

PUD Ordinance -Cascade Engineering Corporate Office #14 of 2004

CASCADE CHARTER TOWNSHIP

Ordinance 14 of 2004

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE CASCADE ENGINEERING CORPORATE OFFICE PLANNED UNIT DEVELOPMENT PROJECT

Cascade Charter Township Ordains:

Section I. An Amendment to The Cascade Charter Township Zoning Ordinance

The application received from Cascade Engineering or their assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the Cascade Engineering Corporate Office Project (hereinafter referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on August 2, 2004. The Project is recommended for rezoning from I, Industrial to PUD, Planned Unit Development permitting the use of the existing building on the site for the corporate offices of Cascade Engineering. This recommendation requires an amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission's recommendation and the Cascade Charter Township Board of Trustees action on August 25, 2004

Section II. Legal Description

The legal description of the Project is as follows:

PART OF LOT 17 FOREMOST INDUSTRIAL PARK NO.2 & PART OF LOT 18 & LOT 19 AMENDED PLAT OF LOTS 18 & 19 FOREMOST INDUSTRIAL PARK NO.2 DESC AS - COM AT SW COR OF LOT 19 TH N 1D 39M 17S W ALONG WLY LOT LINE 335.80 FT TO NW COR OF SD LOT TH N 88D 09M 47S E ALONG N LINE OF SD LOT 348.09 FT TO RALEIGH WEST CT TH SLY ELY & NLY 288.34 FT ALONG A 75 FT RAD CURVE TO LT /LONG CHORD BEARS N 68D 01M 34S E 140.83 FT/ TH NWLY 42.17 FT ALONG A 60 FT RAD CURVE TO RT /LONG CHORD BEARS N 21D 58M 26S W 41.31 FT/ TH N 1D 50M 13S W ALONG SD ROW 102.75 FT TO A PT 59.98 FT S FROM NW COR OF SD LOT 17 TH N 88D 09M 47S E 99.70 FT TH S 1D 50M 13S E 527.0 FT TO S LINE OF SD LOT 18 TH S 88D 16M 58S W 566.86 FT TO BEG

Section III. General Provisions

The following provisions shall hereby apply to the Project, in addition to those Provisions outlined in Chapter 14 of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988, as amended) and the Cascade Charter Township Subdivision Ordinance (Ordinance No. 1 of 1978, as amended).

Section IV. Purpose

The Project occupies approximately 4.5 acres of land that has a building which has historically been used as offices for the industrial facility which was connected to the east. The proposed use for the Project is to continue the use of the building as an office use even though it has been disconnected from the industrial use and no longer has an industrial use on the same piece of property. The purpose of the rezoning would allow the office use to continue provided that it serves as an ancillary use to an industrial use in Cascade Township.

Section V. Approval Limitations.

A. The provisions of this Ordinance are not intended as a substitute for the Cascade Charter Township Zoning Ordinance and the General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the township, except as otherwise expressly provided herein. In the event that a development issue or site plan element is not addressed by this Ordinance, the

specifications and requirements of the Cascade Charter Township Zoning Ordinance shall be enforced.

B. Except as otherwise provided herein, the Developer and his assigns must meet all applicable provisions and regulations of Cascade Charter Township, as well as federal and state law, and must obtain all necessary approvals from state and county governmental agencies that are required for operation or use.

C. This PUD approval is expressly contingent upon all conditions of approval herein remaining fully effective and valid. If any condition imposed herein is determined to be illegal or contrary to law as a result of a successful legal challenge by the Developer or its assigns, or any other party, the Township reserves the right to review the entire Project under the PUD provisions of the Cascade Charter Township Zoning Ordinance, and further, to withdraw its approval of this PUD if it finds that, absent the effect of any condition imposed herein, the PUD no longer meets the standards for PUD approval contained in the Zoning Ordinance.

D. All conditions contained herein shall be binding upon the Developer, as well as its successors, tenants and assigns. The conditions may be modified or amended only pursuant to a formal amendment of the PUD approval and ordinance amendment.

E. This approval document shall be recorded with the Kent County Register of Deeds by the Developer and shall run with and bind the lands involved. Copies of this recorded document shall be supplied by the Developer to the Cascade Charter Township Clerk.

F. Failure to comply with the site plan or any condition of approval herein shall be deemed to be both a nuisance per se and a violation of the Cascade Charter Township Zoning Ordinance.

G. Prior to recording a copy of this document as specified in Section V(E) hereof, the Developer shall acknowledge its understanding and compliance with the provisions contained herein by signing the statement at the end of this document..

Section VI. Permitted Uses

The permitted uses for the Project are as follows:

A. Executive and administrative offices, in association with an approved industrial use in Cascade Township.

B. Accessory structures and uses customarily incidental to the uses permitted in the Industrial zoning district, subject to the provisions of section 4.08 of the Zoning Ordinance.

Section VII. Design Guidelines, Requirements and Limitations

The Project shall be developed in accordance with the approved site plan dated July 9, 2003. Any deviations from this section will require an amendment to this Ordinance.

A. Site Development Standards:

1. Maximum Height - 35 feet or 2 stories whichever is the lesser.

2. Setback Requirements:

Front: 85 feet

Side: 25 feet

Rear: 50 feet

4. Parking Spaces - The Project shall conform to Section 19.12 of the Zoning Ordinance as amended.

5. Signs - All signs (type, size, etc.) for the Project shall comply with the Cascade Charter Township Sign Ordinance, as amended.

6. Utility Easements - In the event that additional utility easements are needed to serve the Project, the Developer shall provide all necessary easements to the appropriate utility provider without cost. In the event the Township requires additional sewer and water service easements in the future, the Developer shall provide them at all reasonable locations. Said easements shall be recorded with the Kent county Register of Deeds and provided to each utility provider for their records.

Section VIII. Disclosure

Cascade Township requires that the sale of this parcel or the sale of the last industrial site in Cascade Township associated with this site, whichever comes first, be disclosed to the Township Planning Department with as much notice as possible in order to ensure that the office use is being used as an ancillary use to an industrial use in Cascade Township. If it is found that through the sale of either property that the project is not in compliance the Township reserves the right to rezone the property back to the underlying zoning district of Industrial.

Section IX. Effective Date

This Ordinance shall become effective upon publication in The Grand Rapids Press, a newspaper of general circulation within Cascade Charter Township.

The foregoing Ordinance was offered by Board Member Kleinheksel, supported by Board Member Carpenter. The roll call vote being as follows:

YEAS: Carpenter, Goodyke, Jones, Julien, Kleinheksel, Parrish, Timmons

NAYS: None

ABSTAIN: None

Marlene Kleinheksel
Cascade Charter Township Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the 25th day of August, 2004.

Marlene Kleinheksel
Cascade Charter Township Clerk

August 25, 2004.