

TOWNSHIP OF ALGOMA
COUNTY OF KENT, MICHIGAN

Minutes of a regular meeting of the Township Board of the Township of Algoma, Kent County, Michigan, held in the Algoma Township Hall, 10531 Algoma Avenue, N.E., within the Township, on the 13th day of March, 2001 at 7:00 p.m.

PRESENT: Members: Hoemke, J. Bigney, Ellenwood, W. Bigney and Gilcrest

ABSENT: Members: None

The following preamble and resolution were offered by Member W. Bigney and supported by Member Gilcrest.

ORDINANCE NO. 184

**AN ORDINANCE to amend the Zoning Ordinance of the
Township of Algoma**

**[The Bluffs of Indian Lakes Site Condominium Planned Unit Development –
Site Plan #0019 (Pant Builders, Inc.)]**

THE TOWNSHIP OF ALGOMA ORDAINS:

Section 1. Planned Unit Development. The Zoning Ordinance and Zoning Map of the Township of Algoma are hereby amended so as to rezone the following described lands from the R-A Rural Agricultural District and R-L Lake Residential District to the Planned Unit Development District, in accordance with the Preliminary Development Plan of The Bluffs of Indian Lakes Site Condominium Planned Unit, subject to all of the terms and conditions of this ordinance:

That part of the East 3/4 of the North 1/2 of the Southwest 1/4 of Section 6, Town 9 North, Range 11 West, Algoma Township, Kent County, Michigan, lying East of the following described line: commencing 161.8 feet West of the Northeast corner of said Northwest 1/4 of the Southwest 1/4; thence South 2°53' East 825 feet; thence West 76.31 feet; thence South 495 feet to the South 1/8 line, **except** the North 250 feet of the East 200 feet thereof.

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

Upon reviewing the Preliminary Development Plan, the Township Board determines that the planned unit development, if developed in accordance with this Ordinance, would have the following desirable characteristics and would achieve the following land use objectives:

- (1) The development would encourage creative development of land, through the use of common open space areas, including natural/wetland areas, landscape parks, and green space areas.
- (2) The development shows a flexibility and innovation in design.
- (3) The development would promote the efficient use of land and would make possible an economic arrangement of buildings and other elements of land use.

Section 2. Rezoning. The rezoning of the above-described lands to the Planned Unit Development (PUD) District, is expressly subject to all of the following terms and conditions:

- (1) Development Plan. The Bluffs of Indian Lakes Site Condominium Planned Unit Development (the "Development") shall comply in all respects with the Preliminary Development Plan having a last revision date of January 8, 2001, except where the Plan has been changed, revised or modified by this Ordinance, or as it may be modified during the process of final

site development plan approval by the Planning Commission in accordance with Section 21.6(3) of the Zoning Ordinance.

(2) Unit Areas; Buildings; Site Access.

(a) The Development is a site condominium development. It shall have not more than 24 residential units (“units”) for one single-family, detached dwelling each. Each unit shall have the area shown on the Plan and shall be located as shown on the Plan. The minimum unit width shall be as shown on the Plan. The minimum required building setbacks shall be as follows:

Front yard – 30 feet

Side Yard – 10 feet on each side

Rear yard – 30 feet

Lots on cul-de-sacs shall have a minimum front yard building setback of 40 feet from the street right-of-way. Such lots shall have a width of not less than 80 feet, measured at a point 30 feet back from the nearest street right of way line. That part of the lot that has less than the required minimum width may be included when measuring the depth of the front yard setback.

Further, the Township Board concludes that the reduction in the minimum lot width from the minimum lot width requirement specified in the R-A District, to the various lesser widths shown on the Preliminary Development Plan, is reasonable in view of usable open space otherwise provided in the Development, and in view of the amenities shown in the Preliminary Development Plan.

(b) The areas of the units in the Development, as shown on the Preliminary Development Plan, range from 27,302 square feet to 63,598 square feet.

