

AGENDA
Cascade Charter Township Planning Commission
Monday, January 08, 2018
7:00 pm
Cascade Library Wisner Center
2870 Jacksmith Ave. SE

- ARTICLE 1. Call the meeting to order
Record the attendance**
- ARTICLE 2. Pledge of Allegiance to the flag**
- ARTICLE 3. Approve the current Agenda**
- ARTICLE 4. Approve the Minutes of the December 18, 2017meeting**
- ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items.
(Comments are limited to five minutes per speaker.)**
- ARTICLE 6. Case #17 3427 Cascade Township
Public Hearing
Requested Action: To consider the amendments for sign ordinance.**
- ARTICLE 7. Case # 17 3424 Bentineau Residential LLC
Public Hearing
Property Address: 2768 Orange Ave.
Requested Action: The Applicant is requesting to rezone the property to R2 from B1. The applicant is offering a conditional rezoning for three new homes.**
- ARTICLE 8. Rules of Conduct**
- ARTICLE 9. Planning Principles**
- ARTICLE 10. Election of Officers**
- ARTICLE 11. Any other business**
- ARTICLE 12. Adjournment**

Meeting format

- 1. Staff Presentation** *Staff report and recommendation*
- 2. Project presentation-** *Applicant presentation and explanation of project*
 - a. PUBLIC HEARINGS**
 - i. Open Public Hearing.** *Comments are limited to five minutes per speaker; exception may be granted by the chair for representative speakers and applicants*
 - ii. Close public hearing**
- 3. Commission discussion – May ask for clarification from applicant, staff or public**
- 4. Commission decision - Options**
 - a. Table the decision**
 - b. Deny**
 - c. Approve**
 - d. Approve with conditions**
 - e. Recommendation to Township Board**

MINUTES
Cascade Charter Township
Planning Commission
Monday, December 18, 2017
7:00 P.M.

ARTICLE 1. Vice Chairman Sperla called the meeting to order at 7:00 P.M.
Members Present: Katsma, Johnson, Lewis, Pennington, Rissi, and Williams
Members Absent: Mead (E) and Robinson (E)
Others Present: Community Development Director, Steve Peterson and those listed on the sign in sheet.

ARTICLE 2. Pledge of Allegiance.

ARTICLE 3. Approve the current Agenda.

Motion was made by Member Lewis to approve the Agenda. Supported by Member Williams. Motion carried 7 to 0.

ARTICLE 4. Approve the Minutes of the December 4, 2017 Meeting.

Motion was made by Member Rissi to approve the Minutes. Supported by Member Johnson. Motion carried 7 to 0.

ARTICLE 5. Acknowledge visitors and those wishing to speak to non-agenda items.

None.

ARTICLE 6. Case #17-3395

Public Hearing

Property Address: 5039 28th Street

Requested Action: The Applicant is requesting to rezone the property to a Planned Unit Development to allow two separate buildings.

Director Peterson stated that the Applicant is requesting Preliminary Plan Approval in order to develop the site into two separate restaurants. Currently an occupied IHOP and an unoccupied Don Julio restaurant are on the site. Applicant would like to maintain the IHOP portion of the building and remove the Don Julio portion of the building to accommodate a new Wendy's restaurant.

The site was originally developed in 2002 and allowed for one large building that could meet the township's requirements and allow for two restaurant sites.

The proposal now would allow two small restaurants on their own parcel. This change would require several exceptions from the township ordinance requirements, which seems to be driven by the need to have a drive-thru.

The site has adequate parking for the two proposed restaurants. A total of 162 parking spaces are planned and 81 would be required. The total sizes of the buildings are roughly the same as it was when it was one building. The purchase agreement includes a shared parking agreement.

The township did hold a meeting with the property owners in the area to see what type of interest they had in making Northern Drive a public road and connecting it to Starr Street to give through access from 28th and Patterson. The Downtown Development Authority ("DDA") has it on their plan to assist with traffic flow in the area. The plan would include a connection and extension of Starr Street to make this happen. The most likely way for this plan to move forward would be for the property owners to agree to participate in a Special Assessment District ("SAD") for the extension and conversion of the road to connect to Starr Street and become public. At this point, Applicant does not object to the idea, but does have concerns over what cost they would incur. Preliminary engineering and cost estimates were developed in 2012. A more complete study would need to be done to determine cost and a cost sharing method.

Applicant's plan shows an additional curb cut to Northern Industrial Drive with a right-in only movement. This curb cut would also require an exception.

The plan no longer includes a sidewalk along Northern Industrial Drive.

The new plan does not meet several of the underlying zoning regulations as pointed out in the staff report.

Director Peterson explained that the township has allowed a few of these exceptions when we felt that we were getting a better overall plan, but the scale and scope of these changes is far greater than staff is comfortable with.

The Master Plan designation for this property is Highway Commercial. This designation is in line with the B2 zoning district.

It should be understood that the access to the neighboring property (McDonalds) is allowed to be open at all times and must be in good repair. This will be part of the P.U.D. Ordinance if this project is approved.

This project was introduced to the Planning Commission on August 7, 2017. At that meeting, the Commission gave the applicant a list of items to complete in order to proceed. Unfortunately, it does not appear that Applicant was able to respond to all of those items.

Director Peterson recommends that the plan be denied. Given the number and amount of exceptions Applicant is seeking, it is not possible for staff to support the project. If Applicant is interested in trying to develop a better plan, he would be open to tabling the project to work out the signage plan, lighting plan, sidewalk, SAD agreement and curb cut.

Director Peterson went on to explain that if the Planning Commission wants to approve the plan, they should indicate how Applicant meets all of the P.U.D. standards and indicate how they want each of the exceptions dealt with. If approved, staff will put together the P.U.D. Ordinance with the Applicant for their review so a recommendation can be made to the Township Board.

Vice Chairman Sperla asked the Applicant to come forward with any comments.

Mr. John Walsh came forward on behalf of Applicant to give an overview of the plan, to address the concerns of staff, and to answer any questions the Planning Commission members may have.

Mr. Walsh explained there will be 2 separate buildings with increased landscaping and more than enough parking.

Pointing to the exceptions they are requesting, Mr. Walsh explained:

1. Lighting - Applicant will abide by the township regulations of 5 foot candles instead of 7.2 foot candles.
2. Signage - willing to work on/conform their signage to township standards.
3. Curb cut - They would like to leave the curb cut where it is in the plan (at 68 feet). This curb cut is imperative to making the flow of traffic around the Wendy's building through the drive-thru workable. Without it, the whole project could not happen.
4. SAD – Applicant is more than willing to participate, however, without some cost estimates it would be impossible for them to commit at this juncture.

A lengthy discussion followed between Mr. Walsh and the Planning Commission mostly concerning the need and distance of the curb cut, signage and the SAD.

The Planning Commission had concerns that the curb cut at 68 feet was too close to 28th Street and could cause a backup.

The consensus from the Planning Commission on the signage was that they would like the Applicant to come more in line with township standards.

In regards to the SAD, the Planning Commission members directed questions to Director Peterson to understand why an agreement needed to be signed at this time. Director Peterson indicated that having owners agree to participate in a SAD is not unique in Cascade as we have several agreements for other projects and that getting an owner to agree each time is an effective way to implement the planned improvements.

Mr. Doug Poland, as Applicant, came forward and explained that he feels they have done all they could to comply with the township standards and that timing is a big issue right now.

Mr. Poland reiterated that without the curb cut, it may be difficult to move forward with the project at all, but that if the curb cut was approved, they would put in the sidewalk. Mr. Poland also stated again that they will comply with township standards with regards to the lighting and signage, but that the SAD is an unknown expense and it would be difficult for them to commit to it at this time.

Motion was made by Member Rissi to open public hearing. Supported by Member Pennington. Motion carried 7 to 0.

Mr. Dave Denton came forward to say that his realty company was the one that originally brought the IHOP to that location. He explained how difficult it was for him to get any restaurant business onto that site because of the lack of a decent entry into it. He voiced his approval of this project and that the curb cut was imperative for any restaurant business to thrive.

Motion was made by Member Rissi to close public hearing. Supported by Member Pennington. Motion carried 7 to 0.

Motion was made by Member Lewis to table a decision on this plan until such time as the Applicant can revise the plan to show more details in line with township standards. Supported by Member Johnson. Motion carried 7 to 0.

ARTICLE 7. Any other business

The next meeting will be January 8, 2018. Elections will be held at that meeting.

ARTICLE 8. Adjournment

Motion was made by Member Pennington to adjourn. Supported by Member Williams. Motion carried 7 to 0. The meeting was adjourned at 8:30 p.m.

Respectfully submitted,
Scott Rissi, Secretary

Memorandum

To: Cascade Charter Township Planning Commission
From: Steve Peterson, Community Development Director
Subject: Sign ordinance amendments
Meeting Date: January 8, 2018

In an attempt to address comments we have heard in business and community surveys as well as the recent Supreme Court Decision regarding the need to address the regulation of signs on a content neutral basis. The Township staff has conducted a series of meetings with business/property owners to discuss possible amendments to the sign ordinance.

I have attached a copy of the proposed changes with the "tracking" on so you can see the changes. I would summarize the changes as allowing more options than we currently have. Below is a brief description of the changes that will be proposed:

- Electronic reader boards that are allowed to change more than once per day.
- Some allowance for temporary signs per business on the wall and per property.
- Allowing signs closer to the road right of way.
- Improving definitions.
- Eliminating sections of the sign ordinance such as the sign landscaping requirements or the reduction of wall signage for the use of a canopy.
- Allow for larger taller signs in the Village business district.

Staff is asking that you make a positive recommendation to the Township Board regarding the proposed changes.

CASCADE CHARTER TOWNSHIP

Ordinance No. 14 of 1997

**AN ORDINANCE TO REPEAL ORDINANCE NO. 12 OF 1988, AS AMENDED, TO
REGULATE THE TYPE, NUMBER, PLACEMENT, MANNER AND PHYSICAL
DIMENSIONS OF SIGNS IN CASCADE CHARTER TOWNSHIP.**

The Cascade Charter Township Board Ordains:

CHAPTER 1. TITLE.

This Ordinance shall be known and may be cited as the "Cascade Charter Township Sign Ordinance."

CHAPTER 2. PURPOSE.

The intent of this Ordinance is to regulate the type, number, physical dimensions, erection, placement and maintenance of signs in Cascade Charter Township. The purpose of the limitations, regulations, and standards established herein is to:

1. Promote the public peace, health, and safety of residents and visitors;
2. Protect the natural beauty and distinctive character of Cascade Charter Township;
3. Protect commercial districts from visual chaos and clutter;
4. Provide an environment which fosters growth and development of business;
5. Protect property values;
6. Eliminate distractions which are hazardous to motorists and pedestrians;
7. Protect the public's ability to identify establishments and premises; and
8. Protect the public's interest in public buildings, public streets, roads and highways and open spaces.
9. Balancing the individual rights of property owners to communicate their message with the public's right to be free of unreasonable distractions and aesthetic intrusions.

CHAPTER 3. SCOPE.

Except as otherwise expressly provided herein, this Ordinance shall not relate building design. Nor shall the Ordinance regulate official traffic or government signs; the content of signs; signs not intended visible from public roads or off of the property where the sign is located; scoreboards at athletic fields; gravestones; barber poles under three (3) feet in height; religious symbols; commemorative plaques; the display of street numbers or names; or any display structure or construction not defined herein as a sign.

CHAPTER 4. DEFINITIONS.

As amended by Ord no 6 of 2011; 5/11/11

For the purpose of this Ordinance the following words or phrases are defined as follows:

Abandoned Sign - A sign which no longer identifies or advertises a currently operating business, lessee, service, owner, product, or activity, and/or for which no legal owner can be found.

Administrator - The Planning Director, or his assigns, for Cascade Charter Township.

Advertising Display Area - The advertising display surface area (copy area) encompassed within any regular geometric figure which would enclose all or part of the sign. The structural supports for a sign, whether they be columns, pylons, or a building, or a part thereof, shall not be included in the advertising area.

Air-filled or Gas-filled Balloon Sign - A sign which is made of a nonporous bag of tough light material filled with heated air or a gas lighter than air used to convey advertising copy or announce a special event on a temporary basis.

Airport Entry Sign - A sign identifying or recognizing an entry point into the airport, air cargo facility or airport viewing area.

Animated Sign - A sign which uses movement or change of lighting to depict action or to create a special effect or scene. (Compare with "Flashing Sign").

Awning - A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework. (Compare with "Marquee").

~~**Awning/Canopy Sign** - Letters, numerals or other drawings painted on, printed on, or attached flat against the surface of an awning/canopy.~~

Banner Sign - A sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, symbolic flags of any institution or business and seasonal decorations that do not contain any advertising copy placed on light or utility poles shall not be considered banners for the purpose of this Ordinance.

Beacon - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Bench Sign - A sign located on any part of the surface of a bench or seat placed on or adjacent to a right-of-way.

Billboard - A sign which advertises an establishment, service, merchandise, use, entertainment, activity, produce or message which is not conducted, sold, produced, manufactured or furnished upon the parcel or lot where the sign is located.

~~**Changeable Copy Sign** **Electronic Changeable Message Sign** - A sign upon which an electronic display or message is conveyed can be changed once a day by physical replacement of the display or message or electronic change of the message not more than once per 24 hours.~~

Clearance (of a Sign) - The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Commercial Establishment - A separate business or commercial operation. Examples of a "commercial establishment" in various contexts would include, without limiting, the following:

A business operating independent of any other business located in a free-standing building, in a strip mall, a business completely separated from other businesses by walls from the ground up and with a door which may regularly be used by the public for exclusive ingress and egress to that business; and in an enclosed structure with a shared climate controlled area, a business completely separated from other businesses by walls from the ground up and with a door or entrance which may regularly be used by the public for exclusive ingress and egress to that business and which may be closed to the public even while the common area is open to the public; and, in an office building, a business holding itself out to the public as a single entity, independent of other businesses or persons.

