



CASCADE CHARTER TOWNSHIP

2865 Thornhills SE Grand Rapids, Michigan 49546-7140

NOTICE OF PUBLIC MEETING VIA VIDEO CONFERENCE

In accordance with Executive Order 2020-75, which declares that public bodies subject to the Open Meetings Act can use telephone and/or video conferencing technology to meet and conduct business during the ongoing COVID-19 pandemic, the Cascade Charter Township Planning Commission will conduct a regular meeting on Monday, July 13, 2020 at 7pm utilizing the Zoom video conferencing platform, for the purpose of conducting official business while complying with Executive Order 2020-77 and the Michigan Department of Health and Human Services recommendations designed to help prevent the spread of COVID-19. For up-to-date information regarding the ongoing public health crisis, please visit:

<http://www.Michigan.gov/coronavirus> or <http://www.CDC.gov/coronavirus>

INSTRUCTIONS FOR ACCESS AND PARTICIPATION

Please click the link below to join the webinar:

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Members of the public with disabilities may utilize the Michigan Relay System (7-1-1) to participate in the meeting. If other aids or services are needed for individuals with disabilities please contact the Township Deputy Clerk, Padley Gallagher, at pgallagher@cascadetwp.com or 616-949-1500 at least 24 hours prior to the meeting

PUBLIC PARTICIPATION

Members of the public will be able to listen to and view all discussion by the Planning Commission and all official materials for this meeting prepared for the Township Board will be

included in the meeting packet and available to the public on the Township website

www.cascadetwp.com

Individuals will be permitted to speak during public comment periods in accordance with the Township Remote Public Meeting Procedure Policy.

If you would like to contact the Township about any matter, on the agenda or otherwise, please do so via email at the addresses below a minimum of 8 hours prior to the meeting. If you wish comments to be read into the public record during the public comment period, you must indicate so and draft communication that can be read in the allotted 3-minute timeframe.

Clerk Sue Slater: sslater@cascadetwp.com

Manager Ben Swayze: bswayze@cascadetwp.com

Community Dev. Director: speterson@cascadetwp.com

AGENDA
Cascade Charter Township Planning Commission
Monday, July 13, 2020
7:00 pm
Virtual Zoom Meeting

- 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 June 8th, 2020 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 # 18-3450 Honeysuckle PUD
Property Address: 4862 Buttrick Ave
Requested Action: Consider recommendation to the Township Board for the PUD.**
- ARTICLE 7. Cascade Township
Requested Action: Consider recommendation to the Township Board regarding
off-street riding of motorcycles in residential zones.**
- ARTICLE 10. Any other business**
- ARTICLE 11. Adjournment**

Meeting format

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

MINUTES
Cascade Charter Township
Planning Commission
Monday, June 8th, 2020
7:00 P.M. Meeting via Zoom

ARTICLE 1. Chairman Rissi called the meeting to order at 7:00 P.M.
Members Present: Johnson, Krieter, Rissi, Katsma, Noordyke, Moxley, Slater, Rapin, Deering
Members Absent:
Others Present: Community Development Director, Steve Peterson and those listed on the participant list.

ARTICLE 2. Pledge of Allegiance to the Flag.

ARTICLE 3. Approve the current Agenda.

Motion was made by Member Katsma to approve the Agenda. Supported by Member Krieter. Motion carried 9 to 0.

ARTICLE 4. Approve the Minutes of the June 1, 2020 meeting.

Motion was made by Member Katsma to approve the minutes of June 1, 2020. Supported by Member Krieter. 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 #20-3583 Robinson Dental
Property Address: 5749 28th St SE

Requested Action: Consider recommendation to Township Board for P.U.D. ordinance amendment.

Director Peterson stated that Preliminary Approval was awarded at the last Planning Commission meeting, and Brian Hilbrands worked with the Applicant to write a text amendment for the P.U.D. Ordinance that will go in front of the Township Board for approval.

Director Peterson states that Staff recommends forwarding a positive recommendation to the Township Board. The Township Board will hold a public hearing to consider all of the proposed changes.

Member Johnson asked if the proposed P.U.D. Amendment is just the one page that was provided in the packet tonight. Director Peterson confirmed it is only one page.

Chairman Rissi invited the Applicant to comment.

Mr. Jeff Brinks (Venture Engineering) commented that he does not have any objections the Amendments that are proposed.

Motion was made by Member Johnson to recommend approval of the P.U.D. Ordinance Amendment to the Township Board. Supported by Member Moxley. Motion carried 9 to 0.

ARTICLE 7. Any Other Business

ARTICLE 8. Adjournment

Motion was made by Member Noordyke to adjourn. Supported by Member Slater. Motion carried 9 to 0. The meeting was adjourned at 7:07p.m.

Respectfully submitted,
Brett Katsma, Secretary

Memorandum

To: Cascade Charter Township Planning Commission
From: Steve Peterson, Community Development Director
Subject: #18-3450/Honeysuckle PUD
Meeting date: July 13, 2020

At the Public hearing on August 12, 2019 the Planning Commission awarded preliminary approval for a new residential PUD and instructed staff to write the PUD amendment for the project.

The PUD Ordinance has been reviewed by the applicant and addresses all of their comments as well as the approval from August 12, 2019. The applicant is now ready to proceed with the project. Since it has been some time since you last saw the project, I have included the staff report from the August meeting for your review. I recommend that you forward a positive recommendation to the Township Board for approval of the PUD amendment and site plan.

The Township Board will hold an additional public hearing to consider your recommendation.

Attachments: Proposed PUD Ordinance
Site Plan
August 12, 2019 staff report

CASCADE CHARTER TOWNSHIP
Ordinance # of 2020
AN ORDINANCE TO AMEND THE CASCADE CHARTER TOWNSHIP
ZONING ORDINANCE AND ZONING MAP TO ESTABLISH THE
HONEYSUCKLE
PLANNED UNIT DEVELOPMENT PROJECT.

Cascade Charter Township (the “Township”) Ordains:

Section I. An Amendment to the Cascade Charter Township Zoning Ordinance.

