

CASCADE CHARTER TOWNSHIP

Ordinance # 2 of 1992

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE EASTMONT MEADOWS PLANNED UNIT DEVELOPMENT PROJECT.

Cascade Charter Township Ordains:

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

The application received from Noorman Associates Land Company or their assigns (hereinafter referred to as the "Developer") for Planned Unit Development designation for the proposed Eastmont Meadows Subdivision Project (hereinafter referred to as the "Premises" or the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on February 3, 1992. The Project is recommended for rezoning from ARC, Agricultural Rural Conservation to PUD, Planned Unit Development permitting the development of a 59 lot subdivision in at least two (2) development phases and the preservation of 13 acres of wetland and open space for a private conservation park. This recommendation 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 February 12, 1992.

Section II. Legal Description

The legal description of the Project is as follows:

Part of the NW fractional 1/4 of Section 6, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Commencing at the Northwest corner of Section 6; thence East along the North section line to a point 1402.0 feet West of the North 1/4 corner; thence Southerly to a point on the East and West 1/4 line which is 1365 feet West of the center of section; thence West to West 1/4 corner; thence North to beginning; EXCEPT that part described as: Commencing at the Northeast corner of said NW fractional 1/4; thence N 90 degrees 00'W 1402.0 feet along the North line of said NW fractional 1/4; thence S 1 degree 12'W 577.87 feet along the centerline of an existing ditch, to the place of beginning; thence S 1 degree 12'W 1812.79 feet to a point on the South line of said NW fractional 1/4, being

1367.0 feet West of the SE corner of said NW fractional 1/4; thence N 88 degrees 40'W 855.28 feet along the South line of said NW fractional 1/4; thence N 2 degrees 36'E 489.18 feet; thence N 66 degrees 02'E 213.31 feet; thence S 78 degrees 12'E 247.0 feet; thence N 38 degrees 30'E 266.65 feet; thence N 3 degrees 07'E 599.12 feet; thence S 87 degrees 22'W 451.78 feet; thence N 1 degree 08'W 282.43 feet; thence N 65 degrees 07'W 155.0 feet; thence N 4 degrees 27'W 118.75 feet; thence N 88 degrees 57'E 842.28 feet to the place of beginning; ALSO EXCEPT the West 180.0 feet of that part lying North of a line which is 60 feet South of and parallel to the centerline of Hall Street.

Section III. General Provisions

The following provisions shall hereby apply to the Project, in addition to those Provisions outlined in Chapter 14 of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988, as amended) and the Cascade Charter Township Subdivision Ordinance (Ordinance No. 1 of 1978, as amended).

Section IV. Purpose

The Project occupies approximately 49.33 acres of land that is proposed for the development of a single family residential plat and the preservation and enhancement of existing wetlands and open space on the property. 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.

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 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 Eastmont Meadows Subdivision Project are as follows:

- A. Single family detached dwelling units and accessory buildings customarily incidental to single family residences (subject to the provisions of Section 4.08 and 4.09 of the Cascade Charter Township Zoning Ordinance, as may be amended); and
- B. A private conservation park for the use and enjoyment of the property

owners and residents of the Project.

Section VI. Design Guidelines, Requirements and Limitations

The development of all permitted uses within the Project shall conform to the following design standards.

A. Single Family Detached Dwelling Units -

1. **Maximum Number of Lots** - The maximum number of subdivided lots or site condominium parcels shall be limited to fifty-nine (59) lots or parcels.
2. **Minimum Lot Size** - Each lot shall contain a minimum of 15,000 square feet of lot area.
3. **Minimum Lot Width** - Each lot must have a minimum width of one hundred (100) feet, as measured thirty-five (35) feet from the front property line or right-of-way line.
4. **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 the lesser.
5. **Minimum Floor Area** - There shall be a minimum ground floor area of 1,300 square feet for each one story single family dwelling unit. All two story dwellings shall be a minimum floor area of 1,600 square feet, with a minimum of 800 square feet on the ground floor. The minimum floor areas shall only include finished liveable area at or above ground level exclusive of the garage, decks, porches and breezeways.
6. **Minimum Front Yard Setback** - The minimum front yard setback as measured from the front property line or right-of-way line shall be thirty-five (35) feet or the average front yard setback within two hundred (200) feet of the subject lot, whichever is the most restrictive.
7. **Side Yard Setback** - The combined side yard setback shall be a minimum of twenty-five (25) feet, with one side having a minimum setback of ten (10) feet.
8. **Rear Yard Setback** - The minimum rear yard setback as measured from the rear property line shall be twenty-five (25) feet.
9. **Minimum Off-Street Parking Requirements** - Each dwelling shall have a minimum of two (2) enclosed off-street parking spaces.
10. **Sidewalks** - All residential lots shall provide a concrete sidewalk along the street side(s) of their property. The sidewalk(s) shall have a minimum width

