

AGENDA
CASCADE CHARTER TOWNSHIP PLANNING COMMISSION
MONDAY, June 16, 2025
6:00PM
2870 JACKSMITH AVE SE

Public may access the meeting via video conference software Zoom

Webinar ID: 860 8654 9700

<https://us02web.zoom.us/j/86086549700>

- ARTICLE 1. **Call the meeting to order. Record the attendance.**
- ARTICLE 2. **Pledge of Allegiance to the Flag**
- ARTICLE 3. **Approve the current Agenda**
- ARTICLE 4. **Disclose any Conflict of Interest**
- ARTICLE 5. **Approve the Minutes of the June 2, 2025, Meeting.**
- ARTICLE 6. **Acknowledge visitors and those wishing to speak.**
(Comments are limited to five minutes per speaker)
- ARTICLE 7. **Case #23-3780 – Public Hearing**
Applicant: Cascade Charter Township
Requested Action: A recommendation to the Township Board to ratify amendments to the Township Zoning Ordinance and Zoning Map regarding the Airport Commerce (AC) Zoning District and overlay districts A, B, and C.
- ARTICLE 8. **Case #25-3892**
Applicant: Cascade Charter Township
Requested Action: Set Public Hearing for Draft Zoning Ordinance.
- ARTICLE 9. **Acknowledge visitors and those wishing to speak.**
(Comments are limited to five minutes per speaker)
- ARTICLE 10. **Other Business**
- ARTICLE 11. **Adjourn**

CASCADE CHARTER TOWNSHIP

PLANNING COMMISSION

MONDAY, June 16, 2025

6:00 PM

ARTICLE 5.

Approve the Minutes of the June 2, 2025 Meeting

MINUTES
CASCADE CHARTER TOWNSHIP PLANNING COMMISSION
MONDAY, June 2, 2025
6:00PM
2870 JACKSMITH AVE SE

ARTICLE 1. Chairman Rowland called the meeting to order at 6:00 pm.
Members Present: Rowland, Madiol, Korstange, Cribbs, Kraemer
Members Absent: None
Others Present: Community Planning and Development Director Andrea Hendrick, Zoning Administrator Ryan Sennett, Legal Counsel Leslie Abdoo of Foster Swift, Planning Assistant Nick Govan and others listed on the sign-in sheet.

ARTICLE 2. Pledge of Allegiance to the Flag

ARTICLE 3. Approve the current Agenda

Motion was made by Vice Chair Kraemer to approve the Agenda. Supported by Member Madiol. Motion carried unanimously.

ARTICLE 4. Disclose any Conflict of Interest

There were no conflicts of interest.

ARTICLE 5. Approve the Minutes of the May 19, 2025, Meeting

Motion was made by Treasurer Korstange to approve the May 19, 2025 Meeting minutes. Supported by Member Cribbs. Motion carried unanimously.

ARTICLE 6. Acknowledge visitors and those wishing to speak.

There was no one wishing to speak.

ARTICLE 7. Case #25-3891 – Public Hearing

Applicant: Matt Kraker

Property Address: 5540 Whitneyville Ave SE

Parcel Number: 41-19-35-251-004

Requested Action: Request for a Type I Special Use Permit for an accessory building in the front yard per Section 17.03.1.b. of the Zoning Ordinance.

Community Planning & Development Director Andrea Hendrick presented the application, explaining this item was initially approved administratively but came to the Planning Commission as a special use due to ordinance interpretation discrepancies. She noted the applicant was previously advised this could be approved administratively. Director Hendrick read section 17.03.1.b which allows accessory structures in front yards by Special Use under certain conditions.

She noted the subject property was a large site with significant tree coverage, rolling hills, and a river on the eastern side of the property which would require grading and tree removal if a new accessory structure was built. She also noted that the current accessory structure would be located in the front yard once the house is demolished and a new house rebuilt further on the property. Director Hendrick recommended approval due to the unique features of the property.

Applicant Kendra Lacker (5540 Whitneyville Ave) explained that she and her husband are moving to the property with their family. The existing house, built in

the 1950s, is close to Whitneyville Road. Due to traffic and safety concerns, Mrs. Lacker explained that they wanted to move the house back, which creates the front yard issue with the existing barn. She also explained that they plan to paint the barn to match the new house and maintain its structural integrity rather than demolish the barn that is in good condition.

Treasure Korstange asked if any of the other structures would remain. Matt Kracker (1809 Edgewood Avenue, Grand Rapids), the builder, confirmed the existing house is unsafe and being used by the fire department for training. The existing garage and pergola will also be demolished, leaving only the barn.

Vice Chair Kraemer noted that addressing similar issues of existing structures in the zoning ordinance might be helpful in the future. Treasure Korstange responded that this was on the list to discuss with the Zoning Subcommittee, as she felt this was an issue that needed addressing as well. Treasure Korstange also noted that she appreciated and liked the idea of keeping the old growth trees.

Motion was made by Treasurer Korstange to open public hearing. Supported by Vice Chair Kraemer. Motion carried unanimously.

There was no one wishing to speak.

Motion was made by Treasurer Korstange to close public hearing. Supported by Vice Chair Kraemer. Motion carried unanimously.

Motion was made by Treasurer Korstange to Approve Case Number 25-3891 for a Type I Special Use Permit for a residential accessory structure located in the front yard at 5540 Whitneyville Ave. SE for the following reasons:

1. The structure already exists on the property.
2. Constructing an accessory building in the rear or side yard of the proposed development would require grading and tree removal which would significantly change the landscape and views of the neighborhood,

And with the following conditions:

1. The accessory building shall not be used for a home occupation.
2. Outdoor lighting must adhere to the Cascade Township standards; shielded or downcast, not creating glare for neighbors.
3. All other accessory structures that will be in the front yard after the home is built shall be removed.

Supported by Vice Chair Kraemer. Motion carried unanimously.

ARTICLE 8.

Case #25-3886

Applicant: James VandenBerge, Joshua Baker

Property Address: 5441 36th St. SE

Parcel Number: 41-19-18-477-012

Requested Action: Site Plan Review for modifications to the site of the previously approved 12,000 sf warehouse addition.

Director Hendrick provided background on the property's history since 2020, involving multiple approvals and compliance issues. She noted the original approval included a temporary grading easement on the neighbor's property that was never recorded. She stated that after discovering this issue, a cease-and-desist order was issued, but construction continued. The applicant received Planning

Commission approval in September 2024 for a plan that met all standards and satisfied the neighbor. However, construction recently began again on a retaining wall one foot from the property line rather than the approved seven (7) foot nine (9) inches, prompting a request to stop work.

Director Hendrick noted that there was a material change in the retaining wall, and this can be, and was, approved administratively, but clarified that when the material change was administratively approved, she explicitly stated the location could not move from the seven (7) foot nine (9) inch setback.

Jon VandenBerge, (JVB Architects) the applicant, presented the proposal as a win-win solution, explaining the seven (7) foot nine (9) inch dimension was calculated based on foundation requirements for a concrete retaining wall. He noted the new block system can be built without disturbing the neighbor's property at one foot from the property line, addressing drainage concerns and providing better landscaping. He acknowledged the errors in the previous construction and the recent placement of the retaining wall not being at the approved site plan location.

Josh Baker, applicant and owner, apologized for the project's problems, taking responsibility for hiring inadequate contractors. He emphasized his desire to complete the building as his business requires maneuvering space for tractor trailers and that this created the need to move the retaining wall closer to the property line.

John McGovern (5505 36th Street) provided background on his neighbor's contractors encroachments on his property, including unauthorized staging of equipment and placement of incorrect property stakes. He expressed concerns about future maintenance access and drainage problems with a wall at the property line.

After extensive discussion by the commissioners, the applicant and neighbor it was agreed that a three (3) foot setback with landscaping would be a condition of approval.

Sean, (Suburban Landscaping) landscaper for the project, explained the engineering differences between concrete and block walls, noting the block system provides better drainage through its crushed stone foundation. He also offered solutions to landscaping between the applicant's property and neighboring one.

The Planning Commission and staff also discussed the need to meet the landscaping requirements on the eastern side within the buffer now that there was space to provide plantings.

Motion to approve the site plan for 5441 36th Street (Case #25-3886) with the following conditions:

- 1. The east side of the wall shall be at least three (3) feet from the east property line above grade.**
- 2. Shrubs will be placed in the three (3) foot buffer on the east side of the wall at least five (5) feet apart.**
- 3. All other conditions imposed under the original approval dated September 16, 2024 that are not otherwise modified by this approval**

including, but not limited to, landscaping, remain in full force and effect.

4. The applicant shall provide updated copies of the final site plan, consistent with this approval, to the Township and the neighbor, John McGovern.

Supported by Trustee Korstange. Motion carried 5 to 0.

ARTICLE 9.

Case #25-3892

Applicant: Cascade Charter Township

Requested Action: Set Public Hearing for Draft Zoning Ordinance.

Director Hendrick explained the goal was to set a public hearing for July 7, noting that it will continue to be refined by the subcommittee until the public notice issued.

Treasurer Korstange expressed concerns about setting a public hearing date before the subcommittee completes its review of the final draft. She emphasized wanting the ordinance completed but felt it inappropriate to finalize something the subcommittee hadn't fully examined.

Chairman Rowland agreed the subcommittee should complete its work before the full Planning Commission reviews the document, allowing members to identify issues like the pre-existing building exception discussed earlier.

Legal Counsel Abdoo clarified that a final draft must be available when public notice is issued, at least 15 days before the hearing.

The Commission decided to wait on scheduling the public hearing until the subcommittee completes its final review.

ARTICLE 10.

Acknowledge visitors and those wishing to speak.

There was no one wishing to speak.

ARTICLE 11.

Other Business

There was no other business.

ARTICLE 12.

Adjourn

Respectfully submitted,

Andrea Hendrick, Community Planning and Development Director, Recording Secretary

CASCADE CHARTER TOWNSHIP

PLANNING COMMISSION

MONDAY, June 16, 2025
6:00 PM

ARTICLE 7.

Case #23-3780 – Public Hearing

Applicant: Cascade Charter Township

Requested Action: A recommendation to the Township Board to ratify amendments to the Township Zoning Ordinance and Zoning Map regarding the Airport Commerce (AC) Zoning District and overlay districts A, B, and C.

PLANNING STAFF MEMORANDUM

TO: Cascade Charter Township Planning Commission
FROM: Andrea Hendrick, Planning Director
SUBJECT: Zoning Ordinance Amendments AC Zone District
DATE: June 13, 2025

Committee Member,

As you may know, back in 2023, the Township adopted amendments to its Zoning Ordinance regarding the AC (Airport Commerce) zoning district. Among those amendments included establishing subzones as overlay districts in the AC zoning district to help regulate permitted uses in the area around the airport. After a public hearing (which the Township published noticed of on about July 20, 2024 at least 15 days in advance), the Planning Commission recommended those amendments to the Township Board in August 2023 and the Township Board subsequently adopted those amendments.

A property owner located within the subzones that were part of those amendments has filed a lawsuit against the Township arguing, in part, that the Township did not properly provide notice of the Planning Commission's public hearing on those amendments as required under the Michigan Zoning Enabling Act, MCL 125.3101, et seq ("MZEA"). Specifically, Fresh Coast alleges that the Township "insufficiently described the nature of the request" and "insufficiently indicated the property that is the subject of the request."

While the Township disputes that the notice of the public hearing was defective, and, in an effort to eliminate that issue from the litigation, planning staff is recommending that the Township ratify those amendments by going back through the process required under the MZEA. Another notice, describing the nature of proposed rezonings and indicating all of the properties subject to the proposed rezonings, was published in the newspaper and mailed out to the owners of the properties subject to the rezoning as well as to all persons to whom real property is assessed within 300 feet of the subject properties, pursuant to section 103 of the MZEA.

After the public hearing, the planning commission may again ratify the 2023 amendments and recommend adoption to the Township Board.

Thank you,

Andrea Hendrick, Cascade Charter Township Planning Director

ARTICLE 7.

Case #23-3780 – Public Hearing

August 7, 2023, Planning Commission Packet

MEMORANDUM

To: Cascade Charter Township Planning Commission
From: Brian Hilbrands, Planning Director
Subject: Zoning Amendment Pertaining to the AC Zoning District, revisions to the mapped AC Zoning District, and the creation of three overlay districts
Meeting Date: August 7, 2023

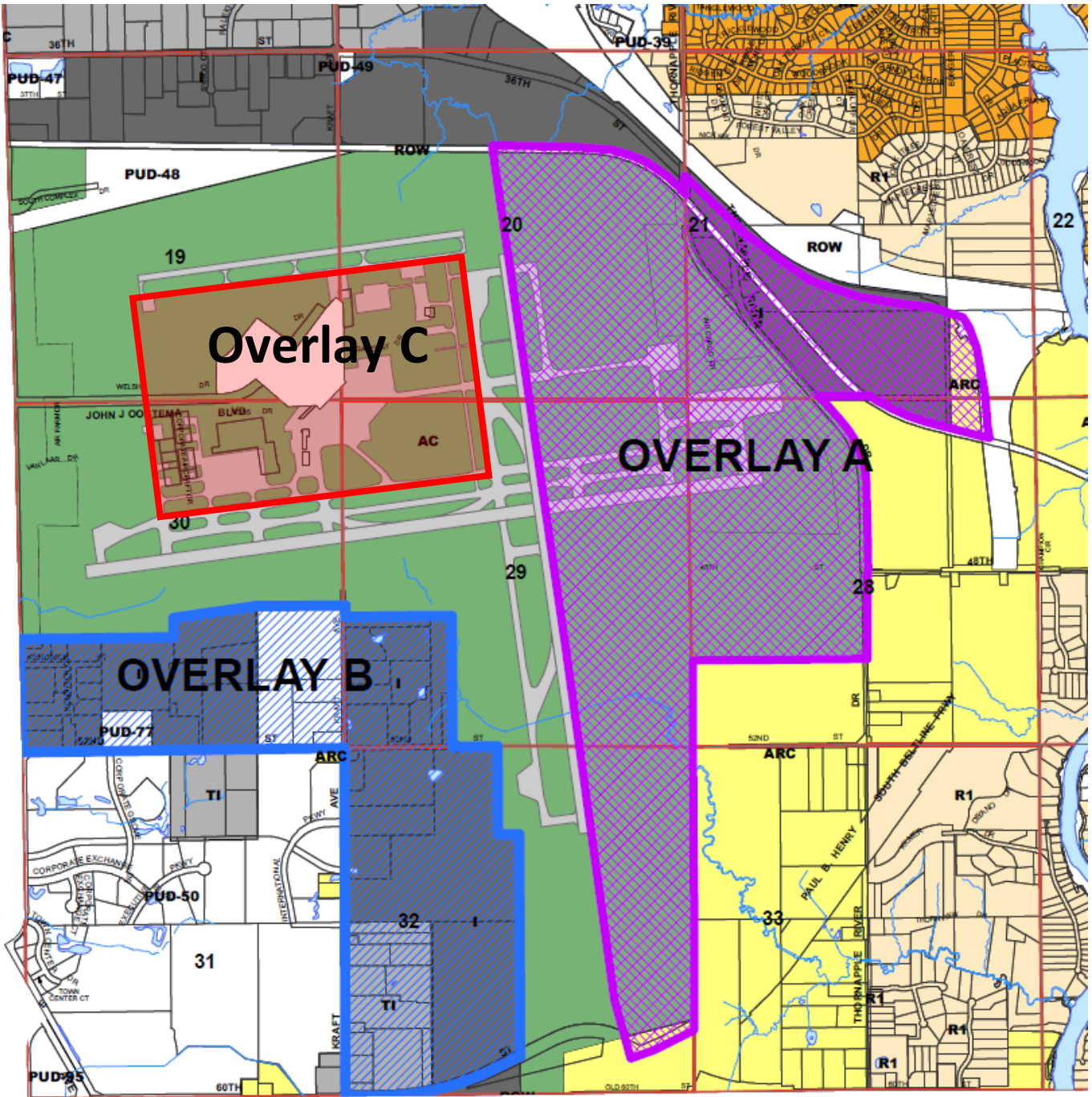
Attached is a draft of possible amendments to the zoning ordinance regarding the AC (Airport Commerce) zoning district that were developed by the Planning Commission AC Airport Commerce District Zoning Review Subcommittee. The subcommittee held a total of 25 meetings beginning in July of 2022, with staff and legal counsel present at most meetings. The amendments were discussed at the July 10 Planning Commission meeting where staff were directed to schedule the amendments for the required public hearing.

Currently Chapter 14 of the Zoning Ordinance includes two subzones around the airport. Subzone 1 includes all areas around the runways and the majority of the airport area, and allows for a variety of uses by right with little to no Township review. Subzone 2 includes the outlying areas adjacent to public streets and requires site plan review for non-aeronautical uses.