The application received from HH LLC (hereinafter referred to as the “Developer”) for Planned Unit Development designation for the proposed Honeysuckle Planned Unit Development Project (hereinafter referred to as the “Project”) was recommended by the Cascade Charter Township Planning Commission for approval at the _____, 2020 Planning Commission meeting. The Project is recommended for rezoning from R1, Single Family Residential to PUD, Planned Unit Development, thus permitting a site condominium development. This action requires an amendment to the Cascade Charter Township Zoning Ordinance and Zoning Map to incorporate the Planning Commission’s recommendations and the Cascade Charter Township Board of Trustees’ action on the _____, 2020.

Section II. Legal Description.

The legal description of the Project is made up of the following:

4862 Buttrick Ave - N 660 FT OF THAT PART NW 1/4 SW 1/4 LYING E OF CL OF BUTTRICK AVE EX E 300 FT * SEC 26 T6N R10W 9.08 ACRES.

4870 Buttrick Ave - THAT PT NW 1/4 SW 1/4 LYING NLY OF PM RR R/W & ELY OF CL OF BUTTRICK AVE EX N 660 FT * SEC 26 T6N R10W 8.50 A.

Section III. General Provisions.

The following provisions shall hereby apply to the Project, in addition to those provisions outlined in Chapter 16 of the Cascade Charter Township Zoning Ordinance (Ordinance No. 11 of 1988, as amended).

Section IV. Purpose.

The Project occupies approximately 17 acres of land in the Township. The Project will be a site condominium development containing 13 single-family site condominium units. Approximately 25% of the property is to be preserved as open space. This technique has been chosen by the

Developer to give it and the eventual owners of each unit more control over the Project's aesthetics and appearance. This development technique provides the Developer with the ability to develop the Project in a manner to meet market expectations where more traditional mechanisms such as creating subdivision plats do not.

The regulations contained herein are established to define the procedures necessary to ensure high quality development in the Project. Additionally, they are designed to achieve integration of this development with adjacent land uses.

Section V. Approval Limitations.

- A. The provisions of this Ordinance/Ordinance amendment ("this Ordinance") are not intended as a substitute for the Cascade Charter Township Zoning Ordinance and the General Development Plan, nor do they in any way relieve the Developer from obtaining all approvals and permits required by the Township, except as otherwise expressly provided herein. In the event that a development issue or site plan element is not expressly addressed by this Ordinance, the specifications and requirements of the Cascade Charter Township Zoning Ordinance shall apply. Furthermore, all other applicable Cascade Charter Township ordinances shall still govern the Project where applicable.
- B. Except as expressly otherwise provided herein, the Developer and his assigns must meet all applicable provisions, ordinance requirements, and regulations of Cascade Charter Township, as well as federal and state law, and must obtain all necessary approvals from state and county governmental agencies that are required for construction, operation, or use.
- C. This PUD approval is expressly contingent upon all conditions of approval herein remaining fully effective and valid. If any condition imposed herein is determined to be illegal or contrary to law as a result of a successful legal challenge by the Developer or its assigns, or any other party, the Township reserves the right to review the entire Project under the PUD provisions of the Cascade Charter Township Zoning Ordinance, and further, to withdraw its approval of this PUD if the Township finds that, absent the effect of any condition imposed herein, the PUD no longer meets the standards for PUD approval contained in the Zoning Ordinance.
- D. All conditions contained herein and in the final approved site plan shall be binding upon the Developer, as well as its successors, tenants and assigns. The conditions may be modified or amended only pursuant to a formal amendment of the PUD approval, approved site plan, and ordinance amendment. The Project must be constructed and operated, and all properties therein used, in strict compliance with the PUD approval (including this Ordinance and the final approved site plan), and no deviations can occur without prior formal written approval by the Township. So-called minor deviations shall not occur unilaterally by the Developer or its successors, tenants, or assigns. Any deviation without prior formal written approval by the Township will constitute a violation of this Ordinance and the Cascade Charter Township Zoning Ordinance.

- E. This approval document shall be recorded with the Kent County Register of Deeds by the Developer prior to construction occurring on site and shall run with and bind the lands involved. Copies of this recorded document shall be supplied by the Developer to the Cascade Charter Township Clerk.**
- F. Failure to comply with the site plan or any condition of approval herein shall be deemed to be both a nuisance per se and a violation of the Cascade Charter Township Zoning Ordinance.
- G. Prior to recording a copy of this document as specified in Section V(E) hereof, the Developer shall type the following statement onto the end of this document (or add an additional page to the document) as follows, and shall sign and date the same:**

“I, James Dykema, have fully read the above PUD ordinance amendment, understand its provisions and fully agree with all requirements and conditions contained in the same, on behalf of myself and my assigns, successors and transferees in and to the property involved.”

Section VI. Site Condominium Documents and Plans.

- A. Specific controls relating to architectural elements, common elements of the site condominium project, construction materials, size and space requirements, improvements and out buildings, specific prohibitions and rules of conduct shall be governed by site condominium bylaws and master deed. These restrictions shall become part of this Ordinance by reference.
- B. The Project shall be developed exactly in accordance with the site plan approved and signed by the Township. The site plan shall indicate where each building envelope will be located and shall provide appropriate measurements demonstrating compliance with Section 16.11(2) of the Zoning Ordinance. Engineering plans and documents relating to utilities, topography, drainage, and the survey of the Project shall be reviewed and approved by the Township Engineer. Approval of these documents shall be based upon their meeting the requirements of Section 16.11(4) of the Zoning Ordinance and also meeting recognized, acceptable engineering standards and practices. Once it has been determined that the plans have met Township requirements, the Township Engineer shall sign and mark these plan documents as “Approved,” and forward them to the Developer. Only approved plan documents shall be recorded with the appropriate county and state agencies.
- C. The number of building sites may be reduced or consolidated within the Project only after the review by and written approval of the Township Planning Department. The proposed changes to the site/survey plan to reduce or consolidate building sites shall be reviewed by the Planning Department to ensure compliance with the Cascade Charter Township Zoning Ordinance, this PUD Ordinance, and any other requirements. Once approved by the Planning Department, the amended

site/survey shall then be recorded with the Kent County Register of Deeds Office and the appropriate state agencies by the Developer at his cost. A copy of the recorded site/survey plan shall be forwarded to the Planning Department, so that accurate files regarding the development can be maintained.