Commercial Message - Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

~~**Construction Sign**—A sign which displays the name or names of principal contractors, architects and lending institutions and/or others responsible for the construction on the site where the sign is placed.~~

Copy - The wording on a sign surface in either permanent or removable letter form.

Development/Building Identification Sign - A sign which identifies a development or building by its recognized name, not including a product or service.

Directional Sign, Single Tenant - A sign providing directions for vehicular or pedestrian circulation into or out of a development having a single tenant within the building or upon the parcel. A directional sign shall not contain advertising display copy and shall be located on the property where the development is located.

Directional Sign, Multi-Tenant - A sign providing directions for vehicular or pedestrian circulation into or out of a development having more than one commercial or office tenants located in the same building or on the same parcel. A directional sign shall not contain advertising display copy and shall be located on the property where the development is located.

Directory Sign - A sign which displays the names and locations of occupants or the use of a building.

Facade - The entire building front including the parapet.

Face of Sign - The area of a sign on which the copy or display is placed.

Festoons - A string of ribbons, tinsel, flags, pennants or pinwheels.

Flag - Any fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government or political subdivision.

Flashing Sign - A sign which contains an intermittent or sequential flashing light source used to attract attention. This does not include ~~electronic changeable message signs~~ ~~changeable-copy signs~~, animated signs, as defined in this Ordinance, or signs which through reflection or other means, create an illusion of flashing of intermittent light. (Compare with "Animated Sign" and "~~Changeable Copy Sign~~~~Electronic Changeable Message Sign~~").

Freestanding Sign - A sign structurally separated from a building.

Government Sign - A sign erected and maintained by Cascade Charter Township, the county, state, or federal government.

Height (of a Sign) - The vertical distance measured from the highest point of the sign, including any decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever ground elevation is less (Compare with "Clearance").

Illegal Sign - A sign which does not meet the requirements of this Ordinance and which has not received legal nonconforming status.

Illuminated Sign - A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental Sign - A sign, emblem, or decal informing the public of the goods, facilities, or services available on the premises, whose purpose is secondary to the use of the zone lot. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Light Pole Sign - Seasonal and decorative in nature and theme that do not advertise a product, service or business and which pertain to holidays and/or community-wide or governmental events or districts. Light pole signs may be attached to light or utility poles only after approval of the appropriate utility and the Cascade Township Planning Director.

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.

Maintenance - The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mansard - A sloped roof or roof-like facade architecturally comparable to a building wall.

Marquee - A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building. (Compare with "Awning").

Marquee Sign - A sign attached to or supported by a marquee structure.

Municipal Sign - A permanent sign erected and maintained by Cascade Charter Township identifying entrances into the community or a defined district. (Amended by Ord. No. 13 of 2000)

Nameplate - A nonelectric on-premise sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Non-commercial Temporary Sign: A temporary sign which does not display a commercial message

Nonconforming Sign - A sign which was legally erected prior to this Ordinance but which does not conform to this Ordinance.

Occupancy - The portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

Off-Premise Sign - Another word for a billboard.

On-Premise Sign - A sign which pertains to the use of the premises on which it is located.

Painted Wall Sign - A sign which is applied with paint or similar substance on the face of a wall.

Parapet - The extension of a false front or wall above a roofline.

Pennant - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent Sign - A sign which is permanently affixed into the ground or a building and meets the requirements of a structure under the BOCA Building Code or its successor code.

Person - An individual, corporation, association, firm, partnership, company or organization, singular or plural, of any kind.

Point-of-Sale Sign - A sign which carries only the name of the firm, major enterprise, or products offered for sale on the premises.

Pole Cover - A material which encloses or decorates a pole or other structural support of a sign.

Trailer Portable Sign - A reusable and movable sign not permanently affixed in the ground, a structure or building.

Projecting Sign - A sign which is attached to and projects from a wall or other structure not specifically designed to support the sign.

~~**Real Estate Sign** - A sign advertising the real estate upon which the sign is located for the purpose of offering the property for sale, lease or rent.~~

Roofline - The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Roof Sign - A sign erected or constructed wholly upon or over the roof of a building and supported on the roof structure.

Rotating Sign - A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

~~**Sandwich Board Sign** - An advertising or business ground sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top and not permanently secured or attached to the ground or surface which it is located.~~

Setback - The distance from the property line or right-of-way line, whichever is more restrictive, to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line or right-of-way line.

Sexually Graphic Sign - Any sign containing any photograph, silhouette, drawing, or pictorial representation or description of any specified anatomical area or specified sexual activities as those terms are defined in the Township Zoning Ordinance.

(This definition added by Ord. #4 of 2001)

Sign - A device, structure, painting, fixture, or placard using color, graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any event, establishment, product, good, service or displaying or depicting other information.

Sign Area - The area shall be measured within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message, together with any frame or other material or color forming an integral part of the display, message, drawing or similar device, or used to differentiate same from the background against which it is placed, excluding the necessary supports, braces or uprights of the sign.

Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of a sign, except that where two (2) faces are placed back-to-back and are at no point more than two (2) feet from one another, the area of the sign shall be deemed to be only the area of one face, or if faces are of different sizes, the area of the larger face.

Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy or colors, patterns, logos that are a trademark or reasonably recognizable identification for the commercial establishment and/or sign owner.

Sign Owner - A person who owns a sign is the sign owner. The owner of the premises upon which a sign is located is presumed to be the owner of the sign, unless facts showing that someone else is the owner are submitted to the Administrator.

Snipe Sign - A sign that is attached to a utility pole, tree, fence, or any object located or situated on public or private property.

Street Banner Sign - A sign which is stretched across and hung over a right-of-way.

Street Frontage - The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distance lot line intersecting the same street.

Subdivision Identification Sign - A sign identifying or recognizing a platted subdivision, condominium complex, industrial or residential development.

Temporary Sign - Any sign that is used only temporarily and is not permanently mounted which is to be in place for a period of time not to exceed one year.

Under-Canopy Sign - A sign suspended beneath a canopy, ceiling, roof, or marquee.

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.

Vehicle Sign - A sign painted on, incorporated in, or attached directly to any mode of transportation, including but not limited to automobiles, trucks, boats or airplanes.

Wall Sign - A sign including painted, individual letter, and cabinet signs, and signs on a mansard which are attached parallel to and extending not more than fifteen (15) inches from the wall of a building.

Window Sign - A sign placed inside or upon a window facing the outside which is intended to be seen from the right-of-way or the outdoors.

Zone lot - A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations of the Cascade Charter Township Zoning Ordinance, as amended.

CHAPTER 5. GENERAL PROVISIONS

It shall be unlawful for any person to erect, place, or maintain a sign in Cascade Charter Township except in accordance with the provisions of this Ordinance.

Section 5.01 - Signs Prohibited. (amended by Ord No 6 of 2011)

The following types of signs are prohibited in all zoning districts:

1. Abandoned signs.
2. Air-filled or gas-filled balloon signs.
3. Animated signs.
4. ~~Banner signs.~~
- ~~4.5.~~ — Bench signs.
- ~~5.6.~~ Festoons
- ~~6.7.~~ Pennants
- ~~7.8.~~ ~~Trailer Portable~~ signs.
- ~~8.9.~~ Rotating signs.
- ~~9.10.~~ Signs imitating or resembling official traffic or government signs or signals.
- ~~10.11.~~ Snipe signs.
- ~~11.12.~~ Vehicles signs not used during the normal course of business which are parked or located for the primary purpose of displaying the advertising copy.
- ~~12.13.~~ Roof Signs
- ~~14.~~ ~~Temporary signs~~
- ~~13.15.~~ Sexually Graphic signs
(Amended by Ord. #4 of 2001)

Section 5.02 - Permits Required

Unless otherwise provided by this Ordinance, all signs shall require permits and payment of fees as described in Chapter 9 of this Ordinance. No sign shall be installed or utilized until and unless a permit has been issued by the Township. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

Section 5.03 - Signs Not Requiring Permits (Amended by Ord. No. 13 of 2000)(Ord No 6 of 2011)

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this Ordinance:

1. - ~~Temporary Construction~~ signs of five (5) square feet or less.
2. On-premise directional signs of two (2) square feet or less.
3. Holiday decorations.
4. ~~Non-commercial signs~~

- 4.5. Public signs or notices, or any sign relating to an emergency.
- ~~6. Temporary real estate signs of five (5) square feet or less.~~
- ~~5.7. Incidental signs, provided such signs do not occupy more than eight (8) square feet of advertising display area.~~
- 7- 6. Product dispensers and point of sale displays provided they are not readable at a distance greater than three (3) feet.
- 8.7. Municipal Signs.
- 9.8. Light pole signs.
- 10.9. Sandwich board signs provided the following standards are met:
 - a. The sign area shall not exceed twelve (12) square feet per side.
 - b. Only one (1) sandwich board sign shall be permitted per business establishment.
 - c. The sign shall be located not more than ten (10) feet from the front entrance of the business it is advertising.
 - d. The sign shall be placed to allow a minimum 4' of clearance along the sidewalk .
 - e. ~~The sign shall be removed at the close of the business day.~~

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- 10. Banner sign provided the following standards are met:
 - a. The sign area shall not exceed 20 square feet
 - b. The sign shall be attached to the wall of the building
 - c. The height of the sign installation shall not exceed 15 feet
 - d. Only one banner is allowed per business

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Section 5.04 - Maintenance

All signs shall be properly maintained. Exposed surfaces shall be clean and painted, if paint is required. Defective or damaged parts shall be replaced. The Building Inspector shall have the right under Section 9.09, as amended, to order the repair or removal of any sign which is unsafe, as defined by the BOCA Building Code or its successor code.

Section 5.05 - Lighting(amended by Ord No 6 of 2011)

Unless otherwise specified by this Ordinance, all signs may be illuminated. Unless a different light source is permitted by the Township Planning Director, low pressure sodium lighting may be used as a light source to minimize light emission. No sign regulated by this Ordinance may utilize:

- 1. An exposed incandescent lamp * with an external reflector and without a sunscreen or comparable diffusion device.
- 2. Any exposed incandescent lamp * in excess of 160 watts unless a screen or shield is installed so that no light rays are emitted by the installed fixture at angles above the signs highest horizontal plane.
- 3. Any revolving beacon light.

(* For the purpose of this Ordinance, quartz lamps shall not be considered an incandescent light source.)

Metal halide lighting, fluorescent lighting and quartz lighting may be used for outdoor advertising signs but shall be installed in enclosed luminaries.

Glass tubes filled with Neon, Argon or Krypton may be used provided they do not flash intermittently or create a visual effect of movement.

Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure whenever practical or mounted so that no light rays are emitted by the installed fixture at angles above the sign's highest horizontal plane.

The operating of lighting fixtures on or in signs from midnight to sunrise is prohibited unless the premises is open for business.

No sign may be illuminated by flashing, oscillating or intermittent lighting.

Signs with an electronically changeable display shall meet the following:

1. A changeable sign, may not allow the display or message to change more frequently than once every six (6) seconds. Transitions from one static image to the next shall appear instantaneously without the appearance of animation, flashing or movement of any kind.

2. A changeable sign must have an ambient light monitor, which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with the terms of this article.

3. A changeable sign shall not exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area.

4. Certification must be provided to the township demonstrating that the changeable sign has been preset to automatically adjust the brightness to the stated levels or lower. Re-inspection and recalibration may be periodically required by the township to ensure that the specified brightness levels are maintained at all times. The recalibration shall be done at the townships discretion and at the sign owner's expense, and the b,

5. Brightness of changeable signs shall be measured as follows:

a. At least 30 minutes following sunset, a foot candle meter shall be used to obtain an ambient light reading for the location. This is done while the sign is off or displaying black copy. The reading shall be made with the meter aimed directly at the center of the sign area from a distance determined with the following formula: The square root of the product of the sign area multiplied by one hundred (100). Example using a twelve (12) square foot sign:

b. Measurement Distance = $\sqrt{(12 \text{ Sq. Ft.} \times 100)} = 34.6$ as the determined setback.

c. The sign shall then be turned on to full white copy to take another reading with the meter at the same location.

e. d.-If the difference between the readings is 0.3 foot candles or less, the brightness is properly adjusted and the sign is in compliance.

6. A sign lighting device shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent rotating or moving light or lights. No sign or lighting device shall be placed or directed to cast the beams and illumination upon a public road, highway, sidewalk or adjacent premises causing a traffic hazard or nuisance. Signs shall not have light sources or reflect brightness in a manner which constitutes a hazard or nuisance. This includes signs with fluorescent text, graphics or background, as well as holographic signs.

7. The use, size and location of ECM signs must comply with all other relevant regulations and ordinances of the township.

not scroll, flash or change message more than once in a 24 hour period with an exception for time and temperature.

