

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 4th day of December, 2018, at 7:00 p.m.

PRESENT: Christopoulos, DeVries, Pierangeli, Robinette, Van Dyke, Van Popering, Yeiter

ABSENT: None

The following ordinance was offered by Member Yeiter and supported by Member Pierangeli.

ORDINANCE NO. 523

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

**[Franklin Partners Planned Unit Development – 3300,
3450 and 3590 East Beltline Avenue NE]**

THE CHARTER TOWNSHIP OF GRAND RAPIDS ORDAINS:

Section 1. **Planned Unit Development.** The Zoning Ordinance of the Charter Township of Grand Rapids is hereby amended by the amendment of Section 3.3 thereof, the zoning map, to rezone the following described lands from the SR Suburban Residential District to the R-PUD Residential Planned Unit Development District (PUD) in accordance with the Development Plan of the Franklin Partners Planned Unit Development, subject to all of the terms and conditions of this ordinance:

41-14-02-101-001 - PART NWFRL 1/4 COM 577.5 FT S ALONG W SEC LINE
& 455.27 FT E FROM NW COR OF SEC TH NLY TO A PT 450.0 FT E
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TO A PT 234.52 FT S 88D 26M 57S E ALONG N SEC LINE FROM NW COR
OF SEC TH S 01D 33M 03S W 33.0 FT TH S 35D 05M 23S W 215.96 FT TH S
01D 19M 57S W 297.29 FT TH S 88D 40M 03S E 50.0 FT TH S 01D 19M 57S

W TO A LINE EXT E FROM A PT ON W SEC LINE LWHICH IS 577.5 FT S FROM NW COR OF SEC TH E TO BEG * SEC 2 T7N R11W 4.62 A.

41-14-02-101-002 -PART NWFRL 1/4 COM AT NW COR OF SEC TH S 88D 26M 57S E ALONG N SEC LINE 234.52 FT TH S 35D 05M 23S W 255.55 FT TH S 01D 19M 57S W 297.29 FT TH S 88D 40M 03S E 50.0 FT TH S 01D 19M 57S W 513.26 FT TO BEG OF THIS DESC - TH SLY 94.71 FT ALONG A 5849.58 FT RAD CURVE RT /LONG CHORD BEARS S 01D 47M 47S W 94.71 FT/ TH N 87D 44M 23S W 50.0 FT TH SLY 182.86 FT ALONG A 5799.58 FT RAD CURVE RT /LONG CHORD BEARS S 03D 09M 48S W 182.85 FT/ TH S 04D 04M 00S W TO A LINE BEARING S 88D 26M 57S E FROM A PT 1500.0 FT SLY ALONG W SEC LINE FROM NW COR OF SEC TH S 88D 26M 57S E TO A PT 450.0 FT E /MEAS PAR WITH N SEC LINE/ FROM FORMER E LINE OF EAST BELT LINE AVE /100 FT WIDE/ TH N PAR WITH SD FORMER E LINE 700 FT TH W PAR WITH N SEC LINE TO A LINE BEARING N 01D 19M 57S E FROM BEG TH S 01D 19M 57S W TO BEG * SEC 2 T7N R11W 5.47 A.

