

PUD Ordinance - Quail Ridge #7 of 1999

CASCADE CHARTER TOWNSHIP

Ordinance #7 of 1999
(As amended by Ord. No 8 of 2006)

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE QUAIL RIDGE PLANNED UNIT DEVELOPMENT PROJECT.

Cascade Charter Township Ordains:

Section I. An Amendment to The Cascade Charter Township Zoning Ordinance.

The application received from Quail Ridge Land Company or his assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed Quail Ridge Planned Unit Development Project (herein after referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on June 1, 1999. The Project is recommended for rezoning from ARC, Agricultural Rural Conservation to PUD, Planned Unit Development permitting a 5 lot residential development. This action requires an amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission's recommendation and the Cascade Charter Township Board of Trustees' action on May 1999.

Section II. Legal Description. (Amended by Ord No 8 of 2006)

The legal description of the Project is as follows:

Part of Section 14, T6N, R10W, Cascade Township, Kent County, Michigan, described as: BEGINNING at the S 1/4 corner of Section 14; thence N88°27'01"W 257.00 feet along the South line of the SW 1/4 of Section 14; thence N01°32'59"E 73.00 feet; thence Northeasterly 183.26 feet along a 175.00 foot radius curve to the right, the chord of which bears N31°33'00"E 175.00 feet; thence N61°33'00"E 118.00 feet; thence Northeasterly 341.21 feet along a 375.00 foot radius curve to the left, the chord of which bears N35°29'00"E 329.56 feet; thence N09°25'00"E 324.00 feet; thence N56°42'55"W 195.39 feet; thence N01°14'53"E 340.00 feet along the N-S 1/4 line of Section 14; thence N88°15'56"W 1000.00 feet along the North line of the SE 1/4 of the SW 1/4 of Section 14; thence S01°14'53"W 668.13 feet along the West line of the East 1000.00 feet of said SW 1/4 of Section 14; thence S59°26'44"E 630.69 feet; thence S01°14'53"W 350.00 feet along the West line of the East 450.00 feet of said SW 1/4 of Section 14; thence N88°27'01"W 810.21 feet along the South line of the SW 1/4 of Section 14; thence N01°19'57"E 295.00 feet along the East line of the West 75.00 feet of the SE 1/4 of the SW 1/4 of Section 14; thence N48°37'54"W 359.17 feet; N01°19'57"E 58.00 feet; thence N33°33'50"W 48.09 feet; thence N88°05'23"W 153.77 feet; thence S12°07'28"W 634.07 feet; thence N88°27'01"W 253.21 feet along the South line of the SW 1/4 of Section 14; thence N01°25'00"E 320.00 feet along the East line of the West 582.00 feet of said SW 1/4; thence N10°10'11"W 119.49 feet; thence N01°25'00"E 166.50 feet; thence S88°35'00"E 25.00 feet; thence N21°46'02"W 254.01 feet; thence N01°25'00"E 450.00 feet along the East line of the West 483.00 feet of said SW 1/4; thence N76°53'10"W 493.24 feet; thence N01°25'00"E 326.97 feet along the West line of said SW 1/4; thence S86°33'38"E 431.55 feet; thence N01°25'00"E 600.98 feet; thence N86°33'38"W 431.55 feet; thence N01°25'00"E 344.96 feet along said West line to the W 1/4 corner of Section 14; thence S88°04'49"E 233.00 feet along the E-W 1/4 line of Section 14; thence N01°25'00"E 334.00 feet; thence N88°04'49"W 233.00 feet; thence N01°25'00"E 66.00 feet along the West line of the NW 1/4 of Section 14; thence S88°35'00"E 364.00 feet; thence N01°25'00"E 320.00 feet; thence N88°35'00"W 364.00 feet; thence N01°25'00"E 47.00 feet along said West line of the NW 1/4; thence S88°35'00"E 549.99 feet; thence N01°25'00"E 554.78 feet to the North line of the S 1/2 of the NW 1/4 of Section 14; thence S88°14'09"E 1578.76 feet along said North line; thence S24°43'30"E 165.96 feet; thence S55°00'00"E 550.00 feet; thence S01°14'53"W 216.19 feet along the N-S 1/4 line of Section 14; thence S87°58'16"E 1333.34 feet along the North line of the S 1/2 of the SW 1/4 of the NE 1/4 of Section 14; thence S01°06'24"W 663.67 feet along the East line of the SW 1/4 of the NE 1/4 of Section

14 to the E-W 1/4 line; thence S01°07'34"W 1654.86 feet along the East line of the W 1/2 of the SE 1/4 of Section 14 to Reference Point "A"; thence S01°07'34"W 27 feet, more or less, along said East line of the W 1/2 of the SE 1/4 to the waters edge of Quiggle Lake; thence meandering Southwesterly 1300 feet, more or less, along said waters edge to its intersection with the South line of the SE 1/4 of Section 14; thence N88°09'04"W 8 feet, more or less, along said South line to Reference Point "B" (Reference Point "B" is located S87°23'26"W 107.06 feet and S54°51'59"W 390.45 feet and S18°27'33"W 474.21 feet and S24°31'30"E 194.39 feet and S52°50'21"E 195.73 feet along an intermediate traverse line from the above described Reference Point "A"); thence N88°09'04"W 1020.00 feet along the South line of the SE 1/4 of Section 14 to the place of beginning. Subject to highway R.O.W. for Buttrick Avenue and 36th Street. This parcel contains approximately 268 Acres, including highway R.O.W.

