

**CASCADE CHARTER TOWNSHIP  
KENT COUNTY, MICHIGAN  
ORDINANCE # 10 OF 2023  
AN ORDINANCE TO AMEND CERTAIN PORTIONS OF THE  
CASCADE CHARTER TOWNSHIP ZONING ORDINANCE**

**Section 1. Amendment to Chapter 14**

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

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

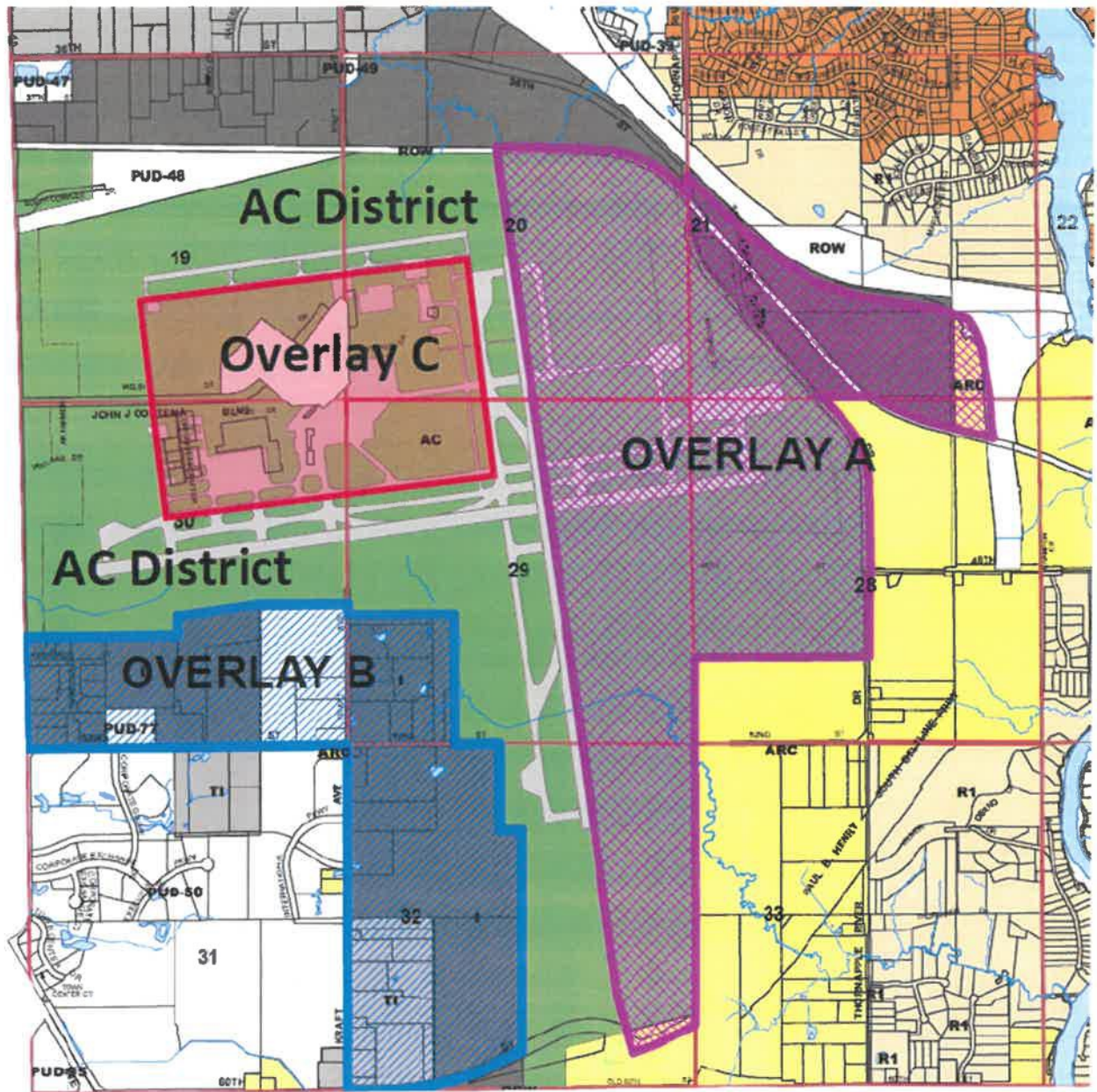
**Section 14.01 Title:**

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

**Section 14.02 Intent:**

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

This district shall be divided into three zones, each of which shall be subject to the provisions of Section 14.18. The AC District shall be described as, the area generally surrounding the runways, hangars and control tower and shall be considered a separate zoning district. Overlays A and B shall be described as the area further removed from the airport than the AC District. Overlays A, B and C are overlay districts that implement additional regulations layered on top of the regulations in the properties' underlying zoning district(s). The following figure (Figure 14-1) further depicts each overlay:



**AC DISTRICT**

**Section 14.03 Uses Permitted by Right in AC District:**

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

1. Airport Operations Facilities, which are limited to:

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

b. Aircraft cleaning and janitorial services

c. Aircraft flight training and flying clubs

d. Aircraft landing facilities

e. Aircraft refueling and fuel storage facilities

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

g. Aircraft sales

h. Air freight handling facilities

i. Airline reservation centers

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

k. U.S. Customs clearance offices

l. Flying charter services

m. Hangar operations and aircraft storage

n. Sightseeing airplane service

o. Aeronautical and other administrative offices

p. Airport maintenance facilities

q. Any facility required by Federal, State or Local permits.

2. Airport museum

3. Airport viewing areas

4. Hotels/Motels

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

6. Restaurants

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

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

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

10. Automobile Service Stations

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

12. Specialty retail shops

13. Freight terminals

14. Parking, surface and structures

15. Warehousing and general storage

16. Intermodal transportation facilities

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

18. Any public utility buildings, structures or facilities

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

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

21. Recreational uses

22. Schools

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

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

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

#### **Section 14.05 AC District Regulations**

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

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