Section VII. Permitted Uses.

The permitted uses for the Honeysuckle PUD are as follows:

- A. Single Family Residences.
- B. Accessory buildings customarily incidental to a single family residence, subject to the provisions of Section 4.08 and 4.09 of the Cascade Charter Township Zoning Ordinance, as it may be amended.
- C. Signs. All signs for the Project shall conform with Section 6.02 of the Cascade Charter Township Sign Ordinance (Ordinance 14 of 1997, as amended).

Section VIII. Design Guidelines, Requirements and Limitations.

The Project shall be developed in exact accordance with the site plan approved by the Township. No alterations, expansions or additions may occur as to the Project without a formal amendment to this Ordinance, unless expressly otherwise authorized herein.

- A. Maximum Number of Residential Units - The maximum number of single-family detached site condominium units within the Project shall be limited to thirteen (13) units.
- B. Maximum Building or Structure Height - 35 feet or 2½ stories whichever is the less.
- C. Setback Requirements

All site condominium buildings and structures shall meet the following minimum setback requirements:

- 1. Front Yard Setback: 35 feet
- 2. Side Yard Setback: minimum of 10 feet with both sides totaling at least 25 feet
- 3. Rear Yard Setback: 25 feet.

- D. Minimum Floor Area

Each dwelling on a site condominium unit shall contain a minimum of:

- 1. One Story & Bi-Level – 1,300 square feet on the main floor, top floor of a bi-level, finished livable area above grade level, exclusive of garages, decks, porches and breezeways.

2. Two Story – 1,600 square feet, with a minimum of 800 square feet on the first floor, finished livable area above grade level, exclusive of garages, decks, porches and breezeways.
- E. All access shall be from the new private road. No individual lot shall be permitted access to Buttrick Ave or 48th St.

Section IX. Private Street Development.

- A. The Developer shall submit a street construction, maintenance, and pavement plan consistent with Section 16.11(4)(f) of the Zoning Ordinance. The Developer may establish private streets to serve the Project provided the roads are constructed in accordance with the “Cascade Charter Township Engineering Design Requirements and Standards for Private Streets” and the following specifications:
1. The road grades shall not exceed a six percent (6%) grade. All grades shall be sufficient to allow safe ingress/egress of emergency vehicles.
 2. The private streets shall be posted with signs stating the street names. These signs shall be consistent with Kent County Road Commission standards and requirements and shall be installed at the Developer’s cost.
 3. Any private street shall intersect any public road at a 90 degree angle.
 4. Copies of any permits required by the Kent County Road Commission to connect the private street to any public road shall be provided to the Township Planning Department by the Developer.
- B. In accordance with Section G of the “Cascade Charter Township Engineering Design Requirements and Standards for Private Streets,” the Developer of the Project shall provide a disclosure statement on all property deeds to all owners of the private street, all those who utilize the private street and all persons securing a building permit to construct a building or structure served by the private street, by applying for and securing a building permit for construction of a building or structure that utilizes the private street, all such persons shall use the private street at their own risk and the Township (and its employees, officials, and agents) shall not be responsible for any aspect of the private street.
- C. In accordance with Section I of the “Cascade Charter Township Engineering Design Requirements and Standards for Private Streets,” it shall be the responsibility of the Developer and its successors or the individual property owners to fully maintain and keep the private access street in good repair at all times and to ensure that snow and ice is removed in a timely fashion during the winter.

- D. No combustible building materials may be erected on the Project until a temporary access road is constructed to within 100 feet of the furthest point of a structure. Such road shall be a minimum 18 feet wide and be able to support 20 tons on a single axle with dual wheels and standard road tires.

Section X. Temporary Buildings.

No structure of a temporary nature; trailer, tent or construction shack shall be constructed, placed or maintained within the Project except accessory to and during construction of any building or infrastructure improvement.

Section XI. Utilities.

- A. Water and Septic – The individual units in the Project will be served by individual private wells and individual private septic systems. Such systems shall be designed, installed, and maintained pursuant to all applicable requirements of the Kent County Health Department and the state of Michigan.
- B. The developer has also agreed to participate in a Special Assessment District to extend sewer and water along their frontage and into their development.
- C. Stormwater Drainage - All proposed stormwater drainage facilities shall be reviewed and approved by the Township Engineer, and the Kent County Drain Commissioner's office, and the Michigan Department of Environmental Quality (if it has jurisdiction) prior to the development of the Project. The Developer shall provide the Township Planning Department with copies of all correspondence and permits received from the Kent County Drain Commissioner and the Michigan Department of Environmental Quality regarding stormwater disposal.
- D. The Developer shall provide all necessary easements within the Project for telephone, electricity, gas and cable television to the appropriate utility provider without cost. Said easements shall be recorded with the Kent County Register of Deeds and be provided to each utility provider for their records.

Section XII. Soil Erosion Control Requirements.

The Developer shall submit a soil erosion control plan showing all temporary and permanent soil erosion control measures to be taken before, during, and after construction on the Project. This plan shall be reviewed and approved by the Township Engineer prior to commencing any excavation on the site.

Section XIII. Performance Guarantee.

To ensure compliance with this Ordinance and any conditions herein, the Township may require reasonable performance guarantees to ensure completion of improvements such as, but not limited to, landscaping, drainage, lighting, roads, and utilities. The Township Board, Engineer, or Planning Department may require such guarantees at any time they deem reasonably necessary to

ensure completion of the improvements. The form (including the bank or surety involved), duration, and amount of the performance guarantee as shall be approved by the Township.

Section XIV. Permanent Common Open Space.

The permanent common open space area is to remain in its present undeveloped state in perpetuity. To ensure this occurs, the following regulations shall apply to the permanent common open space area:

- A. No buildings, structures, fences, or driveways shall be erected, constructed or placed within the common open space area. All improvements shown on the approved site plan dated _____, may encroach into this area provided they are consistent with the development plan for this Project.

