Cascade Township Zoning Ordinance

Cascade Township, Kent County, Michigan

ORDINANCE #6 of 2025

Adopted February 11, 2026

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Article 1.
Title and Legal Basis

Section 1.1 Title & Purpose

A. **Title.** This Ordinance shall be known and may be cited as the "Cascade Charter Township Zoning Ordinance."

B. **Purpose.** The purpose of the Cascade Charter Township Zoning Ordinance is to:

1. Support and promote public health, safety, and general welfare in and of the Township.
2. Encourage the use of lands and preservation of natural resources in the Township in accordance with their character and adaptability.
3. Limit suburban sprawl and discourage the improper use of lands, buildings and other structures.
4. Provide for the orderly development of the Township.
5. Reduce any hazards to life and property.
6. Establish the location, placement, and manner for which dwellings, buildings, and other structures may be erected, altered, or moved into the Township.
7. Regulate open space, sanitary, safety, and protective measures that shall be required for such dwellings, buildings and structures.
8. Lessen congestion, enhance accessibility, and promote safety on all roads, streets, and other public places.
9. Conserve life, property values, and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land resources and properties.
10. Support and promote efficient land uses that are consistent with the Township's Master Plan and overall desired development patterns and aesthetic character.

Section 1.2 Legal Basis

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

Section 1.3 Interpretation and Severability

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abrogate, annul, impair, or interfere with existing provisions of other laws or ordinances, (except those specifically repealed by this Ordinance), or any private restrictions placed upon property by covenant, deed or other private agreement.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

B. **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 1.4 Conflict with Other Ordinances

A. To the extent that any other Ordinance regulates the subject matter regulated by this Ordinance, the Ordinances shall be construed together, if possible, and the remedies of the Ordinance shall be cumulative. Any Ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. 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 1.5 Rules for Construction of Language

A. The following rules of construction apply to the text of this Ordinance:

1. The particular shall control the general.
2. Words used in the present tense shall include the future, unless the context clearly indicates the contrary.
3. Words used in the singular number shall include the plural; and words used in the plural shall include the singular, unless the context clearly indicates the contrary.
4. Terms referred to in the masculine gender include the feminine and neuter.
5. The word **shall is always mandatory** and not discretionary; the **word may is permissive** and discretionary.
6. The word **build** includes the words erect and construct.
7. The word **building includes the word structure**. A building or structure includes any part thereof.
8. The words **include or including** shall mean including but not limited to.
9. The phrase **such as** shall mean such as but not limited to.
10. The phrase **used for** includes arranged for, designed for, intended for, occupied for, and maintained for.
11. The word **person** includes an individual, firm, association, organization, public or private corporation, partnership or co-partnership, limited liability company, incorporated or unincorporated association, trust, or any other entity recognizable as a person under the laws of the State of Michigan.
12. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction **and, or, or either/or,** the conjunction shall be interpreted as follows:
    a. **And** indicates that all the connected items, conditions, provisions, or events shall apply.
    b. **Or** indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
    c. **Either/or** indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
13. All measurements shall be to the **nearest integer**, unless otherwise specified herein.
14. Unless otherwise stated, the word **day** shall mean a calendar day; month shall mean any consecutive period of 30 calendar days; and year shall mean any consecutive period of 365 calendar days.
15. Unless the context clearly indicates the contrary, where an illustration accompanies any item within this Ordinance, the **written text shall have precedence over said illustration**.

Section 1.6 Administrative Regulations

A. **Minimum Requirements.** The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals, prosperity, and general welfare.

B. **Vested Right.** Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or permissible activities therein. Such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety, and welfare, to the extent that such rights are not protected by the nonconforming use provisions in Article 15.

C. **Continued Conformity with Yard and Bulk Regulations.** The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence. No portion of a lot used in complying with the provisions of this Ordinance in connection with an existing or planned building shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

D. **Division and Consolidation of Land.** The division and consolidation of land shall be in accordance with the Land Division Act (Michigan Public Act 288 of 1967, as amended) and Section 14.14 of this Ordinance, as may be amended from time to time.

E. **Unlawful Buildings, Structures, Site Designs and Uses.** A building, structure, or use which did not lawfully exist at the time of adoption of this Ordinance shall not be made lawful solely by adoption of this Ordinance. In case any building, or part thereof, is used, erected, occupied or altered contrary to the provisions of this Ordinance, such building or use shall be deemed an unlawful nuisance and may be required to be vacated, torn down, or abated by any legal means. The building or structure shall not be used or occupied until it has been made to conform to the provisions of this Ordinance.

F. **Continuation of Existing Lawful Land Uses.** Any building, structure or use, lawfully in existence at the time of the effective date of this Ordinance may be continued except as provided in Article 15, Nonconformities.

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

Section 1.7 Multiple Uses Sharing a Property

A. In mixed use, commercial, and industrial zone districts, multiple simultaneous uses or buildings of a given property shall be permitted, provided that all required approvals are obtained for all uses, and all requirements applicable to each use are met.

Section 1.8 Effects of Zoning

A. Except as otherwise specified (such as through waivers, special land uses, or variances), no structure or premises shall be used or occupied, and no building or part thereof shall be erected, razed, moved, placed, reconstructed, extended, enlarged, or altered, except in compliance with the regulations set forth in this Ordinance.

   1. Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance and construction is begun within six (6) months of the effective date, said building or structure may be completed in accordance with the approved plans. Furthermore, upon completion the building may be occupied under a Certificate of Occupancy for the use for which the building was originally designated. Any subsequent text or map amendments shall not affect previously issued valid permits.

B. The requirements of this Zoning Ordinance effect all parcels of land located within Cascade Charter Township, unless explicitly stated otherwise or limited by State of Michigan or federal law.

Section 1.9 Uses Not Listed

A. The Cascade Charter Township Planning Director may determine that a proposed use that is not specifically cited by name as a permitted use in a zone district is clearly similar in nature to a listed use in that district. In such cases, the Planning Director may determine a proposed use is permitted in the district, given its similarities to other permitted uses. The Township Planning Director may defer any such decisions to the Zoning Board of Appeals, particularly in cases of ambiguity.

Article 2.
Zone Districts

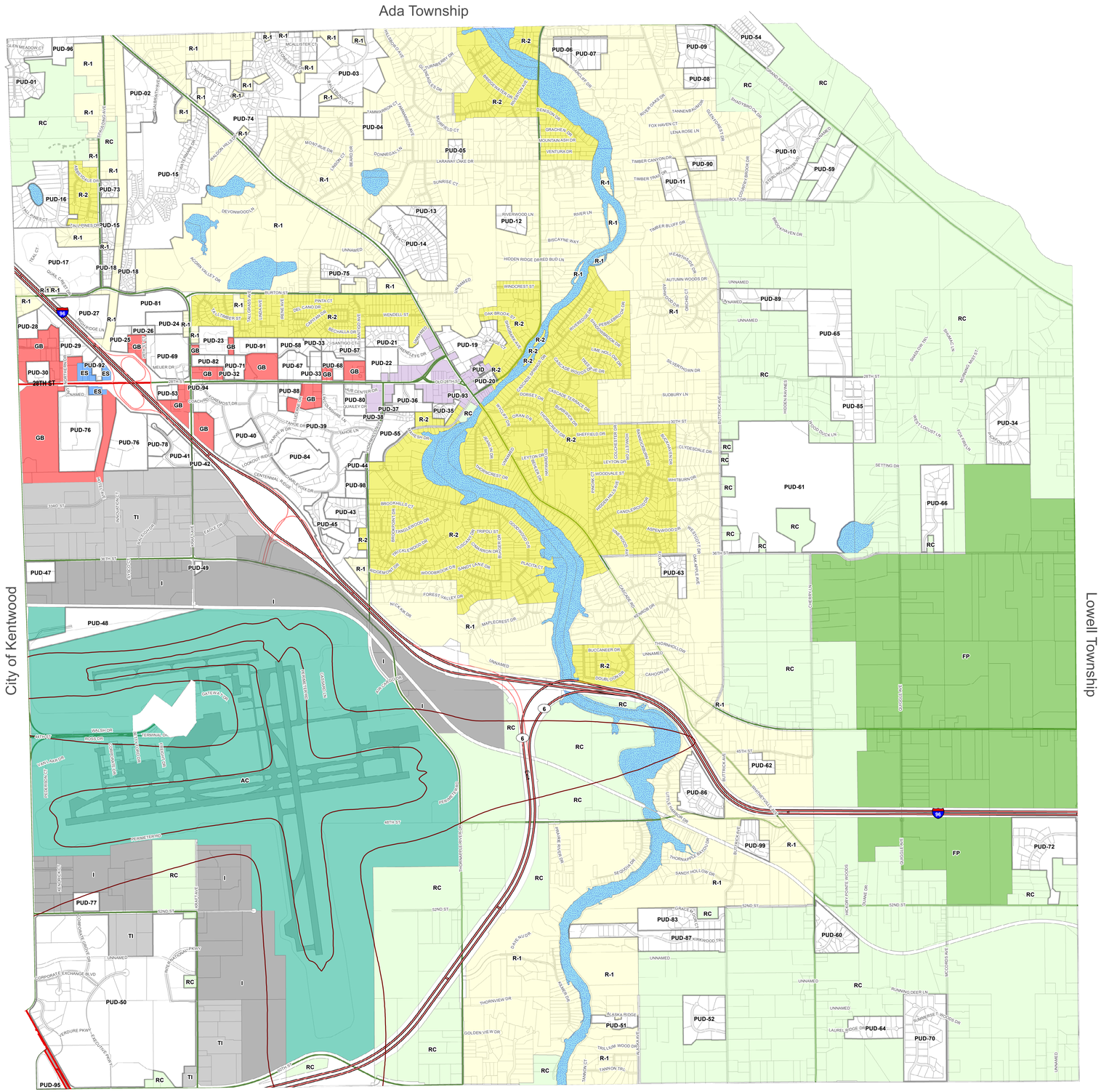
Section 2.1 Districts

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

Zone District Name	Symbol
Agricultural	
Farmland Preservation	FP
Residential	
Rural Conservation	RC
R-1 Single-Family Residential	R-1
R-2 Single-Family Residential	R-2
Commercial	
General Business	GB
General Office	O
Expressway Service	ES
Airport Commerce	AC
Industrial	
Transitional Industrial	TI
Industrial	I
High-Intensity Industrial	HI
Airport Overlays	
Overlay A	Overlay A
Overlay B	Overlay B
Overlay C	Overlay C
Mixed-Use Overlays	
28th Street Overlay	O-28
Starr Overlay	O-S
Glenwood Overlay	O-G
Centennial Overlay	O-C
Arboretum Overlay	O-A
Interchange Overlay	O-I
Waterfall Shoppes Overlay	O-WS
Village Districts	
Village Core	V-VC
Village Fringe	V-VF
Thornapple Center	V-TC
Old 28th Street	V-O28

Section 2.2 Map and Boundaries

A. The boundaries of these zone districts are shown upon the map attached hereto and made a part of this Ordinance, being designated as the Zoning Map of the Township. The Zoning Map attached hereto and on file with the Clerk of the Township, and all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if those notations, references and other information shown on it were fully set forth or described herein.



Cascade Charter Township

Kent County, Michigan

Official Zoning Ordinance Map

February 11, 2026

Legend

- Farmland Preservation
- Rural Conservation
- R-1 Residential
- R-2 Residential
- General Business
- General Office
- Expressway Service
- Airport Commerce
- Industrial
- Transitional Industrial
- Village Districts
- Planned Unit Development
- Airport Noise Contours

Planned Unit Development List

1 Eastmont Meadows - #2 of 1992, #6 of 1999
2 Golfview Office Park - #9 of 1999
3 Tammarron North - #10 of 1989, #9 of 1994
4 Fountain Estates - #4 of 1991
5 Timbers - #2 of 1991
6 Briarcliff Acres - #13 of 1993, #6 of 1998
7 Winsfield - #15 of 1992
8 Loral Pines - #9 of 1991
9 Old Elm - #24 of 1994
10 Highgrove - #23 of 1994
11 Timber Canyon Estates - #7 of 1991
12-Riverwood #10 of 1988
13 Cascade Lakes Plat #2 of 1996, #1 of 1997
14 Cascade Lakes - #10 of 1995, #10 of 1999
15 Watermark - #10 of 1997, #8 of 2003
16 Talll Pines - #16 of 1994
17 Quail Crest - #2 of 1983, #12 of 1995
18 Burton Pointe - #14 of 1990, #9 of 1996
19 Thornapple Centre - #3 of 1992, #1 of 2001
20 Cascade Christian Church - #15 of 1994
21 Grenelefe - #9 of 1985, #9 of 2000
22 Cascade East - 1978
23 Chatam Woods - 1972
24 MVP - #10 of 2006
25 Home Design Center - #6 of 1988, #3 of 1993
26 Spruce Meadows - #4 of 1994, #1 of 2007
27 Highridge - #4 of 1989, #16 of 2000
28 Patterson Ice Center - #10 of 1994
29 I-96 Office Park - #11 of 1984, #12 of 1987
30 Sports and Recreation - #4 of 1995
31 Burger King - 1981
32 Esplanade - #6 of 1986, #20 Of 2000
33 Thornapple Land Company - 1979
34 Crestwood Hills - #4 of 1997
35 Summit - #11 of 1990, #5 of 1999
36 Noto - #13 of 1995
37 Kitchens By Stephanie - #13 of 1989
38 Northern Benefits - #15 of 1995
39 Centennial Park - 1973, #3 of 2013
40 Sunrise Senior Living - #12 of 2005
41 Glenwood Hills - #5 of 1986
42 Joseph Pacitti - #5 of 1987
43 Thornapple Estates - #9 of 1989, #7 of 1998
44 Heathmoor - #8 of 1991
45 Meadowood Trails - #5 of 1989, #9 of 1998
46 Grooters 36th St - #14 of 1992
47 Patterson 36th St - #8 of 1982
48 KCRC Facility - #7 of 1988
49 LeTourneau - #6 of 1989
50 Meadowbrooke Business Park - #2 of 1988, #10 of 2003
51 Ridgewood Creek - #2 of 1995
52 Buttrick Country Estates - #18 of 1990, #9 of 2001
53 Signature Inns - #15 of 1987
54 Ada Moorings - #13 of 2003
55 Sentenel Pointe - #6 of 1984, #1 of 2016
56
57 Caravelle Village #7 - #17 of 1995
58 Thornapple Manor - #2 of 1998, #2 of 2004
59 Platinum Falls - #11 of 1998
60 Whitneyville Station - #1 of 1999
61 Quail Ridge - #7 of 1999
62 Thornapple Meadows - #8 of 1999
63 Hunter's Way - #10 of 2000, #1 of 2001
64 Laural Ridge - #14 of 2000
65 Sturbridge Estates - #6 of 2001
66 Bloomington Hills - #7 of 2001
67 East Imports - #1 of 2004, #6 of 2004, #9 of 2017
68 Caravelle Mixed Use - #2 of 2002, #16 of 2003
69 Meijer/Romano - #11 Of 2002
70 Summerset - #12 of 2002
71 Betten Automotive - #16 of 2002
72 Clear Meadow - #3 of 2003
73 Park Place Condominium - #11 of 2003
74 Manchester Woods/ Stoneshire - #3 of 2004
75 Cascade Pointe - #4 of 2004
76 Waterfall Shoppes - #8 of 2004
77 Spees Realty - #10 of 2004
78 Glenwood Hills Office Park #3 - #9 of 2004
79 Cascade Engineering Corp Office - #14 of 2004
80 Riebel Development - #2 of 2005, #7 of 2017
81 YMCA - #7 of 2014
82 Kraft St Partners - #8 of 2005
83 Anderson Woods - #9 of 2005
84 Gatehouse
85 Burwood - #2 of 2006
86 Oak Harbor Preserve - #8 of 2017
87 Anderson Woods Phase II and III - #11 of 2006
88 Spees #3 of 2007
89 Sturbridge Valley - #4 of 2007
90 Sable Valley - #2 of 2013
91 Redwood - #6 of 2013
92 Drury Hotel - #12 of 2014
93 Thornapple Hilltop - #1 of 2015
94 Panera Bread - #2 of 2015
95-5905 Broadmoor - #3 of 2015
96 Leisure Living - #4 of 2017
97
98 The Lanterns #2 of 2019
99 Honeysuckle #4 of 2020

Sue Slater, Township Clerk Date

Cascade Township Planning Department | (616) 949-0224

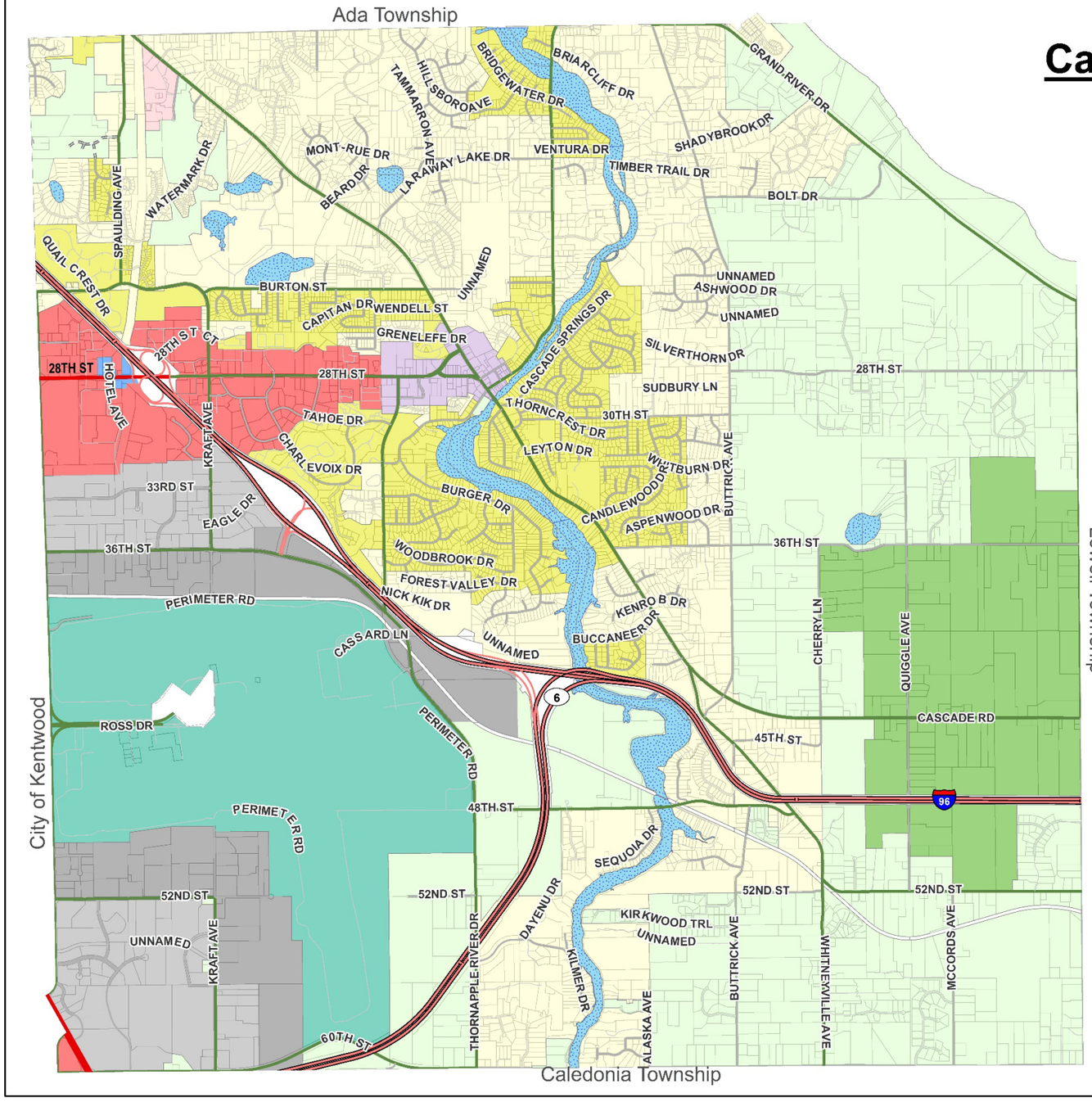
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N

B. The map below establishes the Underlying zone districts for each parcel within a Planned Unit Development as they existed at the time of adoption of this Ordinance. The provisions of these underlying zone districts apply only in the case of the Planned Unit Development not regulating a particular topic in a manner that conflicts with, and therefore supersedes, the underlying zone district.

Cascade Charter Township

Kent County, Michigan
Underlying Zone Districts Map
February 11, 2026



Legend

- Farmland Preservation (FP)
- Rural Conservation (RC)
- R-1 Residential (R-1)
- R-2 Residential (R-2)
- General Business (GB)
- General Office (O)
- Expressway Service (ES)
- Airport Commerce (AC)
- Industrial (I)
- Transitional Industrial (TI)
- Village District (V)
- Water bodies

N

0 0.25 0.5 1 Miles

Section 2.3 District Boundaries Interpretation

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

   1. Boundaries depicted as approximately following the centerlines of streets shall be construed to follow such centerlines.

   2. Boundaries depicted as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such change. Boundaries indicated as approximately following the centerlines of streams or rivers shall be construed as following such centerlines.

   3. Boundaries depicted as approximately following lot or property lines shall be construed as following such lines.

   4. Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

B. The Zoning Board of Appeals shall be the approval authority when interpretation of district boundaries is necessary.

Section 2.4 Zone District Descriptions

A. **Farmland Preservation (FP) District.** The FP, Farmland Preservation District is intended to support and encourage the continuation of agricultural land uses in Cascade Township. The purpose of this District is not to prohibit single-family land uses, but to discourage excessive lot splits and residential neighborhoods, as residential land uses tend to degrade farmland over time. This District is also intended to offer opportunities for supplemental income for farmers and agricultural producers to support the longevity of farmland uses. It is further the intent of this District to encourage the continuation of undeveloped land and open space.

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

C. **R-1 Single Family Residential (R-1) District.** The R-1 district is intended to provide large-lot rural neighborhoods to accommodate single family detached homes and promote a low-density residential environment. Commercial activities are not contemplated, other than home occupations and limited community and educational uses.

D. **R-2 Single Family Residential (R-2) District.** The R-2 district is intended to provide large-lot suburban neighborhoods to accommodate single family detached homes and promote a suburban low-density neighborhood. Commercial activities are not contemplated, other than home occupations and limited community and educational uses.

E. **General Business (GB) District.** The GB district is intended to satisfy the land needs for a wide range of business uses and to cater to needs of a larger consumer population. This district recognizes the economic value or potential value of these lands as well as various problems often encountered in the development of these areas, including hazardous traffic conditions, traffic congestion, over development of lands, shopper inconvenience, and potential lack of amenities necessary to maintain long-range property values.

F. **General Office (O) District.** The O District is intended to provide a variety of business, professional, executive, and administrative office uses, sports or club buildings, and related activities, as well as a limited range of personal services. Uses in this district, by virtue of their relatively low level of intensity, unobtrusive hours of operation, and architecture, may often serve as a transition between more intensive uses and residential uses.

G. **Expressway Service (ES) District.** The ES district is designed to provide for servicing the needs of automobile highway traffic at certain interchange areas of feeder roads and expressway facilities. The avoidance of undue congestion on feeder roads, the promotion of smooth traffic flow at the interchange areas of the expressway and the protection of adjacent properties in other zones from adverse influences of traffic are prime considerations in the creation of the "ES" District.

H. **Airport Commercial (AC) District.** This AC district recognizes that the Gerald R. Ford International Airport Authority (the “Authority”) is a regional airport authority formed and existing pursuant to the Regional Airport Authority Act (PA 95 of 2015, as amended) (“Act 95”), being Chapter VIIA of the Aeronautics Code of the State of Michigan (PA 327 of 1945, as amended) (“Act 327”). This district also recognizes that a portion of the Gerald R. Ford International Airport is located within the City of Grand Rapids. This district is intended to accommodate and promote aeronautical progress for the public good, and to facilitate adequate provision for a system of transportation pursuant to MCL 125.3203(1), while protecting the public health and welfare of the citizens in the Township. The provisions of this Ordinance shall, however, be in compliance with the regulations of the Michigan Aeronautics Code (MAC), the Federal Aviation Administrations (FAA), the Michigan Zoning Enabling Act (MZEA), airport zoning ordinances, relevant case law and ordinances of Cascade Township. The regulations of the Airport-Commerce District are not intended to conflict with existing or future approach protection regulations promulgated by the United States (Federal Aviation Regulation Part 77), the State of Michigan or the Authority from time to time, which are incorporated herein.

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

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

K. **High-Intensity Industrial (HI) District.** The HI district is intended to regulate and control industrial uses that have the potential for significant negative off-site impacts, including noise, dust, odor, vibration, aesthetics, truck traffic, rail traffic, structure height, environmental contamination, or causing land on neighboring properties to become unstable or unbuildable.

Section 2.5 Village Districts

A. **General Purpose and Intent**. The intent of the Village District is to preserve, protect, and enhance the unique character of Cascade Village. The Village District allows for a wide range of uses and encourages vertical mixed-use development, while also providing standards on building massing, form, architectural features, and their relationship to the public realm. Rather than being based on Use and Dimensional Standards, the Village Zone Districts achieves this by regulating Building Types and Building Envelopes in the 4 Sub-Districts:

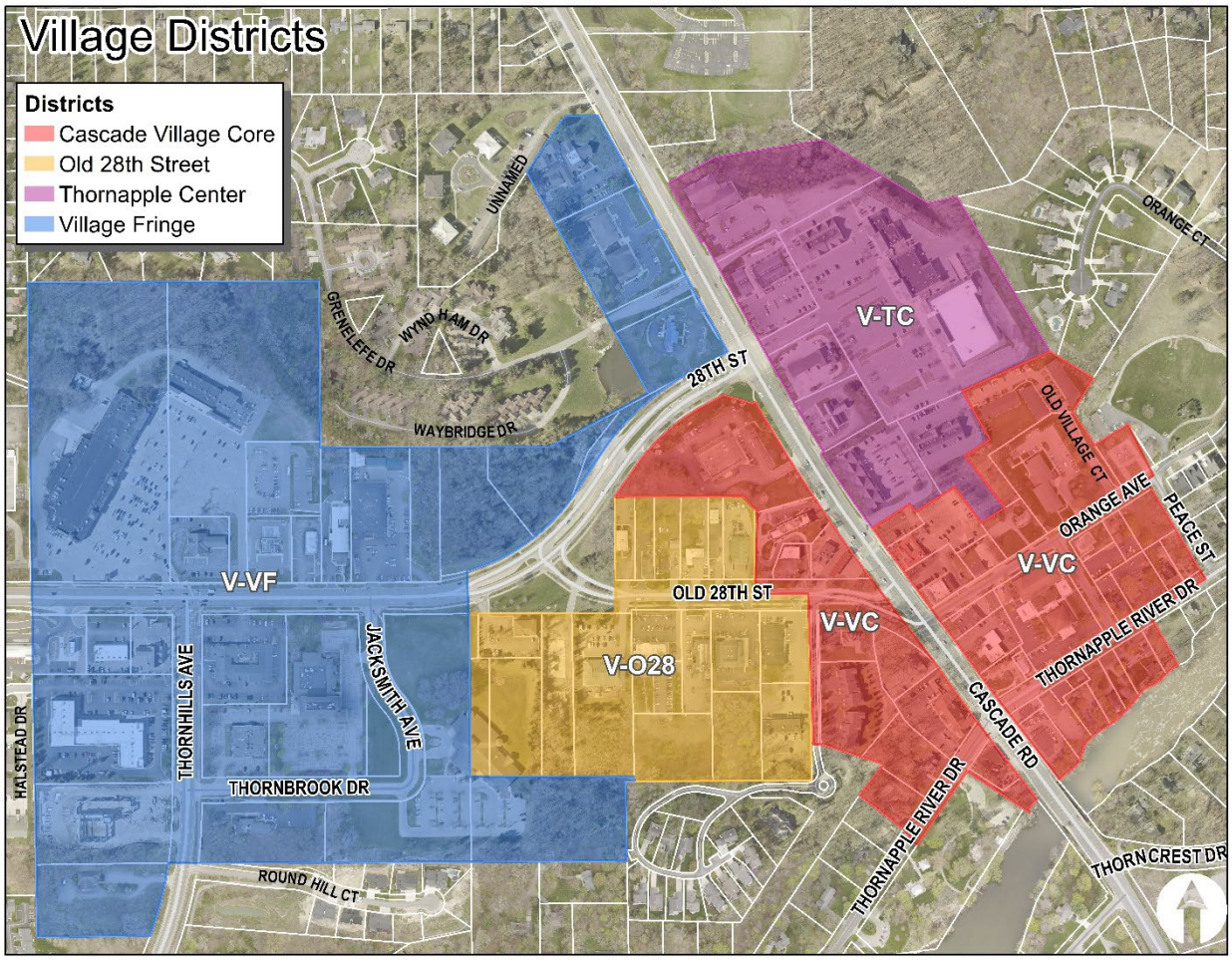
1. **Village Core (V-VC) Village District.** The V-VC Village District is intended to establish high standards of development in Cascade’s historic village, centered on the corner of Cascade Road and Thornapple River Drive. The district ensures that new construction will implement specific design features that promote fine grained village form and create livability and walkability. The Cascade Village Core area is envisioned to be the Township’s walkable, bikeable, and welcoming traditional Village area. Traditional colonial/cottage style architecture is envisioned, with high quality building and site design elements. Higher density buildings may be appropriate in this area, with minimal setbacks, rear or side parking, and other traditional site design features.

2. **Village Fringe (V-VF) Village District.** The V-VF Village District is intended to encourage high development standards but provide more flexibility than in the Village Core. The Village Fringe includes the portions of 28th Street and surrounding roadways at the top of the hill, surrounding the Cascade Library and Friendship Park.

3. **Thornapple Center (V-TC) Village District.** Thornapple Center was built as a conventional auto-oriented shopping center, but it is primed for redevelopment. Current conditions of this area include a vast, underutilized parking area and several successful commercial businesses. Thornapple Center is not connected by sidewalk or bike infrastructure and does not offer many cross-connections between parking lots to adjacent areas within the Village Core to the south. However, the current layout of the Thornapple Center site sets the stage for grid-like structure, fully connected by a pedestrian network and usable public space for gathering, shopping, dining, and other recreational activities. The future vision for this area includes a walkable and bikeable village center with residential land uses and commercial land uses intermingled.

4. **Old 28th Street (V-O28) Village District.** The V-O28 Village District is intended to become a mixed-use area with a shifted focus on residential components. Those who reside within this area will have primary walkable and bikeable access to the Village Core at Thornapple River Drive and Cascade Road. This area is intended to have more residential development, with some commercial businesses adjacent. This area should also be walkable and provide pedestrian and bike access (as applicable) to the Village Core and further "up the hill" to the Kent District Library and Friendship Park.

B. **Map of Village Districts.** The boundaries of these Village Districts are shown upon the map attached hereto and made a part of this Ordinance. The Map of Village Districts attached hereto and on file with the Clerk of the Township, and all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if those notations, references and other information shown on it were fully set forth or described herein.

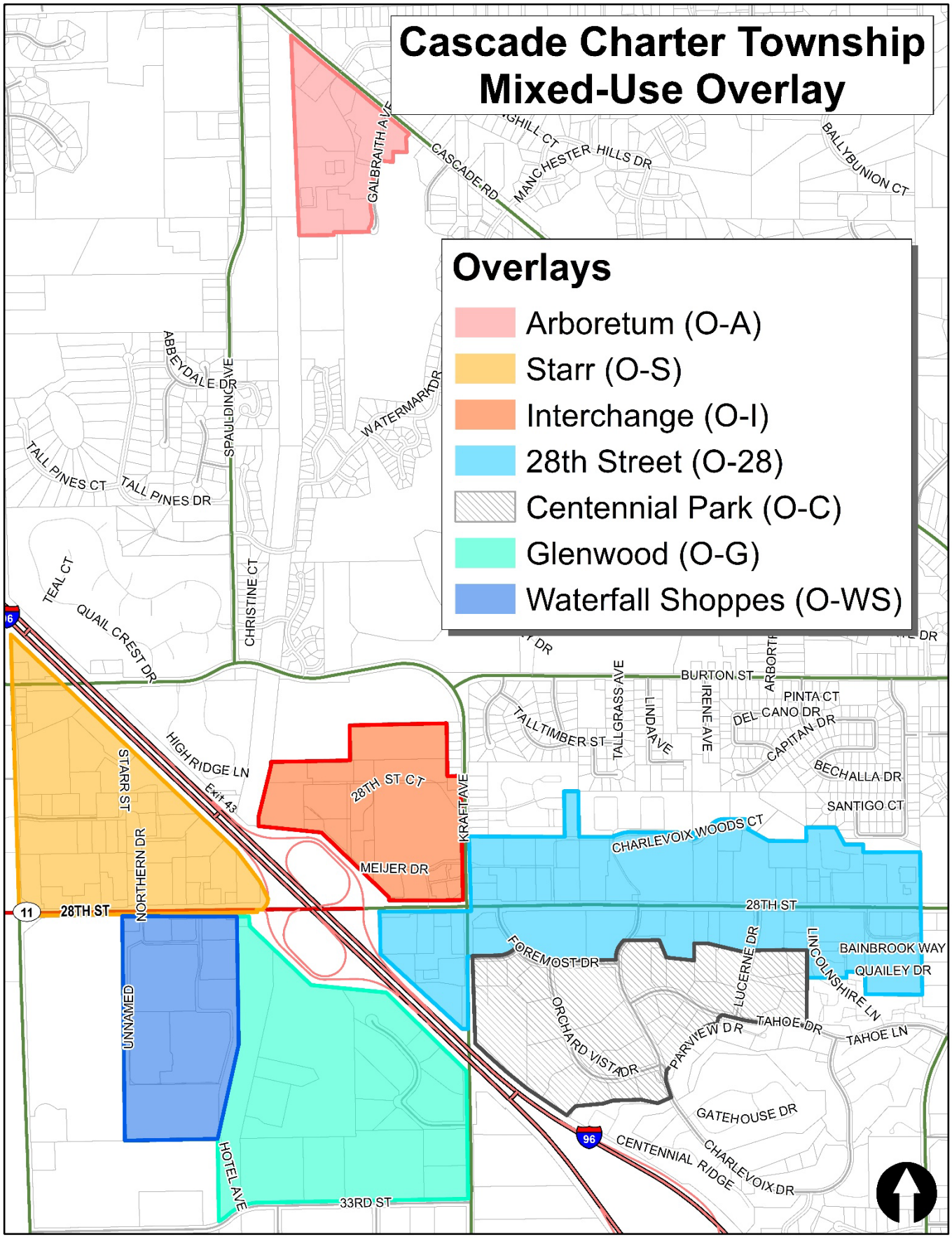


Section 2.6 Mixed-Use Overlays

A. **General Purpose and Intent.** The purpose of the Mixed-Use Overlay Districts described below is to create a customized mixed-use zoning system to encourage new development and redevelopment envisioned by the Township Master Plan. It is further the intent of the Mixed-Use Overlay Districts to establish requirements that support and elevate high-quality building and site design standards within specific commercial and mixed-use areas while simultaneously elevating public safety and appropriate Fire Department access. The Mixed-Use Overlay Districts have been identified in the following 8 overlays:

1. **28th Street (O-28) Overlay District.** The O-28 Overlay District is intended to create a modern land use and architectural fabric. This includes mixed-uses, commercial, medical, and office uses. It is envisioned the 28th Street Corridor will redevelop into a corridor with cross-access between businesses, right-sized parking areas, high quality landscaping, attractive signage, and high-quality building and site design. In this context, High Quality Building Design includes building materials constructed from brick, masonry, stone, siding, and other applicable materials. (Re)development sites should include robust frontage, parking lot, and general site landscaping elements.
2. **Starr (O-S) Overlay District.** The O-S Overlay District is intended to allow the redevelopment of antiquated office and light industrial space into residential or more modern business spaces. Existing mature growth trees and natural spaces should be preserved. Further, new residential development proposals should include greenspace, open space, active or passive recreation space.
3. **Glenwood (O-G) Overlay District.** The O-G Overlay District is intended to allow the redevelopment of antiquated office space into residential or more modern business spaces, and to allow residential or mixed-use development on remaining development sites. Existing mature growth trees and natural spaces should be preserved. Further, new residential development proposals should include greenspace, open space, active or passive recreation space.
4. **Arboretum (O-A) Overlay District.** The O-A Overlay District is intended to encompass the business park along Cascade Road, east of Spalding. Current conditions include small commercial businesses surrounded by residential land uses. The Township should continue to support these local businesses but also offer opportunities for mixed-use redevelopment. Any new commercial development should be at a small-scale intended to serve adjacent residential homes.
5. **Interchange (O-I) Overlay District.** The O-I Overlay District is intended to include the current Meijer store located on 28th Street and immediate parcels north and west of the store. Development activities here can include development or redevelopment of existing structures, as applicable. Existing conditions in this area include commercial businesses, hotels, and offices.
6. **Waterfall Shoppes (O-WS) Overlay District.** The O-WS Overlay District encompasses an existing commercial and retail hub in Cascade Township. This area is a popular regional destination for general commercial activities. The area experiences high traffic volumes, frequent loading and unloading activities for big box retail stores, vast parking lots, and other similar features consistent with suburban commercial development on a large scale. The overarching vision for the future of this area is to support and maintain economic activities to occur in this area, but also support potential redevelopment, as applicable or appropriate.
7. **Centennial (O-C) Overlay District.** The O-C Overlay District is intended to re-energize the declining office park land uses in the Township. Currently, Centennial Park is the locale for Cascade Township Hall, and other office businesses and buildings. The Centennial mixed-use area is envisioned to emerge into a walkable mixed-use node within the Township.

B. **Map of Overlay Districts.** The boundaries of these mixed-use Overlays are shown upon the map attached hereto and made a part of this Ordinance. The Map of Overlay Districts attached hereto and on file with the Clerk of the Township, and all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if those notations, references and other information shown on it were fully set forth or described herein.

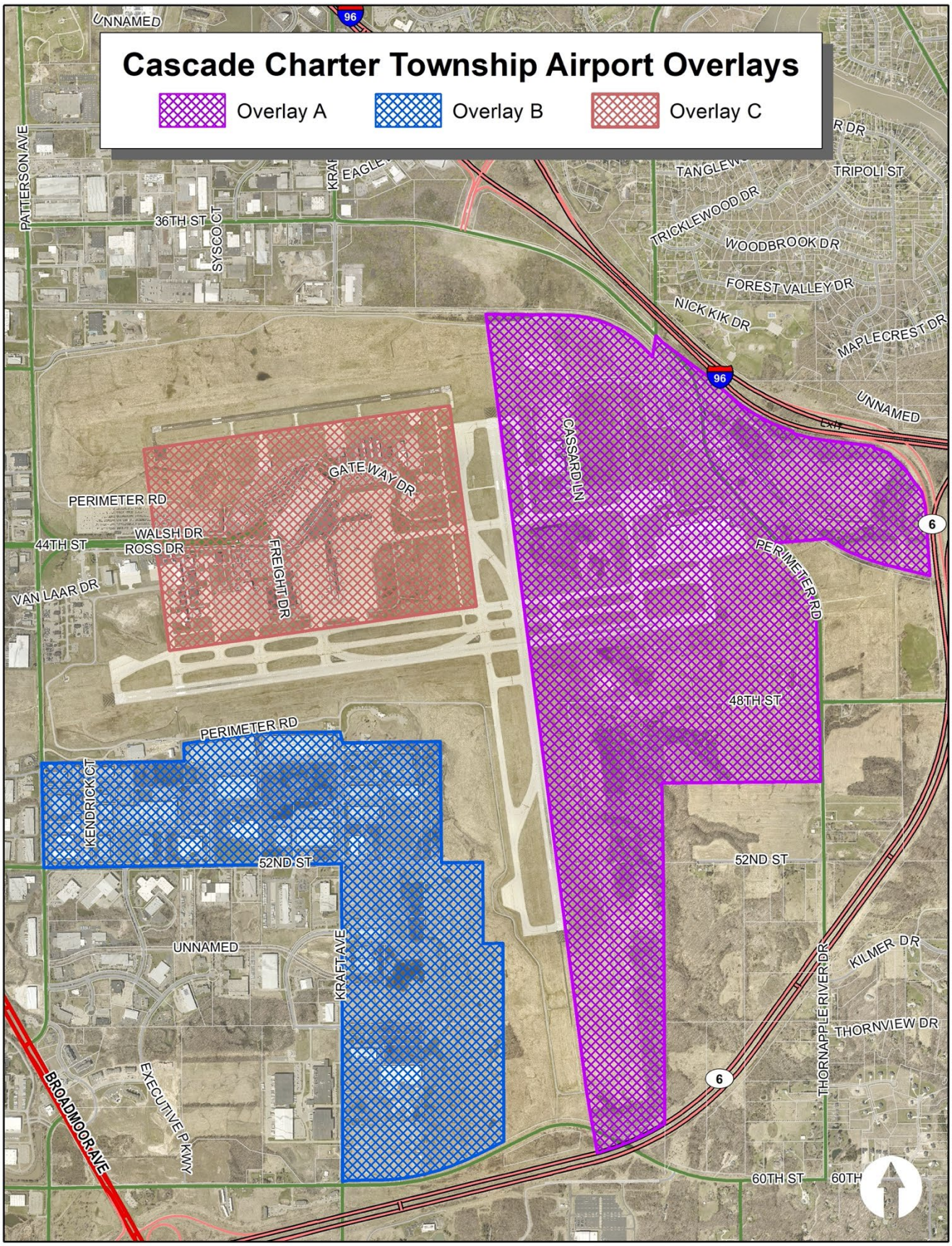

Cascade Charter Township
Mixed-Use Overlay
Overlays
Arboretum (O-A)
Starr (O-S)
Interchange (O-I)
28th Street (O-28)
Centennial Park (O-C)
Glenwood (O-G)
Waterfall Shoppes (O-WS)
GALBRAITH AVE
CASCADE RD
MANCHESTER HILLS DR
BALLYBUNION CT
ABBEYDALE DR
SPAULDING AVE
WATERMARK DR
TALL PINES CT
TALL PINES DR
TEAL CT
QUAIL CREST DR
CHRISTINE CT
BURTON ST
TALLTIMBER ST
TALLGRASS AVE
LINDA AVE
IRENE AVE
PINTA CT
DEL CANO DR
CAPITAN DR
BECHALLA DR
SANTIGO CT
CHARLEVOIX WOODS CT
HIGH RIDGE LN
Exit 43
STARR ST
NORTHERN DR
28TH ST CT
KRAFT AVE
MEIJER DR
11
28TH ST
FOREMOST DR
LUCERNE DR
LINCOLNSHIRE LN
BAINBROOK WAY
QUAILEY DR
ORCHARD VISTA DR
PARVIEW DR
TAHOE DR
TAHOE LN
GATEHOUSE DR
CENTENNIAL RIDGE
CHARLEVOIX DR
96
UNNAMED
HOTEL AVE
33RD ST

Section 2.7 AC Airport-Commerce District Overlays

A. **General Purpose and Intent.** The Airport Overlays are established as zones within the AC Zone District. This district shall be divided into three zones, each of which shall be subject to the provisions of Section 14.18. The AC District shall be described as the area generally surrounding the runways, hangars and control tower and shall be considered a separate zone district. Overlays A and B shall be described as the area further removed from the airport than the AC District. Overlays A, B and C are overlay districts that implement additional regulations layered on top of the regulations in the properties' underlying zone district(s). The AC Airport-Commerce District Overlay Districts are identified in the following three (3) overlays:

1. **AC Airport Commerce District, Overlay A.** The intent of Overlay A is as follows:
    a. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
    b. Protect the approaches to the Airport and surrounding airspace from encroachment.
    c. Protect vulnerable land uses from negative impacts caused by the airport.
    d. Protect state, federal, and local investments in aviation infrastructure.
    e. Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that would be detrimental to Airport operations and navigable airspace.
    f. Providing a transitional area between the Airport and neighboring agricultural and residential uses.
2. **AC Airport Commerce District, Overlay B.** The intent of Overlay B is as follows:
    a. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
    b. Protect the approaches to the Airport and surrounding airspace from encroachment.
    c. Protect vulnerable land uses from negative impacts caused by the airport.
    d. Protect state, federal, and local investments in aviation infrastructure.
    e. Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that would be detrimental to Airport operations and navigable airspace.
3. **AC Airport Commerce District, Overlay C.** The intent of Overlay C is as follows:
    a. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
    b. Protect the approaches to the Airport and surrounding airspace from encroachment.
    c. Protect vulnerable land uses from negative impacts caused by the airport.
    d. Protect state, federal, and local investments in aviation infrastructure.
    e. Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that would be detrimental to Airport operations and navigable airspace

B. **Map of Overlay Districts.** The boundaries of these Airport Overlays are shown upon the map attached hereto and made a part of this Ordinance. The Map of Airport Overlay Districts attached hereto and on file with the Clerk of the Township, and all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if those notations, references and other information shown on it were fully set forth or described herein.


Cascade Charter Township Airport Overlays
Overlay A
Overlay B
Overlay C
UNNAMED
96
PATTERSON AVE
36TH ST
SYSCO CT
EAGLE
TANGLEWOOD DR
TRICKLEWOOD DR
WOODBROOK DR
FOREST VALLEY DR
NICK KIK DR
TRIPOLI ST
MAPLECREST DR
UNNAMED
Exit
CASSARD LN
GATE WAY DR
PERIMETER RD
WALSH DR
ROSS DR
44TH ST
FREIGHT DR
VAN LAAR DR
PERIMETER RD
48TH ST
PERIMETER RD
KENDRICK CT
52ND ST
52ND ST
UNNAMED
KRAFT AVE
KILMER DR
THORNAPPLE RIVER DR
THORNVIEW DR
6
BROADMOOR AVE
EXECUTIVE PKWY
60TH ST
60TH

Section 2.8 Public Water and Sewer Required to Access Full District Rights

A. Connection to the public water and/or sewer systems shall be required for all new construction of principal buildings within the Utility Service Boundary designated in the Cascade Township Master Plan, as amended from time to time, when public water and/or sewer is available at the site. The Township Board may waive this requirement upon determination that compliance with it represents an "unreasonable hardship" for the owner.

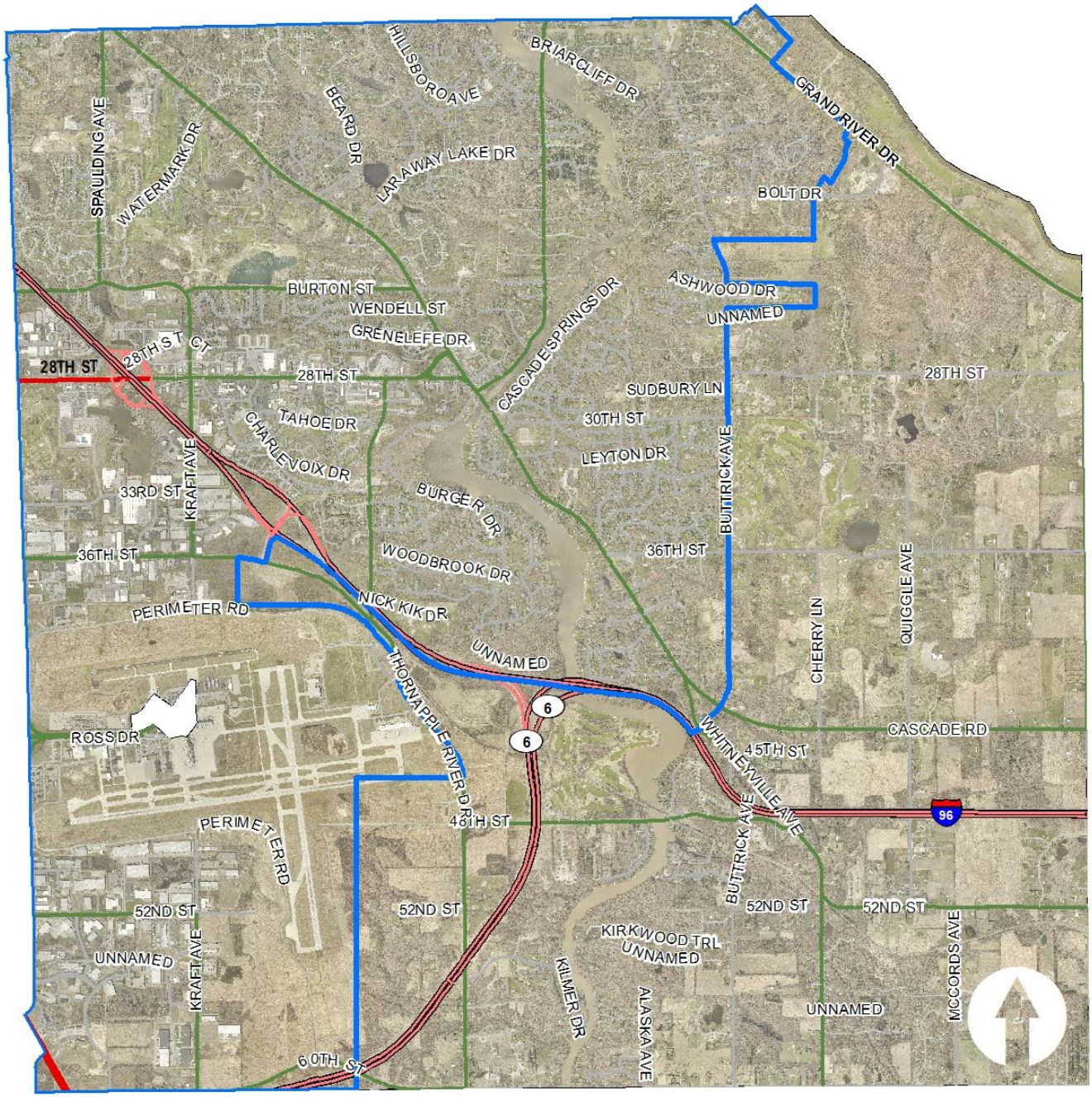
B. In the following zone districts, connection to the public water and sewer system shall be provided in order to develop any lot under the standards of that district as written in this Ordinance. If public water and/or sewer are not available to the site they must be extended, at the developer's cost, in order to develop the site under the standards of the district as written. If public water and sewer are not available and not extended, then the provisions of the districts listed below shall apply, instead of the provisions of the district as written. This Section shall not apply outside of the Utility Service Boundary designated in the Cascade Township Master Plan.

Zone District as Designated on Zoning Map	Regulations without Public Water and Sewer
FP	FP
RC	RC
R-1	R-1
R-2	R-1
GB, ES, AC, TI, I, HI, O	RC
Mixed-Use Overlay Districts	RC
Village Districts	RC

C. All utilities must be complete and installed prior to the issuance of a Certificate of Occupancy for any development. This shall include all private utilities in public rights-of-way, including, but not limited to, communications, electricity, and heating fuel.

Cascade Charter Township Utility Service Boundary

Utility Service Boundary



Article 3. Definitions

Section 3.1 General Provisions

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

Section 3.2 Definitions

Definitions and terms not enumerated in Section 3.2 Definitions, or within this Ordinance, have the definition provided by the most recent edition of Webster’s Dictionary.

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

Accessory Building: A subordinate or supplemental building, or portion of a main building, designed or intended for the support, enclosure, shelter or protection of persons or property having a roof and is supported by columns or walls. As defined in Section 4.2.B.1.

Accessory Structure: A subordinate or supplemental structure consisting of anything constructed, erected, or placed with a more or less fixed location on the ground. As defined in Section 4.2.B.2.

Accessory Use: The utilization of property as allowed by this Ordinance that is naturally and normally incidental to the primary use of the land or building. As defined in Section 4.2.B.3.

Acre, Developable: A measure of developable land after excluding non-developable land area. See Section 6.3.F.

Acreage, Gross: The total land area within a parcel of land.

Acreage, Net: A measure of developable land after excluding non-developable land area.

Adult Businesses: A business or commercial establishment engaging in one or more of the following enterprises: (1) adult cabaret; (2) adult merchandise store; (3) adult motel; (4) adult theater; (5) escort agency; (6) nude model studio; and (7) sexual encounter center. Refer to Section 9.4.A.

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

A. Live performances predominately characterized by an emphasis on the exposure of any specified anatomical area or by any specified sexual activity; or

B. Films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media predominately characterized by an emphasis on the depiction or description of any specified sexual activity or any specified anatomical area.

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

A. **Adult Day Care Center:** A facility other than a private residence, receiving more than six adults for group care periods of less than 24 hours a day.

B. **Adult Family Day Care Home:** A private residence in which one but less than seven adults are given care and supervision for periods of less than 24 hours a day except adults related to the family by blood, marriage or adoption.

C. **Adult Family Group Day Care Home:** A private residence in which more than six but not more than 12 adults are given care and supervision for periods of less than 24 hours a day except adults related to the family by blood, marriage or adoption

D. Adult day care facilities do not include adult foster care facilities or child care organizations as defined in this Article.

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

A. **Adult foster care camp or adult camp:** An adult foster care facility with the approved capacity to receive more than 4 adults who shall be provided foster care. An adult foster care camp is a facility located in a natural or rural environment.

B. **Adult foster care congregate facility:** An adult foster care facility with the approved capacity to receive more than 20 adults who shall be provided foster care.

C. **Adult foster care family:** A private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and four or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.

D. **Adult foster care large group home:** An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults who shall be provided foster care.

E. **Adult foster care small group home:** An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care.

F. Adult foster care facility does not include any of the following:

1. Adult day care facilities as defined in this Article.
2. Nursing homes, homes for the aged or hospitals as defined in this Article and as licensed under Article 17 of the Public Health Code, Act No.368 of the Public Acts of 1978 as amended, or facilities operated under the Mental Health Code and Social Welfare Acts being Act No.258 of the Public Acts of 1974 and Act No.280 of the Public Acts of 1939.
3. A child care organization as defined in this Article if the number of residents who become 18 years of age while residing in the facility does not exceed the following:
    a. Two, if the total number of residents is 10 or fewer.
    b. Three, if the total number of residents is not less than 11 and not more than 14.
    c. Four, if the total number of residents is not less than 15 and not more than 20.
    d. Five, if the total number of residents is 21 or more.
    e. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care.
    f. A veterans facility created under Act No.152 of the Michigan Public Acts of 1885, as amended.

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

A. 25% of the establishment's retail floor space (i.e. excluding bathrooms, office areas, fitting rooms, eating areas, storage rooms/closets, etc.) is used for the sale of merchandise that is predominately distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area.

B. 25% of the establishment's visible inventory is comprised of merchandise that is predominately distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area.

C. 25% of the establishment's gross revenues are generated by the sale or rental of merchandise that is predominately distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area.

D. The establishment is operated consistent with its being an adult-oriented business (e.g., advertising is directed to an "adult only" market; the establishment self-imposes [or imposes consistent with state or federal law] prohibitions on minors being present in the establishment; segregated areas of the business are devoted predominately to the sale or rental of such merchandise; etc.)

E. The establishment displays merchandise that is predominately distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area such that merchandise is visible to patrons in the store and without cover (as opposed to a situation where a de minimis amount of such merchandise, while available for sale or rental, is covered or otherwise shielded from the view of patrons).

F. A comparison between (i) the establishment's ratio of general product to merchandise that is predominately distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area, and (ii) other retail establishments' ratio of general product to merchandise that is predominately distinguished or characterized by its emphasis on matter depicting, describing or relating to any specified sexual activity or any specified anatomical area, indicates that the establishment emphasizes merchandise depicting, describing, or relating to any specified sexual activity or any specified anatomical area.

G. An Establishment with a segment or section devoted to the sale or display of Adult Oriented Merchandise.

Adult Motel: A hotel, motel or similar establishment that:

A. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television (as distinguished from commercial cable services) transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by an emphasis on the depiction or description of any specified sexual activity or any specified anatomical area; or

B. Offers a sleeping room for rent, or allows a tenant or occupant of a sleeping room to sub-rent, for a period of time that is less than ten (10) hours, if the rental of such rooms accounts for more than ten percent (10%) of the establishment's gross revenues.

Adult-Oriented Business: A business or commercial establishment engaging in one or more of the following enterprises:

A. Adult cabaret;

B. Adult merchandise store;

C. Adult motel;

D. Adult theater;

E. Escort agency;

F. Nude model studio; and

G. Sexual encounter center.

Adult Theater: A theater, concert hall, auditorium, or similar establishment which regularly features live performances predominantly characterized by an emphasis on the exposure of any specified anatomical area or by any specified sexual activity or which regularly or primarily shows films, motion pictures, video cassettes, slides, other photographic reproductions or visual media predominantly characterized by an emphasis on the

depiction or description of any specified sexual activity or any specified anatomical area. This definition includes, without limitation, establishments which offer individual viewing booths.

Aeronautical Facility: Any device, physical or otherwise, that is an object of nature or that is human-made, that aids and is used in aeronautics.

Aeronautics: Any act or matter that treats or deals with flight in the airspace.

Agriculture: The cultivation, raising, and storage of crops, animals and animal products carried out by a farming operation or on a farm as defined Section 9.2.A.

Agritourism/U-Pick Operations: The practice of visiting an agribusiness, horticultural, or farm, including, but not limited to, a farm, orchard, winery, greenhouse, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation. Refer to Section 9.2.B.

Airport or Airport Operations Facilities: A publicly owned airport licensed by the Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of Act 327 and includes all Airport Facilities at an airport. An airport is publicly owned if the portion used for the landing and taking off of aircraft is owned, operated, controlled, leased to, or leased by the United States or an agency or department of the United States, this state, a local government, or another public corporation. The Gerald R. Ford International Airport is an Airport located within the Township. Refer to Section 9.4.B.

Alley: A public or private right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land.

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

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

Apartment Building: See “Dwelling-Multiple Family” as defined by this Article.

Approving Authority: The person, agency, committee, or entity responsible for reviewing and making a determination on an application.

Arterial Street: Those streets of considerable continuity which are used, or may be used, primarily for fast or heavy traffic.

Artisan/Maker Space: Commercial space designed to be used for small-scale, low-impact artisan production of wholesale goods, including but not limited to artwork, foodstuffs, beverages, jewelry, and other handcrafted small-batch products. Any use that in the opinion of the Approving Authority includes processes that cause negative impacts on surrounding properties due to noise, odor, dust, or vibration, shall be considered “Manufacturing.” Refer to Section 9.4.C.

As-Built Plans: Revised construction plans in accordance with all approved changes made in the field.

Automobile Disposal and Junkyards: See “Motor Vehicle Disposal and Junkyards”

Automobile Repair - Major: See “Motor Vehicle Repair – Major”

Automobile Repair - Minor: See “Motor Vehicle Repair – Minor”

Automobile Salvage: See “Motor Vehicle Salvage”

Automobile Service Station: See “Motor Vehicle Service Station”

Automobile Wash Establishment (Also referred to as **Car Wash Establishments):** See “Motor Vehicle Wash Establishment”

Banks and Financial Institutions: A financial institution dedicated to accepting monetary deposits and providing loans. Credit unions shall be considered banks for the purposes of this Ordinance. Refer to Section 9.4.D.

Banquet Halls, Lodge Halls, and Meeting Halls: A meeting place for an incorporated or unincorporated association of persons organized for some common purpose, including social, educational, literary, political, or charitable purpose, operated by a private nonprofit or noncommercial organization. Refer to Section 9.4.E

Barn Event Venue: The use of a barn or accessory building for functions such as, but not limited to: wedding parties, conferences, service club meetings, and other similar gatherings, along with the catering of food services off the premises. Refer to Section 9.2.C.

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

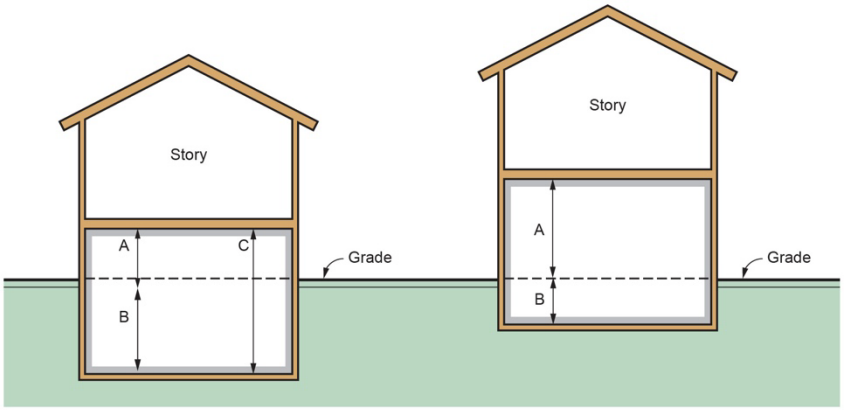


Figure 3-1: Basement

Bathroom: A room containing, at least, a toilet and a sink.

Battery Management System: An electronic regulator that manages a Utility-Scale Battery Energy Storage System by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire, ground fault and DC surge, and door access and capable of shutting down the system before operating outside safe parameters.

Bed & Breakfast: A private residence that offers sleeping accommodations to lodgers in fourteen (14) or fewer rooms for rent, in the innkeeper's (owner or operator) principal residence while renting rooms to lodgers; and serves breakfasts at no extra cost to its lodgers. For the purpose of this definition, a lodger means a person who rents a room in a bed and breakfast establishment for fewer than thirty (30) consecutive days. Refer to Section 9.3.A.

Billboards: See "Signs" as defined by this Article.

Block: An area of land within a subdivision that is entirely bounded by streets, highways, or the exterior boundary or boundaries of the subdivision.

Board or Township Board: The Township Board of Cascade Township.

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

Breweries, Wineries, and Distilleries: A small-scale business located in a building where the primary use is for restaurant, retail, or tasting room, and which specializes in producing limited quantities of wine, beer, or spirits. Refer to Section 9.4.F.

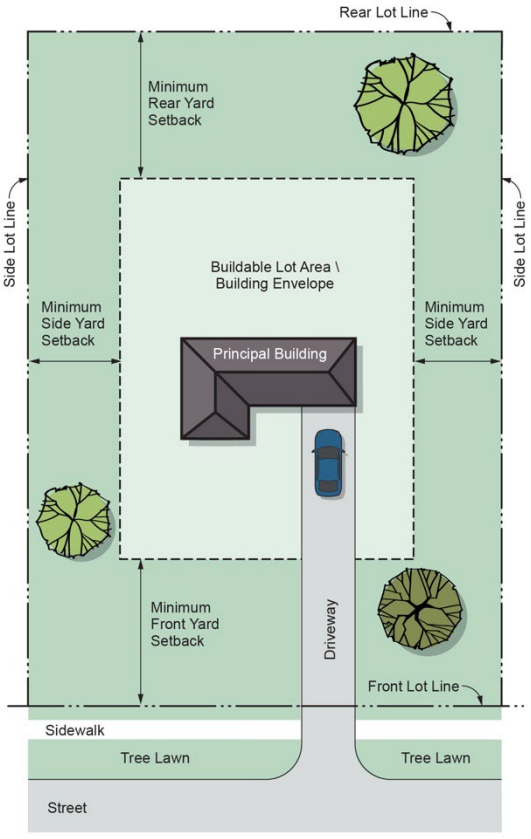


Figure 3-2: Buildable Area

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

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

Building Integrated Photovoltaics (BIVPs): A small Solar Energy System that is integrated into the structure of a building, such as solar roof tiles and shingles.

Building – Main or Principal: A building in which is conducted the principal or main use of the lot on which it is situated.

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

Building Height: The vertical distance measured from the average elevation of the finished grade (refer to Grade) to the highest point of the roof. (See Figure 3-3).

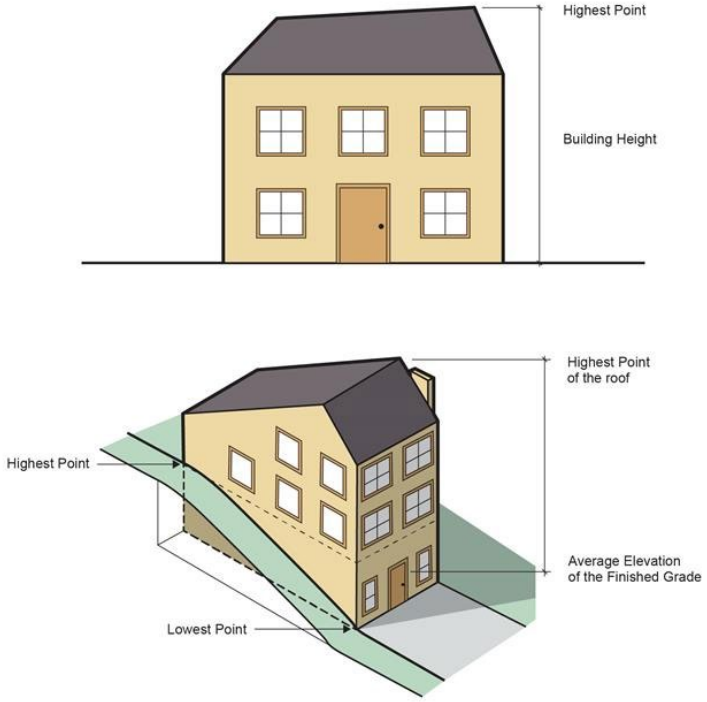


Figure 3-3: Building Height

Building Line (Building Setback): The measurement from the property line to the nearest point of the main wall of the building or structure, the purpose being to prohibit construction of buildings or structures within the area between the property line and the building line.

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

Building Setback: The distance between the lot line, street right-of-way line, or other reference line established by the provisions of Section 6.3, and the nearest point of any building or structure located on a lot or parcel. (See Figure 3-4). (Reference Section 4.7.D)

Building Setback Line: The line situated at ground level being parallel to the street right-of-way line, or property line or other reference line established by the provisions of Section 6.3, which defines the actual distance of the nearest point of a building or structure from a street or property line. (See Figure 3-4)

Building Setback Line, Minimum: The line situated at ground level, parallel to the street right-of-way line or property line or other reference line established by the provisions of Section 6.3, which defines the area of a lot or parcel within which no part of a building or structure shall project or be located except as otherwise provided by this Ordinance. (See Figure 3-4)

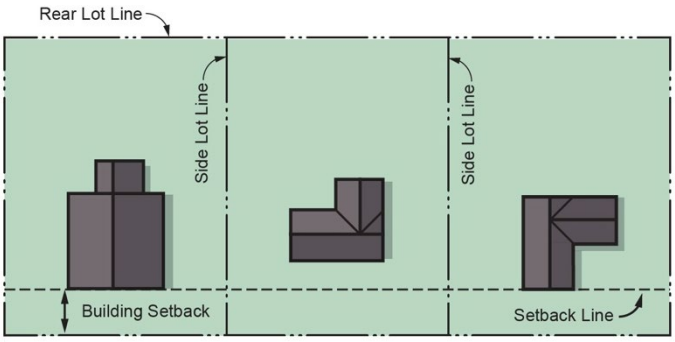


Figure 3-4: Building Setback

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

Campground; Private: Temporary or permanent buildings, tents, or other structures established or maintained as a temporary living quarter, operated continuously for a period of five (5) days or more for recreation, religious, education, or vacation purposes. Refer to Section 9.4.G

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

Carwash: See “Automobile Wash Establishment” as defined in this Article.

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

Cemeteries: Land used for the burial of the dead, and which may include a columbarium, crematory, and mausoleum. Refer to Section 9.6.A.

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

A. **Child care center or day care center:** A facility, other than a private residence, receiving more than six (14) pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Childcare Center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

B. **Foster family home:** A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for four hours a day, four or more days a week, two or more consecutive weeks, unattended by a parent or legal guardian.

C. **Foster family group home:** A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, four or more days a week, two or more consecutive weeks, unattended by a parent or legal guardian.

D. **Family day care home:** A private home in which one but less than seven minors are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

E. **Group day care home:** A private home in which more than six but not more than 12 children arc given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

Cinemas, Concert Halls, Theaters, and Other Similar Places of Assembly: Any building or place used for presentation of dramatic spectacles, shows, movies, or other entertainment, open to the public with or without charge. Refer to Section 9.4.H

Collector Street: Those streets used to carry traffic from minor streets to arterial streets, including principal entrance streets to large residential developments.

Co-locate or Collocation: To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound.

Commercial or Botanical Gardens: A place, generally open to the public for a fee, with a collection of living plants and trees for display, research, education, and conservation. Refer to Section 9.2.D.

Commission or Planning Commission: The Planning Commission for Cascade Charter Township.

Commercial Composting Operation: Composting that collects composting intakes generated off-site for the purpose of creating composted material or compost on the premises. Commercial composting operations shall not include composting accessory to a principal nursery or greenhouse use, which shall be regulated and approved in the same manner as nurseries and greenhouse as set forth in this ordinance.

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

Community Supported Agriculture (CSA): A farm that produces an agricultural product intended to be sold to a consumer in advance of a harvest and distributed over a period of time. Refer to Section 9.2.E.

Composting Intakes: Any organic biodegradable and compostable material including, but not limited to: lawn clippings and leaves, woodchips, animal or paunch manure, any other plant or food waste or a mixture of any of the above. For purposes of this ordinance, composting intakes does not include raw sewage or treated sewage sludge, nor does it include inventory items/bulk materials used solely for landscaping purposes on-site.

Composting Facilities: Composting that collects composting intakes generated off-site for the purpose of creating composted material or compost on the premises. Composting operations shall not include composting accessory to a principal nursery or greenhouse use, which shall be regulated and approved in the same manner as nurseries and greenhouse as set forth in this ordinance. Refer to Section 9.2.F.

Comprehensive Plan: See definition of “Master Plan”.

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

Condominium Act: means Public Act 59 of 1978, as amended.

Condominium Dwelling: means the building constructed upon a lot or condominium unit which is intended for residential purposes.

Concentrated Animal Feeding Operations (CAFO): A facility where large numbers of animals are confined in a small, densely populated space and fed harvested feed instead of grazing or foraging. Such use is regulated by the State of Michigan under the National Pollutant Discharge Elimination System (NPDES) permitting program. Refer to Section 9.2.G.

Condominium Structure: means a building or structure constructed upon a lot or condominium unit which is intended for office, industrial, business, or recreational purposes.

Condominium unit: means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

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

Concrete and Asphalt Batch Plants: A temporary facility for mixing cement or asphalt, Refer to Section 9.7.A.

Contractor's Storage Yard: Any land or buildings where materials for construction, landscaping, or other similar activities, are stored for use off-site. Contractor's Yards shall not be considered Outdoor Storage. Refer to Section 9.5.A.

Contractor Supply Wholesale Facility: A building used to store and maintain tools and other materials and facilities customarily required for the display and sale of building trades supplies. This use may include showrooms and shops for the display and sale of products. Refer to Section 9.4.I.

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

County Drain Commissioner: The Kent County Drain Commissioner.

County Health Department: The Kent County Health Department.

Crematorium: An establishment that is involved in the purification and reduction of human bodies by heat. Refer to Section 9.5.B.

Crosswalk or Pedestrian Walkway: A right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets, roads, and properties.

Cultural and Governmental Services: A facility dedicated to the use by the public or government operations. County, State, or Federal Offices, police and fire stations, and other buildings used by the public or government. Exceptions: Schools, public or private, public recreational facility buildings shall be defined as described and shall not be considered Cultural and Governmental Services. Refer to Section 9.6.B.

Cul-de-sac: A minor street of short length having one end terminated by a vehicular turn-around.

Deck: A raised, open, platform attached to a building or structure, which may or may not have a roof, serving for outdoor activity.

Dedication: The intentional appropriation of land by the owner to public use.

Department: The Cascade Charter Township Planning Department.

Developable Land Area: The portion of the site that can be used for density calculations. This is the land that is suitable as a location for structures that can be developed free of hazards and without disruption of, or have significant impact on, natural resource areas.

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

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

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

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

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

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

Drive-Thru Facility: Driveways, windows, and signage associated with a commercial use for the provision of goods and services directly to people in motor vehicles. Refer to Section 9.4.K.

Dry Cleaning Facilities: An establishment for cleaning fabrics, textiles, and wearing apparel in large quantities for other businesses or industries; not including a retail dry cleaning establishment providing cleaning services to individual clients, which will be defined as a “Personal Service Establishment.”. Refer to Section 9.5.C.

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

Dwelling - Single Family Detached: A building which is entirely surrounded by open space on its building lot, used and designed for one (1) family or domestic unit. Habitable spaces within the structure are continuously connected by means of interior passage without having to exit into accessory structures or garages and are not restricted by deadbolts or exterior rated doors. Refer to Section 9.3.B.

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

Dwelling - Multiple Family: A building used or designed as a residence for three (3) or more families or domestic units living independently of each other. Townhomes or other “attached” dwelling units that share a wall but have separate entrances shall be considered multiple family for the purposes of this Ordinance. Refer to Section 9.3.2.

Dwelling - Two (2) Family or Duplex: A detached building containing two (2) dwelling units and designed for use by two (2) families or domestic units living independently. Refer to Section 9.3.02.

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

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

Dwelling Unit: Two (2) or more rooms designed or used as an independent housekeeping establishment for one family or domestic unit and containing kitchen facilities, including a stove or cooking device and a permanently installed sink, bathroom facilities, and sleeping facilities.

Dye Processing Facility: A facility for the processing of dyes for cloth and other similar fabrics. Refer to Section 9.5.D.

Easement: The right to use property owned by another for specific purposes or to gain access to another property.

Engineer: Any person who is registered in the State of Michigan as a Professional Engineer.

Entrance Gate: A permanent designated access point structure located at the boundary of a development, serving as the primary or restricted point of ingress and egress.

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

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

Escort Agency: A person or entity which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. An escort agency is deemed to be operated in the

location where (i) a request for an escort is received, or (ii) the escort and the person requesting the escort are together.

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

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

Event Venue: Commercial use designed for temporary gatherings of people for entertainment, collaboration, celebration, or other reasons. Examples include: banquet facilities, community centers, wedding venues, conferences, service club meetings, and meeting facilities. Refer to Section 9.4.L.

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

Fabric Membrane: A roofed structure constructed of fabric or other similar material supported by a building or structure.

Family or Domestic Unit:

A. An individual or group of two or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit or;

B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or other similar determinable period.

Farm: All contiguous neighboring or associated land operated as a single unit on which farming is carried on directly by the owner or his agent or by a tenant farmer.

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

Farmland Preservation Residential Subdivision or Site Condominium: A development in the Farmland Preservation District in which small lot sizes are permitted to be clustered in return for the permanent protection of farmland.

Farmer's Market: A location with fixed and/or removal booths, parking, outdoor gathering, and vending spaces for the sale of produce, plants, meats, cheeses, breads, and other perishable items. Refer to Section 9.2.H.

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

Final Plat: A map of a subdivision of land made up in final form ready for approval and recording.

Flag Lot: A lot located behind other parcels or lots fronting on a public road, but which has a narrow extension providing access to the public road shall be considered a flag lot.

Flood Plain: That area of land adjoining the channel of a river, stream, watercourse, lake or other similar body of water which will be inundated by a flood which can reasonably be expected to occur once in 100 years for that area, as designated by the Township Board.

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

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

Floor Area, Useable: The sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls; including those areas used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers; and excluding those areas which are used or intended to be used principally for parking, the storage or processing of merchandise, hallways, or for utilities or sanitary facilities.

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

Floor Area Ratio: The net floor area, as defined by this Ordinance, divided by the total lot area of the subject parcel or lot.

Food Processing: A facility that transforms livestock and agricultural products into products for intermediate or final consumption. Processes convert raw materials (generally of animal or vegetable origin) into food products. The food products manufactured in these establishments are typically sold to wholesalers or retailers for distribution to consumers. Refer to Section 9.2.I.

Food Processing, Small Scale: As an accessory use to Agriculture/Farming Operations, a facility primarily engaged in producing and retailing bakery, delicatessen, ice cream and candy products made on the premises not for immediate consumption, and shall contain fewer than ten (10) employees. Refer to Section 9.2.J

Foundation Skirting: Non-structural enclosure installed around an exposed permanent foundation of a structure, to improve both aesthetics and functionality.

Freeway: Those streets designed for high speed, high volume through traffic, with completely controlled access, no at-grade crossings, and no private driveway connections.

Funeral Homes and Mortuaries: A building or part thereof used for human funeral services. The building may contain space and facilities for embalming and the performance of other services used in preparation of the dead for burial, the performance of autopsies, and other surgical procedures, the storage of caskets, funeral urns, and other related vehicles, and other accessory uses as authorized by State law. Refer to Section 9.4.M.

Garage - Private: An accessory building or a portion of a dwelling used primarily for the storage of motor vehicles by the occupants of the premises.

Gasoline Service Station: See "Automobile Service Station", as defined in this Article.

Gazebo: A roofed structure with primarily open sides used for recreation and entertainment.

General Development Plan: The basic plan, also known as the Master Plan or Comprehensive Plan, as amended from time to time, adopted by the Township pursuant to Michigan Act 168 of 1959, as amended. Such plan may include all or any part or parts of the elements described in subparagraph (2) of Section 7 of Michigan Act 168 of 1959, as amended, and may include maps, plats, charts, and descriptive, explanatory and other related matters.