of five (5) feet and shall have a minimum concrete thickness of four (4) inches. Construction of the sidewalk(s) must be completed before an occupancy permit will be issued to the property owner. In the event that sidewalk(s) cannot be installed prior to occupancy (due to extenuating circumstances accepted by the Township) the property owner shall submit to the Township a financial guarantee equal to two and one-half (2-1/2) times the cost of sidewalk installation. The financial guarantee must assure installation of the sidewalk within 180 days of occupancy of the dwelling or one construction season, whichever is the lesser.

11. Street Trees - All residential lots must provide a minimum of two (2) shade trees along the street side(s) of the property prior to the issuance of an occupancy permit. The shade trees shall be installed between the sidewalk and the street at property owner expense. Each tree shall have a minimum caliper of two and one-half (2 - 1/2) inches. In the event that the street trees cannot be installed prior to occupancy, (due to extenuating circumstances accepted by the Township) the property owner shall submit to the Township a financial guarantee equal to cost (including installation cost) of the required trees. The financial guarantee must assure the installation of the street trees within 180 days of completion of the dwelling or one growing season, whichever is the lesser.

12. Residential Landscape Requirements - Where a lot has been disturbed or cleared for residential development, the disturbed area shall be graded and landscaped, except for driveways, sidewalks and required parking areas. Seeding and sodding shall be the minimum acceptable landscaping of any lot. The landscaping shall be installed within 180 days of occupancy of the dwelling, or one growing season, whichever is the lesser. The Building Inspector may demand the posting of a financial guarantee in the amount of one thousand (\$1,000.00) dollars to assure installation of the landscaping and may extend the 180 day time limit an additional 90 days if conditions warrant.

B. Private Conservation Park

1. Ownership and Responsibilities - The private conservation park shall be placed under the ownership of a neighborhood association comprised of the property owners with the Eastmont Meadows Subdivision Project. The Developer of the Project shall convey a conservation easement to Cascade Charter Township which shall insure that the park is left in its current undeveloped state in perpetuity.

2. Use Restrictions - The private conservation park shall be limited by the following restrictions:

- a) No buildings, structures, fences, driveways or streets as defined by the Cascade Charter Township Zoning Ordinance, shall be erected, constructed or placed within the conservation park.
- b) There shall be no surface mining on the property.
- c) There shall be no draining or filling of wetlands within the conservation park.
- d) There shall be no tree or vegetation cutting or removal within the conservation park except to remove fallen, dead, diseased or dangerous trees or vegetation. Vegetation such as cattails, purple loosestrife and other wetland vegetation deemed by the Michigan Department of Natural Resources as noxious to a wetland environment may be removed upon approval of the neighborhood association and Cascade Charter Township.
- e) The construction of a sidewalk to connect Lot 12 and Lot 13 of Eastmont Meadows is permitted. This sidewalk shall be installed when residential units have been constructed on both lots. The installation cost of the sidewalk shall be the responsibility of the adjoining property owners or the neighborhood association and shall not be the responsibility of Cascade Charter Township.
- f) There shall be no playground equipment, picnic tables or other recreation equipment stored, installed, or placed in the conservation park.
- g) A boardwalk may be placed within the conservation park to serve passive recreational needs provided it receives approval of the neighborhood association and Cascade Charter Township.
- h) The Developer of the project may construct up to three (3) stormwater detention ponds within the conservation park for the purpose of providing on-site storage facilities for runoff.

Section VII. Development Requirements

A. Signs -

All signs (type, size, etc.) for the proposed development shall comply with the Cascade Charter Township Sign Ordinance, as amended. All permanent development identification signs shall not exceed five (5) feet in height and must be located on an easement allowing for its placement on that particular private property.