41-14-02-101-003 - PART NWFRL 1/4 COM AT NW COR OF SEC TH S 88D 26M 57S E ALONG N SEC LINE 234.52 FT TH S 01D 33M 03S W 33.0 FT TH S 35D 05M 23S W 215.96 FT TH S 01D 19M 57S W 297.29 FT TH S 88D 40M 03S E 50.0 FT TH S 01D 19M 57S W 513.26 FT TH S 01D 47M 47S W 94.71 FT TH N 87D 44M 23S W 50.0 FT TH S 03D 09M 48S W 182.85 FT TH S 04D 04M 00S W 644.35 FT TH S 85D 56M 00S E 20.0 FT TH S 04D 04M 00S W 275.0 FT TH S 85D 56M 00S E 20.0 FT TH S 04D 04M 00S W TO N LINE OF S 375 FT OF NWFRL 1/4 TO BEG OF THIS DESC - TH E ALONG SD N LINE TO E LINE OF W 660 FT OF NWFRL 1/4 TH S ALONG SD E LINE TO E&W 1/4 LINE TH E TO SE COR OF W 1/2 NWFRL 1/4 TH N TO NE COR OF W 1/2 NWFRL 1/4 TH W TO A PT 450.0 FT E FROM NW COR OF SEC TH SLY 577.5 FT TO A PT 577.5 FT S ALONG W SEC LINE FROM NW COR OF SEC & 455.27 FT E FROM W SEC LINE TH W TO A LINE BEARING S 01D 19M 57S W FROM A PT 50.0 FT S 88D 40M 03S E & 297.29 FT S 01D 19M 57S W & 215.96 FT S 35D 05M 23S W & 33.0 FT S 01D 33M 03S W & 234.52 FT S 88D 26M 57S E FROM NW COR OF SEC TH S 01D 19M 57S W TO A LINE BEARING E PAR WITH N SEC LINE FROM A PT 800 FT S ALONG W SEC LINE FROM NW COR OF SEC TH E PAR WITH N SEC LINE TO A PT 450.0 FT E PAR WITH N SEC LINE FROM FORMER E LINE OF EAST BELTINE /100 FT WIDE/ TH S PAR WITH SD HWY 700 FT TH W PAR WITH N SEC LINE TO A LINE BEARING S 04D 04M 00S W FROM A PT 182.85 FT S 03D 09M 48S W & 50.0 FT N 87D 44M 23S W & 94.71 FT S 01D 47M 47S W & 513.26 FT S 01D 19M 57S W & 50.0 FT S 88D 40M 03S E & 297.29 FT S 01D 19M 57S W & 215.96 FT S 35D 05M 23S W & 33.0 FT S 01D 33M 03S W & 234.52 FT S 88D 26M 57S E FROM NW COR OF SEC TH S 04D 04M 00S W TO A PT 644.35 S 04D 04M 00S W FROM A PT 182.85 FT S 03D 09M 48S W & 50.0 FT N 87D 44M 23S W & 94.71 FT S 01D 47M 47S W & 513.26 FT S 01D 19M 57S W & 50.0 FT S 88D 40M 03S E & 297.29 FT S 01D 19M 57S W & 215.96 FT S 35D 05M 23S W & 33.0 FT S 01D 33M 03S W & 234.52 FT S

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85D 56M 00S E 20.0 FT TH S 04D 04M 00S W TO BEG * SEC 2 T7N R11W
62.04 A.

In case of conflicts or any discrepancies between any part of the 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 R-PUD District, in accordance with the Development Plan of the Franklin Partners 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 October 26, 2018, 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 thereof, 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.** The Development shall be constructed and used only for a mixed-use development consisting of only the following:

(i) The Watermark residential community (“Watermark”), consisting of 20 multi-family buildings, each consisting of up to 16 dwelling units, for residential use only; and

(ii) A future residential community consisting of any of the permitted land uses in the R-PUD District stated in Section 15.2 of the zoning ordinance and/or any of the land uses in the R-PUD District stated in Section 15.3, which are subject to specific authorization

by the Township Board; all such land uses and the components thereof shall be subject to Township approval of a major amendment of this ordinance, as more fully stated below.

(d) Watermark Buildings.

(i) Watermark shall consist of 20 multi-family apartment buildings, each consisting of up to 16 residential dwelling units, for a total of up to 320 residential apartment dwelling units, located as shown on the Plan.

(ii) Inasmuch as each of the buildings in Watermark is proposed to include more than four dwelling units, the floor area of each unit within the buildings shall exceed, by at least 25%, the minimum floor area specified for a multi-family dwelling unit in the R-PUD District as stated in Section 15.6.2.c. Accordingly, each one-bedroom dwelling unit shall have an area of at least 937.5 square feet; each dwelling unit having two or more bedrooms shall have at least 1,075 square feet. The typical floor plans submitted by the applicant shall be revised to indicate such required minimum floor areas.

(iii) In addition, the Watermark buildings and site shall include a community clubhouse building with outdoor swimming pool, a maintenance garage, a community green for use by residents and their guests, off-street parking lots, a boulevarded entrance driveway off Four Mile Road and a private street entrance off East Beltline Avenue, together with gates controlling vehicle access to the apartment buildings from Four Mile Road and from East Beltline Avenue. The Plan shall be amended to change the current "public green" title to "community green" or to some other title indicating that the space is intended as non-public.