Golf Courses, Country Clubs, and Driving Ranges; Public or Private: A publicly or privately-owned facility generally with a membership and admittance requirement by invitation or sponsorship, that generally offers both a variety of recreational sport and facilities for dining and entertaining. Typical athletic offerings are golf, tennis, swimming and other similar activities. For purposes of this code, Driving Ranges are considered an accessory use to a Golf Course or Country Club. Refer to Section 9.4.N.

Governing Body: The Township Board of the Township of Cascade.

Ground Mounted Solar Energy System: A Private or Commercial Solar Energy System that is not attached to or mounted to any roof or exterior wall of any principal or accessory building.

Grade: The height of a building constructed on a sloped surface shall be measured using a reference point on the ground. The location of this reference point shall be calculated as follows for Principal Buildings and Accessory Buildings:

Grade, Accessory Buildings: When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest point within the area between the building and the lot line or, when the lot line is more than 10 feet from the building, between the building and a point 10 feet from the building.

Grade, Principal Buildings: When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the average of the highest and lowest points within the area between the building and the lot line or, when the lot line is more than 10 feet from the building, between the building and a point 10 feet from the building. (See Figure 3-6)

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

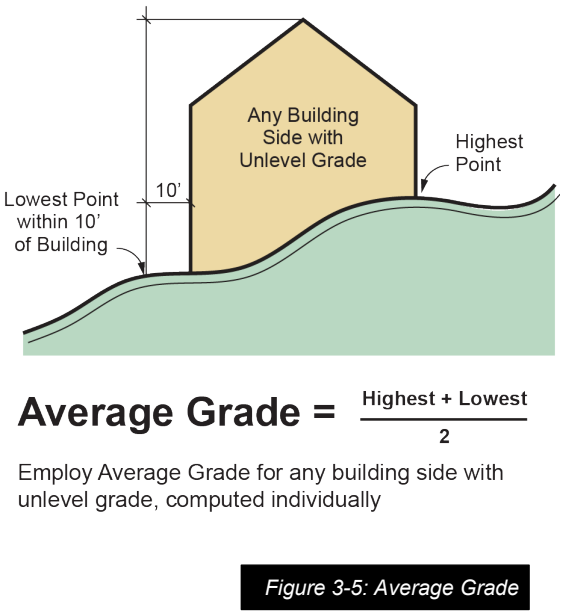


Figure 3-5: Average Grade

Half-Street: Half the width of the required right-of-way.

Home Occupation: Any profession or other occupation conducted in a residential district or dwelling which is clearly incidental and secondary to the use of the lot or dwelling. Refer to Section 9.3.C.

Hoop House: A temporary or permanent structure typically constructed with piping or other material and covered with a fabric membrane or translucent material for the purpose of growing food or crops.

Hotels and Motels: Refer to Section 9.4.P.

1. **Stay Hotels and Motels:** A building or group of buildings containing accommodations for transient persons for compensation for periods of no less than twelve hours or thirty consecutive days or less.
2. **Extended Stay Hotels and Motels:** are a building or group of buildings containing units (a bedroom, closet, and a bathroom) or rooms, and a full kitchen (sink, refrigerator, and stove), which provide for accommodations for temporary residence by persons for nontransient extended stays or stays longer than 30 days. The purpose of an extended-stay hotel is to provide accommodations for persons displaced from their permanent residence by a force majeure, or for persons relocating because of a change of employment (position, location, career, or otherwise). Extended-stay hotels are not permanent residences or domiciles and do not include "dwellings" or "dwelling units" as defined by this Ordinance. "Force majeure" means things like fires and natural disasters that affect specific persons or families; it does not include economic or societal conditions. Extended-stay hotels are not residences for homeless individuals or families (like shelters) or for individuals seeking permanent or temporary shelter due to immigration or asylum requests or status.

Improvements: Any structure incidental to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals and other appropriate items with appurtenant construction.

Indoor Recreation Facilities: Buildings or facilities, owned by a "person", which are available for use by the general public or on a membership basis. Uses and activities shall include only the following: exercise and workout facilities; court games such as tennis, paddleball, pickleball, and volleyball; bowling alleys, archery; golf driving ranges; shooting ranges when fully enclosed in a building; ice arenas; pool and billiards; ping pong; swimming pools; roller skating rinks; and similar activities; and restaurants and taverns when designed as an integral part of the facility and incidental to one or more of the other permitted uses. Refer to Section 9.4.Q.

Industrial Development: A planned, industrial area designed specifically for industrial use providing screened buffers, wider streets and turning movement, and safety lane roadway improvements, where necessary.

Institution of Higher Education: An institution that provides full-time or part-time education beyond high school. Examples include: Universities, community colleges, vocational schools, including cosmetology and truck driving, and art schools. Refer to Section 9.6.C.

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

Kennel: Any place on which five (5) or more dogs, cats or other household pets four (4) months of age or older are kept either temporarily or permanently for any reason, including, but not limited to, boarding, breeding, "daycare", or sale. Pet groomers shall be considered Personal Service Establishments, unless they allow animals to be left without an owner present for longer than one hour, in which case they shall be considered Kennels and shall only be permitted in zone districts where Kennels are permitted. Refer to Section 9.4.R.

Keeping of Domestic Animals, Including Fowl: Includes the housing of domesticated animals such as horses, cattle, goats, hogs, sheep, llamas, bison, alpacas, and foul. Refer to Section 9.3.D.

K-12 Schools, Public: A facility established in accordance with The Revised School Code of the State of Michigan that provides a curriculum for Kindergarten through High School instruction. Accessory uses, such as gymnasiums, athletic fields, and cafeterias, shall be considered part of the K-12 School. Refer to Section 9.6.D.

K-12 Schools, Private: An educational facility not established in accordance with The Revised School Code of the State of Michigan that provides a curriculum for Kindergarten through High School instruction. Accessory uses, such as gymnasiums, athletic fields, and cafeterias, shall be considered part of the K-12 School. Refer to Section 9.6.E.

Lake: A permanent body of open water five acres or more in size.

Landmark Tree: A healthy tree of the species listed below with the minimum DBH listed or any other healthy tree with a DBH twenty-four (24) inches or greater (except a nonprotected tree):

Landmark Trees		
Common Name	**Botanical Name**	**Tree Size DBH (inches)**
Arborvitae/Cedar	*White Thujaoccidentalis*	18
Bald	*Cypress Taxodium distichum*	12
Basswood	*Tilia spp.*	18
Beech	*American Fagus grandifolia*	18
Birch	*Betulaspp.*	18
Black	*Tupelo Nyssa sylvatica*	12
Blue-Beech/Hornbeam	*Carpinus caroliniana*	8
Cedar of Lebanon	*Cedrus libani*	8
Cedar	*Red Juniperus virginiana*	12
Cherry	*Prunus spp.*	18
Chestnut	*Castanea spp.*	8
Crabapple	*Malus spp.*	12
Dawn Redwood	*Metasequoia glyptostroboides*	12
Dogwood	*Flowering Cornus florida*	8
Douglas Fir	Pseudotsuga menziesii	18
Eastern	*Hemlock Tsuga canadensis*	12
Elm	*Ulmus spp. (Disease resistant cultivars only)*	18
Fir	*Abies spp.*	18
Hawthorn	*Crataegus spp.*	12
Hickory	*Carya spp.*	18

Landmark Trees		
Common Name	**Botanical Name**	**Tree Size DBH (inches)**
American/Ironwood	*Ostrya virginiana*	8
Kentucky Coffeetree	*Gymnocladus dioicus*	18
Larch/Tamarack	*Larix spp.*	12
London Planetree / American Sycamore	*Platanus spp.*	18
Maple Mountain/ Striped	*Acer spicatum/pensylvanicum*	8
Oak	*Quercus spp.*	20
Paw Paw	*Asimina triloba*	8
Pine	*Pinus spp.*	18
Redbud	*Cercis canadensis*	8
Sassafras	*Sassafras albidum*	15
Serviceberry	*Amelanchier spp.*	8
Spruce	*Picea spp.*	18
Sweetgum	*Liquidambar styraciflua*	18
Tulip poplar	*Liriodendron tulipifera*	18
Walnut	*Juglans spp.*	8
Witch Hazel, American	*Hamamelis Viriniana*	8
Yellow Wood	*Cladrastis lutea (C. kentukea)*	12

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

Laundromats: An establishment offering self-service, pay-per-use washing machines and dryers for public use, excluding bulk laundries or dry cleaning plants. Refer to Section 9.4.S.

Livestock: horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine, and fur-bearing animals being raised in captivity.

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

Lot: A plot or parcel of land having frontage and access upon a public street or approved private street whether or not the plot or parcel is part of a recorded plat. A lot shall also mean the same as a “Homesite” and “Condominium Unit”.

Lot Area: The total area encompassed within the lines of a lot excluding street or road rights-of-way.

Lot, Corner: A corner lot shall mean a lot of which the entirety of at least two (2) adjacent sides abut a street, provided that the interior angle at the intersection of such two (2) sides is less than 135 degrees. (See Figure 3-6).

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



Figure 3-6: Lot Types

Lot, Depth: The horizontal distance between the front and rear lot lines, as measured along the midpoint between side lot lines. (See Figure 3-6)

Lot Division:

A. The combination of existing lots in a recorded plat into one (1) parcel; or

B. The alteration of an existing lot line in a recorded plat which does not change the number of lots; or

C. The alteration of existing lot lines in a recorded plat which creates an additional lot.

Lot, Interior: An interior lot that has frontage on only one street. (See Figure 3-6)

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

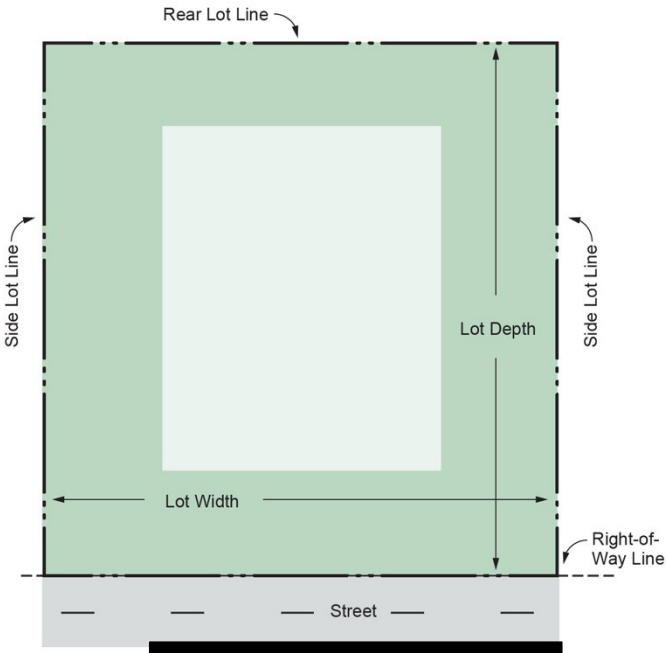


Figure 3-7: Lot Depth, Lot Width, Lot Line

Lot Line, Rear - Interior Lots: That lot line which is opposite and most distant from the front lot line. The rear lot line in any irregular or triangular lot, for the purpose of this Ordinance, shall be a line entirely within the lot, at least ten (10) feet long and generally parallel to and most distant from the front lot line. (See Figure 3-7)

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

Lot Line, Side: Any lot line not a front lot line nor a rear lot line. (See Figure 3-7)

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

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

Lot Width: The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required setback line and measured at a right angle to the lot depth. The width of a corner lot shall be determined as being the entire length of the front lot line, which is opposite the rear lot line (See Figure 3-7).

Major Interior Renovations. Structural changes to the foundation, roof, floor, exterior or load bearing walls of a facility or building to increase its floor area; or an extensive alteration of a facility or building such as to significantly change its form, function, or purpose, even if such renovation does not include any structural change.

Manufactured Housing Communities: Manufactured home community means a parcel or tract of land under the control of a person upon which three (3) or more manufactured home s are located on a continual non recreational basis and which is offered to the public for that purpose regardless of whether a change is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park in accordance with the Mobile Home Commission Act, being Act 419 of the Michigan Public Acts of 1976 as amended. Refer to Section 9.3.E.

Manufacturing, High Intensity: A use engaged in the creation of products, predominantly from previously prepared material of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products. Refer to Section 9.5.E.

Manufacturing, Low Intensity: A use engaged in the creation of products, predominantly from previously prepared material of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products. Refer to Section 9.5.F.

Marginal Access Street: A minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic but no carrying through traffic.

Massage: An alcohol rub, fomentation, bath, common massage, magnetic massage procedure, manual manipulation of the body or any method treating external parts of the body for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, adjusting or tapping with the hand, elbow, fingers or any instrument, electric, magnetic or otherwise, with or without supplementary aids.

Massage Establishment: Any building, Turkish bath parlor, steam bath, sauna bath, room, premises, place, institution or establishment where body massage is regularly practiced on the human body, to club members or to the general public for a charge or consideration, but the term “massage establishment” shall not include licensed hospitals, nursing homes, medical clinics, office of a physician, surgeon, osteopath or chiropractor.

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

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

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

Medical or Dental Clinics: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. Refer to Section 9.4.T.

Merchandise: Any material and novelties.

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

Microbrew: A facility at which beer, ales or other similar beverages are manufactured and primarily consumed on site. The volume of production is over 5,000 but may not exceed 60,000 barrels a year.

Micro distillery: A facility at which spirts, wine or other similar beverages are manufactured and primarily consumed on site. The volume of production may not exceed 50,000 gallons a year.

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

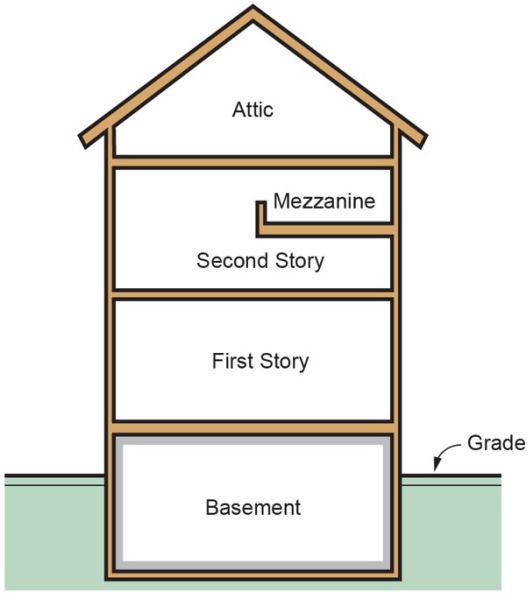


Figure 3-8: Mezzanine

Mineral Resource Extraction: Means the excavation and removal of minerals, as defined above, including overburden, or the separation and transporting of those materials on a mining site, or the reclamation of the site after removal or excavation of materials. Exemptions from this definition are outlined below. Refer to Section 9.5.I.

Mini-Warehouses and Self-Storage Facilities: A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Also known as self-storage facilities. Refer to Section 9.5.J.

Minor Street: A street which is intended primarily for access to abutting properties

Mixed-Use: Provides a vertical mix of uses generally with ground floor commercial uses and upper floors for non-retail commercial or residential uses.

Mobile Home: See "Dwelling - Manufactured home "

Mobile Home Park: See “Manufactured Housing Community”

Motor Vehicle Car Wash Establishment: A building, or portions thereof, the primary purpose of which is that of washing motor vehicles, either manually or automatically. Refer to Section 9.4.U,

Motor Vehicle Disposal and Junkyards: A place where junk, waste, discarded, salvaged or salvageable materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, wrecked motor vehicles, used building materials and equipment and other manufactured goods that are worn, deteriorated or obsolete. Refer to Section 9.5.G.

Motor Vehicle Fuel Establishment: A facility providing for the retail sale, dispensing and storage of petroleum products related to the operation of a motor vehicle, and may include other accessory uses. Refer to Section 9.4.Y.

Motor Vehicle, Industrial: Passenger-carrying buses, vehicles with three (3) or more axles, or any vehicle class six (6) or higher on the Federal Highway Administration’s Vehicle Classification Definitions.

Motor Vehicle, Recreational: See Recreational Vehicles.

Motor Vehicle Repair, Major: An enclosed building where the repair or rebuilding of vehicles occurs, including, but not limited to engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair, undercoating and rustproofing; and similar servicing, rebuilding or repairs. Refer to Section 9.4.V.

Motor Vehicle Repair, Minor: An enclosed building where minor vehicle repair services such as lubrication, oil and tire changes, tune-ups, brake repair, tire replacement, and detailing and polishing. Refer to Section 9.4.W.

Motor Vehicle Repair, Industrial: An enclosed building where repair services for industrial vehicles may be carried out such as general repairs and maintenance, engine repair and re-building, collision services such as body, frame, or fender straightening and repair, refinishing and painting of vehicles, steam cleaning, or other repair or refurbishing activity. Refer to Section 9.5.K.

Motor Vehicle Rental Establishments: A building or premises used primarily for the rental of automobiles and other motor vehicles. A building or premises used primarily for the renting of automobiles and other motor vehicles. Examples include: car rental, recreational vehicle rental, motorcycle/powersport rental, golf cart rental, and boat rental. Refer to Section 9.4.Z.

Motor Vehicle Sales: A building or premises used primarily for the sale of new or used automobiles and other motor vehicles. Examples include: New and used car sales, recreational vehicle sales, motorcycle/powersport sales, golf cart sales, and boat sales. Refer to Section 9.4.X.

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

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

Motel: See “Hotels and Motels”

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

Nonconforming Lot: A lot existing prior to the effective date of this Ordinance that does not meet the minimum area requirement of the district in which the lot is located.

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

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

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

Non-Developable Land Area: The portion of the site that cannot be used for density calculations. This includes land that cannot be used for habitable structures due to steep slopes, soils, wetland areas, road right-of- way, etc.

Non-Motorized Path: A bituminous or concrete paved pathway intended for use by pedestrians, bicycles, and other non- motorized traffic, which is typically separated from the traveled portion of the roadway, located in the public road right-of-way and/or a public easement, and is typically 10 feet wide but may vary according to AASHTO standards and the Township Engineer.

Nonprotected Tree. Any tree that meets either of the following criteria:

A. Fruit trees in an abandoned orchard; or

B. Any tree species contained in the following list of nonprotected trees, including cultivars, which are considered invasive or undesirable species in southeastern Michigan:

Nonprotected Trees	
Common Name	**Botanical Name**
Alder, Black	*Alnus glutinosa*
Ash	*Fraxinus spp.*
Black Locust	*Robinia pseudoacacia*
Black Walnut	*Juglans nigra*
Box Elder	*Acer negundo*
Buckthorn	*Rhamnus spp*
Catalpa	*Catalpa speciosa*
Cherry, (Perfumed)	*Prunus mabaleb*
Cherry, Sweet	*Prunus avium*
Cottonwood, Poplar, Aspen	*Prunus Spp.*
Elm	*Ulmus spp..*
Elm, Siberian	*Ulmus pumila*
Gingko	*Ginkgo biloba*
Hawthorn	*Crataegus spp.*
Honey Locust	*Gleditsia triacanthos*
Honeysuckle	*Linicera maackii, morrowii, tatarica, x bella and xylosetum*
Horse Chestnut/ Wild Chestnut	*Aesculus hippocastanum*
Holly	*Mahonia*
Hickory	*Acer Saccharinum*
Kalopanax	*Kalopanax spp.*
Maple	*Acer spp*
Mulberry, Russian & White	*Morus spp.*
Maple	*Acer spp*
Mulberry, Russian and White	*Populus spp.*
Multiflora rose	*Rosa multiflora*
Northern Catalpa	*Catalpa speciosa*
Olive	*Elaegnus spp*
Osage-Orange	*Maclura pomifera*
Pear, Callery	*Pyrus calleryana*
Poplar	*Populus spp*
Spindle Tree	*Euonymus europaea*
Siberian Peashrub	*Caragana arborescens*
Tree of Heaven	*Ailanthus altissima*
White Pine	*Pinus strobus*
Willow	*Salix spp*
Yucca	*Yucca spp.*

C. Any species that are, in the opinion of the Township, invasive or destructive and have similar characteristics to the species noted in.

Novelty: Any instrument, device, or paraphernalia which depicts or describes any specific anatomical area or any specific sexual act, or which is designed for use, or commonly used, in connection with specific sexual activities, excluding condoms and other birth control and disease prevention products.

Nude Model Studio: Any place where a person who displays any specified anatomical area is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by any other person who pays money or any form of consideration.

Nursery: An unclosed place where young trees, bushes or plants are grown for the purpose of subsequent sale or transplanting but not including holding or storage areas set aside for plants and trees awaiting re-planting off-site. Refer to Section 9.2.K.

Office; General: A use for the provision of services to customers or for administrative duties relating to an organization or business. Refer to Section 9.4.AA.

Off-Site Food Services: A use for the provision of food and drinks intended for off-site consumption in quantities that are transported by one or more vehicles to the location of consumption, where the production and transportation of food and drinks is the primary activity on the parcel. Refer to Section 9.4.BB.

Outdoor Display and Sales: The outdoor sale and display area of retail goods, produce, handcrafts, and the like conducted on the same lot or parcel as the primary business with which such activities are associated. Refer to Section 9.4.CC.

Outdoor Storage and Display: The keeping of industrial or commercial materials or equipment. Also, the conducting of manufacturing, deconstruction, or other industrial processes, outside of an enclosed structure. Refer to Section 9.5.L.

Outdoor Storage of Commercial and Recreational Vehicle: The keeping of vehicles associated with a commercial establishment or the storage of recreational vehicles, boats and off-road vehicles, not for sale or resale. Section 9.5.M.

Outdoor Recreation Facilities; Private: Outdoor uses that are designed to provide the user with the opportunity to relax, engage in athletic activity, or engage in other leisure pursuits. Refer to Section 9.4.EE.

Outdoor Seating and Dining: An area where seating is provided in association with a restaurant. Refer to Section 9.4.EE.

Outlot: When included within the boundary of a recorded plat, an outlot is a lot set aside for purposes other than a building site, park, or other land dedicated for public use or reserved for private use.

Parcel or Tract: A continuous area or acreage of land which can be described as provided for in the Subdivision Control Act, as amended.

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

Parking Garage: A structure or a part or a structure used exclusively for the parking or storage of motor vehicles. Refer to Section 9.6.G.

Parking Lot, without principal structure or use: A lot used for the temporary storage of automobiles, for not more than 24 consecutive hours, and which has no other principal use on the lot. Refer to Section 9.6.F.

Patio: An open, level-surfaced area, usually impervious, intended for outdoor seating and recreation, without walls and a roof.

Pergola: An open-sided, trellis-style structure with columns and open horizontal roof beams.

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

Personal-Scale Wind Energy Facility: Any wind energy conversion systems or wind powered generators intended for personal use. Refer to Section 9.6.H.

Personal Service Establishment: A commercial use offering technical or specialized services. Refer to Section 9.4.FF.

Personal/On-Site Composting: Composting that is an accessory use to the primary agricultural or residential use of the property, that uses composting intake materials generated on-site for the purpose of creating composted material or compost that is used for agricultural or residential use. Compost piles located in residential districts must be less than 100 cubic feet in area, located in the rear yard, and set back at least 10 feet from any lot line. Personal/On-Site Composting is permitted only as an accessory use in the R-1, R-2, ARC and FP Zone Districts.

Pets: Any animal commonly kept as a companion in family households in the United States, including dogs, cats, guinea pigs, hamsters, fish, small reptiles and similar small animals, but not including livestock, fowl, goats, sheep, pigs or similar animals.

Planned Unit Development: A land area which is zoned Planned Unit Development and has both individual building sites and common property, such as a park, and which is designated and developed under one (1) owner or organized group as a separate neighborhood or community unit.

Planning Commission: The Cascade Township Planning Commission as established in Chapter 44, Part I, of the Cascade Charter Township Administrative Legislation, pursuant to Michigan Act 268 of 1959, as amended.

Planning Department: Also referred to as the Community Planning & Development Department.

Planning Director: The Director of the Community Development and Planning Department, or their designee.

Plat: A map or chart of a subdivision of land. The precise content and scope of various types of plats are described more fully in Section 14.14.

Play Structure: An unenclosed outdoor structure intended for use by children for play, including jungle gyms, swing sets, slides, climbing structures, trampolines, and similar structures or combination of such structures.

Pond: A permanent body of open water that is less than five acres in size.

Porch: A covered, unenclosed outdoor structure that projects from a main building wall, often with ground supports like columns and a roof and floor.

Preliminary Plat: A map showing the important features of a proposed subdivision of land submitted to an approving authority for purposes of preliminary consideration.

Printing and Publishing Facilities: Facilities devoted to the processing of large-scale printing operations, which may also include the binding of books and pamphlets for large scale distribution. Refer to Section 9.5.N.

Private Open Space: means a natural state preserving natural resources, natural features, or scenic or wooded conditions: agricultural uses or a similar use or condition. Open Space does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway or linear park. Open Space may be, but is not required to be, dedicated to the public.

Private Solar Energy System: A Solar Energy System used exclusively for private purposes and not used for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

Proprietor, Subdivider, or Developer: A natural person, firm, association, partnership, joint venture, corporation or combination of any of them, which may hold any record ownership interest in land. The proprietor is also sometimes referred to as the "owner".

Protected Tree. Any tree species having a DBH of six (6) inches or greater and that is not included in the definition of nonprotected tree or landmark tree.

Public Parks and Open Space: Areas for passive and/or active recreational uses. Refer to Section 9.6.I

Public Utility and Essential services Facilities: Any person, or governmental department, board or commission duly authorized under township, state, or federal regulations, to furnish electricity, gas, steam, communications, transportation, water, wastewater removal or similar essential services to the public; provided, however, that those persons involved in the reception or transmission of radio or television signals or the provision of cellular communications and other personal communications services shall not be considered a Public Utility or Essential Service. Refer to Section 9.6.J.

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

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

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

Religious Institutions: A building wherein persons regularly assemble for religious worship or services and which is maintained and controlled by a religious body, group or organization organized to sustain religious worship, services or works together with all accessory buildings and uses customarily associated with such primary purpose. Refer to Section 9.6.K.

Replat: The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. A lot split, or the legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot,, is not a replat.

Research and Development: Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building. Refer to Section 9.5.H.

Residential above retail, business establishments or personal service uses: A mix of land uses where dwelling units are located on floors or stories above retail businesses, office uses, or professional services uses.

Restaurant: A public eating place where food is prepared and sold for immediate consumption. Refer to Section 9.4.GG.

Restaurant with brew pub as accessory use: A public eating place where food is prepared and sold for immediate consumption with at least 50% of the gross annual receipts are from the sale of food and beverages other than alcoholic beverages.

Retail: A commercial use that sells goods of merchandise to the public on-site. Refer to Section 9.4.HH.

Right-of-Way: A street, alley, thoroughfare, easement or strip of land used or intended to be used for pedestrian or vehicular access or other public purpose by the general public and not reserved for the exclusive right of any individual.

Rivers: Those areas where surface waters produce a defined channel or bed.

River's Edge: The mean annual waterline of the river or tributary.

Roadside Stand: A farm building or structure used for the display or sale of agricultural products grown or produced on the premises upon which the stand is located. Refer to Section 9.2.L.

Schools: See “K-12 Schools”.

Senior Living, Assisted or Nursing Home: An institutional facility other than a private home or facility defined in this Article having as its principle function the provision of care, and supervision of individuals for 24 hours a day and which are licensed under Article 17 of the Public Health Code, Act No. 368 of 1978 as amended. Refer to Section 9.3.F.

Senior Living Independent: Means a residential facility not subject to license or registration by the state, but that is eligible for public financial assistance under State or Federal laws, having as its principal purpose the provision of barrier-free housing for individuals 55 years of age or older. Independent living facilities are not intended for adult dependent individuals without a head of household also in residence. Independent senior housing includes architectural design features which eliminate the type of barriers and hindrances that deter physically disabled persons from having access to and free mobility in and around the facility, and shall be specifically and primarily intended, designed, operated, and located to allow its physically disabled occupants increased opportunities to function independently in the community. Refer to Section 9.3.G.

Setback: See "Building Setback"

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

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

B. The matching and/or exchanging of persons for any specified sexual activities.

Sidewalk: A paved pedestrian surface a minimum of 5 feet wide.

Sight Distance: The unobstructed vision on a horizontal plane along a street centerline from a driver-eye height of 3.75 feet and an object height of 6 inches.

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

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

Site Plan: A reproducible scale drawing which shows the location and dimensions of all intended and existing buildings, structures, parking, loading facilities, streets, driveways, buildings, planting, landscaping, yard spaces, sidewalks, signs, drainage facilities, water supply, sewage systems and any other items that may be required by Article 14 of this Ordinance.

Sketch Plan: An informal plan or sketch drawn to scale showing the existing features of a site and its surroundings and the general layout of a proposed development.

Slope, Moderate: Those slopes that are between 12 and 25% as defined in the Kent County Soil Survey.

Slope, Steep: Those slopes that are greater than 25% as defined by the Kent County Soil Survey.

Small Equipment Repair: A facility specializing in the repair and maintenance of small engine items and similar equipment. Refer to Section 9.4.II.

Solar Energy System: Any part of a system that collects or stores solar radiation or energy for the purpose of transforming it into any other form of usable energy, including the collection and transfer of heat created by solar energy to any other medium by any means.

Solar Facilities, Rooftop or Wall-Mounted: Rooftop Solar Facilities are solar energy systems mounted to rooftops and walls respectively. Both are mounted or integrated into a pre-existing building as either a primary or accessory building. A building may also be constructed in order to support a rooftop Solar Facility, provided that the building meets the definition of “building” in this ordinance and that the building has a clear purpose other than supporting the solar panels. Does not include BIVP’s.

Solar Facilities, Freestanding Private: Freestanding Private Solar Facilities are solar energy systems supported or integrated into a purpose-built structure that does not meet the definition of “building”, and where there is a principal use of the property other than the solar energy system, and where the solar energy facility is designed to produce energy to primarily power the principal use of the property, not for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

Solar Facilities, Freestanding Community: A Freestanding Community Solar Facility is a type of Freestanding Accessory Solar Facility which produces a net energy output for a group of lots located within Algoma Township for purposes of offsetting those specific lots’ energy consumption, not for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

Solar Facilities; Freestanding Commercial: Freestanding Large Accessory Solar Facilities are Solar Energy Systems supported or integrated into-a purpose-built structure that does not meet the definition of “building” and where there is a principal use of the property other than the Solar Energy System, but where the Solar Energy System is designed for commercial resale of energy to the broader electrical grid.

Solar Facilities; Freestanding Utility: Freestanding Commercial Principal Solar Facilities are Solar Energy Systems supported or integrated into a purpose-built structure that does not meet the definition of “building” and where there is no principal use of the property other than the Solar Energy System. This definition applies to land with a principal use of broadacre farming or grazing.

Solid Waste Facilities: A premises on which deposits of solid refuse are dumped, shaped, covered with topsoil, and built into permanent landforms, such as hills. Refer to Section 9.5.O.

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

Specified Anatomical Area: This shall refer to the following:

A. Less than completely and opaquely covered human genitals, anus, or female breast at or below the top of the areola; or

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: This shall refer to the following:

C. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; or

D. A sex act, actual or simulated, including intercourse, oral copulation, or sodomy; or

E. Masturbation, actual or simulated; or

F. Excretory functions as part of or in connection with any activities set forth in A, B or C above.

Stables: A building used for housing horses or other domestic animals for commercial enterprise, including but not limited to equestrian facilities. Refer to Section 9.2.M.

Stock Yards, Slaughterhouse, and Meat Processing: Refer to Section 9.5.P.

Stock Yard. A fenced area where livestock is kept. Refer to Section 9.5.P.

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

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

Stream: Those areas where surface waters produce a defined channel or bed. The channel or bed need not contain water year-round.

Street or Road: A right-of-way which provides for vehicular and pedestrian access to abutting properties.

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

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

Street, Functional Classification:

A. **Freeway/Expressway:** Highways and parkways having the sole purpose of carrying through traffic, and will not provide direct land/property access. Freeway access is fully controlled with carefully spaced high speed exit/entrance ramps and grade separation with intersecting roadways.

B. **Arterial:** Streets primarily intended to carry large volumes of through traffic connecting major activity centers to other major traffic generators. Access to abutting properties must be limited to carefully controlled points.

C. **Major Collector:** Streets having the primary purpose of collecting traffic from intersecting local streets and distributing this volume to the nearest arterial. A secondary purpose is to carry moderate volumes through traffic. Access to abutting land uses is a secondary function which, with proper land planning, can be limited.

D. **Minor Collector:** Streets having the primary purpose of collecting traffic from intersecting local streets and distributing this volume to the nearest major collector and/or arterial. As such it provides the linkage from neighborhoods (i.e. local streets) to the arterial system and provides intra-neighborhood access. Continuity of the minor collector beyond the nearest major collector and/or arterial is not desirable.

E. **Local:** The primary function of the local street system is to serve adjacent properties. As such it provides the linkage from adjacent land uses to the collector street system. Thru volume service is in conflict with these functions and must be prohibited in the design of the street network.

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

Street Trees: A tree that is located or proposed for planting along streets or highways. Such trees can be located on private property or on public property, with permission from the appropriate public agency. Street trees are typically planted in a linear fashion and provide a spatial enclosure as well as other aesthetic benefits.

Street Width: The shortest distance between the lines delineating the right-of- way of streets.

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

Subdivide or Subdivision: The partitioning or dividing of a parcel or tract of land by the proprietor thereof or by his heirs, executors, administrations, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that is not exempted from the platting requirements of the Subdivision Control Act by sections 108 and 109.

Subdivision Control Act: Michigan Act 288 of the Public Acts of 1967, as amended.

Surveyor: Either a land surveyor who is registered in this state as a Registered Land Surveyor.

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

Tavern: An establishment with an occupant load of under 100 that serves alcoholic beverages in which the principal business is the sale of such beverages for consumption on site.

Temporary Event: A temporary and non-commercial community event, such as a festival, fair, car show or sporting event. Refer to Section 9.7.B.

Telecommuting: A business, occupation, or profession that results in a product or service that is clearly an accessory, incidental, and secondary use of a residential dwelling unit with no exterior evidence that a business is being conducted from the premises. Refer to Section 9.3.M.

Theater: See “Cinema”

Topographical Map: A map showing existing physical characteristics with contour lines at sufficient intervals to permit determination of proposed grades, drainage and other pertinent information.

Township: The Township of Cascade.

Transportation and Logistics: A use primarily for loading and unloading trucks. Refer to Section 9.5.Q.

Tree: A woody plant material that normally grows to a height of at least 13 feet and has a diameter of four (4) inches or more at a point four feet from the ground.

Tree Farm: A space, intended for the cultivation of trees for timber, Christmas trees, or other tree products, which may or may not have accessory buildings or structures. Refer to Section 9.2.N.

Truck and Trailer and Heavy Equipment Sales, Leasing and Rental: A facility that engages in the sale, rental and/or service of vehicles and other apparatus commonly used in commercial, industrial or construction operations. Refer to Section 9.5.R.

Truck Stop: A commercial/industrial use of property for the refueling, maintenance and/or servicing of trucks and commercial motor vehicles and which may provide additional amenities for such vehicles and their drivers.

Truck Terminals: A facility used for the storage and dispatch of larger scale vehicles including but not limited to semi-trailers, waste haulers, cement trucks, tow trucks, and buses. Refer to Section 9.5.S.

Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity occupation, business or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

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

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

Use, Principal: The primary purpose for which land or a structure or building is used.

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

Utility-scale battery energy storage facilities: One or more devices, assembled together, capable of storing energy in order to supply electrical energy, including battery cells used for absorbing, storing, and discharging electrical energy in a Utility-Scale Battery Energy Storage System ("BESS") with a battery management system ("BMS").

Utility-scale battery energy storage system: A physical container providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

Vermiculture or Vermicomposting: The controlled and managed process by which live worms convert materials into finished compost product.

Veterinary Clinics or Animal Hospitals: An institution that is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. Refer to Section 9.4.JJ.

Waterfront: An instance in which a parcel, property, or structure, abuts a water body or water course on at least one side that is larger in volume and/or width than a stream. Water bodies and courses applicable are the Thornapple River, the Grand River, Quiggle Lake, Wood Lake, Walden Lake, Laraway Lake, and other bodies of water as determined by the Planning Director. It is not intended that abutting a stream indicates the abutting object is considered waterfront.

Water Resources Commission: The Water Resources Commission of the Michigan Department of Natural Resources.

Water bodies/Watercourses: Permanently or temporarily flooded lands that lie below the deepwater boundary of wetlands. The depth of the water is such that the water is the principal medium which prevalent organisms live. Water bodies/Watercourses include rivers, streams, lakes and ponds. This definition is not meant to include artificially created storm or surface water runoff devices.

Wetland: Land that is characterized by the presence of water which is sufficient to support and normally supports wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh. This includes all those lands designated as wetlands by the U.S.G.S. National Wetland Inventory and/or as identified by the Michigan Department of Environmental Quality.

Warehouse: A building used primarily for storage of goods and materials. Refer to Section 9.5.T.

Winery: A facility specifically designed, at a minimum, for one or more of the following: crushing, fermentation, and barrel aging of wine. Refer to Section 9.2.O.

Wireless Communication Equipment: The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables.

Wireless Communication Facilities: All equipment, structures, and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Wireless Communications Support Structure: A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building. Refer to Section 9.6.N.

Wholesale: On-premises sales of goods primarily to customers engaged in the business of reselling the goods. Refer to Section 9.5.U.

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

Yard, Front: The yard between front lot line or street right-of-way line and the nearest point of any part of the main building thereon. When an existing structure encroaches into the front setback, the front yard shall be measured from the required setback. (See Figure 3-10)

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

Yard, Street Side: A street side yard is the side yard of a corner lot that is adjacent to a street, extending from the front yard to the rear lot line and measured horizontally from the side lot line to the nearest point of the building.

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

Zoning: See “District” as defined by this Article.

Zoning Board: The Cascade Charter Township Zoning Board of Appeals

Zoning Review. An approval required prior to the issuance of a building permit as stipulated in Section 14.4.

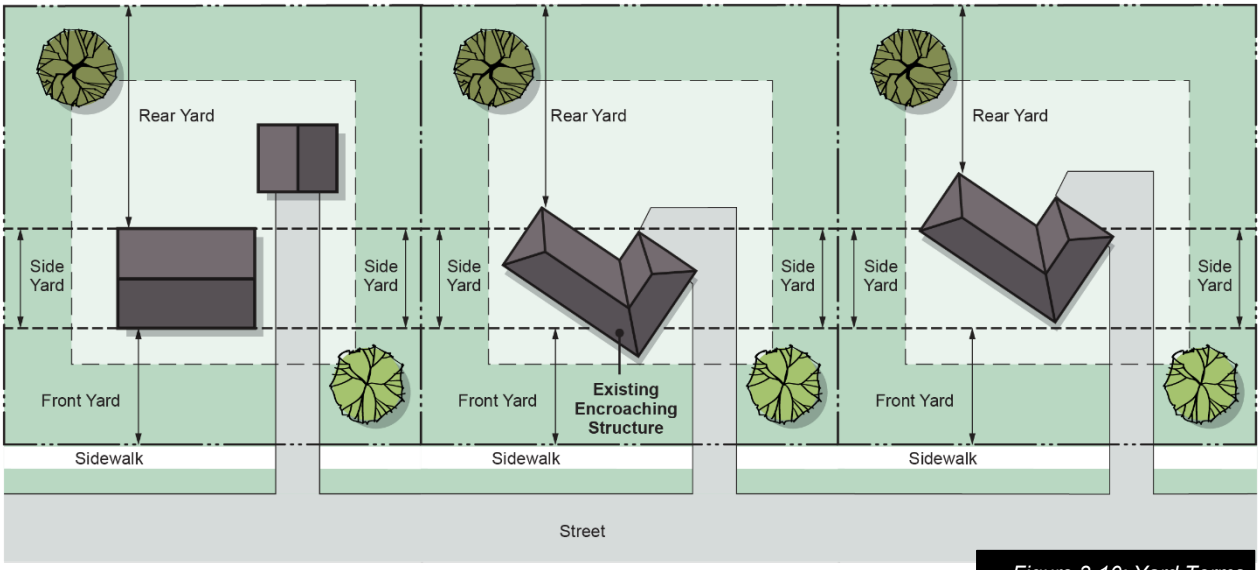


Figure 3-10: Yard Terms

Article 4.
General Provisions

Section 4.1 Extent of Regulation

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

Section 4.2 Accessory Buildings and Structures

A. **Applicability.** The following regulations are intended to pertain to all accessory buildings and all accessory structures in Cascade Charter Township. The following table outlines the requirements applicable to various types of accessory buildings and structures.

Type of Accessory Building or Structure		Applicable Regulations
Detached and Attached Garages		Section 4.2.E.1
Other Non-Residential Accessory Buildings and Structures over 200 sq. ft.	Non-Waterfront Lots	Section 4.2.E
	Waterfront Lots	Section 4.2.E.7
	All Lots	Section 4.2.F
Accessory Buildings Under 200 sq. ft. (all lots)		Section 4.2.E.2
Fences		Section 4.21
Patios, Porches, Pergolas, and Decks		Section 4.14
Gazebos		Section 4.2.E
Sidewalks		Section 4.15
Signs		Cascade Charter Township Sign Ordinance
Accessory Solar Energy Facilities		Section 9.6.L
Accessory Wind Energy Facilities		Section 4.20
Bee Hives and Nucleus Colony		Exempt from the standards of this Section, but subject to all standards in Section 4.4.D
Sports Courts		Exempt from Zoning Regulations, except Impervious Surface Limits in Section 6.1 but are subject to the setback requirements of accessory structures under 200 square feet and 10 feet in height.
Play Structures		Exempt from Zoning Regulations
Swimming Pools		Section 4.16
Boat Docks		Section 4.10
Light Posts		Article 12
Outdoor Industrial Equipment and Structures		Section 9.5.L
Gatehouses		Exempt from the standards of this Section, but subject to all standards in Section 4.21.E

B. **Definitions.** The following definitions are applicable to this section:

1. **Accessory Building:** A subordinate or supplemental building or portion of a main building, designed or intended for the support, enclosure, shelter or protection of persons or property having a roof and is supported by columns or walls. Gazebos are not considered an accessory building, but are subject to accessory structure requirements of this section.

2. **Accessory Structure:** A subordinate or supplemental structure consisting of anything constructed, erected, or placed with a more or less fixed location on the ground.

3. **Accessory Use:** The utilization of property as allowed by this Article that is naturally and normally incidental to the primary use of the land or building.

C. **Attached Accessory Building or Structure Interpretation.** Accessory buildings and structures shall be considered attached to the principal building when the area between the two is wholly or partially covered by a continuous enclosure, portico, covered colonnade, or similar architectural device. Attached accessory buildings or structures shall include (but not limited to) enclosed porches, enclosed decks, enclosed patios, or breezeways.

1. An attachment between the principal building and the accessory building or structure must provide interior access to both buildings for the accessory building to be considered "attached."

2. To also be considered "attached," a structure shall have a roof.

3. If a building or structure is interpreted to be "attached" to the principal building, the applicable minimum setback requirements for principal structures shall apply.

D. **General Requirements.** The following provisions are applicable to all accessory buildings and structures (attached or detached).

1. **Principal Structure Required.** No accessory building or structure shall be constructed on any parcel on which there is no principal building. If an accessory building or structure and principal building are to be erected concurrently, a building permit for the accessory building or structure shall not be issued until such time that construction of the principal building has been at least fifty (50%) percent completed.

   a. A parcel may not be divided if such division would result in an accessory building, structure, or use on a parcel on which there is no principal building, structure or use.

2. **Aesthetic Character.** The architectural character of all accessory buildings shall be compatible and similar to the principal building.

3. **Review Procedures.** The following review procedures shall be applicable for all accessory buildings or structures:

   a. **Residential.** Residential accessory buildings or structures require the approval of a Zoning Review as described in Section 14.4 from the Planning Department.

   b. **Non-Residential.** Any non-residential accessory structures or buildings that do not require a Site Plan Review must receive approval of a Zoning Review in accordance with Section 14.4.

4. **Impact on Adjacent Buildings or Uses.** The location and characteristics of an accessory building or structure shall not have an adverse impact on existing adjacent buildings or uses. In evaluating impact on adjacent buildings or uses, factors that shall be considered include, but are not limited to:

   a. The potential for generation of nuisances, as might be caused by increased traffic or noise.

   b. The orientation of doors and access routes.

   c. Site drainage patterns.

   d. Impact on views.

5. **Conformance with Lot Coverage and Required Yard Standards.** For purposes of this section, accessory buildings and structures shall comply with all yard standards as outlined in Section 6.1. Accessory buildings only shall be included in computations to determine compliance with maximum lot coverage standards in the applicable zone district.

6. **Location in Proximity to Easements or Rights-of-Way.** Accessory buildings, structures, or uses shall not be located within a dedicated easement or right-of-way.

7. **Applicability of Other Codes and Ordinances.** Accessory buildings and structures shall be subject to all applicable codes and ordinances regarding construction, installation, and operation.

8. **Accessory Farm Buildings.** The requirements in this section shall not apply to accessory buildings (such as barns and silos) used for agricultural operations on a farm, as defined in Section 9.2., except that farm buildings shall comply with the setback requirements for the districts in which they are located.

9. **Location.**

   a. Detached accessory buildings or structures shall not be located in the front yard, except for a lot having water frontage, where a detached private garage is permitted if it is located behind the applicable required front yard setback line for the district.

   b. Detached accessory buildings or structures shall be located in the side or rear yard of the principal structure.

   c. The distance between accessory buildings or structures in excess of two hundred (200) square feet and any principal building shall not be less than ten (10) feet, unless the accessory building or structure has been interpreted to be an attached accessory building or structure as stipulated in this section.

   d. In situations where the principal building is rebuilt or relocated in a new location on the lot which results in an existing detached accessory building or structure to be located in the front yard, the accessory building or structure may remain in its existing location provided a minimum setback of two-hundred (200') feet from the Right-of-Way is maintained, and it is situated on a conforming lot. In these situations, the accessory building or structure may not be expanded.

   e. For accessory structures in the RC and FP districts that are over six (6) acres in total area, detached accessory buildings or structures may be located within the front yard under the following provisions:

      i. The proposed accessory building or structure shall be set back a minimum of two hundred (200) feet from the front property line.

      ii. The proposed structure shall comply with the side and rear setbacks for the underlying zone district.

E. **Accessory Buildings and Structures on Residential Lots.** The following requirements of this Section are applicable to all detached accessory structures and buildings located on residential lots, except for those outlined in Section 4.14.

1. **Attached and Detached Garages.** Every residential use may have one attached garage or one detached garage if there is not an attached garage; subject to the following requirements:

   a. Attached garages must comply with the regulations of the primary structure regarding height and setbacks.

   b. Detached garages must be in conformance with the provisions of this section, but not to the calculations in Subsections E.4 and E.5 below.

   c. All garages may be no larger than sixty-five (65) percent of the floor area size of the house on the lot.

   d. Any detached garage in addition to the allowance in Section 4.2.E.1 or any additional accessory structures or buildings shall meet the requirements of all of the Section 4.2.E.2-8 below and any other applicable requirements of this Ordinance.

   e. Detached carports are not allowed in the R-1 and R-2.

2. **Schedule of Regulations.** Accessory buildings and structures must meet the following requirements.

Lot Size		Maximum Highest Point of Roof	Minimum Side Yard Setback (each)	Minimum Rear Yard Setback
Less than 2 acre		Up to 15 feet	10 feet	10 feet
		Up to 12 feet and less than 200 square feet in area	5 feet	5 feet
2 acres but less than 6 acres		Up to 18 feet	40 feet	40 feet
		Up to 12 feet and less than 200 square feet in area	5 feet	5 feet
6 acres or more	R-1 & R-2	Up to 24 feet	60 feet	60 feet
	RC & FP	Up to 28 feet	60 feet	60 feet
	R-1, R-2, RC, & FP	Up to 12 feet and less than 200 square feet in area	5 feet	5 feet

3. **Size.** The following table includes the maximum size allowed for all detached accessory buildings and structures on residential lots. On lots over 3 acres, the useable floor area of a second floor will not count towards the maximum floor area.

Lot Size	Maximum Total Floor Area (total floor area of all accessory buildings and structures combined)	
	R-1 & R-2	RC & FP
Less than 2 acre	1,000 square feet	
2 acres but less than 6 acres	1,200 square feet	
6 acres or more	2,500 square feet	Up to 3,000 square feet

4. **Number of Accessory Buildings on a Residential Lot.** The following table outlines the maximum number of accessory buildings permitted in residential zone districts. This limitation is applicable to only items defined by this section as an Accessory Building.

   a. The following table includes the maximum number of accessory buildings on residential lots in R-1 and R-2 Zone Districts.

Lot Size	Maximum Number of Accessory Buildings
Less than 1 acre	1 Building or Structure
1 acre but less than 3 acres	2 Buildings or Structures
More than 3 acres	3 Buildings or Structures

   b. Residential lots in the FP and RC Zone Districts are not subject to the number of accessory buildings on a lot, however, are subject to all other provisions of this Section.

5. **Front Yard.** Detached accessory buildings and structures are not permitted in the front yard, except as permitted in Section 4.2.D.9 and in Subsection 4.2.E.7 below. The Zoning Board of Appeals shall have the authority to grant variances to allow accessory buildings or structures in the front yard but shall not grant any variance that allows an accessory building to be closer to a street right-of-way line than the minimum front setback for principal buildings in the zone district in question.

6. **Roof Pitch:** All residential accessory buildings over 200 square feet in area shall have a roof pitch between 4:12 and 12:12, and shall be consistent with that of the primary structure.

7. **Waterfront Accessory Buildings.** Accessory buildings or structures, located in the yard between the Principal Building and a body of water that is not located wholly within the lot in question (man-made or naturally occurring) shall be subject to the following.

   a. The standards of Section 6.1, the impervious surface limit for the zone district, and all other applicable standards of this Ordinance shall apply unless specifically superseded by this section.

b. The waterfront accessory building shall be set back at least 10 feet from the Ordinary High Water Mark of the adjacent body of water.

c. In the waterfront yard, one accessory building 200 sf or less is allowed. No accessory buildings over 200 sf are permitted in the waterfront yard. Additional accessory buildings, permitted based on Section E.4, are only permitted in the front yard, and must meet the front yard setbacks applicable to a principal building.

d. Notwithstanding the foregoing, boat docks, patios and pump houses may be located at or near the water's edge, provided that the required side yard placement is maintained and all other applicable local and state permits are obtained prior to their erection and placement.

e. Nonconforming buildings and structures existing prior to the effective date of this Ordinance may be repaired without restriction but shall not be expanded in floor area or height and shall not be rebuilt if demolished or destroyed.

8. **Accessory Dwelling Units Prohibited.** Dwelling units shall not be permitted in detached accessory buildings. Additionally, no detached accessory building, under any circumstances, shall contain all of the following: a kitchen, a toilet, and a bathtub/shower.

F. **Detached Accessory Buildings and Structures on Nonresidential Lots.** The following requirements are applicable to detached accessory structures and buildings over 200 square feet located on non-residential lots.

1. **Number.** There shall be a maximum of one (1) detached accessory structure permitted.

2. **Height.** The maximum permitted height shall be twenty-eight (28) feet.

3. **Setbacks.** The side and rear yard setback requirements for principal buildings for the applicable zone district shall apply.

4. **Size.** The maximum floor area of the detached accessory building or structure shall be 3,200 square feet.

5. **Under 200 square feet.** For accessory structures less than two hundred (200) square feet in gross floor area and less than or equal to 12 feet in height to the highest point of the roof, then the accessory structure must comply with the front setback for the principal structure in the zone district and must be set back a minimum of five (5) feet from the side or rear property line.

G. **Accessory Structures Customarily Mounted on Buildings**

1. **Applicability.** Accessory structures customarily located on the roofs of buildings such as chimneys, stacks, and necessary mechanical appurtenances such as air exchange units and elevator bulkheads.

a. **General Provisions.** All applicable structures shall be, to the extent practical, effectively screened as viewed from a distance of three hundred (300) feet by a parapet wall or similar feature constructed of materials having a similar exterior appearance as materials used on the front exterior of the building.

b. Mechanical equipment is subject to the provisions of Section 4.11.

c. See Section 9.6.L and Section 4.20 for requirements pertaining to personal-scale roof mounted solar panels and wind energy facilities, respectively.

H. **Prohibited Accessory Structures.**

1. **Fabric Membrane Structures.** Fabric membrane or cloth structures intended to be erected for more than 30 days in a calendar year shall not be allowed for the purpose of covered storage of vehicles, recreational vehicles, boats, equipment, or other outdoor storage.

2. **Hoop Houses.** Hoop houses as defined in this Ordinance are prohibited in the R-1 and R-2 Zone Districts, and all other non-residential zone districts.

Section 4.3 Antennas

A. **Applicability.** For purposes of this Article, the following regulations are applicable to all antennas and other similar wireless communication facilities, unless exempted from this Section. In order to protect public health and safety and to minimize the visual impact of antennas, the Township hereby requires the following provisions regulating antennas:

1. **Exceptions.** The following are exceptions to the provision contained herein:

    a. Satellite dish antenna less than one (1) meter in diameter in a residential district or two (2) meters in diameter in a commercial or industrial district.

    b. Any antenna that does not exceed one (1) meter in width and does not exceed the height of the principal building by more than sixty (60) inches including the pole or post.

    c. Wireless Communication Support Structures governed by Section 9.6.N of this Zoning Ordinance.

B. **General Requirements.** Antennas are permitted in all zone districts subject to the following requirements:

1. The antenna shall be permanently secured to a stable foundation.

2. No portion of the antenna shall display any sign or graphic representation, other than a nameplate that is of appropriate size that shall not be legible from any adjacent property.

3. Dish antennas shall be of a color and texture so as to blend into the adjacent background.

4. A free-standing antenna or tower (i.e., not mounted on a roof) shall be located only in a rear yard or a side yard and shall not be closer to the property line than its height or the depth of the required rear or side yard setback, whichever is the greater.

5. All antennas shall be grounded as to protect the structure from lightning.

C. **Review Requirement.** Except as provided anywhere herein, no antenna shall be installed outdoors until and unless a Zoning Review in accordance with Section 14.4 has been completed the Planning Department. The Zoning Review does not negate the need for a building permit issued by the Township.

1. **Criteria for Zoning Review Approval.** In determining whether to issue a building permit for an antenna, the Township shall apply the following standards:

    a. The antenna shall be installed and placed so as to not constitute a safety hazard due to wind or storm.

    b. The antenna shall not block areas that will hamper fire-fighting equipment.

    c. The antenna shall be placed so as not to be too close to electrical lines or tree limbs.

    d. The antenna shall not be located or placed as to have a serious adverse impact or effect on adjacent or nearby properties or land uses.

    e. A commercial or public antenna, including accessory buildings or structures, shall comply with the use regulations of the zone district where it is located and shall be fully enclosed by sturdy fence, securely gated. The fence shall comply with all requirements for fences, as described in Section 4.21.

    f. Any accessory buildings or structures associated with the antenna shall comply with the dimensional regulations of the zone district.

    g. The antenna and the construction, installation, maintenance, and operation thereof shall comply with all federal, state, and local laws, ordinances, and regulations.

D. **Additional Criteria.** The planning director or building official, in their discretion, may impose other terms and conditions regulating the construction, installation, use, and maintenance of antennas. Such other terms and conditions may include, though need not be limited to, the following:

1. The screening or buffering of an antenna or tower and any accessory building or structures thereof.

    a. The timely removal of unused or unsafe antennas or towers or accessory buildings or structures thereof.

b. For commercial or public antennas, the prohibition on the construction or occupancy of dwellings or other buildings or the construction or use of other structures within a specified isolation distance from an antenna or tower.

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

E. **Special Land Use Approval.** A special use permit, under the provisions of Article 14, shall be required prior to the erection of antennas having one or more of the following characteristics:

1. Any wireless communications support structure as defined in Cascade Charter Township General Ordinance Chapter 342 and Section 9.6.N of this Ordinance.

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

F. **Amateur Radio Antennas.** For purposes of this Article, an "amateur radio antenna" shall be defined as an antenna operated for the purpose of receiving or transmitting communication by radio stations as described in Section 153(q) of Title 47 of the US Code, and which is operated under license issued by the Federal Communications Commission ("FCC"). Amateur radio antennas shall not be subject to the requirements of this section, except as follows:

1. No outdoor amateur radio antenna shall be installed until and unless Township approval is obtained and a building permit for an amateur radio antenna has been issued by the Township.

2. Township approval for an amateur radio antenna is not transferable and shall automatically expire when the person granted the approval no longer owns the property involved or that person's license from the FCC is no longer valid.

3. The Township shall not issue a building permit for an amateur radio antenna until the applicant has presented proof of a current FCC license, and the following requirements are met:

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

b. No permit shall be issued for the installation of antenna in the front yard unless the requirements of all applicable subsections above have been met.

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

d. Where the effect of any of the provisions of this section would be to prevent or preclude the effective operation of an antenna (including the ability to send or receive signals where applicable), such antenna may be approved by the Planning Commission if it is reasonably demonstrated that the effect of the application of any of the provisions of this section would be to preclude or prevent the operation of such antenna.

e. The Planning Commission may impose reasonable conditions upon such approval, but such conditions shall not interfere with the reasonable use of the antenna and such conditions, if any, shall be no more than the minimum practicable regulations necessary to accomplish the Township's legitimate purpose in regulating such antennas.

Section 4.4 Animals, Domesticated – Keeping of:

A. **Pets,** as defined in Article 3, shall be permitted on all lots in all zone districts, provided that all animals are kept in safe and sanitary conditions, all County, State, and Federal regulations for the licensing and keeping of animals are met, and provided that the animals are not “Dangerous or Obnoxious, based on the standards in Subsection F below. No zoning approval shall be required to keep pets, except for land uses meeting the following definitions:

1. Kennels, where permitted, must obtain the necessary zoning approvals listed in this Ordinance, and must meet the requirements of Section 9.4.R.

2. Veterinary Clinics, where permitted, must obtain the necessary zoning approvals listed in this Ordinance, and must meet the requirements of Section 9.4.36.

B. **Livestock**, as defined in Article 3, shall be permitted on all lots in the FP and RC Districts, provided that:

1. **Animal Unit.** To clearly designate the number of animals allowed on a lot, while accounting for the different needs and impacts of different types of animals, an “animal unit” shall equal the following number of animals over 6 months in age. Animal units are calculated in ½ acre increments as rounded to the nearest half acre.

Type of Animal	Zone Districts, where Permitted	1 Unit = X Animals (Number Below Represents X)
Horse, Donkey, Mule, Cow/Bull, Bison, Llama	FP, RC	1
Pig, elk, deer, mini-horse, alpaca, or other fur-bearing animal not otherwise listed	FP, RC	2
Goats and sheep	FP, RC	2
	R-1, R-2	1
Chickens, Ducks, or other Livestock Birds	FP, RC,	20
	R-1, R-2	*Maximum of 4 per lot, regardless of parcel size*
Rabbit	FP, RC	20
	R-1, R-2	10
Bees	FP, RC, R-1, R-2	See Subsection D

2. **Maximum Number of Animals on a Lot:** 1 Animal Unit Per Acre, unless otherwise specified within this ordinance.
3. Varieties of goats and sheep are the only fur bearing livestock allowed in the R-1 and R-2 Zone Districts.
4. All animals are kept in safe and sanitary conditions.
5. All County, State, and Federal laws and regulations for the licensing and keeping of animals are met.
6. The animals are not “Dangerous or Obnoxious”, based on the standards in Subsection E below.
7. **Manure Handling.** All lots containing livestock and rescue/shelter operations must meet the following requirements:
    a. **Storage.** All manure shall be stored at least fifty (50) feet from any property line and one hundred fifty (150) feet from any dwelling unit on a different lot from the manure.
    b. **Duration.** Manure stored for more than seven days before being removed from the site must be stored in a location that drains away from the nearest property line, to prevent leachate from the manure from draining to a neighboring property. Manure that is spread as fertilizer shall be exempt from this requirement.
8. No zoning approval shall be required to keep livestock, except for Veterinary Clinics, where permitted, which must obtain the necessary zoning approvals listed in this Ordinance and must meet the requirements of Section 9.4.36. Otherwise, enforcement of this Section shall be on a complaint basis.

C. **Chickens.** The following provisions apply to the keeping of chickens in the Township.

1. **Applicability.** The requirements of this Section shall apply to the keeping of chickens on residential lots. The keeping of chickens shall only be permitted as an accessory use to a principal single-family detached residential dwelling.
2. **Minimum Lot Size.** To keep chickens, a residential lot shall be a minimum of 15,000 square feet in area.
3. **Maximum Number.** Any residential lot keeping chickens in the R-1 or R-2 District shall be permitted a maximum of four (4) chickens. There is no maximum number of chickens for the FP or RC Districts, provided that the lot in question does not exceed 1 animal unit per acre.
4. **Zoning Review.** A Zoning Review, from the Township Planning Department, shall be required prior to any activity related to the keeping of chickens to occur on-site.
5. **Setbacks and Location.** A chicken coop, or any other structure related to the keeping of chickens, including fences, or other applicable structures, shall be subject to the following:
    a. Coops and other related structures must be a minimum of ten (10) feet from the side or rear property line.

b. Coops and other related structures shall be located in the side or rear yard only.

6. **Coop Size.** Coop Size is determined by the number of chickens at a ratio of 5 square feet for each chicken in the coop. Chicken Coops over 25 square feet shall be considered an accessory structure and regulated by Section 4.2.

7. **Roosters.** Roosters shall not be permitted in the R-1 or R-2 Districts.

8. **Sale of Chicken Products.** The sale of chickens, meat, eggs, or any other related items or products, shall not be permitted in the R-1 or R-2 Districts.

9. Chickens in the R-1 and R-2 Districts must be kept within a covered enclosure, including a coop and a run, at all times. Chickens shall not be allowed to roam the lot or any other property. The entire enclosure must meet the setback requirements of Section 4.4.C.5, but the requirements of Section 4.4.C.6 shall only apply to the coop itself.

D. **Bees.** The following provisions apply to the keeping of bees in the Township.

1. **Exemptions.** A property owner shall be exempt from the requirements of this Section and shall comply with the requirements of the State of Michigan Right to Farm Act (PA 93 of 1981) if the keeping of bees is a source of income for a property owner.

2. **General Requirements.** The following requirements shall apply to all beekeeping activities, excluding those activities exempted above.

3. **Registration Required.** No person shall keep bees unless registered with the Township in accordance with the Township Bee registration policy.

4. **Maximum Number.** The maximum number of hives permitted per property shall be as follows:

Lot Size	Number of Hives	Number of Nucleus Colonies (Nucs)
Up to 21,780 sq. ft. in area	Up to Two (2)	Up to one (1)
21,781 sq. ft. to 43,560 sq. ft. in area	Up to Four (4)	Up to two (2)
53,651 sq. ft. to 174,240 sq. ft. in area	Up to Five (5)	Up to two (2)
174,241 sq. ft. and greater	Up to Eight (8)	Up to three (3)
For each acre of land above 174,241 sq. ft.	One (1)	One (1) addition for every two (2) acres

5. Each hive shall have a maximum size of twenty (20) cubic feet.

6. A flyway barrier at least six (6) feet in height shall shield any part of a property line that is within twenty-five (25) feet of a hive.

a. Such flyway barrier must be at least four (4) feet in width.

b. The flyway barrier shall consist of a wall fence dense vegetation or a combination thereof and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the property line to be shielded. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof.

7. A constant supply of water shall be provided for all hives.

8. Required Location and Setbacks. All hives shall be located at least ten (10) feet from any property line and shall be located in the rear yard only.

E. **Exotic and Wild Animals**, as defined in Article 3, shall be prohibited in all districts.

F. **Dangerous or Obnoxious Animal Determination and Exemption.** The keeping, breeding or boarding of an animal which is dangerous and may cause injury or is obnoxious because of noise, odor, or potential to spread disease shall be prohibited. The keeping, breeding or boarding of any animal or insect which because of the number being kept, bred or boarded or the location in which they are being kept, bred or boarded in relationship to other residence may be considered dangerous or could cause injury or would be obnoxious because of the noise or odor, shall be prohibited.

1. **Determination.** The Planning Director or their designee shall have the jurisdiction to determine that an animal is dangerous or obnoxious under this Section. Appeals of the decision of the Planning Director shall be to the Zoning Board of Appeals.
2. **Exemption.** Any lot that is determined to be in compliance with Section 9.2.F shall not have a livestock animal deemed dangerous or obnoxious by reason of odor.

Section 4.5 Boathouses

A. Boathouses, herein defined as a structure built over a body of water to shelter a boat and related equipment, are not permitted in the Township. Boathouses existing prior to the effective date of this ordinance are nonconforming structures subject to the provisions of Article 15 of this ordinance.

Section 4.6 Building, Moving or Razing

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

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

Section 4.7 Dwellings – Single Family, Design Standards

A. **General Provisions.** Any single-family residential structure shall be erected or constructed only if in compliance with the following residential design standards:

1. Each dwelling shall be properly maintained to prevent deterioration or damage from the elements by prompt and appropriate repairs, surface coating, and other protective measures. Residential structures shall be constructed in compliance with applicable state, Federal, or local laws or ordinances, including the Michigan State Construction Code.
2. No dwelling unit shall be located within a 100- year floodplain.
3. All dwellings shall include a permanent foundation and foundation skirting constructed of brick, concrete, stone, or other applicable materials as commonly found in the surrounding neighborhood or zone district.
4. Awnings, bays windows and eves may encroach into the setback areas by no more than three (3) feet.
5. For the purpose of calculating lot coverage, impervious internal walkways less than five (5) feet in width, shall not count towards the maximum lot coverage requirements.

B. **Size.** All single-family dwelling units shall comply with the following size requirements.

1. All single-family dwelling units shall have a minimum width across any front, side, or rear elevation of twenty (20) feet.

C. **Building Materials.** Exterior siding shall consist of materials that are generally acceptable for housing in the vicinity, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

1. Dwellings shall contain no additions of rooms or other areas that are not constructed with similar materials and quality of workmanship as in the original structure, including an appropriate foundation and permanent attachment to the principal structures.
2. Any exterior attachments or extensions onto a dwelling unit, such as entry steps and storage buildings, shall comply with the adopted building code of the Township.

3. Dwelling units shall have a permanent foundation and perimeter skirting comprised of brick, masonry, cement, or another similar material.

D. **Architectural Encroachments into Setbacks.** Architectural features such as eaves, cornices, sills, planters, wingwalls, or other similar architectural elements are allowed to encroach into any required setback up to two (2) feet.

Section 4.8 Essential Public Services

A. It shall be lawful for public utilities, municipal departments or commissions to erect, construct, alter or maintain defined essential services, but not including buildings reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions for the public health and safety, and general welfare of the public anywhere in the Township.

B. The Township Board is granted the power to permit any public service corporation contemplated in the foregoing paragraph, to erect and use a building or an addition to an existing building or a structure for the aforesaid public utility purposes in any district and to permit such building at greater height or of a greater area than the district requirements herein established; provided that the Board shall find such use, height, area, building structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

Section 4.9 Home Occupations

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

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

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

8. If a home occupation involves the teaching of swimming or swim methods, the Planning Commission is required to approve such use through a Special Use Permit. Swim lessons that can demonstrate operation annually since before the effective date shall not be required to obtain a Special Use permit to operate, unless physical alterations to the pool or other facilities used for lessons are proposed or the Township substantiates a complaint of negative impacts on surrounding residential properties. When evaluating a Special Use permit associated with swimming lessons, the Planning Commission shall ensure that there will be no excessive noise, overflow parking, or accumulating debris that will negatively impact neighboring residential uses, in addition to applying the standards of Section 14.7.
9. No article of merchandise shall be sold or displayed on the premises in the conduct of the home occupation.
10. If the Township substantiates a complaint of negative impacts on surrounding residential property, the Township may require a Special Use permit to allow for continued operation of the Home Occupation. The Township may allow the Home Occupation to continue operations during the Special Use process but may also set a deadline for the Home Occupation to cease operations if deemed necessary.

Section 4.10 Keyhole Development

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

B. **Applicability.** The restrictions contained in this Section shall apply to all lots and parcels on or abutting any lake, river, or stream in all zone districts, regardless of whether access to the lake, river or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license or lease. The access and use regulations contained in this Section shall be fully applicable to all planned unit development (PUD) and special use developments as well.

C. **Frontage Requirements for Single-Family Units.**

1. In all zone districts there shall be at least one hundred (100) feet of lake, river, or stream frontage as measured along the normal high-water mark of the lake, river, or stream for each single-family home or dwelling unit utilizing or accessing the lake, river, or stream frontage.

D. **Frontage and Access Requirements for Multi-Family Developments.**

1. Any multiple-unit residential development in any zone district that shares a common lake, river or stream front area or frontage may not permit lake, river or stream use or access to more than one (1) dwelling unit for each one hundred (100) feet of lake, river or stream frontage in such common lake, river or stream front area, as measured along the normal high water mark line of the lake, river or stream.
2. Any multiple-unit residential development shall have not more than one (1) dock for each one hundred (100) feet of lake, river or stream frontage, as measured along the normal high-water mark of the lake, river or stream, in any zone district in the Township. All such docks and docking or mooring shall also comply with all other applicable Township ordinances.

E. **General Provisions.**

1. **Maximum Residential Access.** Generally, no easement, private park, common area, lot or access property abutting or adjoining a lake, river or stream shall be used to permit access to the lake, river, or stream for more than one (1) single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use. However, the Planning Commission may allow for up to four (4) adjoining waterfront property owners to share a dock subject to approval of a Special Land Use Permit. When considering such a request, the Planning Commission should consider ownership lot locations, proximity of the property owners, and adjacency, in addition to the provisions of Section 14.7.
2. **Non-Residential Use Access.** In all zone districts, no lake, river or stream access, boat ramp, shore station, dock, or boat launch shall be installed or utilized nor shall any shoreline abutting a lake, river or stream be utilized for commercial or non-residential uses or purposes unless such use is authorized by the zone district within which the property is located. Such use shall be additionally approved by the Planning Commission subject to approval of a Special Use Permit

3. **Minimum Frontage Calculations.** For purposes of meeting the minimum required water frontages mentioned above, water frontage around the shore of an island shall not be included as part of the mainland.

4. These water access regulations shall be in addition to and shall not negate any of the restrictions or other requirements of this Zoning Ordinance or the zone district involved.

F. **Nonconformities.** The nonconforming use provisions of Article 15 shall be applicable to this Section except the following shall be permissible:

1. **Maximum Number of Docks.** Any lot of record having frontage on a body of water may have one (1) dock for use by a single family (who owns or occupies that lot) even though the lot has less than one hundred (100) feet of frontage on the water.

2. **Nonconforming Access.** Any easement, private park, common area, or access property having frontage on a lake, river, or stream which provides access to such body of water for more than one (1) single-family home, dwelling unit, condominium unit, apartment unit, lot, or parcel, and which lawfully existed prior to the adoption of this Ordinance, shall not have any dock, boat ramp, or boat mooring site, unless otherwise approved by a Special Use Permit.

3. **Nonconforming Dock Replacement.** If a given property, easement, park, common area, or access property has a right to have a dock under this Section, that right to utilize a dock shall continue even if the dock is seasonal in nature, has to be repaired or replaced or is not utilized every year.

G. **Overnight Docking for Guests.** The owner with frontage on a lake, river, or stream shall not permit anyone other than a family member of a person co-owning or residing on the property fronting on the water to moor a watercraft overnight at the dock on the property or in the waters adjacent to the property. Nor shall the owner of such a property enter into an agreement to permit anyone to use the shoreline (or dock thereof) of water unless such person is leasing a residence on the property and is in possession of the entire waterfront property.

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

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

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

3. No individual property owner or owners can apply for such a special use approval (or be granted such special use approval); rather, only a river or lake property owners association that has been traditionally recognized as representing waterfront property owners within Cascade Charter Township along the Thornapple River or a lake can apply for and potentially be granted such special use approval. If such special use approval is granted, the only members of the river or lake property owners association given such special use approval who can utilize the boat ramp, boat launch, or similar facility involved are members of that association who own waterfront property within Cascade Charter Township or have permanent access to the Thornapple River or a lake through a waterfront property within Cascade Charter Township by means of a permanent easement, walkway, or similar waterfront access device (where such waterfront access device lawfully existed, was recorded with the Kent County Register of Deeds records, and expressly benefited the off-river or lake property involved, all before November 21, 1995). Any member of the association who does not meet such qualifications cannot utilize the boat ramp involved.

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

4. Any river or lake property owners association that has been granted special use approval hereunder shall be responsible for ensuring that all of its members utilizing the boat ramp, boat launch, or similar facility involved comply with the requirements of this subsection as well as any conditions attached to the approval of the special land use.

Section 4.11 Mechanical Equipment Screening

A. **Applicability.** The standards of this section are applicable to all multifamily and nonresidential uses in the following scenarios:

   1. All new development.

   2. The addition of new or replacement of existing mechanical equipment or screening.

B. **Standards.** The following standards are required for the screening of mechanical equipment screening:

   1. Building support equipment, including air conditioning and heating devices, but not including plumbing or exhaust vents, chimneys, or gas and water meters, shall be screened from view from abutting streets or properties.

   2. Roof-mounted equipment shall be screened by architectural features such as a parapet wall or similar feature that is integral to the building's design. Such equipment and screening shall be of a sufficient height to screen from public streets or adjacent properties to the maximum extent practicable.

   3. Ground-mounted equipment shall be located where it is not visible from public streets or adjacent properties to the maximum extent practicable. In cases where ground-mounted equipment is visible from public open space, trails, streets, or from adjacent properties, such equipment shall be screened by a solid fence, wall, or vegetative screen pursuant to the following:

      a. Screening shall be a minimum height equal or greater than the height of the mechanical equipment being screened; and

      b. Screening shall be compatible with the architecture and landscape of the development.

   4. Equipment required by utility providers shall comply with the standards of this subsection to the maximum extent practicable.

   5. Single-family detached dwellings and agricultural structures are exempt from the requirement to screen mechanical equipment.

Section 4.12 Model Units and Temporary Real Estate Offices

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

1. The building or unit is part of a larger contiguous development in which the construction of other similar buildings or units is being actively carried out by the person having a legal interest in the model building or unit.
2. No more than 450 square feet of floor area contained within the model is devoted to sales office use, with the remainder being utilized for show or display of salient interior design and architectural features.
3. The address of the building or unit used as a model is not used as a principal business address for real estate transactions, and the properties offered, listed and sold from the model/temporary real estate office are contained entirely within the same contiguous development.
4. The use of a building or unit for such purposes shall be authorized under the provisions of Article 14. In approving such use, the Planning Commission may establish reasonable time limitations.

Section 4.13 Vehicle Repair - Residential

A. Normal and customary maintenance work (e.g. car washing, changing of oil, etc.) on motor vehicles in residential districts shall be permitted, provided such vehicles are not used primarily for racing.

B. A vehicle must be owned by the occupant of the dwelling.

C. All major mechanical work (e.g. substantial engine or body repair) must be performed within a building, and no parts or vehicles not in legally operating condition may be stored outside.

Section 4.14 Patios, Porches, Pergolas, and Decks

A. **Applicability.** The following requirements of this Section shall apply to all patio, porch, pergola, or deck structures in the Township located on any residential lot in any zone district.

B. **Zoning Review Required.** Prior to the construction, replacement, extension, alteration, or erection of any patio, porch, pergola, or deck the property owner, or their designee, shall obtain written approval from the Township Planning Department.

C. **Building Permit.** A building permit may be required for the construction of a patio, deck, porch, or pergola, at the discretion of the Township Building Department or Planning Department.

D. **Dimensional and Location Requirements.**

1. All porches, patios, decks, and pergolas shall be included in maximum lot coverage calculations for the zone district in which it is located.
2. **Porches.**
   a. Shall be constructed with an impervious pavement material; and excluding support structures may not be constructed of wood or composite wood material.
   b. Must comply with the primary structure setbacks, however porches may encroach into a required front yard setback up to ten (10) feet or thirty (30) percent of the required setback, whichever is a smaller encroachment into the setback.
3. **Patios.**
   a. Shall be constructed with an impervious pavement material.
   b. Shall be located in the side or rear yard only and must comply with setbacks for accessory structures. However, if a patio is covered with a roof that is attached to the principal structure, then it shall comply with the setbacks for the primary structure.
4. **Decks.**

a. Shall be located in the side or rear yard only and must comply with setbacks for accessory structures.

5. **Pergolas.**

a. Shall be located in the side or rear yard only and shall comply with the required setbacks for accessory structures for the zone district in which the pergola is located.

b. The height requirements for accessory structures are applicable to all pergolas.

c. Pergolas shall be securely fastened to the ground for which it is located upon, in order to prevent the structure from moving due to extreme weather events.

