

**CASCADE CHARTER TOWNSHIP**

**Ordinance #3 of 2015**

**AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP ZONING ORDINANCE  
AND ZONING MAP TO ESTABLISH THE  
5905 Broadmoor  
PLANNED UNIT DEVELOPMENT PROJECT.**

Cascade Charter Township Ordains:

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

Cascade Township initiated this rezoning to help facilitate the development of the property. In order to do so, the consensus was that coming up with a new Planned Unit Development designation for the 5905 Broadmoor property would be the best fit to allow a mix of office, recreational and restaurant uses for the property. At the July 20, 2015 meeting the Cascade Charter Township Planning Commission recommended the rezoning to PUD. The Project is recommended for rezoning from I, Industrial to PUD, Planned Unit Development. This recommendation requires an amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission's recommendation and the Cascade Charter Township Board of Trustees action on August 26, 2015.

**Section II. Legal Description.**

The legal description of the Project is as follows:

**PART SWFRL 1/4 COM 978.24 FT N 89D 11M 51S E ALONG S SEC LINE & 468.37 FT N 29D 35M 26S W & 127.95 FT S 60D 24M 34S W FROM SW COR OF SEC TH N 60D 24M 34S E TO A PT 105 FT SWLY /MEAS PERP TO/ FROM RELOCATED CL OF BROADMOOR AVE /STL M37/ TH NWLY PAR WITH SD CL TO A PT 716.30 FT N 89D 12M 01S E & 187.55 FT N 12D 44M 16S E & 968.07 FT N 29D 35M 26S W FROM SW COR OF SEC TH S 64D 33M 06S E 78.53 FT TH N 29D 35M 26S W TO SELY LINE OF PATTERSON AVE RELOCATED /100 FT WIDE/ TH SWLY & SLY ALONG SELY LINE OF SD AVE TO S SEC LINE TH E ALONG S SEC LINE TO A PT 716.30 FT N 89D 12M 01S E ALONG S SEC LINE FROM SW COR OF SEC TH N 12D 44M 16S E TO A LINE BEARING S 29D 35M 26S E FROM BEG TH N 29D 35M 26S W TO BEG \* SEC 31 T6N R10W 14.42 A.**

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

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

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

1. The Project occupies approximately 14 acres of land. The project is intended to allow a mix of office, recreational and restaurant uses.
2. Because the Township initiated the rezoning of the property the developer or owner of the property will be required to obtain site plan and/or special use approval for the development of the parcel(s) in the future. This would be done consistent with the zoning ordinance regulations that are in place at the time the development is being requested.
3. The provisions of this Ordinance are not intended as a substitute for the Cascade Charter Township Zoning Ordinance and the General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the township except as provided herein. In the event that a development issue or site plan element is not addressed by this Ordinance, the specifications and requirements of the Cascade Charter Township Zoning Ordinance shall be enforced.

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

- A. Except as otherwise provided herein, the Developer and his assigns must meet all applicable provisions and regulations of Cascade Charter Township, as well as federal and state law, and must obtain all necessary approvals from state and county governmental agencies that are required for operation or use.
- B. This PUD approval is expressly contingent upon all conditions of approval herein remaining fully effective and valid. If any condition imposed herein is determined to be illegal or contrary to law as a result of a successful legal challenge by the Developer or its assigns, or any other party, the Township reserves the right to review the entire Project under the PUD provisions of the Cascade Charter Township Zoning Ordinance, and further, to withdraw its approval of this PUD if it finds that, absent the effect of any condition imposed herein, the PUD no longer meets the standards for PUD approval contained in the Zoning Ordinance.
- C. All conditions contained herein shall be binding upon the Developer, as well as its successors, tenants and assigns. The conditions may be modified or amended only pursuant to a formal amendment of the PUD approval and ordinance amendment.
- D. **This approval document shall be recorded with the Kent County Register of Deeds and shall run with and bind the lands involved. Copies of this recorded document shall be supplied by the Developer to the Cascade Charter Township Clerk.**

- E. Failure to comply with the approved site plan or any condition of approval herein shall be deemed a violation of the Cascade Charter Township Zoning Ordinance.

**Section VI. Uses Permitted By Right:**

The uses permitted by right are as follows:

