

AGENDA
CASCADE CHARTER TOWNSHIP PLANNING COMMISSION WORK SESSION
Wednesday, August 28, 2024
8:00 AM
Cascade Charter Township Hall
5920 Tahoe Dr SE Grand Rapids, MI

- ARTICLE 1. Call the meeting to order. Record the attendance.**
- ARTICLE 2. Approve the current Agenda**
- ARTICLE 3. Acknowledge visitors and those wishing to speak.**
(Comments are limited to five minutes per speaker)
- ARTICLE 4. Introduction of Articles 1-4 Discussion**
- ARTICLE 5. Acknowledge visitors and those wishing to speak.**
(Comments are limited to five minutes per speaker)
- ARTICLE 6. Adjourn**

Article 1. Title and Legal Basis

Section 1.1 Title and Purpose

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

Section 1.2 Legal Basis

- A. *This Ordinance is enacted in accordance with the authority granted townships under Act 184 of 1943 of the Public Acts of Michigan, as amended.*

Section 1.3 Interpretation and Severability

- A. **Interpretation.** It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with existing provisions of other laws or ordinances, (except those specifically repealed by this Ordinance), or any private restrictions placed upon property by covenant, deed or other private agreement. Where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or lot coverage, or requires greater lot areas, or larger yards, courts or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations, or permits or by such private restrictions, the provisions of this Ordinance shall prevail.
- B. **Severability.** *The provisions of this Ordinance are severable and it is the intention of the Cascade Charter Township Board to confer the whole or any part of the powers herein provided. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Township Board that this Ordinance would have been adopted had such unconstitutional provisions not be included therein.*

Section 1.4 Conflict with Other Ordinances

- A. *To the extent that any other Ordinance regulates the subject matter regulated by this Ordinance, the Ordinances shall be construed together, if possible, and the remedies of the Ordinance shall be cumulative. Where the provisions of any other Ordinance conflict with the provisions of this Ordinance, this Ordinance shall prevail and its terms shall control. If any part of this Ordinance conflicts with any other part, it shall be administratively appealed to the Township Board for a final determination of intent. The remainder of the Ordinance shall remain in full force and effect.*

Section 1.5 Rules for Construction of Language

- A. The following rules of construction apply to the text of this Ordinance:
1. The particular shall control the general.
 2. Words used in the present tense shall include the future, unless the context clearly indicates the contrary.
 3. Words used in the singular number shall include the plural; and words used in the plural shall include the singular, unless the context clearly indicates the contrary.
 4. Terms referred to in the masculine gender include the feminine and neuter.
 5. The word **shall is always mandatory** and not discretionary; the **word may is permissive** and discretionary.
 6. The word **build** includes the words erect and construct.
 7. The word **building includes the word structure**. A building or structure includes any part thereof.
 8. The words **include or including** shall mean including but not limited to.
 9. The phrase **such as** shall mean such as but not limited to.
 10. The phrase **used for** includes arranged for, designed for, intended for, occupied for, and maintained for.
 11. The word **person** includes an individual, firm, association, organization, public or private corporation, partnership or co-partnership, limited liability company, incorporated or unincorporated association, trust, or any other entity recognizable as a person under the laws of the State of Michigan.

12. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction **and, or, or either/or**, the conjunction shall be interpreted as follows:
- a) And indicates that all the connected items, conditions, provisions, or events shall apply.
 - b) Or indicates that the connected items, conditions, provisions, or events may apply singularly or in any combination.
 - c) Either/or indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
13. All measurements shall be to the **nearest integer**, unless otherwise specified herein.
14. Unless otherwise stated, the word **day** shall mean a calendar day; month shall mean any consecutive period of 30 calendar days; and year shall mean any consecutive period of 365 calendar days.
15. Unless the context clearly indicates the contrary, where an illustration accompanies any item within this Ordinance, the **written text shall have precedence over said illustration**.
16. The term **residential districts** include the R-1, R-2, and R-2 District, unless otherwise specifically noted.

Section 1.6 Effects of Zoning

- A. Except as otherwise specified (such as through waivers, special land uses, or variances), no structure or premises shall be used or occupied, and no building or part thereof shall be erected, razed, moved, placed, reconstructed, extended, enlarged, or altered, except in compliance with the regulations set forth in this Ordinance.
 - 1. Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Ordinance and construction is begun within six (6) months of the effective date, said building or structure may be completed in accordance with the approved plans. Furthermore, upon completion the building may be occupied under a Certificate of Occupancy for the use for which the building was originally designated. Any subsequent text or map amendments shall not affect previously issued valid permits.
- B. The requirements of this Zoning Ordinance effect all parcels of land located within Cascade Charter Township, unless explicitly stated otherwise.

Section 1.7 Uses Not Listed

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

Article 2. Administrative Organization

Section 2.1 General Overview

- A. The Township Board of Trustees or its duly authorized representatives as specified in this Article is hereby charged with the duty of enforcing the provisions of this Ordinance. Accordingly, the administration of this Ordinance is hereby vested in the following Township entities:
 - 1. Township Board of Trustees
 - 2. Township Planning Commission
 - 3. Zoning Board of Appeals
 - 4. Planning Department Director
 - 5. Zoning Administrator
- B. The purpose of this article of the Zoning Ordinance is to set forth the responsibilities and scope of authority of these entities.

Section 2.2 Township Board of Trustees

- A. The Township Board of Trustees shall have the following responsibilities and authority pursuant to this Ordinance.
 - 1. **Adoption of Zoning Ordinance and Amendments.** Pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended (MCL 125.3101 et seq.), the Township Board of Trustees shall have the authority to adopt this Ordinance, as well as amendments previously considered by the Planning Commission or at a hearing or as decreed by a court of competent jurisdiction.
 - 2. **Review and Approval of Plans.** Township Board review and approval shall be required for Planned Unit Developments, in accordance with **Section XXX.**
 - 3. **Setting of Fees.** In accordance with **Section XXX** of this Ordinance and Section 406 of Michigan Public Act 110 of 2006, as amended, the Township Board shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance.
 - a) In the absence of specific action taken by the Township Board to set a fee for a specific permit or application, the appropriate Township Planning Department Director shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

4. **Approval of Planning Commission Members.** In accordance with Michigan Public Act 33 of 2008, as amended, members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board.
5. **Approval of Zoning Board of Appeals Members.** In accordance with Michigan Public Act 110 of 2006, as amended, members of the Zoning Board of Appeals shall be appointed by the Township Supervisor with the approval of the Township Board.

Section 2.3 Planning Commission

- A. **General Overview.** Refer to Cascade Charter Township Ordinance 24-1, or any amended version thereafter, for regulatory requirements pertaining to the Planning Commission.
- B. **Jurisdiction.** The Planning Commission shall discharge the following duties pursuant to this Ordinance:
 1. **Zoning Ordinance and Amendments.** The Planning Commission shall be responsible for:
 - a) Assisting with the formulation of the Zoning Ordinance
 - b) Review of amendments to the Zoning Ordinance
 - c) Holding public hearings on a proposed Zoning Ordinance or amendments
 - d) Reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board of Trustees.
 2. **Site Plan Review.** When required, the Planning Commission shall be responsible for the review and final decision of site plans, per the requirements of Section XXX.
 3. **Special Land Use Review.** The Planning Commission shall be responsible for holding hearings, review, and final decision of all applications for special land use approval in accordance with Section XXX.
 4. **Planned Unit Development Review.** The Planning Commission shall be responsible for holding public hearings and review of all applications for planned unit development in accordance with Section XXX.
 - a) The Planning Commission shall be responsible for making a recommendation to the Township Board of Trustees to grant final approval, approval with conditions, or denial of a Planned Unit Development proposal.
 5. **Formulation of a Master Plan.** The Planning Commission shall be responsible for formulation and adoption of a master plan to guide the development of the Township, in accordance with Michigan Public Act 33 of 2008, as amended.
 6. **Review of Matters Referred by the Township Board.** The Planning Commission shall be responsible for reviewing all other matters relating to land development referred to it by the Township Board of Trustees.
 - a) The Planning Commission shall recommend appropriate regulations and action on such matters.
 7. **Report on Operation of the Zoning Ordinance.** In accordance with Section 308(2) of Michigan Public Act 110 of 2006, as amended, the Planning Commission shall periodically prepare for the Township Board of Trustees a report on the operations of the Zoning Ordinance including recommendations as to the enactment of amendments or supplements to the Ordinance.

Section 2.4 Zoning Board of Appeals (ZBA)

- A. **Establishment of the Zoning Board of Appeals.** The Zoning Board of Appeals is hereby established in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, to act upon all questions as they may arise in the administration of this Zoning Ordinance, including the interpretation of the Cascade Charter Township Zoning Map.
- B. **Membership and Terms of Office.**
1. **Membership.** The ZBA shall consist of an appropriate number of members as determined by the Township Board. Members shall be representative of Township population and of the major interests present in the Township. All members shall be residents and qualified voters within Cascade Charter Township.
 - a) **Alternate Members.** The Township Supervisor may appoint up to two (2) alternate members for the same term as regular members to the ZBA, upon approval by the Township Board.
 - 1) An alternate member may be called as specified to serve as a member of the ZBA in the absence of a regular member if the regular member.
 - 2) An alternate member may also be called to serve as a member for the purpose of reaching a decision in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the ZBA.
- C. **Terms.**
1. Members of the ZBA shall be appointed by the Township Supervisor with approval by the Township Board.
 2. The term of each member shall be determined by the Township Board.
- D. **Vacancies.** If a member of the Zoning Board of Appeals can no longer serve, the Township Supervisor may appoint, upon Township Board approval, another person to the Zoning Board of Appeals for a term to be determined by the Township Board.
1. If a ZBA member moves outside of the jurisdictional boundaries of the Township, such event constitutes an automatic resignation from the ZBA, effective upon the date a replacement is appointed by the Township Supervisor and approved by the Township Board.
- E. **Member Absence.** In the event that a member cannot attend a meeting, they shall call and inform the Planning Department Director before the meeting.
- F. **Removal.** The Township Board shall have the authority to remove members from the ZBA under reasonable circumstances, such as prolonged meeting absences, failure to disclose a conflict of interest, or any other similar action.
- G. **Conflict of Interest.** A member may be excused from voting on a particular issue by majority vote of the remaining members present for reasons of a conflict of interest.
- H. **Officers and Procedural Matters.**
1. **Officers and Duties.** The Zoning Board of Appeals shall elect a chairperson, vice-chairperson, and a secretary from its members. No member of the Township Board shall be an officer of the Zoning Board of Appeals.
 - a) The term of each officer shall be determined by the Township Board.
 2. **Procedural Matters.** Parliamentary procedure at Zoning Board of Appeals meetings shall be governed by Robert's Rules of Order.

- I. **Meetings.** Regular meeting schedule, time, and location shall be determined by the Township Board.
 - 1. Special meetings may be called at the request of any member or the Planning Department Director.
 - 2. All meetings, subcommittee meetings, hearings, records and accounts shall be open to the public.
- J. **Quorum.** A quorum shall consist of an appropriate number of members as determined by the Township Board.
- K. **Voting.**
 - 1. **Decisions.** A concurring vote shall be required to reverse any requirement, decision, or determination made by the Planning Director, or to grant a variance from the requirements of this Ordinance.
 - 2. **Voting Procedures.**
 - a) The name of the person making the motion and its supporter shall be recorded.
 - b) Voting shall be by voice vote. All motions or resolutions resulting in Township expenditures shall be by a roll call vote. All members present are required to vote unless excused for reasons of a conflict of interest.
 - c) Action by the ZBA on any matter for which a public hearing is required shall not be taken until the public has had the reasonable opportunity to address the ZBA.