Section 4.15 Sidewalks and Pathways

A. **When Required.** Sidewalks and pathways shall be required in conjunction with all new non-residential development or when a site plan review is required, within any zone district. Sidewalks and pathways shall also be required in new residential subdivisions and condominiums.

1. **Waiver.** In the case of new nonresidential development or change of use, the Planning Commission may waive the construction of a sidewalk, provided that a physical, legal, or environmental impediment that prevents the sidewalk or pathway from being installed.

B. **Location and Width.**

1. Sidewalks and pathways shall be constructed in a manner that generally runs parallel to a street frontage and shall be constructed along the entire frontage from property line to property line.

2. Sidewalks and pathways shall generally be located one (1) foot off the property line in the road right-of-way, except where the planned right-of-way is greater in width than the existing road right-of-way in which case the sidewalk shall be located one (1) foot inside the planned right-of-way.

3. Sidewalks and pathways shall be a minimum of six (6) feet in width. Pathways shall be a minimum of ten (10) feet.

4. Sidewalks and pathways shall not be calculated or included in maximum lot coverage requirements.

5. The Approval Authority may modify these requirements in consideration of the location of utilities, landscaping, or other site improvements.

C. **Alignment with Adjacent Sidewalks and Pathways.**

1. New sidewalks and walls shall be aligned horizontally and vertically with existing sidewalks on adjacent properties.

2. The Approval Authority may modify this requirement upon finding that adjacent sidewalks are not constructed in conformance with Township requirements, or an undue hardship exists where alignment is not feasible.

D. **Materials and Maintenance.**

1. All sidewalks shall be constructed of concrete, or another acceptable material approved by the Township Engineer.

2. All pathways shall be constructed acceptable material approved by the Township Engineer.

3. The property owner shall be the sole responsible party for the general maintenance and upkeep of sidewalks. This responsibility includes (but is not limited to), snow removal, general repairs, patchwork, and other applicable maintenance activities.

E. **Permit Required.**

1. A sidewalk or pathway located in the right-of-way shall require a permit and approval from the Kent County Road Commission.

2. A sidewalk or pathway not located in the right-of-way shall require a Zoning Review and approval from the Township Planning Department and Engineering Department to review access easement language (if designed to be open to the public) and compliance with impervious surface limits in Section 6.1.

3. If a sidewalk or pathway is constructed on private property for public use, an easement shall be required and executed prior to final sign off by the Township for the associated development.

Section 4.16 Swimming Pools

A. **Applicability.** The provisions of this Section apply to outdoor swimming pools, either inground or above ground, in all districts. Prior to the issuance of a building permit for the construction of an outdoor swimming pool in any zone district the following provisions must be satisfied:

B. **Permit Required.** A Building Permit from the Township Building Department, with a Zoning Review, shall be required prior to the construction of an outdoor swimming pool. The permit application shall be accompanied by a complete and detailed set of plans and specifications of the swimming pool, fencing and related equipment, and shall meet the minimum following standards:

1. Any underwater lighting shall be accomplished by the use of methods and materials approved for such purposes.
2. All in-ground swimming pools shall be fully screened by a fence at least four feet in height. Installing an automatic cover shall not result in an exemption from this section.

C. **Location and Setbacks.** The required setbacks for swimming pools shall be measured from the outermost edge of the pool structure, including any adjacent or surrounding pavement or equipment, to the nearest point of any property line.

1. Outdoor swimming pools shall be located in the side or rear yard only.
2. All pools, inclusive of adjacent or surrounding pavement or equipment, shall be set back a minimum of ten (10) feet from the rear or side property line.

Section 4.17 Temporary Buildings and Structures

A. **Applicability.** Temporary buildings or structures intended for temporary use or occupancy incidental to construction work, or special events shall be situated or erected upon land or premises within the Township and used according to the provisions outlined in this Section.

B. **Construction-Related Temporary Buildings or Structure.** Permits for temporary buildings or structures for construction-related activities may be issued by the Planning Director according to the following criteria:

1. Unless involved with a major public improvements project, temporary buildings and structures may only be located in commercial districts, industrial districts, or approved Planned Unit Developments.
2. No temporary permit may be issued prior to the issuance of a building permit. Temporary permits shall expire when the building permit expires.
3. A temporary structure shall be located on the same site as the construction.
4. A temporary structure shall be located on the site such that:
    a. On and off-site traffic hazards are minimized.
    b. The aesthetic impacts are reasonably minimized.
    c. It is not closer than ten (10) feet to any property line.
    d. All applicable safety, health and fire codes are met.
5. No final inspection shall be issued until all temporary structures have been removed from the site.
6. Where alternate on-site locations are available, no temporary structure shall be located next to developed residences.

C. **Temporary Trash Receptacle and Portable Storage Containers.** Temporary Trash Receptacles and portable storage containers are permitted as a temporary structure in all zoned districts subject to the following:

1. Only one temporary trash receptacle or portable storage container may be stored on a property.

2. A temporary trash receptacle or portable storage container shall be permitted on a property not to exceed 30 days in a twelve (12) month period.
3. If a temporary trash receptacle or portable storage container is part of a construction activity with an active building permit, then the temporary trash receptacle or portable storage container may exceed 30 days and shall be permitted for the duration of an active building permit.
4. A temporary trash receptacle or portable storage container is allowed only during construction activities and shall be removed from the site upon completion of the construction project.

D. **Special Event Temporary Buildings or Structures.** Permits for temporary structures such as tents used in conjunction with special short-term outdoor events may be issued by the Building Official upon approval of Planning Director according to the following criteria:

1. On and off-site traffic hazards are minimized.
2. The structure is not placed with any required front or side yard green area of an existing building or otherwise within 25 feet of any adjoining property or public or private street right-of-way.
3. The structure shall be anchored according to manufacturer's specifications, and the Township is indemnified by the property owner against all property damage or personal injury that may result from potential hazards caused by the erection and placement or failure of the structure.
4. The structure will be in place for less than 72 hours.
5. Any event that directly or indirectly involves the sale, distribution or consumption of alcoholic beverages must provide a copy of the temporary liquor license permit for the event prior to the Township signing off on the event.
6. The event is a public service event, or an event sponsored by an existing business located on or adjacent to the parcel on which the structure is to be located and that the merchandise, services or goods displayed within the structure are of the variety normally offered by an existing business.

E. **Temporary Buildings or Structures for Damaged or Destroyed Principal Building.** Permits for the temporary placement of manufactured home s for occupancy on property at which a principal dwelling has been damaged or destroyed by fire, wind, flood or Act of God may be issued by the Building Official upon approval by the Planning Director according to the following criteria:

1. Sufficient domestic water supply and toilet facilities are provided.
2. All construction and all plumbing, electrical apparatus and insulation within the manufactured home shall be of a type and quality conforming to or exceeding the "Mobile Home Construction and Safety Standards", as promulgated by the United States Department of Housing and Urban Development, (24 CRF 3280), as amended. All dwellings shall meet or exceed all applicable roof snow load and strength requirements. All plumbing and electrical connections shall meet BOCA requirements.
3. The manufactured home shall be located to conform to all locational requirements otherwise applicable to accessory buildings in the applicable zone district except that it may be placed in the front yard.
4. The permit shall specify that the manufactured home is temporary and that the permit shall expire after a reasonable specific time.
5. An occupancy permit for a rehabilitated or reconstructed dwelling unit damaged or destroyed by such causes that warrant the issuance of a permit for a temporary manufactured home for occupancy shall not be issued until it has been removed or an approved performance guarantee for its removal is deposited with the Township Clerk.

Section 4.18 Trash Receptacle Enclosures

A. **Applicability.** The standards of this section are applicable to all multifamily and nonresidential uses in the following scenarios:

1. All new development.
2. The addition of new or replacement of existing mechanical equipment or screening.

B. **Standards.** The following standards are required for trash receptable enclosures:

1. Trash Receptacles shall be located in the rear yard or side yard.
2. Trash Receptacles must be enclosed with a solid wood, vinyl, or masonry fence or wall six (6) feet high, with solid doors.
3. Trash Receptacle materials shall be consistent aesthetically with the building materials of the principal building, as determined by the Approval Authority.
4. Trash Receptacles must be located to have sufficient truck access for dumpster service.
5. Trash Receptacles shall be placed on a concrete pad. The concrete pad should extend a minimum of ten (10) feet in front of the Dumpster enclosure.

Section 4.19 Visibility Across Corners

A. **General.** Vision clearance areas free of obstructions are required where a driveway intersects a public right-of-way or where property abuts the intersection of two public rights-of-way. Unobstructed sight distance shall be provided at all times within the vision clearance area of the property adjacent to the intersection in order to ensure that safe and adequate sight distance is provided for the public use of the right-of-way. The vision clearance shall be measured as a triangle with a distance of twenty-five (25) feet as measured along each driveway or roadway along the flowline to where they intersect. (See Figure 4-3)

B. **Additional Engineering Standards.** Additional engineering standards may be applied depending on the street and intersections according to general American Association of State Highway and Transportation Officials (AASHTO) standards and any other engineering requirements of the Kent County Road Commission or Township Engineer.

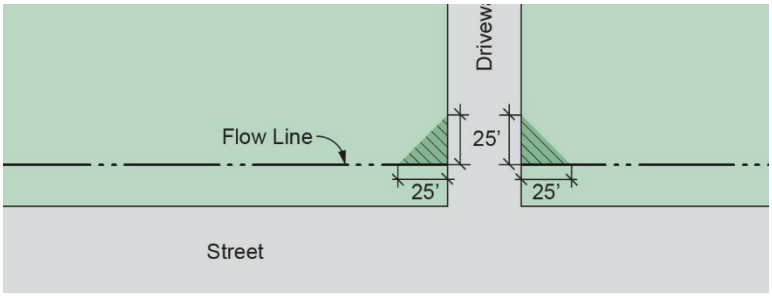


Figure 4-1: Visibility Clearance

C. **Exceptions.** The following exceptions apply:

1. Driveways of single family or two-family dwelling units shall not be subject to the standards of this section.
2. Landscaping may be provided within a vision clearance area provided such landscaping is less than thirty (30) inches in height.
3. Trees may be provided within the vision clearance area provided the lowest branches are more than seven (7) feet above the ground.

Section 4.20 Wind Energy Conversion System – On-Site Use (Non-Commercial)

A. **Applicability.** Wind energy conversion systems, or wind powered generators, intended for personal or on-site use, shall meet the standards of this Section.

B. **Roof mounted Wind Energy Conversion Systems.**

1. **Accessory Use.** A roof mounted wind energy conversion system may be permitted as accessory to any non-residential use in any zone district.
2. **Height and Diameter.** A wind energy conversion system shall not be taller than ten (10) feet above the roof structure and the diameter of the generator blades shall not exceed eight (8) feet.
3. **Permit Required.** The wind energy conversion system shall meet all applicable structural and electrical codes and shall require a Zoning Review issued by the Township.

C. **Freestanding Wind Energy Conversion Systems.**

1. **Where Permitted.** Freestanding wind energy conversion systems shall only be permitted in the I and TI Districts, and in the FP District on lots of ten (10) acres or more in area.
    a. A maximum of one (1) freestanding wind energy conversion system is permitted per property and shall be accessory to a principal use.
2. **Location and Setbacks.** Such structures shall only be located in the rear yard. The wind energy conversion system shall be setback a minimum number of feet that is greater than or equal to 110% of the height of the overall structure.
3. **Diameter.** The blade diameter (tip to tip) shall not exceed fifty (50) feet.
4. **Height.** A freestanding wind energy conversion system shall, in no case, exceed ninety (90) feet, in height, measured from ground level (at normal grade) to the blade at its highest point.
5. **Shadow Flicker.** In no case shall a wind energy conversion system cause shadow flicker onto neighboring properties.
6. **Permit Required.** The installation of a freestanding wind energy conversion system shall meet all applicable structural and electrical codes and shall require a Zoning Review issued by the Township.

Section 4.21 Walls and Fences

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

B. **General Requirements.**

1. **Rules of Construction.** All walls and fences shall be of sound construction, such as maintained in good repair and free-standing.
    a. Barbed wire, spire tips, sharp objects, or electrically charged fences shall not be permitted in the Township, unless exempted herein.
    b. Bona fide agricultural uses may use barbed wire or charged fences to control livestock when located in the Farmland Preservation, FP or Agriculture/Rural Conservation (ARC) zone district.
    c. Fence posts and vertical supports must be inside of the fence and facing inside of the property on which the fence is located.
    d. It shall be unlawful to construct any wall or fence in any public right-of-way or within the right-of-way easement for private roads.
2. **Determination of Height.** The height of a fence shall be measured from the average grade along the length of the fence to the highest point of the fence.
3. **Zoning Review Required.** Prior to the construction, replacement, extension, or erection of any wall or fence more than four feet in height in any zone district, the property owner, or their designee, shall obtain approval from the Planning Department.
4. **Permitted Fence Types and Materials.** All walls and fences shall be constructed of heavy duty, water-resistant material, and shall be designed to comply with one or more of the following types and associated materials:
    a. Chain link fence, except where prohibited in Section 4.21.B.5 or elsewhere in this Article.
    b. Vinyl or wood picket fence
    c. Split rail fence
    d. Metal open fence
    e. Vinyl or wood privacy fence
    f. Brick/masonry walls
    g. Trex or other durable composite material

h. Other similar fence types and materials as determined by the Planning Director, or their designee

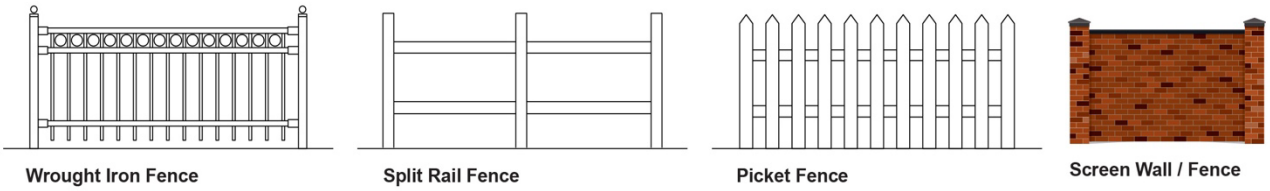


Figure 4-2: Walls and Fences

5. **Prohibited Fence Type and Materials.** Fences shall not be constructed of materials such as tarps, scrap logs, scrap metal/wood, or any other type of used material. Chain link is a prohibited fence type in the following zone districts: O-C, V-VC, V-VF, V-TC, V-O28.
6. **Decorative Features.** Walls and fences may include architectural features such as columns, cupolas, fountains, parapets, etc. at a height not exceeding 1.5 times the permitted height wall or fence height.
7. **Corner Clearance.** No fence, wall, shrubbery, sign, or other obstruction to vision above a height of twenty-four (24) inches from established street grades shall be permitted within the clear vision area, as defined by the Kent County Road Commission or the Michigan Department of Transportation (as applicable), as well as Section 4.19 Visibility Across Corners requirements.
8. No fence shall be constructed within a private street easement. For private streets with no easement, or an easement that does not meet the minimum width requirement of the Kent County Road Commission and this Ordinance, no fence shall be constructed within 33 feet of the centerline of the roadway as built.

C. **Walls and Fences in Residential Districts.**

1. All walls or fences in the front yard (as defined in Section 3.2) or waterfront yard shall be limited to a maximum height of four (4) feet at final grade. In Street Side Yards (as defined in Section 3.2) a maximum height of six (6) feet is permitted. All walls or fences in front yards shall be in accordance with Section 4.19.
2. The maximum fence or wall height in the side yard or rear yard shall be limited to six (6) feet in height.
3. When situations of erecting a new fence next to an existing fence, maintenance of the area between the fences shall be the responsibility of the person erecting the new fence.
4. Fences may be erected on the side or rear property line, but in no case shall they encroach onto a neighboring property.

D. **Walls and Fences in Non-Residential Districts.**

1. Fences are permitted in non-residential zone districts, or non-residential uses in mixed-use districts, subject to the following regulations and requirements:
   a. Fences or walls shall not be permitted in the front yard, unless expressly required by the Planning Commission for reasons of public safety or environmental concern related to specific nonresidential uses during the Site Plan Review process.
   b. Fences located in any side or rear yard shall be allowed up to six (6) feet in height.
   c. In an industrial zone, a maximum of eight (8) feet in height, at final grade may be considered.
   d. Fences or landscape screening shall be required to separate non-residential uses and non-districts with residential uses and residential districts.
   e. If landscaped screening is required, landscaping and screening requirements are described in Article 11.

E. **Entrance Gates and Gatehouses.**

1. Entrance gates shall have a maximum height of six (6) feet in height, measured at final grade, regardless of the maximum height for fences in the location of the gate
2. Allowances for decorative features (Section B.6 above) shall apply to residential entrance gates only.
3. Access for emergency vehicles shall be provided. Should an emergency necessitate the breaking of an entrance gate, the costs of repairing the gate and the emergency vehicle (if applicable) shall be the responsibility of the owner and/or operator of the gates.
4. Gatehouses and Entrance gates require a building permit issued by the Township.
5. A gatehouse and entrance gates may be permitted through a Special Use Permit for security purposes provided the gatehouse meets the following requirements:
    a. Not located on a public street or right-of-way; and
    b. Located a minimum of one hundred (100) feet back from any public right-of-way or easement; or
    c. Designed in such a manner that a minimum of three (3) vehicles can pull safely off the public street while waiting to enter; or
    d. Any gatehouse facility shall be approved by the Fire Department.
    e. The development provides a deceleration turning lane adjacent to the existing pavement for a minimum distance of three hundred (300) feet leading into the access road, unless more stringent requirements are specified by the Kent County Road Commission.

F. **Retaining Walls.**

1. **Height.** There is no maximum height associated with retaining walls. However, when a wall exceeds ten (10) feet in height from the lowest point of natural grade to the highest point of the retaining wall, it is required to have a fence at least three (3) feet in height.
2. **Location and Design.**
    a. In instances where a step is constructed, there shall be a minimum wall plane change of 24 inches.
    b. Retaining walls shall be designed to conform to the existing natural terrain.
    c. Retaining walls shall be compatible with the overall design of the principal building and site landscape. Acceptable materials include, but are not exclusive of:
        i. Natural stone;
        ii. Brick;
        iii. Concrete keystone blocks;
        iv. Other materials deemed appropriate by the Planning Director.

Article 5.
Permitted Uses

Section 5.1 Permitted Uses

	FP	RC	R-1	R-2	GB	O	ES	AC	HI	I	TI	O-28	O-S	O-G	O-C	O-A	O-I	O-WS	V-VC	V-VF	V-TC	V-O28	Definitions and Standards
Agricultural Uses																							
Agriculture/Farming Operations	P	P																					9.2.A
Agri-tourism/U-Pick Operations	A, SLU	A, SLU																					9.2.B
Barn Event Venue	A, SLU	A, SLU																					9.2.C
Commercial or Botanical Gardens	SLU	SLU																					9.2.D
Community Supported Agriculture (CSA)	SLU	SLU																					9.2.E
Composting Facilities	A, SLU	A, SLU							SLU	SLU													9.2.F
Concentrated Animal Feeding Operations (CAFO)	SLU																						9.2.G
Farmer's Market	P	P																					9.2.H
Food Processing	SLU	SLU																					9.2.I
Food Processing, Small Scale	A, SLU	A, SLU																					9.2.J
Nurseries, Greenhouses, Commercial	SLU	SLU																					9.2.K
Roadside Stands	A	A																					9.2.L
Stables	P	P																					9.2.M
Tree Farm	P	P																					9.2.N
Winery	A, SLU	A, SLU																					9.2.O

P= Permitted Use

A = Accessory Use

SLU = Special Land Use

Blank Cell = Use Is Not Permitted in Zoning District

	FP	RC	R-1	R-2	GB	O	ES	AC	HI	I	TI	O-28	O-S	O-G	O-C	O-A	O-I	O-WS	V-VC	V-VF	V-TC	V-O28	
Residential Uses																							
Bed and Breakfast		SLU	SLU	SLU															SLU				9.3.A
Single Family Dwelling Unit	P	P	P	P									P	P	P				P				9.3.B
Two-Family Dwelling Units													SLU	SLU	P				P	P	P	P	9.3.B
Multiple Family Dwelling Units													SLU	SLU	SLU						SLU	SLU	9.3.B
Dwelling Units in Mixed-Use Buildings													A	A	A				A	A	A	A	9.3.B
Home Occupations	A	A	A	A									A	A	A								9.3.C
Keeping of Domestic Animals, Including Fowl	A	A	A	A																			9.3.D
Manufactured Housing Communities																							9.3.E
Senior Living, Assisted or Nursing Home					SLU		SLU						SLU	SLU	P		SLU		SLU	SLU	SLU	SLU	9.3.F
Senior Living, Independent					SLU		SLU*						SLU	SLU	P		SLU		SLU	SLU	SLU	SLU	9.3.G
State Licensed Child Care Family Home	P	P	P	P									P	P	P	P			P				9.3.H
State Licensed Child Care Group Home	SLU	SLU	SLU	SLU									SLU	SLU	SLU	SLU			SLU				9.3.I
State Licensed Residential Facility, Adult Care Family Home	P	P	P	P									P	P	P	P			P				9.3.J
State licensed Residential Facility, Adult Care Small Group Home	SLU	SLU	SLU	SLU									SLU	SLU	SLU	SLU			SLU				9.3.K
State licensed Residential Facility, Adult Care Large Group Home	SLU	SLU	SLU	SLU									SLU	SLU	SLU	SLU			SLU				9.3.L
Telecommuting	A	A	A	A								A	A	A	A	A	A	A	A	A	A	A	9.3.M

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	FP	RC	R-1	R-2	GB	O	ES	AC	HI	I	TI	O-28	O-S	O-G	O-C	O-A	O-I	O-WS	V-VC	V-VF	V-TC	V-O28	
Commercial Uses																							
Adult Businesses							SLU		SLU														9.4.A
Airport Operations Facilities								P															9.4.B
Artisan/Maker Space							SLU	P		P	P								SLU	SLU	SLU	SLU	9.4.C
Banks and Financial Institutions					P		P	P		P	P	P	P	P	P	P	P	P	A, SLU	A, SLU	A	A, SLU	9.4.D
Banquet Halls, Lodge Halls and Meeting Halls					SLU		SLU	P			P	SLU							SLU	SLU	SLU	SLU	9.4.E
Breweries, Wineries, and Distilleries	A, SLU	A, SLU			SLU		P		P	P	P	SLU	SLU	SLU	SLU		SLU	SLU	P	P	P	P	9.4.F
Campgrounds, Private		SLU																					9.4.G
Cinemas, Concert Halls, Theaters, and Other Similar Places of Assembly					P		P					P							SLU	SLU	SLU	SLU	9.4.H
Contractor Supply Wholesale Facility					P		P	P		P	P	P											9.4.I
Daycares and Child Care Centers		A	A	A	P		P	P	P	P	P	P	P	P	P	P	P	P	SLU	SLU	SLU	SLU	9.4.J
Drive-Thrus					A, SLU		A, SLU	A			A, P	A, SLU					A, SLU	A, SLU					9.4.K
Event Venue					SLU		SLU					SLU	SLU	SLU		SLU	SLU	SLU	SLU	SLU	P	SLU	9.4.L
Funeral Homes and Mortuaries					SLU		P					SLU	SLU	SLU	SLU		SLU						9.4.M
Golf Courses, Country Clubs, and Driving Ranges; Public or Private		SLU									SLU												9.4.N
Hospitals					SLU		SLU				SLU	SLU	SLU	SLU			SLU						9.4.O

	FP	RC	R-1	R-2	GB	O	ES	AC	HI	I	TI	O-28	O-S	O-G	O-C	O-A	O-I	O-WS	V-VC	V-VF	V-TC	V-O28	
Commercial Uses																							
Hotels and Motels								SLU									SLU						9.4.P
Indoor Recreation Facilities					SLU	SLU	P				P	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	P	SLU	9.4.Q
Kennels	SLU	SLU			SLU		SLU		SLU	SLU	SLU	SLU											9.4.R
Laundromats					SLU		P		P	P	P	SLU					P	SLU					9.4.S
Medical or Dental Clinics					P	P	P				P	P	P	P	P		P	P	P	P	P	P	9.4.T
Motor Vehicle Car Wash Establishment					SLU		SLU					SLU					SLU						9.4.U
Motor Vehicle Repair, Major							SLU		P	P	P												9.4.V
Motor Vehicle Repair, Minor					SLU		SLU		P	P	P	SLU										SLU	9.4.W
Motor Vehicle Sales							SLU*	P	SLU	SLU	SLU												9.4.X
Motor Vehicle Fuel Establishment					SLU		P		SLU	SLU	SLU	SLU					A, SLU	A, SLU		SLU	SLU	SLU	9.4.Y
Motor Vehicle Rental Establishments								P															9.4.Z
Office, General					P	P	P	P	P	P	P	P	SLU	SLU	P	P	P	P	P	P	P	P	9.4.AA
Off-Site Food Services					A		A	A			P	A	P	A	A	A	A	P	A	A	A	A	9.4.BB
Outdoor Display and Sales					A		A					A							A	A	A	A	9.4.CC
Outdoor Recreation Facilities, Private	P	P	SLU	SLU	SLU			P				SLU	SLU	SLU	SLU	SLU	SLU	SLU					9.4.DD
Outdoor Seating and Dining					A		A	A				A	A	A	A	A	A	A	A	A	A	A	9.4.EE
Personal Service Establishments					P	SLU	P	P				P	P	P	P	P	P	P	P	P	P	P	9.4.FF
Restaurants					P		P	P			P	P	P	P	P	P	P	P	P	P	P	P	9.4.GG
Retail Sales					P		P	P	A	A	A	P	P	P	P	P	P	P	P	P	P	P	9.4.HH
Small Equipment Repair					SLU		SLU	SLU	P	P	P	SLU	SLU	SLU					SLU	SLU	SLU	SLU	9.4.II
Veterinary Clinics or Animal Hospitals	SLU	SLU			P		P	P				P	P	P		P	P	P	SLU	SLU	SLU	SLU	9.4.JJ

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Industrial Uses																							
Contractor's Storage Yards		SLU							SLU	SLU	SLU												9.5.A
Crematorium									P	P	SLU												9.5.B
Dry Cleaning Facilities									P	P	P												9.5.C
Dye Processing Facilities									P	SLU	SLU												9.5.D
Manufacturing, High Intensity									SLU	SLU													9.5.E
Manufacturing, Low Intensity									P	P	P												9.5.F
Motor Vehicle Disposal and Junkyards									SLU														9.5.G
Research and Development									P	P	P					SLU							9.5.H
Mineral Resource Extraction	SLU	SLU							SLU														9.5.I
Mini-Warehouses and Self-Storage Facilities									P	SLU	SLU												9.5.J
Motor Vehicle Repair, Industrial									P	P	SLU												9.5.K
Outdoor Storage					A, SLU				SLU	A, SLU	A, SLU	A, SLU										A, SLU	9.5.L
Outdoor Storage of Commercial and Recreational Vehicles, Commercial		SLU							SLU	SLU	SLU												9.5.M
Printing and Publishing Facilities									P	P	P												9.5.N
Solid Waste Facilities									SLU														9.5.O
Stock Yards, Slaughter Houses, and Meat Processing	SLU								SLU														9.5.P
Transportation and Logistics									SLU	SLU													9.5.Q
Truck and Trailer and Heavy Equipment Sales, leasing and rental									P	P	P												9.5.R
Truck Terminals									SLU	SLU	SLU												9.5.S
Warehouse					A, SLU			P	P	P	P	A, SLU	A, SLU	A, SLU									9.5.T
Wholesale									P	P	P												9.5.U

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SLU = Special Land Use

Blank Cell = Use Is Not Permitted In Zoning District

	FP	RC	R-1	R-2	GB	O	ES	AC	HI	I	TI	O-28	O-S	O-G	O-C	O-A	O-I	O-WS	V-VC	V-VF	V-TC	V-O28	
Other Uses																							
Cemeteries		SLU																					9.6.A
Cultural and Government Services and Buildings	P	P	P	P	SLU	SLU	P	P	P	P	P	SLU	SLU	SLU	SLU	SLU	SLU	SLU	P	P	P	P	9.6.B
Institutions of Higher Education					SLU						SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	9.6.C
K-12 Schools, Public	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	9.6.D
K-12 Schools, Private	P	P	SLU	SLU	P		P	P	P	P	P	P	P	P	P	P	P		SLU	SLU	SLU	SLU	9.6.E
Parking Lot, without principal structure or use					SLU		SLU	SLU				SLU					SLU		SLU	SLU	SLU	SLU	9.6.F
Parking Garage, without principal structure or use					SLU		SLU	SLU				SLU							A	A	A	A	9.6.G
Personal-Scale Wind Energy Facility	A	A	A	A																			9.6.H
Public Parks and Open Space	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	9.6.I
Public Utility Buildings and Essential Services	P	P	P	P	SLU		P	P	P	P	P	SLU											9.6.J
Religious Institutions		SLU	SLU	SLU	P	SLU	P		P	P	P	P							SLU	SLU	SLU	SLU	9.6.K
Solar Energy Systems - Rooftop or Wall-Mounted Solar Facilities	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	9.6.L
Solar Energy Systems - Freestanding Private Solar Facilities	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	9.6.L
Solar Energy Systems - Freestanding Community Solar Facility	SLU	SLU	SLU	SLU	SLU		SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	9.6.L
Solar Energy Systems - Freestanding Commercial Solar Facilities					A		A	A	A	A	A	A	A	A, SLU	A, SLU	A	A	A, SLU	A, SLU	A, SLU	A, SLU	A, SLU	9.6.L
Solar Energy Systems - Freestanding Utility Solar Facilities									SLU	SLU	SLU												9.6.L.
Utility-Scale Battery Energy Storage Systems																							9.6.M
Wireless Communication Support Structures	SLU	SLU	SLU	SLU	SLU		SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	9.6.N
Temporary Uses																							
Concrete and Asphalt Batch Plants									SLU	SLU	SLU												9.7.A
Temporary Event	SLU	SLU			SLU		SLU	SLU	SLU	SLU	SLU	SLU							SLU	SLU	SLU	SLU	9.7.B

P= Permitted Use

A = Accessory Use

SLU = Special Land Use

Blank Cell = Use Is Not Permitted In Zoning District

Article 6.
Schedule of Regulations

Section 6.1 Schedule of Regulations Table

Table 6.1	Lot Dimensions			Maximum Structure Height	Setbacks (ft)					Maximum Lot Coverage		Minimum Dwelling Unit Size (sq. ft.)
Standard Zone Districts	Minimum Area (sq. ft.)	Minimum Area (Acres)	Minimum Width		Front Yard Minimum	Front Yard Maximum	Side Yard (Each Minimum)	Side Yard Minimum (Total)	Rear Yard Minimum	Building (%)	Impervious (%)	
FP, Farmland Preservation	435,600	10	330 ft	40 ft	50 ft	200 ft	10 ft*	25 ft	25 ft	20%	30%	1,100 sf
RC, Rural Conservation	100,000	2.3	200 ft	40 ft	40 ft	150 ft	10 ft*	25 ft	25 ft	20%	30%	1,100 sf
R-1, Single-Family Residential	43,560	1.0	110 ft	40 ft	35 ft	–	10 ft*	25 ft	25 ft	30%	50%	1,300 sf
R-2, Single-Family Residential	18,000	0.41	110 ft	40 ft	35 ft	–	10 ft*	25 ft	25 ft	30%	50%	1,300 sf
GB, General Business	43,560	1	100 ft	35 ft	50 ft	–	30 ft	60 ft	20 ft	30%	50%	–
O, General Office	21,780	0.5	100 ft	35 ft	50 ft	–	30 ft	60 ft	20 ft	30%	50%	–
ES, Expressway Service	32,670	0.75	110 ft	48 ft	50 ft	–	30 ft	60 ft	20 ft	30%	50%	–
AC, Airport Commerce	FAA Requirements											
HI, High Intensity Industrial	435,600	10	330 ft	60 ft	100 ft	–	40 ft	80 ft	50 ft	30%	50%	–
I, Industrial	87,120	2	200 ft	45 ft	100 ft	–	40 ft	80 ft	50 ft	30%	50%	–
TI, Transitional Industrial	43,560	1	100 ft	45 ft	50 ft	–	25 ft	50 ft	25 ft	40%	60%	–

*In the FP, RC, R-1, & R-2, one side yard setback may be a minimum of 10 feet, but the total setback for both sides shall equal 25 feet

Village Zone Districts	Lot Dimensions					Maximum Structure Height (feet)	Setbacks (ft)						Maximum Lot Coverage		Maximum Frontage (feet)	Minimum Dwelling Unit Size (sq. ft.)
	Minimum Area		Maximum Area		Minimum Width (ft)		Front Yard Minimum		Front Yard Maximum		Side Yard	Rear Yard Minimum	Building (%)	Impervious (%)		
	Square Feet	Acres	Square Feet	Acres			*Along Cascade Rd or 28 St*	*Along all other Streets*	*Along Cascade Rd or 28 St*	*Along all other Streets*						
V-VC, Village Core	4,000	0.09	87,120	2	50	35	4 ft	3 ft	25 ft	10 ft	See Section 8.2.E	0 ft	100%	100%	200	650 + 150 per bedroom
V-VF, Village Fringe	4,000	0.09	87,120	2	50	35	25 ft	6 ft	50 ft	10 ft		30 ft	100%	100%	200	
V-TC, Thornapple Center	4,000	0.09	87,120	2	50	35	10 ft	6 ft	50 ft	10 ft		0 ft	70%	80%	200	
V-O28, Old 28th Street	4,000	0.09	87,120	2	50	35	25 ft	10 ft	50 ft	20 ft		30 ft	100%	100%	200	

Overlay Districts	Lot Dimensions				Maximum Structure Height	Setbacks (ft)					Maximum Lot Coverage		Minimum Dwelling Unit Size (sq. ft.)
	Minimum Area (sq. ft.)	Minimum Area (Acres)	Minimum Width (ft)			Front Yard Minimum		Front Yard Maximum	Side Yard	Rear Yard	Building (%)	Impervious (%)	
						All Public Roadways	*Internal Private Roadways*		Minimum on Each Side	Minimum			
O-28, 28th Street	43,560	1	*Along 28th St:* 200 ft	*Along all Other Roadways:* 50 ft	60 ft	50 ft	50 ft	100 ft	20 ft	30 ft	50	60%	650 sq ft + 150 sq ft per bedroom
O-S, Starr	43,560	1	*Along 28th St or Patterson Ave:* 200 ft	*Along all Other Roadways:* 50 ft	60 ft	50 ft	: 10 ft	–	10 ft	30 ft	60%	80%	
O-G, Glenwood	87,560	2	*Along 28th St or Kraft Ave:* 200 ft.		60 ft	50 ft	10 ft	–	10 ft	30 ft	50	60	
O-C, Centennial	50,000	1.15	100 ft	*Along all Other Roadways:* 50 ft	48 ft	40 ft	40 ft	–	25 ft	30 ft	50	60	
O-A, Arboretum	87,120	2	*Along Cascade Rd:* 200 ft	*Along all Other Roadways* 50 ft	35 ft	25 ft	25 ft	50 ft	10 ft	30 ft	50	60%	
O-I, Interchange	136,680	3.14	*Along 28th St, or Kraft Ave:* 200 ft	*Along all Other Roadways:* 50 ft	60 ft	50 ft	10 ft	–	10 ft	30 ft	70	80%	
O-WS, Waterfall Shoppes	87,120	2	*Along 28th St:* 200 ft		48 ft	50 ft	20 ft	–	10 ft	30ft	70%	80%	

Section 6.2 Land Division Table

Table 6.2	RC			R-1			R-2		
	Minimum Lot Width (ft)	Minimum Lot Area (sq ft)	Minimum Lot Area (Acres)	Minimum Lot Width (ft)	Minimum Lot Area (sq ft)	Minimum Lot Area (Acres)	Minimum Lot Width (ft)	Minimum Lot Area (sq ft)	Minimum Lot Area (Acres)
No Open Space	200 ft	100,000	2.30	110	43,560	1.00	110	18,000	0.41
25% or more of developable acreage dedicated as private open space, not connected to water and utilities	190 ft	93,750	2.15	102.5	40,025	0.92	101.5	17,050	0.39
25% or more of developable acreage dedicated as public open space, not connected to water and utilities	180 ft	87,500	2.01	95	36,450	0.84	93	16,100	0.37
25% or more of developable acreage dedicated as private open space, connected to water and utilities	170 ft	81,250	1.87	87.5	32,875	0.75	84.5	15,150	0.35
25% or more of developable acreage dedicated as public open space, connected to water and utilities	160 ft	75,000	1.72	80	29,300	0.67	76	14,200	0.33
50% or more of developable acreage dedicated as private open space, not connected to water or utilities	150 ft	68,750	1.58	72.5	25,725	0.59	67.5	13,250	0.30
50% or more of developable acreage dedicated as public open space, not connected to water or utilities	140 ft	62,500	1.43	65	22,150	0.51	59	12,300	0.28
50% or more of developable acreage dedicated as private open space, connected to water and utilities	130 ft	56,250	1.29	57.5	18,575	0.43	50.5	11,350	0.26
50% or more of developable acreage dedicated as public open space, connected to water and utilities	120 ft	50,000	1.15	50	15,000	0.34	42	10,400	0.24

Section 6.3 Lot Determination

A. **Applicability.** The following provisions in this Section apply to all lots, including corner, interior, through (or double frontage), and waterfront lots. See Section 3.2 for further definitions of yards, frontage, lots, and setbacks.

B. **Interior Lots.** An interior lot shall mean a lot that has frontage on only one street. The lot lines of interior lots shall be designated as follows:

1. The lot line abutting the street frontage shall be the Front Lot Line, and shall be subject to all requirements applicable to Front Yards and Front Lot Lines.
2. The lot line farthest from the Front Lot Line shall be designated as the Rear Lot Line, and shall be subject to all requirements for Rear Yards and Rear Lot Lines.
3. All other lot lines shall be designated as Side Lot Lines, and subject to the requirements for Side Yards and Side Lot Lines.
4. Flag lots as defined in Section 3.2 are not allowed. However, when a flag lot existing prior to the adoption of this Ordinance, the lot line that generally parallels the street where the lot obtains access, but not the narrow extension, shall be the Front Lot Line, and shall be subject to all requirements applicable to Front Yards and Front Lot Lines. The provisions of this subsection for determination of side and rear lot lines remain applicable.

C. **Corner Lots.** A corner lot shall mean a lot of which the entirety of at least two (2) adjacent sides abut a street or two (2) intersecting streets, provided that the interior angle at the intersection of such two (2) sides is less than 135 degrees. The lot lines of a corner lot shall be designated as follows:

1. The lot line abutting the street where the lot is addressed shall be the Front Lot Line, and shall be subject to all requirements applicable to Front Yards and Front Lot Lines. If the parcel has no address, then the narrowest abutting road frontage shall be designated as the “Front.” If the abutting road frontages are of equal width, then the street with the highest traffic volume shall be the Front Lot Line, however frontage on a highway shall not be designated as a “Front”. The Planning Director may approve an alternative lot frontage determination if the proposed alternative is compatible with the surrounding neighborhood.
2. All other lot lines abutting street shall be designated as “Street Side Yards” and shall be subject to the requirements for Front Yards as they pertain to setbacks and accessory building location requirements, and shall be subject to the requirements of Side Yards as the pertain to fences.
3. The lot line farthest from the Front Lot Line shall be designated as the Rear Lot Line, and shall be subject to all requirements for Rear Yards and Rear Lot Lines.
4. All other lot lines shall be designated as Side Lot Lines, and subject to the requirements for Side Yards and Side Lot Lines.

D. **Through, or Double Frontage, Lots.** A lot having frontage on two (2) streets that does not meet the definition of Corner Lot shall be considered a through or double frontage lot. The lot lines of a through or double frontage lot shall be designated as follows:

1. The lot line abutting the street where the lot is addressed shall be the Front Lot Line, and shall be subject to all requirements applicable to Front Yards and Front Lot Lines. If the parcel has no address, then the narrowest abutting road frontage shall be designated as the “Front.” If the abutting road frontages are of equal width, then the street with the highest traffic volume shall be the Front Lot Line, however frontage on a highway shall not be designated as a “Front”. The Planning Director may approve an alternative lot frontage determination if the proposed alternative is compatible with the surrounding neighborhood.
2. All other lot lines abutting street shall be designated as “Street Side Yards” and shall be subject to the requirements for Front Yards as they pertain to setbacks and accessory building location requirements, but shall be subject to the requirements of Rear Yards as they pertain to fences.

3. All other lot lines shall be designated as Side Lot Lines, and subject to the requirements for Side Yards and Side Lot Lines.

E. **Waterfront Lots.** See Section 4.10. (Keyhole Development).

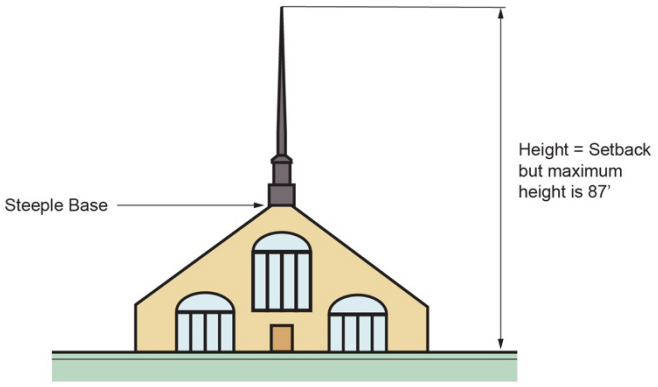
F. **Developable acreage of the site.** The developable acreage shall be determined by deducting the following non-developable areas from the gross acreage of the site:

1. All lands within existing or proposed right of ways or easements for public or private roads and highways.
2. All areas designated as Wetlands by the State of Michigan and/or as defined as wetlands by the U.S.G.S. National Wetland Inventory.
3. 50% of all lands designated within a 100-year floodplain.
4. All lands that are characterized with steep slopes, unless public sewer is planned to be installed.
5. 50% of all lands that are characterized with moderate slopes, unless public sewer is planned to be installed.
6. All water bodies and water courses.

Section 6.4 Building Height Exceptions

A. **Exceptions**

1. Maximum building height limitations do not apply to spires or steeples. The allowable spire or steeple height shall be determined based upon the distance the base of the spire or steeple is from any adjoining residential lot line.
2. In the event the Religious Institution property abuts more than one residential lot line, the lesser distance will be used to calculate the allowable steeple height. In no case shall any spire or steeple be more than eighty-seven (87) feet high. Spire or steeple height shall be measured from the average grade to the peak of the spire or steeple not intended for human occupancy.



Section 6.5 Residential Front Yard Averaging

A. **Applicability.** The following provisions apply to parcels in RC, R-1 or R-2 Zone Districts.

B. Where the average front yard setback of six (6) or more buildings within one thousand (1,000) feet of the lot or parcel in question and on the same side of the street is less than, or greater than, the minimum front yard setback prescribed for the specific zone district, the required front yard setback of such lot or parcel shall not be less than the average existing front yard setback or such buildings. In any event, the front yard setback on any lot or parcel shall not be less than ten (10) feet.

Section 6.6 AC, Airport Commerce, District Regulations

A. Except as otherwise provided for non-aeronautical facilities within this Zoning Ordinance, all uses shall meet the requirements of the Michigan Aeronautics Code (MAC) and the regulations of the Federal Aviation Administration (FAA).

B. There may be more than one principal building permitted on parcels within the AC Zone District, including that area of the district covered by Overlays A and C.

C. Subject to Section 7.14, and with the exception of Overlays A and C, any new development or construction (including parking lots) located within 200' of Patterson Avenue, John J. Oostema Boulevard or any non-AC District zoned parcel is required to meet the greenbelt and planting requirements of Tables 11.A and 11.B, in addition to the requirements of this Ordinance. Notwithstanding the foregoing, plantings shall not bear seeds or fruit and shall conform to the Airport's Wildlife Hazard Mitigation Plan, as it may be amended, which is incorporated herein by reference.

Section 6.7 Purchase of Development Rights

A. **Findings and Declaration of Purpose.** The Cascade Charter Township Board of Trustees finds that:

1. The township is a desirable place to live, work, and visit in large part due to the presence of farmland and other open space lands. Scenic views, agriculture, open spaces, and wildlife habitat are all considered invaluable natural and aesthetic resources and should be protected.
2. Development in the areas around the township has affected quality of life by fragmentation of open space and wildlife habitat; loss of productive farmland and forestland; alteration of rural beauty; the decline in water quality; and the loss of wetlands.
3. The conversion of farmland, open space, and wetlands to residential or other more developed uses is made at the expense of critical community resources being permanently lost to community residents.
4. The township's adoption of its master plan, zoning ordinance, and other ordinances and plans for the protection and preservation of open space and wetlands are not sufficient safeguards against the continuing growth and development of residential and commercial uses.
5. The permanent acquisition by the township of voluntarily offered interests in farmland, open space, wetlands, and other property, as provided in this section and as authorized by law, will permit these lands to remain as farmland or otherwise in their current natural state near developing urban areas and provide long term protection for the public interest in preservation and management of the land.
6. Michigan Public Act No. 262 of 2000 (MCL 324.36201 et seq.) created an agricultural preservation fund with the state treasury. Money in this fund may be used to provide grants to local units of government to assist in acquiring agricultural conservation easements, provided that the local unit has adopted an ordinance for the purchase of development rights and that the local unit has a comprehensive land use plan that includes a plan for agricultural preservation. Acceptable plans for agricultural preservation can include provisions for uses that allow agriculture and open space designations that allow agriculture.
7. It is the policy of the township to protect, preserve, and enhance farmland and open space lands through its ordinances and plans, the authority granted it by the Michigan Farmland and Open Space Preservation Act (MCL 324.36101 et seq.), the Michigan Conservation and Historic Preservation Easement Act (MCL 324.2140 et seq.), and other state laws and the use of grants, donations, and other available fund sources.
8. The acquisition of land and land rights as provided in this Article is a public purpose of the township.
9. This Ordinance is authorized in whole or part by Section 508 of the Michigan Zoning Enabling Act, MCL 125.3508.

B. **Definitions.** The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Agricultural rights mean an interest in and the right to use and possess land for the purposes and activities related to open space, natural habitat, horticultural, and other agricultural use or open space character.
2. Agricultural use means substantially undeveloped land devoted to the production of plants and animals useful to humans, including fruits, nuts, vegetables, greenhouse plants, berries, herbs, flowers, seeds, nursery stock, grasses, Christmas trees and lumber, forages and sod crops, grains and feed crops, dairy and dairy products, livestock (including breeding and grazing), poultry and poultry products, and other similar uses and activities. The term "agricultural use" does not include intensive animal husbandry operations in which poultry or livestock are raised for market in large numbers or tightly confined environments (concentrated animal feeding operations).

3. Application means the documentation and information submitted to the township by a landowner on the approved application form offering to sell, donate or otherwise grant to the township a conservation easement, development right or fee title.
4. Conservation easement means a non-possessory interest in real property, which is acquired in accordance with MCL 324.2140 et seq., for the purpose of retaining and enhancing agriculture; preserving natural, scenic, or open space values of real property; restricting or preventing the development or improvement of the land for purposes other than agricultural production; or other like or similar purposes.
5. Development means an activity that materially alters or affects the existing conditions or use of any land in a manner that is inconsistent with agricultural use or open space character.
6. Development rights means an interest in and the right to use, divide, or subdivide land for any and all residential, office, commercial, research, industrial, or other use, purposes or activities, including intensive animal husbandry operations, not incident to agricultural use or open space character.
7. Full ownership means fee simple title.
8. Governmental agency means the United States or any agency thereof, the state or any agency thereof or any municipal corporation.
9. Land preservation commission (LPC) means the commission formed pursuant to this Article to advise the township board in the selection of property for protection. It is the policy of the township to protect, preserve, and enhance farmland and open space lands through its ordinances and plans, the authority granted it by the Michigan Farmland and Open Space Preservation Act (MCL 324.36101 et seq.), the Michigan Conservation and Historic Preservation Easement Act (MCL 324.2140 et seq.), and other state laws and the use of grants, donations, and other available fund sources.
10. Open space character or open space use means substantially undeveloped land devoted to the maintenance or enhancement of natural processes (e.g., water quality, plant and wildlife habitat, and groundwater recharge), or scenic enjoyment of the public.
11. Owner means the individual having fee simple title to land.
12. Parcel means all property under a single ownership that is included in an application.
13. Parkland means all property undeveloped and developed dedicated for the use of the public as a park.
14. Qualified appraisal means an appraisal done by an independent, qualified appraiser to establish the value of land or development rights, as defined in the Treasury Regulations, section 1.170A-13(c)(3)(5).
15. Residential development rights means the right to sell a portion of a parcel, or to construct a residence and related accessory buildings such as a garage or shed on a parcel, for residential uses not related to the agricultural use or open space character of the parcel.
16. Substantially undeveloped land means land on which there is no more than one residential dwelling unit and related accessory buildings such as a garage or shed for each 40 acres of land. For parcels less than 40 acres in existence prior to the date of the ordinance from which this Article is derived, and which cannot be joined to a larger contiguous parcel, substantially undeveloped land means land on which there is no more than one residential dwelling unit and related accessory buildings for the parcel.

C. **Township Board Authority.** The township board is hereby authorized under state law and this section to:

1. Expend revenue to acquire interest in land in accordance with the criteria and procedures established in this section. The interest acquired may either be fee title; development rights; conservation easements; or any lesser interest, easement, covenant, or other contractual rights pertaining to such rights. Acquisition of land and land rights may be achieved through purchase, grant, covenant, or contract. In particular, the township can acquire development rights to agricultural land. The revenue shall be used to acquire interests only upon application of the owner and as authorized by this section.
2. Enter into cash purchase contracts, installment purchase contracts, cash purchase/non-cash donation agreements, or similar agreements establishing the rights and responsibilities of the township and the owner in the transfer of land, purchase of development rights, or the granting of conservation easement or other easement or covenant consistent with applicable law and this section.

3. Enter into contracts with nonprofit land trusts, legally established and in good standing, or other similarly qualified nonprofit groups to participate jointly in the acquisition, retention, and management of land and development rights, conservation easements, or other easements.
4. Enter into contracts with qualified licensed professionals, nonprofit land trusts, legally established and in good standing, or other similarly qualified nonprofit groups to provide appraisal, environmental analysis and testing, acquisition evaluation and negotiation support, maintenance or other services necessary or appropriate to accomplish the purpose of this section.
5. Enter into agreements for joint acquisition, retention, and management of land and development rights, conservation easements, or other easements with another governmental agency to the extent permitted by law and in accordance with this section.
6. Issue bonds for the borrowing of money for any purpose within the scope of this section and the general powers of the township.

D. **Criteria for selection.** The following criteria shall be used in determining the order in which applications will be prioritized for review and recommendation to the township board for acquisition:

1. **Process.** The Township may publish notice annually in a newspaper of general circulation in the inviting owners that meet the primary criteria outlined below to make application for sale of land, development rights, conservation easements, or other easements. Application materials shall be available from the township clerk and shall include a summary of the criteria and guidelines for selection and a list of required documentation that must be attached to the application. Applications may be made at any time but need not be considered until the next regular meeting of the LPC. At the call of the chair or two members of the LPC, the LPC shall have the right to convene special meetings to consider purchases requiring timely action.
2. **Land acquisition criteria.** Sites for consideration shall be evaluated using the following criteria, together with any other criterion determined by LPC to be appropriate to accomplish the purpose of this Article:
    a. **Agricultural land criteria**
        i. Characteristics of the land: soil quality, parcel size, road frontage, groundwater recharge/protection, woodlands, public water resource frontage/proximity.
        ii. Context: adjacent zoning classification, adjacent land use, proximity to protected land, scenic value, historic value, connectivity.
        iii. Acquisition considerations: matching funds, landowner contribution, development pressure.
    b. **Natural areas and open space criteria**
        i. Characteristics of the land: woodlands, rare species/habitat, parcel size, road frontage, wetlands and/or floodplain (especially headwater areas), groundwater recharge/protection, slopes, public water resource frontage/proximity.
        ii. Context: adjacent zoning, adjacent land use, proximity to protected land, scenic value, historic value, connectivity.
        iii. Acquisition considerations: matching funds, landowner contribution, development pressure, recreational potential.
        iv. Special attention should be given to properties that lie within the natural resource complexes identified in the township's open space and greenways plan.
    c. **Parkland acquisition criteria**
        i. Characteristics of the land: parcel size, woodlands, public water resources frontage/proximity, develop ability for active recreation.
        ii. Context: adjacent zoning, adjacent land use, proximity to protected land, connectivity.

iii. Acquisition considerations: matching funds, landowner contribution, development pressure, recreation potential, proximity to existing parking, the ease at which the property can be secured or acquired, demonstrated need (location or use), accessibility.

3. **Land acquisition mechanisms**

   a. Purchase of development rights (PDR) shall be the preferred method of protecting agricultural land.

   b. Natural areas and open space may be protected by conservation easements or fee simple purchase, or by acquiring other interests in land.

4. **Availability of funding.** Any application which fulfills the criteria set forth in this section and in the regulations adopted by the LPC and approved by township board, but which is not offered a contract to purchase because available funds are not sufficient within the current fiscal year, may be considered in the next application cycle, provided that the owner updates the information on the application or states that the information is accurate. Applications shall not be given any preference or priority but may be considered under the terms and conditions of this section along with all other applications submitted at that time.

5. **Applicable laws.** The owner shall be and remain subject to all ordinances, rules and regulations regardless of the transfer to and the acquisition of development rights, conservation easements or other easements by the township whether now in effect or which may be subsequently adopted for the regulation of land uses or for the protection of the health, safety and welfare of residents of the jurisdiction.

6. **Liability.** The township, its officials, employees, and agents shall not be liable for any injury that may occur to any person, or for any damage that may occur to any property, as a result of any act, decision or other consequence or occurrence arising out of the acts or omission of the owner or any person or entity other than the township based on the existence of an application or the acquisition of development rights, conservation easements or other easements.

E. **Related Costs.** The costs of appraisal, engineering, surveying, planning, financial, environmental, legal, or other services lawfully incurred incident to the acquisition of land, development rights, conservation easements, or other easements by the township in accordance with this Article shall be paid by the township and may be paid from any revenue sources authorized by MCL 125.3509, as amended. The township shall not be responsible for expenses incurred by the owner incident to the owner's application.

F. **Retained Residential Development**

1. To promote agricultural use of properties on which the township has purchased the development rights, it has been determined that such properties should remain substantially undeveloped.

2. It may be in the best interest of property owners and of the program to purchase development rights that property owners retain some residential development rights so long as the land remains substantially undeveloped. When property owners retain some development rights, their land value remains higher than it would be if they sold all their development rights and the value of the development rights to be purchased is correspondingly reduced.

3. Conservation easements conveying development rights to the township may include a provision for a landowner to retain the right to build additional residential dwellings on the following schedule:

0 – under 20 acres	0
20 – under 40 acres	1
40 – under 60 acres	2
60 – under 80 acres	3
80 or more acres	4

4. Initially, these dwellings must be owned or occupied by a direct family member or for a farm laborer with a demonstrable employment record or financial investment in the farming operation.

5. Both residential and non-residential buildings must be identified in the negotiated conservation easement in order to protect other important features of the property. Building locations and lot sizes must also conform to existing zoning in the municipality where the property is located.

6. A landowner may choose to omit a maximum of two residential building lots from the nominated property of the minimum size allowed by local zoning. The LPC and the township board may consider such omission when evaluating on which properties to purchase development rights.

7. Once action to select properties for the purchase of development rights has been taken by the township board, a baseline documentation report will be prepared describing, through photographic, pictorial, and narrative means, the condition of the property at the time of the grant and a development rights easement. The baseline report shall contain a signature page where the owner and the supervisor sign to state that the report is an accurate description of the property at the time of grant. The easement shall similarly feature a page where the signatures of the owner and the supervisor are notarized, following which the easement shall be recorded with the county register of deeds so that it is effective on all current and future owners.

G. **Land Preservation Fund Established**

1. Revenues received for the preservation of farmland, open space, wildlife habitat, scenic views, and the protection of drinking water sources and the water quality of rivers and streams, and the provision of new parks, recreational opportunities, and trails through acquisition and management of land, development rights, conservation easements, and other easements shall be placed in a designated land preservation fund which is hereby created in the township budget.

2. The Land Preservation Fund may be funded by any lawful means and, at a minimum includes all of the funding sources permitted by MCL 125.3509, including special assessments. The process to establish a special assessment shall be the same as under Act 188 of 1954, as amended, except that:

   a. A petition shall be filed with the township board containing all of the following:

      i. A description of the development rights to be purchased, including a legal description of the land from which the purchase is to be made.

      ii. A description of the proposed special assessment district.

      iii. The signatures of the owners of at least 66% of the land area in the proposed special assessment district.

      iv. The amount and duration of the proposed special assessments.

   b. The township board shall specify how the proposed purchase of development rights will specially benefit the land in the proposed special assessment district.

3. The fund shall be invested and managed in the same manner as existing funds of the township. No part of the fund may be transferred to any other fund, nor be encumbered, nor be utilized for any purpose except the purposes specifically set forth in this section. Expenditures from the fund require authorization of the township board.

H. **Duration of Acquired Rights; Release**

1. Development rights acquired pursuant this section shall be held in trust by the township for the benefit of its citizens in perpetuity.

I. **Enforcement**

1. Township staff or its designees shall administer, and the township board shall enforce, this section and conservation easements agreements. The LPC will advise and make recommendations to the township board concerning monitoring and investigation of complaints of violation of township acquired land and land rights. The LPC shall at least once annually ascertain whether the owner is complying with all conditions of the easement or deed. Inspection findings shall be in writing and maintained. Any violation identified shall be referred to the township board.

J. **Administrative Costs**

1. Reasonable administrative expenses can be paid from the farmland and open space land preservation millage revenues for both the acquisition of land and conservation easements. The following activities shall be considered administration expenses that may be paid for from millage revenues:

   a. Staff or consultant time, including benefits, devoted directly to the acquisition process.

b. Staff or consultant time, including benefits, devoted directly to program support.

c. Travel/vehicle costs incurred.

d. Monitoring of conservation easements.

e. Enforcement of conservation easements.

f. Legal expenses directly related to the acquisition of property or property interests, including staff or outside counsel time.

2. The actual cost of property or property interests, plus charges for the following items, can be paid from millage revenues, but are not considered administrative expenses:

a. Title commitments.

b. Payment of property taxes on acquired property.

c. Preparation of appraisals of property.

d. Preparation of legal surveys of property.

e. Preparation of phase 1 environmental assessments of property, as well as subsequent phases, if required.

f. Baseline documentation for conservation easements.

g. Interest and other costs directly related to the sale of bonds supported by this millage.

K. **Donations**

1. The provisions of this section shall not apply to a donation of any interest in land to the township by a gift or bequest.

Section 6.8 Subdivision Design Standards

A. **Applicability.** This section shall apply to all residential subdivisions, condominium, site condominium and Planned Unit Development projects.

B. **Streets and Roads.** The provisions of this Ordinance shall be the minimum Township requirements for streets, roads and intersections. In the event that any other public agencies having jurisdiction shall adopt any statutes, ordinances, rules or regulations imposing additional, different, or more stringent requirements, the terms of such statutes, ordinance, rules or regulations shall govern.

1. **Cul-de-sac Streets.** All temporary and permanent (where allowed) dead-end streets shall be provided with cul-de-sacs (turnarounds), or any other turnarounds acceptable to the Kent County Road Commission (KCRC) and the Township, at their termini. Temporary turnarounds shall be provided at the terminus of streets where a future extension is contemplated. Temporary turnarounds need not be a part of the dedicated right-of-way; however, easements must be furnished to the KCRC for their use. For Public Roads, the length of dead-end streets shall be no longer than allowed by the KCRC.

2. **Half Streets.** Half streets shall be prohibited except where unusual circumstances make it essential to the reasonable development of a tract in conformance with the provisions of this Ordinance and where satisfactory assurance for dedication of the remaining part of the street is provided. Whenever a tract to be subdivided borders on an existing half or partial street, the other part of the street shall be dedicated within such tract, according to the requirements of the KCRC.

3. **Angle of Intersection.** Streets shall intersect at ninety (90) degrees or as closely thereto as practical. In no event shall the angle of intersection be less than eighty (80) degrees.

4. **Visible Across Corners.** Corners shall meet the requirements of Section 4.19.

5. **Number of Streets.** No more than two (2) streets shall meet at any one intersection.

6. **"T" Intersections.** "T" type intersections shall be used where practical at intersections of minor streets with any street.

7. **Centerline Offsets.** Roads shall maintain consistent alignment through intersections. Slight jogs at intersections shall be eliminated where practical. Where such jogs cannot be practically avoided, street centerlines shall be offset by a distance of one hundred twenty-five (125) feet or more.

8. The **"Requirements and Specifications for Plat Development"** issued by the Board of County Road Commissioners of Kent County, Michigan, effective July 1, 1975, and any amendments thereto, are incorporated by reference as part of this ordinance as they pertain to all subdivisions or plats regulated by the Subdivision Control Act. Any variance in these requirements or specifications also requires a variance in this Ordinance in accordance with the procedures established in Section 14.13.

C. **Easements**

1. **Easement Location.** Easements shall be provided along front or rear lot lines for utilities and also along side lot lines when necessary. The total width shall not be less than six (6) feet along each lot, or a total of twelve (12) feet for adjoining lots except in the case of those lots included within the provisions of Section 5.5, 7) hereafter.

2. **Drainageway.** Where a subdivision is traversed by a watercourse, drainage way, channel, floodplain, or stream, a storm water easement or drainage right-of-way shall be provided. The subdivider shall provide drainageway easements and any improvements as required by the rules of the Kent County Drain Commissioner.

D. **Blocks**

1. **Arrangements.** A block shall be designed to provide two (2) tiers of lots, except in those cases where lots back onto an arterial street, natural feature or subdivision boundary.

2. **Minimum Length.** Blocks shall not be less than five hundred (500) feet long from center of street to center of street.

3. **Maximum Length.** The maximum length allowed for residential blocks shall be one thousand (1,000) feet along from center of street to center of street.

E. **Density and Lots.** Density and Lot requirements must be in accordance with the Land Division Table in Section 6.2.

1. Determination of the maximum number of permitted lots on any given property shall be based upon the developable acreage as determined by Section 6.3.F.

2. **Open Space.** The area of open space shall be the area of the plat not used for lots outside of those areas described in Section E.1. above. This does not preclude those areas described in Section E.1. from being designated as open space, but no credit for open space under Table 6.2 is given. In the case where public sewer will be installed in the subdivision those areas described in subsection iv. and v. above may also be credited toward open space.

   a. Any proposed open space areas shall be designed to provide opportunities to connect with other open space areas, for purposes of connecting parks, nature reserves, cultural features, or historic sites with each other for recreation or conservation purposes.

   b. Once the Developable acreage and minimum lot size are determined, the number of lots in a subdivision shall be determined by dividing developable acreage, less any open space, by the minimum lot area.

   c. The lot width, depth, building setback line, and area shall not be less than the particular district requirements of the Township Zoning Ordinance, as amended, except where outlots are provided for some permitted purpose.

3. **Lot Lines**

   a. Side lot lines shall be as close to right angles to straight streets and radial to curve streets as practical.

   b. Uninhabitable Areas

c. Lands subject to flooding or otherwise deemed by the Planning Commission to be uninhabitable shall not be platted for residential purposes, or for uses that may, in the judgment of the Planning Commission and Township Board, increase the danger to health, life, or property, or increase the flood hazard. Such lands within a subdivision shall be set aside for other uses, such as parks or other open space.

4. **Back-Up Lots.** Lots shall back into such features as freeways, shopping centers, or industrial properties, except where there is a marginal access street, or unless a secondary access is provided. Such lots shall contain a landscaped easement along the rear at least twenty (20) feet wide in addition to the utility easement to restrict access to the arterial street to minimize noise and to protect outdoor living areas.

5. **Double Frontage Lots.** Lots extending through a block and having frontage on two (2) local streets shall be prohibited.

6. **Division of Platted Lots.** No lot, outlot or other parcel of land located in a recorded plat shall be further partitioned or divided or a building permit issued for a partitioned or divided lot unless such partition or division is first approved by the Planning Commission in accordance with the following restrictions:

   a. Where two or more platted lots have been combined for property tax purposes or where two or more lots are deemed combined pursuant to Section 15.7, as amended since one or more of the lots are nonconforming, no platted lot shall be detached or separated from the other platted lot or lots nor shall any of the platted lots be divided, partitioned, or split or property lines be reconfigured unless such division, split, partition or reconfiguration of lot lines is approved by the Planning Commission.

   b. Additionally, no property line or boundary of a platted lot shall be altered or reconfigured without the prior approval of the Planning Commission hereunder.

   c. No partition, division, split or reconfiguration of property lines shall occur or be approved by the Planning Commission except as follows:

      i. Prior to a decision being made, a public hearing shall be held by the Planning Commission in accordance with Section 13.3.

      ii. The decision of whether to approve or deny the request shall be within the discretion of the Planning Commission.

      iii. In determining whether to grant the request for a partition, division, split or reconfiguration of the lot lines, the Planning Commission shall consider the following standards:

         (1) Whether the resulting lots will have a materially adverse affect on adjacent uses or properties.

         (2) Whether the resulting lots will change the essential character of the surrounding area or neighborhood.

         (3) Whether the resulting lots will place demands on public services, roads and facilities in excess of their capacities.

         (4) Whether the resulting lots will establish a precedent which could adversely affect the long-term goals of the Township Zoning Ordinance and Master Plan.

   d. If the Planning Commission grants the request, reasonable conditions may be attached to the approval.

   e. A decision rendered by the Planning Commission with respect to this section may be appealed to the Township Zoning Board of Appeals by any person aggrieved by such decision within 10 calendar days of the date on which the contested decision was rendered. Such appeal shall be subject to Section 14.13.

7. **Prohibited Division of Platted Lots**

   a. No partition, division, split or reconfiguration of lot lines shall be allowed that would result in the creation of a lot that does not satisfy the minimum requirements of the Township Zoning Ordinance, as amended.

b. No platted lot shall be further partitioned, divided, or split to create one or more additional residential building sites. This prohibition shall not be applicable to lots used for commercial, office or industrial purposes.

F. **Greenbelts and Reserve Strips**

1. **Greenbelts.** Greenbelts and planting strips may be required to be placed next to incompatible features such as highways, railroads, commercial or industrial uses where necessary or desirable to screen the view from residential properties. Such greenbelts shall not be a part of the normal road right-of-way or utility easement.

2. **Private Reserve Strips.** Privately held reserve strips controlling access to streets and/or utilities shall be prohibited.

G. **Public Sites and Natural Features**

1. **Public Uses.** When a proposed park, playground, school or other public site shown in the Master Plan is located in whole or in part within a proposed subdivision, a suitable area for this purpose may be dedicated to the public or reserved for public purchase. The Township Board may, at its option at a later date, release any such reservation for public purpose on a showing that the lands in question are no longer needed or required for the public purpose or purposes indicated by the Master Plan.

2. **Natural Features.** Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots, and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the subdivision.

H. **Farmland Preservation District requirements and Design Standards**

1. The applicant shall provide a minimum of 50% percent of the total lot area in permanently protected and contiguous farmland.

2. The Farmland Preservation area shall include the following:

a. Any area classified as unique or prime soils on the soil map on file with the Township.

b. Areas abutting active farmland along mutual property boundaries.

c. The required farmland area along the main roadway as described in subsection d below.

d. The farmland shall be permanently protected using a mechanism approved by the Township's Attorney, including:

i. conservation easement,

ii. enrolled in PA 116,

iii. purchase of development rights, or

iv. deed restriction.

e. Where there are existing residential lots with an area of less than ten (10) acres adjacent to the subject site, the lot/units shall be adjacent to such existing residential lots in an effort to cluster residential development away from existing or potential farmland or open space.

f. Scenic views along the roadway are preserved. An open space area along and parallel to the roadway, a minimum of 50 feet in depth, not including road right-of-way, is maintained as open space. This area may be left in its natural state or landscaped to help reduce the view of houses on site from the roadway and preserve the rural view.

g. The lots/units are contiguous unless the Planning Commission finds that the physical characteristics of the property, including the environmental conditions, property configuration, or other circumstances beyond the control of the applicant make this impractical.

h. The proposed layout of the development shall be such that development and traffic shall not interfere with any neighboring or contiguous productive farmland to protect the agricultural integrity of the neighboring property and surrounding area.

i. Residential development shall be situated to provide the greatest amount of separation between residential uses and surrounding agricultural uses.

j. Design and layout of the proposed residential subdivision or residential site condominium not be located on any soils prime or unique soils as shown in the soils map on file with the Township Planning Department.

I. **Commercial or Industrial Modification.** These subdivision design standards may be modified in accordance with Section 6.9 in the case of subdivisions specifically for commercial or industrial development, including shopping districts, wholesaling areas, and planned industrial districts. In all cases, however, adequate provision shall be made for off-street parking and loading areas as well as for traffic circulation.

Section 6.9 Subdivision Improvements

A. **Purpose**

1. The improvements described in this Article will be required to be constructed by the subdivider as conditions for final plat approval.

B. **Responsibility for Plans**

1. It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a Registered Professional Engineer or a Registered Land Surveyor, a complete set of construction plans, including profiles, cross section, specifications, and other supporting data, for the hereinafter required streets, utilities, storm drainage, and other facilities. Such construction plans shall be based on preliminary plans which have been approved with the preliminary plat, and shall be prepared in conjunction with the final plat. Construction plans are subject to approval by the approving bodies listed in Section 14.23 and shall be prepared in accordance with the standards or specifications of the respective body.

2. Upon completion of the required improvements, one (1) complete copy of as-built engineering plans for each required public improvement shall be filed with the Township Clerk coincident with the submission of the final plat. Other requirements and procedures in the submittal of final plats shall be as provided in Article 14.

C. **Required Improvements**

1. Every subdivider shall be required to install the following public and other improvements.

2. **Monuments.** Monuments shall be set in accordance with the State Subdivision Control and the rules of the State Department of Treasury.

3. **Streets, Roads and Alleys.** All public streets, roads and alleys shall be constructed in accordance with the standards and specifications adopted by the Kent County Road Commission (KCRC). Private roads shall meet the standards and specifications adopted by Cascade Township.

4. **Curbs and Gutters.** Curbs and gutters shall be required on all marginal access streets and minor streets and shall be constructed in accordance with the standards and specifications adopted by the KCRC.

5. **Installation of Public Utilities.** All telephone and electrical utilities shall be installed underground. In addition, all public utilities shall be installed in accordance with the Subdivision Control Act, as amended, and the rules of the Michigan Public Service Commission, as amended.

6. **Driveways.** All driveway openings shall be as specified by the Michigan Department of Transportation on State and Federal roads and as specified by the KCRC for all other roads in the Township.

7. **Storm Drainage.** A Storm Drainage system shall be provided in accordance with the following:

a. An adequate storm drainage system including necessary storm sewers, drain inlets, manholes, culverts, bridges and other appurtenances, shall be required in all subdivisions. The requirements for each particular subdivision shall be established by the Kent County Drain Commissioner.

b. Construction of storm drainage systems shall be in accordance with the standards and specifications adopted by the Kent County Drain Commissioner. All proposed storm drainage construction plans for the proposed plats shall be approved by the Kent County Drain Commissioner.

8. **Water Supply System.** A water supply system shall be provided by one or more of the following alternatives:

   a. A water distribution system consisting of appropriate water distribution mains, fire hydrants, and other water system appurtenances shall be provided by the subdivider. These shall be installed to meet the Township, County and State requirements and any other municipality with which the Township has contracted for water service.

   b. If water transmission lines are adjacent to the subdivision, the water system provided by the subdivider shall be connected to such transmission lines by the subdivider.

   c. If water transmission lines are reasonably proximate to the subdivision, then the Township Board may, in its discretion, require the subdivider to bear the cost of extending such transmission lines to the subdivision. In considering whether or not to require the developer to extend public water, the Township Board shall consider the following:

      i. Whether or not the soil is of a type that is limited in its ability to support private wells as part of the development. This shall be based, in part, on the information from the Kent County Soil Survey which lists several types of soil associations that are limited in their ability to serve developments with private well systems. The types of soils which are limited in their ability to serve private wells are those which have a seasonable high water table and moderately slow permeability (found in, Marlette-Capac-Metamora, Kibbie- Dixboro-Thetford, Capac-Parkhill-Marlette association); by flooding, ponding and the instability of organic soils (found in the Houghton-Cohoctah- Ceresco association); by seasonal high water table (found in some parts of Oakville-Thetford-Granby, Chelsea- Thetford-Selfridge, Metamora- Teasdale-Tekenink association); and by the slope (found in parts of the Marlette-Perrinton-Metea, Marlette-Chealsea-Boyer and Chelsea-Plainfield- Boyer associations).

      ii. Any known contamination of the soils.

      iii. Any reported Septic and Well problems according to the Kent County Health Department that should limit the use of any additional septic and wells in the area.

      iv. Whether or not the proposed subdivision is located with the utility service boundary.

   d. After such extension is completed, the water system provided by the subdivider shall be connected to the water transmission lines by the subdivider.

   e. If water transmission lines are not adjacent to, or going to be extended to the subdivision, then the water system shall be charged and capped in such reasonable manner as is satisfactory to the Township Engineer.

   f. As an alternative, the water distribution system may, with approval of the Township Board after consultation with the Planning Commission, the Township Engineer, and the Kent County Health Department, be connected to a central well or wells to be provided by the subdivider. Such well or wells shall be in conformance with all requirements of the County, the Michigan Department of Public Health and the Township. The Township may, at its option, choose to operate and maintain such system or, in the alternative, the Township can delay assuming operation and maintenance of such system until a later date. At such time as water transmission lines are adjacent to the subdivision, use of the central water system shall cease and terminate, and connection shall be made forthwith to the water transmission lines at the expense of the subdivider.

   g. If a central well or wells are not required by the Township, then individual wells may be utilized as long as they comply with all requirements of the County, the State of Michigan, and the Township.

   h. If water transmission lines for a public water supply are not required to be extended to the subdivision, then the Township Board may, in its discretion, choose one of the two following options:

i. require that the subdivider execute an agreement agreeing to the imposition of a special assessment to cover the subdivision's share of the cost of providing the necessary public waste facilities to extend a public water supply to the subdivision. Such agreement shall be prepared by the Township and shall be in such form as shall be necessary, in the reasonable opinion of the Township attorney, to effectuate the purposes of this provision.

ii. require the developer to install a “dry” public water line.

9. **Sanitary Sewer System.** A sanitary sewer, or septic tank shall be provided by one or more of the following alternatives:

   a. When connection to a public sanitary sewer system is probable within a reasonable period of time, a sanitary sewer system consisting of appropriate sewer lines, lift stations, and other sanitary sewer system appurtenances shall be provided by the subdivider. This system shall meet all requirements of the County, the State of Michigan, and Township, and any agency with which the Township has contracted for the treatment and disposal of its sewage.

   b. If sanitary sewer transmission lines are adjacent to the subdivision, the sanitary sewer system provided by the subdivider shall be connected to such transmission lines by the subdivider.

   c. If sanitary sewer transmission lines are reasonably proximate to the subdivision, then the Township Board may, in its discretion, require the subdivider to bear the cost of extending such transmission lines to the subdivision. In considering whether or not to require the developer to extend public sewer, the Township Board shall consider the following:

      i. Whether or not the soil is of a type that is limited in its ability to support septic tank and drain fields as part of the development. This shall be based, in part, on the information from the Kent County Soil Survey which lists several types of soil associations that are limited in their ability to serve developments with private septic systems. The types of soils which are limited in their ability to serve private septic systems are those which have a seasonable high water table and moderately slow permeability (found in, Marlette-Capac-Metamora, Kibbie- Dixboro-Thetford, Capac-Parkhill- Marlette association); by flooding, ponding and the instability of organic soils (found in the Houghton-Cohoctah- Ceresco association); by seasonal high water table (found in some parts of Oakville-Thetford-Granby, Chelsea- Thetford-Selfridge, Metamora- Teasdale-Tekenink association); and by the slope (found in parts of the Marlette-Perrinton-Metea, Marlette- Chealsea-Boyer and Chelsea-Plainfield- Boyer associations).

      ii. Any known contamination of the soils.

      iii. Any reported Septic and Well problems according to the Kent County Health Department that should limit the use of any additional septic and wells in the area.

      iv. Whether or not the proposed subdivision is located with the utility service boundary.

   d. After such extension is completed, the sanitary sewer system provided by the subdivider shall be connected to the sanitary sewer transmission lines by the subdivided.

10. **Street Name Signs.** Street name signs shall be installed in the appropriate locations at each street intersection in accordance with the requirements of the KCRC and/or Cascade Township.

11. **Street Lighting.** Street lights shall be required to be installed in every subdivision. All such lighting shall comply with all applicable Township ordinances as well as the requirements of the public utility providing such lighting. Streetlights shall be paid for and installed by the developer prior to final plat approval.

