As recommended by Planning Commission on March 22, 2016

CHARTER TOWNSHIP OF GRAND RAPIDS

COUNTY OF KENT, MICHIGAN

At a regular meeting of the Township Board of the Charter Township of Grand Rapids, held in the Township Hall, 1836 East Beltline Avenue, N.E., Grand Rapids, Michigan, on the 3rd day of May, 2016, at 7:00 p.m.

PRESENT: DeVries, Merchant, Pierangeli, Robinette, Van Dyke, Van Popering, Wall

ABSENT: None

The following ordinance was offered by Member Merchant and supported by Member Wall.

ORDINANCE NO. 510

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER TOWNSHIP OF GRAND RAPIDS

[Springs at Knapp's Corner Planned Unit Development (Continental Properties Co.) – Amendment No. 1 of Spectrum Health Planned Unit Development]

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

Section 1. **Amendment No. 1 of Spectrum Health Planned Unit Development.**

(a) On August 21, 2012, the Township Board adopted Township Ordinance No. 492, whereby certain lands at East Beltline Avenue and Three Mile Road were rezoned to the HC-PUD Healthcare Mixed-Use Planned Unit Development District, in accordance with the final development plan of the Spectrum Health Planned Unit Development. The ordinance became effective on September 1, 2012.

(b) Section 2(b) of Part B of Ordinance No. 492 provided that the lands described in that Part B, such lands being described in this ordinance, were eligible for development only upon the rezoning of the lands to the HC-PUD District in accordance with an approved final development plan.

(c) This ordinance is adopted in accordance with Section 2(b) of Part B of Ordinance No. 492.

(d) Accordingly, the Spectrum Health Planned Unit Development is hereby amended by the amendment of said Ordinance No. 492 and the amendment of Section 3.3 of the Township Zoning Ordinance, such Section being the zoning map, to rezone the following described lands from the HC-PUD Healthcare Mixed-Use Planned Unit Development District in accordance with the final development plan of the Spectrum Health Planned Unit Development, to the HC-PUD District in accordance with the final development plan of the Springs at Knapp's Corner Planned Unit Development, subject to all of the terms and conditions of this ordinance. The lands comprising the Springs at Knapp's Corner Planned Unit Development are legally described as follows:

> All that part of the Northwest 1/4 of Section 11, Town 7 North, Range 11 West, Grand Rapids Township, Kent County, Michigan, described as: Commencing at the West 1/4 corner of Section 11; thence South 89°51'27" East 566.00 along the East-West 1/4 line of said Section 11 to THE PLACE OF BEGINNING OF THIS DESCRIPTION; thence North 01°08'14" East 479.40 feet along the East line of the West 566.00 feet of the Northwest 1/4 of Section 11 to a point on the South line of the North 150 feet of the South 629.40 feet of the Northwest 1/4 of Section 11; thence North 89°51'27" West 343.70 feet to a point on the Easterly right of way line of East Beltline Avenue (variable width); thence North 01°07'48" East 150.00 feet along said right of way line; thence North 89°51'27" West 40.01 feet along said right of way line; thence North 01°07'48" East 664.00 feet along said right of way line; thence South 89°51'27" East 383.81 feet to a point on the East line of the West 566.00 feet of the Northwest 1/4 of Section 11; thence North 01°08'14" East 69.60 feet along said line; thence South 88°52'48" East 760.22 feet to a point on the East line of the West 1/2 of the Northwest 1/4 of Section 11, said point being 1350.00 feet North 01°04'01" East of the Southeast corner of said West 1/2 of the Northwest 1/4 of Section 11; thence South 01°04'01" West 460.00 feet along the East line of the West 1/2 of the Northwest 1/4 of Section 11 to a point on said line being 890.00 feet North 01°04'01" East of the Southeast corner of said West 1/2 of the Northwest 1/4 of Section 11; thence North 89°51'27" West 182.00 feet; thence South 01°04'01" West 150.00 feet; thence North 89°51'27" West 73.00 feet; thence South 01°04'01" West 225.00 feet; thence South 89°51'27" East 255.00 feet to a point on the East line of the West 1/2 of the Northwest 1/4 of Section 11, said point on said line being 515.00 feet North 01°04'01" East of the Southeast corner of said West 1/2 of the

Northwest 1/4 of Section 11; thence South 01°04'01" West 515.00 feet along said line to the East-West 1/4 line of said Section 11; thence North 89°51'27" West 761.99 feet along said line to the place of beginning.

