

CASCADE CHARTER TOWNSHIP

Ordinance #10 of 1997

As amended by Ord No 8 of 2000; May 31, 2000
As amended by Ord No 17 of 2000; October 18, 2000
As amended by Ord No 8 of 2003; June 11, 2003
As amended by Ord No 11 of 2010; August 11, 2010

AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE FOREST HILLS GOLF COURSE/WATERMARK CONDOMINIUMS PLANNED UNIT DEVELOPMENT PROJECT

Cascade Charter Township Ordains:

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

The application received from Forest Hills Development, L.L.C. or their assigns (hereinafter referred to as the "Developer"), for Planned Unit Development designation for the proposed Forest Hills Golf Course/Watermark Condominiums Planned Unit Development Project (herein after referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on July 7, 1997. The Project is recommended for rezoning from PUD, Planned Unit Development and R1, Residential to PUD, Planned Unit Development permitting a golf course, clubhouse, office buildings, condominiums and site condominiums. 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 August 27, 1997.

Section II. Legal Description.

The legal description of the Project is as follows:

Part of Section 5, 6 and 7, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: BEGINNING at the Northeast corner of said Section 7; thence South 89 degrees 38' 08" West 1265.00 feet along the North line of said Section 7; thence south 00 degrees 52'09" East 1025.20 feet to a point being South 00 degrees 52' 11" East 1023.75 feet (as measured along the East section line) and south 89 degrees 07'49" West 165.00 feet from said Northeast one-quarter of Section 7; thence North 80 degrees 49' 21" West 253.58 feet; thence south 55 degrees 40'39" West 160.00 feet; thence south 18 degrees 19'21" East 276.02 feet to the South line of the North one-half of the Northeast one-quarter of said Section 7; thence South 89 degrees 09'24" West 1973.76 feet along said line; thence North 01 degrees 11'44" West 208.71 feet; thence south 89 degrees 09'24" West 208.71 feet; thence North 01 degrees 11'44" West 1144.75 feet along the North – South one-quarter line of said Section 7 to the North one-quarter corner; thence North 00 degrees 44'02" West 200.00 feet along the North – South one-

quarter line of said Section 6; thence North 89 degrees 38'08" East 827.47 feet; thence North 00 degrees 50'19" West 549.43 feet; thence North 89 degrees 30'01" East 499.99 feet; thence North 00 degrees 50'19" West 574.90 feet along the West line of the East one-half of the southeast one-quarter of Section 6; thence South 89 degrees 30'01" West 500.00 feet along the South line of the Northwest one-quarter of the Southwest one-quarter of Section 6; thence North 00 degrees 50'19" West 824.53 feet; thence North 89 degrees 30'01" East 440.00' thence North 00 degrees 50'19" West 315.84 feet to a point being 185.00 feet South 00 degrees 50'19" East from the East – West one-quarter line; thence North 89 degrees 21'53" East 60.00 feet to a point being south 00 degrees 50'19" East 185.00 feet from the Southwest corner of Lot 32 of Cascade Gardens; thence continuing North 89 degrees 21'53" East 320.00 feet parallel with the East – West one-quarter line; thence North 08 degrees 53'53" East 170.38 feet to the extended south line of Lot 32; thence south 87 degrees 50'58" East 15.13 feet along said line to the East right of way line of Galbraith Avenue (as platted); thence Northerly along said Avenue 171.40 feet on a 1205.02 foot radius curve to the right, the chord of which bears North 04 degrees 24'39" East 171.26 feet; thence North 08 degrees 29'09" East 950.26 feet along said Avenue; thence Northeasterly 71.28 feet along said Avenue on a 33.80 foot radius curve to the right, the chord of which bears North 68 degrees 54'05" East 58.79 feet; thence south 50 degrees 41'00" East 769.59 feet along the South right of way line of Cascade Road; thence southeasterly 47.12 feet along said right of way on a 30.00 foot radius curve to the right, the chord of which bears South 05 degrees 41'00" East 42.42 feet; thence South 39 degrees 19'00" West 337.99 feet along the Westerly right of way line of MacNider Avenue (as platted); thence South 00 degrees 56'34" East 262.72 feet along said right of way and extension thereof; thence south 00 degrees 52'59" East 150.00 feet to a point being 360.00 feet West of the East line of Section 6; thence South 44 degrees 08'34" East 138.78 feet to a point being 250.00 feet South of the South line of Lot 154 Cascade Gardens and 265.00 feet West of the East line of Section 6; p thence North 89 degrees 44'58" East 265.02 feet parallel with the South line of said Lot 154; thence North 00 degrees 56'34" West 83.52 feet along the East line of Section 5 to a point being 115.50 feet South of the East one-quarter corner of Section 5; thence North 89 degrees 03'26" East 300.00 feet; thence North 00 degrees 56'34" West 107.05 feet of the East – West one-quarter line; thence North 00 degrees 56'01" West 315.42 feet parallel with the West line of Section 5 to the centerline of Cascade Road (100.00 foot wide public right of way); thence South 50 degrees 41'00" East 475.91 feet along said centerline; thence south 00 degrees 51'02" East 2080.73 feet along the East line of the West one-half of the West one-half of the Southwest one-quarter of Section 5 to a meander line for Walden Lake; thence North 89 degrees 29'54" West 69.27 feet along said meander line; thence South 48 degrees 37'43" West 66.03 feet along said meander line; thence south 03 degrees 53'41" East 75.27 feet along said meander line; thence south 24 degrees 07'03" East 95.98 feet along said meander line for Walden Lake; thence South 19 degrees 25'50" West 196.07 feet along a line which if extended would intersect the South line of Section 5 at a point being North 89 degrees 34'10" West 218.87 feet (as measured along the South section line) from the Southeast corner of the West one-half of the Southwest one-quarter of said Section 5p thence North 89 degrees 34'10" West 100.00 feet; thence South 00 degrees 25'50" West 200.00 feet to a point being 250.00 feet West of the Southeast corner of the West one-quarter of the Southwest