Section XV. The Gerald R. Ford International Airport.

Within the recorded Master Deed, the Developer shall expressly disclose in writing that the Project is located in the vicinity of the Gerald R. Ford International Airport and that there may be noise, vibration, and property valuation impacts associated with such location.

Section XVI. Consistency of the Master Deed and/or Deed Restrictions/Covenants with the PUD Approval.

If the Project will be a condominium project (in whole or in part), the master deed (and attachments) shall be reviewed and approved by the Township Attorney prior to final recording to ensure consistency with this Ordinance. If some or all of the Project will be governed by deed restrictions/restrictive covenants apart from a condominium master deed, such deed restrictions/restrictive covenants shall be reviewed and approved by the Township Attorney before recording to ensure consistency with this Ordinance.

Section XVII. Consistency With Planned Unit Development (PUD) Standards.

The rezoning to Planned Unit Development will result in a recognizable benefit to the ultimate users of the Project and to the community. Current and future residents will recognize the benefits of a residential development that offers a low-density land use.

In relation to the underlying zoning (R1) the Township finds the Project will not result in a material increase in the need for public services, facilities and utilities and will not place a material burden upon the subject property and the surrounding properties. The Project is not anticipated to cause undo impact to the stormwater drainage of the surrounding area. All stormwater and soil erosion control plans have been approved by the Township Engineer and the appropriate County and State agencies.

The Project has been determined by the Township to be compatible with the 2019 Comprehensive Plan of the Township and with the spirit and intent of the Planned Unit Development Chapter of the Zoning Ordinance. The Project has been determined to be a “Residential” use, which is consistent with the Cascade Township Comprehensive Plan.

STAFF REPORT

TO: Cascade Charter Township Planning Commission
FROM: Steve Peterson, Community Development Director
REPORT DATE: July 24, 2019
MEETING DATE: August 12, 2019
CASE: #18-3450/ Honeysuckle Hill

GENERAL INFORMATION

- A. Applicant: Dykema LP
1730 Three Mile Rd NE
Grand Rapids MI 49505
Telephone: 363-6895
Email: mberg@dykemaexcavators.com
- B. Status of Applicant: Owner/developer
- C. General Location: The property is located on the south side of 48th st just west of
Whitneyville Ave.
- D. Requested Action: Rezone approximately 17 Acres to PUD to allow for 13 single
family home sites.
- E. Existing Zoning on Subject Parcels: R1, Residential
- F. Zoning on Adjoining Parcels: R1, Residential
- G. Parcel Size: two properties totaling Approximately 17 acres
- H. Existing Land Use on Subject Parcel: Vacant
- I. Adjacent Area Land Uses:
North - I-96
East - Residential
South - Railroad
West - Residential

STAFF ANALYSIS

- A. The applicant is requesting Preliminary Plan Approval in order to rezone approximately 17 acres for a Planned Unit Development called Honeysuckle Hill. This request would allow for a total of 13 single-family home sites.
- B. The property is zoned R1, single-family, and is Master Planned Suburban Residential, which is essentially the same.
- C. The applicant has drawn a test plan showing how the property could be developed with 13 lots using a combination of six lot splits and PUD rezoning for seven lots.
- D. After basic plan review by the Planning Commission, the Township required that they rezone the entire project as one site condominium rather than have a combination of lot splits and site condominium lots. We also required that the plan be revised to remove any storm water detention system from lots and place it in the common open space.
- E. The development is designed using the 25% open space method. This requires a minimum lot size of 40,000 sq ft. However, because lots 1,2 and 5 have been revised to eliminate the detention system from the lot area they are under the 40,000 sq ft.
- F. The lots range in size from 35,813 sq ft to 38,605. This is the only exception that they are asking for and if not approved they could simply include the detention areas in the lots and meet the requirement.
- G. The development will be served by wells and septic. The applicant has received approval from the KCHD. The property is located in the sewer water service area so an agreement to participate in the SAD would be appropriate to include the PUD ordinance.
- H. The open space that is being provided is located along the railroad and in the NE corner of the project adjacent to the nearest homes which are off from Whitney Pines (a small private drive on from 48th st).
- I. The developer has received approval for the street name and location of the curb cut from the KCRC. The engineer has approved the design of the road.
- J. Access for all of the lots will be from the private street only, no access will be granted to Buttrick or 48th st.
- K. No sidewalks are planned for the project, and would not connect to any planned or future pathways.
- L. This area is zoned R1 but does not include any street lights and I would not recommend requiring them given the location of the subdivision.
- M. The developer has not indicated the minimum size for the homes. In the R1 zone we require a minimum of 1,300 sq ft for a one story and a 1,600 sq ft for a two story.5700 an

N. Traffic counts on Buttrick ave and 48th are 918 and 5,700 respectively. According to the KCRC a two lane road has the capacity for about 10,000 cars. A 13 unit single family subdivision would add about 130 trips to the current traffic count.

O. They will need to submit the site condominium documents to our attorney for review.

P. As with all our residential project they will have an airport recognition statement in the PUD Ordinance.

Q. 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 R1 and the developer has shown how they could meet our requirement for 13 lots as a combination of a subdivision and lot splits. Allowing a couple of smaller lots to avoid issues with the detention system and having it all under one subdivision would make for a much cleaner subdivision.
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 development is very similar to the surrounding projects and being consistent with the underlying zoning 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	met.

required by this Ordinance with respect 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	met

Staff Recommendation

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

Memorandum

To: Cascade Charter Township Planning Commission
 From: Steve Peterson, Community Development Director
 Subject: Motorcycles in the Residential zones
 Meeting date: July 13, 2020

The Township Board has asked the Planning Commission for help with a complaint regarding someone riding motorcycles in the residential zone. Resident in the Goodwood neighborhood had been riding his motorcycles off the streets in the neighborhood. The complainant went to the Township Board to ask them to prohibit them from riding motorcycles.