In the case of conflicts or discrepancies between any part of the final development plan and the terms of this ordinance, this ordinance shall control.

Section 2. **Conditions on the Planned Unit Development**. The rezoning of the above-described lands to the HC-PUD District in accordance with the final development plan of the Springs at Knapp's Corner Planned Unit Development (the "Development") is expressly subject to all of the following terms and conditions:

(a) Development Plan. The Development shall comply in all respects with the Development Plan (the "Plan"), with a last revision date of March 11, 2016, except where the Plan has been changed, revised or modified by the terms of this ordinance or pursuant to Section 13.16 of the Township Zoning Ordinance, and in such case, the provisions of this ordinance, or subsequent amendments hereof, shall control.

(b) North East Beltline Overlay District. Except as otherwise expressly provided herein, the Development shall comply with all applicable provisions of the North East Beltline Overlay District under the terms of the Township Zoning Ordinance.

(c) Land Uses.

(i) The Development shall be constructed and used only for a multi-family residential development consisting of 12 residential buildings, an office/clubhouse/fitness center building, accessory garage buildings and other buildings, features and amenities as shown on the Plan.

(ii) The fitness center and clubhouse shall be available only to residents or guests of residents and shall not be made available for rental or use by the public at large on a commercial basis.

(iii) The land uses permitted in the Development shall be only the residential and associated uses stated in this ordinance and shown on the Plan. None of the land uses stated in Section 22A.4 of the Zoning Ordinance shall be permitted in the Development.

(d) Buildings.

(i) The Development shall consist of 12 residential apartment buildings. 10 of the buildings may each include up to 20 dwelling units, as shown on the Plan; buildings 5 and 6 may each include up to 24 dwelling units. Other permitted buildings include detached garages, a car care center and maintenance building, a clubhouse/office building and outdoor swimming pool area, and trash compactor and mail kiosk, all as shown on the Plan. A change in the number of units per building may be permitted as a minor change in the Development provided that the total number of units does not exceed 248 and the size and layout of buildings are in accordance with the Plan.

(ii) The buildings may contain a mixture of studio apartments, one-bedroom, two-bedroom and three-bedroom apartments, provided that each type of apartment meets the minimum floor area requirements provided for in the HC-PUD District.

(iii) All buildings shall be set back at least 140 feet from the outside edge of the nearest through lane of East Beltline Avenue, as it existed on January 1, 2002, in accordance with Section 23.3.2 of the North East Beltline Overlay District.

(iv) The buildings shall be located substantially as shown on the Plan.

(v) The apartment buildings, clubhouse, garage units and other accessory buildings shall have substantially the design and elevations shown in the revised submittals dated March 11, 2016. The applicant shall consider and present to the Site Plan Review Committee final elevations for approval, including any additional decorative features requested by the Site Plan Review Committee.

(vi) The apartment buildings may be two-story buildings. The height of any building shall not exceed 35 feet.

(e) Access and Off-Street Parking and Loading.

(i) Ingress to and egress from the Development shall be by means of a main boulevard entrance off East Beltline Avenue, with a second gated emergency access to East Beltline Avenue, at the northwest corner of the Development, as shown on the Plan. No motor vehicle access to the Development shall be permitted from Dunnigan Avenue, nor shall there be any means of motor vehicle exit from the Development to Dunnigan Avenue; provided, however, that the existing curb cut on Dunnigan Avenue adjacent to the preservation area of the Development may remain, but the curb cut shall not serve as a means of motor vehicle ingress to or egress from the Development.