Section 2.5 Planning Department Director

- A. **Overview.** As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the Township Planning Department Director, or their duly authorized assistants, agents or representatives.
- B. **Responsibilities of the Planning Department Director.** In addition to specific responsibilities outlined elsewhere in this Ordinance, upon request from the Township Board or other authorized Township body or official, the Planning Department Director or their duly authorized assistants shall have the following responsibilities:
 - 1. Oversee and administer the daily functions of the Planning and Community Development Department.
 - 2. Prepare and administer such plans and ordinances as are appropriate for the Township and its environs, within the scope of the Michigan planning and zoning enabling acts.
 - 3. Advise and assist the Planning Commission and be responsible for carrying out the directives of the Planning Commission.
 - 4. Advise and assist the Township Board and be responsible for carrying out the directives of the Township Board.
 - 5. Provide citizens and public officials with information relative to this Ordinance and related matters.
 - 6. Assist applicants in determining the appropriate forms and procedures related to site plan review, rezoning, variances, and other zoning and planning matters.
 - 7. Prepare and forward to the Planning Commission reviews of all applications for site plan review, special land use review, planned development proposals, petitions for amendments to this Ordinance, and other applications which must be acted upon by the Planning Commission.
 - 8. Prepare and forward to the ZBA reviews of all applications for appeals, variances, or other matters on which the ZBA is required to act.

9. Forward to the Township Board all recommendations of the Planning Commission concerning matters on which the Township Board is required to take final action.
10. Maintain up-to-date Zoning Map and Zoning Ordinance text amendments.
11. Review all applications for site plan review, special land use review, and planned unit development, and take any action required under the guidelines in **Article XXX**.
12. At the request of the Planning Commission or Township Board, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the Township.
13. Perform other related duties required to administer this Ordinance and further the goals of the Master Plan.
14. Prepare, maintain, and upkeep the Planning and Community Development Department budget.

Section 2.6 Zoning Administrator

- A. **Responsibilities of the Zoning Administrator.** In addition to specific responsibilities outlined elsewhere in this Ordinance, the Zoning Administrator, under the direction of the Planning Director, shall have the following responsibilities:
1. Provide citizens and public officials with information relative to this Ordinance and related matters.
 2. Assist applicants in determining and completing appropriate forms and procedures related to site plan review, rezoning, and other zoning matters.
 3. Review and investigate permit applications to determine compliance with the provisions of the Zoning Ordinance.
 4. Issue appropriate permits upon compliance with provisions of this Ordinance and other applicable ordinances.
 5. Perform inspections of buildings, structures, and premises to ensure proposed land use changes or improvements are in compliance with this Ordinance.

Article 3. Administrative Procedures, Related Standards, and Enforcement

Section 3.1 Purpose

- A. The purpose of this Article is to provide procedures and related standards for the processing of all requests for Township action or review under the provisions of this Ordinance.

Section 3.2 Interpretations, Appeals, and Variances

- A. **Intent.** The purpose of this Section is to provide guidelines and standards to be followed for approval, denial, or tabling of appeals and variances. The Zoning Board of Appeals (ZBA) shall be the sole authority for decision regarding interpretations, appeals or variances.

1. Decision and Authority.

- a) The ZBA may grant or deny, wholly or partly, any request for a variance from the regulations or restrictions of this Ordinance; provided, however, that no use variance shall be applied for, heard, or granted under any circumstance.
- b) The ZBA shall have the authority to attach such conditions and requirements to the granting of a variance as are reasonably necessary for the protection of the health, safety, comfort, convenience, and welfare of the general public. Such conditions or requirements shall be reasonably related to the variance granted.
- c) The ZBA shall hear and decide only those matters which it is specifically authorized to hear by statute and this Ordinance and decide as provided herein.
- d) The ZBA shall not alter or change the zoning district classification of any property or make any change in the definitions or terms of this Ordinance, and shall not take any action which results, in effect, in making such legislative changes.

- B. **Interpretations.** The ZBA shall have authority to hear and decide requests for interpretation of the Zoning Ordinance.

1. The ZBA shall make such decisions so that the spirit and intent of this Ordinance shall be observed.
2. **Text Interpretations.** Shall be limited to the issues presented and shall be based upon a reading of the Ordinance as a whole and shall not have the effect of amending the Ordinance.
3. **Map Interpretations.** Shall be made based upon the rules in this Zoning Ordinance, and any relevant historical information. Prior to deciding a request for an interpretation, the ZBA may confer with staff and/or consultants to determine the basic purpose of the provision and any consequences which may result from differing decisions.

C. **Appeals.** *The Zoning Board of Appeals shall hear and decide appeals where it is alleged that there is an error in any requirement, decision, interpretation, determination or action of any administrative official charged with the administration and enforcement of the provisions of this Ordinance.*

1. Considerations for Appeals.

- a) In reaching its decision to appeal a decision, the ZBA shall consider the following criteria as well as any other issues which are pertinent and reasonable:
 - 1) Whether or not the appeal is of a nature properly brought to them for decision.
 - 2) Whether or not there is an established procedure for handling the request other than through the appeal process (i.e., a variance or Special Use, etc.).
 - 3) The intent of the Ordinance.
 - 4) The effect the ruling will have when applied generally to this Ordinance.
 - 5) The Zoning Board of Appeals shall consider Staff recommendations, the testimony of the applicant, and testimony of the general public.

D. **Variances.**

1. **Function.** *The ZBA shall hear and decide all requests for variances (except use variances) from the terms of the regulations or restrictions of this Ordinance.*

- a) *Nonconforming use of neighboring lands, structures, or buildings in the same zoning district, or permitted use of lands, structures, or buildings in other zoning districts shall not be considered grounds for granting a variance.*

2. **Findings.** *Before granting any variance, the ZBA must find that all of the following standards are met:*

- a) *That there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question and that do not apply generally to the other nearby properties in the same zoning district.*
- b) *Strict compliance with restrictions governing area, setback, frontage, height, bulk, density or other non-use matters, will unreasonably prevent the owner from using the property for a permitted purpose or will render ordinance conformity unnecessarily burdensome.*
- c) *That the exceptional or extraordinary conditions or circumstances are not the result of actions of the applicant taken, subsequent to the adoption of this Ordinance.*
- d) *That such variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.*
- e) *That the granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.*
- f) *That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent nature as to make it more reasonable and practical to amend the Ordinance.*
- g) *That complying with the Ordinance presents practical difficulty.*
- h) **Information Required.** In all variance proceedings, it shall be the responsibility of the applicant to provide all relevant information, plans, testimony, and/or evidence from which the ZBA may make the required findings.

3. **Voiding of a Reapplication for a Variance.**

- a) *Each variance granted under the provisions of this Ordinance shall become null and void unless the construction, occupancy, or other actions authorized by such variance have substantially commenced within one (1) year of granting such variances and is pursued diligently to completion. The commencement of construction for a building shall be the time at which a building foundation is installed.*
 - b) *No application for a variance which has been denied wholly or in part by the ZBA shall be resubmitted, except on grounds of new evidence of proof of changed conditions found.*
4. **Appeal of Variances.** A decision of the Zoning Board of Appeals shall be final. However, an aggrieved party may appeal to the circuit court.
- E. **Public Hearing Notice Requirements.** All variances and appeals shall require a public hearing notice.
- 1. **Mailed or Delivered Notices.** The Planning Department shall send by mail or personal delivery a notice of public hearing for a variance or zoning ordinance interpretation request as specified in **Section XXX**.
 - 2. **Publication of Public Hearing Notes.** The publication of a notice for a public hearing for a variance or zoning ordinance interpretation as specified in **Section XXX**.
 - 3. **Public Notices - Publication, Mailing, and Delivery.**
 - a) *Except where expressly stated otherwise in this Ordinance, whenever a public hearing on a zoning application or matter is required by this Ordinance or by the Michigan Zoning Enabling Act, as amended, notice of the public hearing shall be published and delivered in accordance with the requirements of this Section.*
 - b) *The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.*
 - c) *For applications involving the rezoning of ten (10) or fewer adjacent properties; for applications to the ZBA involving a specific parcel; and for all planned unit development and special use applications, a notice of public hearing shall be mailed or be personally delivered to the following persons, at least 15 days prior to the date of the public hearing:*
 - 1) *The applicant*
 - 2) *All persons to whom real property is assessed for property tax purposes within 300 feet of the property that is the subject to the application*
 - 3) *The occupants of all structures within 300 feet of the property that is the subject of the application, including properties within 300 feet outside of the Township boundary (if applicable).*
 - d) **Public Hearing Notice Details.** *The notice of the public hearing shall include the following information.*
 - 1) *A description of the nature of the application or request.*
 - 2) *An identification of the property that is the subject of the application or request.*
 - 3) *A listing of all existing street addresses within the property.*
 - 4) *A statement of where and when the application or request will be considered.*
 - 5) *Indicate where and when written comments will be received concerning the application or request.*

Section 3.3 Amendments

- A. **Initiating Amendments.** A petition for an amendment to the text of this Ordinance or an amendment to change the zoning classification of a particular property, shall be commenced by filing a petition on the forms provided by the Township and accompanied by the fees specified.
1. The petition shall describe the proposed amendment and shall be signed by the applicant. Petitions for rezoning of a specific site shall be accompanied by a plot plan or survey, which shall contain the following information.
 - a) Applicant's name, address, and telephone number.
 - b) Scale, northpoint, and dates of submittal and revisions.
 - c) Zoning classification of petitioner's parcel and all abutting parcels.
 - d) Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within fifty (50) feet of the site.
 - e) Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.
 - f) Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys, both public and private.
 - g) General location of existing drainage courses, floodplains, lakes and streams, and woodlots.
 - h) All existing and proposed easements.
 - i) Location of sanitary sewer or septic systems, existing and proposed.
 - j) Location and size of water main, well sites, and building services, existing and proposed.
- B. **Amendment Fees.** *The Township Board shall establish an amendment fee. The fee shall be of a reasonable amount that will cover advertising and administrative costs necessary to process the application. The fee shall be paid in full at the time of application and no part of the fee shall be returnable to the petitioner. Fee requirements may be waived at the discretion of the Township Board.*
- C. **Amendment Procedures.** *The procedure for amending this Ordinance is governed by the Michigan Zoning Enabling Act (MCLA 125.3401 et. seq.), as amended.*
1. *A signed and complete application form, together with the application fee for the amendment shall be filed with the Planning Department.*
 2. *The Planning Department shall review the application as to proper form and content and transmit the application to the Planning Commission for review.*
 3. *The Planning Commission shall direct the Planning Department to establish a date for public hearing(s) on the application and to give proper legal notice as required by **Section XXX** of this Ordinance.*
 4. *Following the hearing on the proposed amendment, the Planning Commission shall make findings of fact which it shall transmit to the Township Board, together with the comments made at the public hearing and its recommendations.*
 5. *The Township Board may hold additional hearings if the Board considers it necessary, following the hearing and notice requirements of Michigan Public Act 110 of 2006, as amended. The Township Board may by majority vote of its membership adopt the proposed amendment, reject the proposed amendment, or refer the proposed amendment back to the Planning Commission for further review and recommendation within a specified time period. Thereafter, the Township Board may either adopt the amendment with or without the recommended revisions or reject it.*

- D. **Review Considerations.** The Planning Commission and Township Board shall at minimum, consider the following before taking action on any proposed amendment.
1. Will the proposed amendment be in accordance with the basic intent and purpose of the Zoning Ordinance?
 2. Will the proposed amendment further the comprehensive planning goals of the Township as reflected in the Master Plan?
 3. Have conditions changed since the Zoning Ordinance was adopted or was there a mistake in the Zoning Ordinance that justifies the amendment?
 4. Will the amendment correct an inequitable situation created by the Zoning Ordinance, rather than merely grant special privileges?
 5. Will the amendment result in unlawful exclusionary zoning?
 6. Will the amendment set an inappropriate precedent, resulting in the need to correct future planning mistakes?
 7. If a rezoning is requested, is the proposed zoning consistent with the zoning classification of surrounding land?
 8. If a rezoning is requested, could all requirements in the proposed zoning classification be complied with on the subject parcel?
 9. If a rezoning is requested, is the proposed zoning consistent with the trends in land development in the general vicinity of the property in question?
 10. Will the proposed amendment be consistent with the purposes of this Ordinance?
 11. Will the proposed amendment promote the public health, safety and welfare?
 12. Is the proposed rezoning consistent with the Future Land Use vision of the Master Plan?
- E. **Notice of Adoption.** Following adoption of an amendment by the Township Board, one notice of adoption shall be filed with the Township Clerk and one notice shall be published in newspaper of general circulation in the Township within fifteen (15) days after adoption, in accordance with Michigan Public Act 110 of 2006, as amended. A record of all amendments shall be maintained by the Township Clerk. A master Zoning Map shall be maintained by the Township, which shall identify all map amendments.

