

**AGENDA**  
**Cascade Charter Township Planning Commission**  
**Monday, June 11, 2018**  
**7:00 pm**  
**Cascade Library Wisner Center**  
**2870 Jacksmith Ave. SE**

- ARTICLE 1.      **Call the meeting to order****  
****Record the attendance****
- ARTICLE 2.      **Pledge of Allegiance to the flag****
- ARTICLE 3.      **Approve the current Agenda****
- ARTICLE 4.      **Approve the Minutes of the May 14, 2018 meeting****
- ARTICLE 5.      **Acknowledge visitors and those wishing to speak to non-agenda items.****  
****(Comments are limited to five minutes per speaker.)****
- ARTICLE 6.      **Case # 18:3460 Courtney Blostein****  
****Public Hearing****  
****Property Address: 7336 Sheffield Dr.****  
****Requested Action:** The Applicant is requesting a Type 1 special use permit to allow a 6 ft tall fence in the front yard.**
- ARTICLE 7.      **Case # 18:3458 Green Castle/Fox Subaru****  
****Public Hearing****  
****Property Address: 6045 28<sup>th</sup> St SE****  
****Requested Action:** The Applicant is requesting to amend the existing PUD to allow for an addition to the existing dealership.**
- ARTICLE 8.      **Case # 17:3419 Mark Tomasik****  
****Public Hearing****  
****Property Address: 6759 Cascade Rd****  
****Requested Action:** The applicant is requesting to amend PUD 19 for revised site plan to accommodate the drive thru coffee business for Starbucks as well as signage changes for the PUD.**
- ARTICLE 9.      **Case # 18:3463 Cascade Charter Township****  
****Requested Action:** Discussion of possible Zoning Amendment related to short term tent sales/alcohol.**
- ARTICLE 10.     **Case #18:3462 Cascade Charter Township****  
****Requested Action:** Discussion of possible Zoning Amendment for swimming pool fence/covers.**
- ARTICLE 11.     **Any other business****
- ARTICLE 12.     **Adjournment****

**MINUTES**  
Cascade Charter Township  
Planning Commission  
Monday, May 14, 2018  
7:00 P.M.

**ARTICLE 1.** Chairman Sperla called the meeting to order at 7:00 P.M.  
Members Present: Johnson, Katsma, Krieter, Lewis, Noordyke, Pennington, Rissi, Robinson and Sperla  
Members Absent: None  
Others Present: Community Development Director, Steve Peterson and those listed on the sign in sheet.

**ARTICLE 2. Pledge of Allegiance.**

**ARTICLE 3. Approve the current Agenda.**

**Motion was made by Member Robinson to approve the Agenda. Supported by Member Rissi. Motion carried 9 to 0.**

**ARTICLE 4. Approve the Minutes of the April 16, 2018 meeting.**

**Motion was made by Member Noordyke to approve the minutes of April 16, 2018. Supported by Member Pennington. Motion carried 9 to 0.**

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

No visitors came forward.

**ARTICLE 6. Case #18:3454 Mark Stachowiak**

**Public Hearing**

**Property Address: 7871 Shadybrook**

**Requested Action:** The Applicant is requesting a Type 1 special use permit to allow for a 6 feet tall fence in the front yard.

Director Peterson stated that Applicant is requesting a Type 1 special use permit to allow for a taller fence in the front yard. Applicant is asking for the taller fence in the front yard only along Buttrick Avenue. This fence would start at the house and run parallel to Buttrick for 275 feet.

The township standard for front yard fences is 4 feet, Applicant would like 6 feet and has stated that it would be placed 25 to 30 feet from the road.

Director Peterson recommends approval of the 6 feet tall fence in the front yard as proposed.

Chairman Sperla invited the Applicant to come forward with any comments.

Mr. Stachowiak came forward to briefly explain the need for the fence and that he had spoken with the neighbor who had questions.

**Motion was made by Member Rissi to open public hearing. Supported by Member Noordyke. Motion carried 9 to 0.**

No members of the public wish to speak on this manner.

**Motion was made by Member Rissi to close public hearing. Supported by Member Johnson. Motion carried 9 to 0.**

**Motion was made by Member Rissi to approve the Type 1 Special Use Permit to allow for a 6 feet tall fence in the front yard. Supported by Member Pennington. Motion carried 9 to 0.**

**ARTICE 7. Any other business**

**ARTICLE 8. Adjournment**

**Motion was made by Member Rissi to adjourn. Supported by Member Pennington. Motion carried 9 to 0. The meeting was adjourned at 7:15 p.m.**

Respectfully submitted,  
Phil Johnson, Secretary

**STAFF REPORT**

TO: Cascade Charter Township Planning Commission  
FROM: Steve Peterson, Community Development Director  
REPORT DATE: June 4, 2018  
MEETING DATE: June 11, 2018  
CASE: #18-3460/Blostein

**GENERAL INFORMATION**

**APPLICANT:**

Courtney Blostein  
7336 Sheffield Dr  
Cascade MI 49301

- A. **Status of Applicant:** Property Owner
- B. **Property Location:** corner of Sheffield and Thorncrest
- C. **Requested Action:** Allow a 6-foot-tall fence in the front yard.
- D. **Existing Zoning on Subject Parcel:** R-2, Residential
- E. **Zoning on Adjoining Parcels:** All R-2
- F. **Existing Land Use on Subject Parcel:** Residential.
- G. **Adjacent Area Land Uses:** All Residential

**STAFF ANALYSIS**

- A. The applicant is requesting a Type I special use permit to allow for a taller fence in the front yard.
- B. Because of the irregular lot this corner lot has a front yard around almost the entire house. They are asking to put the fence behind the home but because of the irregular lot only a small portion of the fence is in the rear or side yard. The rest of the fence is in the front yard.
- C. They need the special use permit to have the 6 foot tall fence since our standard for front yard fences is 4 feet. This is not a zoning variance.
- D. The fence is planned to be a wood fence.

- E. They have indicated that the fence would be placed along the property lines. It will be important for the owner to make sure that any fence is not placed in the road ROW.
- F. My inspection revealed that the taller fence would not cause a vision problem.
- G. I did not find any other front yard fences in the neighborhood taller than 4 feet.
- H. Fences do not require a building permit but are required to comply with Section 4.30 of the Zoning Ordinance.
- I. We have granted other permits for taller fences in the front yards before when it has not created a vision problem.
- J. With a Type I special use permit the Planning Commission may allow the height of the fence to increase to 8 feet. I have copied for you the section from our ordinance that provides the criteria for you to evaluate the taller fence request.

**Conditions for Special Use Permit Approval**

Amended by Ord No 5 of 2012 (7/25/12)

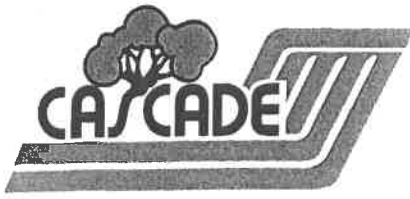
Due to the unusual circumstances related to the property location or use of the fence, the height of a fence may be increased to a height of eight (8) feet as measured from final grade in all agricultural, office and residential zoning districts and up to ten (10) feet, as measured from average grade in all other zoning districts. Upon review of a special use permit for additional fence height the Planning Commission shall consider the following.

Standard	Comment
To what extent the impact of additional height has on adjoining neighbors.	Little if any for a 6 foot tall fence. The most impacted neighbor appears to be 7358 Sheffield and it did not seem to me to be an issue looking from that property
Whether the additional height severely impacts light and ventilation from flowing onto the adjoining properties.	No impact.
Whether the increased height creates a traffic hazard.	The additional height would not create a traffic hazard.
Whether the increased height creates a fire, safety hazard.	Chief Magers has indicated that the increase in height would not create a fire hazard.
Whether the increased height violates any known property restrictions (i.e. plat	The Township is unaware of any deed restrictions that would prohibit this

restrictions, deed restrictions, covenants, etc.).	fence.
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Staff recommends that the Planning Commission approve the 6 foot tall fence in the front yard as proposed.