one-quarter of Section 5; thence North 89 degrees 34'10" West 409.11 feet along the South line of Section 5 to the place of beginning. Also including all land lying between the shore line of Walden Lake and the meander line for said lake.

(225 acres more or less including right of way and Consumers Energy Parcel)

The following described property shall be amended into the Watermark Condominium PUD As amended by Ord No 17 of 2000; October 18, 2000

Part of the Northwest one-quarter of the Southeast one-quarter of Section 6, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as follows: Beginning North 88 degrees 31 minutes 00 seconds West 1382.97 feet (as measured along the East-West one-quarter line) and south 01 degrees 16 minutes 48 seconds West 185.00 feet (as measured along the West line of the East 60.00 feet of the Northwest one-quarter of the Southeast one-quarter of said section) from the East one-quarter corner of said Section 6; thence South 01 degrees 16 minutes 48 seconds West 315.84 feet; thence North 88 degrees 22 minutes 52 seconds West 440.00 feet along the North line of the South 824.53 feet of the Northwest one-quarter of the Southeast one-quarter of said section; thence North 01 degrees 16 minutes 47 seconds East 297.80 feet; thence South 88 degrees 31 minutes 00 seconds East 140.00 feet; thence South 01 degrees 29 minutes 00 seconds West 16.00 feet; thence South 88 degrees, 31 minutes 00 seconds East 163.00 feet; thence North 01 degrees 29 minutes 00 seconds East 21 feet; thence South 88 degrees 31 minutes 00 seconds East 47.00 feet; thence North 83 degrees 53 minutes 00 seconds East 90.73 feet to the place of beginning.

2.9815 acres

The following legal description describes a parcel to be leased from Consumers Energy

Part of the Northwest one-quarter of the Southeast one-quarter and part of the Southwest one-quarter of the Northeast one-quarter of Section 6, Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as follows: Beginning on the East-West one-quarter line at a point being North 88 degrees 31 minutes 00 seconds West 1822.96 feet from the East one-quarter corner of said Section 6; thence South 01 degrees 16 minutes 47 seconds West 270.00 feet along the West line of the East 500.00 feet of the Northwest one-quarter of the Southeast one-quarter of said section; thence North 88 degrees 31 minutes 00 seconds West 230.00 feet; thence North 01 degrees 16 minutes 47 seconds East 409.92 feet; thence South 88 degrees 31 minutes 00 seconds East 225.83 feet; thence South 00 degrees 25 minutes 43 seconds East 140.00 feet (along a line which goes through a point being 101.65 feet Northwesterly (as measured along a line being parallel with and 70.00 feet Southwesterly of the centerline of Cascade Road) of the West line of the East 500.00 feet of the West one-half of the Northeast one-quarter of said section) to the place of beginning.

