ZONING ORDINANCE

Cascade Charter Township

Adopted: January 9, 2013
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Effective Date: January 29, 2013

Prepared with the Assistance of
Clearzoning, Inc.
www.clearzoning.com

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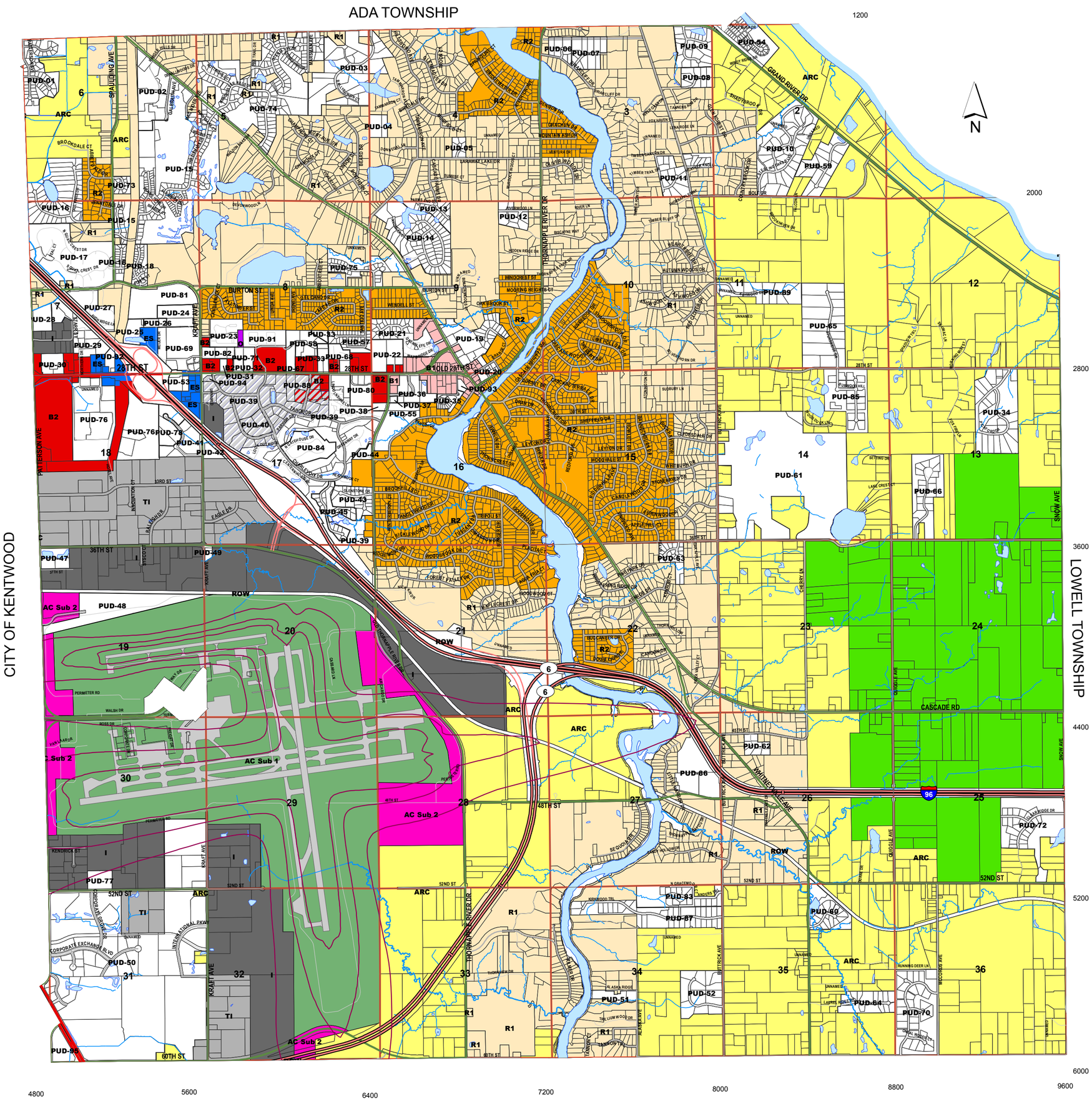
Cascade Charter Township

Kent County, Michigan July 2016

Official Zoning Ordinance Map



Legend

- Airport Noise Contours 2005
- FP, Farmland Preservation
- ARC, Agriculture Rural Conservation
- TI, Transitional Industrial
- I, Industrial
- R1
- R2
- B2, General Business
- B1, Village Business
- ES, Expressway Service
- O, Office
- Airport Commerce Sub Zone 1
- Airport Commerce Sub Zone 2
- Centennial Park Overlay Zoning District*

* Includes Underlying Zoning Distrcits PUD 39, PUD 40, PUD 88 and B2

Planned Unit Development List

1-Eastmont Meadows - #2 0f 1992, #6 of 1999
2-Golfview Office Park - #9 of 1999
3-Tammarron North - #10 of 1989, #9 of 1994
4-Fountain Estates - #4 of 1991
5-Timbers - #2 of 1991
6-Briarcliff Acres - #13 of 1993, #6 of 1998
7-Winsfield - #15 of 1992
8-Loral Pines - #9 of 1991
9-Old Elm - #24 of 1994
10-Highgrove - #23 of 1994
11-Timber Canyon Estates - #7 of 1991
12-Riverwood #10 of 1988
13-Cascade Lakes Plat #2 of 1996, #1 of 1997
14-Cascade Lakes - #10 of 1995, #10 of 1999
15-Watermark - #10 of 1997, #8 of 2003
16-Talll Pines - #16 of 1994
17-Quail Crest - #2 of 1983, #12 of 1995
18-Burton Pointe - #14 of 1990, #9 of 1996
19-Thornapple Centre - #3 of 1992, #1 of 2001
20-Cascade Christian Church - #15 of 1994
21-Grenelefe - #9 of 1985, #9 of 2000
22-Cascade East - 1978
23-Chatam Woods - 1972
24-MVP - #10 of 2006
25-Home Design Center - #6 of 1988, #3 of 1993
26-Spruce Meadows - #4 of 1994, #1 of 2007
27-Highridge - #4 of 1989, #16 of 2000
28-Patterson Ice Center - #10 of 1994
29-I-96 Office Park - #11 of 1984, #12 of 1987
30-Sports and Recreation - #4 of 1995
31-Burger King - 1981
32-Esplanade - #6 of 1986, #20 Of 2000
33-Thornapple Land Company - 1979
34-Crestwood Hills - #4 of 1997
35-Summit - #11 of 1990, #5 of 1999
36-Noto - #13 of 1995
37-Kitchens By Stephanie - #13 of 1989
38-Northern Benefits - #15 of 1995
39-Centennial Park - 1973, #3 of 2013
40-Sunrise Senior Living - #12 of 2005
41-Glenwood Hills - #5 of 1986
42-Glenwood Hills #2 - #5 of 1986
43-Thornapple Estates - #9 of 1989, #7 of 1998
44-Heathmoor - #8 of 1991
45-Meadowood Trails - #5 of 1989, #9 of 1998
46-Grooters 36th St - #14 of 1992
47-Patterson 36th St - #8 of 1982
48-KCRC Facility - #7 of 1988
49-LeTourneau - #6 of 1989
50-Meadowbrooke Business Park - #2 of 1988, #10 of 2003
51-Ridgewood Creek - #2 of 1995
52-Buttrick Country Estates - #18 of 1990, #9 of 2001
53-Signature Inns - #15 of 1987
54-Ada Moorings - #13 of 2003
55-Sentenel Pointe - #6 of 1984, #1 of 2016
56- Open
57-Caravelle Village #7 - #17 of 1995
58-Thornapple Manor - #2 of 1998, #2 of 2004
59-Platinum Falls - #11 of 1998
60-Whitneyville Station - #1 of 1999
61-Quail Ridge - #7 of 1999
62-Thornapple Meadows - #8 of 1999
63-Hunter's Way - #10 of 2000, #1 of 2001
64-Laural Ridge - #14 of 2000
65-Sturbridge Estates - #6 of 2001
66-Bloomington Hills - #7 of 2001
67-East Imports - #1 of 2004, #6 of 2004
68-Caravelle Mixed Use - #2 of 2002, #16 of 2003
69-Meijer/Romano - #11 Of 2002
70-Summerset - #12 of 2002
71-Betten Automotive - #16 of 2002
72-Clear Meadow - #3 of 2003
73-Park Place Condominium - #11 of 2003
74-Manchester Woods/ Stoneshire - #3 of 2004
75-Cascade Pointe - #4 of 2004
76-Waterfall Shoppes - #8 of 2004
77-Spees Realty - #10 of 2004
78-Glenwood Hills Office Park #3 - #9 of 2004
79-Cascade Engineering Corp Office - #14 of 2004
80-Riebel Development - #2 of 2005
81-YMCA - #7 of 2014
82-Kraft St Partners - #8 of 2005
83-Anderson Woods - #9 of 2005
84-Gatehouse
85-Burwood - #2 of 2006
86-Oak Harbor Preserve - #5 Of 2006
87-Anderson Woods Phase II and III - #11 of 2006
88- Spees #3 of 2007
89-Sturbridge Valley - #4 of 2007
90-Sable Valley - #2 of 2013
91-Redwood - #6 of 2013
92-Drury Hotel - #12 of 2014
93-Thornapple Hilltop - #1 of 2015
94-Panera Bread - #2 of 2015
95-5905 Broadmoor - #3 of 2015

Ron Goodyke, Clerk Date

Cascade Township Planning Department
(616) 949-0224

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CHAPTER 1
Title and Legal Basis

Section 1.01 Title:
Title and Legal Basis

Section 1.02 Title:
This Ordinance shall be known and may be cited as the "Cascade Charter Township Zoning Ordinance."

Section 1.03 Legal Basis:
This Ordinance is enacted in accordance with the authority granted townships under the Michigan Zoning Enabling Act (PA 110 of 2006), as amended.

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CHAPTER 2
Purpose and Interpretation

Section 2.01 Title:

Purpose and Interpretation

Section 2.02 Purpose:

The purpose of this Ordinance is to promote the public health, safety, morals and general welfare in and of the Township; to encourage the use of lands and natural resources in the Township in accordance with their character and adaptability; to limit and discourage the improper use of lands, buildings and other structures; to provide for the orderly development of the Township; to reduce hazards to life and property; to establish the location and size of and the specific uses for which dwellings, buildings and other structures may be erected, altered or moved into the Township; to regulate the minimum open spaces, sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures; to lessen congestion on the public roads, streets and other public places; to provide safety in traffic and in vehicular parking; to facilitate the development of adequate systems of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements; and to conserve life, property values and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land resources and properties.

Section 2.03 Interpretation:

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, (except those specifically repealed by this Ordinance), or any private restrictions placed upon property by covenant, deed or other private agreement. Where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage, or requires greater lot areas, or larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations, or permits or by such private restrictions, the provisions of this Ordinance shall prevail.

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CHAPTER 3
Definitions

Section 3.01 Title:

Definitions

Section 3.02 General Interpretation:

For the purpose of this Ordinance, words used in the present tense include the future, words in the singular include the plural number and words in the plural include the singular number. The word "shall" is always mandatory and not merely directory. The phrase "The Township" shall be construed to mean "Cascade Township" in the County of Kent and State of Michigan.

Section 3.03 Definitions:

For the purpose of this Zoning Ordinance certain terms and/or words are defined as follows:

Accessory Building:

A subordinate or supplemental building or structure or portion of a main building, not involving human occupancy, located on the same lot or parcel of land as the main building or buildings, the use of which is incidental or secondary to that of the main building. Where an accessory is attached to a main building such accessory building shall be deemed a part of the principal building for the purposes of determining compliance with the yard area, and setback requirements of the zoning district in which it is located.

Accessory Use:

A use naturally and normally incidental to the primary use of the land or building.

Adult Cabaret:

A nightclub, bar, restaurant, or other establishment that features or displays:

1. Live performances predominately characterized by an emphasis on the exposure of any specified anatomical area or by any specified sexual activity; or
2. Films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media predominately characterized by an emphasis on the depiction or description of any specified sexual activity or any specified anatomical area. (This definition amended by Ord. #5 of 2001)

Adult Day Care Facility:

An establishment having as its principal function the receiving of one (1) or more persons 18 years of age or older for the provision of supervision, personal care and protection for periods of less than 24 hours a day, four or more days a week for two or more consecutive weeks. Adult day care facilities may be further defined as follows:

1. ***Adult Day Care Center:*** A facility other than a private residence, receiving more than six adults for group care periods of less than 24 hours a day.
2. ***Adult Family Day Care Home:*** A private residence in which one but less than seven adults are given care and supervision for periods of less than 24 hours a day except adults related to the family by blood, marriage or adoption.
3. ***Adult Family Group Day Care Home:*** A private residence in which more than six but not more than 12 adults are given care and supervision for periods of less than 24 hours a day except adults related to the family by blood, marriage or adoption
4. Adult day care facilities do not include adult foster care facilities or child care organizations as defined in this Chapter.

Adult Foster Care Facility:

An establishment having as its principal function the receiving of persons 18 years of age or older for the provision of supervision, personal care and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation, as licensed and regulated by the state under Act No.218 of the Public Acts of 1979 and the associated rules promulgated by the State Department of Social Services. Such facilities may be further defined as follows:

1. ***Adult foster care camp*** or ***adult camp***: An adult foster care facility with the approved capacity to receive more than 4 adults who shall be provided foster care. An adult foster care camp is a facility located in a natural or rural environment.
2. ***Adult foster care congregate facility:*** An adult foster care facility with the approved capacity to receive more than 20 adults who shall be provided foster care.
3. ***Adult foster care family:*** A private residence with the approved capacity to receive not more than 6 adults

who shall be provided foster care for 5 or more days a week and four or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

4. ***Adult foster care large group home:*** An adult foster care facility with the approved capacity for receive at least 13 but not more than 20 adults who shall be provided foster care.
5. ***Adult foster care small group home:*** An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care.
6. Adult foster care facility does not include any of the following:
   a. Adult day care facilities as defined in this Chapter.
   b. Nursing homes, homes for the aged or hospitals as defined in this Chapter and as licensed under article 17 of the Public Health Code, Act No.368 of the Public Acts of 1978 as amended, or facilities operated under the Mental Health Code and Social Welfare Acts being Act No.258 of the Public Acts of 1974 and Act No.280 of the Public Acts of 1939.
   c. A child care organization as defined in this Chapter if the number of residents who become 18 years of age while residing in the facility does not exceed the following:
      1) Two, if the total number of residents is 10 or fewer.
      2) Three, if the total number of residents is not less than 11 and not more than 14.
      3) Four, if the total number of residents is not less than 15 and not more than 20.
      4) Five, if the total number of residents is 21 or more.
      5) An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care.
      6) A veterans facility created under Act No.152 of the Michigan Public Acts of 1885, as amended.

Adult Merchandise Store:

An establishment that emphasizes merchandise that is predominately distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area. An establishment emphasizes merchandise that is predominately distinguished by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area if any one or more of the following applies to the establishment:

1. 25% of the establishment's retail floor space (i.e. excluding bathrooms, office areas, fitting rooms, eating areas, storage rooms/closets, etc.) is used for the sale of merchandise that is predominately distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area.
2. 25% of the establishment's visible inventory is comprised of merchandise that is predominately distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area.
3. 25% of the establishment's gross revenues are generated by the sale or rental of merchandise that is predominately distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area.
4. The establishment is operated consistent with its being an adult-oriented business (e.g., advertising is directed to an "adult only" market; the establishment self-imposes [or imposes consistent with state or federal law] prohibitions on minors being present in the establishment; segregated areas of the business are devoted predominately to the sale or rental of such merchandise; etc.)
5. The establishment displays merchandise that is predominately distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area such that merchandise is visible to patrons in the store and without cover (as opposed to a situation where a de minimis amount of such merchandise, while available for sale or rental, is covered or otherwise shielded from the view of patrons).

6. A comparison between (i) the establishment's ratio of general product to merchandise that is predominately distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area, and (ii) other retail establishments' ratio of general product to merchandise that is predominately distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area, indicates that the establishment emphasizes merchandise depicting, describing, or relating to any specified sexual activity or any specified anatomical area.
7. An Establishment with a segment or section devoted to the sale or display of Adult Oriented Merchandise. (This definition amended by Ord. #5 of 2001)

Adult Motel:

A hotel, motel or similar establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television (as distinguished from commercial cable services) transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by an emphasis on the depiction or description of any specified sexual activity or any specified anatomical area; or
2. Offers a sleeping room for rent, or allows a tenant or occupant of a sleeping room to sub-rent, for a period of time that is less than ten (10) hours, if the rental of such rooms accounts for more than ten percent (10%) of the establishment's gross revenues. (This definition amended by Ord. #5 of 2001)

Adult-Oriented Business:

A business or commercial establishment engaging in one or more of the following enterprises: (1) adult cabaret; (2) adult merchandise store; (3) adult motel; (4) adult theater; (5) escort agency; (6) nude model studio; and (7) sexual encounter center. (This definition amended by Ord. #5 of 2001)

Adult Theater:

A theater, concert hall, auditorium, or similar establishment which regularly features live performances predominantly characterized by an emphasis on the exposure of any specified anatomical area or by any specified sexual activity or which regularly or primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media predominantly characterized by an emphasis on the depiction or description of any specified sexual activity or any specified anatomical area. This definition includes, without limitation, establishments which offer individual viewing booths. (This definition amended by Ord. #5 of 2001)

Aeronautical:

Any and all acts or matters which treat or deal with flight in space. (This definition added by Ord. #10 of 2002)

Agriculture:

The cultivation, raising, and storage of crops, animals and animal products carried out by a farming operation or on a farm as defined in this Chapter.

Airport:

An area of land that is used for or incidental to the landing, take off and parking of aircraft, including buildings and facilities. For the purposes of this definition airport related buildings and facilities may include control towers, passenger terminal buildings, fixed base operators, hangars, rental car facilities, aircraft fueling facilities, air cargo facilities, fire and rescue equipment and facilities, visual and electronic navigational aids, meteorological equipment and stations, airport maintenance facilities and buildings, automobile parking for employees and passengers, viewing areas and contiguous reserve land held for such uses and purposes.

Alley:

A public or private right-of-way not more than sixty-five (65) feet in width and not less than twenty (20) feet in width which provides a secondary means of access to an abutting lot or parcel of land but which is not intended for general traffic circulation.

CHAPTER 3
Definitions

Alteration:

Any change in the supporting members of any building or structure including, but not to the exclusion of, other supporting members, bearing walls, columns, posts, beams, girders and any architectural change of the interior or exterior which may affect the structural integrity of the building.

Antenna:

An antenna is any fixture or apparatus located outdoors, which is designed or utilized to transmit or receive radio, microwave, television, or similar waves, signals or electrical impulses. The term "antenna" shall include, but shall not be limited to, television antennas, citizen's band radio antennas, amateur radio antennas, and satellite dishes.

Apartment Building:

See “Dwelling-Multiple Family” as defined by this Chapter.

Automobile Repair - Major:

General repair, rebuilding, or reconditioning of engines, motor vehicles or trailers, collision service, including body repair and frame straightening; painting and upholstering; vehicle steam cleaning and undercoating.

Automobile Repair - Minor:

Minor repairs, incidental replacement of parts, and motor service to passenger automobiles and trucks not exceeding two (2) tons capacity, but not including any operation specified under “Automobile Repair-Major”.

Automobile Salvage:

The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled or wrecked vehicles or their parts.

Automobile Service Station:

A commercial enterprise which in addition to the dispensing of vehicular fuels offers to perform, as an accessory use, minor automobile maintenance, service or repair including but not limited to the sale and installation of lubricants, tires, batteries and similar accessories for automotive vehicles by station owner representatives. Customers dispensing of motor fuels at specified pump islands may also be available at such a commercial enterprise. The incidental sale of merchandise such as convenience foods, snacks and sundries not related to the maintenance, service or repair of automotive vehicles is available provided it does not provide more than 40 percent of the facilities gross annual revenues. Automobile service stations do not include major automobile maintenance, service or repair or bulk fuel distributing. (This definition amended by Ordinance #9 of 1993.)

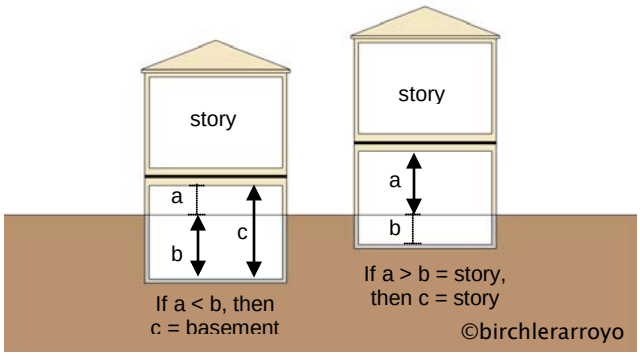
Automobile Wash Establishment (Also referred to as Car Wash Establishments):

A building, or portions thereof, the primary purpose of which is that of washing motor vehicles, either manually or automatically.

Basement:

A portion of a building located totally below, or partly below and partly above grade, where the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling. (See Figure 3-1)

Figure 3-1
BASEMENT



Bed & Breakfast Establishment:

A private residence that offers sleeping accommodations to lodgers in fourteen (14) or fewer rooms for rent, in the innkeeper's (owner or operator) principal residence while renting rooms to lodgers; and serves breakfasts at no extra cost to its lodgers. For the purpose of this definition, a lodger means a person who rents a room in a bed and breakfast establishment for fewer than thirty (30) consecutive days.

Billboards:

See “Signs” as defined by this Chapter.

Board or Township Board:

The Cascade Charter Township Board of Trustees.

Boarding House:

Also referred to as a lodging house, rooming house, fraternity house, sorority house of dormitory. A dwelling having one kitchen and used for the purpose of providing lodging, or lodging and meals, for pay or compensation of any kind on a weekly or longer basis to more than two persons other than members of the family occupying such dwellings.

Brew Pub:

A facility at which beer, ales or other similar beverages are manufactured and primarily consumed on site. The volume of production may not exceed 5,000 barrels a year. (Ord No 11 of 2014)

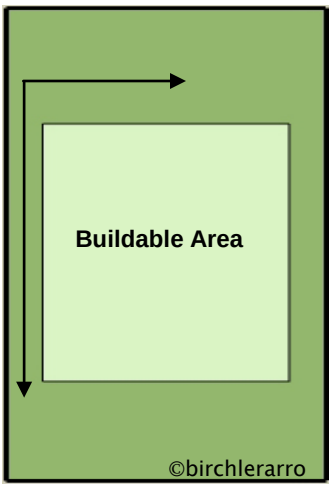
Bufferyard:

A natural or planted landscape area located along the perimeter of a required front, side or rear yard setback, containing a specified minimum number of trees, shrubs, bushes, grasses and other approved live vegetation and/or other approved material designed to eliminate or minimize land use conflicts between adjoining properties. (Added by Ordinance #14 of 1989).

Buildable Area:

The area of a lot or parcel excluding required yard setbacks and open space areas. (See Figure 3-2)

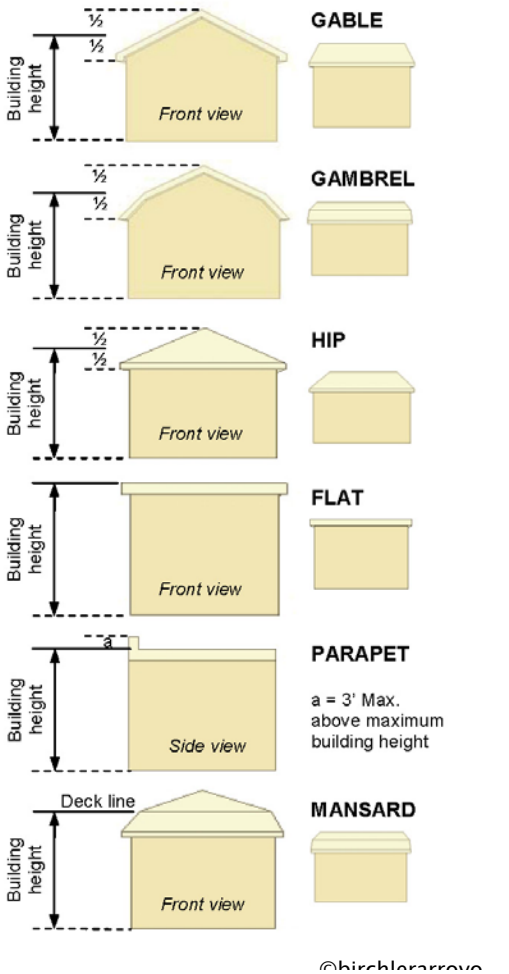
Figure 3-2
BUILDABLE AREA



Building:

Any structure which is constructed or erected, either temporary or permanent, having a roof intended to be impervious to weather, supported by columns, walls, or any other supports, which is used for the purpose of housing, storing, or enclosing persons, animals, or personal property or conducting business activities or other similar uses. The definition includes tents, awnings, and vehicles situated on private property and serving in some way the function of a building, but not including screened enclosure not having a roof impervious to weather.

Figure 3-3
BUILDING HEIGHT



Building – Main or Principal:

A building in which is conducted the principal or main use of the lot on which it is situated.

Building - Existing:

Any permanent building is considered to be in existence if completed or the foundations of which are complete and is actually under construction when this Ordinance takes effect.

Building Height:

The vertical distance from grade to the top of the highest roof beams of a flat roof, or the mean level of the highest gable or slope of a hip roof. (See Figure 3-3).

Building Permit:

The written authority of the building inspector, issued on behalf of the Township, permitting the construction, moving or alteration, of a building or structure, in conformity with the provisions of this Ordinance and the Township's building code.

Building Setback:

The distance between the lot line, street right-of-way line, or other reference line established by the provisions of Section 4.15, and the nearest point of any building or structure located on a lot or parcel. (See Figure 3-4).

Building Setback Line:

The line situated at ground level being parallel to the street right-of-way line, or property line or other reference line established by the provisions of Section 4.15, which defines the actual distance of the nearest point of a building or structure from a street or property line. (See Figure 3-4)

Building Setback Line, Minimum:

The line situated at ground level, parallel to the street right-of-way line or property line or other reference line established by the provisions of Section 4.15, which defines the area of a lot or parcel within which no part of a building or structure shall project or be located except as otherwise provided by this Ordinance. (See Figure 3-4)

Camp or Campground:

Temporary or permanent buildings, tents, or other structures established or maintained as a temporary living quarter, operated continuously for a period of five (5) days or more for recreation, religious, education, or vacation purposes.

Carport:

Any roofed structure or shelter or a portion of a building open on two (2) or more sides which may or may not be attached to a dwelling, other than an attached or detached garage, used for the purpose of storing motor vehicles.

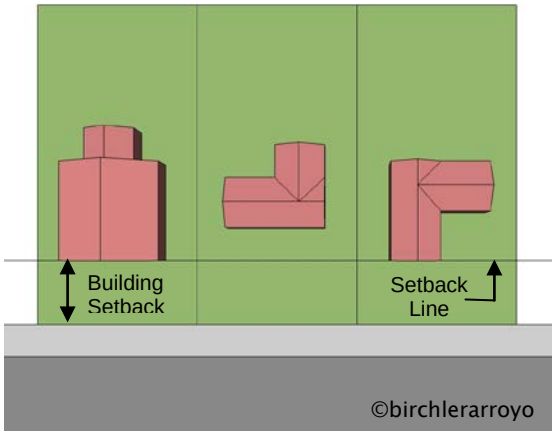
Carwash:

See "Automobile Wash Establishment" as defined in this Chapter.

Certificate of Zoning Compliance:

A permit signifying compliance with the provisions of the Ordinance as to use, activity, bulk, and density and with the requirements of all other development codes and ordinances currently in effect.

Figure 3-4
BUILDING SETBACK LINE



Child Care Organization:

A facility for the care of persons under 18 years of age, as licensed and regulated by the State under Act No. 166 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

1. ***Child care center*** or ***day can center****:* A facility, other than a private residence, receiving more than six (6) pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
2. ***Foster family home****:* A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for four hours a day, four or more days a week, two or more consecutive weeks, unattended by a parent or legal guardian.
3. ***Foster family group home***: A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, four or more days a week, two or more consecutive weeks, unattended by a parent or legal guardian.
4. ***Family day care home***: A private home in which one but less than seven minors are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
5. ***Group day care home***: A private home in which more than six but not more than 12 children arc given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

Church:

A building wherein persons regularly assemble for religious worship or services and which is maintained and controlled by a religious body, group or organization organized to sustain religious worship, services or works together with all accessory buildings and uses customarily associated with such primary purpose. (Ord. No. #10 of 2001)

Commission or Planning Commission:

The Planning Commission for Cascade Charter Township.

Common Open Space:

Any area or space other than required yard areas which is unobstructed and unoccupied by buildings, roads, or other man-made structures and is readily accessible to all those for whom it is required.

Comprehensive Plan, Master Plan, General Development Plan, Basic Plan:

The plan so designated by the Planning Commission which, among other things, conveys land use policy, a major street plan and a plan for public facilities and which is designed to provide and accomplish the objectives of the Michigan Planning Enabling Act (PA 33 of 2008) as amended.

Condominium:

That form of property ownership under which a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the property owners on a proportional, undivided basis.

Contiguous Lot:

A lot which abuts or is separated from another lot (if at all) by a street right-of-way or easement only.

Convalescent Home, Nursing Home or Home for The Aged:

An institutional facility other than a private home or facility defined in this Chapter having as its principle function the provision of care, and supervision of individuals for 24 hours a day and which are licensed under Article 17 of the Public Health Code, Act No. 368 of 1978 as amended.

Department:

The Cascade Charter Township Planning Department.

Developer:

Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing development.

Development or to Develop:

A development includes the construction of any new buildings or other structure on a lot, the relocation of any existing buildings, or the use of a tract of land for any new use. To develop is to create a development.

Director:

The Director of the Cascade Charter Township Planning Department, or his designee. As used herein, "Planning Director", "Department Director", and "Director" are synonymous.

Dimensional Nonconformity:

A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Dish Antennas:

A parabolic type antenna designed to receive radio, television and microwave communication.

District or Zone:

A portion of the township under which certain uses are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance. The terms "zone" and "district" are considered synonymous.

Drive-in Establishment, Drive-Through Establishment:

A business which offers goods or services to customers in vehicles, including an establishment where customers may serve themselves.

Dwelling:

Any building used in whole or in part as a home, residence or sleeping place either permanently or temporarily including mobile homes, one family, two family, and multi-family buildings and boarding houses, but not including hotels, motels, tents, recreational vehicles or other unconventional structures.

Dwelling - Single Family Detached:

A building which is entirely surrounded by open space on its building lot, used and designed for one (1) family or domestic unit.

Dwelling - Mobile Home:

A structure, transportable in one or more sections, which is built on a chassis and is designed to be used as a dwelling with or without a permanent foundation, when connected to the require utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. "Mobile Home" does not mean a recreational vehicle.

Dwelling - Multiple Family:

A building used or designed as a residence for three (3) or more families or domestic units living independently of each other.

Dwelling - Two (2) Family or Duplex:

A detached building containing two (2) dwelling units and designed for use by two (2) families or domestic units living independently.

Dwelling - Earth Donned:

A dwelling where the ground floor area is partly below grade to provide climatic, noise, or life safety protection, but is so designed not to include any portion of a basement in the floor area calculation.

Dwelling - Earth Sheltered:

A dwelling where the ground floor is partly below grade to provide climatic, noise, or life safety protection, but so designed to meet the requirements of the Township Building Code and may include all or part of a basement in the floor area calculations.

Dwelling Unit:

One (1) or more rooms designed or used as an independent housekeeping establishment for one family or domestic unit and containing kitchen facilities, including a stove or cooking device and a permanently installed sink, bathroom facilities, and sleeping facilities.

Erected:

Includes built, constructed, reconstructed, moved upon, or any other physical operation on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered part of an erection.

Escort:

A person who, for any form of consideration and regardless of who pays that consideration, agrees to act or offers to act as a companion or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(This definition amended by Ord. #5 of 2001)

Escort Agency:

A person or entity which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. An escort agency is deemed to be operated in the location where (i) a request for an escort is received, or (ii) the escort and the person requesting the escort are together. (This definition amended by Ord. #5 of 2001)

Essential Services:

The erection, construction, alteration or maintenance by public utilities, municipal departments or commissions or private public utility contractors of underground or overhead gas, electrical, steam or water transmissions, or distribution systems, collections, communication, supply, or disposal systems (including towers, structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, telephone exchange and/or repeater buildings, electric substations, gas regulatory stations, and other similar equipment and accessories in connection therewith) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare. This definition shall not include sanitary landfills, recycling centers, or non-public utility transfer stations, or buildings not reasonably necessary to house the foregoing.

Excavation:

Any act by which earth, gravel, sand, rock, topsoil or other materials are cut into, dug, quarried, uncovered, removed, displaced or relocated. Also included shall be the conditions resulting therefrom.

Extraction:

The act of removing sand, gravel, topsoil, or other minerals by excavation for the purpose of disposition away from the immediate premises whether such disposition is immediate or in the future.

Family or Domestic Unit:

1. An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit or;
2. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated

limited duration of a school term or other similar determinable period.

Farm:

All contiguous neighboring or associated land operated as a single unit on which farming is carried on directly by the owner or his agent or by a tenant farmer. For purposes of this Ordinance, "farming" includes:

1. The cultivation of the soil for purposes of producing crops therefrom including orchards.
2. The operation of green houses and nurseries.
3. The operation of poultry or livestock farms except the keeping of fur bearing animals or game.
4. Equestrian facilities.
5. Buildings necessary for the storage or housing of farm implements, products, or animals or otherwise used for the operation of the farm, excluding dwelling units.
6. A farm shall be further defined as:
   a. Forty or more acres in one ownership, which has been devoted primarily to farm use; or
   b. Five or more acres in one ownership, but less than forty acres, devoted to a farm use, which has produced a gross annual income from agriculture or $200.00 per acre of cleaned and fillable land; or
   c. A farm designated by the Michigan Department of Agriculture as a specialty farm, in one ownership, which has produced a gross annual income from agriculture of $2,000.00.

   (Parcels of land in one ownership, which are contiguous but which constitute an integral part of a farming operation being conducted on land otherwise qualifying as a farm, shall be considered as one for the purposes or calculating the above acreage.)

7. The following uses are for the purposes of this Ordinance, specifically enumerated as non-farm uses.
   a. The keeping of fur bearing animals;
   b. Apiaries when not associated with and secondary to another bonafide farming operation;
   c. Fish hatcheries;
   d. Stock yards, slaughter houses and meat processing operation;
   e. Milk pasteurization plants when not associated and secondary to a single farming operation;
   f. Stone quarries, gravel or sand pits;
   g. Stables; and
   h. Intensive livestock operations meaning any livestock operation if it involves the confined feeding and or production of any one or more of the following:
      1) 300 or more cattle
      2) 600 or more swine, goats or sheep
      3) 30,000 or more fowl

Farm Buildings:

Any non-dwelling, building or structure on a farm which is essential and customarily used on farms of that type for the purposes of their agricultural activities.

Farmland Preservation Residential Subdivision or Site Condominium: (Ord No 3 of 2010; 3/10/10)

A development in the Farmland Preservation District in which small lot sizes are permitted to be clustered in return for the permanent protection of farmland.

Farmer's Market: (Ord No 8 of 2011; 6/23/11)

A location with fixed and/or removal booths, parking, outdoor gathering, and vending spaces for the sale of produce, plants, meats, cheeses, breads, and other perishable items.

Fence:

Any permanent barrier, partition, or structure erected as a dividing structure, or as an enclosure, and not part of a structure requiring a building permit. Fence does not include a retaining wall.

Flood Plain:

Those areas which are subject to inundation at a high flood water level in a flood of one (1) percent yearly probability as determined by an engineer or agency designated by the Township Board.

Flood Hazard Area:

That area subject to flooding on the average once in every hundred years based on information supplied by the U.S. Geological Survey, or the Michigan Department of Natural Resources.

Floor Area, Net - Non Dwellings:

The area of all floors in a building computed by measuring the dimensions of the outside walls of a building excluding elevator shafts, stairwells, hallways, bulk heads, floor space used for basic utilities such as lavatories, and heating and cooling equipment, mezzanines, attics or portions thereof with headrooms of less than seven (7) feet, verandas, porches, patios, carports, parking garages, terraces, atriums, and decks.

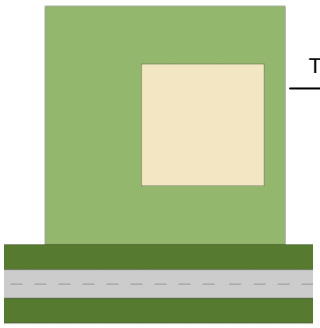
Floor Area of Dwellings:

The area of all floors computed by measuring the dimensions of the outside walls of a building excluding porches, patios, terraces, breezeways, carports, verandahs, garages, basements, or portions thereof not meeting Township Building Code requirements for ingress and egress and attics or portions thereof with headroom of less than seven (7) feet.

Floor Area Ratio:

The net floor area, as defined by this Ordinance, divided by the total lot area of the subject parcel or lot. (See Figure 3-5)

Figure 3-5
FLOOR AREA RATIO (F.A.R.)



F.A.R =

$$\frac{\text{Total Net Building Floor Area}}{\text{Total Lot Area}}$$

Example:
Given a 40,000 sq. ft. lot, the Max. Floor Area Ratio for a F.A.R. of 0.25 = 10,000 sq. ft.

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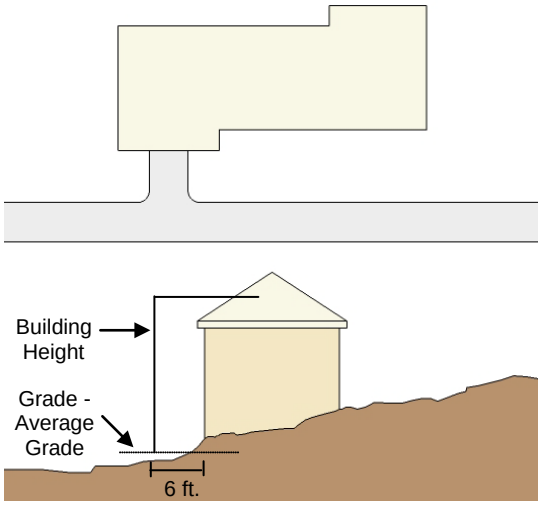
Garage - Private:

An accessory building or a portion of a dwelling used primarily for the storage of passenger vehicles by the occupants of the premises.

Garage - Public or Commercial:

Any building not a private garage, used for commercial parking, storing, caring for, renting, servicing repairing, refinishing, equipping, adjusting or estimating, hire or sale any vehicle.

Figure 3-6
GRADE – AVERAGE GRADE



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Gasoline Service Station:

See "Automobile Service Station", as defined in this Chapter.

Grade - Average Grade:

A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than 6 feet from the building, between the building and a point 6 feet from die building. (See Figure 3-6)

Home Occupation:

Any profession or other occupation conducted in a residential district or dwelling which is clearly incidental and secondary to the use of the lot or dwelling and which conforms to the provisions of Section 4.20.

Junk Yard, Salvage Yard:

A place where junk, waste, discarded, salvaged or salvageable materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, wrecked motor vehicles, used building materials and equipment and other manufactured goods that are worn, deteriorated or obsolete.

Kennel:

Any place on which five (5) or more dogs, cats or other household pets four (4) months of age or older are kept either temporarily or permanently for any reason other than veterinary medicine, including board, breeding, or sale.

Landscaping:

Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as rocks, pebbles, mulch, walls, fences or decorative paving materials).

Live/work: (Ord No 8 of 2011; 6/23/11)

A building, or a part of a building, used both as a residence and for any nonresidential use permitted in the zoning district in which it is located.

Lot:

A plot or parcel of land having frontage and access upon a public street or approved private street whether or not the plot or parcel is part of a recorded plat.

Lot Area:

The total area encompassed within the lines of a lot excluding street or road fights-of-way.

Lot, Corner:

A corner lot shall mean a lot of which the entirety of at least two (2) adjacent sides abut a street, provided that the interior angle at the intersection of such two (2) sides is less than 135 degrees. (See Figure 3-7).

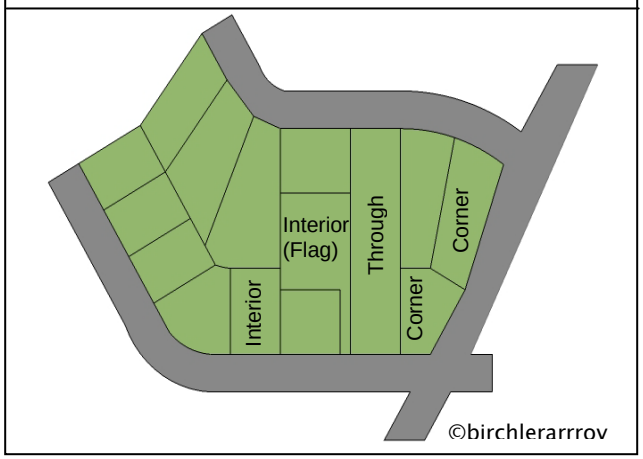
Lot Coverage:

That area of a lot which is covered by buildings or other structures, including porches, arbors, breezeways, balconies, patios and any other structure or building, whether open, box type or lathe roofs, or fully roofed, but not including fences, walls, hedges used as fences, or swimming pools.

Lot, Depth:

The horizontal distance between the front and rear lot lines, as measured along the midpoint between side lot lines. (See Figure 3-8) (This definition added by Ordinance #9 of 1993.)

Figure 3-7
CORNER, INTERIOR, AND THROUGH LOT



Lot, Interior:

A lot other than a corner lot. (See Figure 3-7)

Lot, Through:

An interior lot having frontage on two (2) streets. (See Figure 3-7)

Lot Width:

The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required setback line. The width of a corner lot shall be determined as being the entire length of the front lot line, which is opposite the rear lot line (See Figure 3-8). (This definition added by Ordinance #9 of 1993.)

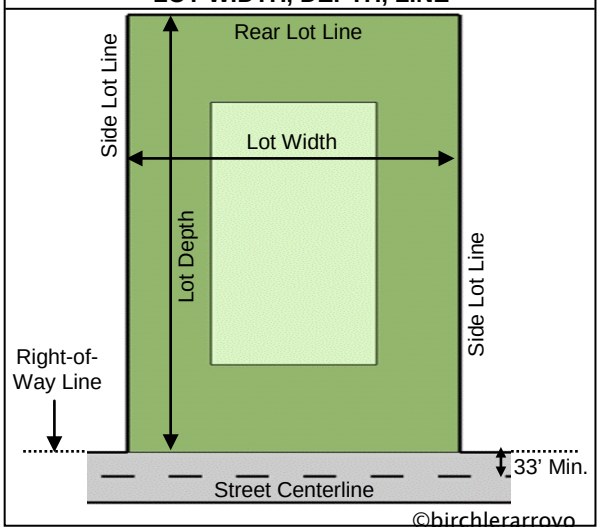
Lot Line, Front:

Front lot line, in the case of a lot abutting only one street, shall mean the line separating such lot from the street; in the case of a through lot or a corner lot, any lot line adjacent to a street right-of-way shall he considered a front lot line. In all cases in which the street widths have not been specifically recorded, the front lot line shall be considered to be thirty-three (33) feet from the center of the street. (See Figure 3-8).

Lot Line, Rear - Interior Lots:

That lot line which is opposite and most distant from the front lot line. The rear lot line in any irregular or triangular lot, for the purpose of this Ordinance, shall be a line entirely within the lot, at least ten (10) feet long and generally parallel to and most distant from the front lot line. (See Figure 3-8)

Figure 3-8
LOT WIDTH, DEPTH, LINE



Lot Line, Rear - Corner Lots:

For a comer lot, the building inspector shall at the time of application for a building permit on the principal building, designate a lot line opposite one of the two front lot lines which shall be considered the rear lot line. The remaining lot line also being opposite a front lot line, shall be considered a side yard line. In the case of a non-residential corner lot or permitted non-residential uses on a residential corner lot the Planning Commission shall make such determination and designation prior to final site plan approval.

Lot Line, Side:

Any lot line not a front lot line nor a rear lot line. (See Figure 3-8)

Lot of Record:

A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds for Kent County, Michigan, prior to the effective date of this Ordinance; or a tract of land described by metes and bounds which is the subject of a deed or land contract recorded at the Office of the Register of Deeds prior to the effective date of this Ordinance.

Major Mineral Resource Extraction:

Mineral resource extraction which occurs on a parcel of property where the excavation disturbs an area which is 5 acres or larger.