(iv) The Watermark improvements, features and amenities shall be located as shown on the Plan, except as otherwise required by this ordinance. The buildings

shall not exceed a height of 35 feet. There shall be motor vehicle access routes to Watermark: (1) a divided driveway entrance off Four Mile Road and (2) a private street extending northeasterly off the existing driveway entrance at East Beltline Avenue, and connecting with a driveway extending north into a southerly entrance to Watermark, as shown on the Plan. The private street extending off the current East Beltline Avenue driveway shall comply with Township private street requirements, including construction requirements; the right-of-way thereof shall be at least 40 feet wide, and the paved portion of the private street shall be at least 26 feet wide. The radius of the cul-de-sac at the northeasterly end of the private street shall have a length in compliance with Township requirements.

(v) The Watermark 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.

(vi) The Watermark buildings shall be set back at least 65 feet from the nearest right-of-way line of Four Mile Road; the Plan shall be revised to indicate this building setback.

(vii) The Watermark buildings shall be of only two stories each. The exterior of the buildings and the finished surfaces thereof shall be as shown in the renderings submitted with the application for the rezoning of the lands.

(viii) Of the 320 Watermark apartment units, up to 120 may be one-bedroom units, up to 160 may be two-bedroom units and up to 40 may be three-bedroom units, but the mix of these types of apartment units may be varied, so long as sufficient off-street vehicle parking spaces are provided in accordance with this ordinance and Chapter 28 of the

Township zoning ordinance, and so long as correspondingly required public water supply and public sanitary sewer service are provided.

(e) Watermark Access Routes; Off-Street Parking and Loading.

(i) The Watermark access driveway off Four Mile Road shall be subject to the approval of the County Road Commission as to location and configuration. Any required deceleration lanes and other required elements of the driveway entrance shall be designed and constructed at the expense of the applicant, subject to County Road Commission approval.

(ii) The Watermark access driveway from East Beltline Avenue shall be a private street, constructed in accordance with Township private street requirements. It shall commence, at its southerly end, off the existing and improved driveway entrance off East Beltline Avenue, at the location shown on the Plan. The private street shall terminate in a cul-de-sac, as shown on the Plan, and at that point shall connect with a paved driveway at least 24 feet wide and extending into Watermark from the south, as shown on the Plan.

(iii) The off-street parking spaces and loading areas, 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 County Road Commission for commercial driveways. All driveways and vehicle parking areas shall be finished with an asphalt surface having a minimum thickness of 3.5 inches.

(iv) The off-street parking areas, sidewalks and internal access drives shall be maintained in good condition, free from dust, trash and debris, and they shall be kept reasonably clear of snow and ice during winter weather conditions.

(v) At least 694 off-street parking spaces shall be provided; all parking spaces required for the full occupancy of each respective building shall be constructed and made available for use not later than the date of approved occupancy of the building. Of the 694 parking spaces, at least 230 spaces shall be located in entirely covered garages, at least 90 spaces shall be located in roofed carports and the remaining 374 spaces may be surface parking spaces, including not more than 200 spaces in driveways. In accordance with Section 15.6.3, each surface parking space shall be located within 200 feet of the apartment dwelling unit that it is intended to serve.

(1) Of the above-stated number of off-street parking spaces, the required number thereof shall be barrier-free, and shall be so designed in accordance with applicable requirements.

(2) The Plan shall be amended to indicate the location, length and width of typical surface parking spaces located in driveways.

(3) Off-street loading spaces, for deliveries and related purposes, shall be designated on the Plan and shall be subject to the approval of the Site Plan Review Committee.

(4) All aspects of the off-street parking and loading spaces shall comply with Chapter 28 of the zoning ordinance. Each parking space shall be at least nine feet wide and 18 feet long. Maneuvering aisles shall be at least 24 feet wide.

(5) 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, with a minimum setback of 25 feet between any parking lot and the East Beltline Avenue right-of-way.