2.1577 acres

The following described properties shall be added into the Watermark Condominium PUD: As amended by Ord No 8 of 2003; June 11, 2003

The North Project Site:

Part of the Northwest one-quarter of the Southwest one-quarter of Section 5 and part of the Northeast one-quarter of the southeast one-quarter of Section 6, all being in Town 6 North, Range 10 West, Cascade Township, Kent County, Michigan, described as: Beginning on the West section line at a point being south 00 degrees 56 minutes, 34 seconds East 15.50 feet from the West one-quarter corner of said Section 5; thence North 89 degrees, 03 minutes, 26 seconds, East 300.00 feet; thence south 00 degrees, 56 minutes, 34 seconds East 83.52 feet along aforesaid West section line; thence south 89 degrees, 44 minutes, 58 seconds West 100.00 feet along a line being parallel with and south 250.00 feet of the south line of Lot 154, Cascade Gardens; thence North aforesaid West section line to the place of beginning.

36,375 square feet

The South Project Site:

The East 500.00 feet of the South 246.40 feet of the North 574.90 feet of the Southwest one-quarter of the Southeast one-quarter of Section 6, Town 6 North, Range 10 West, Township of Cascade, Kent County, Michigan.

2.828 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 225 acres of land that presently contains a golf course, club house, and a few single family residential homes. The project is proposed to be developed into a revised golf course, a new club house and restaurant building, two office buildings, and condominium units around some of the golf holes. The Planned Unit Development 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 manner to meet market expectations and develop the project in a unified manner.

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 a violation of the Cascade Charter Township Zoning Ordinance.

Section VI. Development Areas.

The Project consists of three different development areas as follows:

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| Development Area A” | Condominiums, site condominiums, and golf course. |
| Development Area “B” | Clubhouse, restaurant, driving range, fitness center/office building, swim center, and other associated facilities.
Amended by Ord No 11 of 2010 |
| Development Area “C” | Office buildings along Cascade Road frontage. |

These three development areas shall be governed by specific regulations contained within this PUD Ordinance as described in Section VIII in addition to the regulations found in the other Sections of this Ordinance which apply to the development in its entirety.

Section VII. Permitted Uses.

The permitted uses for the Forest Hills “Golf Course/Watermark Condominium 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. Subject to the provisions of the Cascade Charter Township Sign Ordinance (Ordinance 12 of 1988, as amended) and this Ordinance.
- D. One (1) clubhouse/restaurant/pro shop/cart storage building with a maximum size of 30,000 square feet.
- E. One combined healthclub/office building located west of the clubhouse with a maximum size of 14,000 sq ft. The building shall be consistent with the approved elevation plan approved dated 8/14/09 (Amended by Ord No 11 of 2010)
- F. Two (2) office buildings. No individual building shall contain more than 10,000 square feet.
- G. One (1) 18 hole golf course with associated practice, maintenance, and accessory facilities no larger than 1,000 square feet.
- H. Swim Center

Section VIII. Specific Development Regulations.

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. Development Area “A”
Condominiums, Site Condominiums, Golf Course**

1. Site Condominium/Condominium Documents and Plans.

- a. Specific controls relating to architectural elements, common elements of the site condominium and condominium projects, construction materials, size and space requirements, improvements and out buildings, specific prohibitions and rules of conduct shall be governed by site condominium and condominium

bylaws and master deeds. 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 with 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.

2. Design Guidelines, Requirements and Limitations (As amended by Ord No 8 of 2000; May 31, 2000) and (As amended by Ord No 8 of 2003; June 11, 2003)

a. Maximum Number of Residential Units – The Project shall be limited to 91 building sites for single-family detached condominium units, 50 sites for traditional condominiums and 24 sites for Estate Homes, which will contain a maximum of three (3) units per building. The number of building sites within the Project shall not be increased by the Township Board. (As amended by Ord No 8 of 2003; June 11, 2003)

b. Maximum Building Height – 35 feet or 2-1/2 stories whichever is the lesser.

c. Setback Requirements – All site condominiums shall meet the following minimum setback requirements:

1. Front Yard Setback: 35 feet from the front yard area line. The following site condominium units shall maintain a minimum setback of 25

feet from the front yard area line: Sites 17 through 25, 45 through 51, and 93 through 97.

Front Yard Averaging – where the average front yard setback of two (2) or more condominium units within two-hundred (200) feet of the site in question and on the same side of the street is greater than the minimum front yard setback prescribed above, then the required front yard setback of such unit shall not be less than the average existing front yard setback of such condominium units.