Massage:

An alcohol rub, fomentation, bath, common massage, magnetic massage procedure, manual manipulation of the body or any method treating external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, adjusting or tapping with the hand, elbow, fingers or any instrument, electric, magnetic or otherwise, with or without supplementary aids. (This definition amended by Ord. #5 of 2001)

Massage Establishment:

Any building, turkish bath parlor, steam bath, sauna bath, room, premises, place, institution or establishment where body massage is regularly practiced on the human body, to club members or to the general public for a charge or consideration, but the term "massage establishment" shall not include licensed hospitals, nursing homes, medical clinics, office of a physician, surgeon, osteopath or chiropractor. (This definition amended by Ord. #5 of 2001)

Material:

Anything tangible, whether through the medium of reading, observation, sound, or in any other manner, including, but not limited to, anything printed or written, any book, magazine, newspaper, pamphlet, picture, drawing, pictorial representation, motion picture, photograph, video tape, video disk, film, transparency, slide, audiotape, audiodisk, computer tape, holographic images, or any other medium used to electronically produce or reproduce images, or any mechanical, chemical, or electronic reproduction. Material includes undeveloped photographs, molds, printing plates, and other latent representational objects whether or not processing or other acts are required to make the content of the material apparent. This definition is intended to include material which is the product of any technology, whether that technology is available on the effective date of this Ordinance or becomes available after that date. (This definition amended by Ord. #5 of 2001)

Merchandise:

Any material and novelties. (This definition amended by Ord. #5 of 2001)

Mezzanine:

An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than 33 percent of the floor area of the story in which the level or levels are located. (See Figure 3-9)

Microbrew:

A facility at which beer, ales or other similar beverages are manufactured and primarily consumed on site. The volume of production is over 5,000 but may not exceed 60,000 barrels a year. (Ord. No. 11 of 2014)

Micro distillery:

A facility at which spirts, wine or other similar beverages are manufactured and primarily consumed on site. The volume of production may not exceed 50,000 gallons a year. (Ord. No. 11 of 2014)

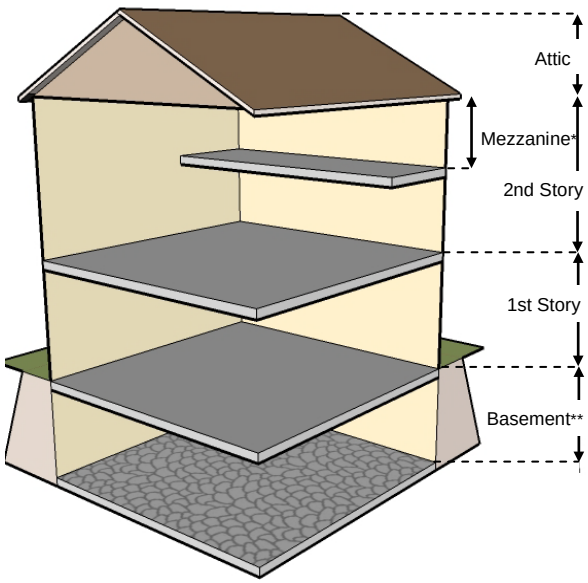
Mineral:

Any substance, organic or inorganic, found in nature as part of the earth, and has sufficient value away from its natural location to be mined, quarried, or dug for its own sake or for its own specific use. This does not include trees or vegetation.

Mineral Resource Extraction Site:

The property from which a mineral resource extraction takes place.

Figure 3-9
MEZZANINE



* Area not to exceed 1/3 of floor below
** Habitable basement shall count as floor area
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Mini-Food-Mart Stations:

A retail establishment which primarily emphasizes the sale of convenience foods, snacks and sundries. Such facilities may offer the incidental sale of motor vehicle fuels and other petroleum products (less than 3 gas pump islands) to their customers on a full service or self service basis. A mini-food-mart does not include a restaurant. (This definition added by Ordinance #9of 1993.)

Minor Mineral Resource Extraction:

Mineral Resource extraction which occurs on a parcel of property where the excavation disturbs an area which is less than 5 acres.

Mobile Home:

See "Dwelling Unit, Mobile Home" as defined in this Chapter.

Mobile Home Park:

Mobile home park means a parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non recreational basis and which is offered to the public for that purpose regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary trailer park in accordance with the Mobile Home Commission Act, being Act 419 of the Michigan Public Acts of 1976 as amended.

Mobile Home Subdivision:

A mobile home park except that the mobile home lots are subdivided, surveyed, recorded, and sold in accordance with Act 419 of 1976, as amended.

Modular Home:

A dwelling consisting of prefabricated units, designed to be incorporated at a building site into a single residential structure on a permanent foundation and meeting all the requirements of the building code.

Motel:

A building or group of buildings providing transient accommodations with motor vehicle parking contiguous to the building, and individual entrances from outside the building to serve each unit. The term, "Motel", shall include: drive-in hotel, tourist court, motor hotel, tourist room, motor court, tourist cabin, motor inn, motor lodge, or transient cabin. For the purpose of this Ordinance, "Motel" and "Hotel" are considered synonymous.

Nonconforming Curb Cut or Driveway:

An existing curb cut or driveway providing access to a lot or parcel from a public or private street which at the time of the effective date of this Ordinance does not meet the minimum spacing and/or design requirements applicable to the district in which it is located.

Nonconforming Lot:

A lot existing prior to the effective date of this Ordinance (and not created for the purposes of evading the restrictions of this Ordinance) that does not meet the minimum area requirement of the district in which the lot is located.

Nonconforming Project:

Any structure, development, or undertaking that is incomplete on the effective date of this Ordinance and which would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

Nonconforming Sign:

A sign that does not conform to one or more of the regulations set forth in Cascade Township Sign

Ordinance.

Nonconforming Use:

A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes that use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)

Nonconforming Situation:

A situation that occurs when, on the effective date of this Ordinance, an existing lot, structure or curb cut, or use of an existing lot or structure or curb cut does not conform to one or more of the regulations applicable to the district in which the lot, curb cut or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, or because land or buildings are used for purposes made unlawful by this Ordinance.

Novelty:

Any instrument, device, or paraphernalia which depicts or describes any specific anatomical area or any specific

sexual act, or which is designed for use, or commonly used, in connection with specific sexual activities, excluding condoms and other birth control and disease prevention products. (This definition amended by Ord. #5 of 2001)

Nude Model Studio:

Any place where a person who displays any specified anatomical area is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by any other person who pays money or any form of consideration. (This definition amended by Ord. #5 of 2001)

Nursery:

An unclosed place where young trees, bushes or plants are grown for the purpose of subsequent sale or transplanting, but not including holding or storage areas set aside for plants and trees awaiting re-planting off-site.

Open Air Business:

Includes uses operated for profit substantially in the open air including:

1. Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair or rental services.
2. Outdoor display and sale of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools, and similar activities.
3. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, top soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Outdoor recreational establishments consisting of uses on activities such as tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, amusement parks, or similar recreation uses (transient or permanent).

Parking Area:

An off street open area for the parking of motor vehicles for a fee or as an accommodation of clients, customers, residents, visitors, occupants, or the general public. Parking area shall include access drives within the actual parking area.

Person:

An individual human being, or a business entity, including a firm, association, co-partnership, partnership, corporation, society, or organization.

Public Utility:

Any person, or governmental department, board or commission duly authorized under township, state, or federal regulations, to furnish electricity, gas, steam, communications, transportation, water, wastewater removal or similar essential services to the public; provided, however, that those persons involved in the reception or transmission of radio or television signals or the provision of cellular communications and other personal communications services shall not be considered a Public Utility.

Recreation Center:

Buildings or facilities, owned by a "person", which are available for use by the general public or on a membership basis. Uses and activities shall include only the following: theaters; exercise facilities; court games such as tennis, paddleball, handball, and volleyball; bowling alleys, archery; golf driving ranges; ice arenas; pool and billiards; ping pong; swimming pools; roller skating rinks; and restaurants and taverns when designed as an integral part of the facility and incidental to one or more of the other permitted uses.

Recreation Vehicle:

A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by mother vehicle, in accordance with Act 49, Michigan Public Acts of 1975, as amended. Recreation vehicles includes travel trailers, motor homes, pickup campers, tent trailers, off road vehicles, house car, house trailer, trailer home, trailer coach or other portable unit.

Residential above retail, business establishments or personal service uses: (Ord No. 8 of 2011; 6/23/11)

A mix of land uses where dwelling units are located on floors or stories above retail businesses, office uses, or professional services uses.

Recreation Vehicle Park:

An area on which space is rented for "recreational vehicles", on a temporary basis according to the provisions of Act 243, Public Acts of 1959, as amended, and the provisions of this Ordinance.

Restaurant:

A public eating place where food is prepared and sold for immediate consumption.

Restaurant with brew pub as accessory use:

A public eating place where food is prepared and sold for immediate consumption with at least 50% of the gross annual receipts are from the sale of food and beverages other than alcoholic beverages. (Ord. No. 11 of 2014)

River's Edge:

The mean annual waterline of the river or tributary.

Roadside Stand:

A farm building or structure used for the display or sale of agricultural products grown or produced on the premises upon which the stand is located.

Setback:

See "Building Setback" as defined by this Chapter.

Sexual Encounter Center:

An establishment, except that which is part of the practice of and under the supervision and control of a physician, psychologist, or psychiatrist licensed to practice in Michigan that offers:

Activities between male and female persons and/or persons of the same sex when one or more of the persons exposes or displays any specified anatomical area; or

The matching and/or exchanging of persons for any specified sexual activities. (This definition amended by Ord. #5 of 2001)

Signs:

A sign shall mean any structure so defined in the Cascade Charter Township Sign Ordinance.

Site Plan:

A reproducible scale drawing which shows the location and dimensions of all intended and existing buildings, structures, parking, loading facilities, streets, driveways, buildings, planting, landscaping, yard spaces, sidewalks, signs, drainage facilities, water supply, sewage systems and any other items that may be required by Chapter 21 of this Ordinance.

Special Use:

A use which may be permitted only after review of the effect the use may have on adjoining lands and on the general welfare of the township. It may require special consideration and often also conditional regulations to insure compatibility and proper development in accordance with the intent of this ordinance.

Specified Anatomical Area:

This shall refer to the following:

1. Less than completely and opaquely covered human genitals, anus, or female breast at or below the top of the areola; or
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (This definition amended by Ord. #5 of 2001)

Specified Sexual Activities:

This shall refer to the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; or
2. A sex act, actual or simulated, including intercourse, oral copulation, or sodomy; or
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any activities set forth in 1, 2 or 3 above. (This definition amended by Ord. #5 of 2001)

Stable, Public:

A building used for housing horses or other domestic animals for commercial enterprise.

Story:

That portion of a building included between the upper surface of a floor and upper surface of the floor or roof next above (also see “Mezzanine”). (See Figure 3-9)

Story Above Grade:

Any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the distance from grade to the finished surface of the floor above the basement is more than 6 feet for more than 50 percent of the total perimeter or more than 12 feet at any point. (See Figure 3-1)

Street, Private:

An irrevocable easement running with the land to one or more owners of adjacent properties which provides access to those adjacent properties and which is not dedicated for general public use.

Street, Public:

Any public thoroughfare dedicated for the purpose of traffic circulation and principle means of access to abutting property, including any avenue, place, way, drive, land boulevard, highway, road, or other thoroughfare except an alley.

Street, Functional Classification:

1. ***Freeway/Expressway:*** Highways and parkway having the sole purpose of carrying through traffic, and will not provide direct land/property access. Freeway access is fully controlled with carefully spaced high speed exit/entrance ramps and grade separation with intersecting roadways.
2. ***Arterial:*** Streets primarily intended to carry large volumes of through traffic connecting major activity centers to other major traffic generators. Access to abutting properties must be limited to carefully controlled points.
3. ***Major Collector:*** Streets having the primary purpose of collecting traffic from intersecting local streets and distributing this volume to the nearest arterial. A secondary purpose is to carry moderate volumes through traffic. Access to abutting land uses is a secondary function which, with proper land planning, can be limited.
4. ***Minor Collector:*** Streets having the primary purpose of collecting traffic from intersecting local streets and distributing this volume to the nearest major collector and/or arterial. As such it provides the linkage from neighborhoods (i.e. local streets) to the arterial system and provides intra-neighborhood access. Continuity of the minor collector beyond the nearest major collector and/or arterial is not desirable.
5. ***Local:*** The primary function of the local street system is to serve adjacent properties. As such it provides the linkage from adjacent land uses to the collector street system. Thru volume service is in conflict with these functions and must be prohibited in the design of the street network.

Street Right-of-Way:

A general term denoting land, property or a property interest usually in a strip, acquired for or devoted to transportation purposes which has been dedicated to the public.

Structure:

Anything constructed, erected, or placed, or a combination of materials with a fixed location above, on, or below the ground, or attachment to something having such location, including buildings, signs, billboards, signs, light posts, utility poles, radio and television antennas, swimming pools, gazebos, tennis courts, sheds, storage bins, but excluding fences, sidewalks, driveways, and streets.

Swimming Pool:

An artificially constructed basin for the holding of water for swimming and aquatic recreation and does not include any plastic, canvas, or rubber portable pools temporarily erected upon the ground with less than two (2) feet of water.

Tavern:

An establishment with an occupant load of under 100 that serves alcoholic beverages in which the principal business is the sale of such beverages for consumption on site. (Ord No. 11 of 2014)

Theater:

Any building or place used for presentation of dramatic spectacles, shows, movies, or other entertainment, open to the public with or without charge.

Use:

Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity occupation,

business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

Use, Accessory:

A use of a structure or premises which is customarily incidental and subordinate to the principal use of the structure or premises. (See Use, Principal)

Use, Permitted by Right:

A use or uses which, by their very nature are allowed within the specified Zoning District provided all applicable regulations of Cascade Township are met. Permitted uses include the principal use of the land or structure as well as accessory uses unless specifically stated to the contrary.

Use, Principal:

The primary purpose for which land or a structure or building is used.

Use, Temporary:

A use or activity which is permitted only for a limited time, and subject to specific regulations.

Yard:

A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted under the provisions and terms of this Ordinance, on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distance.

Yard, Front:

The yard between front lot line or street right-of-way line and the nearest point of any part of the main building thereon. (See Figure 3-10)

Yard, Rear:

The yard between the rear lot line and the nearest point of the main building thereon. (See Figure 3-10)

Yard, Side:

The yard between the side lot line and the nearest point of the main building thereon. (See Figure 3-10)

Zone:

See "District" as defined by this Chapter.

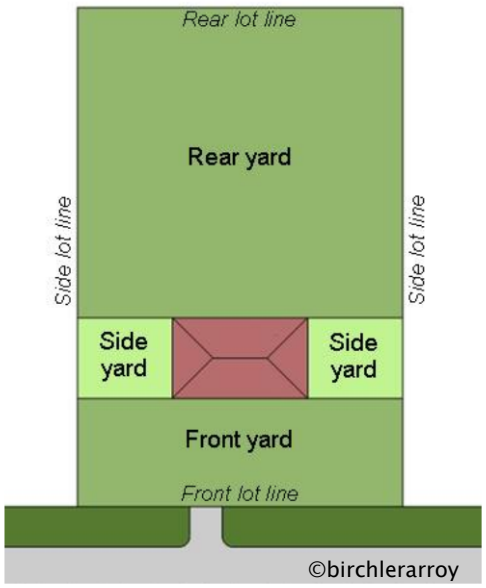
Zoning Board:

The Cascade Charter Township Zoning Board of Appeals

Zoning Permit:

See also "Certificate of Zoning Compliance" as defined by this Chapter. (This Section amended by Ordinance No. 2 of 1997)

Figure 3-10
YARDS: FRONT, SIDE, REAR



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CHAPTER 4
General Provisions

Section 4.01 Title:

General Provisions

Section 4.02 Extent of Regulations:

These general provisions shall apply to all zoning districts except as otherwise noted.

Section 4.03 Effect of Zoning:

No building, structure, premises, lot or parcel and parcel of land in the township shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with this Ordinance.

Section 4.04 Unlawful Use Not Authorized:

Nothing in the Ordinance or any amendment shall be interpreted as authorization for or approval of the continuance of the unlawful use of a structure, land or premises on the effective date of this Ordinance or any amendment.

Section 4.05 Continuation of Existing Lawful Land Uses:

Any building, structure or use, lawfully in existence at the time of the effective date of this Ordinance may be continued except as provided in "Chapter 22, Nonconforming Uses.

Section 4.06 Ascribed Principal Use of Property:

No more than one principal building with the customary accessory buildings and structures shall be erected on any individual lot or parcel of land.

Section 4.07 Registration of Property:

The description of and the deed for every parcel of land shall be required to be on record with the Kent County Register of Deeds, prior to the authorization of any use of the lot or parcel of land by the Township.

Section 4.08 Accessory Buildings and Structures - General:

For the purposes of maintaining orderliness, aesthetics and property values, especially in the residential areas, the following provisions are intended to regulate the location and character of accessory structures normally incidental to permitted principal uses. The following regulations are therefore intended to pertain to all accessory buildings and all accessory structures other than buildings, including but not limited to playground equipment, children's play houses, sports courts, swimming pools, pet accommodations, radio and television antennas and similar structures. Sidewalks, driveways, fences, light posts, utility poles and signs are excluded from these regulations unless specifically stated. In any zoning district an accessory building or structure may be erected from the permitted principal building or an integral part of the permitted principal building. Unless specifically regulated by other provisions of this Ordinance, accessory buildings and structures erected as an integral part of the principal building shall comply in all respects with the requirements of this Ordinance applicable to the principal building. In addition, the following general standards shall apply to all accessory structures.

1. The architectural character of all accessory buildings in excess of 200 square feet shall be compatible and similar to the principal building.
2. No accessory building or structure shall be constructed on any parcel on which there is no principal building. If an accessory structure and principal building are to be erected concurrently, a building permit for the accessory structure shall not be issued until such time that construction of the principal building has been at least fifty (50) percent completed.
3. Accessory structures other than attached porches and garages shall not be located in the front yard area of any lot except as allowed in Chapter 17, Section 17.03(b) or for a lot having water frontage where a customary detached private garage is permitted if it is located behind the applicable required front yard setback line for the district.
4. Accessory buildings and structures may be located in the side or rear yard under the following provisions:
    a. They shall not be located closer to any side or rear lot line than the principal building is

permitted, except that boat houses may be permitted at or near the water's edge provided that the required side yard placement is maintained and all other applicable local and state permits are obtained prior to construction.

b. Those not classified as buildings, and buildings containing 200 square feet or less, may not project closer than 10 feet to any side or rear property line. Not withstanding the foregoing, boat docks, patios and pump houses may be located at or near the water's edge, provided that the required side yard placement is maintained and all other applicable local and state permits are obtained prior to their erection and placement. (Section amended by Ordinance #1 of 1992)

5. The distance between accessory buildings in excess of 200 square feet and any principal building shall not be less than ten (10) feet. Accessory buildings shall be considered attached to the principal building when the area between the two is wholly or partially covered by a continuous breezeway, portico, covered colonnade, or similar architectural device.

Section 4.09 Accessory Buildings - Residential:

Accessory buildings or structures on residential lots shall not directly or indirectly involve any business, trade, occupation or profession. In addition the following regulations shall apply: (Amended by Ordinance #6 of 2002)

1. **Special Use Permits Required:** Except as provided in Subsection 2, the following Table 4-1 shall be used to determine whether accessory buildings shall be approved under the provisions of Chapter 17, Special Use.

Table 4-1: Accessory Building – Residential, Permits

Maximum Height to Midpoint of Roof	Min. Bldg. Side Yard Setback	Min. Bldg. Rear Yard Setback	Special Use Permit Required
Up to 14’	10’	Min. – 25’	Over 832 sq. ft.
15’- 18’	40’	Min. – 40’	Over 832 sq. ft.
19’- 22’	60’	Min. – 60’	Over 832 sq. ft.

The following Table 4-2 shall be used to determine the number of accessory buildings permitted on a parcel.

Table 4-2: Accessory Buildings-Residential, Number

Acreage	Number of Buildings Allowed*
Up to three (3) acres	1
3-6 acres	2
6+ acres	3

*The number of buildings allowed is in addition to an attached or detached private garage. (Amended by Ordinance #12 of 2000)

2. **Private Garage - Customary**: A customary private garage shall consist of any one (1) private garage attached to a principal dwelling unit, or in its place, any one (1) detached private garage. Subject to the following limitations, one such accessory building is permitted by right on any lot or parcel occupied for residential purposes, upon approval of the building inspector.

a. The maximum size of a detached private garage permitted by right shall be limited to 832 square feet of floor area. Detached private garages exceeding 832 square feet shall only be approved under the provisions of Chapter 15, Special Use.

b. The maximum size of a private garage attached to a dwelling unit shall be limited to 832 square feet for the first 1300 square feet of habitable floor area contained in the dwelling. In addition, for each whole increment of five (5) square feet that the floor area of the dwelling unit exceeds 1300 square feet, the floor area of the attached garage may be increased by one (1) square foot. Section 4.09(3) has been deleted (Amended by Ordinance #6 of 2002). (New Section added by Ordinance #1 of 1992)

Section 4.10 Accessory Structures Other Than Buildings:

The following provisions apply to accessory structures other than buildings.

1. **Antennas**: Before any antenna is installed, the provisions of this section must be satisfied. This section shall not apply to any satellite dish antenna that does not exceed one (1) meter in diameter in a residential district or two (2) meters in diameter in a commercial or industrial district. In addition, this section shall not apply to any antenna that does not exceed one (1) meter in width and does not exceed the height of the principal building by more than sixty (60) inches including the pole or post. Further, this section shall not apply to wireless communications equipment as defined in Subsection 3 of Article I, Chapter 342, Part II of the Cascade Charter Township General Ordinances. The use and installation of such wireless communications equipment is governed by Chapter 17 of this Zoning Ordinance and by Article I, Chapter 342, Part II of the Cascade Charter Township General Ordinances. Such antenna and/or wireless communications equipment shall still be subject to applicable building codes (if any). Except as provided above or in subsection (j) below, no antenna shall be installed outdoors until and unless a building permit for the antenna has been issued by the Township pursuant to this section. In order to protect the public health and safety and to minimize the visual impact of antennas, the Township adopts the following regulations regulating antennas. Antennas are permitted in all zoning districts subject to the following requirements:
   a. The antenna shall be permanently secured to a stable foundation.
   b. No portion of the antenna shall display any advertising message or other graphic representation other than a manufacturer's logo or nameplate provided that such logo or nameplate is of a size and character that is not legible from adjacent properties.
   c. Dish antennas shall be of a color and texture so as to blend into the adjacent background
   d. A free-standing antenna or tower (i.e., not mounted on a roof) shall be located only in a rear yard or a side yard and shall not be closer to the property line than its height or the depth of the required rear or side yard setback, whichever is the greater.
   e. All antennas must be grounded to protect against damage from lightning.
   f. In determining whether to issue a building permit for an antenna, the township shall apply the following standards:
      1) The antenna shall be installed and placed so as to not constitute a safety hazard due to wind or storm.
      2) The antenna shall not block areas that will hamper fire-fighting equipment.
      3) The antenna shall be placed so as not to be too close to electrical lines or tree limbs.
      4) The antenna shall not be located or placed as to have a serious adverse impact or effect on adjacent or nearby properties or land uses.
      5) A commercial or public antenna, including accessory buildings or structures, shall comply with the use regulations of the zoning district where it is located and shall be fully enclosed by a sturdy fence, securely gated, the fence having such height as is reasonably determined by the township. In addition, any accessory buildings or structures associated with the antenna shall comply with the dimensional regulations of the zoning district.
      6) The antenna and the construction, installation, maintenance, and operation thereof shall comply with all federal, state, and local laws, ordinances, and regulations.
   g. The planning director or building official, in his/her reasonable discretion, may impose other terms and conditions regulating the construction, installation, use, and maintenance of antennas. Such other terms and conditions may include, though need not be limited to, the following:
      1) The screening or buffering of an antenna or tower and any accessory building or structures thereof.
      2) The timely removal of unused or unsafe antennas or towers or accessory buildings or structures thereof.
      3) For commercial or public antennas, the prohibition on the construction or

occupancy of dwellings or other buildings or the construction or use of other structures within a specified isolation distance from an antenna or tower.

4) If an antenna tower is involved, shields, fences, removal of ladders, or other safety precautions can be required to prevent unauthorized persons from climbing the tower.

Notwithstanding the above, no condition shall be imposed that would hinder the ability of the antenna to receive or send signals.

h. An applicant for a building permit for an antenna can appeal a decision of the planning director and/or building official to the Township Board pursuant to subsection (k) below.

i. A special use permit, under the provisions of Chapter 17, shall be required prior to the erection of antennas having one or more of the following characteristics:

1) Any wireless communications support structure as defined in Subsection 3 of Article I, Chapter 342, Part II of the Cascade Charter Township General

2) Any dish antenna exceeding ten (10) feet in diameter.

j. For purposes of this chapter, an "amateur radio antenna" shall be defined as an antenna operated for the purpose of receiving or transmitting communication by radio stations as described in Section 153(q) of Title 47 of the US Code, and which is operated under license issued by the Federal Communications Commission ("FCC"). Amateur radio antennas shall not be subject to the requirements of this section, except as follows. No outdoor amateur radio antenna shall be installed until and unless township approval is obtained and a building permit for an amateur radio antenna has been issued by the township for the amateur radio antenna. Township approval for an amateur radio antenna is not transferable and shall automatically expire when the person granted the approval no longer owns the property involved or that person's license from the FCC is no longer valid. The township shall not issue a building permit for an amateur radio antenna until the applicant has presented proof of a current FCC license and the following requirements are met:

1) If the antenna is to be installed in a rear yard, side yard, or on the roof, the permit shall be issued upon presentment of the FCC license to the building inspector.

2) No permit shall be issued for the installation of antenna in the front yard unless the requirements of subsections (a) through (g) above have been met.

If the effect of any of these requirements will be to preclude or prevent the operation of an amateur radio antenna, the antenna shall not be subject to those provisions which preclude or prevent such operation, and the township shall grant approval and issue a building permit for the amateur radio antenna.

k. Where the effect of any of the provisions of this section would be to prevent or preclude the effective operation of an antenna (including the ability to send or receive signals where applicable), such antenna may be approved by the Township Board if it is reasonably demonstrated that the effect of the application of any of the provisions of this section would be to preclude or prevent the operation of such antenna. In granting approval for an antenna, the Township Board may impose reasonable conditions upon such approval, but such conditions shall not interfere with the reasonable use of the antenna and such conditions, if any, shall be no more than the minimum practicable regulations necessary to accomplish the Township's legitimate purpose in regulating such antennas. (This section amended by Ordinance #12 of 1996)

2. **Swimming Pools:** Prior to the issuance of a building permit for the construction of an outdoor swimming pool in any zoning district the following provisions must be satisfied.

a. An application for permit, accompanied by a complete and detailed set of plans and specifications of the swimming pool, fencing and related equipment, meeting as a minimum the following standards.

i. Adherence to the locational requirements for structures not classified as buildings, [Section 4.08(4)(b)].

ii. Any electrical wiring within twenty-five (25) feet of the water's edge of the pool shall be

placed underground and in an appropriate conduit approved for such purposes. No electric wires of any kind shall cross or be over the water surface. Any underwater lighting shall be accomplished by the use of methods and materials approved for such purposes. All electrical equipment and related components shall conform to the current National Electrical Code, as adopted by the Cascade Charter Township Board.

iii. There shall be no cross-connections of any public water supply with any other source of water supply for the pool. The line from the public water supply to the pool shall be protected against back flow of water by means of an air gap and shall discharge at least six (6) inches above the maximum high-water level of the makeup tank or the pool.

iv. The drain line for the pool shall be connected to a storm sewer if one is available. Where a storm sewer is not available, the pool drain may be drained in a manner approved by the Township's Building Inspector or Engineer. No pools shall drain into public or private sanitary sewer or septic systems. All drain connections shall be approved by the Building Inspector or Township Engineer before final approval is given.

v. All swimming pools shall be enclosed by a fence of a type not readily climbed by children, which shall be at least four (4) feet in height from the ground level. However, if the entire yard of the residence is enclosed, then this provision may be waived by the Building Inspector upon inspection and approval of the yard's enclosure, or if the pool is of a portable type, with a wall height of at least four (4) feet above the surrounding ground surface, and of such construction as not to be readily climbed by children, then the ends of the fence may be attached to the pool structure and the fence need be erected only around the immediate area of the ladder and other means of access to the pool. Gates shall be of self-closing latch type with the latch on the inside of the gate, not readily available for children to open. Pools shall be enclosed by such a fence before water is placed in the pool.

b. Before a permit shall be issued, the plans and specifications shall be approved by the Building Inspector, and before any swimming pool shall be used, a final inspection and approval must be obtained from the Building Inspector. The Building Inspector shall have the right at any reasonable hour to inspect any swimming pool for the purpose of determining that all provisions of this Ordinance are fulfilled and complied with.

3. **Accessory Structures Mounted on Buildings:** Accessory structures customarily located on the roofs of buildings such as antennas, chimneys, stacks and necessary mechanical appurtenances such as air exchange units and elevator bulkheads shall be, to the extent practical, effectively screened as viewed from a distance of 300 feet by a parapet wall or similar feature constructed of materials having a similar exterior appearance as materials used on the front exterior of the building. (See Section 4.14)

Section 4.11 Animals and Fowl, Domesticated - Keeping of:

On any R-1 residential lot the keeping of domesticated animals such as horses, cattle, goats, hogs, sheep, llamas and fowl shall be permitted under the following provisions:

1. The number of such animals shall not exceed one animal for the first three acres of lot area and one additional animal for each additional acre of land area.
2. Any building or confined feeding area in which such animals are kept or fed shall be at least 100 feet from any adjoining property or street line.
3. The foregoing provisions shall not apply to the keeping of ordinary household pets, such as dogs, and cats or other animals or fowl customarily kept in cages within a dwelling or structure.

Section 4.12 Area or Space Required:

1. No lot being part of a recorded plat and no parcel of unplatted land or site shall be so reduced that the yard, setback, open space or area is less than the minimum requirements of this Ordinance in effect at the time of such reduction.
2. Accessory buildings, whether attached or unattached to the main building, including enclosed and unenclosed porches and garages attached to a

dwelling or other main buildings shall be deemed a part of the main building for the purpose of determining yard space areas and setbacks.

3. In determining lot area or land area requirements, no area shall be ascribed to more than one main building or use, and no area necessary for compliance with the space requirements therefore shall be ascribed to any other building or use.

Section 4.13 Basement and Illegal Dwellings:

The use of a basement or any portion of a basement as a dwelling or as sleeping quarters is prohibited unless it meets the Township Building Code (BOCA) requirements for ingress and egress. The use of the basement of a partially completed building as a dwelling unit is prohibited. Buildings erected as garages or other accessory buildings shall not be occupied for dwelling purposes.

Section 4.14 Building and Structure Height, Maximum - Determination of and Exceptions:

(Amended by Ord No 5 of 2011; 5/11/11)

The maximum height limitations imposed on buildings and structures within the various zoning districts shall be the lesser amount between the maximum number of stories permitted and the height in feet that is permitted. The maximum number of stories permitted shall refer to stories above grade, as defined in Chapter 3. The height of accessory structures customarily mounted on the roofs of buildings may exceed the building height limitation provided that such structures (as identified in Section 4.10) are effectively screened by a parapet wall or similar structure which may exceed the building height limitation by no more than 4 feet provided the materials used for screening are similar to the materials used on the front exterior of the building. (See Section 4.10, Subsection 3)

These height limitations do not apply to spires or steeples. The allowable spire or steeple height shall be determined based upon the distance the base of the spire or steeple is from any adjoining single-family residential lot line (see Figure 4-1). In the event the church property abuts more than one single-family residential lot line, the lesser distance will be used to calculate the allowable steeple height. In no case shall any spire or steeple be more than 87 feet high. Spire or steeple height shall be measured from the average grade to the peak of the spire or steeple not intended for human occupancy (see Figure 4-2). (Amended by Ordinance #11 of 2001)

Figure 4-1
ALLOWABLE HEIGHT OF STEEPLE/SPIRE

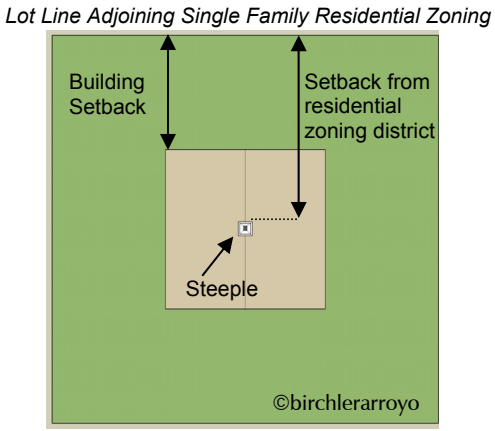
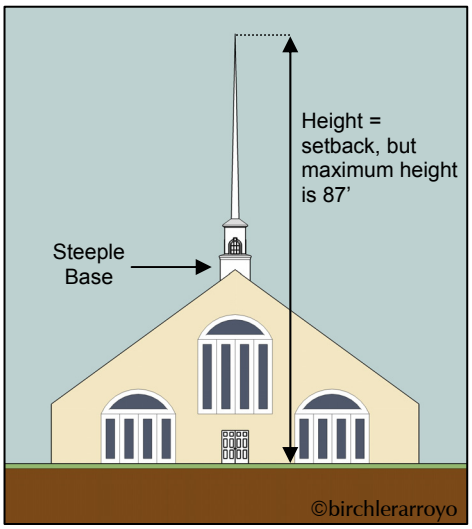


Figure 4-2
ALLOWABLE HEIGHT OF STEEPLE/SPIRE



Section 4.15: Building Setback, Front Yard - Determination

The line from which the minimum front yard building setback is measured shall be established under the following provisions, based on the type of street on which the property has frontage as classified on the Cascade Charter Township Major Street Plan contained in Appendix A.

1. Platted Local Streets, Private Streets: Established from the platted front property line or the edge of the private street easement.
2. Collector Streets: Established from the platted front property line or 45 feet from the nominal centerline of the street right-of-way.
3. Arterial Streets: Established from the platted front property line or 60 feet from the nominal centerline of the road right-of-way.

Section 4.16 Buildings, Moving:

The moving of a building to a new location shall be considered as the erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall apply.

Section 4.17 Buildings, Razing:

No building shall be razed until a permit has been obtained from the Building Inspector who shall be authorized to require a performance guarantee in an amount equal to 120 percent of the cost estimate for the razing. The guarantee shall be conditioned on the applicant completing the razing with such reasonable period as shall be prescribed in the permit and complying with such reasonable regulations as to health and safety as the Building Inspector may reasonably require and this ordinance may, from time to time, prescribe, including filling of excavations and proper termination of utility connections.

Section 4.18 Buildings and Structures, Temporary:

Mobile homes, mobile offices, tents or other movable or erected structures intended for temporary use or occupancy incidental to construction work, or special events shall be situated or erected upon land or premises within the Township and used according to the following provisions.

1. Permits for temporary construction trailers, sheds and offices may be issued by the Building Inspector according to the following criteria:
   a. Unless involved with a major public improvements project, temporary structures may only be located in commercial districts, industrial districts, or approved Planned Unit Developments.
   b. No temporary permit may be issued prior to the issuance of a building permit. Temporary permits shall expire when the building permit expires.
   c. A temporary structure shall be located on the same site as the construction.
   d. A temporary structure shall be located on the site such that:
      1) On and off-site traffic hazards are minimized.
      2) The aesthetic impacts are reasonably minimized.
      3) It is not closer than ten (10) feet to any property line.
      4) All applicable safety, health and fire codes are met.
   e. No final inspection shall be issued until all temporary structures have been removed from the site.
   f. Where alternate on-site locations are available, no temporary structure shall be located next to developed residences.
2. Permits for temporary structures such as tents used in conjunction with special short term outdoor events may be issued by the Building Inspector upon approval of Planning Director according to the following criteria:
   a. On and off-site traffic hazards are minimized.
   b. The structure is not placed with any required front or side yard green area of an existing building or otherwise within 25 feet of any adjoining property or public or private street right-of-way.
   c. The structure shall be anchored according to manufacturer's specifications and the Township is indemnified by the property owner against all property damage or personal injury that may result from potential hazards caused by the erection and placement or failure of the structure.

d. The structure will be in place for less than 72 hours.

e. The event does not directly or indirectly involve the sale, distribution or consumption of alcoholic beverages.

f. The event is a public service event or an event sponsored by an existing business located on or adjacent to the parcel on which the structure is to be located and that the merchandise, services or goods displayed within the structure are of the variety normally offered by an existing business.

3. Permits for the temporary placement of mobile homes for occupancy on property at which a principal dwelling has been damaged or destroyed by fire, wind, flood or Act of God may be issued by the Building Inspector upon approval by the Planning Director according to the following criteria:

a. Sufficient domestic water supply and toilet facilities are provided.

b. All construction and all plumbing, electrical apparatus and insulation within the mobile home shall be of a type and quality conforming to or exceeding the "Mobile Home Construction and Safety Standards", as promulgated by the United States Department of Housing and Urban Development, (24 CRF 3280), as amended. All dwellings shall meet or exceed all applicable roof snow load and strength requirements. All plumbing and electrical connections shall meet BOCA requirements.

c. The mobile home shall be located to conform to all locational requirements otherwise applicable to accessory buildings in the applicable zoning district except that it may be placed in the front yard.

d. The permit shall specify that the mobile home is temporary and that the permit shall expire after a reasonable specific time.

e. An occupancy permit for a rehabilitated or reconstructed dwelling unit damaged or destroyed by such causes that warrant the issuance of a permit for a temporary mobile home for occupancy shall not be issued until it has been removed or an approved performance guarantee for its removal is deposited with the Township Clerk.

2. Other Temporary Structures:

Other temporary structures not permitted or regulated above or by other provisions of this Ordinance may be permitted by the Zoning Board of Appeals. An application for such temporary structure shall set forth the purposes of the construction. The Zoning Board of Appeals shall determine whether such structure is intended as a temporary building and that its use thereof shall be terminated at a specified time. The application shall not be granted if the structure is not served with a sufficient and healthful water supply and toilet facilities. The temporary structure shall be so constructed and maintained that it shall conform to the minimum requirements for safety, health, and general public welfare and for the prevention of fire hazards as provided by the terms of this Ordinance or any other ordinance of the Township, not in conflict herewith for such districts in which the temporary structure shall be located. The temporary building shall not be injurious to the value of the surrounding property or neighborhood.

Section 4.19 Dwellings - Single-Family:

Single-family dwelling erected or placed on a lot or parcel of property in the Township shall meet the following minimum criteria:

1. It shall have a minimum width across any front, side or rear elevation of twenty (20) feet.
2. There shall be a minimum habitable floor to ceiling height of 7.5 feet.
3. The dwelling must be aesthetically compatible in design and appearance with other dwellings in the district, and conform to the minimum floor area requirements for the district in which it is located.
4. The dwelling shall be connected to a public sewer and water supply, or to such private facilities approved by the Kent County Health Department.
5. All construction and all plumbing, electrical apparatus and insulation within the dwelling shall be of a type and quality conforming to the Township Building Code (BOCA) or the "Mobile Home Construction and Safety Standards", as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. The dwelling shall meet or exceed all applicable roof snow

load and strength requirements. All plumbing and electrical connections shall meet BOCA requirements.

6. The placement installation and construction of a mobile home in the ARC District shall meet the following additional requirements.
   a. It shall have either a sloped roof with shingles, or a flat roof containing built-up roofing.
   b. Additions to the mobile home shall comply with the construction standards of the BOCA Code. The exterior of the addition shall be visually compatible with the exterior appearance of the mobile home.
   c. It shall be attached to a permanent foundation wall, constructed on the site in accordance with the BOCA Code. It shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring device complying with the rules and regulations of the Michigan Mobile Home Commission. The entire perimeter shall be enclosed by a foundation wall and shall be installed with the wheels removed. Exposed towing mechanism, under-carriage or chassis are not permitted.
   d. If a particular mobile home is excluded from placement in the ARC District other than designated mobile home parks, it must be because the mobile home fails to satisfy the above requirements, which were designed to assure that the mobile home will compare aesthetically with other housing types allowed on the site, and not merely because it is a mobile home.
7. No construction required herein shall be commenced before a building permit has been obtained.

Section 4.20 Home Occupations:

Cascade Township recognizes that certain business activities might be carried on in the home, which under certain conditions could have a deleterious or disrupting effect on adjoining properties or the residential neighborhood in general. In permitting certain home occupations and the limited use of dwellings for business purposes it is the intent of this Ordinance to establish a general threshold of acceptable, non-residential activity, beyond which the activity shall not be permitted or shall require special use approval.

To be permitted, the use of a dwelling for home occupation purposes and the activity must meet the following criteria.

1. Only those persons residing on the premises shall be engaged in the home occupation.
2. The use of the dwelling unit for the home occupation shall be clearly secondary to its use for residential purposes by its occupants and with the exception of adult or child family day care homes, not more than twenty (20) percent or 300 square feet of the floor area of the dwelling, whichever is the lessor amount, shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the dwelling and with the exception of adult or child family day care homes where fencing may be required and outdoor play activity may occur, there shall be no change in the appearance of the premises, or other visible evidence of the conduct of the home occupation.
4. No home occupation shall be conducted in any accessory building or garage.
5. No more than four (4) motor vehicles shall be permitted on the premises where a home occupation is conducted, exclusive of motor vehicles stored in a completely enclosed building.
6. No motors other than electrically operated motors shall be used in conjunction with the home occupation. The total horse power of all electrical motors utilized in the home occupation shall not exceed three (3) horsepower. No single electrical motor used in the home occupation shall exceed one (1) horsepower. All electrical motors and equipment used in the conduct of the home occupation shall be shielded so as not to cause radio or television interference for adjoining properties. Only mechanical equipment which is similar to that used for household purpose and hobbies and does not affect insurance rates in the premises shall be allowed.
7. If the home occupation is one involving the teaching of music, it shall be restricted to piano, organ, and unamplified instruments conducted in closed quarters.
8. No article of merchandise shall be sold or displayed on the premises in the conduct of the home occupation.

Section 4.21 Lots, Corner:

If a lot is bounded by two (2) streets, the front yard requirements of the district shall be maintained for each street. In the case of residential corner lots, the Building Inspector shall at the time of application for a building permit on the principal building, designate a lot line opposite one of the two front lot lines which shall be considered the rear lot line. The remaining lot also being opposite a front lot line shall be considered a side yard line. In the case of non-residential corner lots or permitted non-residential uses on residential corner lots, the Planning Commission shall make the determination and designation prior to final site plan approval.

Section 4.22 Lot, Double Frontage:

A building on a lot having frontage on two (2) non intersecting streets shall have applicable front yard and setbacks on both streets.

Section 4.23 Model Units, Temporary Real Estate Sales Offices:

The use of a building or dwelling unit as a model for the purpose of selling real estate may be permitted on a temporary basis subject to the following.

1. The building or unit is part of a larger contiguous development in which the construction of other similar buildings or units is being actively carried out by the person having a legal interest in the model building or unit.
2. No more than 450 square feet of floor area contained within the model is devoted to sales office use, with the remainder being utilized for show or display of salient interior design and architectural features.
3. The address of the building or unit used as a model is not used as a principal business address for real estate transactions, and the properties offered, listed and sold from the model/temporary real estate office are contained entirely within the same contiguous development.
4. The use of a building or unit for such purposes shall be authorized under the provisions of Chapter 17, Special Use. In approving such use, the Planning Commission may establish reasonable time limitations.

Section 4.24 Motor Vehicle Repair:

Normal and customary maintenance work (e.g. car washing, changing of oil, etc.) on motor vehicles in residential districts shall be permitted, provided such vehicles are not used primarily for racing. A vehicle must be owned by the occupant of the dwelling. All major mechanical work (e.g. substantial engine or body repair) must be performed within a building, and no parts or vehicles not in legally operating condition may be stored outside.

Section 4.25 Essential Public Services:

1. It shall be lawful for public utilities, municipal departments or commissions to erect, construct, alter or maintain defined essential services, but not including buildings reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions for the public health and safety, and general welfare of the public anywhere in the Township.
2. The Township Board of Appeals is granted the power to permit any public service corporation contemplated in the foregoing paragraph, to erect and use a building or an addition to an existing building or a structure for the aforesaid public utility purposes in any district and to permit such building at greater height or of a greater area than the district requirements herein established; provided such Board of Appeals shall find such use, height, area, building structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

Section 4.26 Outdoor Lighting:

Outdoor lighting located on privately owned property shall be so arranged that it will not shine directly on nearby dwellings or interfere with the vision of traffic.

Section 4.27 Right-of-Way:

No building shall be erected unless the premises upon which it is to be constructed shall abut upon a public or private street.

