

## **PUD Ordinance - Thornapple Centre #3 of 1992**

CASCADE CHARTER TOWNSHIP

Ordinance 3 of 1992

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

CASCADE CHARTER TOWNSHIP "Township" ORDAINS:

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

The application received from Andrew Dykema, or his assigns (hereinafter referred to as the "Developer") for Planned Unit Development designation for the proposed Thornapple Centre Development (hereinafter referred to as the "Project") was recommended by the Cascade Charter Township Planning Commission for approval on January 21, 1992. The Project is recommended for rezoning from R1, Residential; R2, Residential; and B1, Village Business to PUD, Planned Unit Development permitting the removal of sand and gravel over a two and one-half year time period (from April 1, 1992 to October 1, 1994) and subsequent development of a single family residential development and commercial development thereby requiring this amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission's recommendation and the Cascade Charter Township Board action on February 26, 1992.

The Cascade Charter Township Zoning Ordinance is hereby amended to add this amendment as provided herein.

### **SECTION II. LEGAL DESCRIPTION.**

The legal description of the Project is as follows ("Premises"):

See attachment "A" labeled "Legal Description of the Premises".

### **SECTION III. GENERAL PROVISIONS.**

The following provisions shall hereby apply to the aforementioned Project in addition to the provisions contained in Chapter 14 of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988), which shall remain fully applicable. The Developer shall also comply with all other applicable Township and State laws, requirements and regulations.

### **SECTION IV. PURPOSE.**

The Project occupies approximately 28 acres of land that is proposed to be developed in two (2) phases. Phase One of the project includes the removal of sand and gravel from the property and preparation of the site for future development. Phase One will be fully completed no later than October 1, 1994. Phase Two of the project includes site development following the sand and gravel removal. Phase Two will consist of a single family residential development and a commercial development. The single family residential development shall be prepared and ready for development (i.e. roads, utilities installed and ready for home construction) within 3 years of completion of all Phase One activities (but no later than October 1, 1997). There is no time limit for the commercial development.

The regulations contained herein are established to define the procedures necessary to insure high quality development on the Premises. Additionally, they are designed to achieve integration of the development with adjacent land uses and the natural environment; permit flexibility in the regulation of land development; and encourage the provision of useful open space.

The provisions of this Ordinance are not intended as a substitute for the Cascade Charter Township zoning Ordinance and 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.

## **SECTION V. PROJECT PHASING.**

Due to the complexity of this project, the Township has authorized the division of the development of the Premises into two distinct phases. Phase One shall permit the operation of a mineral extraction operation, which shall be regulated by Section VII hereof. Phase Two shall allow the development of the site following the mineral extraction operation. Phase Two shall contain two subsections. The first subsection shall regulate the single family residential development of a portion of the Premises, which shall be regulated by Section VIII hereof. The second subsection shall regulate the commercial development of the remainder of the Premises, which shall be regulated by Section IX hereof.

## **SECTION VI. NON-DEVELOPMENT AREA.**

There is an area along the northerly property line of the Premises (as shown on the approved site plan dated February 26, 1992) that shall be known as the "Non-Development Area".

1. The legal description of the Non-Development Area is as follows:

See attachment "B" labeled "Legal Description of the Non-Development Area".

2. The Non-Development Area shall be kept in its natural and wild state, and shall not be developed with buildings or otherwise, and shall not be used for any purpose other than as undeveloped property providing sanctuary for wildlife and wild plants. Without in any way limiting the generality of the foregoing, the following activities and uses are expressly prohibited in the Non-Development area:

- a. Any commercial or industrial use of or activity on the property.
- b. The placement or construction of any buildings, structures, or other improvements of any kind (including without limitation, paved roads and parking lots).
- c. Any alteration of the surface of the land, including, without limitation, the excavation, mining, processing or removal of soil, sand, gravel, rock, peat, or sod.
- d. Any use or activity that causes or is likely to cause significant soil degradation or erosion or significant pollution of any surface or subsurface waters.
- e. The pruning, cutting down, or other destruction or removal of live trees located within the Non-Developable Area, except as necessary, in accordance with generally accepted forestry conservation practices, to control or prevent hazard, disease, or fire, and except as necessary to locate, construct and maintain the stormwater detention pond as shown on the approved site plan dated February 26, 1992.
- f. The dumping or other disposal of wastes, refuse, and debris.

g. The above ground installation of utility systems including, without limitation, water, sewer, power, fuel and communication lines and related facilities.

h. The placement of any signs or billboards, except for such as may be required to post the property to control unauthorized entry or use.

i. The exploration for, or development and extraction of minerals.