Attachments: application package, Section 4.30 of the zoning ordinance



# CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

## PLANNING & ZONING APPLICATION

**APPLICANT:** Name: Courtney Blastein  
Address: 7336 Sheffield Dr  
City & Zip Code Ada MI 49301  
Telephone: 616-745-4192  
Email Address: courtneybb@mac.com

**OWNER: \* (If different from Applicant)**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City & Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**NATURE OF THE REQUEST: (Please check the appropriate box or boxes)**

- |  |  |
|--|--|
| <input type="checkbox"/> Administrative Appeal         | <input type="checkbox"/> Administrative Site Plan Review |
| <input type="checkbox"/> Deferred Parking              | <input type="checkbox"/> P.U.D. - Rezoning *             |
| <input type="checkbox"/> P.U.D. - Site Condominium *   | <input type="checkbox"/> Rezoning                        |
| <input type="checkbox"/> Site Plan Review *            | <input type="checkbox"/> Sign Variance                   |
| <input checked="" type="checkbox"/> Special Use Permit | <input type="checkbox"/> Subdivision Plat Review *       |
| <input type="checkbox"/> Zoning Variance               | <input type="checkbox"/> Other: _____ *                  |

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

**BRIEFLY DESCRIBE YOUR REQUEST:\*\***

We would like to fence in our backyard with a six foot high fence, but due to our property being surrounded by roads, our backyard is technically considered front yard.

**(\*\*Use Attachments if Necessary)**

**-SEE OTHER SIDE-**

**Courtney Blostein**

7336 Sheffield Dr. SE  
Ada, MI 49301  
(616) 745-4193  
courtneybb@mac.com

May 9, 2018

**Planning Commision**

Cascade Charter Township  
2865 Thornhills SE  
Grand Rapids, 49456

Dear Members of the Planning Commision:

We are seeking a fence variance for our single family home located at 7336 Sheffield Dr. SE, Ada, MI 49301. Current zoning laws state that a fence no taller than 4 feet above final grade may be constructed in front yards. We would like to hire a professional fence contractor to construct a 6 foot tall wood privacy fence around the perimeter of our back yard as outlined in the attached document. However, according to zoning laws, the areas to the North and South of the outlined area of our property are considered front yard due to the presence of two roads.

Our house is located at the corner of Sheffield and Thorncrest, where the two roads fork. Thorncrest runs down the length of our property to the South, and Sheffield runs down the length of our property to the North (see attached images). Because of the placement of our property between these two roads, our property contains no side yards, and what would be considered our backyard, is by definition of the zoning law, considered front yard. This restricts construction of a 6 foot privacy fence to just along the East property line.

The placement of the roads around the property creates a lack of privacy for our family and a real safety concern for our daughter. The close proximity of Thorncrest to our back door and patio (a mere 55 feet) make it feel like we are living in a fishbowl with pedestrians looking directly into the windows of our kitchen, family room, and sunroom. Another concern is motor vehicle traffic on Thorncrest consistently travel well over the posted 25 mph speed limit making it unsafe for our child to play without worry.

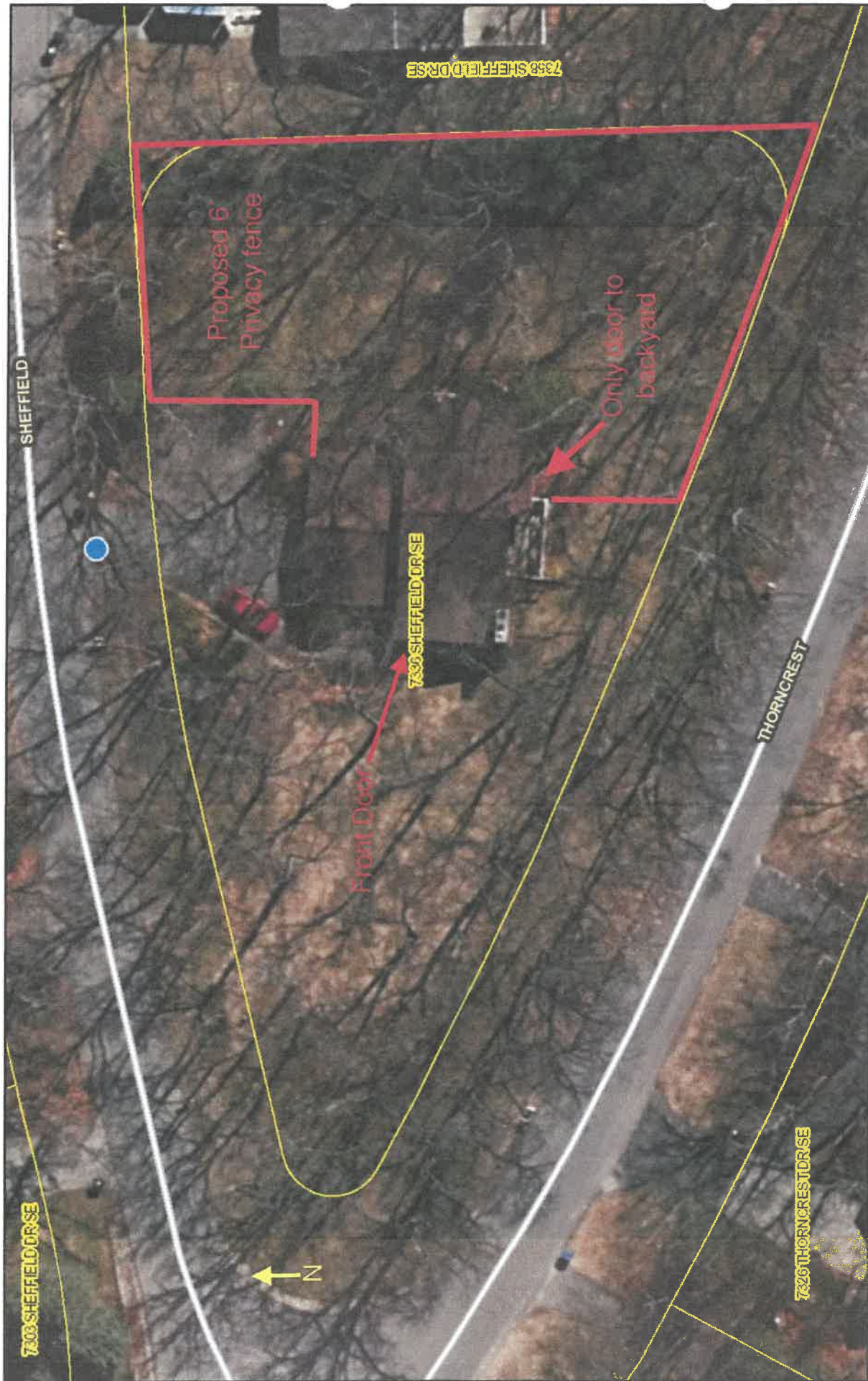
In conclusion, we would simply like to create more privacy in our home and add a level of safety for children playing next to these roads. The unique layout of our property creates an unusual set of circumstances that we hope you will take into consideration when reviewing our request. Thank you for your time.

