

PUD Ordinance - Manchester Hills/Stoneshire #3 of 2004

CASCADE CHARTER TOWNSHIP

Ordinance # 3 of 2004

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE MANCHESTER HILLS/STONESHIRE SITE CONDOMINIUM PLANNED UNIT DEVELOPMENT PROJECT.

Cascade Charter Township Ordains:

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

The application received from Tom Koster or his assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed Manchester Hills/Stoneshire Site Condominium Planned Unit Development Project (herein after referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on November 17, 2003. The Project is recommended for rezoning from R1, Residential to PUD, Planned Unit Development permitting a single family site condominium development. This action 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 January 14, 2004.

Section II. Legal Description.

The legal description of the Project is as follows:

Description of Manchester Hills

Part of the NW 1/4, NE 1/4, and SW 1/4, Section 5, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Commencing at the W 1/4 corner of said Section 5; thence S87 40'38"E 765.65 feet along the South line of said NW 1/4 to a point which is 50.00 feet Northeasterly of the centerline of Cascade Road and the PLACE OF BEGINNING of this description; thence S87 40'38"E 40.02 feet along the South line of said NW 1/4; thence N49 01'16"W 414.91 feet along a line which is 75 feet Northeasterly of and parallel with the centerline of Cascade Road; thence N40 58'44"E 100.00 feet; thence N00 43'07"E 500.00 feet parallel with the West line of said NW 1/4 of Section 5; thence N89 16'53"W 224.88 feet; thence S00 43'07"W 84.01 feet; thence S40 58'44"W 272.12 feet; thence N49 01'16"W 90.00 feet along a line which is 75 feet Northeasterly of and parallel with the centerline of Cascade Road; thence N40 58'44"E 102.21 feet; thence N00 43'07"E 418.98 feet; thence N89 44'42"W 150.00 feet; thence N00 43'07"E 546.50 feet along the West line of said NW 1/4 of Section 5; thence S89 48'21"E 158.61 feet along the South line of the North 831.5 feet of the W 1/2 of said NW 1/4 of Section 5; thence N90 00'00"E 1183.01 feet along said South line; thence S01 13'51"W 608.00 feet along the West line of the E 1/2 of said NW 1/4; thence N82 02'52"E 239.23 feet; thence N45 12'55"E 133.48 feet; thence S05 11'46"W 79.65 feet to the NW corner of the South 1137 feet of the East 345 feet of the W 1/2 of the E 1/2 of said NW 1/4 of Section 5; thence S87 40'38"E 225.00 feet along the North line of the South 1137 feet of the East 345 of the W 1/2 of the E 1/2 of said NW 1/4 of Section 5; thence S43 16'18"W 112.53 feet; thence S01 28'44"W 260.00 feet; thence S87 40'38"E 195.00 feet; thence N01 28'44"E 294.22 feet along the West line of the E 1/2 of the E 1/2 of said NW 1/4 of Section 5; thence S52 54'40"E 224.90 feet; thence N59 58'20"E 140.00 feet; thence S26 05'17"E 474.00 feet; thence S80 16'41"E 910.00 feet to the extended centerline of Marsman Avenue and the West line of Tammarron North (Kent County Condominium Subdivision Plan No. 186); thence S01 41'44"W 499.39 feet along said West line of Tammarron North; thence N87 37'30"W 756.95 feet along the South line of the NE 1/4 of Section 5 and the North line of Chamonix No. 2 as recorded in Liber 74 of Plats, Pages 38-39, to the center 1/4 corner of Section 5; thence N87 40'38"W 220.00 feet along the North line of the SW 1/4 of Section 5; thence S01

04'41"W 593.25 feet parallel with the East line of said SW 1/4; thence S25 23'54"W 695.88 feet; thence N41 09'16"W 211.38 feet along a line which is 50 feet Northeasterly of and parallel with the centerline of Cascade Road; thence Northwesterly 208.49 feet along said line on a 5779.60 foot radius curve to the left, the chord of which bears N42 11'16"W 208.48 feet; thence N42 33'54"E 25.07 feet; thence Northwesterly 300.03 feet along a line which is 75 feet Northeasterly of and parallel with the centerline of Cascade Road on a 5804.60 foot radius curve to the left, the chord of which bears N44 43'13"W 300.00 feet; thence N42 33'54"E 348.50 feet; thence N47 26'06"W 250.00 feet; thence S42 33'54"W 373.51 feet to a line which is 50 feet Northeasterly of and parallel with the centerline of Cascade Road; thence Northwesterly 34.98 feet along said line on a 5779.60 foot radius curve to the left, the chord of which bears N48 50'52"W 34.98 feet; thence N49 01'16"W 869.83 feet along said line to the place of beginning. Contains 100.255 acres.