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Section 5.06. Required Sign Setbacks for all Zoning Districts(amended by Ord No 6 of 2011)

1. Setbacks

- a. No sign shall be placed in a location where it causes a hazard to vehicular or pedestrian traffic by depriving the driver or pedestrian of a clear and unobstructed view of approaching, intersecting or merging traffic.
- b. Municipal Signs may be allowed in the public right-of-way with the approval from the appropriate governmental agency or on private property with the approval from the property owner. (Amended by Ord. No. 13 of 2000)
- c. Development/Building Identification signs and Subdivision Identification signs may be placed in boulevard median strips if approved by the Kent County Road Commission and Cascade Charter Township as part of a Planned Unit Development.
- ~~d. All permanent signs shall be setback a minimum of twenty five (25) feet from any lot line, with the following exceptions:~~
 - ~~d. 1) Single tenant directional signs may be located adjacent to a lot line. Multi-tenant directional signs shall be set back at least five (5) feet from the property line.~~
 - ~~e. 2) Subdivision Identification signs may be located a minimum of 25 feet from the pavement of the adjacent roadway(s) and in any event, no closer than five (5) feet to any lot line(s).~~
 - ~~3) Ground mounted signs in the B1 zoning district shall be setback in accordance with Section 6.03 and Table 6.03(a) of this ordinance.~~
 - ~~f. d. Subdivision Identification signs, Development/ Building Identification signs and Municipal signs shall be ground mounted and shall not exceed five (5) feet in height. (Amended by Ord. No. 13 of 2000)~~

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Section 5.07 Sign height and overhang

- 1. A wall sign shall not project beyond the ends of the wall to which it is attached;
- ~~2. A wall sign shall not extend beyond the window sills of the floor above, the top of the wall to which it is attached, or twenty (20) feet above the finished grade at the building wall, whichever is lowest;~~
- 3. A sign shall not project into the public right-of-way of any adjacent street.
- 4. A freestanding sign, shall not exceed the sign height restriction allowed in the applicable zoning district, as found in this Ordinance. No sign shall create an obstructed view of approaching traffic;

Section 5.08 - Landscaping

~~The base treatment for a freestanding sign shall be landscaped with low maintenance plants. Such landscaping may be placed in stone, masonry or treated wood bases or containers to achieve a pleasant aesthetic arrangement.~~

Section 5.09. Sign Contractor's Registration

No person may engage in the business of erecting, altering, relocating, constructing, or maintaining signs without being a registered contractor with Cascade Charter Township.

CHAPTER 6. REGULATION OF SIGNS BY ZONING DISTRICT

Section 6.01. Signs Permitted in All Zoning Districts

The following signs are allowed in all zones:

1. All signs not requiring permits (Section 5.03) except incidental signs, product dispersive and point-of-sale displays shall not be located in any residentially zoned district.
2. One (1) temporary construction sign for each street frontage of a construction project, not to exceed 64 square feet in sign area. Such signs may be erected thirty (30) days prior to beginning of construction and shall be removed thirty (30) days following completion of construction.
3. One (1) temporary non-illuminated real-estate sign per lot or premises, according to the following:

~~One sign not to exceed five (5) square feet in sign area; provided, however that on parcels which are two (2) to 5 acres in size the sign may not exceed 32 sq ft and on parcels larger than 5 acres or larger, a real estate the sign may not exceed a sign area of sixty four (64) square feet. One (1) freestanding temporary sign per zone lot (only non-commercial temporary signs in R1, R2,ARC, FP zones) Regardless of the number of businesses, commercial establishments, buildings or tenants per lot, only one (1) such sign shall be permitted per lot in compliance with Table 6.01A below.~~

TABLE 6.01A

SIZE OF PARCEL	SIGN AREA (square feet)	SETBACK
Under 2 acres	5 sqf	5
2-5 acres	32 sqf	10
More than 5 acres	64 sqf	20

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4. ~~Non-commercial signs not to exceed twenty (20) square feet in sign area. Such signs shall be removed ten (10) days following such election or referendum. Non-commercial signs may be placed only on private property and only with the permission of the property owner. (No more than one (1) non-commercial sign shall be permitted per lot).~~
5. One (1) property address sign per premises which only identifies the address number and street. Such sign shall not exceed five (5) square feet.
6. One (1) nameplate or under-canopy sign per premises, provided such sign does not exceed eight (8) square feet.
7. Municipal signs up to 64 square feet. (Amended by Ord. No. 13 of 2000)

Section 6.02. Signs Permitted In The "ARC", "FP" "R-1" and "R-2" Zoning Districts.
 (amended by Ord No 6 of 2011) (amended by Ord No 4 of 2012)

The following signs are allowed in the ARC, FP, R-1 and R-2 zoning districts.

1. All signs permitted in Section 6.01 of this Ordinance.
2. One (1) subdivision identification sign per entrance road for each subdivision development not to exceed sixty-four (64) square feet in sign area. Signs may be located a minimum of 25 feet from the pavement of the adjacent roadway(s) and in any event, no closer than five (5) feet to any lot line(s).
3. For permitted non-residential uses, including churches and synagogues, one (1) freestanding sign not to exceed sixty-four (64) square feet in sign area and 5 feet in height. Signs may be located a minimum of 25 feet from the pavement of the adjacent roadway(s) and in any event, no closer than five (5) feet to any lot line(s). Wall signage not to exceed forty-eight (48) square feet in sign area.
4. Flags of any nation, or state and seasonal or thematic flags.
5. One (1) non-illuminated sign per property not to exceed five (5) square feet for a lawful home occupation use, day care or foster care use on the property.

Section 6.03 - Signs Permitted In The "B-1" and "O" Zoning Districts(amended by Ord No 6 of 2011) (amended by Ord No 4 of 2012)

The following signs are allowed in the "B-1" and "O" zoning districts.

1. All signs permitted in Section 6.01 of this Ordinance.
2. One (1) freestanding permanent sign per zone lot. Regardless of the number of businesses, commercial establishments, buildings or tenants per lot, only one (1) such sign shall be permitted per lot and such sign shall not exceed a total sign area of 24 square feet unless it is One (1) freestanding permanent sign per zone lot. Regardless of the number of businesses, commercial establishments, buildings or tenants per lot, only one (1) such sign shall be permitted per lot in compliance with Table 6.03A below. ~~Up to 50% of the sign may be a changeable copy sign.~~

TABLE 6.03A

SETBACK (feet)	SIGN AREA (square feet)	HEIGHT (feet)
5	2430	45
10	3042	56
15	4056	57
20	5064	68
25+	6072	79

Note: F OR SETBACKS DIFFERENT THAN THOSE LISTED ABOVE, SELECT THE SIGN AREA AND HEIGHT THAT CORRESPONDS TO THE NEXT LOWER SETBACK.

3. One of the following wall signs are permitted:

a. Wall signage or marquee per building not to exceed ~~fifty-one hundred (10050)~~ square feet in total sign area; or

~~b. Awning/canopy signage per building, not to exceed thirty-two (32) square feet in total sign area; or~~

c. In the event the building has multiple commercial establishments, each commercial establishment's space will be permitted wall signage equal to one and one half square foot for each lineal foot of building frontage (i.e., building frontage on the ground for the front of the building) that each respective commercial establishment occupies, not to exceed a sign length of more than two-thirds of the subject frontage.

4. Window signs or displays, provided permanent window sign(s) shall not cover more than twenty-five (25) percent of the total window surface and temporary window signs shall not cover more than fifteen (15) percent of the total window surface.

5. Directory wall signage per building, not to exceed twenty (20) square feet in total sign area.

6. Light pole signs, seasonal and decorative in nature and theme that do not advertise a product, service or business and which pertain to holidays and/or community-wide or governmental events or districts. Light pole signs must be attached to light or utility poles upon the approval of the Cascade Township Planning Director and the appropriate utility company if needed.

7. Directional signs:

Single tenant directional signs shall be limited to two per parcel, not greater than ten (10) square feet in area and four (4) feet in height.

Multi-tenant directional signs shall be limited to two per parcel, not greater than twenty (20) square feet in area and four (4) feet in height.

8. Flags of any nation, state, or entity provided they do not exceed thirty-two (32) square feet in area. A zone lot will be limited to three (3) Flags. Flag pole height may not exceed the height restrictions for the zoning district as found in the Zoning Ordinance.

9. Subdivision Identification signs, Development/ Building Identification signs and Municipal signs shall be ground mounted and shall not exceed five (5) feet in height. (Amended by Ord. No. 13 of 2000). Upon the recommendation of the Village Design Review Committee, the Planning Commission may allow a sign which exhibits unique design characteristics and furthers the identity of the Cascade Village if either of the following standards are met:

a. The sign is for Cascade Charter Township.

b. The sign is for a commercial development under the control of one owner and is one parcel of at least 10 acres.

Section 6.04. Signs Permitted In The "B-2" and "ES" Zoning Districts. (amended by Ord No 6 of 2011) (amended by Ord No 4 of 2012)

The following signs are allowed in the "B-2" and "ES" zoning districts:

1. All signs as permitted in Section 6.01 of this Ordinance.
2. One (1) freestanding sign, one (1) point-of-sale sign, or one (1) development/building identification sign per building. Such sign shall not exceed a height of 30 feet and a total sign area equal to two (2) square feet for each five (5) feet of lot frontage as measured at the building setback line. In no event shall the sign exceed one hundred twenty-five (125) square feet in sign area. ~~Up to fifty (50) percent of such a sign may be a changeable copy sign. A freestanding sign may be a consolidated tenant sign identifying each tenants name.~~ Sign height and setback will be determined as follows

Table 6.04 a

<u>MINIMUM SETBACK</u> <u>(feet)</u>	<u>MAXIMUM HEIGHT</u> <u>(feet)</u>
5	10
10	15
15	20
20	25
25+	30

3. One of the following signs are permitted:
 - a. Wall signage or marquee per building, not to exceed one-hundred (100) square feet in total sign area, or;
 - ~~b. Awning/canopy signage per building, not to exceed thirty-two (32) square feet in total sign area, or;~~
 - c. In the event the building has multiple commercial establishments, each commercial establishment's space will be permitted wall signage equal to one square foot for each lineal foot of building frontage (i.e., building frontage on the ground for the front of the building) that each respective commercial establishment occupies, not to exceed a sign length of more than two-thirds of the subject frontage.
4. Window signs and displays, provided permanent window sign(s) shall not cover more than twenty-five (25) percent of the total window surface and temporary window signs shall not cover more than fifteen (15) percent of the total window surface.
5. Directory wall signage per building, not to exceed twenty (20) square feet in total sign area.
6. Directional signs:

Single tenant directional signs shall be limited to two per parcel, not greater than ten (10) square feet in area and four (4) feet in height.

Multi-tenant directional signs shall be limited to two per parcel, not greater than twenty (20) square feet in area and four (4) feet in height.
7. Flags of any nation, state, or entity provided they do not exceed thirty-two (32) square feet in area. A zone lot will be limited to three (3) flags. Flagpole height may not exceed the height restrictions for the zoning district as found in the Zoning Ordinance.

Section 6.05. Signs Permitted In The "I" "TI" Zoning District. (amended by Ord No 6 of 2011) (amended by Ord No 4 of 2012)

The following signs are permitted in the "I" and "TI" zoning district:

1. All signs as permitted in Section 6.01 and Section 6.02 of this Ordinance, except for pole signs.
2. One (1) freestanding sign, one (1) point-of-sale sign, or one (1) development/building identification sign per building. Such sign shall not exceed a height of five (5) feet and a total sign area equal to two (2) square feet for each ten (10) feet of lot frontage as measured at the building setback line. In no event shall the sign exceed eighty (80) square feet in sign area. A freestanding sign may be a consolidated tenant sign identifying each tenants name. Signs may be located a minimum of 25 feet from the pavement of the adjacent roadway(s) and in any event, no closer than five (5) feet to any lot line(s).
3. One of the following wall signs are permitted:
 - A. Wall signage or marquee per building not to exceed one hundred (100) square feet in total sign area; or
 - ~~B. Awning/canopy signage per building, not to exceed thirty-two (32) square feet in total sign area; or~~

In the event the building has multiple tenants, the wall or awning/canopy sign may be divided between tenants so long as the aggregate sum does not exceed the maximum allowed total sign area.

In the event the building has multiple establishments, each establishment's space will be permitted wall signage equal to one square foot for each lineal foot of building frontage (i.e., building frontage on the ground for the front of the building) that each respective establishment occupies, not to exceed 100 sq.ft in total per establishment and no sign shall have a length of more than two-thirds of the subject frontage

4. Billboards (Amended by Ord. #12, 2001)

Billboard signs are permitted only in accordance with the following regulations:

- a) Each billboard shall be located on a parcel that has frontage on I-96 and/or M-6.
- b) Each billboard sign structure shall be located within the Industrial Zoning District.
- c) Each billboard sign structure shall be built with a monopole construction.
- d) Each billboard sign structure shall be separated from adjacent billboard sign structures by a distance not less than two thousand (2,000) feet. For purposes of this provision, the distance between billboards shall be measured from the closest point of one billboard structure to the closest point of another and shall apply to both sides of a street or highway.
- e) Each billboard sign structure is limited to a maximum of three-hundred (300) square feet in total sign area.
- f) Each billboard shall be located at a minimum 100 feet from any building or 500 feet from any residential zone.

- g) All Billboards shall comply with all provisions regulating billboards in the Highway Advertising Act (Public Act 106 of 1972, as amended).
- h) Each billboard requires a Type II Special Use Permit as regulated by the Zoning Ordinance.
- i) Each Billboard sign shall be setback a minimum of 50 feet from all property and right-of-way lines. For purposes of measuring the setback, the distance shall be measured from the nearest point of the sign structure to the closest point of the property line or right-of way line.
- j) A billboard shall be no more ~~that~~than 25 feet high. Height shall be measured from the natural grade of the area under the sign to the highest point of the sign.
- k) Any lighting for a billboard shall mounted on the top of the billboard and shall shine downward and may not be internally lit.
- l) For purposes of determining the number of freestanding signs on a parcel under the terms of this ordinance, a billboard shall be considered a freestanding sign.
- m) No billboard shall have sign faces that change copy, display or message by the use of motorized copy, digital imaging or other enhancement.
- n) Any extension of the sign face above, below or to the side of the sign face shall be counted in the area of the sign face and height of the billboard.
- o) No billboard shall be installed or erected at any time when there are 14 or more existing billboard faces located within the Township. For purposes of this provision, lawfully constructed billboards that exist as of the effective date of this ordinance which have less than 50 sq.ft. of sign area shall not be included.