3. This Ordinance shall allow the use of the Non-Development Area easements retained by the Developer for buffering, density, setback and stormwater management purposes for the benefit of Phase One operations and Phase Two development.

4. These restrictions shall be placed in a deed restriction and shall be made enforceable by Cascade Charter Township.

## SECTION VII. PHASE ONE DEVELOPMENT.

### A. PERMITTED USES

The permitted uses for Phase One are as follows:

1. Removal of sand and gravel from the Premises according to the approved site plan and as required herein. This is the mineral resource extraction phase.

2. Site grading and preparation for Phase Two Development.

### B. DESIGN GUIDELINES AND REQUIREMENTS

#### 1. **Fencing and Security.**

The Developer shall install and maintain, at a minimum, a six (6) foot tall chainlink, woven wire, or similarly constructed fence around the perimeter of the excavation site (as depicted on the approved site plan dated February 26, 1992) during all Phase One operations. This fence shall be closed and secured at all times the Premises is not in operation. This fence may be removed following completion of all Phase One activities.

#### 2. **Timing of Phase One Operations**

All mineral resource extraction and final site grading in preparation for Phase Two development shall occur on the Premises between April 1, 1992, and October 1, 1994. If the Developer elects to begin Phase One operations prior to April 1, 1992, day for day credit shall be subtracted from the October 1, 1994, completion date.

#### 3. **Hours of Operation**

The hours of operation shall be limited to between 7:30 AM to 5:00 PM Monday through Friday. The first hour of operation (7:30 AM to 8:30 AM) and the last hour of operation (4:00 PM to 5:00 PM) shall be limited to on-site activities only, so truck trips do not conflict with peak traffic movements. No gravel hauling trucks shall exit the site during the first hour of operation or enter the site during the last hour of operation. No trucks shall wait for entry onto the site on any public road or right-of-way.

There shall be no operations on the Premises on the following holidays recognized by Cascade Charter Township:

New Year's Day Thanksgiving Day

Memorial Day Day after Thanksgiving

4<sup>th</sup> of July Day before Christmas

Labor Day Christmas Day

#### **4. Chipper**

Chipping operations shall be allowed for a single two week period preceding the commencement of Phase One activities.

#### **5. Road Improvements**

a. Access to the Premises shall be coordinated with, and approved by, the Kent County Road Commission. If the Kent County Road Commission requires any road or access improvements, they shall be constructed at the Developer's expense prior to the removal of any minerals from the Premises.

b. The Developer shall install phasing to the traffic signal at the intersection of Cascade Road and 28<sup>th</sup> Street to serve the Premises. Signal improvements shall be financed by the Developer and coordinated with the Kent County Road Commission. The phasing improvements shall be completed prior to the removal of any minerals from the Premises.

#### **6. Burning and Disposal**

There shall be no burning of brush or any other materials on the Premises. No brush, wood, PVC pipe, scrap or uncleaned fill shall be buried or disposed of on the Premises.

#### **7. Stormwater Management**

All stormwater management plans for the Premises shall be subject to review and approval of the Township Engineer prior to the commencement of mineral extraction on the Premises.

#### **8. Equipment Storage**

The Developer shall make every effort to store equipment and vehicles out of view from the adjacent residential properties and the traveling public along Cascade Road after hours and when the Premises is not in operation.

#### **9. Road Debris Remediation**

In order to minimize the deposit of dirt and gravel from trucks onto the public highway, the Developer shall provide the following:

a. A 600 foot long paved access drive from the Cascade Road entrance to the interior of the Premises. This access drive shall be swept on an as needed basis to prevent the accumulation of dirt and gravel.

b. The Developer shall take reasonable measures to prevent the accumulation of dirt and gravel on the public roadways. These methods may include, but are not limited to: a water wagon or sprinkling system, a wheel washing basin, or the use of a sweeper on the paved access drive.

c. All access drives into the mineral removal area beyond the 600 foot paved surface shall have a 22A aggregate surface.

#### **10. Beepers**

The Developer shall install the quietest lawful beepers available on all equipment that will be used on the Premises. The Developer shall provide evidence from a State or Federal agency that the beepers are the quietest available.

#### **11. Equipment**

The Developer shall supply the Township with an annual list of equipment and vehicles that will be stored and operated on the Premises.

#### **12. Idling**

Any gravel hauling trucks that must wait longer than five (5) minutes before loading shall be turned off so as not to create excessive noise by idling. The on-site operator or superintendent of the Phase One activities shall enforce this requirement and shall be subject to the regulations of Section XIV hereof.