The amendments touch on a number of items within Chapter 14 of the zoning ordinance and replace the subzones with new overlay districts to help regulate permitted uses in the area around the airport. Overlay A restricts the uses that are permitted on the east side of the airport, while Overlay B allows for aeronautical uses to be located within a larger area on the southwest side of the airport. Site plan review will now be required for all non-aeronautical uses, except those located within Overlay C, which is at the center of the airport. Non-aeronautical uses located within Overlay C will still be required to meet the requirements of the Township Stormwater Ordinance.

At this time the Planning Commission is requested to review the draft ordinance amendments and provide a recommendation to the Township Board, which the Board would then review at the next available meeting.

Attachments: Draft Zoning Map with Overlay Districts
Draft Ordinance Amendments – Clean version
Draft Ordinance Amendments – Redlined version



CASCADE CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN
ORDINANCE # _____ OF 2023
AN ORDINANCE TO AMEND CERTAIN PORTIONS OF THE
CASCADE CHARTER TOWNSHIP ZONING ORDINANCE

Section 1. Amendment to Chapter 14

Chapter 14 of the Township’s Zoning Ordinance is hereby amended to read, in its entirety, as follows:

CHAPTER 14
AC Airport – Commerce District & Overlays A, B and C

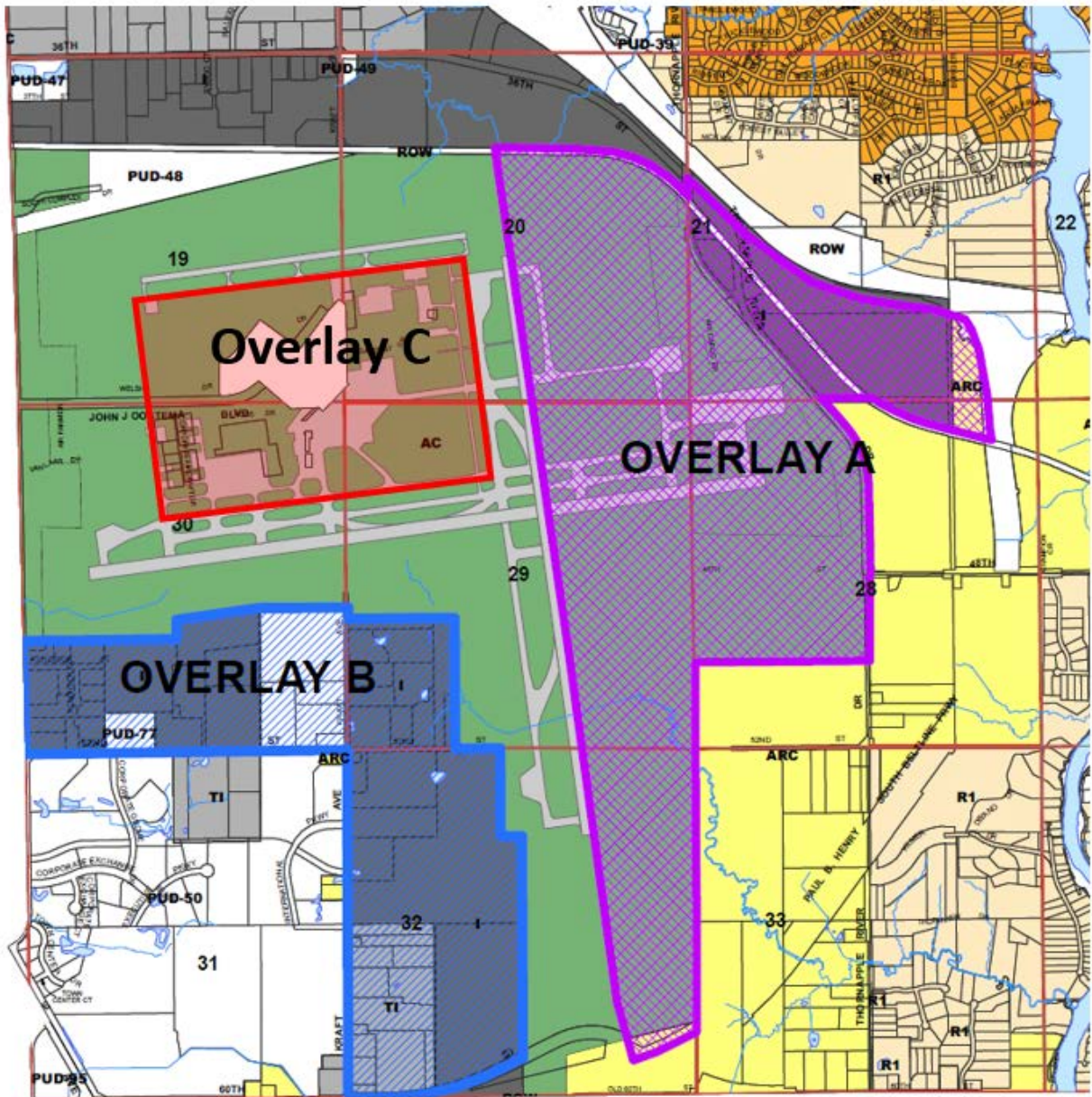
Section 14.01 Title:

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

Section 14.02 Intent:

This 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 Chapter 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.

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 zoning 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 zoning district(s). The following figure (Figure 14-1) further depicts each overlay:



AC DISTRICT

Section 14.03 Uses Permitted by Right in AC District:

Subject to Section 14.18, in the “Airport Commerce” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this Ordinance:

1. Airport Operations Facilities, which are limited to:

- a. Any Aeronautical Facility as defined in Section 3 of the Michigan Aeronautics Code (MCL 259.3).
 - b. Aircraft cleaning and janitorial services
 - c. Aircraft flight training and flying clubs
 - d. Aircraft landing facilities
 - e. Aircraft refueling and fuel storage facilities
 - f. Aircraft/aviation related servicing, repair, painting and restoration facilities
 - g. Aircraft sales
 - h. Air freight handling facilities
 - i. Airline reservation centers
 - j. Airport terminal, and all uses within the terminal building, including but not limited to restaurants, cocktail lounges, etc.
 - k. U.S. Customs clearance offices
 - l. Flying charter services
 - m. Hangar operations and aircraft storage
 - n. Sightseeing airplane service
 - o. Aeronautical and other administrative offices
 - p. Airport maintenance facilities
 - q. Any facility required by Federal, State or Local permits.
2. Airport museum
 3. Airport viewing areas
 4. Hotels/Motels
 5. Rental Establishments - primarily engaged in renting, leasing, or servicing automobiles, small vans, trucks or other similar vehicles
 6. Restaurants
 7. Banks, credit unions, savings and loans, and similar financial institutions (including drive-through and outdoor automatic teller facilities)
 8. Used car sales engaged only in the sale of car rental fleet on the premises. Said activity shall also have the approval of the property owner
 9. Business service centers providing services such as telecommunications services, computer services, copying and fax services, temporary office space, or similar business - related services
 10. Automobile Service Stations
 11. Personal service establishments that perform service on the premises including, but not limited to, beauty parlor, barbershop, photographic studio, dry cleaning establishments, flower shops, print shops, and repair shops (watches, radio/TV, shoes, etc.)
 12. Specialty retail shops
 13. Freight terminals
 14. Parking, surface and structures
 15. Warehousing and general storage
 16. Intermodal transportation facilities
 17. Any governmental buildings, offices, or other facilities including, but not limited to, law enforcement facilities and County Road Commission facilities
 18. Any public utility buildings, structures or facilities

19. Any building, structure or facility used in the abatement/mitigation of environmental issues including the capture, storage and treatment of de-icing/anti-icing or other agents used for aviation purposes, including facilities/structures required for environmental compliance
20. Any use or activity incidental to or related to "Aeronautics" as defined in Section 2 of the Michigan Aeronautics Code (MCL 259.2)
21. Recreational uses
22. Schools

Section 14.04 Uses Permitted by Special Use Approval in AC District.

The following uses may be permitted as a special use in the AC District:

Subject to Section 14.18, and notwithstanding any other provision of this Ordinance, Minor Mineral Resource Extraction and Major Mineral Resource Extraction in accordance with the requirements of only subsections 3 through 10 of Section 4.28 of this Ordinance. Major Mineral Resource Extraction in this zone will not require Planned Unit Development rezoning pursuant to Chapter 16.

Section 14.05 AC District Regulations

Except as otherwise provided for non-aeronautical facilities within this Zoning Ordinance, all uses shall meet the requirements of the MAC and the regulations of the FAA.

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

Subject to Section 14.18, 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 bufferyard and planting requirements of Tables 20-A and 20-B, in addition to the requirements of this Chapter. 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.

OVERLAY A DISTRICT

Section 14.06 Intent

Subject to Section 14.18, "Overlay A" District is established in addition to the AC District and applies to the area shown on the map in Figure 14-1. The intent of Overlay A is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.
5. 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.

6. Providing a transitional area between the Airport and neighboring agricultural and residential uses.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

Section 14.07 Uses Permitted by Right in Overlay A:

Subject to Section 14.18, in the “Overlay A” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses ~~unless otherwise provided by this Ordinance:~~

1. Recreation
2. Schools
3. Churches
4. Aeronautical uses permitted in the AC zoning district

This language was previously deleted by separate action pursuant to Ordinance No. 24-11 adopted by the Township Board on June 26, 2024.

Section 14.08 Uses permitted by Special Use Approval in Overlay A

Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17.

1. Any governmental buildings, offices, or other facilities including, but not limited to, law enforcement facilities and County Road Commission facilities.

Section 14.09 Overlay A Standards (only applicable to non-aeronautical facilities):

Subject to Section 14.18, 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 zoning 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.

Subject to Section 14.18, Any parcels within the Overlay A adjacent to Thornapple River Drive shall be subject to the following requirements:

1. 100’ setback and landscape buffer from Thornapple River Drive to preserve open space along the roadside, except as otherwise approved by the Planning Commission.
2. 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 bufferyard and planting requirements of Tables 20-A and 20-B, in addition to the requirements of this Chapter.
3. The existing excavation facility located at 4190, 4126, 4072, and 4212 Thornapple River Dr shall be considered a legal non-conforming use pursuant to Chapter 22 of this Ordinance. If operations change, are abandoned or discontinued pursuant to Chapter 22, the use shall lose its legal non-conforming status.

OVERLAY B DISTRICT

Section 14.10 Intent

Subject to Section 14.18, the “Overlay B” District is established in addition to the AC District and Overlay A and applies to the area shown on the map in Figure 14-1. The intent of Overlay B is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.
5. 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.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

Section 14.11 Uses Permitted by Right in Overlay B:

Subject to Section 14.18, in the “Overlay B” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this Ordinance:

1. Airport Operations Facilities permitted in the AC zoning district
2. Airport viewing areas
3. Airport museum
4. Business service centers providing services such as telecommunications services, computer services, copying and fax services, temporary office space, or similar business - related services.
5. Freight terminals
6. Parking, surface and structures
7. Warehousing and general storage
8. Any governmental buildings, offices, or other facilities including, but not limited to, law enforcement facilities and County Road Commission facilities.
9. Within a foreign trade zone as established pursuant to the Foreign Trade Zone Act (19 USCA §81a et seq.), any use permitted in a foreign trade zone by Federal law including, without limitation, the storage, sale, exhibition, repacking, assembly, distribution, or manufacture of goods or merchandise.
10. Executive and administrative offices, data processing centers and business offices such as real estate, insurance, and non-profit organizations.
11. Any other uses permitted in the underlying zoning district.

Section 14.12 Uses permitted by Special Use Approval in Overlay B

Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17.

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

Section 14.13 Overlay B Standards (only applicable to non-aeronautical facilities):

Subject to Section 14.18, 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 zoning 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.

OVERLAY C DISTRICT

Section 14.14 Intent

Subject to Section 14.18, the “Overlay C” District is established in addition to the AC District, Overlay A, and Overlay B and applies to the area shown on the map in Figure 14-1. The intent of Overlay C is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.

5. 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.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

Section 14.15 Uses Permitted by Right in Overlay C:

Subject to Section 14.18, in the “Overlay C” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this Ordinance:

1. Those uses permitted by right in the AC zoning district.

Section 14.16 Uses permitted by Special Use Approval in Overlay C

Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17.

1. Those uses permitted by special use permit in the AC zoning district.

Section 14.17 Site Plan Review:

Due to the unique nature of the airport, the level of review by the Township within the Airport Commerce Zoning District shall be limited to non-aeronautical facilities.

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

For those areas in Overlays A and B, aeronautical facilities in Sections 14.07 and 14.11 are not subject to site plan review but are required to submit a site plan indicating the location of any new curb-cut to a public street in order to ensure that it meets the minimum Township standards in this ordinance.

All other uses listed in the AC District and Overlays A and B shall require site plan review per Chapter 21 of this Ordinance. All uses permitted by Special Use Permit in Section 14.06 shall require site plan review per chapters 4, 17 and 21 as applicable.

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.

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.

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.

Section 14.18 Exemption.

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 Chapter, 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: (i) 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; and (ii) 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.

Section 2. Amendment to Chapter 3

Chapter 3 of the Township's Zoning Ordinance is hereby amended to amend the definitions for "Aeronautical Facility," "Aeronautics," and "Airport" as follows:

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.

Airport: 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.

Section 3. Amendment to Chapter 18

Section 18.13(5) is hereby amended to read, in its entirety, as follows:

- 5. The following apply to the AC zone and Overlay A in Chapter 14:
 - a. Maximum Stories/Height: The maximum height in the AC District shall be limited to the maximum height permitted by the FAA. The maximum height in Overlay A shall be 45 feet.
 - b. Minimum Lot Width: There shall be no minimum lot width in the AC District. The Overlay A area shall have a minimum lot width of 200 feet.
 - c. Setbacks: There shall be no minimum setback requirement along the jurisdictional boundary between Cascade Township and the City of Grand Rapids as the boundary is located on the date of adoption. The table on the following page setbacks shall apply to the AC District and Overlay A (in addition to any other setbacks required in Chapter 14).

Setback Requirements for AC District and Overlay A	
Front Road	35'
Oostema Blvd or any other public or private street	
60th	43'
Patterson	50'
Thornapple River Dr	100'
Side Yard	25'
Rear Yard	50'
Between Buildings	50'

Section 4. Amendment to Section 13.02a

Section 13.02a of the Zoning Ordinance shall be amended to revise the last sentence as follows:

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.

Section 5. VALIDITY.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 6. REPEALER.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 7. EFFECTIVE DATE.

This ordinance/ordinance amendment shall take effect seven (7) days upon publication in the Grand Rapids Press, a newspaper of general circulation within Cascade Charter Township.

Section 8. EFFECT

The Cascade Charter Township Zoning Ordinance, as amended, except as otherwise expressly amended herein, shall remain in full force and effect.

The foregoing Ordinance amendment was offered by Board Member _____ supported by Board Member _____. The roll call vote being as follows:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

Sue Slater
Cascade Charter Township Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the ___th day of _____ 2023.

