

## PUD Ordinance - Timber Canyon Estates #7 of 1991

CASCADE CHARTER TOWNSHIP

ORDINANCE #7 OF 1991

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

CASCADE CHARTER TOWNSHIP ORDAINS:

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

That the application received from DSTH, INC. or their assigns (hereinafter referred to as the "Developer") for Planned Unit Development designation for the proposed Timber Canyon Estates Condominium Project (hereinafter referred to as the "Premises" was recommended by the Cascade Charter Township Planning Commission for approval on May 6, 1991. The Premises is recommended for rezoning from R1, 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 Charter Township Board of Trustees action on June 26, 1991.

### SECTION II. LEGAL DESCRIPTION.

The legal description of the Premises is as follows:

That part of the SE ¼, Section 3, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Commencing at the se corner of Section 3; thence S87 degrees 52'40"W 686.71 feet along the South line of said SE ¼ to the centerline of Buttrick Avenue and the PLACE OF BEGINNING of this description; thence S 87 degrees 52'40" W 858.59 feet along said south line of the SE ¼; thence N 13 degrees 45'00" W 1350.13 feet; thence N 87 degrees 49'21" E 844.32 feet along the North line of the S ½ of said SE 1/4, Section 3 to the centerline of Buttrick avenue; thence S 18 degrees 43'56"E 83.98 feet along said centerline; thence S 87 degrees 49'21" W 270.00 feet; thence S 18 degrees 43'56" E 352.7 feet along a line which is parallel with the centerline of Buttrick Avenue; thence N 74 degrees 55'20"E 226.27 feet; thence N 87 degrees 49'21"E 29.41 feet to the centerline of Buttrick Avenue; thence Southerly 722.82 feet along said centerline on a 7000.0 foot radius curve to the right, the chord of which bears S 13 degrees 38'75"E 722.50 feet; thence S 10 degrees 41'28"E 250.15 feet along said centerline to the place of beginning. Subject to highway R.O.W. for Buttrick Avenue over the Easterly 43 feet thereof. This parcel contains 24.553 Acres including highway R.O.W.

### 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 21.21 acres of land (excluding highway right-of-way) that is proposed to be developed into a site condominium project containing fourteen (14) 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.

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. 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.

#### SECTION V. PERMITTED USES.

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

A. Single family residences.

B. Accessory buildings customarily incidental to a single family residence (subject to the provisions of section 4.08 and 4.09 of the Cascade Township Zoning Ordinance, as may be amended).

#### 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 within the Premises shall be limited to fourteen (14) 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 2,000 square feet of finished livable area above grade level, exclusive of the garage, decks, porches, and breezeways.

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

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 lot in question and on the same side of the street is greater than the minimum front yard setback prescribed by this Ordinance, then the required front yard setback of such unit shall not be less than the average existing front yard setback of such buildings.

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

Rear Yard Setback - 25 feet from the rear yard area line

E. Minimum Parking Requirements – Each site condominium dwelling 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).

H. The Developer, or any future condominium lot owner, shall provide the Township with written approval from the Kent County Health Department stating that the lot is capable of sustaining an on-site septic system and well (assuming public utilities are not available at the time) prior to the application for a building permit from the Township Building Inspector.

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 "Use Restrictions" for the Premises. These restrictions shall become a part of this Ordinance with the document labeled and attached in the following manner: "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- Common Elements".

## SECTION VII. SITE CONDOMINIUM PLANS.

A. The Premises shall be developed in accordance with 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, drainage, 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.

B. The number of building sites may be reduced or consolidated within the Premises upon review and approval of the Township Planning Director. The proposed changes to the site/survey plan to reduce or consolidate building sites shall be reviewed by the Planning Director to insure compliance with the Cascade Charter Township Zoning Ordinance and this ordinance. Once approved by the Planning Director, the amended site/survey plan 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 registered site/survey plan shall be forwarded to the Township Planning Director, so that accurate files regarding the development can be maintained.

## SECTION VIII. 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 a permanent building or infrastructure improvement.

## SECTION IX. 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(s) for future sewer and water service to serve the Premises. In the event the township requires additional sewer and water service easements in the future, the Developer shall provide them at all reasonable locations. 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 to serve the Premises.

C. This agreement in as much as it deals with the establishment 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 X. 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. 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.
2. All cul-de-sacs within the Premises shall meet the specifications of the Township Engineer.
3. All private road(s) shall be sufficiently drained to prevent stormwater runoff from causing soil erosion or trespass onto adjoining property.
4. 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.
5. 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.

6. Complete maintenance of the private roads shall be the responsibility of the condominium association.

7. Units 9 through 12 shall have no direct access to Buttrick Avenue and shall be served by the internal private road.

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.

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

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

NAYS: 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 26th day of June, 1991.

Brenda J. Henning

Cascade Charter Township Clerk