

PUD Ordinance - Buttrick Country Estates #18 of 1990

CASCADE CHARTER TOWNSHIP

Ordinance #18 of 1990

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE **BUTTRICK COUNTRY 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 Buttrick/Alaska Development Company or their assigns (hereinafter referred to as the "Developer") for Planned Unit Development designation for the proposed Buttrick Country Estates Site Condominium Project (hereinafter referred to as the "Premises" was recommended by the Cascade Charter Township Planning Commission for approval on October 15, 1990. The Premises is recommended for rezoning from ARC, Agriculture, Rural Conservation 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 November 12, 1990.

SECTION II. LEGAL DESCRIPTION

The legal description of the Premises is as follows:

That part of the se 1/4, Section 34, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: BEGINNING at the E ¼ corner of Section 34, thence S 01 degrees 22' 21" E 1344.73 feet along the East line of said SE ¼; thence S 89 degrees 28' W 471.00 feet; thence N 01 degrees 22' 21" W 10.00 feet thence S 89 degrees 28' W 457.45 feet; thence S 42 degrees 08' W 209.57 feet; thence S 88 degrees 38' W 250.00 feet; thence N 01 degrees 22' W 1488.09 feet along the West line of the E ½ of said S e ¼; thence N 89 degrees 16' 35" E 1322.56 feet along the North line of said SE ¼ to the place of beginning. Subject to highway R.O.W. for Buttrick Avenue. This parcel contains 41.716 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 41.716 acres (including highway right-of-way) of land that is proposed to be developed into a site condominium project containing thirteen (13) 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 Buttrick Country Estates Site Condominium Project are as follows:

- A. Single family residences.
- B. Accessory buildings customarily incidental to a single family residence.

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 thirteen (13) 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 liveable 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

- 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
- Wetland Setback - 25 feet from the wetland boundary as depicted on the approved site plan

- 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 that 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 the Premises "Use Restrictions" Exhibit A 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 – Common Elements".

SECTION VII. SITE CONDOMINIUM PLANS.

A. 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 11.12.2 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 Ordinance #18 of 1990. 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. 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 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.

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 Henning, supported by Board Member Hansen. The roll call vote being as follows:

YEAS: Boonenberg, Champion, Hansen, Henning.

NAYS: Carpenter

ABSENT: Burlingham, Parrish

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 12th day of November, 1990.

Brenda J. Henning

Cascade Charter Township Clerk