Description of Stoneshire:

Part of the NW 1/4, and NE 1/4, Section 5, T6N, R10W, Cascade Township, Kent County, Michigan, described as: BEGINNING at the N 1/4 corner of Section 5; thence N90°00'00"E 78.76 feet along the North line of the NE 1/4 of Section 5 to the S 1/4 corner of Section 32, T7N, R10W; thence S89 48'16"E 21.24 feet along said North line of the NE 1/4; thence S00 00'00"W 132.93 feet; thence Southerly 45.13 feet along a 567.00 foot radius curve to the left, the chord of which bears S02 16'48"E 45.12 feet; thence S89 48'16"E 256.00 feet; thence N14 16'02"E 183.51 feet; thence S89 48'16"E 169.98 feet along the North line of the NE 1/4 of Section 5; thence S01 41'44"W 183.00 feet parallel with the centerline of Marsman Avenue; thence S89 48'16"E 183.00; thence N01 41'44"E 183.00 feet along the centerline of Marsman Avenue; thence S89 48'16"E 373.00 feet along the North line of said NE 1/4; thence S01 41'44"W 220.00 feet; thence S89 48'16"E 120.00 feet; thence S01 41'44"W 437.00 feet along the Westerly line of Tammarron North, Kent County Condominium Subdivision Plan No. 186; thence N89 48'16"W 493.00 feet; thence S01 41'44"W 631.21 feet along the centerline of Marsman Avenue and the Westerly line of Tammarron North; thence Northwesterly 90.49 feet along a 60.00 foot radius curve to the right, the chord of which bears N71 50'27"W 82.16 feet; thence S61 21'59"W 139.95 feet; thence S15 58'26"E 223.54 feet; thence S77 07'20"E 134.28 feet; thence S01 41'44"W 525.17 feet along the West line of Tammarron North; thence N80 16'41"W 910.00 feet; thence N26 05'17"W 474.00 feet; thence N59 58'20"E 242.42 feet; thence N37 41'32"W 106.51 feet; thence Northwesterly 72.54 feet along a 533.00 foot radius curve to the right, the chord of which bears N33 47'35"W 72.49 feet; thence S69 44'20"W 430.36 feet to the West line of the E 1/2 of the E 1/2 of said NW 1/4 of Section 5; thence S01 28'44"W 0.47 feet along said West line; thence N87 40'38"W 345.00 feet along the North line of the South 1137 feet of the W 1/2 of the E 1/2 of said NW 1/4 of Section 5; thence N05 11'46"E 532.61 feet; thence S87 40'38"E 310.47 feet; thence N01 28'44"E 673.95 feet along the West line of the E 1/2 of the E 1/2 of the NW 1/4 of Section 5; thence N90 00'00"E 70.00 feet; thence N01 28'44"E 200.00 feet; thence N90 00'00"E 291.53 feet along the North line of the NW 1/4 of Section 5; thence S00 00'00"W 323.00 feet; thence N63 26'06"E 178.89 feet; thence N00 00'00"E 243.00 feet; thence N90 00'00"E 153.00 feet along the North line of said NW 1/4 to the place of beginning. This parcel contains 65.917 acres.

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.

The Project occupies approximately 166 acres of land. The project is proposed to be developed into two distinct site condominium developments containing a total of 162 single family site condo building sites, while preserving approximately 52 acres of open space. The project may also include the following existing parcels that have access by way of a private street from Hall Street and are currently known as 5950 Hall St. (41-19-05-100-069), 5860 Hall St. (41-19-05-100-047), and the existing home on approximately the eastern ½ of 5864 Hall St.(41-19-05-100-039). These parcels shall have to conform to all Cascade Township rules and regulations for unplatted property splits. If all 3 of these parcels are added to the project, this would create a total of 165 site condominium units. In the event any the owners of these parcels wishes to be added to the PUD in the future, an amendment to the PUD Ordinance will

be necessary in order to update the legal description of the project. The site condominium technique has been chosen by the Developer and the eventual owners of each condominium unit to provide more control over the Project's aesthetics and appearance. This development technique provides the Developer with the ability to develop the Project in a manner to meet market expectations where more traditional mechanisms such as creating land subdivision plats do not.

The regulations contained herein are established to define the procedures necessary to insure high quality development in the Project. Additionally, they are designed to achieve integration of this development with adjacent land uses.

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 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.

