

<p style="text-align: center;">REGULAR MEETING OF CASCO TOWNSHIP PLANNING COMMISSION January 9, 2019; 7 PM</p>

Members Present: Chairperson Dian Liepe, Vice Chairman David Campbell, Secretary Lewis Adamson, Board Representative Judy Graff and PC members Greg Knisley, Dan Fleming and Dave Hughes

Absent: None

Staff Present: Janet Chambers, Recording Secretary,

Also Present: Building Inspector Alfred Ellingsen, Supervisor Overhiser, Paul Macyauski and 3 interested citizens.

1. **Call to order and review of agenda:** The meeting was called to order at 7 PM by Chairperson Liepe. There were no changes to the agenda (attachment #1).

2. **Election of PC Officers for 2019 (Chair, Vice Chair, Secretary):** A motion was made by Hughes, supported by Fleming to nominate Dave Campbell as Chairman. A motion by Adamson, supported by Knisley to make it unanimous. MSC. A motion by Adamson, supported by Knisley to nominate Dian Liepe as Vice Chairperson. All in favor. MSC. A motion by Hughes, supported by Fleming to nominate Lou Adamson as Secretary. All in favor. MSC.

3. **Public Comment on items NOT on the Agenda & Public Correspondence:**
John Barkley had three comments.
 - He was grateful for minutes being posted on the website
 - Assuming Planning Commission has agenda items planned ahead, Barkley asked that it be posted on the website so the public could attend if they were interested in the subjects discussed at a meeting.
 - Barkley's last point was "Public Comments on Items not on the Agenda" is at the beginning of the agenda, and "Public Comments" in general being at the end of the meeting. People who have interest in something on the agenda, but cannot speak to that topic until the end of the meeting after decisions and/or motions have already been made, it is too late. Barkley asked if he and the PC could have dialogue now on his concern.

Chairman Campbell said, "Thanks for your input".

Maureen Perideaux asked to make comments on the Lighting Ordinance. Campbell informed her that the Lighting Ordinance is on the agenda and this public comment is for items not on the agenda. Perideaux added others were allowed to speak and she felt she should be allowed to voice her opinion.

Chairman Campbell said Perideaux would have to comment at the end of the meeting.

4. **Accept minutes of 12/05/2018 Regular Meeting:** A motion by Fleming, supported by Knisley to approve minutes of the December 5th, 2018 meeting. All in favor. Minutes approved as printed.

5. **Old Business:**

a. **Review Revised 2019 PC Calendar (Campbell):** Commissioners discussed changes to the 2019 PC Calendar (attachment #2), which were made to accommodate the new Zoning Administrator Tanya Smalley. January 16th Special Meeting and February 6th Regular meeting, and March 20th Regular meeting are posted on the website. The special meeting on February 20th and forward will be posted on website. A motion by Knisley, supported by Liepe to approve the new calendar (dated 1-09-2019). All in favor. MSC

b. **Municode Update (Campbell):** Appropriate files will be posted to the Municode website and a link from our website to theirs will be added. Macyauski and Kathy Stanton are working to get all the information together.

c. **Building Height Amendment update/Board Request (Campbell):** The Board rejected the PC's recommendation to eliminate the 2 ½ stories in small subdivisions with lots of record. The Board wants the PC to consider eliminating 2 ½ stories throughout the entire township, not just lots of record. Campbell followed up with Supervisor Overhiser to get approval follow up with Lynee Wells, Planner to put together a draft.

Campbell said if the PC agrees this could be added to the agenda for February 20th Special Meeting.

Graff added 2 ½ stories was not the only thing the Board rejected. They also did not approve the change for "Average Grade". The Board said "Average Grade" should be left the way it is. The only thing the PC should be looking at is eliminating 2 ½ stories throughout the districts.

Wells was asked to find areas in the zoning ordinance that would be affected by eliminating 2 ½ stories to all districts in the ordinance. Williams & Works Zoning Ordinance Amendments (Building Height), December 28, 2018 draft (attachment #3).

