

CASCADE CHARTER TOWNSHIP

Ordinance 1 of 2015

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING
ORDINANCE AND ZONING MAP TO ESTABLISH THE
THORNAPPLE HILLTOP
PLANNED UNIT DEVELOPMENT PROJECT.

CASCADE CHARTER TOWNSHIP ORDAINS:

SECTION I. AN AMENDMENT TO THE CASCADE CHARTER TOWNSHIP ZONING
ORDINANCE.

The application received from G place LLC or its assigns (hereafter referred to as the “Developer”) for Planned Unit Development designation for the proposed Thornapple Hilltop Project (hereinafter referred to as the “Project”) was recommended by the Cascade Charter Township Planning Commission for approval on 2/2/15. The Project is recommended by the Planning Commission for rezoning from the B1, village business property to P.U.D. designation allowing two three unit residential buildings. Approval of the proposed PUD requires an amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission’s recommendations and the final actions of the Cascade Charter Township Board. On 2/25/15, the Cascade Charter Township Board approved the PUD as specified in this document.

SECTION II. LEGAL DESCRIPTION.

PART OF GOVT LOT 8 COM 172.0 FT S 0D 00M 00S ALONG N&S 1/4 LINE FROM N 1/4
COR TH S 89D 14M 00S E PAR WITH N SEC LINE 104.50 FT TH S 36D 15M 00S E PAR
WITH WLY LINE OF CASCADE RD /100 FT WIDE/ 238.43 FT TH S 30D 33M 18S E 75.58
FT TH S 43D 18M 00S E 33.0 FT TH S 41D 29M 00S W 158.40 FT TH N 71D 05M 00S W
213.20 FT TO N&S 1/4 LINE TH N OD 00M 00S ALONG N&S 1/4 LINE 332.70 FT TO BEG
* SEC 16 T6N R10W 1.87 A.

Parcel Number: 41-19-16-201-017

Property Address: 6868 CASCADE RD SE

SECTION III. GENERAL PROVISIONS.

The conditions, requirements, and regulations contained in this document shall apply to the Project in addition to those requirements and regulations contained in Chapter XVI of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988).

SECTION IV. PURPOSE.

The Project occupies approximately 1.87 acres of land that is proposed to be developed as a residential project. The Planned Unit Development technique has been chosen by the Developer to provide more control over the development's aesthetics and appearance and to accommodate the potential for a second phase of the project.

The conditions, requirements, and regulations contained in this document are established to ensure high quality development of the Project. Additionally, they are designed to achieve integration of this development with adjacent and area land uses.

SECTION V. APPROVAL LIMITATIONS.

- A. The provisions of this Ordinance ("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 expressly addressed by this Ordinance, the specifications and requirements of the Cascade Charter Township Zoning Ordinance shall apply. Furthermore, all other applicable Cascade Charter Township ordinances shall still govern the Project where applicable.
- B. Except as expressly otherwise provided herein, the Developer and its assigns must meet all applicable provisions, ordinance requirements, and regulations of Cascade Charter Township, as well as federal, county, and state law, and must obtain all necessary approvals from state and county governmental agencies that are required for construction, 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 invalid, 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 the Township 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 and in the final approved site plan 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, approved site plan, and ordinance amendment. The Project must be constructed, operated and maintained, and all properties therein used, in strict compliance with the PUD approval (including this Ordinance and the final approved site plan), and no deviations can occur without prior formal written approval by the Township. So-called minor deviations shall not occur or be made unilaterally by the Developer or its successors, tenants, or assigns. Any deviation without prior formal written approval by the Township will constitute a violation of this Ordinance and the Cascade Charter Township Zoning Ordinance. Notwithstanding the forgoing, minor changes to the site plan may be approved administratively by the Planning Director provided the changes comply with all applicable requirements of the Cascade Charter Township Zoning Ordinance and all other Township regulations or state law. Minor changes subject to administrative review are defined in Section 21.04 of the Cascade Charter Township Ordinance. Any other changes shall require an amendment or variance to this Ordinance.