Section 3.4 Conditional Rezonings

- A. **Intent.** The Planning Commission and Township Board recognize that, in certain instances, it would be an advantage to the Township and to property owners seeking rezoning if the application for rezoning was accompanied by a site plan and was subject to certain conditions. Accordingly, it is the intent of this Section of the Zoning Ordinance to provide a conditional rezoning option to property owners in connection with the submission of an application for rezoning.
- B. **Authorization and Eligibility.**
1. **Application for an Optional Conditional Rezoning.** A property owner shall have the option of seeking conditional rezoning in connection with submission of an application seeking rezoning. The conditional rezoning option shall be selected by filing an Application for Conditional Rezoning Review. Conditional rezoning represents a legislative amendment to the Zoning Ordinance, pursuant to Section 405 of Michigan Public Act 110 of 2006, as amended.

2. **Site Specific Regulations.** In order to be eligible for review of an application for conditional rezoning, a property owner must propose a rezoning of property to a new zoning district classification, and must, as part of such proposal, voluntarily offer certain site-specific regulations which are equally or stricter or limiting than the regulations that would apply to the land under the proposed zoning district.

C. **Review and Approval Procedures.**

1. **Pre-Application Meeting.** The Planning Department Director, at their discretion, may require a pre-application meeting. A pre-application meeting will be held prior to the submittal of a conditional rezoning application.
2. **Application.** A property owner or their designated agent may submit an Application for Conditional Rezoning at the time the application for rezoning is filed or at a subsequent point in the process of review of the proposed rezoning. The application, which may be amended during the review process, shall include a Conditional Rezoning Plan proposed by the applicant and a list of Rezoning Conditions proposed by the applicant, recognizing that the Rezoning Conditions shall not authorize uses or development not permitted in the proposed zoning district.
3. **Planning Commission Review.** After the completed application and all required supporting materials have been received and fees paid, the petition shall be reviewed by the Planning Commission.
 - a) **Public Hearing.** The Planning Commission shall review the petition for amendment in accordance with the procedures and public hearing and notice requirements set forth in applicable sections of Michigan Public Act 110 of 2006, as amended.
 - b) **Action by the Planning Commission.** Following the hearing on the proposed amendment, the Planning Commission shall make findings of fact which it shall transmit to the Township Board, together with the comments made at the public hearing and its recommendation.

D. **Township Board Consideration and Action.**

1. **Consideration.** Upon receipt of the recommendation of the Planning Commission, the Township Board shall deliberate on the proposed conditional rezoning. If the Township Board determines that it may approve the conditional rezoning, then the Township Board shall work with the landowner to clarify tentative conditions so that the applicant (or designee) can develop a draft Conditional Rezoning Agreement
 2. **Action.** Upon completion of the CR Agreement, the Township Board, by majority vote of its membership, shall make a final determination to approve or deny the conditional rezoning.
- E. **Zoning Designation.** If approved, the zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, accompanied by a reference to "CR, Conditional Rezoning." The use of property so designated shall be restricted to the uses specified in the Conditional Rezoning Agreement, and no other development or use shall be permitted.

Section 3.5 Enforcement

- A. **Purpose.** *The Planning Director, or their designee, shall administer and enforce the provisions of this Zoning Ordinance. The Planning Director is authorized to employ assistants and agents to aid him or her in the enforcement and administration of this Zoning Ordinance.*
- B. **Enforcement Procedures.** Enforcement processes and procedures shall be consistent with the requirements of Cascade Township General Ordinance Chapter 40, Penalties, Remedies, and Enforcement, and any amended version thereafter.

- C. **Violations.** Any person who violates any provision of this Zoning Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of an amount established by the Township Board, plus costs and other sanctions, for each infraction. Every day that a violation continues shall constitute a separate offense.
1. **Repeat Offenses.** Repeat offenses under this Ordinance shall be subject to increased fines as provided below. As used herein, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of any provision of this Zoning Ordinance committed by a person within any one (1) year period and for which the person admits responsibility or is determined to be responsible. The increased fine for repeat offenses shall be as follows:
- a) The fine for any offense which is a first repeat offense shall be not less than an amount established by the Township Board.
 - b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than an amount established by the Township Board.
- D. **Persons Chargeable With a Violation.** Persons chargeable with a violation of the Zoning Ordinance and subject to being responsible for a municipal civil infraction may include the following:
- 1. The owner, agent, lessee, tenant, contractor, or any other person using or having control of the land, building or premises where such violation has been committed or shall exist.
 - 2. Any person who knowingly commits, aids and abets, takes part or assists in any such violation.
 - 3. Any person who owns or maintains any land, building, or premise on which such violation shall exist.
- E. **Civil Remedies.** In addition to the municipal civil infraction remedies, the violation of any provision of this Zoning Ordinance may be legally enjoined and otherwise abated in any manner provided by law.
- F. **Administrative Remedies.**
1. **Cease and Desists.** The Planning Director shall have the authority to issue a cease and desist order in the form of a written notice for the violation of any provision of this Zoning Ordinance.
- a) Such cease and desist order shall become effective once it has been posted on the property where the violation has occurred and a copy of the notice has been sent to the person involved by first class mail at the person's last known address.
 - b) Once a cease and desist order is effective, any use or work done in violation of the Zoning Ordinance shall stop immediately and shall not be recommenced until the Planning Director issues a written notice dissolving the cease and desist order.
 - c) Any person who violates a cease and desist order shall be responsible for a municipal civil infraction as authorized above. Any decision of the Planning Director regarding a cease and desist order may be appealed to the ZBA. A cease and desist order shall be in addition to the other violation penalties and remedies provided in this Chapter.
2. **Building Permits and Certificate of Occupancies.** The Township Building Department reserves the right to issue, revoke, or suspend a building permit or certificate of occupancy if it is found that any part of a building is in violation of this Ordinance, or other applicable Township Ordinances, or in violation of conditions of approval.

Article 4. GENERAL PROVISIONS

Section 4.1 Accessory Buildings and Structures - Over 200 Square Feet

- A. **Applicability.** The following regulations are therefore intended to pertain to all accessory buildings and all accessory structures in Cascade Charter Township.
- B. **Attached Accessory Building Interpretation.** Accessory buildings and structures shall be considered attached to the principal building when the area between the two is wholly or partially covered by a continuous enclosure, portico, covered colonnade, or similar architectural device. Attached accessory buildings shall include (but not limited to) enclosed porches, enclosed decks, enclosed patios, or breezeways.
1. An attachment between the principal building and the accessory building or structure must provide interior access to both buildings for the accessory building to be considered "attached."
 2. To also be considered "attached," a structure shall have a roof.
 3. If a building or structure is interpreted to be "attached" to the principal building, the applicable minimum setback requirements for principal structures shall apply.
- C. **General Provisions Applicable to All Accessory Buildings and Structures (Attached or Detached).**
1. **Exemptions and Enforcement.** The following structures shall be exempt from the requirements of this Section. In the event one of the structures listed below is the identified cause of any adverse condition(s) or concern(s) (e.g., noise, stormwater, obstruction of light, etc.), and no supplemental requirements are described for that structure type, the Township Planning Director, or their designee, shall have the discretionary authority to initiate enforcement action to mitigate such concern.
 - a) Accessory dwelling units (See Section XXX)
 - b) Antennas and other similar wireless communication structures (See Section XXX)
 - c) Any detached accessory structure or building two hundred (200) square feet or less in area (See Section XX)
 - d) Driveways – Residential (See Section XXX)
 - e) Fences (see Section XXX)
 - f) Light posts
 - g) Patios, porches, pergolas, and decks (See Section XXX)
 - h) Playground equipment and children's play structures

- i) Sidewalks (See Section XXX)
 - j) Signs (See Article XXX)
 - k) Sports courts (See section XXX)
 - l) Swimming pools (See Section XXX)
 - m) Other similar structures as determined by the Township Planning Director, or their designee
2. **Timing of Construction.** No accessory building, structure, or use shall be constructed or established on a parcel unless there is a legally established principal building, structure, or use being constructed or already established on the same parcel of land. A parcel may not be divided if such division would result in an accessory building, structure, or use on a parcel on which there is no principal building, structure or use.
- a) If a home is to be demolished, an accessory building may remain on the parcel if a building permit for a new home is submitted to the Township by the time a demolition permit expires.
3. **Zoning Compliance Permit Required.** The Planning Department shall be responsible for the review and approval of such accessory building proposals. A property owner, or their designee, shall obtain a Zoning Compliance Permit from the Planning Department, and a Building Permit from the Building Department prior to the construction of an accessory building on any lot.
- a) If the accessory building or structure is proposed as a component of a nonresidential site plan (See Chapter XX), the Planning Commission shall have the authority to review and approve such proposal.
4. **Impact on Adjacent Buildings or Uses.** The location and characteristics of an accessory building shall not have an adverse impact on existing adjacent buildings or uses. In evaluating impact on adjacent buildings or uses, factors that shall be considered include, but are not limited to:
- a) The potential for generation of nuisances, as might be caused by increased traffic or noise.
 - b) The orientation of doors and access routes.
 - c) Site drainage patterns.
 - d) Impact on views.
5. **Conformance with Lot Coverage Standards.** Accessory buildings and structures shall be included in computations to determine compliance with maximum lot coverage standards in all zoning districts.
6. **Location in Proximity to Easements or Rights-of-Way.** Accessory buildings, structures, or uses shall not be located within a dedicated easement or right-of-way.
7. **Applicability of Other Codes and Ordinances.** Accessory buildings and structures shall be subject to all applicable codes and ordinances regarding construction, installation, and operation.
8. **Accessory Farm Buildings.** The requirements in this section shall not apply to accessory buildings (such as barns and silos) used for agricultural operations on a farm, as defined in Chapter XX, except that farm buildings shall comply with the setback requirements for the districts in which they are located.
9. **Location.**
- a) Detached accessory buildings and structures shall not be located in the front yard, except for a lot having water frontage, where a detached private garage is permitted if it is located behind the applicable required front yard setback line for the district.

- b) *Detached accessory buildings and structures shall be located in the side or rear yard of the principal structure.*
- c) *The distance between accessory buildings in excess of two hundred (200) square feet and any principal building shall not be less than ten (10) feet.*

D. **Detached Accessory Buildings and Structures on Residential Lots.** The following requirements of this Section are applicable to all detached accessory structures and buildings located on residential lots.

- a) **Schedule of Regulations.** The following table includes the maximum number of detached accessory structures and buildings on residential lots.

Required Lot Size	Maximum Number of Detached Accessory Buildings Allowed	Maximum Height – to Midpoint of Roof	Minimum Side Yard Setback (each)	Minimum Rear Yard Setback
Less than 1 acre	1	Up to 14'	5 feet	5 feet
1 acre but less than 2 acres	2	Up to 18'	10 feet	10 feet
2 acres but less than 6 acres	3	Up to 22'	20 feet	25 feet
6 acres or more	4	Up to 24'	20 feet	25 feet

- b) **Size.** The following table includes the minimum size requirements for all detached accessory buildings and structures on residential lots.

Required Lot Size	Maximum Total Floor Area (total area of all accessory structures combined)
Less than 1 acre	832 square feet
1 acre but less than 2 acres	1,664 square feet
2 acres but less than 6 acres	2,496 square feet
6 acres or more	3,328 square feet

E. **Detached Accessory Buildings and Structures on Nonresidential Lots.** The following requirements are applicable to all detached accessory structures and buildings located on nonresidential lots.

1. **Number.** There shall be a maximum of one (1) detached accessory structure permitted.
2. **Height.** The maximum permitted height shall be twenty-four (24) feet, to midpoint of roof.
3. **Setbacks.** The side and rear yard setback requirements for principal structures for the applicable zoning district shall apply.
4. **Size.** The maximum floor area of the detached accessory building or structure shall be 3,200 square feet.

Section 4.2 Accessory Buildings and Structures - 200 Square Feet or Less

A. **Applicability.** The following provisions of this Section shall apply only to detached accessory buildings to structures less than two hundred (200) square feet in total gross floor area.