Campbell said Wells recommended a #4 be added to **3.28 b Nonconforming Lots of Record** on page 22 of the Zoning Ordinance books. Stating The maximum height of all buildings shall be 35'. (taking out the 2 ½ stories)

A motion made by Fleming, supported by Adamson to approve the Building Height Amendment changes (attachment #3) be added to the February 20th Public Hearing. All in favor. MSC.

d. Exterior Lighting Ordinance review (Williams & Works Amendment Draft 12/13/2018):

Commissioners began discussion on Exterior Lighting Ordinance referring to the 12/13/2018 Williams & Works draft (attachment #4).
Maureen Perideaux asked to speak on the lighting amendment.

Chairperson Campbell said the PC will finish their conversation and public would have time to comment at the Public Hearing.

Perideaux said she did not comment at the Public Comment Not on Agenda section at the beginning of the meeting, because this item is on the agenda. Chairperson Campbell said there would be public comment again at the end of the meeting.

Knisley questioned page 5 E Exemptions where seasonal lighting was discussed. In Knisley's notes and meeting minutes he thought porch lights and sconce lights were mentioned and there was a time limit for seasonal lighting.

Hughes said a 30-day time limit was discussed, but then he thought it was decided that nobody would be timing when seasonal lighting was put up.

Liepe said it is hard to enforce timing. Who will be watching when someone puts out holiday lighting?

Knisley said he thought porch lights were allowed as long as they were compliant.

Campbell asked if Knisley was ok with the seasonal lighting part. He looked at page 4 of last minutes.

Porch lights, sconce lights and low-level lawn or landscape lights could include seasonal holiday lights and there could be a definition of seasonal lights.

Knisley said he thought they had put 30 days in. Campbell said he did remember putting in 100-watt limit.

Graff said in Section 3.41A Intent it does not say "across property lines". It does not say anything about property lines until D 1. Since the intent is that lighting does not cross property lines, we should be saying that under intent.

Fleming said the sketch shows lighting pointing down.

Graff said it is mentioned later but should be in the intent. After discussion, it was decided that 3.41 A Intent read as follows:

- A. Intent. It is the intent of the exterior lighting provisions to prevent direct light trespass across property lines and prevent light pollution that result in light glare, including nuisance glare or disabling glare.

Hughes said if he owned a house that is not compliant, it does not have to be changed until such time as he changes the light fixture. If he decided to rent that home, does the lighting have to be changed immediately?

Campbell said it is his interpretation that the Rental Ordinance requires a home to be in compliance with the lighting ordinance before it is used as a rental.

Hughes questioned whether towers which are required to have lights on them need to be listed under exemptions?

Ellingsen said the towers are covered in a separate section.

Graff added Lynee has gone through the ordinance to see what sections the change would conflict with.

Campbell will mention this to Lynee. He asked if the internet tower for communications would have anything to do with this.

Ellingsen said for the small towers, lighting would not be a required.

Fleming asked what the source of this ordinance was and what problems the PC is trying to solve.

Campbell said this would be for the whole township, but specifically came from areas along the lakeshore. There were multiple meetings and public comments and interest in covering exterior lighting.

Liepe agreed they need to look at why they are making an amendment and once they know the purpose it helps them complete what they are trying to do.

Graff said in the previous version there was an introductory paragraph about light pollution, etc. The intent is taken out of here.

Campbell said in high density areas issues do occur.

Graff suggested that the introductory that explains what they are trying to do is no longer in the amendment.

Knisley said the September 28th draft has it.

It was agreed that an introduction paragraph explaining why there is a lighting ordinance should be put back in the ordinance.

Knisley said it could be under the intent.

Fleming said he has houses on his road with big mercury lights. There are times in the winter where, if it weren't for those lights, he would not be able to see where you were going.

Farms and farm operations are exempted.

Campbell said there is ag along Blue Star. It is abutting residential but would be exempt.

Campbell said they need to alert Lynee about the change under intent. He also said he likes the idea of putting a little more into the introduction part. He asked if everyone was in agreement that these items could be covered at a public meeting.

Fleming said he was concerned about the term "Dark Sky Compliant" because that term could change.

Campbell said at the last meeting this was discussed with Lynee and she said it was listed in the definitions. She noted that there weren't any changes needed for the lighting in the rental ordinance. Campbell thought that Dark Skies Compliant was covered, but is something to be brought up at the public hearing.