(ii) To assure the above-stated prohibition on motor vehicle access from or to Dunnigan Avenue, the applicant shall prepare and record a restrictive covenant, prohibiting all such access to the Development from or to Dunnigan Avenue. The covenant shall describe the entire Development, and it shall be signed by all parties in interest and of record therein. The restrictive covenant shall be subject to the approval of the Township attorney, prior to its recording with the county register of deeds. If requested by the Township attorney, the applicant shall provide at its expense a certified last owner of record search, prepared by a title insurance company acceptable to the Township, for verification that all parties in interest have signed and would be bound by the covenant. After the covenant has been recorded, the applicant shall promptly forward to the Township office a recorded copy of the same, showing the date of recording and the assigned document number.

(iii) The access driveways extending east off East Beltline Avenue shall comply with all applicable requirements of the North East Beltline Overlay District, including Section 23.9 thereof.

(iv) The installation and the use and operation of the proposed gates at the main entrance of the facility shall be in compliance with the Plan and consistent with the gate equipment specifications submitted to the Planning Commission. In addition, the installation and the use and operation of the gate shall be subject to the review and approval of the Township fire chief and Michigan Department of Transportation, to prevent the risk of vehicles backing up onto East Beltline Avenue while awaiting entrance into the Development, and to allow access by emergency vehicles.

The Township shall have no liability, of any extent or nature, for any harm, damage or other adverse effect that may occur during an emergency entry to or exit from the Development by means of the main entrance gate or the secondary entrance gate, or with respect to any other aspect of emergency access, and as to any other portion of the Development and the property therein, in such circumstances whereby first responders or other emergency personnel may utilize forced entry to gain access to the Development, and whereby such emergency personnel may utilize any gated entry for exit from the Development. The applicant and all of its successors and assigns shall indemnify and hold the Township harmless from all such liability, claims, causes of action or other demands arising or resulting from the above-stated circumstances.

Accordingly, the applicant shall prepare and submit an indemnity and hold-harmless agreement or covenant whereby the Township is fully indemnified and held harmless from all such liability as stated above. The indemnity agreement or covenant shall be subject to the approval of the Township attorney, consistent with this ordinance. The agreement or covenant shall

be submitted, and approval thereof by the Township attorney shall be obtained by the applicant, prior to the issuance of any building permit for the Development.

(v) The proposed gated emergency access driveway to and from East Beltline Avenue, located in the northwest corner of the Development, shall be subject to the review and approval of the Township fire chief, prior to the construction thereof.

(vi) The entrances to the Development off East Beltline Avenue shall be subject to the approval of the Michigan Department of Transportation (MDOT) and, to the extent appropriate, by the Kent County Road Commission. Any required deceleration lanes and other required elements of the driveway entrances shall be designed and constructed at the expense of the applicant, and shall not be utilized until final approval has been given by the State Department of Transportation or the County Road Commission, as the case may be.

(vii) The parking and access drives, including all maneuvering lanes, shall be located as shown on the Plan and shall be constructed with materials equal to or better than the standards established by the Kent County Road Commission for commercial driveways. All private driveways and parking areas shall be finished with an asphalt surface having a minimum thickness of 3.5 inches.

(viii) The off-street parking areas, sidewalks and internal access drives shall be maintained in good condition, free from dust, trash and debris.

(ix) The Development shall include at least 495 off-street parking spaces, including garage spaces and outdoor spaces, as shown on the Plan. Parking spaces for each building, including tenant and guest spaces, shall be constructed and made available for use not later than the date of approved occupancy for the building. At least 18 off-street parking spaces, or other

minimum number required by law, whichever is greater, shall be barrier-free, and shall be appropriately designated.

(x) All aspects of the off-street parking areas and loading spaces shall comply with Chapter 28 of the Zoning Ordinance.

(1) Each parking space shall be at least nine feet wide and 18 feet long if angled at not less than 90 degrees; spaces otherwise angled, if any, shall comply with Table 28-1 of Section 28.6 of the Zoning Ordinance.

(2) Maneuvering aisles shall be at least 24 feet wide unless otherwise permitted by Table 28-1 of Section 28.6.