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 type the following statement onto the end of this document (or add an additional page to the document) as follows:

"I, Thomas L. Koster, have fully read the above PUD ordinance amendment, understand its provisions and fully agree with all requirements and conditions contained in the same, on behalf of myself and my assigns, successors and transferees in and to the property involved."

Section VI. Site Condominium Documents and Plans.

A. Specific controls relating to architectural elements, common elements of the site condominium project, construction materials, size and space requirements, improvements and out buildings, specific prohibitions and rules of conduct shall be governed by site condominium bylaws and master deed. These restrictions shall become part of this Ordinance by reference.

B. The Project shall be developed in accordance with the site plan approved and signed by the Township. The site plan shall indicate where each condominium unit will be located and provide appropriate measurements demonstrating compliance with Section 16.11(2) of the Zoning Ordinance. Engineering plans and 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 the requirements of Section 16.11(4) of the Zoning Ordinance and meeting recognized, acceptable engineering standards and practices. Once it has been determined that the plans have met Township requirements, the Township Engineer shall sign and mark these plan documents as "Approved", and forward them to the Developer. Only approved plan documents shall be recorded with the appropriate county and state agencies.

C. The number of building sites may be reduced or consolidated within the Project upon review and approval of the Township Planning Department. The proposed changes to the site / survey plan to reduce or consolidate building sites shall be reviewed by the Planning Department to insure compliance with the Cascade Charter Township Zoning Ordinance and this PUD Ordinance. Once approved by the Planning Department, the amended site / survey shall then be recorded with the Kent County Register of Deeds Office and the appropriate State agencies by the Developer at his cost. A copy of the recorded site / survey plan shall be forwarded to the Planning Department, so that accurate files regarding the development can be maintained.

D. The Project shall be limited to one hundred and sixty five (165) building sites for single family detached condominium units. The number of building sites within the Project shall not be increased by the Township Board.

Section VII. Permitted Uses.

The permitted uses for the Manchester Hills/Stoneshire PUD are as follows:

A. Single Family Residences.

B. Accessory buildings customarily incidental to a single family residence, subject to the provisions of Section 4.08 and 4.09 of the Cascade Charter Township Zoning Ordinance, as may be amended.

C. Signs. Provided all signs for the Project shall conform with Section 6.02 of the Cascade Charter Township Sign Ordinance (Ordinance 14 of 1997, as amended).

D. Exterior Lighting. The developer shall provide street lighting within the premise consistent with the lighting plan as drawn by Exxel Engineering. The developer may arrange for such street lighting to be provided and installed by the local public electric utility company. All street lighting shall be consistent with Section 19.19 of the Zoning Ordinance and shall either be installed prior to the issuance of any building permits for the project or paid for prior to the issuance of any building permits for the project.

Section VIII. Design Guidelines, Requirements and Limitations.

The Project shall be developed in accordance with the site plan approved by the Township. No alterations, expansions or additions may take place to the Project without an amendment to this Ordinance, unless authorized otherwise herein.

A. Maximum Number of Residential Units - The maximum number of single family detached site condominium units within the Project shall be limited to 162 units, with the ability to add the existing homes at 5950, 5860 and 5864 Hall St. for a total of 165 units.

B. Maximum Building or Structure Height - 35 feet or 2½ stories whichever is the lessor.

C. Setback Requirements- All buildings and structures shall meet the following minimum setback requirements:

a. Manchester Hills

i. Front Yard Setback: 30 feet minimum from the front yard area line.

ii. Sideyards (min.): 10 feet from the side yard area line.

iii. Sideyards (total): 20 feet minimum

iv. Rear Yard: 25 feet minimum from the rear yard area line

b. Stoneshire

i. Front Yard Setback: 25 feet minimum from the front yard area line.

ii. Sideyard (min.): 7 feet from the side yard area line.

iii. Sideyard (total): 18 feet minimum

iv. Rear Yard: 25 feet minimum from the rear yard area line.

D. Minimum Floor Area - Each site condominium unit shall contain a minimum of:

" One story - 1,800 square feet,

" One and one half story - 2,000 square feet

" Two story - 2,200 square feet

finished livable area above grade level, exclusive of the garage, decks, porches and breezeways.

E. Minimum Parking Requirements - Each site condominium dwelling unit shall have a minimum of two (2) enclosed off-street parking spaces.

F. No direct access shall be permitted for any of the individual lots directly to Cascade Rd or Hall St. with the exception of lot 83 of Stoneshire who is permitted access to Hall St.