5. Directional signs:

Single tenant directional signs shall be limited to two per parcel, not greater than ten (10) square feet in area and four (4) feet in height.

Multi-tenant directional signs shall be limited to two per parcel, not greater than twenty (20) square feet in area and four (4) feet in height.

- 6. Flags of any nation, state, or entity provided they do not exceed thirty-two (32) square feet in area. A zone lot will be limited to three (3) flags. Flagpole height may not exceed a height of thirty-five (35) feet.
- 7. Billboards that are in existence at the time of adoption of this ordinance which are legal and in conformance with Ordinance #12 of 1988, may be moved distances less than those prescribed above in 6.05(4), provided they are not less than fifteen hundred (1,500) feet from an adjacent billboard sign structure and not closer to a residential structure than they currently are located. This subsection shall remain effective for one (1) year following the effective date of this Ordinance. (Effective date: December 10, 1997)

Section 6.06. Signs Permitted In The "AC" Zoning District.

(Section amended by Ord. No. 10 of 2002)

The following regulations shall apply to signs in the "AC" zoning district:

The following signs shall be exempted from the provisions of this ordinance:

1. All non-Commercial Message signs.
2. Any sign that is not readable from a public street or that is located more than 500 feet from a public street and does not exceed (80) square.
3. Any sign located entirely in a public right-of-way. Any such sign shall require the permission of the applicable public agency.
4. Directional signs.
5. Regulatory signs required by FAA regulation

The following signs are expressly prohibited in both subzones in the AC zoning district by this ordinance.

1. All billboard or off-premise signs.
2. All signs as prohibited by section 5.01 of this ordinance except banner signs which are permitted

The following signs are allowed in both subzones of the "AC" zoning district

1. Signs as permitted in Section 6.01 of this Ordinance are permitted with no sign permit required.
2. Airport entry identification signs. Two airport entry signs per entrance not to exceed a total sign area of 60 sq.ft. The signs may include architectural features that have a maximum height of 14 feet from grade provided that at least 50% of the volume of the sign shall be at the level of eight feet or lower.
3. All other freestanding signs shall be limited to, one (1) freestanding per building. Such sign shall not exceed a height of five (5) feet and a total sign area of eighty (80) square feet in sign area. A freestanding sign may be a consolidated tenant sign identifying each tenants name.
4. For buildings in either sub-zone, one of the following signs are permitted unless the sign is not readable from a public street:
 - a. Wall signage or marquee per building, not to exceed one-hundred (100) square feet in total sign area, or;
 - b. Awning/canopy signage per building, not to exceed thirty-two (32) square feet in total sign area, or;
 - c. In the event the building has tenants, each tenant's space will be permitted wall signage equal to one square foot for each lineal foot of building frontage (i.e., building frontage on the ground for the front of the building) that each respective tenant occupies, not to exceed a sign length of more than two-thirds of the subject frontage. In the case of a tenant without building frontage, the tenant is permitted to have a wall sign provided that the total wall signage permitted for the building pursuant to this section, shall not be exceeded.
5. Window signs and displays, provided permanent window sign(s) shall not cover more than twenty-five (25) percent of the total window surface and temporary window signs shall not cover more than fifteen (15) percent of the total window surface.

6. One (1) directory wall sign per building, not to exceed twenty (20) square feet in total sign area.
7. Flags of any nation, state, or entity provided they do not exceed ninety-six (96) square feet in area.

CHAPTER 7. NONCONFORMING SIGNS

Section 7.01. Determination of Legal Nonconformity

Existing signs which do not conform to the specific provisions of the Ordinance may be eligible for the designation "legal nonconforming" provided that:

1. The Administrator determines that such signs are properly maintained and do not in any way endanger the public.
2. The sign was authorized by a valid permit or variance or complied with all applicable laws on the date of adoption of this Ordinance.
3. The sign advertises a currently operating business or use.

Section 7.02. Loss of Legal Nonconforming Status

(amended by Ord. 11 of 2000; 7/26/00)

If a sign loses its legal non-conforming designation or status, the sign (and all portions thereof) shall be removed immediately and shall not be repaired, replaced or rebuilt unless it fully complies with all requirements of this ordinance and the Cascade Township Zoning Ordinance, as amended. A legal non-conforming sign shall lose its lawful non-conforming designation and status if the Zoning Administrator determines that any of the following is applicable:

1. The sign is relocated, moved, rebuilt or replaced.
2. The sign is destroyed. A sign shall be deemed destroyed if any of the following occurs.
 - a. The sign is torn down or demolished;
 - b. The sign is wrecked or ruined;
 - c. Such damage has been done to the sign that it cannot be returned to its prior state by routine repair, but only by replacement or material rebuilding; or
 - d. More than 50% of the face of the sign has been shattered, or a portion of the sign face touches the ground.

If a sign is destroyed, Section 7.03 hereof (which applies only to repairs and maintenance) shall not be applicable.

1. Even if a sign has not been destroyed, but damage or deterioration has occurred to the point of 50% or more as defined in Section 7.03, the sign shall be deemed to have lost its legal non-confirming status.
 - a. The structure or size of the sign is altered in any material way other than a change of copy or normal maintenance which does not physically alter the sign.
 - b. There is a material change in the use of the premises where the sign is located.
 - c. A building permit is issued for any construction on the premises where the sign is located which increases the total building square footage by more than 5% or 5,000 square feet, whichever is less.

Section 7.03. Maintenance and Repair of Legal Non-Conforming Signs
(amended by Ord. 11 of 2000; 7/26/00)

This section shall not apply if a legal non-conforming sign has been destroyed, since a destroyed sign automatically loses its legal non-conforming designation and status. If a legal non-conforming sign suffers 50% or more damage or deterioration, it must be brought into full compliance with this Ordinance or be removed. In order to determine whether or not a sign has been damaged or has deteriorated by 50% or more, the costs of physically repairing the sign shall be compared to the costs of physically replacing the sign. If less than 50% damage or deterioration has occurred pursuant to such comparison, the sign may be repaired to its exact original state.

CHAPTER 8. CONSTRUCTION SPECIFICATIONS

Section 8.01. Compliance with Building and Electrical Codes

All signs shall be constructed in accordance with the requirements of the BOCA Building Code and the National Electrical Code, as amended from time to time.

Section 8.02. Anchoring

1. No sign shall be suspended by nonrigid attachments that will allow the sign to swing in a wind.
2. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations.

Section 8.03. Wind Loads

All signs, other than wall signs, shall be designed to withstand the wind load pressure specified for its' size and type in the BOCA Building Code.

Section 8.04. Additional Construction Specifications

1. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
2. No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the BOCA Building or Fire Prevention Codes.
3. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than five (5) feet horizontally or vertically from any conductor or public utility guy wire, unless specifically waived by the Township Electrical Inspector.

CHAPTER 9. ADMINISTRATION AND ENFORCEMENT

Section 9.01. Sign Ordinance Administrator

The Administrator shall be appointed by the Township Board and is authorized to process applications for permits and variances, hold public hearings as required, and enforce and carry out all provisions of this Ordinance, both in letter and in spirit.

The Building Inspector is empowered, upon presentation of proper credentials, to enter or inspect any building, structure, or premises in the Township for the purpose of inspection of a sign and its structural and electrical connections to ensure compliance with all applicable codes and ordinances. Such inspections shall be carried out during business hours unless an emergency exists.

Section 9.02 - Application for Permits

Application for a permit for the erection, alteration, or relocation of a sign shall be made to the Administrator upon a form provided by the Administrator and shall include the following information:

1. Name and address of the owner of the sign.
2. Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
3. The type of sign as defined in this Ordinance.
4. A site plan showing the proposed location of the sign along with the locations and square footage areas of all existing signs on the same premises.
5. Specifications and scale drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign.

Section 9.03 - Permit Fees

An application for a permit filed with the Administrator shall be accompanied by the payment of a fee, which shall be in accordance with the fee schedule adopted from time to time by resolution of the Township Board.

Section 9.04 - Issuance and Denial

The Administrator shall issue a permit for the erection, alteration, or relocation of a sign within thirty (30) days of receipt of a valid and complete application and permit fee, provided that the sign complies with all applicable laws and regulations of the Township. In all applications, where a matter of interpretation arises, the more specific definition or higher standard shall prevail.

When a permit is denied by the Administrator, he/she shall give a written notice within seven (7) days to the applicant along with a brief statement of the reasons for denial. The Administrator may suspend or revoke an issued permit for a false statement or misrepresentation of fact in the application.

Section 9.05 -Permit Conditions, Refunds, and Penalties

If a permit is denied, the permit fee (less administrative expenses) will be refunded to the applicant within seven (7) days of the denial.

If no inspections have been made and no work authorized by the permit has been performed, one-half (1/2) of the permit fee may be refunded to the applicant upon request upon return of the permit to the Administrator within 30 days of issuance.

A permit issued by the Administrator becomes null and void if work is not commenced within 120 days of issuance. If work authorized by the permit is suspended or abandoned for 120 days, the permit must be renewed with an additional payment of one-half of the original fee.

If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in this Ordinance.

Section 9.06 - Inspection Upon Completion

Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the Building Inspector upon completion of the work. The Building Inspector may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs.

The Administrator, or Building Inspector, may require in writing upon issuance of a permit that he/she be notified for inspection prior to the installation of certain signs.

Section 9.07 - Variances

In obtaining a permit, the applicant may apply to the Administrator for a variance from certain requirements of this Ordinance. A variance may be granted by the Zoning Board of Appeals where the literal application of the Ordinance would create a GENUINE hardship for the sign user and the following criteria are met:

1. The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.
2. The hardship created by a literal interpretation of the Ordinance is due to conditions unique to that property and does not apply generally to other properties in the Township.
3. The granting of the variance would not be contrary to the general purposes of this Ordinance or set an adverse precedent.

In granting a variance, the Zoning Board of Appeals may attach additional requirements necessary to carry out the spirit and purpose of this Ordinance in the public interest.

A decision rendered by the Zoning Board of Appeals with respect to any sign variance request 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 this Ordinance 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 9.08 - Re-submission of Application for a variance request

No application for a Sign Ordinance variance shall be submitted to the Township or be formally considered by a Township board or any official (i.e. Zoning Board of Appeals or Planning Director) where such application has been previously denied or turned down by the Township unless the Township determines that either one (1) year has passed since the prior application was denied or 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 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 zoning board of appeals. In determining whether substantial changes have occurred, the Planning Director (or on appeal, the Zoning Board of Appeals) shall consider:

- a. Whether the application has been substantially modified from the earlier one;
- b. Whether external conditions or circumstances have changed significantly so as to warrant a reconsideration of the application; or
- c. 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.

Section 9.09 - Removal of Signs by the Administrator

If, upon inspection, the Administrator or Building Inspector finds that a sign is abandoned or structurally, materially or electrically defective, violates this Ordinance or in any way endangers the public, the Administrator or Building Inspector shall issue a written request to the sign owner and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within 30 days of the date of the request. The request shall specify those sections of the Ordinance in violation and shall state that the alleged violation must be corrected or the decision must be appealed to the Zoning Board of Appeals.

The Administrator or Building Inspector may cause the removal of an illegal sign in cases of emergency, or for failure to comply with a written request for removal or repair. In cases of emergency, the Administrator or Building Inspector may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as provided in the BOCA Building Code.

After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Administrator 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 of the notice, it shall become a lien against the property of the sign owner (unless the sign owner does not own the premises upon which the sign is located), and will be certified as an assessment against the property.

For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

Section 9.10: Enforcement Procedures and Penalties

1. Enforcement - The Administrator shall administer and enforce the provisions of this Sign Ordinance. The Administrator is authorized to utilize assistants and agents to aid him or her in the enforcement and administration of this Sign Ordinance.

2. Violations - Any person who violates any provision of this Sign 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 Sign 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 \$100.00, plus costs.
- 2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$500.00, plus costs.

b. Persons Chargeable With a Violation. Persons chargeable with a violation of the Sign 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 Sign Ordinance may be legally enjoined and otherwise abated in any manner provided by law.

4. Administrative Remedies

a. Cease and Desist Orders - The Administrator 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 Sign Ordinance. A cease and desist order may be issued to any person referred to in Section 9.10(2) (b) hereof. Such cease and desist order shall become effective once it has been posted on the property where the violation has occurred 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 Sign Ordinance shall stop immediately and shall not be recommenced until the Administrator 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 Administrator 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 Section.

b. Revocation of a Sign Permit - In addition to the other remedies and penalties provided herein, the Administrator may revoke a sign permit for any sign which violates this Ordinance.

CHAPTER 10. SEVERABILITY AND CONFLICT WITH OTHER ORDINANCES AND CODIFICATION

Section 10.01 - 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 10.02 - 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 Ordinances 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 10.03 - 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 re-lettered 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 re-lettered, 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.

CHAPTER 11. REPEAL OF PRIOR ORDINANCE

The Cascade Charter Township Board does hereby repeal the Cascade Charter Township Sign Ordinance, effective January 3, 1989 (Ordinance 12 of 1988), and all amendments thereto.

CHAPTER 12. EFFECTIVE DATE

This Ordinance shall become effective upon publication of this ordinance or a summary thereof which first appears in the newspaper after the date of adoption.

The foregoing Ordinance was offered by Member Goodyke, supported by Member Johnson, the vote being as follows:

YEAS: Carpenter, Goodyke, Johnson, Julien, Kleinheksel, Timmons
NAYS: None
ABSENT: Van Strien

ORDINANCE DECLARED ADOPTED.

