

CASCADE CHARTER TOWNSHIP

Ordinance #5 of 1988

Amended by Ord No 15 of 1990

As amended by Ord No 5 of 1998

As amended by Ord No 20 of 2002

As amended by Ord No 3 of 2007

AN ORDINANCE TO AMEND THE CASCADE TOWNSHIP ZONING ORDINANCE (NO. 2 OF 1978), AS AMENDED, AND THE ESPLANADE PLANNED UNIT DEVELOPMENT (ORDINANCE 6 OF 1986) TO INCLUDE ONE (1) RESTAURANT.

THE CASCADE CHARTER TOWNSHIP ORDAINS:

SECTION 1.

That the application of P & L Company for the Planned Unit Development Amendment was recommended by the Cascade Charter Township Planning Commission for approval on June 20, 1988. The PUD amendment permits a restaurant use within the Esplanade development and is incorporated into the Cascade Charter Township Zoning Ordinance and Zoning Map by an affirmative action by the Cascade Township Board on June 22, 1988.

SECTION II.

The Legal Description of said Planned Unit Development Amendment includes:

That part of the SW ¼, Section 8, T6N, R10W, Cascade Township, Kent County, Michigan, described as: BEGINNING at a point on the South line of Section 8, which is S 88 degrees 49' 15"E 1013.25 feet from the SW corner of Section 8; thence N 00 degrees 00' E 435.0 feet parallel with the West line of Section 8; thence S 88 degrees 49' 15" E 300.45 feet; thence S 00 degrees 03' 30" W 435.00 feet along the East line of the W ½ of said SW ¼; thence N 88 degrees 49' 15" W 300.0 feet along the South line of Section 8 to the place of beginning. Subject to highway R.O.W. for 28<sup>th</sup> Street over that part of the above which lies southerly of a line which is 50 feet Northerly of (at right angles) and parallel with the centerline of 28<sup>th</sup> Street. This parcel contains 2.628 Acres, NOT including highway R.O.W. Subject to an easement for driveway purposes and for underground utilities over the West 33 feet thereof. Together with an easement for driveways purposes and for underground utilities over a strip of land 16.5 feet wide which lies immediately Westerly of and adjacent to the above described parcel.

SECTION III. GENERAL PROVISIONS (As amended by Ord no 15 of 1990) (as amended by Ord no 20 of 2002)

The following provisions shall apply to the above described Planned Unit Development Amendment in addition to those provisions outlined in Section 13.11 of the Cascade Charter Township Zoning Ordinance, as amended.

- A. Permitted Uses – In this P.U.D. District no part of the Esplanade PUD shall be altered, renovated, remodeled or used in whole or in part for a use other than those uses enumerated below:
1. A sit down restaurant with the sale of alcoholic beverages being ancillary to the principal use. For the purposes of this Ordinance “ancillary” shall be determined as constituting not more than 40 percent of the gross receipts for any one accounting month.  
  
Other space in the development may be converted to a restaurant use provided that the applicant brings in a site plan showing the space they plan to occupy and indicates the number of parking spaces provided on the property. This site plan will be reviewed by the Cascade Charter Township Planning Staff to ensure adequate parking would be provided. Any restaurant use that requires a special use permit, according to the Cascade Charter Township Zoning Ordinance as amended must go through the special use permit process before occupying the space.
  2. General retail establishments whose principal activity is the sale of new merchandise to the public.
  3. Personal service establishments; and
  4. Retail establishments marketing primarily convenience goods.
- B. Signs – Only the following exterior signs shall be permitted: (As amended by Ord no 5 of 1998) (as amended by Ord 3 of 2007)
1. Development Sign: One (1) development sign with a sign surface not to exceed 128 square feet. The lowest point of which is not to be less than five (5) feet and the highest point not to exceed thirty (30) feet.
  2. Business Wall Signs: Each individual business (tenant) shall be permitted one (1) wall sign. each commercial establishment's space will be permitted a sign area equal to one square foot for each lineal foot of building frontage (i.e., building frontage on the ground for the front of the building) that each respective commercial establishment occupies, not to exceed a sign length of more than two-thirds of the subject frontage
  3. Other Advertising Displays: No billboards, banners, search lights, loud speakers, amplifiers or similar devices shall be permitted for advertising purposes within the development. Signs may be illuminated, however, no intermittent or flashing illumination shall be permitted.
- C. The Esplanade PUD shall have a minimum of 141 parking spaces, including six (6) handicapped parking spaces.
- D. Landscaping –All landscaping as indicated in the approved site plan shall be maintained in a neat and orderly manner. Withered and/or dead plant materials

shall be replaced within a reasonable period of time but no longer than one growing season.

- E. Sidewalks - The developer shall agree to construct a sidewalk along its 28<sup>th</sup> Street frontage in the terms specified in a separate sidewalk construction agreement dated December 18, 2002. The sidewalk shall be built to the Township standards and shall be 7-feet wide. The location of the sidewalk must be consistent with the sidewalk easement on the property to the East (the Betten Automotive PUD).
- F. Cross Access - Cross access is provided on the West side of the property connecting this property (the Esplanade PUD) to the property to the North (PPN 41-19-08-351-024) by way of a driveway located within an existing easement (Liber 2440 Page 367). The applicant, or any future owners, are responsible to have their property paved up to the North property line once the property to the north is developed and the cross access drive is connected.

#### SECTION IV. SITE PLAN.

The Esplanade PUD shall be subject to all site plan items depicted and the approved site plan dated October 1, 1986 and the approved amended site plan dated June 22, 1988, whichever is more specific to the issue being addressed by the developer and the Township.

#### SECTION V. SPECIAL ASSESSMENT DISTRICT

- A. District Agreement – The Developer and/or property owner agrees to the imposition of a special assessment for the construction of a public road and utilities adjoining the rear property line of the above described property.
- B. District Agreement Limitation – The agreement is as much as it deals in part with the establishment of a Special Assessment District under Act 188 of 1954, as amended, is not a waiver of any developer and/or property owner, or his assigns, right to contest the confirmation of any special assessment roll as provided in the Act.

#### SECTION VI. EFFECTIVE DATE

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

**THE FOREGOING ORDINANCE WAS OFFERED BY BOARD MEMBER HENNING, SUPPORTED BY BOARD MEMBER HANSEN. THE ROLL CALL VOTE BEING AS FOLLOWS:**

Yeas: Burlingham, Carpenter, Champion, Ellinger, Hansen, Henning and Rowland.  
Nays: None  
Absent: None

Brenda J. Henning

Cascade Charter Township Clerk

**CERTIFICATION**

I hereby certify the foregoing document to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the 22<sup>nd</sup> day of June, 1988.

Brenda J. Henning

Cascade Charter Township Clerk