1. **General Provisions.**

- a) All buildings and structures of less than two hundred (200) square feet in area shall be consistent of aesthetic design and character of all other buildings and structures located on the parcel or lot.

- b) The applicable zoning district setback, lot coverage, maximum height, maximum number of permitted accessory structures, and any other dimensional requirements shall be met.
 - c) A building permit for the construction of a detached accessory building or structure of less than two hundred (200) square feet in gross floor area shall not be required.
2. **Zoning Compliant Permit.** For the purposes of determining the detached accessory building or structure of less than two hundred (200) square feet is in compliance with all applicable provisions of this Ordinance, a Zoning Compliance Permit from the Planning Department shall be required.

Section 4.3 Accessory Dwelling Units (ADUs)

A. **Definition.** An accessory dwelling unit is a detached dwelling unit that is permitted only on properties with a single detached principal dwelling unit. ADUs shall be of lesser size than the principal dwelling unit and include a kitchen, a sleeping area, and full bathroom facilities.

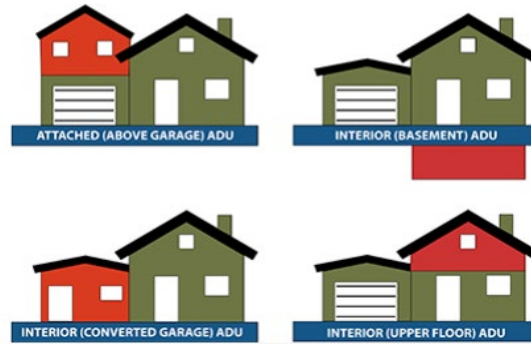


Commented [DB1]: I can't figure out how to caption this...
 "Example images of various ADU construction types. Source: American Planning Association."

Commented [MS2R1]: Maybe... ' Example ADU configurations Source: American Planning Association'

B. **Where Permitted.**

- 1. Accessory dwelling units shall only be permitted in the FP, RC, R-1, R-2, R-2, CM, and CV Districts.
- 2. ADUs are only permitted on properties with one (1) single-family detached principal dwelling unit.
- 3. A maximum of one (1) ADU is permitted per property.
- 4. ADUs shall be included in the computation of maximum lot coverage requirements for the zoning district in which it is located.



C. **Zoning Compliance Permit Required.** After special land use approval from the Planning Commission is received, the owner of an accessory dwelling unit, or their designee, shall be required to obtain a zoning compliance permit and a building permit from the Township prior to the construction and operation of the accessory dwelling unit.

D. **Size and Occupancy.** In no case shall an accessory dwelling unit exceed eight hundred and fifty (850) square feet in gross floor area and shall have a maximum of two (2) occupants.

E. **Location.**

- 1. Accessory dwelling units shall not encroach upon the front yard of the principal structure.
- 2. Accessory dwelling units are only permitted in the side or rear yard of a property. However, an accessory dwelling unit may be permitted if constructed above an existing detached garage located anywhere on a property.
- 3. Accessory dwelling units shall comply with all front, side, and rear yard setback requirements for principal structures for the zoning district in which it is located.

F. **Height.** Accessory dwelling units shall be a maximum of sixteen (16) feet in height. If located on a second floor of an existing detached garage or accessory structure, the maximum height of the structure shall not exceed the height of the principal dwelling.

- G. **Parking.** An accessory dwelling unit shall require one (1) off-street parking space located on the property for which the ADU is located. Parking areas(s) shall be constructed of a paved material, shall not consist of lawn or grass, and shall be subject to lot coverage requirement calculations.
- H. **Appearance and Nuisance Potential.** The accessory dwelling unit shall consist of building materials that are common within the zoning district and surrounding properties. The accessory dwelling unit shall be consistent with the existing character of the neighborhood in which it is located.
 - 1. Accessory dwelling units shall comply with all Building Code requirements and shall require a perimeter skirting comprised of brick, masonry, cement, or another similar material.
 - 2. In no case shall the construction and operation of an Accessory Dwelling Unit cause adverse effects to surrounding properties in terms of noise, light obstruction, smoke, dust, glare, or any other applicable nuisance. Such violations of this provision may be enforceable by Township police power.
- I. **Short-Term Rentals Prohibited.** In no case shall an Accessory Dwelling Unit be used as a short-term rental anywhere in the Township. Short-term rentals shall be defined as The rental of any part of any residential home or detached structure for a period of twenty-eight (28) days or less for a fee.

Commented [MS3]: Do we have to adopt a police power ordinance for this?

Commented [MS4R3]: And how does this apply to agritourism/agribusiness scenarios? I'm thinking about a 'farm stay'

Section 4.4 Accessory Structures Mounted on Buildings.

- A. **Applicability.** Accessory structures customarily located on the roofs of buildings such as chimneys, stacks, and necessary mechanical appurtenances such as air exchange units and elevator bulkheads.
 - 1. **General Provisions.** All applicable structures shall be, to the extent practical, effectively screened as viewed from a distance of three hundred (300) feet by a parapet wall or similar feature constructed of materials having a similar exterior appearance as materials used on the front exterior of the building.

Section 4.5 Administrative Regulations

- A. **Minimum Requirements.** *The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, morals, prosperity, and general welfare.*
- B. **Vested Right.** *Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or permissible activities therein. Such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protection of public health, safety, and welfare, to the extent that such rights are not protected by the nonconforming use provisions in **Article 3**.*
- C. **Continued Conformity with Yard and Bulk Regulations.** *The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, for as long as the building is in existence. No portion of a lot used in complying with the provisions of this Ordinance in connection with an existing or planned building shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.*
- D. **Division and Consolidation of Land.** *The division and consolidation of land shall be in accordance with the Land Division Act (Michigan Public Act 288 of 1967, as amended), the Township Land Division Ordinance (No. 8 of 2002), and the Township Subdivision Ordinance (No. 4 of 2010, as amended) and any amended version thereafter.*

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

Section 4.6 Animals, Domesticated – Keeping of:

- A. **General Provisions.** The keeping of domesticated animals such as horses, cattle, goats, hogs, sheep, and llamas shall be permitted under the following provisions:
1. Keeping of domestic animals, such as those listed above, shall only be permitted in the FP, RC, or R-1 Districts.
 2. Keeping of domesticated animals, such as those listed above, shall only be permitted as a use accessory to residential lot with a principal dwelling.
 3. The number of such animals shall not exceed one (1) animal for the first three (3) acres of lot area and one additional animal for each additional one (1) acre of land area.
 4. Any building or confined feeding area in which such animals are kept or fed shall be at least one hundred (100) feet from any adjoining property or street line.
 5. The foregoing provisions shall not apply to the keeping of ordinary household pets, such as dogs, and cats or other animals or fowl customarily kept in cages within a dwelling or structure.

Section 4.7 Antennas and Other Similar Wireless Communication Structures

- A. **Applicability.** *In order to protect public health and safety and to minimize the visual impact of antennas, the Township hereby requires the following provisions regulating antennas:*
1. **Exceptions.**
 - a) *This section shall not apply to any satellite dish antenna that is less than one (1) meter in diameter in a residential district or two (2) meters in diameter in a commercial or industrial district.*
 - b) *This section shall not apply to any antenna that does not exceed one (1) meter in width and does not exceed the height of the principal building by more than sixty (60) inches including the pole or post.*
 - c) *This Section shall not apply to wireless communications equipment as defined in Subsection 3 of Article I, Chapter 342, Part II of the Cascade Charter Township General Ordinances. The use and installation of such wireless communications equipment is governed by Chapter 17 of this Zoning Ordinance and by Article I, Chapter 342, Part II of the Cascade Charter Township General Ordinances. Such antenna and/or wireless communications equipment shall still be subject to applicable building codes.*
- B. **General Requirements.** *Antennas are permitted in all zoning districts subject to the following requirements:*
1. *The antenna shall be permanently secured to a stable foundation.*
 2. *No portion of the antenna shall display any sign or graphic representation, other than a nameplate that is of appropriate size that shall not be legible from any adjacent property.*
 3. *Dish antennas shall be of a color and texture so as to blend into the adjacent background.*

4. A free-standing antenna or tower (i.e., not mounted on a roof) shall be located only in a rear yard or a side yard and shall not be closer to the property line than its height or the depth of the required rear or side yard setback, whichever is the greater.
 5. All antennas shall be grounded as to protect the structure from lightning.
- C. **Permit Required.** Except as provided anywhere herein, no antenna shall be installed outdoors until and unless a building permit for the antenna has been issued by the Township pursuant to this Section.
1. **Criteria for Permit Issuance.** In determining whether to issue a building permit for an antenna, the Township shall apply the following standards:
 - a) The antenna shall be installed and placed so as to not constitute a safety hazard due to wind or storm.
 - b) The antenna shall not block areas that will hamper fire-fighting equipment.
 - c) The antenna shall be placed so as not to be too close to electrical lines or tree limbs.
 - d) The antenna shall not be located or placed as to have a serious adverse impact or effect on adjacent or nearby properties or land uses.
 - e) A commercial or public antenna, including accessory buildings or structures, shall comply with the use regulations of the zoning district where it is located and shall be fully enclosed by sturdy fence, securely gated. The fence shall comply with all requirements for fences, as described in **Section XX**.
 - f) Any accessory buildings or structures associated with the antenna shall comply with the dimensional regulations of the zoning district.
 - g) The antenna and the construction, installation, maintenance, and operation thereof shall comply with all federal, state, and local laws, ordinances, and regulations.
- D. **Additional Criteria.** The planning director or building official, in their discretion, may impose other terms and conditions regulating the construction, installation, use, and maintenance of antennas. Such other terms and conditions may include, though need not be limited to, the following:
1. The screening or buffering of an antenna or tower and any accessory building or structures thereof.
 - a) The timely removal of unused or unsafe antennas or towers or accessory buildings or structures thereof.
 - b) For commercial or public antennas, the prohibition on the construction or occupancy of dwellings or other buildings or the construction or use of other structures within a specified isolation distance from an antenna or tower.
 - c) If an antenna tower is involved, shields, fences, removal of ladders, or other safety precautions can be required to prevent unauthorized persons from climbing the tower.
 - d) Notwithstanding the above, no condition shall be imposed that would hinder the ability of the antenna to receive or send signals.
 - e) An applicant for a building permit for an antenna can appeal a decision of the planning director and/or building official to the Township Board.
- E. **Special Land Use Approval.** A special use permit, under the provisions of **Chapter 17**, shall be required prior to the erection of antennas having one or more of the following characteristics:
1. Any wireless communications support structure as defined in Subsection 3 of Article I, Chapter 342, Part II of the Cascade Charter Township General Ordinances.
 2. Any dish antenna exceeding ten (10) feet in diameter.

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

1. No outdoor amateur radio antenna shall be installed until and unless Township approval is obtained and a building permit for an amateur radio antenna has been issued by the Township.
2. Township approval for an amateur radio antenna is not transferable and shall automatically expire when the person granted the approval no longer owns the property involved or that person's license from the FCC is no longer valid.
3. The Township shall not issue a building permit for an amateur radio antenna until the applicant has presented proof of a current FCC license and the following requirements are met:
 - a) If the antenna is to be installed in a rear yard, side yard, or on the roof, the permit shall be issued upon presentation of the FCC license to the building inspector.
 - b) No permit shall be issued for the installation of antenna in the front yard unless the requirements of all applicable subsections above have been met.
 - c) If the effect of any of these requirements will be to preclude or prevent the operation of an amateur radio antenna, the antenna shall not be subject to those provisions which preclude or prevent such operation, and the Township shall grant approval and issue a building permit for the amateur radio antenna.
 - d) Where the effect of any of the provisions of this section would be to prevent or preclude the effective operation of an antenna (including the ability to send or receive signals where applicable), such antenna may be approved by the Township Board if it is reasonably demonstrated that the effect of the application of any of the provisions of this section would be to preclude or prevent the operation of such antenna.
 - e) The Township Board may impose reasonable conditions upon such approval, but such conditions shall not interfere with the reasonable use of the antenna and such conditions, if any, shall be no more than the minimum practicable regulations necessary to accomplish the Township's legitimate purpose in regulating such antennas.