(xi) In accordance with Section 23.3.2 of the North East Beltline Overlay District, all parking lots shall be set back a minimum of 90 feet from the outside edge of the nearest through lane of East Beltline Avenue, as it existed on January 1, 2002, with a minimum setback of 25 feet between each parking lot and the East Beltline right-of-way line. The required 25-foot landscape areas shall be landscaped in accordance with the requirements of this ordinance.

(f) Sidewalks; Pathways; Non-Motorized Trails.

(i) Sidewalks shall be constructed as shown on the Plan. All sidewalks shall be at least five feet wide and shall be constructed of concrete. They shall be constructed, maintained, repaired and replaced by the applicant at its expense; the construction thereof shall comply with Township specifications for such sidewalks.

(ii) The applicant shall grant to the Township, by an instrument in recordable form and subject to the approval of the Township attorney, a pedestrian and non-motorized trail easement, 16 feet in width, extending the entire length of the north boundary of the Development (or, if approved by the owner of the Spectrum Health PUD property to the north, then

at a location on that property, immediately north of the north boundary line of the Development), and also extending along the entire Dunnigan Avenue frontage along the east line of the Development; the location of the easement shall be subject to the approval of the Site Plan Review Committee. As the applicant has voluntarily agreed, the grant of the easement shall be without cost or other consideration by the Township.

(iii) The easement shall provide for a 10-foot-wide public pedestrian and non-motorized trail or pathway generally in the center thereof, with a cleared and undeveloped width of three feet on each side of the 10-foot-wide trail or pathway. The particular placement of the trail or pathway within the easement may vary depending on topographic and other factors, and shall be subject to the approval of the Site Plan Review Committee.

(iv) As the applicant has voluntarily agreed, the applicant shall construct at its own expense the above-stated 10-foot-wide pedestrian and non-motorized trail within the above-described easement. The trail shall be constructed of asphalt and shall have such depth, sub-base and other characteristics as are required by the Township for other trails within the Township's non-motorized trail system. Alternatively, if the applicant prefers that the trail be constructed by the Township, the applicant shall then furnish to the Township an amount equal to the total cost of construction and inspection of the non-motorized trail, as determined by the Township. The trail shall be constructed (or the funds for such purpose shall be furnished to the Township by the applicant) not later than the time designated by the Township.

With respect to that part of the Development facing Dunnigan Avenue, but as to which there are a small number of intervening properties between the east line of the Development and the west line of Dunnigan Avenue, the applicant shall tender to the Township the entire cost of construction and inspection of that part of the non-motorized trail to be located across

the frontage of such intervening properties; such sum shall be held in escrow for such purpose by the Township until such time as a suitable easement for such portion of the trail is given by the intervening property owners to the Township; alternatively, if such easements by the intervening property owners have been obtained at the time of construction of the trail along the east line of the Development, then the applicant shall proceed to construct the same, along with the other portions of the trail, or shall tender to the Township the cost thereof, as stated more fully above.

(v) In the event that the construction of all or any portion of the pedestrian and non-motorized trail is deferred, by decision of the Township or by circumstances approved by the Township, then if requested, the applicant shall prepare and record a restrictive covenant, whereby the applicant and its successors and assigns shall be required to construct the trail as stated above, when directed to do so by the Township. The restrictive covenant shall be subject to the approval of the Township attorney prior to recording; after recording, a recorded copy thereof shall be promptly furnished to the Township office.

(g) Sanitary Sewer System and Public Water Supply.

(i) The Development shall be served by the public sanitary sewer system and the public water supply system. The necessary sewer and water mains, laterals and other appurtenances necessary to supply potable water to the buildings in the Development and to collect and transmit sewage from the buildings in the Development shall be installed according to Township specifications and dedicated to the public upon completion. Such sanitary sewer and water supply facilities shall be designed and installed at the sole expense of the applicant.

(ii) All aspects of the sanitary sewer system and water supply system within the Development shall be subject to the approval of the Township engineer.

(iii) The Developer shall obtain Township approval of the connection of the buildings in the Development to the public sanitary sewer system under the terms of the Township water and sewer ordinances. All other aspects of the design, installation, operation and maintenance of the sanitary sewer system within the Development shall comply with the terms of the ordinance.

