

Approved 01-10-18

Regular Meeting of
Casco Planning Commission
December 6, 2017, 7 PM

Members Present : Chairperson Liepe, Dave Campbell, Lou Adamson, Dan Fleming, Greg Knisley, Judy Graff and Dave Hughes

Absent : None

Also Present : Clerk Brenner and approximately 15 interested citizens (sign-in sheet attachment #1)

Staff Present : Janet Chambers, Recording Secretary

- 1 Call to order and review of agenda :
Chairperson Liepe called the meeting to order at 7 PM.
Graff requested that Public Comment time and Reading of emails at PC meetings be added to the agenda. She also requested that discussion on marijuana be added to the schedule.
Campbell requested that Shoreline Overlay district be added to the agenda.
2. Opening comments by PC members : None
3. Approval of minutes of November regular meeting minutes : A motion by Fleming, supported by Campbell to approve minutes of the November 8, 2017 minutes. All in favor. Minutes approved as written.
4. Report from Township Board representative Judy Graff :
 - ‡ The road millage was passed with 70% of those voting. (only 1% of registered voters voted in the election). Supervisor Overhiser proposed a Road Committee be formed to identify roads that need maintenance.
 - ‡ The Regulatory Ordinance was discussed. A Public Hearing on 12/11/17 at 6 PM will be held to hear public comment. The Board agreed that rental funding, fees and process will be discussed at the next board meeting.
 - ‡ The Drain Commission will upgrade the drain that services several communities starting at Beethoven including Miami Park and Highfield.
 - ‡ The board has agreed they do not want Marijuana growing operation in Casco. Because it will be legal in the state, it must be prohibited in the zoning ordinance. The wording to opt out must be straight forward. The attorney will be asked for clear wording.
5. Report from ZBA representative Dave Hughes : November 2nd there was a request from Vincent Ziolkowsk LD Q & K H U Y O I R D I I U R \ O W A G H W E Y D F U N L D R W K H construction of a garage. One concern was the short driveway, but here is alternative parking for guests and there will not be parking in the right-of-way. The

only objections to the variance were from people who did not reside close to the applicants. The variance was granted.

6. Report from Water / Sewer representative Lou Adamson : No meeting since last report.

7. Old Business

a. Review of Draft Suggested Zoning changes / additions (attachment #2):
Ellingsen was unable to attend the meeting. He looked over the draft but did not have time to put his opinion in writing for this meeting.

Banquet Barns - It was decided to change the name from Banquet Barns to Special Events Center.

Discussion ensued on Average Grade. Graff said she still needed a diagram depicting Average Grade.

It was decided that Ellingsen be asked to attend the next meeting to help understand the context. Chairperson Liepe will be sure Ellingsen gets a copy of the minutes and her notes. She will ask Ellingsen to write up something that PC members could study prior to the January meeting. She will to attend the January meeting. Commissioners should come prepared to make decisions. They will try to be ready for a Public Meeting on February 7th.

Graff asked if the draft is a result from Ellingsen and Wells working together. Chairperson Liepe said Wells made the draft and sent it to Ellingsen. Ellingsen had not gotten back to her yet. Campbell added that originally Ellingsen took notes from the PC meeting and met with Nathan. Nathan drafted the proposed amendments as he discussed with Ellingsen. It was then passed on to Wells. Everything, with the exception of building height, was discussed by Ellingsen and Nathan. Building Height was added later by Wrlls.

Chairperson Liepe said the Ordinance Amendments will be the focus of the January meeting, along with discussion on marijuana.

Chairperson Liepe said Ellingsen was ok with height changes, but suggested a sliding scale might be an option.

Fleming questioned the purpose of the change to height. Wells stated in the draft that it was to enhance compatibility. Fleming asked that the PC consider what the changes are, and the objectives of them. Building height would be limiting rights. Resorts would be documenting historic uses. Banquet Barns would be restoring rights. Shared drives would be restoring rights. Exterior lighting would be limiting rights. Elderly houses density would be limiting rights. Winery, was not clear. Restaurants did not get included in the draft. Fleming said knowing whether you are attempting to limit or add rights would be helpful.