A motion by Liepe, supported by Hughes to bring this to a public hearing on February 20th, 2019, along with the building height amendment. All in favor. MSC.

As a result of moving forward with this in February, there is a good chance there will be a site plan review in March for a Campground on 68th Street.

Campbell skipped e. to discuss f first.

f. Review Roessing Events Center application and ZA comments (Ellingsen/Campbell):

Campbell said everyone should have received Ellingsen's on the Roessing Special Events Venue for next week.

Fleming asked Ellingsen about the site plan review checklist and specifically the ones that are not provided. He asked if that is something they have to bring?

Ellingsen said these are items he did not think the PC would ask for, but if the PC wants them to do it, he will let them know.

Campbell asked Ellingsen about discussing what the issues are for a particular SLU prior to the public hearing.

Ellingsen said it is noticed for the public to attend to hear the discussion. You should not have that discussion ahead of the public hearing date that was provided to the public.

If there is something more the PC wants, that is what the contingencies are for.

Campbell said questions we should be asking the applicant like security. Is that something we could find out ahead.

Ellingsen said it is ok for him to ask them to provide certain information at the public hearing. If there is something the PC wants, they can ask him to relay that to the applicant.

Ellingsen said he has updates because the applicant could not get additional land, he needed to be compliant with setbacks, so consequently he will be asking the ZBA for a variance. Otherwise, will remove a portion of the building and move east to maintain the 50' setback. This could be a contingency.

e. PC process – Guidelines for Special/Public Mtgs. (Campbell):

Campbell asked Graff if she had a concern about some type of communication of announcing something before she had a chance to report to the PC.

Graff said her point was that when email communications are sent, primarily announcing meetings, there should not be so much information in the emails that it doesn't get discussed at the public meeting. Graff continued that she said we need to be careful not to get into so much detail of discussions by email, (leaving the public out), because that is what public meetings are all about.

Campbell said when information is put out in emails, we need to be careful that discussion does not take place by email.

Discussion ensued about Graff's "update email". Campbell asked who receives Graff's email. All PC members are on there. Campbell suggested that the Board and ZBA might like to be part of Graff's email list.

Graff said whoever wants to be on her email list and provides her with their email address will be added.

Campbell said he thinks others should get it because it is a good update.

- 6. New Business:** Supervisor Overhiser said that February 14th at Listiak Auditorium there will be a meeting on Bluff Preservation through the University of Michigan. It should be informative. It is being put on by someone from Traverse City. They will cover planning measures about bluffs. It is for Planning Commissions and Boards. Overhiser thinks it will be about 6 PM.

Campbell asked what we are looking at for the annual meeting? He asked if anyone want to commit to help him with the agenda. Dian said she has a list to create an agenda. Several people submitted some suggestions.

Liepe and Graff will work on a draft of items to discuss and present it at the February 6th meeting.

- 7. Report of Zoning Administrator (Ellingsen/Smalley):** Campbell said they have found a Zoning Administrator. Campbell asked Ellingsen what the backlog items are. Ellingsen said he already told her about wineries, breweries, antennas for internet, home type situation, etc. Venues coming up too. On 68th street they are proposing high end camping with 20 tents that have indoor showers and facilities. Another wedding venue will be coming in on 107th. Two things for PC and one for ZBA.

Campbell asked if Ellingsen has gone over his format with Smalley. Ellingsen said she works for several townships and has her own format. Ruth Hewitt is leaving at end of month also.

Discussion ensued about how Ellingsen comes up with his format. He said it is an educated guess to what the PC might want. The biggest thing is getting approval from other commissions involved. Dialog between you and her will help.

Campbell said it has been a pleasure working with Ellingsen and will continue to see him around. Ellingsen will still be doing building inspections.