Sue Slater
Cascade Charter Township Clerk

87192:00001:6653625-4

87192:00001:7152591-4

**CASCADE CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN
ORDINANCE # _____ OF 2023
AN ORDINANCE TO AMEND CERTAIN PORTIONS OF THE
CASCADE CHARTER TOWNSHIP ZONING ORDINANCE**

Section 1. Amendment to Chapter 14

Chapter 14 of the Township’s Zoning Ordinance is hereby amended to read, in its entirety, as follows:

CHAPTER 14
AC Airport Commerce District & Overlays A, B and C

Section 14.01 Title:–

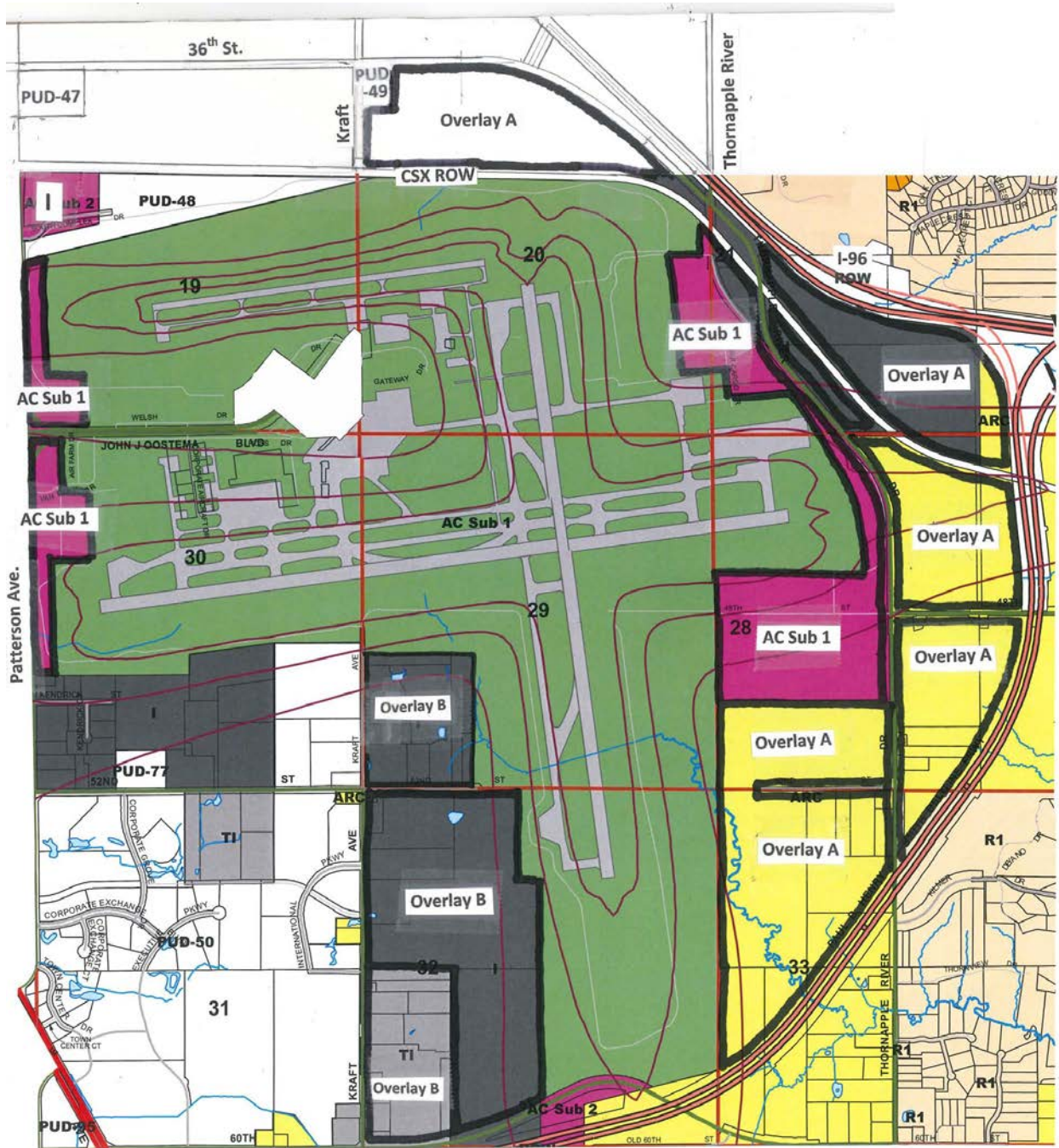
Use Regulations Relating to the "AC" Airport-Commerce District

Section 14.02 Intent:

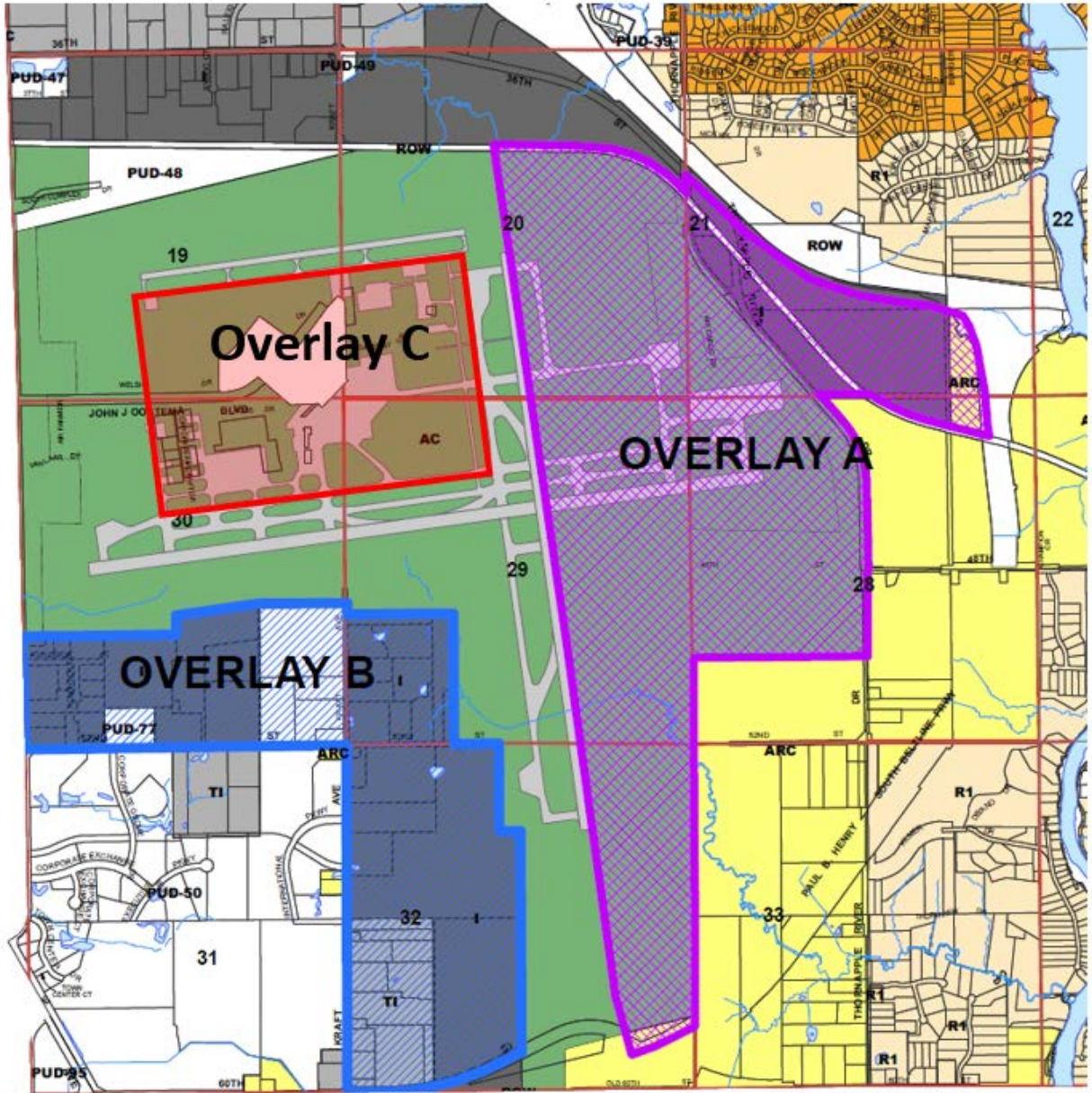
This district recognizes that ~~certain aeronautical facilities are exempt from Township zoning under current state law,~~ the Gerald R. Ford International Airport Authority (the “Authority”) is a regional airport authority formed and existing pursuant to the Regional Airport Authority Act (PA 95 of 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 ~~airport property~~ Gerald R. Ford International Airport is under the jurisdiction of ~~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 ~~Cascade Charter Township.~~ The provisions of this Chapter 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.

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

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



SUBZONE 1



AC DISTRICT

Section 14.03 Uses Permitted by Right in Subzone 1AC District:

Subject to Section 14.18, in the “Airport Commerce-~~subzone 1~~” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this ordinance~~Ordinance~~:

1. Airport Operations Facilities, which are limited to:

a. Any Aeronautical Facility as defined in Section 3 of the Michigan Aeronautics Code (MCL 259.3).

b. Aircraft cleaning and janitorial services

c. Aircraft flight training and flying clubs

d. Aircraft landing facilities

e. Aircraft refueling and fuel storage facilities

f. Aircraft/aviation related servicing, repair, painting and restoration facilities

g. Aircraft sales

h. Air freight handling facilities

i. Airline reservation centers

j. Airport terminal, and all uses within the terminal building, including but not limited to restaurants, cocktail lounges, etc.

~~k. Airport parking facilities~~

~~l. U.S. Customs clearance offices~~

~~m. Flying charter services~~

~~n. Hangar operations and aircraft storage~~

~~o. Sightseeing airplane service~~

~~p. Aeronautical and other administrative offices~~

~~q. Airport maintenance facilities~~

~~r. Any facility required by Federal, State, or Local permits.~~

2. Airport museum

3. Airport viewing areas

4. Hotels/Motels

5. Rental Establishments - primarily engaged in renting, leasing, or servicing automobiles, small vans, trucks or other similar vehicles

6. Restaurants

7. Banks, credit unions, savings and loans, and similar financial institutions (including drive-through and outdoor automatic teller facilities)

8. Used car sales engaged only in the sale of car rental fleet on the premises. Said activity shall also have the approval of the property owner.

9. Business service centers providing services such as telecommunications services, computer services, copying and fax services, temporary office space, or similar business - related services.

10. Automobile Service Stations

11. Personal service establishments that perform service on the premises including, but not limited to, beauty parlor, barbershop, photographic studio, dry cleaning establishments, flower shops, print shops, and repair shops (watches, radio/TV, shoes, etc).

12. Specialty retail shops

13. Freight terminals

14. Parking ~~Structures,~~ surface and structures

15. Warehousing and general storage.

16. Intermodal transportation facilities.

17. Any governmental buildings, offices, or other facilities including, but not limited to, law enforcement facilities and County Road Commission facilities.

18. Any public utility buildings, structures or facilities.

19. Any building, structure or facility used in the abatement/mitigation of environmental issues including the capture, storage and treatment of de-icing/anti-icing or other agents used for aviation purposes, including facilities/structures required for environmental compliance-

20. Any use or activity incidental to or related to "Aeronautics" as defined in Section 2 of the Michigan Aeronautics Code (MCL 259.2)

21. Recreational uses

22. Schools

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

The following uses may be permitted as a special use in ~~subzone 1~~ the AC District:

~~Notwithstanding~~ Subject to Section 14.18, and notwithstanding any other provision of this Ordinance, Minor Mineral Resource Extraction and Major Mineral Resource Extraction in accordance with the requirements of only subsections 3 through 10 of Section 4.28 of this Ordinance. Major Mineral Resource Extraction in this ~~subzone~~ zone will not require Planned Unit Development rezoning pursuant to Chapter 16.

SUBZONE 2

~~Section 14.05 Uses Permitted by Right in Subzone 2:~~ AC District Regulations

~~In the "Airport Commerce subzone 2~~ Except as otherwise provided for non-aeronautical facilities within this Zoning Ordinance, all uses shall meet the requirements of the MAC and the regulations of the FAA.

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

~~Subject to Section 14.18, 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 bufferyard and planting requirements of Tables 20-A and 20-B, in addition to the requirements of this Chapter. 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.~~

OVERLAY A DISTRICT

Section 14.06 Intent

Subject to Section 14.18, "Overlay A" District is established in addition to the AC District and applies to the area shown on the map in Figure 14-1. The intent of Overlay A is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.

3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.
5. 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.
6. Providing a transitional area between the Airport and neighboring agricultural and residential uses.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

Section 14.07 Uses Permitted by Right in Overlay A:

Subject to Section 14.18, in the “Overlay A” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this ordinanceOrdinance:

1. Airport Operations Facilities:

- ~~a. Any~~
1. Recreation
2. Schools
3. Churches
4. Aeronautical Facility as defineduses permitted in the AC zoning district

Section 3 of the Michigan Aeronautics Code (MCL 259.3). b. Aircraft cleaning14.08 Uses permitted by Special Use Approval in Overlay A

Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and janitorial services conditions outlined in Chapter 17.

- ~~c. Aircraft flight training and flying club~~
- ~~d. Aircraft landing facilities~~
- ~~e. Aircraft refueling and fuel storage~~
- ~~Any governmental buildings, offices, or other facilities~~
- ~~f. Aircraft/aviation related servicing, repair, painting and restoration facilities~~
- ~~g. Aircraft sales~~
- ~~h. Air freight handling facilities~~
- ~~i. Airline reservation centers~~
1. j. Airport terminal, and all uses within the terminal building, including including, but not limited to restaurants, cocktail lounges, etc., law enforcement facilities and County Road Commission facilities.
- ~~k. Airport parking facilities~~
- ~~l. U.S. Customs clearance offices~~
- ~~m. Flying charter services~~

- n. Hangar operations and aircraft storage
- o. Sightseeing airplane service
- p. Aeronautical and other administrative offices
- q. Airport maintenance facilities
- r. Any facility required by Federal, State, or Local permits.

Section 14.09 Overlay A Standards (only applicable to non-aeronautical facilities):

Subject to Section 14.18, 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 zoning 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.

Subject to Section 14.18, Any parcels within the Overlay A adjacent to Thornapple River Drive shall be subject to the following requirements:

1. 100' setback and landscape buffer from Thornapple River Drive to preserve open space along the roadside, except as otherwise approved by the Planning Commission.
2. 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 bufferyard and planting requirements of Tables 20-A and 20-B, in addition to the requirements of this Chapter.
3. The existing excavation facility located at 4190, 4126, 4072, and 4212 Thornapple River Dr shall be considered a legal non-conforming use pursuant to Chapter 22 of this Ordinance. If operations change, are abandoned or discontinued pursuant to Chapter 22, the use shall lose its legal non-conforming status.

OVERLAY B DISTRICT

Section 14.10 Intent

Subject to Section 14.18, the "Overlay B" District is established in addition to the AC District and Overlay A and applies to the area shown on the map in Figure 14-1. The intent of Overlay B is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.
5. 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.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

Section 14.11 Uses Permitted by Right in Overlay B:

Subject to Section 14.18, in the “Overlay B” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this Ordinance:

1. Airport Operations Facilities permitted in the AC zoning district
2. Airport viewing areas
3. Airport museum
4. Business service centers providing services such as telecommunications services, computer services, copying and fax services, temporary office space, or similar business - related services.
5. Freight terminals
6. Parking Structures, surface and structures
7. Warehousing and general storage
8. Any governmental buildings, offices, or other facilities including, but not limited to, law enforcement facilities and County Road Commission facilities.
9. Within a foreign trade zone as established pursuant to the Foreign Trade Zone Act (19 USCA §81a et seq.), any use permitted in a foreign trade zone by Federal law including, without limitation, the storage, sale, exhibition, repacking, assembly, distribution, or manufacture of goods or merchandise.
10. Executive and administrative offices, data processing centers and business offices such as real estate, insurance, and non-profit organizations.
11. Any other uses permitted in the underlying zoning district.

Section 14.0612 Uses permitted by Special Use Approval in ~~Subzone 2~~Overlay B

~~The~~Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17.

1. Hotels/Motels
2. Rental Establishments - primarily engaged in renting, leasing, or servicing automobiles, small vans, trucks or other similar vehicles
3. Automobile Service Stations-
4. Intermodal transportation facilities
5. Restaurants
6. Banks, credit unions, savings and loans, and similar financial institutions (including drive-through and outdoor automatic teller facilities)
7. Specialty retail shops
8. Notwithstanding any other provision of this ~~Zoning~~ Ordinance, Minor Mineral Resource Extraction and Major Mineral Resource Extraction in accordance with the requirements of only ~~subsections~~subsections 3 through 10 of Section 4.28 (Mineral Resource Extraction of this Ordinance. Mineral Resource Extraction in this ~~Subzone~~zone will not require Planned Unit Development rezoning as regulated in Chapter ~~16~~ of this Ordinance~~)).~~

9. Antenna tower and masts for cellular phone and other personal communication services, when authorized as a special use by the Planning Commission subject to conformance with the standards of Section 17.03(h).

10. Personal service establishments that perform service on the premises including, but not limited to, beauty parlor, barbershop, photographic studio, dry cleaning establishments, flower shops, print shops, and repair shops (watches, radio/TV, shoes, etc.)

11. Any other uses permitted by special use in the underlying zoning district

Section 14.0713 Overlay B Standards (only applicable to non-aeronautical facilities):

Subject to Section 14.18, 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 zoning 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.

OVERLAY C DISTRICT

Section 14.14 Intent

Subject to Section 14.18, the “Overlay C” District is established in addition to the AC District, Overlay A, and Overlay B and applies to the area shown on the map in Figure 14-1. The intent of Overlay C is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.
5. 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.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

Section 14.15 Uses Permitted by Right in Overlay C:

Subject to Section 14.18, in the “Overlay C” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this Ordinance:

1. Those uses permitted by right in the AC zoning district.

Section 14.16 Uses permitted by Special Use Approval in Overlay C

Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17.

1. Those uses permitted by special use permit in the AC zoning district.

Section 14.17 Site Plan Review:

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

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

For those areas in Subzone 2, the uses Overlays A and B, aeronautical facilities in Sections 14.05-107 and 14.11 are not subject to site plan review but are required to submit a site plan indicating the location of any new curb-cut to a public street in order to ensure that it meets the minimum Township standards in this ordinance.