G. The developer will be responsible to provide sidewalks in the development as shown on the approved site plan dated 11/13/03. All sidewalks crossing individual site condominium units shall be built either prior to or at the time of home construction. Construction of such sidewalks may be delayed for a period of up to six (6) months following home construction if the Township determines adverse weather conditions require such a delay. For any sidewalks that are planned to be built in areas that are not part of a site condominium unit, the developer, or subsequent owner, shall construct the sidewalk at the time that any adjacent site-condominium lot installs their sidewalk. No Certificate of Occupancy shall be issued until the sidewalk is completed across the front of any site condominium unit required to install such sidewalk. If it is determined by the Township that weather conditions require a delay in the construction of the sidewalk the contractor shall provide a performance guarantee, to the Township, in an amount equal to the cost of the construction of the required sidewalk. In this case the contractor may receive a certificate of occupancy upon the completion of the home. The bond will be released upon completion of the sidewalk. In any event the construction of all required sidewalks shall take place no later than 3 years following the first coat of asphalt on the roads that are planned to have sidewalks.

H. The developer shall improve both Cascade Road and Hall Street at the entrances to the development with center turn lanes, acceleration and deceleration lanes as shown on the Cascade and Hall Street widening plans drawn by Exxel Engineering. These improvements shall meet the KCRC design standards. These improvements shall be paid for by the developer. The center turn lane on Cascade Rd shall be completed prior to any building permits being issued for the Manchester Hills portion of the project. The center turn lane on Hall Street shall be completed prior to any building permits being issued for the Stoneshire portion of the project. However, a building permit may be issued prior to either center

turn lanes being constructed for the purposes of constructing one model and one other home in each phase. The model homes must be in compliance with section 4.23 of the Zoning Ordinance. In no case shall there be more than one model home in either phase of the development at one time.

As an alternative to the required left turn lane improvements on Hall Street, at the project entrances, the developer may construct the left turn lane improvements at the school driveways. This option is subject to the school and Kent County Road Commission contributing to the additional costs of providing a center turn lane in front of the western school entrance on Hall St. The design for these center turn lanes will also have to meet the KCRC design standards. If the developer opts for the center turn lane in front of the school they shall provide the Township Planning Department a copy of the approved plans for this improvement and it must be completed prior to any building permit being issued for the Stoneshire portion of the project.

Section IX. Private Street Development.

A. The Developer shall submit a street construction, maintenance and pavement plan consistent with Section 16.11 (4)(f) of the Zoning Ordinance. Such plan may be incorporated by the developer in the Master Deed or Condominium Bylaws to be recorded with the Register of Deeds by the Developer, after approval of such provisions by the Cascade Charter Township Planning Department. The Developer may establish private streets to serve the Project provided the roads are constructed in accordance with the "Cascade Charter Township Engineering Design Requirements and Standards for Private Streets" and the following specifications:

1. All grades shall be sufficient to allow safe ingress / egress of emergency vehicles and shall not exceed the grades shown on the approved site plan.
2. The private streets shall be posted with signs stating the street names. These signs shall be consistent with Kent County Road Commission standards and requirements and shall be installed at the Developer's cost.
3. A clear vision triangle shall be established by the Developer to insure safe turning movements from the private streets onto the public roads. This clear vision triangle shall be developed to the specifications established by the Kent County Road Commission.
4. Any private street shall intersect any public road at a 90 degree angle.
5. Copies of any permits required by the Kent County Road Commission to connect the private street to any public road shall be provided to the Township Planning Department by the Developer.

B. In accordance with Section G of the "Cascade Charter Township Engineering Design Requirements and Standards for Private Streets", the Developer of the Project shall provide a disclosure statement in the maintenance agreement for private streets in the Project as required by Section H of the Cascade Charter Township Private Street Ordinance. As noted above, such maintenance provisions and the required disclosure may be included in the Master Deed or Condominium Bylaws to be recorded with the Kent County Register of Deeds, after review and approval of the Cascade Charter Township Planning Departments.

C. In accordance with Section I of the "Cascade Charter Township Engineering Design Requirements and Standards for Private Streets", it shall be the responsibility of the Developer and its successors or the association of co-owners of the condominium project, to fully maintain and keep the private access street in good repair at all times and to ensure that snow and ice is removed in a timely fashion during the winter.

D. No combustible building materials may be erected on the Project until a temporary access road is constructed to within 100 feet of the furthest point of a structure. Such road shall be a minimum 18 feet wide and be able to support 20 tons on a single axle with dual wheels and standard road tires.

E. The developer has reached an agreement with the property owners on Pine Trail to make certain improvements to that road as a result of this project. The improvements to Pine trail shall be done according to the agreement reached between the owners on Pine Trail and the developer. This agreement shall be recorded.

