

CHARTER TOWNSHIP OF LOWELL
COUNTY OF KENT, MICHIGAN

At A Regular Meeting Of The Township Board Of The Charter Township Of Lowell Held In The Township Hall, 2910 Alden Nash Avenue SE In Lowell Township On April 20, 2015, At 7:00 P.M

PRESENT: Hale, Regan, Benedict, Anderson, Blough, Thompson, Vanderziel
ABSENT: None

The following Ordinance was offered for adoption by Township Board Member Thompson and was seconded by Township Board Member Vanderziel:

ORDINANCE NO. 02-2015

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER
TOWNSHIP OF LOWELL TO ESTABLISH THE STONY BLUFF OPEN SPACE
PLANNED UNIT DEVELOPMENT ZONING DISTRICT**

THE TOWNSHIP OF LOWELL ORDAINS:

SECTION 1. Zoning Map Amendment. The Zoning Ordinance and Map of the Charter Township of Lowell, Kent County, Michigan, is hereby amended to rezone the following described lands from the R-1, Rural Low Density Residential District to the Open Space Planned Unit Development District, in accordance with the Final Development Plan of the Stony Bluff Planned Unit Development (as approved by the Township), subject to all of the terms and conditions of this Ordinance:

E 764.28 FT OF NWFRL 1/4 EX N 577.5 FT OF E 513.0 FT & EX N 660 FT OF W 251.28 FT ALSO W 1/2 NEFRL 1/4 EX COM AT NE COR OF LOT 117 OF WHISPERING HILLS PLAT NO.FOUR TH NLY 20.07 FT ALONG A 267 FT RAD CURVE TO LT /LONG CHORD BEARS N 5D 13M 50S W 20.06 FT/ TH N 89D 22M 05S E 66.37 FT TH SLY 20.05 FT ALONG A 333 FT RAD CURVE TO RT /LONG CHORD BEARS S 4D 19M 00S E 20.04 FT/ TO NW COR OF LOT 118 OF SD PLAT TH S 89D 22M 05S W 66.05 FT TO BEG * SEC 4 T6N R9W, LOWELL TOWNSHIP, KENT COUNTY MICHIGAN PP# 41-20-04-200-027

SECTION 2. Conditions on the Planned Unit Development.

The rezoning of the above-described lands to the Open Space Planned Unit Development District, in accordance with the Final Development Plan of The Stony Bluff Planned Unit Development (“the Development”), is expressly subject to all of the following terms and conditions:

1) *Development Plan Compliance*

The Development, as submitted by Stony Bluff, LLC (“the Applicant”) whose address is 1730 Three Mile Road NE Grand Rapids, MI 49505, shall fully comply in all respects with the Final Development Plans approved by the Township (collectively, the “Plan”) which consists of the following:

- a) A Site Plan showing the development of the entire site prepared by Exxcel Engineering with a last revision date of February 23, 2015.
- b) A Preliminary Master Grading plan prepared by Exxcel Engineering with a last revision date of February 23, 2015.
- c) A Preliminary Storm Water Management Plan prepared by Exxcel Engineering with a last revision date of February 23, 2015

Such Plan shall be revised and modified as required by this Ordinance and the final plans as approved by the Township Board shall be signed by the Chairman of the Lowell Township Planning Commission in accordance with the Section 21.05(e) of the Lowell Charter Township Zoning Ordinance (the “Zoning Ordinance”). In cases where there is a discrepancy between the final plan and this Ordinance, the provisions of this Ordinance shall control.

2) *Land Uses.* The Development shall be constructed and used only for a maximum of 216 detached single-family residential dwellings to be developed in phases as illustrated on the Final OS-PUD site plan. Residential accessory uses shall be as permitted and regulated by the provisions of the R-2, Medium Density Residential Zoning District and the applicable provisions of Article 4 of the Zoning Ordinance. The properties comprising the Development shall be used only for single-family residential and open space purposes and uses.

3) *Open Space.* Permanent open space shall be provided in the amount, locations and in the manner as illustrated on the final OS-PUD site plan. A separate Open Space Preservation and Maintenance Agreement shall be prepared by the Applicant in accordance with the requirements of Section 14.06(d) of the Zoning Ordinance and approved by the Township before any construction is permitted on the site. Such document must be approved in writing by the Township Planner and the Township Attorney before it is recorded with the Kent County Register of Deeds.

4) *Development Standards.*

Minimum setbacks for dwelling units: Front- 30 feet
Side – 10 feet each side/ 20 feet total
Rear – 25 feet

Minimum lot size: 10,000 sq. ft.

Minimum lot width at required front setback line: 80 ft.

Maximum building height: 2 ½ stories or 35 ft.

Minimum floor area for dwelling units:

One story: First floor 1,200 sq. ft.

