

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, N.E., within the Township, on the 10th day of September, 1996 at 7:00 p.m.

PRESENT: Members: Bigney, Doren, Ellenwood, Walkons, Uplinger

ABSENT: Members: None

The following ordinance was offered by Member Bigney and supported by Member Walkons.

**ORDINANCE NO. 147**

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

**[Wellington Ridge Planned Unit Development (formerly  
known as "Echo Valley")]**

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 to the PUD Planned Unit Development District, in accordance with the Preliminary Development Plan of the Wellington Ridge Site Condominium Planned Unit Development, subject to all of the terms and conditions of this ordinance:

The Southwest 1/4 of the Northeast 1/4 except that part lying Northwesterly of the Southeasterly line of Highway US-131 relocated, also West 3/4 of the Northeast 1/4 of the Northeast 1/4 except the West 495 feet of the North 440 feet and except commencing 548.79 feet

South 89°43'24" West along North section line from the Northeast corner of section, thence South 0°16'58" East 208.71 feet, thence South 89°43'24" West 226.70 feet, thence South 0°16'58" East 337.29 feet, thence South 89°43'24" West 66.0 feet, thence South 29°14'47" West 159 feet, thence South 89°43'24" West 208.71 feet, thence North 20°41'57" East 218.66 feet to the South line of the North 480 feet of the Northeast 1/4 of the Northeast 1/4, thence North 89°43'24" East along said South line 208.71 feet to the East line of the West 495 feet of the Northeast 1/4 of the Northeast 1/4, thence North 0°16'58" West along said East line 439.70 feet to the Southeasterly line of Highway US-131 relocated, thence Northeasterly 51.28 feet along Southeasterly line of said Highway on a 5849.58 feet radius curve to the right, long chord bears North 37°50'35" East 51.28 feet, to North section line, thence North 89°43'24" East along North section line 261 feet to the beginning and except that part of remainder lying Northwesterly of Southeasterly line of Highway US-131 relocated also Southeast 1/4 of the Northeast 1/4, Section 34, Town 9 North, Range 11 West, Algoma Township, Kent County, Michigan.

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

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

(1) Development Plan. Wellington Ridge Site Condominium Planned Unit Development (the "Development") shall comply in all respects with the Preliminary Development Plan consisting of the "Proposed PUD Site Plan" dated August 30, 1996 and the "Recreation Plan" dated August 5, 1996, the Sewage Disposal Plan dated August 30, 1996 (collectively the "Plan") except where the Plan has been changed, revised or modified by this ordinance, or as 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 will have not more than 72 condominium units ("units") for one single-family, detached dwelling each. Each unit shall have the area and shall be located as shown on the Plan. The minimum front yard shall be 30 feet, as measured from the street right-of-way line; the minimum rear yard shall be 20 feet, and the minimum for each side yard shall be 10 feet.

(b) 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 right-of-way shall have a width of 66 feet, the improved width of the streets shall be 22 feet, and the streets shall be paved with bituminous pavement and a sufficient aggregate base.

(c) 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 roads in accordance with this ordinance.

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

(3) Sanitary Sewer Service and Water Supply.

(a) Each lot in the Development shall be served by a private individual water well and by a private septic tank and drainage system, located on the same unit as the dwelling connected thereto and as shown on the Sewage Disposal Plan. All wells and septic systems shall be approved by the Kent County Health Department and shall be constructed in compliance with all applicable regulations. 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 lots in the Development; such certification shall be made available to the Township Clerk upon request by the Clerk.

(4) Surface Water Drainage.

(a) The drainage of surface waters shall be accomplished by 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.

(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. 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 Department of Natural Resources, 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.

(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. All one-story residences shall have a minimum floor area of 1400 square feet, exclusive of garage or open porches. Any residence having more than one story shall have a total floor area of not less than 1800 square feet, exclusive of garage and open porches. All residences shall be built upon a full basement and foundation.

(9) Sales Office. A temporary office, to be used only by the Developer for providing information and soliciting sales of properties within the Development may be

located within the existing house shown on the Plan, or within a dwelling constructed building within the Development.

(10) Signs. One sign identifying the Development, of a size and design approved by the Planning Commission, may be located at each entrance to the Development. In addition, temporary signs, of a size and design approved by the Planning Commission, may be located near each entrance to the Development until all lots within that particular phase of the Development have been sold. Traffic control, street signs, trail identification, and similar signs may be located as shown on the Plan.

(11) Outdoor Lighting. No street or other outdoor lighting shall be permitted. Reasonable and customary porch, garage, driveway and patio lights may be permitted, provided they are shielded or directed so as not to cause glare onto adjoining properties or rights-of-way.

(12) Open Space.

(a) Within those areas designated as "Open Space" or "Nature Preserve Area" on the Plan, no buildings, structures, or other improvements shall be constructed, nor shall trees or vegetation be removed, except to construct the recreational facilities and trail improvements as shown on the Plan. The Condominium Master Deed and Bylaws shall contain provisions preserving these areas as open space in perpetuity.

(b) A preservation or conservancy easement in form satisfactory to the Township, shall be granted to the NACOMI or other acceptable organization so as to require that these areas be maintained in a natural state in perpetuity. Notwithstanding any

relinquishment or lapse of such easement, however, such areas shall be preserved as open space as required by this ordinance.

(13) Road Improvements. The Developer has voluntarily offered and agreed to make arrangements and pay for improvements to Elstner Road from the entrance to the Development to 11 Mile Road, and to 11 Mile Road from Elstner to Wolven Avenue, without which such improvements the Township would not approve this Development, and upon which this Rezoning is conditioned. This Rezoning is further conditioned upon the continued designation of Elstner Road as a "natural beauty road" following such improvements.

(14) Phasing. The Development may be constructed in two phases as shown on the Plan. Prior to a building permit being granted for any dwelling within Phase I, at least the following improvements shall be completed, or a performance guaranty by letter of credit, performance bond or other satisfactory means is furnished by the Developer as required by Township ordinance:

- (a) The improvements to Elstner Road and 11 Mile Road shall be completed.
- (b) Echo Valley Lane and Abbey Circle Drive shall be completed.
- (c) The nature trail shall be completed in its entirety.
- (d) All stormwater management facilities required to provide drainage for the roads and other improvements within Phase I shall be completed.

No building permit shall be granted for any unit within Phase II until the remainder of the improvements in the Development have been completed, or security furnished for such completion.

(15) Underlying Zoning. Except as modified herein, or in the Plan or Final Plan, the requirements of the R-A Zoning District shall apply to the Development.

(16) Master Deed and Bylaws. 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 subject to this ordinance, notwithstanding anything to the contrary in the Master Deed or Bylaws.

(17) Additional Findings. 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. The proposed type and density of use shall 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. 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. Furthermore, it is determined that the conditions 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 for the Development and are related to the valid exercise of the police power.

Section 3. Enforcement. 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. 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. 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 the *Advance Newspapers* circulated within the Township. This ordinance shall take effect seven days following such publication.

AYES: Members: Walkons, Ellenwood, Uplinger, Bigney and Doren

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

  
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Laural E. Walkons, 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.

  
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Laural E. Walkons, Township Clerk