2. Side Yard Setback – 10 feet minimum from the side yard area line for one side and 25 feet minimum with both sides combined.
3. Rear Yard Setback – 25 feet form the rear yard area line.

d. All clubhouse condominium units shall be separated from each other by at least 25 feet. All Estate Homes shall be setback and separated from each other as shown on the site plan dated 5-31-00. (As amended by Ord No 8 of 2000; May 31, 2000)

e. Minimum Floor Area – Each site condominium unit shall contain a minimum of 2,000 square feet of finished livable area above grade level, exclusive of the garage, decks, porches and breezeways. Each club home condominium shall contain a minimum of 1,600 square feet of livable area above grade level, exclusive of the garage, decks, porches and breezeways. Each estate home shall contain a maximum of three (3) units per building, with one unit containing a minimum of 1,200 square feet of livable area above grade level, exclusive of the garage, decks, porches and breezeways. The remaining two units shall contain a minimum of 1,800 square feet of livable area above grade level, exclusive of the garage, decks, porches and breezeways. (As amended by Ord No 8 of 2000; May 31, 2000)

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

g. Signs. The following signs shall be permitted for the residential and golf course development:

1. One (1) freestanding ground mounted development identification sign for each public street frontage of the development. One along Cascade Road and one along Spaulding Avenue. Such signs shall contain no more than 32 square feet and shall not be lighted in any manner.
2. Within the development each of the club home developments shall be permitted one ground mounted freestanding sign with a maximum sign area of 32 square feet.

3. The golf course shall be permitted one ground mounted freestanding identification sign with a maximum sign area of 50 square feet. This sign may be used to advertise the golf course, clubhouse, and restaurant. This sign may be installed in lieu of the existing sign that must be removed from the site. If the Developer desires to light this sign, he must first bring the proposed sign to the Planning Commission for final review and approval.

B. DEVELOPMENT AREA “B”

Clubhouse, Restaurant, Driving Range Healthclub/office building, Swim center and other associated facilities. Amended by Ord No 11 of 2010

Design Guidelines, Requirements and Limitations

1. All of the requirements of the Cascade Township Zoning Ordinance, as may be amended, must be complied with for site plan review for any redevelopment within the Project. Those associated facilities that are existing on site may remain and are considered acceptable (maintenance buildings).
2. The maximum size of the clubhouse/restaurant facility shall be limited to 30,000 square feet.
3. The maximum size of the healthclub/professional office shall be 14,000 sq ft. as shown on the approved floor plans dated 9.3.09. This building is limited to the following USES: Amended by Ord No 11 of 2010
 1. Professional office –limited to no more than 6,729 sq ft.of the 14,000 sq ft
 - a. Examples include: attorney, engineer, accountant or other low impact type offices as determined by the Planning Commission.
 2. Fitness center
 3. Storage, mechanical, etc
4. Signs Amended by Ord No 11 of 2010
 - a. The existing Forest Hills Golf Course and Club East Restaurant identification sign along Cascade Road shall be permanently removed from its existing location by the time any building permits are issued for the clubhouse/restaurant.
 - b. The clubhouse/restaurant building shall be permitted 50 square feet of wall sign area. This sign area may be divided into multiple signs.
 - c. The Heathclub/office building shall be permitted 50 square feet of wall sign. In lieu of the 50 sq ft wall sign the owner can choose to install a 30 sq ft wall sign and a 20 sq ft ground sign in the location shown on the approved site plan dated 1/13/10.
 - d. A 12 sq ft directional sign at the south end of Galbraith is permitted in the location shown on the approved site plan dated 1/13/10.

C. DEVELOPMENT AREA “C”
Office Buildings along Cascade Road

In addition to meeting the criteria found in the Cascade Township Zoning Ordinance, as may be amended, the development of any offices within the Project must comply with the following design criteria. Some of these criteria were derived from the Cascade Road/Spaulding Avenue Corridor Study.

1. Maximum Building size of 10,000 square feet.
2. The building must be constructed with an actual sloped or pitched roof.
3. The building must be at least 50% owner occupied.
4. Parking shall not be permitted in the front yard between the building and Cascade Road.
5. Maximum building height of 25 feet.
6. Increased landscaping where necessary.
7. Low profile freestanding monument sign with no lighting of any kind.
8. Controlled access to site.
9. Front yard setback of 100 feet from any public right of way line.
10. One office building shall be permitted to be constructed during Phase I of the residential development. The second office building can not be constructed until the Phase I residential development is complete and/or Phase II has commenced.