Section 4.28 Mineral Resource Extraction:

1. **Purpose/Intent** - It is the intent of this Section to permit and regulate the orderly extraction, processing and utilization of mineral resource deposits of current economic importance to the township and region; to require reclamation and restoration of extraction and processing sites to a useful, environmentally stable condition; and to establish regulations and performance standards for the extraction, processing, utilization, and transport of mineral resources and products in such a manner as to ensure maximum protection to surrounding properties and the physical environment.
2. **Districts in Which Mineral Resource Extraction is Permitted**
   a. Minor mineral resource extractions shall require a Type II Special Use Permit as regulated in Chapter 15 and may be permitted in all zoning districts except R1, Residential and R2, Residential.
   b. Major mineral resource extractions shall require a Planned Unit Development rezoning as regulated in Chapter 16.
3. **Submission of Plans**- All applicants seeking approval of a mineral resource extraction site shall be required to submit a mineral resource extraction plan and reclamation plan consistent with the requirements of this Section. The applicant shall also submit information which establishes the following:
   a. That a valuable resource is present on the property.
   b. That no serious traffic problems will result from the extraction.
   c. That noise and other disruptions will not result from the extraction.
   d. That the mineral resource extraction will not decrease the property values in the surrounding area.
4. **Exemptions** - The following, to the extent specified herein, are exempt from the requirements of this Section:
   a. Excavation as part of the construction or alteration of a building or the grading incidental to a building if a building permit is obtained prior to the commencement of excavation and/or grading incidental to a building:
      1) A building permit shall not be issued until the Building Inspector determines the purpose of the excavation and/or grading and until a specific grade plan is submitted and approved. The permit shall specify the terms and conditions for excavation and/or grading.
      2) A building permit to commence excavation and/or grading for one or more single family homes that would require extensive excavation and the removing and hauling of material over public streets for a period of time exceeding 10 days, shall only be authorized by the Zoning Board of Appeals, unless such site preparation has been specifically authorized as part of the Township Board's approval of a final preliminary plat or in its approval of a division of an unplatted or platted parcel of land, or a planned unit development.
   b. Excavation in connection with normal lawn preparation and maintenance.
   c. Excavation in connection with the construction or alteration of a street or utility improvement.
   d. Excavation in connection with farming operations.
   e. Excavation which by nature is of limited duration; e.g. graves, septic tanks, swimming pools, etc., for a period of time not to exceed 15 days.
   f. Regrading of property for aesthetic purposes that does not affect existing drainage, if no material is removed from the property.
5. **Development Standards** - All mineral resource extraction sites shall conform to the following development standards:
   a. No excavation shall be made closer than 200 feet from a residential property or any public right-of-way or 50 feet from any abutting or adjoining non-residential property.
   b. A mineral resource extraction site shall maintain the required lot frontage of the zoning district in which it is located.
   c. The tops of all open excavations shall be enclosed by a fence erected and maintained at least 25 feet outside the excavation. Such fence shall not be less than six feet in height and shall effectively control access to the site.

d. No grading, removal, or disturbance of plant material shall be permitted within 50 feet of any lot line or road frontage: provided, however, that existing vegetation and/or grading shall be supplemented as required with additional plant material and/or berming so as to provide an effective year-round landscape screen, except at the point of access. All of the requirements of this subsection must be in place prior to commencement of extractive operations; provided, however, that the creation of berms as landscape screening using material from the site may follow the commencement of extractive operations.

e. After the minerals have been removed from the site, the property shall be restored by the replacement of topsoil where feasible. The excavation area shall be planted with a suitable ground cover sufficient to prevent erosion.

f. The maximum depth of excavation shall not be below existing groundwater, except in such cases where the reclamation plan indicates that a lake or lakes will be part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavations for conformance to the approved reclamation plan.

g. Mineral resource extractions shall be conducted only during the hours from 7:00 A.M. to 5:00 P.M., Monday through Friday, except when needed during a public emergency.

h. A road from the entrance and exit of the excavation site, a distance not less than 300 feet from the Right-of-Way line into the area of operation, shall be provided in order to minimize the deposit of dirt and gravel from trucks onto the public highway. If the road is located within 300 feet of an occupied residence or commercial or industrial establishment, the road shall be kept dust-free by hardtopping with cement or bituminous substances.

i. Not more than one entrance and one exit from a highway or road shall be provided to the area of operation.

j. Any soil that may be deposited on any public street or public place from any vehicle transporting materials from the mineral resource extraction site shall be immediately removed without damage to the public street or public place at the expense of the applicant.

6. **Plan Requirements** - Mineral resource extraction plans shall conform to the site plan requirements contained in Chapter 21 in addition to the following requirements:

   a. Truck hauling routes from the excavation site to major through streets shall be identified.

   b. A Soil Erosion and Sedimentation control plan shall be approved by the Township Engineer prior to final approval.

   c. All stormwater control and drainage plans shall be reviewed and approved by the Township Engineer and Kent County Drain Commission prior to final approval.

   d. Work depths must be identified.

   e. Overburden and debris disposition areas must be identified.

   f. A description of natural resource extraction and processing operations proposed for the site.

   g. An estimate of the quantity of minerals to be removed from the site and timetable for removal, with supporting calculations conforming to generally accepted engineering principles.

   h. A list of the types, numbers, and sizes of major equipment to be used on site at any time.

      i. Any other information the Planning director determines is reasonably necessary for a complete review of the project.

7. **Performance Standards**- The Township may require performance standards where, because of peculiar conditions, it deems them necessary for the protection of the healthy, safety, morals and well being of the residents of the Township.

   These performance standards may be measures to control dust, noise, visual screening, water standards, vibration, storm drainage, and flooding, in addition to any other standards the Township deems necessary.

8. **Reclamation Plan Requirements** - A reclamation plan, at the same scale as the site plan, prepared by a registered professional civil engineer, shall be submitted before final approval is granted. The reclamation plan, at a minimum, shall contain the following information:

   a. Final contours, at two foot or less contour intervals, of the site after restoration. The banks

of all excavation sites shall be sloped at a grade of not less than 2.5 feet horizontal to 1 foot vertical.

b. Complete extent of areas which will be backfilled and depth of backfill shown with spot elevations.

c. Areas and depth of areas to be restored with top soil and other overburden.

d. Areas which will contain either standing or runoff water and measures which will be taken to avoid stagnation and erosion.

e. Phasing diagram(s) for reclamation.

f. A complete landscape plan indicating location and type of proposed and existing landscape features.

g. Description of the proposed final use of the site, with discussion of how the proposed use relates to the General Development Plan and zoning districts within the vicinity of the property.

h. Estimated timetable clearly expressing the maximum time required for various phases of the reclamation plan.

9. **Financial Guarantee** The Township may require the posting of a financial guarantee consistent with Section 21.09 of this Ordinance.

10. **Existing Mineral Resource Extraction Sites**- Mineral Resource Extraction sites which are actively mined or which have been actively mined within 180 days of enactment of this Section shall be limited to the lot on which the activity exists at the date of enactment of this Section. Further, all existing mineral resource extraction sites which are currently being mined shall be required to submit a reclamation plan consistent with the requirements of this Section within one hundred eighty (180) days following the adoption of this Section. (New Section added by Ordinance #19 of 1990)

Section 4.29 Traffic Visibility Across Corners:

In any residential, business, or industrial district on any corner, no fence, structure or planting over thirty (30) inches in height shall be erected or planted within a twenty foot radius of the corner property lines so as to interfere with traffic visibility across the corner.

Section 4.30 Walls and Fences:

This Section shall apply to all boundary fences, walls, hedges, gatehouses and entrance gates which are not specifically exempted herein. This Section shall not apply to seawalls as regulated by the Michigan Department of Natural Resources.

1. **Construction**

   a. All fences and walls shall be of sound construction.

   b. No barbed wire, spire tips, sharp objects, or electrically charged fences shall be erected in or abutting any residentially zoned district.

   c. Bona fide agricultural uses may use barbed wire or charged fences to control livestock when located in the ARC, Agricultural Rural Conservation zoning district.

   d. Fence posts and vertical supports must be inside of the fence and facing inside of the property on which the fence is located.

2. **Location and Height**

   a. Agricultural, Office and Residential Zoning Districts - Unless specifically exempted by a Type I special Use Permit, all walls or fences in the front yard shall be limited to a maximum height of four (4) feet at final grade. The maximum fence or wall height in the side yard or rear yard shall be limited to six (6) feet in height as measured from average grade.

   b. All Other Zoning Districts - Unless specifically exempted by a Type I special Use Permit, all walls or fences in these zoning districts shall be limited to a maximum heights of eight (8) feet. The use of barbed wire strands is permitted provided the strands be restricted to the uppermost portion of the fence and shall not extend lower than a height of six (6) feet from the average grade.

   c. Architectural Features - Fences, walls and hedges for residential, office or commercial use may include architectural features such as columns, cupolas, fountains, parapets, etc. at a height not exceeding 1.5 times the permitted height wall or fence height. Such features must be compatible with the project and abutting properties.

3. **Location Requirements** - Except as specified below, fences, walls and hedges may be erected, placed and maintained along any property line provided:
   a. It shall be unlawful to construct any wall or fence in any public right-of-way or within the right-of-way easement for private roads.
   b. No wall, fence, structure or planting over thirty (30) inches in height shall be erected or planted within a twenty (20) foot radius of the corner property lines so as to interfere with traffic visibility across the corner.
4. **Additional Requirements for Commercial, Office and Industrial Areas** - All commercial, office and industrial uses shall provide a continuous visual screen of at least eight (8) feet in height along any lot line abutting a residential use. Such screen shall be installed by the non-residential user and shall be maintained in a sightly manner.
   a. An entrance gate or gatehouse not approved as part of a Planned Unit Development (PUD) may be permitted by right for security purposes to any development provided the gate or gatehouse is:
      1) Not located on a public street or right-of-way; and
      2) Located a minimum of one hundred (100) feet back from any public right-of-way or easement; or
      3) Designed in such a manner that a minimum of three (3) vehicles can pull safely off the public street while waiting to enter; or
      4) The development provides a deceleration-turning lane adjacent to the existing pavement for a minimum distance of three hundred (300) feet leading into the access road, unless more stringent requirements are specified by the Kent County Road Commission.
   b. Access for emergency vehicles shall be provided. Should an emergency necessitate the breaking of an entrance gate, the costs of repairing the gate and the emergency vehicle (if applicable) shall be the responsibility of the owner and/or operator of the gates.
5. **Conditions for Special Use Permit Approval**

   Due to the unusual circumstances related to the property location or use of the fence, the height of a fence may be increased to a height of eight (8) feet as measured from final grade in all agricultural, office and residential zoning districts and up to ten (10) feet, as measured from average grade in all other zoning districts. Upon review of a special use permit for additional fence height the Planning Commission shall consider the following:
   a. To what extent the impact of additional height has on adjoining property owners.
   b. Whether the additional height severely impacts light and ventilation from flowing onto the adjoining properties.
   c. Whether the increased height creates a traffic hazard.
   d. Whether the increased height creates a fire, safety hazard.
   e. Whether the increased height violates any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.). (New Section added by Ordinance #5 of 2012).

Section 4.31 Residential Front Yard Averaging:

In any ARC, R1 or R2 zoning district where the average front yard setback of two (2) or more buildings within two hundred (200) feet of the lot or parcel in question and on the same side of the street is less than, or greater than, the minimum front yard setback prescribed for the specific zoning district, then the required front yard setback of such lot or parcel shall not be less than the average existing front yard setback or such buildings. In any event, the front yard setback on any lot or parcel shall not be less than ten (10) feet. (New Section added by Ordinance #14 of 1989).

Section 4.32 Resubmission of Applications

No application for a rezoning, planned unit development, special use permit, site plan approval, variance or other zoning approval or project shall be submitted to the Township or be formally considered by a Township board or official (i.e. Township Board, Zoning Board of Appeals, Planning Commission or Planning Director) where such application or project has been previously denied or turned down by the Township unless the new application or project is substantially changed from the prior one. With regard to whether or not substantial changes have occurred since the prior application or project was denied, the Planning Director shall make the determination in the first instance. If the applicant disagrees with the Planning Director's determination, the applicant shall have thirty (30) days to appeal the Planning Director's determination

to the Township board involved. In determining whether substantial changes have occurred, the Planning Director (or on appeal, the Township board involved) shall consider:

1. Whether the application or project has been substantially modified from the earlier one;
2. Whether external conditions or circumstances have changed significantly so as to warrant a reconsideration of the application or project; or
3. Whether new and material evidence has been discovered which would justify a reconsideration of the application or project and the failure to present such evidence at the first consideration was not the fault of the applicant. (New Section added by Ordinance #20 of 1995).

Section 4.33 Keyhole Development (Section amended by Ordinance #11 of 2005; 12/14/05) (Section amended by Ord No 10, 2010; 7/14/10)

The following restrictions are intended to limit the number of users of lake, river or stream frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the Township.

1. In all zoning districts there shall be at least one hundred (100) feet of lake, river or stream frontage as measured along the normal high water mark of the lake, river or stream for each single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake, river or stream frontage.
2. Any multiple-unit residential development in any zoning district that shares a common lake, river or stream front area or frontage may not permit lake, river or stream use or access to more than one (1) single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit for each one hundred (100) feet of lake, river or stream frontage in such common lake, river or stream front area, as measured along the normal high water mark line of the lake, river or stream.
3. Any multiple-unit residential development shall have not more than one (1) dock for each one hundred (100) feet of lake, river or stream frontage, as measured along the normal high water mark of the lake, river or stream, in any zoning district in the Township. All such docks and docking or mooring shall also comply with all other applicable Township ordinances.
4. The restrictions contained in this section shall apply to all lots and parcels on or abutting any lake, river or stream in all zoning districts, regardless of whether access to the lake, river or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license or lease.
5. In all zoning districts, no lake, river or stream access, boat ramp, shorestation, dock, or boat launch shall be installed or utilized nor shall any shoreline abutting a lake, river or stream be utilized for commercial, business or non-residential uses or purposes unless such use is authorized by the zoning district within which the property is located and such use is additionally approved pursuant to a special use or a Planned Unit Development (PUD) approval.
6. The lake, river and stream access and use regulations contained in this section shall be fully applicable to all planned unit development (PUD) and special use projects or developments.
7. In addition to the above limitations, no easement, private park, common area, lot or access property abutting or adjoining a lake, river or stream shall be used to permit access to the lake, river or stream for more than one (1) single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access use is approved as a special use or as a planned unit development (PUD).
8. For purposes of meeting the minimum required water frontages mentioned above, water frontage around the shore of an island shall not be included as part of the mainland.
9. These water access regulations shall be in addition to and shall not negate any of the restrictions or other requirements of this Zoning Ordinance or the zoning district involved.
10. The nonconforming use provisions of Chapter 22 of this Zoning Ordinance shall be applicable to this Section (Section 4.33) except the following shall be permissible notwithstanding the provisions of Chapter 22 of this Zoning Ordinance:
    a. Any lot of record having frontage on a body of water may have one (1) dock for use by a single family (who owns or occupies that lot) even though the lot has less then one hundred (100)

feet of frontage on the water. This Section 4.33 shall not be construed to prevent a dock for use by a single family (who owns or occupies that lot), even if no dock had ever been installed on the property, where recorded vested rights were obtained prior to November 21, 1995.

b. Any easement, private park, common area, or access property having frontage on a lake, river, or stream which provides access to such body of water for more than one (1) single-family home, dwelling unit, condominium unit, apartment unit, lot, or parcel, and which lawfully existed for such use as of November 21, 1995 shall not have any dock, boat ramp, or boat mooring site unless such use is approved as a special use.

c. If a given property, easement, park, common area or access property has a right to have a dock under this Section (Section 4.33) or Chapter 22, that right to utilize a dock shall continue even if the dock is seasonal in nature, has to be repaired or replaced or is not utilized every year.

11. Although the owner of a property with frontage on a lake, river or stream may permit family members and occasional invitees to use the water frontage, dock and watercraft owned by the owner as incidental to the residential use of the property, the owner shall not permit anyone other than a family member of a person co-owning or residing on the property fronting on the water to moor a watercraft overnight at the dock on the property or in the waters adjacent to the property. Nor shall the owner of such a property enter into an agreement to permit anyone to use the shoreline (or dock thereof) of water unless such person is leasing a residence on the property and is in possession of the entire waterfront property. This subsection shall apply only to the residential zoned districts.

12. Notwithstanding any of the requirements and restrictions contained elsewhere in this Section 4.33, the owners of lots or parcels within a river or lake property owners association which have frontage on the Thornapple River or lake within the Township (or which have permanent access to the Thornapple River or any lake through a waterfront property within Cascade Charter Township by means of a permanent easement, walkway, or similar river or lake access device that lawfully existed, was recorded with the Kent County Register of Deeds records, and expressly benefited the off-water property involved, all before November 21, 1995) can use a boat ramp, boat launch, or similar facility that lawfully existed on the Thornapple River or a lake prior to November 21, 1995, even though such additional waterfront lots or parcels within the Township are not located within the development or plat where the existing boat ramp, boat launch, or equivalent is located (or are not within the property owners association that owns or controls such boat ramp, boat launch or equivalent), so long as the river or lake property owners association involved obtains special use approval for such additional use of the existing boat ramp, boat launch, or similar structure at issue from the Township Board and the following requirements are met:

a. Reasonable conditions may be attached to any such special use approval hereunder, including, but not limited to, limitations on hours of usage, restrictions on the number of days per year that such additional use can occur and limiting the use of specific property owners outside the development or plat at issue (for example, limiting usage to one or more days for putting a boat in during the spring and one or more days for taking the boat out in late summer or fall).

b. Any such additional use of a boat ramp, boat launch, or similar facility must also comply with all applicable deed restrictions, restrictive covenants, easement limitations, or the equivalent (if any).

c. No individual property owner or owners can apply for such a special use approval (or be granted such special use approval); rather, only a river or lake property owners association that has been traditionally recognized as representing waterfront property owners within Cascade Charter Township along the Thornapple River or a lake can apply for and potentially be granted such special use approval. If such special use approval is granted, the only members of the river or lake property owners association given such special use approval who can utilize the boat ramp, boat launch, or similar facility involved are members of that association who own waterfront property within Cascade Charter Township or have permanent access to the Thornapple River or a lake through a waterfront property within Cascade Charter Township by means of a permanent easement, walkway, or similar waterfront access device (where such

waterfront access device lawfully existed, was recorded with the Kent County Register of Deeds records, and expressly benefited the off-river or lake property involved, all before November 21, 1995). Any member of the association who does not meet such qualifications cannot utilize the boat ramp involved.

The Zoning Administrator shall have the authority to determine whether a particular member of a river or lake property owners association that has been granted special use approval hereunder can use the boat ramp, boat launch, or similar facility based on the claim that the member has the benefit of a permanent easement, walkway, or similar river or lake access device and whether such river or lake access device lawfully existed, was recorded with the Kent County Register of Deeds records, and expressly benefited the off-river or lake property involved (all of which must have occurred prior to November 21, 1995).

d. Any river or lake property owners association that has been granted special use approval hereunder shall be responsible for ensuring that all of its members utilizing the boat ramp, boat launch, or similar facility involved comply with the requirements of this subsection 4.33(12) as well as any conditions attached to the approval of the special use. (New Section added by Ordinance #18) (New Section added by Ord 10 of 2010)

Section 4.34 Lighting (New section added by Ordinance #7 of 2005; 9/28/05)

Protecting the general public health, safety, and welfare of the community shall be the top priority in all outdoor lighting.

1. Outdoor Lighting

   Outdoor lighting shall:

   a. Protect motorists and pedestrians from the glare of nonvehicular light sources.
   b. Protect neighbors from nuisance glare and light trespass from improperly selected or poorly placed, aimed, applied, maintained, or shielded lighting sources.
   c. Protect and retain the intended visual character of the community.

   Outdoor lighting shall not:

   a. Be used to draw undue and excessive attention to buildings, properties, or appurtenances for purposes other than protecting the general public health, safety, and welfare of the community.
   b. Be used to compete for the attention of, or cause distraction and physical discomfort to, motorists and pedestrians by means of excessively illuminated surfaces and unshielded, noncutoff type lighting sources with a direct glare component.

2. Downcast Lighting:

   For parking lots, cutoff- type luminaries shall be used and shall be equipped with devices, such as shields, visors, hoods, for redirecting light. All outdoor lighting on private, residential, commercial, industrial, municipal, recreational, and intuitional property shall be so equipped, aimed, located, designed, fitted, and maintained. Directional luminaries such as spot lights, and sign lights shall be so installed and aimed that they illuminate only the task and do not shine directly onto neighboring properties, roadways, and distribute excessive light skyward.

3. Nonhorizontal Surface Lighting:

   For the lighting of predominantly nonhorizontal surfaces, such as, but not limited to, facades, landscaping, signs,, fountains, displays, and statuary, lighting fixtures shall be fully shielded and shall be installed and aimed downcast so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, or onto a public roadway. Ground mounted lighting may be uplit for structures not taller than five feet. Lighting fixtures with an aggregate rated lamp lumen output per fixture that does not exceed 1,000 lumens are exempt from the requirements of this paragraph.

4. Flag Lighting:

   The lighting of flags is allowed and cutoff fixtures are not required so long as shielded and directional fixtures are used. Fixtures must be installed and aimed so as to minimize glare, sky glow, and light trespass.

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CHAPTER 5
Mapped Districts

Section 5.01 Title:

Mapped Zoning Districts

Section 5.02 Mapped Zoning Districts:

For the purpose of this Ordinance, Cascade Charter Township is hereby divided into the following zoning districts:

ARC, Agricultural/Rural Conservation District

R-1, Single Family Residential District

R-2, Single Family Residential District

B-1, Village Business District

VO, Village Office/Service District

B-2, General Business District

ES, Expressway Service District

O, Office District

I, Industrial District

AC, Airport Commerce District

PUD, Planned Unit Development District

Section 5.03 Zoning Map:

The locations and boundaries of the zoning districts, are shown upon the map, which is incorporated herein by reference, and are established. This map is designated as the "Zoning Map of Cascade Charter Township, Kent County, Michigan." This map and all the notations, references, and other information thereon shall be a part of this Ordinance.

The official zoning map shall be located in the office of the Township Clerk, and, together with official records, shall be the final authority as to the current zoning status in the Township.

The official zoning map shall be so identified by the signature of the Township Clerk. The map shall be kept current and shall be accessible to the general public.

Section 5.04 Boundaries of Districts:

Where uncertainty exists as to the boundaries of districts as shown on the official map, the following rules shall apply:

1. Boundaries depicted as approximately following the centerlines of streets shall be construed to follow such centerlines.
2. Boundaries depicted as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such change. Boundaries indicated as approximately following the centerlines of streams or rivers shall be construed as following such centerlines.
3. Boundaries depicted as approximately following lot or property lines shall be construed as following such lines.
4. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.
5. The Board of Appeals shall interpret the district boundaries.

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CHAPTER 6
R-1 & R-2 Single Family Residential District

Section 6.01 Title:

Use Regulations Relating to the "R-1" and "R-2" Single Family Residential Districts

Section 6.02 Intent:

These districts are intended to encourage a suitable environment for residential and compatible supportive uses. To this end they are the most restrictive residential districts permitting low density single family homes and uses and a controlled degree of recreational, religious and educational facilities.

Section 6.03 Uses Permitted by Right:

In any "R-1" or "R-2" single family residential district no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance.

1. Single family detached homes except mobile homes and earth sheltered dwellings.
2. Home occupations, as provided for in Section 4.20.
3. Accessory buildings, structures and uses as provided in Section 4.09.
4. Parks, playgrounds and related facilities, provided such facilities are owned and operated by the public or non-profit groups, but excluding those such facilities intended to serve areas beyond the immediate neighborhood, and outdoor facilities which are designed and intended for use after natural daylight hours.
5. Signs as provided in the Cascade Charter Township Sign Ordinance.
6. Temporary buildings, structures and uses, as provided in Section 4.18.
7. Essential Public Services, as provided in Section 4.25. (Section renumbered as a result of Ord. No. #10 of 2001)

Section 6.04 Uses Permitted by Special Use Permit:

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

1. Public, parochial and other private elementary, intermediate and high schools not operated for profit excluding colleges and universities.
2. Child or adult day care centers, as defined in Chapter 3, whether free standing or in conjunction with a principal permitted use.
3. Public or private non-profit parks and recreation and activity centers including swimming pools, tennis courts, baseball fields, community centers, libraries and similar facilities intended to serve areas beyond the immediate neighborhood and outdoor facilities designed and intended for use after natural daylight hours.
4. Churches and associated facilities normally incidental thereto. Any use associated with the church use that is further regulated by this ordinance shall also require the church use to comply with any such regulations as well. This would include but need not be limited to uses such as child day care, adult day care and group day care home facilities.

   Notwithstanding the provisions of this Section, churches which lawfully existed before the effective date of this Ordinance shall for the purpose of this Ordinance be considered conforming. Expansion of such facilities shall however be subject to this ordinance. (Ord. #10 of 2001)
5. Bed and Breakfast establishments.
6. Transitional uses.
7. Model units, temporary real estate offices, as provided in Section 4.23.
8. The keeping of domestic animals and fowl may only be permitted by Special Use Permit in the R-1, Residential zoning district, as provided in Section 4.11. (This Section amended by Ordinance No. 12 of 1997)
9. Other uses determined by the Planning Commission to be similar to the uses listed in Section 6.04 hereof and for which a special use permit maybe approved by the Township. (Section added by Ord. #3 of 2006; 5/10/06)

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CHAPTER 7
ARC Agriculture/Rural Conservation District

Section 7.01 Title:

Use Regulations Relating to the "ARC" Agriculture/Rural Conservation District

Section 7.02 Intent:

This district is intended in part to conserve the rural open space qualities of the community and to allow low density residential development in areas where soil conditions, topography, vegetation and or lack of existing or programmed public utilities and urban services preclude and will continue to preclude for an extended period, more intensive development. It is the further intended of this district to conserve large tracts of land suitable for agricultural and other specialized rural uses and to promote harmony between these uses and residences and the uses permitted in adjacent districts. The requirements of this district are such that if intense development and land subdivision is to occur, it shall be preceded by appropriate rezoning based on sound planning principles and the efficient programming of those public improvements and urban services necessary to support the development.

Section 7.03 Uses Permitted by Right:

In any ARC district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

1. Any use permitted by right in the R-1 and R-2 residential districts as enumerated in Chapter 6.
2. Single family earth sheltered and mobile home dwellings Section 4.19
3. Agricultural uses and farming operations as defined in Chapter 3, together with buildings and other installations customary and necessary to such uses or operations, except intensive livestock operations.

Section 7.04 Uses Permitted by Special Use Permit:

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

1. Golf courses, country clubs and other public or private outdoor recreational uses, excluding miniature golf and amusement parks Section 17.07.2.c
2. Private airports and landing fields
3. Public, semi-public or private communications transmitter and relay stations Section 17.07.2.g
4. Travel trailer parks and campgrounds
5. Outdoor storage centers for recreational vehicles
6. Public utility and private contractor storage and service yards in association with specialized services requiring bases of operation and short term outdoor storage of equipment and material, excluding the stockpiling of material and the major repair of equipment Section 17.07.2.i
7. Kennels, animal hospitals and public stables Section 17.07.2.f
8. Limited retail and wholesale trade of landscape products in association with greenhouses Section 17.07.2.j (This subsection amended by Ordinance #2 of 1997)
9. Roadside Stands Section 17.07.2.m
10. Milk pasteurization plants, fish hatcheries and apiaries, and the raising of fur bearing animals when associated and secondary to a farming operation.
11. Cemeteries
12. Any special use which may be permitted in the R-1 and R-2 zoning districts as enumerated in Chapter 6.
13. Group Day Care Homes Section 17.07.2.o (New subsection added by Ordinance #14 of 1989)
14. Minor Mineral Resource Extraction Section 4.28 (New subsection added by Ordinance #19 of 1990)
15. Antenna tower and masts for cellular phone and other personal communication services Section 17.03.1.h (New subsection added by Ordinance #11 of 1996)
16. Nurseries with associated limited retail and wholesale trade of nursery stock field-raised on the premises and where at least 30% of the acreage of the facility is dedicated to growing nursery stock. Section 17.07.2.j
17. Other uses determined by the Planning Commission to be similar to the uses listed in Section 17.04 hereof and for which a special use permit maybe approved by the Township. (Section added by Ord. #3of 2006; 5/10/06)

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CHAPTER 7a
FP Farmland Preservation

Ord No 3 of 2010; 3/10/10

Section 7.01a Title:

Use Regulations Relating to the "FP" Farmland Preservation District:

Section 7.02a Intent:

This district is intended to maintain agricultural activity, preserve open spaces, and encourage farming operations, in part by precluding land uses that may conflict with such objectives and by permitting uses which complement farming and support agricultural practices. The purpose of this district is to allow farm establishments and encourage their viability. Areas within this district have distinctive soils capable of supporting productive agriculture and unique crops. These lands are not served with public water or sanitary sewer and non-residential development, nonagricultural development, land subdivisions, site condominiums, or multiple-family uses are not anticipated or appropriate.

Section 7.03a Uses Permitted by Right:

In the FP district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this Ordinance:

1. Single family detached homes except mobile homes and earth sheltered dwellings.
2. Home occupations, as provided for in Section 4.20.
3. Agricultural uses and farming operations as defined in Chapter 3, together with buildings and other installations customary and necessary to such uses or operations.
4. Accessory buildings, structures and uses as provided in Section 4.09.
5. Farmland Preservation residential subdivision or site condominium as provided in the Subdivision Ordinance
6. Parks, playgrounds and related facilities, provided such facilities are owned and operated by the public or non-profit groups, but excluding those such facilities intended to serve areas beyond the immediate neighborhood, and outdoor facilities which are designed and intended for use after natural daylight hours.
7. Signs as provided in the Cascade Charter Township Sign Ordinance.
8. Temporary buildings, structures and uses, as provided in Section 4.18.
9. Greenhouses.

Section 7.04a Uses Permitted by Special Use Permit:

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

1. Kennels, animal hospitals and public stables.
2. Limited retail and wholesale trade of landscape products in association with greenhouses.
3. Roadside Stands, as defined in Chapter 3.
4. Milk pasteurization plants, fish hatcheries and apiaries, and the raising of fur bearing animals when associated and secondary to a farming operation.
5. Nurseries with associated limited retail and wholesale trade of nursery stock field-raised on the premises and where at least 30% of the acreage of the facility is dedicated to growing nursery stock.
6. Other uses determined by the Planning Commission to be similar to the uses listed in Section 7.04a hereof and for which a special use permit maybe approved by the Township.
7. Private Street, unless part of an approved Farmland Preservation residential subdivision or site condominium
8. Public or private non-profit parks and recreation and, tennis courts, baseball fields, and similar facilities intended to serve areas beyond the immediate neighborhood and outdoor facilities designed and intended for use after natural daylight hours.
9. Churches and associated facilities normally incidental thereto. Any use associated with the church use that is further regulated by this ordinance shall also require the church use to comply with any such regulations as well. This would include but need not be limited to uses such as child day care, adult day care and group day care home facilities.

   Notwithstanding the provisions of this Section, churches which lawfully existed before the effective date of this Ordinance shall for the purpose of this Ordinance be considered conforming. Expansion of such facilities shall however be subject to this ordinance. (Ord. #10 of 2001)

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CHAPTER 8
B-1 Village Business District

Section 8.01 Title:

Use Regulations Relating to the "B-1" Village Business District (Chapter amended by Ord. No, 8 of 2011; 6/23/11)

Section 8.02 Intent:

This district is intended to promote a village atmosphere, which is built to human scale to encourage attractive street fronts and connecting pedestrian walkways as a first priority while still accommodating vehicular movement. This district is intended to satisfy the land needs for convenience, specialty and personal service type shops and establishments primarily serving those person residing in the surrounding residential areas of the Township. The district is also intended to provide mixed uses with residential above retail or office uses, live/work, and stand-alone attached residential uses. The district is not intended for the location of multi-tenant strict commercial structures which when judged independently would be classified as community wide or regional in scale.

Section 8.03 Uses Permitted By Right:

In the "B-1" Village Business District, no building, structure or premises, shall be erected, altered or used except for one or more of the following uses unless otherwise provided in this Ordinance:

1. Generally recognized retail businesses, which supply commodities on the premises, such as, but not limited to, groceries, meats, dairy products, bake goods or other foods, drugs, dry goods, clothing and notions of hardware.
2. Personal service establishments which perform services on the premises, such as, but not limited to, repair shops (watches, radios, television, shoes, etc.), tailor shops, beauty parlors or barber shops, photographic studios, flower shops and print shops.
3. Business establishments which perform services on the premises, such as, but not limited to, banks, loan companies, insurance offices and real estate offices.
4. Professional services, including offices of medical doctors, dentists, osteopaths and similar or allied professionals.
5. Post offices and similar governmental office buildings, serving persons living in the adjacent residential area.
6. Restaurants, excluding drive-in or drive-through service.
7. Publicly and privately-owned parks, parkway and recreation facilities
8. Residential up to 3 dwelling units/acre, which may include:
   a. Residential above retail or other permitted business establishments
   b. Live/work
   c. Single family dwelling
9. Farmer's Market
10. Churches
11. Bed and Breakfast establishments
12. Art gallery and studio
13. Banquet and meeting halls
14. Music and Dance Academy
15. Accessory structures and uses customarily incidental to the uses permitted in this Section subject to the provisions of Section 4.08
16. Signs as regulated by the Cascade Charter Township Sign Ordinance and consistent with the design guidelines set forth in the Cascade Village Design Plan. (This subsection amended by Ordinance #4 of 1993)
17. Temporary buildings, structures and uses and essential public services as provided in Section 4.25.
18. Brew Pub
19. Restaurant with brew pub as accessory use
20. Tavern

Section 8.04 Uses Permitted By Special Use Permit:

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

1. Any permitted use listed in Section 8.03 if all business, service or processing is not conducted wholly within a completely enclosed building, except for automobile parking for customers or employees, off-street loading spaces, outdoor "café" eating areas and signs.
2. Dry cleaning establishments or pick-up stations, dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet are prohibited.
3. Self-service laundries
4. Pet shops
5. Child or Adult Day Care Centers

6. Drive-in service window or drive-through services for businesses, not to include restaurants, as regulated in Section 17.07. (This subsection added by Ordinance #8 of 1993)
7. Other uses determined by the Planning Commission to be similar to the uses permitted in Section 8.03 hereof and for which a special use permit is issued by the Township. (This subsection added by Ordinance #8 of 1993)
8. Other uses determined by the Planning Commission to be similar to the uses listed in Sections 8.03 and 8.04 hereof. (Section added by Ordinance #3 of 2006; 5/10/06)
9. Residential over 3 dwelling units/acre but less than 9 dwelling units/acre, which may include:
   a. Residential above retail other permitted, business establishments
   b. Live/work
   c. Multi-family dwelling
   d. Two family dwelling
   e. Single family dwelling
10. Microbrew
11. Micro distillery

Section 8.05 Additional Conditions:

1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced, with the exception that food produced as part of a catering operation may be delivered off premises.
2. The Township shall have the ability to require sidewalks in the B-1 district to be constructed at a width determined by their intended function.
3. Sidewalks shall be allowed to wander around trees and other fixed objects, without being overly rigid in placement.
4. Any lighting proposed along the street as part of the development shall be consistent with the existing streetlights already in the village.
5. The Township may require that important landmark places and areas that preserve important views and vegetation remain. As shown in the Village Design Plan Exhibit 2.

Section 8.06. Site Development Standards: (This section added by Ordinance #4 of 1993)

1. Minimum Lot Area – No minimum required with an approved site plan. Otherwise, minimum lot area shall be 20,000 square feet.
2. Minimum Lot Width - 100 feet. The Planning Commission may reduce the lot width requirement with an approved site plan and upon a finding that shared drives, shared access, cross access or other access management techniques are provided to ensure adequate spacing between driveways.
3. Maximum Height – Non-residential uses: 25 feet; Residential uses (see permitted uses item 9): 30 feet
4. Maximum net floor area:

	One-story	Multiple-story
Single Building	.25 F.A.R	.50 F.A.R
Multiple Building	.30 F.A.R	.60 F.A.R.

5. The maximum floor area for a single building shall not exceed 30,000 square feet. (This subsection was amended by Ordinance #2 of 1994)
6. Setback Requirements: These building setbacks have been established for all new development projects as well as additions or modifications to existing buildings in order to create a sense of enclosure. This leads to a more pedestrian oriented street front. Awnings, bays windows and eves may encroach into the setback areas by no more than three (3) feet.

Table 8-A sets forth the minimum and maximum building setback lines for the B-1 Zoning District:

Table 8-A: Minimum and Max Building Setback for B-1 District

	Minimum	Maximum
Front Yard		
Arterial*	20	30
Collector*	15	25
Local*	10	20
Side Yard	7, but the total of the two yards shall not be less than 16 feet	--
Rear Yard	30 [see also Section 18.13(4)]	

*See Appendix A (major street plan) in Zoning Ordinance.

Section 8.07 Parking Area Location and Screening:

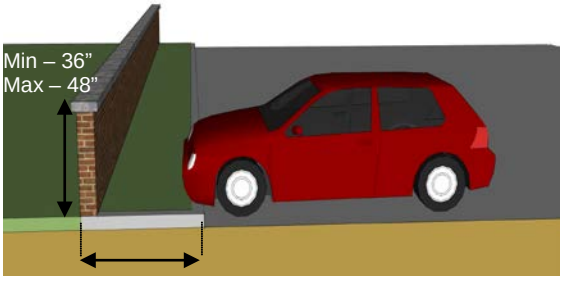
All new, or expansion of existing, parking areas in the B-1 district constructed after the effective date of this ordinance shall not be located within the front yard area. Any business or property owner who has parking in the front yard area as of the effective date of this ordinance shall be considered lawful non-conforming.

In the event that the site requires Township approval under the conditions of this Ordinance, the following screening shall apply:

Existing parking lots located in the front yard shall be required to be screened from view, in addition to the requirements of the landscaping section of the zoning ordinance, by one of the architectural/ landscape designs described in this section. The Planning Commission may waive the screening requirement when in its opinion the intent of this section has already been met. The reasons for the waiver would include but need not be limited to, existing landscaping/screening, the topography of the site, not adjacent to, or in the view of any sidewalk or pedestrian path, type of business, etc.

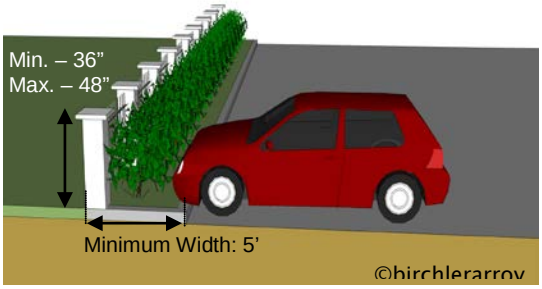
1. Architectural/ landscape designs
   a. Type I – Walls and similar structures used as a screening element shall be constructed of permanent, low maintenance materials such as brick or concrete. These walls shall not be less than 36 inches nor greater than 48 inches in height and shall be at least five (5) feet from the back of curb. (See Figure 8-1)

Figure 8-1
SCREENING WALL –TYPE 1



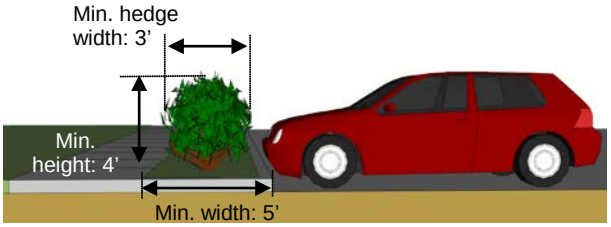
   b. Type II – A decorative fence may be installed at the property line if used in conjunction with a landscape screen. The fencing shall be constructed of painted decorative elements between 36 and 48 inches in height and shall be at least five (5) feet from the back of curb. Wrought iron or similar fencing is preferred. Chain link fencing shall be prohibited. (See Figure 8-2)

Figure 8-2
DECORATIVE FENCE – TYPE II



   c. Type III – A minimum of a 5 foot wide landscape screen, consisting of hedges, shubbery, or other planted materials having a minimum of 3 feet when planted and maintained to form a visual screen of 4 feet minimum height with 80 percent summer opacity within 2 years after time of planting. (See Figure 8-3)

Figure 8-3
LANDSCAPE SCREEN – TYPE III



Section 8.08 Building Design:

All new buildings and structures shall be so designed to incorporate the following architectural design features:

1. The principal façade and front entry of the building shall face the street and when present, the non-motorized pathway network.
2. Pedestrian connection to front and rear entrances shall be provided via sidewalks, striping, textured pavement or other mechanism.
3. Storefronts shall be directly accessible from the sidewalks, walkways or non-motorized pathways.
4. At least 90% of the exterior finish material on all facades shall be limited to the following: glass; brick; stone; stucco; or wood.
5. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty 30 feet without including at least 2 of the following: change in plane, change in texture or masonry pattern, windows, or an equivalent element that subdivides the wall into human scale proportions.
6. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lessor quality materials for side or rear facades shall be prohibited.
7. Each storefront must have transparent, non reflective display windows on the street side, between one and eight feet from the ground.
8. For residential uses or residential above retail or office uses, 15% to 30% of surface area shall be vertically oriented transparent windows at upper floors measured from the line of the second (or third) floor to the cornice or fascia.
9. The primary colors of the building's exterior shall be compatible with the colors of the adjacent buildings and in character with those in the surrounding area.
10. Facades that face the street or connecting pedestrian frontage shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, etc. along no less than 50 percent of the façade.
11. Roofs shall be so designed to include a pitched roof or a stepped parapet façade if a flat roof is proposed. Roof shapes such as: gable, hip or gambrel are considered appropriate. The use of a metal is appropriate provided it has a dull finish. Roof styles normally considered inappropriate include shed, or mansard style roofs.
12. Exterior materials must project a traditional building appearance. The exterior shall be constructed using horizontal wood siding, wood, stone, brick, brick veneer or masonry. The use of vinyl or aluminum siding is acceptable provided it simulates the appearance of horizontal wood siding.
13. Outside dining tables and "café" style eating areas are permitted.
14. Porches that are constructed should be large enough to be used as a gathering place.
15. Chain link fence shall be prohibited.
16. Dumpsters shall be located in the rear yard or side yard and must be screened. These facilities shall be enclosed with a solid fence or wall six (6) feet high with solid doors having sufficient truck access for dumpster service.
17. Rooftop mechanicals shall be screened from view using parapet wall or other suitable screening materials.

The requirements contained in Section 8.08 above, shall apply to the entire building, including any addition, when any of the following conditions are met.

1. A proposed exterior addition or expansion has a project construction valuation* of $60,000 or more.
2. The project involves a change in the use of the building or property which results in the remodeling or reconstruction of the existing building and has a project valuation[1] of $60,000 or more.
3. A proposed exterior addition or expansion increases the size of the building or structure by at least 25 percent of the existing size of the building or structure at the effective date of this amendment.

*Project construction valuation shall be based upon the Square Foot Construction Cost Table, as administered by The Cascade Charter Township Building and Inspections Department and adopted by the Cascade Charter Township Board. The amount of the project valuation shall be increased each year by the same percent as set by the Consumer Price Index (CPI) from 2001. (Phased construction can not be used to avoid compliance with this standard or break up

construction such that the $60,000 threshold is avoided).

Section 8.09 The Village Design Review Committee:

The Village Design Review Committee (VDRC) is a Township Board appointed committee made up of 5 Cascade Township citizens. The VDRC shall be made up of at least one member of the Township Board, Planning Commission, DDA and Zoning Board of Appeals.

The purpose of the VDRC is to foster a working partnership between property owners, developer and the Township in achieving the objectives/intent of the B-1 zoning district. This committee may recommend to the Planning Commission departures from section 8.08 of this chapter of the Zoning Ordinance, which may, on occasion, work against the overall objectives of this chapter. When considering a variation which has been recommended by the VDRC, the Planning Commission shall consider the following: the impact the modification has on future and existing development; the benefit to the community the modification will have; and the public purpose to be served by permitting the modification.

Section 8.10 Village Design Review Committee Procedure:

The applicant shall submit at least 6 copies of the site plan together with all other related detail showing what items he/she would like to be considered for a modification from Section 8.08 of this chapter. Scaled building elevations shall be provided depicting all sides of the building. At the request of the VDRC, or when the building height is in excess of twenty five (25) feet, the applicant shall provide a 3D photo simulation or similar graphic representation in AutoCAD, or similar software, and of accurate scale and dimension, using the most recent topographic survey establishing base elevations, that depicts building height and the relationship of proposed structures to existing or proposed structures on site and those within three hundred (300) feet of the planned unit development.

Once an applicant has submitted a complete application for review The Township Planner shall call a meeting of the VDRC within 10 days. The VDRC shall consider the application and give its recommendation to the Planning Commission or Township Board at this meeting.

Although project review by the VDRC is mandatory for all projects that are requesting modifications from Section 8.08 of this chapter, compliance with the recommendations is voluntary.

A quorum shall consist of three members of the VDRC and is required to render a recommendation. A concurring vote of three members of the VDRC is required to render any recommendation to the Planning Commission or Township Board. The Township Planner shall communicate to the Planning Commission or Township Board and applicant the recommendations of the VDRC.

Section 8.11 Site Plan Review:

A site plan shall be required for all uses permitted in this zoning district according to the requirements of Chapter 21 of this Ordinance.

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CHAPTER 9
VO Village Office/Service District

Section 9.01 Title:

Use Regulations Relating to the "VO" Village Office/Service District

Section 9.02 Intent:

The "VO" Village Office/Service District is intended to provide for the development of a variety of neighborhood office and personal service uses that generate low volumes of traffic and involve limited size buildings, parking needs and operations.

The regulations contained herein are designed to ensure a harmonious relationship between the Village Office/Service district and abutting land uses. The district is also intended to promote the opportunity for economic vitality in the village area by concentrating compatible land uses which encourage interaction between adjoining like uses. Additionally, the regulations are intended to maintain and strengthen the identity, traditional character and appearance of Cascade Village as a focal point and center of community activity for Cascade Township residents.

Section 9.03 Uses Permitted by Right:

The uses permitted by right in the "VO" District are as follows:

1. The following office establishments which perform services on the premises:
   a. Financial institutions, not including drive through facilities.
   b. Insurance offices.
   c. Real estate offices, offices for attorneys, accountants, architects, engineers and similar professionals.
   d. Photographic studios.
2. Professional service establishments providing human health care on an outpatient basis, excluding medical clinics.
3. The following establishments customarily related to medical and dental uses:
   a. Pharmacies or apothecaries
   b. Medical, dental and optical laboratories.
   c. Stores offering supportive or corrective garments and prosthetic appliances.
4. The following miscellaneous business service establishments:
   a. Consumer credit reporting agencies.
   b. Mailing list and stenographic services.
   c. Business management consulting services.
   d. Duplicating services.
5. Governmental offices and libraries.
6. Offices of non-profit organizations, such as professional membership organizations, labor unions, civic, social and fraternal associations, political organizations and religious organizations.
7. Accessory structures and uses customarily incidental to the uses permitted in this Section, subject to the provisions of Section 4.08.
8. Signs accessory to a permitted use as regulated by the Cascade Charter Township Sign Ordinance and consistent with the design guidelines set forth in the Cascade Village Design Plan.
9. Temporary buildings, structures and uses and essential public services are provided in Section 4.25.
10. Churches (Ord. No. #10 of 2001)

Section 9.04 Uses Permitted by Special Use Permit:

The following uses may be permitted as special uses but are subject to the provisions and conditions outlined in Chapter 17 of this Ordinance.