(c) Internal traffic circulation throughout the Development shall be by means of private streets to be constructed by the Developer and located as shown on the Plan. The street right-of-way shall have a width of 66 feet, the travel width of the streets shall be 22 feet (26 feet with valley gutters), and the streets shall be paved with bituminous pavement and a sufficient aggregate base as shown on the site plan. The street grade shall not exceed 10%. No private street shall extend for a distance of more than 2,640 feet from another private street that provides emergency access to Indian Lakes Road.

(d) The private streets shall be maintained, repaired, replaced and snow-plowed 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 other provisions of the Township ordinances pertaining to public streets.

(e) The private streets shall have names approved by the Kent County Road Commission.

(3) Sanitary Sewer Service and Water Supply.

(a) All units in the Development shall be served by a private septic tank and drain field system, and all units shall be served by separate individual water wells. All septic systems and wells shall be subject to the approval of the Kent County Health Department and shall be constructed in compliance with all applicable regulations.

(b) The Master Deed and Condominium Bylaws shall provide that all septic tanks shall be pumped out at least once every four years. A written certification of completion

of such periodic maintenance shall be provided to the Association of owners of units in the Development, and such certification shall be made available to the Township Clerk upon request.

(4) Surface Water Drainage.

(a) The drainage of surface waters shall be accomplished by leaching basins, storm sewers, designated drainage areas, culverts, and other means, as indicated in the Plan.

(b) The use of the surface water drainage system in the Development and the discharge of waters from the storm sewer system and other elements of the surface water drainage system shall be designed, engineered and carried out so as to have no significant adverse effect upon adjacent or nearby lands or surface waters, or upon wetlands or surface waters within the Development, by reason of erosion, pollution or otherwise.

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

(d) The surface water drainage plan and system shall be subject to the approval of the Township Engineer, and in addition shall comply with the Township Engineer's letter of February 8, 2001.

(5) 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 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.

(6) Wetlands.

(a) 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 DEQ, 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.

(b) So as to assist in protecting wetlands, Indian Lakes and other natural resources from adverse effects from runoff of fertilizers, only non-phosphorus fertilizers shall be used on any of the lands in the Development, and the use and occupancy provisions of the condominium bylaws shall so provide.

(c) A no-disturb, vegetative strip of at least 50 feet in width shall be maintained on the lake and wetland side of lots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12. Existing trees and other vegetation within the vegetative strip shall be maintained and preserved, except that dead and diseased trees and other vegetation may be removed and shall be promptly replaced. The site plan shall be revised so as to delineate the width of the 50-foot wide no-disturb area on the described lots.

(7) 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.

(8) Building Floor Area.

(a) All dwellings shall comply with the Township Building Code and other applicable Township ordinances. Each dwelling shall have a minimum floor area of 1,200 square feet for one story or 1,600 square feet for a two story single-family dwellings. However, the

total minimum floor area of dwellings in the Development shall be subject to further determination by the Planning Commission as part of its approval of the Final Development Plan.

(9) Signs. One sign identifying the Development may be located at the entrance to the Development off Indian Lakes Road, as shown on the Plan. The sign shall not be larger than 18 square feet in size. Such sign shall, however, be subject to the further approval of the Planning Commission as to height, size, placement, setback and other features thereof. Additionally, one temporary sign pertaining to the sale of the premises upon which it is placed may be allowed provided it does not exceed five square feet in total area.

(10) Outdoor Lighting. Street lights shall be installed at the intersections and cul-de-sacs as shown on the Plan. Such street lights shall be installed in accordance with the requirements of the public utility providing such lighting. The height of poles for outdoor lighting fixtures, the number and placement of street lighting poles and fixtures and other aspects of the outdoor lighting system shall be as specified by the local public utility. Street lights shown on the Plan shall be installed at the expense of the Developer, and the cost of operation thereof shall be paid by the unit owners. Street lights shall be of such design and height so as to minimize splashing or glare of light into the sky in accordance with Township ordinance.

(11) Open Space Area.

(a) Within those areas designated as open space (including areas designated as green space, natural area or park and recreation area) on the Plan, no buildings, structures (except the pavilion shown on the Plan) or other improvements shall be constructed, nor shall trees or vegetation be removed, except that dead or diseased trees may be removed and replaced and except that the natural walking paths, trail improvements and other common area facilities as

shown on the Plan may be constructed. The Condominium Master Deed and Bylaws shall contain provisions preserving these areas as open space in perpetuity, and requiring that the walking path be maintained in a usable condition.