Regards,

  
Courtney Blostein

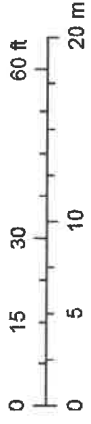


# Viewer Map



April 23, 2018

1:410



TO: Cascade Charter Township Planning Commission  
FROM: Steve Peterson, Community Development Director  
REPORT DATE: June 4, 2018  
MEETING DATE: June 11, 2018  
CASE: #18-3458/East Imports PUD Amendments - Subaru

**GENERAL INFORMATION**

- A. **Applicant:** Green Castle
- B. **Status of Applicant:** Owner
- C. **General Location:** north side of 28<sup>th</sup> St just east of Walmart.
- D. **Requested Action:** Amend the existing PUD to allow for an addition to the existing dealership.
- E. **Existing Zoning on Subject Parcels:** PUD 67
- F. **Zoning on Adjoining Parcels:**  
N – PUD 58  
S – PUD 88  
E – B2  
W – B2
- G. **Parcel Size:** Approximately 2.6 acre parcel
- H. **Existing Land Use on Subject Parcel:** Car dealership
- I. **Adjacent Area Land Uses:**  
North - Vacant  
East - Office/Service  
South - Restaurants  
West - Retail

**STAFF ANALYSIS**

- A. The applicant is requesting Preliminary Plan Review in order to construct a 4,000 sq ft addition onto the existing building.
- B. The PUD amendment is required because the existing PUD had a limit of 20,000 sq ft for the building. This addition would put them over that amount.
- C. Due to the relative minor nature of the request and the fact that we have already cancelled the 7/2 meeting, I have skipped the introductory stage and moved them right to the public hearing.
- D. The addition is at the north end of the building in an area that is already paved. The new addition is being built to accommodate an expansion to the service dept.
- E. The site was originally developed in 2004 on the property to the west and expanded to this property in 2017. The site was developed as approved with no outstanding issues.
- F. The 20,000 sq ft limit was more a function of what they were asking for and not a limit that we placed on them for any other reason.
- G. The Master Plan designation for this property is General commercial. This designation is in line with the B2 zoning district.
- H. The applicant has indicated that the storm water from the site will be addressed and improved to comply with our storm water ordinance. The engineer has already reviewed and approved it from a storm water perspective. Since it does not create any additional impervious areas no improvements are needed.

**I. Standards**

Section 16.03 of the Zoning Ordinance requires that a Planned Unit Development must demonstrate that:

<b>Standard</b>	<b>Staff Comment</b>
Granting of the Planned Unit Development rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.	The property is already zoned PUD. The changes they are asking for are consistent with the master plan.
In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities and utilities, and shall not place a material burden upon the subject or surrounding land or property	The type of use and density is consistent with the master plan would not result in a material increase in the need for public services.

owners and occupants or the natural environment	
The proposed development shall be compatible with the General Development Plan of the Township, and shall be consistent with the intent and spirit of this Chapter	The project is consistent with the master plan
In relation to underlying zoning, the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties	The underlying zoning/use of the area is commercial and would not result in an unreasonable negative economic impact
The proposed development shall contain at least as much green area and usable open space as would otherwise be required by this Ordinance with respect to the most dominant use in the development	No change from original approval.
The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control, upon due notice to the Planning Director of the Township	met

**Staff Recommendation**

Staff recommends approval of the plan. Once approved, we will put together the P.U.D. ordinance amendments with the applicant for your review so you can make a recommendation to the Township Board.

Attachments:        Application  
                              Site plan





# CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan  
49546-7140

## PLANNING & ZONING APPLICATION

APPLICANT: Name: Green Castle Properties, LLC  
Address: 200 Ottawa Ave NW, Suite 800  
City & Zip Code Grand Rapids MI 49503  
Telephone: 616-774-4044  
Email Address: cschiefler@dpfox.com

**OWNER: \* (If different from Applicant)**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City & Zip Code: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**NATURE OF THE REQUEST: (Please check the appropriate box or boxes)**

- |  |   |
|--|---|
| <input type="checkbox"/> Administrative Appeal       | <input type="checkbox"/> Administrative Site Plan Review          |
| <input type="checkbox"/> Deferred Parking            | <input type="checkbox"/> P.U.D. – Rezoning *                      |
| <input type="checkbox"/> P.U.D. – Site Condominium * | <input type="checkbox"/> Rezoning                                 |
| <input type="checkbox"/> Site Plan Review *          | <input type="checkbox"/> Sign Variance                            |
| <input type="checkbox"/> Special Use Permit          | <input type="checkbox"/> Subdivision Plat Review *                |
| <input type="checkbox"/> Zoning Variance             | <input checked="" type="checkbox"/> Other: <u>PUD AMENDMENT</u> * |

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

**BRIEFLY DESCRIBE YOUR REQUEST:\*\***

Site Plan Approval for the expansion of the existing Fox Subaru dealership service department 50 feet north.

(\*\*Use Attachments if Necessary)  
-SEE OTHER SIDE-

# FOX SUBARU EXPANSION

6045 28th Street SE  
Grand Rapids (Cascade Twp), Michigan

ISSUED: **05/16/18** **REVIEW** **PRELIMINARY**  
NOT FOR CONSTRUCTION

SHEET INDEX:  
COVER

- G201 PROJECT DATA
- G202 LIFE SAFETY AND CODE
- C101 SITE PLAN
- A101 FLOOR/RCP/ ROOF PLANS
- A102 FLOOR SLAB PLAN
- A201 DOOR SCHEDULE/DETAILS/ INTERIOR FINISH SCHEDULE
- A501 EXTERIOR ELEVATIONS
- A601 BUILDING/WALL SECTIONS
- A801 DETAILS
- S0.0 STRUCTURAL NOTES
- S1.0 FOUNDATION PLAN
- S3.1 ROOF FRAMING PLAN

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Circle Engineering, LLC  
Engineering Firm

FOX SUBARU EXPANSION  
1803-20

REVISION CONTROL  
DATE: 05/16/18  
BY: [Redacted]





## STAFF REPORT

- A. Applicant: Mark Tomasik  
1261 Leonard St  
Grand Rapids MI 49505
- B. Status of Applicant: Agent for Owner
- C. General Location: The property is located at Cascade Rd and 28<sup>th</sup> St.
- D. Requested Action: Amend PUD 19 for revised site plan to accommodate the drive thru coffee business for Starbucks as well as signage changes for the PUD.
- E. Existing Zoning on Subject Parcels: PUD 19 (Thonrapple Centre)
- F. Zoning on Adjoining Parcels:  
N- PUD 19  
S- PUD 19  
E- PUD 19  
W- Cascade Rd/B1
- G. Parcel Size: Approximately 2.00 acres
- H. Existing Land Use on Subject Parcel: retail strip
- I. Adjacent Area Land Uses:  
N- Office  
S- Gas station  
E – retail strip  
W- Bank

## STAFF ANALYSIS

1. The applicant is requesting Preliminary plan approval in order to amend the Thornapple Centre PUD to add a drive thru coffee business (6759 Cascade Rd) and amend the site plan to accommodate the change.
2. The change would essentially break the existing building into two separate buildings. This allows for the drive thru coffee at the end of the building. This is being done in a slightly smaller footprint as the existing building, so we would actually have a decrease in building sq ft on the site.
3. The obvious question to ask is whether or not this is a restaurant use, since we do not allow drive thru restaurants in this area. After inspection of other Starbucks facilities, I have determined that it is not a restaurant based on the definition in our zoning ordinance.

The definition is, " Restaurant:  
A public eating place where food is prepared and sold for immediate consumption."

4. The project does create some new traffic flow around the building to accommodate the drive thru. However, it appears that it would be done with minimal impact on the public road system. They have realigned the existing curb cut out to the main entry drive as well as the inclusion of some landscape islands in the parking lot to help with traffic flow in the parking lot.
5. Starbucks did not have, or was not willing to share traffic study for the site. They did indicate that they design their sites for at least 6-8 cars in the traffic que.
6. It appears that no added impervious areas are being added, the Township Engineer has reviewed the reviewed site plan and determined no improvements are necessary to comply with the storm water ordinance.
7. The changes also include a slight change to the wall sign and the development entry signage. The current development included rectangles on top of each entrance that the developer could use. They are asking that they simply be permitted the same as the other B1 zoning district for wall signage.
8. The developer was also able to get the other owners in the development to agree on the development entry signage changes as well as some interior directional signage. They are asking for individual monument signs along

Cascade Rd for the buildings that front Cascade Rd. two of them already have them. Two interior directional signs, to better direct traffic once inside the development, this is similar to Waterfall shoppes. As well as three wall signs at the entrances of the development. These would say Cascade Village shoppes and then have a place for individual tenants in the development to have some exposure.