Bi level/ raised ranch: First floor 1,000 sq. ft. / 2,000 sq. ft. total finished area

One & one-half story: 1,000 sq. ft. main floor/ 1,500 sq. ft. total finished area

Two story: 800 sq. ft. first floor / 1,600 sq. ft. total finished area

Tri-level: 1,200 sq. ft. total finished area with two levels finished

5) **Sanitary Sewer System and Water Supply.** The Development (and all dwellings therein) shall be served by the Lowell Township public sanitary sewer system and the Lowell Township public water supply system and in accordance with all applicable Township ordinance provisions. The Applicant's engineer shall verify in writing that the capacity of the downstream sewer system (including the pump capacity of the Township's main lift station) is sufficient to handle the expected effluent from the Stony Bluff PUD. This written verification from the engineer shall be provided to the Township before any construction or earth moving occurs on the site.

6) **Stormwater Management.** Stormwater management shall comply with the requirements of the Kent County Drain Commissioner and shall be subject to the approval of the Township Engineer.

7) **Utilities.** Natural gas service, electrical service and telephone service to each of the lots in the Development shall be by means of underground facilities only.

8) **Signage.** There may be one sign at the entrance to the Development subject to the sign requirements for the R-2 Zoning District as specified in the Zoning Ordinance.

9) **Sidewalks.** Concrete sidewalks shall be installed by the Applicant across the entire width of each lot at the time a dwelling is constructed thereon and prior to occupancy of the dwelling. The sidewalk shall be five feet wide and constructed in accordance with Township standards. Once installed, such sidewalks shall be kept in good condition and repair at all times by the then-owner(s) of the lot upon which each portion of the sidewalk is located.

10) **Street lights.** Street lights shall be installed by the Applicant and as shown on the site plan during each corresponding phase of development in accordance with Township policy.

11) **Street trees.** Street trees shall be installed during each corresponding phase of the Development. Each tree shall be deciduous and a minimum of 2.5 inches in caliper at planting. One tree shall be installed by the Applicant for each lot within the street right of way at the time of sidewalk installation and prior to occupancy of the adjacent dwelling in accordance with the requirements of the Kent County Road Commission. Once installed, such trees shall be maintained (and replaced where dying or dead) by the then-owner(s) of the lot where the tree is located.

12) **Security.** The Applicant shall post such monetary security for improvements with the Township as is required by the Zoning Ordinance and/or the Township Subdivision Ordinance.

SECTION 3. Other Considerations

1) All General Notes on the Plan shall be binding on the Applicant unless superseded by this Ordinance.

2) **Phasing.** The Development shall be developed in phases as illustrated on the approved final OS-PUD site plan, although such phasing may be modified by the Applicant with the written approval of both the Applicant and the Township. Each phase beyond Phase 1 shall be submitted to the Planning Commission for review and approval at a public hearing and for the subsequent review and approval by the Township Board in accordance with the requirements of the Township Subdivision Ordinance.

3) **Roads.** All roads shall be public and constructed in accordance with the requirements of the Kent County Road Commission. Wales Road within the Whispering Hills plat shall be extended by the Applicant to serve the Stony Bluff PUD as part of Phase 3 as shown on the Plan. Phases 1 and 2 (which consist of 51 total lots) are permitted to be constructed without a second means of road access based on a variance from Section 4.06(4) of the Township Subdivision Ordinance as approved by the Township Board.

4) Vehicles used in the construction of the Development (including construction vehicles associated with the building of individual dwellings) for any phase of the Stony Bluff PUD shall not access the PUD site from Wales Road in the Whispering Hills subdivision. For Phases 2-7, the Applicant shall construct and utilize a temporary construction access as illustrated on the Plan.

5) Unless specified otherwise by this Ordinance, the Development shall be subject to the applicable regulations of the R-2 zoning district and all other applicable regulations of the Zoning Ordinance, including Article 24, Zoning Board of Appeals.

SECTION 4 Findings of Approval

1) The Township Board hereby determines that the Plan, as modified by this Ordinance, complies with the provisions of the Zoning Ordinance as contained in Section 14.08 thereof, Standards for PUD Approval, and promotes its intent and purposes.

2) The Township Board further finds that the Development, upon construction and use in full compliance with all of the terms and provisions of this Ordinance and the Zoning Ordinance, will be compatible with adjacent uses of lands, the natural environment and the capacities of public services and facilities affected by the Development. The Township Board further determines that the Development will be consistent with the public health, safety and general welfare.

3) The conditions set forth herein with regard to the Development are determined to be those conditions which are necessary to ensure that public services and facilities affected by the Development will be capable of accommodating any increased public service demands caused by the Development, to protect the natural environment and to conserve natural resources and energy, to ensure compatibility with adjacent land uses and to promote the use of land in a socially and economically desirable manner.

SECTION 5 Effective Date

This Ordinance shall become effective upon the expiration of seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: Hale, Regan, Benedict, Anderson, Blough, Thompson, Vanderziel

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

Linda S. Regan

Linda S. Regan, Township Clerk

Published: April 29, 2015

Effective: May 6, 2015

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 Charter Township of Lowell 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.

Linda S. Regan

Linda S. Regan, Township Clerk