

**TOWNSHIP OF CANNON
COUNTY OF KENT, MICHIGAN**

At a regular meeting of the Township Board of the Township of Cannon, Kent County, Michigan, held in the Cannon Township Center, 6878 Belding Road, in said Township, on the 12th day of March, 2012, at 7:00 p.m.

PRESENT: Blackledge, Davies, Diepenhorst, Grimm, LaPeer, McBrien

ABSENT: Jones

The following ordinance was offered by Member Blackledge and supported by Member Davies.

ORDINANCE NO. 2012-1Z

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
THE TOWNSHIP OF CANNON**

[Special Land Use for Public Events at Outdoor Recreation Areas]

THE TOWNSHIP OF CANNON ORDAINS:

SECTION 1. DEFINITION – CONCERT. The Zoning Ordinance of the Township of Cannon is hereby amended by the addition of the following definition to Section 2.04, as follows:

E.1. **CONCERT.** An outdoor public musical performance in which one or more singers and/or instrumentalists participate and where the musical entertainment is the principal activity.

SECTION 2. DEFINITION – EVENT. The Zoning Ordinance of the Township of Cannon is hereby amended by the addition of the following definition to Section 2.05, as follows:

L. **EVENT.** An organized outdoor activity, not exceeding three consecutive days, at which 500 or more persons may reasonably be expected to attend the activity at any one time and where music may be provided to complement the activity but is not the principal focus of the activity.

Events may include: plays and other theatrical presentations; seasonal festivals or celebrations; outdoor display and sale of antiques and previously used goods and objects; outdoor display and viewing of vintage and other motor vehicles; arts and crafts exhibitions and sales; farm markets; horse shows and livestock exhibitions; and other similar entertainments, exhibitions and amusements.

SECTION 3. SPECIAL LAND USE. The Zoning Ordinance of the Township of Cannon is hereby amended by the amendment of Subsection 5.03.I, and the addition of new Subsection 5.03.U, as follows:

SECTION 5.03 SPECIAL USES

The following uses may be permitted as a special land use subject to the applicable general and specific requirements and standards of Chapter 17.

A.-H [Unchanged.]

I. Publicly-owned and privately-owned outdoor recreational uses including parks, playgrounds, athletic fields, golf courses, country clubs, ski resorts, beaches, summer camps, hunting clubs, and other similar outdoor recreational uses with predominating open space.

J.-T. [Unchanged.]

U. Outdoor public concerts and events within a publicly-owned or privately-owned outdoor recreation use approved as a special land use under Section 5.03.I, including: outdoor music concerts and performances; plays and other theatrical presentations; seasonal festivals or celebrations; outdoor display and sale of antiques and previously used goods and objects; outdoor display and viewing of vintage and other motor vehicles; arts and crafts exhibitions and sales; horse shows and livestock exhibitions and other similar entertainments, exhibitions and amusements, but not including firearms-shooting competitions, carnival rides, motorized racing, and the like.

SECTION 4. PERFORMANCE REQUIREMENTS. The Zoning Ordinance of the Township of Cannon is hereby amended by the amendment of the preamble to and Subsection F. of Section 17.07, and the addition of Subsection V. to Section 17.07 as follows:

SECTION 17.07 PERFORMANCE REQUIREMENTS

The following requirements are applicable to specific land uses and, in addition to the general standards of Section 17.03, must be satisfied to qualify for special land use approval.

A.-E. [Unchanged.]

F. GOLF COURSES, COUNTRY CLUBS, SKI AREAS AND OTHER OUTDOOR RECREATION USES.

1. The use shall have direct access to a paved public street.
2. No clubhouse, restaurant or similar building shall be located within 200 feet of the front property line or 400 feet of the side or rear property lines.
3. Restaurants, including restaurants serving alcoholic beverages, and retail sales and repair of equipment of a type used for activities at the facility may be permitted as additional special land uses, in accordance with the general standards for special land uses.
4. Tees, fairways, greens and trails shall be arranged in a manner to limit stray golf shots and trespassing onto neighboring properties. The Planning Commission may require fencing to prevent trespassing onto neighboring properties.
5. Lighting shall be no brighter than necessary to provide for safe use of the recreational facility, and shall be directed away from adjoining properties and public rights-of-way. The Planning Commission may, as a condition of special land use approval, require the reduction or extinguishment of lighting during periods when the area is not being used for its intended purpose.

G.-U. [Unchanged.]

V. OUTDOOR PUBLIC CONCERTS AND EVENTS WITHIN PUBLICLY-OWNED OR PRIVATELY-OWNED OUTDOOR RECREATION USES.

1. All concerts and events shall conform to the Cannon Township Outdoor Assembly Ordinance.
2. A special use request shall be subject to approval by the Township Board, after recommendation by the Planning Commission. In its approval of the special land use, the Township Board may depart from the Planning Commission recommendation. In any approval of the

special land use, the Township Board may include other or additional terms and conditions applicable to the use.