8. **Report from Township Board representative (Graff):** December meeting highlights.
- ✦ Officer Katje reported there is a scam with Netflix and with Craig's List.
 - ✦ Supervisor Overhiser reported on SHAES and there is a new fire inspector hired by South Haven. South Haven will pay for them for the first 3 years because of all the fire inspections for STRs.
 - ✦ A 20-year capital plan being reviewed, which is done on an annual basis
 - ✦ Building Height as previously discussed
 - ✦ An off-road vehicle ordinance was given to Board members. They will review it at next meeting.
 - ✦ Bultje looking at how to prohibit marijuana establishments within the township.
 - ✦ The Township and Drain Commission is working with Miami Park on drainage
 - ✦ Zoning Administrator has been hired

Supervisor Overhiser asked Bultje to work on an ordinance for Prohibition of Recreational Marijuana Establishments (attachment #5) and provided copies for the PC. There will have to be a hearing on this. He assumes they will be passing it at their next meeting. He would like it completed by the time the State writes their rules.

Campbell asked if the Regulatory Ordinance is approved at the January Board meeting, would May be acceptable for a public hearing? Supervisor Overhiser said the sooner the better. Campbell said he will put it on the February agenda.

Graff said it is basically three sentences. Could we not just put it in as part of the February public hearing.

Graff said the Zoning Ordinance part can be done in parallel with the board.

Campbell said he could tell Smalley to go ahead to put 3 items on that Feb. Public Meeting if it can be published.

a. **B&B (Possible PC ZO):**

b. **Recreational Marijuana (Possible PC ZO):**

c. **Master Plan Review:** Campbell said he thinks it is important we get moving on the Master Plan. There might be significant changes since last one. We need to get moving on this. Campbell would like to get through it with the whole group and some may have other plans for the future.

Graff asked if this is something the PC all agrees to. She suggested the PC discuss 3 or 5 reasons why we think we should do this. What are the key things?

Campbell said it should be on the February agenda and pass it on to the board.

Graff said it we need to tell the board the reasons for doing it, and do we want to focus on certain areas or the whole thing.

Adamson will work on reasons to submit to the board for working on the Master Plan and discuss at the February meeting.

9. **Report from ZBA representative (Hughes):** There has not been a ZBA meeting since the last report.
10. **Report from Water/Sewer representative (Adamson):** No report. No meeting.
11. **Public Comment:** Maureen Perideaux said she was very dismayed by the unfair double standard. You have taken comments from some and not others. You have actually cut off dialogue. I have been volunteering since back in June 2017 to help with this. Your refusal to engage in dialogue with me has cost you time. There are a number of times I had the answer to your questions that could have saved you 20 minutes of discussion. I don't know how to engage with you. I have sent emails. I understand that you cannot have discussion on private emails. I have done a lot of research. It really dismays me that you have no way for open dialogue real time. Now I can comment on what you have already voted on when I could have answered some of your questions. It would be nice if members of the community who very much care about the community could engage in dialogue. It's not right.

Perideaux brought a diagram (attachment #6) depicting how lights from a 3-story house affect a 2-story house based on the wording of the new ordinance. Perideaux said this community and your commission thought it was desirable to have a lighting ordinance for two reasons. 1) was to curb light pollution because it affects health. In my community there are 3-story houses. If you have a 3-story house and the front door is on the 2nd story, it's shining into the bedroom of someone else. If you turn your lights on, you want your lights on. If you turn your lights off, you want your lights off. Sometimes I can't turn lights off because they are shining in my house. The house a street over installed lights under the eaves up towards the peak of the 2-story house. When they leave those lights on, they shine into my house. That is the light pollution part.

The 2nd intent of the ordinance is to preserve the dark skies. That is where the whole thing of dark skies comes from. I brought this to the commission and township board. This is a rural community and we want to be a rural community. Part of that is being able to see the stars. When lights are shining everywhere, you have been in cities, you cannot see the stars. I don't think you want that. I don't think your Master Plan wants that. My neighbors, other people in the township don't want that. You would not be here right now if you wanted that. This will not be effective if you don't bring everybody into compliance. You could

say, let's bring everybody into compliance by 2022. But, as this is, it is not going to meet our goals. I am very glad we have the sketches in there. I think they are very good addition. I am very concerned about the residential decorative lighting and sconce lights. If you look at my diagram you will see there is very good reason why porch lights and sconce lights need to be included, not exempted. I think this is a very big disservice to the community to present this at a public hearing with the minor changes you've made. This really needs to include porch lights and sconce lights.

John Barkley had 3 quick comments.