B. Stormwater Drainage -

All proposed stormwater drainage facilities shall be reviewed and approved by the Township Engineer and the Kent County Drain Commissioner prior to

the development of the Project. All stormwater detention basins areas within the Project shall be designed, at a minimum, to handle a 50-year storm event.

C. Utility Easements -

The Developer shall provide all necessary easements within the Project for sewer, water, telephone, electricity, gas and cable television to the appropriate utility provider without cost. 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.

D. Sewer and Water -

All dwellings shall be served with public water and sewer 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.

E. Streets -

All streets shall meet the road construction and design standards set forth and established by the Kent County Road Commission. 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.

The Developer shall limit construction - related traffic to a specific travel route. This travel route shall be limited to Hall Street and the proposed Greenhill Drive.

The Township will request that the Kent County Road Commission place a four-way stop and the intersections of Hall Street, Argo Street, Patterson Avenue and the proposed Greenhill Drive. In addition, the Township will request a four-way stop at the East Meadows/Greenhill Drive intersection.

F. Street Lighting -

Street lighting shall be provided within the Project at the Developer's expense. All street lighting shall be low sodium luminaries (lamps), which do not extend more than twenty (20) feet in height. Luminaries shall be shrouded to minimize the emission of light rays and may not exceed .5 foot candles as measured at ground level.

G. 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 VIII. Predevelopment Requirements

- A. 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 plat development on the Project. This plan shall be reviewed and approved by the Township Engineer prior to the development of any plats in the Project.
- B. The Township Planning Department shall receive all pertinent correspondence and permits received from the Michigan Department of Natural Resources (MDNR) regarding the status or development of wetlands within the Project prior to any construction.
- C. The Township Planning Department shall receive all correspondence and permits from the Kent County Drain Commissioner regarding storm water disposal prior to any construction.

Section IX. 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, lighting, roads, and utilities. The Township Board, Engineer, or Planning Director may require such guarantees at any time they deem necessary to insure completion of the improvements.

Section X. Master Development Plan

A. Master Development Plan, Consistency With the 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 February 12, 1992. The development of subdivision plats within the Project shall be designed to insure consistency with the master development plan. All subdivision plats shall be reviewed in the process set forth in the Cascade Charter Township Subdivision Ordinance, as amended.

B. Subdivision Plat Approval (Phasing) -

The Project may be developed into two or more distinct developmental or subdivision phases. Each phase of the Project shall be reviewed by the

Planning Commission for consistency with this Ordinance and other pertinent Township land development ordinances. At the time of project review, the then existing stormwater conditions shall be reviewed and evaluated by the Township Engineer to determine the adequacy of the development's stormwater system and its affect on the surrounding neighborhood. If the system is determined to be inadequate, the Township Engineer shall report and recommend to the Planning Commission a revised stormwater drainage design criteria in which future phases shall satisfy. Each phase review shall require a public hearing. The public hearing shall be noticed and advertised in a manner consistent with Section 23.06 of the Cascade Charter Township Zoning Ordinance.

C. Subdivision Lot Divisions/Splits -

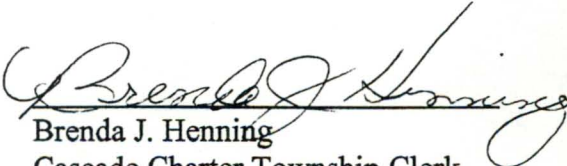
Property owners wishing to divide or split a lot must follow the procedures setforth in the Cascade charter Township Subdivision Ordinance in order to receive consideration of their request. No lot division or split shall be granted if the request results in the creation of additional parcels for additional dwelling units.

Section XI. Effective Date

This Ordinance shall become effective upon publication in the Grand Rapids Press, a newspaper of general circulation within Cascade Charter Township.

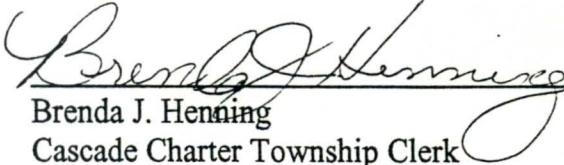
The foregoing Ordinance was offered by Board Member Julien, supported by Board Member Boonenberg. The roll call vote being as follows:

YEAS: Boonenberg, Carpenter, Hansen, Henning, Julien
NAYS: None
ABSTAIN: None
ABSENT: Champion, 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 February, 1992.


Brenda J. Henning
Cascade Charter Township Clerk