

**TOWNSHIP OF ALGOMA**  
**COUNTY OF KENT, MICHIGAN**

At a regular meeting of the Township Board of the Township of Algoma, Kent County, Michigan, held in the Algoma Township Hall, 10531 Algoma Avenue, within the Township, on the 12th day of May, 2009, at 7:00 p.m.

PRESENT: Hoemke, J. Bigney, Ellenwood, W. Bigney, Clary, Powell and Pickerd.

ABSENT: None.

The following ordinance was offered by Member W. Bigney and supported by Member Pickerd:

**ORDINANCE NO. 250**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE  
OF THE TOWNSHIP OF ALGOMA**

**[Scarlett Glenn Condominium Open Space Planned Unit Development]**

THE TOWNSHIP OF ALGOMA ORDAINS:

Section 1.     ***Open Space Planned Unit Development.*** The Zoning Ordinance of the Township of Algoma is hereby amended by the amendment of Section 3.2 thereof, the Zoning Map, so as to rezone the following described lands from the R-R Rural Residential District to the Open Space Planned Unit Development (OS-PUD) District, in accordance with the Final Development Plan of the Scarlett Glenn OS-PUD Condominium Development, subject to all of the terms and conditions of this Ordinance:

Part of the West 1/2 of Section 35, T9N, R11W, Algoma Township, Kent County, Michigan, described as: Commencing at the Northwest 1/4 corner of said Section; thence N89°52'07"E 849.42 feet along the North line of said Section to the Place of Beginning; thence continuing N89°52'07"E 487.12 feet along the North line of said Section; thence S00°39'11"W 2379.69 feet along the East line of the West 1/2 of the Northwest 1/4 of said Section; thence N90°00'00"W 463.46 feet; thence S22°58'27"W 134.15 feet; thence S35°57'29"W 306.59 feet; thence S54°29'35"W

141.72 feet; thence S59°18'28"W 135.90 feet; thence N89°57'35"W 411.02 feet parallel with the East-West 1/4 line of said Section; thence N00°33'50"E 247.51 feet along the West line of said Section to the West 1/4 corner of said Section; thence N00°35'20"E 260.00 feet along the West line of said Section; thence S89°24'40"E 208.71 feet; thence N00°35'20"E 208.71 feet parallel with the West line of said Section; thence S89°24'40"E 104.29 feet; thence N00°35'20"E 750.00 feet along the East line of the West 313.00 feet of the Northwest 1/4 of said Section; thence N89°24'40"W 313.00 feet; thence N00°35'20"E 169.25 feet along the West line of said Section; thence N89°52'07"E 281.02 feet parallel with the North line of said Section; thence N00°35'20"E 846.77 feet along the East line of the West 281.00 feet of the Northwest 1/4 of said Section; thence N89°52'07"E 573.65 feet parallel with the North line of said Section; thence N00°07'53"W 417.42 feet to the Place of Beginning. Subject to the road rights of way for 11 Mile Road, Wolven Avenue and Elstner Avenue over the North 33.0 feet, the East 33.0 feet and the West 33.0 feet thereof.

In the event of conflict between any part of the Final Development Plan and the terms of this Ordinance, this Ordinance shall control.

Section 2.     ***Terms and Conditions of Rezoning.*** The rezoning of the above-described lands to the OS-PUD District is expressly subject to all of the following terms and conditions:

(1)     Development Plan. The Scarlett Glenn OS-PUD Condominium Development (the "Development") shall comply in all respects with the Final Development Plan (the "Plan") having a last revision date of May 5, 2009, except as revised or supplemented by this Ordinance. The Development shall be constructed in accordance with the Plan, as modified by this Ordinance; no variation shall be permitted unless such variation is approved, in advance, pursuant to Section 11.9 of the zoning ordinance.

(2)     Dwellings in the Development.

(a)     The Development shall be constructed and used only for single-family detached dwellings, sold and occupied on a condominium basis, in accordance with applicable State law, together with open space and other associated uses, as shown on the Plan. The Development shall have not more than 62 single-family detached dwellings. No commercial activities shall be permitted, except home occupations as permitted and as regulated by the zoning ordinance.