- ✦ He requested that Zoning Administrator Tasha Smalley's contact information be added to the website
- ✦ He asked that the PC say the 100-watt maximum be changed to 100-watt incandescent equivalent because a 100 watt LED would be very powerful
- ✦ Barkley said the PC is probably aware of changes South Haven has made to their STR Ordinance. They are making a change by differentiating between Residential and Business STRs. Residential is 28 days or less and 6 occurrences or less. Frequent STR has caused problems in the City of South Haven and maybe Casco could get some insight as to why the changes were made. Business STR is still the same restrictions.
- ✦ Barkley added that he feels the Master Plan is worth spending time on if the Board and Planning Commission will use the Master Plan. He suggested getting a commitment to using the Master Plan before spending all that time on it.

- 12. Adjourn:** A motion by Adamson, supported by Knisley to adjourn. All in favor. Meeting adjourned at 8:30 PM.

Next meeting: January 16th, 2019, 6 PM, SLU
February 6th, 2019, 7 PM, Regular meeting
February 20th, 2019, 6 PM Public Hearing

- Attachment #1: Agenda
Attachment #2: New Calendar
Attachment #3: Williams & Works, Building Height Draft 12/28/2018
Attachment #4: Williams & Works, Lighting Ordinance Draft 12/13/18
Attachment #5: Bultje, Zoning Amendment on Prohibition of Recreational Marijuana Establishments, 12-17-18
Attachment #6: Maureen Perideaux diagram of light intruding into neighbor's house

Minutes prepared by Janet Chambers, Recording Secretary

REGULAR MEETING OF CASCO TOWNSHIP PLANNING COMMISSION
January 9, 2019
7 PM

- | | | |
|-----|--------------------------------------------------------------------------------------------------|---------|
| 1. | Call to order and review of agenda | 5 min. |
| 2. | Election of PC Officers for 2019 (Chair, Vice Chair, Secretary) | 5 min. |
| 3. | Public Comment on items NOT on the agenda & Public Correspondence | 10 min. |
| 4. | Accept minutes of 12/05/2018 Regular Meeting | 10 min. |
| 5. | Old Business: | |
| | a. Review Revised 2019 PC Calendar (Campbell) | 5 min. |
| | b. Municode Update (Campbell) | 20 min. |
| | c. Building Height Amendment update/Board Request (Campbell) | |
| | d. Exterior Lighting Ordinance review (Campbell)
(Willams&Works Amendment Draft (12/13/2018)) | 10 min. |
| | e. PC process – Guidelines for Special/Public Mtgs. (Campbell) | 10 min. |
| | f. Review Roessing Events Center application and ZA
comments (Ellingsen/Campbell) | 20 min. |
| 6. | New Business: None | |
| 7. | Report of Zoning Administrator (Ellingsen/Smalley) | 10 min. |
| 8. | Report from Township Board representative (Graff) | 10 min. |
| | a. B&B (Possible PC ZO) | |
| | b. Recreational Marijuana (Possible PC ZO) | |
| | c. Master Plan Review | |
| 9. | Report from ZBA representative (Hughes) | 5 min. |
| 10. | Report from Water/Sewer representative (Adamson) | 5 min. |
| 11. | Public Comment | 15 min. |
| 12. | Adjourn | |

Casco Township

Planning Commission

2019 Revised Calendar
1/09/2019

Month	Regular Mtg*	Special/Public Mtg**	Annual Mtg***
January	9th	(16th)****	
February	6th	(20th)****	
March	20th	27th	
April	17th		6th
May	15th	22nd	
June	19th		
July	17th	24th	
August	7th		
September	18th	25th	
October	16th		
November	20th	M 25th	
December	18th		

- *Regular meetings are scheduled for 3rd Wednesday of month. **Bold dates for February & August are 1st Wednesday and January 9th is the 2nd Wednesday**. All regular meetings will start at 7PM.
- ** Special/Public Hearings will be determined by PC Chair & Zoning Administrator based on PC criteria with required paper advertising and posting on Casco Website as needed. All Special Meetings will start at 6PM. The dates in this column are tentative until need is determined, PC members please hold these dates open at this time for possible scheduling.
- *** Focus of meeting will be PC operating procedures, minutes review, etc.
- **** To be determined by PC Chair & Zoning Administrator based upon applications/Board request in hand by December 17th, 2018 for a special/public hearing.

