

PUD Ordinance - Summit #11 of 1997

CASCADE CHARTER TOWNSHIP

Ordinance #11 of 1997

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH **THE SUMMIT** SITE CONDOMINIUM PLANNED UNIT DEVELOPMENT

Cascade Charter Township Ordains:

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

The application received from Overlook summit Associates, LLC or its assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed The Summit project (hereinafter referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on August 18, 1997. The Project is recommended for rezoning from Planned Unit Development to PUD, Planned Unit Development permitting a site condominium development. 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 August 27, 1997.

Section II. Legal Description

The legal description of the Project is as follows:

That part of the NW $\frac{1}{4}$, and that part of the NE $\frac{1}{4}$, Section 16, T6N, R10W, Cascade Township, Kent County, Michigan, described as: BEGINNING at the N $\frac{1}{4}$ corner of said Section 16; thence S 00 degrees 00' W 505 feet along the N-S $\frac{1}{4}$ line of Section 16; thence S 71 degrees 10'00"E 221.04 feet; thence S 39 degrees 00' W 132.59 feet; thence S 34 degrees 56'23" W 102.81 feet; thence S 34 degrees 43'15" W 659.89 feet to a point on the Northerly line of Thornapple River Drive (66 feet wide); thence N 00 degrees 00' E 207.17 feet; thence N 87 degrees 39'30" W 351.26 feet; thence N 00 degrees 00' E 466.18 feet along the West line of the East 660 feet of the NW $\frac{1}{4}$ of Section 16; thence S 89 degrees 15'E 627 feet along the South line of the North 627 feet of said NW $\frac{1}{4}$; thence N 00 degrees 00' E 627 feet; thence S 89 degrees 15' E 33 feet along the North line of Section 16 to the place of beginning. Subject to highway R.O.W. for 28th Street over that part which lies North of a line which is 55 feet Southerly from and parallel with the centerline of 28th Street.

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 8.5 acres of land that is vacant and wooded. The Project is proposed to be developed into a site condominium development containing 14 single family residential 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 Project's aesthetics and appearance. This development technique provides the Developer with the ability to develop the Project in a manner to meet market expectations where more traditional mechanisms such as creating land subdivision plats do not.

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

Section V. Approval Limitations

The provisions of the 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 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 or any other 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 a 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. Site Condominium Documents and Plans

Specific controls relating to architectural elements, common elements of the site condominium project, construction materials, size and space requirements, improvements and out buildings, specific prohibitions and rules of conduct shall be governed by site condominium bylaws and master deed. These restrictions shall become part of this Ordinance with the documents labeled and attached in the following manner:

"Exhibit A – Bylaws"

"Exhibit B – Master Deed"

The project shall be developed in accordance with the site plan approved and signed by the Township. The site plan shall indicate where each condominium unit will be located and provide appropriate measurements demonstrating compliance with Section 16.11(2) of the Zoning Ordinance. Engineering plans and documents relating to utilities, topography, drainage, and the survey of the Project shall be reviewed and approved by the Township Engineer. Approval of these documents shall be based upon their meeting the requirements of Section 16.11(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 as "Approved", and forward them to the Developer. Only approved plan documents shall be recorded with the appropriate county and state agencies.

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

The Project shall be limited to fourteen (14) building sites for single family detached condominium units. The number of building sites within the Project shall not be increased by the Township Board.

Section VII. Permitted Uses

The permitted uses for The Summit PUD are as follows:

Single Family Residences.

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.

Signs. A Project identification sign may be located at the Project entrance near Old 28th Street subject to the sign not exceeding fifty (50) square feet in sign area and being placed at least 25 feet from the edge of the pavement of Old 28th Street and five (5) feet from the west property line. An additional identification sign may be located within the Project, near the entrance gate and not exceeding fifty (50) square feet in sign area. Accepted as provided herein, all signs in the Project shall conform with the Cascade Charter Township Sign Ordinance (Ordinance No. 12 of 1988, as amended).

Section VIII. 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 Units – The maximum number of single family detached site condominium units within the Project shall be limited to 14 units.

Maximum Building or Structure Height – 35 feet or 2-1/2 stories whichever is the lesser.

Setback Requirements – The following setback requirements shall apply to all buildings and structures, except signs.

1. Front Yard Setback – Front yard setback may be a minimum of 20 feet from the edge of the pavement of the private street.

2. Rear Yard Setback – Rear yard setback may be a minimum of 25 feet from the Project limits.

3. Side Yard Setback – Side yard setback may be a minimum of 5 feet, leaving at least 10 feet between buildings on neighboring condominium units.

Minimum Floor Area – Each site condominium unit shall contain a minimum of 1,600 square feet of finished livable area above grade level as measured from the street, exclusive of the garage, decks, porches and breezeways.