#### **13. Method of Operation**

To help reduce noise, vibration, and dust impacts on the surrounding properties, the Developer shall remove minerals using the "bowl" method of operation as referenced in the application packet and as depicted on the approved site/operation plan dated February 26, 1992.

#### **14. Wetlands, Stream and Groundwater**

The Developer shall monitor the wetlands, stream, and groundwater at the end of each working season, and in no case later than November 15 of each year, to assure that no adverse impacts such as unusual temperature fluctuations, erosion, or contamination are occurring as a result of Phase One operations. Additional monitoring shall also occur at any time requested by the Township or Township Engineer. Test results shall promptly be provided to the Township's Engineer for review. A monitoring plan shall be provided to the Township Engineer for review and approval prior to the commencement of any mineral removal activity.

#### **15. Crushing and Processing**

There shall be no crushing, sorting, blasting, screening, or processing of materials on the Premises.

#### **16. Review Committee**

Phase One activities shall be periodically reviewed by the Review Committee for compliance with this Ordinance and any other applicable laws, restrictions, or ordinances. During this review process, the Review Committee has the ability to recommend variations, amendments, or enforcement activities to the approved PUD. Such recommendations shall be presented in writing to the Planning Commission within 15 days of any Review Committee meeting.

The Review Committee shall consist of one (1) Township resident selected jointly by the Township Board and the Developer who lives in the surrounding neighborhood; one (1) representative for the Developer, and one (1) Township Board government designee. Any member of the Review Committee may call a meeting.

All powers of the Review Committee are recommendatory and advisory only.

#### **17. Engineering Plans**

The Developer shall comply with all of the Township Engineer's recommendations regarding soil erosion, storm water management, groundwater, wetlands, and other applicable engineering concerns.

#### **18. Performance Standards**

The Township may require reasonable performance standards where, because of peculiar or unforeseen conditions, it deems them necessary for the protection of the health, safety, morals and well being of the residents of the Township.

#### **19. Vehicle Fueling**

The refueling of vehicles that will be operated on the Premises shall occur by tank truck in the designated fuel loading area as depicted on the approved site plan dated February 26, 1992. The design and specifications of the designated fuel loading area shall be subject to review and approval of the Township Engineer. There shall be no storage or leakage of fuel on the Premises.

#### **20. Oil Changes**

Oil changes for vehicles that will be operated on the premises (excluding gravel hauling trucks) may be permitted provided the oil changes are accomplished using a specially designed vehicle that collects the used oil. Oil changes must occur in the designated fuel loading area, and no leakage and spillage shall occur.

#### **21. Depth of Excavation**

No mineral resource extraction activities shall occur below an elevation of 695 feet above sea level, and in no event shall any mineral extraction activities shall occur below an elevation that is ten (10) feet above groundwater.

#### **22. Speed Limit**

The maximum speed limit for gravel hauling trucks on the Premises shall be 15 miles per hour.

### **C. NUISANCES**

This Ordinance is not intended to and shall not be construed to permit or approve any activities or uses which would constitute a common law nuisance or hazard, a violation of any law or statute, a hazard to the health or safety of persons in the area or a hazard to adjoining properties.

### **D. BUFFERYARD AND LANDSCAPING REQUIREMENTS**

1. The bufferyard, landscaping, and berming requirements during Phase One operations shall be consistent with the approved landscape plan dated February 26, 1992. This shall include a 50 foot wide

"Image Strip" along Cascade Road across from the Grenelefe Condominium entrance. This "Image Strip" shall contain an undulating earth berm +/-6 feet in height. The "Image Strip" shall be top-soiled and seeded from the top of the berm to Cascade Road. The Developer shall install ten, 6-8 foot tall Austrian Pine trees along the berm as shown on the approved site plan dated February 26, 1992.

This berm shall be installed and landscaped no later than June 1, 1992.

2. Any additional required landscaping and/or berming shall be installed prior to the commencement of mineral extraction on the premises. Any proposed berms that will be installed using materials from the site may be installed following commencement of mineral extraction on the premises.

3. All landscaping shall be hardy plant materials and shall be maintained thereafter in a neat and orderly manner. Plant materials that are installed by the applicant that are withered and/or dead shall be replaced within a reasonable period of time but no longer than one growing season.

## SECTION VIII. PHASE TWO DEVELOPMENT – SINGLE FAMILY RESIDENTIAL

### A. PERMITTED USES.

The permitted uses for Phase Two – Single Family Residential are as follows:

1. A single-family residential development (single-family detached) which shall contain no more than 13 residential dwellings on 13 lots or site condominium units.

