

## PUD Ordinance - Heathmoor #8 of 1991

### CASCADE CHARTER TOWNSHIP

Ordinance 8 of 1991

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE, BEING ORDINANCE 8 OF 1991, TO ESTABLISH THE **HEATHMOOR PHASE III** CONDOMINIUM DEVELOPMENT PROJECT

CASCADE CHARTER TOWNSHIP ORDAINS:

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

That the application received from B and A Development, or their assigns (hereinafter referred to as the "Developer") for Planned Unit development designation for the proposed Heathmoor Phase III development (hereinafter referred to as the "Premises") was recommended for approval by the Cascade Charter Township Planning Commission on August 5, 1991. The Premises are recommended for rezoning from its former zoning classification, PUD – Planned Unit Development because of changes to the original concept plan, 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 August 28, 1991.

#### SECTION II. LEGAL DESCRIPTION.

The legal description of the property is as follows:

That part of the NE 1/4, Section 17, T6N, R10W, Cascade Township, Kent County, Michigan, described as: BEGINNING at a point on the South line of said NE 1/4, which is S 89 degrees 30'37"W 50.01 feet from the E ¼ corner; thence S 89 degrees 30'37" W 609.25 feet along said South line; thence N 40 degrees 50' E 425.98 feet; thence N 89 degrees 30'37" E 180.0 feet; thence N 21 degrees 58'E 188.78 feet; thence S 83 degrees 30' E 80.0 feet; thence Southerly 197.57 feet along the Westerly line of Thornhills Avenue (100 feet wide) on a 1372.21 foot radius curve to the left, the chord of which bears S 2 degrees 22'31"W 197.40 feet; thence S 1 degree 44'58" E 287.56 feet along said Westerly line to the place of beginning. This parcel contains 3.844 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 3.844 acre tract of land that may be developed in phases over a period of five years. The Premises shall not contain more than 11 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 more specific requirement contained in the Cascade Charter Township Zoning Ordinance and General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the Township except as provided herein.

#### 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 Heathmoor Phase III be limited to 11 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 each residential dwelling unit shall be 2,000 square feet, with a minimum of 1,400 square feet on the first floor.
- D. Minimum Parking Requirements – Each residential dwelling unit shall have provided 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. a) Front – 25 feet from edge of paved road
  - b) Rear – 25 feet from property line
  - c) Between building and structures – 20 feet
  - 2. The setback and spacing requirements may be reduced by the Planning Director by 10 feet if the reduction will:
    - a) Save trees which are a minimum diameter of 20 inches
    - b) The reduced setback will cause grade changes of less than 2 feet.

F. Stormwater Drainage - The Premises shall be designed to maintain stormwater drainage at pre-development 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.

## SECTION VII. PRIVATE ROAD CONSTRUCTION REQUIREMENTS.

A. The Developer shall submit a road construction, maintenance and pavement plan. The Developer may establish a private road with a minimum width of 20 feet to serve the Premises provided the road is built to the following specifications:

1. The private road shall be served by a paved road built to the construction standards of the Township Engineer. The private road must lie within a 66 foot wide right-of-way easement.
2. All road grades shall meet with the approval of the Township Engineer. Said grades shall be sufficient to allow for safe ingress/egress of emergency vehicles.
3. All cul-de-sacs within the Premises shall meet the specifications of the Township Engineer.
4. All private road(s) shall be sufficiently drained to prevent stormwater runoff from causing soil erosion or trespass onto adjoining property.
5. All private roads serving the Premises shall be posted with street sign(s) stating the street(s) name(s). These sign(s) shall be consistent with Kent County Road Commission standards and requirements and shall be installed at Developer cost.
6. The private road(s) shall intersect only at 90 degree angles. A clear vision triangle shall be established by the developer to insure safe turning movements to and from the Premises. This "clear vision triangle" shall be developed to the specifications established by the Kent County Road Commission.
7. Complete maintenance of the private roads shall be the responsibility of the condominium association.

B. No combustible building materials may be erected on the property until a temporary access road is constructed to within 100 feet of the furthest point of a structure. Such road shall be a minimum of 18 feet wide and able to support 20 tons on a single axle with dual wheels and standard road tires.

C. The developer shall install an entrance flair onto the Premises to facilitate southbound turning movements onto the Premises. The entrance flair shall be a minimum of 120 feet in length.