Minimum Parking Requirements – Each site condominium dwelling unit shall have a minimum of two (2) enclosed off-street parking spaces. In addition, the Developer may construct guest parking spaces at various locations within the Project, if warranted. If more guest parking spaces are to be constructed than appear on the site plan approved by the Township at adoption of this PUD Ordinance, site plan review shall be conducted by the Planning Department who shall either grant approval for or deny the additional parking areas.

Street lights within the Project shall be consistent with the lighting plan submitted to the Township Planning Department and approved as part of the site plan and PUD Ordinance adoption. The street lighting is to be designed so as to not emit light from the Project onto adjacent residential properties.

Section IX. Private Street Development

The Developer shall submit a street construction, maintenance and pavement plan consistent with Section 16.11(4)(f) of the Zoning Ordinance. The Developer may establish a private street to serve the Project provided the road is constructed in accordance with the "Cascade Charter Township Engineering Design Requirements and Standards for Private Streets" and the following specifications.

4. The road grade of the western loop of the private street shall not exceed a grade of 7.5%. The inner segment of the

loop road may exceed an 8% grade for that portion between Units #5 and #10.

5. The turning radius off the private street into the driveway of Units #10 and #11 shall be constructed as shown on the site plan approved by the Township at adoption of this Ordinance.

6. The clear width on the entrance gates shall not be less than 12 feet.

7. The private street shall be posted with a sign stating the street name prior to issuance of a building permit for construction of any building in the Project. This sign shall be consistent with Kent County Road Commission standards and requirements and shall be installed at the Developer's cost.

8. A clear vision triangle shall be established by the Developer to insure safe turning movements to and from the Project onto Old 28th Street. This clear vision triangle shall be developed to the specifications established by the Kent County Road Commission.

9. Any private street shall intersect any public road at a 90 degree angle.

10. Copies of any permits required by the Kent County Road Commission to connect the private street to any public road shall be provided to the Township Planning Department by the Developer.

In accordance with Section G of the "Cascade Charter Township Engineering Design Requirements and Standards for Private Streets", the Developer of the Project shall provide a disclosure statement on all property deeds to all owners of the private street, all those who utilize the private street and all persons securing a building permit to construct a building or structure served by the private street, by applying for and securing a building permit for construction of a building or structure that utilizes the private street, all such persons shall use the private street at their own risk and the Township shall not be responsible for any aspect of the private street.

In accordance with Section 1 of the "Cascade Charter Township Engineering Design Requirements and Standards for Private Streets", it shall also be the responsibility of the Developer and its successors or the individual property owners to fully maintain and keep the private street access street in good repair at all times and to ensure that snow and ice is removed in a timely fashion during the winter.

No combustible materials may be erected on the Project until a temporary access road is constructed to within 100 feet of the furthest point of a structure. Such road shall be a minimum 18 feet wide and be able to support 20 tons on a single axle with dual wheels and standard road tires.

Section X. 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 building expansions or infrastructure improvements.

Section XI. Utilities

Municipal Sewer and Water Service – All site condominium dwelling units shall be connected and served by municipal sewer and water prior to occupancy.

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 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 or Department of Environmental Quality regarding stormwater disposal.

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.

The Developer shall secure an easement from Cascade Charter Township to extend a municipal water main from adjacent township property to service the Project. The terms of said easement shall be established at adoption of this PUD Ordinance. The easement shall be recorded with the Kent County Register of Deeds.

Section XII. Soil Erosion Control Requirements

Prior to each phase of 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.

A soil erosion control permit must be obtained for each condominium unit as a building permit is sought. A site plan indicating control measures to be put in place before and during construction and until the condominium unit is stabilized with landscaping or other measures shall be submitted with the building permit application.

Section XIII. 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, drainage, lighting, roads, utilities. The Township Board, Engineer or Planning Department may require such guarantee at any time they deem necessary to insure completion of the improvements.

Section XIV. Other Development Requirements

To the extent possible, the Developer shall work with the neighboring office building owners and tenants to make the private driveway off of Old 28th Street, serving both the Project and the office building accessible, during business hours.

Section XV. 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 respects the topography of the land.

In relation to the underlying zoning (PUD, Planned Unit Development), 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 municipal water and sewer. 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 General Development plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance.

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

Finally, the Township recognizes the Project will be under single ownership or control. The Township recognizes that the Developer or its assigns will retain ownership and control of the Premises until a majority of the site condominium units are purchased for single family residential purposes.

Section XVI. 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 Van Strien. The roll call vote being as follows:

YEAS: Carpenter, Goodyke, Julien, Kleinheksel, Timmons, Van Strien

NAYS: None

ABSTAIN: None

ABSENT: Johnson

Marlene K. Kleinheksel

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 27th day of August, 1997.

Marlene K. Kleinheksel

Cascade Charter Township Clerk

EXHIBIT "A" – BYLAWS

EXHIBIT "B" – MASTER DEED