9. As a result of the redevelopment of the site the developer is required to install a sidewalk from our pathway along Cascade Rd to the front their sidewalk at the front of the building.
10. The Fire Dept has reviewed and approved the site plan.
11. The DDA director will need to review and approve the site plan.
12. The planning Commission held an introductory meeting on 11/20/17. At that meeting you gave the applicant the following items to address. I have provided my comments to their response as well.

Issue	Applicant response
Provide the traffic generation information from Starbucks	Starbucks indicated that they typically accommodate 6-8 cars in the stacking line
Realign the drive and drive thru with Landscape Island to improve traffic flow thru the site.	addressed
Comply with comments from DDA and Fire Dept	addressed
Have the developer's architect review the plans for any building code issues	addressed
Provide documentation that the existing wall signage is the same as what is being proposed	Use existing B1 wall sign regulations
Coordinate meeting with the other owners in the development to address the main entry sign changes.	addressed
Agree to an easement to allow for the traffic proposed traffic circle	Would prefer to use the interior directional signage
Include a sidewalk connection from Cascade Rd to the front of the building.	addressed
Approval from Township engineer.	addressed

## Standards

Section 16.03 of the Zoning Ordinance requires that a Planned Unit Development must demonstrate that:

Standard	Staff Comment
Granting of the Planned Unit Development rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved.	The property is already zoned PUD. The changes they are asking for are consistent with the underlying zone.
In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment	The type of use and density is consistent with the master plan would not result in a material increase in the need for public services.
The proposed development shall be compatible with the General Development Plan of the Township, and shall be consistent with the intent and spirit of this Chapter	The project is consistent with the master plan
In relation to underlying zoning, the proposed development shall not result in an unreasonable negative economic impact upon surrounding properties	The changes would not result in a negative economic impact.
The proposed development shall contain at least as much green area and usable open space as would otherwise be required by this Ordinance with respect	met.

to the most dominant use in the development	
The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control, upon due notice to the Planning Director of the Township	The current develop is under different ownership. They have all agreed on the suggested changes.

**Staff Recommendation**

Staff recommends approval of the plan. Once approved, we will put together the P.U.D. ordinance amendments with the applicant for your review so you can make a recommendation to the Township Board.

Attachments:            Application package



Amendments to the Thornapple Centre P.U.D

3-12-2018

1. **Remove the wall signage specifications** stated in the PUD Ordinance – Thornapple Centre #13 of 1994 An Ordinance To Amend Ordinance 3 Of 1992, And Ordinance 7 Of 1993, The Thornapple Centre PUD Project. ~~“Wall Signs Sign Area to be determined by approved elevation drawings dated 3-10-94 and attached as Attachment F.”~~

**Replace with-** Cascade Charter Township Sign Ordinance Section 6.03 - Signs Permitted In The "B-1" and "O" Zoning Districts(amended by Ord No 6 of 2011) (amended by Ord No 4 of 2012) c. In the event the building has multiple commercial establishments, each commercial establishment's space will be permitted wall signage equal to one square foot for each lineal foot of building frontage (i.e., building frontage on the ground for the front of the building) that each respective commercial establishment occupies, not to exceed a sign length of more than two-thirds of the subject frontage.

2. **Remove the facades material finishes restriction** stated in the PUD Ordinance – Thornapple Centre #3 of 1992 Section IX -Phase Two Development- Commercial D. Design Guidines and Requirements, Other Restrictions 11.Facades ~~“All building facades shall be constructed using either horizontal siding, brick, stone or decorative masonry”~~

**Replace with-** Cascade Charter Township Zoning Ordinance- Chapter 8 section 8.08 Building Design 4. At least 90% of the exterior finish material on all facades shall be limited to the following: glass; brick; stone; stucco; or wood. And add to the exterior finish materials Fiber-cement and decorative metal siding and panels.

3. **Remove the slope roof appearance restriction** stated in the PUD Ordinance – Thornapple Centre#3 of 1992 Section IX -Phase Two Development- Commercial D. Design Guidines and Requirements 2. Roofs a. ~~All buildings shall have or appear to have sloped roof.~~

**Replace with-** Cascade Charter Township Zoning Ordinance- Chapter 8 section 8.08 Building Design 11. Roofs shall be so designed to include a pitched roof or a stepped parapet façade if a flat roof is proposed. Roof shapes such as: gable, hip or gambrel are considered appropriate. The use of a metal is appropriate provided it has a dull finish. Roof styles normally considered inappropriate include shed, or mansard style roofs.



**Response to: Case #17-3419 Thornapple Centre PUD Amendment**

This is your notice of the Cascade Township Planning Commission review of your basic plan review at their November 20, 2017 meeting. The public hearing for your request will be scheduled after you have addressed the following items:

**1. Provide the traffic generation information from Starbucks.**

Starbucks will not comment on volumes. All they will say is their typical prototype requires a 6-8 car stack and handles normal store volumes. Heaviest volume is from 6 – 10 cars with heaviest from 7-8 AM.

**2. Realign the drive and drive thru with Landscape Island to improve traffic flow thru the site.**

See site plan for drive alignment.

**3. Comply with comments from DDA and Fire Dept**

DDA/Economic Development Director Sandra Korhorn asked to have a walk from the building to the 28<sup>th</sup> street sidewalk, see site plan.

Chief Adam Magers response was- Fire has received the plans and sees no issues.

**4. Have the developer's architect review the plans for any building code issues.**

We have designed and reviewed the plans in compliance with the Michigan Building Codes.

**5. Provide documentation that the existing wall signage is the same as what is being proposed**

We are requesting to amend the P.U.D. signage. See Amendments

**6. Coordinate meeting with the other owners in the development to address the main entry sign changes.**

We are proposing a signage option for the entry and interior site to the owners. See Signage proposal.

**7. Agree to an easement to allow for the proposed traffic circle**

We are proposing a signage option for the entry and interior site to the owners. See Signage proposal.

**8. Include a sidewalk connection from Cascade Rd to the front of the building.**

See site plan for sidewalk addition.

**9. Approval from Township engineer.**

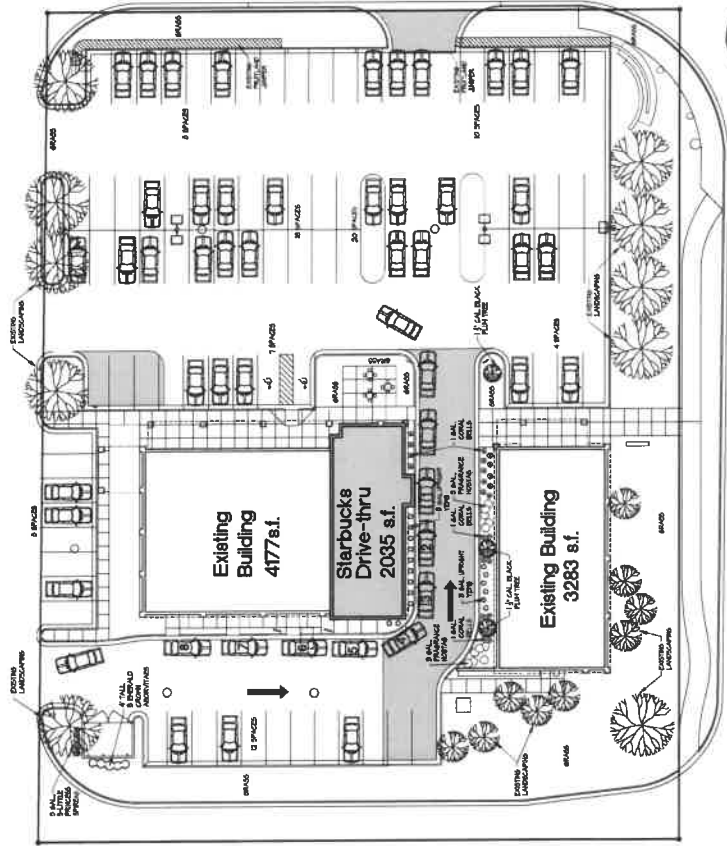
Ron Sabin responded -Our office is ok with the demo of a portion of the building to provide a drive thru. If you have any further questions feel free to give me a call.