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

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.

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.

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.

Section 14.18 Exemption.

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 Chapter, 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: (i) 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; and (ii) 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.

Section 2. Amendment to Chapter 3

Chapter 3 of the Township’s Zoning Ordinance is hereby amended to amend the definitions for “Aeronautical Facility,” “Aeronautics,” and “Airport” as follows:

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

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

Airport: 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.

Section 3. Amendment to Chapter 18

Section 18.13(5) is hereby amended to read, in its entirety, as follows:

- 5. The following apply to the AC zone and Overlay A in Chapter 14:
 - a. Maximum Stories/Height: The maximum height in the Subzone 1AC District shall be limited to the maximum height permitted by the FAA. The maximum height in Subzone 2Overlay A shall be 45 feet.

- b. Minimum Lot Width: There shall be no minimum lot width in the ~~Subzone 1~~ AC District. The ~~Subzone 2~~ Overlay A area shall have a minimum lot width of 200 feet.
- c. Setbacks: There shall be no minimum setback requirement ~~in Subzone 1 along the jurisdictional boundary between Cascade Township and the City of Grand Rapids as the boundary is located on the date of adoption.~~ The table on the following page setbacks shall apply to ~~Subzone 2~~ the AC District and Overlay A (in addition to any other setbacks required in Chapter 14).

Setback Requirements for AZ Zone: Subzone 2 <u>AC District and Overlay A</u>	
Front Road Oostema Blvd or any other public or private street	35'
60th	43'
<u>Patterson</u>	<u>50'</u>
Patterson and Thornapple River Drive <u>Dr</u>	<u>50'100'</u>
Side Yard	25'
Rear Yard	50'
<u>Between Buildings</u>	<u>50'</u>

Section 4. Amendment to Section 13.02a

Section 13.02a of the Zoning Ordinance shall be amended to revise the last sentence as follows:

The TI District is designed specifically for ~~three~~ 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; ~~and south of 48th street and west of M-6.~~

Section 5. VALIDITY.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 6. REPEALER.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 7. EFFECTIVE DATE.

This ordinance/ordinance amendment shall take effect seven (7) days upon publication in the Grand Rapids Press, a newspaper of general circulation within Cascade Charter Township.

Section 8. EFFECT

The Cascade Charter Township Zoning Ordinance, as amended, except as otherwise expressly amended herein, shall remain in full force and effect.

The foregoing Ordinance amendment was offered by Board Member _____ supported by Board Member _____. The roll call vote being as follows:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

Sue Slater
Cascade Charter Township Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the ___th day of _____ 2023.

Sue Slater
Cascade Charter Township Clerk

[87192:00001:6653625-4](#)

ARTICLE 7.

Case #23-3780 – Public Hearing

August 7, 2023, Planning Commission Minutes

Minutes

Cascade Charter Township
Planning Commission
Monday, August 7, 2023
7:00 pm
2870 Jacksmith Ave SE

ARTICLE 1. Chair Nooryke called the meeting to order at 7:00 P.M.
Members Present: Noordhoek, Richardson, Moxley, Noordyke, Engel, Rissi, Bruneau, Rowland
Members Absent: None
Others Present: Planning Director Brian Hilbrands, Leslie Abdoos with Foster Swift, and others listed on the sign-in sheet

ARTICLE 2. Pledge of Allegiance

ARTICLE 3. Approve the current Agenda

Motion was made by Member Engel to approve the current agenda. Supported by Member Moxley. Motion carried 8 to 0.

ARTICLE 4. Disclose any conflict of interest

There were no conflicts of interest disclosed.

ARTICLE 5. Approve the Minutes of the July 10, 2023 Meeting

Member Engel proposed an edit in Article 10 to change the word “me” to “be”.

Motion was made by Member Engel to approve the July 10 meeting minutes with the proposed change. Supported by Member Rissi. Motion carried 8 to 0.

ARTICLE 6. Acknowledge visitors and those wishing to speak

There was no one that wished to speak.

ARTICLE 7. Case #23-3781/Cascade Charter Township

Requested Action: Planning Commission recommendation to amend the Centennial Park Overlay District pertaining to permitted density for residential uses.

Planning Director Hilbrands presented the case and explained the current Overlay District allows for High-Density Residential Uses exceeding 12 units per acre as a Special Use, whereas the proposed amendment would not allow for more than 12 units per acre as a permitted Special Use.

The Centennial Park Overlay District was created in 2010 as a recommended implementation strategy of the Centennial Park land use and design plan created in 2008. Planning Director Hilbrands explained the park had minimal regulations on uses or appearance and suffered from high vacancy rates. This resulted in the township and the Centennial Park Business Association partnering to create a design plan and split the

costs of plan development. The plan was created to establish consistencies with site improvements and regulate permitted uses, design standards, architectural controls, and site requirements.

Density and land use throughout Cascade has been a concern of Township leadership, and the proposed amendment limiting residential density to 12 units per acre would bring it in line with recommendations made in the 2019 Master Plan. A review of the 2019 Master Plan has been initiated to bring further alignment to the 2022 Strategic Plan, as well as further investigation of appropriate densities and land uses for various areas.

Planning Director Hilbrands stated he believed Centennial Park could be a good candidate to allow for higher residential density, given the location. He explained there would need to be additional research completed to reach any firm conclusions, and that this can be looked into further as part of the review of the Master Plan.

Member Bruneau questioned what would make this area acceptable to add more than 12 units per acre, given that comparable sites have 10 or fewer units per acre. Planning Director Hilbrands said the public roads, the buffer between lower and higher density, and the mix between residential and office buildings are factors that would make it an appropriate area for higher density.

Motion was made by Member Engel to open public hearing. Supported by Member Rissi. Motion carried 8 to 0.

Glenn Turek (7199 Mooring Heights) purchased land 28 years ago with the hope to build a luxury multi-family development. He explained that the current overlay was created in 2010 by the township and business owners who each shared the cost. He said adding high-density residential as a permitted use has been essential for encouraging a growing economy and to support local businesses. Turek further stated the capping at 12 units per acre will not support the luxury apartments.

Drew Nelson (386 Pebble Beach) attended the meeting to represent developers that will be impacted by this decision. He explained there is a need for renters and limiting the complex to 12 units per acre will not fulfill the need for housing.

Kevin Lipke (4900 Streamside Pointe) has family members that own land in Centennial Park. He was very impressed with the luxury apartment plans and other business owners in the area share the same opinion. Lipke stated that the practicing doctor at the Cancer and Hematology Center of West Michigan expressed a need for high-end apartments for employees. He proposed creating a subcommittee to discuss this further, as this will impact developers greatly.

Mark Davis is the president of Redhawk Multi-Family and he explained the Master Plan and overlay was designed to provide a housing density of over 12 units per acre. There is limited space in Grand Rapids to provide Luxury dwellings. He said this complex will add life and new businesses to the area. He suggested rather than capping the density, the township should work with developers to make alternative restrictions.

Kevin VanHaitsma (7625 Aspenwood Dr) works for Bradly Company Commercial Real Estate and is representing the property owner and Redhawk Multi-Family. He stated there have been thousands of hours put into this project already and it is a very needed development. He proposed creating an alternative solution since capping the density is extremely limiting. VanHaitsma added that the Grand Cascade apartment complex will be exceptional and sophisticated.

TJ Vansluton is a software engineer looking to move into the area but has limited housing options. He presented the commission with pictures of the proposed high-end apartment complex.

Kenvin Einfeld, the property owner of 5010 Cascade Road and founder of BDR, expressed support for this project. His company is currently building 348 apartments in Gaines Township and he reiterated the need for additional housing. Einfeld said there is not much sense in capping the density.

Dave Mills (7425 Kenrob Drive) has lived in Cascade for 34 years and supports the project. Mills may even consider moving to the project in the future since he desires a high-end home in the Forest Hills district.

Kirk Driesenga (2851 Charlevoix) works for the Hinman Company which owns four parcels within Centennial Park. He explained the need for apartments for high-income earners and retirees.

Mike Kasmauskis (1769 Laraway Lake) is president of the Centennial Park Business Association. He said the overlay was created for guidance purposes and was made in the interest of all parties involved in the future. Kasmauskis stated that this simple amendment will be detrimental to the development of this community.

Karen Kilner (2253 Palmdale Dr) explained the hardship she has endured locating a high-end 1–2-bedroom apartment for her daughter in the area. She wants the growing population of young adults to benefit from modern, new luxury options. These apartments will contribute to economic growth.

Callaway Greener, who lives in the Grand Rapids area, recently graduated with a degree in supply chain management. He believes that in order for this area to develop, there needs to be more housing.

Sarah Diamond, an employee of a Centennial Park business, has been looking for a luxury one-bedroom apartment for her and her husband. The area proposed for this apartment is in an extremely convenient location and will help the economic growth of Cascade.

Sherry Hooper, resident of the Forest Hills Northern District, said she loves the residential feel of Centennial Park. She said these apartments would only add to the value of the park.

Brian Lake (3422 Aspenwood Ct) expressed how much he cares about Cascade and has loved watching the development of the township. He recruits executives and has seen firsthand the difficulty people have in finding one-bedroom luxury apartments.

Motion was made by Member Rissi to close public hearing. Supported by Member Moxley. Motion carried 8 to 0.

Member Rowland expressed concern about setting a precedent and mentioned he is not in favor of 3 story developments.

Member Bruneau found it difficult to support almost triple the number of units per acre. He questioned what the residents of Cascade would truly want, and he was unsure if they would want high density.

Member Rissi asked if there are any designations in the future land use map or Master Plan for a high-density residential and Planning Director Hilbrands indicated 12 units per acre is the highest.

Member Engel commented that offering forward-thinking housing options could not only draw in potential residents, but also attract desirable businesses to the area. He saw this as a potential opportunity given that the infrastructure, roads, and utilities are already in place.

Member Moxley expressed his fondness for visiting relatives who lived in a similar dwelling, featuring up to 4 stories and a higher density. He had no issues with higher-density developments in this area.

Member Richardson empathized with the need for luxury apartments, especially for young professionals, but felt there are other places with more space for this development. He did not want to set a precedent.

Member Noordhoek said there is a responsibility for current residents, as opposed to potential residents. The current traffic levels worried him, and he felt that there are more suitable locations with greater land area for this development.

Chair Noordyke stated when his company looks to develop new offices, they gravitate towards higher-density areas. Cascade residents highly appreciate and prioritize green space and they are opposed to plans that may lead to increased density. He also expressed concern about the deviations between the overlay and the Master Plan.

Member Rissi found there are a few ways to go through this, the first being to follow the proposed amendment to cap the density at 12 units per acre until the Master Plan process has been worked through. The other option is to table this decision.

Motion was made by Member Bruneau to recommend approval of amending the Centennial Park Overlay District to limit residential density to 12 units per acre. Supported by Member Rowland. Motion carried 7 to 1.

ARTICLE 8. Case #23-3780/Cascade Charter Township

Requested Action: Planning Commission recommendation to amend the Zoning Ordinance pertaining to the Airport Commerce (AC) Zoning District, revisions to the mapped AC zoning district, and the creation of three overlay districts.

Planning Director Hilbrands presented the case and explained that Chapter 14 of the Zoning Ordinance currently includes two subzones around the airport. Subzone 1 includes a majority of the airport area extending out from the runways, and allows for a variety of uses by right with no site plan review. Subzone 2 includes the outlying areas adjacent to public streets and requires a site plan review for nonaeronautical uses.

The amendments consist primarily of items within Chapter 14 of the Zoning Ordinance and will replace subzones with new overlay districts, which will help to regulate permitted uses in the area around the airport. Overlay A restricts uses permitted on the east side of the airport and Overlay B allows for aeronautical uses to be located within a larger area on the southwest side of the airport. There will be a site plan review required for all non-aeronautical uses, except those located in Overlay C. The Township Stormwater Ordinance requirements must continue to be met for non-aeronautical uses in all areas.

Legal Counsel Abdoo stated a letter was received from the airport with comments regarding Act 95 which deals with the creation of the GRR Authority. She stated airport officials believe that the township lacks the authority to regulate any activities on airport premises, irrespective of whether they are related to aeronautical use or not. Abdoo explained her opinion that the township has the ability to regulate and require a site plan review for non-aeronautical uses. She also noted that the proposed changes are more consistent with the Airport Approach Plan and the Airport Layout Plan and create a safer environment.

Motion was made by Member Engel to open public hearing. Supported by Member Rissi. Motion carried 8 to 0.

Casey Ries with the Airport Authority claimed that significant changes in state law have occurred since the implementation of the current airport zoning. The first change requires community Master Plans that house an airport to consider the airport's Master Plan and Airport Approach Plan. He explained that, upon amending the Township's Master Plan, it would be an excellent time to align both airport and township plans to be more cohesive. Ries also reiterated the need for improved communication between township and airport officials, as he did not believe the airport had received responses to the letters that they provided.

Legal counsel Abdoo clarified there was a letter sent discussing Act 95. The letter was the township's interpretation of Act 95 in response to the airport's interpretation. This was specific to the Conrac facility as a potential land use and further explained that the reason behind Overlay C was to give the airport more flexibility in that area. She stated there were two letters that had been sent from the Township. One letter was related to Conrac and the other was referencing distinctions between the Master Plan and Zoning Ordinance and was sent to MDOT.

Member Bruneau sought more precise documentation regarding communication exchanges with legal counsel, specifically letters that are sent.

Member Rissi asked for feedback regarding Overlay C. Ries appreciated the implied intent of the overlay, but believed this made a complicated zoning approach even more complicated. There were a few fundamentals that he addressed. The first was the township's and airport's need to define aeronautical and nonaeronautical facilities. Understanding how the State, Drain Commission, and Township's review of site plans for stormwater purposes apply to this situation was another point. Lastly, he wanted to help the Township's Master Plan consider those safety zones and protections put in as part of the airport's Master Plan.

Some other areas of misalignment include the zoning overlay suggesting residential or recreational gathering, and the Airport Approach Plan's appropriate use of the land in terms of noise.

Dave Caldon, legal counsel representing the airport, clarified they had received one letter in regard to the Conrac facility, only referencing the Dewitt case, which did not appear relevant. He also wanted to ensure the Planning Commission has thoughtfully read through the comments provided in a letter received on August 4.

Chair Noordyke suggested that Ries put together a list of items to discuss with either Staff or the Planning Commission.

Motion was made by Member Rissi to close public hearing. Supported by Member Engel. Motion carried 8 to 0.

Abdoo stated that, from the proposed revisions and letters received from the airport, it is their position that the Township has no regulatory authority over any use of airport property which she strongly disagrees with. There does need to be a more defined definition of aeronautical use. She believed it could be appropriate for the Township to consider amendments to the Master Plan that would incorporate the Airport Layout Plan and the Airport Approach Plan.

Member Rowland expressed concern with the proposed amendment that may allow for a shopping mall or various businesses around the airport.

Member Rissi said the subcommittee aimed to provide the airport with a reasonable level of flexibility for development while taking into account the existing zoning regulations.

Motion was made by Member Rissi to recommend approval of the proposed zoning amendments as presented. Supported by Member Engel. Motion carried 7 to 1.

ARTICLE 9. Old Business

Chair Noordyke said the Wormies case will be brought back to the Planning Commission in September.

Member Moxley will be putting together notebooks with information, notes, and letters for the Township Board regarding the airport rezoning.

ARTICLE 10. Any Other Business

Member Bruneau stated he had two of his cars broken into and advised to keep car doors locked. He also asked about the PFAS issue and mentioned a household close to his had received water testing due to a potential new plume. He wondered what could be done to spread awareness.

Chair Noordyke said that there is some information available on the Township website.

Member Rissi supported looking into restricting compression breaking on certain roads.

Member Moxley said he had water testing completed by EGLE and they offered a free filtration system.

Member Engel commented about wake boats playing extremely loud music and wondered what the enforcement of the noise ordinance is. He also thanked Member Rissi for being the chair of the AC Zoning District Subcommittee.

Member Richardson is concerned with the changes made to the Cascade Road and Whitneyville intersection and believes it is dangerous. He also had reservations about the public comment in Article 7 because a team of coordinated individuals spoke for 30 minutes.

Member Rissi will be Chair of the Farmland Preservation Subcommittee. The other subcommittee members will be Member Bruneau, Member Engel, and Member Moxley.

Member Moxley said the junk yard property off of Grand River has been cleaned up.

ARTICLE 11. Acknowledge visitors and those wishing to speak.

Mike Kasmauskis (1769 Laraway Lake) said EGLE had completed water testing and concluded he did have PFAS in his water. He wondered what additional information he could have. Chair Noordyke said there are resources that will be discussed with him.

Supervisor Lesperance thanked the Commission for their hard work and appreciated their diligence. She said there were letters sent out to residents regarding the new PFAS issues and that EGLE is handling a lot of the new cases.