(iv) Domestic water supply to the buildings within the Development shall be provided by means of the public water supply system, subject to the approval of the Township engineer and under the terms of the Township water and sewer ordinances.

(h) Storm Water Drainage.

(i) The applicant shall submit a storm water drainage plan. The storm water drainage plan and the design, construction and operation of the storm water drainage system shall comply in all respects with the Township storm water ordinance. The drainage plan and storm water drainage system for the Development shall be reviewed by the Township engineer and shall be subject to the engineer's approval, under the terms of the storm water ordinance.

(ii) The use of the surface water drainage system in the Development and the discharge of waters from the storm sewer system and other elements of the surface water drainage system shall be accomplished so as to have no significant adverse effect upon the Development lands, or upon adjacent or nearby lands or surface waters, by reason of flooding, erosion, pollution or otherwise.

(iii) The storm water detention pond shown in the Plan shall collect storm water drainage from all improved areas within the Development, and detain the flow thereof to the

extent of at least a 25-year storm event, in accordance with Kent County Drain Commissioner requirements and the Township Storm Water Ordinance. In addition, the high water elevation of the storm water detention pond shall be analyzed by the applicant's engineer on the basis of a 100-year rain event in order that the top of the berm elevation of the detention pond shall be established as one foot above the 100-year high water weir flow elevation.

(iv) The outlet from the detention pond shall be restricted, as required by the Township Engineer. An overflow pipe shall be designed and constructed from the detention pond to an outlot, as also required by the Township Engineer.

(v) As required by Section 7.03 of the Township Storm Water Ordinance, the applicant shall prepare and submit to the Township a Storm Water Maintenance Agreement, satisfactory to the Township, signed by all parties in interest in the Development lands, and providing for the timely and full implementation of the approved storm water plan for the Development, including any lands outside of the Development as to which storm water drainage requirements are specified by the Township engineer under the terms of the Storm Water Ordinance. The Agreement shall, among other provisions, grant sufficient and convenient access to the Township for inspection and related purposes; shall require timely, proper and sufficient maintenance, repair and replacement of all storm water management facilities; establish adequate emergency overland flow-ways; and require all necessary maintenance, repair and replacement of such storm water facilities by the applicant at its expense or, in the absence or failure thereof, shall provide for the accomplishing of such work by the Township, with the cost thereof to be secured by an acceptable letter of credit given by the applicant, a lien or similar encumbrance on the Development lands or other security acceptable to the Township.

The Agreement shall be submitted to the Township attorney and shall be subject to the attorney's approval, prior to recording. If requested, the applicant shall submit a certified last owner of record search covering the Development property, as to establish the correct identity of all of the parties in interest in the Development property, for purposes of signing the Storm Water Maintenance Agreement. After recording, a copy of the Agreement as recorded shall be promptly submitted to the Township.

(vi) The storm water drainage system shall also comply with the other requirements stated in the Township Engineer's letter of March 17, 2016, and other or subsequent requirements of the Township Engineer with respect to storm water drainage, consistent with the Township Storm Water Ordinance and this Ordinance.

(i) Open Space. The Development shall include the open space shown on the Plan, including the areas to the east of Buildings 5 and 6 extending to and including the identified Preservation Area. The open space shall not be improved or developed, but shall consist only of the plantings and other landscaping features shown on the Plan; provided, however, the area may be used in part for recreational activities and a small playground area, if approved by the Site Plan Review Committee.

(j) Utilities. Natural gas service, electrical service and telephone and cable television service to the Development shall be by means of underground facilities.

(k) Soil Erosion and Sedimentation Control. In the construction and use of the Development, the applicant shall comply in all respects with any required soil erosion and sedimentation control permit. A copy thereof shall be submitted to the Township.

(l) Grading.

(i) The applicant has noted the substantial change in the current topographic grade between the northerly part of the Development and the Spectrum Health PUD lands immediately to the north. The applicant and Spectrum have conferred regarding the granting of a grading easement from Spectrum to the applicant, covering an area on the Spectrum property immediately north of the Development, so that the current steep change in topography might be moderated by the grading of the lands on both parcels, across the common boundary line, to a more amenable slope.