Marlene Kleinheksel
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 third day of December, 1997.

Marlene Kleinheksel
Cascade Charter Township Clerk

Community	Transition Time Allowed
Kentwood	5 minutes
Ada	not allowed
Grand Rapids	5 seconds
Lowell	6 seconds
Wyoming	7 seconds
Byron	8 seconds
East GR	6 seconds
Middleville	2 seconds
Grandville	15 seconds
Walker	30 seconds
Rockford	not allowed

STAFF REPORT

TO: Cascade Charter Township Planning Commission
FROM: Steve Peterson, Community Development Director
REPORT DATE: January 2, 2018
MEETING DATE: January 8, 2018
CASE: #17-3424/2768 Orange Ave

GENERAL INFORMATION

- A. **Applicant:** Bentineau Residential LLC
825 Parchment Dr Suite 400
Grand Rapids MI 49546
- B.
- C. **Status of Applicant:** Developer
- D. **General Location:** Southeast corner of Orange and Peace St.
- E. **Requested Action:** Rezone the property to R2 from B1. The applicant is offering a conditional rezoning for three new homes.
- F. **Existing Zoning on Subject Parcels:** R2 residential.
- G. **Zoning on Adjoining Parcels:**
- N – R1
 - S – R1
 - E – R1
 - W – Cascade Christian Church PUD
- H. **Parcel Size:** Approximately .75 acres
- I. **Existing Land Use on Subject Parcel:** Vacant
- J. **Adjacent Area Land Uses:**
- North - Consumers Power substation/Pet Cemetery
 - East - Residential
 - South - Residential
 - West - Church

STAFF ANALYSIS

- A. The applicant is requesting a conditional rezone from R2 to B1.
- B. The applicant must offer the contract or conditions. The township cannot place additional conditions on the rezone. This is not a PUD. We are reviewing it as a straight rezoning request with conditions the applicant has offered.
- C. The advantage to the township for this process is to know what we are getting when the property is rezoned. This is the only way to do this because the property is not eligible for a PUD rezoning due to the fact that it is less than 2 acres.
- D. The rezoning would allow three single family detached homes. The homes would be about 3,000 sq ft of finished living space and an attached 2 car garage. Very typical in terms of size for Cascade.
- E. The property is zoned R2, but is identified in the Master plan as B1.
- F. They have supplied us with a site plan showing the three homes. They have revised the plans to show the new homes meeting the B1 zoning setback requirements.
- G. The property is on the corner of Orange Ave and Peace St. Orange Ave is a public street until Peace street at which point it changes to a private road.
- H. Anytime we have additional lots added to a private street we need to evaluate the private road. While the staff evaluation of the road indicates that the road itself meets our standards, we need to see the private road maintenance agreement as well.
- I. We do not have driveway spacing standards for residential homes, the homes are coming off from the private road section of Orange Ave.
- J. According to State law a local unit of government cannot require a landowner to offer conditions as a requirement for rezoning. Unless the conditions are offered by the applicant the rezoning should be reviewed on its appropriateness and compatibility with its surrounding land uses and the future land use plan.
- K. According to Section 23.05 (2) of the Zoning Ordinance, the Planning Commission must consider the following whenever making a recommendation for a rezoning.

<i>Factors</i>	<i>Comments</i>
Whether there exists an error or ambiguity which must be corrected	There is no error or ambiguity to be corrected.
Whether there exists changed or changing conditions which make approval of a proposed Zoning Ordinance amendment or rezoning appropriate	The property has been identified in the Master plan as Village Commercial.

The impact of a proposed change on the intent of this Zoning Ordinance	The proposed change would not have a negative impact on the intent of the Zoning Ordinance
Whether a proposed land use change is consistent with the goals, objectives, policies, and intent of the Cascade Township General Development Plan	The Master plan designation of this area as Village Commercial and the redevelopment of 3 new homes is consistent with the B1 zoning category.
Whether a proposed land use change meets or exceeds all performance and location standards set forth for the proposed use	The property requested to be rezoned would meet the requirements of the B1 zone.
Whether a proposed land use change is consistent with the densities, intensities, and general uses set forth in the Cascade Township General Development Plan	The land use would meet the density requirements of the Comprehensive plan and be consistent with the zoning and use of the area.
Whether a proposed land use change will protect, conserve or preserve environmentally critical areas and natural resources	The rezoning to B1 would be consistent with our plan and any land use change would have to meet the same requirements that are in place now.
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	The proposed rezoning is compatible with the surrounding uses.
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	The proposed land use would not place an undue burden on the roads.
The testimony of any applicant.	
The recommendation of Township Staff;	Approve the request
The testimony of the public;	
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	The proposed single family homes are in compliance with other Township regulations.
Whether a change is proposed in order to rectify errors on the Official Zoning Map.	This is not being done to rectify any errors

STAFF RECOMMENDATION

. Staff recommends that the Planning Commission approve the rezone request. The applicant will prepare the contract for your review and recommendation to the Township Board.

Attachments: Application
 Site plan
 Conditional rezoning information article from M.A.P.
 Master plan excerpts and Map

SITE PLAN REVIEW PROCESS



Planning & Zoning Application

APPLICANT: Name: Bentineau Residential LLC
Address: 825 Parchment Drive SE, Suite 400, Grand Rapids, MI 49546
Telephone: (616) 446-6216
Facsimile: _____

OWNER:* Name: Michael P. Henne
Address: 2700 Orange Ave SE • Grand Rapids, MI 49546
Telephone: 301.801.0505
Facsimile: _____

(*If different from the Applicant)

NATURE OF THE REQUEST (Please check the appropriate box or boxes)	
<input checked="" type="checkbox"/> Administrative Appeal	<input type="checkbox"/> Administrative Site Plan Review
<input type="checkbox"/> Deferred Parking	<input checked="" type="checkbox"/> P.U.D. – Rezoning **
<input type="checkbox"/> P.U.D. – Site Condominium **	<input checked="" type="checkbox"/> Rezoning
<input type="checkbox"/> Site Plan Review **	<input type="checkbox"/> Sign Variance
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Subdivision Plat Review **
<input type="checkbox"/> Zoning Variance	<input checked="" type="checkbox"/> Other: <u>conditional rezoning</u> **

(**Requires an initial submission of 5 copies of the completed site plan)

BRIEFLY DESCRIBE YOUR REQUEST:***

Please refer to attached

(***Use Attachments if Necessary)

SITE PLAN REVIEW PROCESS



LEGAL DESCRIPTION OF PROPERTY*:**

Part of the Southeast 1/4 of Section 9, T6N, R10W, Cascade Township, Kent County, Michigan
Lots 1, 2, and 3, Block 1, G.S. Richardson's Plat, according to the Plat thereof, as recorded in Liber 3 of Plats, page 11.

(***Use Attachments if Necessary)

PERMANENT PARCEL (TAX) NUMBER: 41-19- 09-454-001

ADDRESS OF PROPERTY: 2768 Orange Court

PRESENT USE OF THE PROPERTY: Vacant

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)	Address(es)
<u>Beniteau Residential LLC</u>	<u>825 Parchment Drive SE Suite 400</u>
<u>c/o Marcel Burgler</u>	<u>Grand Rapids, MI 49546</u>

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) also agree to reimburse the Cascade Charter Township for all costs, including consultant costs, to review this request in a timely manner. I (we) understand that these costs may also include administrative reviews which may occur after the Township has taken action on my (our) request.

I (we) the undersigned also acknowledge that the proposed project does not violate any known property restrictions (i.e. plat restrictions, deed restrictions, covenants, etc.)

same as applicant
Michael Henne
Owner – Print or Type Name
(*If different from Applicant)

[Signature]
Owner's Signature & Date
(*If different from Applicant) 11-3-17

Marcel Burgler
Applicant – Print or Type Name

[Signature]
Applicant's Signature & Date
member - 11/6/2017

PLEASE ATTACH ALL REQUIRED DOCUMENTS NOTED IN THE PROCESS REVIEW SHEET – THANK YOU!





November 6, 2017

Steve Peterson, Community Development Director
Cascade Township
2865 Thornhills Ave SE
Grand Rapids, MI 49546

RE: Rezoning Petition for 2768 Orange Court

Mr. Peterson

This commentary will supplement our application for a conditional rezone for the 0.75 acre property at 2768 Orange Court in Cascade Township. With respect to this property, and by this letter and application, we voluntarily offer, under the terms of Section 405(1) of the Michigan Zoning Enabling Act, as a condition on our requested rezoning to Village Commercial (as compatible with the B1 Zoning District outlined in the Township Master Plan), that we will restrict the use and development of the land to single-family detached homes as indicated in the submitted plans. Our use and development will be in accordance with the submitted site plan, including building setbacks, density, and land use.

PROJECT SUMMARY:

The existing property at 2768 Orange Court is a 0.75 acre partially wooded site with a natural slope dropping from Orange Court to the rear of the site. The site includes numerous large trees on the rear portion, at the corner of Orange and Peace Street, and along Peace Street. These trees include maples, oaks, and walnuts. This development places homes clustered along Orange Court with small setbacks in order to preserve many of these trees and the natural slope of the site.

The existing site has single-family detached residential to the east and south, a pet cemetery to the north, and Cascade Christian Church to the west.

The existing site has a 30 foot sewer easement along its eastern edge. A storm and sanitary sewer are located in the easement. The site is fully serviced by utilities. Because nothing can be constructed within the 30 foot easement, it creates a large buffer to the neighboring property to the east and forces the proposed homes to be clustered closer to the corner of Orange and Peace.

The existing site has an ingress/egress easement for Consumers Energy along its rear boundary, including a dirt access road running the width of the site. Overhead wires and power poles run along the rear of the site. Both the access road and overhead wires will remain as part of this development.

An existing non-motorized trail runs adjacent to the site's west edge along Peace Street. The proposed site design has clustered the homes on Orange Court in order to preserve this trail and to not construct driveway access through the trail. All driveways access from Orange Court.

The project proposes to add 3 two-story single-family detached homes with attached two-stall garages along Orange Court. Homes will have walk-out basements. Homes are under 35 feet tall. The side yard between homes is 10 feet, and the setback at the Peace Street right-of-way is approximately 14 feet. The homes have a 10 foot deep porch that is setback from the Orange Court right-of-way by 15 feet. The main mass of the homes (not including the porch) is set back 25 feet from the right-of-way. The attached garages are setback from the front of the porch 10 feet in order to minimize their impact on the streetscape.

The rear walkout area of these homes is approximately 90 feet from the rear property line, ensuring that existing trees are preserved.

The project will be a site condominium.

EVALUATION:

Zoning and Master Plan Designations

The subject property currently falls within the R2 Residential Zoning District. Chapter 6 of the Zoning Ordinance provides the intent of this District as follows (page 6-1):

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.

The subject property currently falls within the Village Commercial Future Land Use in the Township Master Plan. The Master Plan describes Village Commercial as follows (page 94):

This land use designation is intended to foster a pedestrian-scale, local shopping district confined to the parcels currently zoned for commercial use. It is not the intent of this land use plan to expand commercial uses either north or south along Cascade Road. The village commercial area is intended to be a walkable commercial district, where architectural style is paramount, but not rigid. Low shrubbery, picket fences and other features should be in place along the roadway to delineate the use and create interest for pedestrians.

The Master Plan further indicates that residential densities would be 6-8 dwelling units per acre, possibly in the form of townhomes (page 94).

The Master Plan's Zoning Plan (page 98) indicates that the Village Commercial Future Land Use corresponds to the current B1 Zoning District.

Chapter 8 of the Zoning Ordinance provides the intent of the B1 District as follows (page 8-1):

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.

Zoning Requirements for R2 and B1 Districts

R2 Setbacks

Chapter 18 (Table 18-B) of the Zoning Ordinance provides the placement and yard area standards for residential dwellings as follows (page 18-2):

<i>Front yard setback, local:</i>	<i>35 feet (68 feet from street centerline)</i>
<i>Side yard setback:</i>	<i>10 feet minimum on one side 25 feet total both sides</i>
<i>Rear yard setback:</i>	<i>25 feet</i>

B1 Setbacks

Chapter 8 (Table 18-A) of the Zoning Ordinance provides the building setbacks for the B1 District as follows (page 8-2):

<i>Front yard setback, local:</i>	<i>20 feet minimum, 30 feet maximum</i>
<i>Side yard setback:</i>	<i>7 feet minimum, total of two yards not less than 16 feet</i>
<i>Rear yard setback:</i>	<i>30 feet</i>

R2 Building Height

Section 18.03 (page 18-1) indicates structures in R2 shall not exceed 35 feet or 2-1/2 stories.

B1 Building Height

Chapter 18 (Table 18-C) of the Zoning Ordinance provides the height standards for the B1 District (page 18-3):

<i>Maximum Structure Height:</i>	<i>30 feet for residential uses</i>
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R2 Lot Sizes, Area Standards, and Density

Chapter 18 (Table 18-A) of the Zoning Ordinance provides the residential dwelling and lot bulk and area standards for the R2 Zoning District as follows (page 18-1):

<i>Minimum Floor Area:</i>	<i>1300 sf (one-story dwelling) 1600 sf (two-story dwelling)</i>
<i>Minimum Dwelling Width:</i>	<i>20 feet</i>
<i>Minimum Lot Width:</i>	<i>110 feet for unplatted lots</i>
<i>Minimum Lot Area:</i>	<i>40,000 sf for unplatted lots</i>
<i>Maximum Density:</i>	<i>Refers to Subdivision Ordinance*</i>
<i>Maximum Lot Coverage:</i>	<i>25%</i>

**Table 5-2 Subdivision Standards R2 Zoning District (Minimum Lot Width Minimum Lot Area)
No open space = 95 foot lot width and 36,000 sf lot area
At least 25% open space = 85 foot lot width and 15,000 sf lot area
At least 50% open space = 65 foot lot width and 10,000 sf lot area.*

B1 Lot Sizes and Area Standards

Section 8.06 (page 8-2) of the Zoning Ordinance provides minimum lot sizes and areas for the B1 Zoning District.