ARTICLE 12. Adjournment

**Motion was made by Member Noordhoek to adjourn the meeting at 10:24 P.M.
Supported by Member Engel. Motion carried 8 to 0.**

Respectfully submitted,

Joe Engel, Secretary

ARTICLE 7.

Case #23-3780 – Public Hearing

August 23, 2023, Board of Trustees Packet

TOWNSHIP MEMORANDUM

To: Cascade Charter Township Board of Trustees
From: Brian Hilbrands, Planning Director
Subject: Zoning Amendment Pertaining to the AC Zoning District, revisions to the mapped AC Zoning District, and the creation of three overlay districts
Meeting Date: August 23, 2023

Attached are proposed amendments to the AC (Airport Commerce) zoning district that were developed by the Planning Commission AC Airport Commerce District Zoning Review Subcommittee. The subcommittee held a total of 25 meetings beginning in July of 2022, with staff and legal counsel present at most meetings.

Currently Chapter 14 of the Zoning Ordinance includes two subzones around the airport. Subzone 1 includes all areas around the runways and the majority of the airport area, and allows for a variety of uses by right with little to no Township review. Subzone 2 includes the outlying areas adjacent to public streets and requires site plan review for non-aeronautical uses.

The amendments touch on a number of items within Chapter 14 of the zoning ordinance and replace the subzones with new overlay districts which provide additional regulation of permitted uses in the area around the airport. A summary of the new zoning district and overlays are as follows:

AC District – shown as green on the attached map.

- Covers the entire airport property, while overlays add additional regulations. The AC District allows for a variety of non-aeronautical uses on the western portion of the airport property, that would be subject to Township site plan review.

Overlay A – shown as purple hatched area on the attached map.

- Provides further restrictions on uses on the eastern portion of the airport property. Aeronautical uses, recreation, schools, and churches are permitted by right, while governmental buildings, offices, or other buildings are permitted as a special use.

Overlay B – shown as blue dashed area on the attached map.

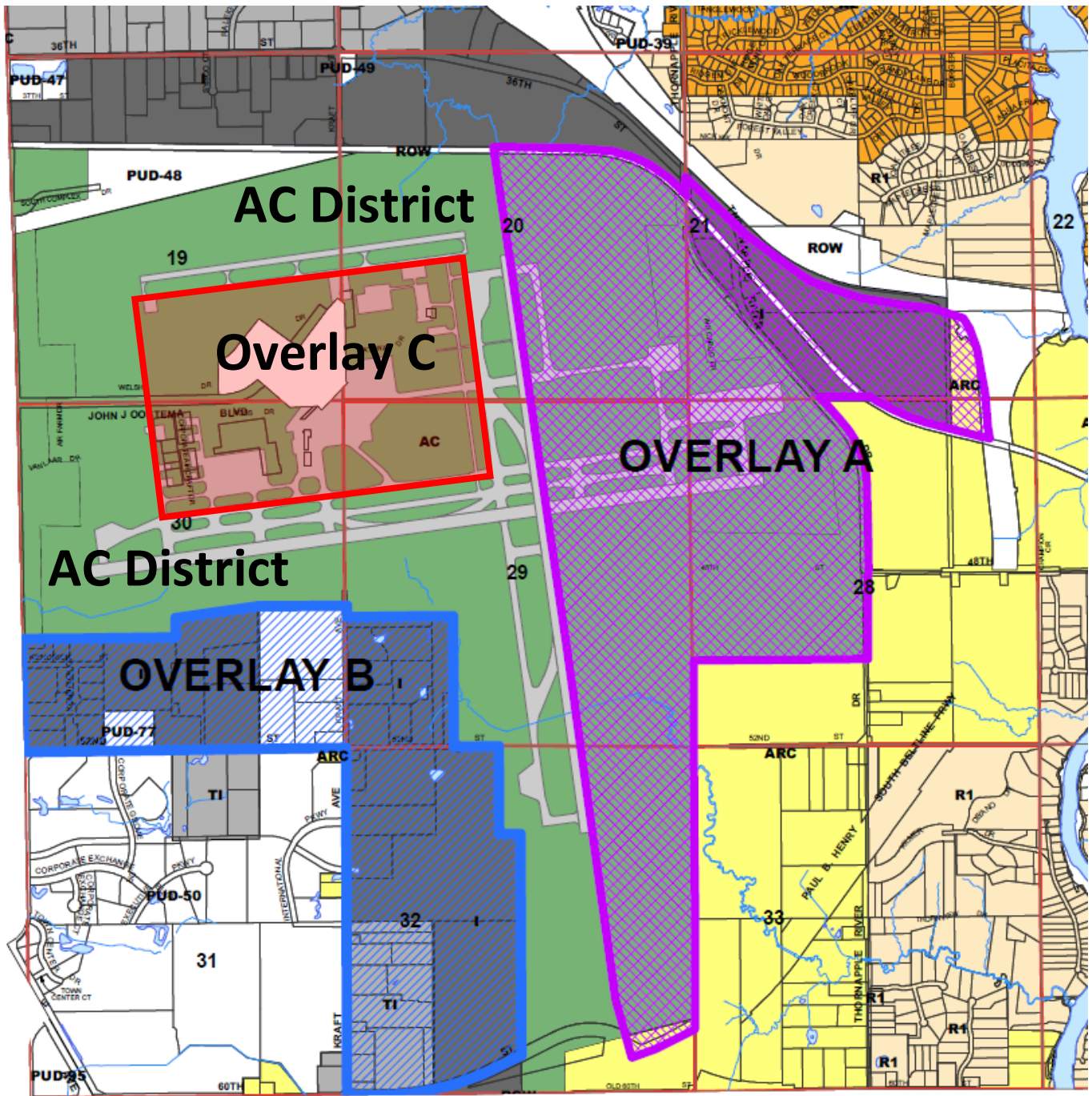
- Allows for additional uses, including aeronautical and commercial uses, in the area to the southwest of the airport, out to 52nd Street and Kraft Avenue.

Overlay C – shown as the red area on the attached map.

- Allows for the same uses as the AC District, but does not require site plan review since this area is in the center of the airport away from public roads. Non-aeronautical uses will still be required to meet the requirements of the Township Stormwater Ordinance.

The Planning Commission held a public hearing to review the proposed amendments at the August 7, 2023 meeting. The comments that were received in response to the notice and public hearing are attached. After the public hearing the Planning Commission recommended that the amendments be adopted by a vote of 7-1.

Attachments: Proposed Zoning Map with Overlay Districts
 Proposed Ordinance Amendments – Clean version
 Proposed Ordinance Amendments – Redlined version
 Public Comments Received



**CASCADE CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN
ORDINANCE # _____ OF 2023
AN ORDINANCE TO AMEND CERTAIN PORTIONS OF THE
CASCADE CHARTER TOWNSHIP ZONING ORDINANCE**

Section 1. Amendment to Chapter 14

Chapter 14 of the Township’s Zoning Ordinance is hereby amended to read, in its entirety, as follows:

CHAPTER 14
AC Airport – Commerce District & Overlays A, B and C

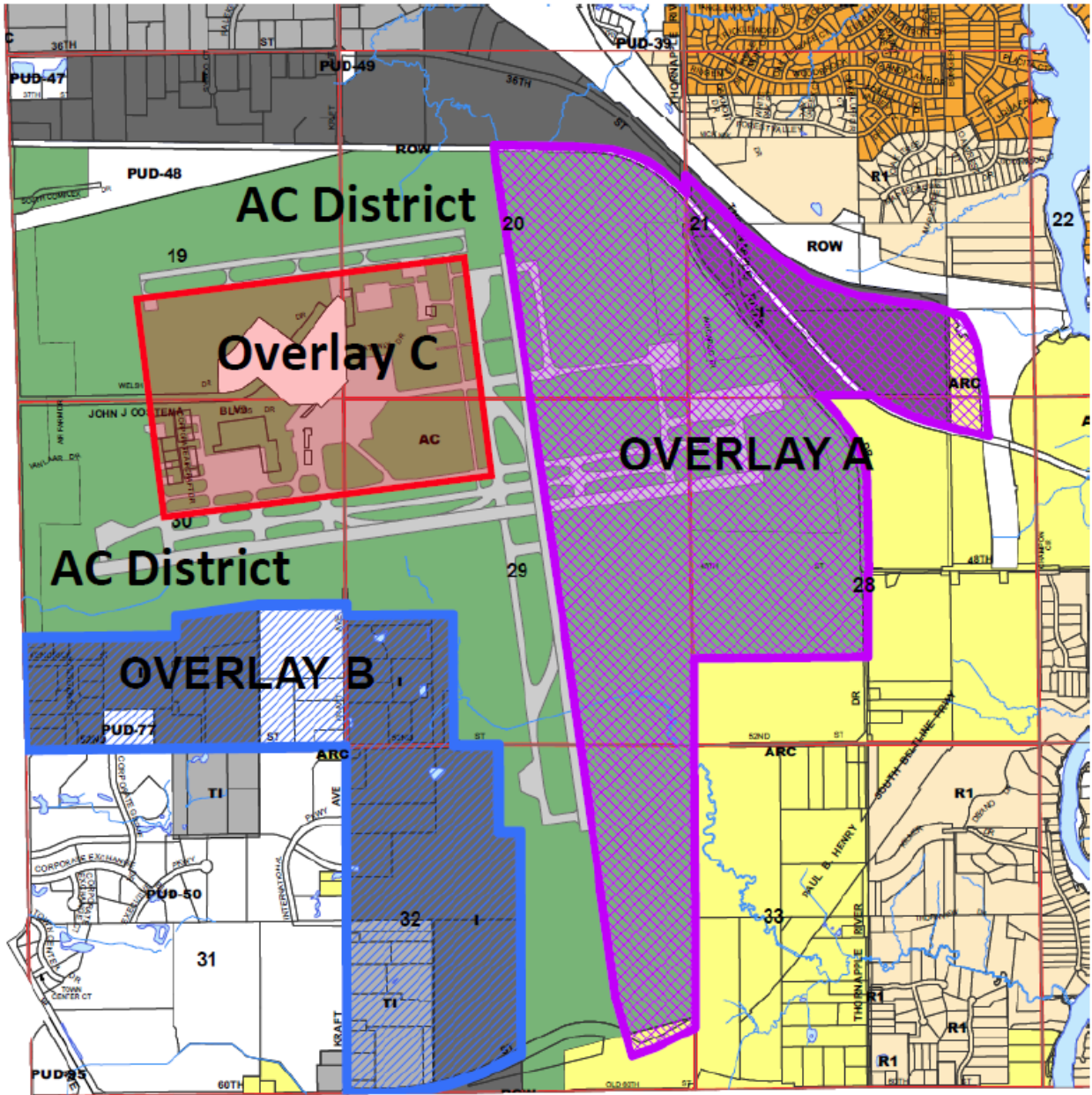
Section 14.01 Title:

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

Section 14.02 Intent:

This 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 Chapter 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.

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 zoning 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 zoning district(s). The following figure (Figure 14-1) further depicts each overlay:



AC DISTRICT

Section 14.03 Uses Permitted by Right in AC District:

Subject to Section 14.18, in the “Airport Commerce” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this Ordinance:

1. Airport Operations Facilities, which are limited to:

- a. Any Aeronautical Facility as defined in Section 3 of the Michigan Aeronautics Code (MCL 259.3).
 - b. Aircraft cleaning and janitorial services
 - c. Aircraft flight training and flying clubs
 - d. Aircraft landing facilities
 - e. Aircraft refueling and fuel storage facilities
 - f. Aircraft/aviation related servicing, repair, painting and restoration facilities
 - g. Aircraft sales
 - h. Air freight handling facilities
 - i. Airline reservation centers
 - j. Airport terminal, and all uses within the terminal building, including but not limited to restaurants, cocktail lounges, etc.
 - k. U.S. Customs clearance offices
 - l. Flying charter services
 - m. Hangar operations and aircraft storage
 - n. Sightseeing airplane service
 - o. Aeronautical and other administrative offices
 - p. Airport maintenance facilities
 - q. Any facility required by Federal, State or Local permits.
2. Airport museum
 3. Airport viewing areas
 4. Hotels/Motels
 5. Rental Establishments - primarily engaged in renting, leasing, or servicing automobiles, small vans, trucks or other similar vehicles
 6. Restaurants
 7. Banks, credit unions, savings and loans, and similar financial institutions (including drive-through and outdoor automatic teller facilities)
 8. Used car sales engaged only in the sale of car rental fleet on the premises. Said activity shall also have the approval of the property owner
 9. Business service centers providing services such as telecommunications services, computer services, copying and fax services, temporary office space, or similar business - related services
 10. Automobile Service Stations
 11. Personal service establishments that perform service on the premises including, but not limited to, beauty parlor, barbershop, photographic studio, dry cleaning establishments, flower shops, print shops, and repair shops (watches, radio/TV, shoes, etc.)
 12. Specialty retail shops
 13. Freight terminals
 14. Parking, surface and structures
 15. Warehousing and general storage
 16. Intermodal transportation facilities
 17. Any governmental buildings, offices, or other facilities including, but not limited to, law enforcement facilities and County Road Commission facilities
 18. Any public utility buildings, structures or facilities

19. Any building, structure or facility used in the abatement/mitigation of environmental issues including the capture, storage and treatment of de-icing/anti-icing or other agents used for aviation purposes, including facilities/structures required for environmental compliance
20. Any use or activity incidental to or related to "Aeronautics" as defined in Section 2 of the Michigan Aeronautics Code (MCL 259.2)
21. Recreational uses
22. Schools

Section 14.04 Uses Permitted by Special Use Approval in AC District.

The following uses may be permitted as a special use in the AC District:

Subject to Section 14.18, and notwithstanding any other provision of this Ordinance, Minor Mineral Resource Extraction and Major Mineral Resource Extraction in accordance with the requirements of only subsections 3 through 10 of Section 4.28 of this Ordinance. Major Mineral Resource Extraction in this zone will not require Planned Unit Development rezoning pursuant to Chapter 16.

Section 14.05 AC District Regulations

Except as otherwise provided for non-aeronautical facilities within this Zoning Ordinance, all uses shall meet the requirements of the MAC and the regulations of the FAA.

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

Subject to Section 14.18, 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 bufferyard and planting requirements of Tables 20-A and 20-B, in addition to the requirements of this Chapter. 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.

OVERLAY A DISTRICT

Section 14.06 Intent

Subject to Section 14.18, "Overlay A" District is established in addition to the AC District and applies to the area shown on the map in Figure 14-1. The intent of Overlay A is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.
5. 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.

6. Providing a transitional area between the Airport and neighboring agricultural and residential uses.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

Section 14.07 Uses Permitted by Right in Overlay A:

Subject to Section 14.18, in the “Overlay A” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses ~~unless otherwise provided by this Ordinance:~~

- 1. Recreation
- 2. Schools
- 3. Churches
- 4. Aeronautical uses permitted in the AC zoning district

This language was previously deleted by separate action pursuant to Ordinance No. 24-11 adopted by the Township Board on June 26, 2024.

Section 14.08 Uses permitted by Special Use Approval in Overlay A

Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17.

- 1. Any governmental buildings, offices, or other facilities including, but not limited to, law enforcement facilities and County Road Commission facilities.

Section 14.09 Overlay A Standards (only applicable to non-aeronautical facilities):

Subject to Section 14.18, 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 zoning 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.

Subject to Section 14.18, Any parcels within the Overlay A adjacent to Thornapple River Drive shall be subject to the following requirements:

- 1. 100’ setback and landscape buffer from Thornapple River Drive to preserve open space along the roadside, except as otherwise approved by the Planning Commission.
- 2. 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 bufferyard and planting requirements of Tables 20-A and 20-B, in addition to the requirements of this Chapter.
- 3. The existing excavation facility located at 4190, 4126, 4072, and 4212 Thornapple River Dr shall be considered a legal non-conforming use pursuant to Chapter 22 of this Ordinance. If operations change, are abandoned or discontinued pursuant to Chapter 22, the use shall lose its legal non-conforming status.

OVERLAY B DISTRICT

Section 14.10 Intent

Subject to Section 14.18, the “Overlay B” District is established in addition to the AC District and Overlay A and applies to the area shown on the map in Figure 14-1. The intent of Overlay B is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.
5. 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.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

Section 14.11 Uses Permitted by Right in Overlay B:

Subject to Section 14.18, in the “Overlay B” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this Ordinance:

1. Airport Operations Facilities permitted in the AC zoning district
2. Airport viewing areas
3. Airport museum
4. Business service centers providing services such as telecommunications services, computer services, copying and fax services, temporary office space, or similar business - related services.
5. Freight terminals
6. Parking, surface and structures
7. Warehousing and general storage
8. Any governmental buildings, offices, or other facilities including, but not limited to, law enforcement facilities and County Road Commission facilities.
9. Within a foreign trade zone as established pursuant to the Foreign Trade Zone Act (19 USCA §81a et seq.), any use permitted in a foreign trade zone by Federal law including, without limitation, the storage, sale, exhibition, repacking, assembly, distribution, or manufacture of goods or merchandise.
10. Executive and administrative offices, data processing centers and business offices such as real estate, insurance, and non-profit organizations.
11. Any other uses permitted in the underlying zoning district.