MEMORANDUM

To: Casco Township Planning Commission
Date: December 28, 2018
From: Lynee Wells, AICP
RE: **Zoning Ordinance Amendments (Building Height)**

The following is a series of amendments to limit building height to 35' maximum in all zoning districts.

Key:

Text with strikethrough: Existing zoning ordinance text which has been proposed for deletion.

Text with underline: New text that has been proposed.

SECTION 3.28 NONCONFORMING LOTS, USES OR STRUCTURES

B. Nonconforming Lots of Record.

4. The maximum height of all buildings shall be 35'

SECTION 5.03 DISTRICT REGULATIONS

Maximum Height of All Buildings: 35' ~~or 2 ½ stories~~

SECTION 6.03 DISTRICT REGULATIONS

Maximum Height of All Buildings: 35' ~~or 2 ½ stories~~

SECTION 7A.03 DISTRICT REGULATIONS

Maximum Height of All Buildings: 35' ~~or 2 ½ stories~~

SECTION 7B.03 DISTRICT REGULATIONS

Maximum Height of All Buildings: 35' ~~or 2 ½ stories~~

SECTION 8.03 DISTRICT REGULATIONS

Maximum Height of All Buildings: 35' ~~or 2 ½ stories~~

SECTION 9.03 DISTRICT REGULATIONS

Maximum Height of All Buildings: 35' ~~or 2 ½ stories~~

SECTION 11.03 DISTRICT REGULATIONS

Maximum Height of All Buildings: 35' ~~or 2 ½ stories~~

SECTION 12.03 DISTRICT REGULATIONS

Maximum Height of All Buildings: 35' ~~or 2 ½ stories~~

SECTION 13.03 DISTRICT REGULATIONS

Maximum Height of All Buildings: 35' ~~or 2 ½ stories~~

MEMORANDUM

To: Casco Township Planning Commission

Date: December 13, 2018

From: Lynee Wells, AICP

RE: Exterior

Lighting: Zoning Ordinance Amendment Draft #2

Exterior Lighting

Please find the updates per the discussion at the December Planning Commission meeting. We included a few other definitions which are used in the standards (or definitions). We have also reviewed your current zoning ordinance, the short term rental regulatory ordinance, and the recent amendments to the zoning ordinance related to short term rentals and have noted provisions below which should be modified. New recommended text is in yellow for the items we have cross referenced for review.

- Reference to lighting in section 2.10 definition of “improvements” ○ No change necessary
- Reference to light intensity in section 2.19 definition of “shadow flicker” ○ No change necessary
- Reference to light in section 2.21 definition of “use, incompatible” intent to insure that sound, odor, dust or light not diminish neighboring property rights ○ No change necessary
- Reference to lights in section 3.34, 3, f temporary uses for asphalt crushing and desire to minimize effects of lights, drainage and traffic from creating a nuisance ○ No change necessary
- Reference to lights in section 3.34, 4, e, Lights and Markings for anemometer, require a light in compliance with FAA standards ○ No change necessary
- Reference to lighting in section 3.34 E, 6 permitting for temporary uses, desire for lighting for any temporary use to be directed or controlled so as not to create a nuisance.

Recommendation: ~~Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.~~ **Lighting shall conform to section 3.41, Exterior Lighting.**

- Reference to lighting in section 3.34 B, 6 wind energy systems shall have FAA approved lighting.
 - No change necessary
- Reference to lighted signs in section 15.03 D, Bed and Breakfasts ○ No change necessary