(b) The buildings in the Development, while not situated within specifically described lots, shall be as shown on the Plan, but in any event shall be at least 30 feet from the nearest edge of the private street pavement or other traveled portion of the street. The distances between buildings may be as shown on the Plan, but in any event shall be at least 30 feet. The extent of unoccupied land located to the rear of the buildings shall be as shown on the Plan.

(c) Accessory buildings are prohibited in the Development, and the condominium documents shall so provide.

(d) Units 29, 30 and 31 of the Development are shown to be located on slopes that are as steep as 20 percent or more. Section 11.8(c)(2) of the Zoning Ordinance, pertaining to the OS-PUD district, formerly provided that slopes of 20 percent or more are to be included in the Primary Conservation Area of the PUD, and accordingly, are to be preserved as undeveloped open space.

However, Section 11.8(c)(2), and other applicable provisions of the OS-PUD chapter, would permit an applicant to submit an OS-PUD development that would include some areas of greater than 20 percent slopes, and would authorize the Township Board to approve development upon and within such steep slopes, if certain requirements are satisfied.

Accordingly, the locations of units 29, 30 and 31 within the Development are hereby approved, despite their location on steep slopes within the OS-PUD.

The Township Board hereby determines that the placement of units 29, 30 and 31 within the steep slopes as shown on the Plan would comply with Section 11.8(c)(2) of the zoning ordinance as follows:

(i) The placement of units 29, 30 and 31 on the steep slopes shown in the Plan would make the Development a more creative one, and would result in more economical and

efficient use of the land, because the placement of dwellings on the steep slopes as shown would enable the applicant to provide walk-out type dwellings, by taking advantage of the existing natural slope, rather than using earth-moving equipment to create a non-natural slope for the purpose of walk-out dwellings.

(ii) The placement of the stated units as shown in the Plan would permit greater areas of open space to be preserved around or near the current perimeter of the Development, as shown in the Plan, particularly including substantial open space along Wolven Avenue, thus preserving the rural view along the avenue.

(iii) The placement of the stated units as shown in the Plan would enable the preservation of other significant natural areas within the Development, including substantial areas of mature trees.

(iv) The placement of the stated units as shown in the Plan would be consistent with and would help to achieve the intents and purposes of the OS-PUD district, as stated in Section 11.1 of the Zoning Ordinance.

Accordingly, the Township Board approves the placement of units 29, 30 and 31 as shown in the Plan.

(e) Under the terms of Section 11.5 of the Zoning Ordinance, the Township Board has considered the building density represented in the Development, as compared to the maximum permissible densities under the R-R District. The Township Board concludes that the building density in the Development is appropriate under all of the circumstances, in view of the dedicated open space, required landscaping, natural areas and other amenities of the Development. The Township Board further concludes that the building density will not produce adverse traffic conditions or an undue burden on public facilities.

(3) Access; Streets.

(a) Access to the Development shall be by way of a private street, extending westerly from Wolven Avenue, with a boulevard entrance, as shown on the Plan. This entrance shall be subject to approval by the Kent County Road Commission.

(b) The internal streets in the Development shall be private and shall comply with all applicable requirements of Section 4.27 of the zoning ordinance (despite the reference in General Note 4 of the Plan to “driveways”), except as modified below in subsection (c), and shall be subject to the approval of the Township engineer.

(c) The private streets shall be at least 22 feet wide; provided, however, that the streets comprising the cul-de-sacs, these being Glenn Grove Court, Glenn Carin Court and an unnamed cul-de-sac at the northerly end of Glenn Belle Drive, shall be at least 20 feet wide. The foregoing modifications of the private streets are made in accordance with Section 11.6(f) of the zoning ordinance, after a consideration of the factors listed in that section. It is hereby determined that the modifications will provide for an enhanced neighborhood atmosphere, will not compromise traffic or emergency vehicle safety and will improve the overall Development.