Section 14.12 Uses permitted by Special Use Approval in Overlay B

Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17.

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

Section 14.13 Overlay B Standards (only applicable to non-aeronautical facilities):

Subject to Section 14.18, 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 zoning 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.

OVERLAY C DISTRICT

Section 14.14 Intent

Subject to Section 14.18, the “Overlay C” District is established in addition to the AC District, Overlay A, and Overlay B and applies to the area shown on the map in Figure 14-1. The intent of Overlay C is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.

5. 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.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

Section 14.15 Uses Permitted by Right in Overlay C:

Subject to Section 14.18, in the “Overlay C” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this Ordinance:

1. Those uses permitted by right in the AC zoning district.

Section 14.16 Uses permitted by Special Use Approval in Overlay C

Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17.

1. Those uses permitted by special use permit in the AC zoning district.

Section 14.17 Site Plan Review:

Due to the unique nature of the airport, the level of review by the Township within the Airport Commerce Zoning District shall be limited to non-aeronautical facilities.

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

For those areas in Overlays A and B, aeronautical facilities in Sections 14.07 and 14.11 are not subject to site plan review but are required to submit a site plan indicating the location of any new curb-cut to a public street in order to ensure that it meets the minimum Township standards in this ordinance.

All other uses listed in the AC District and Overlays A and B shall require site plan review per Chapter 21 of this Ordinance. All uses permitted by Special Use Permit in Section 14.06 shall require site plan review per chapters 4, 17 and 21 as applicable.

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.

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.

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.

Section 14.18 Exemption.

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 Chapter, 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: (i) 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; and (ii) 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.

Section 2. Amendment to Chapter 3

Chapter 3 of the Township's Zoning Ordinance is hereby amended to amend the definitions for "Aeronautical Facility," "Aeronautics," and "Airport" as follows:

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.

Airport: 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.

Section 3. Amendment to Chapter 18

Section 18.13(5) is hereby amended to read, in its entirety, as follows:

- 5. The following apply to the AC zone and Overlay A in Chapter 14:
 - a. Maximum Stories/Height: The maximum height in the AC District shall be limited to the maximum height permitted by the FAA. The maximum height in Overlay A shall be 45 feet.
 - b. Minimum Lot Width: There shall be no minimum lot width in the AC District. The Overlay A area shall have a minimum lot width of 200 feet.
 - c. Setbacks: There shall be no minimum setback requirement along the jurisdictional boundary between Cascade Township and the City of Grand Rapids as the boundary is located on the date of adoption. The table on the following page setbacks shall apply to the AC District and Overlay A (in addition to any other setbacks required in Chapter 14).

Setback Requirements for AC District and Overlay A	
Front Road Oostema Blvd or any other public or private street	35'
60th	43'
Patterson	50'
Thornapple River Dr	100'
Side Yard	25'
Rear Yard	50'
Between Buildings	50'

Section 4. Amendment to Section 13.02a

Section 13.02a of the Zoning Ordinance shall be amended to revise the last sentence as follows:

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.

Section 5. VALIDITY.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 6. REPEALER.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 7. EFFECTIVE DATE.

This ordinance/ordinance amendment shall take effect seven (7) days upon publication in the Grand Rapids Press, a newspaper of general circulation within Cascade Charter Township.

Section 8. EFFECT

The Cascade Charter Township Zoning Ordinance, as amended, except as otherwise expressly amended herein, shall remain in full force and effect.

The foregoing Ordinance amendment was offered by Board Member _____ supported by Board Member _____. The roll call vote being as follows:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

Sue Slater
Cascade Charter Township Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the ___th day of _____ 2023.

Sue Slater
Cascade Charter Township Clerk

87192:00001:6653625-4

87192:00001:7152591-4

**CASCADE CHARTER TOWNSHIP
KENT COUNTY, MICHIGAN
ORDINANCE # _____ OF 2023
AN ORDINANCE TO AMEND CERTAIN PORTIONS OF THE
CASCADE CHARTER TOWNSHIP ZONING ORDINANCE**

Section 1. Amendment to Chapter 14

Chapter 14 of the Township's Zoning Ordinance is hereby amended to read, in its entirety, as follows:

CHAPTER 14
AC Airport Commerce District & Overlays A, B and C

Section 14.01 Title:–

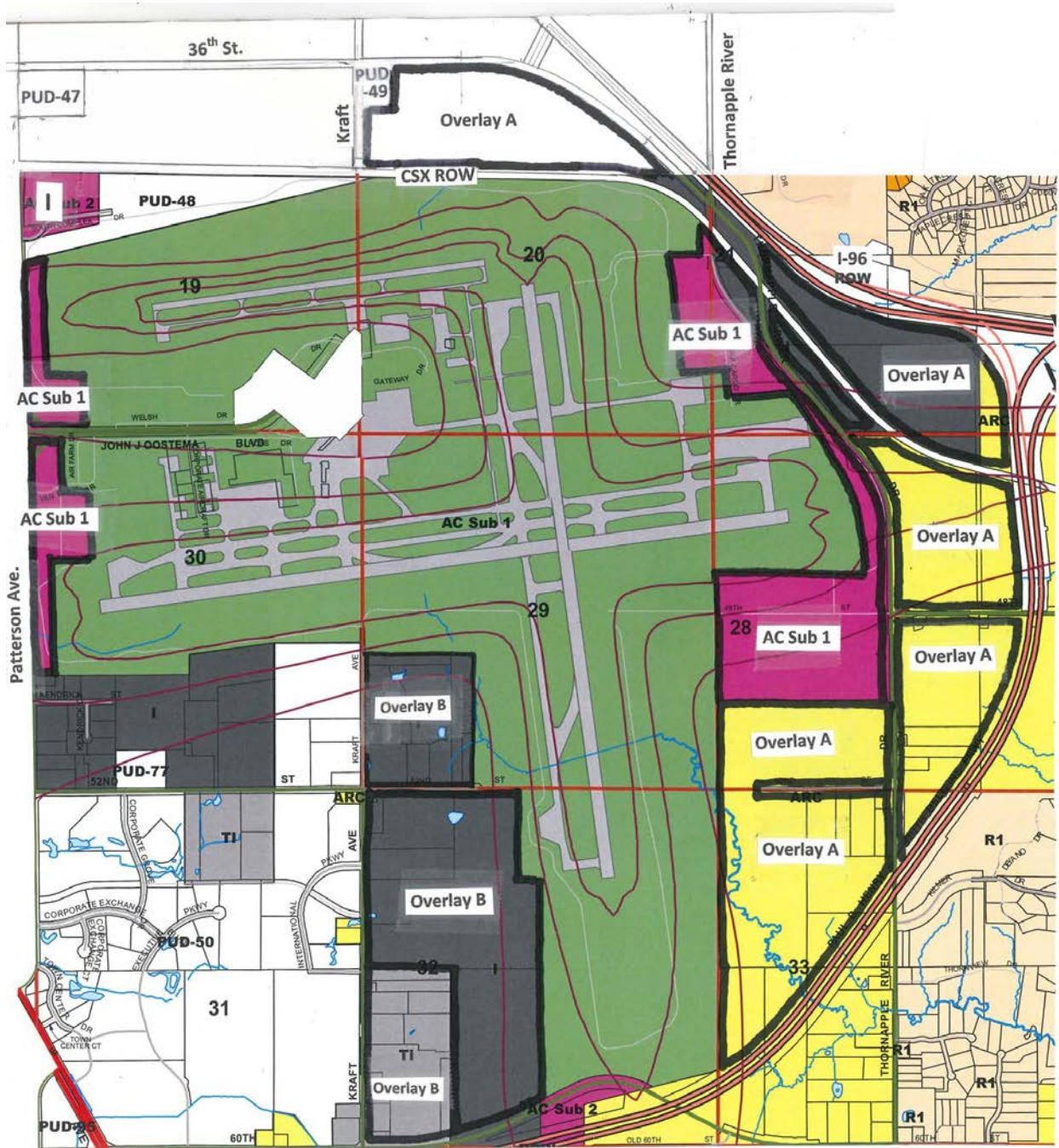
Use Regulations Relating to the "AC" Airport-Commerce District

Section 14.02 Intent:

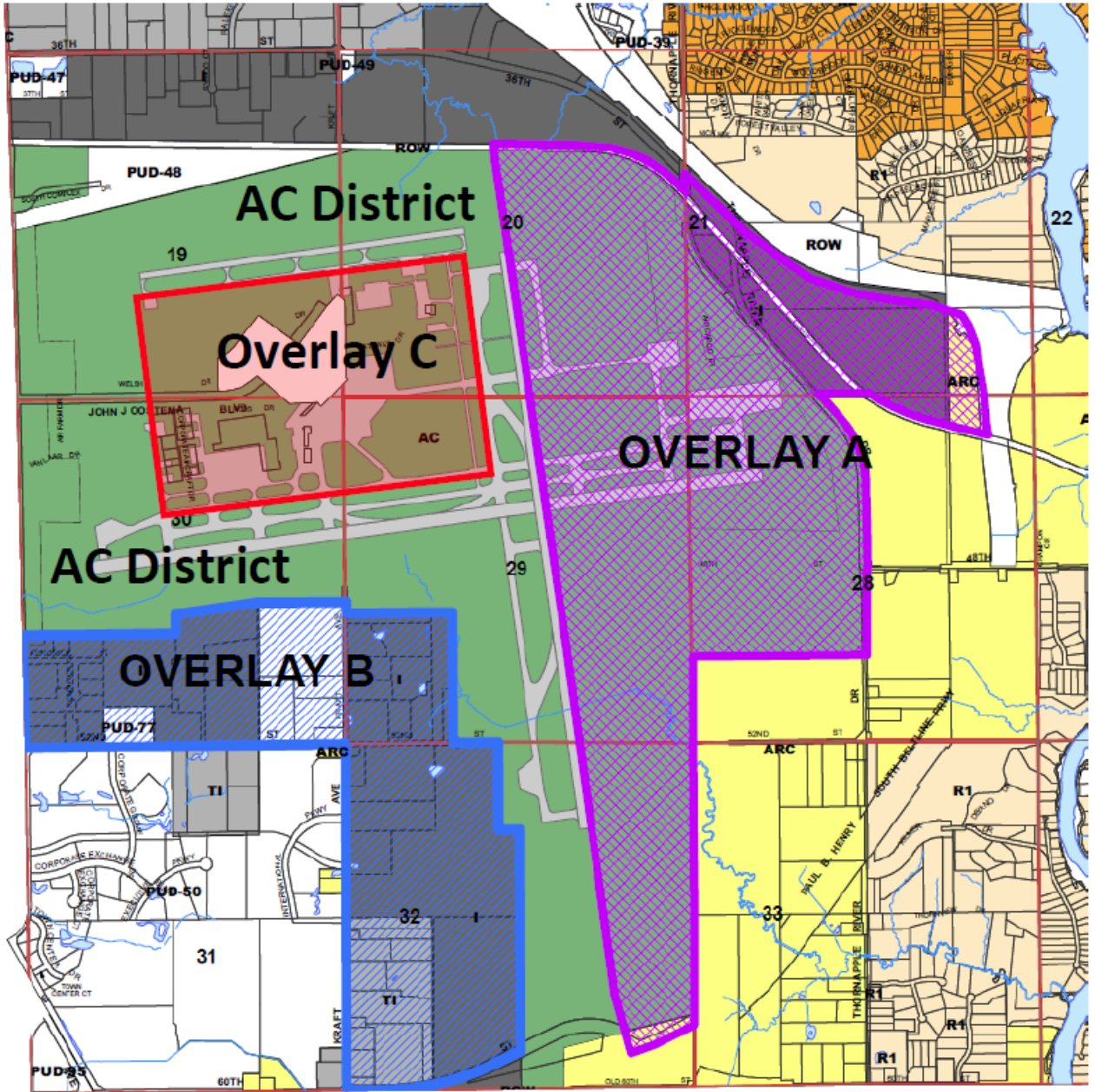
This district recognizes that ~~certain aeronautical facilities are exempt from Township zoning under current state law,~~ the Gerald R. Ford International Airport Authority (the "Authority") is a regional airport authority formed and existing pursuant to the Regional Airport Authority Act (PA 95 of 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 ~~airport property~~ Gerald R. Ford International Airport is under the jurisdiction of ~~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 ~~Cascade Charter Township.~~ The provisions of this Chapter 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.

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

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



SUBZONE 1



AC DISTRICT

Section 14.03 Uses Permitted by Right in Subzone 1AC District:

Subject to Section 14.18, in the “Airport Commerce-subzone 1” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this ordinanceOrdinance:

1. Airport Operations Facilities, which are limited to:

a. Any Aeronautical Facility as defined in Section 3 of the Michigan Aeronautics Code (MCL 259.3).

b. Aircraft cleaning and janitorial services

c. Aircraft flight training and flying clubs

d. Aircraft landing facilities

e. Aircraft refueling and fuel storage facilities

f. Aircraft/aviation related servicing, repair, painting and restoration facilities

g. Aircraft sales

h. Air freight handling facilities

i. Airline reservation centers

j. Airport terminal, and all uses within the terminal building, including but not limited to restaurants, cocktail lounges, etc.

~~k. Airport parking facilities~~

~~l. U.S. Customs clearance offices~~

~~m. Flying charter services~~

~~n. Hangar operations and aircraft storage~~

~~o. Sightseeing airplane service~~

~~p. Aeronautical and other administrative offices~~

~~q. Airport maintenance facilities~~

~~r. Any facility required by Federal, State, or Local permits.~~

2. Airport museum

3. Airport viewing areas

4. Hotels/Motels

5. Rental Establishments - primarily engaged in renting, leasing, or servicing automobiles, small vans, trucks or other similar vehicles

6. Restaurants

7. Banks, credit unions, savings and loans, and similar financial institutions (including drive-through and outdoor automatic teller facilities)

8. Used car sales engaged only in the sale of car rental fleet on the premises. Said activity shall also have the approval of the property owner-

9. Business service centers providing services such as telecommunications services, computer services, copying and fax services, temporary office space, or similar business - related services-

10. Automobile Service Stations

11. Personal service establishments that perform service on the premises including, but not limited to, beauty parlor, barbershop, photographic studio, dry cleaning establishments, flower shops, print shops, and repair shops (watches, radio/TV, shoes, etc)-.)

12. Specialty retail shops

13. Freight terminals

14. Parking ~~Structures, surface and structures~~

15. Warehousing and general storage-

16. Intermodal transportation facilities-

17. Any governmental buildings, offices, or other facilities including, but not limited to, law enforcement facilities and County Road Commission facilities-

18. Any public utility buildings, structures or facilities-

19. Any building, structure or facility used in the abatement/mitigation of environmental issues including the capture, storage and treatment of de-icing/anti-icing or other agents used for aviation purposes, including facilities/structures required for environmental compliance-

20. Any use or activity incidental to or related to "Aeronautics" as defined in Section 2 of the Michigan Aeronautics Code (MCL 259.2)

21. Recreational uses

22. Schools

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

The following uses may be permitted as a special use in ~~subzone 1~~ the AC District:

~~Notwithstanding~~ Subject to Section 14.18, and notwithstanding any other provision of this Ordinance, Minor Mineral Resource Extraction and Major Mineral Resource Extraction in accordance with the requirements of only subsections 3 through 10 of Section 4.28 of this Ordinance. Major Mineral Resource Extraction in this ~~subzone~~ zone will not require Planned Unit Development rezoning pursuant to Chapter 16.

SUBZONE 2

Section 14.05 ~~Uses Permitted by Right in Subzone 2:~~ AC District Regulations

~~In the "Airport Commerce subzone 2~~ Except as otherwise provided for non-aeronautical facilities within this Zoning Ordinance, all uses shall meet the requirements of the MAC and the regulations of the FAA.

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

Subject to Section 14.18, 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 bufferyard and planting requirements of Tables 20-A and 20-B, in addition to the requirements of this Chapter. 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.

OVERLAY A DISTRICT

Section 14.06 Intent

Subject to Section 14.18, "Overlay A" District is established in addition to the AC District and applies to the area shown on the map in Figure 14-1. The intent of Overlay A is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.