Mark Tomasik, AIA Architect Innovative Design PC



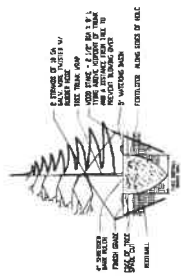


**Cascade Village Entrance**

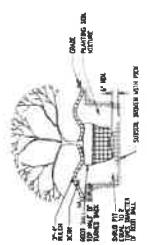


**Site Plan**  
 NORTH  
 Scale 1"=30'-0"

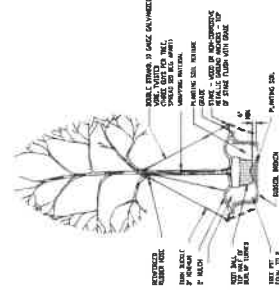
**Cascade Road**



**TREE SPINE PLANTING DETAIL**  
 NOT TO SCALE



**TYPICAL SHRUB PLANTING DETAIL**  
 NOT TO SCALE



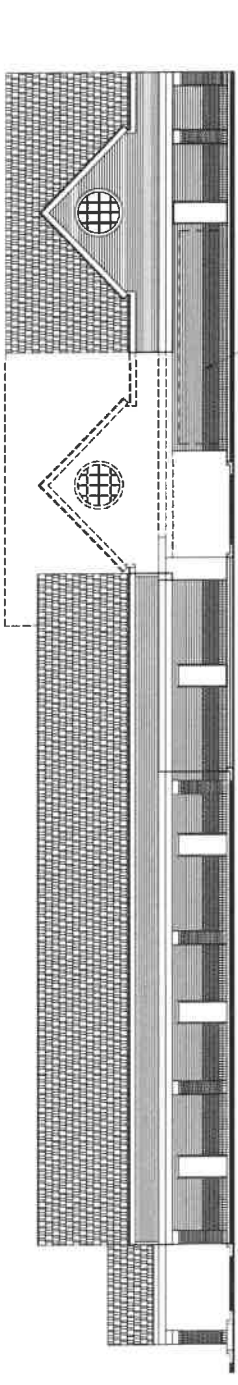
**TYPICAL TREE PLANTING AND GUYING DETAIL**  
 FOR SEVERAL AND TOWERING TREES  
 NOT TO SCALE

**Parking Calculations**

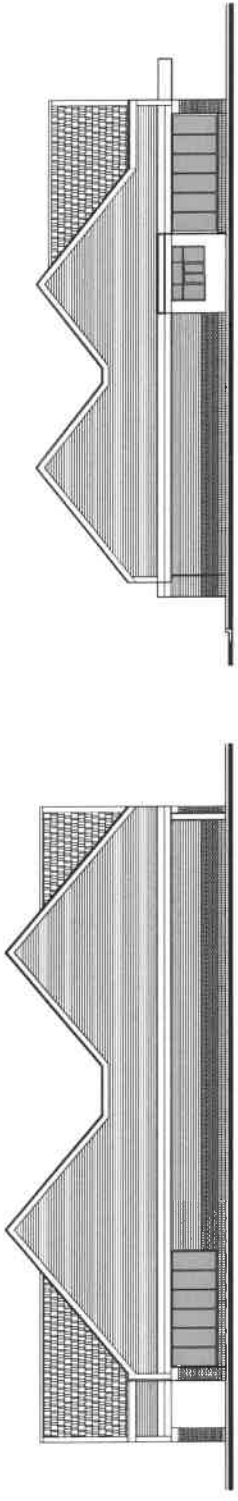
8-1 VILLAGE DISTRICT  
 CHAPTER 11, ALZONA PARKING AND LOADING  
 BUSINESS/COMMERCIAL  
 AT FAST FOOD - 5 PER 1000 SQ FT  
 (1) GENERAL RETAIL - 4 PER 1000 SQ FT  
 (2) DRIVE-THRU  
 (3) DRIVE-THRU 10 x 8 SPACES  
 (4) DRIVE-THRU 4 x 8 SPACES  
 (5) DRIVE-THRU 4 x 11 SPACES  
 CURRENT PARKING = 46 SPACES  
 REQUIRED PARKING FOR PROPOSED = 43 SPACES  
 PROPOSED PARKING SPACES = 11 SPACES

**NOTES**

1. ALL PLANTING SHALL BE PLANTED BY THE END OF THE CONSTRUCTION PERIOD.
2. ALL PLANTING SHALL BE PLANTED BY THE END OF THE CONSTRUCTION PERIOD.
3. ALL PLANTING SHALL BE PLANTED BY THE END OF THE CONSTRUCTION PERIOD.
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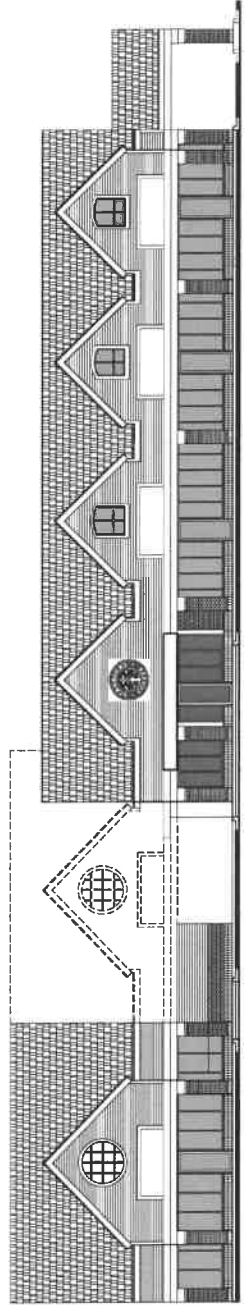