1. Personal service establishments primarily engaged in providing service generally involving the care of the person or his/her apparel, including but not limited to:
   a. Barber and beauty shops.
   b. Tailor and dressmaking shops.
   c. Shoe shine and shoe repair shops.
   d. Dry cleaning and laundry establishments.
2. Personal service agencies including but not limited to:
   a. Babysitting.
   b. Dating services.
   c. Debt counseling or adjustment services to individuals.
   d. Portrait copying.
   e. Shopping services.
   f. Tax return preparation services.
3. Child or Adult Day Care Centers.

4. Office uses which perform services on the premises other than those listed in Section 9.03(1), above.
5. Establishments customarily related to medical and dental uses other than those listed in Section 9.03 (3), above.
6. Miscellaneous business service establishments other than those listed in Section 9.03 (4), above.
7. Roof and ground mounted communications antennas, excluding towers.
8. Minor Mineral Resource Extraction as regulated in Chapter 17 and Section 4.28 of Chapter 4.
9. Funeral homes, not including crematories, subject to the following restrictions:
   a. Sufficient off-street automobile parking and assembly area shall be provided for vehicles to be used in funeral processions. The assembly area shall be provided in addition to otherwise required off-street parking area.
   b. Loading and unloading areas used by ambulances, hearses, or other such service vehicles shall be obscured from view with an opaque fence or wall not less than six (6) feet in height.
10. Drive-in facilities related to any of the uses listed in this zoning district, subject to the requirements in Section 17.07.
11. Antenna tower and masts for cellular phone and other personal communication services, when authorized as a special use by the Planning Commission subject to conformance with the standards of Section 17.03(h). (This subsection added by Ordinance #11 of 1996)
12. Other uses determined by the Planning Commission to be similar to the uses listed in Sections 9.03 and 9.04 hereof. (Section added by Ord #3 of 2006; 5/10/06)

Section 9.05 Site Development Standards

1. Minimum lot area - 40,000 square feet.
2. Minimum lot width - 200 feet.
3. Maximum height - 25 feet or 2 stories whichever is the lessor.
4. Setback Requirements:

   Front: 40 feet

   Side: 25 feet

   Rear: 50 feet [See also Section 18.13(4)]
5. New parking areas in the Village Office/Service district, constructed after the effective date of this amendment, shall not be located within the first 50 feet of the required front setback area.
6. Maximum net floor area for any individual property:
   a. Single Building - .25 F.A.R
   b. Multiple Buildings - .30 F.A.R
   c. The maximum floor area for a building shall not exceed 45,000 square feet. After October 1, 1994 the maximum floor area for a single building shall not exceed 30,000 square feet. (This subsection was amended by Ordinance #2of 1994.)
7. All new buildings and structures shall be so designed to incorporate the following architectural design features:
   a. Roof Shape - All roofs shall be so designed to include a pitched roof. Roof shapes such as: gable, hip or gambrel are permitted. Shed and mansard style roofs are not permitted.
   b. Exterior Building Materials - Exterior materials must project a natural appearance. The exterior shall be constructed using horizontal wood siding, wood, stone, brick, brick veneer or masonry. The use of vinyl or aluminum siding is acceptable provided it simulates the appearance of horizontal wood siding.
   c. Dumpsters - Dumpsters shall be located in the rear yard or side yard and must be screened. These facilities shall be enclosed with a solid fence or wall six (6) feet high with solid doors having sufficient truck access for dumpster service.
8. The requirements contained in Section 9.05 (7) above, shall also apply to exterior additions, expansions, reconstruction or remodeling of existing buildings or structures when any of the following conditions are met:
   a. The proposed exterior addition, expansion, reconstruction or remodeling activity has a project construction valuation of $10,000 or more. Project construction valuation shall be based upon the Square Foot Construction Cost Table, as administered by The Cascade Charter Township Building and Inspections Department and adopted by the Cascade Charter Township Board.
   b. The proposed exterior addition or expansion increases the size of the building or structure by at least 25 percent of the existing size of the building or structure at the effective date of this amendment (April 16, 1993).

CHAPTER 10
B-2 General Business District

Section 10.01 Title:

Use Regulations Relating to the "B-2" General Business District

Section 10.02 Intent:

This district is intended to satisfy the land needs for a wide range of business uses and to cater to needs of a larger consumer population than is served by the "B-1" Village Business District. This district recognizes the economic value or potential value of these lands as well as various problems often encountered in the development of these areas, including hazardous traffic conditions, traffic congestion, over development of lands, shopper inconvenience, and potential lack of amenities necessary to maintain long-range property values. Additionally, this district can be a suitable area for mobile home park development due to it being served by adequate public facilities such as access streets, public water, sanitary sewer and storm water drainage.

Section 10.03 Uses Permitted By Right:

In any "B-2" General Business District no building structure or premises shall be erected, altered or used except as one or more of the following specified uses unless otherwise provided in this Ordinance.

1. Any retail business or service establishment allowed as a use permitted by right in the "B-1" Village District (Chapter 8).
2. Amusement Enterprises.
3. Appliance Stores.
4. Athletic Clubs and Health Spas.
5. Automobile Supply, Parts and Accessories.
6. Business or Trade Schools.
7. Building Trades, excluding heavy equipment.
8. Emergency Medical Clinics.
9. Funeral Homes.
10. Furniture Stores.
11. Laundromats and Dry Cleaners.
12. Lodge Hall, Private Clubs, Veteran's Clubs.
13. Musical Instruments Sales and Lessons.
14. Office Machines & Computers Sales and Service.
15. Theaters.
16. Veterinary Clinics.
17. Adult Oriented Business subject to the provisions of Section 21.05.7 (Amended by Ord. # 5 of 2001)
18. Massage Establishments Section 21.05.7 (Amended by Ord. # 5 of 2001)
19. Shopping Centers & Department Stores containing one or more permitted or special uses, excluding sale at wholesale level.
20. Accessory structures and uses customarily incidental to the uses permitted in this district Section 4.08.*
21. Mobile Home Parks Section 21.05.6 (amended by Ord. #3 of 2000).*
22. Churches Section 17.07.2.a (Ord. #10 of 2001).*
23. Brew Pub
24. Restaurant with brew pub as accessory use
25. Tavern

*Section renumbered as a result of Ord #3 of 2006; 5/10/06

Section 10.04 Uses Permitted by Special Use Permit:

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

1. Any use that may be allowed by Special Use Permit in the "B-1" Village District.
2. Lumber Yards and new building material sales.
3. Outdoor Recreation Centers excluding amusement parks Section 17.07.2.d
4. Sign Painting and Service Shops.
5. New Or Used Automobile Sales and Service Section 17.07.2.l
6. Recreational Vehicle Sales and Service.
7. Restaurants having drive in or drive through service.
8. Any permitted use if all business, storage, service or processing is not conducted wholly within a completely enclosed building, except for automobile parking for customers or employees, off-street loading spaces and signs.
9. Boarding houses, motels, hotels and transient lodging facilities not including trailer camps or tent sites. (New Section added by Ordinance #14 of 1989).
10. Minor Mineral Resource Extraction as regulated in Chapter 17 and Section 4.28 of Chapter 4. (New Section added by Ordinance #19 of 1990).
11. Antenna tower and masts for cellular phone and other personal communication services, when authorized as a special use by the Planning

Commission subject to conformance with the standards of Section 17.03(h). (This subsection added by Ordinance #11 of 1996)

12. Other uses determined by the Planning Commission to be similar to the uses listed in Section 10.03 and Section 10.04 hereof. (Section added by Ord. #3 of 2006; 5/10/06)
13. Microbrew
14. Micro distillery

CHAPTER 11
ES Expressway Service District

Section 11.01 Title:

Use Regulations Relating To The "ES" Expressway Service District

Section 11.02 Intent:

The Expressway Service District is designed to provide for servicing the needs of automobile highway traffic at certain interchange areas of feeder roads and expressway facilities.

The avoidance of undue congestion on feeder roads, the promotion of smooth traffic flow at the interchange areas of the expressway and the protection of adjacent properties in other zones from adverse influences of traffic are prime considerations in the creation of the "ES" District.

Section 11.03 Uses Permitted By Right:

In an ES, Expressway Service District, no building, structure or premises, shall be erected, altered or used except for one or more of the following uses, unless otherwise provided in this Ordinance.

1. Any retail business or service establishment allowed as a use permitted by right in the "B-2" General Business District, Chapter 10.
2. Boarding houses, motels, hotels and transient lodging facilities not including trailer camps or tent sites.
3. Accessory structures and uses customarily incidental to the uses permitted in this district, subject to the provisions of Section 4.08.
4. Churches (Ord #10 of 2001)*

*Section renumbered by Ord. #3 of 2006; 5/10/06

Section 11.04 Uses Permitted By Special Use Permit: (Ord No 7 of 2011; 6/23/11)

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

1. All uses that may be allowed by Special Use in the "B-2" General Business District, Chapter 10.
2. Minor Mineral Resource Extraction as regulated in Chapter 17 and Section 4.28 of Chapter 4. (New Section added by Ordinance #19 of 1990).
3. Antenna tower and masts for cellular phone and other personal communication services, when authorized as a special use by the Planning Commission subject to conformance with the standards of Section 17.03(h). (This subsection added by Ordinance #11 of 1996)
4. Other uses determined by the Planning Commission to be similar to the uses listed in Sections 11.03 and 11.04 hereof. (Section added by Ord #3 of 2006; 5/10/06)
5. Buildings in excess of maximum height standards.

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CHAPTER 12
O Office District

Section 12.01 Title:

Use Regulations Relating to the "O" Office District

Section 12.02 Intent:

The "O" Office District is intended to provide for the development of a variety of office uses of a business and professional nature as well as to provide for the development of certain related activities in proximity to office uses. It is also the intent of this district to locate office uses in proximity to expressways and major arterial streets. The regulations contained in this Section are designed to ensure a harmonious relationship between the Office District and abutting land uses and to promote efficient functioning for uses located within the Office District.

Section 12.03 Uses Permitted By Right:

The uses permitted by right in the "O" District are as follows:

1. Executive and administrative offices, data processing centers and business offices such as real estate, insurance, and non-profit organizations.
2. Professional offices for medical doctors, dentists, architects, engineers, accountants, attorneys and similar professions.
3. Medical and dental laboratories.
4. Radio and television stations, not including towers and antennas.
5. Funeral homes, not including crematories, subject to the following restrictions:
   a. Sufficient off-street automobile parking and assembly area shall be provided for vehicles to be used in funeral processions. The assembly area shall be provided in addition to otherwise required off-street parking area.
   b. Loading and unloading areas used by ambulances, hearses, or other such service vehicles shall be obscured from view with an opaque fence or wall not less than six (6) feet in height.
6. Publicly owned buildings, exchanges, and public utility offices not including storage yards, maintenance facilities, substations, regular stations, and materials handling facilities.
7. Banks, credit unions, savings and loan institutions, not including drive-in and outdoor automatic teller facilities.
8. The following personal service establishments when located within an office building and provided that;
   a. Such establishments are limited to basement and ground floors of the building.
   b. The total gross floor area collectively occupied by personal service establishments shall not exceed ten (10) percent of the gross floor area of the building's ground floor.
   c. The gross floor area occupied by any single personal service establishment shall not exceed ten (10) percent of the gross floor area of the building's ground floor or 1500 square feet, whichever is the lessor amount.
      1) News Stands, tobacco stands and confectioneries
      2) Barber and beauty shops
      3) Tailor and dressmaker shops
      4) Shoeshine and shoe repair shops
      5) Dry Cleaning and laundry pickup stations
      6) Photographic studios and print shops
      7) Cafeterias or food services operated during normal business hours and primarily catering to on premises employees.
      8) Other personal service establishments including child care and day nurseries which are compatible with, subservient to and which cater to, on premises or neighboring businesses and employees.
      9) Accessory structures and uses customarily incidental to the uses permitted in this Section, subject to the provisions of Section 4.08.
      10) Signs are regulated by the Cascade Charter Township Sign Ordinance.
      11) Temporary buildings, structures and uses and essential public services as provided in Section 4.25.
      12) Churches (Ord. #10 of 2001)

Section 12.04 Uses Permitted by Special Use Permit:

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

1. Athletic clubs and health spas and other indoor and outdoor recreation facilities including tennis, racquetball and handball courts and similar facilities, but not including bowling alleys, ice rinks, and athletic fields.
2. Drive-in banking, loan and finance facilities.
3. Roof and ground mounted communications antennas, excluding towers.
4. Medical clinics and veterinarian clinics excluding emergency services.
5. Minor Mineral Resource Extraction as regulated in Chapter 17 and Section 4.28 of Chapter 4. (New Section added by Ordinance #19 of 1990).
6. Antenna tower and masts for cellular phone and other personal communication services, when authorized as a special use by the Planning Commission subject to conformance with the standards of Section 17.03(h). (This subsection added by Ordinance #11 of 1996)
7. Other uses determined by the Planning Commission to be similar to the uses listed in Sections 12.03 and 12.04 hereof. (Section added by Ord #3 of 2006; 5/10/06).

CHAPTER 13
I Industrial District

Section 13.01 Title:

Use Regulations Relating to the "I" Industrial District

Section 13.02 Intent:

This zone is intended to permit industrial uses which are not unreasonably offensive, hazardous, or debilitating to surrounding property or the community through the effects of noise, smoke, odor, dust, dirt, noxious gases, vibration, glare, heat, fire hazards, industrial wastes, or traffic. In those instances where there may be doubt regarding the effect of the operation, the Planning Commission may require the prospective operator to demonstrate, through the use of qualified technical persons and acceptable testing techniques, that protective devices shall be utilized that will categorically assure the control of the questioned factor.

All outdoor storage facilities for fuel, raw materials, and products for every use, as enumerated and limited herein, located less than one hundred (100) feet from any other district, shall be enclosed by a solid fence or wall, not less than eight (8) feet in height.

Section 13.03 Uses Permitted by Right: Amended by Ord #5 of 2010; 3/10/10

Land and/or buildings in this district may be used for the following purposes:

1. "A" Grouping Basic Manufacturing: Manufacturing, compounding, processing and/or fabrication of the following materials provided that any structure used therefor shall not be located less than four hundred (400) feet from any residential district or use:
   a. Agricultural products.
   b. Food and kindred products.
   c. Chemicals and chemical products such as plastics, synthetic fibers and cosmetics.
   d. Wood and wood products, including sawmills and planing mills.
   e. Metals and metal products, including metal plating.
   f. Glass and glass products.
   g. Paper and paper products.
   h. Foundries and forge plants.
   i. Insulation manufacture.
   j. Rubber and rubber products.
2. "B" Groupings - Non-Basic Manufacturing: Facilities for manufacturing, processing fabrication, packaging treating or assembling from previously prepared materials provided that any structure used therefor shall be located not less than two hundred (200) feet from any residential district or use.
   a. Automotive and aircraft parts (not including tires) and metal working.
   b. Automotive assembly, including major repair.
   c. Textile mill products such as woven fabric, knitted goods, floor coverings, yarn and thread.
   d. Apparel and similar products made from fabrics, leather, fur, canvas and similar materials.
   e. Prefabricated structural wood products, containers and lumber yards but excluding sawmills.
   f. Furniture and fixtures.
   g. Paper and paperboard containers and products.
   h. Printing, publishing, and allied industries.
   i. Chemical products such as plastics, synthetic fibers, and cosmetics.
   j. Drugs and pharmaceutical products.
   k. Electrical machinery, equipment, and supplies.
   l. Fabricated metal products.
   m. Glass products.
   n. Tool and die shop and screw machine products.
   o. Metal bending and welding.
   p. Central dry cleaning or laundry.*
   q. Building trades contractors.*
   r. Research and development, and testing laboratories.*
   s. Warehousing and general storage.*
   t. Truck and trailer and heavy equipment sales, leasing and rental.*
   u. Mini warehouses and self storage.*
   v. Wholesale establishments.*
   w. Retail sales where such use is clearly incidental to the primary use and where the area devoted to retail sales does not exceed fifteen (15) percent of the total floor area, and provided that the building used for such purpose is located a minimum of one hundred fifty (150) feet from a residential district or use.*

x. Offices, provided they are incidental to an industrial use located on the same site.*

y. Churches* (Ord. #10 of 2001)

3. Accessory buildings and uses: As provided in Section 4.08.
4. Signs As provided in the Cascade Charter Township Sign Ordinance.
5. Temporary structures and essential public services: As provided in Section 4.25.

*Sections renumbered by Ord #3 of 2006; 5/10/06

Section 13.04 Uses Permitted by Special Use Permit:

The following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17, Special Use:

1. Auction houses if operation ceases before midnight and is wholly enclosed within a building.
2. Contractor's yards for vehicles, equipment, materials and/or supplies, provided that such yards shall be not less than five hundred (500) feet from any residential district or residential use.
3. Gasoline service stations, provided building used for such purposes shall not be nearer than five hundred (500) feet to any residential district or residential use.
4. Kennels not nearer than five hundred (500) feet to any residential district or residential use.
5. Livestock auctions not closer than five hundred (500) feet to any residential district or residential use.
6. Parking and/or storage yards for motor vehicles (excluding junked vehicles) and including transport equipment, provided such yards shall be not less than five hundred (500) feet from any residential district.
7. Trucking freight terminal and yards, provided such yards shall not be less than five hundred (500) feet from any residential district.
8. Veterinary clinic not less than five hundred (500) feet from any residential district.
9. Free standing office buildings located on substandard parcels or lots in existence prior to the effective date of this Ordinance.
10. Temporary cement or asphalt batch plants.
11. Billboard signs as provided in the Cascade Charter Township Sign Ordinance.
12. Minor Mineral Resource Extraction as regulated in Chapter 17 and Section 4.28 of Chapter 4. (New Section added by Ordinance #19 of 1990).
13. Antenna tower and masts for cellular phone and other personal communication services, when authorized as a special use by the Planning Commission subject to conformance with the standards of Section 17.03 (h). (This subsection added by Ordinance #11 of 1996)
14. Other uses determined by the Planning Commission to be similar to the uses listed in Sections 13.03 and 13.04 hereof. (Section added by Ord #3 of 2006; 5/10/06)

CHAPTER 13a
TI Transitional Industrial District

Section 13.01a Title:

Use Regulations Relating to the "TI" Transitional Industrial District

Section 13.02a Intent:

The Transitional Industrial District is intended to allow for low-impact industrial uses and supportive, ancillary service and commercial activities. This zoning district is meant to provide the transition from more conventional, heavy industrial uses to commercial, retail, and other uses. Land use activity in the TI District will be compatible with uses in adjacent zoning districts and will accommodate appropriate non-industrial uses in specified locations. The TI District is designed specifically for three potential redevelopment areas within Cascade Township: north of 36th Street and west of I-96; the Meadowbrook industrial area southwest of 52nd Street and Kraft Avenue; and south of 48th Street and west of M-6.

Section 13.03a Uses Permitted by Right:

Land and/or buildings in this district may be used for the following purposes:

1. Facilities for manufacturing, processing fabrication, packaging treating or assembling from previously prepared materials provided that any structure used therefor shall be located not less than two hundred (200) feet from any residential district or use, and certain other uses, including the following:
   a. Automotive and aircraft parts (not including tires) and metal working.
   b. Automotive assembly, including major repair.
   c. Textile mill products such as woven fabric, knitted goods, floor coverings, yarn and thread.
   d. Apparel and similar products made from fabrics, leather, fur, canvas and similar materials.
   e. Prefabricated structural wood products, containers and lumber yards but excluding sawmills.
   f. Furniture and fixtures.
   g. Paper and paperboard containers and products.
   h. Printing, publishing, and allied industries.
   i. Chemical products such as plastics, synthetic fibers, and cosmetics.
   j. Drugs and pharmaceutical products.
   k. Electrical machinery, equipment, and supplies.
   l. Fabricated metal products.
   m. Glass products.
   n. Tool and die shop and screw machine products.
   o. Metal bending and welding.
   p. Central dry cleaning or laundry.
   q. Building trades contractors.
   r. Research and development, and testing laboratories.
   s. Warehousing and general storage.
   t. Truck and trailer and heavy equipment sales, leasing and rental.
   u. Mini warehouses and self storage.
   v. Wholesale establishments.
2. Churches (Ord. #10 of 2001)
3. Retail sales where such use is clearly incidental to the primary use and where the area devoted to retail sales does not exceed fifteen (15) percent of the total floor area, and provided that the building used for such purpose is located a minimum of one hundred fifty (150) feet from a residential district or use.
4. Executive and administrative offices, data processing centers and business offices such as real estate, insurance, and non-profit organizations.
5. Professional offices for medical doctors, dentists, architects, engineers, accountants, attorneys and similar professions.
6. Medical and dental laboratories.
7. The following uses shall be permitted when the front yard is located in the Transitional Industrial Zoning District and along Kraft Ave or within 1000' of 36th and Patterson Ave., and when the area devoted to such uses does not exceed thirty (30) percent of the site, and provided that the building used for such purpose is located a minimum of one hundred fifty (150) feet from a residential district or use. If any portion of a property falls within the 1000 feet of the intersection it shall be deemed to have met the requirement.
   a. Generally recognized retail businesses, which supply commodities on the premises, such as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and notions or hardware.
   b. Personal service establishments, which perform services on the premises, such as, but not limited

to, repair shops (watches, radios, television, shoes, etc), tailor shops, beauty parlors or barber shops, photographic studios, flower shops and print shops.

c. Restaurants, including drive-in or drive through service.

d. Business establishments which perform services on the premises, such as, but not limited to, banks, insurance offices and real estate offices.

e. Brew Pub

f. Restaurant with brew pub as accessory use

g. Tavern

8. Accessory buildings and uses: As provided in Section 4.08.
9. Signs As provided in the Cascade Charter Township Sign Ordinance.
10. Temporary structures and essential public services: As provided in Section 4.25.
11. Microbrew
12. Micro distillery

Section 13.04a Uses Permitted by Special Use Permit:

The following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17, Special Use:

1. Auction houses if operation ceases before midnight and is wholly enclosed within a building.
2. Contractor's yards for vehicles, equipment, materials and/or supplies, provided that such yards shall be not less than five hundred (500) feet from any residential district or residential use.
3. Gasoline service stations, provided building used for such purposes shall not be nearer than five hundred (500) feet to any residential district or residential use.
4. Kennels not nearer than five hundred (500) feet to any residential district or residential use.
5. Livestock auctions not closer than five hundred (500) feet to any residential district or residential use.
6. Parking and/or storage yards for motor vehicles (excluding junked vehicles) and including transport equipment, provided such yards shall be not less than five hundred (500) feet from any residential district.
7. Trucking freight terminal and yards, provided such yards shall not be less than five hundred (500) feet from any residential district.
8. Veterinary clinic not less than five hundred (500) feet from any residential district.
9. Free standing office buildings located on substandard parcels or lots in existence prior to the effective date of this Ordinance.
10. Temporary cement or asphalt batch plants.
11. Antenna tower and masts for cellular phone and other personal communication services, when authorized as a special use by the Planning Commission subject to conformance with the standards of Section 17.03 (h).
12. Public, parochial and other private elementary, intermediate and high schools not operated for profit excluding colleges and universities.
13. Other uses determined by the Planning Commission to be similar to the uses listed in Sections 13.03 and 13.04 hereof. (Section added by Ord #3 of 2006; 5/10/06)

CHAPTER 14
AC Airport-Commerce District
(Chapter amended by Ord. No. 10 of 2002)

Section 14.01 Title:

Use Regulations Relating to the "AC" Airport-Commerce District

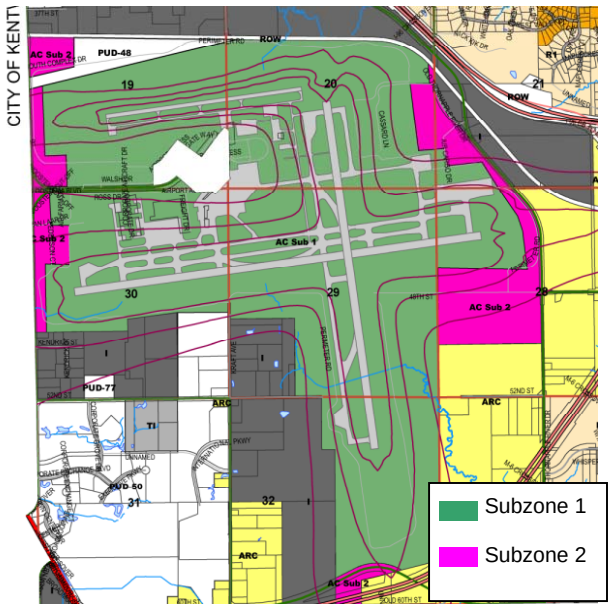
Section 14.02 Intent:

This district recognizes that certain aeronautical facilities are exempt from Township zoning under current state law, and also that a portion of the airport property is under the jurisdiction of the City of Grand Rapids. This district is intended to accommodate and promote aeronautical progress for the public good, while protecting the public health and welfare of the citizens in the Cascade Charter Township.

Because of the intensity of existing aeronautical uses and uses located directly adjacent to aeronautical facilities, this district permits non-aeronautical facilities within the district both to compliment airport operations, and in recognition that aeronautical activities already taking place in the district tend to be more consistent with commercial than with non-commercial uses.

This district shall be divided into two subzones with each subzone being considered a separate zoning district, Subzone 1 shall be described as, the area generally surrounding the runways, hangars and control tower. Subzone 2 shall be described as, the remaining portions of the Airport Commerce Zoning District. The following figure (Figure 14-1) further depicts each subzone:

Figure 14-1
SUBZONE MAP



SUBZONE 1

Section 14.03 Uses Permitted by Right in Subzone 1:

In the "Airport Commerce-subzone 1" District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this ordinance:

1. Airport Operations Facilities:
   a. Any Aeronautical Facility as defined in Section 3 of the Michigan Aeronautics Code (MCL 259.3).
   b. Aircraft cleaning and janitorial services
   c. Aircraft flight training and flying clubs
   d. Aircraft landing facilities
   e. Aircraft refueling and fuel storage facilities
   f. Aircraft/aviation related servicing, repair, painting and restoration facilities
   g. Aircraft sales
   h. Air freight handling facilities
   i. Airline reservation centers
   j. Airport terminal, and all uses within the terminal building, including but not limited to restaurants, cocktail lounges, etc.
   k. Airport parking facilities
   l. U.S. Customs clearance offices
   m. Flying charter services
   n. Hangar operations and aircraft storage
   o. Sightseeing airplane service
   p. Aeronautical and other administrative offices
   q. Airport maintenance facilities
   r. Any facility required by Federal, State, or Local permits.
2. Airport museum
3. Airport viewing areas
4. Hotels/Motels
5. Rental Establishments - primarily engaged in renting, leasing, or servicing automobiles, small vans, trucks or other similar vehicles
6. Restaurants
7. Banks, credit unions, savings and loans, and similar financial institutions (including drive-through and outdoor automatic teller facilities)

8. Used car sales engaged only in the sale of car rental fleet on the premises. Said activity shall also have the approval of the property owner.
9. Business service centers providing services such as telecommunications services, computer services, copying and fax services, temporary office space, or similar business - related services.
10. Automobile Service Stations
11. Personal service establishments that perform service on the premises including, but not limited to, beauty parlor, barbershop, photographic studio, dry cleaning establishments, flower shops, print shops, and repair shops (watches, radio/TV, shoes, etc).
12. Specialty retail shops
13. Freight terminals
14. Parking Structures
15. Warehousing and general storage.
16. Intermodal transportation facilities.
17. Any governmental buildings, offices, or other facilities including, but not limited to, law enforcement facilities and County Road Commission facilities.
18. Any public utility buildings, structures or facilities.
19. Any building, structure or facility used in the abatement/mitigation of environmental issues including the capture, storage and treatment of de-icing/anti-icing or other agents used for aviation purposes, including facilities/structures required for environmental compliance.
20. Any use or activity incidental to or related to "Aeronautics" as defined in Section 2 of the Michigan Aeronautics Code (MCL 259.2)

Section 14.04 Uses Permitted by Special Use Approval in Subzone 1.

The following uses may be permitted as a special use in subzone 1:

1. Notwithstanding any other provision of this Ordinance, Minor Mineral Resource Extraction and Major Mineral Resource Extraction in accordance with the requirements of only subsections 3 through 10 of Section 4.28 of this Ordinance. Major Mineral Resource Extraction in this subzone will not require Planned Unit Development rezoning pursuant to Chapter 16.

SUBZONE 2

Section 14.05 Uses Permitted by Right in Subzone 2:

In the "Airport Commerce-subzone 2" District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this ordinance:

1. Airport Operations Facilities:
   a. Any Aeronautical Facility as defined in Section 3 of the Michigan Aeronautics Code (MCL 259.3).
   b. Aircraft cleaning and janitorial services
   c. Aircraft flight training and flying club
   d. Aircraft landing facilities
   e. Aircraft refueling and fuel storage facilities
   f. Aircraft/aviation related servicing, repair, painting and restoration facilities
   g. Aircraft sales
   h. Air freight handling facilities
   i. Airline reservation centers
   j. Airport terminal, and all uses within the terminal building, including but not limited to restaurants, cocktail lounges, etc.
   k. Airport parking facilities
   l. U.S. Customs clearance offices
   m. Flying charter services
   n. Hangar operations and aircraft storage
   o. Sightseeing airplane service
   p. Aeronautical and other administrative offices
   q. Airport maintenance facilities
   r. Any facility required by Federal, State, or Local permits.
2. Airport viewing areas
3. Airport museum
4. Business service centers providing services such as telecommunications services, computer services, copying and fax services, temporary office space, or similar business - related services.
5. Freight terminals
6. Parking Structures
7. Warehousing and general storage
8. Any governmental buildings, offices, or other facilities including, but not limited to, law enforcement facilities and County Road Commission facilities.

9. Within a foreign trade zone as established pursuant to the Foreign Trade Zone Act (19 USCA §81a et seq.), any use permitted in a foreign trade zone by Federal law including, without limitation, the storage, sale, exhibition, repacking, assembly, distribution, or manufacture of goods or merchandise.

Section 14.06 Uses permitted by Special Use Approval in Subzone 2

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

1. Hotels/Motels
2. Rental Establishments - primarily engaged in renting, leasing, or servicing automobiles, small vans, trucks or other similar vehicles.
3. Automobile Service Stations.
4. Intermodal transportation facilities
5. Restaurants
6. Banks, credit unions, savings and loans, and similar financial institutions (including drive-through and outdoor automatic teller facilities).
7. Specialty retail shops
8. Notwithstanding any other provision of this Zoning Ordinance, Minor Mineral Resource Extraction and Major Mineral Resource Extraction in accordance with the requirements of only subsections 3 through 10 of Section 4.28 (Mineral Resource Extraction of this Ordinance. Mineral Resource Extraction in this Subzone will not require Planned Unit Development rezoning as regulated in Chapter 16 of this Ordinance).
9. Antenna tower and masts for cellular phone and other personal communication services, when authorized as a special use by the Planning Commission subject to conformance with the standards of Section 17.03(h).
10. Personal service establishments that perform service on the premises including, but not limited to, beauty parlor, barbershop, photographic studio, dry cleaning establishments, flower shops, print shops, and repair shops (watches, radio/TV, shoes, etc).

Section 14.07 Site Plan Review:

Due to the unique nature of the airport, the level of review by the Township within both subzones of the Airport Commerce Zoning District shall be limited to certain uses in Subzone 2. Furthermore these subzones shall also be used for determining the level of review needed by the Township.

All the uses in section 14.03 that fall within Subzone 1, whether non-aeronautical or not shall be permitted as of right and shall not require Township Site Plan review approvals. However, the applicant shall be responsible to submit a site plan indicating the location of any new curb-cut to a public street in order to ensure that it meets the minimum Township standards as regulated in this Ordinance.

For those areas in Subzone 2, the uses in Section 14.05.1 are not subject to site plan review but are required to submit a site plan indicating the location of any new curb-cut to a public street in order to ensure that it meets the minimum Township standards in this ordinance.

All other uses listed in Subzone 2 (Section 14.05-2 thru 9) shall require site plan review per Chapter 21 of this Ordinance. All uses permitted by Special Use Permit in Section 14.06 shall require site plan review per chapters 4, 17 and 21 as applicable.

If at any time any use is proposed and the location of which crosses from one sub-zone to another, the more stringent regulations shall apply.

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CHAPTER 15
MHP PUD Mobile Home Park Planned Unit Development

Section 15.01 Title:

Mobile Home Park Planned Unit Development - "MHP PUD" (Section amended by Ordinance #3 of 2000)

Section 15.02 Intent:

The MHP PUD is intended to provide standards for the submission, review and approval of applications for Mobile Home Park Planned Unit Developments. It is intended that mobile home parks be provided with necessary community services in a setting that provides a high quality of life for residents and residential development standards consistent with all other residential districts in Cascade Charter Township. This district shall be located in areas where it will be compatible with adjacent land uses.

Determining the appropriate location for a mobile home park is a uniquely challenging task and may have a crucial impact on adjacent and surrounding land uses. A mobile home park contains specific site conditions unlike other types of residential development. Sites with an abundance of natural features such as forested areas, wetlands, and steep slopes are not found to be suitable for the development of a mobile home park. In light of these parameters, the absence of a detailed resource inventory in the Township, coupled with the limited availability of public sewer and water facilities, the Township has elected to allow this zoning district as a Planned Unit Development. Requiring the developer to rezone the property to "MHP PUD". The Township and residents rely on the Comprehensive Plan to determine future use and judge/evaluate rezoning requests. Along with the provisions of this Chapter the rezoning shall comply with the PUD provisions of the Zoning Ordinance.

The regulations established by state law, Michigan Public Act 96 of 1987, as amended, the Michigan Manufactured Housing Commission Rules, and this Ordinance shall govern all mobile home park communities in the Township. When the regulations in this Chapter exceed the state law or the Michigan Manufactured Housing Commission, the higher standards of this Ordinance are intended to insure that mobile home parks meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote the health, safety and welfare of Township's residents.

Section 15.03 Standard Operation Requirements:

1. **State Permit**: It shall be unlawful for any person(s) to operate a manufactured housing community unless that individual obtains a license for such operation in compliance with the requirements of Michigan Public Act No. 96 of 1987, as amended. The Planning Department shall communicate their recommendations regarding the issuance of such licenses to the Director of the Manufactured Housing Division, Corporation and Securities Bureau, Michigan Department of Commerce.
2. **Violations**: If and when, upon inspection of any manufactured housing community, the Planning Department finds that there are existing conditions or practices which violate provisions of this Ordinance or other regulations referenced herein, they shall give notice in writing by certified mail to the Director of the Michigan Manufactured Housing Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the community owner or agent. All other Township penalties are still applicable.
3. **Inspections**: The Building Inspector or other authorized Township agent is granted the authority, as specified is PA No. 96 of 1987, as amended, to enter upon the premises of any manufactured housing community for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein.
4. **Operation**: A manufactured housing community shall not be operated until a license has been issued by the Michigan Department of Commerce. Buildings that require a Township permit which are constructed on-site shall require a Township Building Permit prior to construction and a Certificate of Occupancy prior to use.

CHAPTER 15
MHP PUD Mobile Home Park Planned Unit Development

Section 15.04 Development Standards:

Mobile home parks shall be subject to all the rules and requirements as established and regulated by Michigan law, PA 96 of 1987, as amended, and the Manufactured Housing Commission, and shall also satisfy the following minimum requirements:

PARCELS AND HOMESITES

1. **Maximum Density and Minimum Parcel Area**: Each mobile home park shall be owned and operated as one (1) entity or on a condominium basis. A mobile home park shall contain a minimum of forty (40) acres.
2. **Minimum Homesite Area**: The mobile home park shall be developed with homesites consisting of at least seven thousand two hundred (7,200) square feet per each mobile home being served.
3. **Home Placement**: It is the intent of this ordinance to require parallel placement of homes adjacent to the perimeter of the community, and to encourage parallel placement whenever possible, so as to maintain consistency of standards and aesthetic quality with other residential districts and adjacent land uses in the township.
   a. All homes within the community which are adjacent to the perimeter of the community shall be sited parallel to an internal road.
   b. A home sited parallel to an internal road shall be placed at least twenty (20) feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersection internal road.
   c. A home not sited parallel to an internal road shall be placed at least twenty (20) feet from any part of an attached structure of an adjacent home that is used for living purposes.
   d. It shall be unlawful to permanently or temporarily locate or park a mobile home so that any part of such home will obstruct any roadway or walkway within a mobile home park.
   e. It shall be unlawful to locate any mobile home to be occupied in a mobile home park unless the home is situated on a homesite.
   f. A building permit shall be issued by the Township Building Inspector before a manufactured home may be placed on a homesite in a mobile home park.
4. **Minimum Living Area**: No one story mobile home in any mobile home park shall contain less than one thousand one hundred (1,100) square feet of living area, excluding hitch and eaves.No two story mobile home in any mobile home park shall contain less than one thousand four hundred (1,400) square feet of living area, excluding hitch and eaves.
5. **Setback Requirements**: A mobile home shall comply with the following minimum distances:
   a. Twenty (20) feet from any part of an attached or detached structure of an adjacent mobile home which is used for living purposes.
   b. Ten (10) feet from an on-site parking space of an adjacent homesite.
   c. Ten (10) feet from an attached or detached structure or accessory of an adjacent mobile home which is not used for living purposes.
   d. One hundred (100) feet from any baseball, softball or similar recreation field.
   e. Fifty (50) feet from any permanent building.
   f. Twenty (20) feet from the edge of an internal road.
   g. Twenty (20) feet from the right-of-way line of a dedicated public road within the mobile home park.
   h. Seven (7) feet from any parking space.
   i. Seven (7) feet from a common pedestrian walkway.
   j. All mobile homes, accessory buildings, and parking areas shall be set back not less than twenty (20) feet from any mobile home park boundary line, except that a minimum setback of fifty (50) feet shall be provided from existing and future right-of-way lines of abutting roads and highways.
   k. Fifty (50) feet from the edge of any railroad right-of-way.

STRUCTURES AND AREAS

6. **Maximum Building Height**: The maximum height of a building shall not exceed two (2) stories or twenty-five feet. Storage sheds shall not exceed a height of fourteen (14) feet and the height of the manufactured home they are intended to serve.
7. **Accessory and Site-built Structures**: Accessory and site-built structures constructed for use as management offices, public works facilities, storage buildings laundry facilities, recreation or community centers, and other similar facilities shall be designed and operated for use by residents of the mobile home park only. Site-built structures within a community shall be constructed in compliance with the Township building codes and shall require all applicable permits.
8. **Canopies and Awnings**: Canopies and awnings may be attached to any mobile home provided they meet the current building code standards. Canopies and awnings shall comply with the setback and distance requirements set forth in this Chapter and shall require a building permit.
9. **Storage**:
   a. **Sheds**: One (1) storage shed may be permitted for each homesite. Each storage shed shall comply with all Township regulations and requirements and shall require all applicable permits. Storage sheds need not be supplied by the owner of the mobile home park.
   b. **Recreation Vehicle**: Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided by the community owner, but shall be limited to use only by residents of the manufactured housing community. If proposed, the location of such storage areas shall be shown on the preliminary site plan. No part of any such storage area shall be located in any required yard or on the perimeter of the mobile home park. The placement of the storage area shall be located internally in the park to help screen it from adjacent land uses. Such storage area shall be screened from view from adjacent residential properties with an opaque wooden fence or a masonry wall measuring six (6) feet in height above average grade, or a landscaped greenbelt. The landscaped greenbelt, if used, shall consist of closely—spaced evergreen plantings, no less than fifteen (15) feet apart, and shall provide a complete visual barrier at least six (6) feet in height above grade within two (2) years of planting.
10. **Landscaping**:
    a. **Perimeter**: Perimeter screening from any adjacent residential land use shall consist of a masonry wall or densely planted landscaped area. If provided, the masonry wall shall measure six (6) feet in height from the average grade and shall be placed inside and adjacent to the lot line. The wall may be setback from the property line a sufficient distance in the event that underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct the use of adjacent property. The landscaped greenbelt, if used, shall consist of closely—spaced evergreen plantings, no less than fifteen (15) feet apart, and shall provide a complete visual barrier at least six (6) feet in height above grade within two (2) years of planting.
    b. **Road Frontage**: A landscaped berm measuring 2 ½ to 3 feet in height from the average grade shall be provided for every lineal foot adjacent to a right-of-way. The berm shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal. Landscaping of the berm shall include one (1) deciduous tree for every forty (40) lineal feet of road frontage and one (1) deciduous or evergreen shrub for every three (3) lineal feet of road frontage.
    c. **Homesite**: Landscaping shall consist of one (1) deciduous or evergreen tree for every one (1) homesite.
    d. **Parking Area**: An interior landscaped area of 10 square feet per parking space shall be provided for any parking lot, bay, or area within the community consisting of more than 15 parking spaces. Landscaped areas shall measure at least 150 square feet and shall include plantings of grass, ground cover, shrubs or other live plant material. At least one (1) deciduous tree shall be planted for each parking landscaped area.
11. **Open Space**: Each mobile home park in excess of fifty (50) acres shall include an open space area equal in size to two percent (2%) of the site. All open space areas shall be centrally located, well drained, and accessible to all residents of the community. Up to twenty-five percent (25%) of the required open space

may consist of wetlands, swamps and similar use areas.

MOTORIZED/NONMOTORIZED FACILITIES

12. **Access**: Each community shall have a minimum of two (2) access roads provided there are more than twenty (20) homesites. If two (2) access roads are required, they must meet the spacing requirements of Chapter 19. The main entrance to the community shall have access to a public thoroughfare or a recorded easement meeting the private road standards with access to a public thoroughfare. The public thoroughfare shall be connected to a public collector or arterial road.
13. **Internal Roads**: All internal roads shall be hard-surfaced and may be constructed with curbs and gutters. Internal roads shall be constructed of materials suitable for subgrades and hard surface in compliance with the standards of the American Association of the State Highway and Transportation Officials (AASTO). All internal roads, walkways, driveways, and permanent foundations shall be maintained in such a manner that they are of a sound and reasonably smooth surface for either walking or driving. Surfaces shall be maintained reasonably free of cracks, holes, upheavals, buckling, depressions, rutting, or channeling of the wearing surface, or shifting of the pavement base and sub-base, or both. An adequate clear vision zone shall be provided at intersections (see Section 4.29 Traffic visibility across Corners). An offset at an intersection or an intersection of more than two (2) internal roads is prohibited. The minimum width of internal roads shall be no less than twenty-three (23) feet. One-way traffic shall not be permitted. All entrances to the community shall be a minimum of thirty (30) feet in width.
14. **Parking**: All homesites shall be provided with two (2) parking spaces in accordance with the Manufactured Housing Commission Rules. One (1) additional parking space for every three (3) homesites shall be provided for visitor parking and located convenient to the area served. Visitor parking shall be counted separately from those parking spaces required for employees or community facilities. No unlicensed or inoperable vehicle of any type shall be parked in this district at any time except within a covered building. Parking shall not be permitted in any required landscaped area.
15. **Sidewalks:** A three (3) foot wide concrete sidewalk may be required to be constructed on at least one side of all internal roads within the manufactured housing community.

OTHER

16. **Lighting**: Sufficient lighting shall be provided within a community in order to promote safe and convenient movement from all homesites to principal destinations within the community and connections to public thoroughfares and walkways. Such lighting shall meet the standards of Section 19.19.
17. **Mailbox Clusters**: The United States Postal Service may require that mobile home parks be served by clusters of mailboxes serving several homesites rather than individual mailboxes. If mailbox clusters are required, they shall be located at least two hundred (200) feet from any intersection of a mobile home park internal road and a public road.
18. **Sale of Mobile homes**: The business of selling new or used mobile homes as a commercial operation shall be prohibited after 75% complete occupancy of a new or expanded mobile home park has been achieved. Thereafter, new or used mobile homes located on homesites within the community to be used and occupied on that site may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a used mobile homes by a resident of the community provided the community regulations permit such activity.
19. **School Bus Stops**: School bus stops shall be located in an area that is acceptable to the school district and the manufactured housing community developer or owner.
20. **Signs**: Any and all such signs provided within the community shall not exceed a height of five (5) feet measured from the average grade, and shall be set back (10) feet from any property line or road right-of-way.
    a. Primary entrance: One (1) sign not to exceed an area of thirty-two (32) square feet, shall be permitted at the primary access of the manufactured housing community.
    b. Identification: One (1) identification sign not to exceed an area six (6) square feet shall be permitted for management offices and community buildings.

21. **Trash Dumpsters**: Trash dumpsters, if provided, shall be located in a location that is clearly accessible to the servicing vehicle. Each dumpster shall be set back a minimum of fifty (50) feet from the perimeter of the mobile home park, and shall be placed at least fifteen (15) feet from any building within the community. Dumpsters shall be screened on three (3) sides with a decorative masonry wall or wood fencing not less than six (6) feet in height. The fourth side of the dumpster screen shall be equipped with an opaque lockable gate not less than six (6) feet in height. Dumpsters shall be placed on a concrete pad which shall extend six (6) feet in front of the dumpster enclosure. Bollards (concrete filled metal posts) shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.
22. **Utilities**:
    a. **Fuel Oil and Gas**: Any fuel oil and gas storage shall be placed in underground tanks and located a safe distance from all homesites. All fuel lines servicing homesites shall be placed underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local county and state regulations.
    b. Telephone and Electric Service: All telephone, electric, cable TV, and other lines within the community shall be placed underground.
23. **Water and Sewer Service**: All mobile home parks shall be served by an approved water and sewage systems which shall meet the requirements of the County Health Division and the Michigan Department of Health. The plumbing connections to each homesite shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.
24. **Storm Drainage**: All developed portions of the mobile home park shall be served by adequate storm drainage facilities which are designed and constructed in accordance with applicable local, county, and state regulations.
25. **Skirting and Anchoring**: The siding of the home shall be required to extend to grade. Anchoring of the mobile home shall comply with sections R125.1604 Rule 604 and R 125.1605 Rule 605 of PA 419 of 1976, as amended**.**
26. **Fire Hydrants**: Fire hydrants shall be included in the site plan of any proposed community whenever hookups are available (see R 125.1702a Rule 702a(b). If fire hydrants are available within the community, then vehicular parking on internal roads is prohibited within ten (10) feet of a hydrant.
27. **Additional Standards**: The Planning Commission shall have the right to impose additional reasonable conditions to a site plan approval in order to meet the intent of this ordinance.

