

## **PUD Ordinance - Summit #11 of 1990**

CASCADE CHARTER TOWNSHIP

Ordinance #11 of 1990

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE, BEING ORDINANCE 11 OF 1988, TO ESTABLISH THE **EAGLES NEST CONDOMINIUM DEVELOPMENT PROJECT** (later amended to **The Summit**).

CASCADE CHARTER TOWNSHIP ORDAINS:

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

That the application received from Property Development Services Inc., or their assigns (hereinafter referred to as the "Developer") for Planned Unit Development designation for the proposed Eagle's Nest condominium development (hereinafter referred to as the "Premises") was recommended for approval by the Cascade Charter Township Planning Commission on June 4, 1990. The Premises is recommended for rezoning from its former zoning classification, R2-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 June 11, 1990.

### SECTION II. LEGAL DESCRIPTION.

The legal description of the property is as follows:

Part of Government Lot 8 commencing 504.4 feet south along said North and south line from the north quarter corner, thence south 71 degrees east 217.5 feet thence southwesterly to North and south quarter line at a point 356.6 feet south from the beginning, thence north to beginning, also part of the northeast quarter of the northwest quarter commencing at the north quarter corner thence south 0 degrees 00' along the North and south quarter line 859.26 feet, thence South 34 degrees 36'10", West 544.95 feet to the north line of Thornapple River Drive/66 feet wide/thence North 0 degrees 00' 207.17 feet, thence North 87 degrees 39'30" West 350.86 feet to the West line of the east 660.0 feet of the Northeast quarter of the Northwest quarter, thence North 0 degrees 00' to the south line of the North 627 feet of the Northeast quarter of the Northwest quarter thence easterly parallel with the north section line 627 feet thence North 0 degrees 00' 627 feet thence easterly along the North section line 33 feet to the beginning.

### 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 8.53 acre tract of land that may be developed in phases over a period of five years. The Premises shall not contain more than 17 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 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 are as follows:

A. Single family residential units; and

B. Accessory buildings customarily incidental to a residential condominium development (i.e. gazebos, swimming pool, pool house, law maintenance building, etc.).

Professional or quasi-professional offices within a residence may be permitted upon review of the Cascade Charter Township Planning Commission provided the use does not: 1) generate traffic by members of the general public, and 2) the use is purely ancillary to an office established elsewhere.

#### 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 shall be limited to 17 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 1,600 square feet.

D. Minimum Parking Requirements – Each residential dwelling unit shall have to 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, snow mobiles, recreation vehicles, boats, or commercial trucks is prohibited.

E. Minimum Setback Requirements – All buildings and structures (except signs) shall be setback a minimum of 25 feet except for Unit #7 which shall have a 22 foot setback and Unit #8 which shall have a 9 foot setback from each property line. Each building shall be separated from each other by a minimum of 10 feet. All building and structures, except those sharing common fire walls, shall be separated by a minimum distance of ten (10) feet.

F. Road and Access Requirements –

1. The occupancy of the premises shall not commence until the developer receives a driveway permit from the Kent County Road Commission.

2. All roads within the Premises shall be paved with asphalt or bituminous cement. The roads shall be a minimum width of 18 feet. The

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

3. All roads shall be constructed in a manner to make the Premises fully accessible to fire and emergency apparatus. Such road improvements shall be approved by the Township Fire Chief, upon review by the Township Engineer.

G. 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.

H. Development Entrance – The Premises shall be served by one (1) entrance onto Old 28th Street meeting Kent county Road Commission standards. Said entrance 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. All ingress and egress easements granted to the Premises with access to Thornapple River Drive shall be vacated and/or relinquished. This action shall be recorded with the Kent County Register of Deeds Office with verification provided to the Township.

I. 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.

J. Signs – The Premises shall be permitted one (1) ground mounted development identification sign not to exceed sixty-four (64) square feet in sign area and not to exceed five (5) feet in height. The sign shall be setback at least twenty-five (25) feet from the Old 28<sup>th</sup> Street right-of-way. The side yard setbacks for the sign shall be a minimum of five (5) feet from either property line.

#### 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 all property lines with the following minimum number of landscape materials per 100 lineal feet:

3 Shade Trees

6 Ornamental or Evergreen

9 Shrubs

2. 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 areas that have no significant stands of trees.

3. Additional landscaping shall not be required along the private road providing access to Old 28<sup>th</sup> Street.

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 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.

## SECTION IX. MISCELLANEOUS DEVELOPMENT REQUIREMENTS

A. The Township Planning Department shall receive all correspondence and permits from the State of Michigan (if appropriate) and the Kent County Drain Commissioner regarding storm water disposal.

B. 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.

C. 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.

#### SECTION X. WATER AND SEWER.

All buildings within the Premises shall be served with public water and sewer at the developer's expense. The connection to the public sewer and water systems shall be approved by the Township Engineer and the City of Grand Rapids prior to installation.

#### 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 June 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.

#### 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 Parrish, supported by Board Member Burlingham. The roll call vote being as follows:

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

NAYS: None

ABSENT: Champion & Henning.

Marlene K. 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 11th day of June, 1990.

Marlene K. Kleinheksel

Cascade Charter Township Deputy Clerk