**North Elevation**  
 Scale: 1/8" = 1'-0"



**West Elevation**  
 Scale: 1/8" = 1'-0"

**East Elevation**  
 Scale: 1/8" = 1'-0"

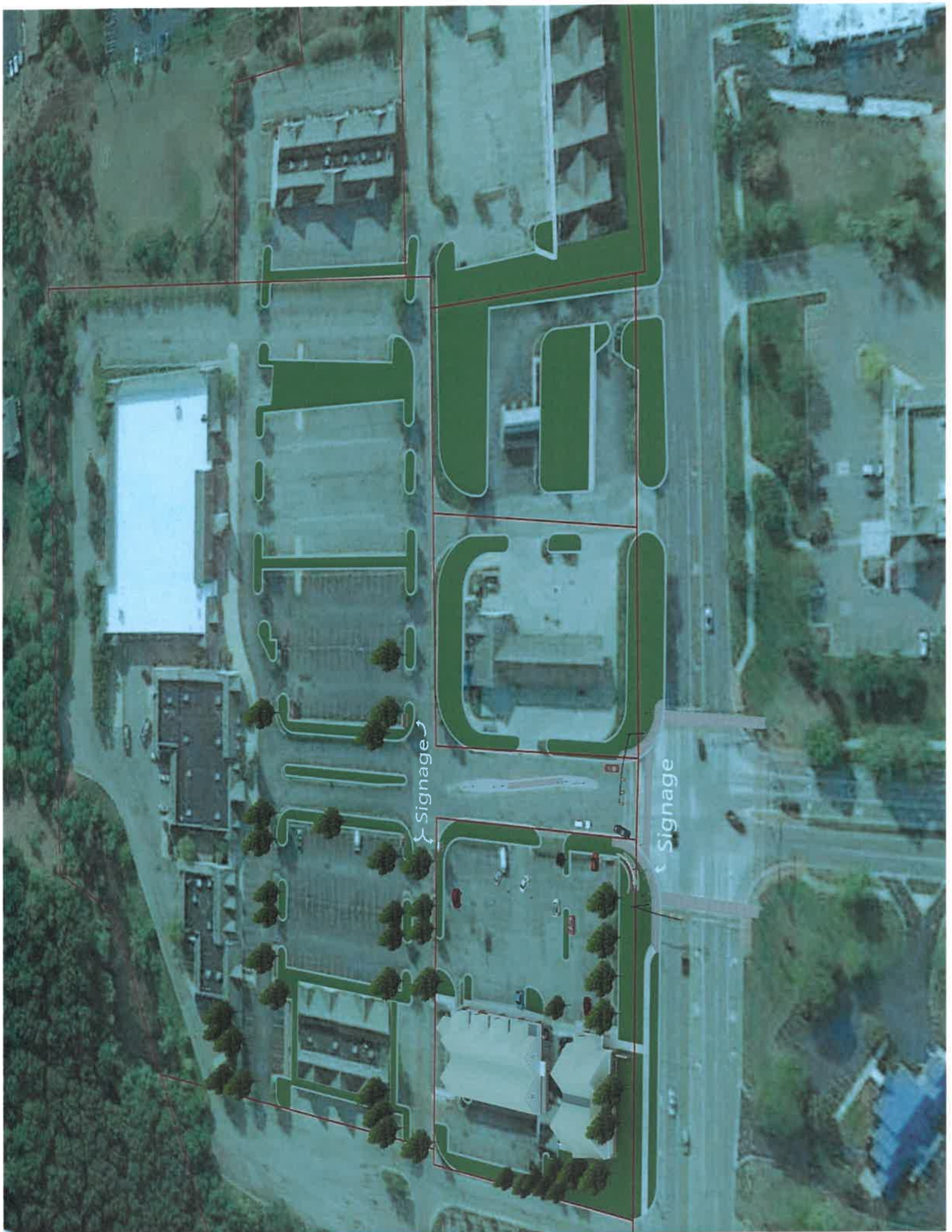


**South Elevation**  
 Scale: 1/8" = 1'-0"

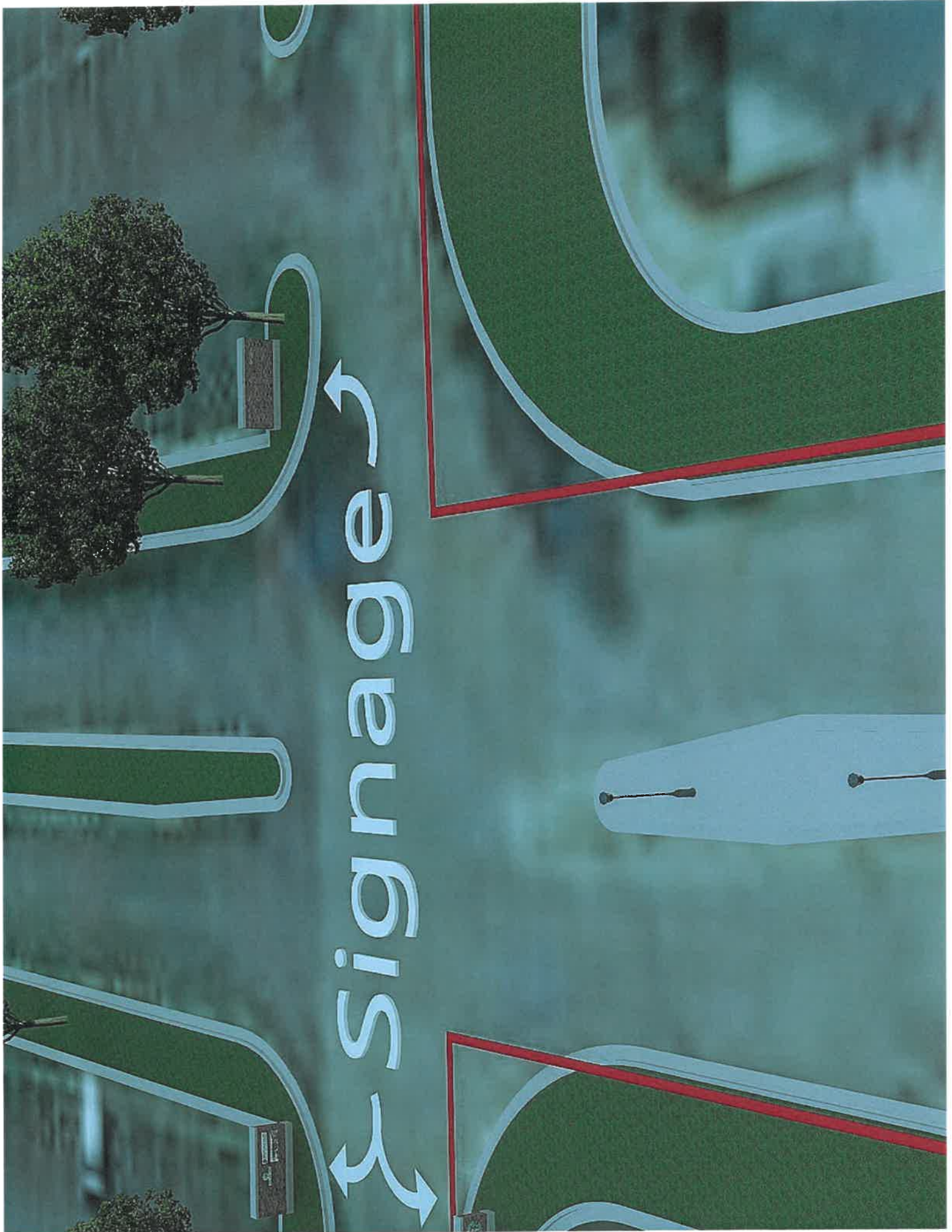
# Cascade Village Center

- INNOVATIONS
- Starbucks
- SHIELDON CLEANER
- CHOW HOUND PET SUPPLIES
- WALKABOUT
- WALKABOUT





# ↳ signage ↳



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## PLANNING COMMISSION MEMORANDUM

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**To:** Cascade Charter Township Planning Commission  
**From:** Steve Peterson, Community Development Director  
**Subject:** Zoning Amendment short term tent sales  
**Meeting Date:** June 11, 2018

---

Section 4.18.2 regulates short term outdoor tent sales. One of the provisions in this section is the prohibition of alcohol for the event. We have found that the township has granted permits in the past for tent sales that did include alcohol. I would like to discuss the idea of modifying this section that would permit alcohol provided an applicant is able to secure their liquor license from the state.