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CHAPTER 16
PUD Planned Unit Development District

Section 16.01 Title:

PUD - Planned Unit Development District

Section 16.02 Intent:

This Chapter provides enabling authority and standards for the submission, review and approval of applications for Planned Unit Developments. It is the intent of this Chapter to authorize the consideration and use of Planned Unit Development Regulations for the following purposes:

1. To encourage the use of land in accordance with its character and adaptability.
2. To promote the conservation of natural features and resources.
3. To encourage innovation in land use planning and development.
4. To promote the enhancement of housing, employment, shopping, traffic circulation and recreational opportunities for the people of the Township.
5. To promote and ensure greater compatibility of design and use between neighboring properties.
6. To provide for the regulation of legal land uses not otherwise authorized within this Ordinance.

The provisions of this Chapter are not intended as a device for ignoring the Zoning Ordinance or the planning upon which it has been based. To that end, provisions of this Chapter are intended to result in land use development substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Chapter to insure appropriate, fair and consistent decision making. A Planned Unit Development must comply with this Chapter.

Section 16.03 PUD Use Regulations:

A Planned Unit Development may be approved in any location within Cascade Township. Any land use authorized in this Ordinance may be included in a Planned Unit Development, as a principal or accessory use, as well as any other legal land use not otherwise authorized in this Ordinance, subject to adequate public health, safety and welfare protection mechanisms being designed into the development, and the following:

1. Minimum Size: In order to be eligible for PUD rezoning the proposed area shall consist of a minimum of two (2) acres except in the case of a two-family or multiple family dwelling project for which there is no minimum area requirement.
2. Demonstration of Applicability: A proposed Planned Unit Development must demonstrate that:
   a. Granting of the Planned Unit Development rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.
   b. In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
   c. The proposed development shall be compatible with the General Development Plan of the Township, and shall be consistent with the intent and spirit of this Chapter.
   d. In relation to underlying zoning, the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
   e. The proposed development shall contain at least as much green area and usable open space as would otherwise be required by this Ordinance with respect to the most dominant use in the development.
   f. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control, upon due notice to the Planning Director of the Township.

Section 16.04 Project Design Standards:

1. **Density:** Residential uses of up to six (6) units per gross acre may be considered in any underlying residential zoning district except the ARC District. In each case the maximum density for residential uses shall be determined at the discretion of the Township Board, after review by the Planning Commission, based on consistency with the General Development Plan, The Master Plan for Sewer and Water, standards contained in this Ordinance, and the impact such density would have upon the character of the area, water and sewer services, storm water drainage, road capacity, traffic safety and circulation, parks and recreation, police and fire services, schools and any planned public improvements in the area.
2. **Mixed Uses:** In underlying residential zoning districts, non-residential uses may be permitted to the extent the applicant demonstrates by expert analysis and the Township Board finds at its discretion that the non-residential uses shall principally serve the persons residing in the residential units in the project. Non-residential uses including parking and vehicle traffic ways shall be separated and buffered from residential units in a manner consistent with good land and community planning principles, and the minimum standards set forth in Chapter 20 (Landscape and Buffer Regulations) of this Ordinance, provided, it is recognized that this provision may have limited application to multi-use buildings.
3. **Applicable Regulations**
   a. Unless specifically waived by the Township Board, upon the recommendation of the Planning Commission through the provisions of paragraph 16.04(3.b) below, all regulations of the underlying zoning district relative to lot size, lot width, yard area, structure height, setback, parking and loading, landscaping, general provisions and to other improvements and facilities shall apply, except that in projects within an underlying residential district which contain mixed uses, the most restrictive district regulations within this Ordinance under which each non-residential use would otherwise be permitted shall apply.
   b. Consistent with the Planned Unit Development concept, and to encourage flexibility and creativity in development, departures from compliance with the regulations outlined in the immediately preceding paragraph 16.04(3.a) may be granted at the discretion of the Township Board as part of the approval of a Planned Unit Development. Such departures may be authorized if there are features or planning mechanisms designed into the project for the purpose of achieving the objectives intended to be accomplished by each of the regulations from which a departure is sought.
4. **Natural Resources and Features:** The development shall be designed to incorporate and promote the preservation of natural resources and natural features. Natural resources and natural features may not be impaired or destroyed unless it is in the public interest to do so. The removal or extraction of sand, gravel, soil, rock, minerals, and similar natural resources or the reshaping, enlarging, straightening, damming or diminution of lakes, waterways, ponds or other bodies of water may only be permitted when such action will prepare or render the premises suitable for an ultimate use permitted under the terms of this Chapter. In determining whether such action is in the public interest, the benefit which would reasonably be expected shall be balanced against the reasonably foreseeable detriments of the activity. The extent to which the proposal is able to replace or ameliorate impaired or lost resources and features shall be considered in making this determination.
5. **Compatibility:** A proposed Planned Unit Development shall take into account the following specific design considerations, as they are necessary to insure compliance with all applicable regulations as well as the compatibility of the project with adjoining properties and the general area in which the property is located.
   a. Perimeter setbacks.
   b. Street drainage and utility design with respect to location, availability, ownership and compatibility.
   c. Underground installation of utilities.
   d. Insulation of pedestrian ways from vehicular streets and ways.
   e. Achievement of integrated and harmonious development with respect to signs, lighting, landscaping and construction materials.
   f. Noise reduction and visual screening mechanisms for adjoining residential uses.

g. Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity and emergency access.

h. Off street parking, loading, refuse and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration and odor emanating from such facilities on adjoining properties and uses.

i. Screening and buffering with respect to dimensions and character.

j. Yard areas and other open space.

k. Density and intensity of development expressed in terms of percent of gross and net land area coverage and or gross and net housing units per acre and the height of buildings and other structures.

Section 16.05 Procedure for Review and Approval: (This Section amended by Ordinance #20 of 1995)

1. **Effects.**

The granting of a Planned Unit Development rezoning application shall require an amendment of the Zoning Ordinance and the Zoning Map constituting a part of this Ordinance. An approval granted under this Chapter, including all aspects of the final plan and conditions imposed, shall constitute an inseparable part of the zoning amendment.

2. **Basic Plan - Submission and Content.**

The applicant shall submit plans to the Planning Department at least two (2) weeks prior to the meeting at which the applicant intends the Planning Commission to review the basic plan. The basic plan shall contain the following information:

a. Sketch plan of the Planned Unit Development;

b. A legal description of the property in question;

c. The total number of acres to be included in the project;

d. A statement of the approximate number of residential units and/or the approximate number, type and square footage of non-residential units;

e. The approximate number of acres to be occupied and or devoted to or by each type of use;

f. The known deviations from the Ordinance regulations to be sought;

g. The number of acres to be preserved as open space or recreation space, and

h. All known natural resources and natural features proposed to be preserved, lost and/or replaced.

3. **Basic Plan - Planning Commission Review**.

The Planning Commission shall review the application and basic plan submitted by the applicant to determine if the materials comply with the procedural requirements of this ordinance. If the basic plan or supporting materials are incomplete, the Planning Commission shall require that the applicant revise the documents before the application will be advanced to the preliminary development plan review stage. If the basic plan and application materials are adequate, the Planning Commission shall advise the Planning Department to set a public hearing to consider the merits of the preliminary development plan. The Planning Commission, upon request of the Planning Department, may waive basic plan review of a project provided all of the application materials are submitted.

4. **Preliminary Development Plan - Submission and Content, Required Public Hearing.**

Subsequent to basic plan review, three (3) copies of a preliminary development plan, consisting of a preliminary site plan conforming with this section, shall be submitted. The submission shall be made to the Planning Director who shall present it to the Planning Commission for consideration. The Planning Director shall notice the preliminary development plan for a public hearing before the Planning Commission as provided by Section 23.06 of this Ordinance.

The preliminary development plan shall contain the following information unless specifically waived by the Planning Director or the Planning Commission:

a. A site plan meeting all the requirements for site plan review under Chapter 21 of this Ordinance.

b. Common description of property and complete legal description.

c. Statement of intent of proposed use of land and any phasing of the project.

d. Name, address, and phone number of consulting firm or individual who prepared the plan; owner of the property; and applicant, if other than owner.

e. Intentions with respect to utilities.

f. Gross and net density calculations, number of types of units (if applicable), and floor area per habitable space.

g. The number and location of areas to be preserved as open or recreational space, and each proposed use for such areas.

h. The Planning Director may require a topographical map if the size of the project and/or nature of the topography indicates that such document would be meaningful to the review.

i. A separately delineated specification of all deviations from this Ordinance which would otherwise be applicable to the uses and development proposed in the absence of this Planned Unit Development Chapter. This shall include ordinance provisions from which deviations are sought, and if the applicant elects to be governed by Section 16.04(3.b.), the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations from which deviations are sought shall be specified.

j. In the event the property on which the project is to be situated consists of three (3) or more acres, the Township Planning Commission may require one or more of the following as part of the Planned Unit Development submission:

1) Evidence of market need for the use(s) and economic feasibility of the project.
2) A community impact statement.
3) A traffic impact statement.
4) An environmental impact statement.
5) A fiscal impact assessment.

5. **Preliminary Development Plan - Planning Commission Review, Required Public Hearing.**

The Planning Commission shall review the preliminary development plan, shall hold a public hearing, and shall make reasonable inquiries of the applicant. This review shall begin within 30 days of receipt of all materials required in the application, unless an extension is mutually agreed upon between the Planning Commission and the applicant.

The Planning Commission shall make its findings of fact relative to Section 16.03 of this Chapter along with any comments and recommended modifications to the plan relative to Section 16.04 paragraphs 1 through 6 of this Chapter. These shall be made part of the official minutes of the Planning Commission.

6. **Preliminary Development plan - Drafting of Ordinance.**

Following review of the preliminary development plan, the Planning Commission shall direct the Planning Department to develop an ordinance if it feels that the preliminary development plan is ready to proceed to final planned unit development approval. The Planning Department shall draft a proposed planned unit development ordinance and present the ordinance to the Planning Commission for review within 30days of being directed to do so by the Planning Commission.

7. **Preliminary Development Plan - Planning Commission Review of Ordinance and Decision.**

The Planning Commission shall recommend approval, approval with conditions, or denial of the preliminary development plan and proposed planned unit development ordinance. The effect of the approval, or approval with conditions, shall be to authorize the concept embodied in the preliminary development plan, subject to submission, review and approval of a final development plan as provided below. In reviewing the preliminary development plan and proposed planned unit development ordinance, the Planning Commission shall make a finding and determination with respect to compliance with the PUD regulations set forth in Sections 16.03 and 16.04 of this Chapter, and generally review and determine whether the basic concept of the proposal is consistent with the intent and spirit of this Chapter. Inasmuch as the specific details of a project plan are at the very essence of the concept of Planned Unit Development, approval of the preliminary development plan shall not constitute a final approval, and preliminary development plan approval shall be subject to review and approval of the final development plan as further provided for in this Chapter.

8. **Final Development Plan - Submission, Final Action.**

Within six (6) months following receipt of preliminary development plan approval, the applicant shall submit to the Planning Department an application to amend this Ordinance, and shall be noticed for public hearing before the Township Board pursuant to Section 23.06. If the final development plan has not been submitted within such period, the preliminary

development plan approval shall lapse, and the applicant must recommence the review process.

The Planning Department shall notify the developer by certified mail at least (20) days before the preliminary PUD approval is about to expire. The Township Board may extend the time for submission of the final development plan upon a showing by the applicant that no material change of circumstances has occurred.

9. **Final Development Plan - Public Hearing, Final Action, Ordinance Adoption.**

   The Township Board shall review the final development plan and shall make reasonable inquiries of the applicant. The Township Board shall conduct a public hearing and solicit comments from interested parties. The Township Board shall approve, approve with changes, or deny the final development plan and planned unit development ordinance.

   If the Township Board is not satisfied with the final development plan and/or ordinance, or if additional information not previously provided to either the Planning Department or Planning Commission is supplied by the applicant, the Township Board may remand the final development plan and/or ordinance back to the Planning Commission for further review. If this occurs, the Planning Commission shall review the final development plan, ordinance, or additional information at their next available meeting. The Planning Commission shall return the reviewed final development plan and/or ordinance back to the Township Board within 30 days for final consideration.

Section 16.06 Performance Guarantees:

The Township Board after recommendation from the Planning Commission, or at its own discretion, may require reasonable performance guarantees, as authorized under the Township Rural Zoning Enabling Act to insure the completion of improvements.

Section 16.07 Conditions:

Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law, for the purpose of:

1. Insuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased demand caused by the land use or activity;
2. Protecting the natural environment and conserving natural resources and energy;
3. Insuring compatibility with adjacent uses of land; and
4. Promoting the use of land in a socially and economically desirable manner.

Conditions imposed shall be designed to protect natural resources and the public health, safety and welfare of individuals in the project and those immediately adjacent, and the community as a whole. They shall be reasonably related to the matters affected by the Planned Unit Development, shall be necessary to meet the intent and purpose of this Ordinance, and be related to the objective of insuring compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved Planned Unit Development.

Section 16.08 Phasing and Commencement of Construction:

1. Phasing: If a project is proposed for construction in phases, the planning and design shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space and shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the Planned Unit Development and the residents of the surrounding area. In addition, in developments which include residential and non-residential uses, phasing shall contemplate that at least 35 percent of all proposed residential units are completed concurrent with the first phase of any non-residential construction; completion of at least 75 percent of all proposed residential construction prior to the second phase of non-residential construction; and completion of 100 percent of all residential construction prior to the third or final phase of non-residential construction. The percentages shall be approximations and determined at the discretion of the Township Board. The percentages may be significantly varied should the

Township Board determine that the applicant has presented adequate assurances that the residential component or components of the project shall be completed within a specified period.

2. Commencement and Completion of Construction: Construction shall be commenced within one (1) year following final approval of a Planned Unit Development, or within one (1) year of any other necessary governmental approval for commencement of the project, whichever is later, provided all other necessary approvals have been actively pursued. If construction is not commenced within such time, approval of the final plan for the project shall expire. An extension for a specified period may be granted by the Township Board upon good cause shown if such request is made to the Township Board prior to the expiration of the initial period. Moreover, in the event a final plan has expired, the Township Board may rezone the property in any reasonable manner.

   If, at the discretion of the Township Board, the property remains classified as Planned Unit Development, prior to the commencement of construction of a new application shall be required, and shall be reviewed in light of the then prevailing conditions and applicable law and ordinance provisions.

Section 16.09 Effect of Approval:

The Planned Unit Development amendment, and all conditions imposed, if any, shall constitute the land use authorization for the property. All improvement and use shall be in conformity with such amendment. The applicant shall record an affidavit with the Kent County Register of Deeds office containing the legal description of the entire project, specifying the date of approval of the Planned Unit Development, and declaring that all future development of the Planned Unit Development property has been authorized and required to be carried out in accordance with the approved Planned Unit Development and the provisions of Section 16.09(2) of this Chapter unless an amendment thereto is duly adopted by the Township upon the request and/or approval of the applicant, or applicant's transferees and/or assigns.

Section 16.10 Fees:

There shall be an advance payment of fees at the time of filing of the Conceptual Plan. The amount of such fees shall be established by the Township Board by ordinance or resolution.

Section 16.11 Site Condominium Subdivision Approval:

Pursuant to authority conferred by Section 141 of the Condominium Act, (MCLA 559.241), Public Act 59 of 1978, as amended, all site condominium subdivisions must be approved by the Cascade Township Board, upon recommendation from the Planning Commission.

In determining whether to approve a site condominium subdivision, the Township Board shall consult with the Planning Commission, Township Attorney, Township Engineer, Fire Marshall and Planning Department regarding the adequacy of the site condominium plans, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act.

1. **Definitions:** The following terms are defined both in the context of the Condominium Act and in a manner intended to make comparison possible between the terms of this Zoning Ordinance and the Subdivision Ordinance (Ordinance No. 1 of 1978) with the Condominium Act.
   a. Condominium Act means Public Act 59 of 1978, as amended.
   b. Condominium dwelling means the building constructed upon a lot or condominium unit which is intended for residential purposes.
   c. Condominium structure means a building or structure constructed upon a lot or condominium unit which is intended for office, industrial, business, or recreational purposes.
   d. Condominium unit means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.
   e. Lot shall mean the same as "Homesite" and "Condominium Unit".
   f. Mobile home condominium project means a condominium project which mobiles homes are

intended to be located upon separate sites which constitute individual condominium units.

g. Master deed means the condominium document recording the condominium project to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.

h. Setback - Front Yard shall be equal to the distance between the front yard area line and the condominium dwelling or condominium structure.

i. Setback - Rear Yard shall be equal to the distance between the rear yard area line and the condominium dwelling or condominium structure.

j. Setback - Side Yard shall be equal to the distance between the side yard area line and the condominium dwelling or condominium structure.

k. Site Condominium Subdivision - shall be a division of land on the basis of condominium ownership which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended.

2. **Zoning Compliance** - Rezoning Required: All site condominium subdivisions and structures therein shall comply with all the use, size, sign, height and area (setback) regulations of the underlying zoning district in which the subdivision is located prior to PUD, Planned Unit Development rezoning as required by this Section. The developer shall rezone his property to PUD, Planned Unit Development, the permitted use(s) and density (if applicable) shall be consistent with the Cascade Township General Development Plan. Because of the unique nature of a site condominium subdivision the review procedures shall be governed by Section 16.12.(3) below. Consistent with Section 16.b (MCLA 125.286b) of the Township Rural Zoning Act, public notices shall be sent to adjacent properties notifying them of the proposed rezoning. A public hearing shall be conducted before the Cascade Township Board.

3. **Site Condominium Subdivision Review Procedures:**

a. At least twenty-eight (28) days before the first meeting of the Planning Commission at which the proposal is to be considered, the developer shall submit to the Township all the materials required by Section 16.12(4), (hereinafter referred to as "site condominium plans") together with a fee in accordance with the schedule adopted by the Township Board.

b. The Planning Commission, together with the Township Planning Department, shall review the site condominium plans and give its report and recommendation to the Township Board not more than seventy-five (75) days after submission of the site condominium plans. This seventy-five (75) day period may be extended by a written agreement between the developer and the Planning Director. Any such written agreement shall contain a specific delineation of the time period in which the Planning Commission must act to either approve or disapprove the site condominium plan. A copy of any agreement reached by the Planning Director and the developer with respect to an extension of time shall be transmitted to the Planning Commission. If no action is taken within seventy-five (75) days, or within any agreed extension thereof, the Planning Commission shall be deemed to have recommended approval of the site condominium plans.

c. The Township Board, within one hundred twenty (120) days from the date of filing (unless the time period for approval has been extended pursuant to Section 16.12.(3.b) above), shall approve and note its approval on a copy of the site condominium plans to be returned to the developer or set forth in writing its reasons for rejection and the requirements that must be met for site condominium plan approval.

d. The Township Board shall not review, approve or reject a site condominium plan until it has received a report and recommendation from the Planning Commission; provided, however, that the Township Board may act without a report and recommendation from the Planning Commission if the Planning Commission does not issue such a report and recommendation within seventy-five (75) days or within such extended time period as may be agreed upon between the developer and the Planning Director.

e. Approval by the Township Board shall guarantee that the general terms and conditions under which approval was granted will not be changed by the Township and, further, shall confer

approval of lot sizes, lot orientation, and street layout for a period of one (1) year from the date of site condominium plan approval. Such plan approval may be extended if applied for by the developer and granted by the Township Board in writing.

4. **Site Condominium Plans - Required Content:** All site condominium plans shall include the following:
   a. Project description which describes the nature and intent of the proposed development.
   b. A survey plan of the site condominium subdivision.
   c. A floodplain plan, if the site lies within or abuts a floodplain area.
   d. A site plan, consistent with Chapter 21, showing the location, size, shape, area and width of all condominium units.
   e. A utility plan pursuant to Section 16.12(5.a) below.
   f. A street construction, paving, and maintenance plan for all private streets within the proposed site condominium subdivision.
   g. A storm drainage and stormwater management plan, including all lines, swales, drains, basins, and other facilities.
   h. A soil erosion and sedimentation control plan consistent with the Cascade Township Soil Erosion and Sedimentation Ordinance, (Ordinance #4 of 1988).
   i. A description of the common elements of the project as will be contained in the Master Deed.
   j. The use and occupancy restrictions as will be contained in the Master Deed.
   k. A "Consent to Submission of Real Property to Condominium Project", stating all parties which have ownership interest in the proposed site condominium subdivision; or evidence of authority or right that the developer has a legal option to purchase the subject property from the owner(s) of record.
5. **Utilities:**
   a. The site condominium plans shall include all necessary easements (i.e. sewer/water, sidewalks, bike paths, etc.) granted to Cascade Township and Kent County for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewage, water and stormwater run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.
   b. The Township Board may require the developer to enter into an agreement with the Township for the imposition of a special assessment for the construction of sewer and water lines within all easements and/or rights of way within the site condominium subdivision. This requirement in as much as it deals with the establishment of a Special Assessment District under Act 188 of 1954, as amended, is not a waiver of any developer's or his grantees rights to contest the confirmation of any special assessment roll as provided in the Act.
6. **Private Streets:** If a site condominium subdivision is proposed to have private streets, the Township Board may require that the private streets be developed to the minimum design, construction, inspection, approval and maintenance requirements of Kent County Road Commission or as otherwise specified by the Township Engineer. All private streets in a site condominium subdivision shall have a paved driving surface of asphalt or concrete.
7. **Subdivision of Condominium Units:** All subdivisions of individual condominium units shall conform to the requirements of this Ordinance and their particular PUD Ordinance for minimum lot width, lot area, and the building setback requirements, shall be approved by Township Board, and these requirements shall be made part of the bylaws and recorded as part of the Master Deed.
8. **Mobile Home Condominium Project:** Mobile Home condominium projects shall conform to all requirements of this Ordinance.
9. **Site Condominium Subdivision Layout - Design and Approval:** The Township Board may require site condominium plans to conform to the plan preparation requirements; review and approval procedures; design, layout and improvement standards of Sections 4.1, 4.2, 4.3, 4.4.1 through 4.4.5, 4.5, 4.6, 5.3.1.d through 5.3.1.k, 5.4, and 5.5 of the Cascade Charter Township Subdivision Ordinance

(Ordinance 1 of 1978), as amended. The requirements of final plat approval in Section 3.3 of the Subdivision Ordinance shall not apply to site condominium subdivision plans, except that a deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with the Charter Township of Cascade to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within a length of time agreed upon from the date of final approval of the site condominium subdivision plan by the Township Board. Nothing in this Section shall be construed as requiring a site condominium subdivision to obtain plat approval under the Cascade Township Subdivision Ordinance or the Subdivision Control Act.

Master Deed - Contents: All provisions of the site condominium plans which are approved by the Township Board pursuant to Section 16.12(3) must be incorporated, as approved, in the Master Deed for the site condominium subdivision. Any proposed changes to the approved site condominium plans must be reviewed and approved by the Township pursuant to the procedure set forth in Section 16.12(3) for the approval of site condominium plans. A copy of the Master Deed as filed with the Kent County Register of Deeds for recording must be provided to the Township within ten (10) days after such filing with the County.

Section 16.12 Modification of PUD Plans:

Minor changes to a PUD site plan may be approved administratively by the Planning Director provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or state law. Minor changes subject to administrative review are defined in Section 21.04 of this Ordinance. Any other changes shall require an amendment or variance to the developers PUD ordinance.

Link to Procedures Manual with Forms, Applications, and Flowcharts

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Chapter 17
Special Uses

Section 17.01 Title:

Special Uses

Section 17.02 Intent:

The provisions of this Chapter are intended to set forth the procedures and standards applicable to certain land uses, structures or activities which because of their unique characteristics require special consideration in relation to the welfare of adjacent properties and/or the community as a whole.

Because of these characteristics, the use of the land for certain purposes in certain districts will not be permitted without first obtaining special approval from the Planning Commission or as the case may be from the Township Board upon recommendation of the Planning Commission.

Section 17.03 Applicability

For the purpose of this Ordinance the following special use categories are identified which shall be governed by the provisions of this Chapter:

1. Type I Special Uses: Type I special uses include the following and may be approved by the Planning Commission in accordance with the procedures outlined in Section 17.04 of this Chapter.
   a. Detached residential accessory buildings in excess of two hundred (200) square feet, and detached private garages in excess of 832 square feet, as provided in Chapter 4. Upon review of each Type I special use permit request for an accessory building in excess of 200 square feet, or a detached private garage in excess of 832 square feet, the Planning Commission shall consider the following:
      1) The intended use of the building.
      2) The proposed location, type and kind of construction, and general architectural character of the building.
      3) The size of the building in relation to the house, lot, and zoning district.
      4) The type and kind of principal and accessory buildings and structures located on properties which are adjoining and in the general area.
      5) The topography and vegetation of the general area.
      6) Whether the proposed building will affect the light and air circulation of any adjoining building or properties.
      7) Whether the proposed building will adversely affect the view of any adjoining property owner or occupant.
      8) Points of access to the proposed building and their relationship to adjoining properties and the view from adjacent streets. (New Section added by Ordinance #1 of 1992)
   b. Provided the required front and side yard setback is maintained, accessory buildings may be located in the front yard under the following provisions: (Amended and renumbered as a result of Ord. 12 of 2000; 7/26/00)
      1) A lot in which the topography of the property makes it impossible to construct the building in the rear or side yard, or extensive grading and tree removal is required which would significantly change the landscape and views of the neighborhood if required to located the building in the rear or side yard.
      2) A lot in which the property owner would have to drive over a drain or septic field in order to access the garage.
      3) A lot in which the accessory building is setback a minimum of two-hundred (200') feet from the Right-of-Way.
   c. Satellite dish antennas located in Residential or PUD districts which exceed ten (10) feet in diameter or twelve (12) feet in total height.
   d. Satellite dish antennas located in any zoning district which are not permanently anchored to a foundation located on the ground or which will serve more than one (1) structure.
   e. Roof or ground mounted communications antennas (excluding towers) to be located in the "O" Office District.
   f. Parking and/or storage yards for motor vehicles (excluding junk or salvageable vehicles) and including transport equipment as an accessory use to a principle permitted use in the I Industrial Zone.
   g. Model units, temporary real estate offices.

h. Cellular Antenna Towers and Masts" as follows:

Prior to the issuance of a permit for the erection of a cellular antenna tower or mast in any zoning district, the following provisions must be satisfied:

1) The application for special use approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depiction of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Planning Director.

2) A cellular phone or other personal communications services antenna tower shall be exempt from building height limits, provided, however, that the tower height shall be the minimum height necessary to serve its intended function. Tower setbacks shall be determined by the Planning Director based on tower height and proximity to residential areas.

3) The application shall include a list of all properties investigated for placement of the proposed tower and the rationale for selecting the proposed location.

4) It is not feasible to provide equivalent service by locating the antenna on an existing tower or other existing structure in the Township.

5) Subject to items (c) and (d) above, the proposed tower shall be located the maximum distance reasonable from an existing tower supporting an antenna of the same carrier.

6) The tower will not have an adverse impact on significant views from properties within one quarter (1/4) mile of the tower site. For purposes of this section, a significant view is defined as a view from a residential property which has one or more of the following characteristics:

i. A view from a residence and its immediate perimeter which encompasses landscape features substantially free of man-made alteration, as a result of the unique topographic placement of the home.

ii. A view which is a dominant feature of a residential building site, and which contributes significantly to the value of the residential building site as evidence by the placement of a home on the site, the size, number and orientation of windows on the home, and the location and orientation of improved outdoor spaces on the home site, such as patios and decks.

The fact that the proposed tower may be visible from a residence shall not be considered an adverse impact on a significant view.

7) The tower and ancillary building housing equipment needed for operation of the tower shall be of a size, type, color and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.

8) The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse aesthetic impact on properties and residents of the surrounding area.

9) The applicant shall provide documentation of conformance with the Kent County International Airport Zoning Ordinance.

10) The owner/operator of the tower shall agree to permit use of the tower by other communications services providers, including local government agencies, on reasonable terms, so long as such use does not conflict with the owner/operator's use of the tower.

11) If, for any reason, the tower ceases operation or is abandoned, the Township may order its removal from the site. The owner of the tower and/or the property owner will have three (3) months to remove

the tower upon receiving notification from the Township to do so. If the tower is not removed within the specified time period and an extension is not granted by the Township, the Township may cause the removal of the tower. After removal of the tower by the Township, a notice shall be mailed to the tower owner and the property owner stating the nature of the work done and demanding payment of the costs as certified by the Building Official together with an additional twenty (20)percent for inspection and incidental costs.

If the amount specified in the notice is not paid within ninety (90) days, it shall become a lien against the property and will be certified as an assessment against the property.

12) If the height required for the tower to serve its function decreases from the installed height, due to technological advancement, additional tower installations at other locations, or other factors, the tower shall be lowered to such decreased minimum height.

13) The applicant shall provide an affidavit signed by the property owner(s), on a form provided by the Township, indicating approval from the property owner to allow placement of the tower and ancillary building at the proposed site and acknowledging the Township's requirements regarding removal of the tower as stated in subsection i, above. (This section amended by Ordinance #11 of 1996)

14) Cellular antennas and other appurtenances on existing towers, buildings, church steeples, schools, light poles at schools, water towers and Consumers Energy lattice towers are regulated as follows: (Amended by Ord No 6 of 2006; 9/13/06)

i. Prior to the issuance of a permit for the placement of an additional antenna or other appurtenances on any existing tower or mast, the following provisions must be satisfied:

a) The applicant shall provide documentation from the tower or mast owner indicating approval to allow the placement of the additional antenna or appurtenance and the structural integrity of the tower or mast to support the addition.

b) A visual impact analysis, including a graphic depiction of the anticipated visual appearance of the tower with all existing and proposed antennas or appurtenances from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Planning Director.

c) The ancillary building housing equipment needed for operation of the antenna or appurtenance shall be of a size, type, color and exterior materials which are aesthetically compatible with any existing ancillary buildings on the site as well as with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings. (This section amended by Ordinance #11 of 1996)

d) In addition to the above requirements, in the R1 and R2 zoned districts (or any residential Planned Unit Development) the following regulations shall also apply:

1. The height of the antenna shall not exceed the height of the existing structure unless permitted by the Planning Commission.

2. Consideration for additional height will be considered provided:

(i) The increase in height does not require the need for any lighting.

(ii) The increase in height is needed for the antenna to perform its intended function.

(iii) The height shall not exceed the minimum height required to function in accordance with federal state and local requirements.

(iv) The Township Planning Commission may hire an expert consultant to review the proposed antenna and provide a recommendation of proposed height.

3. A visual impact analysis of any ancillary buildings/structures needed for the antenna shall be provided, with special attention given toward minimizing any view of such building/structure from adjacent residential uses. The Planning Commission may require the building/structure to have additional landscaping and/or require the building/structure to be located in a different area on the property in order to screen the building/structure from any adjacent residential uses.

4. Any structure that becomes unused for its original purpose and intent for a period of more than 12 months shall be considered abandoned. Under such circumstance the structure and antenna shall be removed within 90 days of written notice from the Planning Director. (Amended by Ord No 6 of 2006; 9/13/06)

2. Type II Special Uses: Type II special uses include all uses classified as special use within the use provisions of the various zoning districts or by Section 17.07 of this Chapter which are not classified as Type I special uses.

   Type II special uses may only be approved by the Township Board upon the review and recommendation of the Planning Commission in accordance with the procedures outlined in Section 17.04 of this Chapter.

Section 17.04 Procedures:

1. An application shall be submitted to the Planning Department on a form for that purpose together with a site plan prepared to the specifications contained in Chapter 21 of this Ordinance. Each application shall be accompanied by the payment of fee as determined by the Township Board. In the event the allowance of a proposed use requires both a rezoning and a special use permit, the application for rezoning shall be processed in its entirety prior to final action on the special use.

2. Upon receipt of an application for a special use, a notice that the Planning Commission will hold a public hearing on the application shall be published and sent by mail or by personal delivery to the owners and occupants of property in compliance with Section 23.06 of this Ordinance.

3. In the case of a Type I special use, the Planning Commission shall, within a reasonable time after the public hearing deny, approve or approve with conditions the request.

   In the case of a Type II special use the Planning Commission shall within a reasonable period of time after the public hearing, make and forward to the Township Board, recommendations relative to the denial, approval or approval with conditions of the special use. Thereafter within a reasonable time, a decision of the Township Board shall be made.

4. The decision by the Planning Commission or Township Board, as the case may be, shall be incorporated in a statement containing the conclusions relative to the special use under consideration which specifies the basis for the decision and any conditions imposed.

5. A decision rendered by the Planning Commission with respect to any Type I special use may be appealed to the Township Board by any person or persons aggrieved by such decision within ten (10) calendar days of the date on which the contested decision was rendered. Such appeal shall be made in writing to the Planning Director who shall, upon receipt of the appeal, provide notice of a second public hearing pursuant to the procedures outlined in Paragraph 2 above, except that such notice shall specify that the

hearing is to be held before the Township Board. A decision rendered by the Township Board shall be final unless such decision is reversed or modified by a court of competent jurisdiction.

Section 17.05 Zoning Board of Appeals Action:

Owing to the discretionary nature of the decision to approve or deny a request for special use the Zoning Board of Appeals is without jurisdiction to accept appeals or grant variances from the General Standards set forth in Section 17.06 and the decision of the Planning Commission or Township Board with respect to the approval or denial of special uses.

Section 17.06 Special Use Approval Standards - General:

In formulating recommendations or approving any special use, the Planning Commission and Township Board shall require that the following general standards be satisfied.

1. Upon review of each application there shall be a determination as to whether each use on the proposed site will:
   a. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the area in which the use is proposed.
   b. Be adequately served by essential facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, water and sewer facilities and schools.
   c. Not create excessive additional requirements at public cost for public facilities and services.
   d. Not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.
   e. Not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic.
2. All applicable federal, state and local licensing regulations shall be complied with. Initial and annual proof of such compliance shall be a condition of special use approval and the continuance thereof.
3. As a minimum or unless specifically modified by the provisions in Section 17.07 the dimensional standards and landscape, buffering and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable chapters of this Ordinance. For uses permitted by right in one district, but which require special use approval in another district, the standards relating to the district in which the use is permitted by right shall serve as the minimum standards to which the site shall be designed. In such cases where there the conflicting standards, the most restrictive shall apply, unless specifically modified by the provisions of Section 15.07 or the approving body.
4. Upon review, the Planning Commission or Township Board as appropriate may stipulate such additional conditions and safeguards deemed necessary for the protection of individual property rights and values, the general welfare and for insuring that the intent and objectives of this Ordinance are observed.
5. Upon finding that any condition, safeguard or requirement has been breached, the Township Board may automatically invalidate the special use approval.

Section 17.07 Type II Special Use Design Standards:

The specific requirements set forth in this Section are requirements which must be met by certain Type II special uses in addition to the general standards outlined or referenced in the above Section 17.06.

1. As a condition of approval each of the following uses must be situated such that the proposed site has direct primary access on at least one collector or arterial street as classified by the Major Street Plan.
   a. Public, parochial and other private elementary, intermediate and high schools.
   b. Public or private parks and recreation and activity centers including swimming pools, tennis courts, baseball fields, community center, libraries and similar facilities intended to serve areas beyond the immediate neighborhood.
   c. Child or adult day care centers as defined in Chapter 3, whether free standing or in conjunction with a principal permitted use.

d. Bed and Breakfast establishment, as defined in Chapter 3.

e. Golf courses and country clubs.

f. Public utility and private contractors storage and service yards and trucking terminals and freight facilities.

g. Roadside stands as defined in Chapter 3.

2. The following uses shall be further subject to the specific requirements outlined.

a. **Churches requiring special use approval.**

1) Churches With a Seating Capacity of Less Than 200 Persons, (seating capacity shall be determined by the seating capacity of the sanctuary and auxiliary assembly halls combined). Such facilities shall be located on a lot or parcel of land having a minimum area of two (2) acres and a minimum lot width of 200 feet as measured at the front property line. There shall be a minimum front, side and rear yard building setback of 50 feet except that churches having frontage on arterial streets shall have a front yard building setback of at least 100 feet.

2) Churches with a seating capacity of more than 200 persons: Such facilities shall be located on a lot or parcel of land having at a minimum lot size of three (3) acres and a minimum lot width of 300 feet. Such facilities shall also have frontage on at least one collector or Arterial Street as classified by the Major Street Plan. There shall be a minimum front, side and rear yard building setback of 50 feet except that churches having frontage on arterial streets shall have a front yard building setback of at least 100 feet.

3) Churches shall also be required to install bufferyards according to section 18.06 of this Ordinance. (Ord. No. #10 of 2001)

b. **Bed and Breakfast establishments.**

1) Location outside of a platted residential subdivision.

2) Subordination to the principle use of a single-family dwelling unit.

3) Occupancy of no more than fifty (50) percent of the dwelling unit.

4) The premises shall be the principal residence of the operations owner/operator when the establishment is active.

5) The structure shall be erected or retained as a single-family structure. Commercial food preparation equipment and eating or bathroom facilities within individual sleeping quarters shall not be installed.

6) Meal services shall be limited to during normal and customary breakfast hours and shall be provided only to lodgers registered at the establishment.

7) Two (2) off-street parking spaces for the owner operator and one (1) off-street parking space per room to be rented shall be provided.

8) Signs shall be subject to the regulations applicable to signs in the district in which the use is located.

c. **Golf courses, country clubs.**

1) The minimum area shall be 40 acres for a par 3 course, 65 acres for a 9-hole course, and 120 acres for an 18-hole course.

2) No building or non-golfing use, with the exception of parking, shall be located within 200 feet of the front property line or 400 feet of the side and rear property lines.

3) Parking areas shall be setback a minimum of 30 feet from all property lines and street right-of-way. A buffer strip shall be required if parking is located less than 50 feet from a property line.

4) Signs shall be subject to the regulations applicable to signs in the district in which the use is located.

d. **Outdoor recreational uses other than campgrounds and golf courses and excluding amusement parks.**

1) A minimum lot area of three (3) acres.

2) Parking areas shall be setback a minimum of thirty (30) feet from all property lines and street right-of-way. A buffer strip shall be required if parking is located less than fifty (50) feet from a property line.

3) Front yard building setbacks shall be a minimum of one hundred (100) feet and no building or use other than parking shall be

located within fifty (50) feet of any side or rear property line.

e. **Child or adult day care centers as defined in Chapter 3.**

1) A minimum lot size of 40,000 square feet.

2) Dormitory facilities are not permitted.

3) Based upon the established capacity of the facility, there shall be provided and maintained, on the premises, a minimum of 150 square feet of outdoor play area per child with not less than 5,000 square feet per facility.

4) The outdoor play area shall be enclosed by a chainlink fence not less than four (4) feet in height, and screened by natural or planted vegetation to a height of at least five (5) feet.

5) Signs shall be subject to the regulations relative to signs for the district in which the use is to be located.

6) Such facilities must be registered with the Township and licensed by the State.

f. **Kennels, animal hospitals and clinics and public or semi-public stables.**

1) The respective minimum lot area for these special uses is as follows:

Kennels - Two (2) acres plus an additional one-third (1/3) acre for each animal in excess of six (6).

Animal hospitals and clinics - three (3) acres.

Public or semi-public stables - Ten (10) acres. Such areas may not include area devoted to living quarters or other uses not incidental to the stable.

2) Buildings for the housing of animals, runs or exercise area shall not be located within 100 feet of any property line or street right-of-way.

3) Areas for riding trails or riding purposes shall be located on the same premises, provided, however, that the owner may lease adjacent lands for said purpose. Provided further, that access to riding areas shall not necessitate riding or leading of animals upon or across a public road.

4) The premises shall include storage adequate for the disposal of manure and refuse, have proper insect control methods, and be suitably fenced.

5) Adequate off-street parking shall be provided on the site.

6) Signs shall be subject to the regulations relative to signs for the district in which the use is to be located.

g. **Public, semi-public or private communication transmitter, relay stations and towers.**

1) Minimum lot size of three (3) acres.

2) Setbacks for each building or tower from adjacent property lines or street rights-of-way shall be a minimum of one and one-half (1-1/2) times the height of the structure above the ground at its base.

3) A chain link fence six (6) feet in height shall be installed and maintained along all property lines.

h. **Temporary concrete and asphalt batch plants: Temporary permits for concrete and asphalt batch plants may be issued provided that the operation does not involve the excavation and removal of natural resources from the premises and further provided that:**

1) No fixed machinery shall be erected or maintained within one hundred (100) feet of any adjacent property or street line. No stockpiling shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to prevent the mass movement of material onto surrounding property.

2) Where it is determined by the Township Board to be a public hazard, all uses shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent trespassing, and shall be placed no closer than fifty (50) feet to the top or bottom of any slope.

3) The Township Board shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. That portion of access roads within the area of operation shall be provided with a dustless surface.

4) Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling material upon the site, watering and paving.

5) When processing operations are completed, all structures shall be removed and the affected area shall be reconditioned to support complete re-vegetation. No gradients in disturbed earth shall be steeper than a slope of 3:1(horizontal-vertical). A layer of arable topsoil shall be spread over the affected area to a minimum depth of four (4) inches. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Planning Director.

6) In granting approval the Township Board may require the posting of a letter of credit or certified check to insure compliance with this section.

7) Upon approval of the application and approval of any required surety, the Building Inspector shall issue any necessary building permits and a temporary occupancy permit for a one (1) year period.

8) An occupancy permit may be renewed for up to one (1) year at a time or for the duration of an accepted surety whichever is less, upon a finding by the Township Board that all conditions and plans are being complied with and no nuisance has been created by prior operations. Where any new area is to be considered, or where any area not shown by the original site plan is to be included, the procedures for a new application shall be followed.

9) The Building Inspector shall revoke an occupancy permit where operations do not conform to approved plans or special conditions. All operations shall cease fourteen (14) days following notification by the Building Inspector of such violations unless such conditions are corrected. Reinstatement of a revoked permit shall require a new application and approval therefore.

i. **Truck freight terminals and yards, public utility and private contractor storage and service yards in association with special services requiring bases of operation and outdoor storage of equipment and material, excluding the major repair of equipment.**

1) A minimum lot size of three (3) acres.

2) The minimum setback for use and structures other than employee and customer parking shall be 100 feet from the street right-of-way and 50 feet from side or rear property line.

3) A buffer strip shall be required along all property lines.

4) Repair of vehicles shall be done within a totally enclosed building.

5) The storage of vehicle parts or inoperable vehicles shall be done within an enclosed building.

6) Except for visitor parking, operable vehicle parking and storage and all material storage shall be within a fenced area.

j. **Nurseries and greenhouses with associated limited retail and wholesale trade of nursery stock raised on the premises.**

1) Minimum parcel size shall be 15 acres.

2) All buildings shall be located a minimum of 100 feet from the front property line and 50 feet from any side and rear property lines.

3) All machinery and equipment, except for motor vehicles and trailers used in the conduct of business, shall be stored within a completely enclosed building.

4) Motor vehicles and trailers shall be stored indoors, out-of-view when not in use for longer than a two-week period.

5) Motor vehicles, trailers, and stockpiled materials, such as topsoil, wood mulch, bark, stone, balled and burlapped plant materials and "heeled-in" plant materials, shall be stored a minimum of 100 feet from the front property line and 50 feet from any side or rear property line, in locations which minimize visual impacts of such materials on adjoining properties and adjoining public roads. Permanent landscaping shall be installed as needed to accomplish this objective.

6) Retail and wholesale sales on the premises to the general public shall be limited to nursery and/or greenhouse stock raised on site.

7) No freestanding light poles shall be erected or lights placed on buildings unless deemed necessary in the special use permit review process for safety reasons. Light poles shall not exceed 20 feet in height. Light shall be directed downward and shall not reflect off the premises.

8) Activities on the premises shall be limited to those associated with running a nursery or greenhouse, unless prior special approval is granted by the township.

9) The storage of any fertilizer, chemical or loosely packed material shall be maintained and contained so as to prevent adverse effects upon adjacent properties. (This subsection added by Ordinance #2 of 1997)

k. **Auto repair shops and garages and car washes.**

1) No subject facility existing on the effective date of this Ordinance shall be altered so as to provide a lessor degree of conformance with the provisions of this section than existed on said date.

2) All repair lubrication and service work shall be done within an enclosed building.

3) All storage and display of equipment, materials and merchandise, with the exception of fuel shall be within the building.

4) All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot high solid wall or fence.

5) The storage of automobiles, trucks, or trailers for a period in excess of 72 hours or the sale or rental thereof is expressly prohibited without specific approval as part of the special use approval.

6) Vacuuming activities shall not be located in the front yard and shall be at least 50 feet from any adjoining side or rear property line.

7) No vehicle wash establishment shall permit patrons to extend lines of vehicles off the premises.

8) All washing activities must be within a building.

9) No more than two (2) curb-cuts shall be constructed to provide ingress and egress. (This subsection amended by Ordinance #6 of 1993)

l. **New and used car sales and rentals.**

1) The display of new and used cars shall not be carried out within any required front yard greenstrip area.

2) All outdoor vehicle display areas shall be of an improved paved surface.

3) Vehicle display or storage shall not be carried out within areas required for visitor, employee or service parking.

4) Vehicle service and repair shall be carried out in accordance with the provisions of Section 17.07(2k) above.

m. **Roadside stands as defined in Chapter 3.**

1) All structures and uses associated with the operation which are of a temporary nature shall be removed when the operation is not active.

2) Adequate off-street parking maintained in a dust free condition shall be provided.