F. The Private drives serving this development do not connect for vehicular traffic from Cascade Rd to Hall St. However, the developer has included in the project an emergency vehicle connection in the area between lot 27 in Phase One of Manchester Woods and lot 27 in Phase One of Stoneshire. Although not required by the Township, the developer plans to use a gate to restrict access to only emergency vehicles. The Cascade Charter Township Fire Department shall review and approve the type of gate proposed before the gate is installed.

Section X. 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 any building or infrastructure improvement.

Section XI. Utilities .

A. Sewer and Water - Each Site Condominium unit in this project will be served by municipal water and municipal Sanitary Sewer.

B. Stormwater Drainage - All proposed stormwater drainage facilities shall be reviewed and approved by the Township Engineer, the Kent County Drain Commissioner's office and the Michigan Department of Environmental Quality prior to the development of the Project. The Developer shall provide the Township Planning Department with copies of all correspondence and permits received from the Kent County Drain Commissioner and the Michigan Department of Environmental Quality regarding stormwater disposal.

C. The Developer shall provide all necessary easements within the Project for telephone, electricity, gas and cable television to the appropriate utility provider without cost. The Developer shall also be responsible to provide any necessary easements to the Township for the Pedestrian Path along Cascade Rd and Hall St. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

Section XII. Soil Erosion Control Requirements.

The Developer 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 Project. This plan shall be reviewed and approved by the Township Engineer prior to commencing any excavation on the site.

Section XIII. 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 Department may require such guarantees at any time they deem necessary to insure completion of the improvements.

Section XIV. Permanent Common Open Space.

It is the intent of this Project that this permanent common open space area is to remain in its present undeveloped state in perpetuity. To insure this occurs, the following regulations shall apply to the permanent common open space area:

A. No buildings, structures, fences, or driveways shall be erected, constructed or placed within the common open space area, with the exception of entry treatment walls, ponds, etc; along Cascade Road and the area immediately to the east of lot 27 in phase one of Manchester Hills. This area may be developed as a small "pocket park" with gazebo, picnic tables and other similar type structures. The private streets and their associated infrastructure improvements may also encroach into this area provided it is consistent with the development plan for this Project. It may include access for parcel currently known as 5864 Hall St. This parcel has an agreement with the developer to obtain access to Manchester Hills Dr. for a driveway for the current home and a future home if the owner splits the property. These drives would need to go through a small portion of the common space area in order to obtain access to Manchester Hills Dr.

B. There shall be no draining or filling of the wetlands within this common open space area other than that permitted by the Michigan Department of Environmental Quality, the Kent County Drain Commission and the Township Engineer for the construction of the required infrastructure of this project.

C. There shall be no tree or vegetation cutting or removal within the common open space areas other than that permitted by Michigan Department of Environmental Quality, the Kent County Drain Commission and the Township Engineer for the construction of the required infrastructure and entry treatment such as walls, ponds, etc; along Cascade Road. Furthermore, they may also remove fallen, dead, diseased or dangerous trees or vegetation.

Section XV. Consistency With Planned Unit Development (PUD) Standards.

The rezoning to Planned Unit Development will result in a recognizable benefit to the ultimate users of the Project and to the community. Current and future residents will recognize the benefits of a residential development which offers a low density land use.

In relation to the underlying zoning (R1, Residential) the Township finds the Project will not result in a material increase in the need for public services, facilities and utilities and will not place a material burden upon the subject property and the surrounding properties. The Project is not anticipated to cause undo impact to the stormwater drainage of the surrounding area. All stormwater and soil erosion control plans have been approved by the Township Engineer and the appropriate County and State agencies.

The Project has been determined by the Township to be compatible with the Comprehensive Plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance. The Project has been determined to be a "Low Density Single Family" use, which is consistent with the Cascade Township Comprehensive Plan.

The Township finds the Project will not result in an unreasonable negative economic impact upon surrounding properties.

The Township finds the Project to have at least the same amount of green areas and usable open space than would typically be required by the Township Zoning Ordinance.

Finally, the Township recognizes the Project will be under single ownership or control. The Township recognizes that the Developer or its assigns will retain ownership and control of the Premises until a majority of the site condominium units are purchased for single family residential purposes.

Section XVI. Effective Date.

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

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

YEAS: Carpenter, Goodyke, Julien, Kleinheksel, Parrish, Timmons
NAYS: None
ABSENT: Jones

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 14th day of January, 2004.

Marlene Kleinheksel Cascade Charter Township Clerk