2. Associated accessory buildings customary to the development of a residential development.

### B. AREA COVERED

The area for the Phase Two – single-family residential development is legally described as follows:

See Attachment "C" labeled "Legal Description of Phase Two – Single Family Residential Development".

### C. DESIGN GUIDELINES AND REQUIREMENTS

1. The Phase Two – single family residential development shall be prepared and ready for development (i.e. roads and utilities installed and ready for home construction) within 3 years of completion of all Phase One activities (but no later than October 1, 1997).

2. The density of the Phase Two – single family residential development shall be consistent with the requirements of the Cascade Charter Township General Development Plan of 1986, as amended.

### D. SITE PLAN

The single-family residential development shall be developed as generally shown on the approved PUD site plan dated February 26, 1992.

### E. ROADS

1. All roads shall meet the specifications of the Kent County Road Commission.

2. If the roads are to be private, complete maintenance of the roads shall be the responsibility of the property owners association.

## F. MISCELLANEOUS PROVISIONS

Street lighting shall be provided within the Project at the Developer's expense. All street lighting shall be low sodium luminaries (lamps), which do not extend more than twenty (20) feet in height. Luminaires shall be shrouded to minimize the emission of light rays and may not exceed .5 foot candles as measured at ground level.

## G. BUFFERYARD AND LANDSCAPING REQUIREMENTS

1. Following the construction of any single family residence, the building site or lot shall be landscaped in accordance with the requirements of the Cascade Charter Township Zoning Ordinance.
2. All landscaping shall be hardy plant materials and shall be 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.

## H. UTILITIES

1. Public water and sewer (sanitary and storm) shall be installed 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 Plans for Cascade Township.
2. The Developer shall provide all necessary easements within the Premises for telephone, electricity, stormwater, sewer, 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 shall be provided to each utility provider for their records.

## SECTION IX – PHASE TWO DEVELOPMENT – COMMERCIAL

### A. PERMITTED USES.

The permitted uses for the Phase Two – commercial development are as follows:

1. Those uses permitted in Chapter 8 of the Cascade Charter Township Zoning Ordinance – Village Business District (as may be amended).

### B. AREA COVERED

The area for the Phase Two – commercial development is legally described as follows: See Attachment "D" labeled "Legal Description of the Phase Two – Commercial Development".

### C. SITE PLANS

Individual site plans for each commercial building in the Phase Two – commercial development shall be reviewed and approved by the Cascade Township Planning Department Staff prior to construction. Each site plan shall contain the information required in Chapter 21 of the Cascade Charter Township Zoning Ordinance.

### D. DESIGN GUIDELINES AND REQUIREMENTS



## 1. Floor Area

The maximum first floor area for any individual building shall be 45,000 square feet. Provided, however, that where individual buildings exceed 30,000 square feet in first floor area, the architectural style requirements shall meet the design goal of presenting an appearance of smaller or cluster type buildings.

## 2. Roofs

- a. All buildings shall have or appear to have a sloped roof.
- b. HVAC equipment, if located on rooftops, shall be screened from view by a parapet wall or other similar architectural feature.
- c. Satellite antennas shall only be allowed on roofs. They shall be of a color that blends with the surrounding horizon. The maximum size of a satellite antenna shall be 8 feet in diameter and 10 feet in height. Any antenna larger than provided herein shall only be allowed by Special Use Permit.

## 3. Off Street Parking and Loading Areas

- a. All employee and visitor parking shall be provided on-site and not on any streets. Parking areas shall be surfaced with bituminous concrete or asphalt prior to occupancy.
- b. There shall be no parking between Cascade Road and any building fronting on Cascade Road.
- c. Driveways, parking and loading areas may require curb and gutter upon the determination of the Cascade Charter Township Planning Director. The curb and gutter installation shall be consistent with the materials and specifications established by the Kent County Road Commission.
- d. All off-street parking areas shall be drained so as to prevent drainage onto abutting properties unless there is a common drainage system shared by all the abutting properties. No parking lots or buildings shall be drained directly to any wetland.

## 4. Parking Requirements

- a. Off-street parking shall be required as set forth in the standards published by the Institute of Transportation Engineers report entitled Parking Generation 2<sup>nd</sup> Edition November 1987, as revised. If a proposed use is not listed in the ITE report, the parking requirements listed in Section 19.11 of the Cascade Township Zoning Ordinance shall apply. The number of required parking spaces for land or buildings used for two or more purposes shall be the sum of the requirements for each individual use.
  - b. Each off-street parking space for automobiles shall be a minimum of 180 square feet in area, with a minimum width of nine (9) feet, exclusive of access drives or aisles. Other parking requirements shall be consistent with Chapter 19 of the Cascade Township Zoning Ordinance.
  - c. Parking areas should be broken into several small lots, with driveway interconnections between them.