Please review this section of the zoning ordinance and be prepared to discuss. Any amendment will require a public hearing at the Planning Commission

**Attachments:** Section 4.18 of zoning ordinance

# CHAPTER 4 General Provisions

## Section 4.15: Building Setback, Front Yard - Determination

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

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

## Section 4.16 Buildings, Moving:

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

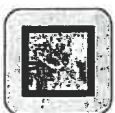
## Section 4.17 Buildings, Razing:

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

## Section 4.18 Buildings and Structures, Temporary:

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

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



# CHAPTER 4 General Provisions

- d. The structure will be in place for less than 72 hours.
  - e. The event does not directly or indirectly involve the sale, distribution or consumption of alcoholic beverages.
  - f. The event is a public service event or an event sponsored by an existing business located on or adjacent to the parcel on which the structure is to be located and that the merchandise, services or goods displayed within the structure are of the variety normally offered by an existing business.
3. Permits for the temporary placement of mobile homes for occupancy on property at which a principal dwelling has been damaged or destroyed by fire, wind, flood or Act of God may be issued by the Building Inspector upon approval by the Planning Director according to the following criteria:
- a. Sufficient domestic water supply and toilet facilities are provided.
  - b. All construction and all plumbing, electrical apparatus and insulation within the mobile home shall be of a type and quality conforming to or exceeding the "Mobile Home Construction and Safety Standards", as promulgated by the United States Department of Housing and Urban Development, (24 CRF 3280), as amended. All dwellings shall meet or exceed all applicable roof snow load and strength requirements. All plumbing and electrical connections shall meet BOCA requirements.
  - c. The mobile home shall be located to conform to all locational requirements otherwise applicable to accessory buildings in the applicable zoning district except that it may be placed in the front yard.
  - d. The permit shall specify that the mobile home is temporary and that the permit shall expire after a reasonable specific time.
  - e. An occupancy permit for a rehabilitated or reconstructed dwelling unit damaged or destroyed by such causes that warrant the issuance of a permit for a temporary mobile home for occupancy shall not be issued until it has been removed or an approved performance guarantee for its removal is deposited with the Township Clerk.

2. Other Temporary Structures:

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

### Section 4.19 Dwellings - Single-Family:

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

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



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## PLANNING COMMISSION MEMORANDUM

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**To:** Cascade Charter Township Planning Commission  
**From:** Steve Peterson, Community Development Director  
**Subject:** Pool fence/covers  
**Meeting Date:** June 11, 2018

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The current Building code and Zoning code are different when it comes to pool fence/cover regulations. I would like to introduce an idea to update the zoning ordinance to be in-line with the building code.

Currently pool fencing is addressed in our zoning ordinance in section 4.10. It essentially mimicked the old build code by requiring fencing in most cases. The building code was update a couple years ago and now allows for automatic pool covers. We have discussed this change with our township attorney and building dept. both of them agree that we should update our zoning code so that it is consistent with the building code.

I have put together some suggested changes for your review. I am recommending that we hold a public hearing and consider these changes. If you agree, we will notice the changes and get the public hearing scheduled (probably for the early August meeting).

**Attachments:** existing zoning code  
Existing building code  
Proposed zoning language

# CHAPTER 4 General Provisions

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

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

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

- h. An applicant for a building permit for an antenna can appeal a decision of the planning director and/or building official to the Township Board pursuant to subsection (k) below.
- i. A special use permit, under the provisions of Chapter 17, shall be required prior to the erection of antennas having one or more of the following characteristics:
  - 1) Any wireless communications support structure as defined in Subsection 3 of Article I, Chapter 342, Part II of the Cascade Charter Township General
  - 2) Any dish antenna exceeding ten (10) feet in diameter.
- j. For purposes of this chapter, an "amateur radio antenna" shall be defined as an antenna operated for the purpose of receiving or transmitting communication by radio stations as described in Section 153(q) of Title 47 of the US Code, and which is operated under license issued by the Federal Communications Commission ("FCC"). Amateur radio antennas shall not be subject to the requirements of this section, except as follows. No outdoor amateur radio antenna shall be installed until and unless township approval is obtained and a building permit for an amateur radio antenna has been issued by the township for the amateur radio antenna. Township approval for an amateur radio antenna is not transferable and shall automatically expire when the person granted the approval no longer owns the property involved or that person's license from the FCC is no longer valid. The township shall not issue a building permit for an amateur radio antenna until the applicant has presented proof of a current FCC license and the following requirements are met:

- 1) If the antenna is to be installed in a rear yard, side yard, or on the roof, the permit shall be issued upon presentment of the FCC license to the building inspector.
- 2) No permit shall be issued for the installation of antenna in the front yard unless the requirements of subsections (a) through (g) above have been met.

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

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

- 2. **Swimming Pools:** Prior to the issuance of a building permit for the construction of an outdoor swimming pool in any zoning district the following provisions must be satisfied.
  - a. An application for permit, accompanied by a complete and detailed set of plans and specifications of the swimming pool, fencing and related equipment, meeting as a minimum the following standards.
    - i. Adherence to the locational requirements for structures not classified as buildings, [Section 4.08(4)(b)].
    - ii. Any electrical wiring within twenty-five (25) feet of the water's edge of the pool shall be



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# CHAPTER 4 General Provisions

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

- iii. There shall be no cross-connections of any public water supply with any other source of water supply for the pool. The line from the public water supply to the pool shall be protected against back flow of water by means of an air gap and shall discharge at least six (6) inches above the maximum high-water level of the makeup tank or the pool.
- iv. The drain line for the pool shall be connected to a storm sewer if one is available. Where a storm sewer is not available, the pool drain may be drained in a manner approved by the Township's Building Inspector or Engineer. No pools shall drain into public or private sanitary sewer or septic systems. All drain connections shall be approved by the Building Inspector or Township Engineer before final approval is given.
- v. All swimming pools shall be enclosed by a fence of a type not readily climbed by children, which shall be at least four (4) feet in height from the ground level. However, if the entire yard of the residence is enclosed, then this provision may be waived by the Building Inspector upon inspection and approval of the yard's enclosure, or if the pool is of a portable type, with a wall height of at least four (4) feet above the surrounding ground surface, and of such construction as not to be readily climbed by children, then the ends of the fence may be attached to the pool structure and the fence need be erected only around the immediate area of the ladder and other means of access to the pool. Gates shall be of self-closing latch type with the latch on the inside of the gate, not readily available for children to open. Pools shall be enclosed by such a fence before water is placed in the pool.

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

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

### Section 4.11 Animals and Fowl, Domesticated - Keeping of:

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

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

### Section 4.12 Area or Space Required:

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



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Parking & Access  
Landscaping

**Steve**

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**From:** Steve  
**Sent:** Tuesday, May 01, 2018 9:06 AM  
**To:** John M. Huff - Varnum (jmhuff@varnumlaw.com)  
**Subject:** swimming pools  
**Attachments:** SKM\_C30818050108340.pdf

John, here is the section from the zoning ordinance dealing with pools. I have used strikethrough and highlights to show what I would suggest we add and delete. Let me know what you think. I have also attached the section of the building code that Building dept uses.

2. **Swimming Pools:** Prior to the issuance of a building permit for the construction of an outdoor swimming pool in any zoning district the following provisions must be satisfied.
- a. An application for permit, accompanied by a complete and detailed set of plans and specifications of the swimming pool, fencing and related equipment, meeting as a minimum the following standards.
    - i. Adherence to the locational requirements for structures not classified as buildings, [Section 4.08(4)(b)].
    - ii. Any electrical wiring within twenty-five (25) feet of the water's edge of the pool shall be placed underground and in an appropriate conduit approved for such purposes. No electric wires of any kind shall cross or be over the water surface. Any underwater lighting shall be accomplished by the use of methods and materials approved for such purposes. All electrical equipment and related components shall conform to the current National Electrical Code, as adopted by the Cascade Charter Township Board.
    - iii. There shall be no cross-connections of any public water supply with any other source of water supply for the pool. The line from the public water supply to the pool shall be protected against back flow of water by means of an air gap and shall discharge at least six (6) inches above the maximum high-water level of the makeup tank or the pool.
    - iv. The drain line for the pool shall be connected to a storm sewer if one is available. Where a storm sewer is not available, the pool drain may be drained in a manner approved by the Township's Building Inspector or Engineer. No pools shall drain into public or private sanitary sewer or septic systems. All drain connections shall be approved by the Building Inspector or Township Engineer before final approval is given.
    - v. All swimming pools shall be enclosed by a barrier in compliance with the building code as adopted by Cascade Charter Township Board. ~~fence-of-a-type-not-readily climbed-by-children, which shall be at least four (4) feet in height from the ground level. However, if the entire yard of the residence is enclosed, then this provision may be waived by the Building Inspector upon inspection and approval of the yard's enclosure, or if the pool is of a portable type, with a wall height of at least four (4) feet above the surrounding ground surface, and of such construction as not to be readily climbed by children, then the ends of the fence may be attached to the pool structure and the fence need be erected only around the immediate area of the ladder and other means of access to the pool. Gates shall be of self-closing latch type with the latch on the inside of the gate, not readily available for children to open. Pools shall be enclosed by such a fence before water is placed in the pool.~~
  - b. Before a permit shall be issued, the plans and specifications shall be approved by the Building Inspector, and before any swimming pool shall be used, a final inspection and approval must be obtained from the Building Inspector. The Building Inspector shall have the right at any reasonable hour to inspect any swimming pool for the purpose of determining that all provisions of this Ordinance are fulfilled and complied with.

