

## PUD Ordinance - Tammarron North #12 of 1989

ORDINANCE #12 OF 1989

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE TAMMARRON NORTH 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 Tammarron North Condominiums, Inc., or their assigns (hereinafter referred to as the "Developer") for Planned Unit Development designation for the proposed Tammarron North Site Condominium Project (hereinafter referred to as the "Premises" was recommended by the Cascade Charter Township Planning Commission for approval on July 17, 1989, and September 18, 1989. 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 August 14, 1989 and November 1, 1989.

SECTION II. LEGAL DESCRIPTION.

The legal description of the Premises is as follows:

That part of the NW 1/4, Section 4, and that part of the NE 1/4, Section 5, T6N, R10W, Cascade Township, Kent County, Michigan, described as: BEGINNING at the NW corner of Section 4; thence N 90 degrees 00' E 70.55 feet along the North line of Section 4 to the SE corner of Section 32, T7N, R10W; p thence S 89 degrees 40' E 246.76 feet along the North line of Section 4; thence S 00 degrees 20' W 250.05 feet along the Westerly line of Tammarron No. 3; thence S 36 degrees 53' E 764.40 feet along said Westerly line; thence S 85 degrees 30' W 379.91 feet; thence S 19 degrees 43' E 741.05 feet; thence S 37 degrees 38' 15" W 451.65 feet; thence N 65 degrees 20' W 438.69 feet; thence S 00 degrees 55' 35" W 575.23 feet along the East line of Section 5; thence N 87 degrees 47' 13" W 1323.75 feet along the North line of the South 1/4, NE 1/4, Section 5; thence S 1 degree 13' 36" W 330.88 feet along the West line of the SE 1/4, NE 1/4, Section 5; thence N 87 degrees 48' 50" W 567.95 feet along the South line of the NE 1/4 of Section 5; thence N 1 degree 30' E 1024.52 feet along the extended centerline of Marsman Avenue; thence S 87 degrees 42' 17" E 125.00 feet; thence N 1 degree 30' E 300.00 feet; thence S 87 degrees 42' 17" E 367.87 feet along the North line of the S 1/2, NE 1/4, Section 5; thence N 1 degree 30' E 1074.26 feet; thence N 90 degrees 00' E 96.06 feet; thence N 1 degree 31' 30" E 44.00 feet p thence S 43 degrees 47' 40" E 445.08 feet; thence N 90 degrees 00' E 199.15 feet; thence N 46 degrees 03' 30" E 55.90 feet; thence N 43 degrees 32' W 21.11 feet; thence N 1 degree 31' 30" E 443.28 feet; thence N 90 degrees 00' E 738.04 feet along the North line of Section 5 to the place of beginning; EXCEPT that part of the NE 1/4, Section 5, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Commencing at the E 1/4 corner of Section 5; thence N 87 degrees 48' 50" W 1325.48 feet along the South line of said NE 1/4, thence N 1 degree 13' 36" E 432.88 feet along the West line of the SE 1/4 of said NE 1/4 to the PLACE OF BEGINNING of this description; thence N 1 degree 13' 36" E 226.08 feet along said West line; thence N 64 degrees 10' E 383.52 feet; thence Southeasterly 359.25 feet along a 500.0 foot radius curve to the left, the chord of which bears S 46 degrees 25' E 351.57 feet; thence S 76 degrees 00' W 623.22 feet to the place of beginning. ALSO EXCEPT, that part of the NE 1/4 Section 5, T6N, R10W, Cascade Township, Kent County, Michigan, described as: BEGINNING at a point on the East line of Section 5, which is S 00 degrees 55' 35" W 225.00 feet from the NE corner of Section 5; thence S 00 degrees 55' 35" W 245.00 feet; thence N 76 degrees 00' W 330.64 feet; thence N 1 degree 31' 30" E 165.04 feet; thence N 90 degrees 00' E 320.39 feet parallel with the North line of Section 5 to the place of beginning. This parcel, excluding the two exceptions, contains 100.695 acres.

### 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 100.695 acres of land that is proposed to be developed into a site condominium project containing twenty-seven (27) 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 Tammarron North Site Condominium Project are as follows:

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

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 within the Premises shall be limited to twenty-seven (27) 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 4,000 square feet of finished liveable area above grade level, exclusive of the garage, decks, porches, and breezeways. This requirement shall not govern Lots #25 and #27 of the development. Lot #27 currently has a residential structure constructed upon it which conforms to the underlying zoning ordinance requirements. Lot #25 may contain a site condominium unit with 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 front yard area line

Side Yard Setback - 10' from the side yard area line

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

All buildings and structures to be located on Lots 25 and 26 shall maintain a 43' setback from the Hall Street right-of-way 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 the Premises "Use and Occupancy 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 and Occupancy 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 – Description of Common Elements".

## SECTION 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, 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.

## 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 easements for sewer and water service to serve the Premises as indicated on the site plan received by the Township (dated November 1, 1989). 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 lines to serve the Premises.

C. The Developer shall be governed by the Special Assessment Agreements dated July 27, 1988 and September 19, 1988 for the provision of water lines to serve this property should it be made available.

D. These agreements in as much as they deal 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 abide by the following restrictions in regards to Bally Bunion Court, an existing private road:

1. The road(s) shall be sufficiently drained to prevent stormwater runoff from causing soil erosion or trespass onto adjoining property.
2. The private road serving the Premises shall be posted with street sign(s) stating the street name. These sign(s) shall be consistent with Kent County Road Commission standards and requirements and shall be installed at Developer cost.
3. Complete maintenance of the private roads shall be the responsibility of the condominium association.
4. Lots 25 and 26 shall be prohibited from direct access to Hall Street and shall be served by the internal private road system if topography allows such access.

B. Lot #27 shall be the only lot within the Premises to be permitted to have direct access to Tammarron Drive.

#### SECTION X. REPEAL OF PREVIOUS ORDINANCES.

Ordinance #10 of 1989 is hereby repealed. All language and provisions contained in that Ordinance pertinent to the Premises is hereby incorporated.

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

YEAS: Carpenter, Ellinger, Hansen, Henning, Parrish, Rowland.

NAYS: None

ABSENT: Champion

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 1st day of November, 1989.

Brenda J. Henning

Cascade Charter Township Clerk