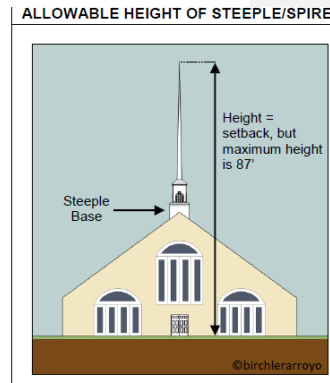
Section 4.8 Ascribed Principal Use of Property

- A. Unless otherwise permitted herein, no more than one (1) principal building with the customary accessory buildings and structures shall be erected on any individual lot or parcel of land.

Section 4.9 Building Height Exceptions

A. Exceptions.

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



Section 4.10 Building Permits and Certificate of Occupancy

- A. **Approval Required.** *Development requiring site plan review or any other type of zoning review approval under the authority of this Ordinance shall not receive a building permit until it has received the necessary Township approvals and a Certificate of Zoning Compliance from the Planning Department.*
- B. **Issuance.** *No building permit or Certificate of Occupancy shall be issued by the Building Department unless there is compliance with this Ordinance and other applicable ordinances and laws, decisions of the Planning Commission, Zoning Board of Appeals, Township Board, or court decisions.*
- C. **Revocation.** *The Building Department may revoke a Building Permit or Certificate of Occupancy in those cases where an administrative determination has been duly made that false statements or misrepresentations existed as to material fact(s) in the application or plans upon which the permit of approval was based.*
- D. **Suspension.** *The Building Department may suspend a Building Permit or Certificate of Occupancy where an administrative determination has been duly made that an error or omission on either the part of the permit applicant or government agency existed in the issuance of the permit or certificate. A new permit or certificate shall be issued in place of the incorrect permit or certificate after correction of the error or omission.*
- E. **Notice and Appeal.** *All Building Department decisions concerning the issuance, revocation, or suspension of Building Permits and Certificates of Occupancy pursuant to this Ordinance shall be stated in a written notice to the permit applicant. Any decision of the Building Department with regards to this Ordinance may be appealed to the Zoning Board of Appeals.*

Section 4.11 Building, Moving or Razing

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

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

Section 4.12 Chickens

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- A. **Applicability.** The requirements of this Section shall apply to the keeping of chickens on residential lots. The keeping of chickens shall only be permitted as an accessory use to a principal single-family detached residential dwelling.
- B. **Where Permitted.** The keeping of chickens shall be permitted in the FP, RC, R-1, and R-2 Districts.
- C. **Minimum Lot Size.** To keep chickens, a residential lot shall be a minimum 18,000 square feet in area.
- D. **Zoning Compliance Permit.** A Zoning Compliance Permit, from the Township Planning Department shall be required prior to any activity related to the keeping of chickens to occur on-site.
- E. **Setbacks and Location.** A chicken coop, or any other structure related to the keeping of chickens, including fences, or other applicable structures, shall be a minimum of ten (10) feet from the side or rear property line.
1. Chicken coops and other related structured shall be located in the side or rear yard only.
- F. Roosters shall not be permitted in the R-1, or R-2 Districts.
- G. The sale of chickens, meat, eggs, or any other related items, shall not be permitted in the R-1 or R-2 Districts.

Section 4.13 Driveways – Residential

- A. **Applicability.** The following requirements of this Section shall only be applicable to residential driveways. Nonresidential driveways shall be subject to the requirements of **Section XXX**.
- B. **Definition.** Residential driveways shall be defined as privately owned, constructed, and maintained vehicular access from a road or easement serving the property to the principal building or accessory buildings, that is paved, graveled, or otherwise improved for vehicular access, sixteen (16) feet wide or narrower in the sole discretion of the applicant or owner, and may include, in the sole discretion of the applicant or owner, a shared driveway.
- C. **General Requirements.**
1. Residential driveways shall be setback a minimum of eight (8) feet from each side property line.
 2. Residential driveways shall not be included in maximum lot coverage calculation requirements.
 3. No driveway shall enter or cross any part of that clear vision area, as defined by the Kent County Road Commission. No structures, parked vehicles, trees, or anything that obscures vision shall be placed or allowed in the clear vision area.

Section 4.14 Dwellings – Single Family, Design Standards

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

1. Each dwelling shall be properly maintained to prevent deterioration or damage from the elements by prompt and appropriate repairs, surface coating, and other protective measures.
2. Residential structures shall be constructed in compliance with applicable state, Federal, or local laws or ordinances, including the Michigan State Construction Code.
3. No dwelling unit shall be located within a 100- year floodplain.
4. **Size.** All single-family dwelling units shall comply with the following size requirements.
 - a) All single-family dwelling units shall have a minimum width across any front, side, or rear elevation of twenty (20) feet.
5. **Building Materials.** Exterior siding shall consist of materials that are generally acceptable for housing in the vicinity, provided that the reflection from such exterior surface shall be no greater than from white semi-gloss exterior enamel, and provided further that any such exterior is comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
 - a) Dwellings shall contain no additions of rooms or other areas that are not constructed with similar materials and quality of workmanship as in the original structure, including an appropriate foundation and permanent attachment to the principal structures.
 - b) Any exterior attachments or extensions onto a dwelling unit, such as entry steps and storage buildings, shall comply with the adopted building code of the Township.

Section 4.15 Home Occupations

- A. **Applicability.** The term “home occupation” means an occupation or profession carried on in the home by resident members of the household where such use is clearly incidental and secondary to the principal use of the dwelling as a residence.
- B. **General Provisions.** All home occupations shall be subject to the applicable requirements of the zoning district in which they are located, in addition to the following requirements.
 1. Any business activity must be clearly incidental to the use of the dwelling as a residence.
 2. The exterior appearance of any structure shall not be altered due to the business activity nor to support a home occupation.
 3. No business activity shall be conducted in such a manner so as to cause the premises to differ from a residential character, whether by the use of colors, materials, construction, lighting, signs (except as permitted in this Section), or the emission of sounds or vibrations. The home occupation shall not involve the storage, use or sale of hazardous, flammable, toxic, or explosive substances, other than types, sizes, and amounts commonly found in dwellings for hobby or domestic purposes.
 4. The delivery and pickup of goods and materials used and/or produced in the operation of a home occupation shall be limited to the customary activity of the United States Postal Service and/or alternative private package services common to residential property in the area.
 5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected on a road of its specific classification as determined by the Kent County Road Commission or Township Engineer. Any need for parking generated by the conduct of such home occupation shall be provided by an off-street area.
 6. A home occupation may be subject to annual inspection by the Building Official, Township Zoning Administrator and/or Township Fire Marshal, at their discretion, and shall be subject to termination if found not to be in compliance with the Zoning Ordinance.

7. No outdoor display and/or storage of materials, goods, supplies, or equipment used in the home occupation shall be allowed on the premises in any zoning district.
 8. **Sign.** One non-illuminated nameplate, not more than two (2) square feet in area, shall be allowed per residence to identify a home occupation. The permitted sign shall not be located in any road right-of-way and shall not obstruct the clear vision of drivers. No other sign shall be used on the premises.
 9. The total area within the principal dwelling devoted to home occupations shall not exceed one-quarter (1/4), or twenty-five percent (25%) of the usable residential floor area of the dwelling unit.
 10. One detached accessory building may be used by a Category C home occupation, provided that there is no external evidence of the business activity. Any accessory building used for a home occupation shall be in full compliance with the standards for accessory buildings, as provided in **Section XXX** of this Ordinance.
 11. The levels of waste and scrap generated by the home occupation for transfer as part of the Township's residential trash collection and disposal services shall not exceed two (2) ninety-six (96) gallons per week, or exceed the maximum amount ordinarily expected for residential refuse pickup.
- C. **Activities not Considered a Home Occupation.** Bed-and-breakfast inns, roadside stands, garage or yard sales, auto service or repair garages, restaurants and bars, or similar establishments and/or activities as determined by the Township Planning Director, or their designee, shall not be permitted or considered a home occupation.
- D. **Home Occupation Regulatory Categories.** All home occupations shall be classified and regulated in three categories and subject to the following standards, in addition to the general provisions listed in sub-section B, above.
1. **Category A: No nuisance potential.** This category of home occupation recognizes it is customary for dwelling occupants to perform office and similar work as incidental to residential use of a dwelling unit. Category A is referred to as a "no impact" home occupation. No aspects of the home occupation shall be visible on the exterior of the residence and there shall be no significant impact on surrounding properties. Category A home occupations are automatically permitted without permit application, review, or approval.
 - a) Category A home occupations include activities such as:
 - 1) receiving or initiating electronic or other video communication
 - 2) telephone calls, mail, or electronic mail
 - 3) preparing or maintaining business records
 - 4) word or data processing
 - b) Examples of Category A home occupations include:
 - 1) telecommuting/ telework
 - 2) word processing
 - 3) accounting
 - 4) internet sales
 - 5) novelist or book editor
 - 6) tutor or instructor of music, crafts or fine arts, where some clients come to the dwelling at different times for individual instruction, and other professions protected under State law

- 7) other similar endeavors
 - c) Category A work includes work performed for an employer in another location (telecommuting or telework) as well as work by a person residing in the dwelling unit that engages in the same type of activity under their own business. No customers shall be permitted to come to the dwelling, unless protected under State law. Category A home occupations shall not take place in a detached garage or detached accessory structure.
2. **Category B: Limited Nuisance Potential.** This category of home occupation is largely indistinguishable from customary residential use of a dwelling unit but with off-street parking space(s). These home occupations are authorized by issuance of a Zoning Compliance Permit from the Planning Department, once conformance with standards specified in this Section are achieved.
- a) Category B Home Occupations are permitted in any dwelling unit in any district that allows single-family residential dwellings, by an owner of the property, or by a renter of the property with the owner's written consent.
 - b) Category B home occupations include activities such as:
 - 1) any Category A home occupation that meets Category B requirements for off-street parking
 - 2) financial, marketing or other professional services to customers or clients
 - 3) small item repair
 - 4) small scale food preparation and craft making
 - c) Examples of Category B home occupations include:
 - 1) professionals like a lawyer, doctor, architect, or engineer
 - 2) small item repair
 - 3) sewist, artist or small crafts maker
 - 4) other similar endeavors
 - d) Retail sales of products on the premises shall not be permitted.
 - e) Category B home occupations shall not take place in a detached garage or detached accessory structure.
 - f) Not more than two (2) customers/clients/patients are permitted at any time for service trade and by appointment only, with a maximum of ten (10) customers/clients/patients per day.
 - g) The hours of operation shall be between 8 am and 8 pm. Should complaints regarding any Category B home occupation arise, the classification and status of the home occupation shall be subject to review and approval by the Planning Director, or their designee, or, at their discretion, the Planning Commission.
3. **Category C: Up to Moderate Nuisance Potential.** This category of home occupation allows residents of a single-family dwelling unit on any property zoned or used for residential purposes to conduct economic activities on their property at a scale greater than in a home occupation Category A or B, but significantly less than a full-scale commercial or industrial enterprise. Because of the greater potential for nuisance impacts, the Planning Commission shall approve the home occupation by means of a Special Land Use (SLU). Standards for Special Land Use review and approval are specified in [Section XXX](#).

- a) Category C includes all home occupation uses permitted in Categories A and B that desire the additional employee(s), accessory structures, parking of a special vehicle, or retail sales. Permitted activities include:
 - 1) small scale creation and sale of products
 - 2) repair of small appliances and bicycles
 - 3) sales and distribution of some products created elsewhere
- b) Examples of Category C home occupations permitted by SLU include:
 - 1) making and retail sales of candles, toys, and t-shirts
 - 2) small appliance and bicycle repairs
 - 3) operation of network marketing businesses on behalf of a third party, without any sales events at the home
 - 4) other similar endeavors
- c) Category C home occupations may have up to two (2) non-occupant employees, who park on up to two (2) off-street parking spaces.
- d) The Category C home occupation may take place in a detached garage or detached accessory structure.
- e) Retail sales are permitted and not more than three (3) customers/clients/ patients may be present at any time.
- f) Hours of operation are limited to between 8 AM to 8 PM, or as limited per special land use approval, such as by appointment only.

