

## PUD Ordinance - Ridgewood Creek #2 of 1995

CASCADE CHARTER TOWNSHIP

Ordinance #2 of 1995

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE **RIDGEWOOD CREEK SITE CONDOMINIUM PLANNED UNIT DEVELOPMENT PROJECT**

Cascade Charter Township Ordains:

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

The application received from Margie Bach or her assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed Ridgewood Creek Project (hereinafter referred to as the "Project" or the "Premises") was recommended by the Cascade Charter Township Planning Commission for approval on February 6, 1995. The Project is recommended for rezoning from R-1, Residential to PUD, Planned Unit Development permitting a site condominium 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 February 22, 1995.

### Section II. Legal Description

The legal description of the Project is as follows:

That part of the SW ¼, Section 34, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Commencing at the SE corner of said SW ¼; thence N 0 degrees 00' 00" E 1699.00 feet along the East line of said SW ¼ to the point of beginning; thence S 89 degrees 57'55" W 33.00 feet; thence S 70 degrees 00'00"W 163.64 feet; thence N 82 degrees 00'00" W 171.01 feet; thence S 76 degrees 00'00"W 170.00 feet; thence S 66 degrees 00'00"W 61.79 feet; thence N 86 degrees 00'00"W 202.23 feet; thence N 40 degrees 53'43"W 144.12 feet; thence N 06 degrees 00'00" W 72.07 feet; thence S 89 degrees 57'10"W 564 feet, more or less to the water's edge of the Thornapple River; thence Northerly 250 feet, more or less along said water's edge to the North line of the South 2046.00 feet of said SW ¼; thence N 89 degrees 57'10"E 432 feet, more or less along said North line of the South 2046.00 feet; thence S 0 degrees 00'00" W 33.00 feet along the West line of the East 1003.00 feet, said SW ¼; thence N 89 degrees 57'10"E 286.50 feet; thence S 0 degrees 02'50"E 102.00 feet; thence N 89 degrees 57'10": E 95.00 feet; thence N 0 degrees 02'50" W 15.00 feet; thence N 89 degrees 57'10": E 95.00 feet; thence N 0 degrees 02'50" W 120.00 feet; thence N 89 degrees 57'10"E 526.50 feet; thence S 0 degrees 00'00" W 347.00 feet to the point of beginning. Subject to an easement for highway purposes over the East 33.0 feet thereof.

### 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 10.7 acres of land that contains an existing residential structure (cabin) and is otherwise vacant and wooded. The Project is proposed to be developed into a site

condominium development containing 2 building sites. The site condominium technique has been chosen by the Developer and the eventual owners of each condominium unit 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 on 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.

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.

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.

This approval document shall be recorded with the Kent County Register of Deeds by the Developer 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

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

#### Section VI. Site Condominium Documents and Plans

Specific controls relating to architectural elements, common elements of the site condominium project, construction materials, size and space requirements, improvements and out buildings, specific prohibitions and rules of conduct shall be governed by site condominium bylaws and mater deed. These restrictions shall become part of this Ordinance with the documents labeled and attached in the following manner:

"Exhibit A – Bylaws"

"Exhibit B – Master Deed"

The Project shall be developed in accordance with the site plan approved and signed by the Township. The site plan shall indicate where each condominium unit 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.

The Project shall be limited to two (2) building sites for single family detached condominium units. The number of building sites within the Project shall not be increased by the Township Board.

#### **Section VII. Permitted Uses.**

The permitted uses for the Ridgewood Creek PUD are as follows:

Single Family Residences

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 layout of 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.

**Maximum Number of Residential Units** – The maximum number of single family detached site condominium units within the Project shall be limited to two (2) units.

**Maximum Building or Structure Heights** – 35 feet or 2-1/2 stories whichever is the lesser.

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

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

Minimum Floor Area – Each new site condominium unit shall contain a minimum of 1,600 square feet of finished livable area above grade level, exclusive of the garage, decks, porches and breezeways.

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

#### Section IX. Access Provisions

The project has access onto Alaska Avenue as well as the opportunity to utilize an existing access easement along the north boundary line of this project. This access easement presently serves the existing structure on this property as well as several other parcels that are not a part of this PUD.

The Developer shall submit copies of any permits required by the Kent County Road Commission to connect the private street/driveway to any public or private road to the Township Planning Department.

The Developer shall be responsible to fully maintain and keep their portion of the private access street in good repair at all times and to ensure that snow and ice is removed in a timely fashion during the winter.

#### Section X. 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 building expansions or infrastructure improvements.

#### Section XI. Utilities

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.

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 XII. Soil Erosion Control Requirements

Prior to construction, 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 prior to commencing any building on the site.

#### Section XIII. 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, 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 XIV. 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 pattern.

In relation to the underlying zoning (R-1, Residential) 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 plans have been approved by the Township Engineer and the appropriate County and State agencies. The requirements contained herein should provide adequate and safe access provided that the private streets are diligently maintained.

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 allow low density residential 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 as much green and usable open space as would be required by the Township Zoning Ordinance. Due to the large site condominium unit sizes, the amount of open space may be more in this type of development than a more typical subdivision plat.

Finally, the Township recognizes the Project will be under single ownership or control.

#### Section XV. 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 Carpenter, supported by Board Member Hansen. The roll call vote being as follows:

YEAS: Carpenter, Hansen, Henning, Johnson, Julien, Timmons, VanStrien

NAYS: None

ABSTAIN: None

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 22<sup>nd</sup> day of February, 1995.

Brenda J. Henning

Cascade Charter Township Clerk