12. **Traffic Control Signs.** Traffic control signs and/or warning devices shall be installed as may be determined necessary by the KCRC and/or Cascade Township.

13. **Trees.** Existing trees to the extent feasible shall be left undisturbed in the new subdivision. New trees shall be required in every subdivision. New trees shall be of a type that are compatible with the surrounding neighborhoods and the soil types of the area. The developer of the subdivision shall be required to provide a minimum of four (4) trees per lot. Any tree that is left remaining on each lot, that is at least four (4) inches in caliper a minimum of four (4) feet from grade may count towards the required number of trees. However, regardless of how many trees are left remaining, at least two (2) trees per lot shall be street trees. Street trees shall be planted a minimum of twenty (20) feet apart from one another. All new trees shall be a minimum of eight (8) feet tall and a minimum two (2) inches in caliper a minimum of four (4) feet from the grade. All new trees shall comply with all applicable Township regulations and any other governmental regulation that may apply. All newly planted trees shall be guaranteed for a minimum of two (2) years from planting.

14. **Pedestrian Pathways.** If the proposed subdivision connects to an existing Township Pedestrian Pathway the Township Board may, in its discretion, require that the subdivider build a Pedestrian Path to the same specifications as the Township Pedestrian Path. The subdivision shall be considered connecting if separated by right-of-way. Furthermore, the Planning Commission may, at its discretion, recommend to the Township Board not to require the developer to build any sidewalk or pedestrian path if they feel that it will not connect to an existing or future pedestrian path or sidewalk.

D. **Public Open Space**

1. Where a school site, neighborhood park, recreation area, or other public open space is planned as part of the proposed subdivision, the Township Board may accept the reservation of such open space for public access purposes. All such areas shall either be reserved for the respective school district in the case of school sites or for the Township in all other cases.

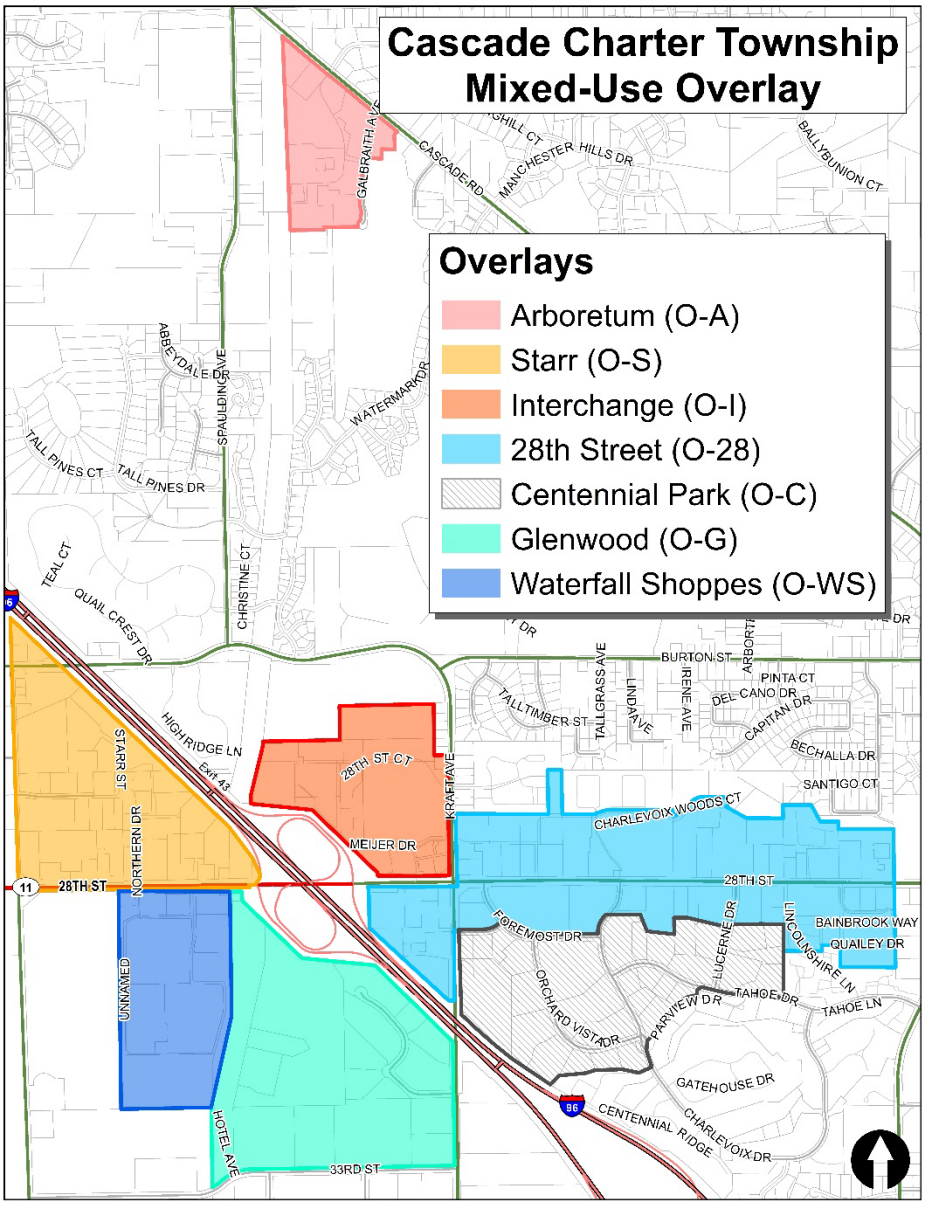
2. **Failure to Complete Construction.** Penalty in Case of Failure to Complete the Construction of a Public Improvement In the event the subdivider shall, in any case, fail to complete a public improvement within the period of time specified in his agreement with the Township for the completion of said public improvements, the Township Board may, at its option, proceed to have the public improvement completed. The agreement between the subdivider and the Township shall provide that all costs and expenses incurred by the Township in completing the public improvement shall be reimbursed from the bond or deposit provided pursuant to subsection i or ii above.

Article 7.
Overlay Districts

Section 7.1 Purpose and Intent – Mixed-Use Overlays

A. **Purpose and Intent.** The purpose of the Mixed-Use Overlay Districts described below is to create a customized mixed-use zoning system to allow infill development, new development, and redevelopment envisioned by the Township Master Plan. It is further the intent of the Mixed-Use Overlay Districts to establish requirements that support and elevate high-quality building and site design standards within specific commercial and mixed-use areas while simultaneously elevating public safety and appropriate Fire Department access.

B. Refer to Article 2, Section 2.6 for individual descriptions of the Mixed-Use Overlay Districts.



Section 7.2 Regulations – Mixed-Use Overlays

A. **Applicability and Conflicts.**

1. In the event of a conflict, Mixed-Use Overlay Districts supersede the regulations of the underlying District. For lots where Planned Unit Developments have been approved, the Planned Unit Development, as approved, shall supersede the Overlay. However, any amendment to the Planned Unit Development after the effective date of this Article must include provisions replacing all conflicting provisions of the Planned Unit Development with provisions that comply with this Article. Alternatively, the property owner may choose to void the Planned Unit Development, and utilize the provisions of this Article to govern the expansion, improvement, alteration, or redevelopment of the lot in question.
2. After the effective date of this Article, no new Planned Unit Development shall be approved for any lot within a Mixed-Use Overlay
3. In the event that a Mixed-Use Overlay District does not have regulations on a specific topic, the regulations of the underlying district shall apply. Land uses not listed in the table below shall be considered permitted (or approvable as Special Land Uses) if they are specifically listed as such in the underlying Zone district.
4. All new construction within an Overlay shall conform to all provisions of the Overlay. Expansions of existing buildings triggering site plan approval shall require conformance with the provisions of Section 14.7.

Section 7.3 Permitted and Special Uses – Mixed-Use Overlays

The Permitted and Special Uses in the Mixed-Use Overlays shall be as described in Article 5.

Section 7.4 Residential Density Bonuses – Mixed-Use Overlays

A. **Applicability.** This section shall apply to all Mixed-Use Overlays. All residential density in the Overlays shall be calculated using developable units per acre as defined in Section 6.3.F.

B. **Base Density Requirements.** Residential units shall be permitted in the Mixed-Use Overlays as follows:

1. **O-28, O-I, O-WS, and O-A:** No Residential Permitted
2. **O-S and O-G:** 12 units per acre
3. **O-C:** 16 units per acre

C. **Density Bonus Option.** The density limit described in Subsection B may be increased as described below. The actions below may be combined, up to a maximum of 22 units per acre in O-C and 20 units per acre in O-S and O-G. In instances in which dwelling unit calculations produce a fractional dwelling unit, dwelling units are rounded up to the next whole dwelling unit.

1. **Green Space Preservation Fund:** The Township Board shall establish a fee, per unit/acre, for donation to a Green Space Preservation Fund, which shall acquire land and conservation easements to preserve farmland and natural space in the Township.
2. **On-Site Greenspace:** One (1) additional unit/acre of housing may be added for every 10% of the total site acreage set aside for natural preservation or recreational amenities, above and beyond the required permeable surface listed in Section 6.1 and the portions of the lot designated as non-developable under Section 6.3.F. The land used for the bonus-eligible green space shall not be subtracted from the total acreage of the site when calculating the total number of allowable dwelling units. This bonus shall apply even if the total site acreage set aside, as a percentage of the total lot, is under ten (10) percent, in which case a fractional unit per acre may be awarded as a bonus.

3. **Home Ownership:** The allowable density shall be increased by 2 units per acre for developments where at least 50% of the dwelling units will be offered for home ownership, or by 5 units per acre for developments where at least 80% of the dwelling units will be offered for home ownership. If a development is approved for this density bonus, the developer shall not offer any units designated as home ownership units as rentals for a period of 5 years. Ownership requirements shall be recorded through deed restrictions with the Kent County Register of Deed prior to the issuance of a building permit.

4. **Mixed-Use:** For developments where retail, restaurants, personal services, or office space are included, in addition to dwelling units, the allowable density shall be increased by 1 dwelling unit per acre for every 10,000 square feet of retail, restaurant, personal service, or office space. This bonus shall apply even if the total square footage is under 10,000 square feet, in which case a fractional unit per acre may be awarded as a bonus.

5. **Pedestrian/Non-Motorized Pathways.** For the purposes of this section, "pedestrian pathways" shall be defined as paved pathways, at least 6 feet wide, for pedestrian travel, and "Non-motorized pathways" shall be defined as a bituminous or concrete paved pathway intended for use by pedestrians, bicycles, and other non-motorized traffic, which is typically separated from the traveled portion of the roadway, located in the public road right-of-way and/or a public easement, and is typically 10 feet wide but may vary according to AASHTO standards and the Township Engineer, though the bonuses below are based on the connectivity of the pathways to the larger Township network, not the internal pedestrian network of the development.

    a. Public pedestrian or non-motorized pathways shall include easement and maintenance agreements to the Planning Director for review and file.

    b. The design of the pathways shall meet the Township's design and construction standards applicable to pedestrian and/or non-motorized pathways, as developed by the Township Engineer.

    c. For pedestrian or non-motorized pathways located within the bounds of the proposed development, the bonus housing density shall be as follows:

        i. Sidewalks or other pedestrian pathways required by Section 8.3 shall not trigger a density bonus.

        ii. Pedestrian or non-motorized pathways that dead end at the edge of the development in a location where a pathway is not planned by the Township Pathways Committee: 0.1 bonus units per acre per path that reaches the edge of the development, up to a maximum of 0.3 units per acre.

        iii. 1 Pedestrian or non-motorized pathways connecting to an existing pathway or a pathway planned by the Township Pathways Committee: 0.25 bonus units per acre

        iv. 2 Pedestrian or non-motorized pathways connecting to existing pathway or a pathway planned by the Township Pathways Committee: 0.5 bonus units per acre.

        v. 3 Pedestrian or non-motorized pathways connecting to an existing pathway or a pathway planned by the Township Pathways Committee: 1 bonus unit per acre.

        vi. 4 or More Pedestrian or non-motorized pathways connecting to an existing pathway or a pathway planned by the Township Pathways Committee: 2 bonus units per acre.

    d. The Township may allow the construction of off-site pathways that are not contiguous to the development to count towards the bonus density under this Section, utilizing the following process.

        i. The pathways must be 10 feet in width and meet the Township's design and construction standards applicable to non-motorized pathways, as developed by the Township Engineer.

        ii. The Township Engineer shall determine, on an annual basis, the cost to construct 1,000 linear feet of pathway to the Township's standards.

        iii. The applicant shall donate sufficient funds to cover at least 1,000 feet of construction into the Township's Pathways Fund and shall receive bonus housing density of 0.2 dwelling units per acre per 1,000 feet of pathway.

iv. The Pathways Committee shall determine where to allocate the funds to construct new pathways within the Township's planned network.

6. **Stormwater Runoff Decrease.** For previously developed sites, the allowable density shall be increased by 1 unit per acre if the applicant can demonstrate that the site will produce less stormwater runoff after redevelopment than it did under its previous configuration.

Section 7.5 Design Requirements – Mixed-Use Overlays

A. **Applicability.** This section shall apply to all Mixed-Use Overlays.

B. **Architectural Design.** Within the Mixed-Use Overlays, an Architectural Design Option, as described in Section 8.4.A, must be selected for each newly constructed principal building, based on the architectural variation requirements of Section 8.4.B. The Building Materials requirements of Section 8.4.C and transparency requirements of Section 8.4.D.4.b shall apply within the Overlays, but the other specific architectural requirements of Section 8.4.D shall not. Instead, the Planning Commission shall review the design against the description of each Architectural Design Option in Section 8.4.A and shall determine if the design is consistent with the spirit of the chosen Architectural Design Option.

C. **Street Frontages**. The provisions in Section 8.3 that are applicable to Cascade Road and 28th Street shall be applicable to both of those roadways within the Overlay, as well as Patterson Avenue and Kraft Avenue, except that Patterson and Kraft shall be exempt from the requirements of Section 8.3.A.8. These provisions shall supersede the regulations applicable to the underlying Zone district when in conflict, including the exemption from the private road ban in Section 4.10 if all requirements of Section 8.3.C are met.

D. **Expansion of Existing Buildings.** Any expansion of a principal building, including a dimensionally non-conforming building or a building containing a non-conforming use, shall be allowable, but must be approved by the Planning Commission using the Site Plan Approval process. The following shall apply to the Site Plan Review:

1. Dimensional non-conformities shall not be required to be brought into compliance with Section 6.1, but no dimension shall be made more non-conforming than it was previously.
2. The site must be brought into full compliance with all applicable standards of Section 8.3.
3. Any demolition must result in a conforming resulting structure, or must reduce any previously existing non-conformities.
4. All other applicable requirements of this Article shall be met.

Section 7.6 Standards for Specific Uses – Mixed-Use Overlays

A. **Applicability.** The following shall apply within all Mixed-Use Overlays.

B. **Multi-Family Buildings.**

1. **Applicability.** The following shall apply to multi-family residential buildings containing more than four residential units, including both Independent and Assisted Living Senior Housing, within all Mixed-Use Overlays.
2. **Required Residential Amenities:** All buildings within an Overlay containing more than four residential dwelling units (including renovations to buildings existing before the adoption of the Overlay) must have at least two of the following located within the building, or, in the case of ground level patios and outdoor recreational space, within 500 feet of a building entrance, with a safe pedestrian pathway from the entrance to the amenity:
   a. **Balconies:** Balconies that project 4-6 feet from the wall of the building and are accessible from residential dwelling units. Balconies may project into the front setback provided they are at least 14 feet above grade.
   b. **Rooftop Patio:** Rooftop patio space that is either accessible from all of the dwelling units, or included as part of a restaurant.

c. **Indoor Recreational Space:** Indoor recreational amenities for residents, such as a swimming pool, fitness center, or other amenity as approved by the Planning Commission.

d. **Ground Level Patio:** An outdoor, ground level patio, which may be restricted to residents only, or may serve as outdoor dining space for a restaurant.

e. **Outdoor Recreational Space:** Providing recreational space for the enjoyment of the residents. Examples of recreation space include a swimming pool, fitness equipment, playground, or sport courts, or other amenity as approved by the Planning Commission.

C. **Restricted Retail.** Restricted retail, as defined in this Section, shall require Special Use Approval in the O-28 Overlay, and shall be prohibited in all other Mixed-Use Overlays. Restricted retail shall include retail stores where more than 75% of the inventory for sale consists of some combination of the following:

1. Smoking paraphernalia and supplies.
2. Sexually explicit material.
3. Alcohol.

D. **Event Space.** Event space is defined as a commercial use designed for temporary gatherings of people for entertainment, collaboration, celebration, or other reasons. Examples include banquet halls and meeting facilities. This definition does not include uses such as theaters or concert halls designed for performance.

1. The Planning Commission shall have the authority to designate the hours of operation, capacity, and other aspects of an event space via the Special Use Approval process, in order to protect the quiet enjoyment of nearby residential, prevent public safety concerns, and ensure the orderly flow of traffic in and out of the venue.
2. The Planning Commission may reject a Special Use application for event space upon determining that the capacity of the space is too high, and will cause traffic, noise, and other off-site impacts.

E. **Mixed-Use Buildings**

1. **Location of Residential Uses.** Residential uses shall not be located on the first floor of a Mixed-Use Building.
2. **Location of Non-Residential Uses.** Non-Residential uses shall not be located on a higher floor than residential uses. This restriction shall apply to lodging or hotel rooms, which shall not be located above dwelling units designed for permanent occupancy.
3. **Amenities for Residents.** The requirements of Section 7.5.B.2 shall apply to Mixed-Use Buildings containing more than 4 dwelling units.

Section 7.7 O-C Centennial Overlay

A. **Purpose and Intent.** The purpose and intent of the O-C Centennial Overlay is described in Section 7.1, Purpose and Intent of Mixed-Use Overlays, and Section 2.6, Mixed-Use Overlays.

1. The provisions of the O-C Overlay are not intended as a substitute for other portions of the Cascade Township Zoning Ordinance or the Township's Master Plan, nor do they in any way relieve any developer from having to obtain all approvals and permits required by the Township, except as otherwise provided herein.

B. **Design Standards.**

1. **Centennial Park Land Use and Design Plan.** All design standards in the Centennial Park Overlay must be in accordance with the Centennial Park Land Use and Design plan and the regulations within this Article.
2. **Parking.** Parking is subject to the provisions of Article 10 in this Ordinance, however the following regulations shall be considered in the C-O Zone District:

a. Where parking on the street side of the building or structure is permitted, such parking areas shall not be closer than forty (40) feet from the public street easement or right-of-way. The Planning Commission may allow for parking up to twenty-five (25) feet from the public street easement or right-of-way provided the applicant provides landscaping in addition to the provisions of Section 11.4 as approved by the Planning Commission.

b. The area between the driveway, off-street parking area and the public street right-of-way or easement shall be landscaped and maintained in a neat and orderly condition. The use of berms to ensure that parking/ loading areas are screened from public view may be required by the Planning Commission. In particular, loading docks and areas where commercial trucks and vehicles are stored shall be screened.

3. **Signage.** Signage is subject to the provisions of the Cascade Charter Sign Ordinance, however, directional signs up to two (2) square feet in sign area are allowed and each zone lot or development shall not have more than two (2) directional signs.

4. **Landscaping.** Landscaping shall in accordance with Article 11 of this Ordinance, however, the landscaping within the Greenbelt may be clustered to achieve the maximum aesthetic and screening capabilities of the selected plant materials. Additionally, an undulating berm not exceeding six (6) feet in height and a 3:1 slope may be allowed within the required greenbelt.

5. **Architectural Design.** Within the Mixed-Use Overlays, an Architectural Design Option, as described in Section 8.4.A, must be selected for each newly constructed principal building, based on the architectural variation requirements of Section 8.4.B. The Building Materials requirements of Section 8.4.C shall apply within the Overlays, but the specific architectural requirements of Section 8.4.D shall not. Instead, the Planning Commission shall review the design against the description of each Architectural Design Option in Section 8.4.A, and shall determine if the design is consistent with the spirit of the chosen Architectural Design Option.

6. **Expansion of Existing Buildings.** The site must be brought into full compliance with all applicable standards of Section 8.3. applying to Kraft Road. and all other abutting public roadways.

Section 7.8 Regulations – Airport Overlay Districts

A. **General Requirements.**

1. In the event of a conflict, Overlay Districts supersede the regulations of the underlying District, excluding planned unit developments.

2. In the event that an Overlay District does not have regulations on a specific topic, the regulations of the underlying district shall apply. Land uses not listed in the table below shall be considered permitted (or approvable as Special Land Uses) if they are specifically listed as such in the underlying zone district.

B. **Table of Permitted and Special Uses.** The following table outlines permitted and special land uses in the Airport Overlay Districts.

P = Permitted Use. S = Special Land Use A = Permitted as Accessory Use Only Blank = Prohibited

Permitted Uses	Overlay A	Overlay B	Overlay C
Commercial and Office Uses			
Aeronautical Uses	P		All permitted and special land uses for the AC, Airport Commerce District, as identified in Section 5.1.
Airport Operations Facilities		P	
Airport Museum		P	
Airport Viewing Areas		P	
Automobile (Vehicle) Service Stations		S	
Automobile (Vehicle) Rentals		S	
Banks		S	
Hotels and Motels		S	
Indoor Recreation, Public or Private	P		
Office, General		P	

Permitted Uses	Overlay A	Overlay B	Overlay C
Outdoor Recreation, Public or Private	P		
Personal Service Establishments		S	
Restaurants, Excluding Drive-Thru		S	
Retail, General		S	
Industrial Uses			
Commercial Solar Energy Systems		S	All permitted and special land uses for the AC, Airport Commerce District, as identified in Section 5.1.
Freight Terminals		P	
Intermodal Transportation Facilities		S	
Mineral Resource Extraction		S	
Utility-Scale Battery Energy Storage Facilities		S	
Warehousing		P	
Other Uses			
Government/Municipal Building	S	P	All permitted and special land uses for the AC, Airport Commerce District, as identified in Section 5.1.
Ground Mounted Private Solar Energy System		A, S	
K-12 Schools, Public or Private	P		
Parking Lots and Structures, Without Principal Structure		P	
Religious Institutions	P		
Wireless Communications Facilities		S	

C. **Table of Dimensional Regulations.** The following table outlines the dimensional standards for properties in the Airport Overlay Districts.

Setback Type	Minimum Setback (Feet)
Front Yard: Oostema Blvd. or any other public or private street	35 ft
Front Yard: 60th Avenue	40 ft
Front Yard: Patterson Avenue	50 ft
Front Yard: Thornapple River Drive	100 ft
Side Yard (each)	25 ft
Rear Yard	50 ft
Distance Between Buildings	50 ft

D. **Overlay A – Standards Applicable to Non-Aeronautical Uses.**

1. Subject to Section 7.7.G, any property that an Overlay A District Area boundary includes or intersects shall conform to the overlay standards when site plan review is requested in addition to any requirements in the underlying zone district. The regulations of this District are in addition to any regulations in the underlying land use district; however, these regulations supersede all conflicting regulations of the underlying land use district to the extent of such conflict, but no further.
2. Any parcels within the Overlay A adjacent to Thornapple River Drive shall be subject to the following requirements:
   a. 100’ setback and greenbelt from Thornapple River Drive to preserve open space along the roadside, except as otherwise approved by the Planning Commission.
   b. Any new development or construction (including parking lots) located within 300’ of Thornapple River Drive or any non-AC District zoned parcel is required to meet the Greenbelt and planting requirements of Tables 20-A and 20-B, in addition to the requirements of this Article.

c. The existing excavation facility located at 4190, 4126, 4072, and 4212 Thornapple River Dr shall be considered a legal non-conforming use pursuant to Article 15 of this Ordinance. If operations change, are abandoned or discontinued pursuant to Article 15, the use shall lose its legal non-conforming status.

E. **Overlay B – Standards Applicable to Non-Aeronautical Uses.**

1. Subject to Section 7.7.G, any property that an Overlay B District Area boundary includes or intersects shall conform to the overlay standards when site plan review is requested in addition to any requirements in the underlying zone district. The regulations of this District are in addition to any regulations in the underlying land use district; however, these regulations supersede all conflicting regulations of the underlying land use district to the extent of such conflict, but no further.

F. **Site Plan Review Requirements for Airport Overlays.**

1. Due to the unique nature of the airport, the level of review by the Township within the Airport Commerce Zone District shall be limited to non-aeronautical facilities.
2. All uses that are aeronautical facilities shall be permitted as of right and shall not require Township Site Plan review approvals. The applicant shall be responsible to submit a site plan indicating the location of any new curb- cut to a public street in order to ensure that it meets the minimum Township standards as regulated in this Ordinance.
3. For those areas in Overlays A and B, aeronautical facilities in Sections 7.7.B are not subject to site plan review but are required to submit a site plan indicating the location of any new curb-cut to a public street in order to ensure that it meets the minimum Township standards in this ordinance.
4. All other uses listed in the AC District and Overlays A and B shall require site plan review per Article 14 of this Ordinance. All uses permitted by Special Use Permit in Section 14.6 shall require site plan review.
5. All the uses that fall within Overlay C, non-aeronautical or otherwise, shall be permitted as of right and shall not require Township Site Plan review approvals. However, for non-aeronautical uses the applicant shall be responsible to submit a stormwater narrative and calculations demonstrating how the stormwater system meets the Township Stormwater Ordinance. The stormwater narrative and calculations will be required to be approved by the Township Engineer before a building permit can be issued. The applicant shall also be responsible to submit a site plan indicating the location of any new curb-cut to a public street in order to ensure that it meets the minimum Township standards as regulated in this Ordinance.
6. For a non-Airport use that crosses the jurisdictional boundary between the City of Grand Rapids and Cascade Township, a site plan review shall not be required if the City of Grand Rapids Building Department is permitting the project.
7. If at any time any use is proposed and the location of which crosses from one sub-zone to another, the more stringent regulations shall apply.

G. **Exemptions to Airport Overlays.**

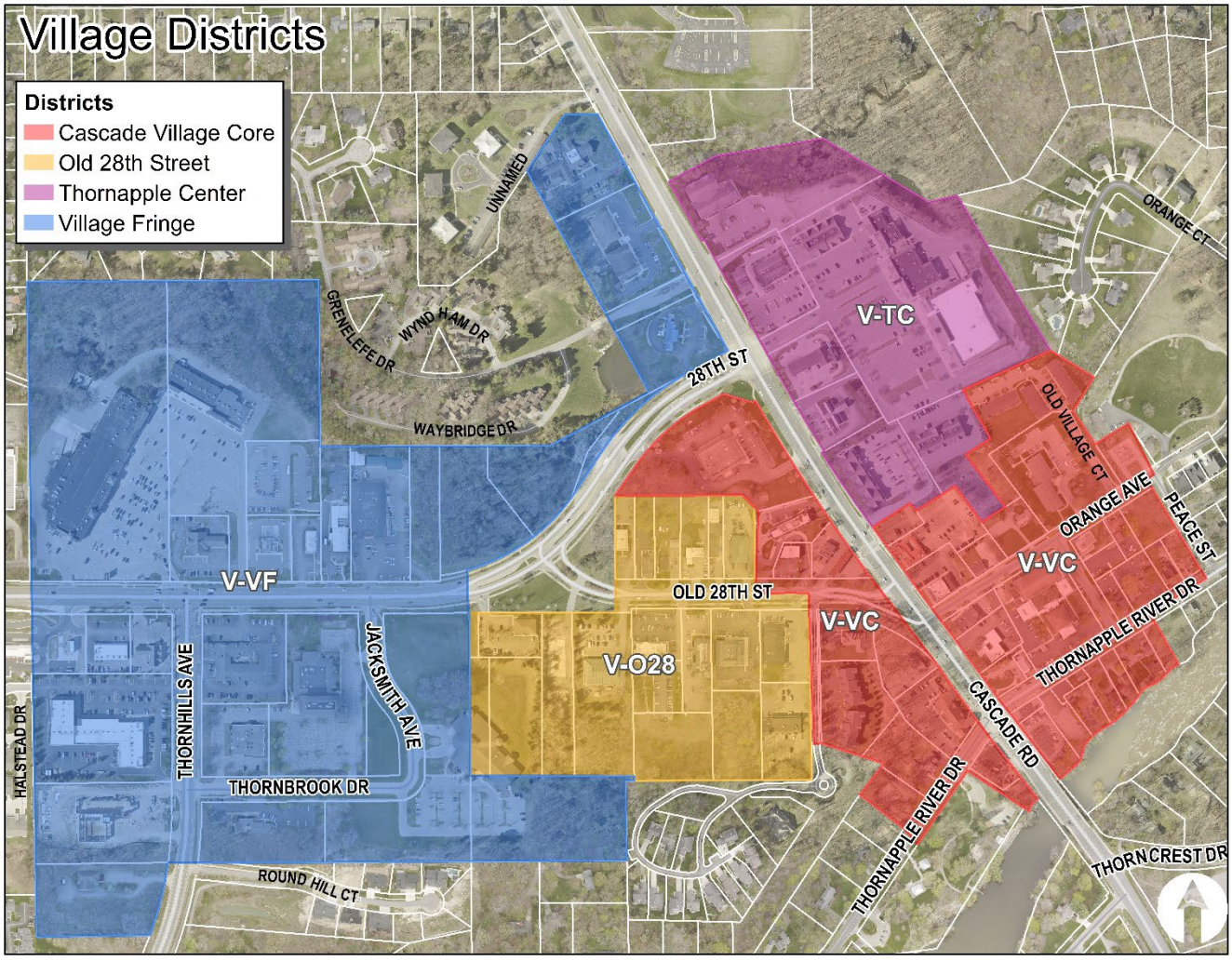
1. It is acknowledged that, to the extent provided in Act 95, the Authority has all the powers of a political subdivision, which are public and governmental functions. Relative to this Article, such powers include, without limitation, (a) having and exercising exclusive responsibility to study and plan any improvements, expansion, or enhancements that affect the Airport, and to commission planning, engineering, economic, and other studies to provide information for making decisions about the location, design, management, and other features of the Airport or Airport Facilities, and (b) exercising responsibility for developing all aspects of the Airport and the Airport Facilities, including, but not limited to:
   a. The location of terminals, hangars, aids to air navigation, parking lots and structures, cargo facilities, and all other facilities and services necessary to serve passengers and other customers of the Airport.
   b. Street and highway access and egress with the objective of minimizing, to the extent practicable, traffic congestion on access routes in the vicinity of the Airport.

Article 8.
Village District

Section 8.1 Purpose, Intent, and Applicability

A. **Purpose and Intent.** The intent of the Village District is to preserve, protect, and enhance the unique character of Cascade Village. The Village District allows for a wide range of uses and encourages vertical mixed-use development, while also providing standards on building massing, form, architectural features, and their relationship to the public realm. Rather than being based on Use and Dimensional Standards, the Village Zone Districts achieve this by regulating Building Types and Building Envelopes in the 4 Sub-Districts.

B. Refer to Article 2, Section 2.5 for individual descriptions of the Village Districts.



C. **Applicability.**

1. Compliance with the requirements of this Article shall be required whenever a new principal building is constructed, or when the footprint or height of a principal building are expanded.
2. Site Plan Approval as described in Section 14.7 shall be required for all developments subject to this Article. Developments subject to this Article shall not be eligible for Administrative Site Plan Approval under Section 14.7.D.
3. All lots within the Village Districts existing prior to the effective date of this Ordinance shall be considered conforming and buildable.
4. **Village Design Review Committee.** Prior to the Planning Commissions consideration of a Site Plan, the Cascade Village Design Review Committee shall review the Site Plan in accordance with the requirements and procedures in Section 14.6.
5. **Relationship to Planned Unit Developments.**
   a. The provisions of this Article shall not be waived or altered through a Planned Unit Development Agreement.
   b. For lots where Planned Unit Developments have been approved, the Planned Unit Development, as approved, shall supersede the Overlay. However, any amendment to the Planned Unit Development after the effective date of this Ordinance must include provisions replacing all conflicting provisions of the Planned Unit Development with provisions that comply with this Article. Alternatively, the property owner may choose to void the Planned Unit Development, and utilize the provisions of this Article to govern the expansion, improvement, alteration, or redevelopment of the lot in question.
6. **Conflicts.** In the event of a conflict, the regulations of this Article shall supersede all other regulations in this Ordinance.

Section 8.2 Permitted Uses and Dimensional Requirements

A. **Permitted and Special Uses.** The Permitted and Special Uses shall be as described in Article 5.

B. **Residential Density.**

1. No more than two dwelling units shall be constructed on any property, unless that property also contains a commercial use. All dwelling units accessory to a commercial use shall be located on the second floor of a mixed-use building.
2. The maximum number of dwelling units on a property shall be as follows:
   a. Lots under 0.5 acres: 2 units
   b. Lots 0.5 acre or larger but smaller than 1 acre: 4 units
   c. Lots 1 acre or larger but smaller than 3 acres: 6 units
   d. Lots 3 acres or more: 2 units per acre

C. **Residential Density Bonuses.** The density limit described in Subsection B may be increased as described below. The actions below may be combined, up to a maximum of 10 units per acre. All residential density in the Overlays shall be calculated using developable units per acre as defined in Section 6.3.F. In instances in which dwelling unit calculations produce a fractional dwelling unit, dwelling units are rounded up to the next whole dwelling unit.

1. **Green Space Preservation Fund:** The Township Board shall establish a fee, per unit/acre, for donation to a Green Space Preservation Fund, which shall acquire land and conservation easements to preserve farmland and natural space in the Township.

2. **On-Site Greenspace:** For lots over two acres in developable area, one (1) additional unit/acre of housing may be added for every 10% of the total site acreage set aside for natural preservation or recreational amenities, above and beyond the required permeable surface listed in Section 6.1 and the portions of the lot designated as non-developable under Section 6.3.F. The land used for the bonus-eligible green space shall not be subtracted from the total acreage of the site when calculating the total number of allowable dwelling units. This bonus shall apply even if the total site acreage set aside, as a percentage of the total lot, is under ten (10) percent, in which case a fractional unit per acre may be awarded as a bonus. Lots under two acres in developable area shall not be eligible for this bonus.

3. **Ownership:**

   a. **Lots under 3 acres in Developable Area:** For developments where all dwelling units will be offered for home ownership, the allowable density shall be double the density listed in Subsection.

   b. **Lots over 3 Acres in Developable Area:** The allowable density shall be increased by 2 units per acre for developments where at least 50% of the dwelling units will be offered for home ownership, or by 5 units per acre for developments where at least 80% of the dwelling units will be offered for home ownership.

   c. If a development is approved for this density bonus, the developer shall not offer any units designated as home ownership units as rentals for a period of 5 years. Ownership requirements shall be recorded through deed restrictions with the Kent County Register of Deed prior to the issuance of a building permit.

4. **Pedestrian/Non-Motorized Pathways.** For the purposes of this section, “pedestrian pathways” shall be defined as paved pathways, at least 6 feet wide, for pedestrian travel, and “Non-motorized pathways” shall be defined as a bituminous or concrete paved pathway intended for use by pedestrians, bicycles, and other non-motorized traffic, which is typically separated from the traveled portion of the roadway, located in the public road right-of-way and/or a public easement, and is typically 10 feet wide but may vary according to AASHTO standards and the Township Engineer, though the bonuses below are based on the connectivity of the pathways to the larger Township network, not the internal pedestrian network of the development.

   a. Public pedestrian or non-motorized pathways shall include easement and maintenance agreements to the Planning Director for review and file.

   b. The design of the pathways shall meet the Township’s design and construction standards applicable to pedestrian and/or non-motorized pathways, as developed by the Township Engineer.

   c. For pedestrian or non-motorized pathways located within the bounds of the proposed development, the bonus housing density shall be as follows:

      i. Sidewalks or other pedestrian pathways required by Section 8.3 shall not trigger a density bonus.

      ii. Pedestrian or non-motorized pathways that dead end at the edge of the development in a location where a pathway is not planned by the Township Pathways Committee: 0.1 bonus units per acre per path that reaches the edge of the development, up to a maximum of 0.3 units per acre.

      iii. 1 Pedestrian or non-motorized pathways connecting to an existing pathway or a pathway planned by the Township Pathways Committee: 0.25 bonus units per acre

      iv. 2 Pedestrian or non-motorized pathways connecting to existing pathway or a pathway planned by the Township Pathways Committee: 0.5 bonus units per acre.

      v. 3 Pedestrian or non-motorized pathways connecting to an existing pathway or a pathway planned by the Township Pathways Committee: 1 bonus unit per acre.

      vi. 4 or More Pedestrian or non-motorized pathways connecting to an existing pathway or a pathway planned by the Township Pathways Committee: 2 bonus units per acre.

   d. The Township may allow the construction of off-site pathways that are not contiguous to the development to count towards the bonus density under this Section, utilizing the following process.

i. The pathways must be 10 feet in width and meet the Township's design and construction standards applicable to non-motorized pathways, as developed by the Township Engineer.

ii. The Township Engineer shall determine, on an annual basis, the cost to construct 1,000 linear feet of pathway to the Township's standards.

iii. The applicant shall donate sufficient funds to cover at least 1,000 feet of construction into the Township's Pathways Fund, and shall receive bonus housing density of 0.2 dwelling units per acre per 1,000 feet of pathway.

iv. The Pathways Committee shall determine where to allocate the funds to construct new pathways within the Township's planned network.

5. **Stormwater Runoff Decrease.** For previously developed sites, the allowable density shall be increased by 1 unit per acre if the applicant can demonstrate that the site will produce less stormwater runoff after redevelopment than it did under its previous configuration.

D. **Lot Split:** No new lot in the Village District shall be created that has an area of less than one acre. Lots. Lots existing at the time of adoption of this Ordinance shall be buildable if they have an area of at least 4,000 square feet and a width of 50 feet.

E. **Schedule of Dimensional Regulations in Village Districts.** Refer to Section 6.1, except as follows:

1. The minimum side setback shall be 10 feet on all lots in all four Village Districts, except in the following circumstances.

a. For lots abutting Thornapple River Drive, there shall be no minimum side setback on interior lot lines abutting a Village District.

b. For lots abutting a residential district (R-1, R-2, RC, or FP), the minimum side setback on the lot line abutting the residential district shall be 10 feet larger than the minimum otherwise applicable to the lot.

2. There shall be no minimum rear setback in any of the four Village Districts, except in the following circumstances.

a. For lots in the V-O28 and the V-VF District, the minimum rear setback shall be 30 feet.

b. For lots abutting a residential district (R-1, R-2, RC, or FP), the minimum rear setback on the lot line abutting the residential district shall be 20 feet larger than the minimum otherwise applicable to the lot.

Section 8.3 Street Hierarchy and Corridor-Specific Regulations

A. **Cascade Road and 28th Street.** As high-traffic, high-speed thoroughfares, these corridors require special and specific design of the built environment to support walkability and fine-grain village form. For that reason, the following shall apply:

1. Special setbacks shall apply along the Cascade Road and 28th Street frontages, as described in Section 6.1.

2. All buildings on lots abutting Cascade Road or 28th Street must have a working front entrance open to the general public facing Cascade Road and/or 28th Street. Entrances shall be designed so that architectural details enhance their appearance and prominence so that they are recognizable from the street and parking areas, and shall meet the requirements of Section 8.4.D.1.

3. A sidewalk, at least six feet wide, open to the general public, and connecting to any existing sidewalks at the side lot lines, must be constructed along the road frontage, if one does not already exist.

4. A clear, obvious, attractive, and safe pathway perpendicular to the nearest section of the adjacent street must be created from the sidewalk to the front entrance, consisting of walkways and crosswalks. Curbed and landscaped islands or bump-outs, featuring walkways, must be created within parking lots to ensure no crosswalk exceeds 30 feet in length.

5. Frontage Landscaping:

a. Along 28th Street and/or Cascade Road, within all Village Districts, 1 tree and 2 shrubs per 40 feet must be planted between the sidewalk and the curbline of the roadway, unless such landscaping is prohibited by MDOT or the Kent County Road Commission.

b. An additional 1 tree and 4 shrubs per 80 feet must be planted within the front setback between the right-of-way line and the front of the building, unless the setback is under 15 feet, in which case the Planning Commission may waive or reduce the tree requirement, but the shrubs shall still be required

c. This section shall supersede all other frontage landscaping requirements in this Ordinance but shall not be understood to exempt lots in the Village Districts from all other requirements of Article 11.

6. New driveways to 28th Street or Cascade Road shall not be created, unless the applicant can demonstrate to the Planning Commission's satisfaction that there are no existing driveways, abutting public streets, or abutting private/internal streets that can provide access to the lot in question.

7. Driveways must be designed to have symmetrical curbs on either side, and to encourage slow speeds entering parking lots and crossing public sidewalks. The Planning Commission may allow the relocation of a driveway to meet this standard.

8. Parking lots shall be setback from Cascade Road or 28th Street by at least the minimum setback distance required for principal buildings. No parking shall be constructed in the front yard.

9. Parking lots visible from a public street, sidewalk, or adjacent residential district or use shall be screened by a decorative masonry wall, constructed along the edge of the parking lot pavement, that is not less than three (3) feet, and no greater than four (4) feet high. The design of the knee wall must be consistent with the Cascade Township Streetscape Design Plan. However, the wall must provide a break at intervals no greater than 50 ft. to allow pedestrian access, and at those breaks, a walkway must be provided to the public sidewalk.

10. The 50 feet of the first floor of a building closest to the roadway along 28th Street or Cascade Road shall not be a residential use.

11. Within the first 250 feet from 28th Street, any residential uses must be Mixed-Use, and adhere to all applicable standards.

B. **Other Public Roadways:** The following shall apply to all other public roadways within the Village Districts, including, but not limited to, Thornapple River Drive, Old 28th Street, Orange Street, and Thornhills Drive.

1. All buildings must have a working front entrance facing all public roadways, open to the public, unless the entire frontage is occupied by residential uses. Entrances shall be designed so that architectural details enhance their appearance and prominence so that they are recognizable from the street and parking areas, and shall meet the requirements of Section 8.4.D.1. For lots that abut Cascade Road or 28th Street, the Planning Commission may waive this requirement for frontages other than Cascade Road or 28th Street, provided that the requirements of Sections 8.3.A.2-4 are met.

2. A sidewalk, at least six feet wide, open to the general public, and connecting to any existing sidewalks at the side lot lines, must be constructed along the road frontage, if one does not already exist.

3. For buildings built with a front setback, a clear, obvious, attractive, and safe pathway must be created from the sidewalk to the front entrance, consisting of walkways and crosswalks. Curbed and landscaped islands or bump-outs, featuring walkways, must be created within parking lots to ensure no crosswalk exceeds 30 feet in length.

4. **Frontage landscaping as described below shall be required.** This section shall supersede all other frontage landscaping requirements in this Ordinance but shall not be understood to exempt lots in the Village Districts from all other requirements of Article 11.

a. **Roadways within the V-VC District.** 1 tree per 40 feet must be planted between the sidewalk and the curbline of the roadway, unless such landscaping is prohibited by the Kent County Road Commission. An additional 1 tree and 4 shrubs per 80 feet must be planted within the front setback between the right-of-way line and the front of the building, unless the setback is under 15 feet, in which case the Planning Commission may waive or reduce the tree requirement, but the shrubs shall still be required. Except for the required walkway in Subsection 4, the first 6 feet closest to the sidewalk must have a permeable ground cover such as grass or mulch.

b. **Roadways within the V-O28 District.** 1 tree and 2 shrubs per 40 feet must be planted between the sidewalk and the curbline of the roadway, unless such landscaping is prohibited by the Kent County Road Commission. An additional 1 tree and 4 shrubs per 80 feet must be planted within the front setback between the right-of-way line and the front of the building, unless the setback is under 15 feet, in which case the Planning Commission may waive or reduce the tree requirement, but the shrubs shall still be required.

c. **Roadways within the V-VF and V-TC Districts.** 1 tree and 2 shrubs per 40 feet must be planted between the sidewalk and the curbline of the roadway, unless such landscaping is prohibited by the Kent County Road Commission. An additional 1 tree and 4 shrubs per 80 feet must be planted within the front setback between the right-of-way line and the front of the building, if the building has a setback of 20 feet or greater. An additional 1 tree and 4 shrubs per 80 feet must be planted within the front setback between the right-of-way line and the front of the building, unless the setback is under 15 feet, in which case the Planning Commission may waive or reduce the tree requirement, but the shrubs shall still be required. Except for the required walkway in Subsection 4, the first 6 feet closest to the sidewalk must have a permeable ground cover such as grass or mulch.

5. Driveways must be designed to have symmetrical curbs on either side, and to encourage slow speeds entering parking lots and crossing public sidewalks.

6. Parking lots visible from a public street, sidewalk, or adjacent residential district or use shall be screened by a decorative masonry wall, constructed along the edge of the parking lot pavement, that is not less than three (3) feet, and no greater than four (4) feet high. The design of the knee wall must be consistent with the Cascade Township Streetscape Design Plan. However, the wall must provide a break at intervals no greater than 50 ft. to allow pedestrian access, and at those breaks, a walkway must be provided to the public sidewalk.

C. **Private Roadways:** The Village Districts shall be exempt from the Township's ban on private streets in Section 10.2.B, provided that all of the following requirements are met. All new public roads constructed within the Village Districts shall also be subject to the requirements of this Section.

1. The private road must meet all requirements of Section 10.2, except those that conflict with this Section, in which case this Section shall supersede.

2. The private road must be contained within an easement or right-of-way at least 66 feet wide, and must allow permanent, unrestricted access to the general public. The private road must also be subject to a permanent maintenance agreement, with a dedicated funding mechanism approved by the Planning Commission and Township Attorney. The easement, maintenance agreement, and funding mechanism shall not be altered without approval of the Township Board.

3. The easement or right-of-way must include the following:

a. Two-way drive lanes, at least 10 feet in width each.

b. A sidewalk, at least five feet wide, open to the general public, and connecting to any existing sidewalks at the side lot lines, on both sides of the road.

c. Curbs and associated stormwater infrastructure along both sides of the roadway.

d. A landscape tree lawn, at least 5 wide, between the sidewalk and the curb containing at least one tree per 40 feet of road frontage.

e. On-street parallel or angled parking, if proposed, shall meet the dimensional requirements of Article 10.

f. The private road shall have a name and assigned addresses as approved by the Kent County Road Commission. The name must be approved by the Planning Commission and shall reflect and enhance the historic character of Cascade Village.

4. Road networks must meet the following standards:

   a. **Existing Abutting Roadways.** All new road networks shall connect to all existing public streets that abut the lot in question, unless the applicant demonstrates to the satisfaction of the Planning Commission there is a physical, legal, public safety, or environmental preservation reason why a connection is not possible, or why a road connection should be replaced by a non-motorized pathway connection instead.

   b. **Existing Stub Streets.** When a lot is developed, connections must be made to all existing stub streets, rights-of-way, or other access points that connect to the lot in question, unless the applicant demonstrates to the satisfaction of the Planning Commission there is a physical, legal, public safety, or environmental preservation reason why a connection is not possible, or why a road connection should be replaced by a non-motorized pathway connection instead.

   c. **Creation of New Stub Streets.** For any development that includes the construction of new roadways, stub streets must be built to connect to all property lines that are 300 feet or longer. One stub street is required for every 300 feet of property line, though the minimum distance between stub streets shall only be 150 feet, to give flexibility in design. The Planning Commission may waive or alter this requirement, including allowing a non-motorized pathway connection in lieu of a stub street, if the applicant demonstrates to the satisfaction of the Planning Commission there is a physical, legal, public safety, or environmental preservation reason why a connection is not possible.

   d. **Cul-de-sacs or dead-end streets shall be prohibited,** unless the applicant demonstrates to the satisfaction of the Planning Commission there is a physical, legal, public safety, or environmental preservation reason why a connection is not possible.

   e. **Gated Communities Prohibited.** All private roads shall be open and available to the general public for access to the properties served by the street. Streets shall not be barricaded, gated, or blocked in any way to prevent access by the general public.

   f. **Street Intersections.** Streets shall intersect one another at right angles or as nearly at right angles as conditions permit. Roads shall maintain consistent alignment through intersections. Street jogs with offsets of less than 125 feet shall not be permitted. Wherever more than two streets would converge at one point, an appropriate design solution must be presented for approval by the Township Engineer and the Planning Commission.

5. Existing private drives or drive aisles located on private property may be converted to private roadways under this Ordinance, and thereafter be used as the primary access for buildings constructed along the private roadway. In order for the private drive to be approved, all requirements of Subsection 3 must be met, except that the Planning Commission may allow the easement to be under 66 feet wide, if the existing private drive or drive aisle is below 66 feet, and all other provisions of Subsection 3 can be met.

6. If approved, private roadways shall be treated like public roads for all regulations of the Article, including, but not limited to, front setback requirements.

7. In addition, the following shall apply to lots taking access from private roads:

   a. All buildings on lots taking access from an approved private road must have a front entrance facing the private roadway. Entrances shall be designed so that architectural details enhance their appearance and prominence so that they are recognizable from the street and parking areas, and shall meet the requirements of Section 8.4.D.1. For lots that abut public roadways as well as a private roadway, the Planning Commission may waive this requirement provided that an entrance meeting all applicable requirements is included facing a public roadway.

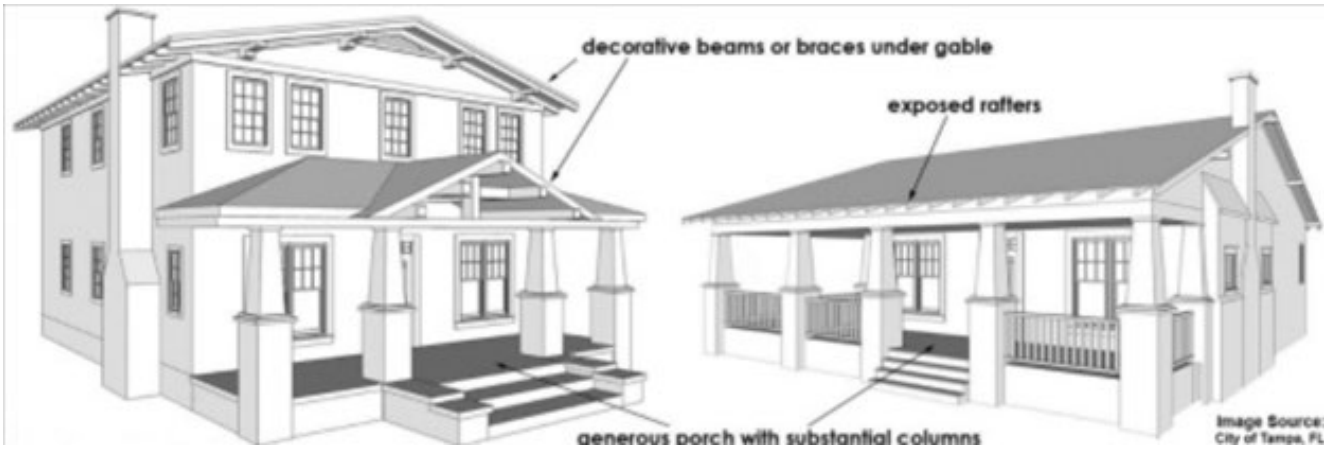
   b. For buildings built with a front setback, a clear, obvious, attractive, and safe pathway must be created from the sidewalk to the front entrance, consisting of walkways and crosswalks. Curbed and landscaped islands or bump-outs, featuring walkways, must be created within parking lots to ensure no crosswalk exceeds 30 feet in length.

c. Parking lots visible from a street, sidewalk, or adjacent residential district or use shall be screened by a decorative masonry wall, constructed along the edge of the parking lot pavement, that is not less than 3 ft. and no greater than 4 ft. High. However, the wall must provide a break at intervals no greater than 50 ft. to allow pedestrian access, and at those breaks, a walkway must be provided to the sidewalk.

Section 8.4 Regulations Applicable to New Construction

A. **Architectural Design Options.** All newly constructed buildings shall be designed to achieve key characteristics of one of six Midwestern vernacular architectural styles - Craftsman, Main Street, Victorian, Cottage, Colonial Revival, or Federal. The characteristics of those styles follow. The Planning Commission shall determine whether a design adequately addresses the key design aspects of each style, based on the specific requirements of Subsections C and D as well as the Planning Commission's interpretation of the design as compared to the following descriptions:

1. **Craftsman Style.** The architectural style emphasizes homes ranging from 1 to 2.5 stories in height, featuring low-pitched gabled or pitched roofs with wide overhangs, often adorned with prominent dormers and exposed rafters. Facades may be asymmetrical but maintain balanced proportions. A defining element is the large, covered front porch supported by tapered or square columns resting on a pier. Horizontal design lines, large double-hung windows with deep sills, and intricate decorative trims enhance the aesthetic, maximizing natural light and craftsmanship. Traditional Craftsman-style showcase detailed woodwork, decorative moldings, and exposed beams, especially in cases where second-story patios exist. This style encompasses subcategories such as Prairie style, American Foursquare, and Craftsman Bungalow, offering flexibility for both small and large homes, typically ranging from 1,200 to 2,600 square feet.



2. **Main Street.** Italianate-style commercial architecture, commonly found in 19th-century downtown Main Street buildings across the U.S., particularly in the Midwest, is characterized by its ornate detailing and vertical proportions. These buildings typically feature tall, narrow windows with arched or segmental tops, often adorned with decorative moldings or lintels. Elaborate bracketed cornices define the roofline, while decorative window hoods and contrasting trim further emphasize the façade. Constructed primarily of brick, these buildings are often painted in various colors to highlight architectural details. The ground level typically features large display windows suited for retail use, with office or residential spaces above. Entrances are positioned directly along the sidewalk, often recessed within the storefront, with secondary access points at the side or rear. Parapets and cornices add visual interest and height variation. Parking is generally not located in the front; instead, shared lots or rear alley-loaded parking are common.



3. **Victorian.** Victorian-style buildings are characterized by their ornate, intricate detailing and vertical, asymmetrical forms. Typically ranging from 2 to 3 stories in height, these homes feature steeply pitched gabled or hipped roofs, often adorned with multiple gables. The façades are complex and asymmetrical, with vertical design lines that enhance the sense of height. Prominent towers, usually positioned at the corners, add to the dramatic presence of the home. Roof overhangs, beams, and gable ends are highly detailed, often featuring ornamental trims. Some Victorian homes are distinguished by colorful exteriors that highlight their intricate features. Additionally, bay windows are a common element, contributing to the home's unique, dynamic appearance.



4. **Cottage.** Cottage-style buildings are characterized by their peaked roofs, colorful facades (frequently pastel), and whimsical ornamentation. Typically ranging from 1.5 to 2 stores, though they can be taller, these buildings feature simpler facades than Victorian buildings but are otherwise similar. As with Victorian buildings, roof overhangs, beams, and gable ends are highly detailed, often featuring ornamental trims. They embrace balanced asymmetry in their facades through offset chimneys, wrap around porches, or cluster windows. Window frames are also frequently large and decorative, often grouped, and found in leading or casement style. Doorways are sometimes arched or multilight french doors. The building is often compliented by flower beds, planters, climbing vines, and window box planters.



5. **Colonial Revival.** This architectural style emerged in the 19th century and seeks to celebrate and reinterpret the early American colonial and Georgian traditions, emphasizing symmetry, order, and references to classical details. Architectural features include symmetrical facades with center front doors and evenly spaced windows. Entryways feature prominent front doors framed with decorative pediments, sidelights, fanlights, or columned porticos. Windows are typically double hund sash windows, often with shutters, aligned vertically and horizontally. Colonial Revival typically includes classic details such as columns, pilasters, dentil molding, and cornices. Roofs often incorporate side-gables or hipped roofs, and dormers. Common materials include red brick, clapboard siding or stone echoing early colonial building traditions.



6. **Federal Style.** Federalist Style Architecture, also known as Adamesque, stems from the Georgian tradition. It was a popular style after the revolutionary war and symbolized refinement, lightness, and classical inspiration. Architectural features include symmetrical facades with center front doors and evenly spaced Palladian or Venetian windows, however usually lighter and more delicate than with slender proportions and elegant detail. Roofs are typically flat, hipped, or low pitched with side gables, often hidden behind a balustrade. Slender chimneys rising symmetrically from either side is typical. Common materials include brick and wood, with the wood often painted white. Entryways often include an elliptical or semicircular window above the door, slender pilasters or columns, or a flat or slightly protruded pediment.



B. **Architectural Variation Requirement.** The following shall apply to all new construction within the Village Districts:

1. For developments consisting of a single building, the Architectural Design Option shall not be the same as more than one adjacent building. Buildings across a street shall not be counted for this purpose.
    a. Each Main Street style building must have a vertical architectural element or other architectural differentiation every 20 feet to break up the design of the façade.
2. For developments containing more than one building:
    a. No two buildings shall be identical in design.
    b. No more than 60% of the buildings shall be the same Architectural Design Option.
    c. Each Architectural Design Option must represent at least 20% of the buildings, except for developments with 5 or fewer buildings, which shall be exempt from this requirement.

C. **Building Materials.** Materials shall reflect and complement the materials and construction techniques of West Michigan's regional architecture. The following materials are permitted on exterior facades and building walls, for each Building Design Option. Within the Village Districts, all exterior facades shall be subject to these requirements. The Planning Commission may allow the use of materials that give the appearance of the materials listed below, provided that the replacement material will retain a high-quality appearance, without degradation, over the long term. A sample of proposed building materials must be submitted to the Village Design Review Committee and Planning Commission for consideration during review of the proposed building design.

1. **Craftsman**
    a. **Brick:** Used for chimneys, accent features, and exterior construction. Colors must be dark and muted, not bright or pastel.
    b. **Wood:** Employed for sidings, beams, and shingles.
    c. **Stone:** Used for chimneys, piers, and base accents.
    d. **Stucco:** For textured finishes.
    e. **Stained Glass:** Adds decorative and functional elements.
    f. **Fiber Cement:** A modern, durable alternative to wood siding.
    g. **Asphalt Shingles:** Commonly used for roofing.
2. **Victorian**
    a. **Wood Siding:** Predominantly used for the walls, offering a warm, textured finish.
    b. **Brick:** In red, brown, or tan hues, adding a sturdy and traditional aesthetic.

c. **Stone:** Limestone or sandstone is often used for its durability and luxurious appearance, especially in more upscale constructions.

d. **Stucco:** Employed in Italianate Victorian styles, providing a smooth, refined exterior.

e. **Roofing:** Slate, asphalt, and wood shingles are used to create distinct rooflines and contribute to the home's character.

f. **Metal:** Cast iron or copper trims and cresting add decorative elements that highlight craftsmanship and fine detail.

3. **Main Street**

a. **Brick.** Typically red, brown, blonde, or tan clay brick. Can feature painted or glazed surfaces. Often arranged in Flemish bond or running bond patterns, though other patterns may be approved by the Planning Commission. For a Main Street building, at least 80% of the front facade must be brick or a brick-like material approved by the Planning Commission.

i. There must be a predominant brick color. Other colors shall only be used for Horizontal Expression lines, accenting doors and windows, and other detailing as approved by the Planning Commission.

b. **Stone:** Limestone or sandstone used for lintels, sills, and decorative banding. Granite or marble are also acceptable. Stone should be used at the bottom of buildings, with brick above.

c. **Metalwork:** For architectural detailing only.

4. **Cottage**

a. **Brick:** Tumbled or reclaimed look used for chimneys (even if non-functional), accent walls or full facades. Colors must be earth tone and muted, not bright or pastel. Paired with Wood or fiber cement trim to soften the look.

b. **Wood:** Best used for upper stories and gabling. Often features for shingles or shakes siding, or timbering. Painted in muted tones (cream, sage, soft gray, or dusty blue) to evoke a classic cottage look.

c. **Stone:** Often fieldstone or cobble. Used for chimneys, entry surrounds to emphasis the door, and base accents typically up to the windowsill. Bluestone is encourage for paving pathways or under porches.

d. **Stucco:** Can be used sparingly on infill panels between timbering

e. **Fiber Cement:** A modern, durable alternative to wood siding.

f. **Asphalt Shingles:** More practical for commercial durability; choose colors that mimic slate or wood.

g. **Slate (or faux-slate):** Used for roofing.

5. **Colonial Revival**

a. **Brick:** Red brick is common and is sometimes painted white. Colors must be muted, not bright or pastel. Used for chimneys, often paired or symmetrically placed

b. **Wood:** Horizontal wood clapboard as a dominant material. Wood is also used for trim and detailing, including cornices, columns, shutters, pilasters, and other decorative features. Molding and entry surrounds often emphasized with decorative pediments.

c. **Fiber Cement:** A modern, durable alternative to wood siding.

d. **Stone:** Typically fieldstone

e. **Asphalt or slate Shingles:** Commonly used for roofing.

6. **Federal:** Each Façade of a Federal Style shall have a primary material of ether brick or wood/fiber cement designed as described in Section 6.a or 6.b below. Each façade shall be comprised of 80% of the primary material If the development is a corner lot, the primary building material shall be the same on both street facing facades.

    a. **Brick:** Typically red, brown, blonde, or tan clay brick. Can feature painted or glazed surfaces. Often arranged in Flemish bond or running bond patterns, though other patterns may be approved by the Planning Commission.

    b. **Wood:** Horizontal clapboard siding, usually painted white or cream

    c. **Fiber Cement:** A modern, durable alternative to wood siding.

    d. **Stone:** Dressed stone used sparingly as accent for door surrounds, keystones, or step. Common stone includes marble, sandstone,

    e. **Plaster:** Used for fine reliefs (urns, garlands, rosettes)

    f. **Ironwork:** wrought iron used for railings, fences, and balconies.

    g. **Metal Roofing:** Standing seam metal roofing with no exposed fasteners.

    h. **Asphalt Shingles:** Commonly used for roofing.

    i. **Slate (or faux-slate):** Used for roofing.

D. **Building Design Elements**

1. **Entrances**

    a. **When Required.** The regulations of this section shall apply to all entrances facing public streets, or private streets approved under Section 8.3.C.

    b. Entry door threshold shall be at the same elevation as adjacent sidewalk grade (zero step entry), except where a porch has been approved under Subsection D.2.

    c. The doorway must be recessed at least four (4) feet, and may be recessed up to a maximum of 10 feet, behind the front wall of the building.

    d. The entrance shall either be designed as a **storefront,** with a doorway flanked by windows meeting the requirements of Subsection 4 that are at least 12 feet wide on either side, and extend from 2 feet above grade to a point even with the top of the door, or as a **door yard** with a unique decorative architectural feature consistent with the description of the chosen Architectural Design Option that differentiates the entrance from the rest of the facade in Subsection A and a canopy or awning meeting the requirements of Subsection D.6.

    e. For a residential building with three or fewer dwelling units, only one front entrance is permissible. Side and rear entrances are permitted. Residential buildings with four dwelling units, up to two front entrances are permitted. In residential buildings with five or more residential units all dwelling units are permitted to have a front entrance.

2. **Porches.** Porches shall be permitted if they meet the following requirements, and where a zero-step entry has been provided elsewhere in the building with barrier-free access to both ADA-compliant parking spaces and a public sidewalk.

    a. **Victorian.** Porches on Victorian-style buildings shall be at least 6 feet in depth, and shall feature a decorative railing and pillars. The porch must extend across at least one entire frontage of the building facing a roadway, and must wrap around on at least one other side, covering at least 20% of the second facade. The porch must be covered with a roof, which must be pitched as required in Subsection D.5.

    b. **Craftsman.** Porches on Craftsman-style buildings shall be at least 6 feet in depth, and shall feature columns consistent with the description of Craftsman architecture in Subsection A. They shall extend across at least 60% of a facade facing a roadway. The porch must be covered with a roof, which must be pitched as required in Subsection D.5.

    c. **Main Street:** Porches shall not be permitted.

d. **Cottage:** Porches should feel intimate and human scale, with natural textures (wood, stone, and brick), detailed trim, and painted finish. Residential porches are about sitting and relaxing, while commercial porches create a welcoming threshold for shoppers. Porches shall be 6 to 10 feet deep, may be used for a waiting area, display space, or outdoor dining spillover**.** Details often include columns (often simple or turned), balustrades, arched openings, brackets, flower boxes. May be comprised of a Continuous shed roof or series of small gables over shop entrances. Brackets or timber framing can highlight roof supports.

e. **Colonial Revival:** Porches and porticos on Colonial Revival architecture shall span between 10-20% of the front façade and shall only span the height of the first floor. The porch shall be symmetrical and centered over the front door. The roof shall contain a front facing gable or flat roof.

f. **Federal:** Small porches, porticos, or entry stoops are appropriate for Federal Style buildings. The porch shall be centered on the main entry and symmetrical. The roof shall be a small pediment, a hipped roof, or flat roof supported by pilasters or slender columns. Balustrades are appropriate on flat roofed porches. Porches shall be 6 to 10 feet deep and span wide enough to cover the front entrance and door surrounds. On commercial storefronts, the Planning Commission may allow for porches to span the entire length of the building if the transparency is a minimum of 70% on the first floor.

3. **Corner Treatments.** All buildings on corner lots, including lots with frontage on both public and private roadways, must include corner architectural features designed to provide a welcoming gateway to the block. Acceptable corner architectural features include the following. The Planning Commission may approve alternate architectural features upon determining that they meet the intent of this section, and may reject proposed corner treatments for being too duplicative with nearby corner treatments.

   a. Peaked or decorative roof angled towards the corner.

   b. Exterior wall angled towards the corner. If this option is chosen, the angled portion of the wall may exceed the required maximum setback. This option must include an entrance on the angled wall, facing the corner. The entrance must meet all requirements for entrances in this Article, except for the requirement for recessed entrances. The entrance shall count as the required entrance facing both roadways.

   c. Clocktower or similar tower feature, with a minimum width, along both streets, of at least 10 feet. The tower may exceed the height of the main roof by up to 15 feet and may exceed the maximum height for the district without requiring Special Use Approval. For buildings utilizing the Victorian Architectural Design Option, the Planning Commission may require a tower as the required corner treatment.

   d. Support column for upper floors, leaving open, shaded pedestrian space. This option shall include an entrance to the building from the covered space, as described in Subsection D.3.B. The maximum setback shall be measured to the support column, not the wall. The open space shall not exceed 10% of the building footprint.

   e. Another option as approved by the Planning Commission that meets the spirit of this subsection.

4. **Windows.** Windows shall meet the following requirements:

   a. **All Facades:** The following shall apply to all building frontages, regardless of whether they face a street:

      i. Windows shall not span vertically more than one story.

      ii. Windows shall correspond to interior space and not span horizontally across the building.

      iii. Windows must have distinguishing architectural feature surrounding them, with at least a section of the surrounding architectural feature above the window, consistent with Architectural Design Options in Section 8.4.A. Changing color does not count to fulfill this requirement.

      iv. Windows shall not be covered by interior equipment or retail displays.

v. Windows shall have horizontal or vertical grills or other decorative internal features, except for first floor windows on buildings using the Main Street Architectural Design Option, for which grills shall be optional. The grills or other decorative features may be applied to the exterior of the glass and need not be integral to the window itself. Grills must intersect each other and the surrounding walls at 90-degree angles.

vi. Windows shall have a minimum transparency of 80% Visible Light Transfer (VLT).

b. **Street Facing and Other Facades:** The following table includes applicable standards for facades that face a street (Street Facing Facades) and ones that do not face a street (Other Facades). No transparency shall be required on side or rear walls with zero setback.

Façade Type	Required Transparency Percentage	Victorian	Craftsman & Cottage	Main Street	Federal & Colonial Revival
Street-Facing Facades	First Floor (Windows and Glass Doors)	50%	60%	70%	50%
	Upper Floor (Windows)	30%	30%	40%	30%
Other Facades	First Floor (Windows and Glass Doors)	50%	50%	40%	30%
	Upper Floor (Windows)	30%	30%	40%	30%

5. **Roofs.** Roofs shall meet the following requirements, based on the proposed Architectural Design Option:

   a. **Victorian:** The roof must be pitched between 10:12 and 18:12. The Planning Commission may allow Victorian-style buildings that exceed the maximum height due to a high roof pitch upon determining that the proposed design is appropriate for the character of the Cascade Village. The increase in height shall not increase the usable square footage of the building. It shall only be permitted in order to allow a higher roof pitch.

   b. **Craftsman:** The roof must be pitched between 4:12 and 6:12, and must include dormer windows facing at least one direction.

   c. **Main Street.** Pitched roofs shall not be permitted. A flat roof is required, and must include a cornice that extends at least 36 inches above the roofline along the entirety of all street-facing frontages.

   d. **Cottage:** The roof shall be pitched between 10:12 and 14:12, and include front facing dormers.

   e. **Colonial Revival:** The roof must be side facing with the ridge running across the entirety of the front façade. The roof pitch shall be between 8:12 and 12:12.

   f. **Federal:** The roof must be flat or have a slope between 20 & 30 percent.

6. **Expression Line.**

   a. **Main Street:** A horizontal line on the façade known as the Expression Line (EL) shall distinguish the base of the building from the remainder to enhance the pedestrian environment. The EL shall be set so that the bottom of the line is no higher than fourteen (14) feet above grade. The EL shall be created by a change in material, a change in design, or by a continuous setback, recess, or projection above or below the EL. Elements such as cornices, belt courses, corbelling, molding, stringcourses, ornamentation, and changes in material or color or other sculpturing of the base, are appropriate design elements to include with an EL.

Section 8.5 Expansion of Existing Buildings

A. Any expansion of a principal building, including a dimensionally non-conforming building or a building containing a non-conforming use, shall be allowable, but must be approved by the Planning Commission using the Site Plan Approval process. The following shall apply to the Site Plan Review:

   1. Dimensional non-conformities shall not be required to be brought into compliance with Sections 6.1 and 8.2.D, but no dimension shall be made more non-conforming than it was previously.

2. The building must be brought into full compliance with all applicable standards of Section 8.3, except that existing parking lots shall not be required to be reduced in size or relocated, though no new parking shall be created that violates Section 8.3.

3. The exterior design of the building must be brought into compliance with the requirements of Section 8.4, to the extent determined practical by the Planning Commission, based on the factors described below:

    a. The applicant shall select an Architectural Design Option based on the requirements of Section 8.4.B and the Planning Commission shall evaluate the design against the descriptions in Section 8.4.A.

    b. Any new building materials added to the building must comply with Section 8.4.C. The Planning Commission may allow existing building materials to remain in place, upon determining that the building material is consistent with the spirit of the Architectural Design Option as described in Section 8.5.A.

    c. The applicant shall provide a written description of how the proposed design complies, or does not comply, with all applicable requirements of Section 8.4.D. The Planning Commission may waive aspects of Section 8.4.D upon determining that the requirement is not practical given the pre-existing design of the building, and that the building still reflects the spirit of the Architectural Design Option as described in Section 8.4.A, even without meeting the requirement in question.

    d. Expansions of buildings located in the V-O28 where the footprint of the building is increased by 20% or less are exempt from the requirements of Section 8.4.

4. Any permanent demolition of a portion of a structure must result in a conforming resulting structure, or must reduce any previously existing non-conformities.

5. All other applicable requirements of this Article shall be met.

B. Any nonconforming building damaged or destroyed in the V-O28 District in excess of sixty percent (60%) shall only be reconstructed in conformance with Article 15 and shall meet the Regulations Applicable to New Construction under Section 8.4, except that the location of the new structure may be located on the property in the same location as the destroyed structure. The Zoning Board of Appeals shall only have the authority to grant variances related to dimensional requirements, like area and bulk requirements and the maximum setback requirements, related to the reconstruction. Any nonconforming use may be continued provided it meets the regulations under Article 15.

Section 8.6 General Site Design Provisions

A. **Lighting.** Light fixture design must be approved by the Planning Commission as part of the Site Plan Review Process, and shall meet the requirements of Article 12, except for the following requirements and allowances, which shall supersede Article 12.

1. No freestanding light fixture shall exceed 12 feet in height, and no building mounted lighting shall be installed more than 12 feet above grade.

2. Light fixture design shall be evaluated against the Architectural Design Option descriptions in Section 8.4.

3. Light fixtures may be approved which do not meet the requirements of Article 10 if they are consistent with light fixture design standards developed by the Downtown Development Authority.

4. Uplighting of architectural features may be permitted by the Planning Commission, even if the light fixture would otherwise violate a standard of Article 10.

B. **Landscaping.** Landscaping shall meet the requirements of Article 11, except as described below:

1. The provisions of Section 8.4 and any other provisions of this Article that conflict with Article 11 shall supersede Article 11.

2. Parking lots with fewer than 20 parking spaces shall not be subject to the requirements of Section 11.5.

C. **Parking.** The minimum parking requirement for non-residential uses shall be 75% of the requirement listed in Article 10. Residential uses shall meet the full minimum parking requirement listed in Article 10.

1. Construction of parking in the front yard is prohibited.

D. **Fences.** Chain link fences shall be prohibited in the Village Districts.

E. **General Architectural Waivers.** During the Site Plan Approval Process, and upon recommendation of the Village Design Review Committee, the Planning Commission may waive up to two provisions of Section 8.4 upon determining that the building design meets the spirit of the chosen Architectural Design Option as described in Section 8.4.A despite not meeting the specific regulations.

F. **Shared Trash Receptacles.** Shared dumpster agreements may be approved by the Planning Commission for multiple lots sharing a single dumpster or dumpster enclosure.

Section 8.7 Signage

A. **General.** The Provisions of the Cascade Township Sign Ordinance (Ordinance 14 of 1997, as amended) applicable to the GB Zone District shall apply within the Village Districts, except the provisions of this section shall supersede any conflicting regulations in the Sign Ordinance.

B. **Freestanding Signs.** Freestanding signs shall only be permitted along road frontages where the principal building is set back at least 25 feet from the right-of-way. No freestanding sign shall exceed 8 feet in height and 48 square feet in area.

C. **Projecting Signs.**

1. One projecting sign shall be permitted per entrance to a retail or office use.
2. The projecting signs must be along a street frontage.
3. Projecting signs shall not exceed 16 square feet.
4. Projecting signs shall not be square or rectangular, but should instead be circular or irregular shapes to promote visual interest.
5. The lowest point on a projecting sign must be at least 8 feet above the ground, and shall not be higher than 12 feet. The highest point on the sign shall not be higher than 18 feet above the ground.
6. Projecting signs may extend over a public right-of-way or private road easement.

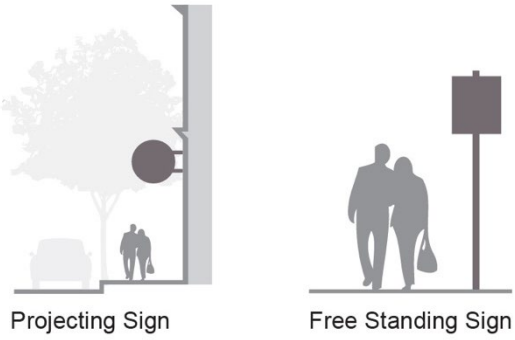


Figure 8.1: Village District Signage

D. **Illumination.** No sign in the Village Districts shall be internally illuminated.

E. **Electronically Changeable Display.** No electronically changeable display shall be permitted in the Village Districts.

Section 8.8 Landmark Buildings and Other Waivers

A. **Landmark Buildings.** The Planning Commission may approve, by Special Land Use Approval, a proposed new building as a Landmark Building. A Landmark Building shall be exempt from the requirements of Section 8.4, but shall meet all other requirements of this Article. The Planning Commission may grant a waiver from the maximum building height for an architectural feature, such as a cupola or steeple. To be approved as a Landmark Building, the Planning Commission shall find that:

1. The building contains one or more of the following uses. Additional uses may also be present in the building, so long as at least one of the uses below will be included.
   a. Worship Space for a Religious Institution

b. Civic/Municipal/Library Use

2. The building addresses all street frontages to promote a safe and attractive pedestrian environment, and proactively enhances the vision for Cascade Village as expressed in the Master Plan.

3. The proposed use of the building would be significantly hindered in a building designed to meet the Architectural Design regulations.

B. **Incompatible Regulations.** If, during the Site Plan Approval process, the Planning Commission finds that two or more requirements of this Article cannot be met simultaneously due to the specific conditions of the site in question, the Planning Commission shall choose which incompatible provision to waive.

Article 9. Definitions and Standards for Specific Uses

Section 9.1 Intent

A. Each use listed in this Article, whether permitted by right, accessory, temporary, or subject to approval as a special land use, shall be subject to the site development standards specified, in addition to applicable standards and requirements for the district in which the use is located. These standards are intended to alleviate the impact from a use that is of a size or type, or that possesses characteristics which are unique or atypical in the district in which the use is located. These standards are further intended to ensure that such uses will be compatible with surrounding uses and the orderly development of the district. Conformance with these standards shall be subject to Site Plan Review in Section 14.7.