(vi) As shown on the Plan, the gates controlling motor vehicle access to Watermark shall be located (1) at two locations on the east-west internal drive located parallel to Four Mile Road, and (2) on the north side of the cul-de-sac of the private street extending off East Beltline Avenue and into Watermark at its south line. The gates shall be designed and operated such that only Watermark residents and their approved guests and other approved persons may enter Watermark through the gates. The installation and the use and operation of the proposed gates shall be subject to the review and approval of the Township fire chief as to access by fire department vehicles and other 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 Watermark by means of any entrance gate, or with respect to any other aspect of emergency access, in such circumstances whereby first responders or other emergency personnel may utilize forced entry to gain access to Watermark, and whereby such emergency personnel may utilize any gated entry for exit from Watermark. 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 Watermark.

(f) Sidewalks; Non-Motorized Trail.

(i) Sidewalks shall be constructed and located in Watermark 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 of sidewalks shall comply with Township specifications for the same.

(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 East Beltline Avenue frontage and the entire length of the Four Mile Road frontage of the Development. 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, throughout its entire length. 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, and if the Township agrees to do so, 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. The trail along the East Beltline Avenue frontage of the Future Phase shall be constructed at the same time as the trail along the Watermark street frontage on East Beltline Avenue and Four Mile Road, unless the Township permits later construction of the trail along the Future Phase frontage.

(v) There shall be a landscaped parkway of at least 10 feet in width between the pavement of East Beltline Avenue and the trail; provided, however, that the specific location of the trail along the East Beltline Avenue frontage shall be subject to the approval of the Michigan Department of Transportation, including the setback of the trail from the traveled portion of East Beltline Avenue, and provided further that the specific location of the trail along the Four Mile Road frontage shall be subject to the approval of the Kent County Road Commission, including the setback of the trail from the traveled portion of Four Mile Road. The trail shall be designed and constructed in accordance with Township Ordinance No. 473 pertaining to public pedestrian pathways.

(vi) If, at the time the trail is required to be constructed, inclement weather conditions intervene, then such construction may be deferred until suitable weather conditions are first available.

(vii) The above described trail easement shall be in form and content satisfactory to the Township. The proposed easement document shall be submitted to the Township attorney prior to recording and shall be subject to the attorney's approval, consistent with this Ordinance. It shall be signed by all owners of the affected lands, including mortgagees and holders of any other interests therein. If requested, the applicant shall submit a certified last

owner of record search covering such portions of the Development property, so as to establish the correct identity of all of the then-owners and other interest-holders of the lands comprising the easement. After recording, the applicant shall promptly submit to the Township a copy of the instrument as recorded. The easement shall be prepared and recorded not later than a date directed by the Township, but in the absence thereof, not later than the issuance of the construction permit for the first building to be constructed in Watermark.

(viii) 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 zoning office.

(ix) The site plan shall be revised to indicate the approved location and width of the non-motorized trail easement and the width of the non-motorized trail itself within the easement.

(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) Applicant 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 for the Development. 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 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) 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 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.

(iv) The storm water drainage system shall also comply with the other requirements stated in the Township Engineer's letter of October 19, 2018, 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 in Watermark; Open Space in Future Phase.

(i) The Watermark site shall include open space in accordance with Section 15.6.4.a and Section 15.5, with respect to minimum open space requirements for multi-family buildings having more than four dwelling units each and with respect to the requirement that Watermark may have a maximum density of eight dwelling units per acre only if the area of open space is equal to at least 50% of the total area of the Development; for purposes of determining density, the total area of the PUD shall be calculated only in accordance with Section 15.5.3.

(ii) The Plan shall be amended to designate the area and boundaries of the required dedicated open space for Watermark and for the Future Phase. The open space shall be maintained by the applicant or other approved entity, and shall be restricted for the common use of the residents and guests of Watermark.

(iii) The lands and areas to be included in dedicated open space (for other than determining permitted dwelling unit density) shall be as specified in Section 15.6.1.

(iv) The open space allocated to Watermark and the open space allocated to the Future Phase shall, together, comply with Township open space requirements for the entire 70.02-acre area of the PUD, given the number of dwelling units in the PUD and other aspects determining the applicable minimum amount of dedicated open space. Inasmuch as the future phase has not yet been applied for specifically, nor approved through an amendment of

this ordinance, it is anticipated that the currently projected number of dwelling units in the Future Phase may be subject to reduction as a result of the area of street rights-of-way and other features in the Future Phase that are required to be subtracted from gross site area in order to determine the maximum permitted number of dwelling units in the Future Phase and with respect to other applicable requirements.