Casco Township Planning Commission

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- Reference to lighting associated with propane storage tanks in section 15.03 Y, 5, and that the Planning Commission may impose standards more stringent than Federal or State requirements.
 - o No change necessary
- Reference to lights being screened with buffering of a power generation plant in section 15.03 Z.
 - o No change necessary
- Reference to lights being potentially required conditions with a production or refining petroleum plant in section 15.03 BB.
 - o No change necessary
- Reference to lighting of parks, playgrounds, athletic fields, etc. in section 15.03 CC, 5 and orienting it away from adjoining properties. This is consistent with the proposed section 3.41.
 - o Recommendation: ~~Lighting for athletic fields shall be oriented away from adjoining properties to minimize glare.~~ Lighting shall conform to section 3.41.
- Reference to restricting on-site lighting in section 15.03 DD, 3, f, (4), j removal of mineral resources
 - o No change necessary
- Reference to lighting parking lots at sexually-oriented businesses in section 15.03 GG, 3, b, (2), g
 - o Since this is asking for hours of lighting, and requiring lighting, no change is necessary.
- Reference to lighting parking lots at sexually-oriented businesses in section 15.03 GG, 3, o requiring that overhead lighting fixtures have sufficient intensity to illuminate every place to which patrons are permitted access at an illumination level of not less than five (5.0) foot-candles as measured at the floor level and requiring that the lighting be maintained at all times that any patron is present in the premises.
 - o While the foot-candle requirement is more than section 3.41, it is feasible that 5.0 foot-candles can be achieved elsewhere on the property, and still conform to the required 1.0 maximum at the property line. For example, 5.0 can be at entry doors and near the center of the parking lot, and the light will taper as it nears the property line. No change is needed. Section 3.41 will regulate as well to ensure the foot-candles are not exceeded at the property line.
- Reference to prohibiting strobe, flashing lights, and lighting massage areas at sexually-oriented businesses in section 15.03 GG, 5, b, c and d
 - o No changes necessary
- Reference to lighting in accordance with FAA standards for wind energy conversion systems in section 15.03 PP, 3, g
 - o No changes necessary
- Reference to lighting required in site plan submittals, section 17.03, C line 16.
 - o Recommendation: Specific location and design of exterior lighting, including a photometric plan and light fixture details and manufacturer cut

sheets. curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), fire lanes, and unloading areas.

- Reference to lighting in site plan review standards, section 17.03, P and Q.
 - o No changes necessary as this is a general standard and any project must also conform to the general provisions, which includes the new proposed lighting provisions.
- Reference to lighting in parking and loading standards, section 18.03, C.
 - o Recommendation: Replace section C with the following...**Lighting shall conform to**

section 3.41. (Note that the proposed new 3.41 is consistent with and more restrictive than this section, as the proposed lighting height in 3.41 is 20'.) **Short Term Rentals Regulatory**

Ordinance

- No references to lighting

Short Term Rentals Zoning Amendments

- Reference to lighting in section 3.39 A, 1 requiring that all lighting on the lot shall be fully cut-off, downward-facing, dark sky compliant, and shall not cast glare or light beyond any lot line. o No changes recommended as this is consistent with 3.41.

SECTION 2.13 DEFINITIONS – L

LIGHTING: The illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

DARK SKY COMPLIANT
Light fixtures which are fully cut off.

GLARE
The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility

GLARE, DISABLING
Glare that impairs visibility to the extent that it creates a potentially hazardous situation for either pedestrians or motorists.

GLARE, NUISANCE

Glare that creates an annoyance, aggravation, or discomfort but does not create a potentially hazardous situation.

FOOT CANDLE

A unit of measurement referring to illumination of a surface that is one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

FULL CUT-OFF

A light fixture with elements such as shields, reflectors, or refractor angles that direct and cut off the light at an angle less than 90 degrees.

LIGHTING, RESIDENTIAL DECORATIVE

Residential decorative lighting includes porch lights, sconce lights, and low level lawn or landscape lights under 100 watts, seasonal decorative lighting, etc.

LUMEN

Unit used to measure the actual amount of visible light which is produced by a lamp as specified by the manufacturer.