Section 9.2 Agricultural Uses

A. **Agriculture/Farming Operations**

1. **Definition.** The cultivation, raising, and storage of crops, animals and animal products carried out by a farming operator or on a farm. For purposes of this Section, a "farm" is defined as all contiguous neighboring or associated land operated as a single unit on which farming is carried on directly by the owner or his agent or by a tenant farmer and includes the following:

   a. The cultivation of the soil for purposes of producing crops therefrom including orchards.

   b. The operation of poultry or livestock farms except the keeping of fur bearing animals or game.

   c. Buildings necessary for the storage or housing of farm implements, products, or animals or otherwise used for the operation of the farm, excluding dwelling units.

   d. A farm shall be further defined as:

      i. Forty or more acres in one ownership, which has been devoted primarily to farm use; or

      ii. Five or more acres in one ownership, but less than forty acres, devoted to a farm use, of which annual income from such farm can be demonstrated; or

      iii. A farm designated by the Michigan Department of Agriculture as a specialty farm, in one ownership, of which annual income from such farm can be demonstrated.

      iv. Any other uses determined as a Bonafide agricultural use by Michigan Department of Agriculture and Rural Development.

   e. The following uses are for the purposes of this Ordinance, specifically enumerated as non-farm uses unless determined to be exempt from zoning by Michigan Department of Agriculture and Rural Development.

      i. The keeping of fur bearing animals; (referenced in Section 4.4)

      ii. Apiaries when not associated with and secondary to another bonafide farming operation;

      iii. Fish hatcheries;

      iv. Stock yards, slaughter houses and meat processing operation;

      v. Milk pasteurization plants when not associated and secondary to a single farming operation;

vi. Stone quarries, gravel or sand pits;

vii. Stables; and

viii. Intensive livestock operations meaning any livestock operation if it involves the confined feeding and or production.

2. **Standards:** No additional standards.

B. **Agritourism/U-Pick Operations**

1. **Definition:** The practice of visiting an agribusiness, horticultural, or farm, including, but not limited to, a farm, orchard, winery, greenhouse, a companion animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation.

2. **Standards:**

a. **Purpose and Intent:** The purpose and intent of this section is to allow and regulate operations and businesses that invite the public to engage with and experience the inner workings of agriculture and food production. In combination with a conventional farm, the following activities may constitute an agricultural tourism event: ongoing uses such as a winery and tasting room, frequent seasonal uses such as a cider mill, or one-time events such as carnivals, or other events of varying time frames including bonfires, cooking demonstrations, corn mazes, fishing pond, food service, petting farms, seasonal you-pick fruits and vegetables, animal displays, pony rides, wagon/sleigh/hay-rides, nature trails, picnic facilities, educational classes, historical agriculture exhibits, and playscapes. This list is not intended to be all inclusive of activities that may be considered agricultural tourism.

b. **Minimum Lot Size:** No Agritourism Use shall be approved on a lot smaller than 40 acres.

c. **Accessory to Farm:** In order to be approved, all agritourism uses must be accessory to, and located on the same lot as, a farm that meets the definition of “Agriculture/Farming Operations” contained in this ordinance and the Michigan Right to Farm Act. The following regulations shall apply to agritourism:

d. **Impact on Surrounding Properties.** The location, layout, design and operation of such a facility shall not impair the continued enjoyment, use, and future development of adjacent and nearby properties.

e. **Buildings.** More than one (1) Building may be permitted per parcel. Unless a building is exempt because it is an agricultural structure.

f. **Trash Containers.** A sufficient number of trash containers shall be placed on the premises for public use, based on evaluation of the following features: type of event, anticipated number of attendees, duration of event, geographic size of the event, and use of disposable beverage or food containers.

g. **Restrooms.** A sufficient number of restrooms shall be available for public use, based on an evaluation, by the Planning Commission, of the following features: type of event, number of attendees, duration of event, availability of food and beverages, and special needs of attendees (e.g., families with children, people with disability needs, etc.).

h. **Building Setbacks.** Buildings shall comply with the setbacks for the district in which they are located.

i. **Parking.** To be determined by the Planning Commission as described in Section 10.4.F.

j. Planning Commission Waivers.

i. The number of parking spaces shall be determined on a case-by-case basis, upon consideration of the character of the specific agricultural tourism use being proposed.

ii. The Planning Commission may waive any requirement for parking lot paving, upon making the determination that a grass or gravel surface will be adequate to handle the anticipated level of traffic. In making a determination regarding paving the Planning Commission shall consider the types of vehicles anticipated (e.g., volume of bus traffic, size and weight of vehicles, etc.). If paving is not required, then the site plan shall include a commitment to provide dust control. Regardless of whether the lot is paved or not, all requirements of Article 10 must be met.

iii. The Planning Commission may waive parking lot lighting requirements in Section 14.7 upon making the determination that the facility will be used only during daylight hours.

iv. The Planning Commission may waive parking lot landscaping requirements in Section 11.5 upon making the determination that existing vegetation to be retained on the site satisfies the objectives of the Ordinance and maintains the rural, non-commercial character of the site.

k. **Overnight Accommodations.** Overnight accommodations related to an agritourism operation shall comply with the regulations for bed-and-breakfast establishments .

l. **Exclusions.** The provisions in this subsection do not apply to the following uses, which are regulated elsewhere in this Ordinance:

i. Recreation facilities.

ii. Barn Event Venue.

iii. Roadside stands.

iv. Wineries and Distilleries.

v. Bed-and-breakfast establishments.

vi. Brewpubs and Microbreweries.

vii. Any use for which zoning regulations are superseded by Generally Accepted Agricultural and Management Practices (GAAMPS), such as farm markets.

C. **Barn Event Venue**

1. **Definition:** The use of a barn or accessory building for functions such as, but not limited to: wedding parties, conferences, service club meetings, and other similar gatherings, along with the catering of food services off the premises.

2. **Standards:**

a. **Use of Dwelling.** An Event Barn is permitted on a lot only if it contains a single-family dwelling, and an existing barn on the property. Further, the Event Barn operator/owner must reside on that lot in that dwelling, but no dwelling shall be used in connection with or for events, activities, or acts related to the Event Barn. Such dwellings shall be reserved solely for residential use, such as single-family occupancy purposes.

b. **Lot Size and Location.** Event Barns shall be located on lots having a minimum lot size of at least fifteen (15) acres. In no instance can a Barn Event Venue be located closer than 500 feet from any primary residential house.

c. **Attendance.** No event shall involve the presence of more than 250 persons, or more than allowed by either the adopted Building Code of the Township, or as authorized by applicable fire department or other amount determined by the Planning Commission, whichever is less.

d. **Number of Events.** During each calendar year, not more than thirty-five (35) events shall be conducted per year. There may be no more than one (1) event per day and every day in which any part of an event occurs at an Event Barn shall be considered a separate event; however, weddings held over a weekend in which a wedding consists of: (i) a pre-wedding rehearsal dinner on Friday; (ii) a wedding and wedding reception on Saturday; and (iii) wedding clean-up on Sunday, will be considered together as one (1) event despite occurring on three days. Upon request, an owner or operator of an Event Barn must provide the Township with a list of all scheduled events (as known) for an annual period.

e. **Hours of Operation.** Every event shall conclude by no later than 11:00 p.m.

f. **Food Service.** There shall be no food preparation inside an Event Barn, but food may be prepared at another on-site location outside of the Event Barn. Any food served, provided, or consumed at the venue must be legally prepared in accordance with the Kent County Health Department rules. Dishwashing associated with any event at the venue must be accomplished off site.

g. **Security.** At all times when an event is taking place at an Event Barn, a sufficient number of security personnel and support staff shall be present to provide security, to direct traffic and parking, to prevent any intentional or inadvertent trespassing onto any properties outside the boundaries of the property, and to assure that all events begin and end at the times specified in this Ordinance. Prior to obtaining a special land use permit or site plan approval, any person desiring to operate an Event Barn shall develop a general security plan and submit it to the Kent County Sheriff's Office for comment and share any such comments with the Township.

h. **Alcoholic Beverages.** Where the Event Barn Sponsor intends to sell or provide alcohol or alcoholic beverages, the Event Barn Sponsor must provide an event insurance policy, naming the Township as an additional insured, and to comply with all applicable liquor licensing and regulatory requirements. The Event Barn permit holder shall not sell or provide alcohol or alcoholic beverages.

i. **Use of Outdoor Areas.** All events shall take place principally in barns and other outbuildings on the property. Events shall not include outdoor activities, except accessory activities in areas proposed and approved in a site plan.

j. **Lighting and Screening.** There shall be no outdoor perimeter lighting at an Event Barn, and no lines or light poles shall be installed or maintained for such purpose on the property. All lighting fixtures, including pathway lighting, shall be down-lit and directed in a manner as to not impact neighboring properties. Lighting in dormers must be extinguished at or before the same time for conclusion of the event. Reasonable screening, such as walls, berms, and/or other vegetation, may be required to minimize adverse impacts on surrounding properties caused by the use. All lighting or screening proposed at an Event Barn shall be addressed and approved as part of a site plan.

k. **Noise.** Machines or devices utilized for the amplification of sounds, such as the sounds of the human voice or music, are prohibited from being used outdoors in connection with an Event Barn, including for live outdoor entertainment purposes. Noise as measured at the street or property line of the lot where the Event Barn is approved may not exceed sixty (60) decibels.

l. **Trash.** The Event Barn permit holder shall require that every event remove all trash associated with the event within one business day after the conclusion of the event.

m. **Parking.** There shall be no parking on any properties outside the boundaries of the property on which the Event Barn is located, without the express written permission of the property owner. Parking shall be provided on the property on which the Event Barn is located where such is designated as the "parking lot" on the site plan. The parking lot shown on the approved site plan shall be gravel, or gravel-type material only, and not paved with blacktop or concrete or any other impervious substance, in keeping with the rural character of the area. The number of parking spaces shall be in accordance with Township Ordinances and the Americans with Disabilities Act.

    i. Parking to be determined by the Planning Commission as described in Section 10.4.F.

n. **Temporary Structures; Bathroom Facilities; Septic and Well.** No temporary structures or tents shall be permitted in connection with any event, except one structure or tent may be permitted as necessary for food staging or food preparation. Bathroom facilities shall be provided for, and only by indoor plumbing in the Event Barn. Any property with an Event Barn must have an approved septic system (or sanitary sewer) that is appropriately licensed by the Kent County Health Department and can accommodate large events. Moreover, an Event Barn must have sources of potable water (e.g., wells) that can accommodate large events.

o. **Insurance.** Event Barn permit holders shall maintain general liability for personal injury and property damage in the minimum amounts of $1,000,000 per occurrence and $2,000,000 general aggregate limit. The Township shall be named as an additional insured on the policies and the venue shall provide evidence of insurance to the Township annually or more frequently on request.

p. **Permits for Review Authorities and Compliance.** It shall be the responsibility of the Event Barn permit holders to obtain all building permits and other approvals from agencies that have jurisdiction applicable to the Event Barn or the holding of the events on the property. Moreover, an Event Barn shall comply with all local, state, and federal laws and regulations and must report any violations of laws or regulations to the Township upon notice of an allegation of a violation.

q. **Special Land Use Permit, Site Plan, and Landscape Design.** An applicant for an Event Barn special land use permit shall attach a proposed site plan in addition to required submissions for a special land use permit. The site plan shall comply with and be reviewed in accordance with this Ordinance, and shall include all parking facilities, lighting, noise-elimination improvements, outdoor activity areas, landscaping, and plantings.

r. **Emergency Review.** All Event Barns must prepare an emergency plan and provide adequate ingress and egress in buildings in the event of an emergency such as a fire. Such emergency plans as well as proposed site plans for Event Barns shall be submitted to the applicable fire department and comments from the fire department on the emergency plan and site plan shall be provided to the Township prior to the Township granting any special land use permit or approving any site plan.

D. **Commercial or Botanical Gardens**

1. **Definition:** A place, generally open to the public for a fee, with a collection of living plants and trees for display, research, education, and conservation.

2. **Standards:**

a. **Parking.** To be determined by the Planning Commission as described in Section 10.4.F.

E. **Community Supported Agriculture (CSA)**

1. **Definition:** A farm that produces an agricultural product intended to be sold to a consumer in advanced of a harvest and distributed over a period of time.

2. **Standards:** No additional standards.

F. **Composting Facilities**

1. **Definition:** Composting that collects composting intakes generated off-site for the purpose of creating composted material or compost on the premises. Composting operations shall not include composting accessory to a principal nursery or greenhouse use, which shall be regulated and approved in the same manner as nurseries and greenhouse as set forth in this ordinance.

2. **Standards:**

a. Minimum parcel size shall be 10 acres in the AR and FP Zone Districts and 2 acres in the HI Zone District. Operational areas (buildings, composting areas, material storage, etc.) in the AR and FP districts shall be located a minimum of 150 feet from property lines and 250 feet from adjacent residential dwellings. Operational areas in the HI Zone District must meet the setback requirements of that district and shall also be located a minimum of 250 feet from adjacent residential dwellings.

b. Operational areas shall be visually screened from neighboring parcels with a screen consisting of berming, fencing, and/or vegetation buffers if the operational areas are within 400 feet of a residential parcel.

c. The operation must be registered with the Michigan Department of Environment, Great Lakes and Energy - Material Management Division (EGLE MMD) within one year of commencing operations. The operation must comply with all other applicable federal, state, and local laws, rules and regulations. The operation must comply with all standards, rules, and regulations of EGLE MMD registered compost operations.

d. When located in the AR or FP Zone Districts, operational areas are limited to 30% of the total area of the parcel and 50% of the total area of the parcel must be kept natural, landscaped, or used for agriculture.

e. Equipment operation and receiving or distribution of materials, including retail/wholesale sales, may only occur between the hours of 7:00am to 9:00pm.

f. The use shall comply with all applicable Township and local Ordinances, regulations and standards including, but not limited to, the Township Noise Ordinance, stormwater regulations and lighting regulations.

g. The applicant must return to the Planning Commission for an annual review for a minimum of two years after receiving the special land use permit, and, thereafter, at the discretion of the Planning Commission. The applicant shall keep an inventory log showing the amount of Composting Intake and the total composted output, which shall be provided to the Township Planning Commission at the annual review and as otherwise requested by the Township.

h. An operation located on a parcel 20 acres or less in size in the AR or FP districts is limited to 3,000 cubic yards of intake material and 3,000 cubic yards of output material per year. Facilities exceeding 3,000 cubic yards of intake and/or output per year may be permitted at the discretion of the Township, but must be located on a parcel that exceeds 20 acres in size, or in the I district.

i. An operation may have a maximum of 4,500 cubic yards of compost/composting intake/finished compost on site at any one time, with no more than 1,000 cubic yards being composting intake. Greater volume may be allowed at the discretion of the Township for operations located in the I district or on parcels 20 acres or more in size in the AR or FP Zone Districts.

j. The facility must take reasonable action to mitigate the potential of odor leaving the site, such as using negative aeration systems or other common industry methods for odor mitigation. Such odor mitigation methods are subject to review and approval of the Township through the special land use approval process. The site shall be kept neat and clean and there shall be no noxious odors or garbage affecting neighboring properties.

k. In the case of vermiculture, the species of worms that may be used are limited to red wiggler (Eisenia fetida), red worms (lumbricus rubellus), and other species that are native to Michigan, at the discretion of the Township.

l. All machinery and equipment, except for motor vehicles and trailers used in the conduct of business, shall be stored within a completely enclosed building. Motor vehicles and trailers shall be stored indoors, out-of-view when not in use for longer than a two-week period.

m. Retail and wholesale sales on the premises to the general public shall be limited to material created on the site.

n. If waste from sorting exceeds one (1) cubic yard per month, that sorting process must be located in the (HI) Zone District.

o. All Composting Intake material must be covered or stored so that it is contained and protected from wildlife and leaving the site.

G. **Concentrated Animal Feeding Operations (CAFO)**

1. **Definition:** A facility where large numbers of animals are confined in a small, densely populated space and fed harvested feed instead of grazing or foraging. Such use is regulated by the State of Michigan under the National Pollutant Discharge Elimination System (NPDES) permitting program.

2. **Standards.** No additional standards.

H. **Farmer's Markets**

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

2. **Standards.**

a. Parking. To be determined by the Planning Commission as described in Section 10.4.F.

I. **Food Processing**

1. **Definition:** A facility that transforms livestock and agricultural products into products for intermediate or final consumption. Processes convert raw materials (generally of animal or vegetable origin) into food products. The food products manufactured in these establishments are typically sold to wholesalers or retailers for distribution to consumers.

2. **Standards:** The following standards shall apply to Food Processing facilities:

   a. Minimum parcel size shall be 15 acres

   b. The operation is located no less than five hundred (500) feet from any adjacent residential dwelling, or within one hundred (100) feet from a parcel zoned for commercial.

   c. There shall be no outdoor storage of any animal or agricultural waste product.

   d. **Parking.** To be determined by the Planning Commission as described in Section 10.4.F.

J. **Food Processing, Small Scale**

1. **Definition:** As an accessory use to an Agriculture/Farming Operations, a facility primarily engaged in producing and retailing bakery, delicatessen, ice cream and candy products made on the premises not for immediate consumption, and shall contain fewer than ten (10) employees.

2. **Standards:**

   a. **Parking.** To be determined by the Planning Commission as described in Section 10.4.F.

K. **Nurseries/Greenhouses, Commercial**

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

2. Standards:

   a. Minimum parcel size shall be 15 acres.

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

   c. Parking shall be determined by the Planning Commission as described in Section 10.4.F.

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

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

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

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

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

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

   j. The storage of any fertilizer, chemical or loosely packed material shall be maintained and contained so as to prevent adverse effects upon adjacent properties.

L. **Roadside Stands**

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

2. **Standards:**

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

b. Parking shall be determined by the Planning Commission as described in Section 10.4.F.

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

c. The operation is located no less than one hundred (100) feet from any adjacent residential dwelling. Additionally, a minimum distance of 100 feet from an intersection (visibility standards).

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

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

M. **Stables**

1. **Definition:** A building used for housing horses or other domestic animals for commercial enterprise, including but not limited to equestrian facilities.

2. **Standards:**

a. Lot area shall be a minimum of ten (10) acres. Such area may not include area devoted to living quarters or other uses not incidental to the stable.

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

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

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

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

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

N. **Tree Farm**

1. **Definition:** A space, intended for the cultivation of trees for timber, Christmas trees, or other tree products, which may or may not have accessory buildings or structures.

2. **Standards:** No additional standards.

O. **Winery**

1. **Definition:** A facility specifically designed, at a minimum, for one or more of the following: crushing, fermentation, and barrel aging of wine. A winery may include any of the following: a tasting room, barrel rooms, bottling rooms, tank rooms, laboratories, and offices. Uses that are clearly incidental to the production of wine are allowed accessory uses to a winery. These may include, but are not limited to, the following: bottling, case goods storage, retail and/or wholesale sales of wine, employee day care, tours, ancillary retail sales, public display of art to wine related items, picnic areas, and food service.

2. **Standards:**

a. The standards outlined for Agritourism in Section 9.2.B(B) shall be applicable to a Winery.

b. Parking shall be determined by the Planning Commission as described in Section 10.4.F.

Section 9.3 Residential Uses

A. **Bed and Breakfast**

1. **Definition:** A private residence that offers sleeping accommodations to lodgers in fourteen (14) or fewer rooms for rent, in the innkeeper's (owner or operator) principal residence while renting rooms to lodgers; and serves breakfasts at no extra cost to its lodgers. For the purpose of this definition, a lodger means a person who rents a room in a bed and breakfast establishment for fewer than thirty (30) consecutive days.
2. **Standards:** The following provisions shall apply to bed and breakfast operations:
    a. Location outside of a platted residential subdivision or site condominium.
    b. Subordination to the principal use of a single-family dwelling unit.
    c. Occupancy of no more than fifty (50) percent of the dwelling unit.
    d. The premises shall be the principal residence of the operations owner/operator when the establishment is active.
    e. The structure shall be erected or retained as a single-family structure. Commercial food preparation equipment and eating or bathroom facilities within individual sleeping quarters shall not be installed.
    f. Meal services shall be limited to during normal and customary breakfast hours and shall be provided only to lodgers registered at the establishment.
    g. Two (2) off-street parking spaces for the owner operator and one (1) off-street parking space per room to be rented shall be provided.
    h. Signs shall be subject to the regulations applicable to signs in the district in which the use is located.

B. **Single Family, Two-Family, and Multiple Family Dwelling Units**

1. **Definition:** One (1) or more rooms designed or used as an independent housekeeping establishment for one family or domestic unit and containing kitchen facilities, including a stove or cooking device and a permanently installed sink, bathroom facilities, and sleeping facilities.
    a. **Single Family Dwelling Unit.** A building which is entirely surrounded by open space on its building lot, used and designed for one (1) family or domestic unit.
    b. **Two-Family Dwelling Units.** A building containing two (2) dwelling units and designed for use by two (2) families or domestic units living independently of each other.
    c. **Multiple Family Dwelling Units.** A building containing three (3) or more dwelling units and designed for use by three (3) or more families or domestic units living independently of each other. Townhomes or other “attached” dwelling units that share a wall but have separate entrances shall be considered multiple family for the purposes of this Ordinance.
    d. **Dwelling Units in Mixed-Use Buildings.** A residential dwelling unit located within a building that also contains non-residential uses such as commercial spaces or offices.
2. **Standards:** No additional standards.

C. **Home Occupations**

1. **Definition:** Any profession or other occupation conducted in a residential district or dwelling which is clearly incidental and secondary to the use of the lot or dwelling and which conforms to the provisions of Section 4.9.
2. **Standards:** See Section 4.9.

D. **Keeping of Domestic Animals, Including Fowl**

1. **Definition:** Includes the housing of domesticated animals such as horses, cattle, goats, hogs, sheep, llamas, and foul.

2. **Standards:** See Section 4.4.

E. **Manufactured Housing Communities**

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

2. **Standards:**

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

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

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

b. **Standard Operation Requirements.**

i. **State Permit:** It shall be unlawful for any person(s) to operate a manufactured housing community unless that individual obtains a license for such operation in compliance with the requirements of Michigan Public Act No. 96 of 1987, as amended. The Planning Department shall communicate their recommendations regarding the issuance of such licenses to the Director of the Manufactured Housing Division, Corporation and Securities Bureau, Michigan Department of Commerce.

ii. **Violations:** If and when, upon inspection of any manufactured housing community, the Planning Department finds that there are existing conditions or practices which violate provisions of this Ordinance or other regulations referenced herein, they shall give notice in writing by certified mail to the Director of the Michigan Manufactured Housing Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the community owner or agent. All other Township penalties are still applicable.

iii. **Inspections:** The Building Official or other authorized Township agent is granted the authority, as specified is PA No. 96 of 1987, as amended, to enter upon the premises of any manufactured housing community for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein.

iv. **Operation:** A manufactured housing community shall not be operated until a license has been issued by the Michigan Department of Commerce. Buildings that require a Township permit which are constructed on- site shall require a Township Building Permit prior to construction and a Certificate of Occupancy prior to use.

c. **Development Standards.** Manufactured home communities shall be subject to all the rules and requirements as established and regulated by Michigan law, PA 96 of 1987, as amended, and the Manufactured Housing Commission, and shall also satisfy the following minimum requirements:

i. **Parcels and Homesites.**

(1) **Maximum Density and Minimum Parcel Area:** Each manufactured home community shall be owned and operated as one (1) entity or on a condominium basis. A manufactured home community shall contain a minimum of forty (40) acres.

(2) **Minimum Homesite Area:** The manufactured home community shall be developed with homesites consisting of at least ten thousand (10,000) square feet per each manufactured home being served.

(3) **Home Placement:** It is the intent of this ordinance to require parallel placement of homes adjacent to the perimeter of the community, and to encourage parallel placement whenever possible, so as to maintain consistency of standards and aesthetic quality with other residential districts and adjacent land uses in the township.

(a) All homes within the community which are adjacent to the perimeter of the community shall be sited parallel to an internal road.

(b) A home sited parallel to an internal road shall be placed at least forty (40) feet from any part of an attached structure of an adjacent home that is used for living purposes if the adjacent home is sited next to the home on the same internal road or an intersection internal road.

(c) A home not sited parallel to an internal road shall be placed at least forty (40) feet from any part of an attached structure of an adjacent home that is used for living purposes.

(d) It shall be unlawful to permanently or temporarily locate or park a manufactured home so that any part of such home will obstruct any roadway or walkway within a manufactured home community.

(e) It shall be unlawful to locate any manufactured home to be occupied in a manufactured home community unless the home is situated on a homesite.

(f) A building permit shall be issued by the Township Building Official before a manufactured home may be placed on a homesite in a manufactured home community.

(4) **Minimum Living Area:** No one story manufactured home in any manufactured home community shall contain less than one thousand one hundred (1,100) square feet of living area, excluding hitch and eaves. No two-story manufactured home in any manufactured home community shall contain less than one thousand four hundred (1,400) square feet of living area, excluding hitch and eaves.

(5) **Setback Requirements:** A manufactured home shall comply with the following minimum distances:

(a) Twenty (20) feet from any part of an attached or detached structure of an adjacent manufactured home which is used for living purposes.

(b) Ten (10) feet from an on-site parking space of an adjacent homesite.

(c) Ten (10) feet from an attached or detached structure or accessory of an adjacent manufactured home which is not used for living purposes.

(d) One hundred (100) feet from any baseball, softball or similar recreation field.

(e) Fifty (50) feet from any permanent building.

(f) Twenty (20) feet from the edge of an internal road.

(g) Twenty (20) feet from the right-of-way line of a dedicated public road within the manufactured home community.

(h) Seven (7) feet from any parking space.

(i) Seven (7) feet from a common pedestrian walkway.

(j) All manufactured homes, accessory buildings, and parking areas shall be set back not less than twenty (20) feet from any manufactured home community boundary line, except that a minimum setback of fifty (50) feet shall be provided from existing and future right-of-way lines of abutting roads and highways.

(k) Fifty (50) feet from the edge of any railroad right- of-way.

ii. **Structures and Areas**

(1) **Maximum Building Height:** The maximum height of a building shall not exceed two (2) stories or twenty- five feet. Storage sheds shall not exceed a height of fourteen (14) feet and the height of the manufactured home they are intended to serve.

(2) **Accessory and Site-built Structures:** Accessory and site-built structures constructed for use as management offices, public works facilities, storage buildings laundry facilities, recreation or community centers, and other similar facilities shall be designed and operated for use by residents of the manufactured home community only. Site-built structures within a community shall be constructed in compliance with the Township building codes and shall require all applicable permits.

(3) **Canopies and Awnings:** Canopies and awnings may be attached to any manufactured home provided they meet the current building code standards. Canopies and awnings shall comply with the setback and distance requirements set forth in this Chapter and shall require a building permit.

(4) **Storage:**

(a) **Sheds:** One (1) storage shed may be permitted for each homesite. Each storage shed shall comply with all Township regulations and requirements and shall require all applicable permits. Storage sheds need not be supplied by the owner of the manufactured home community.

(b) **Recreation Vehicle:** Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided by the community owner, but shall be limited to use only by residents of the manufactured housing community. If proposed, the location of such storage areas shall be shown on the preliminary site plan. No part of any such storage area shall be located in any required yard or on the perimeter of the manufactured home community. The placement of the storage area shall be located internally in the park to help screen it from adjacent land uses. Such storage area shall be screened from view from adjacent residential properties with an opaque wooden fence or a masonry wall measuring six (6) feet in height above average grade, or a landscaped greenbelt. The landscaped greenbelt, if used, shall consist of closely-spaced evergreen plantings, no less than fifteen (15) feet apart, and shall provide a complete visual barrier at least six (6) feet in height above grade within two (2) years of planting.

(5) **Landscaping.**

(a) **Perimeter:** Perimeter screening from any adjacent residential land use shall consist of a masonry wall or densely planted landscaped area. If provided, the masonry wall shall measure six (6) feet in height from the average grade and shall be placed inside and adjacent to the lot line. The wall may be setback from the property line a sufficient distance in the event that underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct the use of adjacent property. The landscaped greenbelt, if used, shall consist of closely-spaced evergreen plantings, no less than fifteen (15) feet apart, and shall provide a complete visual barrier at least six (6) feet in height above grade within two (2) years of planting.

(b) **Road Frontage:** A landscaped berm measuring 2 ½ to 3 feet in height from the average grade shall be provided for every lineal foot adjacent to a right-of-way. The berm shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal. Landscaping of the berm shall include one (1) deciduous tree for every forty (40) lineal feet of road frontage and one (1) deciduous or evergreen shrub for every three (3) lineal feet of road frontage.

(c) **Homesite:** Landscaping shall consist of one (1) deciduous or evergreen tree for every one (1) homesite.

(d) **Parking Area:** An interior landscaped area of 10 square feet per parking space shall be provided for any parking lot, bay, or area within the community consisting of more than 15 parking spaces. Landscaped areas shall measure at least 150 square feet and shall include plantings of grass, ground cover, shrubs or other live plant material. At least one (1) deciduous tree shall be planted for each parking landscaped area.

(6) **Open Space:** Each manufactured home community in excess of fifty (50) acres shall include an open space area equal in size to two percent (2%) of the site. All open space areas shall be centrally located, well drained, and accessible to all residents of the community. Up to twenty-five percent (25%) of the required open space may consist of wetlands, swamps and similar use areas.

iii. **Motorized/Nonmotorized Facilities.**

(1) **Access:** Each community shall have a minimum of two (2) access roads provided there are more than twenty (20) homesites. If two (2) access roads are required, they must meet the spacing requirements of Article 10. The main entrance to the community shall have access to a public thoroughfare or a recorded easement meeting the private road standards with access to a public thoroughfare. The public thoroughfare shall be connected to a public collector or arterial road.

(2) **Internal Roads:** All internal roads shall be hard- surfaced and may be constructed with curbs and gutters. Internal roads shall be constructed of materials suitable for subgrades and hard surface in compliance with the standards of the American Association of the State Highway and Transportation Officials (AASTO). All internal roads, walkways, driveways, and permanent foundations shall be maintained in such a manner that they are of a sound and reasonably smooth surface for either walking or driving. Surfaces shall be maintained reasonably free of cracks, holes, upheavals, buckling, depressions, rutting, or channeling of the wearing surface, or shifting of the pavement base and sub-base, or both. An adequate clear vision zone shall be provided at intersections (see Section 4.19, Visibility Across Corners). An offset at an intersection or an intersection of more than two (2) internal roads is prohibited. The minimum width of internal roads shall be no less than twenty-three (23) feet. One-way traffic shall not be permitted. All entrances to the community shall be a minimum of thirty (30) feet in width.

(3) **Parking:** All homesites shall be provided with two (2) parking spaces in accordance with the Manufactured Housing Commission Rules. One (1) additional parking space for every

three (3) homesites shall be provided for visitor parking and located convenient to the area served. Visitor parking shall be counted separately from those parking spaces required for employees or community facilities. No unlicensed or inoperable vehicle of any type shall be parked in this district at any time except within a covered building. Parking shall not be permitted in any required landscaped area.

(4) **Sidewalks:** A three (3) foot wide concrete sidewalk may be required to be constructed on at least one side of all internal roads within the manufactured housing community.

iv. **Other.**

(1) **Lighting:** Sufficient lighting shall be provided within a community in order to promote safe and convenient movement from all homesites to principal destinations within the community and connections to public thoroughfares and walkways. Such lighting shall meet the standards of Article 12.

(2) **Mailbox Clusters:** The United States Postal Service may require that manufactured home communities be served by clusters of mailboxes serving several homesites rather than individual mailboxes. If mailbox clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured home community internal road and a public road.

(3) **Sale of Manufactured Homes:** The business of selling new or used manufactured homes as a commercial operation shall be prohibited after 75% complete occupancy of a new or expanded manufactured home community has been achieved. Thereafter, new or used manufactured homes located on homesites within the community to be used and occupied on that site may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a used manufactured home by a resident of the community provided the community regulations permit such activity.

(4) **School Bus Stops:** School bus stops shall be located in an area that is acceptable to the school district and the manufactured housing community developer or owner.

(5) **Signs:** Any and all such signs provided within the community shall not exceed a height of five (5) feet measured from the average grade, and shall be set back (10) feet from any property line or road right-of- way.

(a) **Primary entrance:** One (1) sign not to exceed an area of thirty-two (32) square feet, shall be permitted at the primary access of the manufactured housing community.

(b) **Identification:** One (1) identification sign not to exceed an area six (6) square feet shall be permitted for management offices and community buildings.

(6) **Trash Receptacles:** Trash Receptacles, if provided, shall be located in a location that is clearly accessible to the servicing vehicle. Each dumpster shall be set back a minimum of fifty (50) feet from the perimeter of the manufactured home community, and shall be placed at least fifteen (15) feet from any building within the community. Trash Receptacles shall be screened on three (3) sides with a decorative masonry wall or wood fencing not less than six (6) feet in height. The fourth side of the dumpster screen shall be equipped with an opaque lockable gate not less than six (6) feet in height. Trash Receptacles shall be placed on a concrete pad which shall extend six (6) feet in front of the dumpster enclosure. Bollards (concrete-filled metal posts) shall be installed at the opening of the Trash Receptacle to prevent damage to the screening wall or fence.

(7) **Utilities.**

(a) **Fuel Oil and Gas:** Any fuel oil and gas storage shall be placed in underground tanks and located a safe distance from all homesites. All fuel lines servicing homesites shall be placed underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local county and state regulations.

(b) **Telephone and Electric Service:** All telephone, electric, cable TV, and other lines within the community shall be placed underground.

(8) **Water and Sewer Service:** All manufactured home communities shall be served by an approved water and sewage systems which shall meet the requirements of the County Health Division and the Michigan Department of Health. The plumbing connections to each homesite shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.

(9) **Storm Drainage:** All developed portions of the manufactured home community shall be served by adequate storm drainage facilities which are designed and constructed in accordance with applicable local, county, and state regulations.

(10) **Skirting and Anchoring:** The siding of the home shall be required to extend to grade. Anchoring of the manufactured home shall comply with sections R125.1604 Rule 604 and R 125.1605 Rule 605 of PA 419 of 1976, as amended.

(11) **Fire Hydrants:** Fire hydrants shall be included in the site plan of any proposed community whenever hookups are available (see R 125.1702a Rule 702a(b). If fire hydrants are available within the community, then vehicular parking on internal roads is prohibited within ten (10) feet of a hydrant.

(12) **Additional Standards:** The Planning Commission shall have the right to impose additional reasonable conditions to a site plan approval in order to meet the intent of this ordinance.

F. **Senior Living, Assisted or Nursing Home**

1. **Definition:** An institutional facility other than a private home or facility defined in this Ordinance having as its principle function the provision of care, and supervision of individuals for 24 hours a day and which are licensed under Article 17 of the Public Health Code, Act No. 368 of 1978 as amended.
2. **Standards:** The Township Fire Department must approve the location based on the response time to service the use.

G. **Senior Living Independent**

1. **Definition:** Means a residential facility not subject to license or registration by the state, but that is eligible for public financial assistance under State or Federal laws, having as its principal purpose the provision of barrier-free housing for individuals 55 years of age or older. Independent living facilities are not intended for adult dependent individuals without a head of household also in residence. Independent senior housing includes architectural design features which eliminate the type of barriers and hindrances that deter physically disabled persons from having access to and free mobility in and around the facility, and shall be specifically and primarily intended, designed, operated, and located to allow its physically disabled occupants increased opportunities to function independently in the community.
2. **Standards:** The Township Fire Department must approve the location based on the response time to service the use.

H. **State Licensed Child Care Family Home**

1. **Definition:** A private home in which one but less than seven minors are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
2. **Standards:** No additional standards.

I. **State Licensed Child Care Group Home**

1. **Definition:** A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

2. **Standards:** No additional standards.

J. **State Licensed Residential Facility, Adult Care Family Home**

1. **Definition:** A private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and four or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence in accordance with the Michigan Adult Foster Care Facility Licensing Act.

2. **Standards:** No additional standards.

K. **State Licensed Residential Facility, Adult Care Small Group Home**

1. **Definition:** An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care in accordance with the Michigan Adult Foster Care Facility Licensing Act.

2. **Standards:** No additional standards.

L. **State Licensed Residential Facility, Adult Care Large Group Home**

1. **Definition:** An adult foster care facility with the approved capacity for receiving at least 13 but not more than 20 adults who shall be provided foster care in accordance with the Michigan Adult Foster Care Facility Licensing Act.

2. **Standards:** No additional standards.

M. **Telecommuting**

1. **Definition:** A business, occupation, or profession that results in a product or service that is clearly an accessory, incidental, and secondary use of a residential dwelling unit with no exterior evidence that a business is being conducted from the premises. Telecommuting shall be permitted accessory to residential uses in all zone districts, regardless of whether or not the residential use is conforming, and shall not require any approval from the Township.

2. **Standards:** No additional standards.

Section 9.4 Commercial Uses

A. **Adult Businesses**

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

2. **Standards:** No Adult Oriented Business/Massage Establishment use shall be commenced in any district where such use is a permitted use until and unless the Planning Commission approves a site plan hereunder, and all standards contained in this section 9.4.A are met.

   a. An Adult Oriented Business/Massage Establishment shall only be located on those properties which are situated west of the I-96 Highway interchange.

   b. An Adult Oriented Business/Massage Establishment shall not be located within a 1000-foot radius of any lot zoned or occupied for residential purposes, or upon which is located a school, public park, library, municipal building, child care facility, or Religious Institution or place of worship.

   c. An Adult Oriented Business/Massage Establishment shall not be located within a 1000-foot radius of any other Adult Oriented Business/Massage Establishment.

   d. For the purpose of this Section, the measurement of a radius shall be measured in a straight line from the property line of the Adult Oriented Business/Massage Establishment to the nearest property line of the residential property, public park, school, municipal building, child care facility, Religious Institution or place of worship, or other Adult Oriented Use/Massage Establishment.

   e. An Adult Oriented Business/Massage Establishment shall not be located in the same structure or on the same parcel as another Adult Oriented Use/Massage Establishment.

f. All on-site parking areas shall comply with the requirements of this Ordinance and additionally shall be illuminated in compliance with this Ordinance on any days the business is open from sunset until closing

B. **Airport Operations Facilities**

1. **Definition:** A publicly owned airport licensed by the Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of Act 327 and includes all Airport Facilities at an airport. An airport is publicly owned if the portion used for the landing and taking off of aircraft is owned, operated, controlled, leased to, or leased by the United States or an agency or department of the United States, this state, a local government, or another public corporation. The Gerald R. Ford International Airport is an Airport located within the Township.

2. **Standards:** No additional standards.

C. **Artisan/Maker Space**

1. **Definition:** Commercial space designed to be used for small-scale, low-impact artisan production of wholesale goods, including but not limited to artwork, foodstuffs, beverages, jewelry, and other handcrafted small-batch products. Any use that in the opinion of the Approving Authority includes processes that cause negative impacts on surrounding properties due to noise, odor, dust, or vibration, shall be considered “Manufacturing.”

2. **Standards:** No additional standards.

D. **Banks and Financial Institutions**

1. **Definition:** A financial institution dedicated to accepting monetary deposits and providing loans. Credit unions shall be considered banks for the purposes of this Ordinance.

2. **Standards:** Refer to Section 9.4.K for a Drive-Thru Facility.

E. **Banquet Halls, Lodge Halls, and Meeting Halls**

1. **Definition:** A meeting place for an incorporated or unincorporated association of persons organized for some common purpose, including social, educational, literary, political, or charitable purpose, operated by a private nonprofit or noncommercial organization.

2. **Standards:** In the Village District, no banquet hall, lodge hall, or meeting hall shall exceed maximum square footage floor area of 20,000 square feet.

F. **Breweries, Wineries, and Distilleries; with Restaurant**

1. **Definition:** A small-scale business located in a building where the primary use is for restaurant, retail, or tasting room, and which specializes in producing limited quantities of wine, beer, or spirits.

2. **Standards:** The following standards shall apply:

a. All required state and federal approvals must be required and provided to the Township.

b. Hops, barley, wheat or other grain used in the brewing process may be stored in a detached structure, such as a silo, provided that:

i. Any such accessory structure complies with the setback requirements for the district in which it is located.

ii. Is compatible in color and materials with the Main Building.

iii. No outdoor storage of bottles, pallets, or other containers shall be permitted.

iv. Storage in tractor trailers shall be permitted for periods not exceeding twenty-four (24) hours.

3. Outdoor dining may be permitted, subject to the regulations in Section 9.4.FF.

4. In the FP and RC Zone Districts, Breweries, Wineries, and Distilleries are allowed as an accessory use to the primary agricultural use of the property; the serving of food may be permitted subject to approval of a Special Land Use approval.

G. **Campgrounds; Private**

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

2. **Standards:** No additional standards.

H. **Cinemas, Concert Halls, Theaters, and Other Similar Places of Assembly**

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

2. **Standards:** In the Village Districts, no banquet hall, lodge hall, or meeting hall shall exceed the maximum floor area of 20,000 square feet.

I. **Contractor Supply Wholesale Facility**

1. **Definition:** A building used to store and maintain tools and other materials and facilities customarily required for the display and sale of building trades supplies. This use may include showrooms and shops for the display and sale of products.

2. **Standards:** No outdoor storage of materials are permitted in the GB, ES, or AC Zone Districts. Outdoor storage in the TI and I Zone Districts are subject to the standards of Section 9.4.FF.

J. **Daycares and Childcare Centers**

1. **Definition:** A facility for the care of persons under 18 years of age, as licensed and regulated by the State under Act No. 166 of the Public Acts of 1973 and the associated rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows: A facility, other than a private residence, receiving more than six (14) pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Childcare Center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

2. **Standards:**

   a. A minimum lot size of 40,000 square feet.

   b. Dormitory facilities are not permitted.

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

   d. The outdoor play area shall be enclosed by a fence not less than four (4) feet in height meeting the standards of Section 4.21, and screened by natural or planted vegetation to a height of at least five (5) feet subject to the standards of Article 11.

   e. Such facilities must receive the appropriate Zoning approval and be licensed by the State.

K. **Drive-Thru Facility**

1. **Definition:** Driveways, windows, and signage associated with a commercial use for the provision of goods and services directly to people in motor vehicles.

2. **Standards:** The following standards apply to Drive-Thru facilities:

   a. Nuisance. Shall not negatively impact the adjacent properties with excessive traffic, noise, odors, litter, or other similar factors.

b. Stacking. A minimum of 1 stacking lane shall be provided to accommodate a minimum of 10 vehicles from the location where orders are placed. The Planning Commission may alter this standard if the applicant can demonstrate that fewer stacking spaces will not adversely impact the operations of the establishment or negatively impact neighboring properties or the traffic flow in the area.

c. All stacking lanes shall be a minimum of 10 feet wide and shall be positioned to not interfere with normal vehicular on-site traffic, off-site traffic, and entering and exiting traffic.

d. Stacking lanes shall be separate from drive aisles used to access parking spaces.

e. Devices for the transmission of voices shall be directed or muffled to prevent sound from being audible beyond the boundaries of the site.

f. If the requirements of the zone district and the requirements for a drive-thru cannot both be met, the drive-thru shall not be approved.

L. **Event Venue**

1. **Definition:** Commercial use designed for temporary gatherings of people for entertainment, collaboration, celebration, or other reasons. Examples include: banquet facilities, community centers, and meeting facilities.

2. **Standards:** No additional standards.

M. **Funeral Homes and Mortuaries**

1. **Definition:** A building or part thereof used for human funeral services. The building may contain space and facilities for embalming and the performance of other services used in preparation of the dead for burial, the performance of autopsies, and other surgical procedures, the storage of caskets, funeral urns, and other related vehicles, and other accessory uses as authorized by State law.

2. **Standards:** The following standards shall apply to Funeral Homes and Mortuaries:

a. Sufficient off-street automobile parking and assembly area shall be provided for vehicles to be used in funeral processions. The assembly area shall be provided in addition to otherwise required off-street parking area.

b. Loading and unloading areas used by ambulances, hearses, or other such service vehicles shall be obscured from view with an opaque fence or wall not less than six (6) feet in height.

N. **Golf Courses, Country Clubs, and Driving Ranges; Public or Private**

1. **Definition:** A publicly or privately-owned facility generally with a membership and admittance requirement by invitation or sponsorship, that generally offers both a variety of recreational sport and facilities for dining and entertaining. Typical athletic offerings are, golf, tennis, swimming and other similar activities. For purposes of this code, Driving Ranges are considered an accessory use to a Golf Course or Country Club.

2. **Standards:** The following standards shall apply to Golf Courses and Country Clubs

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

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

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

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

e. Driving ranges are only allowed as an accessory use to a Golf Course or County Club.

O. **Hospitals**

1. **Definition:** An institution licensed by the Michigan Department of Health and Human Services (MDHHS) to provide in-patient and out-patient medical and surgical services for the sick and injured, and may include ancillary related facilities (i.e. laboratories, medical testing services, central service facilities, and staff offices).
2. **Standards:** The Township Fire Department must approve the location based on the response time to service the use.

P. **Hotels and Motels**

1. **Definition:**
   a. **Stay Hotels and Motels:** A building or group of buildings containing accommodations for transient persons for compensation for periods of no less than twelve hours or thirty consecutive days or less.
   b. **Extended Stay Hotels and Motels:** are a building or group of buildings containing units (a bedroom, closet, and a bathroom) or rooms, and a full kitchen (sink, refrigerator, and stove), which provide for accommodations for temporary residence by persons for nontransient extended stays or stays longer than 30 days. The purpose of an extended-stay hotel is to provide accommodations for persons displaced from their permanent residence by a force majeure, or for persons relocating because of a change of employment (position, location, career, or otherwise). Extended-stay hotels are not permanent residences or domiciles and do not include "dwellings" or "dwelling units" as defined by this Ordinance. "Force majeure" means things like fires and natural disasters that affect specific persons or families; it does not include economic or societal conditions. Extended-stay hotels are not residences for homeless individuals or families (like shelters) or for individuals seeking permanent or temporary shelter due to immigration or asylum requests or status.
2. **Standards:** See Ordinance No. 4 or 2024, as amended, including licensing requirements for Hotels and Motels.

Q. **Indoor Recreation Facilities**

1. **Definition:** Buildings or facilities, owned by a "person", which are available for use by the general public or on a membership basis. Uses and activities shall include only the following: exercise and workout facilities; court games such as tennis, paddleball, pickleball, and volleyball; bowling alleys, archery; golf driving ranges; shooting ranges when fully enclosed in a building; ice arenas; pool and billiards; ping pong; swimming pools; roller skating rinks; and restaurants and taverns when designed as an integral part of the facility and incidental to one or more of the other permitted uses.
2. **Standards:** No additional standards.

R. **Kennels**

1. **Definition:** Any place on which five (5) or more dogs, cats or other household pets four (4) months of age or older are kept either temporarily or permanently for any reason, including, but not limited to, boarding, breeding, “daycare”, or sale. Pet groomers shall be considered Personal Service Establishments, unless they allow animals to be left without an owner present for longer than one-hour, in which case they shall be considered Kennels and shall only be permitted in zone districts where Kennels are permitted, subject to the standards of this section.
2. **Standards:**
   a. Lot area shall be a minimum of two (2) acres plus an additional one-third (1/3) acre for each animal in excess of six (6).
   b. Buildings for the housing of animals, runs or exercise area shall not be located within 100 feet of any property line or street right-of-way.
   c. Areas for riding trails or riding purposes shall be located on the same premises, provided, however, that the owner may lease adjacent lands for said purpose. Provided further, that access to riding areas shall not necessitate riding or leading of animals upon or across a public road.

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

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

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

S. **Laundromats**

1. **Definition:** An establishment offering self-service, pay-per-use washing machines and dryers for public use, excluding bulk laundries or dry-cleaning plants.

2. **Standards:** No additional standards.

T. **Medical or Dental Clinics**

1. **Definition:** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A 'medical clinic' may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

2. **Standards:** The Township Fire Department must approve the location based on the response time to service the use.

U. **Motor Vehicle Car Wash Establishment**

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

2. **Standards:** The following standards shall apply:

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

b. A separation distance of 1,500 feet, measured in a direct line from property line to property line, is required between each Motor Vehicle Car Wash Establishment, whether in the municipal boundary or outside of the boundary, is required.

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

d. Vacuuming activities shall be at least 500 feet from any residential zone district.

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

f. All washing activities must be within a building.

g. No more than two (2) curb-cuts shall be constructed to provide ingress and egress.

V. **Motor Vehicle Repair, Major**

1. **Definition:** An enclosed building where the repair or rebuilding of vehicles occurs, including, but not limited to engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair, undercoating and rustproofing; and similar servicing, rebuilding or repairs. This definition does not include bicycle repair or lawnmower repair, which will be "Retail" or "Motor Vehicle Repair, Industrial" as defined in this Article.

2. **Standards:** The following standards shall apply:

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

b. All repair, lubrication, and service work shall be done within an enclosed building.

c. All storage and display of equipment, materials and merchandise shall be within the building.

d. All outside storage areas are subject to the provisions for Outdoor Storage in Section 9.5.L.

e. The sale or rental thereof is expressly prohibited without specific approval of Motor Vehicle Sales under Section 9.4.X.

f. Automobiles to be repaired shall not be stored in view of a public road for more than 72 hours. Automobiles stored for more than 72 hours must be stored within an area screened from view from all public roads by a fence, building, and/or landscaping.

g. No more than two (2) curb-cuts shall be constructed to provide ingress and egress.

W. **Motor Vehicle Repair, Minor**

1. **Definition:** An enclosed building where minor vehicle repair services such as lubrication, oil and tire changes, tune-ups, brake repair, tire replacement, and detailing and polishing. This definition does not include bicycle repair or lawnmower repair, which will be “Retail” or “Motor Vehicle Repair, Industrial” as defined in this Article.

2. **Standards:** The following standards shall apply:

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

b. All work shall be done within an enclosed building.

c. All storage and display of equipment, materials and merchandise shall be within the building.

d. All outside storage areas are subject to the provisions for Outdoor Storage in Section 9.5.L..

e. The sale or rental thereof is expressly prohibited without specific approval of Motor Vehicle Sales under Section 9.4.X.

f. Automobiles to be repaired shall not be stored in view of a public road for more than 72 hours. Automobiles stored for more than 72 hours must be stored within an area screened from view from all public roads by a fence, building, and/or landscaping.

g. No more than two (2) curb-cuts shall be constructed to provide ingress and egress.

X. **Motor Vehicle Sales**

1. **Definition:** A building or premises used primarily for the sale of new or used automobiles and other motor vehicles. Examples include: New and used car sales, recreational vehicle sales, motorcycle/powersport sales, golf cart sales, and boat sales. This definition does not include bicycle sales or lawnmower sales, which will be considered “Retail”.

2. **Standards:** The following standards shall apply:

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

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

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

d. Vehicle service and repair shall be carried out in accordance with the provisions of Section 9.4.X [Minor] or Section 9.4.W [Major] above.

Y. **Motor Vehicle Fuel Establishment**

1. **Definition:** A facility providing for the retail sale, dispensing and storage of petroleum products related to the operation of a motor vehicle, and may include other accessory uses if approved in accordance with this Ordinance.

2. **Standards:** The following standards shall apply:

a. Motor Vehicle Fuel Establishments cannot be located nearer than five hundred (500) feet from any residential district or residential use.

b. For Motor Vehicle Fuel Establishments that will operate as a Truck Stop as defined in this Ordinance, such facility shall have a minimum site area of 3 acres in size and must be located on a right-of-way designated as a Major Arterial by the township and only on a parcel zoned industrial subject to a Special Land Use.

c. **Minimum Setbacks for Canopies over Pump Islands:** The setbacks of roof edges or eaves for canopies over pump islands shall be no closer than 25 feet from any property or road right-of-way line.

d. **Greenbelt and Screening Requirements:**

i. All station facilities shall be required to install a minimum 20-foot landscaped Greenbelt around the perimeter of the gas station. This Greenbelt shall be located within the first 20 feet of the property.

ii. The greenbelt shall be required to have an undulating landscaped berm along the perimeter of the site. The berm need not be continuous in its length. The berm shall not extend higher than three (3) feet and must not have a slope greater than a 1:3 ratio.

iii. The minimum required amount of landscaping for a station shall be the equivalent of a Greenbelt "C" as described in Section 11.7 of the Zoning Ordinance.

iv. All other landscaping requirements (e.g. sizes, maintenance, un-credited plant materials, etc.) set forth in Article 11 of this Ordinance shall also be required for station facilities.

e. **Site Design Standards:**

i. All building facades shall be so designed to blend in harmonious with the surrounding neighborhood. The use of horizontal siding, stone or brick veneer is required.

ii. All buildings must be oriented on the site so that service bay doors shall face away from the principle road or any residential use.

iii. Canopies shall be so designed to relate to the facade design of the main building. In no case shall the canopy extend beyond a height of 14 feet, unless approved by the Planning Commission for Motor Vehicle Fuel Establishments that will operate as a Truck Stop.

f. **Other Site Requirements:**

i. The outdoor display of merchandise is prohibited.

ii. Vending machines shall not be allowed to be located outside any building on the site.

iii. All applicable form based and Architectural requirements shall be met.

iv. Overnight parking or sleeping in vehicles is prohibited.

v. Vehicle idling and semi parking are prohibited.

g. All accessory uses including, but not limited to, retail, restaurants, car wash, or auto repair, shall require individual approvals based on the standards of this Article and this Ordinance generally.

h. **Parking Requirements:**

i. Service spaces are those spaces set aside for temporary parking of those vehicles receiving maintenance service. If automotive service is proposed at a station there shall be a minimum of two (2) parking spaces for each gas pump, plus one for each service bay.

ii. All parking spaces shall be marked and delineated in accordance with Section 10.4 of this Ordinance.

Z. **Motor Vehicle Rental Establishments**

1. **Definition:** A building or premises used primarily for the rental of automobiles and other motor vehicles. A building or premises used primarily for the renting of automobiles and other motor vehicles. Examples include: car rental, recreational vehicle rental, motorcycle/powersport rental, golf cart rental, and boat rental.

2. **Standards:** The following standards shall apply to Motor Vehicle Rental Establishments:
    a. The display of inventory shall not be carried out within any required front yard greenbelt area.
    b. All outdoor vehicle display areas shall be of an improved paved surface.
    c. Inventory display or storage shall not be carried out within areas required for visitor, employee or service parking.
    d. Service and repair shall be carried out in accordance with the provisions of Sections 9.4.V and 9.4.W

AA. **Office; General**

1. **Definition:** A use for the provision of services to customers or for administrative duties relating to an organization or business. The following uses shall not be included in this definition:
    a. Banks and Credit Unions, which shall be considered “Banks and Financial Institutions. ”Public administrative offices, which shall be considered “Government/Public Uses,”
    b. Buildings dedicated solely to offices of Institutions of Higher Education, which shall be considered “Institutions of Higher Education,”
    c. Medical offices, which shall be considered “Medical or Dental Clinics,” as defined in Section 9.4.T.
    d. Uses requiring large fabrication or testing facilities, which shall be considered “Research and Development.”
2. **Standards:** No additional standards.

BB. **Off-site Food Services**

1. **Definition:** A use for the provision of food and drinks intended for off-site consumption in quantities that are transported by one or more vehicles to the location of consumption, where the production and transportation of food and drinks is the primary activity on the parcel.
2. **Standards:** The following standards shall apply to Off-Site Food Services:
    a. On-site and on-street parking for commercial transportation trucks servicing food transportation is not permitted in V-VC, V-VF, V-TC, and V-O28 Zone Districts.

CC. **Outdoor Display and Sales**

1. **Definition:** The outdoor sale and display area of retail goods, produce, handcrafts, and the like conducted on the same lot or parcel as the primary business with which such activities are associated.
2. **Standards:** The following standards shall apply to Outdoor Display and Sales:
    a. Display/sales areas shall be located outside of drive aisles, fire lanes, or required landscape areas.
    b. Display/sales areas shall not obstruct pedestrian walkways and must provide a minimum five (5) foot pedestrian walkway.
    c. Display/sales area shall occur on an improved surface and cannot be located in a landscaped area or on a non-paved surface.
    d. Display/sales areas shall be screened from view with an opaque fence or wall at a minimum height of six (6) feet around the display/sales area, or by dense vegetation.
    e. Display/sales may only include goods and services normally sold or provided by the business.
    f. The use of vending machines, service kiosks, retail storage lockers, and other similar machines may be allowed with approval by the Planning Commission, subject to a determination that the equipment is located in a manner that minimizes its visual impact on surrounding properties and streets.

DD. **Outdoor Recreation Facilities; Private**

1. **Definition:** Outdoor uses that are designed to provide the user with the opportunity to relax, engage in athletic activity, or engage in other leisure pursuits. Examples include, but are not limited to, golf courses, archery ranges, off-road cycle tracks, courses for off-road vehicles and snowmobiles, baseball/softball facilities, and football/soccer/lacrosse fields. Shooting ranges are not allowed as Outdoor Recreation Facilities, but are permitted in accordance with the standards for Indoor Recreation Facilities.
2. **Standards:**
    a. A minimum lot area of three (3) acres.
    b. Parking areas shall be setback a minimum of thirty (30) feet from all property lines and street right-of-way. A greenbelt shall be required if parking is located less than fifty (50) feet from a property line.
    c. Front yard building setbacks shall be a minimum of one hundred (100) feet and no building or use other than parking shall be located within fifty (50) feet of any side or rear property line.

EE. **Outdoor Seating and Dining**

1. **Definition:** An area where seating is provided in association with a restaurant.
2. **Standards:** The following standards shall apply to all Outdoor Seating and Dining:
    a. Outdoor seating areas shall be permitted as an accessory use to a principal restaurant use.
    b. Outdoor dining shall not take up space designated for required parking spaces or landscaping, nor shall it block barrier free access between a required barrier free parking space and the door of the restaurant.
    c. Outdoor dining areas must be surrounded by an ornamental metal fence at least three feet high. The fence need not provide screening, but must form a clear delineation of the edge of dining area.
    d. The tables, chairs, fencing, and other aspects of the cafe shall be designed to be architecturally compatible with existing structures on the subject property.
    e. Outdoor seating shall cease operation by 10:00 p.m. Sunday through Thursday and 11:00 p.m. on Friday and Saturday.
    f. The cafe shall meet all County, State, and Federal requirements for food sales, liquor control, and other relevant regulations.

FF. **Personal Service Establishments**

1. **Definition:** A commercial use offering technical or specialized services. Examples include: Law offices, insurance agencies, engineering services, small electronics repair, Real Estate brokerages, retail dry cleaning establishments, aerobics, dance and similar studios, nail salons, and hair salons.
2. **Standards:** No additional standards.

GG. **Restaurants**

1. **Definition:** A public eating place where food is prepared and sold for immediate consumption.
2. **Standards:** The following standards apply to Restaurants:
    a. Refer to Section 9.4.K for regulations pertaining to Drive-Thru Facilities.
    b. Refer to Section 9.4.FF for regulations pertaining to Outdoor Seating and Dining.

HH. **Retail**

1. **Definition:** A commercial use that sells goods of merchandise to the public on-site. Examples include: Grocery/convenience/beverage stores, clothing/shoe/accessory stores, book/music/ video/electronics stores, hardware stores, bicycle sales, lawnmower and other small engine sales, and art galleries with art for sale.
    a. Motor Vehicle Fuel Establishments shall not be considered Retail, and shall be defined as defined in Section 3.2.

b. Real Estate Brokerages shall not be considered Retail, and shall be defined as “Services”.

2. **Standards:** Refer to Section 9.4.K for regulations pertaining to Drive-Thru Facilities.

II. **Small Equipment Repair**

1. **Definition:** A facility specializing in the repair and maintenance of small engine items and similar equipment, including but not limited to lawn mowers, chain saws, and other outdoor power equipment.

2. **Standards:** Any outdoor storage would be subject to the standards in Section 9.5.L.

JJ. **Veterinary Clinics or Animal Hospitals**

1. **Definition:** An institution that is licensed by the Michigan Department of Health to provide for the care, diagnosis, and treatment of sick or injured animals, including those in need of medical or surgical attention. A ‘veterinary clinic’ may include customary pens or cages for the overnight boarding of animals and such related facilities as laboratories, testing services, and offices.

2. **Standards:** If kenneling of animals occurs in accordance with the definition of “kennel” in this section, then approval as a kennel shall be required.

Section 9.5 Industrial Uses

A. **Contractor’s Storage Yards**

1. **Definition:** Any land or buildings where materials for construction, landscaping, or other similar activities, are stored for use off-site. Contractor’s Yards shall not be considered Outdoor Storage, and shall instead be subject to this section.

2. **Standards:** The following standards shall apply to Contractor’s Storage Yards:

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

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

c. A greenbelt shall be required along all property lines.

d. Except for visitor parking, operable vehicle parking and storage and all material storage shall be within a fenced area. Objects, substances, materials, or equipment which are not contained within a completely enclosed building shall be enclosed by an opaque fence not less than 6 feet in height.

e. Loose materials, such as mulch, gravel, or dirt, must be stored in such a way to reduce or eliminate the spread of dust or debris onto neighboring sites.

B. **Crematorium**

1. **Definition:** An establishment that is involved in the purification and reduction of human bodies by heat.

2. **Standards:** The following standards shall apply to Crematoriums:

a. **Location.** The building where the purification and reduction take place shall not be located within four hundred (400) feet of any residentially zoned parcel, or within one hundred (100) feet from a parcel zoned for commercial use.

b. **Parking.** To be determined by the Planning Commission as described in Section 10.4.F.

C. **Dry Cleaning Facilities**

1. **Definition:** An establishment for cleaning fabrics, textiles, and wearing apparel in large quantities for other businesses or industries; not including a retail dry cleaning establishment providing cleaning services to individual clients, which will be defined as a “Personal Service Establishment.”

2. **Standards:** No additional standards.

D. **Dye Processing Facilities**

1. **Definition:** A facility for the processing of dyes for cloth and other similar fabrics.

2. **Standards:** No additional standards.

E. **Manufacturing, High Intensity**

1. **Definition:** A use engaged in the creation of products, predominantly from previously prepared material of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products. A determination of High Intensity Manufacturing is made by the Zoning Administrator, where in their opinion the use could have a substantial negative impact on surrounding residents, businesses, and/or the environment, including, but not limited to, noise, dust, odor, vibration, aesthetics, truck traffic, rail traffic, structure height, environmental contamination, impact on watersheds, significant use of natural resources or public services, or causing land on neighboring properties to become unstable or unbuildable. Additionally, all manufacturing uses encompassing more than 100,000 square feet of building, or outdoor storage or operational space, shall be considered High Intensity. Appeals of determinations by the Zoning Administrator that a manufacturing use is “high intensity” shall be to the Zoning Board of Appeals.
2. **Standards:** High Intensity Manufacturing shall only be approved if the Planning Commission determines that any potential negative impacts, such as noise, dust, odor, vibration, aesthetics, truck traffic, rail traffic, structure height, environmental contamination, or causing land on neighboring properties to become unstable or unbuildable, have been sufficiently mitigated by site design. The Planning Commission may impose additional landscaping, setback, or operational requirements on a manufacturing use, through the Special Land Use process, in order to mitigate negative impacts.

F. **Manufacturing, Low Intensity**

1. **Definition:** A use engaged in the creation of products, predominantly from previously prepared material of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products. A determinization of Low Intensity Manufacturing is made by the Planning Director, when in their opinion the use does not meet the definition of High Intensity Manufacturing.
2. **Standards:** No additional standards.

G. **Motor Vehicle Disposal and Junkyards**

1. **Definition:** A place where junk, waste, discarded, salvaged or salvageable materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to, wrecked motor vehicles, used building materials and equipment and other manufactured goods that are worn, deteriorated or obsolete.
2. **Standards:** The following standards shall apply to Automobile Disposal and Junkyards:
    a. Objects, substances, materials, or equipment which are not contained within a completely enclosed building shall be enclosed by an opaque fence not less than 6 feet in height.
    b. All outdoor storage shall be located a minimum of 500 feet distant from any property residentially zoned.
    c. The outdoor storage area must be paved or must have a gravel surface determined to be durable and dust-free by the Planning Commission.

H. **Research and Development**

1. **Definition:** Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite to the conducting of basic research shall be excluded from the requirements of enclosure.
2. **Standards:** No additional standards.

I. **Mineral Resource Extraction**

1. **Definition:** Means the excavation and removal of peat, gravel, sand, clay, or other soils, including overburden, or the separation and transporting of those materials on a mining site, or the reclamation of the site after removal or excavation of materials. Exemptions from this definition are outlined below.

2. **Standards:** The following standards apply to Mineral Resource Extraction:

   a. **Purpose/Intent.** It is the intent of this Section to permit and regulate the orderly extraction, processing and utilization of mineral resource deposits of current economic importance to the township and region; to require reclamation and restoration of extraction and processing sites to a useful, environmentally stable condition; and to establish regulations and performance standards for the extraction, processing, utilization, and transport of mineral resources and products in such a manner as to ensure maximum protection to surrounding properties and the physical environment.

   b. **Districts in Which Mineral Resource Extraction is Permitted.** Mineral Resource Extraction requests are reviewed as a Special Land Use in zone districts outlined in Article 5 of this Ordinance.

   c. **Submission of Plan.** All applicants seeking approval of a Mineral Resource Extraction site shall be required to submit a Site Plan and Reclamation Plan consistent with the requirements of this Section and shall be reviewed as part of the Special Land Use. The applicant shall also submit information which establishes the following:

      i. That a valuable resource is present on the property.

      ii. That no serious traffic problems will result from the extraction.

      iii. That noise and other disruptions will not result from the extraction.

      iv. That the mineral resource extraction will not decrease the property values in the surrounding area.

   d. **Exemptions.** The following, to the extent specified herein, are exempt from the requirements of this Section:

      i. Excavation as part of the construction or alteration of a building or structure, including a swimming pool, the grading incidental to a building if a building permit is obtained prior to the commencement of excavation and/or grading incidental to a building.

      ii. Excavation in connection with normal lawn preparation and maintenance.

      iii. Excavation in connection with the construction or alteration of a street or utility improvement.

      iv. Excavation in connection with farming operations.

      v. Excavation which by nature is of limited duration; e.g. graves, septic tanks, etc., for a period of time not to exceed 15 days.

      vi. Regrading of property for aesthetic purposes that does not affect existing drainage, if no material is removed from the property.

   e. **Development Standards.** All mineral resource extraction sites shall conform to the following development standards:

      i. No excavation shall be made closer than 200 feet from a residential property or any public right-of-way or 50 feet from any abutting or adjoining non-residential property.

      ii. A mineral resource extraction site shall maintain the required lot frontage of the zone district in which it is located.

      iii. The tops of all open excavations shall be enclosed by a fence erected and maintained at least 25 feet outside the excavation. Such fence shall not be less than six feet in height and shall effectively control access to the site.

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

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

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

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

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

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

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

f. **Plan Requirements.** Mineral resource extraction plans shall conform to the site plan requirements contained in Article 14 in addition to the following requirements:

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

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

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

iv. Work depths must be identified.

v. Overburden and debris disposition areas must be identified.

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

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

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

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

g. **Performance Standards.** The Township may require performance standards where, because of peculiar conditions, it deems them necessary for the protection of the health, safety, morals and well-being of the residents of the Township. These performance standards may be measures to control dust, noise, visual screening, water standards, vibration, storm drainage, and flooding, in addition to any other standards the Township deems necessary.

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

i. Final contours, at two foot or less contour intervals, of the site after restoration. The banks of all excavation sites shall be sloped at a grade of not less than 2.5 feet horizontal to 1 foot vertical.

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

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

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

v. Phasing diagram(s) for reclamation.

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

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

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

i. **Financial Guarantee.** The Township may require the posting of a financial guarantee consistent with Section 14.3 of this Ordinance.

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

J. **Mini-Warehouses and Self-Storage Facilities**

1. **Definition:** A building or group of buildings, each of which contains several individual storage units, each with a separate door and lock and which can be leased on an individual basis. Mini-warehouses are typically contained within a fenced, controlled-access compound. Also known as self-storage facilities.

2. **Standards:** The following standards shall be applicable to Mini-Warehouses/Seft-Storage Facilities:

a. **Location.** Cannot be located within 200 feet of any residential district or use.

b. **Lot Area.** The minimum lot size for mini-warehouses and portable storage units shall be three (3) acres.

c. **Permitted Use.** Mini-warehouse establishments shall provide for storage only. All such storage must be contained within an enclosed building. Use of semi-trailers for storage is prohibited. Portable storage units for lease or rent shall not be used for storage on the rental site. Electrical service, except for lighting, is prohibited within storage units.

d. **Hours of Operation.** The hours of operation of the facility must be approved by the Planning Commission.

e. **Resident Manager.** Subject to Planning Commission approval, a resident manager may be permitted on the site for the purposes of maintaining the operation of the facility in conformance with the conditions of the approval.

K. **Motor Vehicle Repair, Industrial**

1. **Definition:** An enclosed building where repair services for industrial vehicles may be carried out such as general repairs and maintenance, engine repair and re-building, collision services such as body, frame, or fender straightening and repair, refinishing and painting of vehicles, steam cleaning, or other repair or refurbishing activity. Vehicles allowed under this definition do not include vehicles with less than three (3) axles or any vehicle class five (5) or lower on the Federal Highway Administration's Vehicle Classification Definitions.

2. **Standards:** The following standards shall apply to Industrial Motor Vehicle Repair:

a. All repair, lubrication, and service work shall be done within an enclosed building.

b. All storage and display of equipment, materials and merchandise shall be within the building.

c. All outside storage areas are subject to the provisions for Outdoor Storage in Section 9.5.L.

d. The sale or rental thereof is expressly prohibited.

e. Industrial Motor Vehicle to be repaired shall not be stored in view of a public road for more than 72 hours. Any storage for more than 72 hours must be stored within an area screened from view from all public roads by a fence, building, and/or landscaping.

f. Above-ground tanks for the storage of gasoline, liquefied petroleum gas, or other flammable liquids or gas are not permitted.

g. No more than two (2) curb-cuts shall be constructed to provide ingress and egress.

L. **Outdoor Storage and Display**

1. **Definition:** The keeping of industrial or commercial materials or equipment. Also, the conducting of manufacturing, deconstruction, or other industrial processes, outside of an enclosed structure.

2. **Standards:** The following standards apply to Outdoor Storage:

a. The location of Outdoor Storage shall comply with the minimum setbacks in the underlying zone district for the principal structure.

b. Buffering of Outdoor Storage shall apply when adjacent to non-industrial zone districts.

c. Objects, substances, materials, or equipment which are not contained within a completely enclosed building shall be enclosed by an opaque fence not less than 6 feet in height.

d. All outdoor storage shall be located a minimum of 500 feet distant from any residential zone district.

e. The outdoor storage area must be paved or must have a gravel surface determined to be durable and dust-free by the Planning Commission.

M. **Outdoor Storage of Commercial and Recreational Vehicle**

1. **Definition:** The keeping of vehicles associated with a commercial establishment or the storage of recreational vehicles, boats and off-road vehicles, not for sale or resale.

2. **Standards:** The following standards apply to the Outdoor Storage of Commercial & Recreational Vehicles:

a. They must be stored in a dedicated area, in straight, neat lines, with safe and efficient ingress and egress. The dedicated area must be fenced in, and shall not be permitted within the required front setback.

b. They may not be stored in required parking spaces.

c. They must be operable and licensed.

d. The vehicle storage area must be paved, or must have a gravel surface determined to be durable and dust-free by the Planning Commission.

N. **Printing and Publishing Facilities**

1. **Definition:** Facilities devoted to the processing of large-scale printing operations, which may also include the binding of books and pamphlets for large scale distribution.

2. **Standards:** No additional standards.

O. **Solid Waste Facilities**

1. **Definition:** A premises on which deposits of solid refuse are dumped, shaped, covered with topsoil, and built into permanent landforms, such as hills.

2. **Standards:** The following standards shall apply to Solid Waste Disposal Facilities:

a. **General Requirements.**

i. **Design and Operation Standards.** Any such use shall conform to current standards established by the U. S. Environmental Protection Agency, the Michigan Department of Environment, Great Lakes, and Energy and other applicable or successor regulatory agencies.

ii. **Environmental Impact Assessment.** An environmental impact assessment shall be prepared and submitted to the Township Board for review and approval.

b. **Landfills and Dumping.**

i. **Intent.** These regulations are established to control the storage, piling, placing, or dumping of garbage, sewage, refuse, trash, debris, rubbish, or other waste in the Township, including landfills.

ii. **Scope of Application.** No person shall pile, place, store, dump, bury, dispose of, or keep in open containers on any land within the Township any garbage, sewage, refuse, trash, debris, rubbish, or other solid waste, including cans, bottles, wastepaper, cartons, boxes, crates, or other offensive or obnoxious matter, except in strict conformity with the provisions of this Ordinance. In no instance shall any landfill, dump, parcel of land, or other facility be used for the disposal of gasoline, tanks containing gasoline, or hazardous substances, unless the landfill is specifically licensed to accept such material.

iii. **Permit Requirements for Landfills and Dumping.**

(1) **Issuance.** A permit shall be required in all instances where landfill or dumping activity is proposed in the Township.

(2) **Review Procedures.** Applications for landfill or dumping permits shall be reviewed in as a Special Land Use in accordance with Section 14.8. Permits for such uses shall be issued by the Township Board for a one-year period. Permits may be renewed for one-year periods unless the owner or operator violates any conditions of approval.

(3) **Performance Guarantee.** To ensure conformance with the requirements specified herein, the Township may require the applicant or owner to provide a performance guarantee. The performance guarantee shall be held in escrow and may be released to the applicant in proportion to the work completed on the various restoration activities, provided an inspection report has been submitted to the Township Engineer and approved by the Township Board. No more than ninety percent (90%) of the performance guarantee shall be returned until all work has been completed and inspected. The amount of the performance guarantee shall be reevaluated on an annual basis when the permit is renewed to ensure that it is adequate to complete the project as proposed, based on current construction costs. The Township Board may approve a performance guarantee that covers less than the total site, provided that no excavation or dumping may take place in an area until a performance guarantee has been submitted to assure proper completion of the activities proposed for the area.

iv. **Application Requirements.** The following information shall be provided on an application for a landfill or dumping permit:

(1) **Aerial Photography.** Vertical aerial photographs of the site, enlarged to a scale of one-inch equals 200 feet. The aerial photograph shall include all land included in the application, all contiguous land which is proposed to be used or has been used by the owner or operator, and all surrounding public roads.

(2) **Survey.** A metes and bounds survey of the subject site, prepared by a registered land surveyor and drawn to a scale of one-inch equals 200 feet. The survey shall include the boundary of the entire site and topography of the site at two-foot contour intervals.

(3) **Engineering Report.** An engineering report by a qualified soil scientist, soils engineer, or geologist regarding the effect of the proposed operation on the watershed of the area. Particular attention should be focused on the potential pollution or contamination of groundwater.

(4) **Master Plan.** A detailed plan for the landfill, including a timetable for various stages of

the operation. A specific timetable for dumping and restoration shall be included with each annual permit request.

(5) **Restoration Plan.** A detailed restoration plan indicating how the area will be re-used in a manner compatible with the Township Master Plan. The restoration plan shall include the proposed use of the restored area and the proposed topography drawn at two-foot contour intervals.

(6) **Operating Specifications.** A detailed description of operating procedures shall be approved by the Planning Commission

(7) **Standards.** All landfill and dumping activity shall be subject to the following standards:

(8) **Minimum Lot Area.** A landfill shall require a minimum lot area of 320 acres.

(9) **Limits of Approval.** All landfill and dumping activities shall be carried on within the boundary limits approved for such activities.

(10) **Setbacks.** Landfilling, dumping, and stockpiling shall not be conducted closer than 100 feet to the approved outer boundary for the operation, and not closer than 1,000 feet to any property line that abuts a residentially zoned or used district. The required setback area may be used only for access roads and greenbelt plantings and landscaping. All equipment for sorting, processing, storing, weighing, and other operations shall be located at least 300 feet from any public street right-of-way line or adjacent property line.

(11) **Noise, Dust, Debris.** All processing equipment and activities and all storage areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive noise, dust, debris, or other impacts beyond the property line. Any trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.

(12) **Road Treatment.** All private access roads shall be paved or treated to create a dust-free surface. The operator shall work with the Township to minimize dust on public access roads serving the site.

(13) **Frontage and Access.** The subject site shall have a minimum frontage of 250 feet on county primary road or state highway.

v. **Parking.** To be determined by the Planning Commission as described in 10.4.F

(1) **Fencing.** Landfill and dumping operations shall comply with the following fencing requirements:

(a) Where slopes steeper than 30 degrees exist for a period of one month or more, the proposed operation shall be enclosed with a six-foot high cyclone fence or similarly effective barrier located at least 50 feet outside the edge of the excavation area.

(b) Where collection of water greater than one foot in depth occurs for a period of one month or more in an area occupying 200 square feet or more, fencing shall be required as previously noted.

(c) **Slopes.** Finished slopes shall not exceed a four to one grade (4 feet horizontal per 1 foot vertical). These requirements shall be complied with as each phase of the excavation or dumping proceeds. The finished slopes shall be achieved within 12 months after work has begun on any section.

(d) **Topsoil and Seeding.** Sufficient topsoil shall be stockpiled so that a minimum of two feet of topsoil will be placed on the top of the finished operation. The topsoil shall be planted immediately with grass or other groundcover, subject to approval by the Township Board.