## 5. Curb Cuts

- a. Individual curb cuts for direct access onto Cascade Road shall be permitted at intervals of not less than 300 feet between curb cuts (existing and proposed).

- b. Shared driveways shall be utilized where reasonably possible to minimize the number of curb cuts.
- c. Curb cuts on roads within the Premises shall, to the extent reasonably possible, be aligned with curb cuts on the opposite side of such roads.
- d. Curb cuts along Cascade Road, north of the Cascade Road/28<sup>th</sup> Street intersection, shall be limited to right-turn only exiting movements.

## 6. Signs

Phase Two – commercial development shall utilize a uniform sign package that lends to individuality and identify to the PUD. Individual business signs should support the overall identity of the PUD.

Use of ground-mounted signs, or signs no higher than 5 feet is suggested as a unifying element for freestanding signs. The use of routed and carved wood signs with well shielded exterior lighting is preferred. The unifying element common to *all* signs may be one or more of the following: type of sign, size of sign, materials, location, color, type of lighting, and style of lettering.

The following signs are permitted:

- a. One ground mounted development identification sign with a maximum sign area of 50 square feet. This shall not preclude the installation of a unified entrance to the development, such as brick walls, provided they are part of the approved PUD site plan.
- b. One freestanding sign per building with a maximum sign area of 32 square feet.
- c. For buildings with a single tenant, one wall sign with a maximum sign area of 50 square feet. For buildings with multiple tenants, one wall sign per tenant with the maximum sign area of 50 square feet each, and the total square footage of all signs on the building of 100 square feet.
- d. One nameplate per tenant with a maximum sign area of 8 square feet each.
- e. One directory sign per building with a maximum sign area of 20 square feet.
- f. Directional signs not exceeding 5 square feet each.
- g. One on-site temporary sign for the purpose of describing the building development, or advertising the sale or lease of a site or building shall be permitted prior to occupancy. Such sign shall not exceed 32 square feet.

### Other Restrictions

- a. No sign shall have more than 2 sides. Permitted sign area is for each side.
- b. No billboards, temporary or portable signs, banners, search lights, loudspeakers, amplifiers or similar devices will be permitted in this PUD.
- c. No freestanding sign shall exceed 5 feet in height.

d. Freestanding signs must be setback at least 25 feet from any boundary of the Phase Two – Commercial area, including public road right-of-way.

e. Signs may only be illuminated while a building is open for business.

f. No intermittent or flashing illumination shall be permitted.

g. If there are other requirements that apply to signs that are not specifically addressed by this PUD Ordinance, the requirements of the Cascade Township Sign Ordinance shall apply.

## 7. Lighting

a. The use of low profile lighting, coordinated with that used in public streetscape improvements, is required.

b. All outdoor lighting shall be located and directed so as to minimize light projecting into residential areas.

## 8. Height

The maximum height of any building within this development shall be 2 stories or 25 feet from grade as defined in the Cascade Charter Township Zoning Ordinance, whichever is less.

## 9. Setbacks

a. Cascade Road The **MAXIMUM** setback along Cascade Road shall be 40 feet. The **MINIMUM** setback along Cascade Road shall be 25 feet.

b. Wetland The **MINIMUM** setback from any designated wetland shall be 50 feet (or as otherwise approved or determined by the Michigan Department of Natural Resources).

c. Perimeter The **MINIMUM** setback from the perimeter of the Phase Two – commercial development boundaries shall be 25 feet.

## 10. Separation between Buildings

Individual buildings shall be separated from each other consistent with all applicable building and fire codes.

## 11. Facades

All building facades shall be constructed using either horizontal siding, brick, stone or decorative masonry.

## 12. Outside Storage Areas

Outside storage areas must be specifically approved by the Planning Commission as a Special Use shall be effectively screened from view.

## 13. Water and Sewer Service

Public water and sewer service must be available at a building site before approval of a site plan can be obtained. All buildings and structures located within this PUD shall be connected to public water and sewer systems.

#### E. ROADS

1. All roads shall meet the specifications of the Kent County Road Commission.
2. If roads are to be private, complete maintenance of the roads shall be the responsibility of the property owner's association.

#### F. MISCELLANEOUS PROVISIONS

Street lighting shall be provided within the Project at the Developer's expense. All street lighting shall be low sodium luminaires (lamps), which do not extend more than twenty (20) feet in height. Luminaires shall be shrouded to minimize the emission of light rays and may not exceed .5 foot candles as measured at ground level.