3) The operation is located no less than one hundred (100) feet from any adjacent residential dwelling.

4) The minimum setback for all uses and structures associated with the operation shall be in accordance with the minimum setbacks for residential buildings in the district.

5) Signs shall be subject to the regulations relating to signs in the district as regulated by the Cascade Charter Township Sign Ordinance.

n. **Transitional Uses.**

In addition to other permitted uses or special uses which may be provided for, the first ARC, R-1 or R-2 zoned lots or the first 100 feet of unplatted street frontage with a depth not to exceed 200 feet with a side yard adjoining a B-1, B-2, ES, O or I zone may be utilized for the following uses.

1) Two-family dwelling units.

2) Offices, including administrative, architectural, engineering, accounting, law, medical, dental, real estate and other typical offices provided that there is no sale of

goods or repair of goods or equipment on the premises.

Such uses shall only be permitted provided that:

i. The yard, area and height requirements of the district are maintained

ii. Adequate parking and access drives are provided.

iii. Landscaping and screening is provided that will be sufficient to screen the building and parking area from adjacent property.

iv. The use is located in a building converted from a residential use or involves a new building designed with the appearance of a residential building.

v. Signs are unlighted and erected subject to the regulations applicable to signs in the zoning district in which the property is located.

vi. Access to the property is from an arterial or collector street as classified on the Major Street Plan.

o. **Group Day Care Homes - In order to receive a Special Use Permit for a group day care home the use shall be in a bona fide residence and shall meet the following conditions:**

1) The home is located not closer than 1,500 feet to any of the following facilities, as measured along a street, road, or other public throughfare, excluding an alley:

i. Another licensed group day care home.

ii. An adult foster care small group home or large group licensed by the State of Michigan.

iii. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, licensed by the State of Michigan.

iv. A community correction center, residence home, half-way house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.

2) All outdoor play areas shall be enclosed by a fence that is nonclimbable in design and at least 54 inches in height.

3) Maintains the property consistent with the visible characteristics of the neighborhood. The use shall not require the modification of the exterior of the dwelling or the location of any equipment in the front yard.

4) Based upon the established capacity of the facility, there shall be provided and maintained, on the premises, a minimum of 150 square feet of outdoor play area per child with not less than 5,000 square feet per facility.

5) In addition to the on-site parking required for the residence itself, the facility shall provide on-site parking for all employees, in a paved driveway or similar facility common to the particular neighborhood.

6) Operating hours shall be limited from 6:00 a.m. to 10:00 p.m. daily.

7) The facility shall be inspected for compliance with the aforementioned standards prior to occupancy and at least once a year thereafter within ten (10) days of the anniversary of the Certificate of Occupancy. (New Section added by Ordinance #14 of 1989).

p. **Automobile Service Stations and Mini-Food-Mart Stations as defined in Chapter 3**

1) Lot Area, Width and Depth

i. Minimum lot area for a station shall be equal to the minimum lot size requirements of the zoning district in which it lies. In the case of a PUD the minimum lot size shall be determined by the previous or underlying zoning district (e.g. the B-2, zoning district requires a minimum lot size of 3 acres).

ii. Minimum lot width: A minimum lot width of 200 feet shall be required along an abutting street functionally classified as an arterial or collector road as shown in Appendix "A" of this Ordinance.

iii. Minimum Lot Depth: A minimum lot depth of 150 feet shall be required for all stations.

2) Front Setback(s)
   i. Minimum Front Yard Setback for the Main Building: The minimum front setback shall be 100 feet, as measured from the property line or the road right-of-way line.
3) Other Required Setbacks for the Main Building:
   i. Side- 25 feet from the property line. Rear- 40 feet from the property line.
   ii. Minimum Setbacks for Pump Islands: Pump islands shall not be located closer than 35 feet from any property line or road right-of-way line.
   iii. Minimum Setbacks for Canopies over Pump Islands: The setbacks of roof edges or eaves for canopies over pump islands shall be no closer than 25 feet from any property or road right-of-way line.
   iv. Car Washes and / or Mini-Food-Mart Buildings: The setbacks for these buildings of other similar ancillary buildings shall be the same as those of the main building. In no case shall these buildings extend out in front of the main building.
4) Bufferyard and Screening Requirements
   i. All station facilities shall be required to install a minimum 20 foot landscaped bufferyard around the perimeter of the gas station. This bufferyard shall be located within the first 20 feet of the property.
   ii. The bufferyard shall be required to have an undulating landscaped berm along the perimeter of the site. The berm need not be continuous in its length. The berm shall not extend higher than three (3) feet and must not have a slope greater than a 1:3 ratio.
   iii. The minimum required amount of landscaping for a station shall be the equivalent of a Bufferyard "C" as described in Section 20.04 of the Zoning Ordinance.
   iv. All other landscaping requirements (e.g. sizes, maintenance, un-credited plant materials, etc.) set forth in Chapter 20 of this Ordinance shall also be required for station facilities.
5) Site Design Standards
   i. All building facades shall be so designed to blend in harmonious with the surrounding neighborhood. The use of horizontal siding, stone or brick veneer is required.
   ii. All buildings must be oriented on the site so that service bay doors shall face away from the principle road or any residential use.
   iii. Canopies shall be so designed to relate to the facade design of the main building. In no case shall the canopy extend beyond a height of 14 feet.
6) Other Site Requirements
   i. The outdoor display of merchandise is prohibited.
   ii. Vending machines shall not be allowed to be located outside any building on the site.
   iii. All trash dumpsters or oil recycling collection systems shall be located behind the main building or between the main building and interior side yard behind the front facade. These facilities shall be enclosed with a solid masonry wall six (6) feet high with solid doors having sufficient truck access for dumpster service.
   iv. Signs for gas station facilities located in the B-1, Village Business zoning district shall comply with the design guidelines set forth in the Cascade Village Design Plan.
7) Parking Requirements
   i. All automobile service station facilities shall provide at least five (5) parking spaces, plus one parking space for air - water service and one parking space for outdoor self-servicing vacuuming machines, if available.
   ii. Service spaces are those spaces set aside for temporary parking of those vehicles receiving maintenance service.

If automotive service is proposed at a station there shall be a minimum of two (2) parking spaces for each gas pump, plus one for each service bay.

iii. All parking spaces shall be marked and delineated in accordance with Section 19.13 of this Ordinance. (This subsection added by Ordinance #6 of 1993)

q. **Recreational Lighting.** (This subsection added by Ordinance #7 of 2005; 9/28/05)

Protecting the general public health, safety, and welfare of the community shall be the top priority in all outdoor lighting.

Outdoor lighting shall:

1) Protect motorists and pedestrians from the glare of nonvehicular light sources.
2) Protect neighbors from nuisance glare and light trespass from improperly selected or poorly placed, aimed, applied, maintained, or shielded lighting sources.
3) Protect and retain the intended visual character of the community.

Outdoor lighting shall not:

1) Be used to draw undue and excessive attention to buildings, properties, or appurtenances for purposes other than protecting the general public health, safety, and welfare of the community.
2) Be used to compete for the attention of, or cause distraction and physical discomfort to, motorists and pedestrians by means of excessively illuminated surfaces and unshielded, noncutoff type lighting sources with a direct glare component.

Recreational Lighting:

Lighting for outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, shall be allowed, provided all of the following conditions are met:

1) All fixtures used for event lighting shall be fully shielded or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.
2) All events shall be scheduled so as to complete all activity before or as near to 10:00 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

r. **Private Streets.** (Ord No 3 of 2010; 3/10/10)

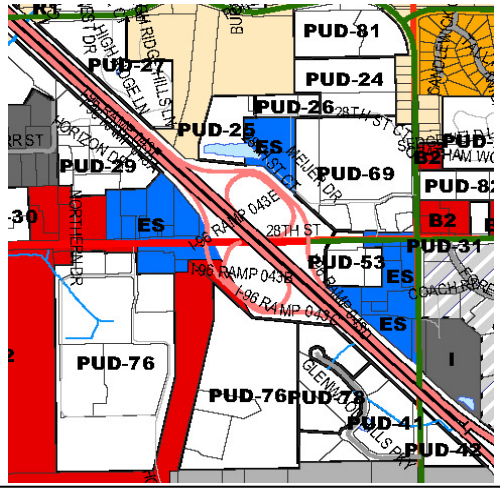
1) The applicant shall demonstrate that use of a private street would result in the preservation of a farm or farmland that would otherwise be significantly disturbed by constructing a public street.
2) The applicant shall demonstrate that use of a private street would result in the preservation of natural features that would otherwise be destroyed by constructing a public street.
3) The applicant shall demonstrate that the proposed location of the private street has drainage constraints, necessitating the use of the private street for narrower drive lanes as compared to a public street, thus reducing the amount of runoff.
4) The proposed private street shall not be permitted if it does not include amenities or features that, by design or agreement, are intended for use by the general public.
5) The private street shall be designed and built according to the standards for private streets set forth by Cascade Township and the Kent County Road Commission.

s. **Buildings in excess of maximum height standards in the ES zoning District.** (section added by Ord No 7 of 2011; 6/22/11)

1) Only those in the ES zoning district with frontage on I-96 right-of-way, not including exist ramps, shall be eligible for a Special Land Use for increased building height. See Figure 17-1.
2) Due to the lower topography for some of the properties along I-96, a taller building may be allowed by the Township but in no case shall the height of the building exceed 72 feet or be more than 48 feet above the height of I-96 whichever is less. For purposed of determining the elevation of the highway, the highest point of the highway that is adjacent to the eligible property, will

be used. For the eligible property the pre-development elevation will be used. Both elevations will be determined based on the Cascade Township REGIS system.

Figure 17-1
I-96 FRONTAGE LOTS IN ES DISTRICT



3) The application for special land use approval shall include a visual impact analysis, prepared by the applicant, which includes graphic depiction of the anticipated visual appearance of the building from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Planning Director.

4) In order to increase the height of the building beyond 48 feet, an elevated setback will be required. Elevated setbacks create a stepped facade, helping maintain light and air space and reduce the impact of building height on pedestrian and vehicular environments. The increased setback shall be an additional ten (10) feet in the front, side, and rear yards for each ten (10) feet of additional height or for each story, which ever is less. See Figure 17-2.

5) Increased height shall not be in conflict with any Federal Aviation Administration regulations.

6) The Planning Commission may require modifications to exterior building materials and architectural features to result in greater building articulation.

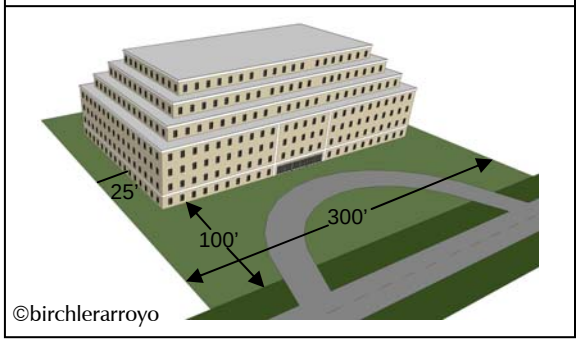
7) The Planning Commission shall determine the appropriate height allowance based on one or more of the following incentives provided:

   i. Civic Space Incentive: Civic space may be in the form of plazas, squares, greens or parks that provide space for community gathering. Civic spaces may provide landscaping, seating, lighting, public art or a water feature, and be oriented to the public realm.

   ii. Energy Efficient Design: The project may be constructed utilizing a nationally recognized green building rating system. Owners or developers applying for the special land use shall identify the system chosen at the time of application and shall provide quarterly updates that identify progress.

   iii. Roof Top Uses Incentive: The applicant may provide access and use by utility providers, including the Township for communications antennae.

Figure 17-2
INCREASED BUILDING HEIGHT IN ES DISTRICT



   iv. Low Impact Development Incentive: The applicant may provide best management practices for drainage, such as green roofs, pervious pavement, bioswales, or others, to minimize discharge or result in zero discharge from the site.

   v. Streetscape Incentive: The project may incorporate entry features in the form of decorative street lighting and landscaping to match those along 28th Street within the Cascade Township Downtown Development Authority.

vi. Other Incentives: The applicant may present to the Township other incentives which help mitigate any real or perceived impact of additional building height.

CHAPTER 18
Zoning District Height, Area and Placement Standards

Section 18.01 Title:

Height, Bulk, Area and Placement Standards Relating to All Zoning Districts:

Section 18.02 Applicability:

Within the ARC, R-1, R-2 and FP districts, except as otherwise provided in this Ordinance, no building or structure shall be erected or placed and no parcel of land created or used unless in accordance with the following provisions. (Ord No 3 of 2010; 3/10/10)

Section 18.03 Maximum Building Height: (Ord No 3 of 2010; 3/10/10)

Except as provided in Section 4.10(3), the maximum height of any building or structure erected in the ARC, R-1, R-2 and FP districts shall not exceed thirty-five (35) feet or two and one-half (2-1/2) stories, whichever is lessor. (See also Section 4.14).

Section 18.04 Bulk and Area Standards, Residential Dwellings and Lots – Table 18-A:

The following Table 18-A sets forth the minimum standards regarding the floor area of residential dwelling units and the dimensional standards of platted and unplatted parcels and areas of property intended for residential use.

Table 18-A: Bulk and Area Standards, Residential Dwelling and Lots (Ord. No. 15 of 2003; 10/22/03) (Ord No 3 of 2010; 3/10/10)

	FP	ARC	R-1	R-2	NOTES
Min Floor Area					
1 Story Dwelling	1100 sf	1100 sf	1300 sf	1300 sf	
2 Story Dwelling	1400 sf	1400 sf	1600 sf	1600 sf	1
Min. on Ground Floor	800 sf	800 sf	800 sf	800 sf	
Min. Dwelling Width	20ft	20 ft	20 ft	20 ft	2
Min. Floor to Ceiling Height	7.5 ft	7.5 ft	7.5 ft	7.5 ft	2
Min Lot Widths					
Platted Lots	SO	SO	SO	SO	3
Unplatted Lots	200 ft	200 ft	110 ft	110 ft	
Min Average Lot Size in Plat	SO	SO	SO	SO	
Min Lot Area (sf)					
Platted Lots	SO	SO	SO	SO	
Unplatted Lots	100,000	100,000	40,000	18,000	
Max. Density	SO	SO	SO	SO	
Max Lot Coverage*	N/A	N/A	25%	25%	

sf = square feet N/A = Not applicable SO = Subdivision Ordinance, Article 3
*Section added by Ordinance #14 of 1989

Notes to Table 18-A

The following additional provisions shall supplement Section 18.04, Table 18-A

1. **Ground Floor Area:** In determining the minimum ground floor areas for dwelling units, the calculation may include the floor areas contained on more than one level provided that these levels are separated by no more than three (3) feet of elevation difference.
2. **Minimum Dwelling Unit Width and Floor to Ceiling Height:** Section 4.19.
3. **Minimum Lot Widths:** Minimum lot widths shall be required at the nearest point of building setback and in any event, within 150 feet of the public right-of-way or private street easement on which the lot has frontage.

CHAPTER 18
Zoning District Height, Area and Placement Standards

Section 18.05 Placement and Yard Area Standards, Residential Dwellings – Table 18-B

The following Table 18-B sets forth the minimum building setback and yard area standards applicable to residential dwellings.

Table 18-B: Placement and Yard Area Standards, Residential Dwellings	
	Distance in Feet
Front Yard Setback	
Platted local & Pavement Streets	35 [68]
Collector Streets	43 [88]
Arterial Streets	50 [110]
Side Yard Setback	
Minimum on One (1) Side	10
Total on Both Sides	25
Rear Yard Setback	25
Editors Note: See Section 4.15 to determine the applicable line from which front yard building setbacks shall be measured. Note: Numbers in brackets [ ] refer to distances measured from the nominal centerline of the street right-of-way.	

Section 18.06 Bulk Area and Placement Standards, Principal Non-Residential Buildings and Uses: (Ord No 3 of 2010; 3/10/10)

The following provisions shall apply to non-residential principal buildings and uses which may be permitted by right or special use in the ARC, FP, R-1 and R-2 districts.

1. **Agricultural Uses and Buildings**: Agricultural buildings as permitted in the ARC and FP District shall be located on a parcel of land which constitutes an integral part of a farming operation as defined in Chapter 3. The minimum front yard building setbacks or agricultural buildings and structures as defined in Chapter 3, shall be 100 feet. The minimum side and rear yard setbacks for such buildings or structures shall be 50 feet.
2. **For non-residential uses in the residential zones (R-1, R-2 FP and ARC)** a Type A bufferyard shall only be required when any approved parking lot is located closer to a residentially used lot than the permitted building setback line. (Ord. #10 of 2001)
3. **Principal Uses Allowed by Special Use Permits**: The dimensional standards applicable to principal uses which may be permitted by special use, as enumerated in Chapters 6, 7 and 7a shall be determined in accordance with the provisions contained in Chapter 17, "Special Uses".

Section 18.07 Bulk, Area and Placement Standards, Accessory Buildings, Structures and Uses - Cross References: (Ord No 3 of 2010;3/10/10)

The following subsections enumerate by reference the various provisions contained elsewhere within this Ordinance which shall regulate accessory buildings, structures and uses permitted in the ARC,FP, R-1 and R-2 districts, as well as those additional provisions of the Ordinance which may be imposed in specific situations.

1. Accessory Buildings and Structures: As required in Sections 4.08 and 4.09.
2. Animals and Fowl, Domesticated: As required in Section 4.11.
3. Corner Lots: As required in Section 4.21.
4. Off-Street Parking: As required in Section 19.21.
5. Sign: As provided in the Cascade Township Sign Ordinance.
6. Greenbelts: As required in Chapter 20.
7. Driveways: As required in Chapter 19.
8. Satellite Dish antennas: As required in Section 4.10(1).

Sections 18.08 through 18.11 have been intentionally left blank

CHAPTER 18
Zoning District Height, Area and Placement Standards

Section 18.12 Applicability:

Within the B-1, B-2, ES, VO, O, AC and I districts, except as otherwise provided in this Ordinance, no building or structure shall be erected or placed and no parcel of land created or used unless in accordance with the provisions of this Chapter.

The provisions contained in this Chapter are not intended to overly limit or restrict development but are intended to regulate short-range development in a manner that will assure the orderly long-range development of the area. While the majority of the land in these districts can be developed in accordance with these requirements, it is recognized that strict enforcement might preclude the use of a few smaller parcels of land. In these instances, it is envisioned that land will be developed by complying with the Planned Unit Development provisions of this Ordinance or where appropriate by the granting of necessary variances and Special Use Permits so that the intent of districts requirements can be satisfied without unduly restricting reasonable development.

Section 18.13 Height Lot Area and Building Placement Standards – Table 18-C: (Amended by Ord No 5 of 2010; 3/10/10) (Amended by Ord No 7 and 8 of 2011; 6/22/11)

Notes to Table 18-C

1. **Maximum Building Height**: See Section 4.14
2. **Minimum Lot Widths:** Minimum lot widths shall be provided at the front right-of-way line or in the case of cul-de-sac or curved streets at the nearest point of building setback, and in any event within 150 feet of the public street right-of-way or private street easement on which the lot has frontage.
3. **Minimum Front Yard Building Setback:** See Section 4.15.
4. **Minimum Rear Yard Building Setbacks:** Where the rear lot line of any non-residential use lot in a B-1, B-2, ES, O, AC, TI or I District abuts upon a side or rear yard of a lot in any residential district there shall be rear yard setback requirements as follows:
   a. B-1, B-2, ES, VO, O and AC Districts: 60 feet.[1]
   b. I District[1]:
      1) "A" Groupings: 400 feet.
      2) "B" Groupings: 200 feet.
   c. TI District: 200 feet

[1]Table Notes Amended by Ordinance #4 of 1993

5. **The following apply to the AC zone**:
   a. **Maximum Stories/Height:** The maximum height in the Subzone 1 shall be limited to the maximum height permitted by the FAA. The maximum height in Subzone 2 shall be 45 feet.
   b. **Minimum Lot Width:** There shall be no minimum lot width in the subzone 1. The Subzone 2 area shall have a minimum lot width of 200 feet.
   c. **Setbacks:** There shall be no minimum setback requirement in Subzone 1. The table on the following page setbacks shall apply to Subzone 2:

Table 18-C: Height Lot Area and Building Placement Standards

	B-1 & VO+	B-2	ES**	O	AC##	I	TI
Maximum Stories	2	3	4	2		2	2
Maximum Structure Height (feet)	25 for non-residential uses 30 feet for residential uses	35 ft	48 ft	35 ft		45 ft***	45 ft
Min. Lot Area AC= Acres SF=square feet	None, with approved site plan, otherwise 20,000 SF	3 AC	1 AC	50,000 SF		2 AC	1 AC
Min. Lot Widths	100 ft, unless waived per Section 8.06	300 ft	300 ft	200 ft		200ft	100 ft
Min. Bldg. Front Yard Setback	See Table 8-A	100 ft	100 ft	30 ft		100 ft	50 ft
Min. Bldg. Side Yard Setback	See Table 8-A	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft
Min. Bldg. Rear Yard Setback	30 ft	50 ft	50 ft	50 ft	50 ft	50 ft	25 ft

***Section Amended by Ordinance 7 of 2011; Special Use permit allows for additional height. Increased setbacks are required for additional height. See Section 17.07.s*
****Section Amended by Ordinance 12 of 1997*
+Section Amended by Ordinance 8 of 2011
##Section Amended by Ord. 10 of 2002

Setback Requirements for AZ Zone: Subzone 2	
Front Road Oostema Blvd or any other public or private street	35'
60th	43'
Patterson and Thornapple River Drive	50'
Side Yard	25'
Rear Yard	50'

Section 18.14 Lot Area and Placement Standards - Special Uses:

In addition to, or in place of the standards outlined in the above Sections 17.04 and 17.05, certain permitted Special uses shall be required to conform to the provisions contained in Chapter 17.

Section 18.15 Bufferyards: (Amended by Ord No 5 of 2010; 3/10/10)

Unless otherwise provided in this Ordinance or stipulated herein, each use permitted on a lot or parcel located in a B-1, B-2, ES, VO, O, AC, TI or I District shall provide a bufferyard within each front, side and rear yard. Such bufferyard shall begin at the right-of-way line in the case of front yards and the side and rear property line in the case of side and rear yards. Bufferyards shall be landscaped and maintained in accordance with the standards and guidelines contained in Chapter 20.

Bufferyards shall be required to run the entire length of the property line or street frontage except that portion of a bufferyard shall not be required in areas providing necessary ingress and egress or if a parking lot adjoins an adjacent parking lot at the same grade and no restrictions are placed on the movement of traffic from one parking lot to another. (Section added by Ordinance #14 of 1989).

Section 18.16 Off-Street Parking Areas:

Off-street parking areas shall be provided in accordance with the provisions of Chapter 19, and further provided that not more than sixty (60) percent of the required off-street parking for uses permitted in the B-2 and ES Districts shall be located in the front yard.

Section 18.17 Ingress and Egress, Landscaping, Etc. - Cross References:

The following subsections enumerate by reference various provisions of this Ordinance which also may have to be complied with under specific situations.

1. Ingress and Egress: As required in Chapter 19.
2. Landscaping: As required in Chapter 20.
3. Signs: As required by the Cascade Charter Township Sign Ordinance.
4. Accessory Buildings and Structures: As required in Section 4.08.
5. Corner Lots: As required in Section 4.21.
6. Non-Conforming Uses: As regulated in Chapter 22.
7. Temporary Buildings and Structures: As provided in Section 4.18.

CHAPTER 19
Access, Parking, and Loading

Section 19.01 Title:

Ingress / Egress Provisions and Off-Street Parking & Loading Requirements

Section 19.02 Intent:

It is the purpose of this Section to establish guidelines for location and design of driveways that can be used for new construction in undeveloped areas and for redevelopment of existing developed areas. The objectives of these requirements are to reduce the frequency of conflicts between vehicular movements and to increase the spacing between conflict points, thereby providing motorists with increased decision process time which will increase safety and assure smoother traffic flow.

Section 19.03 General Provisions:

1. **Lanes Per Driveway**: The number of driveway lanes shall be based on analysis of expected trip generation and peak turning volumes. If expected egress left turns exceed 100 per hour, two egress lanes shall be provided.
2. **Turn Prohibitions**: Left turns may be prohibited at the discretion of the approving Township Official or Body to and/or from driveways under the following conditions:
   a. Inadequate corner clearance.
   b. Inadequate sight distance.
   c. Inadequate driveway spacing.
3. **Relationship to Opposing Driveways:** To the extent desirable and reasonably possible, driveways shall be aligned with driveways on the opposite side of the street.
4. **Sight Distance:** Adequate sight distance shall be ensured for all vehicles exiting from a proposed development. If certain movements cannot be made safely, then they shall be prohibited or joint access with adjoining property shall be encouraged.
5. **Driveway Permits:** Prior to the granting of a building permit for any construction involving a new or expanded driveway opening to a public street, a permit for such driveway from the State and/or County Agency having jurisdiction over the public street shall be submitted to the building inspector.

Section 19.04 Non-Residential Ingress and Egress Provisions: (Revised Section: See Ordinance #1 of 1993)

1. **Driveway Spacing**: The minimum spacing allowed between a proposed driveway and all other driveways (located on the same side of the public street which the proposed driveway abuts or adjoins) or public or private streets (where the street intersects the public street which the proposed driveway abuts or adjoins) shall be in accordance with the Table 19-A, as provided below.

Table 19-A: Minimum Driveway Spacing

Legal Driving Speed Limit Spacing on the Public Road Which Adjoins or Abuts the Proposed Driveway (MPH)++	Minimum Feet*
30 or Less	100
35	160
40	210
45 or Over	300

++These traffic speeds are based upon the limits posted in Cascade Charter Township on the effective date of this zoning ordinance amendment (see Appendix - "B"). Should the posted speed limit change on a public road in the Township, it is intended that the minimum spacing requirement effective on the adoption date of this amendment would remain in force, unless amended at a later date by the Township Board.

** These spacings are based on average vehicle acceleration and deceleration rates and are considered necessary to maintain safe traffic operation. The spacing is measured from centerline of the proposed driveway to the centerline of the nearest existing driveways or the edge of the right-of-way or easement of the nearest intersecting private or public street in either direction. See Figure 19-1.*

(Note: This amendment became effective February 9, 1993.)

2. In the event that a particular parcel or parcels lack sufficient road frontage to maintain adequate spacing, the landowner(s) have one of two options:
   a. They can seek a variance from the Zoning Board of Appeals for minimum spacing, but in no case can the variance be greater than the next lowest classification in Table 19-A, above. For example, on a 40 MPH road requiring 210-foot spacing, the distance may be reduced to no less than 160

feet, which is the standard for a 35 MPH road facility.

b. The adjacent landowners may agree to establish a common driveway.

3. **Number of Driveways Per Parcel:**

a. A maximum of one (1) driveway opening shall be permitted to a particular site from each of any one or two abutting streets.

b. The Township Planning Commission may permit one (1) additional driveway entrance along a continuous site with frontage in excess of 300 feet or two (2) additional driveway entrances along a continuous site with frontage in excess of 600 feet.

c. Where a dual-service driveway is used, it will be considered, for the purposes of this Section, to be only one (1) direct-access driveway.

d. In the case of dual one-way driveways, one pair may be used per 250 feet of frontage. Only one pair of one way drives may be used per street frontage.

4. **Property Clearance:** The minimum distance between the property line and the nearest edge of the driveway shall be 25 feet, except where the driveway provides access to more than one lot or parcel.

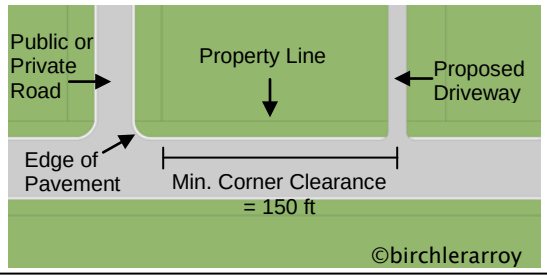
5. **Corner Clearance:** The minimum corner clearance distance between the centerline of a proposed driveway and the edge of the right-of-way or easement of a public or private street (which street intersects or adjoins the public street which the proposed driveway will abut or adjoin) shall be 150 feet. Traffic movements into and from (i.e. into and out of) a driveway with a centerline located less than 250 feet from the edge of the right-of-way or easement of a signalized intersection of a public or private street (which street intersects or adjoins a public street which the proposed driveway will abut adjoin) shall be limited solely to right turns into the driveway and right turns out of the driveway. Corner clearance distance for the purposes of this Section of the Zoning Ordinance shall mean the distance from the centerline of the proposed driveway to the edge of the right-of-way or easement of the nearest signalized public or private street intersection. (See Figure 19-1).

Section 19.05 Ingress and Egress Provisions: Residential Districts: (Re-numbered Section: See Ordinance #1 of 1993)

1. **Residential:** All residential driveway openings onto a public street shall be constructed to Kent County Road Commission Standards

2. **Non-residential:** All driveway openings for non-residential uses permitted in the residential zoning districts shall be reviewed and approved by the Township as part of site plan approval or the provision contained in Chapter 17, Special Use.

Figure 19-1
CORNER CLEARANCE



Sections 19.06 through 19.10 intentionally left out for future use

Section 19.11: Off-Street Parking and Loading Provisions:

Section 19.12 Intent: (Amended by Ord. No. 15 of 2000)

This Section is intended to ensure that the parking and circulation aspects of all developments are well designed with regard to safety, efficiency and convenience for vehicles, bicycles, pedestrians and transit, both within the development and to and from surrounding areas. Sidewalk or bikeway extensions off-site may be required based on needs created by the proposed development. This Section sets forth minimum parking requirements in terms of numbers and dimensions of parking stalls, landscaping and shared parking. It also addresses the placement of drive-in facilities and loading zones.

The parking and circulation system within each development shall accommodate the movement of vehicles, bicycles, pedestrians and transit, throughout the proposed development and to and from surrounding

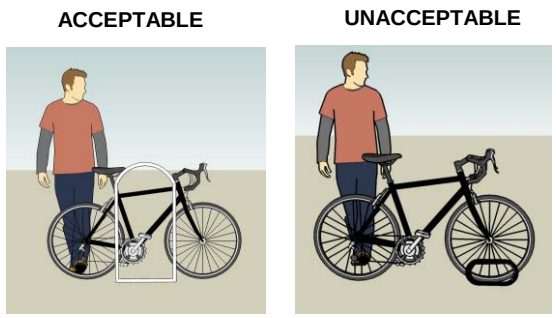
areas, safely and conveniently, and shall contribute to the attractiveness of the development. The on-site pedestrian system must provide adequate directness, continuity, street crossings, visible interest and security as defined by the standards in this Section. The on-site bicycle/pedestrian system must connect to the bikeway/pedestrian network.

Section 19.13 Development Standards (Amended by Ord. No. 15 of 2000)

All developments which require site plan review under the terms of this ordinance shall meet the following standards:

1. **Safety Considerations**. To the maximum extent feasible, pedestrians shall be separated from vehicles and bicycles. Where complete separation of pedestrians, vehicles and bicycles is not possible, potential hazards shall be minimized by the use of techniques such as special paving, grade separations, pavement marking, signs or striping, bollards, median refuge areas, traffic calming features, landscaping, lighting or other means to clearly delineate pedestrian areas, for both day and night use.
2. **Curbcuts and Ramps**. Curbcuts and ramps shall be located at convenient, safe locations for the physically disabled, bicyclists and people pushing strollers or carts and shall avoid crossing or funneling traffic through loading areas, drive-in lanes and outdoor trash storage/collection areas.
3. **Site Amenities**. Development plans shall include site amenities that enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include bike racks, drinking fountains, canopies, benches, etc.
4. **Bicycle Facilities**. Commercial, civic, employment and multi-family residential uses should provide bicycle facilities to meet the following standards:
   a. Bicycle Parking. A minimum number of bicycle parking spaces equal in number to five (5) percent of the total number of automobile parking spaces provided by the development, but not less than one (1).
   b. Location. For convenience and security, bicycle parking facilities shall be located near building entrances, shall be visible from the land uses they serve, and shall not be in remote automobile parking areas. Such facilities shall not, however, be located so as to impede pedestrian or automobile traffic flow nor so as to cause damage to plant material from bicycle traffic.
   c. Design. Bicycle racks must be designed so that they:
      1) Do not bend wheels or damage other bicycle parts;
      2) Accommodate the high security U-shaped bike locks;
      3) Accommodate locks securing the frame and both wheels;
      4) Do not trip pedestrians;
      5) Are easily accessed from the street and protected from motor vehicles. See Figure 19-2.

Figure 19-2
BICYCLE RACKS



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5. **Walkways**
   a. Directness and continuity. Walkways within the site shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination. Walkways shall not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access. Walkways shall link street sidewalks with building entries through parking lots.
   b. Street Crossings. Where it is necessary for the primary pedestrian access to cross drive aisles or internal roadways, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety. The material and layout of the pedestrian access shall be continuous as it crosses the driveway, with a break in continuity

of the driveway paving and not in the pedestrian access way. The pedestrian crossings must be well-marked using pavement treatments, signs, striping, signals, lighting, traffic calming techniques, median refuge areas and landscaping. (See Figure 19-3)

Figure 19-3
WALKWAY CONNECTIONS

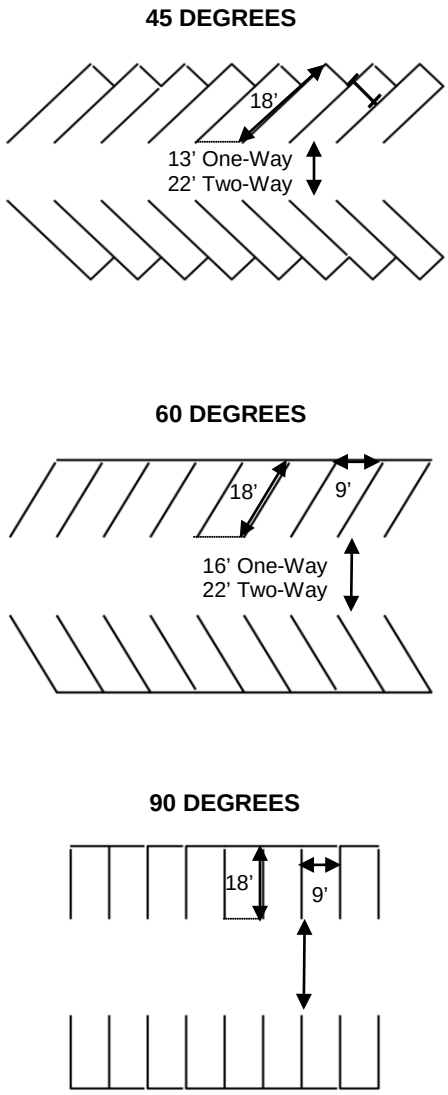
6. **Direct On-site Access to Pedestrian and Bicycle Destinations**. The on-site pedestrian and bicycle circulation system must be designed to provide, or allow for, direct connections to major pedestrian and bicycle destinations. The on-site pedestrian and bicycle circulation system must also provide for on-site connections to existing or planned off-site pedestrian and bicycle facilities at points necessary to provide direct pedestrian and bicycle travel from the development to major pedestrian destinations. In order to provide direct pedestrian connections to these destinations, the Township may require additional sidewalks or walkways not associated with a street.
7. **Lot Size/Scale**. Large surface parking lots shall be visually and functionally segmented into several smaller lots according to the following standards:
   a. Large parking lots shall be divided into smaller sections by landscape areas. Each section shall contain a maximum of two hundred (200) parking spaces.
   b. Parking bays shall extend no more than fifteen (15) parking spaces without an intervening tree, landscape island or landscape peninsula.
8. **User Needs**. Layout and design shall anticipate the needs of users and provide continuity between vehicular circulation, parking, pedestrian and bicycle circulation. Pedestrian drop-off areas shall be provided where needed (especially for land uses that serve children or the elderly).
9. **Shared Parking**. Where a mix of uses on different pieces of property creates staggered peak periods of parking demand, shared parking calculations shall be made to reduce the total amount of required parking. Retail, office, institutional and entertainment uses may share parking areas. In no case shall shared parking include the parking required for residential uses. Evidence of a signed agreement between the property owners of both properties agreeing to the shared parking shall be provided to the Planning Commission.
10. **Drive-in Facilities**. Any drive-in facilities, if permitted by the zone district regulations, shall be secondary in emphasis and priority to any other access and circulation functions. Such facilities shall be located in side or rear locations that do not interrupt direct pedestrian access along connecting pedestrian frontage. The design and layout of drive-in facilities for restaurants, banks, or other uses shall:
    a. Avoid potential pedestrian/vehicle conflicts;
    b. Provide adequate stacking spaces for automobiles before and after use of the facility;
11. **Parking Lots**
    a. **Minimum Required Spaces -** The amount of required off-street parking area and space by type of use shall be determined and provided in accordance with the following Table 19-B. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses, computed separately.
    b. **Additional Parking Spaces -** Applicants who wish to install additional parking spaces over and above the minimum required spaces shall be required to increase their Internal Landscaping for Parking Lots (Table 20-D) by one square foot for every one square foot of additional parking space.
    c. **Minimum Size and Units of Measurement -** All off-street parking facilities required by this Chapter shall be of adequate size and design to provide safe ingress and egress to all parking spaces. The minimum standards for parking spaces and aisles are as indicated in Table 19-C and constructed as shown in Figure 19-4.

Table 19-B: Minimum Required Parking Per Use	
Number of Dwelling Unit(s) / Use	**Minimum # of Parking Spaces per Unit of Measure**
Residential	
One	1.5 per Dwelling Unit
Two	1.75 per Dwelling Unit
Three	2.0 per Dwelling Unit
Four and above	2.5 per Dwelling Unit
Mobile Homes	2 per dwelling unit
Institutional	
Group Homes	(2) parking spaces for every (3) employees, and in addition, (1) parking space for each (4) adult residents, unless residents are prohibited from owning or operating personal automobiles.
Recreational Uses	(1) parking space per (4) persons maximum rated capacity.
Schools, Places of Worship or Assembly and Child Care Centers	(1) parking space per (4) seats in the auditorium or place of worship or assembly, or (2) parking spaces per (3) employees, or (1) parking space per (1,000) square feet of floor area, whichever requires the greatest number of parking spaces
Business \ Commercial	
Restaurants a. Fast Food b. Standard	 15/1000 square feet 10/1000
Bars, Taverns, and Nightclubs	10/1000 square feet
Theaters	1/3 seats
Microbrew	1/3 seats
Brew Pub	1/3 seats
General Retail	4/1000 square feet
Personal Business and Service Shop	4/1000 square feet
Shopping Center	5/1000 square feet
Grocery Store, Supermarket	6/1000 square feet
Lodging Establishments	1/unit plus specified requirements for other related facilities.
Automobile Repair Shop and Service Station	3/1000 square feet
Number of Dwelling Unit(s) / Use	**Minimum # of Parking Spaces per Unit of Measure**
Low Intensity Retail, Repair Service, Workshop and Custom Small Industry	2/1000 square feet
Health Facilities a. Hospitals b. Long-Term Care Facilities	 1/bed .33/bed plus 1/two employees on major shift
Office	
Medical, Dental, Veterinary offices	4/1000 square feet
Banks, Business and General Office	3/1000 square feet
Industrial	
Manufacturing, light industrial, and research	1.5/1000 square feet
Wholesale, warehouses, distribution facility	.67/1000 square feet
Other industrial uses	1/employee
For uses that are not specifically listed in subsections 19.13.11, the number of parking spaces permitted shall be the number permitted for the most similar use listed.	

Table 19-C: Minimum Standard for Parking Spaces and Aisles				
Parking Pattern	**Parallel**	**Up to 53°**	**54-74°**	**75-90°**
Maneuvering Lane Width				
1-Way	12 ft	13 ft	16 ft	12 ft
2-Way	22 ft	22 ft	22 ft	24 ft
Parking Space Width+	8.5 ft	9 ft	9 ft	9 ft
Parking Space Length++	22 ft	18 ft	18 ft	18 ft
Total Width of 2 tiers of Parking, plus lane				
1-Way	29 ft	49 ft	52 ft	48 ft
2-Way	39 ft	58 ft	58 ft	60 ft

+Measured perpendicular to the space centerline
++Measured along the space centerline

Figure 19-D
MIN. PARKING SPACE & AISLE REQUIREMENTS



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Section 19.14 Access Drives:

Each lane of driveway providing access to parking areas shall be a minimum of ten (10) feet in width. Where a turning radius is necessary, it shall be of an arc that allows unobstructed vehicle flow.

Section 19.15 Required Construction:

All parking and loading facilities and access drives for uses other than single family residential and agricultural shall be provided with a pavement surface consisting of bituminous concrete or asphalt. Driveways shall be constructed with materials equal to or better than the standards set forth by the Kent County Road Commission for commercial driveways. Parking lots and driveways shall be completely constructed prior to the issuance of an occupancy permit, weather permitting. All parking surface shall be maintained in good condition, free from dust, trash and debris.

Section 19.16 Entrances and Exits:

All non-residential parking and loading facilities shall have entrances and exits within the zoning district in which the principal use is permitted.

Section 19.17 Drainage:

All off-street parking and loading areas shall be graded and drained to dispose of surface water. No surface water shall be permitted to drain onto adjoining property unless there is a common engineered drainage system shared with the adjoining property or an appropriate watershed easement has been obtained.

Section 19.18 Location:

Unless otherwise regulated under the provisions of Chapter 17, the location of all non-residential parking facilities shall be as specified in the regulations of each zoning district, and as follows (See Chapters 17 and 18):

1. When a required non-residential parking facility is situated on a parcel adjoining a residential district or use, the parking facility shall be setback a minimum of thirty (30) feet from the adjoining residential property. Within this setback and nearest the respective property line, a greenbelt shall be required in accordance with the provisions of Chapter 20.
2. For all residential buildings and for all non- residential uses of buildings located in residential districts, required parking shall be provided on the same parcel as the building or use.

Section 19.19 Required Lighting:

Protecting the general public health, safety, and welfare of the community shall be the top priority in all outdoor lighting.

Outdoor lighting shall:

1. Protect motorists and pedestrians from the glare of nonvehicular light sources.
2. Protect neighbors from nuisance glare and light trespass from improperly selected or poorly placed, aimed, applied, maintained, or shielded lighting sources.
3. Protect and retain the intended visual character of the community.

Outdoor lighting shall not:

1. Be used to draw undue and excessive attention to buildings, properties, or appurtenances for purposes other than protecting the general public health, safety, and welfare of the community.
2. Be used to compete for the attention of, or cause distraction and physical discomfort to, motorists and pedestrians by means of excessively illuminated surfaces and unshielded, noncutoff type lighting sources with a direct glare component.

   All parking and loading facilities utilized during night-time hours shall be artificially illuminated to a minimum level of 0.5 foot candles and a maximum level of five (5) foot candles, with one (1) foot candle being the desired level of average illumination. Lighting fixtures providing illumination for or within parking facilities shall be designed and arranged to:
3. Deflect light away from adjacent properties, streets, and highways. The source of illumination in any parking facility located within 200 feet of a residential use or district, shall not be more than 20 feet above the parking surface and shall be shrouded to prevent glare.
4. Allow a reduction of the amount of artificial light during other than normal parking hours. (Amended by Ordinance #6 of 1996)

<u>Downcast Lighting:</u>

For parking lots, cutoff- type luminaries shall be used and shall be equipped with devices, such as shields, visors, hoods, for redirecting light. All outdoor lighting on private, residential, commercial, industrial, municipal, recreational, and intuitional property shall be so equipped, aimed, located, designed, fitted, and maintained. Directional luminaries such as spot lights, and sign lights shall be so installed and aimed that they illuminate only the task and do not shine directly onto neighboring properties, roadways, and distribute excessive light skyward.

<u>Nonhorizontal Surface Lighting</u>:

For the lighting of predominantly nonhorizontal surfaces, such as, but not limited to, facades, landscaping, signs,, fountains, displays, and statuary, lighting fixtures shall be

fully shielded and shall be installed and aimed downcast so as to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, or onto a public roadway. Ground mounted lighting may be uplit for structures not taller than five feet. Lighting fixtures with an aggregate rated lamp lumen output per fixture that does not exceed 1,000 lumens are exempt from the requirements of this paragraph.

Flag Lighting

The lighting of flags is allowed and cutoff fixtures are not required so long as shielded and directional fixtures are used. Fixtures must be installed and aimed so as to minimize glare, sky glow, and light trespass. (Amended by Ordinance #7 of 2005)

Section 19.20 Landscaping:

Landscape features within front yard parking areas shall be installed in accordance with the minimum standards outlined in Chapter 20. They shall be protected by a raised concrete curb or anchored timbers around their borders to prevent motor vehicle infringement upon the landscape area.

Section 19.22 Loading Spaces:

A building or addition to an existing building exceeding ten thousand (10,000) square feet requiring the receipt or distribution of materials or merchandise in vehicles, there shall be provided off-street loading spaces in relation to floor area according to the following schedule:

1. Up to twenty thousand (20,000) square feet - one (1) space.
2. Twenty thousand (20,000) to fifty thousand (50,000) square feet - two (2) spaces.
3. Fifty thousand (50,000) to one hundred thousand (100,000) square feet - three (3) spaces.
4. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.

Each loading space shall be at least ten (10) feet in width and twenty-five (25) feet in length and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any residence district unless it is wholly within a completely enclosed building or enclosed on all sides by a wall or a uniformly painted solid board or masonry fence not less than six (6) feet in height. No such space shall extend into the front, side or rear yard setback areas. Refuse disposal service areas shall be screened from public view with a suitable fence or plant material.

Section 19.23 Deferred Parking (Non-Residential Uses):

As a means of avoiding greater amounts of parking spaces and impermeable surface than are reasonably needed to serve a particular use while still ensuring site adequacy for a broad range of potential changes in the use of a particular building or premises, the Planning Commission may defer construction of the required number of spaces for any industrial, commercial, office or other non-residential use if the following conditions are satisfied.