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. **The Gerald R. Ford International Airport.**

The Developer shall expressly disclose to the tenants of the project in writing that the Project is located in the vicinity of the Gerald R. Ford International Airport and that there may be noise, vibration, and property valuation impacts associated with such location.

H. 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, and shall sign and date the same:

“G Place LLC has fully read the above PUD ordinance amendment, understands its provisions and fully agrees with all requirements and conditions contained in the same, on behalf of it and its assigns, successors and transferees in and to the property involved.”

SECTION VI. PERMITTED USES.

The permitted uses for the Thornapple Hilltop PUD are as follows:

- A. Two, 3-unit residential buildings.
- B. Signs. All signs for the Project shall conform with Section 6.02 of the Cascade Charter Township Sign Ordinance (Ordinance 14 of 1997, as amended).

SECTION VII. DESIGN GUIDELINES AND REQUIREMENTS.

The Project shall be developed in accordance with the site plan approved by the Township in conjunction with this Ordinance. No alterations, expansions or additions may occur as to the Project without a formal amendment to this Ordinance, unless expressly otherwise authorized herein.

- A. Maximum Number of Residential Units - The maximum number of residential units within the Project shall be limited to six (6) units.

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

- C. Setback Requirements

All unit buildings and structures shall meet the following minimum setback requirements:

- 1. Front Yard Setback: 20 feet
- 2. Side Yard Setback: minimum of 8 feet to the property lines and a minimum of 16 feet between buildings.
- 3. Rear Yard Setback: 30feet.

- D. Minimum Floor Area

Each dwelling unit shall contain a minimum of:

- 1. 1,700 square feet on the main floor, finished livable area above grade level, exclusive of garages, decks, porches and breezeways.

- E. Outdoor Lighting – Shall be in compliance with the Cascade Township Zoning Ordinance as amended.

- F. Stormwater Drainage –

In lieu of requiring that an Act 433 agreement or a drainage district be established with the Kent County Drain Commissioner, Cascade Charter Township has

agreed to approve the site plan for the Project so long as the Project (and any and all portions thereof) complies with the Cascade Charter Township Stormwater Ordinance (as that ordinance exists as of the date of the approval of the site plan (which shall be referred to hereinafter as the “Stormwater Ordinance”). Accordingly, the Property is required to ensure the proper installation and permanent maintenance of any and all storm drainage and water retention systems, pipes, ponds, and facilities for the Project (collectively, the “Facilities”) shown on the approved site plan or as otherwise required by the Cascade Charter Township Stormwater Ordinance. Such requirements and obligations include, but are not necessarily limited to, the following:

- i. Maintenance and repair regarding the following items shall be done on a regular basis following completion of the Project and in such fashion as to ensure that all components of the Facilities function properly at all times:
 1. Sediment removal;
 2. Erosion control;
 3. Structural integrity of the physical systems; and
 4. Designate access to the facilities.
- ii. The Township (including its designated officials, officers, agents, and contractors) shall have the right to physically inspect all aspects of the Facilities at all reasonable times, or any other times if, in the opinion of the Township, there is a threat to the public health, safety, or welfare.
- iii. Buildings, structures, landscaping, trees, (except as shown on the landscaping plans approved by the Township) or similar items (excluding paving, which shall be permitted) shall not be installed, planted, or placed over any portion of the Facilities without prior written Township approval, not to be unreasonably withheld.
- iv. The Township shall be supplied with an engineer’s “as-built” certification to certify that the Facilities as constructed and installed match the approved design. The Township shall also be supplied with a reduced copy of the approved site plan graphically showing the Facilities, together with any and all easements therefor.
- v. Should the Facilities not be properly installed, maintained, and/or repaired, in compliance with all of the requirements of the approved site plan, and the Stormwater Ordinance (whether due to the fault or neglect of the Developer or owner of the Property), and any such noncompliance or deficiency shall not have been fully remedied within 30 days of the date when the Township has given written notice of any such noncompliance or deficiencies (provided that if such noncompliance or deficiency cannot reasonably be remedied within 30 days, then the Developer or owner, as applicable, shall have such additional time as is necessary, provided it

commences to remedy the noncompliance or deficiency within such 30 day periods and proceeds with due diligence, the Township, at its sole option and discretion, shall have the right and authority to perform any and all installations, repairs, and/or maintenance which is reasonably required to comply with the approved site plan and the Stormwater Ordinance (and none other) and charge back the costs thereof to the Owner together with reasonable administrative costs and legal fees.