3. The special use approval shall be reviewed annually; provided the Township Board may, at its discretion, extend the review period to multiple years. The review shall be conducted in the same manner as the original special use approval; provided a public hearing shall not be required. The review shall evaluate compliance with the general special use standards, all applicable requirements specific to the use, prior conditions of approval and any associated impacts such as, but not limited to, traffic congestion, noise, litter and citizen complaints. If the Township Board finds that the use has failed to comply with the applicable standards, requirements and conditions, it may revoke the special use approval.
4. Once a special use has been approved, the Township Board may delegate authority to approve some or all individual concerts or events, in accordance with the licensing provisions of the Cannon Township Outdoor Assembly Ordinance. If desired, the approval of any concert or event may be conditioned upon the subsequent submission of an additional or revised site plan or other specific information by the applicant at a later time. If additional plans and/or information are required, the special land use shall specify which body, bodies or individual will be responsible for review and approval of that material.
5. In addition to the information required by the Cannon Township Outdoor Assembly Ordinance, a parking and traffic control plan shall be submitted with each special use application and, if required, shall be provided for individual concerts or events. At a minimum, the parking and traffic control plan shall contain:
 - a. A drawing of the site and surrounding area that shows:
 - i. All roads abutting the subject site,
 - ii. All points of ingress/egress,
 - iii. Points of secondary access, if applicable, for emergency vehicles,
 - iv. Parking areas and the vehicle parking capacity of each area, and
 - v. Traffic flow patterns to and from parking areas.

- b. A narrative and/or graphic that specifies:
 - i. Average daily and peak hour traffic volumes on all roads abutting the subject site for the day(s) on which the concert or event will be held,
 - ii. Current daily and peak hour capacity of all abutting roads and level of service,
 - iii. Expected peak hour(s) for traffic movement into and out of the site,
 - iv. Projected attendance (daily and peak hour) at the concert or event,
 - v. Projected traffic (daily and peak hour) for ingress and egress at each driveway/entry point.
 - vi. Traffic control devices, temporary signage and dust control measures that will be employed,
 - vii. Number of personnel to be used to direct and control traffic, provide security and facilitate vehicle parking; and the times when such personnel will be used, and
 - viii. An evacuation plan in the event of an emergency.

6. The following site-specific and operational requirements shall be met for a special land use, pursuant to this subsection:

- a. The land area comprising the special land use shall be at least 80 acres.
- b. The land comprising the special land use shall have frontage on and direct access to a county primary road or State highway, as classified in the Township Master Plan.
- c. Any stage, band shell, other structure or location at which an orchestra, band or other performance group or individual performer will entertain shall be located at least 1,000 feet away from any adjacent dwelling on any other parcel of land.
- d. Unless otherwise permitted by the Township Board, the number of musical concerts or performances, not including rehearsals, shall not exceed eleven

(11) per calendar year and may occur on any Friday or Saturday during the year and any other day between Memorial Day weekend and Labor Day. Other events shall not exceed four (4) in a calendar year, unless otherwise permitted by the Township Board. A single approved outdoor event shall not exceed three (3) consecutive days, unless otherwise permitted by the Township Board. The limitations applicable to the number of concerts, performances and other events shall include any outdoor concerts, performances and events previously approved.

- e. A concert or event, including rehearsals and setup, shall not commence prior to 10:00 a.m. and shall conclude no later than 9:30 p.m., unless other commencement or ending times are permitted as a condition of the special land use.
- f. In no case shall any concert or other outdoor event authorized under the terms of this section cause or result in any serious adverse effect on adjacent or nearby lands by reason of excessive sound. Where specific sound limits may be specified, those limits shall govern.
- g. Overnight camping on the subject property shall not be permitted in conjunction with any concert or event.
- h. In the case of concerts or events for which admission is by ticket, the number of tickets sold, given or distributed shall be limited to the maximum number approved for attendance at that concert or event. In all other cases, if the number of persons or vehicles exceeds ten (10) percent of the number of persons or vehicles estimated in the permit application, the Township may require the organizer to limit further admissions until a sufficient number of persons or vehicles has left the site to bring the actual attendance in conformance with the number stated in the permit application.
- i. The sale of alcoholic beverages shall not be permitted, unless licensed by the Michigan Liquor Control Commission.

- j. Upon application, the applicant shall provide the name and contact information of the property owner or the person responsible for managing the property, who may be contacted during the course of the concert or event and has the authority to immediately address and respond to complaints or concerns arising from the concert or event. Complaints and concerns may include, but are not limited to, noise, trespassing, traffic congestion, vandalism or violations of any condition imposed by the Township. Any changes to the name and contact information must be received in writing by the Township Zoning Administrator at least ten days prior to the first day of the approved concert or event.

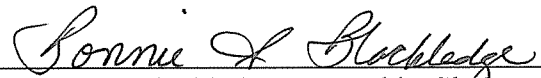
SECTION 5. PUBLICATION; EFFECTIVE DATE. This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation in the Township.

AYES: Blackledge, Davies, Diepenhorst, Grimm

NAYS: LaPeer, McBrien

ABSENT: Jones

ORDINANCE DECLARED ADOPTED.



Bonnie S. Blackledge, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Cannon at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.



Bonnie S. Blackledge, Township Clerk