#### G. LANDSCAPING AND BUFFERYARD REQUIREMENTS

For the purposes of screening the Premises, preventing glare, defining access and circulation, focusing attention toward features, providing visual relief, and adding natural color, the Developer shall provide bufferyard and landscaping materials in the Phase Two – commercial development consistent with the requirements set forth below:

##### 1. Minimum Plant Size Requirements –

All landscaping materials shall meet the following minimum size standards:

##### Plant Type Size

Canopy Tree 2-1/2 inch caliper

Understory/Ornamental Tree 1-1/2 inch caliper

Evergreen Tree 6-8 feet

Shrub 18-24"

2. Landscaped bufferyards shall be provided around the perimeter of the Phase Two commercial development consistent with the requirements of Chapter 20 of the Cascade Charter Township Zoning Ordinance.

3. All interior areas that are not devoted to parking or buildings shall be landscaped in the following manner: Unless otherwise approved by the Cascade Township Planning Department Staff, for every 1,000 square feet of required landscape area, the applicant shall provide 5 plant units of landscaping.

Any combination of canopy trees, understory/ornamental trees, evergreen trees and shrubs may be used to achieve the required interior landscaping as long as the proposed combination of plants yields a total number of plant units equal to or greater than the requirement. Plant unit equivalencies are as follows:

1 Canopy Tree = 10 Plant Units

1 Understory/Ornamental Tree = 5 Plant Units

1 Evergreen Tree = 5 Plant Units

1 Shrub = 1 Plant Unit

4. Other Landscape Requirements –

a. 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.

b. 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.

c. Where appropriate, plantings should be grouped or clustered to provide the maximum visual effect.

d. Species listed in Section 20.11 of the Cascade Township Zoning Ordinance shall not be credited as meeting the landscape requirements contained in this Ordinance.

5. The Developer shall provide a landscape plan for each individual building or project during the site plan approval process.

**H. UTILITIES.**

1. The Premises shall be served with public water and 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 Plans for Cascade Township.

2. The Developer shall provide all necessary easements within the Project for telephone, electricity, stormwater, sewer, water, 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 X. TEMPORARY BUILDINGS**

No structure of a temporary nature, trailer, crib, sale office, tent, or construction shack shall be constructed, placed or maintained on the Premises except accessory to and during construction of a permanent building or infrastructure improvement and as otherwise allowed by the Cascade Charter Township Zoning Ordinance.

**SECTION XI. MISCELLANEOUS REQUIREMENTS**

A. 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 any earth change on the site. This plan shall be subject to the review and approval of the Township Engineer. The Developer shall obtain a Soil Erosion and Sedimentation Control Permit from Cascade Charter Township prior to any earth change on the Premises.

B. The Township Planning Department shall receive all pertinent correspondence and permits received from the Michigan Department of Natural Resources (MDNR) regarding the status or development of wetlands within the Project prior to construction.

C. The Township Planning Department shall receive all correspondence and permits from the Kent County Drain Commissioner regarding storm water disposal.

## SECTION XII. PERFORMANCE GUARANTEE

To insure compliance with this Ordinance and any conditions herein, Cascade Township may require reasonable performance guarantees (including irrevocable letters of credit, cash deposits, or surety bonds), as authorized under the Township Rural Zoning Enabling Act, as amended, or other statutes, to insure completion of improvements including, but not limited to: landscaping, grading, 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 XIII. MASTER DEVELOPMENT PLAN FOR THE PROJECT, PHASING.

The Project shall conform to the Master Development plan for the project ("plan") approved by the Township Board and signed by the Township Supervisor on February 26, 1992. In the event the Developer elects to develop Phase II of the Project in separate distinct phases, he shall be required to submit site plans for each phase. The Cascade Township Planning Department Staff shall review and approve these plans prior to the construction of the intended phase to insure consistency with the Master Development Plan. This review shall be conducted at no monetary charge to the Developer, provided that no amendment or variance to this Ordinance or the Cascade Charter Township Zoning Ordinance is required.

## SECTION XIV. ENFORCEMENT

The Developer is required to adhere to the operational restrictions and development specifications as set forth in this Ordinance, the Development Plan, and the Application and Specifications approved by the Township on February 26, 1992. If Township officials determine that the Developer is not in compliance with either the operational or development requirements of the Ordinance or Plan and Specifications submitted by the Developer or any other law, the Township shall provide the Developer with seven (7) days written notice during which the Developer is required to correct such non-compliance. If the non-compliance involves a matter of public safety, health or danger, the Developer shall be required to correct the non-compliance immediately, and in no event more than 24 hours of receiving the notice. Such notices shall be sent by certified mail, first class mail, or hand delivered to Developer's place of business. The notice shall be effective upon its delivery or one day after the date of mailing.

