

## PUD Ordinance - Noto #13 of 1995

### CASCADE CHARTER TOWNSHIP

Ordinance #13 of 1995  
Amended by Ord. No. 17 of 2003

#### AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE CASCADE TOWNSHIP - NOTO PROPERTIES PLANNED UNIT DEVELOPMENT PROJECT

Cascade Charter Township Ordains:

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

The application received from Cascade Township and Noto Properties or their assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed restaurant / banquet facility and various government facilities (hereinafter referred to as the "Project" or the "Premises") was recommended by the Cascade Charter Township Planning Commission for approval on June 5, 1995. The Project is recommended for rezoning from B1, Village Business to PUD, Planned Unit Development permitting the development of a restaurant / banquet facility and various government facilities. 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 June 7, 1995.

##### Section II. Legal Description

The legal description of the Project is as follows:

Part of the Northwest ¼ of Section 16, T6N, R10W Cascade Township, Kent County, Michigan, including Lots 7,8,9 and the east part of Lot 10 of Arden Hills Plat, described as: commencing at the North ¼ corner of said Section 16; thence N 90 degrees 00'00" W 1,174.75 feet along the North line of said Section 16; thence S 00 degrees 08' 00" E 63.13 feet to the Northeast corner of Lot 7 of said Arden Hills Plat and also to the Point of Beginning; thence S 00 degrees 08'00"E 147.25 feet along the East line of said Lot 7; thence S 89 degrees 52'50" E 143.29 feet along the South line of said Arden Hills Plat to the SW corner of Lot 4 of said Plat; thence S 00 degrees 24'05" W 400.00 feet along the West line of Lot 4 extended; thence S 89 degrees 52'50" E 311.04 feet; thence S 00 degrees 45'E parallel with the N-S ¼ line 15.5 feet to a point 627.0 feet South from North Section line and 631.0 feet West from N-S ¼ line; thence S 90 degrees 00'W parallel with North section line 29.0 feet; thence S 00 degrees 45' E parallel with N-S ¼ line 268.0 feet to a line 895.00 feet South of the North line of said Section 16; thence S 90 degrees 00'00"W 1,036.97 feet along said line 895.00 feet South of the North line of said Section 16; thence N 00 degrees 00'00"W 220.00 feet; thence S 90 degrees 00'00"W 400.00 feet to the East line of Thornhills Drive (100 feet wide); thence N 00 degrees 18' 00" E 35.00 feet along the East line of Thornhills Drive; thence N 90 degrees 00'00" E 399.82 feet; thence N 00 degrees 00'00" W 35.00 feet; thence N 90 degrees 00'00" E 159.56 feet; thence N 00 degrees 05' 40" W 541.14 feet to the North line of Arden Hills Plat; thence N 89 degrees 51'40" E 341.99 feet along the North line of Arden Hills Plat to the Point of Beginning. Subject to easements, restrictions, and rights-of-way of record.

And

Part of the Northwest ¼ of Section 16, T6N, R10W, Cascade Township, Kent County, Michigan, including Lots 11, 12 and the West part of Lot 10 of Arden Hills Plat, described as: Commencing at the North ¼

corner of said Section 16; thence N 90 degrees 00'00"W 1,516.69 feet along the North line of said Section 16; thence South 00 degrees 05'40" E 63.86 feet to the North line of said Arden Hills Plat and the Point of Beginning; thence S 90 degrees 00'00"W 159.56 feet; thence S 00 degrees 00'00" E 35.00 feet; thence S 90 degrees 00'00" W 399.82 feet to the East line of Thornhills Drive; thence N 00 degrees 18'00" E 35.00 feet along the East line of Thornhills Drive; thence N 90 degrees 00'00" E 225.00 feet; thence N 00 degrees 18'00" E 246.03 feet; thence S 89 degrees 52'50" E 58.36 feet to the extension of the West line of Lot 12 of said Arden Hills Plat; thence N 00 degrees 04'00" W 294.65 feet along said extension of the West line of said Lot 12 to the Northwest corner of said Lot 12; thence N 89 degrees 52'40" E 274.00 feet along the North line of Arden Hills Plat to the Point of Beginning. Subject to easements, restrictions and rights-of-way of record.

### 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 14 acres of vacant and partially wooded land. The Project is proposed to be developed by constructing a new 16,485 square foot restaurant and banquet facility and a new township library. Future phases of the project may include the development of other government related facilities or uses allowed in the VO, Village Office zoning district. The PUD technique has been chosen by the Developer 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 unified manner. The regulations contained herein are established to define the procedures necessary to insure high quality development on 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 documents 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 a violation of the Cascade Charter Township Zoning Ordinance.