E. Off-Street Parking and Commercial Vehicle Parking.

- 1. All vehicle parking required for conduct of the home occupation shall be off-street as specified below, and per all requirements as specified by the Road Commission of Kalamazoo County.
 - a) Category A: No off-street parking spaces are required.
 - b) Category B: Up to two (2) off-street parking spaces shall be required for customers/clients/patients.
 - c) Category C: One (1) off-street space per each non-occupant employee permitted and up to three (3) off-street parking spaces shall be required for customers/clients/patients.

F. Permits and Administration. No permit shall be required for the operation of a Category A home occupation. A permit shall be required for the operations of a Category B and Category C home occupation in accordance with the standards of this Ordinance.

- 1. The initial application for a home occupation shall be made on a form to be provided by the Township.
- 2. The applicant shall submit a sketch plan, drawn to scale, showing property lines; building footprints, sidewalks; driveways; off-street parking areas; and other salient features. Upon receipt of a completed application and sketch plan, the Township shall review the application for completeness and compliance with the Zoning Ordinance.
- 3. A special land use permit application shall be provided by the Township for those seeking approval of a Category C home occupation. The special land use request shall be reviewed against criteria for granting special land use approval, as specified in **Section XXX**.

- G. **Home Occupation Review.** The review procedures, standards, and required information in this Section are intended to provide a consistent and uniform method of review of proposed home occupation applications, to ensure full compliance with the regulations and standards contained in this Ordinance and other applicable ordinances and laws, including the Michigan Building Code, as amended, and to prevent adverse impact on adjoining or nearby properties.
1. **Standards for Home Occupation Approval.** The Township Planning Director, or their designee, shall consider the following criteria for granting approval of a home occupation:
 - a) Compatibility to adjacent properties and land uses.
 - b) The amount of traffic generated by the home occupation. The anticipated traffic generated by a home occupation shall not exceed what is normally expected on roads of their specific classification, as determined by the Kent County Road Commission.
 - c) Off-street parking needs and locations.
 - d) Availability of public services, in that the proposed home occupation shall be adequately served by public or private utilities and that no excessive use of public or private utilities is anticipated.
 - e) Compatibility of the natural environment. The proposed home occupation shall be compatible with the natural environment and conserve natural resources and energy.
 2. In the event the Planning Director, or their designee, is challenged by their interpretation of the above criteria, or that the Planning Director, or their designee, seeks interpretation of any part of this Section, the Planning Commission shall have final determination for the appropriate standards.
- H. **Enforcement.** If a home occupation is found to be operating outside the standards of this Ordinance, the Township may require the business owner to file an application for a home occupation or cease operation of the home occupation.

Section 4.16 Keyhole Development

- A. **Purpose and Intent.** *The following restrictions are intended to limit the number of users of lake, river, or stream frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the Township.*
- B. **Applicability.** *The restrictions contained in this Section shall apply to all lots and parcels on or abutting any lake, river, or stream in all zoning districts, regardless of whether access to the lake, river or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license or lease.*
- C. **Frontage Requirements for Single-Family Units.**
1. *In all zoning districts there shall be at least one hundred (100) feet of lake, river, or stream frontage as measured along the normal high water mark of the lake, river, or stream for each single-family home or dwelling unit utilizing or accessing the lake, river, or stream frontage.*
- D. **Frontage and Access Requirements for Multi-Family Developments.**
1. *Any multiple-unit residential development in any zoning district that shares a common lake, river or stream front area or frontage may not permit lake, river or stream use or access to more than one (1) dwelling unit for each one hundred (100) feet of lake, river or stream frontage in such common lake, river or stream front area, as measured along the normal high water mark line of the lake, river or stream.*

2. Any multiple-unit residential development shall have not more than one (1) dock for each one hundred (100) feet of lake, river or stream frontage, as measured along the normal high water mark of the lake, river or stream, in any zoning district in the Township. All such docks and docking or mooring shall also comply with all other applicable Township ordinances.

E. General Provisions.

1. **Maximum Residential Access.** No easement, private park, common area, lot or access property abutting or adjoining a lake, river or stream shall be used to permit access to the lake, river, or stream for more than one (1) single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access use is approved as a special use or as a planned unit development (PUD).
 - a) The access and use regulations contained in this Section shall be fully applicable to all planned unit development (PUD) and special use developments.
2. **Non-Residential Use Access.** In all zoning districts, no lake, river or stream access, boat ramp, shorestation, dock, or boat launch shall be installed or utilized nor shall any shoreline abutting a lake, river or stream be utilized for commercial or non-residential uses or purposes unless such use is authorized by the zoning district within which the property is located. Such use shall be additionally approved pursuant to a special use or a Planned Unit Development (PUD) approval.
3. **Minimum Frontage Calculations.** For purposes of meeting the minimum required water frontages mentioned above, water frontage around the shore of an island shall not be included as part of the mainland.
4. These water access regulations shall be in addition to and shall not negate any of the restrictions or other requirements of this Zoning Ordinance or the zoning district involved.

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

1. **Maximum Number of Docks.** Any lot of record having frontage on a body of water may have one (1) dock for use by a single family (who owns or occupies that lot) even though the lot has less than one hundred (100) feet of frontage on the water.
2. **Nonconforming Access.** Any easement, private park, common area, or access property having frontage on a lake, river, or stream which provides access to such body of water for more than one (1) single-family home, dwelling unit, condominium unit, apartment unit, lot, or parcel, and which lawfully existed prior to the adoption of this Ordinance, shall not have any dock, boat ramp, or boat mooring site, unless otherwise approved by the Planning Department.
3. **Nonconforming Dock Replacement.** If a given property, easement, park, common area, or access property has a right to have a dock under this Section, that right to utilize a dock shall continue even if the dock is seasonal in nature, has to be repaired or replaced or is not utilized every year.

G. Overnight Docking for Guests. The owner with frontage on a lake, river, or stream shall not permit anyone other than a family member of a person co-owning or residing on the property fronting on the water to moor a watercraft overnight at the dock on the property or in the waters adjacent to the property.

1. Nor shall the owner of such a property enter into an agreement to permit anyone to use the shoreline (or dock thereof) of water unless such person is leasing a residence on the property and is in possession of the entire waterfront property.

- H. **Lake Property Owners Association Access Requirements.** Notwithstanding any of the requirements in this Section, the owners of lots within a river or lake property owners association which have frontage on the Thornapple River or lake within the Township (or which have permanent access by means of a permanent easement, walkway, or similar access device that lawfully existed, was recorded with the Kent County Register of Deeds, and expressly benefited the off-water property involved, before November 21, 1995) can use a boat ramp, boat launch, or similar facility that lawfully existed on the Thornapple River or a lake prior to November 21, 1995.
- I. **Lots Without a Lake Property Owners Association or Existing Boat Ramp, or Equivalent.** Waterfront lots or parcels that are not located within a development where the existing boat ramp, boat launch, or equivalent is located (or are not within the property owners association that owns or controls such boat ramp, boat launch or equivalent), so long as the river or lake property owners association obtains special use approval for such additional use of the existing boat ramp, boat launch, or similar structure at issue from the Township Board and the following requirements are met:
1. **Limitations.** Reasonable conditions may be attached to any such special use approval hereunder, including, but not limited to, limitations on hours of usage, restrictions on the number of days per year that such additional use can occur and limiting the use of specific property owners outside the development at issue.
 2. **Applicable Restrictions.** Any such additional use of a boat ramp, boat launch, or similar facility must also comply with all applicable deed restrictions, restrictive covenants, easement limitations, or the equivalent (if any).
 3. **Applicant Requirements.** No individual property owner or owners can apply for such a special use approval; rather, only a river or lake property owners association that has been traditionally recognized as representing waterfront property owners along the Thornapple River or a lake can apply for and potentially be granted such special use approval.
 - a) If such special use approval is granted, the only members of the river or lake property owners association given such special use approval who can utilize the boat ramp, boat launch, or similar facility involved are members of that association who own waterfront property or have permanent access to the Thornapple River or a lake through a waterfront property. Access may be through means of a permanent easement, walkway, or similar waterfront access device (where such waterfront access device lawfully existed, was recorded with the Kent County Register of Deeds records, and expressly benefited the off-river or lake property involved, all before November 21, 1995).
 - b) Any member of the association who does not meet such qualifications cannot utilize the boat ramp involved.
 4. The Planning Director, or their designee, shall have the authority to determine whether a particular member of a river or lake property owners association that has been granted special use approval based on the claim that the member has the benefit of a permanent easement, walkway, or similar river or lake access device and whether such river or lake access device lawfully existed, was recorded with the Kent County Register of Deeds records, and expressly benefited the off-river or lake property involved (all of which must have occurred prior to November 21, 1995).
 5. Any river or lake property owners association that has been granted special use approval hereunder shall be responsible for ensuring that all of its members utilizing the boat ramp, boat launch, or similar facility involved comply with the requirements of this subsection, as well as any conditions attached to the approval of the special use.

Section 4.17 Lots – Frontage Determination

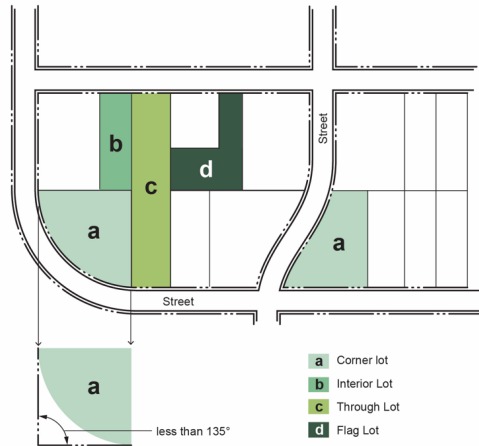
- A. **Applicability.** The following provisions in this Section apply to corner, through (or double frontage), flag, and waterfront lots. See **Article XXX** for further definitions of yards, frontage, lots, and setbacks.

B. **Corner Lots.** If a lot is bounded by two (2) intersecting streets, it shall be considered a corner lot.

1. Each of the two (2) intersecting street frontages shall be considered a front yard. As in, a corner lot shall be considered to have two (2) front yards.
2. The front yard requirements of the applicable zoning district shall apply for each of the two (2) intersecting streets.

C. **Through, or Double Frontage, Lots.** A lot having frontage on two (2) non-intersecting streets shall be considered a through lot.

1. Each of the two (2) non-intersecting street frontages shall be considered a front yard. As in, a through lot shall be considered to have two (2) front yards.
2. The front yard requirements of the applicable zoning district shall apply to each of the non-intersecting streets.



Corner, Interior, and Through Lots

D. **Interior Lots.** An interior lot is a lot that has frontage on one (1) street, excluding corner lots.

1. Interior lots shall have one (1) street frontage and one (1) front yard.

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

1. The 'front lot line' shall be the interior lot line most parallel to and nearest the street from which access is obtained.

F. **Waterfront Lots.** See [Section XXX](#) (Keyhole Development).

Section 4.18 Mineral Resource Extraction

A. **Purpose and Intent.** It is the intent of this Section to permit and regulate the orderly extraction, processing and utilization of mineral resource deposits of current economic importance to the township and region; to require reclamation and restoration of extraction and processing sites to a useful, environmentally stable condition; and to establish regulations and performance standards for the extraction, processing, utilization, and transport of mineral resources and products in such a manner as to ensure maximum protection to surrounding properties and the physical environment.

B. **Districts in Which Mineral Resource Extraction is Permitted.**

1. Minor mineral resource extractions shall require a Special Use Permit as regulated in [Article XXX](#) and may be permitted in all zoning districts except R-1, Residential, R-2, Residential, CM, Community Mixed Use, and CV, Cascade Village Districts.
2. Major mineral resource extractions shall require a Planned Unit Development rezoning as regulated in [Article XXX](#).

C. **Submission of Plans.** All applicants seeking approval of a mineral resource extraction site shall be required to submit a mineral resource extraction plan and reclamation plan consistent with the requirements of this Section. The applicant shall also submit information which establishes the following:

1. That a valuable resource is present on the property.
2. That no serious traffic problems will result from the extraction.
3. That noise and other disruptions will not result from the extraction.
4. That the mineral resource extraction will not decrease the property values in the surrounding area.