(v) The applicant shall prepare and submit for Township approval an open space agreement or restrictive covenant, in recordable form, specifying among other matters a legal description of the area to be set aside as common open space and provisions for the permanent maintenance thereof, together with provisions restricting the use thereof in accordance with Section 15.6.1. Upon Township approval of the restrictive covenant or other comparable instrument, the applicant shall record the same with the county register of deeds, and promptly return to the Township a recorded copy thereof. Such instrument shall be recorded not later than the issuance of the first construction permit for any building in Watermark.

(j) East Property-Boundary Fencing. The applicant shall install, maintain, repair and replace a four-foot-high, black vinyl-coated chain-link fence, placed substantially along the east property line of the PUD, extending from the northeast property corner and thence south along the entire east property line to the southeast corner of the PUD. It is understood that the particular placement of the fence at various locations along the east boundary line may need to be varied in order to preserve existing trees along and near that boundary. The entire fence shall be installed not later than the issuance of the certificate of occupancy for the first building to be constructed in Watermark. The installation, maintenance, repair and replacement of the east boundary line fencing shall be an exception to the requirement that dedicated open space areas in the PUD are to be non-developed; the required restrictive covenant with respect to

dedicated open space shall so indicate. In addition, the dedicated open space restrictive covenant (or a separate restrictive covenant signed by all parties in interest) shall require that all current property owners and their successors in interest install, maintain, repair and replace the east boundary-line fencing, so long as the land is developed and used for a residential or other permitted purpose.

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

(l) 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, promptly after issuance.

(m) Grading. The land comprising Watermark and the remainder of the Development shall be graded in accordance with the applicant's schematic utilities and grading plan. [Insert other provisions if any.]

(n) Landscaping and Screening for Watermark.

(i) Landscaping in and for Watermark 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 review and approval of the Township Site Plan Review Committee, under Chapter 29 of the Zoning Ordinance 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. The applicant's landscape plan shows greenbelt landscaping and existing landscaping along the westerly boundary of Watermark and the northerly boundary along Four Mile Road. The plan includes detail as to the types and numbers of trees and shrubs included in the greenbelt. The minimum height of trees and other landscaping when planted is subject to modification by the Site Plan Review Committee if motor vehicles parked in an adjacent or nearby off-street parking area would not be sufficiently screened by either proposed plantings or existing preserved vegetation.

Under Section 29.7 of the zoning ordinance, a greenbelt shall be provided for the Watermark multi-family use if the use abuts a residential zoning district. The required greenbelt shall 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, in accordance with zoning ordinance requirements.

(iii) Front yard landscaping is required along the Four Mile Road frontage of Watermark, in accordance with Chapter 29 of the zoning ordinance; provided, however, that the applicant shall plant and maintain, and where necessary replace, at least 25% more evergreen trees, at least 25% more deciduous canopy trees and at least 25% more shrubs than are otherwise required for the required front yard landscaping or other required landscaping along the entire Four Mile Road frontage of the Development. The Site Plan Review Committee may evaluate and determine whether such additional landscaping, or whether some lesser increase in landscaping, is appropriate in the area of the northeast corner of the Development, in view of apparent trees and other vegetation now located and proposed to be preserved at that location.

(iv) All landscaping within Watermark, including greenbelt areas, off-street parking areas and otherwise within Watermark, 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 Watermark 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.

(o) Wetland Areas. The Plan shows wetland areas within the Development, including within the expected total site area of Watermark. The applicant shall obtain and submit a calculation of the total area of all wetlands within the Development, for purposes of calculating maximum permitted dwelling unit density allocable to Watermark. The applicant shall obtain all necessary wetland permits or other required approvals from the Michigan Department of Environmental Quality.

(p) Outdoor Lighting. Outdoor lighting in Watermark shall be installed at the applicant's expense in accordance with Section 4.22 and Section 23.6 of the zoning ordinance. An outdoor lighting plan, including a photometric plan, shall be submitted and shall be subject to the approval of the Site Plan Review Committee.

