

PUD Ordinance - Cascade Lakes Plat #2 of 1996

CASCADE CHARTER TOWNSHIP

Ordinance #2 of 1996

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE CASCADE LAKES PLAT PLANNED UNIT DEVELOPMENT PROJECT

Cascade Charter Township Ordains:

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

The application received from Cascade Lakes, LLC or their assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed Cascade Lakes Subdivision Project (hereinafter referred to as the "Project"), was recommended by the Cascade Charter Township Planning Commission for approval on December 4, 1995. The Project is recommended for rezoning from PUD, Planned Unit Development – Site Condominium to PUD, Planned Unit Development permitting the development of a single family subdivision. 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 January 31, 1996.

Section II. Legal Description

The legal description of the Project is as follows:

Part of the Northwest one-quarter of Section 9, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: COMMENCING at the North one-quarter corner of said Section; thence South 87 degrees 35'25" West 155.82 feet along the North line of said Section to the TRUE PLACE OF BEGINNING of this description; thence South 02 degrees 50'05" East 1002.53 feet parallel with the North-South one-quarter line; thence North 47 degrees 16'35" West 880.00 feet; thence North 83 degrees 32'55" West 633.85 feet; thence North 47 degrees 24'50" West 397.65 feet to the North line of said section; thence North 87 degrees 35'25" East 1520.86 feet along the North section line to the place of beginning.

This parcel contains 15.41 acres.

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 15.41 acres of vacant wooded land and is proposed to be developed into a single family platted subdivision containing 15 lots. The Planned Unit Development technique has been chosen by the Developer to provide more control over the Project's aesthetics, appearance and design.

The regulations contained herein are established to define the procedures necessary to insure high quality development of the Project. Additionally, they are designed to achieve integration of this development with adjacent land uses.

Section V. Approval Limitations

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 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.

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 prior to construction occurring on site 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. Permitted Uses

The permitted uses for the Cascade Lakes Plat PUD are as follows:

Single family detached dwelling units.

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 VII. 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 Lots – The maximum number of single family subdivided lots shall be limited to 15 lots.

Maximum Building Height – The maximum building or structure height erected within the Project shall not exceed 35 feet or 2-1/2 stories, whichever is the less.

Minimum Lot Width and Area – The minimum lot width and area for each of the proposed lots within the Project shall be consistent with the final site plan approved by the Township Board on January 31, 1996.

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

1. Front Yard Setback – 35 feet from the front property line, easement line, or right-of-way line.

Front Yard Averaging – Where the average front yard setback of two (2) or more residences within two-hundred (200) feet of the site in question and on the same side of the street is greater than the minimum front yard setback prescribed above, then the required front yard setback of such unit shall not be less than the average existing front yard setback of such residences.

2. Side Yard Setback – The combined side yard setback shall be a minimum of 25 feet, with each side having a minimum setback of ten (10) feet.

3. Rear Yard Setback – 25 feet from the rear property line.

Minimum Floor Area – There shall be a minimum ground floor area of 1700 square feet for each one story single family dwelling unit. All two story dwellings shall have a minimum floor area of 2200 square feet. The minimum floor areas shall only include finished livable area above ground level, exclusive of the garage, decks, porches and breezeways.

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

Residential Landscaping – All lots shall be landscaped in accordance with the Cascade Township Zoning Ordinance, as may be amended, within 180 days of occupancy of the dwelling.

Section VIII. Development Requirements

Temporary Buildings – No structure of a temporary nature; trailer, tent or shack shall be constructed, placed or maintained within the Project except accessory to and during construction of infrastructure improvements.

Sewer and Water – All residential dwelling units shall be connected to and served by municipal sewer and water at the Developer's expense. The on-site water and sewer design and the connection to the public water and sewer systems shall be approved by the Township and the City of Grand Rapids prior to installation. Said improvements shall be consistent with the Sewer and Water Master Plans for Cascade Township.

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 and Michigan Department of Natural Resources (if applicable) regarding stormwater disposal.

Utility Easements – 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.

Streets – All public streets shall meet the road construction and design standards set forth and established by the Kent County Road Commission. All private streets shall conform with the Cascade Charter Township Engineering Design Requirements and Standards for Private Streets (Resolution #70 of 1994).

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.

Street Lighting – Street lighting shall be provided within the Project at the Developer's expense. All street lighting shall be similar as that provided within the adjacent Cascade Farms Subdivision.

Vegetation Removal - The existing vegetation on proposed lots 6, 7 and 8, located north of the private road easement and south of the north property line, shall remain undisturbed during construction of all infrastructure improvements unless absolutely necessary to be removed for engineering purposes. If any vegetation in this area is requested to be removed, it shall first be reviewed and approved by the Township Engineer. This requirement shall not apply to future homeowners who may landscape this area following all infrastructure improvements.

Section IX. 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 Engineer prior to commencing any building or earth moving on the site.

Section X. 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, soil erosion controls, lighting, 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 XI. Master Development Plan

Consistency with Master Development Plan - The Project shall conform in as much as reasonably possible to the master development plan approved by the Township Board and signed by the Township Supervisor on January 31, 1996.

Subdivision Plat Approval - The subdivision plat shall be reviewed following the process set forth in the Cascade Charter Township Subdivision Ordinance, as amended, to assure consistency with this Ordinance and other pertinent township land development ordinances.

Subdivision Lot Divisions / Splits – Property owners wishing to divide or split a lot must follow the procedures set forth in the Cascade Charter Township Subdivision Ordinance in order to receive consideration of their request. No lot division or split shall be granted if the request results in the creation of additional parcels for additional dwelling units.

Section XII. 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 consistent with the proposed homes in the Cascade Lakes Site Condominiums and the present Cascade Farms Subdivision. The community will benefit by having a low density project that is regulated by the requirements of this PUD Ordinance.

In relation to the underlying zoning 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 will be served by an extension of the municipal water and sewer system. 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 Project has been determined by the Township to be compatible with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance.

The Township finds the Project will not result in an unreasonable negative economic impact upon surrounding properties. This project will be developed in a similar manner as the surrounding properties.

The Township finds the Project to have at least as much green and usable open space as would otherwise be required by the Township Zoning Ordinance.

Finally, the Township recognizes that the Developer or its assigns will retain ownership and control of the Project until the lots are purchased for single family residential purposes.

Section XIII. 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 Timmons, supported by Board Member Hansen.
The roll call vote being as follows:

YEAS: Carpenter, Hansen, Henning, Johnson, Julien, Timmons, Van Strien

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 31st day of January, 1996.

Brenda J. Henning

Cascade Charter Township Clerk