D. Exemptions. The following, to the extent specified herein, are exempt from the requirements of this Section:

1. Excavation as part of the construction or alteration of a building or the grading incidental to a building if a building permit is obtained prior to the commencement of excavation and/or grading incidental to a building:
 - a) A building permit shall not be issued until the Building Inspector determines the purpose of the excavation and/or grading and until a specific grade plan is submitted and approved. The permit shall specify the terms and conditions for excavation and/or grading.
 - b) A building permit to commence excavation and/or grading for one or more single family homes that would require extensive excavation and the removing and hauling of material over public streets for a period of time exceeding 10 days, shall only be authorized by the Zoning Board of Appeals, unless such site preparation has been specifically authorized as part of the Township Board's approval of a final preliminary plat or in its approval of a division of an unplatted or platted parcel of land, or a planned unit development.
 - 1) Excavation in connection with normal lawn preparation and maintenance.
 - 2) Excavation in connection with the construction or alteration of a street or utility improvement.
 - 3) Excavation in connection with farming operations.
 - 4) Excavation which by nature is of limited duration; e.g. graves, septic tanks, swimming pools, etc., for a period of time not to exceed 15 days.
 - c) Regrading of property for aesthetic purposes that does not affect existing drainage, if no material is removed from the property.

E. Development Standards. All mineral resource extraction sites shall conform to the following development standards:

1. No excavation shall be made closer than 200 feet from a residential property or any public right-of-way or 50 feet from any abutting or adjoining non-residential property.
2. A mineral resource extraction site shall maintain the required lot frontage of the zoning district in which it is located.
3. The tops of all open excavations shall be enclosed by a fence erected and maintained at least 25 feet outside the excavation. Such fence shall not be less than six feet in height and shall effectively control access to the site.
4. No grading, removal, or disturbance of plant material shall be permitted within 50 feet of any lot line or road frontage: provided, however, that existing vegetation and/or grading shall be supplemented as required with additional plant material and/or berming so as to provide an effective year-round landscape screen, except at the point of access. All of the requirements of this subsection must be in place prior to commencement of extractive operations; provided, however, that the creation of berms as landscape screening using material from the site may follow the commencement of extractive operations.

5. *After the minerals have been removed from the site, the property shall be restored by the replacement of topsoil where feasible. The excavation area shall be planted with a suitable ground cover sufficient to prevent erosion.*
 6. *The maximum depth of excavation shall not be below existing groundwater, except in such cases where the reclamation plan indicates that a lake or lakes will be part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavations for conformance to the approved reclamation plan.*
 7. *Mineral resource extractions shall be conducted only during the hours from 7:00 A.M. to 5:00 P.M., Monday through Friday, except when needed during a public emergency.*
 8. *A road from the entrance and exit of the excavation site, a distance not less than 300 feet from the Right-of-Way line into the area of operation, shall be provided in order to minimize the deposit of dirt and gravel from trucks onto the public highway. If the road is located within 300 feet of an occupied residence or commercial or industrial establishment, the road shall be kept dust-free by hardtopping with cement or bituminous substances.*
 9. *Not more than one entrance and one exit from a highway or road shall be provided to the area of operation.*
 10. *Any soil that may be deposited on any public street or public place from any vehicle transporting materials from the mineral resource extraction site shall be immediately removed without damage to the public street or public place at the expense of the applicant.*
- F. **Plan Requirements.** *Mineral resource extraction plans shall conform to the site plan requirements contained in **Article XXX** in addition to the following requirements:*
1. *Truck hauling routes from the excavation site to major through streets shall be identified.*
 2. *A Soil Erosion and Sedimentation control plan shall be approved by the Township Engineer prior to final approval.*
 3. *All stormwater control and drainage plans shall be reviewed and approved by the Township Engineer and Kent County Drain Commission prior to final approval.*
 4. *Work depths must be identified.*
 5. *Overburden and debris disposition areas must be identified.*
 6. *A description of natural resource extraction and processing operations proposed for the site.*
 7. *An estimate of the quantity of minerals to be removed from the site and timetable for removal, with supporting calculations conforming to generally accepted engineering principles.*
 8. *A list of the types, numbers, and sizes of major equipment to be used on site at any time.*
 9. *Any other information the Planning director determines is reasonably necessary for a complete review of the project.*
- G. **Performance Standards.** *The Township may require performance standards where, because of peculiar conditions, it deems them necessary for the protection of the healthy, safety, morals and well being of the residents of the Township.*
1. *These performance standards may be measures to control dust, noise, visual screening, water standards, vibration, storm drainage, and flooding, in addition to any other standards the Township deems necessary.*
- H. **Reclamation Plan Requirements.** *A reclamation plan, at the same scale as the site plan, prepared by a registered professional civil engineer, shall be submitted before final approval is granted. The reclamation plan, at a minimum, shall contain the following information:*

1. Final contours, at two foot or less contour intervals, of the site after restoration. The banks of all excavation sites shall be sloped at a grade of not less than 2.5 feet horizontal to 1 foot vertical.
 2. Complete extent of areas which will be backfilled and depth of backfill shown with spot elevations.
 3. Areas and depth of areas to be restored with top soil and other overburden.
 4. Areas which will contain either standing or runoff water and measures which will be taken to avoid stagnation and erosion.
 5. Phasing diagram(s) for reclamation.
 6. A complete landscape plan indicating location and type of proposed and existing landscape features.
 7. Description of the proposed final use of the site, with discussion of how the proposed use relates to the General Development Plan and zoning districts within the vicinity of the property.
 8. Estimated timetable clearly expressing the maximum time required for various phases of the reclamation plan.
- I. **Financial Guarantee.** The Township may require the posting of a financial guarantee consistent with **Section XXX** of this Ordinance.
- J. **Existing Mineral Resource Extraction Sites.** Mineral Resource Extraction sites which are actively mined or which have been actively mined within 180 days of enactment of this Section shall be limited to the lot on which the activity exists at the date of enactment of this Section. Further, all existing mineral resource extraction sites which are currently being mined shall be required to submit a reclamation plan consistent with the requirements of this Section within one hundred eighty (180) days following the adoption of this Section.

Section 4.19 Motor Vehicle Repair - Residential

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

Section 4.20 Patios, Porches, Pergolas, and Decks

- A. **Applicability.** The following requirements of this Section shall apply to all patio, porch, pergola, or deck structures in the Township located on any residential lot in any zoning district.
- B. **Zoning Compliance Review Required.** Prior to the construction, replacement, extension, alteration, or erection of any patio, porch, pergola, or deck the property owner, or their designee, shall obtain written approval from the Township Planning Department.
1. **Building Permit.** A building permit may be required for the construction of a patio, deck, porch, or pergola, at the discretion of the Township Building Department or Planning Department.
- C. **Dimensional and Location Requirements.**
1. All porches, patios, decks, and pergolas shall be included in maximum lot coverage calculations for the zoning district in which it is located. Patios and porches are encouraged to be constructed of impervious pavement material.

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2. Pergolas shall be located in the side or rear yard only and shall comply with the required setbacks for the zoning district in which the pergola is located.
 - a) Pergolas shall be securely fastened to the ground for which it is located upon, in order to prevent the structure from moving due to extreme weather events.
3. Decks and patios shall be located in the side or rear yard only. Decks and patios shall not encroach into the required side yard setback for principal structures.
 - a) **Setback Exemptions.**
 - 1) Porches may encroach into the required front yard setback by a maximum of ten (10) feet.
 - 2) Decks may encroach into the required rear yard setback by a maximum of five (5) feet.

Section 4.21 Sidewalks

- A. **When Required.** Sidewalks shall be required in conjunction with all new development or change of use, within any Zoning District. In new residential subdivisions and condominiums, sidewalks shall be required on both sides of the street.
 1. **Waiver.** In the case of new nonresidential development or change of use, the Planning Commission may waive the construction of a sidewalk, provided that adequate justification is determined, at the Planning Commission's discretion.
- B. **Location and Width.**
 1. Sidewalks shall generally be located one (1) foot off the property line in the road right-of-way, except where the planned right-of-way is greater in width than the existing road right-of-way in which case the sidewalk shall be located one (1) foot inside the planned right-of-way.
 2. Sidewalks shall be a minimum of five (5) feet in width.
 3. Sidewalks shall not be calculated or included in maximum lot coverage requirements.
 4. The Planning Department Director, or Planning Commission, may modify these requirements in consideration of the location of utilities, landscaping, or other site improvements.
- C. **Alignment with Adjacent Sidewalks.**
 1. New sidewalks shall be aligned horizontally and vertically with existing sidewalks on adjacent properties.
 2. The Planning Department Director, or Planning Commission, may modify this requirement upon finding that adjacent sidewalks are not constructed in conformance with Township requirements, or an undue hardship exists where alignment is not feasible.
- D. **Materials and Maintenance.**
 1. All sidewalks shall be constructed of concrete, or another acceptable material approved by the Township Engineer.
 2. The property owner shall be the sole responsible party for the general maintenance and upkeep of sidewalks. This responsibility includes (but is not limited to), snow removal, general repairs, patchwork, and other applicable maintenance activities.
- E. **Permit Required.**
 1. A sidewalk located in the right-of-way shall require a permit and approval from the Kent County Road Commission.

2. A sidewalk not located in the right-of-way shall require a Zoning Compliance Permit and approval from the Township Planning Department and Engineering Department.

Section 4.22 Sports Courts

- A. **Applicability.** The following provisions of this Section apply to all outdoor hard-court sports courts located within any Zoning District within the Township. Sports courts can include (but are not limited to):
 1. Basketball courts
 2. Tennis or pickleball courts
 3. Volleyball courts
 4. Bocce Ball courts
 5. Other similar hard-court sports as determined by the Planning Director or their designee
- B. **General Provisions.**
 1. All hard-courts shall be constructed of appropriate material so as to not alter site stormwater drainage patterns. Changes to stormwater drainage patterns as a result of the construction of a hard-court shall be subject to review and approval by the Township Engineer.
 2. Hard-courts shall be included in the calculation of maximum lot coverage requirements.
- C. **Zoning Compliance Permit.** Prior to the construction of any outdoor hard-court sports facility in any zoning district, the property owner, or their designee, shall obtain a Zoning Compliance Permit so as to ensure the requirements of this Section are met.