(e) A ten-foot-high berm with side slopes of no greater than four on one grade shall be required around any active cell which is adjacent to a road or exterior property line. This requirement may be waived when the existing topography acts as a natural berm.

P. **Stock Yards, Slaughter House, and Meat Processing**

1. **Definition:** Stock Yards, Slaughter House, and Meat Processing are uses intended to be an accessory use to a principal agricultural farm and are defined as follows:
   a. **Stock Yard.** Means a fenced area where livestock is kept.
   b. **Slaughter House and Meat Processing.** A facility where animals are slaughtered, and where processing and packaging can occur.
2. **Standards:** The following standards apply to all Stock Yards, Slaughter House, and Meat Processing facilities:
   a. These facilities are only permitted as an accessory use to an existing farm in the FP Zone District.
   b. Any facility shall be no less than five hundred (500) feet from any residential or commercial district.

Q. **Transportation and Logistics**

1. **Definition:** A use primarily for loading and unloading trucks.
2. **Standards:** No additional standards.

R. **Truck and Trailer and Heavy Equipment Sales, Leasing and Rental**

1. **Definition:** A facility that engages in the sale, rental and/or service of vehicles and other apparatus commonly used in commercial, industrial or construction operations, but shall not include a "Contractor's Storage Yard."
2. **Standards:** The following standards shall apply to Motor Vehicle Rental Establishments:
   a. Shall not be less than five hundred (500) feet from any residential district.
   b. The display of inventory shall not be carried out within any required front yard greenstrip area.
   c. A greenbelt shall be required along all property lines.
   d. All outdoor vehicle display areas shall be of an improved paved surface.
   e. Inventory display or storage shall not be carried out within areas required for visitor, employee or service parking.
   f. Repair of vehicles shall be done within a totally enclosed building.

S. **Truck Terminals**

1. **Definition:** A facility used for the storage and dispatch of larger scale vehicles including but not limited to semi-trailers, waste haulers, cement trucks, tow trucks, and busses. This may include facilities used to receive, sort, transfer and ship freight; and may include vehicle maintenance, repair and fueling to service the fleet.
2. **Standards:** The following standards are applicable to Truck Terminals:
   a. Shall not be less than five hundred (500) feet from any residential district.
   b. A minimum lot size of three (3) acres
   c. The minimum setback for use and structures other than employee and customer parking shall be 100 feet from the street right-of-way and 50 feet from side or rear property line.
   d. A greenbelt shall be required along all property lines.
   e. Repair of vehicles shall be done within a totally enclosed building.
   f. The storage of vehicle parts or inoperable vehicles shall be done within an enclosed building.

g. Except for visitor parking, operable vehicle parking and storage and all material storage shall be within an area surrounded by an opaque fenced.

T. **Warehouse**

1. **Definition:** A building used primarily for storage of goods and materials.
2. **Standards:** No additional standards.

U. **Wholesale**

1. **Definition:** On-premise sales of goods primarily to customers engaged in the business of reselling the goods.
2. **Standards:** No additional standards.

Section 9.6 Other Uses

A. **Cemeteries**

1. **Definition:** Land used for the burial of the dead, and which may including a columbarium, crematory, and mausoleum.
2. **Standards:** The following shall apply to the establishment of new cemeteries or expansion of existing cemeteries:
   a. **Location.** No portion of any cemetery that is located in a wetland or within the 100-year flood boundary shall be developed or platted for grave sites.
   b. **Accessory Buildings.** A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which plan shall be subject to Planning Commission review.
   c. **Setbacks.** No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than one hundred (100) feet to the boundary line of any residential or commercial district. A crematorium located within a cemetery shall be set back a minimum of four hundred (400) feet from the boundary line of any residential district, or within one hundred (100) feet from a parcel zoned for commercial use.
   d. **Location of Entrances.** Entrances to cemeteries shall be from a major or secondary thoroughfare, and shall be designed to minimize traffic congestion.
   e. **Parking.** To be determined by the Planning Commission as described in Section 10.4.F.
   f. **Maintenance.** A facility maintenance plan shall be required as part of the cemetery master plan that outlines short-term and long-term maintenance for the site.
   g. **Private Cemeteries.** Private cemeteries, that are not maintained by a religious institution, must be approved by the State of Michigan and Kent County, prior to Township approval.

B. **Cultural and Governmental Services**

1. **Definition:** A facility dedicated to the use by the public or government operations. County, State, or Federal Offices, police and fire stations, and other buildings used by the public or government. Exceptions: Schools, public or private, public recreational facility buildings shall be defined as described and shall not be considered Cultural and Governmental Services.
2. **Standards:** No additional standards.

C. **Institution of Higher Education**

1. **Definition:** An institution that provides full-time or part-time education beyond high school. Examples include: Universities, community colleges, vocational schools, including cosmetology and truck driving, and art schools.
2. **Standards:**

a. **Parking.** To be determined by the Planning Commission as described in Section 10.4.F.

D. **K-12 Schools, Public**

1. **Definition:** A facility established in accordance with The Revised School Code of the State of Michigan that provides a curriculum for Kindergarten through High School instruction. Accessory uses, such as gymnasiums, athletic fields, and cafeterias, shall be considered part of the K-12 School.
2. **Standards:** No additional standards.

E. **K-12 Schools, Private**

1. **Definition:** An educational facility not established in accordance with The Revised School Code of the State of Michigan that provides a curriculum for Kindergarten through High School instruction. Accessory uses, such as gymnasiums, athletic fields, and cafeterias, shall be considered part of the K-12 School.
2. **Standards:**
   a. **Parking.** To be determined by the Planning Commission as described in Section 10.4.F.

F. **Parking Lot, without principal structure or use**

1. **Definition:** A lot used for the temporary storage of automobiles, for not more than 24 consecutive hours, and which has no other principal use on the lot.
2. **Standards:** The following standards shall apply to Parking Lots as defined in this section:
   a. Shall not have a principal structure. May have an accessory structure for an attendant constructed of materials consistent with surrounding buildings.
   b. Shall only be used for the short-term parking of cars.
   c. Commercial repair work shall not occur in any parking lot.
   d. Parking lots shall be set back a minimum of 10 feet from any street fronting property line. The Planning Commission may reduce this setback to 5 feet if a 4-foot-high masonry wall is erected along the street-fronting property line.
   e. Parking lots shall be set back a minimum of 10 feet from side or rear property lines. This setback may be reduced by the Planning Commission.
   f. Parking lots shall meet all applicable landscape requirements of this Ordinance.
   g. Parking lots shall have at least one pedestrian entrance along all road frontages. The Planning Commission may determine that the automobile entrance is sufficient for a given frontage, but may not waive the requirement to have an entrance on all frontages.
   h. Special Land Use Approval for parking lots as a principal use with no other principal structure shall only be approved if the Planning Commission determines the parking lot is necessary to support nearby uses and the parking lot will not negatively impact the surrounding area.

G. **Parking Garage**

1. Definition: A structure or a part or a structure used exclusively for the parking or storage of motor vehicles.
2. Standards: The following standards shall apply to Parking Garages as defined in this section:
   a. Shall be primarily used for parking cars.
   b. Shall be a minimum of 2 stories above grade, but may also include levels below grade.
   c. All stories shall be designed to screen the parked vehicles from view along all streets.
   d. A parking structure in a building with non-parking uses above the first story shall be subject to the requirements of the building type that most closely matches the proposed design, rather than these requirements.

e. A parking structure shall be incorporated with the primary use on the site. In no instance shall a parking structure be located between any public street and a building.

f. Garage doors and associated driveways shall be located to minimize safety hazards to pedestrians and to ensure safe turning movements for entering and exiting cars.

g. Shall be designed aesthetically to complement the surrounding area, in the opinion of the Planning Commission.

H. **Personal-Scale Wind Energy Facility**

1. **Definition:** Any wind energy conversion systems or wind powered generators intended for personal use.

2. **Standards:** See provisions Section 4.20.

I. **Public Parks and Open Space**

1. **Definition:** Areas for passive and/or active recreational uses that either 1) require constructed facilities for organized activities including playing fields, playgrounds, and ball courts, or 2) include areas for recreational leisure related to the natural environment. Accessory uses may include group picnic facilities, pathways, restrooms, parking lots, and similar facilities.

2. **Standards:**

a. **Parking.** To be determined by the Planning Commission as described in Section 10.4.F.

J. **Public Utility and Essential Services Facilities**

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

2. **Standards:** The following standards shall apply to Public Utility and Essential Services Facilities:

a. It shall be lawful for public utilities, municipal departments or commissions to erect, construct, alter or maintain defined essential services, but not including buildings reasonably necessary for the furnishing of adequate services by such public utilities or municipal departments or commissions for the public health and safety, and general welfare of the public anywhere in the Township.

b. The Township Board is granted the power to permit any public service corporation contemplated in the foregoing paragraph, to erect and use a building or an addition to an existing building or a structure for the aforesaid public utility purposes in any district and to permit such building at greater height or of a greater area than the district requirements herein established; provided such Board shall find such use, height, area, building structure or use is designed, erected and landscaped to conform harmoniously with the general architecture and plan of such district.

K. **Religious Institutions**

1. **Definition:** A building wherein persons regularly assemble for religious worship or services and which is maintained and controlled by a religious body, group or organization organized to sustain religious worship, services or works together with all accessory buildings and uses customarily associated with such primary purpose.

2. **Standards:** The following standards shall be applicable to Religious Institutions:

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

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

c. Religious Institutions shall also be required to install greenbelts according to Section 11.7 of this Ordinance.

L. **Solar Energy Systems**

1. **Definition:** Solar Energy Systems are systems that use sunlight's effects to generate electricity, heat, daytime cooling, nighttime cooling, water, and/or other useful benefits. Solar energy systems may also contribute to building integrity. For purposes of this Section, Solar Energy Systems are further defined as the following Solar Energy Facilities:

   a. **Rooftop or Wall-Mounted Solar Facilities.** Rooftop Solar Facilities are solar energy systems mounted to rooftops and walls respectively. Both are mounted or integrated into a pre-existing building as either a primary or accessory building, where the panels are attached directly to the roof or wall of a pre-existing building (either a principal building or an accessory building). A building may also be constructed in order to support a rooftop Solar Facility, provided that the building meets the definition of "building" in this ordinance and that the building has a clear purpose other than supporting the solar panels.

   b. **Freestanding Private Solar Facilities.** Freestanding Private Solar Facilities are solar energy systems supported or integrated into a purpose-built structure that does not meet the definition of "building" in Section 3.2 and where there is a principal use of the property other than the solar energy system, and where the solar energy facility is designed to produce energy to primarily power the principal use of the property, not for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

   c. **Freestanding Community Solar Facility.** A Freestanding Community Solar Facility is a type of Freestanding Accessory Solar Facility which produces a net energy output for a group of lots located within Cascade Township for purposes of offsetting those specific lots' energy consumption, not for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

   d. **Freestanding Commercial Solar Facilities.** Freestanding Large Accessory Solar Facilities are Solar Energy Systems supported or integrated into a purpose-built structure that does not meet the definition of "building" in Section 3.2 and where there is a principal use of the property other than the Solar Energy System, but where the Solar Energy System is designed for commercial resale of energy to the broader electrical grid.

   e. **Freestanding Utility Solar Facilities.** Freestanding Commercial Principal Solar Facilities are Solar Energy Systems supported or integrated into a purpose-built structure that does not meet the definition of "building" in Section 3.2 and where there is no principal use of the property other than the Solar Energy System.

2. **Standards:** The following standards apply to all Solar Energy Systems.

   a. **Purpose and Intent.** In order to preserve the prosperity of the community, the natural, rural beauty of the Township, the viability of the Township's farmland, the precious ecosystems contained within the Township, and the health, safety, and welfare of the Township's residents, the regulations of this section shall govern the development of Solar Energy Facilities within Cascade Township.

      i. Local safe, clean and cheap renewable energy is important for competitiveness and prosperity within Cascade Township. Growing these energy sources offers many synergies to bring other benefits to health, safety, resilience and welfare of the local economy, food systems, power systems, community, and the ecosystem. However, these large-scale and local positive impacts should be regulated with a desire to support Cascade Township's unique rural aesthetic and cultural character.

ii. On-site solar energy systems provide increased power resilience for the health and safety of households as well as employment and community economic benefits. Generally, Solar Energy Facilities are supported to enhance sites with an existing primary use. Cascade Township's zoning regulation will bring these benefits and support our unique character.

iii. It is recognized that Solar Energy Facility projects can be done poorly with few benefits to agriculture, the wider community or Cascade Township's unique character. But if done well, these projects can bring direct benefits to farming resilience, longevity and profitability as well as bring in financial, employment, food security, food variety, increased parkland and ecosystem health to the wider community. Cascade Township's zoning regulations will bring these benefits and support the health and safety of the community and its unique character.

b. **Rooftop and Wall-Mounted Solar Facilities** shall be subject to the following regulations:

i. Roof mounted systems shall not cause the structure they are attached to exceed the maximum allowable height in the zone district they are located within.

ii. Roof-mounted installations may not protrude beyond the edge of the roof. Wall-mounted installations shall not encroach into a required setback.

iii. Any and all solar equipment must comply with State of Michigan building codes, the National Electric Code, and the National Electric Safety Code.

iv. An applicant for a Rooftop or Wall-Mounted Solar Facility may request deviations from the above standards of this section as part of an Administrative Site Plan review, and may be authorized by the Planning Director upon a finding that the deviation does not negatively impact the health, safety or welfare of neighboring properties or the Township and may forward the request to the Site Plan Review Committee for approval at their discretion.

c. **Freestanding Private Solar Facilities** shall be subject to the following regulations:

i. Solar panels and other structures associated with the solar energy system shall be setback a minimum of 100 feet from the front property line. An exception to this setback can be approved by the Planning Director for Solar Energy Systems as part of a fence, provided that the proposed Solar Energy System does not negatively impact the health, safety or welfare of neighboring properties or the Township and may forward the request to the Planning Commission for approval at their discretion.

ii. Solar panels associated with a private solar facility shall not be subject to the requirements of Section 4.2 shall not count towards the maximum number of accessory buildings on a lot, and shall not count towards the maximum allowable lot coverage on a given lot.

iii. All Solar Energy Systems and associated structures shall be set back at least 20 feet from all lot lines and at least 10 feet from any other structure. Exceptions to the separation from structure requirement are structures normally connected with Solar Energy Systems including pergola, arbor, covered walkways or attached garages.

iv. No more than 20% of any lot may be covered by a Freestanding Private Solar Facility. This percentage shall be measured as the horizontal footprint as viewed from overhead at solar noon on the winter solstice.

v. In the R-1, and R-2 Districts, the height of the solar panels and any mounts shall not exceed 10 feet when oriented at maximum tilt. In all other districts, the height of the solar panels and any mounts shall not exceed 15 feet when oriented at maximum tilt.

vi. No solar panels shall be located within the boundaries of a wetland delineated by the State of Michigan.

vii. All electrical lines constructed to conduct energy from the solar panels shall be buried underground.

viii. Any and all solar equipment must comply with State of Michigan building codes, the National Electric Code, and the National Electric Safety Code.

ix. An applicant for a Freestanding Private Solar Facility may request deviations from the above standards from the Planning Commission, upon demonstration that no conforming location on their lot would allow the solar facility to output sufficient energy for the needs of the principal use of the lot.

d. **Freestanding Community Solar Facilities** shall be subject to the following regulations:

i. Solar panels and other structures associated with the solar energy system shall be setback a minimum of 100 feet from the front property line.

ii. All Solar Energy Systems shall be set back at least 20 feet from all lot lines and at least 10 feet from any other structure.

iii. The height of the solar panels and any mounts shall not exceed 15 feet when oriented at maximum tilt.

iv. The useful life of the equipment shall be included in the application.

v. If contiguous lots desire to participate in a direct connection bypassing the public energy grid, this shall be identified in the application to the Township for Community Solar Facility along with the means of connecting them in a closed electrical system. The agreement between the property owners to participate in said connection must be submitted to the Township and recorded with Kent County.

vi. No solar panels shall be located within the boundaries of a wetland delineated by the State of Michigan.

vii. An attempt shall be made to bury all electrical lines constructed to conduct energy from the Solar Energy Systems underground. In instances where this is not practical, all electrical lines constructed to conduct energy from the solar panels shall comply with best practices and with State of Michigan building codes, the versions of the National Electric Code, and the National Electric Safety Code version and revisions adopted by the State of Michigan.

viii. Any and all solar equipment must comply with State of Michigan building codes, the National Electric Code, and the National Electric Safety Code.

ix. An applicant for a Freestanding Community Solar Facility may request deviations from the above standards from the Planning Commission, upon demonstration that no conforming location on their lot would allow the solar facility to output sufficient energy for the needs of the group of lots it is intended to provide energy to.

e. **Freestanding Commercial Solar Facilities** shall be subject to the following regulations:

i. Solar panels and other structures associated with the solar energy system shall be set back at least 50 feet from any property line and at least 10 feet from any other structure. If the solar energy system is proposed over an existing parking surface area, then the system shall be set back 20 feet from any property line.

ii. The height of the solar panels and any mounts shall not exceed the maximum allowable height for principal buildings in the zone district where the solar panels are located.

iii. The useful life of the equipment shall be included in the application.

iv. Freestanding solar panel arrays shall not count towards the maximum lot coverage for a given lot. Accessory structures containing solar energy equipment other than solar panel arrays shall count towards the maximum lot coverage for a given lot.

v. No solar panels shall be located within the boundaries of a wetland delineated by the State of Michigan.

vi. All electrical lines constructed to conduct energy from the solar panels shall be buried underground.

vii. The requirements for outdoor storage found in Sections 9.5.L.2.(a-e)

viii. Any and all solar equipment must comply with State of Michigan building codes, the National Electric Code, and the National Electric Safety Code.

f. **Freestanding Utility Solar Facilities** shall be subject to the following regulations:

i. **Definition of "Participating" and "Non-Participating":** As used in this Section, the following terms shall have the following meanings:

(1) **Participating Lot:** A lot where the landowner has leased land to the solar applicant, OR a landowner that has any other written and signed agreement with the solar applicant with regard to the Freestanding Utility Solar Facility, including "good neighbor" agreements and other agreements that do not necessarily allow the placement of solar panels on the lot.

(2) **Non-Participating Lot:** Any lot that does not meet the definition of "Participating Lot" in the above subsection.

ii. **Setbacks.** All solar panels and other structures associated with the Freestanding Utility Solar Facility shall meet the following minimum setback requirements.

(1) From a lot line abutting a participating lot: 10 feet

(2) From a lot line abutting a lot that is not participating in the solar project, is greater than 5 acres in area, and does not contain a residential dwelling unit: 50 feet

(3) From a lot line abutting a lot that is not participating in the solar project, is less than 5 acres in area, or does contain a residential dwelling unit: 200 feet

(4) From a public or private roadway: 50 feet, or the required front setback for the zone district in question, whichever is greater.

iii. **Height:** The height of the solar panels and any mounts shall not exceed 20 feet when oriented at maximum tilt.

iv. **Parking.** To be determined by the Planning Commission as described in Section 10.4.F.

v. No solar panels shall be located within the boundaries of a wetland delineated by the State of Michigan.

vi. **Landscaping, Ground Cover, and Buffering.** The following requirements must be met for all Freestanding Utility Solar Facilities:

(1) The following screening requirements must be met along all property lines meeting the following criteria:

(a) The adjacent parcel is non-participating.

(b) The adjacent parcel contains one or more residential dwelling units OR the adjacent parcel is under 5 acres in area.

(2) When landscape screening is required, it may be planted anywhere within the required setback, and shall meet the following requirements:

(a) Evergreen trees, planted in a staggered double row designed to form a dense visual screen while still allowing for healthy development of the trees. The trees must be at least 6 feet in height at the time of planting in all areas where the solar panels will be visible from a residence (in the opinion of the Township Board), and at least 4 feet in height at the time of planting in all other areas.

(b) The required evergreen trees shall be a mixture of some or all of the following species: White Cedar, White Pine, Colorado Blue Spruce, Norway Spruce, Black Hills Spruce, and White Spruce. The applicant must submit a description of the height and spread of each proposed species at maturity, as well as an estimated timeline for each species to reach maturity.

(c) The Township Board shall determine at the time of approval whether the proposed plantings constitute a “dense visual screen” at the time of planting and whether the design also allows for the “healthy development of the trees.” The Township Board may require additional plantings, or other design changes to the landscape plan, as a condition of Special Land Use Approval. In making their determination, the Township Board may request the opinion of a landscape architect, arborist, or other expert, with costs to be paid by the applicant.

(3) **Existing Trees and Woodlands:** Existing trees shall be preserved within areas where screening is required. The Approval Authority may waive or alter Subsection ii above upon determining that existing foliage on a participating lot provides a sufficient screen from neighboring residential uses (foliage on non-participating lots shall not count for screening requirements). If existing foliage is permitted to count for screening requirements, the Freestanding Utility Solar Facility owners shall be responsible for the maintenance of the existing foliage, including compliance with Subsection iv., and the planting of new landscaping to replace any areas that no longer form a sufficient screen due to death, disease, or destruction of plants.

(4) **Ground Cover:** Between the solar panels, the ground must be covered by natural vegetation which may include, but is not limited to:

(a) Native Grasses, including, but not limited to bluestem, sedge, and bottlebrush.

(b) Grazing Grasses, including, but not limited, to switchgrass, gamma, and Indiangrass, and other grazable grasses.

(c) Pollinator Habitat, including, but not limited to, sunflower, milkweed, and black-eyed Susan.

(5) **Maintenance:** All plantings shall be installed in a design that supports their long-term health and vitality. All plantings shall be maintained in a sound health and vigorous growing condition. The Township may require dead, diseased, damaged, or destroyed species within the required setback area to be replaced with new plantings. The new plantings must comply with this Ordinance and must result in an overall landscape screen that complies with this Ordinance.

vii. **Noise.** Noise emanating from solar panels or other structures associated with the solar facility shall not exceed 55 decibels (dB), as measured at any residence on a non-participating lot.

viii. **Drainage.**

(1) Prior to approval of the Special Use permit by the Township Board, the Freestanding Utility Solar Facility applicant must obtain written confirmation from the Township Engineer that stormwater drainage will not be impacted, or that any impacts will be mitigated without negative impacts on any nearby lots (participating or non-participating).

(2) Any damage to underground drainage tiles, or other stormwater infrastructure or County Drains caused during the installation of the Freestanding Utility Solar Facility shall be repaired by the Freestanding Utility Solar Facility owner within 90 days of discovery of the damage. The Township Board may extend this deadline upon determination that the Freestanding Utility Solar Facility owner has made good faith progress towards the repair.

ix. **Glare.** The exterior surfaces of solar panels shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring dwellings or onto adjacent roads.

x. **Fencing.** Clusters of solar panels shall be surrounded by a six-foot-high fence with self-locking gate. The fence shall not be subject to setback requirements. The design of the fence must be approved by the Township Board, and no design other than the approved design shall be installed.

xi. The Freestanding Utility Solar Facility must be designed and operated to allow sufficient access for public safety vehicles in the event of an emergency, in the opinion of the fire department with jurisdiction.

xii. All power transmission lines and other utility wires within the project boundary shall be located underground.

xiii. If the land on which the Freestanding Utility Solar Facility is proposed is to be leased, rather than owned, by the Freestanding Utility Solar Facility operator, all lots within the Freestanding Utility Solar Facility project boundary shall be included in a recorded easement, lease, or consent agreement specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the Freestanding Utility Solar Facility operator and the affected parties shall be in place prior to commencing construction, unless specified otherwise by the special use permit conditions.

xiv. There shall be maintained a current general liability policy covering bodily injury and property damage (including damage to public roadways and non-participating properties) with limits of at least $1 million per occurrence and $1 million in the aggregate. The insurance policies shall be reviewed by the Township every five years, and the Township Board may require increases to the policy limits.

xv. The removal of a Solar Energy Facility and associated equipment, materials, and/or stored materials shall be removed, by the owner of the solar panels. The removal process for Freestanding Utility Solar Facilities shall be consistent with the process for abandonment of described in Section 22.55.H. All decommissioned materials must be removed from Cascade Township within 1 month of the completion of the removal process. No permanent storage or disposal of decommissioned solar panels or related equipment shall be permitted in the Township. Solar Energy Facilities deemed to be abandoned are subject to the provisions of Section 22.55.I.

xvi. No Freestanding Utility Solar Facility shall be installed until evidence has been given to the Township that the electric utility company has agreed to an interconnection with the electrical grid or a power purchase agreement. The agreement must be submitted to the Township prior to construction.

xvii. The owner of the solar energy system shall submit, as part of the Special Use application, written documentation that the proposed project has a valid interconnection application in process with the regional or local transmission provider. Off-grid systems shall be exempt from this requirement. The Special Use application shall not be approved without the required documentation. A copy of the approved interconnection agreement must be submitted to the Township prior to the start of construction.

xviii. **Change in Ownership.** A written request must be submitted to the Zoning Administrator at least sixty (60) days prior to the change in ownership. The written request shall include all contact information for the new ownership individual or entity and the date the change in ownership shall take effect. In all instances, the new owner shall comply with the annual report requirement in Section 9.5.L.B.10 and shall keep any performance bond current.

g. **Required Application Information.** Freestanding Utility Solar Facilities shall be required to submit all information listed below as part of the Special Use application. The Township may seek the advice and consultation of third-party experts to review the information listed below, and may require the applicant to submit funds to cover the cost of the expert review.

i. All information required for Special Use Approvals, as described in Section 14.8, including, but not limited to, owner contact information, a complete Site Plan, stormwater drainage information, and a comprehensive landscape plan.

ii. Operational information, including power output, safety/security provisions, interconnection to transmission grid, lighting, potential telecommunications interference, and projected number of permanent jobs created in Cascade Township.

iii. Construction information, such as timeline, phasing, potential expansions, construction traffic/truck routes, temporary access roadways, and temporary construction jobs created.

iv. Leases (and/or other agreements) for all participating parcels. Personal identifying information and financial information may be redacted.

v. Visual renderings of the proposed Freestanding Utility Solar Facility, as seen from all public roadways and non-participating parcels where the Freestanding Utility Solar Facility will be visible. Landscaping should be shown as it will appear at the time of planting, and as it is projected to appear 5 years after completion of construction.

vi. A list of required approvals from County, State, and/or Federal entities with jurisdiction, and a description of the status of each approval. Proof of approval must be submitted prior to construction.

vii. Information on hazardous waste storage, including battery locations and storage.

viii. Insurance policies as required by Section 9.5.M.2.b.xviii

ix. The requirements for outdoor storage found in Sections 9.5.L.2.(a-e)

x. A performance bond in accordance with Section 14.3 to guarantee all required equipment, structure, and/or stored materials are removed. Two (2) third-party contractor bids for removal of the Solar Energy Facility, including all panels and related equipment, structures, and/or stored materials upon the site, shall be included to establish the amount of the performance bond. The Township shall review the bond every two years, including submission of two updated third-party contractor removal bids by the owner of the special use (meaning, in the case of a Freestanding Utility Solar Facility, wind energy conversion system, or wireless telecommunications facility, the owner of the Freestanding Utility Solar Facility, wind energy conversion system, or wireless telecommunications facility), and shall require an additional deposit if the amount is no longer sufficient to cover removal costs.

xi. All other information deemed necessary by the Township in order to determine whether the application meets the requirements of this Ordinance, including the Special Use Approval Criteria in Section 14.8.

h. **Intent to Discontinue Use.** In the event that the use of a Solar Energy Facility will be discontinued, the owner of the Solar Energy Facility shall submit to the Township Board of the intent to discontinue the use in accordance with the following requirements.

i. A Decommissioning Plan that outlines the removal of the Solar Energy Facility, including all equipment, structures, and/or stored materials, shall be submitted to the Zoning Administrator at least sixty (60) days prior to the cessation of operations at the site, and shall be presented to the Township Board for consideration.

ii. The Decommissioning Plan shall include the following information:

(1) A site plan identifying all equipment, structures, and stored materials associated with the Solar Energy Facility being removed. This plan shall clearly identify those elements being removed and any to remain in place. The Township Board may at its discretion authorize certain fences or accessory structures to remain in place.

(2) A timeline for removal of all equipment, structures, and stored materials being removed.

(3) Two (2) updated third-party contractor removal bids. In the event that the amount is no longer sufficient to cover removal costs, a revised performance bond shall be submitted to cover the additional cost.

iii. The Township Board shall review and approve the Decommission Plan and may impose reasonable requirements for removal and abatement of the Solar Energy Facility.

iv. The removal of any and all equipment, structures, and stored materials associated with a Solar Energy Facility shall be at the sole expense of the owner of the Solar Energy Facility.

v. The removal of a Solar Energy Facility shall comply with the following:

(1) The removal shall not cause serious adverse effects upon adjacent or nearby properties.

(2) The removal operation shall be subject to all terms and conditions imposed by the

Township Board.

vi. The removal process must begin within three (3) months of the cessation of operations at the site and must be completed within twelve (12) months, unless a time extension is approved by the Township Board. Failure to remove the facility within the twelve (12) month timeframe will deem the facility “abandoned” and subject to the provisions of Section 9.5.L.B.9.

i. **Abandonment.** Any Special Use for a Solar Energy Facility that ceases operations for more than 12 months shall be deemed “abandoned” under this Ordinance, and the Special Use permit shall be considered void. Abatement of the abandoned facility shall be at the sole expense of the Solar Energy Facility owner. Any abandoned facility shall be deemed a nuisance and is subject to enforcement and penalties outlined in Section 13.8 of the Zoning Ordinance. Further, in the event that the Solar Energy Facility, including any equipment, structures, and/or stored materials, are not removed by the time the facility is deemed abandoned, the Solar Energy Facility may be removed by the Township and the cost of removal levied through the performance bond for the facility or assessed against the owner of the real property.

j. **Annual Report.** The owner of a Freestanding Utility Solar Facility shall submit an annual report to the Planning Commission prior to July 1 of every year following the year the facility was approved. The annual report shall contain information on the energy generation performance of the facility, any complaints received from nearby property owners, maintenance and repair of the facility, and any other topic requested by the Planning Commission.

M. **Utility-Scale Battery Energy Storage Systems**

1. **Definition:** One or more devices, assembled together, capable of storing energy in order to supply electrical energy, including battery cells used for absorbing, storing, and discharging electrical energy in a Utility-Scale Battery Energy Storage System ("BESS") with a battery management system ("BMS").

2. **Standards:** The following standards apply to Utility-Scale Battery Energy Storage Systems.

a. **General Provisions.** All Utility-Scale Battery Energy Storage Systems are subject to the following requirements:

i. All Utility-Scale Battery Energy Storage Systems must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes, applicable industry standards, and NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems.

ii. The Township may enforce any remedy or enforcement, including but not limited to the removal of any Utility-Scale Battery Energy Storage System pursuant to the Zoning Ordinance or as otherwise authorized by law if the Utility-Scale Battery Energy Storage System does not comply with this Ordinance.

iii. Utility-Scale Battery Energy Storage Systems are permitted in the Township as a Special Land use only in the AC Overlay B Zone District.

b. **Application Requirements.** The applicant for a Utility-Scale Battery Energy Storage System must provide the Township with all of the following:

i. Application fee in an amount set by resolution of the Township Board.

ii. A list of all parcel numbers that will be used by the Utility-Scale Battery Energy Storage System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.

iii. An operations agreement setting forth the operations parameters, the name and contact information of the operator, the applicant’s inspection protocol, emergency procedures, and general safety documentation.

iv. Current photographs of the subject property.

v. A site plan that includes all proposed structures and the location of all equipment, as well as all setbacks, the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the Utility-Scale Battery Energy Storage System will be connected to the power grid.

vi. A copy of the applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Utility Scale Battery Energy Storage System.

vii. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township's review and approval.

viii. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Utility-Scale Battery Energy Storage System, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Utility-Scale Battery Energy Storage System and restore the subject parcels, which is subject to the Township's review and approval.

ix. Financial security that meets the requirements of this Section, which is subject to the Township's review and approval.

x. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Utility-Scale Battery Energy Storage System, which is subject to the Township's review and approval.

xi. A plan for managing any hazardous waste, which is subject to the Township's review and approval.

xii. A fire protection plan, which identifies the fire risks associated with the Utility-Scale Battery Energy Storage System; describes the fire suppression system that will be implemented; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a "fire watch"); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.

xiii. A transportation plan for construction and operation phases, including any applicable agreements with the Kent County Road Commission and Michigan Department of Transportation, which is subject to the Township's review and approval.

xiv. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Utility-Scale Battery Energy Storage System, which is subject to the Township's review and approval.

xv. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.

xvi. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.

xvii. **System and Location Requirements.** The site development requirements shall meet or exceed all of the requirements in the underlying district and all of the following:

(1) **Lighting.** Lighting of the Utility-Scale Battery Energy Storage System is limited to the

minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Utility-Scale Battery Energy Storage System. The Utility-Scale Battery Energy Storage System must not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads.

(2) **Security Fencing.** Security fencing must be installed around all electrical equipment related to the Utility-Scale Battery Energy Storage System. Appropriate warning sings must be posted at safe intervals at the entrance and around the perimeter of the Utility-Scale Battery Energy Storage System.

(3) **Noise.** The noise generated by a Commercial Utility-Scale Battery Energy Storage System must not exceed 45 dBA Lmax, as measured at the property line of any adjacent parcel.

(4) **Underground Transmission.** All power transmission or other lines, wires, or conduits from a Utility-Scale Battery Energy Storage System to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.

(5) **Drain Tile Inspections.** The Utility-Scale Battery Energy Storage System must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tile at least once every three years by means of robotic camera, with the first inspection occurring before the Utility-Scale Battery Energy Storage System is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.

(6) **Fire Protection.**

(a) Before any construction of the Utility-Scale Battery Energy Storage System begins, the Township's fire department (or fire department with which the Township contracts for fire service) will review the fire protection plan submitted with the application. The fire chief will determine whether the fire protection plan adequately protects the Township's residents and property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief determines that the plan is adequate, then the fire chief will notify the Township Supervisor or his or her designee of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant or operator of the Utility-Scale Battery Energy Storage System must implement. The fire chief's decision may be appealed to the Township Board, and the Township Board will hear the appeal at an open meeting. The Township Board may affirm, reverse, or modify the fire chief's determination. The Township Board's decision is final, subject to any appellate rights available under applicable law.

(b) The applicant or operator may amend the fire protection plan from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (vi).

(c) The Utility-Scale Battery Energy Storage System must comply with the fire protection plan as approved by the fire chief (or as approved by the Township Board in the event of an appeal).

xviii. **Insurance.** The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least $5 million per occurrence. The Township shall be listed as an additional insured on the policy at all times.

xix. **Permits.** All required county, state, and federal permits must be obtained before the Utility-Scale Battery Energy Storage System begins operating. A building permit from Kent County is required for construction of a Utility-Scale Battery Energy Storage System, regardless of whether the applicant or operator is otherwise exempt under state law.

xx. **Decommissioning.** If a Utility-Scale Battery Energy Storage System is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Utility-Scale Battery Energy Storage System that is never fully completed or operational if construction has been halted for a period of one (1) year.

xxi. **Financial Security.** To ensure proper decommissioning of a Commercial Utility Scale Battery Energy Storage System upon abandonment, the applicant must post financial security in the form of a security bond or escrow payment in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special use application.

xxii. **Extraordinary Events.** If the Utility-Scale Battery Energy Storage System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.

xxiii. **Annual Report.** The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:

(1) Current proof of insurance;

(2) Verification of financial security; and

(3) A summary of all complaints, complaint resolutions, and extraordinary events.

xxiv. **Inspections.** The Township may inspect a Utility-Scale Battery Energy Storage System at any time by providing 24 hours advance notice to the applicant or operator.

xxv. **Transferability.** A special use permit for a Utility-Scale Battery Energy Storage System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.

xxvi. **Remedies.** If an applicant or operator fails to comply with this Ordinance, the Township, may pursue any remedy or enforcement, including but not limited to the removal of any Utility-Scale Battery Energy Storage System pursuant to the Zoning Ordinance or as otherwise authorized by law. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township's actual attorney fees and costs.

c. **Utility-Scale Battery Energy Storage Systems under PA 233.** On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to Utility-Scale Battery Energy Storage Systems with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours of more. To the extent these provisions conflict with the provisions in subsections 1-3 above, these provisions control as to such Utility-Scale Battery Energy Storage Systems. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to Battery Energy Storage Systems with a nameplate capacity of less than 50 megawatts. All provisions in subsections 1-3 above that do not conflict with this subsection remain in full force and effect.

i. **Setbacks.** Utility-Scale Battery Energy Storage Systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance
Occupied community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

ii. **Installation.** The Utility-Scale Battery Energy Storage System must comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on the effective date of the amendatory act that added this section or any applicable successor standard.

iii. **Noise.** The Utility-Scale Battery Energy Storage System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.

iv. **Lighting.** The Utility-Scale Battery Energy Storage System must implement dark sky-friendly lighting solutions.

v. **Environmental Regulations.** The Utility-Scale Battery Energy Storage System must comply with applicable state or federal environmental regulations.

vi. **Host community agreement.** The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale Battery Energy Storage System owner must pay the Township $2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

N. **Wireless Communication Support Structures**

1. **Definition.** A structure that is designed to support, or is capable of supporting, wireless communications equipment including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment building and commercial mobile radio service facilities. Not included within this definition are: citizen band radio facilities; short wave facilities; ham, amateur radio facilities; satellite dishes; and, governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

2. **Standards.** Unless otherwise exempt, Special Land Use shall be required prior to the installation of any such wireless communications support structures. To the extent that a special land use is required for the installation of wireless communications equipment is required, and for wireless communications support structures, the following provisions apply:

   a. Wireless communications support structures shall be exempt from building height limits, provided, however, that the wireless communications equipment or support structure height shall be the minimum height necessary to serve its intended function. Wireless communications equipment or support structure setbacks shall be determined by the Planning Director based on tower height and proximity to residential areas.

   b. Subject to items C.1 and C.2 below, the proposed wireless communications equipment or support structure shall be located the maximum distance reasonable from an existing wireless communications equipment or support structure supporting an antenna of the same carrier.

c. Any new wireless communications equipment or support structures shall be constructed in a manner that limits its impact of surrounding properties. Any new wireless communications support structures shall be constructed of high quality camouflage synthetic tree material designed to blend in with the natural surroundings. Ancillary building housing equipment needed for operation of the wireless communications equipment or support structure, shall be of a size, type, color and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.

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

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

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

   iii. The fact that the proposed wireless communications equipment or support structure may be visible from a residence shall not be considered an adverse impact on a significant view.

e. If, for any reason, the wireless communications equipment or support structure ceases operation or is abandoned, the Township may order its removal from the site. The owner of the wireless communications equipment or support structure and/or the property owner will have three (3) months to remove the wireless communications equipment or support structure upon receiving notification from the Township to do so. If the wireless communications equipment or support structure is not removed within the specified time period and an extension is not granted by the Township, the township may cause the removal of the wireless communications equipment or support structure. After removal of the wireless communications equipment or support structure by the Township, a notice shall be mailed to the wireless communications equipment or support structure owner and the property owner stating the nature of the work done and demanding payment of the costs as certified by the Building Official together with an additional twenty (20) percent for inspection and incidental costs.

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

3. **Plan Requirements.** In addition to those required under a Special Land Use, the following shall be applicable to Wireless Communication Support Structure applications.

   a. The application for Special Land Use approval shall include a visual impact analysis, prepared by the applicant, which includes graphic depiction of the anticipated visual appearance of the wireless communications equipment or support structure from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Planning Director.

   b. The application shall include a list of all properties investigated for placement of the proposed wireless communications equipment or support structure and the rationale for selecting the proposed location.

   c. Evidence that it is not feasible to provide equivalent service by locating the wireless communications equipment or support structure on an existing wireless communications structure or other existing structure in the Township.

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

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

f. The owners or operators of the wireless communications equipment or support structure shall agree to permit use of the wireless communications equipment or support structure by other communications services providers, including local government agencies, on reasonable terms, so long as such use does not conflict with the owners or operators use of the wireless communications equipment or support structure.

g. The applicant shall provide an affidavit signed by the property owner(s), on a form provided by the Township, indicating approval from the property owner to allow placement of the wireless communications equipment or support structure and ancillary building at the proposed site and acknowledging the Township's requirements regarding removal of the tower as stated in Section 9.6.N.B.5, above.

4. **Exemptions.** The following are exemptions from the provisions of this Section.

a. As set forth in Part II of the Cascade Charter Township General Ordinances, Chapter 342 and Public Act 143 of 2012 (MCLA §125.3514), telecommunication facilities that meet all of the following conditions is a permitted use of the property and are exempt from Special Land Use requirements or other approval that may be required by MCLA § 125.3514:

b. Wireless communications equipment co-located on an existing wireless communications support structure or in an existing equipment compound;

c. Modifications to existing wireless communications support structure or existing equipment compound that is in compliance with this Zoning Ordinance or was approved by the appropriate zoning body or official for the Township.

d. Proposed co-location on an existing wireless communication support structure that will not do any of the following:

i. Increase the overall height of the wireless communications support structure by more than twenty (20) feet or ten percent (10%) of its original height, whichever is greater; or

ii. Increase the width of the wireless communications support structure by more than the minimum necessary to permit co-location; or

iii. Increase the area of the existing equipment compound to greater than 2,500 square feet.

e. Proposed co-location that complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body of the Township.

5. **Additional Requirements.**

   a. If the wireless communications equipment meets all of the conditions as set forth above, such that the use is a permitted use of the property not subject to Special Land Use permit requirements or other approval by the Township, the applicant must still file with the Township a copy of the proposed site plan(s) and/or route map(s) for the wireless communications equipment no less than thirty (30) days prior to the installation of such equipment and must provide the Township with a copy of the site plan and/or route map(s) within ninety (90) days after installing the equipment if the equipment, as installed, does not comport with the previously disclosed site plan on file with the Township as set forth in in Part II of the Cascade Charter Township General Ordinances, Chapter 342, Article 1, Subsection 4.

   b. If the height required for the wireless communications equipment or support structure to serve its function decreases from the installed height, due to technological advancement, additional tower installations at other locations, or other factors, the wireless communications equipment or support structure shall be lowered to such decreased minimum height.

   c. Wireless communications equipment or support structures on existing towers, buildings, Religious Institution steeples, schools, light poles at schools, water towers and Consumers Energy lattice towers are regulated in the same manner as set forth above.

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

   e. The Township and the Applicant shall abide by any and all additional requirements and deadlines as set forth in in Part II of the Cascade Charter Township General Ordinances, Chapter 342, Article 1, Subsection 4 for application and issuance of a Special Land Use for wireless communications equipment and support structures.

Section 9.7 Temporary Uses

A. **Concrete and Asphalt Batch Plants**

1. **Definition.** A temporary facility for mixing cement or asphalt.

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

   a. Concrete and Asphalt Batch Plants must be contained entirely within the site where the cement or asphalt is proposed to be utilized.

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

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

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

3. **Parking.** To be determined by the Planning Commission as described in Section 10.4.F.

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

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

c. In granting approval, the Township Board may require the posting of a letter of credit or certified check to ensure compliance with this section.

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

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

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

B. **Temporary Event**

1. **Definition:** A temporary and non-commercial community event, such as a festival, fair, car show or sporting event.

2. **Standards:** The following standards shall apply to a Temporary Event:

a. **Application and Licensing.**

i. **License.** A person shall not sponsor, operate, maintain or conduct an outdoor event in Cascade Charter Township without a license for each such assembly.

ii. The application for a license to conduct an outdoor event must be made in writing at least 60 days prior to the date of the proposed event and must include a non-refundable fee.

iii. **Submittal Requirements.** The application shall include all materials required by this section, along with any additional information required by the Community Development Director.

iv. **Exceptions.** The following events are exempt from the requirements of this section:

(1) An event that is conducted or sponsored by a governmental unit or agency upon public property.

(2) Any event held entirely within the confines of a permanent or enclosed and covered structure.

(3) An event with fewer than 500 attendees.

(4) An event held at a permitted or approved facility designed specifically to hold assemblies, of the size proposed.

b. **Process.**

i. **Outside Agencies.** On receipt by the Township Clerk, copies of the application shall be forwarded to the following for review and comment:

(1) The Kent County Sheriff's Office

(2) The Kent County Health Department

(3) The Fire Inspector with jurisdiction over the site

(4) Any other agencies, as determined by the Community Development Director

ii. **Board Review.** The request shall be placed on the Township Board agenda for a meeting not more than 45 days from the receipt of the application. The Township Board may approve, deny, or approve the request with conditions. Where conditions are imposed as a prerequisite to the issuance of a license, or where a license is denied, within five (5) days of such action, notice thereof must be mailed to the applicant by certified mail, and in the case of denial, the reasons therefore shall be stated in the notice.

iii. **Display of License.** A license shall specify the name and address of the licensee, the kind and location of the event, the duration of the license, and any other conditions imposed pursuant to this ordinance. It shall be posted in a conspicuous place upon the premises of the event and shall not be transferred to any other person or location.

c. **Requirements.**

i. **Security Personnel.** The licensee shall employ a professionally licensed security firm, at their own expense. Such security personnel as are necessary and sufficient to provide for the adequate security protection of the maximum number of attendants at the assembly and for the preservation of order and protection of property in and around the assembly. Security personnel must be professionally licensed, certified, and insured.

ii. **Water and Sanitary Facilities.** The license shall provide potable water as approved by a County Health Officer of sufficient quantity and pressure to assure proper operation of all water-using facilities under conditions of peak demand. The number and type of facilities required shall be determined on the basis of the number of attendants in the following manner: one (1) toilet for every two hundred (200) attendees; one (1) drinking fountain for every five hundred (500) attendees; and one (1) faucet/sink for every five hundred (500) attendees.

iii. All facilities shall be installed, connected, and maintained free from obstruction, leaks, and defects and shall at all times be in an operable condition as determined by the County Health Officer.

iv. **Liquid and Solid Waste Disposal.** The licensee shall provide proper liquid and solid waste disposal so as to neither create nor cause a nuisance or menace to the public health as determined by the Kent County Health Department.

v. **Temporary Building Facilities.** All building facilities erected or assembled on-site shall be reviewed and permitted by the Building Official.

vi. **Food Services.** If food is made available on the premises, it shall be delivered only through concessions licensed to operate in accordance with the provisions of Act 269, Public Acts of 1968, as amended, and the rules and regulations adopted pursuant thereto and in accordance with any applicable state or local law.

vii. **Medical Facilities.** Each assembly must have medical services available in a suitable building.

viii. **Access and Traffic Control, Parking, Camping, and Trailer Parking.** Access, traffic control, and parking shall be provided to ensure proper ingress, egress, orderly flow of traffic, and orderly parking of vehicles brought to the assembly. Traffic lanes and other spaces shall be provided, designated and kept open for access by emergency vehicles. Prior to the issuance of a license, the Road Commission and Sheriff's Office must approve the plans for access and traffic control. MDOT approval may be required for sites abutting a state highway. The licensee shall provide a parking area in accordance with Section 10.4. The parking area need not be paved.

ix. **Parking.** To be determined by the Planning Commission as described in Section 10.4.F.

x. **Sound Producing Equipment.** Including, but not limited to, public address systems, radios, phonographs, musical instruments, and other sound-producing devices shall not be operated on the premises of the event so as to be unreasonably loud or raucous or so as to be a nuisance or disturbance to the peace and tranquility of the citizens of the Township, in the opinion of a local, county, or a state police officer responding to the scene of the event.

xi. **Insurance.** The following insurance requirements must be met for any event:

(1) Before the issuance of a license, the licensee shall obtain liability insurance with bodily injury limits of not less than $300,000.00 and property damage limits of not less than $50,000.00 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons, or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the license.

(2) The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Clerk of the Township in writing at least 10 days before the expiration or cancellation of said insurance.

(3) The Liability Policies obtained by the licensee shall include Cascade Charter Township as an additional named insured. Original copies of said policies and all renewals shall be delivered to the Township Clerk immediately upon issuance. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Township Clerk in writing at least 10 days before the expiration or cancellation of the insurance policy.

xii. **Bonding.** Before the issuance of a license, the licensee shall obtain from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of $100,000.00 in a form to be approved by the Township Board, conditioned upon the licensee's faithful compliance with all of the terms and provisions of this ordinance and all applicable provisions of state or local law, and which shall indemnify the Township, its agents, officers, employees, and the board against any and all loss, injury, or damages whatsoever arising out of, or in any way connected with the assembly and which shall indemnify the attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.

xiii. **Fire Protection.** The licensee shall take adequate steps, as determined by the fire department with jurisdiction, to ensure fire protection.

xiv. **Fencing.** The licensee shall erect a fence, completely enclosing the site of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress.

xv. **Miscellaneous.** Prior to the issuance of a license, the Township Board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare, and property of attendants or citizens of the Township.

d. **Revocation of License.** The Township Board may revoke a license whenever the licensee, their employee, or agent fails, neglects, or refuses to fully comply with all provisions and requirements set forth herein or with all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

e. **Violations.** It shall be unlawful for a licensee, their employee, or agent to knowingly:

i. Advertise, promote, or sell tickets to conduct or operate an assembly without first obtaining a license as herein provided.

ii. Conduct or operate an assembly in such a manner as to create a public or private nuisance.

iii. Conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment, or amusement.

iv. Permit any person on the premises to cause or create a disturbance in, around, or near the assembly by obscene or disorderly conduct.

v. Permit any person to unlawfully consume, sell, or possess intoxicating liquor while on the premises.

vi. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs, or other substances as defined in Act 343, Public Acts of 1952, or as may be amended.

Article 10. Access, Parking and Loading

Section 10.1 Driveway Access

A. **Applicability.** The requirements of this Section 10.1.B shall only be applicable to residential driveways. Nonresidential driveways shall be subject to the requirements of Section 10.1.C.

B. **Residential Driveways**

1. **Intent.** Residential driveways shall be privately owned, constructed, and maintained vehicular access from a road or easement serving the property to the principal building or accessory buildings.

2. **General Requirements.**

   a. Residential driveways shall be setback a minimum of two (2) feet from each side property line.

   b. Residential driveways shall be included in maximum impervious surface lot coverage calculation requirements.

   c. All driveway openings for nonresidential uses permitted in the residential zone districts shall be reviewed and approved by the Township as part of site plan approval.

   d. Residential Driveways shall be a minimum of sixteen (16) feet wide and a maximum of thirty (30) feet within the front setback.

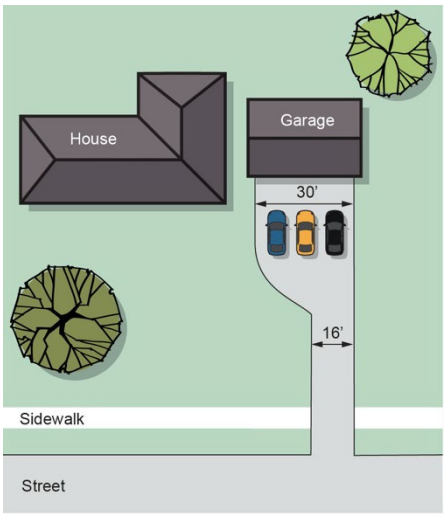


Figure 10-1: Residential Driveway Width

   e. Residential driveways shall be paved, graveled, or otherwise improved for vehicular access.

C. **Nonresidential Driveways**

1. **Intent.** It is the purpose of this Section to establish guidelines for location and design of driveways that can be used for new construction in undeveloped areas and for redevelopment of existing developed areas. The objectives of these requirements are to reduce the frequency of conflicts between vehicular movements and to increase the spacing between conflict points, thereby providing motorists with increased decision process time which will increase safety and assure smoother traffic flow.

2. **General Provisions.**

   a. **Lanes Per Driveway.** The number of driveway lanes shall be based on analysis of expected trip generation and peak turning volumes. If expected egress left turns exceed one hundred (100) per hour, two (2) egress lanes shall be provided.

   b. The Township Engineer may approve or require additional or lesser driveway lanes than the minimum required per expected trip generation or peak turning volumes.

   c. **Left Turns.** Left turns may be prohibited at the discretion of the Township Engineer and/or Planning Director to and/or from driveways under the following conditions:

      i. Inadequate corner clearance.

ii. Inadequate sight distance.

iii. Inadequate driveway spacing.

d. **Relationship to Opposing Driveways.** To the extent desirable and reasonably possible, driveways shall be aligned with driveways on the opposite side of the street.

e. **Visibility Across Corners.** Adequate sight distance shall be ensured for all vehicles exiting from a proposed development in accordance with Section 4.19. If certain movements cannot be made safely, then they shall be prohibited or joint access with adjoining property shall be encouraged.

f. **Driveway Permits.** Prior to the granting of a building permit for any construction involving a new or expanded driveway opening to a public street, a permit for such driveway from the State and/or County Agency having jurisdiction over the public street shall be submitted to the building inspector.

3. **Driveway Spacing.** The minimum spacing allowed between a proposed driveway and all other driveways (located on the same side of the public street which the proposed driveway abuts or adjoins) or public or private streets (where the street intersects the public street which the proposed driveway abouts or adjoints) shall be in accordance with Table 10.1-A, as provided below.

Table 10.1-A: Minimum Driveway Spacing

Legal Driving Speed Limit Spacing on the Public Road which Adjoins or Abuts the Proposed Driveway (MPH)++	Minimum Feet*
30 mph or Less	100 ft
35 mph	160 ft
40 mph	210 ft
45 mph or Over	300 ft

++These traffic speeds are based upon the limits posted in Cascade Charter Township on the effective date of this zoning ordinance amendment (see Appendix - "B"). Should the posted speed limit change on a public road in the Township, it is intended that the minimum spacing requirement effective on the adoption date of this amendment would remain in force, unless amended at a later date by the Township Board.

*These spacings are based on average vehicle acceleration and deceleration rates and are considered necessary to maintain safe traffic operation. The spacing is measured from centerline of the proposed driveway to the centerline of the nearest existing driveways or the edge of the right-of-way or easement of the nearest intersecting private or public street in either direction.

4. In the event that a particular parcel or parcels lack sufficient road frontage to maintain adequate spacing, the landowner(s) have one of two options:

a. They can seek a variance from the Zoning Board of Appeals for minimum spacing, but in no case can the variance be greater than the next lowest classification in Table 10.1-A, above. For example, on a 40 MPH road requiring 210-foot spacing, the distance may be reduced to no less than 160 feet, which is the standard for a 35 MPH road facility.

b. The adjacent landowners may agree to establish a common driveway.

5. **Number of Driveways Per Parcel.**

a. A maximum of one (1) driveway opening shall be permitted to a particular site from each of any one (1) or two (2) abutting streets. The Township Engineer may approve additional driveways in certain circumstances.

b. The Township Planning Commission may permit one (1) additional driveway entrance along a continuous site with frontage in excess of 300 feet or two (2) additional driveway entrances along a continuous site with frontage in excess of 600 feet.

c. Where a dual-service driveway is used, it will be considered, for the purposes of this Section, to be only one (1) direct-access driveway.

d. In the case of dual one-way driveways, one pair may be used per 250 feet of frontage. Only one pair of one-way drives may be used per street frontage.

6. **Driveway Setbacks.** The minimum distance between the property line and the nearest edge of the driveway shall be 25 feet, except where the driveway provides access to more than one lot or parcel.

7. **Corner Clearance.** The minimum corner clearance distance between the centerline of a proposed driveway and the edge of the right-of-way or easement of a public or private street (which street intersects or adjoins the public street which the proposed driveway will abut or adjoin) shall be 150 feet.

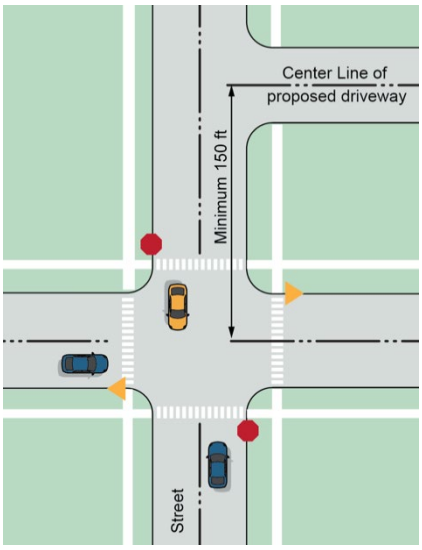


Figure 10-2: Driveway Spacing

a. Traffic movements into and from (i.e. into and out of) a driveway with a centerline located less than 250 feet from the edge of the right-of-way or easement of a signalized intersection of a public or private street (which street intersects or adjoins a public street which the proposed driveway will abut adjoin) shall be limited solely to right turns into the driveway and right turns out of the driveway.

b. Corner clearance distance for the purposes of this Section of the Zoning Ordinance shall mean the distance from the centerline of the proposed driveway to the edge of the right-of-way or easement of the nearest signalized public or private street intersection. (See Figure 10-2).

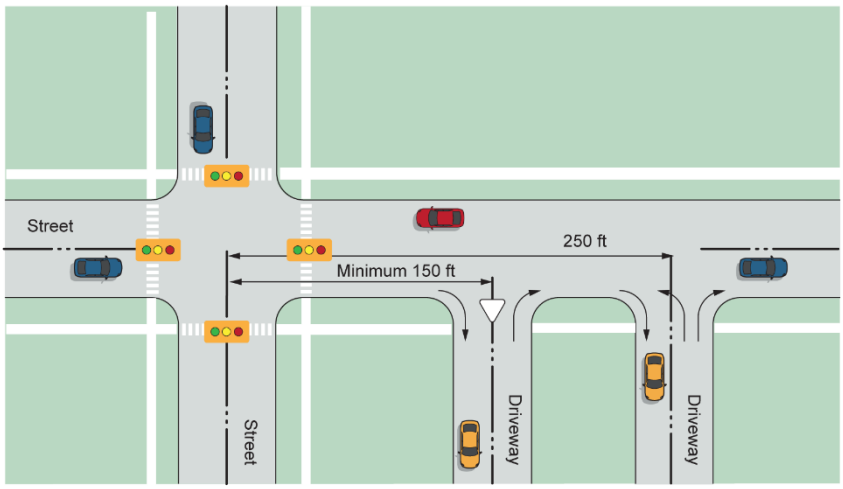


Figure 10-3: Driveway Spacing

Section 10.2 Private Streets

A. **Definitions.** The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them below, except where the context clearly indicates a different meaning:

1. **Private Driveway** means an improved or unimproved path, road or ground surface extending from a public street or private road, which provides vehicular ingress and egress to no more than one improved lot, parcel or principal building.

2. **Private Street (or Road)** means a privately owned (or controlled) and maintained drive, street, road, lane, or any improved or unimproved surface, not dedicated to the county road commission as a public road, which provides the primary means of vehicular ingress and egress from a public road to two or more dwelling units, lots, parcels or principal buildings, whether created by a private right-of way, easement, or other device. A private street shall also include the following:

   a. An access other than a private driveway or public road.

   b. Where two or more lots or dwellings share or utilize a common access drive or device, even if each lot has the required frontage on a public road.

   c. Any and all extensions, additions, or branches of or to a private street shall be considered part of the private street that abuts the public road.

3. **Lot** means any subdivision lot, meets and bounds lot, or site condominium unit which has been recorded.

B. **Private Street Requirements.** Private Streets are not allowed except for certain exceptions, such as in the Village Zone Districts, in Overlay Zone Districts, and in instances in which the Private Street accesses no more than eight (8) housing units as outlined in this Section. The standards and requirements of this Ordinance shall apply to all private streets created or constructed after the date of adoption of this Ordinance. Furthermore, the standards and requirements of this Ordinance shall also apply to existing private streets when any of the following occurs:

1. An extension or addition is added to an existing private street;

2. One or more lots are added to an existing private street or one or more lots along an existing private road are to be divided;

3. The Township Board determines that an existing private street is unsafe or will not permit reasonable access to firefighting and emergency vehicles year around to all portions of the private street.

4. All roads constructed that access non-residential uses and/or more than eight (8) housing units shall be dedicated to the Kent County Road Commission and become public roads. If the Road Commission rejects the dedication, then the road shall not be constructed.

C. **General Standards.** The following standards are required for all private streets:

1. Private streets shall provide access to no more than eight (8) lots.

2. All private streets shall have a recorded permanent right-of-way with a minimum width of sixty-six (66) feet, including sixty-six feet of frontage on a public road. The right-of-way shall also expressly permit utilities to be installed within the right-of-way. The minimum right of way radius for a turnaround shall be of such size that is able to encompass the turn-around and utilities.

3. All private streets shall be at least twenty-two (22) feet wide, providing two eleven (11) foot travel lanes. Private roads that access more than four (4) housing units shall be at least twenty-six (26) feet wide, providing a two (2) foot shoulder on either side of the eleven (11) foot lanes.

4. The private street shall be constructed and maintained with a minimum subbase of twelve (12) inches of sand (MDOT Class II Granular Material) and six (6) inches of finished compacted gravel (MDOT 22A, 21 AA, 21A) on the top thereof. A minimum 1 3/4 inch of bituminous course hot mix asphalt, or mix approved by the Township Engineer, is required. The maximum cross slop of bituminous course shall be 2% with a centerline crown, or as approved by the Township Engineer.

5. In the event a private street provides access to three (3) or more parcels, all workmanship and materials shall be according to the current Michigan Department of Transportation (MDOT) Standard Specifications for Construction.

6. The area in which the private street is to be located shall have a minimum cleared width of twenty-eight (28) feet from the centerline of the street, which clearing shall always be maintained.

7. The private street shall be constructed with such stormwater drainage easements, stormwater runoff; culverts, and drainage contours as is reasonably required by the Township Engineer to ensure adequate drainage and runoff.

8. Any private street must meet the standards set forth by the Kent County Road Commission that are not specifically in conflict with this section.
9. Any private street shall be approved by the Fire Department.
10. Each private street shall be given a street name that is not the same as any other street name in the County, as determined by the Kent County Road Commission. A visible street sign, which can be seen easily in an emergency at all times, and a stop sign shall be erected and maintained at all times at the intersection of the private street with the public road. The signs shall be paid for, posted and thereafter maintained by the property owner's association, property owners or developer.
11. The street address for all lots shall meet Kent County addressing standards.
12. The regulations of Section 8.3 shall supersede this section in the event of a conflict.

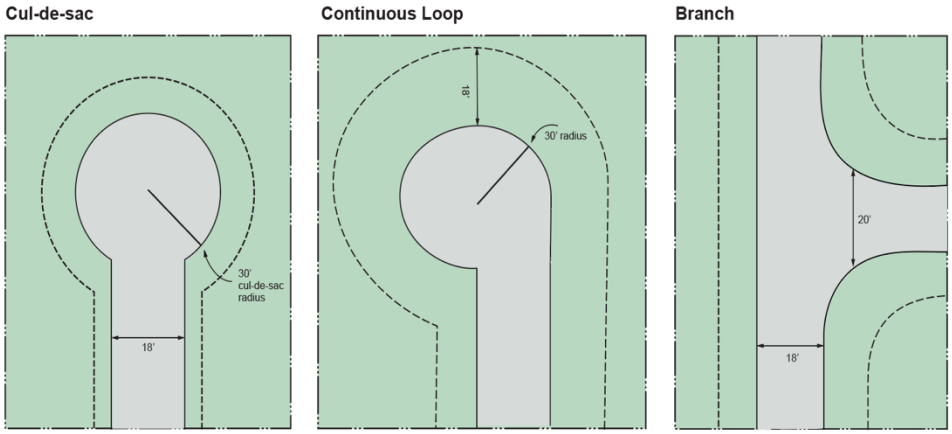


Figure 10-3: Turnarounds

D. **Turnarounds.** Any single means of access serving more than two (2) lots or dwelling units shall include one of the following at the end of a private street:
   1. A turn-around with a thirty (30) foot turning radius or Kent County Road Commission standards.
   2. A continuous loop layout

E. **Private Street Grade.** Private streets shall not exceed a maximum grade of six (6) percent. In no case shall a six (6) percent grade extend more than 1,000 feet in length. Notwithstanding the preceding, the Planning Commission, upon recommendation of the Township Engineer, may allow a maximum grade of up eight (8) percent for a private street if it is reasonably determined that such increased grade meets all of the following standards:
   1. The private street will be safe;
   2. The increased grade will not hinder the ability of firefighting equipment, ambulances and other emergency vehicles and personnel to reach all portions of the development; and
   3. The developer demonstrates that automobile traffic will be able to easily and safely go up and down the grade at all times of the year, including when ice and snow are present.

F. **Second Access/Emergency Access.** Any private street which will serve or permit access to twenty (20) or more lots or dwelling units shall have two (2) means of direct access to public roads. The second means of access may be used for emergency access purposes only with approval from the Planning Commission and such access shall be maintained at the developer/property owner's expense. Each access shall be built and maintained to the standards required for private streets.

G. **Existing- Nonconforming Private Streets.** The Township recognizes that there exist private streets which were lawful prior to the adoption of this Ordinance which do not fully conform with the standards herein. Such streets are declared by this Ordinance to be legal nonconforming streets. The Township also recognizes the importance of having these streets upgraded if and when one or more of the following occur:

1. Any developer or property owner who desires to engage in one or more of the situations listed in the subsections(a-c) below, shall be required to upgrade the entire private street to conform with the standards for new private streets.

   a. One or more lots are added to an existing nonconforming private street.

   b. The division or splitting of a lot occurs on an existing nonconforming private street.

   c. The addition of an extension, addition or branch to or from an existing nonconforming private street.

H. **Disclosure Statement; Maintenance Agreement**

1. The applicant(s) of a proposed private street shall provide the Township with a recordable private road maintenance agreement or restrictive covenant acceptable to the Township that runs with any land served or intended to be served by the private street and that obligates the owners and any successive owners of the land or any part thereof to contribute a pro rata share of the cost to maintain the private street in accordance with this Ordinance, or any applicable Township rule or regulation, to assure that the private street is safe for travel at all times, including access for emergency vehicles. The private road maintenance agreement or restrictive covenant shall include a provision that the owners of any portion of the land served by a private street are jointly and severally liable and responsible for maintaining the entire length of the private street. The private road maintenance agreement or restrictive covenant shall provide that it is enforceable by the Township at its option and that if the Township determines that the private street is not being maintained or is not otherwise safe and passable or accessible by emergency vehicles, then the owners of the land served or intended to be served by the private streets have unequivocally and irrevocably petitioned and consented to have the Township Board create a special assessment district pursuant to Public Act 188 of 1954, as amended, for the construction, improvement, and maintenance of private roads. The private road maintenance agreement or restrictive covenant shall also include a provision that, alternatively, the Township Board, at its option, can improve and maintain the private street so that it meets the requirements of this Ordinance and the Township shall charge the owners of all land served or intended to be served by the private street for the costs thereof and such costs shall be paid by the owners of the land served or intended to be served by the private street. If such costs are not paid within the time prescribed by the Township, then the Township is authorized to collect the amount due by any action at law or in equity in any court of competent jurisdiction or create a special assessment district and specially assess the land served or intended to be served by the private street and collect the assessment in the same manner as general property taxes are collected, which shall constitute a lien against the land.

   The private road maintenance agreement or restrictive covenant shall include a provision that states that the owners of all land served or intended to be served by a private street agree to indemnify and will save and hold the Township (as well as its officers, agents, and employees) harmless for, from, and against any and all claims, causes of action, costs, and damages for personal injury and/or property damage arising out of the use of the private street or the failure to properly construct, maintain, repair, and/or install the private street or any appurtenances thereto.

2. Private road maintenance agreements or restrictive covenants for private streets shall be submitted to the Township for review and approval prior to recording such agreement or restrictive covenants being recorded with the Kent County Register of Deeds and prior to any construction on a private street. Each maintenance agreement shall also contain the following statement, as provided by MCL 500.261:

   "The street is private, and it is not required to be maintained by the Kent County Road Commission or any governmental unit."

I. **Exceptions or Design Modifications**

1. The Township Board may modify the standards for new private streets for a given project for good cause shown.

2. The Township Board reserves the right to place higher design requirements and standards on a development which provides access by means of a private street should it be in the best interests of the Township and for the protection of the health, safety and general welfare of its residences. Such additional requirements and standards shall be recognized and accepted by professional associations and engineering societies including but not limited to: the American Association of State Highway and Transportation Officials, the American Society of Civil Engineers, the Institute of Transportation Engineers, the Building Officials and Code Administrators International (BOCA) and the National Fire Protection Association.

3. For situations involving existing non-conforming private roads the Township Board may grant Design Modifications, should they determine that the design requirements and standards deny the property owner reasonable use of his property. Should the Township Board grant design modifications, they may impose reasonable conditions on the affected property and private street which protect the public health, safety and general welfare of all township residents.

4. **Procedure.**

   a. An application shall be submitted to the Planning Department on a form for that purpose together with a fee, as determined by the Township Board.

   b. Upon receipt of an application for a Design Modification, notice will be given to all property owners within 300 feet of the property requesting such exception, that the Planning Commission will hold a public hearing on the application.

   c. In addition, any property owner who lives on or uses the private street as access to their property will be notified of the hearing.

   d. In the case of a Design Modification, the Planning Commission shall, within a reasonable amount of time after the public hearing give a recommendation to the Township Board on whether to deny, approve or approve with conditions the request.

   e. The Township Board shall then hold a meeting within a reasonable period of time to make a decision.

J. **Maintenance and Snow Removal.** The developer (and once lots have been sold to third parties, the owners of the lots) shall be responsible for maintaining private streets at all times to the standards required by this Ordinance and all other applicable laws. Such reasonable maintenance shall include, but not be limited to, plowing snow and removing ice in the winter so that firefighting and emergency vehicles can access all portions of the private street at all times.

K. **Security Requirement.** The construction of all improvements required by this Ordinance shall be paid for and completed by the property owner/developer. Prior to receiving lot split approval or a building permit for any lot on the private street, the Township may require that a bond, cash or letter of credit be submitted by the applicant for the completion of the private street or required upgrades. The security shall be in a form approved by the Township, payable to the Township and in the amount of the Township's estimate of the cost of all improvements.

L. **Land Division Approval.** No land division approval by the Township shall occur for or involving a lot or lots to be accessed by a private street (or extension thereof until the private road has been formally approved by the Township hereunder, the maintenance agreement has been approved by the Township, such maintenance agreement has been fully executed by all parties having an interest in the private street, and all lots to be served by the private street and the same has been recorded with the Kent County Register of Deeds records with proof thereof provided to the Township.

M. **Approval by the Road Commission.** No private street shall be approved by the Township until the applicant has presented the Township with either an approved private street permit by the Kent County Road Commission, or alternately, a letter from the Kent County Road Commission indicating that no private street permit from the County is required at that location.

N. **Commencement of a Private Street.** No construction shall commence on a private street (or extension or addition thereto) until and unless all approvals under this Ordinance (and any other applicable ordinance) have been obtained from the Township.

O. **Certificate of Compliance.** Upon completion of construction of a private street (or addition or modification thereof), the Township Planner, Township Engineer or such other official as may be designated by the Township, shall inspect the completed construction to determine whether it complies with the approved plans and other Township approvals.

P. **Cross Access and Internal Roadways**

1. All multifamily and nonresidential development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access to public or private streets. This may be accomplished by one or more of the following:
   a. Connecting streets and drives;
   b. Coordinating parking lot and parking structure entrances;
   c. Providing common service and delivery areas;
   d. Providing shared parking areas;
   e. Providing shared driveways and access points for adjacent lots to minimize curb cuts.
2. The Planning Director may allow alternatives to cross-access requirements if providing cross-access is deemed impractical, provided the applicant provides adequate bicycle and pedestrian connections between adjacent developments or land uses.

Section 10.3 Pedestrian and Bicycle Facilities

A. **Walkways.** All nonresidential, mixed-use and multifamily development shall provide a network of on-site pedestrian walkways to accommodate pedestrian and bicycle movement through the site with a minimum width of five (5) feet in accordance with the following standards:

1. **Directness and continuity.** Walkways within the site shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination.
   a. Walkways shall not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access.
   b. Walkways shall link street sidewalks with building entries through parking lots.
2. **Street Crossings.** Where it is necessary for the primary pedestrian access to cross drive aisles or internal roadways, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety.
   a. The material and layout of the pedestrian access shall be continuous as it crosses the driveway, with a break in continuity of the driveway paving and not in the pedestrian access way.
   b. The pedestrian crossings must be well-marked using pavement treatments, signs, striping, signals, techniques, lighting, traffic calming median refuge areas and landscaping. (see Figure 10-4)

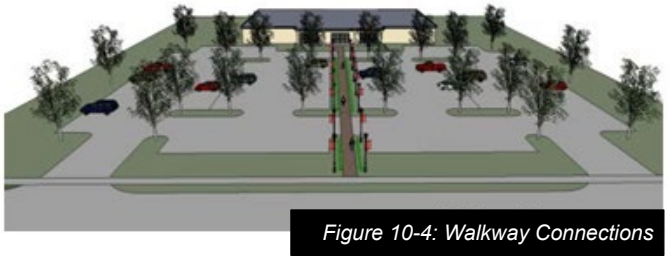


Figure 10-4: Walkway Connections

3. **Direct on-site access to pedestrian and bicycle destinations.** The on-site pedestrian and bicycle circulation system must be designed to provide, or allow for, direct connections to major pedestrian and bicycle destinations. The on-site pedestrian and bicycle circulation system must also provide for onsite connections to existing or planned off-site pedestrian and bicycle facilities at points necessary to provide direct pedestrian and bicycle travel from the development to major pedestrian destinations. In order to provide direct pedestrian connections to these destinations, the Township may require additional sidewalks or walkways not associated with a street.

B. **Bicycle Facilities.** All nonresidential, mixed-us and multifamily development shall provide off-street bicycle parking spaces in accordance with the following standards:

1. **Bicycle Parking.** A minimum number of bicycle parking spaces equal in number to five (5) percent of the total number of automobile parking spaces provided by the development, but not less than one (1).
2. **Location.** For convenience and security, bicycle parking facilities shall be located near building entrances, shall be visible from the land uses they serve, and shall not be in remote automobile parking areas. Such facilities shall not, however, be located so as to impede pedestrian or automobile traffic flow nor so as to cause damage to plant material from bicycle traffic.
3. **Design.** Bicycle racks must be designed so that they:
   a. Do not bend wheels or damage other bicycle parts.
   b. Accommodate the high security U-shaped bike locks.
   c. Accommodate locks securing the frame and both wheels.
   d. Do not trip pedestrians.
   e. Are easily accessed from the street and protected from motor vehicles.

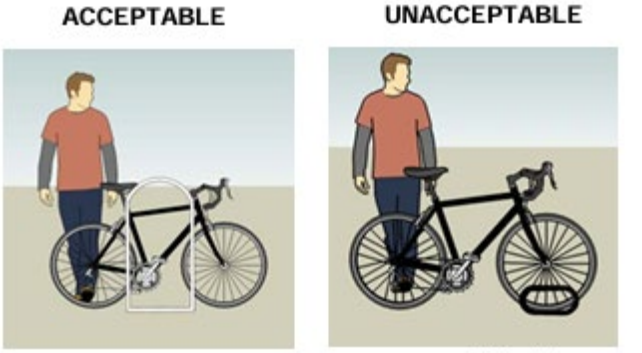


Figure 10-5: Bicycle Parking

Section 10.4 Parking and Loading

A. **Purpose and Intent.** This Section is intended to ensure that the parking and circulation aspects of all developments are well designed with regard to safety, efficiency and convenience for vehicles, bicycles, and pedestrians, both within the development and to and from surrounding areas. Sidewalk or bikeway extensions off-site may be required based on needs created by the proposed development. This Section sets forth minimum parking requirements in terms of numbers and dimensions of parking stalls and shared parking. It also addresses the placement of drive-in facilities and loading zones. The parking and circulation system within each development shall accommodate the movement of vehicles, bicycles, and pedestrians, throughout the proposed development and to and from surrounding areas, safely and conveniently, and shall contribute to the attractiveness of the development. The on-site pedestrian system must provide adequate directness, continuity, street crossings, visible interest and security as defined by the standards in this Section. The on-site bicycle/pedestrian system must connect to the bikeway/pedestrian network.

B. **Development Standards, General Requirements.** All developments which require site plan review under the terms of this ordinance shall meet the following standards regarding off-street parking and loading:

1. **Safety Considerations.** To the maximum extent feasible, pedestrians shall be separated from vehicles and bicycles. Where complete separation of pedestrians, vehicles and bicycles is not possible, potential hazards shall be minimized by the use of techniques such as special paving, grade separations, pavement marking, signs or striping, bollards, median refuge areas, traffic calming features, landscaping, lighting or other means to clearly delineate pedestrian areas, for both day and night use.
2. **Curb cuts and Ramps.** Curb cuts and ramps shall be located at convenient, safe locations for the physically disabled, bicyclists and people pushing strollers or carts and shall avoid crossing or funneling traffic through loading areas, drive-in lanes and outdoor trash storage/collection areas.
3. **Site Amenities.** Development plans shall include site amenities that enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include bike racks, drinking fountains, canopies, benches, etc.