Options to consider

Allow the KCSD to continue to enforce these types of matters under our existing general ordinances	We already have a noise ordinance and a disorderly conduct ordinance. These are general ordinances that are enforced by the KCSD	Allows the KCSD to use their discretion on what should be prohibited. According to our township attorney this is probably the most likely method to be upheld in court.
Prohibit motorcycles in the R1 and R2 zone	Would require a zoning amendment	We don't typically regulate activities in the zoning ordinances but rather land uses. Would be the most difficult method to enforce since the activity would likely occur when staff is not in the office. Possibility of similar uses creating a similar noise complaint. Possibility that some of the larger properties use motorcycles, especially in the R1 zone, without any issue. What would happen if they used a 4-wheel vehicle?
Use of decibel levels for enforcement	Would require a new general ordinance	Very difficult to uphold in court and would most likely capture other noises besides motorcycles.
Require the use of motorcycles in the residential zone to have a minimum lot area.	Could be in either a general ordinance or zoning ordinance.	Again, this type of activity is better suited to being enforced by the KCSD. this would require the KCSD to gather minimum lot size information. What criteria would we use to pick the minimum lot size?

I am only aware of one other similar complaint. This current matter also occurred during the pandemic when everyone was at home at looking for things to keep them occupied. It should be considered a rather isolated incident and not a recurring township problem.

Staff has contacted the Township Attorney and asked for their opinion on how best to regulate this matter. They have indicated that this type of complaint is very difficult to enforce, may result in unintended consequences and that zoning ordinance regulation is probably the least desirable method. The most effective method is to allow the KCSD to continue to enforce matters like these under the existing ordinances, such as disorderly conduct or the noise ordinance.

Once you feel that you are well enough informed you will need to make a recommendation to the Township Board. If you believe this is worthy of a zoning ordinance amendment then you will need to hold a public hearing to consider the matter.

If you feel that this matter simply is not for the Zoning Ordinance then you can simply make that recommendation without having to do anything else.

Attachments: Noise ordinance
 Disorderly conduct ordinance
 Zoning Map

*Cascade Charter Township, MI
Tuesday, July 7, 2020*

Chapter 264. Noise

[HISTORY: Adopted by the Township Board of the Charter Township of Cascade 1-22-2003 by Ord. No. 1-2003. Amendments noted where applicable.]

GENERAL REFERENCES

Noise control at outdoor assemblies — See Ch. **103**.

Noise control at premises selling liquor — See Ch. **245**.

§ 264-1. Definitions.

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

AIRPORT

An area of land that is lawfully used for or incidental to the landing, take off and parking of aircraft, including buildings and facilities.

COMMERCIAL

A use of property for purposes other than residential.

CONSTRUCTION

Any site preparation, assembly, erection, substantial repair, alteration or similar action, for or of public or private rights-of-way, structures, utilities or similar property.

EMERGENCY VEHICLE, MACHINERY OR ALARM

Any machinery, vehicle or alarm used, employed, performed or operated in an effort to protect or restore safe conditions in the community or for the citizenry or work by private or public utilities when restoring utility service.

EMERGENCY WORK

Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency or work by private or public utilities when restoring utility services.

PERSON

Any individual, firm, association, partnership, joint venture, corporation, limited liability company or other entity.

PROPERTY LINE

The imaginary line which represents the legal limits of property, including an apartment, condominium, room or other dwelling unit, owned, leased, or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on

a public street or other public right-of-way, the property line shall be the nearest boundary of the public right-of-way.

SOLID WASTE

Any garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste; provided, however, that this definitions shall not include hazardous waste, site-separated materials, source-separated materials, human body waste, liquid or other waste regulated by statute, ferrous and nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.

[Amended by Ord. No. 4-2005]

SOURCE-SEPARATED MATERIALS

Any recyclable materials, including but not limited to bottles, cans, newspapers, corrugated containers, metals, grass, leaves, brush and yard trimmings that are separated from solid waste prior to the collection of solid waste from a site of generation.

[Amended by Ord. No. 4-2005]

TOWNSHIP MANAGER

The Township Manager of Cascade Charter Township.

§ 264-2. Prohibited noises.

- A. General regulation. It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unreasonable, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any other person, resident or property owner within the Township.
- B. Specific prohibitions. The following activities and noises are prohibited if they produce clearly audible sound beyond the property line of the property on which they are conducted. These regulations apply to commercial properties, activities or uses between the hours of 10:00 p.m. and 7:00 a.m. and residential properties between the hours of 11:00 p.m. and 7:00 a.m.

[Amended by Ord. No. 4-2005]

- (1) The operation of power tools or equipment.
- (2) The sounding of any bell, chime, siren, whistle or similar device, except:
 - (a) To alert persons to the existence of an emergency, danger or attempted crime; or
 - (b) As provided in § 264-3.
- (3) The operation or playing of any radio, television, phonograph, audio equipment, drum or musical instrument; also, the creation or activity of music.
- (4) Construction, repair, remodeling, demolition, drilling or excavation work Monday through Sunday, except as permitted in § 264-3.
- (5)

The operation or use of any loudspeaker, sound amplifier, public address system or similar device used to amplify sounds indoors or outside the premises.

- (6) The creation of any loud, unnecessary noise in connection with the loading or unloading of any vehicle or the opening and closing or destruction of bales, boxes, crates or other containers.
 - (7) The use of any drums, loudspeakers, musical devices or other instruments or devices for the purposes of attracting attention by the creation of noise to any performance, show or sale or display of merchandise.
 - (8) The collection of solid waste and source-separated materials on any property that has a commercial and/or industrial use that is adjacent to a residential use.
- C. Special prohibitions. It shall be unlawful for any person to own, harbor or keep any dog which shall cause annoyance or disturbance at any time (24 hours a day) to people in the neighborhood or people on the streets of the neighborhood by loud or frequent or habitual barking, howling or yelping.
[Amended by Ord. No. 7-2003]

§ 264-3. Exemptions.

