

**CASCADE CHARTER TOWNSHIP**

**Ordinance #8 of 2005  
as Amended by ordinance #4 OF 2006**

**AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP  
ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE  
KRAFT STREET PARTNERS  
PLANNED UNIT DEVELOPMENT PROJECT.**

Cascade Charter Township Ordains:

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

The application received from Kraft Street Partners or their assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the Kraft Street Project (hereinafter referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on September 6, 2005. The Project is recommended for rezoning from B-2, General Business to PUD, Planned Unit Development. 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 September 28, 2005.

**Section II. Legal Description.**

The legal description of the Project is as follows:

41-19-08-351-030

411908351030 N 360 FT OF S 795 FT OF W 1/2 SW 1/4 EX W 264 FT & EX E 509.18 FT \* SEC 8 T6N R10W 4.47 A. ALSO LOTS 4 THRU 7 INCL \* CASCADE BELTLINE PLAT SPLIT ON 04/13/2006 FROM 41-19-08-351-005, 41-19-08-351-006, 41-19-08-351-025, 41-19-08-351-026, 41-19-08-351-029;

### **Section III. General Provisions**

The following provisions shall hereby apply to the Project, in addition to those Provisions outlined in Chapter 16 of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988, as amended).

### **Section IV. Purpose.**

1. The Project occupies approximately 8.64 acres of land. The project is intended to develop as three separate phases that will allow a limited number of land uses commonly allowed in the "B-2", General Business district.
2. Because only Phase 1 and Phase 3 have now been approved, the developer shall come back to the Township in order to amend the P.U.D. Ordinance for the second phase of the project.
3. 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 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.

### **Section V. Approval Limitations.**

- A. 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.
- B. 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.

- C. 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.
- D. **This approval document shall be recorded with the Kent County Register of Deeds by the Developer prior to construction occurring on site 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.**
- E. Failure to comply with the site plan or any condition of approval herein shall be deemed a violation of the Cascade Charter Township Zoning Ordinance.

## **Section VI. Permitted Uses**

- A. The uses permitted shall include the following:
  - 1. Generally recognized retail businesses, which supply commodities on the premises, such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
  - 2. Personal service establishments which perform services on the premises, such as, but not limited to, repair shops (watches, radios, television, shoes, etc.), tailor shops, beauty parlors or barber shops, photographic studios, flower shops and print shops.
  - 3. Business establishments which perform services on the premises, such as, but not limited to, banks, loan companies, insurance offices and real estate offices.
  - 4. Professional services, including offices of medical doctors, dentists, osteopaths and similar or allied professionals.
  - 5. Restaurants, excluding drive-in or drive through service.
  - 6. Art gallery and studio
  - 7. Banquet and meeting halls.
  - 8. Music and Dance Academy.
  - 9. Appliance Stores.

10. Athletic Clubs and Health Spas.
11. Automobile Supply, Parts and Accessories.
12. Business or Trade Schools.
13. Building Trades, excluding heavy equipment.
14. Emergency Medical Clinics.
15. Funeral Homes.
16. Furniture Stores.
17. Laundromats and Dry Cleaners.
18. Lodge Hall, Private Clubs, Veteran's Clubs.
19. Musical Instruments Sales and Lessons.
20. Office Machines & Computers Sales and Service.
21. Veterinary Clinics.
22. Shopping Centers & Department Stores containing one or more permitted or special uses, excluding sale at wholesale level.
23. Accessory structures and uses customarily incidental to the uses permitted in this Section subject to the provisions of Section 4.08.

**B. PHASE 1**

The development of phase 1 is approved as shown on the site plan dated 10/14/05 and signed by the Township. Any proposed expansion beyond the original 5,588 sq ft shall require review and approval of the Township Planning Commission.

**C. PHASE 2**

size of a building in any future phase shall be decided when the developer comes in for the required PUD amendment for this phase

**D. PHASE 3**

The development of Phase 3 is approved as shown on the site plan dated 5/8/06 and signed by the Township. Any proposed expansion beyond the original approved site plan shall require review and approval of the Township Planning Commission

## **Section VII. Design Guidelines, Requirements and Limitations**

The development of all permitted uses within the Project shall conform to the site plan approved by Cascade Charter Township. No material alterations, expansions or additions may take place to the Premises without an amendment to this Ordinance.