(ii) If a suitable grading easement cannot be obtained as to the Spectrum Health PUD, then the applicant shall implement other measures for the improving of the grade at that location, such as the terracing of the land, construction of retaining walls or otherwise.

(iii) The applicant shall continue to pursue a proposed grading easement with Spectrum Health, as the applicant proposes to do. All aspects of the grading of the Development lands in the area of the north line thereof shall be subject to the approval of the Site Plan Review Committee, including the extent and location of grading, any terracing of the land, any proposed retaining walls or other related measures.

(iv) A grading easement from Spectrum Health to the applicant, if obtained, shall be promptly submitted to the Township office, together with an accurate drawing of the proposed grading and elevations; the easement and drawing shall be subject to the approval of the Site Plan Review Committee. Likewise, if a grading easement is not obtained, the applicant shall submit a detailed drawing of the measures which are proposed in lieu thereof; the drawing and other detailed information regarding the matter shall be subject to the approval of the Site Plan Review Committee.

(v) With respect to the granting of a grading easement by Spectrum Health, and if it appears to the Township that a joint meeting among the parties may facilitate the granting of the easement or other aspects of the matter, the Township may elect to convene a meeting among the applicant and representatives of the Township and Spectrum Health, if Spectrum Health agrees. The applicant, in such circumstances, shall attend the meeting and use its best efforts toward a satisfactory solution as to the grading issues at and along the north line of the Development.

(m) Landscaping and Screening.

(i) Landscaping shall be provided and maintained in accordance with the landscaping plan submitted by the applicant, as supplemented in accordance with this ordinance. The landscaping plan shall be subject to the approval of the Township Site Plan Review Committee, under Chapter 29 of the Zoning Ordinance, Section 22A.5.1 of the HC-PUD District and Section 23.4 of the North East Beltline Overlay District.

(ii) Under the terms of Section 23.4.5 of the Zoning Ordinance, various plantings of trees and shrubs are required within the minimum 25-foot buffer area fronting along East Beltline Avenue. Among other requirements, continuous vegetation, berms or walls are to be planted or installed, at not less than a specified minimum height, though this requirement may be modified by the Site Plan Review Committee if motor vehicles parked in an adjacent or nearby off-street parking area would otherwise be substantially screened from view from East Beltline Avenue by reason of existing vegetation or as the result of the topography of the land.

(iii) If the applicant proposes modifications in the required plantings of trees and shrubs within the required buffer area along the East Beltline Avenue frontage, the applicant shall submit a detailed drawing and narrative describing what is proposed, and the same shall be subject to approval of the Site Plan Review Committee.

(iv) All landscaping within the Development, including greenbelt areas, off-street parking areas and elsewhere within the Development, shall be subject to the approval of the Site Plan Review Committee.

(v) If the Site Plan Review Committee requires further or alternative landscaping, the applicant shall then revise the landscape plan by the addition of such trees and other plantings as are required by the Committee, and then submit a revised landscape plan for review by the Committee or, in the Committee's discretion, the revised plan may be submitted for review by the zoning administrator. The height of trees and shrubs when planted shall be subject to the approval of the Site Plan Review Committee or, in the Committee's discretion, such review and approval may be undertaken by the zoning administrator.

(vi) Under Section 29.7 of the Zoning Ordinance, a greenbelt is to be provided for this multi-family use if the use abuts a residential zoning district. The required greenbelt is to be at least 25 feet wide; for each 100 feet of length of the greenbelt, required plantings of specified numbers of deciduous canopy trees, ornamental trees, evergreen trees or combinations thereof are to be included. If the applicant proposes modifications as to the greenbelt, a detailed drawing and narrative thereof shall be submitted to the Site Plan Review Committee, and the same shall be subject to the Committee's approval.

(vii) Dumpsters and outdoor electrical and mechanical equipment shall be located as shown on the Plan and shall be fully screened from view.