These remedial time periods shall apply unless the Township agrees in writing to allow an extension of the time period.

In the event that the Developer does not correct the non-compliance within the times prescribed above, the permit issued under the Township's mineral extraction provisions of the Zoning Ordinance shall be revoked and Developer shall cease and desist from engaging in any further activity under this Ordinance. If Developer engages in any further activities beyond these time periods, Developer shall be assessed civil penalties in the amount of Two Thousand Dollars (\$2,000) per day for each day that the non-conforming activities continue. The civil penalty shall constitute a lien upon the real property comprising the Project and the Township is hereby authorized to record an affidavit as to the existence and amount of the lien at the office of the Register of Deeds for Kent County. The lien may be enforced in any manner as authorized by law for enforcement of liens or mortgages.

The performance guarantees as set forth in this Ordinance shall be broad enough to cover the civil penalty as set forth in this provision. The remedies in this provision shall be in addition to all other remedies as set forth in the Cascade Township Zoning Ordinance, the Township Rural Zoning Enabling Act or such other remedies provided by law (including but not limited to the ability of the Township to revoke a PUD approval, abate a nuisance, utilize performance guarantees and/or pursue criminal prosecuting). This Ordinance and the remedies provided in this provision shall be enforceable by way of an action at law and in equity and by way of injunctive relief and shall inure to the benefit of the Township and its residents.

**SECTION XV. EFFECTIVE DATE**

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

**SECTION XVI. BINDING NATURE.**

This ordinance and the requirements contained herein shall be recorded with the Kent County Register of Deeds Office and run with the land and shall bind the parties' assigns, successors, and transferees.

**SECTION XVII. EFFECT.**

The Cascade Charter Township Zoning Ordinance, as amended, except as otherwise expressly amended herein, shall remain in full force and effect.

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

YEAS: Boonenberg, Carpenter, Champion, Hansen, Henning, Julien, Parrish

NAYS: None

ABSENT: None

ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

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 26<sup>th</sup> day of February, 1992.

Brenda J. Henning

Cascade Charter Township Clerk

## Attachment A

### Legal Description of The Premises

Part of the south one-half of Section 9, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Beginning at a point that is 870.60 feet Northwesterly along the centerline of Cascade Road, from the South line of said Section; thence N 30 degrees 59'40"W 875.42 feet (Recorded as 854.10 feet) along the centerline of Cascade Road to a point being S 30 degrees 59'40"E 217.30 feet along the centerline of said road from the South line of Cascade School Brook Plat extended East; thence N 81 degrees 50'20"E 279.00 feet; thence N 08 degrees 20'10"W 165.00 feet to the South line of the North 57.0 acres of the SW ¼, said Section 9; thence N 87 degrees 25'00"E 343.53 feet along the South line of the North 57.0 acres, said SW ¼, to a point S 02 degrees 50'30"E 964.50 feet along the North-South ¼ line from the center of Section; thence S 61 degrees 10'10"E 496.28 feet; thence N 58 degrees 04'45"E 179.80 feet; thence N 37 degrees 21'15"E 376.70 feet to the SW corner of Lot 11 of Oak Brook alley, a recorded plat in Kent County, Liber 63, Page 10; thence N 85 degrees 28'00"E 128.23 feet along the South line of Lot 11 to the SW corner of Lot 10 of said plat; thence S 11 degrees 25'00"E 25.00 feet along the West line of said Lot 10 extended Southerly; thence N 74 degrees 58'10"E 145.17 feet to the East line of said Lot 10 extended Southerly; thence N 14 degrees 47'00"W 25.0 feet along said extended East lot line to SE corner of said Lot 10; thence N 78 degrees 11'00"E 113.29 feet along the South line of Lot 9 of said plat to the SW corner of Lot 8 of said Plat; thence S 86 degrees 06'00"E 122.02 feet along the South line of said Lot 8 to the East 1/8 line of said Section; thence S 03 degrees 15'00"E 512.39 feet along said East 1/8 line; thence S 29 degrees 25'35"W 230.21 feet; thence S 70 degrees 58'51"W 1455.14 feet (recorded as 1468.05 feet) to the point of beginning.