(d) The private streets shall be maintained, repaired, replaced and snowplowed so as to afford continuous access and unimpeded passage for vehicles, including emergency vehicles, under all weather conditions. The Master Deed and Condominium Bylaws shall have provisions requiring maintenance of the streets in accordance with this Ordinance and the provisions of the Township Zoning Ordinance pertaining to private streets.

(e) The private streets shall have names approved by the Kent County Road Commission and the intersections of the private streets shall be constructed in accordance with Kent County Road Commission requirements.

(f) The Developer shall provide a drawing of a typical cross-section for the cul-de-sac portions of the streets, these being the cul-de-sacs referred to in subparagraph (c) of this subsection (3).

(4) Sanitary Sewer Service.

(a) The Development shall be served by an on-site, privately-owned community sanitary sewer system, subject to the approval of the Township engineer and the Michigan Department of Environmental Quality ("MDEQ"). The adoption of this Ordinance does not constitute approval by the Township engineer.

(b) The community sanitary sewer system shall comply with the following requirements:

(i) The sanitary sewer system shall be located and designed as shown on the Plan, and shall consist of such sewage collection and treatment measures and facilities as are approved by the Township engineer, consistent with standard engineering practice and design for community sanitary sewer systems.

(ii) The applicant shall obtain all required permits for the sanitary sewer system, including but not limited to an MDEQ groundwater discharge permit. Copies of all required permits shall be submitted to the Township.

(iii) Sanitary sewer mains shall be installed in the private street rights-of-way or at other approved locations within the Development. If such sewer mains are installed in those parts of the Development along or within the areas established for construction and use of the private streets, such locations shall comply with regulations of the Kent County Road Commission, if applicable.

(iv) The wastewater collection and treatment system shall at all times be maintained in good order and working condition and in compliance with all applicable governmental requirements. The condominium association shall be responsible for operation and maintenance of the wastewater collection and treatment system through a licensed sewer system contractor.

(5) Water Supply. The dwellings within the Development shall be served by private individual water wells, as shown on the Plan, as approved by the Kent County Health Department and in compliance with the Township building code and other applicable Township regulations.

(6) Surface Water Drainage.

(a) The drainage of surface waters shall be accomplished by designated drainage areas, detention basins and other means, as indicated on the Plan. Storm water drainage shall be adequately controlled so that there are no adverse effects on lands in the Development or on adjacent or nearby lands by reason of excessive storm water runoff. Storm water drainage shall be controlled in compliance with the Township's Storm Water Ordinance.

(b) The Condominium Master Deed and Bylaws shall require that all facilities for surface water management be regularly maintained in proper functioning condition.

(c) The storm water drainage plan and the design, construction and operation of the storm water drainage system shall comply in all respects with the Township Storm Water Ordinance. The drainage plan and storm water drainage system for the Development shall be reviewed by the Township Engineer and shall be subject to the Engineer's approval, under the terms of this ordinance and the Township Storm Water Ordinance, prior to the commencement of the Development. A Township storm water permit shall be required.

(7) Soil Erosion and Sedimentation Control; Site Grading. In the construction and use of the Development, the Developer shall comply in all respects with any required soil erosion and

sedimentation permit. A copy thereof shall be promptly submitted to the Township. Soil erosion protection and stabilization techniques and procedures shall be provided continuously during all phases of construction, until lawns and other landscaped areas are established. Trees located in wetland areas shall not be cut if they exceed in four inches in diameter; provided, however, dead, diseased, unsafe or fallen trees and noxious plants and shrubs may be removed.

(8) Wetlands. Any portions of the Development which are wetlands or which have been designated as wetlands under applicable Michigan law shall not be filled, dredged or developed to any extent without the approval of the MDEQ, by means of such permits as may be required by law. The design, layout and construction of the Development shall be carried out only in such a manner as to have no serious adverse effect on the quality and the waters of any wetland areas.

(9) Utilities. All utility service within the Development shall be by means of underground facilities. The Master Deed shall reserve easements for future private and public utility service, including water and sewer, within the private road right-of-way and within 10 feet on both sides thereof.

(10) Dwelling Floor Area. All dwellings within the Development shall comply with the floor area requirements for the R-R District, as stated in Section 6.6 of the zoning ordinance.