Subject to Section 14.18, and with the exception of Overlays A and C, any new development or construction (including parking lots) located within 200' of Patterson Avenue, John J. Oostema Boulevard or any non-AC District zoned parcel is required to meet the bufferyard and planting requirements of Tables 20-A and 20-B, in addition to the requirements of this Chapter. Notwithstanding the foregoing, plantings shall not bear seeds or fruit and shall conform to the Airport's Wildlife Hazard Mitigation Plan, as it may be amended, which is incorporated herein by reference.

### **OVERLAY A DISTRICT**

#### **Section 14.06 Intent**

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

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.
5. Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that would be detrimental to Airport operations and navigable airspace.

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

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

**Section 14.07 Uses Permitted by Right in Overlay A:**

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

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

**Section 14.08 Uses permitted by Special Use Approval in Overlay A**

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

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

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

Subject to Section 14.18, any property that an Overlay A District Area boundary includes or intersects shall conform to the overlay standards when site plan review is requested in addition to any requirements in the underlying zoning district. The regulations of this District are in addition to any regulations in the underlying land use district; however, these regulations supersede all conflicting regulations of the underlying land use district to the extent of such conflict, but no further.

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

1. 100' setback and landscape buffer from Thornapple River Drive to preserve open space along the roadside, except as otherwise approved by the Planning Commission.
2. Any new development or construction (including parking lots) located within 300' of Thornapple River Drive or any non-AC District zoned parcel is required to meet the bufferyard and planting requirements of Tables 20-A and 20-B, in addition to the requirements of this Chapter.
3. The existing excavation facility located at 4190, 4126, 4072, and 4212 Thornapple River Dr shall be considered a legal non-conforming use pursuant to Chapter 22 of this Ordinance. If operations change, are abandoned or discontinued pursuant to Chapter 22, the use shall lose its legal non-conforming status.

## **OVERLAY B DISTRICT**

### **Section 14.10 Intent**

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

1. Promote the public health, safety, and general welfare of the residents and businesses surrounding the Airport.
2. Protect the approaches to the Airport and surrounding airspace from encroachment.
3. Protect vulnerable land uses from negative impacts caused by the airport.
4. Protect state, federal, and local investments in aviation infrastructure.
5. Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that would be detrimental to Airport operations and navigable airspace.