Section III. General Provisions.

The following provisions shall hereby apply to the Project, in addition to those Provisions outlined in Chapter 16 of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988, as amended).

Section IV. Purpose.

The Project occupies approximately 292 acres of land that contains significant wetlands small ponds and a 18 hole, public golf course. The project is proposed to be developed into a residential development that would include 5 home sites located at the corner of Buttrick and 36th Street. The PUD technique has been chosen by the Developer and the eventual owners of each site to provide more control over the Project's aesthetics and appearance. This development technique provides the Developer with the ability to develop the Project in a manner to meet market expectations where more traditional mechanisms such as creating land subdivision plats do not.

The regulations contained herein are established to define the procedures necessary to insure high quality development in the Project. Additionally, they are designed to achieve integration of this development with adjacent land uses.

Section V. Approval Limitations.

A. The provisions of this Ordinance are not intended as a substitute for the Cascade Charter Township Zoning Ordinance and the General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the township, except as otherwise expressly 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.

B. Except as otherwise provided herein, the Developer and his assigns must meet all applicable provisions and regulations of Cascade Charter Township, as well as federal and state law, and must obtain all necessary approvals from state and county governmental agencies that are required for operation or use.

C. This PUD approval is expressly contingent upon all conditions of approval herein remaining fully effective and valid. If any condition imposed herein is determined to be illegal or contrary to law as a result of a successful legal challenge by the Developer or its assigns, or any other party, the Township reserves the right to review the entire Project under the PUD provisions of the Cascade Charter Township Zoning Ordinance, and further, to withdraw its approval of this PUD if it finds that, absent the effect of any condition imposed herein, the PUD no longer meets the standards for PUD approval contained in the Zoning Ordinance.

D. All conditions contained herein shall be binding upon the Developer, as well as its successors, tenants and assigns. The conditions may be modified or amended only pursuant to a formal amendment of the PUD approval and ordinance amendment.

E. This approval document shall be recorded with the Kent County Register of Deeds by the Developer prior to construction occurring on site and shall run with and bind the lands involved. Copies of this recorded document shall be supplied by the Developer to the Cascade Charter Township Clerk.

F. Failure to comply with the site plan or any condition of approval herein shall be deemed to be both a nuisance per se and a violation of the Cascade Charter Township Zoning Ordinance.

G. Prior to recording a copy of this document as specified in Section V(E) hereof, the Developer shall type the following statement onto the end of this document (or add an additional page to the document) as follows:

"I have fully read the above PUD ordinance amendment, understand its provisions and fully agree with all requirements and conditions contained in the same, on behalf of myself and my assigns, successors and transferees in and to the property involved."

Section VI. Site Documents and Plans.

A. The Project shall be developed in accordance with the site plan approved and signed by the Township. The site plan shall indicate where each site will be located and provide appropriate measurements demonstrating compliance with Section 16.11(2) of the Zoning Ordinance. Engineering plans and documents relating to utilities, topography, drainage, and the survey of the Project shall be reviewed and approved by the Township Engineer. Approval of these documents shall be based upon their meeting the requirements of Section 16.11(4) of the Zoning Ordinance and meeting recognized, acceptable engineering standards and practices. Once it has been determined that the plans have met Township requirements, the Township Engineer shall sign and mark these plan documents as "Approved", and forward them to the Developer. Only approved plan documents shall be recorded with the appropriate county and state agencies.

B. The number of building sites may be reduced or consolidated within the Project upon review and approval of the Township Planning Department. The proposed changes to the site / survey plan to reduce or consolidate building sites shall be reviewed by the Planning Department to insure compliance with the Cascade Charter Township Zoning Ordinance and this PUD Ordinance. Once approved by the Planning Department, the amended site / survey shall then be recorded with the Kent County Register of Deeds Office and the appropriate State agencies by the Developer at his cost. A copy of the recorded site / survey plan shall be forwarded to the Planning Department, so that accurate files regarding the development can be maintained.

C. The Project shall be limited to five (5) building sites for single family detached units. The number of building sites within the Project shall not be increased by the Township Board without going through an amendment to the PUD.

Section VII. Permitted Uses.