### **A. Site Development Standards Phase 1:**

1. Maximum height – 22 feet to the peak.
2. Setback Requirements:
  - i. North Property line : 160 feet
  - ii. West Property Line: 114 feet.
  - iii. South property line: 75 feet
  - iv. East Property Line: 60 feet.

### **B. Site Development standards for Phase 2**

1. Maximum Building height - 35 feet to the peak
2. Setback Requirements –
  - i. North Property line : 60 feet
    1. The Planning Commission may increase this setback to provide additional buffer for the residential use to the north. Factors that will be used to consider any increase shall include but are not limited to land use, lighting, dumpster location and parking lot design
  - ii. West Property Line: 25 feet from property line 100 from Kraft Ave ROW.
  - iii. South property line: 25 feet
  - iv. East Property Line: 25 feet
    1. These setbacks may be reduced by the Planning Commission if found that they will achieve a better design.

- C. Site Development Standards Phase 3:
  - 1. Maximum height – 35 feet to the peak.
  - 2. Setback Requirements:
    - i. North Property line : 60 feet
    - ii. West Property Line: Kraft Ave right-of-way 95 feet.
    - iii. South property line: 95 feet
    - iv. East Property Line: 55feet.
- D. Total number of lots – The development shall consist of a maximum of three lots.
- E. Lot Sizes (Area) – Lot sizes shall be allowed to vary provided each site can meet the required design guidelines independent of each other.

**Section VIII. Cross Access**

- A. The developer shall be responsible to construct an access drive from the east property line of the project to Kraft Ave. This access drive will connect to the access drive behind the Betten Automotive PUD (located at 5911 28<sup>th</sup> St ) to this project. This access drive shall also connect to the shared access drive between the Design One Center (5747 28<sup>th</sup> St) and the Esplanade Center (5755 28<sup>th</sup> St).
- B. The access drive shall be connected to Kraft Ave at a location approved by the Kent County Road Commission and the Township, when either the second or third phase of the project is developed. When the access drive is connected to Kraft Ave it shall also permit for the connection to the Gordon Food Site at 5701 28<sup>th</sup> St.
- C. Once any portion of the access drive is constructed it shall remain open at all times, including the winter months and shall be reasonably free of snow and ice for clear passage. The cross access agreement shall be recorded prior to the occupancy of any building in the project.
- D. This developer, or any future owner of the project, will allow any other future connection to the cross easement that the Township deems appropriate in order to make the connection to Kraft Ave., provided that the owner of any parcel that connects to the cross easement enters into an agreement with the developer, or the future owner(s) of the project, whereby the owner of such connecting parcel (a) agrees to pay its proportionate share of the

cost of maintenance, repair and replacement of the improvements to the cross easement based on the size of its parcel relative to the size of the other parcels that are connected to the cross easement, and (b) agrees to be bound by any reasonable rules and regulations established by the developer or any future owner(s) of the project, with respect to the use of the cross easement.

- E. This PUD Ordinance will provide the legal means to allow cross-access with these other parcels if and when the adjoining parcels are ever required to obtain township planning commission approval.

### **Section IX. Signs**

1. One (1) freestanding sign, one (1) point-of-sale sign, or one (1) development/building identification sign per building. Such sign shall not exceed a height of 15 feet and a total sign area equal to two (2) square feet for each five (5) feet of lot frontage as measured at the building setback line. In no event shall the sign exceed one hundred twenty-five (125) square feet in sign area. Up to fifty (50) percent of such a sign may be a changeable copy sign. A freestanding sign may be a consolidated tenant sign identifying each tenants name. The sign shall be located at least 25 feet from all property lines and in no case closer than 160 feet from the rear (north) property line.
2. One of the following signs are also permitted:
  - a. One (1) wall sign or marquee per building, not to exceed one-hundred (100) square feet in total sign area, or;
  - b. Or, one (1) awning/canopy sign per building, not to exceed thirty-two (32) square feet in total sign area, or;
  - c. In the event the building has multiple commercial establishments, 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. Window signs and displays, provided permanent window sign(s) shall not cover more than twenty-five (25) percent of the total window surface and temporary window signs shall not cover more than fifteen (15) percent of the total window surface.