SECTION 3.41 EXTERIOR LIGHTING

- A. Intent. It is the intent of the exterior lighting provisions to prevent light trespass and light pollution that result in light glare, including nuisance glare or disabling glare.
- B. Applicability. All outdoor lighting fixtures installed on private property and public property after the effective date of this section shall comply with the standards herein.
- C. Regulated Lighting. The following types of lighting shall be regulated by this Ordinance:
 - 1. Parking lot lighting, building-mounted lighting, site lighting for commercial, industrial, multiple-family, institutional developments, and residential lighting including, but not limited to, sodium vapor lights and high powered dusk to dawn lighting.
 - 2. Publicly and privately owned roadway lighting.
- D. Standards. Lighting shall be designed and constructed in such a manner as to:
 - 1. Ensure that direct light is confined to the subject property per Figure 3-4.
 - 2. Lamps and luminaries shall be shielded, hooded and/or louvered to provide a glare free area beyond the

Figure 3-4

Acceptable

Unacceptable



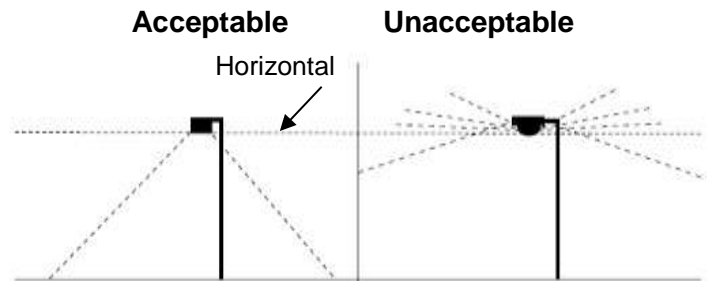
property line and beyond any public right-of-way.

3. The light from any illuminated source shall be designed so that the light intensity or brightness at any property line shall not exceed one foot candle.
4. Lighting fixtures shall have 100% cut off above the horizontal plane at the lowest part of the light source per Figure 3-5.
5. No light fixture shall be mounted higher than 20 feet above the average grade of

approved outdoor recreation area lighting.

6. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color.
7. No colored lights shall be the site, except for used at any location or in any manner so as to be confused

Figure 3-5



with or construed as traffic control devices.

E. Exemptions. The following types of outdoor lighting shall not be covered by this Ordinance:

1. Residential decorative lighting
2. Sign lighting as regulated by Chapter 19 herein.
3. Lighting affiliated with a farm or farm operation.

ORDINANCE NO. _____

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE CASCO TOWNSHIP ZONING ORDINANCE BY ADDING A PROHIBITION FOR MARIHUANA ESTABLISHMENTS; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

THE TOWNSHIP OF CASCO, COUNTY OF ALLEGAN, AND STATE OF MICHIGAN, ORDAINS:

Section 1. Marihuana Establishments. Section 3.39 of the Casco Township Zoning Ordinance (the "Zoning Ordinance") shall be added to state in its entirety as follows.

SECTION 3.39 PROHIBITION OF RECREATIONAL MARIHUANA ESTABLISHMENTS

- A. Marihuana establishments, as authorized by and defined in the Michigan Regulation and Taxation of Marihuana Act (the "Act"), are prohibited in all zoning districts, and shall not be permitted as home occupations under Section 3.18 of this Ordinance.
- B. No use that constitutes or purports to be a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter or any other type of marihuana related business authorized by the Act, that was engaged in prior to the enactment of this Ordinance or prior to the addition of this Section to the Ordinance, shall be deemed to have been a legally established use under the provisions of this Ordinance; that use shall not be entitled to claim legal nonconforming status.
- C. Violations of this Section are subject to the violations and penalties pursuant to Chapter 21 of this Ordinance and may be abated as nuisances.

Section 2. Effective Date. The foregoing amendment to the Casco Township Zoning Ordinance was approved and adopted by the Township Board of Casco Township, Allegan County, Michigan on _____, 2019, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on _____, 2019, which date is eight days after publication of the Ordinance as is required by Section 401 of Act 110, as amended, provided that this effective date shall be

extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

Allan Overhiser, Township Supervisor

Cheri Brenner, Township Clerk

CERTIFICATE

I, Cheri Brenner, Clerk for the Township of Casco, Allegan County, Michigan, certify that the foregoing Casco Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on _____, 2019. The following members of the Township Board were present at that meeting:

_____. The following members of the Township Board were absent: _____. The Ordinance was adopted by the Township Board with members of the Board: _____

_____ voting in favor and members of the Board:

_____ voting in opposition. The Ordinance or a summary was published in the

_____ on _____, 2019.

Cheri Brenner, Township Clerk