SECTION VIII. LANDSCAPING BUFFERYARD REQUIREMENTS.

A. All plantings shall be planted according to the approved landscaping plans, or as otherwise mutually agreed to in writing by the Developer and the Planning Department.

B. All landscaping shall be hardy plant materials and shall be maintained after planting 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. The Township shall require a landscaping bond or letter of credit (which of these is required shall be at the Township's discretion) for all required landscaping. The amount of the bond or letter of credit and the form of the same shall be approved by the Planning Department.

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 where approved by the Township and if accessory to and necessary during construction of a permanent building or infrastructure improvement.

SECTION X. SITE PLAN.

A. The Project shall be developed in accordance with the site plan approved by the Township Board and signed by the Township Supervisor. The site plan shall provide appropriate measurements demonstrating compliance with Chapter 14 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 Township ordinance requirements and recognized, acceptable engineering standards and practices.

SECTION XI. 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 Plan(s) for Cascade Township.

B. The Developer shall provide all necessary recorded easements within the Project for telephone, electricity, gas, and cable television to the Township and the appropriate utility provider(s) without cost.

SECTION XII. MISCELLANEOUS DEVELOPMENT REQUIREMENTS.

A. SOIL EROSION

The Developer shall submit to the Township and Kent County Road Commission 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 Kent County prior to commencing any building on the site.

B. SIDEWALK/PATHWAY/WALKWAY CONSTRUCTION AND EASEMENT

The Developer has agreed to provide an easement for a pedestrian pathway through the property to connect Overlook Summit drive to 2899 Thornapple River Dr. It is intended that this path could extend through 2899 Thornapple River Dr when that property is developed providing a connection to Thornapple River Dr. The pathway easement shall be a permanent easement to the Township for such sidewalk/walkway/pathway in a written recordable document with language which is acceptable to the Township and Developer. Such easement shall be at least 15 feet wide and shall be given to the Township without cost to the Township.

SECTION XIII. CONSISTENCY WITH PLANNED UNIT DEVELOPMENT (PUD) STANDARDS.

The approved Planned Unit Development will result in a recognizable benefit to the ultimate users of the Project and to the community. Current and future area residents will recognize the benefits of the development.

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 unreasonable impacts to the stormwater drainage of the surrounding area. All stormwater and soil erosion control plans will be 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 2009 Comprehensive 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 the same amount of green areas and usable open space than would typically be required by the Township Zoning Ordinance.

SECTION XIV. PERFORMANCE GUARANTEE.

To ensure compliance with this Ordinance and any conditions herein, Cascade Charter Township may require reasonable performance guarantees to ensure 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 it necessary to ensure completion of the improvements.

SECTION XV. EFFECTIVE DATE.

This Ordinance shall become effective seven (7) days after publication of this document (or a summary) in the *Grand Rapids Press*, a newspaper of general circulation within Cascade Charter Township.

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

YEAS: Goldberg, Goodyke, McDonald, Beahan, Koessel, Pierce

NAYS: None

ABSENT: Lewis

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 25th day of February, 2015.

Ron Goodyke
Cascade Charter Township Clerk

Applicant Statement:

“G Place LLC has fully read the above PUD ordinance amendment, understands its provisions and fully agrees with all requirements and conditions contained in the same, on behalf of it and its assigns, successors and transferees in and to the property involved.”

G Place LLC

Signature _____

Printed Name

Date