The following activities and noises are exempted from the requirements of § 264-2:

- A. Otherwise lawful regular or permitted activities or operations of governmental units or agencies.
- B. Emergency work necessary to restore property to a safe condition following a fire, accident or natural disaster or to restore public utilities, or to protect persons or property from an imminent danger.
- C. Devices or activity creating sound made to alert persons to the existence of an emergency, danger or attempted crime.
- D. Regular activities or operations of an airport.
- E. Any vehicle or equipment designed and used for the purpose of snow and/or ice removal when in use for such purposes.
[Amended by Ord. No. 4-2005]
- F. Other activities as approved by the Township as specified in § 264-4.

§ 264-4. Application for license to exceed noise limits.

- A. An application for a license to engage in any activity, noise or use which would otherwise violate § 264-2 of this chapter must be made in writing and submitted to the Township Clerk. Application shall be made at least 30 days prior to the date of the proposed use or event. The applicant requesting the license must be the taxpayer of record for the property on which the use or event will take place. The application shall contain all of the following information:
 - (1) Name and mailing address of the person making the application.

- (2) A statement of the type of event to take place which will require the license.
 - (3) The address and legal description of the property the event is to be held on.
 - (4) The date and hours during which the event will be conducted.
 - (5) An estimate of the maximum number of attendants expected at the event.
- B. Upon receipt of the application by the Township Clerk, copies of the application shall be forwarded to the Kent County Sheriff's Department and the Fire Chief serving the subject area, and to such other appropriate agencies as the Township Clerk shall deem necessary. Such officers and officials shall review matters relevant to the application, and, within 10 days of receipt thereof, shall report their findings and recommendations to the Township Manager.
- C. Within 20 days of the filing of the application, the Township Manager shall issue or deny a license. The Township Manager may attach reasonable conditions to the issuance of a license. Where conditions are imposed as prerequisite to the issuance of a license, or where a license is denied, within five days of such action, notice thereof must be mailed to the applicant, and in the case of denial, the reasons therefor shall be stated in the notice. A denial (or condition attached to an approval) may be appealed to the Township Board if the applicant files a written notice of appeal with the Township Clerk within 10 days of the date of the Township Manager's decision.

§ 264-5. Complaints; violations and penalties.

- A. **Complaints.** Complaints by a resident or property owner in the Township regarding any violations of this chapter shall be filed with the Township Manager or his/her designee. Complaints may be investigated after two complaints for the same violation on the same date are filed from residents who reside at different households.
- B. **Violations and penalties.** Any person who violates any provision of this chapter shall be responsible for a municipal civil infraction, subject to the penalties in Chapter 40, Article IV, Penalties for Misdemeanors and Municipal Civil Infractions.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

*Cascade Charter Township, MI
Tuesday, July 7, 2020*

Chapter 170. Disorderly Conduct

[HISTORY: Adopted by the Township Board of the Charter Township of Cascade 12-8-2010 by Ord. No. 13-2010; amended in its entirety 12-10-2014 by Ord. No. 13-2014. Subsequent amendments noted where applicable.]

Article I. General Prohibition

§ 170-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PUBLIC PLACE

Any street, alley, park, sidewalk, trail, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view or to which the public has access.

§ 170-2. Acts prohibited.

No person shall:

- A. Commit an assault, or an assault and battery, on any person.
- B. Engage in any disturbance, fight, or quarrel in a public place.
- C. Be drunk in any public place or under the influence of any narcotic drug in any public place.
- D. Engage in any indecent, insulting, immoral, or obscene conduct in any public place.
- E. Insult, accost, molest, or otherwise annoy, either by word of mouth, sign, or motion, any person in any public place.
- F. Collect or stand in crowds, or arrange, encourage, or abet the collection of persons in crowds for unlawful mischievous purposes in any public place to the annoyance or inconvenience of others.
- G. Jostle or roughly crowd persons in any street, alley, park, or public building.
- H. Loiter on any street or sidewalk or in any park or public building or conduct himself in any public place so as to obstruct the free and uninterrupted passage of the public.
- I.

- Willfully destroy, remove, damage, alter or in any manner deface any property not his or her own.
- J. Engage in peeping in the windows of any inhabited place.
 - K. Swim or bathe in any public place without wearing proper apparel.
 - L. Make any immoral exhibition or indecent exposure of his or her person.
 - M. Engage in any act of prostitution or gross indecency.
 - N. Solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act.
 - O. Attend, frequent, operate or be an occupant or inmate of any place where prostitution, gambling, the illegal sale of intoxicating liquor or narcotics, or where any other illegal or immoral business or occupation is permitted or conducted.
 - P. Disturb the public peace by loud, boisterous or vulgar conduct.
 - Q. Permit or suffer any place occupied or controlled by him to be a resort of noisy, boisterous, or disorderly persons.
 - R. Obstruct, resist, hinder, or oppose any member of the police force or any police officer in the discharge of his duties as such.
 - S. Knowingly furnish to any police officer or other official a false name, false address, or false information in connection with any arrest or investigation.
 - T. Knowingly make to any police officer a fictitious report of the purported commission of any crime or misdemeanor.
 - U. Trespass or unlawfully remain upon the premises of another to the annoyance or disturbance of the lawful occupant or his agent.
 - V. Prowl about on the private premises of any other person in the nighttime, without authority or the permission of the owner of such premises.
 - W. Wrongfully throw or propel any snowball, missile or object from any moving automobile.
 - X. Wrongfully throw or propel any snowball, missile or object toward any person or automobile.
 - Y. Smoke in any public park.

§ 170-3. Minor in possession of alcoholic liquors.

No person under the age of 21 years shall purchase, or knowingly possess or transport any alcoholic liquor, or knowingly possess, transport, or have under his control in any motor vehicle any alcoholic liquor unless said person is employed by a licensee as defined in Public Acts 1952, No. 227, as amended, and is possessing, transporting or having such alcoholic liquor in a motor vehicle under his control during regular working hours and in the course of his employment.

§ 170-4. Violations and penalties

Any person who violates any provision of this article shall be responsible for a criminal misdemeanor, subject to the penalties in Chapter 40, Article IV, Penalties for Misdemeanors and Municipal Civil Infractions.