(11) Signs. One sign identifying the Development may be located at the entrance to the Development off Wolven Avenue. The sign shall be ground-mounted and landscaped as shown on the drawing of the sign submitted with the Plan. The sign may be externally illuminated, but if so, such illumination shall be low-level only, non-glare and shall be only of such intensity and scope as to illuminate the sign itself, without spreading light to other lands or the adjacent streets. The area, height and all other aspects of the sign shall comply with the sign provisions of the R-R District. The sign shall not be larger than 32 square feet in area.



(12) Outdoor Lighting.

(a) Street lights shall be installed as shown on the Plan. The final design and location of all outdoor lighting shall be subject to the approval of the Planning Commission or, alternatively, the Township planning consultant. All outdoor lighting is to be installed at the expense of the Developer, and the cost of operation thereof shall be paid by the unit owners. All outdoor lighting shall be fully shielded, such that light emitted by the fixture is projected only below a horizontal plane running through the lowest point on the fixture from which light is emitted.

(b) Other outdoor lighting fixtures, if any are installed, shall be residential in design and shall be oriented downward so as to minimize glare and reflection. Sodium vapor, mercury vapor, or similar bright outdoor lighting shall not be permitted. Typical residential outdoor lighting and motion detection lighting shall be permitted if directed so as not to glare onto adjacent properties or into the sky. The outdoor lighting fixture to be used throughout the Development shall be as shown in the photograph submitted with the Plan.

(13) Landscaping.

(a) The applicant shall submit a landscape plan for the Development, in compliance with the provisions of Chapter 27 of the Zoning Ordinance. The landscape plan shall show, among other matters, the area set aside as dedicated open space, including the areas surrounding each proposed dwelling.

(b) The Master Deed for the Development shall include provisions prohibiting unit owners from removing or cutting down trees or other vegetation required by this Ordinance, except that dead or diseased trees may be removed and replaced with comparable trees.

(c) In the case of trees or plants required to be planted and maintained, but which later die or become diseased, such trees or plants shall be replaced immediately (or as soon as

weather conditions permit) with healthy replacement species of generally the same kind, which shall be at least as high as the originally-required height for such species when first planted. The removal of any such dead or diseased trees or plants and the replacement thereof with healthy replacement species shall be accomplished by the applicant, so long as the applicant retains title to the lands where the trees or plants are located, but after such time the obligation of such replacement shall be that of the condominium association, and the Master Deed for the Development shall so provide.

(14) Sidewalks.

(a) The applicant shall have the obligation to construct sidewalks in the Development, in accordance with the provisions of this subsection (14).

(b) Sidewalks, at least five feet wide, shall be constructed, installed and maintained within the interior of the Development, at the locations show on the Plan.

(c) As dwellings are constructed and completed, the applicant shall construct a sidewalk in front of each dwelling that is shown on the Plan to have a sidewalk located across all or part of its street frontage. The sidewalk shall extend on either side of the dwelling to at least a point on each side that is half-way between the newly constructed dwelling and the next proposed dwelling, as shown on the Plan, in order that the sidewalk in front of and on each side of the dwelling shall extend to at least points on either side of the dwelling that would generally correspond to a lot line on either side of the dwelling, if the Development were a development in which dwellings were constructed on individually-owned lots.

In the case of dwellings that are at the end of blocks or that otherwise have no proposed adjacent dwelling, the applicant shall construct the sidewalk to the extent shown at that location on the Plan.

(d) The sidewalk required to be constructed in front and to the sides of each dwelling shall be installed by the applicant no later than the issuance of a certificate of occupancy for that dwelling; provided, however, that if inclement weather prevents the construction of the sidewalk at the time the dwelling is ready to be occupied, the certificate of occupancy may then be issued, if all other applicable requirements are satisfied, but the construction of the sidewalk may be postponed until the earliest time that weather permits, at which time the sidewalk shall be constructed.