(viii) Fencing around the perimeter of the Development shall include the decorative and other types of fencing specified in the applicant's submissions of March 11, 2016. All such submissions, including the location, height, design and color of all fencing, including any gates, shall be subject to the approval of the Site Plan Review Committee.

(n) Wetland Areas. The applicant shall obtain all necessary wetland permits or other required approvals from the Michigan Department of Environmental Quality.

(o) Outdoor Lighting. Outdoor lighting shall be installed at the applicant's expense in compliance with Section 22A.5.7 of the HC-PUD District and Section 23.6 of the North East Beltline Overlay District. An outdoor lighting plan, including a photometric plan, shall be submitted and shall be subject to the approval of the Site Plan Review Committee.

(p) Signage.

(i) The applicant has submitted a proposed sign package consisting of a 43.5-square-foot ground sign located on the East Beltline Avenue frontage, as shown on the Plan, together with three wall signs on three faces of the tower portion of the clubhouse building, such wall signs having an area of 20 square feet each. The ground sign would have a maximum height of six feet. Such signs are permitted as variations from the generally applicable signage requirements pursuant to Section 22A.6 of the Zoning Ordinance, it being determined that the variations are consistent with the purposes and objectives of the HC-PUD District, in view of the extensive frontage of the Development and the distance of the clubhouse signs from East Beltline Avenue. In addition, it is important that the signs be sufficiently visible to those approaching the Development, given the high volume and rapid speed of motor vehicle traffic in this portion of East Beltline Avenue. Nevertheless, all such signs shall be subject to the approval of the Site Plan Review Committee.

(ii) No other freestanding signs, wall signs or other signs shall be permitted in the Development, except for the directional signs within the Development, which are approved.

(q) Fire Protection. The design, layout and construction of the Development shall be reviewed by the Township Fire Chief as to matters of public safety, emergency access and sufficiency of the fire protection water supply. The recommendations, if any, of the Fire Chief on these matters shall be complied with by the applicant, unless otherwise provided by an amendment in this ordinance.

(r) Phasing. The Development may be constructed in phases. The applicant shall submit to the Site Plan Review Committee a proposed phasing plan. The Site Plan Review Committee shall require that the phasing plan include construction of public utilities, sidewalks, parking areas, garages, clubhouse facilities, preservation of open space, and other features such that each phase fulfills the purposes and objectives of the Development and the HC-PUD chapter of the Zoning Ordinance, in the event that future phases are delayed or are not constructed.

(s) Review by Site Plan Review Committee.

(i) The PUD plan for the Development shall be subject to review and approval by the Site Plan Review Committee as to matters referred to the Committee herein and as to other matters with respect to the Development that may be referred to it by the Planning Commission or the Township Board. Such review by the Committee shall be guided by the provisions of Chapter 26, with respect to site plan review and Chapters 14 and 22A with respect to the applicable PUD requirements.

(ii) It is recognized that a development of the scope and complexity of this Development may require adjustment in certain of the regulatory provisions herein, once changes in the land and proposed building construction are further designed or after work at the site has commenced. The Township Board desires that such adjustments of a minor character or which are

made necessary by minor conditions not known at the time of adoption of this ordinance be considered in a timely manner, consistent with established Township procedures.

Accordingly, the Site Plan Review Committee may consider and approve minor adjustments and minor modifications in the terms hereof, if such adjustments or modifications would not be material or significant in relation to the entire Development; provided, however, that such action on the part of the Site Plan Review Committee shall not include major changes in the Development or other matters included only within the legislative authority of the Township Board, other than as delegated herein. To assist in a determination as to whether particular adjustments or modifications would qualify as only minor changes in the Development, for purposes of this subparagraph, members of the committee may confer informally with the Township Supervisor. Alternatively, if desired, the Site Plan Review Committee may refer such proposed adjustments or modifications to the Planning Commission, for decision.