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

### **Section 14.11 Uses Permitted by Right in Overlay B:**

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

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

### **Section 14.12 Uses permitted by Special Use Approval in Overlay B**

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

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

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

Subject to Section 14.18, any property that an Overlay B District Area boundary includes or intersects shall conform to the overlay standards when site plan review is requested in addition to any requirements in the underlying zoning district. The regulations of this District are in addition to any regulations in the underlying land use district; however, these regulations supersede all conflicting regulations of the underlying land use district to the extent of such conflict, but no further.

**OVERLAY C DISTRICT**

**Section 14.14 Intent**

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

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

5. Regulate and restrict building sites, placement of structures, and land uses by separating conflicting land uses and prohibiting certain land uses that would be detrimental to Airport operations and navigable airspace.

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

**Section 14.15 Uses Permitted by Right in Overlay C:**

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

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

**Section 14.16 Uses permitted by Special Use Approval in Overlay C**

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

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

**Section 14.17 Site Plan Review:**

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

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

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

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



All the uses that fall within Overlay C, non-aeronautical or otherwise, shall be permitted as of right and shall not require Township Site Plan review approvals. However, for non-aeronautical uses the applicant shall be responsible to submit a stormwater narrative and calculations demonstrating how the stormwater system meets the Township Stormwater Ordinance. The stormwater narrative and calculations will be required to be approved by the Township Engineer before a building permit can be issued. The applicant shall also be responsible to submit a site plan indicating the location of any new curb-cut to a public street in order to ensure that it meets the minimum Township standards as regulated in this Ordinance.

For a non-Airport use that crosses the jurisdictional boundary between the City of Grand Rapids and Cascade Township, a site plan review shall not be required if the City of Grand Rapids Building Department is permitting the project.

If at any time any use is proposed and the location of which crosses from one sub-zone to another, the more stringent regulations shall apply.

#### **Section 14.18 Exemption.**

It is acknowledged that, to the extent provided in Act 95, the Authority has all the powers of a political subdivision, which are public and governmental functions. Relative to this Chapter, such powers include, without limitation, (a) having and exercising exclusive responsibility to study and plan any improvements, expansion, or enhancements that affect the Airport, and to commission planning, engineering, economic, and other studies to provide information for making decisions about the location, design, management, and other features of the Airport or Airport Facilities, and (b) exercising responsibility for developing all aspects of the Airport and the Airport Facilities, including, but not limited to: (i) the location of terminals, hangars, aids to air navigation, parking lots and structures, cargo facilities, and all other facilities and services necessary to serve passengers and other customers of the Airport; and (ii) street and highway access and egress with the objective of minimizing, to the extent practicable, traffic congestion on access routes in the vicinity of the Airport.

### **Section 2. Amendment to Chapter 3**

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

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

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

**Airport:** A publicly owned airport licensed by the Michigan Department of Transportation, Bureau of Aeronautics under Section 86 of Act 327 and includes all Airport Facilities at an airport. An airport is publicly owned if the portion used for the landing and taking off of aircraft is owned, operated, controlled,

leased to, or leased by the United States or an agency or department of the United States, this state, a local government, or another public corporation. The Gerald R. Ford International Airport is an Airport located within the Township.

**Section 3. Amendment to Chapter 18**

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

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

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

**Section 4. Amendment to Section 13.02a**

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

The TI District is designed specifically for two potential redevelopment areas within Cascade Township: north of 36<sup>th</sup> Street and west of I-96; and the Meadowbrook industrial area southwest of 52<sup>nd</sup> Street and Kraft Avenue.

**Section 5. VALIDITY.**

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

**Section 6. REPEALER.**

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

**Section 7. EFFECTIVE DATE.**

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

**Section 8. EFFECT**

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

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

YEAS: Shipley, Koessel, Korstange, McDonald, Noordhoek, Slater, Lesperance

NAYS: None

ABSENT: None

ABSTAIN: None

ORDINANCE DECLARED ADOPTED



Sue Slater

Cascade Charter Township Clerk

**CERTIFICATION**

I hereby certify the foregoing to be a true copy of an Ordinance adopted at a Regular Meeting of the Cascade Charter Township Board on the 23<sup>rd</sup> day of August 2023.



Sue Slater

Cascade Charter Township Clerk

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