4. One (1) directory wall sign per building, not to exceed twenty (20) square feet in total sign area.
5. Directional signs up to two (2) square feet in sign area. Each zone lot shall not have more than two (2) directional signs.
6. Flags of any nation, state, or entity provided they do not exceed thirty-two (32) square feet in area. A zone lot will be limited to three (3) flags. Flagpole height may not exceed the height restrictions for the zoning district as found in the Zoning Ordinance.
7. In addition to the above signs, the development shall also be permitted signs at the 28<sup>th</sup> St entrance as well as the Kraft St entrance. The sign along 28<sup>th</sup> St shall be permitted immediately with phase one of this project. The sign along Kraft Ave shall only be permitted when the access drive has been constructed and connects to Kraft Ave. The sign along 28<sup>th</sup> st shall have a maximum size of 40 sq feet and nine feet high from the grade to the top of the sign. The sign shall be located in the median in the drive at least 25 feet from the 28<sup>th</sup> St right of way. The sign at the Kraft St entrance shall be limited to a maximum of 20 sq.ft and 5 feet high. All those properties with access to the access road shall be permitted to use the sign provided the sign does not exceed the above limitations. The sign shall be located no closer than 5 feet all other property lines.
8. All signage for the third phase of the project shall be limited to the bounds of phase three as shown on the approved site plan. In the event the area for phase three changes in the future no sign for the third phase building shall be permitted to be located along 28<sup>th</sup> St.

**Section X. Landscaping Bufferyard Requirements:**

1. The entire North property line of the project shall be landscaped and fenced along with Phase 1 of the project. The landscaping for this area shall be landscaped as shown on the approved PUD plan dated 9/15/05 and signed by the Township.
2. Each individual lot shall also be required to install all other landscaping as required by the landscape section of the zoning ordinance as amended.
3. Landscaping shall be installed within ninety (90) days of completion of the Project or unless permitted in writing by the Planning Director at a later date.

4. All landscaping shall be hardy plant materials and maintained thereafter 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.

### **Section XI. Temporary Buildings**

No structure of a temporary nature; trailer, tent or construction shack shall be constructed, placed or maintained within the Project except accessory to and during construction of a permanent building or infrastructure improvement.

### **Section XII. Site Plan**

- A. Each phase of the project shall be developed in accordance with the site plan approved and signed by the Township. The site plans shall provide appropriate measurements demonstrating compliance with Chapters 16 and 21 of the Zoning Ordinance. Engineering plans and/or documents relating to utilities, topography, drainage, and the survey of the Project shall be reviewed and approved by the Township Engineer. Approval of these documents shall be based upon their meeting recognized, acceptable engineering standards and practices.

### **Section XIII. Utilities**

- A. The Project shall be served with public water and public sewer at the developer's expense. The on-site water and sewer design and the connection to the public water and sewer systems shall be approved by the Township and the City of Grand Rapids prior to installation. Said improvements shall be consistent with the Sewer and Water Master Plans for Cascade Township.
- B. The Developer shall provide all necessary easements within the Project for telephone, electricity, gas and cable television 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 XIV. Miscellaneous Development Requirements**

- A. The applicant shall submit a soil erosion control plan showing all temporary and permanent soil erosion control measures to be taken before, during, and after construction on the site. This plan shall be

reviewed and approved by the Township Engineer prior to commencing any building on the site.

- B. The applicant shall submit a stormwater disposal plan showing all measures to be taken on the site. This plan shall be reviewed and approved by the Township Engineer prior to commencing any building on the site.
- C. The Township Planning Department shall receive a copy of all permits from any other governmental agency regarding this project.

**Section XV. Performance Guarantee**

To insure compliance with this Ordinance and any conditions herein, Cascade Township may require reasonable performance guarantees, as authorized under the Township Rural Zoning Enabling Act to insure completion of improvements such as, but not limited to, landscaping, drainage, lighting, roads, and utilities. The Township Board, Engineer, or Planning Director may require such guarantees at any time they deem necessary to insure completion of the improvements.

**Section XVI. Effective Date**

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

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

YEAS:  
NAYS:  
ABSENT:

Ron Goodyke  
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 \_\_\_\_ day of \_\_\_\_\_, 2006.

Ron Goodyke  
Cascade Charter Township Clerk