Section XIX. Private Street Development As amended by Ord No 8 of 2003; June 11, 2003

A. The Developer shall submit a street construction, maintenance and pavement plan consistent with Section 16.11(4)(f) of the Zoning Ordinance. 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. The road grades shall not exceed an 8 percent grade. All grades shall be sufficient to allow safe ingress/egress of emergency vehicles.
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 to and from the Project onto Cascade Road and Spaulding Avenue. 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.
6. Street lighting within the Project shall be provided at the developer's expense. Street lighting shall not extend more than 20 feet in height. Luminaires shall be shrouded to minimize the emission of light rays.
7. All condominium units shall be served by the internal private roads. No direct access shall be permitted to Spaulding Avenue or Cascade Road by any individual condominium unit.
8. The use of speed bumps on the private road shall be prohibited.
9. Sidewalks shall be provided on one side of the private road within the Project at the Developer's expense. The sidewalks in Phase I, II and III must be completed within thirty-six (36) months after the date on which a Master Deed for each phase of Watermark is recorded. The sidewalk along Watermark Drive within the Project shall be open for public use at all times. **As amended by Ord No 8 of 2000; May 31, 2000**
10. Overhead street lights shall be placed at the existing Cascade Road and Watermark Drive intersection and at the proposed Spaulding Road and Watermark Drive intersection, at the developer's expense, by December 2000. **As amended by Ord No 8 of 2000; May 31, 2000**
11. The Developer, at their expense, shall install a left turn lane on Spaulding Road, at the Spaulding Road and Watermark Drive intersection and shall install a deceleration lane on Spaulding Road. The Developer shall also install a deceleration lane 12 feet wide for 125 feet on Cascade Road. **As amended by Ord No 8 of 2000; May 31, 2000**
12. The North Project site of Phase IV occupies approximately 36,375 square feet of land that presently contains vacant property. This will create three new lots. The Project is proposed to be developed into single-family site condominiums. This will create an additional private street to be named Sunnybank Court. This road must comply with VIX (B). **As amended by Ord No 8 of 2003; June 11, 2003**
13. The South Project site of Phase IV occupies approximately 2.828 acres of land that presently contains a single-family residence and vacant property. This will create 5 new lots and will extend Talamore Court north to service these new lots. The dead end portion of Talamore Court is not to service more than 21 units and no new secondary access to Spaulding Road is to be constructed. **As amended by Ord No 8 of 2003; June 11, 2003**

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 on all property deeds to all owners of the private street, all those who utilize the private street and all persons securing a building permit to construct a building or structure served by the private street, by applying for and securing a building permit for construction of a building or structure that utilizes the private street, all such persons shall use the private street at their own risk and the township shall not be responsible for any aspect of the private street.

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 individual property owners 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 the 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.

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 buildings or infrastructure improvements.

Section XI. Utilities.

A. Public Water and Sanitary Sewer – All buildings within the Project shall be served by public sanitary sewer and water at the developer’s expense. No occupancy permits will be issued for any construction within the Project until the public utility system is approved and accepted by the City of Grand Rapids and Cascade Township.

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 Environmental Quality regarding stormwater disposal and wetland issues. All stormwater drainage with the Project shall be continuously monitored by the Developer and Township Engineer to insure that there are no adverse impacts on the watersheds or adjacent properties as a result of this development. The Developer shall be responsible for any necessary improvements that are needed to control stormwater within this Project area that are caused as a result of this development.

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 XII. 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 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 XI. Master Development Plan – Phasing.

The project shall conform in as much as reasonably possible to the master development plan approved by the Township Board and signed by the Township Supervisor on August 27, 1997. In the event that the developer elects to develop the project in separate and distinct phases, he shall be required to submit site plans of each phase. The Planning Commission shall review and approve these plans prior to the construction of the intended phase to insure consistency with the master development plan.

All phases of the Project shall comply with the Permitted Uses listed in section II and the Specific Development Regulations in Section VIII of this Ordinance. Site plan approval of each phase shall only be granted in accordance with Chapters 16 and 21 of the Zoning Ordinance, as may be amended.

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/golf development which offers a low density land use pattern while preserving open space and wetland areas around the golf course.

In relation to the underlying zoning (R1, Residential and PUD, Planned Unit Development) the Township finds the Project will not result in a material increase in the need for public services. Utility extensions and construction will be the responsibility of the Developer and will not place a material burden upon the subject property or 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. All stormwater created by this development will be maintained on site. This project should help improve the handling of stormwater within the Schoolhouse Creek Watershed.

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 more wetlands, green areas, and usable open space than would typically be required by the Township Zoning Ordinance. The golf course will remain as open space in the development.

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 condominium portion of the Premises until a majority of the site condominium and 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 Carpenter, supported by Board Member Timmons. The roll call vote being as follows:

YEAS: Carpenter, Goodyke, Julien, Kleinheksel, Timmons, Van Strien
NAYS:
ABSENT: Johnson

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 27th day of August, 1997.

Marlene Kleinheksel
Cascade Charter Township Clerk