(e) At such time as at least 60 percent of the dwellings have been constructed in any phase of the Development, the applicant shall be obligated to construct all of the rest of the required sidewalks in that phase, and thereby complete the sidewalk system in that phase, irrespective of the fact that not all of the proposed dwellings have been constructed. The construction of such remaining required sidewalks in a phase shall be completed not later than four months after construction has begun on the next phase of the Development; provided, however, that if construction on the next phase has not been commenced for at least one year after 60 percent of the dwellings have been constructed in the previous phase, then the remaining required sidewalks in the phase in which at least 60 percent of the dwellings have been constructed, shall then be promptly constructed, even though construction on the next phase has not begun; provided, however, that if inclement weather prevents the construction of the remaining sidewalks at the time such construction is required, then such sidewalk construction may be postponed until the earliest time that weather permits, at which time such remaining sidewalks shall be constructed.

(f) With respect to the last phase of the Development, this being phase 3, all remaining required sidewalks in that phase shall be constructed by the applicant not later than four months after the completion of construction of at least 60 percent of the dwellings in phase 3.

(15) Open Space Areas.

(a) Areas designated as open space on the Plan shall remain in a natural state, and no buildings, structures or other improvements shall be constructed, nor shall trees or vegetation be removed, except for the following:

(i) Landscaping may be installed in the open space areas at the locations shown on the landscaping plan.

(ii) Dead or diseased trees or other plantings shall be removed and replaced in accordance with Section 2(13) of this Ordinance.

(iii) Passive recreational uses, such as walking trails, may be permitted.

(iv) Subsurface and grade-level facilities comprising the storm water management system or community sanitary sewer system may be installed.

(v) Glenn Meadow Park, a two-acre park for the use of the residents of the Development, shall be designed and established as shown in the Plan. The park shall include a gazebo, with adjacent landscaping at the intersection of Glenn Belle Drive and Glenn Borough Drive as shown on the Plan. Other portions of Glenn Meadow Park, including the preservation of various existing trees, a mowed lawn area and vegetated swale shall be as shown in the Plan.

(vi) Areas designated on the Plan as "No Disturb" areas shall be not greater than a depth of 80 feet from the back of each dwelling, or as shown more specifically on the Plan. No Disturb areas at the sides of dwellings shall be as shown on the Plan.

(b) The Master Deed shall provide that the open space shall be owned in common by the owners of all the dwellings within the Development, that no persons other than owners of such dwellings shall have an interest in the open space, and that no persons except such owners and their personal guests and invitees may use the open space. The Master Deed shall also provide for

continuing maintenance of the developed portion of the open space, including Glenn Meadow Park and other portions of the open space intended for passive use of the residents of the PUD.

(c) The provisions in the Master Deed with respect to the open space shall be legally sufficient, in the opinion of the Township attorney, to establish a binding restrictive covenant with respect to the open space, that shall run with the land in perpetuity.

(16) Environmental Impact Assessment. The Planning Commission and Township Board have considered whether, under Section 11.8(c)(12), an environmental impact assessment with respect to the Development should be required, but have concluded that such an assessment is not required in this instance, in view of the nature of the land, the number of dwellings in the Development, the proposed community sanitary sewer system and other factors.

(17) Phasing of the Development.

(a) The Development shall be constructed in three phases as shown in the Plan. Phase 1 shall consist of the dwellings numbered 1 through 16, the associated infrastructure and the entry drive off Wolven Avenue and Glenn Meadow Park; Phase 2 shall include the dwellings numbered 17 through 32, the associated infrastructure and the infiltration basin shown on the Plan; Phase 3 shall include the dwellings numbered 33 through 62 and the associated infrastructure.

(b) All of the common facilities and infrastructure required for the full development of each phase shall be completed before commencement of construction in a subsequent phase. Any required infrastructure located in part of any subsequent phase but which is required to serve dwellings or land in a previous phase, such as sanitary sewer system facilities, and storm water collection and detention facilities, shall be fully completed and in operation with respect to a prior phase, before commencement of construction in a subsequent phase.

(18) Approval of Condominium Master Deed and Bylaws.

