

PUD Ordinance - Thornapple Estates #9 of 1989

CASCADE CHARTER TOWNSHIP

Ordinance 9 of 1989

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE THORNAPPLE ESTATES SITE CONDOMINIUM PLANNED UNIT DEVELOPMENT PROJECT.

CASCADE CHARTER TOWNSHIP ORDAINS:

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

That the applications received from John E. Slagboom or his assigns (hereinafter referred to as the "Developer") for Planned Unit Development Designation for the proposed Thornapple estates Site Condominium Project (hereinafter referred to as the "Premises") was recommended by the Cascade Township Planning Commission for approval on May 1, 1989. The Premises is recommended for rezoning from R2, Residential to PUD, Planned Unit Development permitting site condominiums, thereby requiring this amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission's recommendation and the Cascade Township Board action June 7, 1989.

SECTION II. LEGAL DESCRIPTION

The legal description of the Premises is as follows:

Northerly Parcel

That part of the Southeast one-quarter, Section 17, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: BEGINNING at a point on the East line of Section 17, which is North 1 degree 42'30" West 1133.28 feet from the Southeast corner of Section 17; thence South 89 degrees 26'10" West 600.00 feet along a line which is 225.00 feet Northerly from the North line of the South 55.00 acres of said Southeast one-quarter; thence North 1 degree 42'30" West 22.00 feet; thence North 88 degrees 25'00" West 670.00 feet; thence North 15 degrees 15'00" West 310.00 feet; thence North 26 degrees 15'00" East 371.73 feet; thence North 89 degrees 29' 14" East 1167.34 feet along with North line of the South three-eighths of the North one-half of said Southeast one-quarter; thence South 1 degree 42'30" East 677.83 feet along the East line of Section 17 to the Place of Beginning.

SUBJECT TO highway right of way over the Easterly 50.00 feet thereof. This parcel contains 18.42 acres (excluding highway right-of-way).

Southerly Parcel

The East 600.00 feet of the South 225.00 feet of the North 55.00 acres of the South 110 acres of the Southeast one-quarter, Section 17, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan.

SUBJECT TO highway right of way over the Easterly 50.00 feet thereof. This parcel contains 2.84 acres (excluding highway right-of-way).

SECTION III. GENERAL PROVISIONS

The following provisions shall hereby apply to the aforementioned Premises in addition to those Provisions outlined in Chapter XIV of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988).

SECTION IV. PURPOSE.

The Premises occupies approximately 21.26 acres of land that is proposed to be developed into a site condominium project containing twenty-one (21) 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 development aesthetics and appearance. The technique also provides the Developer with the ability to develop the Premises in a manner to meet market expectations where more traditional mechanisms such as creating land subdivisions fail.

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 this development with adjacent land uses.

SECTION V. PERMITTED USES.

The permitted uses for the Thornapple Estates Site Condominium Project are as follows:

A. Single family residences.

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 GUIDELINES AND REQUIREMENTS.

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 single-family detached site condominiums shall be limited to 21 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 – Each site condominium unit shall contain a minimum of 2,500 square feet of finished liveable area above grade level, exclusive of the garage, decks, porches, and breezeways.

D. Minimum Setback Requirements – All buildings and structures shall meet the following minimum setback requirements:

Front Yard Setback - 35' from the roadway easement

Side Yard Setback - 10' minimum from each side lot line

25' total – both side yards combined

Rear Yard Setback - 25' minimum from the rear lot line

All buildings and structures to be located on Lots 1,2,3,4,5 and 21 shall maintain a 50' setback from the Thornapple River Drive right-of-way line.

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

F. Stormwater Drainage – All proposed stormwater drainage facilities shall be reviewed and approved by the Township Engineer and the Kent County Drain Commission prior to the development of the Premises.

G. Signs – Signs for the Premises shall conform with Section 6.02 of the Cascade Charter Township Sign Ordinance (Ordinance 12 of 1988).

Specific controls relating to architectural elements, construction materials, size and space requirements, improvements and out buildings, specific prohibitions and rules of conduct shall be governed by the Premises "Use Restrictions" (Article VI of Exhibit A, Thornapple Estates Bylaws) and shall become a part of this Ordinance. (For the purpose of this Ordinance said restrictions are attached and labeled "Attachment A – Use Restrictions").

With respect to the common elements of the proposed development, all maintenance, repair and replacement thereof shall be in accordance with the Premises description of common elements. This description shall become a part of this ordinance with the document labeled and attached in the following manner: "Attachment B – Thornapple Estates Master Deed".

ARTICLE VII. SITE CONDOMINIUM PLANS.

The Premises shall be developed in accordance to the site plan approved by the Township Board and signed by the Township Supervisor. The site plan shall indicate where each condominium unit will be located and provide appropriate measurements demonstrating compliance with Section 14.12.2 of the Zoning Ordinance. Engineering plans and/or documents relating to utilities, topography, and the survey of the Premises shall be reviewed and approved by the Township Engineer. Approval of these documents shall be based upon their meeting the requirements of Section 14.12.4 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 "Approved" and forward them to the Developer. Only approved plan documents shall be recorded with the appropriate county or state agencies.

SECTION VIII. UTILITIES.

A. The Developer shall provide all necessary easements within the Premises for telephone, electricity, gas and cable television to the appropriate utility provider without cost. The Developer shall also provide to the Township an easement for future sewer and water service to serve the Premises. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

B. The Developer shall be required to enter into a special assessment agreement for the construction of sewer and water lines which serve the Premises. This agreement in as much as it deals with the establishments of a Special Assessment District under Act 188 of 1954, as amended, is not a waiver by any developer or his assigns, of any right to contest the confirmation of any special assessment roll as provided in the Act.

SECTION IX. PRIVATE STREETS.

A. The Developer shall submit a street construction, maintenance and pavement plan consistent with Section 14.12.4.f of the Zoning Ordinance. The Developer may establish a private road to serve the Premises provided the road is built to the following specifications:

1. The road curb cut shall meet the commercial driveway standards established by the Kent County Road Commission. A commercial driveway permit shall also be required.
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 with public roads 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.
8. Lots 1,2,3,4,5, and 21 shall have no direct access to Thornapple River Drive and shall be served by the internal private road system.

SECTION X. 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 Hansen. The roll call vote being as follows:

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

NAYS: None

ABSENT: Ellinger

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 7th day of June, 1989.

Brenda J. Henning

Cascade Charter Township Clerk