C. **Lot Size/Scale.** Large surface parking lots shall be visually and functionally segmented into several smaller lots according to the following standards:

1. Large parking lots shall be divided into smaller sections by landscape areas. Each section shall contain a maximum of sixty (60) parking spaces.

2. Parking bays shall extend no more than fifteen (15) parking spaces without an intervening tree, landscape island or landscape peninsula, in accordance with the provisions of Section 11.5

D. **User Needs.** Layout and design shall anticipate the needs of users and provide continuity between vehicular circulation, parking, pedestrian and bicycle circulation. Pedestrian drop-off areas shall be provided where needed.

E. **Shared Parking.** Where a mix of uses on different pieces of property creates staggered peak periods of parking demand, shared parking calculations shall be made to reduce the total amount of required parking. Nonresidential uses may share parking areas in accordance with the following standards

1. The minimum number of parking spaces shall be 80% of the sum of the requirements for the individual uses computed separately.
2. The buildings or uses sharing parking shall be either on the same lot or within three hundred (300) feet of each other, measured from the nearest point of the building to the nearest point of the off-street parking lot.
3. The participants in the shared parking arrangement must submit an agreement between all impacted property owners for review and approval by the Township. The agreement must be signed and effective before any shared parking takes place. The Township may reject any proposed shared parking arrangement that it finds too impractical or inefficient, regardless of whether the proposal otherwise meets the requirements of this Section.
4. The following are ineligible activities:
    a. In no case shall shared parking include the parking required for residential uses.
    b. Accessible parking (ADA parking) shall not be permitted off-site.

F. **Minimum Required Spaces.** The following standards are applicable in the determination of the minimum number of parking spaces required:

1. The amount of required off-street parking area and space by type of use shall be determined and provided in accordance with the following Table 10.4-A.
2. In instances where parking requirements are calculated by square footage, the gross square footage of the building shall be utilized, except in instances where the useable floor area is found more appropriate by the approving authority.
3. Fractional spaces shall always be rounded up to the nearest whole number.
4. The number of parking spaces required for land or buildings used for two or more use shall be the sum of the requirements for the various uses, computed separately.
5. The maximum amount of off-street parking shall be limited to 125% of the minimum parking requirement specified in Table 10.4.-A. This limit excludes single-family dwellings. The Planning Commission may allow additional parking beyond this maximum as a Special Land Use, based on a Parking Demand Study submitted by the applicant.
6. For uses designated as “To Be Determined by Planning Commission” in Table 10.4-A, the applicant shall submit a parking standard for approval by the Planning Commission, based on the specifics of the proposed use. If approved by the Planning Commission, the proposed standard shall be used to calculate the minimum number of spaces as per the standards in Section 10.4.F.
7. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Table 10.4-A: Minimum Required Parking Based on Use

Land Use	Parking Ratio
Agricultural Uses	
Agriculture/Farming Operations	None.
Agri-tourism/U-Pick Operations	To be determined by the Planning Commission as described in Section 10.4.F.6
Barn Event Venue	To be determined by the Planning Commission as described in Section 10.4.F.6
Commercial or Botanical Gardens	To be determined by the Planning Commission as described in Section 10.4.F.6
Community Supported Agriculture (CSA)	N/A
Composting Facilities	N/A
Concentrated Animal Feeding Operations (CAFO)	N/A
Farmer's Market	To be determined by the Planning Commission as described in Section 10.4.F.6
Food Processing	To be determined by the Planning Commission as described in Section 10.4.F.6
Food Processing, Small Scale	To be determined by the Planning Commission as described in Section 10.4.F.6
Nurseries, Greenhouses, Commercial	To be determined by the Planning Commission as described in Section 10.4.F.6
Roadside Stands	To be determined by the Planning Commission as described in Section 10.4.F.6
Stables	1 space per horse at maximum capacity
Tree Farm	N/A
Winery	To be determined by the Planning Commission as described in Section 10.4.F.6

Land Use	Parking Ratio
Residential Uses	
Bed and Breakfast	1 space per bedroom; plus 1 space for the owner/operator
Single Family Dwelling Unit	2 spaces per dwelling unit
Two-Family Dwelling Units	2 spaces per dwelling unit
Multiple Family Dwelling Units	1.5 spaces per dwelling unit
Dwelling Units in Mixed-Use Buildings	1.5 spaces per dwelling unit
Home Occupations	N/A.
Keeping of Domestic Animals, Including Fowl	N/A.
Manufactured Housing Communities	2 spaces per dwelling unit
Personal-Scale Wind Energy Facility	N/A.
Senior Living, Assisted or Nursing Home	1 space per patient room
Senior Living, Independent	1.2 spaces per dwelling unit
State Licensed Child Care Family Home	(2) parking spaces for every (3) employees
State Licensed Child Care Group Home	(2) parking spaces for every (3) employees
State Licensed Residential Facility, Adult Care Family Home	(2) parking spaces for every (3) employees, and in addition, (1) parking space for each (4) adult residents, unless residents are prohibited from owning or operating personal automobiles
State licensed Residential Facility, Adult Care Small Group Home	(2) parking spaces for every (3) employees, and in addition, (1) parking space for each (4) adult residents, unless residents are prohibited from owning or operating personal automobiles
State licensed Residential Facility, Adult Care Large Group Home	(2) parking spaces for every (3) employees, and in addition, (1) parking space for each (4) adult residents, unless residents are prohibited from owning or operating personal automobiles
Telecommuting	N/A.

Land Use	Parking Ratio
Commercial Uses	
Adult Businesses	1 space per 250 square feet
Airport Operations Facilities	1 space per 400 square feet
Artisan/Maker Space	1 space per 250 square feet
Banks and Financial Institutions	1 space per 300 square feet
Banquet Halls, Lodge Halls and Meeting Halls	1 space per 500 square feet
Breweries, Wineries, and Distilleries	1 space per 200 square feet; plus 1 space per 1,000 square feet of manufacturing space
Campgrounds, Private	1 per campsite
Cinemas, Concert Halls, Theaters, and Other Similar Places of Assembly	1 per 4 seats
Contractor Supply Wholesale Facility	1 per 400 square feet
Daycares and Childcare Centers	1 per 500 square feet
Drive-Thrus	N/A
Event Venue	(1) parking space per (4) seats at maximum capacity gathering space, or (2) parking spaces per (3) employees, or (1) parking space per (1,000) square feet of floor area, whichever requires the greatest number of parking spaces
Funeral Homes and Mortuaries	1 per 500 square feet
Golf Courses, Country Clubs, and Driving Ranges; Public or Private	4 spaces per golf hole; plus spaces equal to the maximum capacity of driving range; plus all required spaces for accessory uses
Hospitals	1.25 spaces per patient room; plus 1 space per 500 square feet of office or procedural space
Hotels and Motels	1.1 spaces per guest room
Indoor Recreation Facilities	1 space per 1,000 square feet
Kennels	.5 per dog permitted in maximum capacity
Laundromats	1 space per 300 square feet
Medical or Dental Clinics	1 per 250 square feet
Motor Vehicle Car Wash Establishment	5 spaces in addition to stacking spaces
Motor Vehicle Repair, Major	1 per 400 square feet
Motor Vehicle Repair, Minor	1 per 400 square feet
Motor Vehicle Sales	1 per 500 square feet of indoor space; vehicles for sale shall not be parked in required parking spaces
Motor Vehicle Fuel Establishment	75% of the combined requirement of all accessory uses (retail, car wash, repair, etc.); spaces adjacent to gas pumps do not count toward the requirement
Motor Vehicle Rental Establishments	1 per 500 square feet of indoor space; vehicle for rent shall not be parked in required parking spaces
Office, General	1 per 500 square feet
Off-Site Food Services	When this use is the primary use, 1 space per 250 square feet
Outdoor Display and Sales	N/A
Outdoor Recreation Facilities, Private	The applicant shall submit a parking plan based on the operation of the use, subject to Planning Commission approval with accompanying site plan
Outdoor Seating and Dining	N/A
Personal Service Establishments	1 space per 250 square feet
Restaurants	1 space per 200 square feet
Retail Sales	1 space per 250 square feet
Small Equipment Repair	1 space per 500 square feet of service area; plus parking requirement any accessory uses (retail, etc.)
Veterinary Clinics or Animal Hospitals	1 space per 500 square feet

Land Use	Parking Ratio
Industrial Uses	
Contractor's Storage Yards	No additional parking beyond the principal use.
Crematorium	To be determined by the Planning Commission as described in Section 10.4.F.6.
Dry Cleaning Facilities	1 space per 1,000 square feet
Dye Processing Facilities	1 space per 1,000 square feet
Manufacturing, High Intensity	1 space per 1,000 square feet
Manufacturing, Low Intensity	1 space per 1,000 square feet
Motor Vehicle Disposal and Junkyards	N/A
Research and Development	1 space per 500 square feet
Mineral Resource Extraction	N/A
Mini-Warehouses and Self-Storage Facilities	.1 space per storage unit
Motor Vehicle Repair, Industrial	2 per repair bay; repair bays do not count
Outdoor Storage	N/A
Outdoor Storage of Commercial and Recreational Vehicles, Commercial	N/A
Printing and Publishing Facilities	1 space per 1,000 square feet
Solid Waste Facilities	To be determined by the Planning Commission as described in Section 10.4.F.6.
Stock Yards, Slaughter Houses, and Meat Processing	1 space per 1,000 square feet; exempt when accessory to a farm
Transportation and Logistics	1 space per 2,000 square feet
Truck and Trailer and Heavy Equipment Sales, leasing and rental	1 per 500 square feet of indoor space; vehicles for sale shall not be parked in required parking spaces
Truck Terminals	1 space per 2,000 square feet
Warehouse	1 space per 2,000 square feet
Wholesale	1 space per 2,000 square feet

Land Use		Parking Ratio
Other Uses		
Cemeteries		To be determined by the Planning Commission as described in Section 10.4.F.6.
Cultural and Government Services and Buildings		1 space per 300 square feet.
Institutions of Higher Education		To be determined by the Planning Commission as described in Section 10.4.F.6..
K-12 Schools, Public		N/A
K-12 Schools, Private		To be determined by the Planning Commission as described in Section 10.4.F.6.
Public Parks and Open Space		To be determined by the Planning Commission as described in Section 10.4.F.6.
Parking Lot, without principal structure or use		N/A
Parking Garage, without principal structure or use		N/A
Public Utility Buildings, Essential Services, etc.		1 space per 300; however, if the facility does not have employees, then no parking required
Religious Institutions		(1) parking space per (4) seats in the auditorium or place of worship or assembly, or (2) parking spaces per (3) employees, or (1) parking space per (1,000) square feet of floor area, whichever requires the greatest number of parking spaces
Solar Energy Systems	Rooftop or Wall-Mounted Solar Facilities	N/A
	Freestanding Private Solar Facilities	N/A
	Freestanding Community Solar Facility	N/A
	Freestanding Commercial Solar Facilities	N/A
	Freestanding Utility Solar Facilities	To be determined by the Planning Commission as described in Section 10.4.F.6.
Wireless Communication Facilities		N/A

Land Use	Parking Ratio
Temporary Uses	
Concrete and Asphalt Batch Plants	To be determined by the Planning Commission as described in Section 10.4.F.6.
Temporary Event	To be determined by the Planning Commission as described in Section 10.4.F.6.

G. **Minimum Size and Units of Measurement.** All off-street parking facilities required by this Article shall be of adequate size and design to provide safe ingress and egress to all parking spaces. The minimum standards for parking spaces and aisles are as indicated in Table 10.4-B and constructed as shown in Figure 10-6.

Table 10.4-B: Minimum Standard for Parking Spaces and Aisles				
Parking Pattern	Parallel	Up to 53	54-74	75-90
Maneuvering Lane Width				
1 Way 2 Way	12 ft 22 ft	13 ft 22 ft	16ft 22 ft	12 ft 24 ft
Parking Space Width*	8.5 ft	9 ft	9 ft	9 ft
Parking Space Length**	22 ft	18 ft	18 ft	18 ft
Total Width of 2 Tiers of Parking Plus Lanes				
1 Way 2 Way	29 ft 39 ft	49 ft 58 ft	52 ft 58 ft	48 ft 60 ft
Measured perpendicular to the space centerline* * Measured along the space Centerline*				

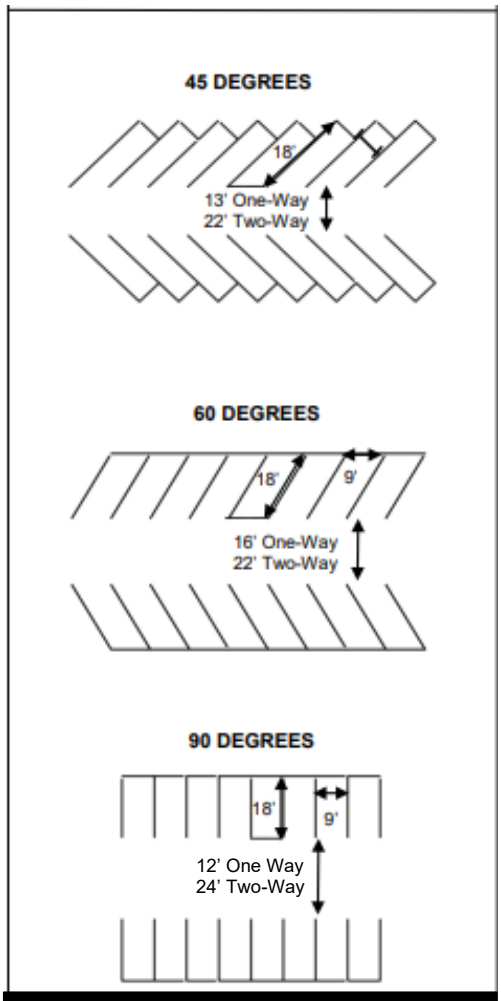


Figure 10-6: Minimum Parking Space and Aisle Requirement

H. **Off-Street Loading Spaces.** Off-Street Parking shall be required for all nonresidential uses in accordance with the following standards:

1. Loading spaces shall be located on site and shall not interfere with public use of the streets, alleys, or any required access aisles for off-street parking areas.
2. Loading and unloading space shall be an area ten (10) feet by fifty (50) feet, with fifteen (15) foot height clearance, having paving suitable for the zone district wherein located. No suck space shall be located closer than fifty (50') to any lot in any residence district unless it is wholly within a completely enclosed building or enclosed on all sides by a wall or solid fence no less than six (6) feet in height.
3. No such space shall extend into the front, side or rear yard setback areas.
4. The following table shall be used to determine the amount of off-street loading spaces required for a site:

Gross Floor Area	Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor Area
0-20,000 square feet	1
20,001 square feet – 50,000 square feet	2
50,001 square feet – 100,000 square feet	3
100,001 square feet or greater	4 spaces; plus 1 additional space for each additional 100,000 square feet in excess of 200,000

5. If a mandatory required off-street loading spaces is converted to another use or can no longer be used for loading and unloading, it shall be deemed a violation of this Section.
6. The Planning Commission may modify or waive the requirement for off-street loading areas upon determining that adequate loading space is available to serve the building or use, or that provision of such loading space is unnecessary or impractical to provide.

Section 10.5 Reserve Parking

A. Upon the approval of the Planning Commission, up to twenty-five (25) percent of the required parking area may be held in reserve. The reserve parking area shall be landscaped and maintained in a neat and orderly fashion. The reserve parking area shall remain as undeveloped space until:
   1. Such time as the parking is needed as a result of an expansion in business activity as determined by the Planning Commission; or
   2. The use changes to a more intensive use as determined by the Planning Commission.

Section 10.6 Waivers and Alterations

A. The Planning Commission may waive or alter the provisions of Section 10.4 as a Special Use upon determining that the parking required is excessive or unnecessary or that modification to the access requirements are necessary for the site. The applicant shall submit a detailed analysis prepared by a designer, architect or engineer that explains the rationale for the modification along with consideration of the following criteria:
   1. The presence of nearby public transit, sidewalks, and/or bicycle paths.
   2. A demonstration by the applicant, to the Planning Commission's satisfaction, that the use can operate with less parking than would otherwise be required.
   3. Upon the approval of the Planning Commission, up to twenty-five (25) percent of the required parking area may be held in reserve. The reserve parking area shall be landscaped and maintained in a neat and orderly fashion. The reserve parking area shall remain as undeveloped space until:
      a. Such time as the parking is needed as a result of an expansion in business activity as determined by the Planning Commission; or
      b. The use changes to a more intensive use as determined by the Planning Commission.
   4. The proposed modification will not create a safety hazard to vehicular, bicycle, or pedestrian movements.

Article 11. Landscaping and Screening

Section 11.1 Intent

A. The purpose of this Article is to promote the health, safety, and welfare of the community by:

1. Protecting the character, appearance, and thereby the value of land and residential neighborhoods
2. Recognizing the role of trees and shrubs in enhancing the quality of the community.
3. Reducing soil erosion and depletion and increasing water retention in the soil to reduce runoff.
4. Protecting the stability of each parcel and lot within the Township by requiring screening or land use buffers between contiguous land uses of different or conflicting intensity of use.
5. Enhance the appearance of commercial developments, vehicular use areas, off-street parking areas, street and road rights-of-way, and land directly abutting said rights-of-way, thereby reducing or eliminating conditions which may lead to blighted conditions.
6. Enhance the public health, safety, and welfare of the community by assisting in the definition and recognition of traffic flows related to commercial, office and multiple family residential developments, vehicular use areas, off-street parking areas, street and road rights-of-way, and land directly abutting said rights-of-way.

Section 11.2 Applicability

A. The requirements of this Article shall apply to all improvements requiring Site Plan Review in Section 14.7.B (excluding agricultural uses in the RC and FP Zone Districts) in any District.

B. These requirements shall also apply to any new use or change of use within an existing non-residential building, or Multi-Family building with two (2) or more units. Further, the landscaping requirements of this Article shall apply to all building additions resulting in 20% or more in gross floor area.

C. The Planning Director shall also require compliance with the standards of this Article in such cases of major interior renovations (See Section 3.2 for definition).

D. For existing sites with a previously approved landscape plan, the Approval Authority shall have the option of requiring the site to comply with its previously approved landscape plan, rather than altering the landscaping to comply with this section. In the event that an applicant is permitted to comply with the previously approved plan, rather than designing a new one, all plantings that are dead or otherwise in poor condition shall be replaced by a planting of similar species and size (at planting). If the applicant cannot produce a previously approved landscape plan, then the sites must be brought into compliance with this Ordinance.

E. The provisions of this Article shall not apply to single-family residential and agricultural.

F. The Planning Director shall enforce the provisions regarding installation and maintenance of landscaping during construction and the ongoing operation of the site in question.

Section 11.3 General Landscaping Requirements

A. The entire site not devoted to floor area, parking, access ways or pedestrian use shall be appropriately landscaped with grass, canopy and coniferous trees, shrubs and ground cover. Any areas which become disturbed for any reason shall be restored in accordance with the original landscape plan unless otherwise in writing by the Planning Director.

B. A landscape plan with designed landscape areas in compliance with the provisions of this Article shall be included as part of any site plan approval and shall clearly demonstrate compliance with all applicable provisions of this Article.

C. Landscaping shall be installed within ninety (90) days of completion of the building or structure, or unless permitted in writing by the Planning Director at a later date.

D. All landscaping shall be hardy plant materials and maintained thereafter in a neat and orderly manner. Withered and/or dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.

E. Parking and loading areas shall be landscaped and/or fenced in such a manner as to interrupt or screen the areas from view.

F. For the purpose of this Ordinance a corner lot is considered as having two front yards and the appropriate landscaping shall be provided for both.

G. The extensive use of cobble stones, crushed stones or other non-living material as a ground cover is discouraged

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

I. Existing trees and shrubs may be counted towards the amount of trees and shrubs required in this Article.

J. Underground sprinkling systems shall be installed on private property where necessary to service landscaped areas and such areas shall be neatly maintained, including mowing, fertilizing and pruning.

K. The Planning Commission or Planning Director may require a readily available water supply with at least one outlet located within 150 feet of all plant material to be maintained.

L. For landscaping requirements applicable to specific Overlay Districts, see Article 7.

Section 11.4 Landscaping Along the Right-of-Way

A. The following landscaping requirements shall be applicable along any adjacent right-of-way:

1. 1 street tree per 30 feet of linear frontage.
2. 8 shrubs per 50 feet of linear frontage.
3. The landscaping required to meet the standards of the section shall be installed to provide for a diverse street frontage with a variety of landscaping species, and in no instance shall more than fifty (50) percent of any one species be provided.
4. Street Trees shall be planted in the right-of-way between the property line and the street unless the applicant states why this is not practical and shows an alternative on the Landscape Plan. The alternative shall be to either locate the trees a maximum of 10 feet from the right-of-way line or allow the planting of ornamental trees depending on the described rationale. The alternative will be reviewed and may be approved by the Approving Authority.

Section 11.5 Parking Lot Landscaping

A. Landscaping shall be provided for in all internal areas of parking lots so as to provide visual and climatic relief from broad expanses of pavement. Landscape features installed in fulfillment of this requirement should be designed and situated to protect lighting fixtures and fire hydrants and to define access and circulation ways.

B. Parking Lot Landscaping requirements contained herein apply to all new developments, and shall only apply to parking lots containing 20 or more parking spaces. These requirements shall also apply to expansions which would require the development to increase its parking area by at least 20% of the total off-street parking requirements as required in Section 10.4.

C. The following table shows the amount of land area which must be set aside for parking lot landscaping.

Table 11.5.C: Internal Landscaping Areas for Parking Lots

Number of Parking Spaces in Lot	Square Feet (sf) of Land Area Per Parking Space
Parking lots containing 50 or less parking spaces	15 sf
Parking lots containing between 51 and 99 parking spaces	25 sf
Parking lots containing more than 100 spaces	30 sf

D. Landscaped areas shall be provided at the end of any parking row that exceeds 10 parking spaces and shall be required every 20 parking spaces at a minimum.

E. Applicants who wish to install additional parking spaces over and above the minimum required spaces shall be required to increase their Parking Lot Landscaping (Table 11.5.C) by one square foot for every one square foot of additional parking space.

F. The minimum size of each landscaped area shall be 180 square feet in area, with a minimum width of not less than 20 feet.

G. For each 180 square feet of required landscaped area one (1) canopy tree or two (2) evergreen/conifer trees and ground cover as approved by the Approval Authority.

H. Internal landscape areas shall be protected by the installation of a raised concrete curb around their border. The curb is intended to prevent motor vehicle infringement upon landscaped areas and to ensure that the landscaping materials remain within a defined area.

Section 11.6 Building Perimeter Landscaping

A. Interior lot landscaping shall be defined as the required landscaping to be located anywhere within the front or side of a property.

B. The calculation for interior lot landscaping shall utilize the following:

1. Interior lot landscaping shall not be counted toward street tree, frontage, greenbelt, parking islands, or other applicable landscaping requirements.
2. Interior lot landscaping requirements shall be calculated utilizing the total area remaining after excluding proposed structures, parking lot, and other site improvements.

C. One (1) tree and four (4) shrubs shall be required per every 5,000 square feet of open space remaining, after excluding all applicable site improvements and required greenbelts.

Section 11.7 Greenbelt Requirements

A. The following tables, Table 11.A Greenbelt Requirements and Table 11.B Quantity of Plant Materials, stipulates the minimum greenbelt required between developments based upon zoning or road classification. In reading the tables, the following shall apply:

1. The left-hand column in Table 11.A identifies the type of proposed development. If the proposed development is (or is proposed to be) a PUD the Planning Commission shall determine which greenbelt is required along abutting property.
2. The top column in Table 11.A identifies the zone district or road classification of the adjacent land use.
3. The letter designations in Table 11.A refer to the requirements and standards contained in Table 11.B.
4. The greenbelt requirements in Table 11.B including the width of the greenbelt and the number of plant units required per one hundred (100) linear feet of greenbelt.
5. The type and quantity of plant materials required by each greenbelt, and each greenbelt option are specified in Table 11.B.

6. Required greenbelt plantings must be planted within the width of the greenbelt designated in Table 11.B, unless approved by the Planning Commission to be planted elsewhere on the site due to lack of space within the greenbelt, a need for landscaping elsewhere on the site, or other site-specific conditions. The Planning Commission shall not have the authority to reduce the number of plantings, only to allow them to be moved elsewhere on the site.

Table 11.A: Greenbelt Requirements

Adjacent Land Use (Across)	FP	RC	R-1	R-2	O	GB	ES	AC	TI	I	HI	O-28	0-S	O-G	O-C	O-A	O-WS	V-VC	V-VF	V-TC	V-O28	Arterial / Collector	Highway
Proposed Land Use (Below)																							
FP	N/A	N/A	N/A	N/A	N/Z	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
RC	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
R-1	N/A	N/A	N/A	N/A	A	A	B	A	A	B	D	A	A	A	A	A	A	A	A	A	A	A	B
R-2	N/A	N/A	N/A	N/A	A	A	B	B	A	B	D	A	A	A	A	A	A	A	A	A	A	A	B
O	N/A	E	F	F	D	D	D	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
GB	G	F	G	G	D	C	D	D	D	D	C	C	C	C	C	C	C	C	C	C	C	C	C
ES	G	F	G	G	D	C	D	D	D	D	C	C	C	C	C	C	C	C	C	C	C	C	C
AC	G	E	F	F	D	D	D	D	B	B	C	D	D	D	D	D	D	C	C	C	C	C	C
TI	G	F	G	G	D	E	D	C	D	D	C	E	E	E	E	E	E	G	G	G	G	C	C
I	G	F	G	G	D	D	D	D	C	C	C	E	E	E	E	E	E	G	G	G	G	C	C
HI	G	G	G	G	G	G	G	G	F	D	C	G	G	G	G	G	G	G	G	G	G	G	G
O-28	F	E	F	F	C	C	C	D	C	C	F	C	C	C	C	C	C	C	C	C	C	C	B
O-S	F	E	F	F	C	C	C	D	C	C	F	C	C	C	C	C	C	C	C	C	C	C	B
O-G	F	E	F	F	C	C	C	D	C	C	F	C	C	C	C	C	C	C	C	C	C	C	B
O-C	F	E	F	F	C	C	C	D	C	C	F	C	C	C	C	C	C	C	C	C	C	C	B
O-A	F	E	F	F	C	C	C	D	C	C	F	C	C	C	C	C	C	C	C	C	C	C	B
O-WS	F	E	F	F	C	C	C	D	C	C	F	C	C	C	C	C	C	C	C	C	C	C	B
V-VC	G	F	C	C	C	C	C	C	C	C	F	C	C	C	C	C	C	N/A	N/A	N/A	N/A	See Sect. 8.6	See Sect. 8.6
V-VF	G	F	C	C	C	C	C	C	C	C	F	C	C	C	C	C	C	N/A	N/A	N/A	N/A	See Sect. 8.6	See Sect. 8.6
V-TC	G	F	C	C	C	C	C	C	C	C	F	C	C	C	C	C	C	N/A	N/A	N/A	N/A	See Sect. 8.6	See Sect. 8.6
V-O28	G	F	C	C	C	C	C	C	C	C	F	C	C	C	C	C	C	N/A	N/A	N/A	N/A	See Sect. 8.6	See Sect. 8.6

Table 11.B: Quantity of Plant Materials in Greenbelt Per Every 100 Linear Feet

Greenbelt Plant Type	A	B	C	D	E	F	G
Minimum Width of Greenbelt	10	10	20	25	30	35	40
Canopy Tree	.5	1	1	2	3	4	5
Understory Tree	1	2	2	4	5	4	4
Shrubs	N/A	N/A	4	8	10	16	20
Evergreen/Conifer	N/A	1	N/A	N/A	1	6	9

B. **Berms.** Undulating earthen berms not exceeding six (6) feet in height, as measured from average grade, and 3:1 slope may be permitted within a required greenbelt. Credit of up to 25% may be received against the required plantings through the use of berms three (3) feet in height or greater.

C. **Stormwater Retention/Detention Facilities in Greenbelts.** The Planning Director shall be authorized to allow stormwater retention/detention facilities to encroach into greenbelts a maximum of 30% of the greenbelt width, where it can be demonstrated that all planting requirements are met and the visual screen provided by the greenbelt will be fully achieved.

D. **Additional Planting Requirements.** For reasons of conflicting uses, unfavorable topography or other unique or extenuating physical circumstances the Planning Commission may increase required landscape plantings in any required greenbelt, if in its discretion any increase is found to be necessary to reasonably achieve stated until utilitarian and aesthetic objectives.

E. **Reductions and Substitute Plantings.** If a physical hardship exists or existing topography and vegetation are determined by the Planning Commission to provide equal or better landscape and buffering effect, the Planning Commission may approve modifications only to the planting requirements for greenbelts.

F. The Planning Commission may require such alternate plantings and visual screens as hedges, fences, walls, and/or combination thereof which it deems necessary to ensure compliance with stated utilitarian and aesthetic objectives.

Section 11.8 Plant Materials

A. All plant material utilized in landscaping shall be hardy to Cascade Township, be free of disease and insects, and conform to the American Standard for Nursery Stock of the American Nurserymen.

B. The following table outlines the required size of landscape planting at the time of installation

Table 11.C: Minimum Plant Size

Plant Material Type	Planting in Greenbelt Abutting Vacant Lands	All Other Landscape Plantings
Canopy Tree Single Stem	2-inch Caliper	3 ½-inch Caliper
Canopy Tree Multi-Stem Clump	8 feet (height)	12 feet (height)
Understory Tree	6 feet (height)	3-inch Caliper
Evergreen Tree	6 feet (height)	8 feet (height)
Shrub Deciduous	15 inches (height)	30 inches (height)
Shrub Evergreen	12 inches (height)	24 inches (height)

C. **Credited Species.** The Planning Director shall maintain a list of acceptable landscape plantings to accommodate various site situations. The species of trees that will be credited toward landscaping are defined as Landmark Trees and Protected Trees as defined in Section 3.2.

D. **Required Native Species.** A minimum of seventy-five (75%) percent of landscape plans must include native plants. A list of native plant species shall be maintained by the Planning Director. The Planning Commission may determine that existing or proposed conditions are not suitable for the listed native species and allow a variation from the listed native species upon request.

E. **Uncredited Species.** The trees species defined as Nonprotected Trees in Section 3.2 are considered in conflict with the community and are undesirable. These species shall not be installed in order to comply with a requirement of this section and if these trees are already existing, they may not be counted to comply with landscaping requirements. The Planning Commission may require the removal of these Nonprotected Trees to support the preservation of the existing character of the Township, including existing neighborhoods and residential spaces, agricultural lands, and natural features, and to require a higher standard for redevelopment activities as described in the adopted Master Plan.

F. **Plant material spacing.**

1. Plant materials must be planted in a location that will not encumber the neighboring property, based on the species, location, and design of the landscaping.
2. Where plant materials are placed in two or more rows, plantings shall be staggered in rows and/or grouped informally to create a naturalistic appearance.
3. Narrow evergreens shall be planted not more than six feet on center.
4. Deciduous canopy trees shall be planted not more than 25 feet on center.
5. Ornamental shall be planted not more than ten feet on center.
6. Large deciduous shrubs shall be planted not more than four feet on center.

G. **Plant material and design variety.** The overall landscape plan shall demonstrate a variety of plant material with neither 25% shrub nor 25% tree species utilized throughout the design.

H. **Airport Overlay Landscaping Requirements.** Sites within the Airport Overlay District must adhere to the requirements within this Article.

1. Landscaping that is more inclinatory for wildlife animals in comparison to other native species shall not be permissible in the Airport Overlay district, as to protect both the natural environment and human activities in and around the airport.

Section 11.9 Tree Replacement Requirements

A. Findings. Development and increasing demands on natural resources encroach upon, despoil, or eliminate trees, other forms of vegetation, and other natural resources that constitute important environmental, health, physical, aesthetic, recreational, social, and economic assets to current and future residents, property owners, and visitors of the Township. The Township finds that trees and woodlands provide the benefits documented below to individual sites and the community at large that protect and promote the public health, public safety, and general welfare of the Township.

1. **Pollutant, Gas, and Odor Absorption.** Trees absorb pollutant gases, such as nitrogen oxides, ammonia, sulfur dioxide, and ozone, which would otherwise contribute to acid rain; soil and water acidification; and damage to life, public health, or infrastructure. As some of these gases are also foul-smelling, trees have the ability to absorb these gases to mitigate odor nuisances.
2. **Particulate Matter Absorption.** Trees absorb and filter fine particulates out of the air such as dust, pollen, ash, and smoke, which would otherwise increase the risk of health problems, such as heart disease and asthma, by trapping them in their leaves, needles, and bark.
3. **Pollution Mitigation.** Trees mitigate pollution in the air, soil, and water through biological processes, improving environmental and public health.
4. **Stormwater Absorption and Runoff Reduction.** Trees absorb and reduce stormwater volume by capturing rainfall on leaves, branches, and trunks throughout the tree canopy, reducing the volume and velocity of stormwater during rain events. This reduces flooding from storm events and reduces demands to make improvements to stormwater systems. The absorption and filtration of rainwater continues to be more important as both the frequency and volume of rain events have increased in the late 20th and early 21st centuries. The resulting reduction in stormwater runoff reduces erosion of watercourses and delays onset of peak flows, which allows our stormwater systems to better handle rain events.

5. **Flooding and Flood Damage Reduction.** By reducing the volume of stormwater runoff and the impact of erosion from flood waters, tree help limit flooding and flood-related damage.
6. **Water Quality Improvement.** Trees improve water quality by filtering groundwater and reducing the volume and velocity of stormwater runoff, keeping pollutants from migrating into rivers, lakes, or other bodies of water by overland or underground flow.
7. **Groundwater Recharge.** Trees improve groundwater recharge for aquifers that supply drinking water by slowing the flow of rainwater, increasing infiltration, and by reducing evaporation of moisture in soils by shade from their canopy.
8. **Soil Erosion and Sedimentation Control.** Trees reduce soil erosion and provide sedimentation control with their roots and canopies by reducing the peak flow and quantity of stormwater runoff, reducing the impacts of weathering from rain and wind and rain on ground surfaces, and binding soils with their roots.
9. **Noise Reduction.** Trees and woodlands can provide noise abatement through absorption of high frequencies, refraction, and masking by creating sounds that are considered more pleasant and natural. The Township has an interest in ensuring residents' quiet enjoyment of their property, undisrupted by noise pollution, which trees can aid.
10. **Shade and Temperature Reduction.** Heat islands are areas that are significantly warmer due to heat retention in human-made structures, such as rooftops or asphalt or concrete surfaces that can cause people and animals to suffer from dehydration, heat exhaustion, or heat stroke. Tree canopies lower surface and air temperatures by providing shade, releasing moisture into the air, and deflecting the sun's radiation. This improves the public health of the Township's residents.
11. **Wind Breakage.** Trees slow and absorb winds, protecting property and structures; improving conditions for soil, other vegetation, wildlife, and people; and reducing heating load.
12. **Carbon Storage and Sequestration and Energy Conservation.** As the quantity of greenhouse gases in the atmosphere increases, the effects of climate change worsen. Trees reduce the amount of carbon dioxide in the atmosphere by sequestering it as they grow older and by reducing the demand for heating and cooling of buildings when strategically placed.
13. **Oxygen Generation.** Trees absorb carbon dioxide and water and use the energy the sun provides to produce sugars that feed the tree or other vegetation, creating oxygen, which is necessary to sustain life on Earth.
14. **Wildlife Habitat and Biodiversity.** Trees provide shelter and food for a variety of birds, insects, and other animals, such as squirrels, opossums, beavers, raccoons, deer, chipmunks, bats, and species classified as threatened or endangered by the U.S. Fish & Wildlife Service. Trees are a common nesting spot, breeding ground, and resource for materials commonly used by wildlife, such as flowers, fruits, buds, acorns, leaves, and woody parts of trees. Even a single tree can provide a habitat for nesting birds and other small wildlife. Trees are also significant in the lifecycle of many pollinator species that pollinate food crops.
15. **Natural Resource Preservation.** Preservation of trees, tree canopies, and woodlands are matters of paramount public concern that are supported by public policy and law, as provided by Article IV, Section 52 of the Constitution of the State of Michigan of 1963, the Natural Resources and Environmental Protection Act, Public Act 451 of 1994 (MCL 324.101 et seq), and the Zoning Enabling Act, Public Act 110 of 2006 (MCL 125.3101 et seq).
16. **Public Health Improvements.** Trees improve public health by absorbing pollutants from the air, soil, and water; absorbing fine particulate matter that causes chronic diseases; reducing ground and air temperatures; reducing noise; and producing oxygen.
17. **Public Safety.** Trees improve public safety by reducing motor vehicle travel speeds by decreasing the perceived width of roadways, reducing the severity of and damages from motor vehicle collisions, and by providing refuge for pedestrians and bicyclists from motor vehicles.

18. **Aesthetic Appeal and Natural Beauty.** Trees, tree canopies, and woodlands provide visual appeal to their surroundings by adding green space to humanmade structures and sites that are consistent with the desired character of the community. They provide positive aesthetic characteristics, contribute to a relaxing environment, create a sense of place, and sustain and improve quality of life and physical and mental health.
19. **Visual Screening, Privacy, and Security.** Trees can be placed to obscure unsightly objects or operations, such as mechanical equipment, staging locations, industrial operations, lighting, transformers, dust-generating activities, loading and unloading areas, traffic areas, parking lots, outdoor storage, and machinery, thereby lessening the visual impact on adjacent properties and the public right-of-way. Likewise, trees can create privacy for residents and businesses. As a result, screening provided by trees provides security benefits.
20. **Recreational and Educational Opportunities.** Trees and woodlands provide a variety of recreational and educational opportunities for people of different ages and abilities, such as wildlife and outdoor education, outdoor lab activities, birdwatching and other wildlife observation, walking or hiking, hunting, fishing, camping, treehouses, and hammocks.
21. **Economic Benefits.** Trees can contribute to property values in several ways. Economic benefits include reduced building energy costs, reduced stormwater impacts and costs, improved air quality, and, consequently, lower health care costs. Additionally, trees can add monetary value to development projects by making the site more aesthetically pleasing for consumers, owners, tenants, employees, residents, and patrons. The Township has an interest in continuing to grow the economy of the Township and the economic welfare of its residents.
22. **Township Tree Program.** The Township is committed to the health and sustainability of trees and woodlands throughout the community both in policy and in funding by actively maintaining thousands of trees along major public rights-of-way, in municipal parks, and on other municipal property. This continual monitoring and maintenance by the Township includes significant investment of staff and public funds to prune living trees, remove dead trees, plant new trees, and mulch and water trees where appropriate.

B. **Intent.** The intent and purpose of this Article is to:

1. **Tree and Woodland Preservation.** Protect the integrity of trees, tree canopies, and woodlands as a whole, recognizing that trees and woodlands serve as a part of an ecosystem and place priority on preservation of trees, tree canopies, and to the greatest extent reasonably possible.
2. **Canopy Cover.** Maintain maximum feasible canopy cover within the Township.
3. **Tree and Woodland Health.** Protect the reproductive and regenerative capabilities of trees and woodlands in order to: maintain plant and tree diversity; protect groundwater recharge areas; and maintain visual screening, windbreak, dust collection and noise barrier characteristics exhibited by woodlands.
4. **Wildlife.** Protect trees and woodlands to preserve wildlife habitat, maximize the quality and quantity of woodland corridors, and encourage habitats suitable for wildlife communities.
5. **Recreation, Health, and Education.** Protect the natural environment of wooded areas to provide for resident and visitor recreation, health, and education.
6. **Economic Benefits.** Protect trees and woodlands in the Township to support local property values on the subject site and on adjacent sites.
7. **Aesthetic Value.** Protect the Township's trees and woodland systems to maintain and improve their current and future visual character, not only for development areas and building sites, but also as natural settings for development in all zoning districts, consistent with land use planning goals in the Cascade Township Master Plan and acknowledging that the role of urban forest may vary between zoning districts.
8. **Landmark and Historical Trees.** Protect individual trees that are known to be rare in southeastern Michigan, have reached a certain age of maturity to be considered a landmark specimen, or are known to represent historical value to the community.

9. **Natural Processes.** Provide for the protection, preservation, and proper maintenance and use of trees and woodland systems to maintain and support ongoing natural processes such as water cycling, nutrient cycling, and photosynthesis/ transpiration.
10. **Health Benefits.** Ensure residents and visitors are able to experience the health benefits provided by healthy trees, tree canopy, and woodlands.
11. **Tree Mitigation and Replacement Standards.** Delineate standards for the mitigation of impacts of tree removal activities to the extent reasonably feasible, including the replacement of protected trees and landmark trees removed, where no feasible alternative to tree removal is available.
12. **Prevent and Minimize Environmental Damage.** Prevent and minimize damage to trees and woodlands from erosion, siltation, windthrow, and disease, and prevent and minimize disturbance and structural changes to vegetative cover provided by trees and woodlands.
13. **Permit Process.** Prohibit the unregulated cutting of trees or harvesting of forest products, regardless of whether development is anticipated, and to establish a permit process which will regulate the cutting of trees and harvesting of forest products as well as prescribe the site-specific individualized review process for the issuance of tree cutting and harvesting permits.
14. **Advance Public Interest.** Respond to the public concern for the preservation of trees and woodlands in the interest of public health, safety, and general welfare of the residents of the Township.
15. **Preserve Landscape.** Preserve the landscape in its natural state as much as possible by minimizing tree and soil removal; alteration to natural drainage patterns; and the amount of cutting, filling, and grading when a site plan is reviewed in accordance with Article 14 of this Ordinance.
16. **Township Plans.** Establish consistent standards that advance public health, safety, and general welfare goals associated with tree and woodland preservation in adopted Township plans and policies.
17. **Establish Standards.** Establish clear standards that are the least-restrictive necessary to achieve the governmental interests.
18. **Administration and Procedures.** Establish administration standards and processes to facilitate the administration and enforcement of this Article, and provide guidance for residents, businesses, and property owners.

C. **Applicability.** The tree removal regulations in this Section shall apply in the following circumstances:

1. When compliance with other landscaping standards in this Article are required.
2. Whenever a tree regulated under this Section is removed from any of the following lots:
    a. A lot containing a non-residential or mixed-use development.
    b. A lot containing a multi-family building containing three or more dwelling units.
    c. A vacant lot or lot containing a single family home, if the lot is greater than 3 acres in area and not used for agriculture as defined in the Michigan Right to Farm Act.
    d. On land proposed to be subdivided into 10 or more lots.
3. Additionally, Single Family Residential Lots of three (3) acres or more are subject to the regulations of this Section when removal of more than 25% of the total number of existing trees on the lot occurs.

D. **Exempt Activities.** The following activities shall be exempt for this Section.

1. Tree trimming and other routine maintenance that does not result in the destruction, relocation, or cutting of a tree so that no portion larger than a stump remains intact on the site, or the mutilation of a tree to the point of near certain death.
2. Removal or trimming made necessary by emergency caused by natural events, such as tornado, windstorm, flood, or other natural disaster, in which the removal of the tree would prevent injury or damage to persons or property.
3. The removal or trimming of dead trees, diseased trees or trees as defined in Section 3.2.
4. Actions approved through a State of Michigan Qualified Forestry Management Plan.

5. Agricultural activities on a farm to facilitate agricultural activities, provided such activities are permitted in the zoning district and are in compliance with all applicable “Generally Accepted Management Practices” adopted by the Michigan Department of Agricultural and Rural Development.

E. **Exempt Organizations.** The following organizations shall be exempt from this Section.

1. **Public Utilities.** The removal or trimming of trees necessitated by the installation, repair or maintenance work performed in a public utility easement or approved private easement for public utilities grants such permission.

2. **Public Agencies.** The removal or trimming of trees if performed by or on behalf of the Township, County, State or other public agencies in a public right-of-way, on public property or on an easement for public utilities in connection with a publicly awarded construction project, such as the installation of public streets or public sidewalks.

3. **Tree Farms,** where the primary purpose of the operation is to grow trees for wholesale or retail.

F. **Waiver Limitation.** Landscaping required as part of a site plan approved by the Township per Section 14.7 or otherwise required under Section 11.8 this Ordinance remain in effect regardless of any requirements or exemptions in this Article. Any tree or other landscaping removed that is part of an approved site plan or otherwise required in Section 11.8 of this Ordinance must be replaced in accordance with the approved site plan(s) or mitigation plan, as applicable. Strict compliance with this Section is required unless the property has obtained a variance from the Zoning Board of Appeals, or the property is exempt under Sections 11.9.D or 11.9.E.

G. **Tree Removal Restriction.** The removal of any Protected Tree or Landmark Tree as defined in Section 3.2, excluding Unprotected Trees as defined in Section 3.2 shall be replaced in accordance with Section 11.9.H if it is removed from a site, or may be considered under the Public Tree Planting Option as outlined in 11.9.I or Individualized Mitigation Calculation Option as outlined in 11.9.J “Removed” shall mean the destruction, relocation, or cutting of a tree so that no portion larger than a stump remains intact on the site, or the mutilation of a tree to the point of near certain death.

H. **Replacement Requirement.** Replacement Trees shall be provided to replace each tree to be removed in accordance with the following schedule. When the number of Replacement Trees results in a fraction, any fraction up to one-half shall be disregarded, and any fraction over and including one-half shall require one Replacement Tree. The minimum size at planting for Replacement Trees is 8 feet in height for coniferous trees and 2.5 inches DBH for deciduous trees.

1. If the replacement trees are coniferous trees:

   a. A replacement tree under 6 feet tall replaces 0.5 removed trees.

   b. A replacement tree between 6 and 8 feet tall replaces 1 removed tree.

   c. A replacement tree between 8 and 10 feet tall replaces 1.5 removed trees

   d. A replacement tree over 10 feet tall replaces 2 removed trees

2. If the replacement trees are deciduous trees:

   a. A replacement tree under 2.5 inches DBH replaces 0.5 removed trees.

   b. A replacement tree between 2.5 and 3.5 inches DBH feet tall replaces 1 removed tree.

   c. A replacement tree between 3.5 and 4.5 inches DBH replaces 1.5 removed trees

   d. A replacement tree over 4.5 inches DBH replaces 2 removed trees

3. **Standards for Replacement Trees.** Replacement trees must meet the requirements of Section 11.8.

4. **Relationship to Landscape Requirements.** Replacement trees may be counted as required trees for other requirements of this section, provided they are located in such a way as to fulfill the requirement in question. For example, a replacement tree may be located along the street frontage, and therefore fulfill a portion of the street tree requirement.

I. **Public Tree Planting Option.** In lieu of planting a Replacement Tree (or trees) on the site of the removed tree(s), an applicant may choose to purchase a tree (or trees) for planting in a public park or other public site in the Township of the Township's choosing. The value for replacement trees shall be equal to the cost for the Township to plant and provide initial maintenance for trees consistent with any current contracts for that work or may be set by an annual resolution adopted by the Township Board. Replanting value shall be based on size, species, and other relevant factors. The proportionate payment option is based on the number of Replacement Trees that are not otherwise planted as required in Section 11.9.H.

1. **Maximum Payment.** The payment shall not exceed fifty (50) percent of the land value of the parcel from which the protected trees and landmark trees are removed, based on the most recent land value assessment from the Township Assessor.
2. **Payment Receipt.** Payment must be received by the Township before any tree removal or clearing activities can begin.
3. **Use of Monies.** Monies paid to the Township for tree replacement shall only be used for tree planting and maintenance of public trees in Cascade, maintaining a rational nexus that these activities will offset harms and negative impacts created by the applicant's tree removal activities.

J. **Individualized Mitigation Calculation Option.** An applicant may propose an alternative, individualized replacement calculation, prepared by a certified arborist or landscape architect that meets the criteria below.

1. **Mitigation of Impacts.** The individualized mitigation calculation plan must demonstrate that the following impacts of removal of protected trees and landmark trees are proportional or are likely to be fully mitigated in the time period described below based on the size, species, and location of the tree(s) being removed:

Environmental Impact to Mitigate Based on Tree Removal	Protected Trees Removed	Landmark Trees Removed
Stormwater runoff avoided annually	10 years	15 years
Airborne pollution removed annually	10 years	15 years
Carbon dioxide sequestered annually	10 years	15 years
Particulate matter removed annually	10 years	15 years
Wildlife habitat	10 years	15 years
Soil erosion	5 years	5 years
Surface temperature	10 years	15 years
Canopy coverage	15 years	20 years

2. **Individualized Mitigation Benefits.** The individualized mitigation calculation plan must be found to provide equal or better benefits than other mitigation calculation options.
3. **Approval.** The individualized mitigation calculation plan shall be approved by the Community Planning Manager and Township Arborist.

K. **Tree Removal Permit.** A Tree Removal Permit is required in accordance with the provisions of Section 14.15.

Section 11.10 Maintenance of Landscaping

A. **Good Condition.** All plant materials in shall be maintained in good condition to present a healthy, neat, and orderly appearance and shall conform to the American Standard for Nursery Stock ANSI Z60.1 standards. In addition, the owner, tenant, or their agent of the impacted property or lot shall ensure that:

1. All plant growth in landscaped areas be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard;
2. All planted areas be maintained in a relatively weed-free condition and clear of undergrowth; and

3. All plantings shall be fertilized and irrigated at such intervals as are necessary to promote optimum growth.

B. **Removal of Tree Equipment.** Tree stakes, guy wires, and tree wrap shall be removed after one year, unless otherwise extended by the Township Planning Director.

C. **Replacement of Trees.** If any plan material required by this Article dies or becomes diseased, they shall be replaced within 30 days of written notice from the Township or within an extended time period as specified.

Section 11.11 Waivers and Modifications

A. **Waivers and Modifications.** The Approval Authority may alter or waive the standards of this section (except for those in Section 11.7.A.6 and Section 11.9.D) upon determining that strict compliance with the regulations is not practical due to physical, legal, or regulatory constraints that are not the result of actions by the applicant, or that the proposed landscaping for the site does or does not sufficiently meet the spirit of this Article.

Article 12. Lighting

Section 12.1 Intent

A. To provide sufficient lighting for outdoor areas ensuring the security of property and the safety of people in parking facilities, walkways, driveways, building entrances, loading areas, and common areas.

B. To prevent adverse effects of inappropriate lighting, including glare, light trespass onto adjoining properties, light pollution, sky glow, and energy waste.

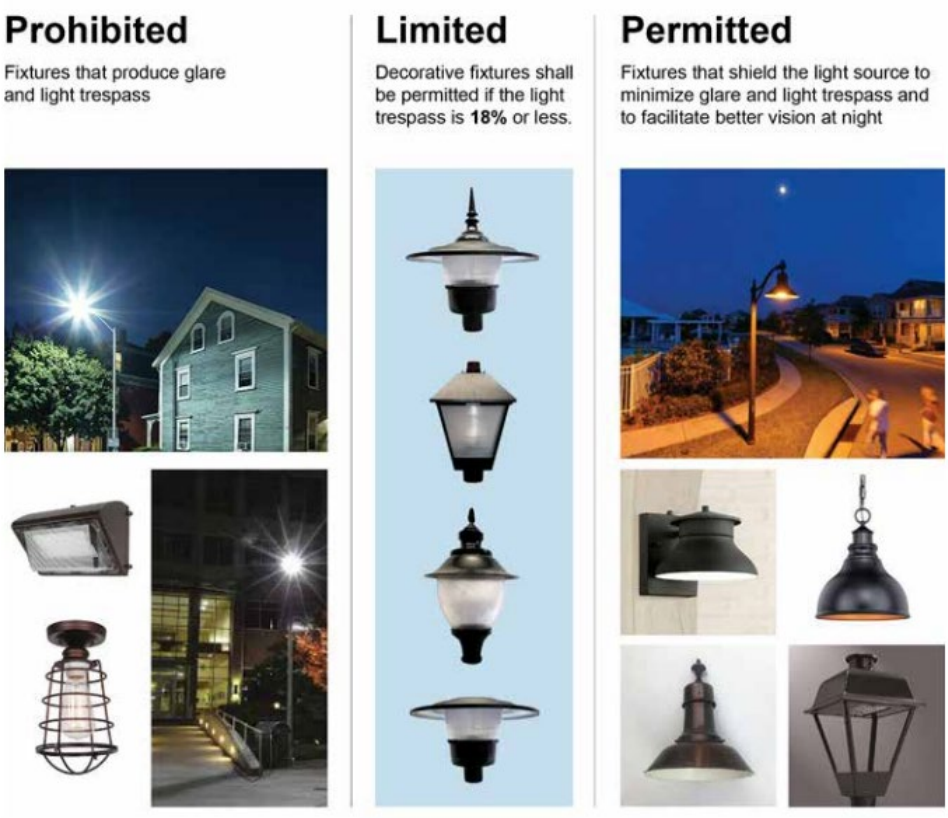
C. The mitigate light pollution to align with “dark sky” environmental initiatives to the maximum extent possible.

D. The encourage energy efficient lighting and conservation of energy throughout the Township.

Section 12.2 Applicability.

A. The provisions of this Article shall apply to all improvements requiring Site Plan Review in Section 14.7.B, and in residential zone districts when a complaint is received by the Township.

B. The following graphic is intended to be illustrative and is not regulatory in and of itself, but is intended to demonstrate acceptable and prohibited lighting:



This graphic is meant to be illustrative and is not regulatory in and of itself.

C. A Photometric Plan of the entire property, including property lines, shall be submitted with all Site Plan application when outdoor lighting is proposed. The Photometric Plan shall show light levels at a minimum of 10-foot intervals throughout the site.

Section 12.3 Maximum and Minimum Light Levels

A. Light levels shall be measured in foot-candles, which are equal to 1 lumen per square foot.

B. The maximum illumination at the property line shall be 0.5 foot-candles when abutting a single-family or two-family dwelling unit.

C. All non-residential parking and loading facilities utilized during the hours of sun-down to sun-up shall be artificially illuminated to a minimum level of 0.5 foot candles and a maximum level of five (5) foot candles, with one (1) foot candle being the desired level of average illumination.

D. The maximum light temperature for all fixtures shall be a maximum of 4,000 degrees Kelvin on the Correlated Color Temperature (CCT) Scale.

Section 12.4 General Requirements for Light Fixtures

A. **Downcast.** All outdoor lighting, unless otherwise specified in this Article, shall be downcast and downward facing to reduce glare and shall be arranged to direct and deflect light away from adjacent uses and public streets. These fixtures shall include devices such as shields, visors, and hoods for redirecting light.

B. **Location.** Light poles shall be located in a manner that will not interfere with pedestrian, bicycle, or vehicle circulation. Wall-mounted lighting shall be located in a manner to minimize impact on adjacent properties.

C. **Height.** The maximum allowed height for a freestanding light fixture shall be 25 feet from the parking surface unless the freestanding light fixture is within 200 feet of a residential zone district, where the height shall be 20 feet maximum. Wall-mounted light fixtures shall not exceed 12-feet in height on the façade they are mounted to, and may not extend above the wall height. The height of recreational lighting shall be allowed to exceed the maximum height for freestanding light fixtures outlined in this section subject to approval by the Planning Commission.

D. **Ornamental Lighting.** Ornamental lighting is intended to set a mood, create a play or shadows, or highlight a given area or element. It is not permitted for signage, advertising, parking lots, working areas, safety, or security. It shall be a hidden source, meaning an opaque or translucent component that blocks direct sight of a lighting source, but does not need to be downcast if it is designed to illuminate a building, landscaping, or other structure. Ornamental lighting shall not have any movement or change color and shall be a maximum of 2,000 lumens.

E. **Recreational Lighting.** Lighting for outdoor recreation facilities (public or private) including but not limited to football, baseball, softball, and soccer fields, and tennis courts, must meet the following standards:

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

Section 12.5 Prohibited Lighting

A. The following lighting shall be prohibited:

1. Search lights for advertising purposes;
2. Flashing, pulsating, moving, chasing, or strobing lights, or any other lights that move or simulate movement;
3. Any light that creates glare outside of the site the fixture is located, including lights shining from inside a building.

Section 12.6 Exempt Lighting

A. The following light fixtures shall be exempt from this Article:

1. **Temporary Lighting** necessary for construction work or emergencies, which is discontinued immediately upon completion of the construction work or abatement of the emergency. Light fixtures may remain in place and not be activated except for emergencies.
2. **Special Temporary Non-Commercial Lighting**, provided it is used for a maximum of 90 days.
3. **Publicly owned outdoor recreational use lighting**.
4. **County, State, or Federal government required lighting**, including, but not limited to, Airport lighting and lighting of Wireless Communication Facilities.
5. **Street Lighting.** Shall be determined by the Cascade Township Engineer and/or Road Commission.
6. **Freestanding Light Fixtures** less than 18 inches tall and not upward directed.
7. **In-ground Lighting** designed to promote pedestrian safety.
8. **Underwater Lighting** for fountains, swimming pools, and other bodies of water shall be exempt from the lamp type and shielding provisions of this Article but shall comply with all other regulations.
9. **U.S. Flag Lighting**, as recommended by the Flag Code, provided the lighting illuminate only the flag and shall be a maximum of 7000 lumens.

Section 12.7 Waivers by Special Land Use Approval

A. The provisions of this may be waived by Special Land Use Approval by the Planning Commission. The Planning Commission shall only approve the Special Land Use if it is determined that the lighting in question meets the criteria in Section 14.8. If the fixture approved through Special Land Use Approval is removed, then the Special Land Use shall be considered void, and a new Special Land Use shall be required prior to the installation of any light fixture on the site that does not conform to this Article.

Article 13. Authority, Administrative Responsibility and Enforcement

Section 13.1 General Overview

A. The Township Board of Trustees or its duly authorized representatives as specified in this Article is hereby charged with the duty of enforcing the provisions of this Ordinance. Accordingly, the administration of this Ordinance is hereby vested in the following Township entities:

1. Township Board of Trustees
2. Township Planning Commission
3. Zoning Board of Appeals
4. Village Design Review Committee
5. Planning Department

B. The purpose of this Article of the Zoning Ordinance is to set forth the responsibilities and scope of authority of these entities as it pertains to the administration of this Zoning Ordinance and applicable related planning and zoning documents.

Section 13.2 Township Board of Trustees

A. The Township Board of Trustees shall have the following responsibilities and authority pursuant to this Ordinance.

1. **Adoption of Zoning Ordinance and Amendments.** Pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended (MCL 125.3101 et seq.), the Township Board of Trustees shall have the authority to adopt this Ordinance, as well as amendments previously considered by the Planning Commission or at a hearing or as decreed by a court of competent jurisdiction.
2. **Review and Approval of Plans.** Township Board review and approval shall be required for Planned Unit Developments, in accordance with Section 14.11.
3. **Setting of Fees.** In accordance with Section 14.3.E of this Ordinance and Section 406 of Michigan Public Act 110 of 2006, as amended, the Township Board shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance.
    a. In the absence of specific action taken by the Township Board to set a fee for a specific permit or application, the appropriate Township Planning Department Director shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
4. **Approval of Planning Commission Members.** In accordance with Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board.
5. **Approval of Zoning Board of Appeals Members.** In accordance with Michigan Public Act 110 of 2006, as amended, members of the Zoning Board of Appeals shall be appointed by the Township Supervisor with the approval of the Township Board.

Section 13.3 Planning Commission

A. **Planning Commission.** The functions, duties, and responsibilities of the Planning Commission are outlined in Chapter 44 of the Administrative Legislation for Cascade Charter Township, as amended.

Section 13.4 Zoning Board of Appeals (ZBA)

A. **Establishment of the Zoning Board of Appeals.** The Zoning Board of Appeals is hereby established in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, to act upon all questions as they may arise in the administration of this Zoning Ordinance, including the interpretation of the Cascade Charter Township Zoning Map.

B. **Membership and Terms of Office.**

1. **Membership.** The ZBA shall consist of five (5) members appointed by majority vote of the members of the Township Board, consistent with state law. Members shall be representative of Township population and of the major interests present in the Township. All members shall be electors residing within Cascade Charter Township.

   a. One (1) of the regular members of the Zoning Board of Appeals shall be a member of the Planning Commission.

   b. One (1) of the regular or alternate members of the Zoning Board of Appeals may be a member of the Township Board.

   c. **Alternate Members.** The Township Supervisor may appoint two (2) alternate members for the same term as regular members to the ZBA, upon approval by the Township Board.

      i. An alternate member may be called as specified to serve as a member of the ZBA in the absence of a regular member if the regular member is unable to uphold their duties.

      ii. An alternate member may also be called to serve as a member for the purpose of reaching a decision in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the ZBA.

2. **Terms.** Members of the ZBA shall be appointed by the Township Supervisor with approval by the Township Board. The length of their term shall be determined by the Township Board. The term of each member shall be for three (3) years. Members shall be appointed with staggered terms, but members may continue to serve until their successors have been appointed.

C. **Vacancies.** If a member of the Zoning Board of Appeals can no longer serve, the Township Supervisor may appoint, upon Township Board approval, another person to the Zoning Board of Appeals for a term to be determined by the Township Board.

1. If a ZBA member moves outside of the jurisdictional boundaries of the Township, such event constitutes an automatic resignation from the ZBA, effective upon the date a replacement is appointed by the Township Supervisor and approved by the Township Board.

D. **Member Absence.** In the event that a member cannot attend a meeting, they shall call and inform the Planning Department Director before the meeting.

E. **Removal.** The Township Board shall have the authority to remove members from the ZBA under reasonable circumstances, such as prolonged meeting absences, failure to disclose a conflict of interest, or any other similar action.

F. **Conflict of Interest.** A member may be excused from voting on a particular issue by majority vote of the remaining members present for reasons of a conflict of interest.

G. **Officers and Procedural Matters.**

1. **Officers and Duties.** The Zoning Board of Appeals shall elect a chairperson, vice-chairperson, and a secretary from its members. No member of the Township Board shall be an officer of the Zoning Board of Appeals.

a. The term of each officer shall be determined by the Township Board.

2. **Procedural Matters.** Parliamentary procedure at Zoning Board of Appeals meetings shall be governed by Robert's Rules of Order.

H. **Meetings.** Regular meeting schedule, time, and location shall be determined by the Township Board.

1. Special meetings may be called at the request of any member or the Planning Department Director.

2. All meetings, subcommittee meetings, hearings, records and accounts shall be open to the public in accordance with the Michigan Freedom of Information Act and the Michigan Open Meetings Act.

I. **Quorum.** A quorum shall consist of a majority of the Zoning Board of Appeals membership excluding vacant seats.

J. **Voting.**

1. **Decisions.** A concurring vote shall be required to reverse any requirement, decision, or determination made by the Planning Director, or to grant a variance from the requirements of this Ordinance.

2. **Voting Procedures.**

a. The name of the person making the motion and its supporter shall be recorded.

b. Voting shall be by voice vote. All motions or resolutions resulting in Township expenditures shall be by a roll call vote. All members present are required to vote unless excused for reasons of a conflict of interest.

c. Action by the ZBA on any matter for which a public hearing is required shall not be taken until the public has had the reasonable opportunity to address the ZBA.

Section 13.5 Village Design Review Committee

A. **Purpose.** The purpose of the Village Design Review Committee (VDRC) is to foster a working partnership between property owners, developer and the Township in achieving the objectives/intent of the Village Zone Districts.

B. **Members and Term of Office.** The VDRC is a Township Board appointed committee made up of 5 Cascade Township citizens. The VDRC citizen members shall be made up of at least one member of the following: Township Board, Planning Commission, Downtown Development Authority, Zoning Board of Appeals, and a Community Representative appointed by the Township Board. Each member's term shall be as determined by the Township Board.

C. **Vacancies.** If a member of the VDRC can no longer serve, the Township Supervisor may appoint, upon Township Board approval, another person to the VDRC for a term to be determined by the Township Board.

D. **Member Absence.** In the event that a member cannot attend a meeting, they shall call and inform the Planning Department Director before the meeting.

E. **Removal.** The Township Board shall have the authority to remove members from the VDRC under reasonable circumstances, such as prolonged meeting absences, failure to disclose a conflict of interest, or any other similar action.

F. **Conflict of Interest.** A member may be excused from voting on a particular issue by majority vote of the remaining members present for reasons of a conflict of interest.

G. **Officers and Duties.** The Township Board representative shall serve as the VDRC chair. Township staff will function as the secretary of the VDRC.

H. **Meetings.** Meetings of the VDRC will be scheduled upon receipt of a complete application for review.

I. **Quorum.** A quorum shall consist of three members of the VDRC and is required to render a recommendation.

J. **Voting.** A concurring vote of three members of the VDRC is required to render any recommendation to the Planning Commission.

K. Open Meetings Act. Meetings of the VRDC shall be subject to the Open Meetings Act.

Section 13.6 Planning Department

A. **Overview.** As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the Township Planning Department, including the Planning Director.

B. **Roles and Responsibilities of the Planning Department.** In addition to specific responsibilities outlined elsewhere in this Ordinance, upon request from the Township Board or other authorized Township body or official, the Planning Department shall have the following responsibilities, including but not limited to:

1. Prepare and administer such plans and ordinances as are appropriate for the Township and its environs, within the scope of the Michigan Planning and Zoning Enabling Acts.
2. Advise and assist the Planning Commission and be responsible for carrying out the directives of the Planning Commission.
3. Advise and assist the Township Board and be responsible for carrying out the directives of the Township Board.
4. Provide citizens and public officials with information relative to this Ordinance and related matters.
5. Assist applicants in determining the appropriate forms and procedures related to site plan review, rezoning, variances, and other zoning and planning matters.
6. Prepare and forward to the Planning Commission staff reviews and supporting documentation for all applications pertaining to site plan review, special land use review, planned unit development proposals, petitions for amendments to this Ordinance, rezonings, and other applications which must be acted upon by the Planning Commission.
7. Prepare and forward to the ZBA reviews of all applications for appeals, variances, or other matters on which the ZBA is required to act.
8. Forward to the Township Board all recommendations of the Planning Commission concerning matters on which the Township Board is required to take final action.
9. Maintain up-to-date Zoning Map and Zoning Ordinance text amendments.
10. Review all applications for site plan review, special land use review, and planned unit developments, and take any action required under the guidelines in Article 14.
11. At the request of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the Township.
12. Monitor and update the Master Plan, as needed.
13. Perform other related duties required to administer this Ordinance and further the goals of the Master Plan.

C. **Zoning Administration.** The Planning Department shall also administer this Zoning Ordinance by means of, but not limited to:

1. Provide citizens and public officials with information relative to this Ordinance and related matters.
2. Assist applicants in determining and completing appropriate forms and procedures related to site plan review, rezoning, and other zoning matters.
3. Review and investigate permit applications to determine compliance with the provisions of the Zoning Ordinance.
4. Issue appropriate permits upon compliance with provisions of this Ordinance and other applicable ordinances.
5. Perform inspections of buildings, structures, and premises to ensure proposed land use changes or improvements are in compliance with this Ordinance.

Section 13.7 Public Notices – Publication, Mailing, and Delivery

A. Except where expressly stated otherwise in this Ordinance, whenever a public hearing on a zoning application or matter is required by this Ordinance or by the Michigan Zoning Enabling Act, as amended, notice of the public hearing shall be published and delivered in accordance with the requirements of this Section.

1. **Mailed or Delivered Notices.** The Planning Department shall send by mail or personal delivery a notice of public hearing.

2. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.

3. For applications involving the rezoning of ten (10) or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel; and for all planned unit development and special use applications, a notice of public hearing shall be mailed by way of U.S. first class mail or be personally delivered to the following persons, at least 15 days prior to the date of the public hearing:

   a. The applicant;

   b. All persons to whom real property is assessed for property tax purposes within 900 feet of the property that is the subject to the application; and

   c. The occupants of all structures within 900 feet of the property that is the subject of the application. If the above-described 900-foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the 900-foot radius, to all persons in the above-stated categories.

4. The notice of the public hearing shall include the following information:

   a. A description of the nature of the application or request.

   b. An identification of the property that is the subject of the application or request. The notice shall also include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven (11) or more adjacent properties are being proposed for rezoning.

   c. A statement of where and when the application or request will be considered.

   d. Indicate where and when written comments will be received concerning the application or request.

Section 13.8 Enforcement

A. **Purpose.** The Planning Director, or their designee, shall administer and enforce the provisions of this Zoning Ordinance. The Planning Director is authorized to employ assistants and agents to aid him or her in the enforcement and administration of this Zoning Ordinance.

B. **Enforcement Procedures.** Procedures to enforce this Zoning Ordinance shall be consistent with the requirements of Cascade Township General Ordinance Chapter 40, Penalties, Remedies, and Enforcement, and any amended version thereafter.

C. **Violations.** Any person who violates any provision of this Zoning Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of an amount established by the Township Board, plus costs and other sanctions, for each infraction. Every day that a violation continues shall constitute a separate offense.

1. **Repeat Offenses.** Repeat offenses under this Ordinance shall be subject to increased fines as provided below. As used herein, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of any provision of this Zoning Ordinance committed by a person within any one (1) year period and for which the person admits responsibility or is determined to be responsible. The increased fine for repeat offenses shall be as follows:

   a. The fine for any offense which is a first repeat offense shall be not less than an amount established by the Township Board.

b. The fine for any offense which is a second repeat offense, or any subsequent repeat offense shall be not less than an amount established by the Township Board.

D. **Persons Chargeable with a Violation.** Persons chargeable with a violation of the Zoning Ordinance and subject to being responsible for a municipal civil infraction may include the following:

1. The owner, agent, lessee, tenant, contractor, or any other person using or having control of the land, building or premises where such violation has been committed or shall exist.
2. Any person who knowingly commits, aids and abets, takes part or assists in any such violation.
3. Any person who owns or maintains any land, building, or premise on which such violation shall exist.

E. **Civil Remedies.** In addition to the municipal civil infraction remedies, the violation of any provision of this Zoning Ordinance may be legally enjoined and otherwise abated in any manner provided by law.

F. **Administrative Remedies.**

1. **Cease and Desists.** The Planning Director shall have the authority to issue a cease-and-desist order in the form of a written notice for the violation of any provision of this Zoning Ordinance.
   a. 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.
   b. Once a cease-and-desist order is effective, any use or work done in violation of the Zoning Ordinance shall stop immediately and shall not be recommenced until the Planning Director issues a written notice dissolving the cease-and-desist order.
   c. Any person who violates a cease-and-desist order shall be responsible for a municipal civil infraction as authorized above. Any decision of the Planning Director regarding a cease-and-desist order may be appealed to the ZBA. A cease-and-desist order shall be in addition to the other violation penalties and remedies provided in this Ordinance.

Article 14. Application and Review Procedures

Section 14.1 Purpose

A. It is the purpose of this Article to define the review and approval process for certain buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained in this Article are intended to:

1. Provide a clear and comprehensible development review process that is fair and consistent to all interests including applicants, affected neighbors, and the Township;
2. Establish an orderly review process for all proposed projects involving construction of a building or other structure, any site improvements or alterations or a modification in the use of land within the Township;
3. Promote safe and convenient traffic movement, both within a site and in relation to access streets;
4. Harmonious relationships of buildings, structures and uses, both within a site and with adjacent sites;
5. Conservation of natural amenities and resources; and
6. Compliance with the provisions of this Ordinance and all other applicable Township, state and federal laws.

Section 14.2 Summary Table of Development Review Procedures

A. The following Table lists the various development applications authorized by this Article and the review procedure associated with the application.

Table 14.2.A Review Procedures		Pre-Application Conference	Village Design Review Committee	Planning Commission	Zoning Board of Appeals	Township Board	Director
	Section	14.5	13.5	13.3	13.4	13.2	13.6
Zoning Review	14.4				A		R
Site Plan Review	14.7	O, R	R*	D	A		R
Site Plan Review - Administrative	14.7		R*	A	A		D
Special Use Permit	14.8	O, R	R*	R, PH	A	D	R
Rezoning (Zoning Ordinance Map Amendment)	14.9	O, R		R, PH		D	R
Conditional Rezoning	14.10	O, R		R, PH		D	R
Preliminary Planned Unit Development	14.11	R		D, PH			R
Final Planned Unit Development	14.11	R		R, PH		D	R
Amendment to a PUD	14.11	O, R		R, PH		D	
Zoning Ordinance Text Amendment	14.12	O, R		R, PH		D	R
Interpretation	14.13				D, PH		R
Appeal	14.13				D, PH		R

Table 14.2.A Review Procedures		Pre-Application Conference	Village Design Review Committee	Planning Commission	Zoning Board of Appeals	Township Board	Director
	Section	14.5	13.5	13.3	13.4	13.2	13.6
Variance	14.13		R*		D, PH		R
Site Condominium	14.15	R		D		A	R
Sketch Plan	14.15	O, R					
Preliminary Plat – Tentative Approval	14.15	O, R		R, PH		D	R
Preliminary Plat – Final Approval	14.15	O, R		R, PH		D	R
Final Plat	14.15			R, PH		D	R

PH: Public Hearing Required (See Section 13.7)

D: Decision Making Body

R: Review & Recommend

A: Appealing Authority

O: Review is Optional

*Applicable only in Village Zone Districts.

Section 14.3 General Review Procedure

A. **Application:** Any person(s) requesting action or review under the prevision of this Ordinance shall file an application on the forms provided by the Township. The information shall be typed or legibly written on the application form and separate documents attached thereto.

B. **Complete Application:** Following the filing of a proposed land use application, the Planning Department shall review for completeness. The official receipt of the application shall be the time in which the completed plan arrives or is delivered to the appropriate Township staff.

C. **Records:** The Township shall keep accurate records of all decisions on all applications submitted pursuant to this Ordinance.

D. **Resubmission of Application:** No application for zoning approvals or project shall be submitted to the Township or be formally considered by a Township Board or Official (i.e. Township Board, Zoning Board of Appeals, Planning Commission or Planning Director) where such application or project has been previously denied or turned down by the Township unless the new application or project is substantially changed from the prior one. With regard to whether or not substantial changes have occurred since the prior application or project was denied, the Planning Director shall make the determination in the first instance. If the applicant disagrees with the Planning Director's determination, the applicant shall have thirty (30) days to appeal the Planning Director's determination to the Zoning Board of Appeals. In determining whether substantial changes have occurred, the Planning Director (or on appeal, the Zoning Board of Appeals involved) shall consider:

   1. Whether the application or project has been substantially modified to address the concern from the earlier denied request;

   2. Whether external conditions or circumstances have changed significantly so as to warrant a reconsideration of the application or project; or

   3. Whether new and material evidence has been discovered which would justify a reconsideration of the application or project and the failure to present such evidence at the first consideration was not the fault of the applicant.

E. **Deferral or Withdrawal of Application:** A request for postponement or withdrawal of an application shall be submitted in writing to the Director. This request may be made verbally at a public hearing provided it is made in writing by the applicant not later than seven (7) days following the request.

1. If the postponement of a public hearing is requested, then the required reviewing authority shall set the date and time or required circumstances (e.g. submission of additional requested material) in which the postponed application shall be re-heard.
2. If members of the public wish to speak on the postponed application at the original hearing time, public comment shall be taken and considered as part of the record of proceedings for the application.
3. The application shall be subject to additional fees to defray the costs of processing the application if additional notices are required.

F. **Simultaneous Processing:** Where two (2) or more applications are required by this Chapter, they may be processed simultaneously. Certain approvals may not take immediate effect until other applications are reviewed and approved.

G. **Fees, Escrow and Performance Guarantees:** All applications submitted to the Township for review and approval shall be accompanied by a filing fee to cover the initial cost of processing the application.

1. The application fee and review escrow shall be established by resolution of the Township Board, in accordance with Section 406 of Michigan Public Act 110 of 2006, as amended. The filing fee and any escrows shall be paid before the site plan approval process begins. Upon notification of deficient payment of any application or escrow fees, the Planning Department shall suspend further review of the application and shall deny any new permits. Any deposit in escrow for the cost of review shall be credited against the expense to the Township, and any portion of the deposit in escrow not needed to pay such expense shall be refunded without interest to the applicant within thirty (30) days of final action on the application. A schedule of the current filing fees and escrow requirements is available in the office of the Township Clerk and the Planning Department.
2. **Financial Guarantees Shall be Provided as Follows:**
    a. **Performance or Surety Bond**
        i. **Accrual.** The bond shall accrue to the Township and shall cover the full cost of constructing and installing the specific public improvement and, where applicable, placing the specific public improvements in operation.
        ii. **Amount.** The bond shall be in an amount equal to the total estimated cost for completing construction and installation of the specific public improvement, including contingencies as estimated by the Township Board, as well as, where applicable, the total estimate of the cost of placing the specific public improvement in operation, including contingencies, as estimated by the Township Board.
        iii. **Term.** The term of the bond shall be for such period as shall be specified by the Township Board.
        iv. **Bonding or Surety Company.** The bond shall be written by a surety company authorized to do business in the State of Michigan acceptable to the Township Board.
    b. **Cash Deposit, Certified Check, Negotiable Bond or Irrevocable Bank Letter of Credits**
        i. **Treasurer, Escrow Agent, or Trust Company.** A cash deposit, certified check, negotiable bond, or an irrevocable bank letter of credit, as approved by the Township Board, shall be deposited with the Township. Such deposit shall be made pursuant to a written escrow agreement between the subdivider and the Township. The escrow agreement may provide that the deposit will be held by the Township Treasurer, or in the alternative, subject to approval by the Township Board, that the deposit be held by a state or national banking corporation.
        ii. **Dollar Value.** The cash deposit, certified check, negotiable bond, or irrevocable bank letter of credit shall be in an amount equal to the total estimated cost of construction and installation of the specified public improvement including contingencies, as estimated by the Township Board.
        iii. **Term.** The deposit shall be retained by the Township Board for a period to be specified by the Township Board.

c. The agreement between the Township and the subdivider may provide that the amount of the bond provided pursuant to subsection i above or the deposit provided pursuant to subsection ii above be progressively reduced as the specified public improvements are completed.