(a) The Township Board hereby approves the Scarlett Glenn OS-PUD Condominium and the Final Condominium Plan, pursuant to Sections 24.6 and 24.7 of the zoning ordinance, subject to the terms and conditions of this Ordinance.

(b) As to any requirements required herein to be included in the Master Deed and/or Condominium Bylaws, such instruments shall specifically list such requirements and shall provide that the same shall not thereafter be amended or deleted without the written approval of the Township Board, following recommendation of the Planning Commission. All provisions of the Condominium Master Deed and Bylaws shall be reviewed by the Township attorney, and shall be subject to the attorney's approval before recording, consistent with the provisions of this Ordinance. It is a condition of this Ordinance that such documents be submitted to the Township and to the Township attorney prior to recording and prior to the commencement of any construction on or within the Development.

(c) There shall be no provisions of the Master Deed or Condominium Bylaws which are contrary to or at variance with the provisions of this Ordinance or which would in any way hinder the enforcement of this Ordinance. To the extent that any such Master Deed or Condominium Bylaw provisions may be contrary to or at variance with any of the provisions of this Ordinance, the same shall be applicable only to the extent permitted by the terms hereof.

(d) The Master Deed and Bylaws shall make express reference to this Ordinance and state that use of property within the Development is subject to this Ordinance, notwithstanding anything to the contrary in the Master Deed or Bylaws.

(19) Underlying Zoning. Except as modified herein, or in the approved Final Development Plan, the requirements of the R-R Rural Residential District shall apply to all

structures and land uses within the Development, except as to matters regulated by the terms of the OS-PUD District, in which case the regulations of the OS-PUD District shall apply.

(20) Construction of Common Improvements.

(a) No building permit shall be granted for any dwelling within the Development until the private streets and other required amenities within the phase of the Development within which the dwelling is located have been completed, and a certificate of compliance has been issued by the Township Clerk in the manner provided in Section 4.27(j)(5) of the Zoning Ordinance, or until a performance guarantee assuring the completion of the private streets and other required amenities has been submitted in the manner provided in Section 4.27(j)(6) of the Zoning Ordinance.

(b) No certificate of occupancy shall be granted within any dwelling within the Development until the private street and all required amenities in the phase of the Development in which the dwelling is located have been completed in accordance with this Ordinance, applicable provisions of the Township Zoning Ordinance and to the satisfaction of the Township.

(21) Reimbursement of Township Expenses. The approval of the Development by the terms of this Ordinance is given upon the condition that the applicant reimburses the Township in full for the Township's expenses in the review and consideration of the Development and all aspects thereof, under the terms of the Township Board resolution providing for such reimbursement and establishing applicant escrow accounts for such purpose. In the absence of full reimbursement of such Township expenses, this Ordinance shall not be effective.

(22) Performance Bond or Letter of Credit.

(a) The applicant shall provide a performance bond or letter of credit running to the benefit of the Township, conditioned upon the timely and faithful compliance of all of the provisions of this ordinance, the PUD plan and other applicable Township ordinances and

requirements. If a performance bond, the surety of the bond shall be subject to Township approval. The Development may be constructed in phases, and accordingly a separate performance bond or letter of credit may be furnished for each phase, prior to the commencement of any part of that phase. The performance bond or letter of credit shall remain in effect until all aspects of the construction and other development covered by the bond or letter of credit have been completed and the Township has authorized the termination of the bond or letter of credit.

(b) A performance bond or letter of credit for a phase of the Development shall include the construction and installation of any infrastructure located within that phase, even though all or some elements of such infrastructure may be intended to provide service or benefit to any other or subsequent phase.

(c) The amount of a performance bond or letter of credit for any phase of the Development shall be as determined by the Township engineer, but if the applicant objects to the amount thereof, an appeal may be made to the Township Board which in its discretion may alter or adjust the amount of the bond or letter of credit.

(d) As recommended by the Township engineer, a performance bond or letter of credit in the amount of \$500,000 shall be furnished for phase 1 of the Development, prior to the commencement of any part of that phase.