Article II. Begging

§ 170-5. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings provided in this subsection, except where the context clearly indicates a different meaning.

ACCOSTING

Approaching or speaking to a person in such a manner as could cause the reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession.

ASK, BEG or SOLICIT

Means and includes, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining donations.

FORCING ONESELF UPON THE COMPANY OF ANOTHER

Continuing to ask, beg or solicit from a person after that person has made a negative response, blocking the passage of the individual addressed or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

§ 170-6. General regulations and prohibitions.

- A. It shall be unlawful for any person to ask, beg or solicit for money or other things of value:
- (1) On private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property.
 - (2) Within 15 feet of the entrance to or exit from any public toilet facility.
 - (3) Within 15 feet of an automated teller machine, provided that, when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility.
 - (4) Within any public transportation vehicle, or within 15 feet of any bus stop, taxi stand or public carpool lot.
 - (5) From any operator of a motor vehicle that is in traffic on a public street or right-of-way; provided, however, that this subsection shall not apply to services rendered in

connection with emergency repairs requested by the owner or passengers of such vehicle.

- (6) From any operator of a motor vehicle waiting to exit a private driveway onto a public roadway if the motor vehicle is within 50 feet of the intersection of the private driveway and public roadway.
 - (7) From any person who is waiting in line for entry to any building, public or private, including, but not limited to, any residence, business or athletic facility.
 - (8) Within 15 feet of the entrance or exit from a building, public or private, including, but not limited to, any residence, business or athletic facility.
- B. Notwithstanding the foregoing, nothing herein shall be interpreted to prohibit related parties from asking for money or other things of value from one another.

§ 170-7. Additional prohibitions.

It shall be unlawful for any person to solicit money or other things of value by:

- A. Accosting another; or
- B. Forcing oneself upon the company of another.

§ 170-8. Violations and penalties.















Any person who violates any provision of this article shall be responsible for a criminal misdemeanor, subject to the penalties in Chapter 40, Article IV, Penalties for Misdemeanors and Municipal Civil Infractions.

Cascade Charter Township

Kent County, Michigan October 2018

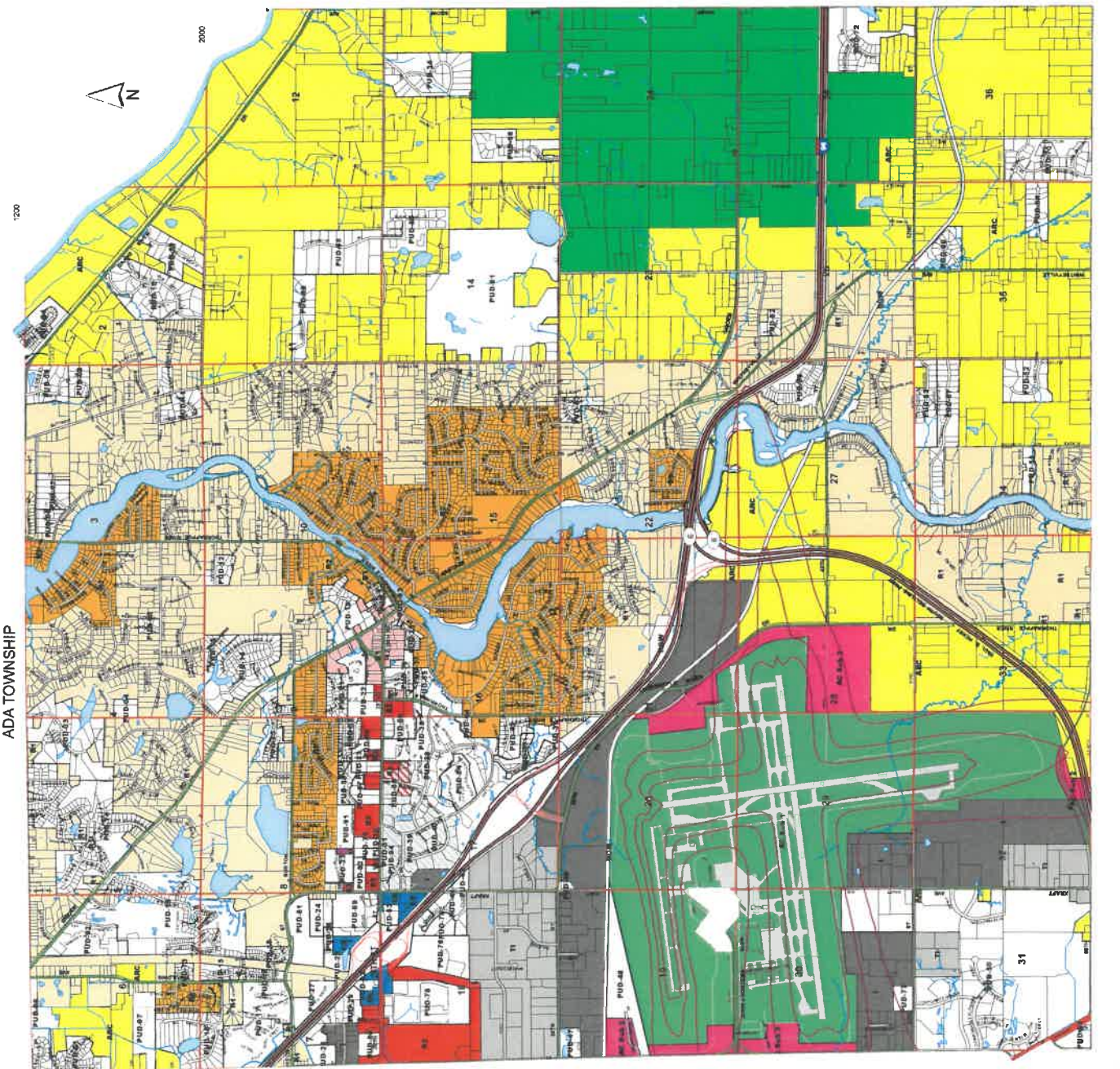
Official Zoning Ordinance Map

Legend

- | | |
|---|---|
|  Airport Noise Contours 2005 |  B2, General Business |
|  FP, Farmland Preservation |  B1, Village Business |
|  ARC, Agriculture Rural Conservation |  ES, Expressway Service |
|  T1, Transitional Industrial |  O, Office |
|  I, Industrial |  Airport Commerce Sub Zone 1 |
|  R1 |  Airport Commerce Sub Zone 2 |
|  R2 |  Centennial Park Overlay Zoning District |
- conditional rezoning 2788 Orange Ave., 3/14/18
 Planning Department
 P.O. Box 310, P.O. Box 310