Minimum Lot Area: *None with approved site plan, otherwise 20,000 sf*
Minimum Lot Width: *100 ft. unless waived for access management techniques*

B1 Density

Section 8.03 (page 8-1) of the Zoning Ordinance provides residential uses permitted by right:

Density: *Up to 3 residential dwelling units per acre*

Section 8.04 (page 8-2) of the Zoning Ordinance provides residential uses permitted by Special Land Use:

Density: *Over 3 residential dwellings units per acre, but under 9 du/acre*

SUMMARY

The application requests a rezone to the Village Commercial Future Land Use designation (as compatible with the B1 Zoning District outlined in the Township Master Plan). The proposed plan includes the following:

- 3 homes on 0.75 acres for a density of 4 dwelling units per acre. This density is permitted by a Special Land Use per Section 8.04 in the B1 District.
- The homes have a side yard setback of 10 feet between each house. The B1 District permits a 7 foot minimum side yard setback with a 16 foot minimum for both yards. The application requests that the 10 foot yard be permitted to cluster homes at Orange Court and preserve the existing trees in the rear of the site.
 - The eastern side yard at the property line is at 30 feet, which meets the standards of the B1 District.
 - The western side yard at Peace Street right-of-way is approximately 14 feet, which meets the 7 foot minimum established in the B1 District. This side yard is adjacent to the non-motorized trail and Peace Street.
- The homes have an approximately 90 foot rear setback. The B1 District requires a 30 foot rear yard setback. The proposed plan nearly triples the rear yard setback requirement.
- The homes have a 15 foot front yard setback from the front porch to the Orange Court right-of-way and a 25 foot front yard setback from the front of the house (not including porch projection) to the Orange Court right-of-way. The B1 District requires a 20 foot minimum front yard setback. The application requests that the 15 foot front porch setback be permitted to cluster homes closer to Orange Court in order to preserve existing trees in the rear of the site, preserve meaningful open space at the rear of the site, and promote a village atmosphere, which is built to human scale to encourage attractive street fronts and connecting pedestrian walkways as a first priority (as outlined in the description of the Village Commercial Future Land Use in the Township Master Plan).

- The proposed development includes 69.2% open space (not including homes, drives, and the existing Consumers access drive). While B1 District does not quantify open space requirements, the underlying zoning of R2 offers varied degrees of performance standards that incentivize smaller lot sizes if more open space is provided.

CASCADE TOWNSHIP REZONING REVIEW PROCESS

Rezoning review process, as outlined in Cascade Township Procedures Manual (page 3-1) is as follows. Application answers each of the considerations below:

When the public hearing is completed, the Planning Commission, will have a discussion among themselves to arrive at a recommendation regarding the request. Before giving their recommendation, the Planning Commission must evaluate the request keeping the following considerations in mind:

- A. *Whether a proposed land use change is consistent with the goals, objectives, policies, and intent of the Cascade Township General Development Plan;*

The Township Master Plan envisions this parcel to be Village Commercial. Village Commercial intends to promote a village atmosphere, which is built to human scale to encourage attractive street fronts and connecting pedestrian walkways as a first priority. The proposed plan clusters the three homes along Orange Court with front porches facing the street. These homes are two-story traditionally styled residences that reinforce the street edge. Additionally the homes are consistent to the existing residential pattern to the east and south of the site.

- B. *Whether a proposed land use change meets or exceeds all performance and locational standards set forth for the proposed use;*

As outlined above, the side yard setbacks are less than the required standards in between the homes. These smaller setbacks permit the homes to be clustered on Orange Avenue to reinforce the street frontage and human scale, while also preserving meaningful open space to the rear of the site.

Perimeter setbacks at the side yards meet the requirements.

Front yard setbacks are less (15 feet) than the required 20 foot setback if the porch is used as the front of the home. If the façade of the house is used then the setback would be 25 feet. This slightly smaller setback permit the homes to be clustered on Orange Avenue to reinforce the street frontage and human scale, while also preserving meaningful open space to the rear of the site.

C. Whether a proposed land use change is consistent with the densities, intensities, and general uses set forth in the Cascade Township General Development Plan;

As outlined above, the density of the site is 4 dwelling units per acre (3 homes on .75 acres). B1 (the zoning that the Village Commercial is based upon per the Master Plan) permits up to 3 dwellings per acre and allows by Special Land Use over 3 and less than 9 dwelling units per acre. The proposed project provides 3 homes that line Orange Court and help to establish a street frontage. In addition the proposed project preserves over half of the site as open space (69.2%). When open space and Master Plan recommendations are considered the overall density of the site is consistent with the densities envisioned by the Cascade Township General Development Plan.

Permitted uses in the B1 District include residential and the Village Commercial Future Land Use also envisions residential uses. The proposed project is consistent with these residential uses and the existing surrounding residential uses.

D. Whether a proposed land use change will protect, conserve or preserve environmentally critical areas and natural resources;

This proposed land use change and site plan layout preserves over half the site as open space (69.2%) and more importantly seeks to preserve a majority of the existing large caliper maple, oak and walnut trees in the rear and edges of the site.

E. 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;

The proposed project is consistent and compatible with the existing surrounding single family residential pattern to the east and south of the site.

F. 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;

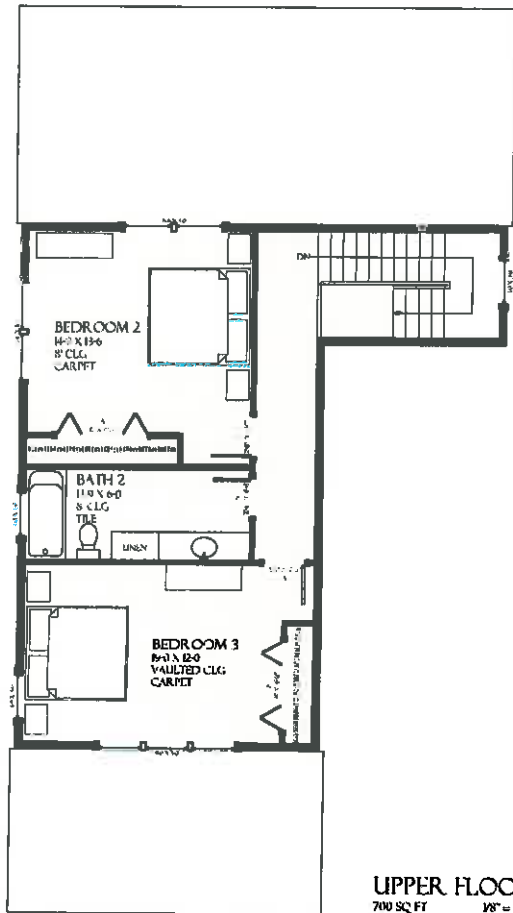
The proposed project includes three single family homes along Orange Court. These homes are consistent with the existing residential pattern and are unlikely to burden existing transportation facilities in any meaningful way. The Village Commercial Future Land Use in the Master Plan also envisioned small scale commercial activities for this parcel – the proposed single family residential is less intense than these envisioned uses in regards to trip generation and traffic patterns.

G. 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 the Zoning Ordinance; and

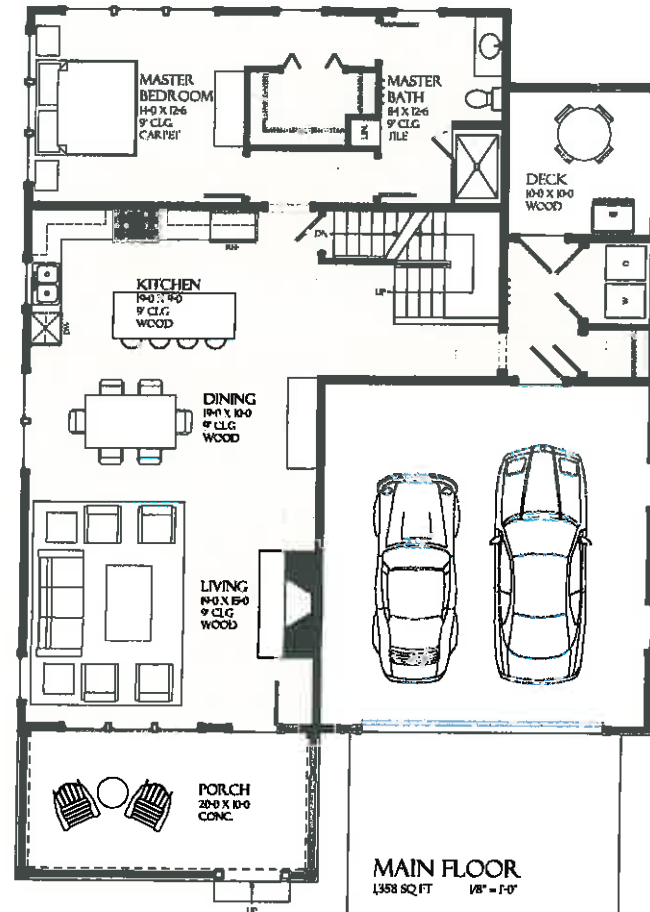
The requested rezone is in compliance with all applicable General Provisions and Special Land Use Regulations as outlined above.

H. Whether a proposed change is to rectify errors on the Official Zoning Map.

The requested rezone is not intended to rectify errors to the Official Zoning Map. As outlined above, the requested rezone is primarily consistent with the B1 District and Village Commercial Future Land Use. Exceptions include the smaller internal side yard setbacks, the smaller front yard setback and the slightly increased density in terms of dwelling units per acre which is permitted as a Special Land Use. These requested elements reinforce the vision of the Master Plan, are compatible with surrounding land uses, and preserve natural areas on the site.



UPPER FLOOR
710 SQ FT 1/8" = 1'-0"



MAIN FLOOR
1358 SQ FT 1/8" = 1'-0"

DATE	DESCRIPTION	DRAWN BY	SCALE	REVISION
	LOAD FILED - NOT FOR CONSTRUCTION			

CASCADE COTTAGES

2768 ORANGE AVENUE SE
GRAND RAPIDS, MICHIGAN

MAIN & UPPER FLOOR PLANS

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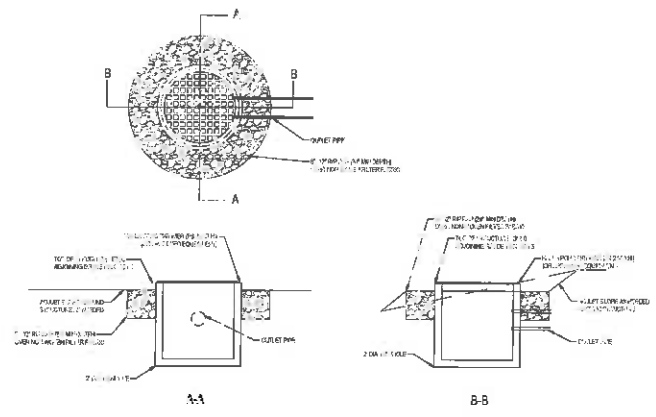
GRAND RAPIDS
CHICAGO
ANN ARBOR
COLUMBUS
HOLLAND
INDIANAPOLIS
ST. LOUIS

PREPARED FOR:
City of Grand Rapids, LLC
Alan J. Sanger

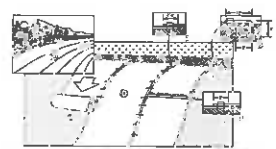
101 Parchment Drive SE, Suite 100
Grand Rapids, MI 49501

REVISIONS:

NO.	DATE	DESCRIPTION
1	06/10/07	ISSUED FOR PERMIT
2	06/10/07	ISSUED FOR PERMIT
3	06/10/07	ISSUED FOR PERMIT
4	06/10/07	ISSUED FOR PERMIT
5	06/10/07	ISSUED FOR PERMIT

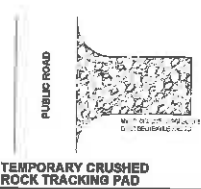


OUTLET CONTROL STRUCTURE DETAIL

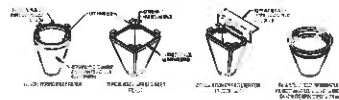


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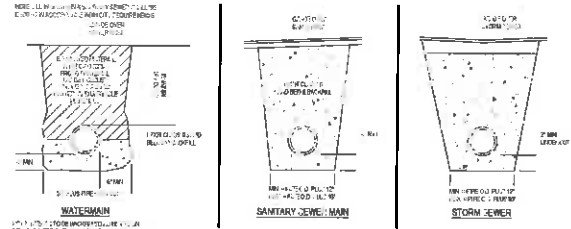
EROSION CONTROL BLANKET



TEMPORARY CRUSHED ROCK TRACKING PAD



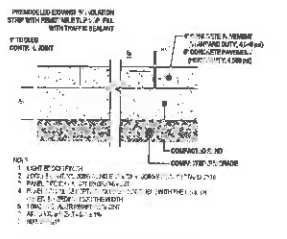
FLEXSTORM INLET FILTER DETAIL



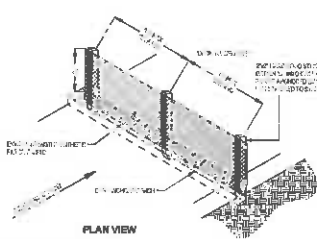
TYPICAL UTILITY TRENCH AND BACKFILL DETAILS

CONSTRUCTION NOTES

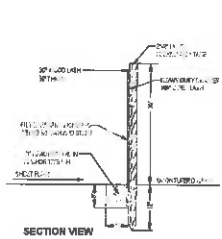
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) STANDARD SPECIFICATIONS FOR HIGHWAYS, BRIDGES, AND STRUCTURES.
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CONCRETE PAVEMENT DETAIL



SILT FENCE DETAIL



SECTION VIEW

2768 ORANGE CT. SE

Details & Specifications

2768 Orange Ct. SE
PO BOX 1000
CANTON, MISSISSIPPI 39046

STAMP:

NATHAN R. NELSON
REGISTERED PROFESSIONAL ENGINEER
No. 1272

PROJECT NO:
1740099

SHEET NO:
C-500



Conditional Rezoning

By: Gregory Milliken, AICP

Imagine a situation where a school district has decided to build a new school complex on the outskirts of town, resulting in the abandonment of the long time school building on the main drag near downtown. The current school building sits on 10 acres, is zoned residential (because it is and will always be a school, right?), is situated on the state highway that runs through town, and is surrounded by an established residential neighborhood.