(e) As portions of the Development or of any phase thereof are completed, the Township Board, on recommendation by the Planning Commission, may release proportionate shares of the amount of the performance bond or letter of credit, based upon the percentage or other portion of improvements that have been completed within the Development or within a particular phase, as verified by the Planning Commission, the Township engineer or other Township official.

(23) Other Matters.



(a) The design, layout, and construction of the Development shall be reviewed as to matters of public safety and emergency access by the Township Fire Chief and in the discretion of the Fire Chief's approval, or in the absence of such approval, such aspects of the Development shall be appropriately modified so as to be satisfactory to the Fire Chief for public safety and emergency access purposes.

(b) The Plan shall be promptly revised by the applicant so as to delete any drawing or written material in the Plan which is at variance or inconsistent with the terms of this Ordinance, and to add features or items required by the terms hereof, and the revised Plan shall be submitted to the Township Clerk prior to the issuance of building permits for the Development.

(c) Street identification signs, stop signs and other traffic signs in the Development shall be installed to such extent as will adequately provide for street identification and adequate safety for motorized vehicles on the private streets in the Development, as may be proposed by the applicant and subject to the approval of the Zoning Administrator.

**Section 3. Findings.**

(1) Upon reviewing the Final Development Plan, the Township Board determines that the Development, if developed in accordance with this Ordinance, would have the following desirable characteristics and would achieve the following land use objectives:

(a) The Development will encourage the creative development of land through the use of common open space areas, including natural/wetland areas, trail systems, and green space areas.

(b) The Development shows a flexibility and innovation in design.

(c) The Development will promote the efficient use of land and would make possible an economic arrangement of buildings and other elements of land use.

(d) The Development will result in recognizable and substantial benefit to the ultimate users of the Development and to the community, and such benefit would otherwise be unfeasible or unlikely to be achieved.

(e) The proposed type and density of use will not result in an undue burden upon public services, facilities and utilities, will be compatible with the Master Plan of the Township, and will be consistent with the intent and spirit of the Zoning Ordinance.

(2) The Township Board further determines that the conditions imposed herein are reasonably necessary to ensure that public services and facilities will be capable of accommodating the Development, that the natural environment and resources are preserved, that the Development is compatible with adjacent land uses, and that the land will be used in a socially and economically desirable manner. Furthermore, it is determined that the conditions stated herein are designed to protect natural resources, public health, safety and welfare, are necessary to meet the intent and purposes of the zoning ordinance, and constitute a valid exercise of the Township's police power.

**Section 4.    *Enforcement.***

(a) The Township may enforce the provisions of this Ordinance and applicable provisions of the Township Zoning Ordinance, Building Code and other ordinances, laws and regulations to the extent and in any manner provided by law.

(b) In the event that the applicant shall fail to carry out, either at all or on a timely basis, any provision or requirement of this ordinance or other applicable law, ordinance or regulation, the Township may through its Zoning Administrator or other Township Official issue and post a stop work order at the site of any improper or non-complying part of the Development, directing that all further construction of such part of the Development be ceased forthwith, pending the compliance with any applicable provisions of this Ordinance or of other Township ordinances, regulations or State laws. Upon the issuance of such stop work order, the applicant shall comply

fully therewith without delay. Upon the correction of any matters as to which the stop work order was issued, the Township shall promptly rescind and remove the stop work order, whereupon the applicant may again proceed with construction or other permissible activity as to the Development.

(c) The issuance and posting of any stop work order shall not be an exclusive remedy, but may be undertaken by the Township in addition to all other lawful means of enforcement.

Section 5. **Publication/Effective Date.** This Ordinance, or a summary of its provisions, shall published in a local newspaper of general circulation within the Township. This Ordinance shall take effect seven days following such publication.

AYES: Powell, Ellenwood, Hoemke, Clary, W. Bigney, Pickerd, J. Bigney.

NAYS: None.

ORDINANCE DECLARED ADOPTED.

  
\_\_\_\_\_  
Judy A. Bigney, Township Clerk

STATE OF MICHIGAN     )  
  ) ss.  
COUNTY OF KENT        )

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Algoma at a public meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

  
\_\_\_\_\_  
Judy A. Bigney, Township Clerk