## Attachment B

### Legal Description of The Non-Development Area

Part of the S ½, Section 9, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Beginning at the SW corner of Lot 8, Oak Brook Valley, a recorded plat in Kent County, Liber 63, Page 10; thence S 86 degrees 06'00"E 122.02 feet along the South line of said Lot 8; thence S 03 degrees 15'00"E 369.02 feet along the East 1/8 line of Section 9; thence N 56 degrees 42'23"W 231.91 feet; thence N 86 degrees 48'35"W 162.40 feet; thence S 82 degrees 19' 05"W 112.64 feet; thence S 29 degrees 56'02"W 267.53 feet; thence S 60 degrees 44'18"W 59.07 feet; thence S 74 degrees 57'33"W 288.91 feet; thence N 61 degrees 10'10"W 529.31 feet; thence N 08 degrees 20'10"W 107.81 feet; thence N 87 degrees 25'00"E 75.00 feet along the South line of the North 57 acres of the SW ¼ of said Section to a point on the North-South line, being S 02 degrees 50'30"E 964.50 feet from the center of Section 9; thence S 61 degrees 10'10"E 496.28 feet; thence N 58 degrees 04'45"E 179.80 feet; thence N 37 degrees 21'15"E 376.70 feet to the SW corner of Lot 11 of said Oak BrookValley Plat; thence N 85 degrees 28'00"E 128.23 feet along the South line of Lot 11 to the SW corner of Lot 10 of said plat; thence S 11 degrees 25'00" E 25.0 feet along the West line of said Lot 10 extended Southerly; thence N 74 degrees 58'10"E 145.17 feet to the East line of said Lot 10 extended southerly; thence N 14 degrees 47'00"W 25.0 feet along said extended East Lot line to SE corner of said Lot 10; thence N 78 degrees 11'00" E 113.29 feet along the South line of Lot 9 of said plat to the SW corner of Lot 8 of said plat and the point of beginning.

## Attachment C

:Legal Description of The Phase Two – Single Family Residential Development



Part of the S ½, Section 9, T6N, R10W, Cascade Township, Kent County, Michigan, described as: Beginning at the SW corner of Lot 8, Oak Brook Valley, a recorded plat in Kent County, Liber 63, Page 10; thence S 86 degrees 06'00"E 122.02 feet along the South line of said Lot 8, thence S 03 degrees 15'00"E 512.39 feet along the East 1/8 line of Section 9; thence S 29 degrees 25'35"W 230.21 feet; thence S 70 degrees 58'51"W 669.70 feet; thence N 19 degrees 01'09"W 386.75 feet; thence S 74 degrees 57'33"W 69.92 feet; thence N 61 degrees 10'10"W 529.31 feet; thence N 08 degrees 20'10"W 107.81 feet; thence N 87 degrees 25'00"E 75.00 feet along the South line of the North 57 acres of the SW ¼ of said Section to a point on the North-South ¼ line, being S 02 degrees 50'30"E 964.50 feet from the center of Section 9; thence S 61 degrees 10'10"E 496.28 feet; thence N 58 degrees 04'45"E 179.80 feet; thence N 37 degrees 21'15"E 376.07 feet to the SW corner of Lot 11 of said Oak Brook Valley Plat; thence N 85 degrees 28'00"E 128.23 feet along the South line of Lot 11 to the SW corner of Lot 10 of said plat; thence S 11 degrees 25'00"E 25.0 feet along the West line of said Lot 10 extended Southerly; thence N 74 degrees 58'10"E 145.17 feet to the East line of said Lot 10 extended Southerly; thence N 14 degrees 47'00"W 25.0 feet along said extended East Lot line to SE corner of said Lot 10; thence N 78 degrees 11'00"E 113.29 feet along the South line of Lot 9 of said plat to the SW corner of Lot 8 of said plat and the point of beginning.

#### Attachment D

#### Legal Description of The Phase Two – Commercial Development

Part of the South one-half of Section 9, T6N, R10W, Cascade Township, Kent county, Michigan, described as: Beginning at a point that is 870.60 feet Northwesterly along the centerline of Cascade Road, from the South line of said section; thence N 30 degrees 59'40"W 875.42 feet (Recorded as 854.10 feet) along the centerline of Cascade Road to a point being S 30 degrees 59'40" E 217.30 feet along the centerline of said road from the South line of Cascade School Brook Plat extended East; thence N 81 degrees 50'20"E 279.00 feet; thence N 08 degrees 20'10"W 165.00 feet to the south line of the North 57.0 acres of the SW 1/4, said Section 9; thence N 87 degrees 25'00"E 268.53 feet along the South line of the North 57.0 acres, said SW 1/4; thence S 08 degrees 20'10" E 107.81 feet; thence S 61 degrees 10'10"E 529.31 feet; thence N 74 degrees 57'33"E 69.92 feet; thence S 19 degrees 01'19"E 386.75 feet; thence S 70 degrees 58'51"W 785.44 feet (recorded as 798.05 feet) to the point of beginning.