## SECTION VIII. 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 IX. 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. The Premises shall be surrounded by a 25 foot wide bufferyard consisting of the present tree and vegetative growth. Should the present trees and other vegetative growth, along the east and south property lines, need to be removed as a result of development, they shall be replaced with the following minimum number of landscape materials per 100 linear feet: 3 canopy trees; 6 understory/evergreen trees.
2. A minimum 25 foot wide landscape screen shall be installed at the locations identified on the site plan by the Planning Director. The landscape screens shall contain the following minimum number of landscape materials per 100 lineal feet by the developer: 2 shade trees; 2 ornamental trees and 4 evergreen trees.
  3. The developer shall install at least two canopy trees and one understory tree between each residential unit and the golf course. The trees may be located in a manner to maintain reasonable scenic views of the golf course.
  4. All present trees with a 20 inch diameter or larger shall not be cut or removed from the Premises unless the Planning Director or Township Engineer determines any of the following conditions apply:
    - a. The affected tree lies within five (5) feet of the proposed centerline of the sanitary sewer or water line and causes substantial problems in connecting sewer and water lines to condominium units.
    - b. The affected tree if left standing would cause the development final grade or elevation problems that would make access hazardous for pedestrians and motor vehicles or cause potential stormwater drainage problems.
    - c. The affected tree is severely damaged, diseased or dead.

### B. Minimum Plant Material Requirements.

1. For the purposes of this development all landscaping materials shall meet the minimum size standards setforth in Section 20.05 of the Cascade Charter Township Zoning Ordinance.
2. All plant species listed in Section 20.11 of the Cascade Charter 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 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.
4. All trees lying in construction areas which are intended to remain on site after development shall be protected from construction development activity. Fencing shall be installed around the drip line of each tree to protect tree and tree root damage.
5. Prior to the development of the Premises the developer shall submit to the township an earth grading plan and a tree inventory plan. The earth grade plan shall show what elevation changes are being proposed as well as show which areas will be cut and filled to achieve final building grades. The tree inventory plan shall show all trees that are 20 inches or larger that lie within a utility easement, building footprint, driveway, or private road right-of-way. The plan shall indicate which trees are proposed for removal and which are proposed to remain.

SECTION X. MISCELLANEOUS DEVELOPMENT REQUIREMENTS.

- A. 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.
- B. The Township Planning Department shall receive copies of all correspondence and permits from the Kent County Drain Commissioner regarding storm water disposal.
- C. The Developer shall amend the Master Deed for the Premises so that it states the total number of units in the Heathmoor Condominium Development shall not exceed 50 units. The Developer shall provide the Township with a copy of the revised Master Deed.

SECTION XI. WATER AND SEWER.

- A. All buildings within the Premises shall be served with public water and sewer at the Developer's expense. The construction plans for the connection of public sewer and water shall be approved by the Township Engineer and the City of Grand Rapids prior to installation.
- B. The developer shall install fire hydrants in locations prescribed by the Township Fire Marshal and Township Engineer. A location site plan shall be filed with the Planning Director showing these approved locations prior to development of the Premises.
- C. All septic tanks on the Premises shall be disconnected from use. The septic tanks shall either be removed from the Premises or filled with an inert material to discourage use.

## SECTION XII. PERFORMANCE GUARANTEE.

To insure compliance with this Ordinance and any conditions herein, Cascade Township may require reasonable performance guarantees, as authorized under Section 14.07 of the Cascade Charter Township Zoning Ordinance and the Township Rural Zoning Enabling Act to insure completion of improvements such as, but not limited to, landscaping, drainage, lighting, roads and utilities.

## SECTION XIII. MASTER DEVELOPMENT PLAN, PHASING.

The Premises shall conform in as much as reasonably possible to the mater development plan approved by the Township Board and signed by the Township on August 28, 1991. 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.

## SECTION XIV. 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 Member4 Hansen, supported by Board Member Boonenberg. The roll call vote being as follows:

YEAS: Boonenberg, Carpenter, Champion, Hansen, Julien and Parrish.

NAYS: None

ABSENT: Henning

Marlene Kleinheksel

Cascade Charter Township Deputy 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 28th day of August, 1991.

Marlene Kleinheksel

Cascade Charter Township Deputy Clerk