulding Avenue with the following minimum number of landscape materials per 100 lineal feet:

2 Canopy Trees

4 Understory Trees

2 Evergreen/Conifer Trees

2. A minimum 25 foot wide bufferyard along the north property lines of each parcel and along the east property of Parcel "B", with the following minimum number of landscape materials per 100 lineal feet:

2 Canopy Trees

4 Understory Trees/Evergreen Trees

6 Shrubs

3. Bufferyards shall be located on the outer perimeter of the Premises to the logical extent possible. Any existing plant material which satisfies the requirements of this Section may be counted toward satisfying their respective landscape requirement for the lineal feet in which they occupy. It cannot be credited towards other bufferyard areas.

B. Minimum Plant Size Requirements – For the purposes of this development all landscaping materials shall meet the following minimum size standards:

Plant Type Size

Shade Tree 2-1/2 inch caliper

Ornamental Tree 1-1/2 inch caliper

Evergreen Tree 6 feet

Shrubs 3 feet

All plant species listed in Section 20.11 of the Cascade Township Zoning Ordinance shall not be credited as meeting the landscape requirements contained in this Ordinance.

C. Other Landscape Requirements –

1. Landscaping shall be installed within ninety (90) days of completion of each phase, or unless permitted otherwise in writing by the Planning Director at a later date.

2. All landscaping shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.

3. Where appropriate, plantings should be grouped or clustered to provide the maximum visual effect.

D. The Developer shall preserve existing trees on-site wherever reasonably possible.

#### SECTION IX. MISCELLANEOUS DEVELOPMENT REQUIREMENTS

A. Prior to the development of Phase 1 of this PUD, the Developer shall submit sufficient and reasonable financial information to the township attorney to determine the developer's financial capabilities to fully develop the Premises.

B. The applicant shall submit a soil erosion control plan showing all temporary and permanent soil erosion control measures to be taken before, during, and after construction on the site. This plan shall be reviewed and approved by the Township Engineer prior to commencing any building on the site.

C. The Township Planning Department shall receive all pertinent correspondence and permits received from the Michigan Department of Natural Resources (MDNR) regarding the status or development of wetlands on the Premises prior to construction.

D. The Township Planning Department shall receive all correspondence and permits from the Kent County Drain Commissioner regarding storm water disposal.

#### SECTION X. UTILITIES.

A. All buildings shall be served with public water and sewer at the developer's expense. The on-site water and sewer design and the connection to the public water and sewer systems shall be approved by the Township and the City of Grand Rapids prior to installation. A Special Assessment Agreement between the developer and the Township shall be executed for all costs associated with future abandonment of a temporary sanitary sewer lift station, if required for the site, including all costs for necessary future installation of off-site sanitary sewers and appurtenances that are required to abandon the lift station.

B. The developer shall provide all necessary easements within the Premises for telephone, electricity, gas, cable, sewer and water to the appropriate utility provider without cost. The easements shall be recorded with the Kent County Register of Deeds Office and provided to each utility provider for their records.

#### SECTION XI. PERFORMANCE GUARANTEE.

To insure compliance with this Ordinance and any conditions herein, Cascade Township may require reasonable performance guarantees, as authorized under the Township Rural Zoning Enabling Act to insure completion of improvements such as, but not limited to, landscaping, drainage, lighting, roads and utilities.

#### SECTION XII. MASTER DEVELOPMENT PLAN, PHASING

The Premises shall conform in as much as reasonably possible to the master development plan approved by the township Board and signed by the Township on September 11, 1990. In the event the Developer elects to develop the Premises in separate distinct phases he shall be required to submit site plans of each phase. The Planning Commission shall review and approve these plans prior to the construction of the intended phase to insure consistency with the master development plan. This review shall be conducted at no monetary charge to the Developer, provided that no amendment or variance to this

ordinance or the Cascade Charter Township Zoning Ordinance is required. Upon site plan approval by the Planning Commission, the Developer may proceed with the development of either parcel first.

#### SECTION XIII. EFFECTIVE DATE.

This Ordinance shall become effective upon publication in the Grand Rapids Press, a newspaper of general circulation within Cascade Charter Township. The foregoing Ordinance was offered by Board Member Burlingham, supported by Board Member Rowland. The roll call vote being as follows:

YEAS: Burlingham, Carpenter, Champion, Hansen, Parrish, and Rowland.

NAYS: Henning

ABSENT: None

Brenda J. Henning

Cascade Charter Township Clerk

#### CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the 11<sup>th</sup> day of September, 1990.

Brenda J. Henning

Cascade Charter Township Clerk