(b) A Condominium Association may provide a single 40-foot dock on Indian Lakes, at the location shown on the Plan. The dock shall be so constructed and installed as to be removable at the end of each boating season, and the condominium documents shall provide for such seasonal removal. The Plan shall be revised to indicate a 40-foot length for the dock. The dock, and the launching and use of watercraft therefrom, shall comply with Section 4.37 of the Zoning Ordinance or other, successive provision regulating docks.

(c) The site condominium master deed and condominium bylaws shall provide that no motorized watercraft shall be launched from the dock or from lands in the Development.

(d) Storm water detention areas shall be located as shown on the Plan. All such detention areas shall be subject to the approval of the Township's consulting engineers, with regard to design, construction and operation.

(e) Provisions for the perpetual maintenance of the open space and other natural areas within the Development shall be included in the Site Condominium documents or in separate restrictive covenants. Such instruments shall be subject to the approval of the Township Attorney prior to recording.

(f) The vegetative strip, to be retained as a no-disturb area on certain lots in the Development, shall be maintained as stated in Section 2(6) of this ordinance.

(12) Private Streets. The streets in the Development shall comply with all Township requirements for private streets.

(13) Underlying Zoning. Except as modified herein, or in the Final Development Plan, the requirements of the R-A and R-L Zoning Districts shall continue to apply to the applicable portions of the Development.

(14) Approval of Site Condominium; Master Deed and Bylaws. The Township Board hereby approves The Bluffs of Indian Lakes Site Condominium and the plan for such development, subject to the terms and conditions of this ordinance.

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 Planning Commission and Township Board. Such provisions shall be reviewed by the Township Attorney before recording, so as to verify their compliance with this subparagraph and this Ordinance.

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. 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.

(15) Construction of Common Elements. Prior to the issuance of a building permit for a unit, the streets, the stormwater management system, and other common improvements shall be completed and approved, or a performance guarantee which complies with Township ordinance shall be furnished by the Developer. Prior to the issuance of a certificate of occupancy for a unit, the water supply well and the sanitary sewer system shall be completed and approved for that unit. A performance guarantee may not be provided in lieu of completion and approval of the water supply well and sanitary sewer systems for an individual unit.

(16) Additional Requirements.

(a) All dwellings in the Development shall be numbered in reasonable numerical order, so as to promote ease of locating dwellings within the Development.

(b) Stop signs and other traffic signs in the Development shall be shown on the site plan and installed within the Development, as indicated on the Plan.

(c) In addition to any required Department of Environmental Quality approval of any filling or development of wetlands portions of the Development, as required under the terms of Section 2(6), the applicant shall also obtain any other permits of the DEQ or other state or county agency required by law or regulation, in connection with the Development and the use or alteration of any of the lands therein or any of the waters adjacent thereto.

(d) The revised site plan shall be further revised so as to include a location map that complies with the applicable zoning ordinance provision thereon, and the applicant shall also promptly submit to the Township office a written statement indicating the extent of compatibility of the proposed development with respect to adjacent and nearby lands.

(17) Additional Findings.

(a) The Township Board hereby determines that planned unit development rezoning will result in recognizable and substantial benefit to the ultimate users of the project and to the community, and such benefit would otherwise be unfeasible or unlikely to be achieved.

(b) The Board determines that the proposed type and density of use would 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 Article XXI of the Zoning Ordinance. The planned unit development does not change the essential character of the surrounding area.

(c) It is further determined 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 land be used in a socially and economically desirable manner.

(d) The Board further determines that the conditions stated in this ordinance are designed to protect natural resources, health, safety and welfare, are necessary to meet the intent and purposes of the zoning ordinance, are related to the standards established by the zoning ordinance for planned unit developments, and are related to the valid exercise of the police power.

Section 3. 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 Building Inspector or other Township agency issue and post a stop work order at the site of any improper or noncomplying 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 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 4. 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: Members: Ellenwood, J. Bigney, Hoemke, W. Bigney, Gilcrest

NAYS: Members: 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 regular 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

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