With the school district looking to sell the building, the local hospital has indicated an interest in purchasing the property and reusing the building as an assisted living facility. The community is very supportive of this idea as it allows for the preservation of the important structure and the site while providing a needed service to residents. The problem is that it requires rezoning from single family residential to high density multi-family residential. This is contrary to the Master Plan, and frankly, should the hospital's plans fall through, the prospect of apartments at the site would not be viewed favorably at all.

Therefore, both the applicant and the community know that conventional rezoning would not achieve their goals. In order to achieve the desired zoning while providing the commitments necessary to give the community the comfort to approve the request, the applicants turn to conditional rezoning.

WAIT, WHAT? WE CAN DO CONDITIONAL REZONING?

In the example above, the applicant recognized that the best option to achieve the desired goals was through rezoning. However, it was also recognized that rezoning to multi-family was not going to be approved. Therefore, through conditional rezoning, restrictions placed on the proposal make the request more amenable. Such restrictions can include limitations on the uses permitted at the site, hours of operation, enhanced setbacks, signage, and access. The conditions can also address what will occur in the future when the proposed use and/or applicant leaves the site including whether the conditions will carry forward or whether the site will revert back to the previous single family residential zoning.

As demonstrated here, conditional rezoning allows an applicant an opportunity to make offers in conjunction with their request that will restrict the use or development of the property. These are voluntary offers and cannot be required or coerced by the community.



WHAT IS KNOWN ABOUT CONDITIONAL REZONING?

Frankly, there is not much experience with conditional rezoning, and opinions are mixed as to its value and usefulness. There are communities that prohibit its use while others welcome it.

Section 405 of Public Act 110 of 2006, as amended (MCL 125.3405) authorizes the use of conditional rezoning in Michigan. This section of the Act provides little guidance to jurisdictions as to how the tool should be used. Further, little guidance has been provided through the Court system. Thus, the instructions provided by most municipal attorneys and community planners has been to tread carefully and cautiously when using conditional rezoning as it is not yet fully defined what can and cannot be done.

That being said, there are a few things that are understood about conditional rezoning that few will disagree about. Most importantly, it is clear that a community cannot require or coerce a condition as a part of a rezoning request. Practically speaking, this means that a Planning Commission cannot suggest conditions be added to a rezoning request. The conditions must be brought forward by the applicant and either approved or denied by the community.

The second clear requirement of the Act is that a community can set a timeframe within which the applicant must comply with the approved conditions. So if as a condition of rezoning approval an applicant commits to removal of an existing curb cut, the community can set a time frame for completion of that requirement.

WHY USE CONDITIONAL REZONING?

Conditional rezoning allows for creative development and use of unique properties that may not fit the exact molds that were cast when the Master Plan and Zoning Ordinance were completed. At a broad level, when the site is considered along with surrounding properties, it may fit well within the designation. But at a micro, site specific level, the unique conditions of the site may make that specific designation less suited to the property than another designation. This may be due to the property's size, road frontage, access, natural features, adjacent land uses, existing improvements, or numerous other reasons.

An applicant will likely consider using conditional rezoning when they expect that a conventional rezoning request will not be viewed favorably. It will be particularly effective if there are specific elements of the request that can be identified as likely to cause discomfort that can be mitigated through conditions.

MICHIGAN PLANNER 'E-dition'



American Planning Association
Michigan Chapter

Volume 2002, Number 1, Spring

A Publication of the Michigan Chapter of the American Planning Association

Conditional rezoning is also used in instances where the Zoning Ordinance has not quite caught up to the Master Plan. A property may have a Future Land Use designation in the Master Plan that does not correspond to its zoning designation. The proposed use may fit the Future Land Use designation, but there may not yet be ordinance language in place that matches the desired development.

Conditional rezoning allows for rezoning to an existing zoning district with restrictions to ensure it conforms to the community's vision.

WHAT ARE THE CONCERNS WITH CONDITIONAL REZONING?

The most common argument against conditional rezoning is that it undermines the Master Plan and allows "spot zoning". If the community determines through the various public processes that a site should be planned and zoned "Agricultural," then a conditional rezoning to "Commercial" could be contrary to this, particularly when surrounded by agricultural properties. The key for conditional rezoning to work is the conditions. The self-imposed conditions and associated development could be drafted in a manner that allows the request to occur consistent with the goals and objectives of the Master Plan despite the need to change zoning district. If this is the case, the concerns raised may be mitigated.

NEXT STEPS

Since there is little guidance provided by the Statute as to how to proceed with a conditional rezoning request, it is best to include language in the Zoning Ordinance that provides such guidance. (Note that not having language regarding conditional rezoning in a Zoning Ordinance does not prohibit the use of conditional rezoning in a community; it is authorized by Section 405 of Public Act 110 of 2006, as amended (MCL 125.3405). Similarly, having language in a Zoning Ordinance does not require the community to accept all such requests.) The Ordinance should indicate that conditional rezoning requests follow the same process and review criteria as conventional rezoning requests. Of particular importance, the application is reviewed at a public hearing of the Planning Commission that shall be noticed in the same manner as a conventional request. The Planning Commission then makes a recommendation to the legislative body for final adoption.

The Zoning Ordinance language should also provide guidance and requirements as to acceptable elements for consideration as a condition of rezoning and elements that are not acceptable. There is little disagreement that any conditions that exceed ordinance requirements – in essence grant a variance through the process – are not acceptable. Similarly, conditions cannot authorize uses within the district that are not otherwise permitted (i.e. use variances). Cash bribes are also not recommended.



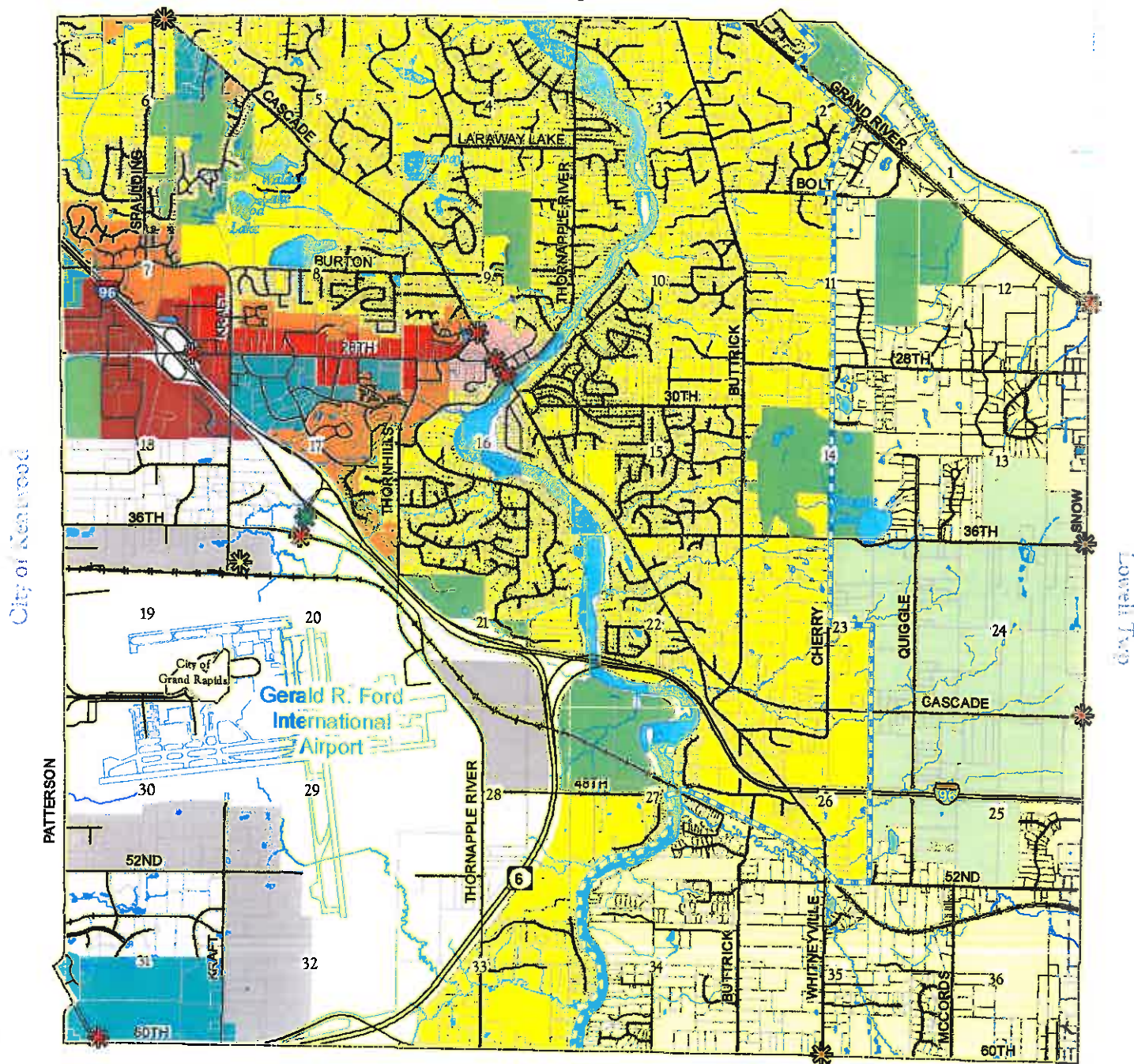
Specific procedural steps unique to conditional rezoning are also often included in such ordinance language. This would include the timing and format of submittal of proposed conditions and process for amending of conditions. Upon completion of the process, it should also be clear what form the conditions will be presented and how they will be recorded. Will a verbal presentation be adequate or is a legal agreement required? It is recommended that upon final adoption of the rezoning and conditions by the legislative body, a formal agreement be signed and recorded with the property.

The most common question asked regarding conditional rezoning is how a community can make an applicant aware of conditional rezoning and potentially provide feedback regarding conditions. Not having a vote in the final decision, Staff may have an ability to provide guidance to an applicant on the use of this technical tool as well as help interpret comments and feedback from the Commission members. Readers should discuss this further with their municipal attorneys and within their individual community as opinions vary across the State.

Conditional rezoning is not a magic elixir; it is not a solution to all unique problems or development situations. But it is a tool available to all communities that should be understood to maximize the effectiveness, in case it's needed.

Author Gregory Milliken, AICP is the Planning Director for Oshtemo Charter Township (Kalamazoo County) and is also the Planner & Zoning Administrator for Kalamazoo Charter Township (Kalamazoo County). He has worked as a community planner in the public and private sectors for 15 years in Michigan, Ohio, and Washington.

Ada Twp



Caledonia Twp

Cascade Charter Township

Kent County, Michigan

Map 15 Future Land Use

Legend

- Gateway Feature
- Park 'n' Ride
- Rail Station
- Utility Service Area
- Farmland Preservation
- Rural Residential
- Suburban Residential
- Community Residential
- Village Commercial
- General Commercial
- Highway Commercial
- Mixed Use
- Heavy Industrial
- Light Industrial
- Community Facility / Golf Course