1. An application is filed with the Planning Commission. Which shall be accompanied by a development plan of the entire project showing the design and layout of all required parking areas including areas proposed for deferred parking. An application for deferred parking plan approval shall be accompanied by a fee as established by the Township Board.. The design of the parking area, as indicated on the development plan shall include sufficient space to provide for the total parking area as required by Section 19.21, Table 19-B.
2. The area designated for deferred parking shall not include areas required for setbacks, side or rear yards, landscaping or greenbelts or land otherwise unsuitable for parking due to environmental or physical conditions.

The Planning Commission, may modify the requirements of Table 19-B. The Planning Commission may also impose reasonably necessary conditions to protect the public interest and may require the security to assure completion of any related improvements required as a condition of Deferred Parking Plan Approval. At any time subsequent to the approval and construction of a deferred parking plan, the Planning Commission may, based on review of parking needs by the Planning Department, require the construction of additional parking spaces as required in Table 19-B.

Section 19.24 Miscellaneous Off-Street Parking Provisions:

1. Existing Off-Street Parking At the Effective Date of this Ordinance: Off-Street parking existing at the effective date of this Ordinance which serves an existing building or use, shall not be reduced/expanded in size to less/more than that required under the terms of this Ordinance.
2. Fractional Requirements: When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, the fraction shall be considered one full required space.
3. For the purposes of determining off-street parking and loading requirements, the following provision shall apply:
   a. Floor area shall mean net floor area of all floors of a building as defined in Chapter 3.
4. It shall be unlawful to use any off-street parking or loading area established to meet the requirements of this Ordinance for any purpose other than parking of licensed vehicles or the loading or unloading of necessary service trucks, unless otherwise provided.

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CHAPTER 20
Landscape and Greenbelt Provisions

Section 20.01 Title:

Landscape and Greenbelt Provisions

Section 20.02 Intent:

The intent of this Chapter is to assist development proposals in meeting desired landscaping objectives and to set forth minimum yet flexible standards for required landscape areas.

The objectives and primary functions of landscaping are both utilitarian and aesthetic. The utilitarian aspects and effects of good landscaping design includes:

1. The screening of lighted areas and unattractive features.
2. The prevention of glare from buildings, cars and other sources.
3. The control of air pollution by the absorption of noxious gases and the release of oxygen.
4. The reduction of noise and the stabilization of soils.
5. Decreased wind velocity and increased surface water retention.
6. The definition of access and circulation.

The aesthetic functional aspects and effects of good landscape design include:

1. The enhancement or the focusing of attention toward a feature (building, main entrance, sign, etc.)
2. The provision of visual relief from monotonous features such as building walls, large parking lots and streets.
3. The adding of natural color and the attraction of wildlife.

Section 20.03 Landscaping - General:

For all uses except single-family residential and agricultural, every site upon which a building or structure has been placed shall be landscaped in accordance with a plan and specifications approved by the Planning Commission. The entire site not devoted to floor area, parking, access ways or pedestrian use shall be appropriately landscaped with grass, canopy and coniferous trees, shrubs and ground cover. Expansion areas shall be placed in grass and kept weed free. Any areas which become disturbed for any reason shall be restored in accordance with the original landscape plan unless approved otherwise in writing by the Planning Director.

1. Landscaping shall be installed within ninety (90) days of completion of the building or structure, or unless permitted in writing by the Planning Director at a later date.
2. 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.
3. Underground sprinkling systems shall be installed on private property where necessary to service landscaped areas and such areas shall be neatly maintained, including mowing, fertilizing and pruning.
4. Parking and loading areas shall be landscaped and/or fenced in such a manner as to interrupt or screen the areas from view.
5. For the purpose of this Chapter a corner lot is considered as having two front yards and the appropriate landscaping shall be provided for both.
6. The extensive use of cobble stones, crushed stones or other non-living material as a ground cover is discouraged.
7. Where appropriate, plantings should be grouped or clustered to provide the maximum visual effect.
8. The Planning Commission may require a readily available water supply with at least one outlet located within 150 feet of all plant material to be maintained. (New Section added by Ordinance #14 of 1989).

Section 20.04 Bufferyard Requirements:

1. When Bufferyard Requirements Apply - Bufferyard requirements shall apply to all new development within Cascade Township. The bufferyard requirements shall also apply to all expansions, renovations, or alterations which increase the size of an existing structure or building cumulatively by at least 20 percent of its gross floor area as of January 1, 1990.
2. The following table (Table 20-A) indicates the minimum bufferyard required between developments based upon zoning or road classification. In reading the table the following shall apply:
   a. The left-hand column identifies the type of proposed development. If the proposed

development is (or is proposed to be) a PUD the Planning Commission shall determine which bufferyard is required along abutting property

b. The top column identifies the zoning district or road classification of the adjacent land use.

c. The letter designations contained in Table 20-A refer to the requirements and standards contained in Section 20.04(3).

3. Bufferyard requirements are stated in terms of width of the bufferyard and the number of plant units required per one hundred (100) linear feet of bufferyard. The type and quantity of plant materials required by each bufferyard, and each bufferyard option are specified in this Section. (Section 20.04 substantially revised by Ordinance #14 of 1989)

Table 20-A: Adjacent Land Use: Bufferyard Requirements (Amended by Ord No 5 of 2010; 3/10/10)

Proposed Land Use	ARC	FP	R1	R2	B1	B2	O	ES	AC	I	TI	Arterial/ Collector	Highway
ARC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
FP	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
R1	N/A	N/A	N/A	N/A	A	B	A	B	B	B	B	A	B
R2	N/A	N/A	N/A	N/A	A	B	A	B	B	B	B	A	B
B1	E	N/A	F	F	C	C	D	C	D	C	C	C	B
B2	F	N/A	G	G	C	D	D	D	D	D	D	C	C
O	E	N/A	F	F	D	D	D	D	C	C	C	C	D
ES	E	N/A	G	G	C	D	D	D	C	D	D	C	C
AC	E	N/A	F	F	D	D	D	D	C	B	B	C	C
I	F	N/A	G	G	E	D	E	D	D	C	C	C	C
TI	F	N/A	G	G	E	D	D	D	D	C	C	C	C

N/A = Not Applicable

Table 20-B: Quantity of Plant Materials in Bufferyards Per 100 Linear Feet

Bufferyard Plant Type	A	B	C	D	E	F	G
Minimum Width of Bufferyard (ft)	10	10	20	25	30	35	40
Canopy Tree	1	2	2	3	4	5	6
Understory Tree	2	4	4	6	6	4	4
Shrubs	N/A	N/A	6	9	12	18	24
Evergreen/Conifer	N/A	2	N/A	N/A	2	7	10

N/A = Not Applicable

CHAPTER 20
Landscape and Greenbelt Provisions

Section 20.05 Bufferyard Design Requirements:

1. Minimum Plant Size: New plant materials shall meet the minimum plant size requirements contained in Table 20-C.

Table 20-C: Minimum Plant Size		
Plant Material Type	**Planting in Bufferyard abutting Vacant Lands**	**All other Plantings**
Canopy Tree Single Stem	1 ½" Caliper	2 ½" Caliper
Canopy Tree Multi-Stem clump	6 feet (height)	10 feet (height)
Understory Tree	4 feet (height)	1 ½" Caliper
Evergreen Tree	4 feet (height)	5 feet (height)
Shrub Deciduous	15 inches (height)	24 inches (height)
Shrub Evergreen	12 inches (height)	18 inches (height)

2. Berms- Undulating earthen berms not exceeding six (6) feet in height, as measured from average grade, and 3:1 slope may be permitted within a required bufferyard. Credit of up to 25 percent may be received against the required plantings through the use of berms three (3) feet in height or greater.
3. Use- A bufferyard may be used for passive recreation; it may contain pedestrian or bicycle pathways, provided that:
   a. No plant material is eliminated;
   b. The total bufferyard (width and length) is maintained; and
   c. All other requirements of this Ordinance are met.
4. Stormwater Retention/Detention Facilities in Bufferyards - The Planning Director shall be authorized to allow stormwater retention/detention facilities to encroach into bufferyards a maximum of 30 percent of the bufferyard width, where it can be demonstrated that all planting requirements are met and the visual screen provided by the bufferyard will be fully achieved.
5. Location - All plantings for a bufferyard shall be planted within the required bufferyard.
6. Existing Plant Materials - Existing plant materials which satisfy the minimum size requirements set forth in Section 20.05(A) above and all other requirements or specifications of this Chapter shall be credited toward satisfying the bufferyard requirements of the proposed use.
7. Maintenance of Plant Materials- All plant materials in bufferyards shall be maintained in a good condition so as to present a healthy, near and orderly appearance. The owner, tenant of their agent shall insure that:
   a. All plant growth in landscaped areas be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or other wise constitute a traffic hazard;
   b. All planted areas be maintained in a relatively weed-free condition and clear of undergrowth; and
   c. All plantings be fertilized and irrigated at such intervals as are necessary to promote optimum growth. (Section 20.05 substantially changed by Ordinance #14 of 1989).

Section 20.06 Required Bufferyards - Additional Planting Requirements:

For reasons of conflicting uses, unfavorable topography or other unique or extenuating physical circumstances the Planning Commission may increase required landscape plantings in any required greenstrip or greenbelt, if in its discretion any increase is found to be necessary to reasonably achieve stated utilitarian and aesthetic objectives.

Section 20.07 Required Bufferyards - Reductions and Substitutions of Plantings:

If a physical hardship exists or existing topography and vegetation are determined by the Planning Commission to provide equal or better landscape and buffering effect, the Planning Commission may approve modifications only to the planting requirements of Sections 20.04 and 20.05. The Planning Commission may require such alternate plantings and visual screens as hedges, fences, walls, and/or combination thereof which it deems necessary to ensure compliance with stated utilitarian and aesthetic objectives.

Section 20.08 Greenspace within the Public Right-of-Way and Private Easements:

For the land area lying between the required greenstrip in the front yard of properties and the edge of pavement of a public or private street the following standards shall apply.

1. As a minimum grass or other living ground cover shall be neatly maintained and kept weed free by the owners of property abutting the public right-of-way or private easement.
2. Trees within a public right-of-way shall not be planted without the written consent of the Kent County Road Commission or the Michigan Department of Transportation.

Section 20.09 Parking Areas, Front Yard - Required Landscaping:

Landscaping shall be provided for in all internal areas of parking lots so as to provide visual and climatic relief from broad expanses of pavement. Landscape features installed in fulfillment of this requirement should be designed and situated to protect lighting fixtures and fire hydrants and to define access and circulation ways.

1. When Internal Landscaping Requirements Apply- The internal landscaping requirements contained herein apply to all new development within Cascade Township. New industrial development is exempt from the requirements contained in this Section. These requirements shall also apply to expansions which would require the development to increase its parking area by at least 20 percent of the total off-street parking requirements as required in Section 19.11.
2. Internal Landscaping Area Requirements - In order to reduce the visual impacts of parking lots and to enhance their appearance to surrounding land uses, the Township requires parking lots to be internally landscaped. Based upon the number of parking spaces within a parking lot a particular land use would have to set aside some of the land area within the parking lot for landscaping. The following table shows the amount of land area which must be set aside for landscaping.
3. Minimum Size - The minimum size of any internal landscaped area shall be 180 square feet, with a minimum width not less than 20 feet.
4. Protection of Landscaping- Internal landscape areas shall be protected by the installation of a raised concrete curb or anchored landscape timbers around their border. The curb is intended to prevent motor vehicle infringement upon landscaped areas and to insure that the landscaping materials remain within a defined area.
5. Required Plantings- For each 180 square feet of required landscaped area one (1) canopy tree or two (2) evergreen/conifer trees.
6. Minimum Plant Size- All new plants required for internal landscaped areas shall meet the minimum size requirements set forth in Section 20.05(1) above. (Section 24.07 was substantially revised by Ordinance #14 of 1989).

Table 20-D: Internal Landscaping Area Requirements for Parking Lots

Number of parking spaces in lot	Square feet (sf) of land area per parking space
For parking lots containing less than 50 parking spaces	15 sf
For parking lots containing between 51 and 99 parking spaces	25 sf
For parking lots containing over 100 parking spaces	30 sf

Section 20.10 Credited Species:

The Planning Director shall hold on file a suggested planting list to accommodate various site situations.

Section 20.11 Uncredited Species:

The following Table 20-E enumerates species that are permitted but which will not be credited in required landscape areas due to their brittleness, susceptibility to disease and insects, excessive root structure, excessive litter, susceptibility to road salt damage and/or other undesirable characteristics.

Table 20-E: Undesirable (Uncredited) Species	
Botanical Name	**Common Name**
Trees:	
Acer Negundo	Box Elder
Ailantus Altissima	Tree of Heaven
Betula Spp.	Birch
Catalpa Speciosa	Catalpa
Eleagnus Augustifolia	Russian Olive
Ginkgo Biloba (Female)	Female Gingko
Maclura Pomifera	Osage Orange
Morus Spp.	Mulberry
Populus Spp.	Cottonwood, Poplar, Aspen
Prunus Spp.	Cherry, Plum
Salix Spp.	Willow
Ulmus Spp.	Elm
Pinus Strobus	White Pine
Morus Spp.	Mulberry
Juglans Nigra	Black Walnut
Robina Spp.	Black Locus
Crateaegus Spp.	Hawthorn
Aesculus Hippocastanum	Horsechestnut
Carya Spp.	Hickory
Acer Saccharinum	Silver Maple
A. Rubram	Red Maple
Gleditsia Triancanthos (with thorns)	Honey Locust
Ulmust Americana	American Elm
Ulmus Pumila	Siberian Elm
Ulmus Rubra	Slippery Elm; Red Elm
Rhododendron	Rhododendron
Yucca	Yucca
Ilex	Holly
Mahonia	Grape Holly
Azalea	Azalea
Arborvitae	Globe Arborvitae
Rhododendron	Rhododendron
Yucca	Yucca

Section 20.12 Residential Landscape Requirements:

For all residential uses where a lot or parcel of land has been disturbed or cleared for development, the disturbed area shall be finish graded and landscaped within the time specified below, except for driveways, walks, and required parking areas. Seeding or sodding shall be the minimum acceptable landscaping of any said lots or parcels of land. This minimum landscaping shall be installed not later than (1) one year after a Building Permit has been issued by the Building Inspector, and shall be reasonably maintained thereafter. After the period of one (1) year of occupancy, the Building Inspector may require the posting of a financial guarantee in an amount up to One Thousand Dollars ($1,000.00) to assure installation of the landscaping and may extend the one year time limit if conditions warrant. (Section amended by Ordinance #1 of 1992)

Section 20.13 Outdoor Storage: (Added by Ord No 5 of 2010; 3/10/10)

1. In the TI district, all outdoor storage areas located less than one hundred (100) feet from any other district, shall be enclosed by a solid fence or wall, not less than eight (8) feet in height.
2. In the I district, all outdoor storage facilities for fuel, raw materials, ad products for every use, as enumerated ad limited herein, located less than one hundred (100) feet from any other district, shall be enclosed by a solid fence or wall, not less than eight (8) feet in height.

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CHAPTER 21
Site Plan Review

Section 21.01 Title:

Site Plan Review

Section 21.02 Purpose:

It is the purpose of this Chapter to require site plan review approval for certain buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained in this Chapter are intended to promote:

1. Safe and convenient traffic movement, both within a site and in relation to access streets;
2. Harmonious relationships of buildings, structures and uses, both within a site and with adjacent sites;
3. Conservation of natural amenities and resources; and
4. Compliance with the provisions of this Ordinance and all other applicable Township, state and federal laws.

All land uses shall be subject to site plan approval, except a detached single-family dwelling on a lot or parcel not having any other dwelling existing or to be located thereon, and non-residential uses requiring less than five (5) parking spaces.

Section 21.03 Site Plan Procedure:

1. Following the filing of a proposed site plan, the Planning Department shall review the plan with other appropriate Township departments and/or Kent County governmental agencies for design sufficiency. Within fifteen (15) days after submittal of the site plan the Planning Department shall submit a report to the developer informing him of any site plan deficiencies (if any) which shall be corrected prior to review by the Planning Commission. Upon receipt of a revised site plan, the Planning Department shall submit the site plan with a report and its recommendation for review by the Planning Commission within twenty (20) days. The Planning Commission shall approve or reject the site plan within thirty (30) days of the recommendation by the Planning Department. If approval is conditioned with changes, the applicant shall agree in writing to the changes prior to the issuance of any building permits.
2. When an applicant receives site plan approval, he must develop the site exactly as approved by the Planning Commission or Planning Director.
3. If rezoning of the land is required to allow the proposed development or use of the property as provided for in the site plan, a concept approval of the site plan by the Township Planning Commission shall be considered contingent upon rezoning of the subject property by the Township Board; such concept site approval shall not be construed as any assurance of such rezoning nor shall it be binding on the applicant if the rezoning is approved.
4. An approved site plan shall be effective for a period of one (1) year, or the life of a building permit obtained pursuant to the approved site plan, whichever is longer. If construction is not commenced within the period that the site plan is effective, no construction shall take place unless there has been an extension approved by the Township Board and before the extension is granted there is compliance with all applicable site plan requirements that are in effect at the time of the extension.
5. Before a site plan is marked "approved", it shall be revised to reflect any conditions attached to the approval, or changes or corrections required to obtain approval.
6. All requirements of this Ordinance, and any other applicable Township ordinance, standard, specification or regulation shall be complied with even if not specifically included in an approved site plan.
7. Three (3) complete sets of "as-built" drawings certified by the project engineer or architect must be submitted by the proprietor at the time of application for an occupancy permit.

Section 21.04 Administrative Plan Review:

Minor changes to a site plan or new site plan may be approved administratively by the Planning Director provided the plan complies with all applicable requirements of this Ordinance and all other Township regulations or state law. The Planning Director may approve a site plan for the following:

1. Change of location or type of landscape materials.
2. Minor changes to an approved site plan which involve the addition or relocation of any of the following items:

a. Sidewalks
b. Refuse containers
c. Lighting
d. Driveways and entrances
e. Signs
f. Retention/detention ponds

3. Decrease in building size from an approved site
4. Moving a proposed building on an approved site plan no more than ten (10) feet or five (5) percent of the distance to the closest property line, whichever is smaller.
5. An increase in a building size that does not exceed 5,000 square feet or five (5) percent of the gross floor area, whichever is smaller.
6. A building or structure which does not exceed 5,000 square feet of gross floor area and for any use which does not require a special use permit, as provided by Chapter 15 of this Ordinance.
7. New parking lots.

Section 21.05 Required Site Plan Information:

1. Graphic Materials Required For Plans - Every application for site plan approval shall contain plans that locate the development site and graphically demonstrate existing and proposed natural, man-made and legal features on and near the site in question. Development site plans shall show on the first page the following information:
   a. Name of applicant.
   b. Name of development (if any).
   c. North arrow.
   d. Legend.
   e. Location. A location map that shows the location of the project in the broad context of the Township.
   f. Scale. Development site plans shall be drawn to scale, using such a scale that all features required to be shown on the plans are readily discernible. The Planning Department shall make the final determination whether the plans submitted are drawn to the appropriate scale.
   g. All of the features required to be shown on plans by Section 21.05(2) and Section 21.05(3), may be included on one set of plans, so long as the features are distinctly discernible.
2. Existing Natural, Man-Made, and Legal Features Development site plans shall show all existing natural, man-made and legal features on the lot where the development is to take place, including but not limited to those listed below. In addition, the plans shall also show those features, indicated in the following by an asterisk, that are located within 50 feet in any direction of the lot where the development is to take place, and shall specify the use made of adjoining properties.
   a. Existing natural features:
      1) Tree line of wooded areas.
      2) Individual trees 18 inches in diameter or more, identified by common or scientific name.
      3) Orchards or other agricultural groves by common or scientific name.
      4) Streams, ponds, drainage ditches, swamps, boundaries of floodways and floodplains.
      5) If more than five acres of land are to be developed base flood elevation data.
      6) Contour lines (shown as dotted lines) with no larger than two-foot contour intervals. (As indicated in Section 21.05.(3)(o) proposed contour lines shall be shown as.
   b. Existing man-made features:
      1) Vehicle accommodation areas (including parking areas, loading areas and circulation areas, all designated by surface material and showing the layout of existing parking spaces and direction of travel lanes, aisles, or driveways.
      2) Streets, private roads, sidewalks, and other walkways, all designated by surface material.
      3) Curbs and gutters, curb inlets and curb cuts, and drainage grates.
      4) Other storm water or drainage facilities, including manholes, pipes, and drainage ditches, including sizes and materials.
      5) Underground utility lines (sizes and materials), including water, sewer, electric power, telephone, gas, cable television.
      6) Above ground utility lines and other utility facilities.
      7) Fire hydrants.

8) Buildings, structures and signs (including dimensions of each).
9) Location of exterior light fixtures.
10) Location of dumpsters.

c. Existing legal features:
1) The zoning of the property, including zoning district lines where applicable.
2) Property lines (with dimensions identified).
3) Street right-of-way lines.
4) Utility or other easement lines.

3. Proposed Changes in Existing Features or New Features - Development site plans shall also show proposed new legal features (especially new property lines, street right-of-way lines, and utility and other easements), as well as proposed man-made features, including, but not limited to, the following:
a. Lot dimensions, including lot widths.
b. The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets or street right-of-way lines.
c. Principal side(s) building elevations for typical units of new buildings or exterior remodeling of existing buildings, showing exterior building materials, building heights and proposed wall sign or window sign area.
d. Areas intended to remain as usable open space. The plans shall clearly indicate whether such open space areas are intended to be offered for dedication to public use or to remain privately owned.
e. Streets, labeled by classification (see Appendix A) and street name showing whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths. Private roads in subdivisions shall also be shown and clearly labeled as such.
f. Curbs and gutters, curb inlets and curb cuts, drainage grates.
g. Other storm water or drainage facilities, (proposed sizes and materials) including manholes, pipes, drainage ditches, retention ponds, etc.
h. Sidewalks and walkways, showing widths and surface material.
i. Bridges.
j. Outdoor illumination with lighting fixtures sufficiently identified to demonstrate compliance with Section 19.09.
k. Underground utility lines, (proposed sizes and materials) including water, sewer, electric power, telephone, gas, cable television. Water and sewer pipe line signs shall be labeled.
l. Above ground utility lines and other facilities.
m. Fire hydrants.
n. Dumpsters.
o. New contour lines resulting from earth movement (shown as solid lines) with no larger than two-foot contour intervals (existing lines should be shown as dotted lines).
p. Scale drawings of all signs requiring permits pursuant to the Cascade Township Sign Ordinance, together with an indication of the location and dimensions of all such signs.
q. Vehicle accommodation areas (including parking areas, handicapped parking areas, loading areas, and circulation areas), all designated by surface material and showing the dimensions and layout of proposed parking spaces and the dimensions and direction of travel of lanes, aisles, and driveways.
r. Proposed plantings or construction of other devices to comply with the screening requirements of Chapter 20. Plans shall label shrubbery by common or scientific name, show the distance between plants and indicate the height at the time of planting and expected mature height and width. Plans shall label trees by common or scientific name, show the circles of the mature crowns.

4. Documents and Written Information in Addition to Plans- In addition to the written application and the plans, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the types of information or documents that may be requested:
a. Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.

b. Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, and that all necessary easements have been provided.

c. Legal documentation establishing property owner associations or other legal entities responsible for control over required common areas and facilities.

d. Bonds, letters of credit, or other surety devices.

e. Time schedules for the completion of phases in staged development.

f. The environmental impact of a development, including its effect on historically significant or ecologically fragile or important areas and its impact on pedestrian or traffic safety or congestion.

g. A fiscal impact analysis of a development onto the Township and other governmental units (e.g. schools, public safety, roads, etc.).

h. A traffic impact analysis of a proposed development onto the Township and other governmental units.

i. Calculations for drainage and stormwater design detention/retention.

5. Number of Copies of Plans and Documents - With respect to all plans and other documents required by this Chapter the developer shall submit the number of copies that the Planning Department deems necessary to expedite the review process and to provide necessary permanent records.

Section 21.05.6 Site Plan Review and Standards for Mobile Home Park: (This section amended by Ordinance #3 of 2000)

No Mobile Home Park use shall be commenced in any district where such use is a permitted use until and unless the Planning Commission approves a site plan hereunder, and all standards contained in this section 25.05.6 are met. Pursuant to Section 11 of PA No. 96 of 1987, as amended, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan need not include detailed construction plans.

In preparing a preliminary plan and when reviewing such plan, the following standard procedures and requirements shall herein apply.

1. **Application**: Any person(s) requesting action or review under the provisions of this Ordinance shall file an application on the forms provided by the Township. The information required shall be typed or legibly written on the application form and separate sheets of paper thereto attached.

2. **Pre-application Conference**: An applicant shall meet with Township staff, including any consultants designated by the Township Board, to review an application prior to filing. This pre-application conference is intended to assist the applicant and facilitate the future review and approval of the application. However, no suggestions, recommendations, or other comments made by Township officials, staff or consultants at such conference shall constitute approval of an application or bind the Township.

3. **Process and Review**: Completed site plan applications accepted by the Township shall be submitted to the appropriate Township staff and consultants for their written review and recommendation. The application, along with all recommendations, shall then be submitted to the Planning Commission. Official receipt of the application shall be the time in which the completed plan arrives or is delivered to the appropriate Township staff. The staff and consultants may advise and assist the applicant in meeting ordinance requirements, but shall have no power to approve or deny any application, or in any way restrict an applicant's right to seek formal approval thereof.

4. **Planning Commission Action**: The Planning Commission shall review all site plan applications at a public meeting. The Planning Commission may consider all recommendations of the staff and consultants. Pursuant to Section 11 of PA 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after the Township officially receives a completed application with a complete plan, unless the applicant agrees to a time extension. All applications, for which the Planning Commission is charged with authority to approve under the provisions of this Ordinance, shall be approved, denied, or approved subject to conditions. The Township Planning Commission may

require one or more of the following as part of the submission:

a. Evidence of market need for the use and economic feasibility of the project.

b. A community impact statement.

c. A traffic impact statement.

d. An environmental impact statement.

e. A fiscal impact assessment.

The Planning Commission may table an application for further study or to obtain additional information, provided that final action on such application is taken within the sixty (60) day review period.

5. **Fees and Deposits:** All applications submitted to the Township for review and approval shall be accompanied by a filing fee to cover the cost of processing and reviewing the application. The fee shall be established by resolution of the Township Board, in accordance with Section 24 of PA 184 of 1943, as amended. The filing fee and any escrow fees shall be paid before the site plan approval process begins. Upon notification of deficient payment of fees, administrative officials in charge with enforcement of the Ordinance shall suspend further review of the application and shall deny any new permits. Any deposit toward the cost of review shall be credited against the expense to the Township, and any portion of the deposit not needed to pay such expense shall be refunded without interest to the applicant within thirty (30) days of final action on the application. A schedule of the current filing fees and escrow requirements is available in the office of the Township Clerk and the Planning Department.

6. **Disclosure of Interest**: The full name, address, telephone number, and signature of the applicant shall be provided on the application. If the application involves real property in the Township, then the applicant must be the fee owner, <u>or</u> have identified legal interest in the property, <u>or</u> be an authorized agent of the fee owner. A change in ownership after the application is filed shall be disclosed prior to any public hearing or the final decision on the application. One of the following applicable disclosures shall be required:

   a. **When Applicant is not Fee Owner**: If the applicant is not the fee owner, the application must indicate the applicant's interest in the property, and the name, address, and telephone number of the fee owner(s). An affidavit of the fee owner(s) shall be filed with the application stating that the applicant has authority from the owner to make the application.

   b. **When Applicant is a Corporation or Partnership**: If the applicant or fee owner is a corporation, the name, address, and telephone number of the corporation officers and registered agent shall be provided, and if a partnership, the name, address, and telephone number of the partners shall be provided.

   c. **When Applicant or Owner is a Land Trust**: If the applicant or fee owner is a trust or trustee thereof, the name, address, telephone number, and extent of interest of each beneficiary must be provided.

7. **Records**: The Township shall keep accurate records of all decisions on all applications submitted pursuant to this Ordinance.

8. **Standard Operation Requirements**:

   a. **State Permit**: It shall be unlawful for any person(s) to operate a manufactured housing community unless that individual obtains a license for such operation in compliance with the requirements of Michigan Public Act No. 96 of 1987, as amended. The Planning Department shall communicate their recommendations regarding the issuance of such licenses to the Director of the Manufactured Housing Division, Corporation and Securities Bureau, Michigan Department of Commerce.

   b. **Violations**: If and when, upon inspection of any manufactured housing community, the Planning Department finds that there are existing conditions or practices which violate provisions of this Ordinance or other regulations referenced herein, they shall give notice in writing by certified mail to the Director of the Michigan Manufactured Housing Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the community owner or

agent. All other Township penalties are still applicable.

c. **Inspections**: The Building Inspector or other authorized Township agent is granted the authority, as specified is PA No. 96 of 1987, as amended, to enter upon the premises of any manufactured housing community for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein.

d. **Operation**: A manufactured housing community shall not be operated until a license has been issued by the Michigan Department of Commerce. Buildings that require a Township permit which are constructed on-site shall require a Township Building Permit prior to construction and a Certificate of Occupancy prior to use.

1) **Development Standards**: Manufactured housing communities shall be subject to all the rules and requirements as established and regulated by Michigan law, PA 96 of 1987, as amended, and the Manufactured Housing Commission, and shall also satisfy the following minimum requirements:

PARCELS AND HOMESITES

1. **Maximum Density and Minimum Parcel Area**: Each mobile home park shall be owned and operated as one (1) entity or on a condominium basis. A mobile home park shall contain a minimum of forty (40) acres.
2. **Minimum Homesite Area**: The mobile home park shall be developed with homesites consisting of at least seven thousand two hundred (7,200) square feet per each mobile home being served.
3. **Home Placement**: It is the intent of this ordinance to require parallel placement of homes adjacent to the perimeter of the community, and to encourage parallel placement whenever possible, so as to maintain consistency of standards and aesthetic quality with other residential districts and adjacent land uses in the township.
   a. All homes within the community which are adjacent to the perimeter of the community shall be sited parallel to an internal road.
   b. A home sited parallel to an internal road shall be placed at least twenty (20) feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersection internal road.
   c. A home not sited parallel to an internal road shall be placed at least twenty (20) feet from any part of an attached structure of an adjacent home that is used for living purposes.
   d. It shall be unlawful to permanently or temporarily locate or park a mobile home so that any part of such home will obstruct any roadway or walkway within a mobile home park.
   e. It shall be unlawful to locate any mobile home to be occupied in a mobile home park unless the home is situated on a homesite.
   f. A building permit shall be issued by the Township Building Inspector before a manufactured home may be placed on a homesite in a mobile home park.
4. **Minimum Living Area**: No one story mobile home in any mobile home park shall contain less than one thousand one hundred (1,100) square feet of living area, excluding hitch and eaves.

   No two story mobile home in any mobile home park shall contain less than one thousand four hundred (1,400) square feet of living area, excluding hitch and eaves.
5. **Setback Requirements**: A mobile home shall comply with the following minimum distances:
   a. Twenty (20) feet from any part of an attached or detached structure of an adjacent mobile home which is used for living purposes.
   b. Ten (10) feet from an on-site parking space of an adjacent homesite.
   c. Ten (10) feet from an attached or detached structure or accessory of an adjacent mobile home which is not used for living purposes.
   d. One hundred (100) feet from any baseball, softball or similar recreation field.
   e. Fifty (50) feet from any permanent building.
   f. Twenty (20) feet from the edge of an internal road.
   g. Twenty (20) feet from the right-of-way line of a dedicated public road within the mobile home park.
   h. Seven (7) feet from any parking space.

i. Seven (7) feet from a common pedestrian walkway.

j. All mobile homes, accessory buildings, and parking areas shall be set back not less than twenty (20) feet from any mobile home park boundary line, except that a minimum setback of fifty (50) feet shall be provided from existing and future right-of-way lines of abutting roads and highways.

k. Fifty (50) feet from the edge of any railroad right-of-way.

STRUCTURES AND AREAS

6. **Maximum Building Height**: The maximum height of a building shall not exceed two (2) stories or twenty-five feet. Storage sheds shall not exceed a height of fourteen (14) feet and the height of the manufactured home they are intended to serve.

7. **Accessory and Site-built Structures**: Accessory and site-built structures constructed for use as management offices, public works facilities, storage buildings laundry facilities, recreation or community centers, and other similar facilities shall be designed and operated for use by residents of the mobile home park only. Site-built structures within a community shall be constructed in compliance with the Township building codes and shall require all applicable permits.

8. **Canopies and Awnings**: Canopies and awnings may be attached to any mobile home provided they meet the current building code standards. Canopies and awnings shall comply with the setback and distance requirements set forth in this Chapter and shall require a building permit.

9. **Storage**:

   a. **Sheds**: One (1) storage shed may be permitted for each homesite. Each storage shed shall comply with all Township regulations and requirements and shall require all applicable permits. Storage sheds need not be supplied by the owner of the mobile home park.

   b. **Recreation Vehicle**: Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided by the community owner, but shall be limited to use only by residents of the manufactured housing community. If proposed, the location of such storage areas shall be shown on the preliminary site plan. No part of any such storage area shall be located in any required yard or on the perimeter of the mobile home park. The placement of the storage area shall be located internally in the park to help screen it from adjacent land uses. Such storage area shall be screened from view from adjacent residential properties with an opaque wooden fence or a masonry wall measuring six (6) feet in height above average grade, or a landscaped greenbelt. The landscaped greenbelt, if used, shall consist of closely—spaced evergreen plantings, no less than fifteen (15) feet apart, and shall provide a complete visual barrier at least six (6) feet in height above grade within two (2) years of planting.

10. **Landscaping**:

   a. **Perimeter**: Perimeter screening from any adjacent residential land use shall consist of a masonry wall or densely planted landscaped area. If provided, the masonry wall shall measure six (6) feet in height from the average grade and shall be placed inside and adjacent to the lot line. The wall may be setback from the property line a sufficient distance in the event that underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct the use of adjacent property. The landscaped greenbelt, if used, shall consist of closely—spaced evergreen plantings, no less than fifteen (15) feet apart, and shall provide a complete visual barrier at least six (6) feet in height above grade within two (2) years of planting.

   b. **Road Frontage**: A landscaped berm measuring 2 ½ to 3 feet in height from the average grade shall be provided for every lineal foot adjacent to a right-of-way. The berm shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal. Landscaping of the berm shall include one (1) deciduous tree for every forty (40) lineal feet of road frontage and one (1) deciduous or evergreen shrub for every three (3) lineal feet of road frontage.

   c. **Homesite**: Landscaping shall consist of one (1) deciduous or evergreen tree for every one (1) homesite.

   d. **Parking Area**: An interior landscaped area of 10 square feet per parking space shall be provided

for any parking lot, bay, or area within the community consisting of more than 15 parking spaces. Landscaped areas shall measure at least 150 square feet and shall include plantings of grass, ground cover, shrubs or other live plant material. At least one (1) deciduous tree shall be planted for each parking landscaped area.

11. **Open Space**: Each mobile home park in excess of fifty (50) acres shall include an open space area equal in size to two percent (2%) of the site. All open space areas shall be centrally located, well drained, and accessible to all residents of the community. Up to twenty-five percent (25%) of the required open space may consist of wetlands, swamps and similar use areas.

MOTORIZED/NONMOTORIZED FACILITIES

12. **Access**: Each community shall have a minimum of two (2) access roads provided there are more than twenty (20) homesites. If two (2) access roads are required, they must meet the spacing requirements of Chapter 19. The main entrance to the community shall have access to a public thoroughfare or a recorded easement meeting the private road standards with access to a public thoroughfare. The public thoroughfare shall be connected to a public collector or arterial road.
13. **Internal Roads**: All internal roads shall be hard-surfaced and may be constructed with curbs and gutters. Internal roads shall be constructed of materials suitable for subgrades and hard surface in compliance with the standards of the American Association of the State Highway and Transportation Officials (AASTO). All internal roads, walkways, driveways, and permanent foundations shall be maintained in such a manner that they are of a sound and reasonably smooth surface for either walking or driving. Surfaces shall be maintained reasonably free of cracks, holes, upheavals, buckling, depressions, rutting, or channeling of the wearing surface, or shifting of the pavement base and sub-base, or both. An adequate clear vision zone shall be provided at intersections (see Section 4.29 Traffic visibility across Corners). An offset at an intersection or an intersection of more than two (2) internal roads is prohibited. The minimum width of internal roads shall be no less than twenty-three (23) feet. One-way traffic shall not be permitted. All entrances to the community shall be a minimum of thirty (30) feet in width.
14. **Parking**: All homesites shall be provided with two (2) parking spaces in accordance with the Manufactured Housing Commission Rules. One (1) additional parking space for every three (3) homesites shall be provided for visitor parking and located convenient to the area served. Visitor parking shall be counted separately from those parking spaces required for employees or community facilities. No unlicensed or inoperable vehicle of any type shall be parked in this district at any time except within a covered building. Parking shall not be permitted in any required landscaped area.
15. **Sidewalks:** A three (3) foot wide concrete sidewalk may be required to be constructed on at least one side of all internal roads within the manufactured housing community.

OTHER

16. **Lighting**: Sufficient lighting shall be provided within a community in order to promote safe and convenient movement from all homesites to principal destinations within the community and connections to public thoroughfares and walkways. Such lighting shall meet the standards of Section 19.19.
17. **Mailbox Clusters**: The United States Postal Service may require that mobile home parks be served by clusters of mailboxes serving several homesites rather than individual mailboxes. If mailbox clusters are required, they shall be located at least two hundred (200) feet from any intersection of a mobile home park internal road and a public road.
18. **Sale of Mobile homes**: The business of selling new or used mobile homes as a commercial operation shall be prohibited after 75% complete occupancy of a new or expanded mobile home park has been achieved. Thereafter, new or used mobile homes located on homesites within the community to be used and occupied on that site may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a used mobile homes by a resident of the community provided the community regulations permit such activity.
19. **School Bus Stops**: School bus stops shall be located in an area that is acceptable to the school district and the manufactured housing community developer or owner.

20. **Signs**: Any and all such signs provided within the community shall not exceed a height of five (5) feet measured from the average grade, and shall be set back (10) feet from any property line or road right-of-way.
    a. Primary entrance: One (1) sign not to exceed an area of thirty-two (32) square feet, shall be permitted at the primary access of the manufactured housing community.
    b. Identification: One (1) identification sign not to exceed an area six (6) square feet shall be permitted for management offices and community buildings.
21. **Trash Dumpsters**: Trash dumpsters, if provided, shall be located in a location that is clearly accessible to the servicing vehicle. Each dumpster shall be set back a minimum of fifty (50) feet from the perimeter of the mobile home park, and shall be placed at least fifteen (15) feet from any building within the community. Dumpsters shall be screened on three (3) sides with a decorative masonry wall or wood fencing not less than six (6) feet in height. The fourth side of the dumpster screen shall be equipped with an opaque lockable gate not less than six (6) feet in height. Dumpsters shall be placed on a concrete pad which shall extend six (6) feet in front of the dumpster enclosure. Bollards (concrete filled metal posts) shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.
22. **Utilities**:
    a. **Fuel Oil and Gas**: Any fuel oil and gas storage shall be placed in underground tanks and located a safe distance from all homesites. All fuel lines servicing homesites shall be placed underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local county and state regulations.
    b. Telephone and Electric Service: All telephone, electric, cable TV, and other lines within the community shall be placed underground.
23. **Water and Sewer Service**: All mobile home parks shall be served by an approved water and sewage systems which shall meet the requirements of the County Health Division and the Michigan Department of Health. The plumbing connections to each homesite shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.
24. **Storm Drainage:** All developed portions of the mobile home park shall be served by adequate storm drainage facilities which are designed and constructed in accordance with applicable local, county, and state regulations.
25. **Skirting and Anchoring:** The siding of the home shall be required to extend to grade. Anchoring of the mobile home shall comply with sections R125.1604 Rule 604 and R 125.1605 Rule 605 of PA 419 of 1976, as amended.
26. **Fire Hydrants:** Fire hydrants shall be included in the site plan of any proposed community whenever hookups are available (see R 125.1702a Rule 702a(b). If fire hydrants are available within the community, then vehicular parking on internal roads is prohibited within ten (10) feet of a hydrant.
27. **Additional Standards:** The Planning Commission shall have the right to impose additional reasonable conditions to a site plan approval in order to meet the intent of this ordinance.

Section 21.05.7 Adult Oriented Businesses/ Massage Establishments: (This section amended by Ord. # 5 of 2001)

No Adult Oriented Business/Massage Establishment use shall be commenced in any district where such use is a permitted use until and unless the Planning Commission approves a site plan hereunder, and all standards contained in this section 21.05.7 are met.

1. An Adult Oriented Business/Massage Establishment shall only be located on those properties which are situated west of the I-96 Highway interchange.
2. An Adult Oriented Business/Massage Establishment shall not be located within a 1000-foot radius of any lot zoned or occupied for residential purposes, or upon which is located a school, public park, library, municipal building, child care facility, or church or place of worship.
3. An Adult Oriented Business/Massage Establishment shall not be located within a 1000-foot radius of any other Adult Oriented Business/Massage Establishment.
4. For the purpose of this Section, the measurement of a radius shall be measured in a straight line from the property line of the Adult Oriented Business/Massage Establishment to the nearest property line of the

residential property, public park, school, municipal building, child care facility, church or place of worship, or other Adult Oriented Use/Massage Establishment.

5. An Adult Oriented Business/Massage Establishment shall not be located in the same structure or on the same parcel as another Adult Oriented Use/Massage Establishment.
6. All on-site parking areas shall comply with the requirements of this Ordinance and additionally shall be illuminated in compliance with this Ordinance on any days the business is open from sunset until closing.

Section 21.06: Review By Planning Commission:

The Township Planning Commission shall review the site plan to determine compliance with permitted land use, density of development, general circulation, and other provisions of this Ordinance. The Planning Commission shall respond to the site plan within thirty (30) days of receiving a recommendation by the Planning Department, and if denied, shall cite reasons for denial. If approved, a Certificate of Zoning Compliance shall be issued to the applicant by the Planning Department.

Section 21.07: Criteria For Site Plan Approval:

The Planning Commission shall use the following criteria in evaluating a site plan submittal:

1. Whether the required information has been furnished in sufficiently complete and understandable form to allow an accurate description of the proposed use(s) and structure(s) in terms of density, location, area, height, bulk, placement, setbacks, performance characteristics, parking, and traffic circulation.
2. Whether there are ways in which the configuration of uses and structures can be changed which would improve the impact of the development on adjoining and nearby properties, persons, and activities, and on the community, while allowing reasonable use of the property within the scope of district regulations and other regulations of this Ordinance that are applicable to the property and proposed use and structures.
3. The extent to which natural features and characteristics of the large trees, natural groves, watercourses, and similar will be preserved; the regard given to existing natural features that would add attractiveness to the property and environs if they were preserved; the preservation of natural drainage systems the dedication and/or provision, where appropriate, of scenic easements, natural buffering, and other techniques for preservation and enhancement of the physical environment.

Section 21.08: Modification of Approved Site Plan:

Once site plan approval has been granted by the Planning Commission, changes to the approved site plan shall require a resubmission and payment of fee.

Section 21.09: Posting of Financial Guarantee:

The Planning Commission may require a performance bond letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping and drainage improvements associated with the project. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan; if not, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Planning Director. In cases where the provisions of this Chapter have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements; and the balance, if any, shall be returned to the applicant.

Link to Procedures Manual with Forms, Applications, and Flowcharts

CHAPTER 22
Nonconforming Uses and Structures

Section 22.01: Title:

Nonconforming Uses and Situations

Section 22.02: Intent:

Within the zoning districts and special use provisions established by this Ordinance, there exist lots, structures, and uses of land and structures which were lawful, either as conforming or nonconforming uses before this Ordinance was effective, but which would now be prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Chapter to permit these nonconformities to continue until they are removed, but not to encourage their continuance. The purpose of this Chapter is that nonconformities shall not be enlarged, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district, except by approval from the Zoning Board of Appeals. It is further intended that such uses are declared to be incompatible with the permitted uses in the zoning district involved.

Section 22.03: Extension or Enlargement of Nonconforming Situations:

1. Except as specifically provided in this Chapter, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:
   a. An increase in the total amount of space devoted to a nonconforming use, or
   b. Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking.
2. A nonconforming use may be extended throughout any portion of a completed building that was manifestly designed or arranged to accommodate such use when the use was made nonconforming by this Ordinance. However, subject to Section 22.07 (Authorizing the Completion of Nonconforming Projects in Certain Circumstances), a nonconforming use may not be extended to additional buildings or to land outside the original building.
3. Subject to Section 22.07 (Authorizing the Completion of Nonconforming Projects in Certain Circumstances), a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming.

Section 22.04: Repair and Maintenance of Nonconforming Property: (Ord No 8of 2011; 6/23/11)

1. On any building or structure devoted in whole or in part to any nonconforming use, repair and maintenance work may be made provided that the cubic content of the building or structure as it existed at the time of adoption of this Ordinance is not increased.
2. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
3. Nonconforming uses or structures shall not be reestablished in their nonconforming condition in any zoning district after damage or destruction of the nonconforming use or structure if the estimated expense of reconstruction exceeds sixty (60%) percent of the appraised replacement cost of the use or entire building or structure, with an exception for existing Automobile Service Stations and Mini-Food-Mart Stations with related automotive parts repair shops, garages and vehicle wash facilities in the B-1 district.
4. The estimated expense of reconstruction shall be determined by the Township Building Inspector, upon advice from the Township Assessor. Persons aggrieved by the determination of estimated replacement cost by the Building Inspector may appeal such determination to the Zoning Board of Appeals.