The permitted uses for the Quail Ridge PUD are as follows:

1. 18 hole Public Golf Course as approved by the Township Board as part of the Type II special use approval granted 1/28/98.
2. Single Family Residences.
3. Accessory buildings customarily incidental to a single family residence, subject to the provisions of Section 4.08 and 4.09 of the Cascade Charter Township Zoning Ordinance, as may be amended.

Section VIII. Design Guidelines, Requirements and Limitations.

The Project shall be developed in accordance with the site plan approved by the Township. No alterations, expansions or additions may take place to the Project without an amendment to this Ordinance, unless authorized otherwise herein.

A. Maximum Number of Residential Units - The maximum number of single family detached sites within the Project shall be limited to 5 units.

B. Maximum Building or Structure Height - 35 feet or 2½ stories whichever is the lessor.

C. Setback Requirements- All buildings and structures shall meet the following minimum setback requirements:

1. Front Yard Setback: 35 feet from the front yard area line.

Front Yard Averaging - Where the average front yard setback of two (2) or more condominium units within two-hundred (200) feet of the site in question and on the same side of the street is greater than the minimum front yard setback prescribed above, then the required front yard setback of such unit shall not be less than the average existing front yard setback of such condominium units.

2. Side Yard Setback: 10 feet minimum from the side yard area line for one side and 25 feet minimum with both sides combined.

3. Rear Yard Setback: 25 feet from the rear yard area line.

D. Minimum Floor Area - Each dwelling shall contain a minimum of:

" One story - 1,100 square feet

" Two story - 1,400 square feet

finished livable area above grade level, exclusive of the garage, decks, porches and breezeways.

E. Minimum Parking Requirements - Each dwelling unit shall have a minimum of two (2) enclosed off-street parking spaces.

F. The developer has agreed to provide any necessary easements for a bike path in order to connect to the bike path along Buttrick Ave.

Section IX. Temporary Buildings.

No structure of a temporary nature; trailer, tent or construction shack shall be constructed, placed or maintained within the Project except accessory to and during construction of any building or infrastructure improvement.

Section X. Utilities .

A. Septic Systems and Wells - Since this site is not served by municipal sanitary sewer, each individual unit shall receive approval from the Kent County Health Department for individual septic systems prior to the issuance of a Building Permit. Sites A, B and C (frontage on Buttrick) have access to Public water and will be required to hook up to the Public Water system. The other sites will need approval from the Kent County Health Dept for a private well.

The developer has also agreed to participate in a Special Assessment District to extend sewer and water along their frontage and into their development. This development agreement will be executed and recorded between the Township and the developer.

B. Stormwater Drainage - All proposed stormwater drainage facilities shall be reviewed and approved by the Township Engineer and the Kent County Drain Commissioner's office prior to the development of the Project. The Developer shall provide the Township Planning Department with copies of all correspondence and permits received from the Kent County Drain Commissioner regarding stormwater disposal.

C. The Developer shall provide all necessary easements within the Project for telephone, electricity, gas and cable television to the appropriate utility provider without cost. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

Section XI. Soil Erosion Control Requirements.

The Developer 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 Project. This plan shall be reviewed and approved by the Township Engineer prior to commencing any excavation on the site.

Section XII. 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. The Township Board, Engineer, or Planning Department may require such guarantees at any time they deem necessary to insure completion of the improvements.

Section XIII. Consistency With Planned Unit Development (PUD) Standards.

The rezoning to Planned Unit Development will result in a recognizable benefit to the ultimate users of the Project and to the community. Current and future residents will recognize the benefits of a residential development which offers a low density land use.

In relation to the underlying zoning (ARC, Agricultural Rural Conservation) the Township finds the Project will not result in a material increase in the need for public services, facilities and utilities and will not place a material burden upon the subject property and the surrounding properties. The Project is not anticipated to cause undo impact to the stormwater drainage of the surrounding area. All stormwater and soil erosion control plans have been approved by the Township Engineer and the appropriate County and State agencies.

The Project has been determined by the Township to be compatible with the General Development Plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance. The Project has been determined to be a "Rural Estate" use, which is consistent with the Cascade Township General Development Plan.

The Township finds the Project will not result in an unreasonable negative economic impact upon surrounding properties.

The Township finds the Project to have at least the same amount of green areas and usable open space than would typically be required by the Township Zoning Ordinance.

Finally, the Township recognizes the Project will be under single ownership or control. The Township recognizes that the Developer or its assigns will retain ownership and control of the Premises until a majority of the site condominium units are purchased for single family residential purposes.

Section XIV. Effective Date.

This Ordinance shall become effective upon publication of the ordinance, or a summary thereof, in The Grand Rapids Press, a newspaper of general circulation within Cascade Charter Township.

The foregoing Ordinance was offered by Board Member Parrish, supported by Board Member Kleinheksel. The roll call vote being as follows:

YEAS: Carpenter, Julien, Kleinheksel, Parrish

NAYS: None

ABSENT: Goodyke, Johnson, Timmons

Marlene Kleinheksel
Cascade Charter Township Clerk