H. **Disclosure of Interest:** The full name, address, telephone number, and signature of the applicant shall be provided on the application. If the application involves real property in the Township, then the applicant must be the fee owner, or have identified legal interest in the property, or be an authorized agent of the fee owner. A change in ownership after the application is filed shall be disclosed prior to any public hearing or the final decision on the application. One of the following applicable disclosures shall be required:

1. **When Applicant is not Property Owner:** If the applicant is not the property owner, the application must indicate the applicant's interest in the property by providing evidence of a contractual ability to acquire such land, such as an option or purchase agreement, and the name, address, and telephone number of the property owner(s). An affidavit of the fee owner(s) shall be filed with the application stating that the applicant has authority from the owner to make the application.
2. **When Applicant is a Corporation or Partnership:** If the applicant or property owner is a corporation, the name, address, and telephone number of the corporation officers and registered agent shall be provided, and if a partnership, the name, address, and telephone number of the partners shall be provided.
3. **When Applicant or Owner is a Land Trust:** If the applicant or property owner is a trust or trustee thereof, the name, address, telephone number, and extent of interest of each beneficiary must be provided.

I. **Posting of Financial Guarantee:** The Township may require a performance bond letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping and drainage improvements associated with the project. Such performance guarantee shall be deposited with the Township before a building permit is issued to ensure faithful completion of the improvements indicated with the approved site plan; if not, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Planning Director. In cases where the provisions of this Article have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements; and the balance, if any, shall be returned to the applicant.

J. **Building Permits and Certificates of Occupancy**

1. Building Permits shall be required as described in the Michigan Building Code. Nothing in this Ordinance shall be deemed to alter, waive, or create any Building Permit requirement that differs from the Michigan Building Code.
2. **Approval Required.** Development requiring site plan review or any other type of zoning review approval under the authority of this Ordinance shall not receive a building permit until it has received the necessary Township approvals and a Certificate of Zoning Review from the Planning Department.
3. **Issuance.** No building permit or Certificate of Occupancy shall be issued by the Building Department unless there is compliance with this Ordinance and other applicable ordinances and laws, decisions of the Planning Commission, Zoning Board of Appeals, Township Board, or court decisions.
4. **Revocation.** The Township may revoke a Building Permit or Certificate of Occupancy in those cases where an administrative determination has been duly made that false statements or misrepresentations existed as to material fact(s) in the application or plans upon which the permit of approval was based.
5. **Suspension.** The Township may suspend a Building Permit or Certificate of Occupancy where an administrative determination has been duly made that an error or omission on either the part of the permit applicant or government agency existed in the issuance of the permit or certificate. A new permit or certificate shall be issued in place of the incorrect permit or certificate after correction of the error or omission.

6. **Notice and Appeal.** All Township decisions concerning the issuance, revocation, or suspension of Building Permits and Certificates of Occupancy pursuant to this Ordinance shall be stated in a written notice to the permit applicant. Any decision of the Township with regards to this Ordinance may be appealed to the Zoning Board of Appeals.

Section 14.4 Zoning Review

A. **Purpose.** A Zoning Review is required to evaluate compliance with the Articles of this Ordinance if a Site Plan is not required. A Zoning Review shall be conducted prior to the installation of any structure or improvement on a parcel or change in use of a structure.

B. **Applicability.** The Zoning Review will be accommodated during review of a building permit, as applicable. A property owner or applicant may request in writing documentation of Zoning Review upon formal request to the Planning Director.

C. **Procedure.** The following procedures are applicable to a Zoning Review request:

1. **Application.** An application shall be submitted to the Cascade Planning Department on a form prepared by the Planning Director.

2. **Application Submittal.** An application shall be submitted to the Cascade Planning Department and shall include the following information:

   a. **Application, form, and fees.** A completed application form, supplied by the Township, and an application fee. An application will not be placed on the Planning Commission agenda until the Planning Director determines that the application is complete as reviewed by Township staff and consultants.

   b. **Project description.** A narrative describing the proposed development including the period of time within which the project will be completed.

   c. **Sketch Plan.** A plan showing all proposed improvements in relationship to the property those improvements are proposed in an 8 ½" x 11" or larger format and drawn to scale, that includes the following:

      i. Location, shape, area, and dimensions of the lot;

      ii. Location, dimensions, height, and setbacks of any structures;

      iii. Yard, open area, and parking space dimensions;

      iv. Proposed number of sleeping rooms, dwelling units, occupants, employees, and other users;

      v. The existing and intended uses;

      vi. Any additional information deemed necessary to the Planning Director to determine and provide for the enforcement of this Article.

3. **Administrative Review.** The Planning Director shall approve all Zoning Reviews administratively in accordance with any applicable requirements of this Article. A Zoning Review shall be obtained prior to the issuance of a building permit for construction or installation of the proposed improvement. If the Zoning Review finds that additional Land Use approvals are required prior to submittal of the application being proposed, the Zoning Review will be denied or placed on hold until those approvals are obtained.

Section 14.5 Pre-Application Conference

A. **Purpose.** The Pre-Application Conference is intended to provide an opportunity for the applicant to meet with Township staff to review submittal requirements, procedures, and schedules; discuss details and potential impacts of the proposed project; and establish points of contact for the development review process.

B. **Applicability.** A potential developer or property owner may request a Pre-Application Conference by submitting an application to the Planning Department. The Planning Director may also require a Pre-Application Conference at their discretion.

C. **Procedure.** A Pre-Application Conference shall be scheduled in accordance with the following procedures.

1. **Application Submittal.** An application shall be submitted to the Cascade Planning Department and shall include the following information:

   a. A written description of the proposed project;

   b. A conceptual plan showing the location, layout, and primary elements of the project;

   c. Any specific uses, location of uses, and densities proposed;

   d. Proposed construction phasing, if applicable; and

   e. Proposed location of any public improvements, if applicable.

2. **Scheduling.** The Planning Director shall schedule a Pre-Application Conference upon receipt of an application requesting such meeting and shall notify of the time and location for the meeting.

3. **Township Representatives.** The following shall be notified of the Pre-Application Conference and may attend the meeting to discuss the project with the applicant:

   a. The Township Manager

   b. The Planning Director

   c. The Township Engineer

   d. The Building Official

   e. Kent County Sheriff Department

   f. The Township Fire Chief

   g. One (1) Planning Commissioner

   h. One (1) Township Trustee

   i. Representatives from other regulatory organizations as determined by the Planning Director.

4. **Meeting Determinations.** Township Representatives shall identify concerns or factors the applicant should consider related to the scope, features, and potential impacts of the project as well as any procedures necessary for the proposed project.

D. **Effect.** The Pre-Application Conference is intended to assist the applicant and facilitate the future review and approval of the application. However, no suggestions, recommendations, or other comments made by Township officials, staff or consultants at such conference shall constitute approval of an application or bind the Township.

Section 14.6 Village Design Review

A. **Purpose.** The purpose of the Village Design Review procedure is to provide property owners and developers feedback and an opportunity to work with the Township to achieve the objectives and intent of the Village Zone Districts. The VRDC shall be advisory in nature only and will only have authority to make recommendations to the Planning Commission.

B. **Applicability.** For all developments requiring Site Plan Review in the Village Zone Districts, the property owner or developer shall be required to submit application for a Village Design Review in accordance with the procedures below.

C. **Procedure.** A Village Design Review request shall be scheduled in accordance with the following procedures.

1. **Application Submittal.** An application shall be submitted to the Cascade Planning Department and shall include the following information:

   a. A written description of the proposed project; including a narrative describing the proposal as it relates to the purpose, intent, and standards, of the Village Zone Districts. See Section 8.1.

   b. A conceptual plan showing the location, layout, and primary elements of the project.

c. Architectural details of any structures or buildings proposed, see Section 8.4.

d. Any specific uses, location of uses, and densities proposed.

e. Proposed construction phasing, if applicable.

f. Proposed location of any public improvements.

2. **Scheduling.** Once an applicant has submitted a complete application for review, the Planning Director shall schedule a meeting of the Village Design Review Committee within a reasonable amount of time.

3. **Staff Review.** The Planning Director shall review the application and prepare a staff report with recommendations to the Village Design Review Committee.

4. **VRDC Review.** The VDRC shall review the information provided by the Applicant. The Planning Director shall forward all comments and recommendations of the VDRC to the applicant and the Planning Commission. The applicant shall incorporate the comments and recommendations from the VDRC into their site plan application prior to the Planning Commissions review of a site plan. If a comment or recommendation from the VDRC cannot be met, the applicant shall include an explanation to the Planning Commission as to the reasons why.

D. **Standards for Recommendation.** The VDRC shall review all applications for consistency with the provisions of the Village Zone Districts, the impact of the improvements on neighboring properties, and the benefit of the proposed improvements to the community.

Section 14.7 Site Plan Review

A. **Purpose.** The site plan review procedure is intended to provide a process by which development is reviewed for compliance with the development standards outlined in this Ordinance. The site plan review procedure ensures the Township has an opportunity to mitigate potential impacts of development prior to issuance of a building permit.

B. **Applicability.** All land uses shall be subject to site plan approval, except a detached single-family dwelling on a lot or parcel not having any other dwelling existing or to be located thereon, and non-residential uses requiring less than five (5) parking spaces. Notwithstanding the preceding, all new construction or expansion of the footprint of a principal building within the Village Districts or within any Overlay shall require Site Plan Approval as described in this Section and shall not be eligible for Administrative Site Plan Approval.

C. **Procedure.** The following procedures are applicable to all site plan review applications.

1. **Pre-Application Conference.** A Pre-Application Conference is not required, but may be requested by the applicant in accordance with Section 14.5.

2. **Application Submittal.** An application shall be submitted to the Cascade Planning Department and shall include the following information:

a. **Application, form, and fees.** A completed application form, supplied by the Township, and an application fee. An application will not be placed on the Planning Commission agenda until the Planning Director determines that the application is complete as reviewed by Township staff and consultants.

b. **Proof of ownership.** Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.

c. **Project description.** A narrative describing the proposed development including the period of time within which the project will be completed.

d. **Cover sheet.** Cover sheet providing:

i. Applicant's name.

ii. Name of the development.

iii. Preparer's name, contact information, and professional seal of architect, engineer, surveyor, or landscape architect license in the State of Michigan.

iv. Date of preparation and revision dates.

v. North arrow.

vi. Property lines and dimensions.

vii. Legal description of the property.

viii. Complete and current legal description and size of property in acres.

ix. Small location sketch of sufficient size and scale to determine the site's location within the Township.

x. The section, township and range, the name of the township, and county.

xi. Note on each plan sheet stating, "Not to Be Used as Construction Drawings."

xii. A list of any Variances, Special Land Use, or exemptions that may have been granted.

e. **Existing Conditions Plan:**

i. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private street from the site.

ii. Lot lines and all structures on the property and within 100 feet of the site's property lines.

iii. Location of any vehicle access points on both sides of the street within 100 feet of the site along streets where vehicle access to the site is proposed.

iv. Existing buildings and/or structures on the site.

v. Any public or private easements.

vi. Location of parking and landscaping improvements located on the site.

vii. Existing locations of utility services (with sizes), including storm drainage, retention or detention ponds, fire hydrants, and any public or private easements

viii. Locations of all natural, historical, and architectural features; natural features shall include all woodlands, trees, wetlands, lakes, rivers, drainageways, topography, etc.

ix. Location and dimensions of existing sidewalks.

x. Location(s) of any EGLE-regulated wetland, including submission of a wetland delineation by a qualified wetland consultant, and indication of the status of application for an EGLE wetland permit or copy of permit received including description of any wetland mitigation required; and location of other non-regulated wetland areas over two contiguous acres.

xi. All 100-year floodplain areas.

f. **Site plan.** Plan sheet(s) indicating:

i. Proposed improvements, included building additions or other site improvements, clearly identified as proposed and existing.

ii. Building footprints, setbacks, typical floor plans and a sketch of any ground mounted equipment to scale along with required screening.

iii. Layout and typical dimensions of any proposed lots and footprints and dimensions of existing buildings and structures; uses with the acreage allotted to each use; for residential developments, the number, type, and density of proposed housing units; if a multi-phase development is proposed, identification of the areas included in each phase.

iv. Location and method of screening for all waste receptacles including Trash Receptacles and compactor.

v. Location and dimensions of parking lots and spaces, and loading/unloading areas (including vehicle pathway to access loading area), and calculations to meet the requirements Article 10, Access, Parking and Loading.

vi. Size, type, and location of proposed identification signs;

vii. Location, type, height, and method of lighting for identification signs.

viii. Location and type of any directional or regulatory/traffic control signs, with details for any sign not conforming to the Michigan Manual of Uniform Traffic Control Devices.

ix. Details of site circulation and access design.

x. Dimensions of existing and proposed right-of-way lines, including those abutting the site, and names of abutting public streets.

xi. Indication of pavement widths and pavement type including internal service and access drives.

xii. Street horizontal and vertical dimensions, including curved radii.

xiii. Locations and dimensions of access points, including deceleration or passing lanes, distance from adjacent driveways or intersection streets, including those across a street.

xiv. Location and dimensions for proposed sidewalks and bicycle paths.

xv. Proposed Utility easements showing location, width, and purpose.

xvi. Written verification of access easements or agreements, if applicable.

g. **Architectural Elevations.** Elevations showing height, materials, and colors for all proposed structures, including any residential units, shall be provided, and considered part of the approved site plan; the building elevations must show all rooftop mechanical units along with the proposed method of screening.

h. **Lighting and Photometric Plan.** Details of exterior lighting meeting the requirements of Article 12, including locations, type, height, method of shielding; and a photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in footcandles)

i. **Landscape plan.** A landscape plan in accordance with Article 11,

i. Landscaping and Screening, indicating proposed plant locations with common plant name, number, and size in caliper at installation. Berms, retaining walls or fences shall be shown with elevations from the surrounding average grade.

ii. Locations, type and size of all trees 4 inches or larger in caliper measure 4 feet from grade. This includes those trees planned to be saved as part of the development and those that are scheduled for removal.

j. **Tree Removal Plan.** A tree removal plan in accordance with the requirements of Section 11.9 identifying the location and species of any trees being removed.

k. **Civil and Engineering Plans.** The following civil engineering documentation:

i. **Grading plan.** A site grading plan for all developments where grading will occur, with existing and proposed topography at a minimum of two-foot contour levels and with topography extending a minimum of 50 feet beyond the site in all directions and a general description of grades within 100 feet, and further where required to indicate stormwater runoff into an approved drain or detention/retention pond.

ii. A traffic impact analysis when required by the Township Engineer.

iii. **Stormwater management plan.** A general description and location of stormwater management system shall be shown on the grading plan, including pre- and post-site development runoff calculations used for determination of stormwater management, and location and design (slope) of any retention/detention ponds in accordance with the Cascade Charter Township's Stormwater Ordinance, as amended from time to time. Additionally, stormwater outfall structures or basins constructed in an EGLE-regulated wetland may require an EGLE wetland permit; and, if constructed below the ordinary high-water mark of an inland lake or stream, will require a permit. Status of all such EGLE permit applications or copies of permits with attached conditions shall be provided as applicable.

l. **Building and Structure Elevations.** Elevations showing height, materials, and colors for all proposed structures, including any residential units, shall be provided, and considered part of the approved site plan; the building elevations must show all rooftop mechanical units along with the proposed method of screening.

m. **Documents and Written Information in Addition to Plans.**

i. Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, and that all necessary easements have been provided.

ii. A fiscal impact analysis of a development onto the Township and other governmental units (e.g. schools, public safety, roads, etc.).

iii. The environmental impact of a development, including its effect on historically significant or ecologically fragile or important areas and its impact on pedestrian or traffic safety or congestion.

n. **Additional items.** Any additional graphics or written materials requested by the Township in determining the compliance with the site plan standards, such as aerial photography, photographs, traffic impacts using trip generation rates recognized by the Institute of Transportation Engineers (ITE) for an average day and peak hour of the affected roadways, and impact on significant natural features and drainage. Additional information which may be reasonably necessary to determine compliance with the provisions of this Article. The Planning Director may waive certain requirements if a determination is made that they are not applicable to the application request.

3. **Staff Review.** The Planning Director shall review the Site Plan Review application and prepare a staff report with recommendations to the Planning Commission for site plan reviews that required approval by the Planning Commission.

4. **Administrative Decision.** The Planning Director may approve, approve with conditions, or deny a site plan based on the applicable standards for Approval outlined in Section 14.6.D. An administrative site plan can be considered when such improvements or site modification include the following:

a. Change of location or type of landscape materials.

b. Minor changes to an approved site plan which involve the addition or relocation of any of the following items:

i. Sidewalks

ii. Refuse containers

iii. Lighting

iv. Driveways and entrances

v. Signs

vi. Retention/detention ponds

c. Decrease in building size from an approved site

d. Moving a proposed building on an approved site plan no more than ten (10) feet or five (5) percent of the distance to the closest property line, whichever is smaller.

e. An increase in building size that does not exceed 5,000 square feet or five (5) percent of the gross floor area, whichever is smaller, except in the Village Districts or Overlays, where any expansion of the footprint or height of a principal building shall require Site Plan Approval under Section 14.7.C.4.

f. A building or structure which does not exceed 5,000 square feet of gross floor area and for any use which does not require a Special Land Use approval and is not located within a Village District or Overlay.

g. New parking lots.

h. Tree removal in accordance with Section 11.9.

5. **Planning Commission Decision.** Site plan review applications that do not qualify for an administrative review in accordance with the provisions of Section 14.7.C.4. shall be reviewed by the Planning Commission. The Planning Commission shall review the request and may approve, approve with conditions, or deny the request based on the applicable Standards for Approval outlined in Section 14.7.D below.

D. **Standards for Approval.** The following criteria shall be used in evaluating a site plan review application.

1. The proposed plan will meet the purpose and intent of the Master Plan along with the Future Land Use designation for the property.
2. The proposed site plan complies with the standards outlined in this Ordinance, including but not limited to dimensional standards, building design requirements, site improvements, parking, lighting and landscaping.
3. The proposed site design will contribute to the normal and orderly development of the surrounding parcels and the zone district.
4. All buildings and structures are provided with adequate means of ingress by public streets and walkways.
5. All elements of the site design are harmoniously and efficiently organized in relation to topography, the size and type of lot, character of the neighborhood and adjoining property, and the type, size, and proportions of buildings.
6. All buildings or groups of buildings are arranged so as to permit access for emergency vehicles by practicable means.
7. Site landscape features, such as notable mature vegetation and steep slopes, will be preserved in their natural state insofar as practicable by minimizing tree and soil removal, alteration to the natural drainage courses, and the amount of cutting, filling and grading.
8. Natural features and site topography are incorporated into the proposed site design to the maximum extent practicable.
9. Buildings and structures are placed in a manner that preserves and protects environmentally sensitive areas.
10. Landscape buffers or greenbelts are provided that ensure that proposed uses are adequately buffered from one another and from surrounding public and private property. Special emphasis is placed on the preservation of notable vegetation that provides an effective landscape screen between properties, where desirable.
11. Stormwater management measures will be employed to satisfy the Cascade Charter Township Stormwater Ordinance.

E. **Effective Date.** An approved site plan shall be effective for a period of one (1) year, or the life of a building permit obtained pursuant to the approved site plan, whichever is longer. If construction is not commenced within the period that the site plan is effective, no construction shall take place unless there has been an extension approved by the Planning Commission and before the extension is granted there is compliance with all applicable site plan requirements that are in effect at the time of the extension. An application for an extension shall be submitted and approved before the period of one (1) year.

F. **Building Permit.** Following approval of a site plan, an applicant shall obtain a building permit before commencing any construction. Before issuance of a building permit for construction, any conditions attached to the site plan approval, or changes or corrections required to obtain approval shall be provided and approved by the Planning Director.

G. **Amendments to Approved Site Plan:** Amendments to an Approved Site Plan, whether Major or Minor, shall be considered by the Standards of Approval in Section 14.7.D.

1. **Minor Amendments to an Approved Site Plan.** Any modifications to a site plan listed in Section 14.7.C.4., Administrative review Procedure, may be approved by the Planning Director.

2. **Major Amendments to an Approved Site Plan.** Any modifications to a site plan other than those listed in Section 14.7.C.4.are considered major amendments. Once site plan approval has been granted by the Planning Commission, major Amendments to the approved site plan shall require a resubmission and payment of fee.

Section 14.8 Special Land Uses

A. **Purpose.** This Special Land Use procedure provides a mechanism for the Township to evaluate proposed development and land uses that have unique or widely varying operating characteristics or unusual site development features to ensure compatibility with surrounding areas and the goals of the Master Plan and other Township regulations. This procedure is intended to evaluate the potential impacts of such uses on surrounding properties and to ensure that such uses are compatible with surrounding properties and that adequate mitigation is provided to minimize potential impacts on those surrounding properties and/or the greater community.

B. **Applicability.** The provisions of this Section are applicable to all land uses identified as Special Land Uses (SLU) in Section 5.1, or where specifically required elsewhere in this Ordinance.

C. **Procedure.** The following procedures are applicable to all Special Land Uses.

1. **Pre-Application Conference.** A Pre-Application Conference may be requested in accordance with Section 14.5.
2. **Application Submittal.** An application shall be submitted to the Cascade Planning Department and shall include the following information:
    a. A Site Plan and accompanying application as required in Section 14.7.
    b. Project description. A narrative describing the proposed development including the period of time within which the project will be completed.
    c. Mitigation of any potential negative impacts to surrounding properties, including, but not limited to air pollution, water pollution, odor, noise, glare, fire danger, other safety hazards, and traffic congestion.
    d. Public utility connections.
    e. Any additional information required by the Planning Director.
3. **Staff Review.** The Planning Director shall review the Special Land Use application and prepare a staff report with recommendations to the Planning Commission.
4. **Planning Commission Decision.** The Planning Commission shall hold a public hearing in accordance with the notice requirements in Section 13.7. and consider all proposals for Special Land Use in the Township. The Planning Commission shall review a proposal in accordance with the Standards for Approval stipulated in Section 14.7.D.

D. **Standards for Approval.** Prior to approving a Special Land Use application, the Planning Commission shall require the following general standards to be satisfied for the use at the proposed location. In addition to any specific standards for individual Special Land Uses listed in Article 9, the Planning Commission shall determine if all of the following are met:

1. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Township Master Plan of current adoption;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be a substantial improvement to property in the immediate vicinity and to the community as a whole;

5. Will be served adequately by essential public facilities and services, such as transportation networks, non-motorized pathways and sidewalks, police and fire protection, drainage structures, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors; and
8. Will be consistent with the intent and purposes of this Article.

E. This standard shall not be an impediment to approving low intensity, rural uses that do not need some of the public services listed or uses that provide their own equivalent of the service in question (such as a septic system).

F. The Planning Commission may also require upgrades to public services or infrastructure directly related to the proposal as a condition of Special Land Use approval, or may place conditions on an approval that mitigate the impact of the use (or the construction of the use) on public services or infrastructure.

G. Will be consistent with the Purpose and Intent of the zone district the Special Land Use is located within.

Section 14.9 Rezoning

A. **Purpose.** The purpose of a rezoning procedure is to make amendments to the Official Zoning Map of Cascade Township that reflects changes in public policy, changed conditions, or to advance the welfare of the Township.

B. **Applicability.** A petition for an amendment to the zoning classification of a particular property, shall be commenced by filing a petition on the forms provided by the Township to the Planning Department.

C. **Procedure.** The petition shall describe the proposed amendment and shall be signed by the applicant. Petitions for rezoning of a specific site shall be accompanied by a plot plan or survey, which may contain the following information, as applicable:

1. **Pre-Application Conference.** A Pre-Application Conference is not required but may be requested by the applicant in accordance with Section 14.5.
2. **Application.** An application shall be submitted to the Cascade Planning Department and shall include the following information:
    a. **Application, form, and fees.** A completed application form, supplied by the Township, and an application fee. An application will not be placed on the Planning Commission agenda until the Planning Director determines that the application is complete as reviewed by Township staff and consultants.
    b. **Proof of ownership.** Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.
    c. **Project description.** A narrative describing the proposed development including the period of time within which the project will be completed.
    d. **Existing conditions.** The information regarding existing conditions as outlined in Section 14.7.C.2.e
3. **Staff Review.** The Planning Director shall review the Rezoning application and prepare a staff report with recommendations to the Planning Commission.
4. **Planning Commission Review.** The Planning Commission shall hold a public hearing in accordance with the notice requirements in Section 13.7 and consider all proposals for rezonings in the Township. The Planning Commission shall review a proposal in accordance with the Standards for Approval stipulated in Section 14.9.D and forward a recommendation to the Township Board for final decision.

5. **Township Board Decision.** The Township Board shall consider the Planning Commission's recommendation and approve, deny, or table the rezoning proposal.

6. **Notice of Adoption.** Following adoption of an amendment by the Township Board, one notice of adoption shall be filed with the Township Clerk and one notice shall be published in newspaper of general circulation in the Township within fifteen (15) days after adoption, in accordance with Michigan Public Act 110 of 2006, as amended. A record of all amendments shall be maintained by the Township Clerk. A master Zoning Map shall be maintained by the Township, which shall identify all map amendments.

D. **Standards for Approval.** The Planning Commission and Township Board shall consider the following before taking action on any proposed rezoning:

1. The proposed rezoning shall be consistent with the goals and objectives of the Master Plan and the Future Land Use Plan.

2. The proposed rezoning shall be compatible with the zoning classification of surrounding land.

3. All dimensional standards and land uses of the zone district shall be considered

4. The rezoning shall be consistent with the trends in land development in the general vicinity.

5. The proposed amendment shall be consistent with the purposes of this Ordinance.

6. Public facilities and services are available to adequately serve the subject property while maintaining adequate level of service elsewhere in the Township.

E. **Rezoning prior to Site Plan and Special Land Use.** In all instances, if development of a property requires a rezoning, then the rezoning must be approved prior to approval of a site plan or special land use consideration for development.

Section 14.10 Conditional Rezoning

A. **Purpose.** The Planning Commission and Township Board recognize that, in certain instances, it would be an advantage to the Township and to property owners seeking rezoning if the application for rezoning was accompanied by a site plan and was subject to certain conditions. Accordingly, it is the intent of this Section of the Zoning Ordinance to provide a conditional rezoning option to property owners in connection with the submission of an application for rezoning.

B. **Applicability.** A property owner shall have the option of seeking conditional rezoning in connection with submission of an application seeking rezoning. The conditional rezoning option shall be selected by filing an Application for Conditional Rezoning Review. Conditional rezoning represents a legislative amendment to the Zoning Ordinance, pursuant to Section 405 of Michigan Public Act 110 of 2006, as amended.

C. **Procedure.** The following procedures are applicable to a conditional rezoning proposal:

1. **Application Submittal.** An application shall be submitted to the Cascade Planning Department and shall include the following information:

   a. **Application, form, and fees.** A completed application form, supplied by the Township, and an application fee. An application will not be placed on the Planning Commission agenda until the Planning Director determines that the application is complete as reviewed by Township staff and consultants.

   b. **Proof of ownership.** Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement.

   c. **Project description.** A narrative describing the proposed development including the period of time within which the project will be completed.

   d. **Site Plan.** A site plan is required in accordance with the information outlined in Section 14.7.C

2. **Staff Review.** The Planning Director shall review the Condition Rezoning application and prepare a staff report with recommendations to the Planning Commission.

3. **Planning Commission Review.** The Planning Commission shall hold a public hearing in accordance with the notice requirements in Section 13.7 and consider all proposals for rezonings in the Township. The Planning Commission shall review a proposal in accordance with the Standards for Approval stipulated in Section 14.10.D and forward a recommendation to the Township Board for final decision.

4. **Township Board Decision.** The Township Board shall consider the Planning Commission's recommendation and approve, deny, or table the rezoning proposal. If approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "CR, Conditional Rezoning." The use of property so designated shall be restricted to the uses specified in the Conditional Rezoning Agreement, and no other development or use shall be permitted.

5. **Notice of Adoption.** Following adoption of an amendment by the Township Board, one notice of adoption shall be filed with the Township Clerk and one notice shall be published in newspaper of general circulation in the Township within fifteen (15) days after adoption, in accordance with Michigan Public Act 110 of 2006, as amended. A record of all amendments shall be maintained by the Township Clerk. A master Zoning Map shall be maintained by the Township, which shall identify all map amendments.

D. **Standards for Approval.** The Planning Commission and Township Board shall consider the following before taking action on any proposed rezoning:

1. Consideration of the standards of approval for a rezoning as stipulated in Section 14.9.

2. Consideration of the standards of approval for a site plan as stipulated in Section 14.7.

Section 14.11 Planned Unit Development

A. **Purpose.** Planned Unit Developments (PUD) are intended to encourage flexibility and creativity in development, departures from compliance with the regulations outlined in this Section may be granted at the discretion of the Township Board as part of the approval of a Planned Unit Development. Such departures may be authorized if there are features or planning mechanisms designed into the project for the purpose of achieving the objectives intended to be accomplished by each of the regulations from which a departure is sought. This Article provides enabling authority and standards for the submission, review and approval of applications for Planned Unit Developments. It is the intent of this Article to authorize the consideration and use of Planned Unit Development Regulations for the following purposes:

1. To encourage the use of land in accordance with its character and adaptability.

2. To promote the conservation of natural features and resources.

3. To encourage innovation in land use planning and development.

4. To promote the enhancement of housing, employment, shopping, traffic circulation and recreational opportunities for the people of the Township.

5. To promote and ensure greater compatibility of design and use between neighboring properties.

6. To provide for the regulation of legal land uses not otherwise authorized within this Ordinance.

B. **Applicability.**

1. A Planned Unit Development may be approved in any location within Cascade Township that meets the requirements below:

a. Minimum Size: In order to be eligible for PUD rezoning the proposed area shall consist of a minimum of five (5) acres except in the case of a two-family or multiple family dwelling project for which there is no minimum area requirement.

b. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control, upon due notice to the Planning Director of the Township.

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

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

2. Any new PUD or an amendment to a PUD must be consistent with the underlying zone district as established in Section 2.2.B, or the property owner can choose to void the PUD.

C. **Planned Unit Development Rezoning Process.**

1. An applicant who wishes to apply for a PUD shall first meet with the Township planner, Township engineer, and Township Manager or in accordance with the Pre-Application Conference provisions outlined in Section 14.5.

2. At the pre-application conference, the applicant shall submit a preliminary concept plan for the proposed development that contains both maps and written documentation outlining the proposal. The surrounding area shall be sufficiently shown to demonstrate the relationship of the PUD to adjoining uses.

3. The PUD rezoning process shall consist of the following application review processes, as described below: Preliminary PUD Review and Final PUD Review.

D. **Preliminary PUD Review.**

1. **Application Requirements.** The submission requirements for a preliminary PUD shall be the same as those for Site Plan Approval, though the Township Planner may permit the applicant to delay the submission of some detailed information to Final PUD Review.

2. The preliminary PUD plan shall be reviewed by all applicable Township agencies, who shall forward their comments to the Planning Commission.

3. **Staff Review.** The Planning Director shall review the Preliminary PUD application and prepare a staff report with recommendations to the Planning Commission.

4. **Planning Commission Action.** The Planning Commission shall hold a public hearing and provide notice of the hearing in accordance with Section 13.7. Upon due consideration of all public and developer comments and the standards of review in Section 14.11.F, the Planning Commission shall recommend approval, approval with conditions, or denial of the rezoning to PUD. The Planning Commission shall consider staff and public comments and review the preliminary plan to determine if it meets the standards of review in Section 14.11.F and shall recommend approval, approval with conditions, or denial of the preliminary PUD. In making a recommendation, the Planning Commission may include conditions of approval as follows:

a. Conditions shall be designed to protect natural resources and the health, safety, and welfare of those who will utilize the PUD, including residents, adjacent land-owners, and the community as a whole.

b. Conditions shall be related to circumstances that are directly attributed to the proposed PUD and shall be a valid exercise of police power.

c. Conditions shall be related to the intent and purpose of the zoning regulations.

d. Conditions shall ensure compliance with the zoning ordinance and any of its related requirements.

5. **Effect of Denial.** A preliminary PUD that is denied shall not be considered for final PUD approval, unless directed by the Township Board.

6. **Extension.** The Planning Commission may grant one extension, for a maximum period of one year, upon finding that the delay in submitting the final PUD was generally due to circumstances beyond the control of the applicant.

7. **Effect of Lapse.** If the final PUD is not submitted as required by this section within one year or any permitted extension, the preliminary PUD shall lapse and any further PUD consideration for the property shall require a new application and review.

E. **Final PUD Review, Approval, and Rezoning**

1. **Application and Site Plan.** Upon approval of the preliminary plan by the Planning Commission, the applicant shall submit a final PUD application and site plan within one year of receiving preliminary plan approval.

   a. **Site Plan Requirements.** The final PUD application shall comply with the applicable submittal requirements for site plans contained in Section 14.7. However, the Planning Commission may require other data, plans, or drawings considered to be necessary for their final consideration of the proposal.

   b. The final PUD site plan shall conform to the preliminary PUD as approved by the Planning Commission, including any conditions imposed.

2. **PUD Agreement.** The application for final PUD shall prepare a PUD agreement, in a form acceptable to the Township attorney. The PUD agreement shall be reviewed and approved by the Township attorney as to form and content prior to Township Board approval of the final PUD rezoning and shall include the following information:

   a. The permitted uses within the PUD, including the approved preliminary site plan for the site.

   b. The conditions upon which the approval is based, including phasing, on-site improvements, and contributions to improve public facilities.

   c. Open space or common areas that are to be conveyed in fee or dedicated to a property owners' association. Before building permits can be issued, documents establishing a homeowners' association or similar entity for the maintenance of open space shall be recorded.

   d. A program and financing to maintain common areas and features, such as walkways, signs, lighting and landscaping, that are not otherwise dedicated to the public and accepted by the Township. A fund shall be established so that open space can be continually maintained.

   e. Architectural standards and requirements for building elevations and building materials.

   f. Assurance that existing trees and woodlands will be preserved as shown on the site plan or replaced on a caliper for caliper basis. All new landscaping that is destroyed or damaged or dies during or after construction shall be replaced with the same or a similar species and of an equal size to the original plant(s).

   g. Assurance that the construction and maintenance of all streets and utilities (including public water and wastewater collection and treatment), recreational facilities, and other improvements shall be completed. Assurances shall include financial guarantees, as required by this ordinance, and the establishment of a condominium or owners' association (if applicable) with appropriate assessments to ensure that ongoing maintenance of all streets, storm drainage improvements, landscaping, and all other common areas is accomplished. If private roads are proposed to serve multiple properties, the association or condominium documents shall include provisions for a sinking or reserve fund, in an acceptable form, to pay for the long-term maintenance and reconstruction of streets.

   h. Provisions addressing any other Township concerns regarding construction and maintenance of streets and common area improvements.

   i. Provisions for liability insurance in an amount to be determined by the Township, naming the Township as an additional insured.

   j. Provisions including specific terms or conditions regarding the expiration or revocation of the PUD special land use.

k. Any other requirements deemed necessary by the Township to conform with the requirements of this Article and to carry out the conditions of PUD approval.

3. **Staff Review.** The Planning Director shall review the Final PUD application and prepare a staff report with recommendations to the Planning Commission.

4. **Planning Commission Review.** The Planning Commission shall hold a public hearing and provide notice of the hearing in accordance with Section 13.7. Upon due consideration of all public and developer comments and the standards of review in Section 14.11.F, the Planning Commission shall recommend approval, approval with conditions, or denial of the rezoning to PUD. The Planning Commission shall find that the final PUD site plan conforms to the approved preliminary PUD site plan, including all conditions of approval that have been imposed and all other requirements of this Ordinance.

5. **Township Board Action.** The Township Board shall consider the recommendation of the Planning Commission and shall approve, approve with conditions, or deny the PUD. The Township Board may delete, modify, or add to any conditions recommended by the Planning Commission, in accordance with the requirements of Section 14.11.F.

6. Following Township Board approval of the final PUD rezoning, any conditions imposed shall be incorporated into the final PUD agreement. The PUD agreement shall be reviewed by the Township Manager or designee for compliance with the approved PUD and shall subsequently be recorded with the office of the Kent County Register of Deeds at the expense of the applicant. A recorded copy of the PUD agreement shall be delivered to the Township by the applicant before building permits can be issued.

7. A performance guarantee may be required in accordance with the provisions of Section 14.3.

F. **PUD Standards of Review.** When reviewing a PUD rezoning request, the Planning Commission and Township Board shall consider the following:

1. A proposed Planned Unit Development shall take into account the following specific design considerations, as they are necessary to ensure compliance with all applicable regulations as well as the compatibility of the project with adjoining properties and the general area in which the property is located.

   a. Perimeter setbacks.

   b. Street drainage and utility design with respect to location, availability, ownership and compatibility.

   c. Underground installation of utilities.

   d. Insulation of pedestrian ways from vehicular streets and ways.

   e. Achievement of integrated and harmonious development with respect to signs, lighting, landscaping and construction materials.

   f. Noise reduction and visual screening mechanisms for adjoining residential uses.

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

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

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

   j. Yard areas and other open space.

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

2. Streets, service roads, or driveways that provide vehicular ingress to and egress from each development site must be properly located and designed so that they appropriately and safely relate to the surrounding network of streets, paths, and sidewalks.

3. Site circulation and parking areas must be designed to ensure:
    a. Safety and convenience for vehicular and pedestrian traffic, both within the site and on streets accessing the PUD.
    b. Harmonious relationships between the PUD and existing and prospective development on adjacent land, especially when the uses are dissimilar.
    c. Access for emergency vehicles.
4. The PUD must relate to and be compatible with the character of surrounding properties and not substantially interfere with the safety, light, air and convenience of surrounding private and public property.
5. There must be available capacity for sewer and water service and other utilities.
6. Granting of the Planned Unit Development rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.
7. In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
8. The proposed development shall be compatible with the Master Plan of the Township and shall be consistent with the intent and spirit of this Ordinance.
9. In relation to underlying zoning, the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
10. The proposed development shall contain at least as much green area and usable open space as would otherwise be required by this Ordinance with respect to the most dominant use in the development.
11. Any other matters that are within the jurisdiction of the Township or its departments must be considered.
12. The development shall be designed to incorporate and promote the preservation of natural resources and natural features. Natural resources and natural features may not be impaired or destroyed unless it is in the public interest to do so. The removal or extraction of sand, gravel, soil, rock, minerals, and similar natural resources or the reshaping, enlarging, straightening, damming or diminution of lakes, waterways, ponds or other bodies of water may only be permitted when such action will prepare or render the premises suitable for an ultimate use permitted under the terms of this Ordinance. In determining whether such action is in the public interest, the benefit which would reasonably be expected shall be balanced against the reasonably foreseeable detriments of the activity. The extent to which the proposal is able to replace or ameliorate impaired or lost resources and features shall be considered in making this determination.

G. **Effect of Approval**

1. Approval of the final PUD site plan shall be effective for a period of eighteen (18) months. Failure to complete substantial construction in that period shall void the PUD approval; however, the Planning Commission may grant a one-year extension upon written request by the applicant.
2. A PUD that becomes void may not be constructed, and any further development of the property shall require a new PUD application to be filed, according to the process outlined in this Article, or the property shall be rezoned to an appropriate district.

H. **PUD Amendments:** PUD amendments may only be amended by submitting an amended PUD pursuant to Section 14.11.E.

I. **Appeals of PUD Decisions**

1. A decision by the Township regarding a PUD or a request for a departure from any applicable standard may not be made to the Zoning Board of Appeals; however, the owners of individual properties within a PUD, to the extent not affected by the requirements and conditions of a PUD, may apply for variances to the underlying zone district standards as they apply to the PUD, in accordance with the requirements of Section 14.14.

J. **Voiding of an Approved PUD.** During a Site Plan Approval process for a site that has an approved PUD, the applicant may request that the PUD be voided, and that the underlying zone district govern the redevelopment. The Planning Commission shall grant such a request upon determining that the underlying zone district better implements the goals of the Township Master Plan than the previously approved PUD. Granting of the request shall result in the permanent voiding of the PUD, and thereafter all regulations of the underlying zone district shall apply to the site.

Section 14.12 Text Amendments

A. **Purpose.** The provisions of this Article may be amended, modified, or supplemented from time to time to advance the general welfare of the Township, including the modification of text provisions.

B. **Applicability.** Any amendment may be initiated by the Township Board upon its own initiative or in order to conform to a Court Degree, or by formal request from the Planning Commission, or by one or more property owners of Cascade Charter Township.

C. **Procedure.** The procedure for amending this Ordinance is governed by the Michigan Zoning Enabling Act (MCLA 125.3401 et. seq.), as amended. The Planning Commission shall hear and consider applications for proposed text amendments and forward a recommendation to the Township Board for final review and decision. The following are applicable to a text amendment proposal.

1. **Application Submittal.** An application shall be submitted to the Cascade Planning Department and shall include the following information:

   a. **Application, form, and fees.** A completed application form, supplied by the Township, and an application fee. An application will not be placed on the Planning Commission agenda until the Planning Director determines that the application is complete as reviewed by Township staff and consultants.

   b. **Project description.** A narrative describing the proposal amendment and rationale for such request.

   c. **Modified text.** The language of the proposed text amendment shall be provided.

2. **Planning Commission Review.** The Planning Commission shall hold a public hearing in accordance with the notice requirements in Section 13.7. and consider all proposals for text amendments in the Township. The Planning Commission shall review a proposal in accordance with the Standards for Approval stipulated in Section 14.7 and forward a recommendation to the Township Board for final decision.

3. **Township Board Decision.** The Township Board shall consider the Planning Commission's recommendation and approve, deny, or table the text amendment proposal.

4. **Notice of Adoption.** Following adoption of an amendment by the Township Board, one notice of adoption shall be filed with the Township Clerk and one notice shall be published in newspaper of general circulation in the Township within fifteen (15) days after adoption, in accordance with Michigan Public Act 110 of 2006, as amended. A record of all amendments shall be maintained by the Township Clerk.

D. **Standards for Approval.** The Planning Commission and Township Board shall consider the following before taking action on any proposed text amendments:

1. The proposed amendment shall be in accordance with the basic intent and purpose of this Ordinance.
2. The proposed amendment shall be consistent with the Master Plan.
3. The amendment is justified by changes in conditions in the Township.
4. The amendment is justified to address a mistake or inconsistency in the Zoning Ordinance.
5. The amendment is intended to address an inappropriate precedent and result in the need to correct future planning mistakes.
6. The amendment rectifies or corrects an inequity created by the Zoning Ordinance and results in a community benefit.

7. The amendment shall not result in unlawful exclusionary zoning.
8. The proposed amendment promotes the public health, safety and welfare of the Township.

Section 14.13 Interpretations, Appeals, and Variances

A. **Purpose.** The purpose of this Section is to provide guidelines and standards to be followed for approval, denial, or tabling of appeals and variances. The Zoning Board of Appeals (ZBA) shall be the sole authority for decision regarding appeals or variances.

B. **Decision and Authority.**

1. The ZBA may grant or deny, wholly or partly, any request for a variance from the regulations or restrictions of this Ordinance; provided, however, that no use variance shall be applied for, heard, or granted under any circumstance.
2. The ZBA shall have the authority to attach such conditions and requirements to the granting of a variance as are reasonably necessary for the protection of the health, safety, comfort, convenience, and welfare of the general public. Such conditions or requirements shall be reasonably related to the variance granted.
3. The ZBA shall hear and decide only those matters which it is specifically authorized to hear by statute and this Ordinance and decide as provided herein.
4. The ZBA shall not alter or change the zone district classification of any property or make any change in the definitions or terms of this Ordinance, and shall not take any action which results, in effect, in making such legislative changes.
5. Any decision of the Zoning Board of Appeals is subject to a public hearing, which requires notice in accordance with Section 13.7.

C. **Interpretations.** The ZBA shall have authority to hear and decide requests for interpretation of the Zoning Ordinance and Zoning Maps.

1. The ZBA shall make such decisions so that the spirit and intent of this Ordinance shall be observed.
2. **Text Interpretations.** Shall be limited to the issues presented and shall be based upon a reading of the Ordinance as a whole and shall not have the effect of amending the Ordinance.
3. **Map Interpretations.** Shall be made based upon the rules in this Zoning Ordinance, and any relevant historical information. Prior to deciding a request for an interpretation, the ZBA may confer with staff and/or consultants to determine the basic purpose of the provision and any consequences which may result from differing decisions.

D. **Appeals.** The Zoning Board of Appeals shall hear and decide appeals where it is alleged that there is an error in any requirement, decision, interpretation, determination or action of any administrative official charged with the administration and enforcement of the provisions of this Ordinance. Any such appeal must be filed with the Township within 30 days of any decision, interpretation, determination, or action.

1. **Considerations for Appeals.** In reaching its decision to appeal a decision, the ZBA shall consider the following criteria as well as any other issues which are pertinent and reasonable:
    a. Whether or not the appeal is of a nature properly brought to them for decision.
    b. Whether or not there is an established procedure for handling the request other than through the appeal process (i.e., a variance or Special Use, etc.).
    c. The intent of the Ordinance.
    d. The effect the ruling will have when applied generally to this Ordinance.
    e. The Zoning Board of Appeals shall consider Staff recommendations, the testimony of the applicant, and testimony of the general public.

E. **Variances.**

1. **Purpose.** The ZBA shall hear and decide all requests for dimensional variances from the terms of the regulations or restrictions of this Ordinance. Nonconforming use of neighboring lands, structures, or buildings in the same zone district, or permitted use of lands, structures, or buildings in other zone districts shall not be considered grounds for granting a variance. The ZBA shall not have the authority to consider or grant a use variance.
2. **Findings.** Before granting any variance, the ZBA must find that all of the following standards are met:
    a. That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zone district.
    b. Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.
    c. That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken, subsequent to the adoption of this Ordinance.
    d. That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
    e. That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
    f. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the Ordinance.
    g. That complying with the Ordinance presents practical difficulty.
3. **Information Required.** In all variance proceedings, it shall be the responsibility of the applicant to provide all relevant information, plans, testimony, and/or evidence from which the ZBA may make the required findings.
4. **Voiding of a Reapplication for a Variance.**
    a. Each variance granted under the provisions of this Ordinance shall become null and void unless the construction, occupancy, or other actions authorized by such variance have substantially commenced within one (1) year of granting such variances and is pursued diligently to completion. The commencement of construction for a building shall be the time at which a building foundation is installed.
    b. No application for a variance which has been denied wholly or in part by the ZBA shall be resubmitted, except on grounds of new evidence of proof of changed conditions found.
5. **Appeal of Variances.** A decision of the Zoning Board of Appeals shall be final. Aggrieved parties may appeal to the Kent County Circuit Court per the requirements under Section 606 of the Michigan Zoning Enabling Act (MCLA 125.3401 et. seq.), within 30 days of the decision of the Zoning Board of Appeals.

Section 14.14 Land Divisions, Subdivisions, and Site Condominiums

A. **Purpose.** In addition to the general purpose of this Article (See Section 14.1), the purpose of this Section is to regulate and control the subdivision of land within the Township in order to promote the safety, public health and general welfare of the Township. Without limiting the generalities of the foregoing, this Ordinance is specifically designed.
    1. To provide for orderly growth and harmonious development of the Township.
    2. To carry out the purpose and intent of the Subdivision Control Act of 1967, PA1967, No. 288 (MCLA 560.101), as amended; and to carry out the purpose and intent of the Condominium Act of 1978, PA1978, No. 59 (MCLA 559.101)
    3. To provide for, the extension of utility services, streets and other necessary land improvements;

4. To require that land be suitable, and suitably improved, for building sites;
5. To prevent the premature development of land;
6. To conserve the value of property;
7. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplain and wetlands;
8. Preserve the scenic and rural character of the Township;
9. To promote the creation of neighborhoods with direct access to open land, with the amenities in the form of neighborhood open space;
10. To provide for the conservation of open land within the Township for the active and passive use by residents;
11. Connectivity to other subdivisions for purposes of utility, pedestrian and emergency and non-emergency vehicles connections;

B. **Applicability.** All land divisions and lot splits, regardless of zoning classification, shall comply with the requirements of this Section, except as follows:

1. This Ordinance shall not apply to any lot or lots in a plat that has received either preliminary or final approval from the Township Board nor to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this Ordinance except in the case of any further division of lots located therein. This Ordinance shall not apply to Land Divisions exempted by the Land Division Act (act 288 of 1967). This Ordinance shall not repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants running with the land to which the Township is a party.

C. **Compliance with State Laws.** All land divisions and lot splits shall comply with all requirements as set forth by the State of Michigan Land Division Act, MCL 560.101 (Act 288 of 1967), and any amended version thereafter. For purposes of determining compliance with the applicable requirements of this Ordinance, including, without limitation, height, area, yard and density requirements, or with other applicable laws, ordinances or regulations, a "building site" within a Site Condominium shall be considered to be the equivalent of a "lot" and shall be subject to all applicable requirements of this Section without exception.

D. **Compliance with Township Requirements.** All land divisions, lot splits, lot combinations, boundary adjustments plats, and site condominiums, regardless of zoning classification, shall conform with the requirements of this Ordinance, including but not limited to:

1. Minimum lot area
2. Minimum lot width
3. The maximum ratio between the lot depth and lot width shall be 3.5:1.

E. **Platting Procedure.** The following shall apply to the process of creating a plat.

1. **Sketch Plan.** A sketch plan may be submitted, and a preapplication conference may be requested, by the subdivider to provide guidelines for the subdivider concerning development policies of the Township to acquaint the subdivider with the platting procedures and requirements of the Township Board and Planning Commission. Acceptance of the sketch plan does not constitute or assure acceptance of the preliminary plat.
    a. **Requirements:** When a sketch plan is submitted, it shall contain at least the following data:
        i. A Cover Sheet in accordance with Section 14.7.C.2.d
        ii. An Existing Conditions Plan in accordance with 14.7.C.2.e
        iii. The outlines and intended layout, including stages and property owned or represented by the subdivider.
        iv. A general layout of the streets, blocks, and lots in sketch form.

v. Any general area set aside for parks and/or other community facilities.

vi. General description and layout of storm water management plan.

b. **Procedures:** The following procedure will be followed in the review of any sketch plan that is submitted.

i. The subdivider shall submit a copy of the sketch plan to the Township Planner before an application is made for plat approval.

ii. The Township Planner shall schedule a Pre-Application Conference in accordance with Section 14.5.

2. **Preliminary Plat – Tentative Approval Procedure.** A preliminary plat may be submitted for tentative approval in accordance with the following requirements and in accordance with the Subdivision Control Act, as amended.

a. **Requirements:** When a Tentative approval of a Preliminary Plat plan is requested, the plan shall contain at least the following data:

i. All applicable submission documents in accordance with Section 14.7.C.

ii. Statement of intended use of the proposed plat, such as: residential single family, two family and multiple family housing; commercial; industrial; or recreation.

iii. In addition, the preliminary plat shall show proposed sites, if any, for multi-family dwellings, shopping centers, Religious Institutions, industry, and other non-public uses, exclusive of single family dwellings, as well as any sites proposed for parks, playgrounds, schools or other public uses.

iv. A map of the entire area scheduled for development if the proposed plat is a portion of a larger holding intended for subsequent development.

v. Streets, street names, right-of-way (both existing and proposed) and roadway widths including features such as adjoining plats, streets, streams, railroads, utilities, cemeteries, parks, county drains, or any other features which may influence the street layout or lot orientation.

vi. All slopes over 12% as defined by the Kent County Soil Survey.

vii. All public or private open space planned for the subdivision.

viii. Existing contours at five (5) foot intervals or less shall be shown where the slope is greater than twenty-five (25) percent and at two (2) foot intervals where the slope is twelve (12) percent or less. All proposed contours shall be shown with bolded lines.

ix. Existing storm and sanitary sewers and water mains, and a statement indicating the method or methods by which drainage, sewage disposal, and water supply will be provided. The direction of drainage shall also be shown.

x. An electronic submission of proposed protective covenants and deed restrictions, or a written statement that none are proposed.

xi. A statement of the lot area of the smallest lot and the average lot area in the subdivision.

b. **Procedures:** The following procedure will be followed in the review of an application seeking Tentative Preliminary Plat Approval.

i. The subdivider shall electronically submit to the Planning Department one (1) digital copy of the preliminary plat prepared on a topographic map together with an application and fee in accord with the schedule adopted by the Township Board.

ii. The Planning Commission, together with the Township Planner, shall review the preliminary plat and give its report and recommendation to the Township.

iii. If the preliminary plat does not meet all requirements, the Planning Commission shall notify the subdivider by letter indicating any additional information or changes required.

(1) If the preliminary plat meets all requirements, the Planning Commission shall so inform

the developer by letter.

iv. The Township Board, shall tentatively approve and note its approval on a copy of the preliminary plat to be returned to the subdivider, or set forth in writing its reasons for rejection and the requirements that must be met for tentative preliminary plat approval.

v. Tentative Approval of a Preliminary Plat shall guarantee that the general terms and conditions under which approval was granted will not be changed by the Township, and further, shall confer upon the subdivider approval of lot sizes, lot orientation, and street layout for a period of one (1) year from the date of tentative approval. Such tentative approval may be extended if applied for by the subdivider and granted by the Township Board in writing.

vi. The Township Board shall not review, approve or reject a preliminary plat until it has received a report and recommendation from the Planning Commission; provided, however, that the Township Board may act without a report and recommendation from the Planning.

3. **Preliminary Plat – Final Approval Procedure**

a. The Subdivider may, if he or she chooses, apply for Final Preliminary Plat approval at the same time as Tentative Preliminary Plat approval.

b. **Requirements:** When a Final approval of a Preliminary Plat plan is submitted, it shall contain at least the following data:

i. The requirements of tentative approval of a Preliminary Plat,

ii. Any review comments of the preliminary plat, of the following authorities as provided in Sections 112 to 119 of the Subdivision Control Act:

(1) Kent County Road Commission

(2) Kent county Drain Commission

(3) Michigan Department of State Highways and Transportation

(4) Michigan Department of Natural Resources

(5) Michigan Water Resources Commission

(6) Kent County Health Department

(7) Kent County Plat Board

c. **Procedures:** The following procedure will be followed in the review of an application seeking Final Preliminary Plat Approval.

i. For final approval of the preliminary plat, the subdivider shall submit a copy of the reviews of all of the approving authorities to the Township Clerk, certifying that all authorities as required in Section 3.3(1) (Sections 112 to 119 of the Subdivision Control Act) have reviewed and approved the preliminary plat. The subdivider shall also submit all of the approved copies of the preliminary plat to the Township Clerk after all necessary approvals have been secured. In addition, the subdivider shall submit the following to the Township Clerk:

(1) Electronic copies of a site report as described in the rules of the State Department of Public Health, as amended, if the proposed subdivision will not be served by public sewer and water systems. The preliminary plat shall show the location and depth of soil borings and the location of percolation test holes if the proposed subdivision will not be served by public sewer and water systems.

(2) An Electronic copy of the preliminary engineering plans for streets, water, sewers, storm sewers, sidewalks, trees, lighting and other required improvements. Such engineering plans shall contain enough data and information, including profiles, to enable the Township Engineer to make a preliminary determination as to the conformance of the proposed improvements to applicable Township Ordinances.

ii. The Township Clerk shall forward the preliminary plat to the Township Planner, together with copies of the approvals, site report, and engineering plans noted in Section 14.14.F.3.c.

iii. The Township Engineer and Planner shall examine the preliminary plat and the accompanying material for conformance with applicable Township ordinances and regulations, and the provisions of the Subdivision Control Act, as amended.

iv. The Planning Commission shall review at a public hearing the preliminary plat after receipt of the materials submitted in accordance with Section 14.14.F.3. and copies of the Township Engineer's and Planner's reports as required in Section 14.14.F.3.c.iii.

v. The Planning Commission, together with the Township Planner, shall review the preliminary plat and also review the reports of the other government agencies and give its report and recommendation to the Township Board.

vi. If the Final Preliminary Plat meets all of the requirements, the Planning Commission shall indicate its recommendation for final approval on one copy of the preliminary plat and forward it to the Township Board. The Planning Commission shall also inform the developer by letter.

vii. If the preliminary plat does not meet all of the requirements, the Planning Commission shall submit its findings in writing to the Township Board. The Planning Commission shall notify the subdivider by letter indicating any additional information or changes required.

viii. The Township Board, after receipt of the necessary approvals of the preliminary plat, the reports of the Township Engineer and Planner, and the recommendations of the Planning Commission, shall consider and review the preliminary plat at its next meeting or within twenty (20) days from the date of submission of all of the materials to the Township Board. The Township Board shall approve the preliminary plat if the subdivider has met all conditions laid down for approval of the preliminary plat. The Township Clerk shall promptly notify the subdivider of approval or rejection in writing and, if rejected, will give the reasons.

ix. Approval of a preliminary plat shall not constitute approval of the final plat, but rather that final plat approval shall be conditioned on all requirements being met.

x. Final approval of the preliminary plat by the Township Board shall confer upon the proprietor for a period of two (2) years from the date of approval the conditional right that the general terms and conditions under which final preliminary plat approval was granted will not be changed. The Township Board may extend the two (2) year period if applied for by the subdivider and granted in writing, but only concerning the Township's own requirements. Written notice of such an extension shall be sent by the Township Clerk to the other approving authorities.

4. **Final Plats Requirements**

a. Final plats shall be prepared and submitted as provided in the Subdivision Control Act (Sections 131 to 198).

b. The subdivider shall submit a written request for approval and the recording fee shall accompany all final plats.

c. The subdivider shall submit proof of ownership of the land included in the final plat in the form of an abstract of title certified to a date on or after the proprietor's certificate, or a policy of title insurance currently in force.

d. Three (3) sets of approved as-built or final construction plans for streets, water, sewer, storm drainage, sidewalks and other required public improvements shall be submitted to the township in order for the township, and other agencies, to make a determination as to the conformance of the proposed improvements to State, County and Township Specifications and Ordinances.

e. The subdivider shall submit one (1) copy of the final deed restrictions or restrictive covenants, if any.

f. The subdivider shall submit deeds to any properties to be dedicated to the Township or other public entity.

g. The subdivider shall submit a copy of any performance or installation agreements for any improvements not controlled or regulated by other agencies, such as sidewalks, street lights and new trees.

h. Payment and installation of all streetlights proposed in the subdivision.

i. One (1) copy of any financing arrangements between the Township and the proprietor for the installation of required improvements.

j. Such other information as the Township shall deem to be reasonably necessary to establish whether the proper parties have signed the plat.

5. **Final Plat Approval Procedure**

a. The subdivider shall submit the final plat with construction plans and other data, where required, to the Township Clerk. The plat shall be accompanied by a letter of approval from the Kent County Health Department. The Township Clerk shall promptly transmit all copies of the plat and supporting documents to the Planning Commission.

b. The Planning Commission shall review the Final Plat at a public hearing, and forward its recommendation to the Township Board for consideration.

c. The Township Board shall review the final plat at its next regular meeting, or at a meeting to be called within twenty (20) days of receipt of the final plat.

d. The Township Board shall either approve or disapprove the plat. If disapproved, the Township Board shall transmit to the subdivider its reasons in writing.

e. If the plat is approved, the Township Board shall instruct the Clerk to sign the municipal certificate on the approved plat on behalf of the Township Board showing the date approved on the plat and instruct the Clerk to record all proceedings in the minutes of the meeting which shall be open for inspection.

f. Recording of the final plat shall have the effect of an irrevocable offer to dedicate all streets and other public ways, all park areas, school sites, and other such areas to the public use unless a notation is placed in the plat by the subdivider stating there is no such offer of dedication of certain areas or ways.

g. Recording of the plat, however, shall not impose any duty upon the Township, County or other governmental unit concerning improvement or maintenance of any such dedicated or reserved area until the proper authorities have agreed to accept the same by legal action.

h. No building permits for the subdivision will be issued until the final plat has been approved by the Township and recorded at the Kent County Register of Deeds.

F. **Site Condominium Subdivision Procedure.**

1. **Purpose.** Pursuant to the Condominium Act, as amended, this section allows for consideration of a Site Condominium Subdivision process.

2. **Applicability.** All site condominium subdivisions and structures therein shall comply with all the use, size, sign, height and area (setback) regulations of the underlying zone district in which the subdivision is located. The permitted use(s) and density (if applicable) shall be consistent with the Cascade Township Master Plan. The review procedures shall be governed by the procedures of this Section.

3. **Procedure.** The following procedures are applicable to all site condominium subdivision applications.

a. **Pre-Application Conference.** A Pre-Application Conference shall be required in accordance with Section 14.5.

b. **Application Submittal.** An application shall be submitted to the Cascade Planning Department and shall include the following information:

i. All of the submittal requirements for a Preliminary Plat as outlined in Section 14.15.F.2.a.

ii. All of the submittal requirements for a Site Plan as outlined in Section 14.7.C.

iii. Submittal of a master deed, which is a document that outlines the site condominium project as exhibits including the approved bylaws for the project and the approved site condominium subdivision plan for the project. This document shall be prepared by the applicant in a form approved by the Township Attorney.

c. **Staff Review.** The Planning Director shall review the application and prepare a staff report with recommendations to the Planning Commission for the Site Condominium.

d. **Township Attorney.** The Township Attorney shall review the proposed Master Deed and By-Laws for the site condominium subdivision and approve them as-to-form prior to the application being forwarded to the Planning Commission for decision.

e. **Planning Commission Decision.** Site condominium subdivision applications shall be reviewed by the Planning Commission in accordance with the Standards for Approval outlined in Section 14.14.F.4 below.

4. **Standards for Approval.** Approval of a site condominium subdivision shall be subject to the review criteria and other provisions for a Site Plan as described in Section 14.7 and shall require approval of the Master Deed and By-Laws, upon recommendation by the Township Attorney.

5. **Condominium Sites Treated the Same as Lots.** A buildable sites within a Site Condominium shall be treated the same as lots for all purposes of this Ordinance, including, but not limited, to, minimum size, minimum road frontage, permitted uses, and maximum residential density.

G. **Guarantee of Completion of Improvements Required by the Township**

1. **Guarantee Arrangements, Exceptions.** The construction of all improvements required for applications requiring land division shall be completed by the subdivider and approved by the Township Board prior to final flat approval. In lieu of the actual installation and approval of all public improvements required by this Ordinance prior to final plat approval, the Township Board may, in its discretion, for those requirements which are over and beyond the requirements of the Kent County Road Commission, Kent County Drain Commissioner, or any other agency responsible for the administration, operation and maintenance of the applicable public improvements, permit the subdivider to guarantee completion of such required improvements in one or a combination of the following arrangements.

a. In each instance where the subdivider is to guarantee completion of required improvements, the Township and the subdivider shall enter into a written agreement specifying in detail the nature of the required improvements, the time in which these improvements are to be completed, provisions for checking or inspecting the construction of each such improvement to determine its conformity to the submitted construction plans and specifications, and the nature of the financial guarantee of performance which is to be provided by the subdivider for each such improvement.

Section 14.15 Tree Removal Permit

A. **Purpose.** The purpose of this section is to outline the procedure for removal of trees as stipulated in Article 11 of this Ordinance. Tree removal permit applications must be reviewed by the Township Zoning Administrator or their designated agent in accordance with the standards of this Ordinance.

B. **Review Outcomes.** Actions on the application are as follows:

1. **Approval.** The application shall be approved upon finding that the tree removal permit application is complete and in compliance with the standards and provisions of this Ordinance and other applicable laws.

2. **Approval with Conditions.** The application shall be approved with conditions upon finding that the conditions of the tree removal permit application approval would be in compliance with the standards and provisions of this Ordinance and other applicable laws. The Zoning Administrator or Planning Commission, as applicable, may impose such conditions on the manner and extent of the proposed activity as are necessary to ensure that the activity or use will be conducted in such a manner as will cause the least possible damage, encroachment, or interference with natural resources and natural processes within the affected area.

3. **Denial.** The application shall be denied upon finding that the tree removal permit application does not comply with the standards and provisions of this Ordinance or other applicable laws. Prior to denial of the application, the Zoning Administrator will notify the applicant of deficiencies with the application and provide the applicant an opportunity to correct the deficiencies prior to denial.

C. **Decision Criteria.** The approving authority shall review the application materials and apply the following criteria in their review:

1. **Emphasis on Preservation.** The protection and conservation of natural resources from pollution, impairment, or destruction is of paramount concern. The preservation of protected and landmark trees, woodland trees, similar woody vegetation, and related natural resources shall have priority over development when there are other viable on-site location alternatives based on the project scope.

2. **Evaluation of Trees and Surrounding Area.** The trees and their surrounding area shall be evaluated by the Zoning Administrator or their designated agent for the quality of the area involved by considering the following:

   a. Soil quality as it relates to potential tree disruption, including soil type and potential erosion impact;

   b. Habitat quality and impact on ecological systems;

   c. Tree species, including diversity of tree species and tree canopy coverage;

   d. Tree size, age, and density;

   e. Health and vigor of tree stand;

   f. Understory species and quality;

   g. Floodplains, wetlands, creeks, drains, and other water features;

   h. Topography, steep slopes, and soil erosion and sedimentation control; and

   i. Other factors such as value of the continuity between natural features and trees as an environmental asset (e.g., cooling effect, canopy coverage, wind block, noise buffer, visual screening, air purification, absorption and retention of carbon dioxide and other pollutants, storm water absorption, and replacement value).

3. **Permitted Removal or Relocation.**

   a. **Buildings and Site Improvements.** The removal or relocation of trees within the affected areas shall be permitted if the applicant has demonstrated that there are not any reasonable or prudent alternative locations or configurations for structures or site improvements that would result in less impact on protected trees, landmark trees, or woodlands or tree canopy. The burden of demonstrating that no feasible or prudent alternative location or improvement without undue hardship shall be upon the applicant. However, it is not the intent of this Article to deny an application to develop property solely because of the presence of trees on the site; rather, the intent of this Article is to not permit more tree removal than is reasonably necessary for a permitted use and site development. Where the proposed activity consists of land clearing, permitted tree removal shall be limited to designated street rights-of-way, drainage and utility areas, and areas necessary for the construction of buildings, structures, and other site improvements. Where the proposed activity consists of grubbing, all trees with a DBH of three (3) inches or greater shall be left undisturbed with the drip line understory left intact. Where the land clearing and/or grubbing is not proposed as part of a development proposal for which a site plan has been submitted, the applicant shall demonstrate to the reasonable satisfaction of the Zoning Administrator the reasons that the land clearing and/or grubbing cannot be delayed until a site plan is submitted and approved, if applicable.

   b. **Exemptions.** Where a tree removal permit is not required pursuant to Section 11.9.C. and 11.9.D, if a tree interferes with safe vision clearances or if a tree conflicts with other ordinances or regulations, the removal, relocation, pruning, or trimming of trees within the affected areas shall be permitted.

   c. **Good Forestry Practices or Tree Health.** The proposed removal or relocation is consistent with good forestry practices or will enhance the health of the remaining trees.

4. **Preservation Through Site Development Techniques.** Protected trees, landmark trees, and woodlands shall be preserved to the greatest extent practicable through the use of site development techniques including, but not limited to, the following:

a. Site design should consider any landmark tree on a site as an important design element. Removal of landmark trees should occur rarely and should be considered only after alternatives are studied and determined not to be feasible.

b. Locate development in areas of the site that are already disturbed or cleared of trees and woody vegetation.

c. Minimize clearing and grading of the site by working with the site's existing topography. Grading, roads, walkways, utility lines, and all other aspects of soil disturbance shall be minimized to the extent possible considering standards of sound design and public safety. Clearing for buildings should be limited to the smallest area needed for safe and effective building, structure, and utility work. Excavated soil and materials from basements and grading shall not be spread in the woodland area. Careful handling of trees and use of adequate tree protection measures shall be undertaken, especially for trees near the building envelope.

5. **Grade Changes.** Grade changes that could impact remaining trees are minimized through the use of retaining walls, tree wells, or other techniques or by locating grade changes away from critical root zones.

a. Provide tree and understory/ground layer protection during all construction phases of the project. Woodland areas, protected trees, and landmark trees excluded from development must be protected from all intrusions during development by well-maintained protective barrier. If construction or grading is to occur within a portion of woodlands, those woodland areas excluded from development should be clearly marked and/or fenced off during development and construction in accordance with this Ordinance.

b. Minimize the building/construction footprint on individual lots to preserve trees within lot boundaries.

c. Maintain grades and moisture conditions within the critical root zone of trees.

d. If necessary, conduct any necessary excavation around trees by hand.

6. Utilities. Existing and proposed utilities are located in a manner that they will not interfere with trees to remain or utilities to be installed using bored tunnels instead of trenches.

7. **Mitigation Plan Review and Determination by Zoning Administrator.** The Zoning Administrator must make a written determination whether the mitigation means selected and approved are reasonably related and roughly proportionate to mitigate the impacts of tree removal on a site-specific basis pursuant to this Article. This must occur prior to site activity taking place.

D. **Expiration of Permit.** Permits issued pursuant to this Article shall remain valid for a period of twenty-four (24) months. Any work not completed within this period shall require a new tree removal permit.

E. **Performance Guarantee.** If tree relocation, tree replacement, or other approved mitigation is required, a performance guarantee shall be required, which shall be in the form described in this Ordinance. The performance guarantee shall be in an amount which is sufficient to cover the full cost of such relocation, replacement (tree cost plus installation), or other approved mitigation.

Article 15. Nonconformities

Section 15.1 Intent

A. Within the zone districts and special use provisions established by this Ordinance, there exist lots, structures, and uses of land and structures which were lawful, either as conforming or nonconforming uses before this Ordinance was effective, but which would now be prohibited, regulated or restricted under the terms of this Ordinance.

B. It is the intent of this Article to permit these nonconformities to continue until they are removed, but not to encourage their continuance. The purpose of this Article is that nonconformities shall not be enlarged, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same zone district, except by approval from the Zoning Board of Appeals.

C. It is further intended that such uses are declared to be incompatible with the permitted uses in the zone district involved.

Section 15.2 Continuation of a Nonconformity

A. **Nonconforming Use.** Any lawful nonconforming use existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered to be in violation of this Ordinance, provided that (unless otherwise noted in this Article) the use shall not be enlarged or extended to occupy a greater area of land, nor moved in whole or in part to another portion of the lot.

B. **Nonconforming Structures.** Any lawful building or structure existing on the effective date of this Ordinance or amendment thereto may be continued and shall not be considered in violation of this Ordinance, provided that (unless otherwise noted in this Article) the building or structure involved shall not be structurally altered, enlarged, or moved unless such modifications conform to the provisions of this Ordinance for the district in which it is located.

1. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.

Section 15.3 Discontinuation of Nonconforming Uses

A. **Nonconforming Uses of a Structure.** When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for twelve (12) consecutive months without a present intention to reinstate the nonconforming use, the structure (or structure and land in combination) shall not thereafter be used except in conformance with the provisions of the district in which it is located.

B. **Nonconforming Uses of Open Land.** If any nonconforming use of open land ceases for any reason for a period of more than one hundred eighty (180) days, any subsequent use of such land shall conform to the provisions set forth of the district in which it is located.

1. **Seasonal Uses.** In applying this sub-section to seasonal uses, the time during the off-season shall not be counted.

C. **Purchase or Condemnation.** In order to accomplish the elimination of nonconforming uses and structures which constitute a nuisance or are detrimental to the public health, safety and welfare, the Township may acquire, by purchase, condemnation or otherwise, private property for the purpose of removal of nonconforming uses pursuant to Section 208(3) of Public Act 110 of 2006, as amended.

D. **Recording of Nonconforming Uses and Structures.** The Township shall be responsible for maintaining records of nonconforming uses and structures as accurately as is feasible, and for determining legal nonconforming uses and structures in existence on the effective date of this Ordinance. Failure on the part of a property owner to provide the Township with necessary information to determine legal nonconforming status may result in denial of required or requested permits.

E. **Establishment of a Conforming Use or Structure.** In the event that a nonconforming principal use or structure is superseded by a conforming principal use or structure on a site, the nonconforming use or structure shall be immediately and permanently removed.

F. **Change of Tenancy or Ownership.** In the event there is a change in tenancy, ownership, or management, an existing nonconforming use or structure shall be allowed to continue provided there is no change in the nature or character of such nonconformity.

G. **Unlawful Nonconformities.** No building, structure, or use shall be permitted to continue in existence if it was unlawful at the time it was established.

H. **Nonconforming Single-Family Uses.** Notwithstanding the limitations outlined in this Article, any structure used for single family residential purposes and maintained as a nonconforming use may be replaced with a similar structure or of a larger size, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements.

I. **Change of Location.** Should a nonconforming structure be moved to another parcel or to another location on the same parcel for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 15.4 Extension, Enlargement, or Alteration of Nonconformities

A. **Requirements for Extension, Enlargement, or Alterations.** The physical alteration of structures or the placement of new structures is unlawful if such activity results in:

1. An increase in the total amount of space devoted to a nonconforming use.
2. Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, lot coverage, density requirements, or other applicable requirements.

B. **Nonconforming Uses.** A nonconforming use may be extended throughout any portion of a completed building that was manifestly designed or arranged to accommodate such use when the use was made nonconforming by this Ordinance.

1. A nonconforming use may not be extended to additional buildings or to land outside the original building.
2. A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming.

Section 15.5 Repair and Maintenance of Nonconforming Property

A. **Increase of Nonconformity Prohibited.** On any building or structure devoted in whole or in part to any nonconforming use, repair and maintenance work may occur provided that the cubic content or floor area of the building or structure as it existed at the time of adoption of this Ordinance is not increased.

B. **Building Conditions.** Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

C. **Rebuilding After Damage.** Nonconforming uses or structures shall not be reestablished in their nonconforming condition in any zone district after damage or destruction of the nonconforming use or structure if the estimated expense of reconstruction exceeds sixty (60%) percent of the appraised replacement cost of the use or entire building or structure.

1. The estimated expense of reconstruction shall be determined by the Township Building Inspector, upon advice from the Township Assessor. Persons aggrieved by the determination of estimated replacement cost by the Building Official shall appeal to the Zoning Board of Appeals in accordance with Section 14.13.D.

Section 15.6 Change of Use of Nonconforming Property

A. **Applicability.** The requirements of this Section apply to changes of use on a nonconforming property.

B. **Site Plan Approval Required.** If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this Ordinance applicable to that use can be complied with, site plan approval for the change of use shall be required. Once conformity with this Ordinance is achieved, the property may not revert to its nonconforming status.

C. **Variance Prohibited.** In no case shall a variance from the Zoning Board of Appeals (ZBA) be permitted regarding uses, or changes of use in a nonconforming situation.

Section 15.7 Nonconforming Lots of Record

A. **Use of Nonconforming Lots.** Any nonconforming lot shall be used only for a use permitted in the district in which it is located. Notwithstanding limitations imposed by other provisions of this Ordinance, a permitted use may be erected on any single lot of record in existence at the effective date of adoption or amendment thereto. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, provided that the lot can be developed as proposed without any significant adverse impact on surrounding properties or the public health, safety, and welfare.

B. **Variance from Area and Bulk Requirements.** If the use of nonconforming lot requires a variance from the area or bulk requirements, then such use shall be permitted only if a variance is granted by the Zoning Board of Appeals.

C. **Nonconforming Lots Under the Same Ownership.**

1. If two or more lots or combination of lots with contiguous frontage in single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the individual lots do not meet the requirements established for lot width and area, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance.

    a. No portion of said parcel shall be used, occupied, or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of a parcel be made which creates a lot with width or area less than the requirements stated in this Ordinance.

    b. These provisions shall not apply to contiguous lots in single ownership where each of the lots is occupied by an existing home.

2. Any lot laid out in an approved plat or existing as an unplatted parcel which was lawful in size at the time it was created and which fails to comply with the minimum size requirements of a subsequent Township Zoning Ordinance or Township Subdivision Ordinance, may be used for the uses permitted in the zone district in which it is located, provided all setback requirements are complied with.

Combination of Nonconforming Lots. The Township Assessor may permit the combination, in whole or in part, of nonconforming lots of record into building sites less than the size requirements established by this Ordinance, provided that the combination of lots reduces the degree of nonconformity and results in a parcel which is capable of accommodating a structure that is in conformance with the building area and setback requirements of this Ordinance.