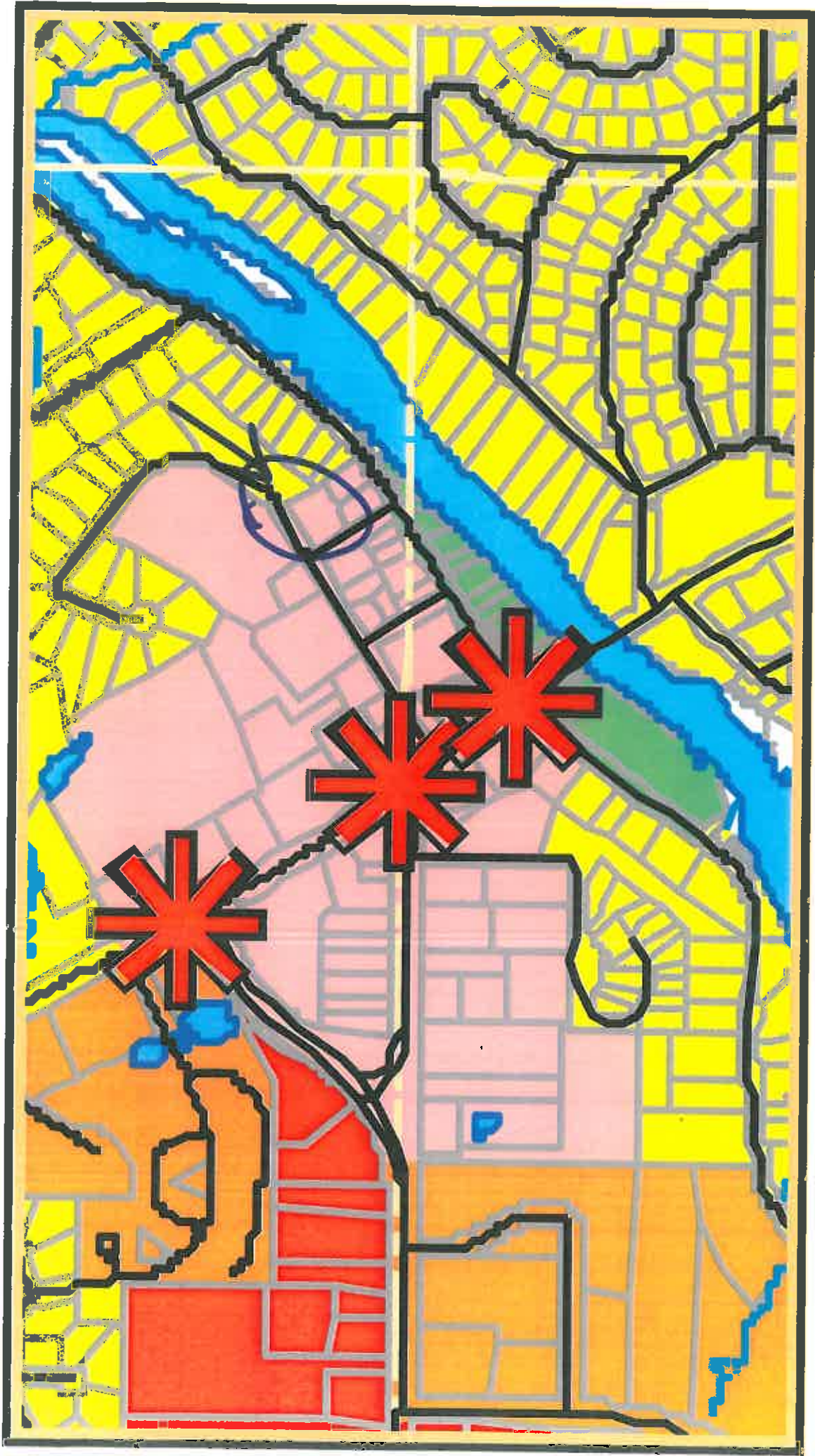


2009
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April 22, 2009

NA



neighborhoods is a primary concern and measures should be taken periodically to assure proper coverage of these services. Private roads should be considered under certain circumstances, such as for the preservation of large stands of trees, or to preserve steep slopes, where drainage and run-off is a concern, or where important natural features have been identified in the Natural Feature Inventory.

COMMUNITY RESIDENTIAL

Description: The community residential land use designation is intended for attached or detached single family and multi-family housing. A project should be designed and developed to provide attractive, up-scale master planned living environments with amenities such as open spaces, walking paths, street trees, street lighting and attractive architectural style. Buildings and structures should be designed to minimize bulk and massing of attached living units.

Location: The community residential land use area primarily serves as a transition from commercial/mixed use and suburban residential uses along 28th Street. However, there are two areas where this use is proposed along the south side of Cascade Road north of Burton.

Desired Uses and Densities: Uses may include attached and detached residential dwellings, including projects that incorporate a variety of housing options, as well as assisted living and retirement communities. Master-planned retirement communities may also incorporate low-impact commercial uses internal and integrated within the development such as personal service establishments (barber shop or hair salon), post office, financial institution and other necessary uses for the convenience of the residents but not available for use by the general public. Development within the community residential area should include a walking system that connects to any existing or planned non-motorized pathway. The Township desires for the community residential areas to be served by mass transit in the future. Water and sewer must be available for new development or redevelopment in this land use category. Additionally, any natural features should be preserved and protected in projects located in the community residential land use area. Only public roads would be permitted in the community residential land use category. Allowable densities would range between 4-6 dwelling units to the acre.

VILLAGE COMMERCIAL

Description: This land use designation is intended to foster a pedestrian-scale, local shopping district confined to the parcels currently zoned for commercial use. It is not the intent of this land use plan to expand commercial uses either north or south along Cascade Road.

The village commercial area is intended to be a walkable commercial district, where architectural style is paramount, but not rigid. Low shrubbery, picket fences and other features should be in place along the roadway to delineate the use and create interest for pedestrians.

Location: The village commercial land use category is located at the heart of Cascade Charter Township where Cascade Road, 28th Street and the Thornapple River converge. It is not the intent of this land use category to expand beyond the current commercially-zoned properties along Cascade Road.

Desired Uses and Densities: Desired uses include retail commercial, personal service establishments, eating and drinking establishments, financial institutions, and convenience stores with or without fuel stations. Residential uses are also planned, including above retail or office uses. Townhome, retirement centers, assisted living, and other elderly care facilities are also recommended. Other uses should be phased out and encouraged to locate to a more automobile-oriented commercial corridor. Residential densities would be 6-8 dwelling units to the acre. Pedestrian/bicycle circulation plans should be prepared for new development that includes access from sidewalks and non-motorized paths to any building entry. Bicycle racks are encouraged. Traffic calming, crosswalk demarcations, countdown walk signs, plantings and signage are encouraged at 28th Street and Cascade Road at the Village to create a sense of place for shopping, strolling, biking, and walking. Water and sewer must be available for development in this land use category. Additionally, any natural features should be preserved and protected in projects located in the village commercial land use area. The Township hopes that the village commercial area is served by mass transit in the future.

GENERAL COMMERCIAL

Description: This land use designation is intended to provide goods and services to meet the needs of the immediate neighborhood and the larger region. Facilities will be developed in harmony with the area's natural features and in a scale and form to encourage pedestrian access and to minimize auto-pedestrian conflicts. Cross-access easements and access roads will be encouraged to reduce the proliferation of curb-cuts. In addition, landscape standards and signage limitations will be utilized to promote attractive and functional developments. The current three acre minimum lot area requirement may be reduced for projects that incorporate certain green/eco-friendly building technologies, or provide a specific amount of green space, such as 35%.

**Rules of Conduct
For
The Cascade Charter Township Planning Commission**

1. POLICY AGAINST “EX PARTE” COMMUNICATIONS.

Planning Commission Members (“members”) should avoid outside contact with applicants, developers, applicants/developer’s representatives (including planners or attorneys or interested neighbors regarding matters before the Planning Commission.

- a. The Planning Commission must act as a board and not as individual members. Advisory opinions should not be given.
- b. “Ex Parte” communication (i.e., outside of public Planning Commission meetings or hearings) by individual members of the Planning Commission with applicants, developers, applicant’s/developer’s representative or interested neighbors in person, by telephone or by visits are to be avoided, except for limited necessary contact during fact-finding site visits.
- c. Site visits – Individual members shall view sites only if they can do so without any unnecessary contact with the applicant, developer, applicant’s/developer’s representatives or interested neighbors and with the specific purpose of gathering physical facts and/or data.
- d. If a member is contacted by an applicant, developer, applicant’s/developer’s representative or an interested neighbor, the member shall promptly inform the party that he or she should not discuss the matter or have any contact whatsoever outside a Planning Commission hearing or meeting except for site visits. The member shall then immediately inform the party that they are welcome to come to Planning Commission meetings to discuss their views, wishes, etc., or to put their concerns in writing with a copy sent to the Chairperson of the Planning Commission.

2. MEMBER DISCLOSURE

In order to maintain public trust and ensure fairness, each Planning Commission member shall publicly disclose at the Planning Commission hearing or meeting involved any of the following:

- a. If the Planning Commission member is related to an applicant, developer, applicant’s/developer’s representative or any party involved.
- b. If the Planning Commission member is (or has been) in business or financially connected with the applicant or parties involved

- c. If the Planning Commission is a close friend of the applicant or parties involved.
- d. If the Planning Commission member has an unavoidable bias regarding the matter and could not be fair.

3. CONFLICT OF INTEREST

- a. A member should remove himself/herself from the hearing, discussions and decision –making process if the member has a conflict of interest or a potential conflict of interest involving the situation at hand as a conflict of interest is defined by Michigan law.
- b. While not required to do so, where a member of the Planning Commission has an actual or potential conflict of interest, it is often best if he/she move from the place where the full Planning Commission or Planning Commission subcommittee is sitting and go sit in the audience or leave the room until the matter is over. Physical removal often minimizes any public perception that the member with any conflict or potential conflict of interest is unduly influencing his or her fellow members of the Planning Commission by the member's physical presence.
- c. If a member has abstained from a matter due to a conflict or potential conflict of interest, that member has the right to voice his or her opinion at a meeting or hearing of the Planning Commission as a member of the audience. If a Planning Commissioner has a conflict or potential conflict of interest that member shall be treated as an interested party and shall be bound by the requirements of Section 1 above. The Planning Commissioner shall not have any contact with other Planning Commissioners regarding the matter except as otherwise permitted in Section 1 hereof.
- d. A Planning Commissioner shall not represent any applicant, developer, neighbor or party directly interested in a matter before the Planning Commission. Except as otherwise prohibited by law, a Planning Commissioner's employer, fellow employee, or partner may represent a party appearing before the Planning Commission. But in such case the Planning Commissioner involved shall be deemed to have a conflict of interest, shall publicly disclose the situation, and shall remove himself/herself from the proceedings as required by Paragraph 3.a. hereof.
- e. All Planning Commissioners should strive not to place themselves in situations where there would be even an appearance of impropriety or become involved in a hearing, discussion, or decision-making process before the Planning Commission which would place that member in a potential conflict of interest situation.

MICHIGAN SOCIETY OF PLANNING

COMMUNITY PLANNING PRINCIPLES

The Michigan Society of Planning exists to promote quality community planning through education, information and advocacy, statewide. With this as its mission, MSP offers the following planning principles for consideration to all cities, villages, townships, counties and regions in Michigan. The principles define what constitutes quality community planning.

GENERAL STATEMENTS

1. The community planning decision-making process should, first and foremost, be concerned with the long-term sustainability of our communities, environment and economy.
2. The community planning process should involve a broad-based citizenry, including public and private sector leaders, community interest groups and multi-disciplinary professionals. A positive relationship between development and the making of community should be established through a citizen-based participatory planning and design process.
3. Public policy and development practices should support development of communities that are:
 - diverse in land use, population and character;
 - designed for pedestrians and non-motorized transit as well as for motorized transit;
 - shaped and physically defined by parks, open space and other natural areas;
 - structured by physically defined, accessible public space, and community institutions, and
 - based on local history, climate, ecology, and building practices.
4. Physical solutions by themselves will not solve all problems. A coherent and supportive physical framework should be established to provide economic vitality, community stability, and environmental health.
5. Common challenges that should be addressed by community planning are:
 - Increasing opportunities for reinvestment in established urban centers;
 - Encouraging appropriate intensity and location of new development served by adequate public facilities;
 - Minimizing the spread of low density, non-contiguous development;
 - Encouraging a wide range of housing opportunities which serve all segments of our diverse population;
 - Recognizing the value and encouraging the preservation of agricultural lands and natural resources;
 - Encouraging the preservation and/or restoration of our natural and built heritage environments;
 - Encouraging development in accordance with the adopted community master plan; and
 - Recognizing that land use decisions may have impacts beyond community boundaries.
6. The quality of life for the citizens of Michigan can be enhanced by developments that:
 - Support and restore existing low density, centerless communities into communities of diverse neighborhoods and districts;
 - Preserve and protect natural environments;
 - Maintain and build a positive social and strong economic climate, and
 - Improve the physical design and condition of our region, cities, villages, townships, neighborhoods, districts, corridors, parks, streets, blocks and homes.

20. Intergovernmental cooperation is necessary for achieving a viable, sustainable region.

ENVIRONMENT

1. Community planning should recognize that natural resources are system-dependent, not limited to jurisdictional boundaries.
 2. Lands with unique or sensitive resources should be preserved in their natural state.
 3. The health and quality of the natural resource base are directly related to public health, welfare, and economic growth.
 4. Natural resource areas, farmlands, and open space characterize the rural landscape. They are important and useful in shaping development and maintaining and establishing a rural community character.
 5. To preserve rural community character, site design should encourage clustering of development and preservation of open space.
 6. To preserve rural community character, site design should include desirable views and vistas across water features and farmlands.
 7. Natural resources are limited in their ability to accommodate development without incurring damage. Development within our natural environments should occur in a balanced and sustainable manner.
 8. Sensitive and fragile lands should be protected from degradation.
 9. Wildlife habitat corridors should be interwoven with development to achieve environmental balance and biodiversity.
2. Expansion and upgrading of public roads, water, and sewer services should be planned to strategically direct growth.
 3. Public transportation should connect homes to jobs, community center, cultural, recreational, educational and institutional facilities.
 4. A comprehensive transportation plan should support a unified, long-term vision of how the land is to be used.
 5. New and expanded public transportation systems should be located to attract urban reinvestment.
 6. Non-motorized transportation should be accommodated in new road corridors and strategically retrofitted into existing transit corridors and greenway linkages.
 7. The number and frequency of automobile access driveways along road corridors should be minimized.

PLANS AND IMPLEMENTATION

INFRASTRUCTURE

1. Development should be directed to areas serviced by adequate roads, water and utilities.
1. A broad-based citizenry should be involved during the development of local comprehensive master plans, including representation from neighboring and impacted jurisdictions. Local plans should consider and address the impacts of neighboring communities land uses, planned uses, goals, and objectives.
 2. Local planning decisions which affect neighboring communities should consider multi-jurisdictional impacts.
 3. Local comprehensive master plans should be reviewed periodically and updated as necessary to remain viable documents.
 4. Local zoning ordinances should be reviewed periodically and updated as necessary to ensure they are consistent with the comprehensive master plan.