## CHAPTER 3

# GENERAL REQUIREMENTS

### SECTION 301 GENERAL

**301.1 Scope.** The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

**301.2 Responsibility.** The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

**301.3 Vacant structures and land.** Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

### SECTION 302 EXTERIOR PROPERTY AREAS

**302.1 Sanitation.** *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

**302.2 Grading and drainage.** *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

**Exception:** *Approved* retention areas and reservoirs.

**302.3 Sidewalks and driveways.** Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

**302.4 Weeds.** *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of viola-

tion, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

**302.5 Rodent harborage.** Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

**302.6 Exhaust vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

**302.7 Accessory structures.** Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

**302.8 Motor vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

**Exception:** A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

**302.9 Defacement of property.** No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.



### SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

**303.1 Swimming pools.** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

**303.2 Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the

## GENERAL REQUIREMENTS

gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

**Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

### SECTION 304 EXTERIOR STRUCTURE

**304.1 General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**304.1.1 Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

#### Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

**304.2 Protective treatment.** Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**[F] 304.3 Premises identification.** Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

permanent residential spas shall be controlled in accordance with the requirements of APSP 15.

### SECTION 304 FLOOD HAZARD AREAS

**304.1 General.** The provisions of Section 304 shall control the design and construction of pools and spas installed in flood hazard areas.

**[BS] 304.2 Determination of impacts based on location.** Pools and spas located in flood hazard areas indicated within the *International Building Code* or the *International Residential Code* shall comply with Section 304.2.1 or 304.2.2.

**Exception:** Pools and spas located in riverine flood hazard areas that are outside of designated floodways and pools and spas located in flood hazard areas where the source of flooding is tides, storm surges or coastal storms.

**[BS] 304.2.1 Pools and spas located in designated floodways.** Where pools and spas are located in designated floodways, documentation shall be submitted to the code official that demonstrates that the construction of the pools and spas will not increase the design flood elevation at any point within the jurisdiction.

**[BS] 304.2.2 Pools and spas located where floodways have not been designated.** Where pools and spas are located where design flood elevations are specified but floodways have not been designated, the applicant shall provide a floodway analysis that demonstrates that the proposed pool or spa and any associated grading and filling, will not increase the design flood elevation more than 1 foot (305 mm) at any point within the jurisdiction.

**[BS] 304.3 Pools and spas in coastal high-hazard areas.** Pools and spas installed in coastal hazard areas shall be designed and constructed in accordance with ASCE 24.

**[BS] 304.4 Protection of equipment.** Equipment shall be elevated to or above the design flood elevation or be anchored to prevent flotation and protected to prevent water from entering or accumulating within the components during conditions of flooding.

**304.5 GFCI protection.** Electrical equipment installed below the design flood elevation shall be supplied by branch circuits that have ground-fault circuit interrupter protection for personnel.

### SECTION 305 BARRIER REQUIREMENTS

**305.1 General.** The provisions of this section shall apply to the design of barriers for pools and spas. These design controls are intended to provide protection against the potential drowning and near drowning by restricting access to such pools or spas. These requirements provide an integrated level of protection against potential drowning through the use of physical barriers and warning devices.

**Exceptions:**

1. Spas and hot tubs with a lockable safety cover that complies with ASTM F 1346.

2. Swimming pools with a powered safety cover that complies with ASTM F 1346.

**305.2 Outdoor swimming pools and spas.** Outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7.

**305.2.1 Barrier height and clearances.** Barrier heights and clearances shall be in accordance with all of the following:

1. The top of the barrier shall be not less than 48 inches (1219 mm) above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (914 mm) measured horizontally from the outside of the required barrier.
2. The vertical clearance between grade and the bottom of the barrier shall not exceed 2 inches (51 mm) for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the barrier that faces away from the pool or spa.
3. The vertical clearance between a surface below the barrier to a solid surface, such as concrete, and the bottom of the required barrier shall not exceed 4 inches (102 mm) where measured on the side of the required barrier that faces away from the pool or spa.
4. Where the top of the pool or spa structure is above grade, the barrier shall be installed on grade or shall be mounted on top of the pool or spa structure. Where the barrier is mounted on the top of the pool or spa, the vertical clearance between the top of the pool or spa and the bottom of the barrier shall not exceed 4 inches (102 mm).

**305.2.2 Openings.** Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

**305.2.3 Solid barrier surfaces.** Solid barriers that do not have openings shall not contain indentations or protrusions that form handholds and footholds, except for normal construction tolerances and tooled masonry joints.

**305.2.4 Mesh fence as a barrier.** Mesh fences, other than chain link fences in accordance with Section 305.2.7, shall be installed in accordance with the manufacturer's instructions and shall comply with the following:

1. The bottom of the mesh fence shall be not more than 1 inch (25 mm) above the deck or installed surface or grade.
2. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not permit the fence to be lifted more than 4 inches (102 mm) from grade or decking.
3. The fence shall be designed and constructed so that it does not allow passage of a 4-inch (102 mm) sphere under any mesh panel. The maximum vertical clearance from the bottom of the mesh fence and the solid surface shall not be more than 4 inches (102 mm) from grade or decking.

## BUILDING PLANNING

not be located less than 3 feet (914 mm) below the roof ridge to allow for fire department smoke ventilation operations.

**Exception:** Where an alternative ventilation method approved by the code official has been provided or where the code official has determined that vertical ventilation techniques will not be employed, clearance from the roof ridge is not required.

### SECTION R325 MEZZANINES

**R325.1 General.** Mezzanines shall comply with Section R325.

**R325.2 Mezzanines.** The clear height above and below mezzanine floor construction shall be not less than 7 feet (2134 mm).

**R325.3 Area limitation.** The aggregate area of a mezzanine or mezzanines shall be not greater than one-third of the floor area of the room or space in which they are located. The enclosed portion of a room shall not be included in a determination of the floor area of the room in which the *mezzanine* is located.

**R325.4 Means of egress.** The means of egress for mezzanines shall comply with the applicable provisions of Section R311.

**R325.5 Openness.** Mezzanines shall be open and unobstructed to the room in which they are located except for walls not more than 42 inches (1067 mm) in height, columns and posts.

#### Exceptions:

1. Mezzanines or portions thereof are not required to be open to the room in which they are located, provided that the aggregate floor area of the enclosed space is not greater than 10 percent of the mezzanine area.
2. In buildings that are not more than two stories above *grade plane* and equipped throughout with an automatic sprinkler system in accordance with NFPA 13R or NFPA 13D, a mezzanine having two or more means of egress shall not be required to be open to the room in which the mezzanine is located.

### SECTION R326 SWIMMING POOLS, SPAS AND HOT TUBS

**R326.1 General.** The design and construction of pools and spas shall comply with the *International Swimming Pool and Spa Code*.