

EXHIBIT E

TOWNSHIP OF SOLON
COUNTY OF KENT, MICHIGAN

At a regular meeting of the Township Board of the Township of Solon, Kent County, Michigan, held at the Township Hall, 2305 - 19 Mile Road, Cedar Springs, Michigan, on the 20th day of July, 1999, at 7 p.m.

PRESENT: Members: Cornell, Omsted, Riggle, Johnson Havens

ABSENT: Members: None

The following ordinance was offered by Olmsted supported by Riggle.

ORDINANCE NO. 99-1Z

AN ORDINANCE to amend the Zoning Ordinance of the
Township of Solon

[Santree Site Condominium Planned Unit Development]

THE TOWNSHIP OF SOLON ORDAINS:

~~Section 1. Planned Unit Development.~~ The Zoning Ordinance of the Township of Solon is hereby amended by the amendment of Section 3.02 thereof, the Zoning Map, so as to rezone the following described lands from the AR Agricultural Residential District to the PUD Planned Unit Development District, in accordance with the Final Development Plan of the Santree Planned Unit Development, subject to all of the terms and conditions of this ordinance:

The North 'A of the Southeast 1/4 of Section 22, and the West 1/3 of
the South 'A of the Southeast 1/4 of Section 22, Town 10 North,
Range 11 West, Solon Township, Kent County, Michigan

In the case of conflicts or discrepancies between any part of the Final Development Plan and the terms of this ordinance, this ordinance shall control.

Section 2. The rezoning of the above-described lands to the PUD Planned Unit Development District, in accordance with the Final Development Plan of the Santree Planned Unit Development ("the Development") is expressly subject to all of the following terms and conditions:

(1) Development Plan. The Development shall comply in all respects with the Development Plan of the Development. The Development Plan includes the Final Development - Plan originally dated March 1, 1999, and with revisions dated April 22, 1999, and June 14, 1999, the Application for Planned Unit Development Rezoning dated June 1, 1999; and other materials submitted with the application. The final approved versions of such materials, including the Final Development Plan, shall be authenticated by signature of the Township Supervisor.

(2) Lot Areas: Setbacks.

(a) The Development shall be used only for single-family detached dwellings, on a site condominium basis, in accordance with applicable State law. The Development shall have not more than 73 units for one single-family detached dwelling each. The size and orientation of the condominium units shall be as shown on the Final Development Plan.

(b) The buildable area, within each of the units in the Development, shall be as shown on the Final Development Plan, and shall have the following minimum setbacks:

Front Yard: 50 Feet

Side Yard: 10 Feet on each side

Rear Yard: 35 Feet

(3) Buildings. The minimum floor area of dwellings shall be 864 square feet of gross floor area (as defined in the Zoning Ordinance), of which at least 620 square feet shall be on the ground floor. No principal building shall exceed a height of 35 feet. Accessory buildings shall be permitted as regulated in the Zoning Ordinance.

(4) Streets and Driveways.

(a) The streets in the Development shall be hard surfaced and constructed in compliance with all applicable Solon Township standards for private road construction. Exit locations for streets shall comply with Kent County Road Commission requirements. The streets shall be located as shown on the Plan, and in such form are approved as provided by Section 3.26 of the Zoning Ordinance.

(b) The streets shall be maintained, repaired, replaced and snowplowed so as to afford continuous access and safe and unimpeded passage for vehicles (including emergency vehicles) under all weather conditions. The Master Deed or Condominium Bylaws shall have provisions requiring maintenance of roads in accordance with this ordinance and other applicable provisions of Township ordinances.

(c) The street names shall be approved by the Kent County Road Commission. Each lot shall have a street address sign at a clearly visible location. The signs at the entrance to the Development and all other signs, if any, shall comply with applicable provisions of the Township Zoning Ordinance.

(d) An easement 43-feet in width for road and utility purposes shall be provided along the boundaries of the Development on 18 Mile Road, Wiersma Street, and Simmons Avenue. Such easement shall consist of 33-feet in width for road purposes, along such property

boundaries, and an additional ten feet in width, adjacent to said 33-foot width, on the side thereof nearest the Development.

(e) The developer shall provide in the Condominium Master Deed or Bylaws, or by another acceptable document, a petition and consent to include the Development and/or the individual units therein, within a special assessment district for paving and other improvements to Wiersma Street, should the Township determine such improvements are in the public interest. The procedure for levying and the permissible amount of such assessments shall be as provided by law.

(5) Sanitary Sewer Service and Water Supply.

(a) Each lot in the Development shall be served by a private individual water well and septic tank and drain field system approved by the Kent County Health Department and in compliance with the Township Building Code and other applicable Township regulations.

(b) The Master Deed or Condominium Bylaws shall require that the buildings in the Development shall be connected to public water and/or sewer if a system with available capacity is located anywhere within the public right of way adjacent to the Development. The cost of constructing a sewer collection and/or water distribution system within the Development shall be borne by the owners of the units therein. Such systems shall be constructed in compliance with the Township's reasonable and customary specifications and shall be dedicated to the Township or other public agency having jurisdiction when satisfactorily completed.

(c) Private septic tank and drainage systems shall be located not closer than 10 feet to any lot line and not closer than 100 feet from any identified regulated wetland. Each septic tank and drainage system shall at all times be maintained in good order and working condition and in compliance with all applicable governmental requirements. The Master Deed or

Condominium Bylaws shall require that all septic tank systems be pumped out at least once every two years. Written proof of such pumping shall be made available to the Township upon request.

(d) All wells installed for private water supply must penetrate an adequate protective continuous clay overburden of at least 10 feet in thickness, unless otherwise approved by the Kent County Health Department.