(q) Signage.

(i) No signage plan or other information concerning proposed signs in Watermark has been submitted. All signage shall be subject to the sign requirements for the R-PUD District and the North East Beltline Overlay District.

(ii) The applicant shall submit a signage plan for Watermark. It shall include ground signs, wall signs and other signs, consistent with Township requirements. The signage plan shall be subject to the approval of the Site Plan Review Committee.

(iii) No sign identifying Watermark or otherwise relating to Watermark shall be permitted at or near the East Beltline existing driveway; provided, however, that only a directional sign, subject to Site Plan Review Committee approval as to size, height, placement and appearance, may be installed and maintained at the point where the East Beltline Avenue private street first extends northeasterly off the existing entry driveway from East Beltline Avenue, as shown on the Plan.

(r) 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.

(s) Phasing. The Development may be constructed in phases, the first of them being Watermark and the second designated as a future phase, for land uses permitted by the terms of Section 2(c)(ii) of this ordinance. The Plan shall be revised to show the boundary line between Watermark and the Future Phase.

(t) Future Phase of the Development.

(i) As shown on the Plan, the southerly portion of the Development is designated as a future residential phase (the “Future Phase”), the details of which are unknown at this time.

(ii) The land uses of the Future Phase shall be only as stated in Section 2(c)(ii) of this ordinance.

(iii) The Future Phase, once the applicant has submitted an application for it and a revised PUD plan, shall be subject to the consideration and adoption of a major amendment in this ordinance, following the same type and extent of public notice as is required for the original consideration of a PUD, including Planning Commission public hearing, Township Board public hearing and adoption of a PUD ordinance.

(iv) The permitted features of the Future Phase and the Township requirements applicable to them, including among other matters, the required amount of open space and permitted maximum dwelling unit density, shall be subject to the completion and Township approval of Watermark. It is expected, for example, that the necessary area of land included in Watermark, both for authorized improvements and for required dedicated open space, will correspondingly impact the area available for the Future Phase, including the area available for authorized improvements and required dedicated open space for the Future Phase.

(v) The Plan shall be revised to include an established boundary between Watermark and the Future Phase, whereby the required area of open space and up to the maximum permitted dwelling unit density is allocated to Watermark, based on Township requirements, with the remaining area designated for the Future Phase.

(vi) The area comprising the Future Phase, as shown on the Plan, shall be sufficient to accommodate all required open space, given the required maximum dwelling unit

density as specified for the R-PUD District, such density being calculated in accordance with Section 15.5 of the zoning ordinance, and taking into account the amount of required open space necessary to permit the maximum dwelling unit density (or such lesser density as may be proposed by the applicant) of that part of the Development allocated to Watermark.

(vii) The non-motorized trail along East Beltline Avenue described in Section 2(f) shall be constructed and be ready for use along the entire East Beltline Avenue frontage of the Future Phase at the time the entire non-motorized trail for the Development is constructed and ready for use, in accordance with said Section 2(f), including the granting and recording of the easement therefor, except to the extent that construction deferral of the Future Phase portion of the trail as permitted by the Township under the terms of Section 2(f)(iv).

(viii) If desired, at the time of development of Watermark, the applicant may design, construct and place in use such features of Watermark that may necessarily or conveniently be located within the lands allocated to the Future Phase. Such features may include public sanitary sewer and public water supply facilities, storm water control measures, land surface grading, connecting means of access and other matters, though the East Beltline Avenue portion of the non-motorized trail within the Future Phase shall be constructed concurrently with the remainder of the non-motorized trail within the Development, as required by Section 2(s)(vii).

(u) 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 are within the Committee's jurisdiction.

Such review by the Committee shall be guided by the provisions of Chapter 26, with respect to site plan review and Chapters 14 and 15 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 adjustments and modifications in the terms hereof, including variations in proposed dimensions, consistent with applicable zoning ordinance requirements, 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 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.

Section 3. **Township Board Findings.** The Township Board determines that the Development satisfies the purposes of the R-PUD District, as stated in Section 15.1 and Section 13.1 of the zoning ordinance, and also in accordance with Section 23.1 with respect to the North East Beltline Overlay District, 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



Edward J. Robinette, Clerk
Charter Township of Grand Rapids