3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.
5. 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.
6. Providing a transitional area between the Airport and neighboring agricultural and residential uses.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

Section 14.07 Uses Permitted by Right in Overlay A:

Subject to Section 14.18, in the “Overlay A” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this ordinanceOrdinance:

1. Airport Operations Facilities:

- a. ~~Any~~
1. Recreation
2. Schools
3. Churches
4. Aeronautical Facility as defined uses permitted in the AC zoning district

Section 3 of the Michigan Aeronautics Code (MCL 259.3). b. Aircraft cleaning14.08 Uses permitted by Special Use Approval in Overlay A

Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and janitorial services conditions outlined in Chapter 17.

- c. ~~Aircraft flight training and flying club~~
- d. ~~Aircraft landing facilities~~
- e. ~~Aircraft refueling and fuel storage~~
- Any governmental buildings, offices, or other facilities
- f. ~~Aircraft/aviation related servicing, repair, painting and restoration facilities~~
- g. ~~Aircraft sales~~
- h. ~~Air freight handling facilities~~
- i. ~~Airline reservation centers~~
- 6.1. j. Airport terminal, and all uses within the terminal building, including including, but not limited to restaurants, cocktail lounges, etc., law enforcement facilities and County Road Commission facilities.
- k. ~~Airport parking facilities~~
- l. ~~U.S. Customs clearance offices~~
- m. ~~Flying charter services~~

- ~~n. Hangar operations and aircraft storage~~
- ~~o. Sightseeing airplane service~~
- ~~p. Aeronautical and other administrative offices~~
- ~~q. Airport maintenance facilities~~
- ~~r. Any facility required by Federal, State, or Local permits.~~

Section 14.09 Overlay A Standards (only applicable to non-aeronautical facilities):

Subject to Section 14.18, 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 zoning 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.

Subject to Section 14.18, Any parcels within the Overlay A adjacent to Thornapple River Drive shall be subject to the following requirements:

1. 100' setback and landscape buffer from Thornapple River Drive to preserve open space along the roadside, except as otherwise approved by the Planning Commission.
2. 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 bufferyard and planting requirements of Tables 20-A and 20-B, in addition to the requirements of this Chapter.
3. The existing excavation facility located at 4190, 4126, 4072, and 4212 Thornapple River Dr shall be considered a legal non-conforming use pursuant to Chapter 22 of this Ordinance. If operations change, are abandoned or discontinued pursuant to Chapter 22, the use shall lose its legal non-conforming status.

OVERLAY B DISTRICT

Section 14.10 Intent

Subject to Section 14.18, the "Overlay B" District is established in addition to the AC District and Overlay A and applies to the area shown on the map in Figure 14-1. The intent of Overlay B is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.
5. 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.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

Section 14.11 Uses Permitted by Right in Overlay B:

Subject to Section 14.18, in the “Overlay B” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this Ordinance:

1. Airport Operations Facilities permitted in the AC zoning district
2. Airport viewing areas
3. Airport museum
4. Business service centers providing services such as telecommunications services, computer services, copying and fax services, temporary office space, or similar business - related services.
5. Freight terminals
6. Parking Structures, surface and structures
7. Warehousing and general storage
8. Any governmental buildings, offices, or other facilities including, but not limited to, law enforcement facilities and County Road Commission facilities.
9. Within a foreign trade zone as established pursuant to the Foreign Trade Zone Act (19 USCA §81a et seq.), any use permitted in a foreign trade zone by Federal law including, without limitation, the storage, sale, exhibition, repacking, assembly, distribution, or manufacture of goods or merchandise.
10. Executive and administrative offices, data processing centers and business offices such as real estate, insurance, and non-profit organizations.
11. Any other uses permitted in the underlying zoning district.

Section 14.0612 Uses permitted by Special Use Approval in Subzone 2 Overlay B

~~The~~Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17.

1. Hotels/Motels
2. Rental Establishments - primarily engaged in renting, leasing, or servicing automobiles, small vans, trucks or other similar vehicles
3. Automobile Service Stations-
4. Intermodal transportation facilities
5. Restaurants
6. Banks, credit unions, savings and loans, and similar financial institutions (including drive-through and outdoor automatic teller facilities)
7. Specialty retail shops
8. Notwithstanding any other provision of this ~~Zoning~~ Ordinance, Minor Mineral Resource Extraction and Major Mineral Resource Extraction in accordance with the requirements of only ~~subsections~~subsections 3 through 10 of Section 4.28 (Mineral Resource Extraction of this Ordinance. Mineral Resource Extraction in this ~~Subzone~~zone will not require Planned Unit Development rezoning as regulated in Chapter ~~16~~ of this Ordinance~~)).~~

9. Antenna tower and masts for cellular phone and other personal communication services, when authorized as a special use by the Planning Commission subject to conformance with the standards of Section 17.03(h).

10. Personal service establishments that perform service on the premises including, but not limited to, beauty parlor, barbershop, photographic studio, dry cleaning establishments, flower shops, print shops, and repair shops (watches, radio/TV, shoes, etc.)

11. Any other uses permitted by special use in the underlying zoning district

Section 14.0713 Overlay B Standards (only applicable to non-aeronautical facilities):

Subject to Section 14.18, 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 zoning 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.

OVERLAY C DISTRICT

Section 14.14 Intent

Subject to Section 14.18, the “Overlay C” District is established in addition to the AC District, Overlay A, and Overlay B and applies to the area shown on the map in Figure 14-1. The intent of Overlay C is to:

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.
5. 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.

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance, and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or regulation shall govern.

Section 14.15 Uses Permitted by Right in Overlay C:

Subject to Section 14.18, in the “Overlay C” District no building, structure or premises shall be erected altered or used except as one or more of the following specified uses unless otherwise provided by this Ordinance:

1. Those uses permitted by right in the AC zoning district.

Section 14.16 Uses permitted by Special Use Approval in Overlay C

Subject to Section 14.18, the following uses may be permitted but are subject to the provisions and conditions outlined in Chapter 17.

1. Those uses permitted by special use permit in the AC zoning district.

Section 14.17 Site Plan Review:

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

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

For those areas in Subzone 2, the uses Overlays A and B, aeronautical facilities in Sections 14.05-107 and 14.11 are not subject to site plan review but are required to submit a site plan indicating the location of any new curb-cut to a public street in order to ensure that it meets the minimum Township standards in this ordinance.

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

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.

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.

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.

Section 14.18 Exemption.

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 Chapter, 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: (i) 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; and (ii) 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.

Section 2. Amendment to Chapter 3

Chapter 3 of the Township’s Zoning Ordinance is hereby amended to amend the definitions for “Aeronautical Facility,” “Aeronautics,” and “Airport” as follows:

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

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

Airport: 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.

Section 3. Amendment to Chapter 18

Section 18.13(5) is hereby amended to read, in its entirety, as follows:

5. The following apply to the AC zone and Overlay A in Chapter 14:
 - a. Maximum Stories/Height: The maximum height in the Subzone 1AC District shall be limited to the maximum height permitted by the FAA. The maximum height in Subzone 2Overlay A shall be 45 feet.

b. Minimum Lot Width: There shall be no minimum lot width in the ~~Subzone 1~~AC District. The ~~Subzone 2~~Overlay A area shall have a minimum lot width of 200 feet.

c. Setbacks: There shall be no minimum setback requirement ~~in Subzone 1 along the jurisdictional boundary between Cascade Township and the City of Grand Rapids as the boundary is located on the date of adoption.~~ The table on the following page setbacks shall apply to ~~Subzone 2~~the AC District and Overlay A (in addition to any other setbacks required in Chapter 14).

Setback Requirements for AZ Zone: Subzone 2AC District and Overlay A	
Front Road Oostema Blvd or any other public or private street	35'
60th	43'
<u>Patterson</u>	<u>50'</u>
–Patterson and Thornapple River Drive Dr	50'100'
Side Yard	25'
Rear Yard	50'
<u>Between Buildings</u>	<u>50'</u>

Section 4. Amendment to Section 13.02a

Section 13.02a of the Zoning Ordinance shall be amended to revise the last sentence as follows:

The TI District is designed specifically for ~~three~~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; ~~and south of 48th street and west of M-6.~~

Section 5. VALIDITY.

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 6. REPEALER.

All other ordinances inconsistent with the provisions of this Ordinance are hereby repealed but only to the extent necessary to give this Ordinance full force and effect.

Section 7. EFFECTIVE DATE.

This ordinance/ordinance amendment shall take effect seven (7) days upon publication in the Grand Rapids Press, a newspaper of general circulation within Cascade Charter Township.

Section 8. EFFECT

The Cascade Charter Township Zoning Ordinance, as amended, except as otherwise expressly amended herein, shall remain in full force and effect.

The foregoing Ordinance amendment was offered by Board Member _____ supported by Board Member _____. The roll call vote being as follows:

YEAS:

NAYS:

ABSENT:

ABSTAIN:

Sue Slater
Cascade Charter Township Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the ___th day of _____ 2023.

Sue Slater
Cascade Charter Township Clerk

[87192:00001:6653625-4](#)



August 4, 2023

Mr. Brian Hilbrands
Cascade Township Planning Director
Cascade Charter Township
5920 Tahoe Drive SE
Grand Rapids, Michigan 49546-7123

RE: Proposed Township Zoning Ordinance Amendment

Brian,

We are in receipt of the proposed amendment to Chapter 14, AC Airport-Commerce District, of the Township's Zoning Ordinance (the "Amendment") and notice of public hearing of the Township's Planning Commission on the Amendment on August 7, 2023. This letter serves as comments from an airport manager under Section 203(3)(b) of the Michigan Zoning Enabling Act (the "MZEA"). Please forward these comments to the Township's Planning Commission and ensure that they become part of the record of the public hearing.

The proposed Amendment seeks to redefine permitted uses on property of the Gerald R. Ford International Airport (the "Airport") and generally require site plan review for non-aeronautical uses.

To say that we are disappointed with the proposed Amendment is an understatement. For years, the Authority (previously, Kent County Department of Aeronautics) and the Township have worked cooperatively to further the growth and development of the Airport, which benefits not only the Township, but all of West Michigan.

We provided comments to a prior version of the proposed Amendment with the expectation that the Authority and the Township would come to an agreement that meets the needs and expectations of both the Township and the Authority, much like what occurred when the Township adopted its current Zoning Ordinance. Unfortunately, the text of the proposed Amendment indicates that may not be the case as many of our proposed changes have been ignored.

In the early 2000s, the Township and the Kent County Department of Aeronautics worked collaboratively to amend Chapter 14 of the Township's Zoning Ordinance. The result was the current Zoning Ordinance which includes Subzone 1 and Subzone 2. Subzone 1 included the vast majority of the Airport and recognized that the Township did not have zoning authority over certain uses under the Michigan Aeronautics Code and federal law and that it was beneficial to



Mr. Brian Hilbrands
August 4, 2023
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allow the Kent County Department of Aeronautics autonomy to permit other uses without Township oversight. The current Zoning Ordinance does not grant the Township any site plan review for uses within Subzone 1. It also includes a few portions on the boundaries of the Airport as Subzone 2. Subzone 2 permitted certain uses and only required site plan approval for uses that were not Airport Operational Facilities as described therein.¹

Based on the information provided to Airport Authority staff on July 20, 2023, we understand that the Amendment proposes four different zones for the Airport and is much more restrictive to Airport development:

AC District – the proposed uses are similar to Subzone 1 of the current Zoning Ordinance, but the AC District is a much smaller area of the Airport than Subzone 1. Importantly, except for the portion of AC District covered by Overlay C, any non-aeronautical use² is subject to site plan approval by the Township.

Overlay A – this covers a large portion of the Authority's property on the east side of the Airport and restricts uses to recreation, schools, churches and aeronautical uses permitted in the AC District. Aeronautical uses are not subject to site plan review, but all others are.

Overlay B – this covers a portion of the Authority's property on the southwest side of the Airport and restricts uses as provided in the Amendment. Aeronautical uses are not subject to site plan review, but all others are.

Overlay C – this covers the Airport terminal, the parking structure and some immediately adjacent property.³ The permitted uses are the same as those for AC District. Site plan review is not required for permitted uses. However, for any non-aeronautical uses, a stormwater narrative showing compliance with the Township's Stormwater Ordinance is required.

The Amendment defines "aeronautics" the same as Section 2(c) of the Aeronautics Code of the State of Michigan, but fails to include the applicable definitions of "airport" and "airport facilities" under Act 95 (see below for discussion).

¹ Notably, the current Zoning Ordinance was developed before the Authority was organized as a regional airport authority under Act 95 (discussed below), which now provides the Authority with specific powers relative to planning, development and zoning of the Airport that did not exist when the current Zoning Ordinance was developed.

² "Non-aeronautical uses do not appear to be defined in the Amendment.

³ Portions of this property are located within the City of Grand Rapids.



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With this background, Airport Authority staff offers the following general comments to the proposed Amendment:

Township's Master Plan Amendment

First, Section 203(1) of the MZEA provides that the "[t]he [Township's] zoning ordinance shall be based on a plan" which, among other things, "facilitate[s] adequate provision for a system of transportation including . . . public transportation." While the MZEA does not define "plan," the Michigan Planning Enabling Act (MCL 125.3803(g)) defines "master plan" to include the zoning plan from Section 203(1) of the MZEA.

On June 5, 2023, the Township's Planning Commission recommended an amendment to the Township's Master Plan that changed future land uses for certain property on the east side of the Airport and adjacent to the Airport from industrial to rural residential. The Township Board approved the amendment to the Master Plan on June 14, 2023.

Prior to June 5, 2023, both the Authority and the Michigan Department of Transportation advised the Township's staff that the amendment to the Master Plan needed to incorporate the Authority's Airport Layout Plan ("ALP") and Airport Approach Plan ("AAP") pursuant to Section 203(2) of the MZEA. Section 203(2) provides that:

[i]f a local unit of government adopts or revises a plan required under subsection (1) after an airport layout plan or airport approach plan has been filed with the local unit of government, the local unit of government *shall incorporate the airport layout plan or airport approach plan into the plan adopted under subsection (1)* (emphasis added).

The amendment to the Master Plan did not incorporate the ALP or AAP, and thus, does not comply with Section 203(2) of the MZEA.

The plan discussed in Section 203(1) is, again, the Township's Master Plan. Accordingly, the amendment to the Master Plan recommended by the Township's Planning Commission and approved by the Township Board should have incorporated by reference the ALP and AAP and been consistent with such documents. A valid Master Plan is required before a zoning ordinance can be adopted. Thus, before adopting any amendments to the current Zoning Ordinance, the Township should first conform its Master Plan to State law by incorporating the ALP and AAP.

In connection with the incorporation of the ALP and AAP, the Township should also revise the Master Plan to conform the future land uses for Airport-adjacent property with the ALP and AAP. The amendment to the Master Plan restricts certain land uses in the vicinity of the Airport including residential uses, public assembly spaces, and some service facilities. In a letter dated May 25, 2023, Airport Authority staff advised Township staff that the shift in land use planning under the proposed amendment to the Master Plan did not align with the common practice and



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regulatory guidance regarding compatible land uses in the vicinity of airports. The shift is also inconsistent with the ALP and AAP.

Based on a notice received July 18, 2023, we understand that the Township has begun a process to amend the Township's Master Plan. Airport Authority staff is available to support the Township with this and provide documents necessary for incorporation of the ALP and AAP.

Compliance of Amendment with Authority Rules, ALP and AAP

Section 203(4) of the MZEA states that "a zoning ordinance amendment . . . shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan."

Based on our review, the proposed Amendment does not comply with airport zoning regulations, the ALP and the AAP. Following are a few examples of inconsistencies between the proposed amendment and ALP and AAP:

- Non-compatible land uses including 'recreation, schools, churches' are being introduced to 3 runway protection zones within Overlay A. Such uses are inconsistent with the ALP and AAP in that they can result in higher populations being in areas that the FAA requires and Authority desires to restrict to low population density for safety concerns. Such uses can also promote wildlife which can cause safety issues for flights coming in and out of the Airport. The current Zoning Ordinances allows uses that minimize the potential for land use conflicts with the Airport and ensures compatibility between Authority operations and the surrounding community.
- The ALP has specifically designated portions of the Airport for non-aeronautical development recognizing the value of non-aeronautical revenues to support aeronautical activities and the Authority's grant assurances. Proposed zoning changes are inconsistent with this designation and directly limit or imply limitations to land use.

In light of the foregoing inconsistencies, the Amendment does not meet the requirements of Section 203(4). Prior to adoption, the Amendment should be revised to so as to not increase any inconsistency that may exist between the Zoning Ordinance and airport zoning regulations, the ALP and the AAP. We are willing to commit resources to support Township staff in development of complimentary zoning amendments; subject, however, to our reserved rights under Act 95 (discussed below).