(6) 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 Development Plan.

(b) A stormwater detention pond area shall be located easterly of Units 38, 39 and 40 as shown on the Plan.

(c) The final drainage design for the Development shall be reviewed by the Township Engineers and shall be subject to their approval.

(7) Open Space. Areas designated as “open space” on the Development Plan shall be maintained in their existing natural character and vegetation shall not be removed, except to the extent necessary to construct a walkway, play structure, detention areas and other facilities and amenities shown on the Development Plan and to remove dead vegetation or vegetation that constitutes a danger to personal safety or a health hazard.. No additional structures shall be constructed within, nor shall any vehicles or equipment be stored within said open space area. The open space area shall be available for use of all owners of units within the Development, and the Condominium Master Deed and Bylaws shall include restrictions to ensure that the open space area remains in a natural undisturbed condition in perpetuity, except for construction of the amenities and removal of certain vegetation, as described above in this subparagraph.

(8) Utilities.

(a) Natural gas service, electrical service and telephone service to each of the lots in 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 in the streets and within 10 feet on both sides thereof.

(b) Outdoor lighting fixtures, if any, shall be residential in design and shall be oriented downward so as to minimize glare and reflection.

(9) Soil Erosion and Sedimentation Control. In the construction and use of the Development, the applicant shall comply in all respects with any required soil erosion and sedimentation permit. A copy thereof shall be submitted to the Township. The Condominium Bylaws shall provide that 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.

(10) Wetlands. Any portions of the Development 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, except for approved stormwater detention areas. 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.

(11) Phasing.

(a) Except as provided below, no building permit shall be granted for any unit within the Development until the private streets have been completed and a completion certificate submitted to the Zoning Administrator in the manner provided by Section 3.26 of the

Zoning Ordinance or successor provision of like import, or until a performance guarantee assuring the completion of the private street has been submitted. No certificate of occupancy shall be granted for any dwelling within the Development until the private streets and all amenities shown on the proposed Development Plan have been completed to the satisfaction of the Township.

(b) The Development may be constructed in two phases. Phase I shall consist of Units 1 through 30 and Units 59 through 73, and Phase II shall consist of Units 31 through 58. Notwithstanding (a) above, building permits and certificates of occupancy may be issued for a dwelling within Phase I upon completion and installation of all the roads, utilities and amenities, within Phase I.

(c) No further review or approval of either phase shall be required, if such phase is constructed as shown on the Development Plan.

(12) 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 approved, 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 Master Deed and Condominium Bylaws shall be reviewed by the Township attorney before recording, so as to verify their compliance with this Ordinance. To the extent that any Master Deed or Condominium Bylaw provisions may be contrary to or at variance with any of the provisions of this or any other ordinance of Solon Township, 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.

(c) A restriction shall be added to the Bylaws to indicate that the size and placement of house numbers within the Development shall be subject to the approval of the Township Fire Chief, so as to assure that the house numbers shall be sufficiently visible from the street by Township Fire Department personnel.

(13) Findings. The Township Board hereby finds and determines that the applicant has complied with the procedure for consideration and approval of planned unit development, that the proposed planned unit development conforms to the Township Land Use Plan, the overall objectives and qualifying conditions of Chapter 13 of the Zoning Ordinance, and complies with the site plan review standards of the Zoning Ordinance. The Township Board further finds and determines that the development density and nature of uses proposed are in keeping with the existing or intended character of the general neighborhood, that the location of buildings in the PUD will not have an undue negative impact on other uses in the vicinity, that the PUD shall preserve, in perpetuity, unique site conditions and natural features, and that the PUD can accommodate adequate and safe disposal of sanitary sewage and provide an adequate, assured source of water for domestic use.

(14) ~~Performance Bond~~. Before commencing any construction in the Development, the applicant shall deposit with the Township an executed performance bond or letter of credit, in form and with content satisfactory to the Township, conditioned upon the applicant's timely and faithful performance of all of the requirements of this ordinance, the Township Zoning Ordinance, the Township Building Code and other applicable laws, ordinances and regulations. The amount of the letter of credit or performance bond shall be sufficient to cover an appropriate

percentage of the cost of construction of the roads and other infrastructure within the Development, as such percentage is determined by the Township's consulting engineers. At the start of each phase of the Development, the Township's engineers shall determine an appropriate amount of the letter of credit or performance bond, based upon the roads and other infrastructure to be included in that phase. The Developer shall provide an acceptable letter of credit or performance bond, in the amount thus determined by the Township's engineers, for each phase. Prior to commencing any construction within any phase of the Development, the Developer shall notify the Township that such construction is pending, and the Township shall then notify its engineers, so that an appropriate amount of the letter of credit or performance bond may be determined and then submitted by the applicant. The applicant shall not commence any construction in any phase of the Development until an acceptable letter of credit or performance bond has been provided to the Township. From time to time, as construction of elements of the Development is satisfactorily completed, the Township, by motion or resolution of the Planning Commission, may release or discharge portions of the amount secured by the performance bond or letter of credit.

(15) Other Laws. To the extent not inconsistent with this ordinance, the general provisions of the Township Zoning Ordinance and other ordinances shall apply to the lands within the Development.

(16) Acceptance. As required by the Zoning Ordinance, the Developer shall accept the conditions of this PUD Ordinance in writing.

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.

AYES: Members: Johnson, Riggle, Cornell, Olmsted, Havens

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

Terri Riggle

Terri Riggle
Township Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Township Board of the Township of Solon 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.

Terri Riggle

Terri Riggle
Township Clerk