#### Section VI. Site Plans and Phasing

A. The Project shall be developed in accordance with the overall site plan approved and signed by the Township. The site plan shall indicate where each building and structure will be located and provide appropriate measurements demonstrating compliance with 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 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.

B. Because the Project is anticipated to be developed over several years, the Developer, for each individual phase of the Project, shall submit an application and all necessary architectural and planning drawings for consideration to the Planning Department. Site plan approval by the Planning Commission shall be required for any future phases of the project and shall be granted in accordance with Chapters 16 and 21 of the Zoning Ordinance (as may be amended). All phases of the Project shall comply with the Permitted Uses listed in Section VII and the Design Guidelines, Requirements and Limitations contained in Section III of this Ordinance.

#### Section VII. Permitted Uses

The permitted uses for the Cascade Township - Noto's PUD are as follows:

A. One (1) restaurant / banquet facility consistent with the site plan that was approved for Noto's by the Planning Commission on August 1, 1994.

B. One (1) township library

C. Other governmental or institutional uses.

D. Uses as allowed in the VO, Village Office Zoning District as found in Chapter 9 of the Zoning Ordinance (as may be amended).

#### Section VIII. Design Guidelines, Requirements and Limitations

The Project shall be developed in accordance with the overall PUD 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. The maximum number of buildings on the Premises shall be limited to four (4).

B. Maximum Building Height - The maximum height for the buildings within the Project shall be as follows: (Amended by Ord. No. 17 of 2003; 11/19/03)

Noto's Building - 34 feet with the allowance for the tower, as shown on the approved plans, to be 43 feet  
Library - 46 feet  
Other Buildings - 25 feet

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

Front Yard Setback - 40 feet

Side Yard Setback - 25 feet

Rear Yard Setback - 50 feet

D. Minimum Parking Requirements - Parking for each of the individual uses shall comply with the requirements of the Cascade Charter Township Zoning Ordinance. Shared parking shall be encouraged where feasible for any future development.

E. Signs

1. The Project shall be permitted the following signs:

Noto's property:

Those signs approved as part of the site plan approval by the Planning Commission on August 1, 1994.

Township property:

a. One (1) monument sign with a maximum sign area of 32 square feet for each building.

b. Wall signs - One wall sign for each building with a maximum sign area of 100 square feet.

2. Unless otherwise specified above, all new signs for the Project shall comply with the height, location, size and all other requirements set forth in the Cascade Charter Township Sign Ordinance, as amended.

F. Landscaping

1. The project shall be required to install landscaped bufferyards (as regulated in Chapter 20 of the Zoning Ordinance) with the development of each site on the property.

2. Landscaping shall be installed within ninety (90) days of completion of each building unless permitted in writing by the Planning Director at a later date.

3. 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.

G. Transportation Improvements -

The Developer will fund and construct a new internal public road to serve the premises. These improvements must be reviewed, coordinated with, and approved by the Kent County Road Commission.

Section IX. 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 building expansions or infrastructure improvement.

Section X. Utilities

A. The Project shall be served with public water and public sewer at the Developer's expense. Any new on-site water and sewer design and connection to the public water and sewer systems shall be approved by Cascade Township and the City of Grand Rapids prior to installation.

B. Stormwater Drainage - All proposed stormwater drainage facilities shall be reviewed and approved by the Township Engineer and the Kent County Drain Commissioner's office 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 Michigan Department of Natural Resources (if applicable) 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. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

#### Section XI. Soil Erosion Control Requirements

Prior to each phase of construction, 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 building on the site.

#### Section XII. 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 XIII. 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. The project will offer a unified development that provides a new internal road system and a central location for future governmental and institutional uses in the township.

In relation to the underlying zoning (PUD), 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. New road improvements are required as a result of the Project. The property has been planned and zoned for office or commercial development and is proposed to be utilized in that fashion.

The Project is not anticipated to cause undo impact to the stormwater drainage of the surrounding area. All stormwater plans have been approved by the Township Engineer and the appropriate County and State agencies. Concerns about fire and emergency vehicle access have been addressed on the site plan and by this PUD Ordinance.

The Project has been determined by the Township to be compatible with the General Development Plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance.

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 as much or more green and unshaded open space as would be required by the Township Zoning Ordinance.

Finally, the Township recognizes the Project will be under ownership and control by two parties. The Township recognizes that the Developer or its assigns will retain ownership and control of the Premises.

#### Section XIV. 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 Carpenter, supported by Board Member Van Strien. The roll call vote being as follows:

YEAS: Carpenter, Henning, Johnson, Julien, Timmons, Van Strien

NAYS: None

ABSENT: Hansen

Brenda J. Henning  
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 7th day of June, 1995.

Brenda J. Henning  
Cascade Charter Township Clerk