Section 4.23 Swimming Pools

- A. **Applicability.** *The provisions of this Section apply to outdoor swimming pools, either inground or above ground, in all districts. Prior to the issuance of a building permit for the construction of an outdoor swimming pool in any zoning district the following provisions must be satisfied:*
- B. **Permit Required.** *A Building Permit from the Township Building Department, with zoning compliance approval, shall be required prior to the construction of an outdoor swimming pool. The permit application shall be accompanied by a complete and detailed set of plans and specifications of the swimming pool, fencing and related equipment, and shall meet the minimum following standards:*
 1. *Any electrical wiring within twenty-five (25) feet of the water's edge of the pool shall be placed underground and in an appropriate conduit approved for such purposes. No electric wires of any kind shall cross or be over the water surface.*
 2. *Any underwater lighting shall be accomplished by the use of methods and materials approved for such purposes. All electrical equipment and related components shall conform to the current National Electrical Code.*
 3. *There shall be no cross-connections of any public water supply with any other source of water supply for the pool. The line from the public water supply to the pool shall be protected against back flow of water by means of an air gap and shall discharge at least six (6) inches above the maximum high- water level of the makeup tank or the pool.*

Commented [MS8]: Setbacks needed

4. *The drain line for the pool shall be connected to a storm sewer if one is available. Where a storm sewer is not available, the pool drain may be drained in a manner approved by the Township's Building Inspector or Engineer. No pools shall drain into public or private sanitary sewer or septic systems. All drain connections shall be approved by the Building Inspector or Township Engineer before final approval is given.*
 5. *All swimming pools shall be enclosed by a barrier in compliance with the building code.*
 6. *Before a permit shall be issued, the plans and specifications shall be approved by the Building Inspector, and before any swimming pool shall be used, a final inspection and approval must be obtained from the Building Inspector.*
 7. *The Building Inspector shall have the right to inspect any swimming pool for the purpose of determining that all provisions of this Ordinance are complied with.*
- C. **Location and Setbacks.** *The required setbacks for swimming pools shall be measured from the outermost edge of the pool structure, including any adjacent or surrounding pavement or equipment, to the nearest point of any property line.*
1. *Outdoor swimming pools shall be located in the side or rear yard only.*
 2. *All pools, inclusive of adjacent or surrounding pavement or equipment, shall be setback a minimum of ten (10) feet from the rear or side property line.*

Section 4.24 Temporary Buildings, Structures, Uses, and Events

- A. **Applicability.** Buildings and structures intended for temporary use or occupancy shall be situated or erected and used according to the following provisions.
1. **Permits for Temporary Buildings.** Zoning Compliance Permits for temporary construction trailers, sheds, and offices may be issued by the Planning Department or Building Department according to the following criteria:
 - a) Unless involved with a major public improvements project, temporary structures may only be located in commercial districts, industrial districts, or approved Planned Unit Developments.
 - b) No temporary permit may be issued prior to the issuance of a building permit. Temporary permits shall expire when the building permit expires.
 - c) A temporary structure shall be located on the same site as the construction.
 - d) A temporary structure shall be located on the site such that:
 - 1) On and off-site traffic hazards are minimized.
 - 2) The aesthetic impacts are reasonably minimized.
 - 3) It is not closer than ten (10) feet to any property line.
 - 4) All applicable safety, health and fire codes are met.
 - e) No final inspection shall be issued until all temporary structures have been removed from the site.
 - f) Where alternate on-site locations are available, no temporary structure shall be located next to residential lots.
 2. **Permits for Temporary Structures For Events.** A Zoning Compliance Permit for temporary structures, such as tents, used in conjunction with special short term outdoor events may be issued by the Planning Department, or Building Department, according to the following criteria:

- 1) On and off-site traffic hazards are minimized.
 - 2) The structure location is compliant with required setbacks.
 - 3) The structure shall be anchored according to manufacturer's specifications and the Township is indemnified by the property owner against all property damage or personal injury that may result from potential hazards caused by the erection and placement or failure of the structure.
 - 4) The structure will be in place for less than seventy-two (72) hours.
 - 5) Any event that directly or indirectly involves the sale, distribution or consumption of alcoholic beverages must provide a copy of the temporary liquor license permit for the event prior to the Township approving the event.
 - 6) The event is a public service event or an event sponsored by an existing business located on or adjacent to the parcel on which the structure is to be located and that the merchandise, services or goods displayed within the structure are of the variety normally offered by an existing business.
3. **Temporary Dwellings.** Permits for the temporary placement of mobile homes for occupancy on property at which a principal dwelling has been damaged or destroyed by fire, wind, flood or Act of God may be issued by the Building Department upon approval by the Planning Director according to the following criteria:
- a) Sufficient domestic water supply and toilet facilities are provided.
 - b) All construction and all plumbing, electrical apparatus and insulation within the mobile home shall be of a type and quality conforming to or exceeding the "Mobile Home Construction and Safety Standards", as promulgated by the United States Department of Housing and Urban Development, (24 CRF 3280), as amended. All dwellings shall meet or exceed all applicable roof snow load and strength requirements. All plumbing and electrical connections shall meet BOCA requirements.
 - c) The mobile home shall be located to conform to all locational requirements otherwise applicable to accessory buildings in the applicable zoning district except that it may be placed in the front yard.
 - d) The permit shall specify that the mobile home is temporary and that the permit shall expire after a reasonable specific time.
 - e) An occupancy permit for a rehabilitated or reconstructed dwelling unit damaged or destroyed by such causes that warrant the issuance of a permit for a temporary mobile home for occupancy shall not be issued until it has been removed or an approved performance guarantee for its removal is deposited with the Township Clerk.
4. **Other Temporary Structures.**
- a) Other temporary structures not permitted or regulated above or by other provisions of this Ordinance may be permitted by the Planning Director, or their Designee.
 - b) An application for such temporary structure shall set forth the purposes of the construction.
 - c) The Planning Director, or their designee, shall determine whether such structure is intended as a temporary building and that its use thereof shall be terminated at a specified time.
 - 1) The application shall not be granted if the structure is not served with a sufficient and clean water supply and toilet facilities.

Commented [MS9]: Consult Jade and Jessica as we have been having discussions about special events – the General Ordinance also addresses events .

- 2) The temporary structure shall be so constructed and maintained that it shall conform to the minimum requirements for safety, health, and public welfare and for the prevention of fire hazards. The temporary building shall not be injurious to the value of the surrounding property or neighborhood.
- 3) The temporary structure shall comply with all required setbacks for the Zoning District in which it is located.

Section 4.25 Trash Removal, Collection, and Dumpsters

- A. **Applicability.** The regulations in this Section are intended to require sufficient screening of outdoor trash receptacles and dumpsters, minimize adverse effects of trash storage, recycling, and disposal activities on adjacent properties and public rights-of-way, and to preserve, complement, and enhance the environment and character of the area. These standards provide a reasonable period for those existing dumpsters that do not comply with those standards to be brought into compliance.
- B. **General Provisions.** The owner, lessee, or their agent, and occupants of every building where waste, garbage, or recyclable materials accumulate shall be responsible for providing clean and proper locations and receptacles for storage, disposal, and recycling of such wastes, subject to the following:
1. No occupant, owner, lessee, or their agent shall permit the storage or accumulation of waste, garbage, or recyclable materials in open yards or lots.
 2. All waste, garbage, or recyclable materials shall be contained within properly designed receptacles located in designated storage areas and regularly removed from the site.
 3. Outdoor storage areas for such materials shall be kept free of loose litter and debris and maintained in a neat, orderly, and sanitary condition.
- C. **Dumpsters and Trash Receptacles.**
1. **Definitions.**
 - a) "Trash Receptacles" refer to smaller trash containers used for the temporary storage of litter and waste. They are usually carts or large barrel-shaped cans with no more than 100 gallon capacity.
 - b) "Dumpsters" refer to larger trash containers typical of commercial or industrial uses also used for the temporary storage of litter and waste. Dumpsters are large, box-like units with a capacity of at least one (1) cubic yard.
 2. **Location Requirements.**
 - a) Dumpsters shall be permitted in the side or rear yard provided that no Dumpster shall extend closer to the front of the lot (both street frontages shall be considered "front" on corner lots) than any portion of the principal structure.
 - b) Dumpsters shall comply with the setback requirements for the district in which they are located.
 - c) With the permission of the Township Fire safety personnel, Dumpsters may be located against the building. Otherwise, a minimum of ten (10) feet of separation shall be provided.
 - d) The Dumpster shall not encroach on a required parking area and shall be clearly accessible to servicing vehicles.
 - e) Trash Receptacles shall be permitted to be located in the front yard along the roadside on collection days only. They may be placed at the side of the road no sooner than the evening prior to collection and shall be removed the same day that collection occurred.

3. **Bollards.** Bollards (concrete filled metal posts) or similar protective devices shall be required at the opening to prevent damage to the screening wall or fence.
4. **Concrete Pad.** Dumpsters shall be placed on a concrete pad. The concrete pad should extend a minimum of ten (10) feet in front of the Dumpster enclosure.
5. **Screening.** Dumpsters shall be screened from view from adjoining properties and public streets and thoroughfares and be constructed in compliance with the following requirements:
 - a) Dumpsters shall be screened on three (3) sides with a permanent building, masonry wall, or wood fencing, not less than six (6) feet in height.
 - b) The fourth side of the Dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other three (3) sides. When not in use, enclosure gates shall be closed and locked.
6. **Site Plan Requirements.** The location and method of screening of Dumpsters shall be shown on all site plans.
7. **Existing Dumpsters.** For those existing dumpsters that do not comply with these requirements, a reasonable process has been established for these existing units to be brought into compliance with these amended standards.
 - a) New Dumpsters installed or added after the effective date of this ordinance including relocation and/or modifications to existing units, shall only occur in full compliance with the requirements of this Section.
 - b) On any parcel where a project requiring a building permit, site plan approval, or similar approval is proposed, an existing Dumpster at that site that does not comply with the requirements of this Section shall be required to be brought into conformance with this Section as a part of that project.

Section 4.26 Walls and Fences

Commented [DB10]: Add images to this section.

- A. **Applicability.** This Section shall apply to all boundary fences, walls, gatehouses, and entrance gates which are not specifically exempted herein. This Section shall not apply to seawalls as regulated by the Michigan Department of Natural Resources.
- B. **General Requirements.**
 1. **Rules of Construction.** All walls and fences shall be of sound construction, such as maintained in good repair and free-standing.
 - a) No barbed wire, spire tips, sharp objects, or electrically charged fences shall not be permitted in the Township, unless exempted herein.
 - b) Bona fide agricultural uses may use barbed wire or charged fences to control livestock when located in the Farmland Preservation, FP, zoning district.
 - c) Fence posts and vertical supports must be inside of the fence and facing inside of the property on which the fence is located.
 - d) It shall be unlawful to construct any wall or fence in any public right-of-way or within the right-of-way easement for private roads.
- C. **Zoning Compliance Review Required.** Prior to the construction, replacement, extension, or erection of any wall or fence in any zoning district, the property owner, or their designee, shall obtain written approval from the Township Planning Department.

Commented [MS11]: Does this apply to retaining walls?
This came up recently for an industrial site

1. **Permitted Fence Types and Materials.** All walls and fences located in the Township shall be designed to comply with one or more of the following types and associated materials:
 - a) Chain link fence
 - b) Vinyl or wood picket fence
 - c) Split rail fence
 - d) Metal open fence
 - e) Vinyl or wood privacy fence
 - f) Brick/masonry walls
 - g) Other similar fence types and materials as determined by the Township Planning Director, or their designee
2. **Prohibited Fence Type and Materials.** In addition to Section 2.24.B.1.a., fences shall not be constructed of materials such as tarps, scrap logs, scrap metal, or any other type of used material.
3. **Decorative Features.** Walls and fences may include architectural features such as columns, cupolas, fountains, parapets, etc. at a height not exceeding 1.5 times the permitted height wall or fence height.
4. **Corner Clearance.** No fence, wall, shrubbery, sign, or other obstruction to vision above a height of twenty-four (24) inches from established street grades shall be permitted within the clear vision area, as defined by the Kent County Road Commission, or the Michigan Department of Transportation (as applicable).

D. Walls and Fences in Residential Districts.

1. All walls or fences in the front yard shall be limited to a maximum height of four (4) feet at final grade. Excluding gates and gateways, front yard fences shall comply with the minimum front yard setback requirements for the zoning district in which the fence is located.
 - a) In the event that a parcel has two front yards (through lot, corner lot) a maximum height of six (6) feet, at final grade, is permitted.
2. The maximum fence or wall height in the side yard or rear yard shall be limited to eight (8) feet in height at final grade.
3. When situations of erecting a new fence next to an existing fence, maintenance of the area between the fences shall be the responsibility of the person erecting the new fence.
4. Fences may be erected on the side or rear property line, but in no case shall encroach onto a neighboring property.

E. Residential Gatehouses and Entrance Gates.

1. The requirements herein are exempted from the maximum height requirements for walls and fences in front yards of residential districts.
2. Residential gatehouses and entrance gates shall have a maximum height of six (6) feet in height, measured at final grade.
3. Requirements for decorative features (**Section XXX**) shall apply to residential gatehouses and entrance gates.
4. Access for emergency vehicles shall be provided. Should an emergency necessitate the breaking of an entrance gate, the costs of repairing the gate and the emergency vehicle (if applicable) shall be the responsibility of the owner and/or operator of the gates.

F. Walls and Fences in Non-Residential Districts.

1. Fences are permitted in non-residentially zoned districts, or non-residential uses in mixed use districts, subject to the following regulations and requirements:
 - a) Fences located in any side or rear yard shall have a minimum of six (6) feet in height with a maximum of eight (8) feet in height, at final grade.
 - b) Fences or landscape screening shall be required to separate non-residential uses and non-districts with residential uses and residential districts.
 - c) If landscaped screening is required, landscaping and screening requirements are described in **Section XXX**.