Planned Unit Development List

- 1-Eastmont Meadows - #2 of 1982, #6 of 1999
- 2-Golden Office Park - #6 of 1999
- 3-Tammaron North - #10 of 1989, #6 of 1994
- 4-Fountain Estates - #4 of 1991
- 5-Timbers - #2 of 1991
- 6-Spartan Acres - #13 of 1983, #6 of 1998
- 7-Venuefield - #15 of 1992
- 8-Lunar Pines - #9 of 1991
- 9-Old Elm - #24 of 1984
- 10-Highgrove - #23 of 1994
- 11-Timber Canyon Estates - #7 of 1991
- 12-Rivewood #10 of 1998
- 13-Cascade Lakes Plat #2 of 1988, #1 of 1997
- 14-Cascade Lakes - #10 of 1995, #10 of 1998
- 15-Watermark - #10 of 1997, #6 of 2003
- 16-Tall Pines - #16 of 1994
- 17-Oak Crest - #2 of 1983, #12 of 1985
- 18-Burton Pointe - #14 of 1989, #6 of 1998
- 19-Thompson Centre - #5 of 1982, #1 of 2001
- 20-Cascade Christian Church - #15 of 1994
- 21-Grenoble - #6 of 1985, #6 of 2000
- 22-Cascade East - 1978
- 23-Charm Woods - 1972
- 24-MVP - #10 of 2008
- 25-Home Design Center - #6 of 1988, #3 of 1993
- 26-Spruce Meadows - #4 of 1984, #1 of 2007
- 27-Highridge - #4 of 1989, #16 of 2000
- 28-Patterson Ice Center - #10 of 1984
- 29-108 Office Park - #11 of 1984, #12 of 1987
- 30-Sports and Recreation - #4 of 1995
- 31-Burger King - 1981
- 32-Expansive - #6 of 1986, #20 of 2000
- 33-Thompson Land Company - 1979
- 34-Crestwood Hills - #4 of 1987
- 35-Nolo - #11 of 1990, #5 of 1999
- 36-Nolo - #13 of 1995
- 37-Kochens By Stephanie - #13 of 1989
- 38-Northern Benefits - #15 of 1995
- 39-Centennial Park - 1973, #3 of 2013
- 40-Sunrise Senior Living - #12 of 2005
- 41-Glenwood Hills - #5 of 1986
- 42-Joshua Pacific - #5 of 1987
- 43-Thompson Estates - #9 of 1989, #7 of 1998
- 44-Heathmoor - #6 of 1991
- 45-Meadowood Trails - #5 of 1988, #6 of 1989
- 46-Grookers 35th St. - #14 of 1982
- 47-Patterson 35th St. - #9 of 1982
- 48-KCRC Facility - #7 of 1988
- 49-LaTourneau - #6 of 1989
- 50-Meadowood Business Park - #2 of 1988, #10 of 2003
- 51-Midwood Creek - #2 of 1995
- 52-Bullneck Country Estates - #16 of 1980, #6 of 2001
- 53-Signature Inns - #15 of 1987
- 54-Ada Mornings - #13 of 2003
- 55-Sentinel Pointe - #6 of 1984, #1 of 2016
- 56-Open
- 57-Caravella Village #7 - #17 of 1985
- 58-Thompson Manor - #2 of 1998, #2 of 2004
- 59-Pleasant Falls - #11 of 1998
- 60-Whitneyville Station - #4 of 1998
- 61-Quail Ridge - #7 of 1999
- 62-Thompson Meadows - #6 of 1989
- 63-Humans Way - #10 of 2000, #1 of 2001
- 64-Lunar Ridge - #14 of 2000
- 65-Suburban Estates - #6 of 2001
- 66-Suburban Hills - #7 of 2001
- 67-East Imports - #1 of 2004, #6 of 2004, #6 of 2017
- 68-Caravella Mixed Use - #2 of 2002, #18 of 2003
- 69-Melje/Romano - #11 of 2002
- 70-Summermet - #12 of 2002
- 71-Bitten Automotive - #18 of 2002
- 72-Clear Meadow - #3 of 2003
- 73-Park Plaza Condominium - #11 of 2003
- 74-Manchester Woods Shoreshire - #3 of 2004
- 75-Cascade Points - #4 of 2004
- 76-Vitality Shoppes - #6 of 2004
- 77-Spruce Realty - #10 of 2004
- 78-Glenwood Hills Office Park #3 - #6 of 2004
- 79-Cascade Engineering Corp Office - #14 of 2004
- 80-Ribbel Development - #2 of 2005, #7 of 2017
- 81-YMCA - #7 of 2014
- 82-Kraft St Partners - #6 of 2005
- 83-Anderson Woods - #9 of 2005
- 84-Gatehouse
- 85-Burwood - #2 of 2006
- 86-Oak Harbor Preserve - #6 of 2017
- 87-Anderson Woods Phase II and III - #1 of 2006
- 88-Spruce #3 of 2007
- 89-Suburban Valley - #4 of 2007
- 90-Sable Valley - #2 of 2013
- 91-Roadwood - #6 of 2013
- 92-Duzy Hill - #12 of 2014
- 93-Thompson Hilltop - #1 of 2015
- 94-Patterson Road - #2 of 2015
- 95-8825 Broadmoor - #3 of 2015
- 96-Leslie Living - #4 of 2017
- 97-Cascade One - #10 of 2017



ADA TOWNSHIP
 LOWELL TOWNSHIP
 CALEDONIA TOWNSHIP