CHAPTER 22
Nonconforming Uses and Structures

Section 22.05: Change in Use of Property Where a Nonconforming Situation Exists:

1. A change in use of property (where a nonconforming situation exists) that is sufficiently substantial to require a new zoning or special use permit may not be made except in accordance with Subsections 22.05(2) through 22.05(4) below.
2. If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this Ordinance applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this Ordinance is achieved, the property may not revert to its nonconforming status.
3. If the intended change in use is to a principal use that is permissible in the zoning district where the property is located, but all of the requirements of this Ordinance applicable to that use cannot be reasonably complied with, then the change is permissible if the Zoning Board of Appeals issues a variance authorizing the change. This variance may be issued if the Zoning Board of Appeals finds that:
   a. The intended change will not result in a violation of Section 22.03, above, and
   b. All of the applicable requirements of this Ordinance that can reasonably be complied with will be complied with. Financial hardship caused by the cost of meeting such requirements does not constitute grounds for finding that compliance is not reasonably possible. In no case shall an applicant be given permission pursuant to this Subsection to construct a building or add to an existing building if additional nonconformities would thereby be created.
4. If the intended change in use is to another principal use that is also nonconforming, then the change is permissible if the Zoning Board of Appeals issues a variance authorizing the change. The Zoning Board of Appeals may issue the variance if it finds that:
   a. All of the conditions applicable to the permit authorized in Subsection 22.05(3.B), above, are satisfied, and
   b. The proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for.

Section 22.06: Abandonment and Discontinuance of a Nonconforming Use or Nonconforming Situation:

1. When a nonconforming use is discontinued for a consecutive period of 180 days or discontinued for any period of time without the intention to reinstate the nonconforming use, the property involved may thereafter be used only for conforming purposes.
2. If the principal activity on property where a nonconforming situation (e.g. dimensional nonconformity) exists is discontinued for a consecutive period of 180 days or discontinued for any period of time without the intention of resuming that activity, then the subject property may thereafter be used only in conformity with the zoning regulations applicable to the zoning district in which the subject property is located. The Zoning Board of Appeals may grant a variance to the subject property to be used without correcting the nonconforming situation if the Zoning Board of Appeals finds that eliminating a particular nonconformity is not reasonably possible. The variance shall specify which nonconformities need not be corrected.
3. When a structure or operation made nonconforming by this Ordinance is vacant or discontinued at the effective date of this Ordinance, the 180 day period for purposes of this Chapter begins to run on the effective date of this Ordinance.

Section 22.07: Completion of Nonconforming Projects:

1. All nonconforming projects on which construction was begun at least 180 days before the effective date of this Ordinance as well as all nonconforming projects that are at least twenty (20%) percent completed in terms of the total expected cost of the poject on the effective date of this Ordinance may be completed in accordance with the terms of their permits, so long as these permits were validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this Subsection shall apply only to the particular phase under construction.

2. All work on any nonconforming project that is less than twenty (20%) percent completed in terms of the total expected cost of the project on the effective date of this Ordinance shall cease. Work on the nonconforming project may begin or may be continued only pursuant to a vested rights determination issued in accordance with this Section by the Zoning Board of Appeals.

   The Zoning Board of Appeals shall issue such a determination only if it finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations upon reliance on the land use law (e.g. zoning and planning) as it existed before the effective date of this Ordinance and would be unreasonably burdened if not allowed to complete the project as proposed.

Section 22.08: Nonconforming Lots of Record:

In any zoning district in which single-family dwellings are permitted, notwithstanding other limitations imposed by other provisions of this Chapter, a single-family dwelling and customary accessory building may be erected on any single lot of record after the effective date of this Ordinance, subject to the following conditions:

1. Lot coverage by said dwelling and accessory building shall not exceed twenty-five (25%) percent;
2. Height of the structure shall not exceed thirty-five (35) feet. The height will be measured as provided in Section 4.14 of this Ordinance;
3. Side yards may be reduced by the same percentage that the area of such lots bears to its own district requirements, provided each side yard in no instance shall be less than five (5) feet; and
4. If two (2) or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage of this Ordinance or at anytime thereafter, such lots and parts of lots shall be used so as to meet the requirements for lot width and area, unless a variance is granted by the Zoning Board of Appeals.

Section 22.09: Elimination of Nonconforming Uses, Structures or Situations:

In accordance with Section 208 of the Michigan Zoning Enabling Act (MCLA 125.3208 et. seq.), as amended, the Township may acquire private property by purchase, condemnation or otherwise for removal of nonconforming uses, structures or situations, provided the elimination of such nonconformity is declared to be for a public purpose and for a public use.

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CHAPTER 23
Administrative Procedures

(Amended by Ord No 7 of 2006; 9/13/06)

Section 23.01 Title:

Administrative Procedures of the Planning Commission and Zoning Board of Appeals

Section 23.02 Establishment of the Planning Commission and the Zoning Board of Appeals:

1. **Planning Commission** - Pursuant to Section 301 (MCLA 125.3301 et. seq.) of the Michigan Zoning Enabling Act, as amended, Cascade Charter Township has transferred all zoning powers and duties provided in the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, to the Cascade Charter Township Planning Commission. The Planning Commission is hereby established in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006), and the Michigan Planning Enabling Act (Public Act 33 of 2008) to undertake all planning and zoning activities within Cascade Charter Township.
2. **Zoning Board of Appeals** - The Zoning Board of Appeals is hereby established in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, to act upon all questions as they may arise in the administration of this Zoning Ordinance, including the interpretation of the Cascade Charter Township Zoning Map.

Section 23.03 Membership and Terms of Office:

1. **Membership:**
   a. **Planning Commission** – The Planning Commission shall consist of nine (9) members who shall be representative of Township population and of the major interests present in the Township. All members shall be residents and qualified voters within Cascade Charter Township. One (1) member of the Township Board shall be a member of the Planning Commission. The Township Board member's term of service shall be concurrent with his/her service on the Township Board.
   b. **Zoning Board of Appeals** – The Zoning Board of Appeals shall consist of five (5) members and two (2) alternate members who shall be representative of the Township population and the major interests present in the Township. All members shall be residents and qualified voters within Cascade Charter Township. One (1) member of the Township Board may be a member of the Zoning Board of Appeals and one (1) member of the Planning Commission shall be a member of the Zoning Board of Appeals, with their term of service running concurrent with his/her service on their respective board (*i.e.*, other than the Zoning Board of Appeals). The Township Supervisor may appoint up to two (2) alternate members for the same term as regular members to the Zoning Board of Appeals, upon approval by the Township Board. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.
2. **Terms**: (Amended by Ord. No 4 of 2011; 5/11/2011)
   a. Members of the Planning Commission or Zoning Board of Appeals shall be appointed by the Township Supervisor with approval by the Township Board.
   b. The term of each member shall be for three (3) years.
   c. Planning Commission or Zoning Board of Appeals members shall be appointed with staggered terms, but members may continue to serve until their successors have been appointed.
3. **Vacancies**: In the event that a member of the Planning Commission or Zoning Board of Appeals can no longer serve because of health or any other reason, the Township Supervisor may appoint, upon Township Board approval, another person to the Planning Commission or Zoning Board of Appeals for that unexpired term. Should the unexpired term be two (2) years or longer, it shall be considered as a full term.

   If a Planning Commission or Zoning Board of Appeals member moves outside of the jurisdictional boundaries of the Township, that shall constitute an automatic resignation from the Planning Commission or Zoning Board of Appeals and shall be effective

upon the date a replacement is appointed by the Township Supervisor and approved by the Township Board.

4. **Member Absence**: In the event that a member cannot attend a meeting, they shall call and inform the Recording Secretary before 5:00 p.m. the day of the meeting, so that they can be excused from the meeting.

   Should a member have three (3) or more consecutive unexcused absences from regularly scheduled meetings or miss at least fifty (50) percent or more of all meetings within any twelve (12) month period, it shall constitute a reasonable ground for removal. To initiate this action, the chairman shall prepare a memorandum requesting that member to resign. The memorandum of attendance or a letter of resignation shall be forwarded to the Township Supervisor, with a request that an appointment be made to fill any vacancy.

5. **Removal:**

   a. **Reason for Removal** - Members of the Planning Commission or Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

   b. **Conflict of Interest** - A member may be excused from voting on a particular issue by majority vote of the remaining members present for reasons of a conflict of interest if:

      1) The member has a direct financial interest in the outcome of the matter at issue;
      2) The matter at issue involves the member's business or place of employment;
      3) Participation in the matter might violate the letter or spirit of a member's code of professional responsibility;
      4) The member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest; or
      5) Participation would violate a rule or regulation adopted by the body involved.

Section 23.04 Officers, Procedural Matters, Meetings, Quorum, Voting and Records:

1. **Officers and Duties**: The Planning Commission and Zoning Board of Appeals shall elect a chairman, vice-chairman, and a secretary from its members. No member of the Township Board shall be an officer of the Planning Commission or the Zoning Board of Appeals.

   The term of each officer shall be one (1) year or until their successor(s) are selected and assume office. The term of each officer shall not extend for more than two (2) consecutive one-year terms. The election of officers shall take place at the first meeting in January. The Planning Commission shall elect its officers by a majority vote of the members present at the time of election at a meeting where a quorum is present. The Zoning Board of Appeals shall elect officers by a majority vote of the permanent membership. Alternate Zoning Board of Appeals members may not participate in nominations or the electing of officers. (Section 23.04 amended by Ordinance #2 of 2000)

   The chairman shall preside at all meetings, appoint committees subject to Planning Commission or Zoning Board of Appeals approval, retain voting and discussion privileges, and perform such other duties as may be ordered by the Planning Commission or Zoning Board of Appeals.

   The vice-chairman shall act in the capacity of the chairman in his/her absence. In the event the office of the chairman becomes vacant, the vice-chairman shall succeed to this office for the unexpired term and the Planning Commission or Zoning Board of Appeals shall select a successor to the office of vice-chairman for the unexpired term. The vice-chairman may also serve as the secretary.

   The secretary shall execute documents in the name of the Planning Commission or Zoning Board of Appeals and perform such other duties as the Planning Commission or Zoning Board of Appeals may determine. The Planning Director shall serve as the recording secretary, shall be responsible for the minutes of each meeting, and shall have them recorded in suitable volumes available at the Cascade Charter Township Hall.

2. **Procedural Matters:**
   a. The Recording Secretary shall prepare an agenda for each meeting and whenever feasible, the agenda for each meeting shall be made available to the public in advance of the meeting.
   b. Parliamentary procedure at Planning Commission or Zoning Board of Appeals meetings shall be governed by Robert's Rules of Order.
3. **Meetings:**
   a. **Planning Commission** - Meetings of the Planning Commission shall be held on the first and third Mondays of each month at a time and place to be determined by the Recording Secretary, unless canceled or rescheduled by the Planning Commission. When the regular meeting day falls on a legal holiday, the Planning Commission may select a suitable alternate day in accordance with the Michigan Open Meetings Act. At the Planning Commission's first meeting in December, the Recording Secretary shall submit to the Planning Commission a proposed meeting schedule for the upcoming year. At this meeting, the schedule shall be approved as submitted or amended to reflect the changes directed by the Planning Commission.

      Special meetings may be called at the request of any member of the Planning Commission or upon request by the Recording Secretary.

      All meetings, subcommittee meetings, hearings, records and accounts shall be open to the public in accordance with the Michigan Freedom of Information Act and the Michigan Open Meetings Act.
   b. **Zoning Board of Appeals** - Meetings of the Zoning Board of Appeals shall be held on the second Tuesday of each month at a time and place to be determined by the Recording Secretary, unless canceled or rescheduled by the Zoning Board of Appeals. When the regular meeting day falls on a legal holiday, the Zoning Board of Appeals may select a suitable alternate day in accordance with the Michigan Open Meetings Act. At the Zoning Board of Appeals meeting in December, the Recording Secretary shall submit to the Zoning Board of Appeals a proposed meeting schedule for the upcoming year. At this meeting, the schedule shall be approved as submitted or amended to reflect the changes directed by the Zoning Board of Appeals.

      Special meetings may be called at the request of any member or upon request by the Recording Secretary.

      All meetings, subcommittee meetings, hearings, records and accounts shall be open to the public in accordance with the Michigan Freedom of Information Act and the Michigan Open Meetings Act.
4. **Quorum:**
   a. **Planning Commission** - A quorum shall consist of a majority of the Planning Commission membership excluding vacant seats.

      Official action of all matters before the Planning Commission shall be taken by a concurring vote of a majority of the quorum. Whenever a quorum is not present at a meeting, those present may adjourn the meeting to another meeting date or hold the meeting for the purpose of hearing citizen comments or testimony regarding scheduled agenda items. In no case shall an official action be taken without a quorum.
   b. **Zoning Board of Appeals** - A quorum shall consist of at least three (3) members. Official action of all matters before the Zoning Board of Appeals shall be taken by a concurring vote of three (3) or more members of the Zoning Board of Appeals.
5. **Voting:**
   a. **Planning Commission** -
      1) The majority vote of the quorum present shall be required to render a decision of approval on any matter of this Ordinance which requires action by the Planning Commission.
      2) In the event that a decision of approval is not obtained or in the event that the vote results in a tie, then the matter being considered shall be deemed to have been denied.
   b. **Zoning Board of Appeals** - The concurring vote of at least three (3) members of the Zoning Board of Appeals shall be required to reverse any requirement, decision or determination made by the Planning Director, or grant a variance from the requirements of this Ordinance.

c. **Voting Procedures** -

1) Motions before the Planning Commission or Zoning Board of Appeals may be restated by the chairman before a vote is taken. The name of the person making the motion and its supporter shall be recorded.

2) Voting shall be by voice vote. All motions or resolutions resulting in Township expenditures shall be by a roll call vote. All members present are required to vote unless excused for reasons of a conflict of interest, as noted in Section 23.03(5)(b).

3) Action by the Planning Commission or Zoning Board of Appeals on any matter for which a public hearing is required shall not be taken until the public has had the reasonable opportunity to address the Planning Commission or Zoning Board of Appeals.

4) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at the meeting. A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

Section 23.05 Functions, Considerations - Decisions, and Authority of the Planning Commission:

The Planning Commission serves a dual role as the planning advisory board and the zoning advisory board of the Township.

1. **Functions:**

a. **Planning Duties** - The Planning Commission shall have the following prescribed local planning activities and responsibilities:

1) The conduct of the Township's comprehensive planning program;

2) Preparation of the comprehensive plan.

3) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the Township Board such changes in the Comprehensive Plan as may from time to time be required;

4) Review proposed land development regulations, or amendments thereto, and make recommendations to the Township Board as to consistency of the proposal with the adopted comprehensive plan; and

5) Perform any other functions, duties and responsibilities which may be assigned to it by the Township Board or general or special ordinance or statute.

b. **Zoning and Development Review Duties** - The Planning Commission shall have the following prescribed duties and responsibilities:

1) Initiate studies and prepare recommendations for changes or amendments relating to the boundaries of the various zoning districts or to the regulations applicable thereto, to the Township Board.

2) Make recommendations on the following to the Township Board regarding:

i. Applications for rezonings, including Planned Unit Developments.

ii. Applications for Special Use Permits that meet the requirements of Chapter 15 of this Ordinance.

3) Make recommendations to the Township Board regarding the following types of development:

i. Regarding applications for subdivision plats pursuant to the Cascade Charter Township Subdivision Ordinance.

ii. Regarding applications for lot splits of subdivision lots pursuant to the Cascade Charter Township Subdivision Ordinance.

iii. Regarding all other development reviews which the Township Board or ordinance assigns to the Planning Commission.

2. **Considerations - Decisions**: In addition to the applicable standards contained in this Ordinance, the Planning Commission shall consider the following whenever making recommendations:

a. Whether there exists an error or ambiguity which must be corrected;

b. Whether there exists changed or changing conditions or circumstances which make approval of a proposed Zoning Ordinance amendment or rezoning appropriate;

c. The impact of a proposed change on the intent of this Zoning Ordinance;

d. The testimony of any applicant;

e. The recommendation of Township Staff;

f. The testimony of the public;

g. Whether a proposed land use change is consistent with the goals, objectives, policies, and intent of the Cascade Township General Development Plan;

h. Whether a proposed land use change meets or exceeds all performance and locational standards set forth for the proposed use;

i. Whether a proposed land use change is consistent with the densities, intensities, and general uses set forth in the Cascade Township General Development Plan;

j. Whether a proposed land use change will protect, conserve or preserve environmentally critical areas and natural resources;

k. Whether a proposed land use change will be compatible with existing or planned uses and not cause damage, hazard, nuisance, or other detriment to persons or property;

l. Whether the location of a proposed land use change places an undue burden upon existing transportation or other services and facilities and will be served by streets with the capacity to carry traffic generated by the development;

m. Whether a requested use will be in compliance with all applicable General Provisions and Special Use Regulations pertaining to the use, as set forth elsewhere in this Ordinance; and

n. Whether a change is proposed in order to rectify errors on the Official Zoning Map.

Section 23.06 Public Hearing Notice Requirements for the Planning Commission:

1. **Rezoning, Special Use Permit and Planned Unit Development Requests – Public Hearing Notice to Surrounding Properties:**

   In accordance with the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, the Planning Department shall send by mail or personal delivery a public hearing notice of a rezoning, special use or planned unit development request as specified in Section 23.09 hereof.

2. **Publication of Public Hearing Notices:**

   Publication of public hearing notices for rezonings, special uses, and planned unit developments shall follow the requirements of Section 23.09 hereof.

Section 23.07 Functions, Considerations - Decisions and Authority of the Zoning Board of Appeals:

1. **Appeals From Administrative Action:**

   a. **Function** - The Zoning Board of Appeals shall hear and decide appeals where it is alleged that there is an error in any requirement, decision, interpretation, determination or action of any administrative official charged with the administration and enforcement of the provisions of this Ordinance, provided that:

      1) No appeal to the Zoning Board of Appeals shall lie from any act by such administrative official pursuant to:

         i. A resolution or directive of the Township Board directing him/her to perform such act; or

         ii. Any procedure or other requirement of this Ordinance.

      2) The appeal to the Zoning Board of Appeals shall be in writing on forms provided by the Township, and shall be duly filed with the Planning Department within thirty (30) calendar days (but not thereafter) of such act or decision by the administrative official. The appeal shall specify the grounds for the appeal.

3) No appeal shall be considered by the Zoning Board of Appeals where it appears to be a circumvention of an established or required procedure.

b. **Considerations**

1) In reaching its decision and in addition to any standards specified in this Ordinance, the Zoning Board of Appeals shall consider the following criteria as well as any other issues which are pertinent and reasonable:

i. Whether or not the appeal is of a nature properly brought to them for decision, or whether or not there is an established procedure for handling the request other than through the appeal process (i.e., a variance or Special Use, etc.).

ii. The intent of the Ordinance.

iii. The effect the ruling will have when applied generally to this Ordinance.

2) The Zoning Board of Appeals shall consider Staff recommendations, the testimony of the applicant and testimony of the general public.

c. **Decision and Authority** - The Zoning Board of Appeals may reverse, affirm, or modify any decision or action of any administrative official charged with the administration or enforcement of this Ordinance. In order to reverse any decision or action of such administrative official, the concurring vote of at least three (3) members of the Board shall be necessary.

2. **Variances:**

a. **Function** - The Zoning Board of Appeals shall hear and decide all requests for variances (except use variances) from the terms of the regulations or restrictions of this Ordinance.

b. Nonconforming use of neighboring lands, structures, or buildings in the same zoning district, or permitted use of lands, structures, or buildings in other zoning districts shall not be considered grounds for granting a variance.

c. **Findings** - Before granting any variance, the Zoning Board of Appeals must find that all of the following standards are met:

1) That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district;

2) That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant (or the applicant's predecessors) taken subsequent to the adoption of this Ordinance;

3) That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

4) That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare;

5) That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the Ordinance; and

6) That complying with the Ordinance presents practical difficulty.

d. **Decisions and Authority**

1) The Zoning Board of Appeals may grant or deny, wholly or partly, any request for a variance from the regulations or restrictions of this Ordinance; provided, however, that no use variance shall be applied for, heard, or granted.

2) The Zoning Board of Appeals shall have the authority to attach such conditions and requirements to the granting of a variance as are reasonably necessary for the protection of the health, safety, comfort, convenience, and welfare of the general public. Such conditions or requirements shall be reasonably related to the variance granted.

3) The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear by statute and this Ordinance and decide as provided herein.

4) The Zoning Board of Appeals shall not alter or change the zoning district classification of any property, or make any change in the definitions or terms of this Ordinance, and shall not take any action which results, in effect, in making such legislative changes.

e. **Voiding of a Reapplication for a Variance**

1) Each variance granted under the provisions of this Ordinance shall become null and voice unless the construction, occupancy or other actions authorized by such variance have substantially commenced within one (1) year of granting such variances, and is pursued diligently to completion. For the purpose of this Section, the commencement of construction for a building shall be the time at which a building foundation is installed.

2) No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted, except on grounds of new evidence of proof of changed conditions found.

3. **Appeal of Variances:**

A decision of the Zoning Board of Appeals shall be final. However, an aggrieved party may appeal to the circuit court.

4. **Temporary Uses:**

Pursuance to Section 4.18(4) of this Ordinance, the Zoning Board of Appeals shall have the authority to review and approve requests for temporary uses.

Section 23.08: Public Hearing Notice Requirements for the Zoning Board of Appeals

1. Mailed or Delivered Notices – The Planning Department shall send by mail or personal delivery a notice of public hearing for a variance or zoning ordinance interpretation request as specified in Section 23.09 hereof.
2. Publication of Public Hearing Notes: The publication of a notice for a public hearing for a variance or zoning ordinance interpretation as specified in Section 23.09 hereof.

Section 23.09 Public Notices – Publication, Mailing, and Delivery

Except where expressly stated otherwise in this Ordinance, whenever a public hearing on a zoning application or matter is required by this Ordinance or by the Michigan Zoning Enabling Act, as amended, notice of the public hearing shall be published and delivered in accordance with the requirements of this Section.

1. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
2. For applications involving the rezoning of ten (10) or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel; and for all planned unit development and special use applications, a notice of public hearing shall be mailed by way of U.S. first class mail or be personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
   a. The applicant;
   b. All persons to whom real property is assessed for property tax purposes within 300 feet of the property that is the subject to the application; and
   c. The occupants of all structures within 300 feet of the property that is the subject of the application. If the above-described 300-foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the 300-foot radius, to all persons in the above-stated categories.
3. The notice of the public hearing shall include the following information:
   a. A description of the nature of the application or request.
   b. An identification of the property that is the subject of the application or request. The notice shall also include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven (11) or more adjacent properties are being proposed for rezoning.
   c. A statement of where and when the application or request will be considered.
   d. Indicate where and when written comments will be received concerning the application or request.

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CHAPTER 24
Zoning Ordinance Enforcement

Section 24.01 Title:

Zoning Ordinance Enforcement (Amended by Ordinance 20 of 1995)

Section 24.02 Enforcement Procedures:

1. Enforcement - The Planning Director shall administer and enforce the provisions of this Zoning Ordinance. The Planning Director is authorized to employ assistants and agents to aid him or her in the enforcement and administration of this Zoning Ordinance.
2. Violations -Any person who violates any provision of this Zoning Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than $50.00 or more than $500.00, plus costs and other sanctions, for each infraction. Every day that a violation continues shall constitute a separate offense.
   a. Repeat Offenses. Repeat offenses under this Ordinance shall be subject to increased fines as provided below. As used herein, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of any provision of this Zoning Ordinance committed by a person within any one (1) year period and for which the person admits responsibility or is determined to be responsible. The increased fine for repeat offenses shall be as follows:
      1) The fine for any offense which is a first repeat offense shall be not less than $500.00, plus costs.
      2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than $750.00, plus costs.
   b. Persons Chargeable With a Violation. Persons chargeable with a violation of the Zoning Ordinance and subject to being responsible for a municipal civil infraction may include the following:
      1) The owner, agent, lessee, tenant, contractor or any other person using or having control of the land, building or premises where such violation has been committed or shall exist;
      2) Any person who knowingly commits, aids and abets, takes part or assists in any such violation; or
      3) Any person who owns or maintains any land, building, or premise on which such violation shall exist.
3. Civil Remedies - In addition to the municipal civil infraction remedies provided above, the violation of any provision of this Zoning Ordinance may be legally enjoined and otherwise abated in any manner provided by law.
4. Administrative Remedies
   a. Cease and Desist Orders - The Planning Director shall have the authority to issue a cease and desist order in the form of a written notice for the violation of any provision of this Zoning Ordinance. A cease and desist order may be issued to any person referred to in Section 2 (b) hereof. Such cease and desist order shall become effective once it has been posted on the property where the violation has occurs and a copy of the notice has been sent to the person involved by first class mail at the person's last known address. Once a cease and desist order is effective, any use or work done in violation of the Zoning Ordinance shall stop immediately and shall not be recommenced until the Planning Director issues a written notice dissolving the cease and desist order. Any person who violates a cease and desist order shall be responsible for a municipal civil infraction as authorized above. Any decision of the Planning Director regarding a cease and desist order may be appealed to the Zoning Board of Appeals. A cease and desist order shall be in addition to the other violation penalties and remedies provided in this Chapter.
   b. Building Permits and Certificates of Occupancy
      1) Development requiring site plan review or any other type of zoning review approval under the authority of this Ordinance shall not receive a building permit until it has received the necessary Township approvals and a Certificate of Zoning Compliance from the Planning Department.
      2) Issuance - No building permit or Certificate of Occupancy shall be issued by the Building Inspector unless there is compliance with this Ordinance and other applicable ordinances and laws, decisions of the Planning Commission, Zoning Board of Appeals, Township Board or court decisions.

3) Revocation - The Building Inspector may revoke a Building Permit or Certificate of Occupancy in those cases where an administrative determination has been duly made that false statements or misrepresentations existed as to material fact(s) in the application or plans upon which the permit of approval was based.
4) Suspension - The Building Inspector may suspend a Building Permit or Certificate of Occupancy where an administrative determination has been duly made that an error or omission on either the part of the permit applicant or government agency existed in the issuance of the permit or certificate. A new permit or certificate shall be issued in place of the incorrect permit or certificate after correction of the error or omission.
5) Notice and Appeal - All Building Inspector decisions concerning the issuance, revocation, or suspension of Building Permits and Certificates of Occupancy pursuant to this Ordinance shall be stated in a written notice to the permit applicant. Any decision of the Building Inspector with regards to this Ordinance may be appealed to the Zoning Board of Appeals.

CHAPTER 25
Amendments

Section 25.01 Title:

Amendments

Section 25.02 Initiating Amendments:

The Township Board may amend, modify, supplement, or revise the provisions of this Ordinance upon its own initiative, or by formal request from the Planning Commission, Zoning Board of Appeals or by one or more property owners of Cascade Charter Township. A proposed amendment shall be referred to the Planning Commission for public hearing and recommendation before action may be taken by the Township Board.

Section 25.03 Amendment Fees:

The Township Board shall establish an amendment fee. The fee shall be of a reasonable amount that will cover advertising and administrative costs necessary to process the application. The fee shall be paid in full at the time of application and no part of the fee shall be returnable to the petitioner. Fee requirements may be waived at the discretion of the Township Board.

Section 25.04 Amendment Procedures:

1. The procedure for amending this Ordinance is governed by the Michigan Zoning Enabling Act (MCLA 125.3401 et. seq.), as amended.
2. A signed and complete application form, together with the application fee for the amendment shall be filed with the Planning Department. The Department shall review the application as to proper form and content, and transmit it to the Planning Commission for review.
3. The Planning Commission shall direct the Planning Department to establish a date for public hearing(s) on the application and to give proper legal notice as required by Section 23.06 of this Ordinance.
4. The Planning Department shall send written notice of proposed amendment to any adjacent municipality and to any school district affected by a proposed amendment.

Section 25.05 Conformance to Court Decree:

An amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendment published without referring it to any other board or agency.

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CHAPTER 26
Severability Conflict

Section 26.01 Title:
Severability Conflict with Other Ordinances and Codification

Section 26.02 Severability:
The provisions of this Ordinance are severable and it is the intention of the Cascade Charter Township Board to confer the whole or any part of the powers herein provided. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Township Board that this Ordinance would have been adopted had such unconstitutional provisions not be included therein.

Section 26.03 Conflict with Other Ordinances:
To the extent that any other Ordinance regulates the subject matter regulated by this Ordinance, the Ordinances shall be construed together, if possible, and the remedies of the Ordinance shall be cumulative. Where the provisions of any other Ordinance conflict with the provisions of this Ordinance, this Ordinance shall prevail and its terms shall control. If any part of this Ordinance conflicts with any other part, it shall be administratively appealed to the Township Board for a final determination of intent. The remainder of the Ordinance shall remain in full force and effect.

Section 26.04 Codification:
It is the intention of the Township Board that the provisions of this Ordinance shall become and be made a part of a Cascade Charter Township Development Code; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code is accomplished, sections of this Ordinance may be renumbered or relettered, and typographical errors which do not affect the intent, may be corrected by the Township Board without need of Public Hearing, by filing a corrected or recodified copy of same with the Township Clerk and publishing such changes in a newspaper of general distribution within the Township within fifteen (15) days of such authorization.

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CHAPTER 27
Repeal of Prior Zoning Ordinance

Section 27.01 Title:
Repeal of Prior Zoning Ordinance

The Cascade Charter Township Board does hereby repeal that certain Zoning Ordinance, effective January 3, 1989, and all amendments thereto; provided, however, that any and all PUD, Planned Unit Developments under the prior ordinance are not repealed and shall remain in full force and effect.

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CHAPTER 28
Effective Date

Section 28.01 Title:
Effective Date

This Ordinance shall become effective on January 29, 2013. This Ordinance was published in synopsis form on January 22, 2013, in the Grand Rapids Press, a newspaper of general circulation in Cascade Charter Township.

The foregoing Ordinance was offered by Member Lewis, supported by Member Koessel, the vote being as follows:

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

_____
Ron Goodyke
Cascade Charter Township Clerk

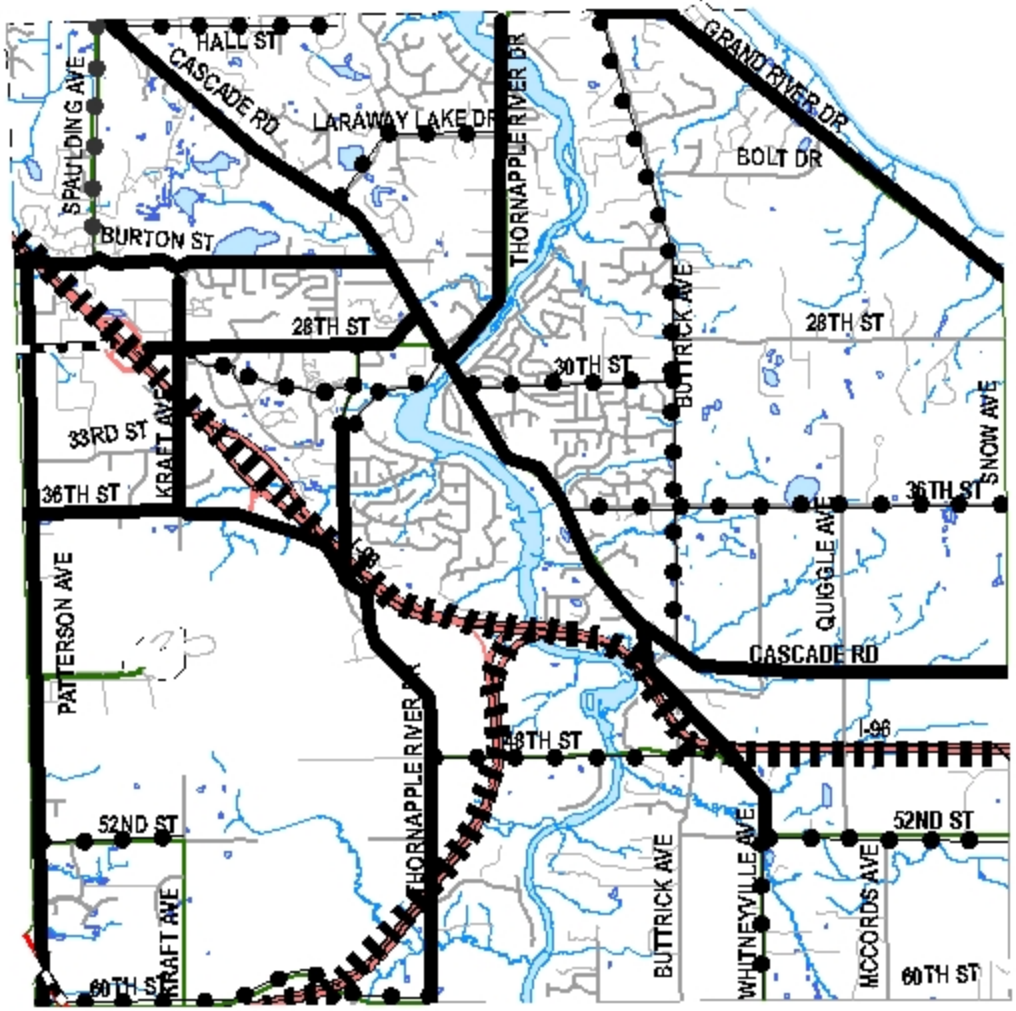
CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the 9th day of January, 2013.

_____
Ron Goodyke
Cascade Charter Township Clerk

Appendix A
Major Street Plan

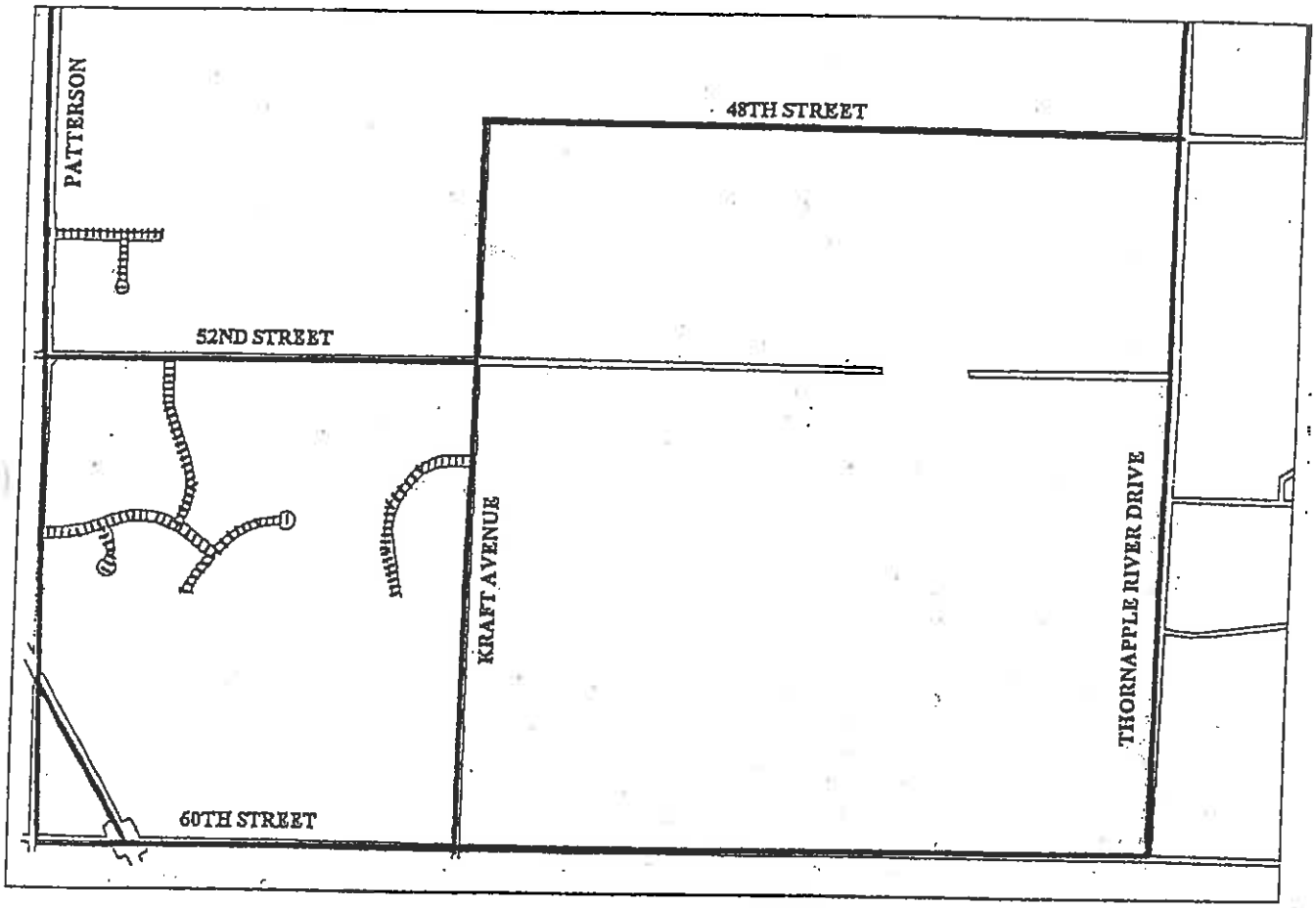
- Interstate Highway
- State Road/Highway
- Arterial Road
- Collector Road



Map amended by Ordinance #5 of 2010
March 10, 2010

APPENDIX B

COMMERCIAL / OFFICE / INDUSTRIAL
SPEED LIMIT CLASSIFICATION MAP
EFFECTIVE 1-6-93

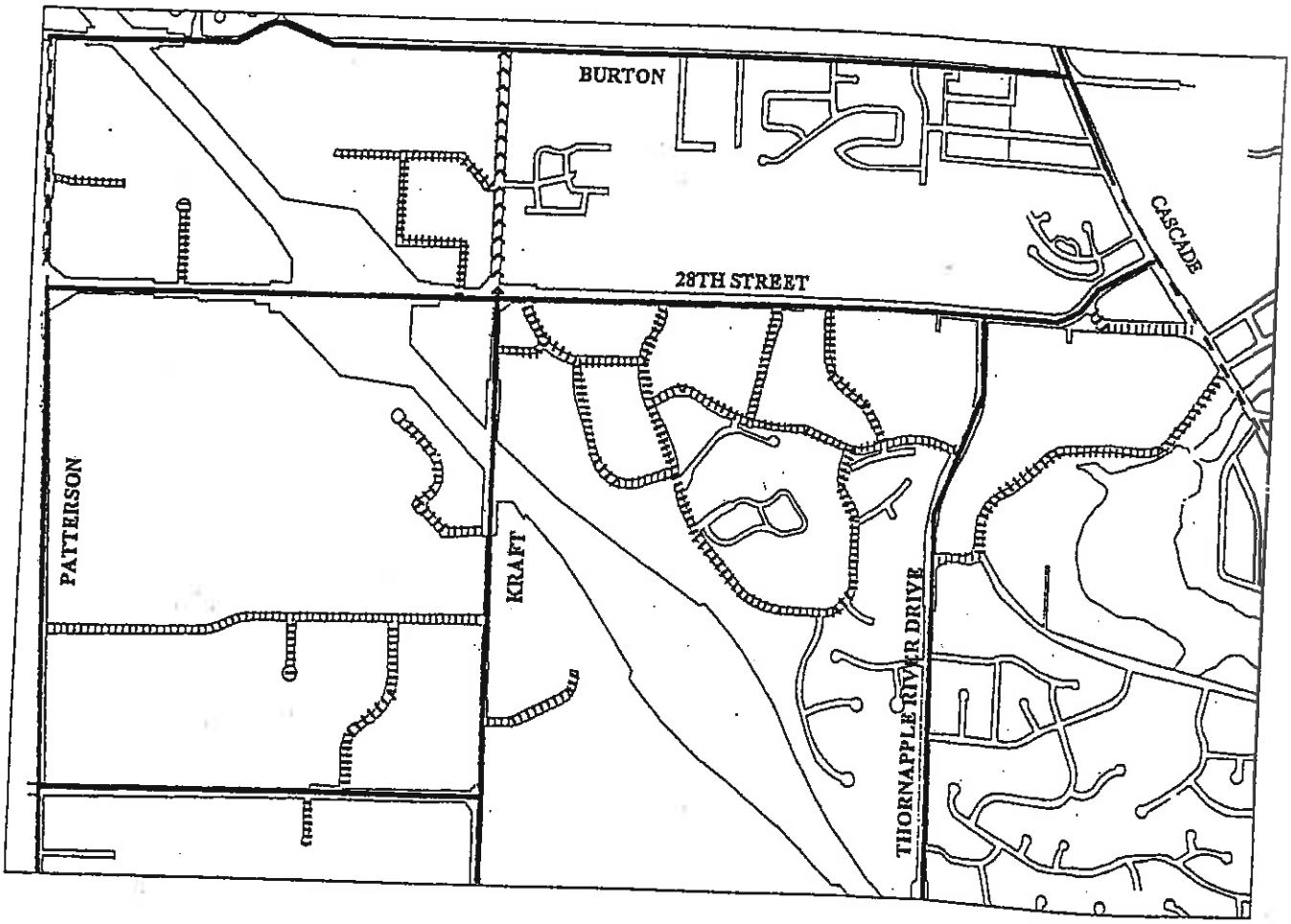


LEGEND

———	45 MPH OR OVER
- - -	40 MPH
>>>>>	35 MPH
|||||||||	30 MPH OR LESS

APPENDIX B

COMMERCIAL / OFFICE / INDUSTRIAL
SPEED LIMIT CLASSIFICATION MAP
EFFECTIVE 1-6-93



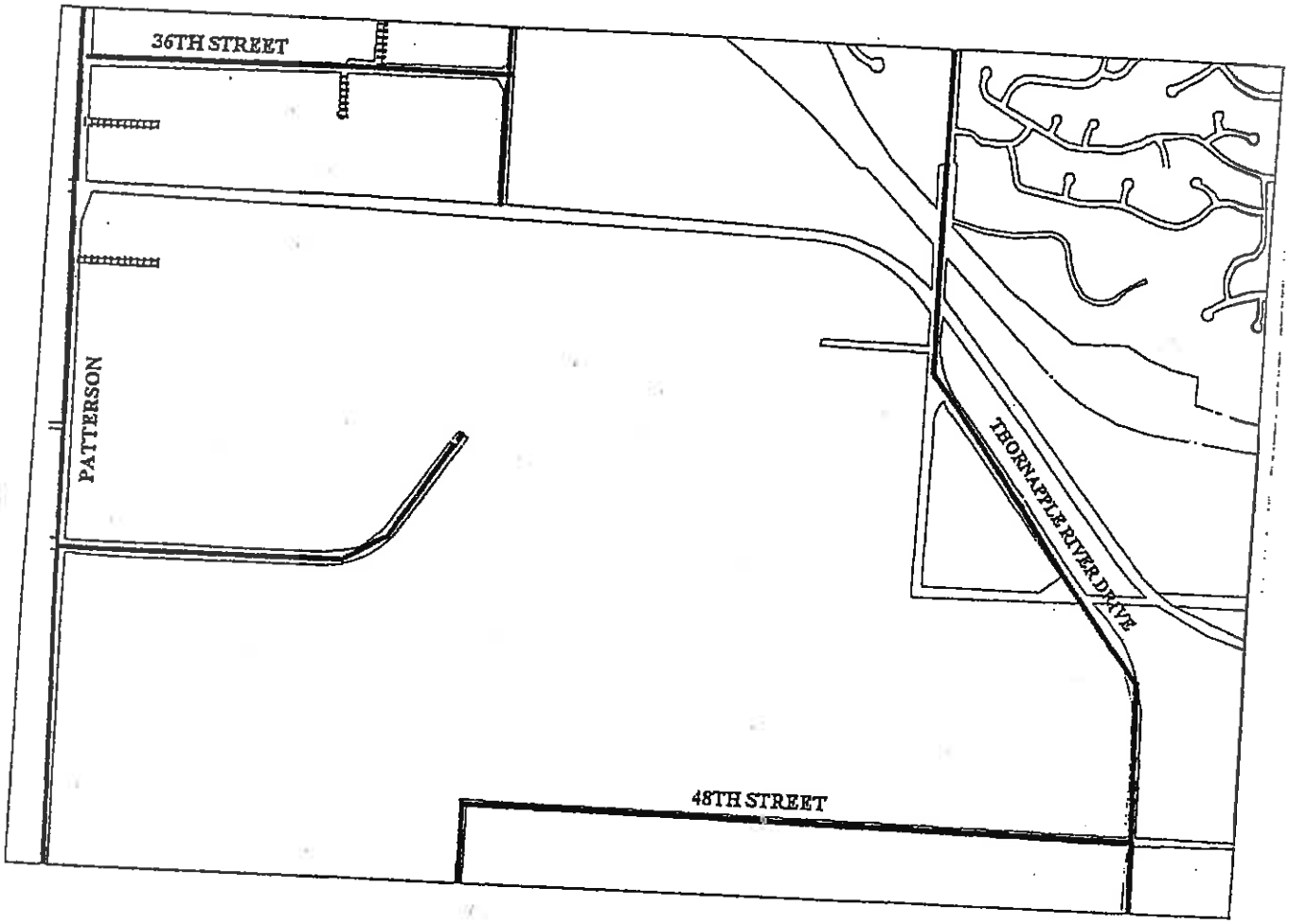
LEGEND

- 45 MPH OR OVER
- 40 MPH
- 35 MPH
- 30 MPH OR LESS

APPENDIX B

COMMERCIAL / OFFICE / INDUSTRIAL SPEED LIMIT CLASSIFICATION MAP

EFFECTIVE 1-6-93



LEGEND

- 45 MPH OR OVER
- 40 MPH
- 35 MPH
- 30 MPH OR LESS