1. Executive and administrative offices, data processing centers and business offices such as real estate, insurance, and non-profit organizations.
2. Professional offices for medical doctors, dentists, architects, engineers, accountants, attorneys and similar professions.
3. Medical and dental laboratories.
4. Radio and television stations, not including towers and antennas.
5. Funeral homes, not including crematories, subject to the following restrictions:
  - a. Sufficient off-street automobile parking and assembly area shall be provided for vehicles to be used in funeral processions. The assembly area shall be provided in addition to otherwise required off-street parking area.
  - b. Loading and unloading areas used by ambulances, hearses, or other such service vehicles shall be obscured from view with an opaque fence or wall not less than six (6) feet in height.
6. Publicly owned buildings, exchanges, and public utility offices not including storage yards, maintenance facilities, substations, regular stations, and materials handling facilities.
7. Banks, credit unions, savings and loan institutions, not including drive-in and outdoor automatic teller facilities.
8. Restaurants, excluding drive-in or drive through service
9. The following personal service establishments when located within an office building and provided that;
  - a. Such establishments are limited to basement and ground floors of the building.
  - b. The total gross floor area collectively occupied by personal service establishments shall not exceed ten (10) percent of the gross floor area of the building's ground floor.
  - c. The gross floor area occupied by any single personal service establishment shall not exceed ten (10) percent of the gross floor area of the building's ground floor or 1500 square feet, whichever is the lesser amount.

- 1) News Stands, tobacco stands and confectioneries

- 2) Barber and beauty shops
  - 3) Tailor and dressmaker shops
  - 4) Shoeshine and shoe repair shops
  - 5) Dry Cleaning and laundry pickup stations
  - 6) Photographic studios and print shops
  - 7) Cafeterias or food services operated during normal business hours and primarily catering to on premises employees.
  - 8) Other personal service establishments including child care and day nurseries which are compatible with, subservient to and which cater to, on premises or neighboring businesses and employees.
10. Accessory structures and uses customarily incidental to the uses permitted, subject to the provisions of Section 4.08.
  11. Signs are regulated by the Cascade Charter Township Sign Ordinance.
  12. Temporary buildings, structures and uses and essential public services as provided in Section 4.25.
  13. Churches

**Section VII Uses Permitted by Special Use Permit:**

The following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17.

1. Athletic clubs and health spas and other indoor and outdoor recreation facilities including tennis, racquetball and handball courts and similar facilities, including bowling alleys, ice rinks, and athletic fields.
2. Drive-in banking, loan and finance facilities.
3. Roof and ground mounted communications antennas, excluding towers.
4. Medical clinics and veterinarian clinics excluding emergency services.
5. Restaurants having drive- in or drive through service.
6. Minor Mineral Resource Extraction as regulated in Chapter 17 and Section 4.28 of Chapter 4.
7. Antenna tower and masts for cellular phone and other personal communication services, when authorized as a special use by the Planning Commission subject to conformance with the standards of Section 17.03(h)

8. Other uses determined by the Planning Commission to be similar to the uses listed in Sections 12.03 and 12.04 hereof.

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

The development within the Project shall conform to the Office zoning district regulations that are in effect at the time site plan approval is requested.

### **Section IX. Cross Access**

1. If the property is split into multiple properties each property will allow for cross access between properties. This will be reviewed during site plan approval. This PUD Ordinance will provide the legal means to allow cross-access with these other parcels.

### **Section X. Signs**

1. Signs will be permitted as dictated under the office zoning district regulation of the sign ordinance as amended.
2. The billboard on site will also be treated under the rules of the sign ordinance.

### **Section XI. Landscaping Bufferyard Requirements:**

1. As dictated by the Landscape section of the zoning ordinance as amended.

### **Section XII. Parking**

1. The number of parking spaces and design of the parking lot will be dictated based on the zoning ordinance in affect at the time.

### **Section XIII. Site Plan**

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

### **Section XIV. Utilities**

1. The Project shall be served with public water and public sewer. The on-site water and sewer design and the connection to the public water and sewer systems shall be approved by the Township and the City of Grand Rapids prior to installation. Said improvements shall be consistent with the Sewer and Water Master Plans for Cascade Township.
2. The Developer shall provide all necessary easements within the Project for telephone, electricity, gas and cable television to the appropriate utility provider without cost. In the event the Township requires additional sewer and water service easements in the future, the Developer shall provide them at all reasonable

locations. Said easements shall be recorded with the Kent County Register of Deeds and provided to each utility provider for their records.

**Section XV. Miscellaneous Development Requirements**

1. The applicant shall submit a soil erosion control plan showing all temporary and permanent soil erosion control measures to be taken before, during, and after construction on the site. This plan shall be reviewed and approved by the Township Engineer prior to commencing any building on the site.
2. The applicant shall submit a stormwater disposal plan showing all measures to be taken on the site. This plan shall be reviewed and approved by the Township Engineer prior to commencing any building on the site.
3. The Township Planning Department shall receive a copy of all permits from any other governmental agency regarding this project.

**Section XVI. Performance Guarantee**

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

**Section XVII. Effective Date**

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

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

YEAS: Goodyke, Goldberg, McDonald, Beahan, Koessel  
NAYS: None  
ABSENT: Lewis, Peirce

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 26<sup>th</sup> day of August , 2015.

Ron Goodyke  
Cascade Charter Township Clerk

Owner Statement:

“William Azkuil 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.”

Owner Signature \_\_\_\_\_  
Printed Name \_\_\_\_\_ Date \_\_\_\_\_