Compliance of Amendment with Act 95



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In 2015, the Regional Airport Authority Act, being MCL 259.137 ("Act 95"), et. seq. was enacted, and the Authority was organized as a regional airport authority organized under Act 95. All the Kent County Department of Aeronautics rights and obligations with respect to the Airport were transferred to the Authority pursuant to Act 95.

Section 143 of Act 95 sets forth the powers of a regional airport authority. Specifically, Section 143(3) addresses zoning jurisdiction for airports as between a regional airport authority and a local government.

"Except for the regional authority's exclusive jurisdiction over landing fields and other aeronautical facilities, this chapter does not limit the power of a local government in which an airport is located to zone property under the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, or to engage in land planning under the Michigan planning enabling act, 2008 PA 33, MCL 125.3801 to 125.3885, with respect to property that is not part of the airport."

MCL 259.143(3) (emphasis added).

This section makes it clear that, in addition to the Authority's exclusive zoning jurisdiction over landing fields and other aeronautical facilities located within or outside of Authority property,⁴ the Township only has zoning jurisdiction over property that is not part of the airport. In other words, the Authority is immune from the Township's zoning relative to the airport.

The question then is what is an "airport?" Section 138(2)(a) of Act 95 answers this:

"'Airport' means a publicly owned airport licensed by the department under section 86 and includes all airport facilities at the airport." (emphasis added).

Section 138(2)(b) of Act 95 then defines "airport facilities" as:

". . . any of the following at an airport:

- (i) Real or personal property, or an interest in real or personal property, used for the landing, taking off, taxiing, parking, or storing of aircraft, or for receiving or discharging

⁴ The Township previously indicated that the language in Act 95 stating: "Except for the regional authority's exclusive jurisdiction over landing fields and other aeronautical facilities" means that the Authority only has exclusive jurisdiction over landing fields and other aeronautical facilities on the Airport. However, this language is consistent with the MZEA and the Airport Zoning Act, which give the Authority the exclusive jurisdiction to engage in future rulemaking and zoning outside of the airport relative to its airspace as a matter of public safety. Any other interpretation renders the remainder of Section 143(3) meaningless.



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passengers or cargo, an appurtenant area used for an airport building or other facility, and any appurtenant right-of-way.

(ii) Real or personal property, including an easement, used for over-flight, noise abatement, a clear zone, a side transition zone, an environmental mitigation requirement, utilities, a drainage system, a right-of-way, or any other requirement imposed as a condition of approving the acquisition, construction, expansion, or operation of other airport facilities, whether or not located within the boundaries of the local government.

(iii) Structures, buildings, and improvements, including aeronautical and nonaeronautical, commercial or noncommercial structures, concessions, roadways, beacons, markers, communication systems, and navigational aids.

(iv) Any other improvements or facilities necessary, useful, or intended for use in the operation of an airport."

As described above, the Amendment defines "aeronautics" and distinguishes between aeronautical and non-aeronautical uses and provides that site plan review is required for any non-aeronautical use. However, this completely ignores the definitions of "airport" and "airport facilities" in Section 138(2)(a) of Act 95.

Airport Authority staff provided comments to an earlier draft of the Amendment to conform the Amendment with Act 95. However, a number of the important revisions requested by the Airport Authority staff were removed. As a result, the current draft of the Amendment that is being considered at the public hearing goes beyond the Township's rightful scope and intrudes upon the statutory powers vested in the Authority as a public body corporate formed and existing under Act 95.

Based on the above, we respectively request that the Township's Planning Commission refrain from recommending the proposed Amendment to the Township Board for approval, and instead, have Township staff work with Airport Authority staff to amend the Master Plan to include the ALP and the AAP and to adopt an amendment that is not in material conflict between the powers asserted by the Township and the powers of the Authority under Act 95 and Section 203 of the MZEA.

Thank you for your attention to this matter and to your consideration of the Authority's comments, as required under Section 203(3) and the MZEA. The Township and the Authority have enjoyed a long-standing cooperative relationship. It is our true intent to continue this relationship by aligning the Township's and the Authority's expectations with state and federal law, including Act 95.



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Should you require any additional information or wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

DocuSigned by:

4736F0821D44424...
Tory Richardson, A.A.E.
President & CEO

CC: Mary Kay Shaver, Varnum LLP

Requested Action: Planning Commission recommendation to amend the Zoning Ordinance pertaining to the Airport Commerce (AC) Zoning District, revisions to the mapped AC zoning district, and the creation of three overlay districts.

Planning Director Hilbrands presented the case and explained that Chapter 14 of the Zoning Ordinance currently includes two subzones around the airport. Subzone 1 includes a majority of the airport area extending out from the runways, and allows for a variety of uses by right with no site plan review. Subzone 2 includes the outlying areas adjacent to public streets and requires a site plan review for nonaeronautical uses.

The amendments consist primarily of items within Chapter 14 of the Zoning Ordinance and will replace subzones with new overlay districts, which will help to regulate permitted uses in the area around the airport. Overlay A restricts uses permitted on the east side of the airport and Overlay B allows for aeronautical uses to be located within a larger area on the southwest side of the airport. There will be a site plan review required for all non-aeronautical uses, except those located in Overlay C. The Township Stormwater Ordinance requirements must continue to be met for non-aeronautical uses in all areas.

Legal Counsel Abdo stated a letter was received from the airport with comments regarding Act 95 which deals with the creation of the GRR Authority. She stated airport officials believe that the township lacks the authority to regulate any activities on airport premises, irrespective of whether they are related to aeronautical use or not. Abdo explained her opinion that the township has the ability to regulate and require a site plan review for non-aeronautical uses. She also noted that the proposed changes are more consistent with the Airport Approach Plan and the Airport Layout Plan and create a safer environment.

Motion was made by Member Engel to open public hearing. Supported by Member Rissi. Motion carried 8 to 0.

Casey Ries with the Airport Authority claimed that significant changes in state law have occurred since the implementation of the current airport zoning. The first change requires community Master Plans that house an airport to consider the airport's Master Plan and Airport Approach Plan. He explained that, upon amending the Township's Master Plan, it would be an excellent time to align both airport and township plans to be more cohesive. Ries also reiterated the need for improved communication between township and airport officials, as he did not believe the airport had received responses to the letters that they provided.

Legal counsel Abdo clarified there was a letter sent discussing Act 95. The letter was the township's interpretation of Act 95 in response to the airport's interpretation. This was specific to the Conrac facility as a potential land use and further explained that the reason behind Overlay C was to give the airport more flexibility in that area. She stated there were two letters that had been sent from the Township. One letter was related to Conrac and the other was referencing distinctions between the Master Plan and Zoning Ordinance and was sent to MDOT.

Member Bruneau sought more precise documentation regarding communication exchanges.

Member Rissi asked for feedback regarding Overlay C. Ries appreciated the implied intent of the overlay, but believed this made a complicated zoning approach even more complicated. There were a few fundamentals that he addressed. The first was the township's and airport's need to define aeronautical and nonaeronautical facilities. Understanding how the State, Drain Commission, and Township's review of site plans for stormwater purposes apply to this situation was another point. Lastly, he wanted to help the Township's Master Plan consider those safety zones and protections put in as part of the airport's Master Plan.

Some other areas of misalignment include the zoning overlay suggesting residential or recreational gathering, and the Airport Approach Plan's appropriate use of the land in terms of noise.

Dave Caldon, legal counsel representing the airport, clarified they had received one letter in regard to the Conrac facility, only referencing the Dewitt case, which did not appear relevant. He also wanted to ensure the Planning Commission has thoughtfully read through the comments provided in a letter received on August 4.

Chair Noordyke suggested that Ries put together a list of items to discuss with either Staff or the Planning Commission.

Motion was made by Member Rissi to close public hearing. Supported by Member Engel. Motion carried 8 to 0.

Abdoo stated that, from the proposed revisions and letters received from the airport, it is their position that the Township has no regulatory authority over any use of airport property which she strongly disagrees with. There does need to be a more defined definition of aeronautical use. She believed it could be appropriate for the Township to consider amendments to the Master Plan that would incorporate the Airport Layout Plan and the Airport Approach Plan.

Member Rowland expressed concern with the proposed amendment that may allow for a shopping mall or various businesses around the airport.

Member Rissi said the subcommittee aimed to provide the airport with a reasonable level of flexibility for development while taking into account the existing zoning regulations.

Motion was made by Member Rissi to recommend approval of the proposed zoning amendments as presented. Supported by Member Engel. Motion carried 7 to 1.

ARTICLE 9. Old Business

Chair Noordyke said the Wormies case will be brought back to the Planning Commission in September.

ARTICLE 7.

Case #23-3780 – Public Hearing

August 23, 2023, Board of Trustees Minutes

**MINUTES OF THE
CASCADE CHARTER TOWNSHIP
REGULAR BOARD MEETING**

Wednesday, August 23, 2023

Wisner Center

2870 Jacksmith Dr SE

Grand Rapids, MI 49546

And Virtual Zoom Meeting

7:00 P.M.

HYBRID FORMAT

- Article 1.** Supervisor Lesperance called the meeting to order.
Present: Supervisor Lesperance, Clerk Slater, Treasurer Korstange,
Trustees Koessel, McDonald, Shipley and Noordhoek
Absent: None
Also Present: Interim Township Manager Andrzejewski, Deputy Clerk Jager,
Planner Hilbrands, Parks and Rec. Dir. Manion, Engineer Thorne, Attorney
Scott Hogan-Foster Swift and those listed in the Supplement
- Article 2.** Supervisor Lesperance led the Pledge of Allegiance.
- Article 3. Approval of Agenda**
Motion by Trustee Shipley, seconded by Trustee McDonald to approve the
agenda. Motion carried unanimously.
- Article 4. Presentations**
a. Parks and Rec. Dir. Manion gave Parks Committee Quarterly Report
- Article 5. Public Comments-Anything on the Agenda not scheduled for a public
hearing. (limit comments to 3 minutes)**
1. Tom Tooley-3455 Charlevoix Dr-spoke in support of higher density
residential housing.
2. Tom Richardson-3438 N. Applegate Ct-spoke in support of higher
density residential housing.
3. David Caldon-Varnum attorney-represented the airport in opposing the
Airport Commerce zoning amendment.
4. Scott VanSolkema-2570 Orange Ct-inquired if it's possible to use the
house next to Tuffy be used as rental property by the Township.
Treasurer Korstange responded it is to be demolished soon.
- Article 6. Approval of Consent Agenda**
a. Receive and File Minutes
1. Township Board Meeting – 8/9/23
2. Planning Commission Minutes – 7/10/23
b. Receive and File Reports
None

- c. Receive and File Education Requests
 1. Todd Pell-MFIS Fall Conference-Mt. Pleasant, MI 9/26-29/23
 2. Brett Boonenberg-MFIS Fall Conference-Mt. Pleasant, MI 9/26-29/23
 3. Jeff VanTil-MIAM Fall Conference-Clare, MI 10/19-20/23
 4. Brian Wilson-COCM Fall Conference-Shanty Creek, MI 9/26-29/23
 5. Dennis Rowlander-COCM Fall Conference-Shanty Creek, MI 9/26-29/23
 6. Thomas Hanson-COCM Fall Conference-Shanty Creek, MI 9/26-29/23
 7. Brian Hilbrands-Planning MI Fall Conference-Traverse City, MI 10/4-6/23
 8. Madison Smith-Jacoby- Planning MI Fall Conference-Traverse City, MI 10/4-6/23
- d. Receive and File Communication
None

Motion by Trustee Koessel, seconded by Treasurer Korstange to approve the Consent Agenda. Motion carried unanimously.

Article 7. Financial Actions

- a. Consider Approval of June 2023 Financial Statements
- b. Consider Approval of July 2023 Financial Statements
- c. Consider Approval of July 2023 Payroll, Payables and Transfers
- d. Consider Approval of Mid-Year Budget Amendments
- e. Request for Invoices to be paid on 8/24/2023

Motion by Trustee Koessel, seconded by Treasurer Korstange to approve. Motion carried unanimously.

Article 8. Unfinished Business

None

Article 9. New Business

069-2023 Consider Approval of Tuffy Lease Assignment Offer

Considerable discussion. Motion by Trustee Koessel, seconded by Treasurer Korstange to table item pending information on amount still owed on the property. Motion carried unanimously.

070-2023 Consider Approval of Design Selection RFP for KDL Library-Cascade Branch Interior Upgrade

Motion by Trustee McDonald, seconded by Clerk Slater to approve. Motion carried unanimously.

071-2023 a. Public Hearing for Amendment to Forest Hills Golf Course/Watermark Condominiums PUD Ordinance to allow Cigar Bar as a Permitted Use at Clubhouse

Motion by Trustee McDonald, seconded by Treasurer Korstange to open Public Hearing. Motion carried unanimously. No public comment. Motion by Trustee McDonald, seconded by Trustee Shipley to close Public Hearing. Motioned carried unanimously.

b. Consider Amendment to Forest Hills Golf Course/Watermark Condominiums PUD Ordinance to allow Cigar Bar as a Permitted Use at Clubhouse (Roll Call)

Motion by Trustee Shipley, seconded by Treasure Korstange to approve. Motion carried unanimously by roll call vote.

072-2023 Consider Resolution to Amend the Centennial Park Overlay District Ordinance Pertaining to Permitted Density for Residential Uses (Roll Call)

Motion by Trustee Koessel, seconded by Trustee Noordhoek to approve. Motion carried unanimously by roll call vote.

073-2023 Consider Resolution to Amend the Zoning Ordinance Pertaining to Airport Commerce (AC) Zoning District and to Revise the Mapped Districts (Roll Call)

Motion by Treasurer Korstange, seconded by Trustee Koessel to approve. Motion carried unanimously by roll call vote.

074-2023 Consider Approval of Outdoor Gathering Permit for Metro Cruise

Motion by Clerk Slater, seconded by Trustee Noordhoek to approve. Motion carried unanimously.

075-2023 Consider Employee and Elected Official Service Provider Policy Prohibiting Business with Township/Conflict of Interest

Motion by Trustee McDonald, seconded by Supervisor Lesperance to approve. Motion carried unanimously.

076-2023 Consider Approval of Transportation Agreement with Hope Network

Motion by Trustee Koessel, seconded by Trustee Shipley to approve. Motion carried unanimously.

Article 10. Discussion
None

Article 11. Public Comments

1. Jeff Hughes-7250 Red Bud Lane-encouraged deer management plan.
2. Scott Alsgaard-Hope Network-clarified cost increase with larger bus.
3. James White-Rapid rider-shared Rapid data.
4. Rob Dewey-5805 Snow Ave-inquired re progress of Snow Avenue paving project.

Article 12. Manager Comments

1. Appreciated Board's work on tightening up purchasing policy.

Article 13. Board Member Comments

1. Trustee Shipley-Thanked those in attendance for coming to the meeting.
2. Trustee McDonald- Requested BS&A training to monitor zoning infractions, expiring dates of permits etc.

Article 14. Adjournment

Motion by Clerk Slater, seconded by Treasurer Shipley to adjourn. Motion carried unanimously.

Meeting adjourned at 10:11 pm.

Jennifer Jager
Deputy Clerk

Approved by:

Grace Lesperance, Supervisor

Susan B. Slater, Clerk

CASCADE CHARTER TOWNSHIP

PLANNING COMMISSION

**MONDAY, June 16, 2025
6:00 PM**

ARTICLE 8.

Case #25-3892

Applicant: Cascade Charter Township

Requested Action: Set Public Hearing for Draft Zoning
Ordinance.

PLANNING STAFF MEMORANDUM

TO: Cascade Charter Township Planning Commission
FROM: Andrea Hendrick, Planning Director
SUBJECT: 2025 Zoning Ordinance Amendments
DATE: June 13, 2025

Planning Commissioners,

In July of 2024 the Township Adopted a new Master Plan, which is a framework that defines the long-term vision and direction of Cascade. The Master Plan focuses on land preservation; revitalization of the village core; proper land use; and smart development that will maintain Cascade's distinctiveness. While the Master Plan is a guide for development, the Zoning Ordinance is the legal document that is used to realize the goals and objectives of the Master Plan.

The Township Board created the Zoning Ordinance Subcommittee, comprised of representatives from the Board of Trustees, Planning Commission, and Zoning Board of Appeals, who have been working with Planning Staff and Consultants behind the scenes to ensure that the zoning processes clear, efficient, and promote the goals and objectives identified in the 2022 Strategic Plan and the 2024 Master Plan. The Subcommittee is in the final stages of reviewing the document, and the next step in the process is setting a public hearing.

The Planning Department is requesting that the Planning Commission set a public hearing for the 2025 Draft Zoning Ordinance Amendments for July 21st, 2025. The document is almost complete, and the Subcommittee is ready to provide it to the public for feedback. The draft will be available for public viewing on the Township website at the beginning of July.

Thank you,

Andrea Hendrick, Cascade Charter Township Planning Director