(t) Amended PUD Plan. The applicant has submitted a schematic drawing of the proposed Development, dated March 11, 2016. While the legend on the schematic drawing states in general some of the applicable required dimensions, the drawing itself does not show building setbacks, width of driveways, width of parking-area maneuvering lanes, separation distances between buildings and other dimensions. All of such detail, and other detail, including building dimensions, is required to be included in a PUD plan. Accordingly, the applicant shall revise and augment the schematic drawing of March 11, 2016, by preparing and providing to the Township for review, a PUD plan that includes all of the required dimensions and other detail required to be included in the PUD plan under the terms of Chapters 22A and 14 of the Zoning Ordinance.

Section 3. **Township Board Findings**. The Township Board determines that the Development satisfies the purposes of the HC-PUD District, as stated in Section 22A.1 of the

Zoning Ordinance; the purposes of the North East Beltline Overlay District, as stated in Section 23.1 of the Zoning Ordinance; and the standards for approval of all PUDs, including, but not limited to, the following:

(a) The Development will result in a recognizable and substantial benefit to the ultimate users of the Development and to the Township and the public, where such benefit would otherwise be unfeasible or unlikely to be achieved.

(b) The Development will not result in a material increase in the need for public services, facilities and utilities or place a material burden upon the subject or surrounding land or the natural environment. While the construction and use of the Development would result in an increase in occupied building area, improvements in the utility systems serving this location are adequate to provide the necessary services for the additional building construction and use.

(c) The Township Comprehensive Land Use Plan serves as a guide for anticipated growth in a manner that is logical, aesthetically pleasing and economical. The Development is consistent with the goals and policies of the Comprehensive Plan, in view of the growth and land use changes that have occurred in the area and inasmuch as the Development will serve the future needs of the Township and the area through unified and carefully-controlled development.

(d) The Development will not result in significant adverse effects upon nearby or adjacent lands, and will not change the essential character of the surrounding area.

(e) The Development is designed and laid out to preserve natural resources and natural features to the fullest extent possible.

(f) The Development would be under such ownership or control that there would be identifiable entities having responsibility for completion of the Development in compliance with zoning ordinance requirements.

(g) The Development would be consistent with the public health, safety and general welfare. The conditions set forth herein with regard to the Development are determined to be those conditions which are necessary to insure that public services and facilities affected by the Development will be capable of accommodating increased public service demands caused by the Development, to protect the natural environment and to conserve natural resources and energy, to insure compatibility with adjacent land uses and to promote the use of land in a socially and economically desirable manner.

(h) Safe and efficient traffic flow will be maintained on adjacent nearby and internal streets once the Development has been established.

Section 4. **Enforcement.**

(a) The Township may enforce the provisions of this ordinance and applicable provisions of the Zoning Ordinance, construction code and other ordinances, laws and regulations to the extent and in any manner provided by law. In the event that the applicant shall fail to carry out, either at all or on a timely basis, any provision or requirement of this ordinance or other applicable law, ordinance or regulation, the Township may through its building official or other Township agency issue and post a stop work order at the site of any improper or non-complying part of the Development, directing that all further construction of such part of the Development be ceased forthwith, pending compliance with any applicable provisions of this ordinance or of other Township ordinances, regulations or state laws.

(b) Upon the issuance of any stop work order, the applicant shall comply fully therewith without delay. Upon the correction of any matters as to which the stop work order was issued, the Township shall promptly rescind and remove the stop work order, whereupon the applicant may again proceed with construction or other permissible activity as to the Development.

The issuance and posting of any stop work order shall not be an exclusive remedy, but may be undertaken by the Township in addition to all other lawful means of enforcement.

Section 5. **Publication/Effective Date**. This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: Merchant, Pierangeli, Robinette, VanDyke, VanPopering, Wall

NAYS: Members: None

ORDINANCE DECLARED ADOPTED.

Michael J. DeVries, Supervisor
Charter Township of Grand Rapids

Edward J. Robinette, Clerk
Charter Township of Grand Rapids

First Reading: April 5, 2016

Second Reading: May 3, 2016

Ordinance Becomes Effective: May 22, 2016

STATE OF MICHIGAN)
) ss.
COUNTY OF KENT)

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Grand Rapids at a public meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Edward J. Robinette, Clerk
Charter Township of Grand Rapids