There was discussion about restaurants at the October meeting. Chairperson Liepe will check into why restaurants were left out of the draft.

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Chairperson Liepe said, regarding Banquet Barns, people have come to Ellingsen requesting them. A resident has made a presentation on down lighting. Graff said in the past changes have been made as a result of things people wanted to do. Graff suggested looking at the process. Why are we allowing 8 or 10 things to build up with no activity? Maybe we should be doing them one at a time. The process may be an issue.

Campbell suggested the PC has talked about several of these things month after month. Don ¶W GUDJ LW RXW /HW¶V PDNH D GHFLVLRQ DQG

Chairperson asked for opinions on building height and sliding scale. Discussion ensued including leaving it as it is. Where the idea of changing it originated. How P X F K G L I I H U H Q F H O ¶ M ¶ Q U D ¶ G L Q ¶ R U ò V W R U L H V P D N H " typical in other Zoning Ordinances. Does a raised basement constitute a ½ floor? Could it help with limiting larger STRs? How would it effect SHAES and fire safety? If the ground is built up around a building and height measurement is taken from the top of the built-up area, will this affect the ability of a fire truck to reach? In higher density areas a taller house might look out of place. If a property owner has 10 acres, but builds near the property line, it might still be too close for the added height. Does the PC want to consider the change in certain districts? If so, what areas?

Discussion moved to Resort 2.18. Discussion originated because of existing resorts were non-conforming. Could STRs apply to resorts, if they did not get a separate section in ordinance? Because STRs are for single-family only, it would not apply to resorts.

Chairperson Liepe asked commissioners to look at the 10 questions provided by Ellingsen (attachment #3) with regard to Resorts.

Graff questioned where the numbers in Section 8.02 Permitted Uses and Special Uses SS Resort #1 and #2 came from (10-acre min and 12 per acre). Some commissioners feel 12 / acre might be too dense.

In the definition of 5 H V R U W ³ « Z L W K D O D U J H S R U W L R Q R I W K H V U H F U H D W L R Q D O D F W L Y L W L H V « « ´ L V W K L V R S H Q V S D F to open space, it cannot be changed.

Discussion continued about existing resorts, such as Sleepy Hollow. Jensens or Cousins. They are wall to wall, how much open space? It was pointed out that Jensens and Cousins would be classified as campgrounds, not resorts.

Campbell would like to know R Z W K H 3 Z K \ ' E H K L Q G D O O R I ± W K H 6 8 U H

Graff pointed out that the only district that has been identified for Resorts is LDR. There are not too many areas where 10 acres are available in LDR. Ag and RR are the only areas with the space. Adamson said if something has not been requested, why address it at this time. If someone requests it, and brings it to the ZBA, then change the ordinance. Graff asked what multiple rentals in AG are called. People in AG have said they wanted more options to earn money on their property. The topic of resorts came out of rentals. Unless we deal with resorts, they will be non-conforming uses.

Commissioners identified a couple of places west of Blue Star where there are parcels of 10+ acres.

Chairperson Liepe said if allowed in all areas, they would still need a minimum of 10 acres. Campbell said consider them in all districts. With Special Use, judgements can be made as they come up.

Discussion began on Banquet Barns or Special Event Venues. Fleming questioned why they are not Permitted instead of a Special Use. Campbell said this is new to the ordinance and the PC. After the PC is more familiar with the issues that will arise, it could be changed to permitted.

Graff asked if this is limited to single day events. Chairperson Liepe said one family that has previously requested to have an event barn said they would have facilities for a few overnight guests. Commissioners agreed that if an event was for more than one day, as long as it was during the specified hours, would be ok for an event to reconvene each day over 3 or 5 days, whatever is appropriate. That could be covered under the SU.

Discussion continued, including why to limit to 180 days. It needs to be clarified that it is owner operated with the owner on site.

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Special Event Venues.

Numbers 7 to 10 might be covered by Health Department approval. Numbers 12 and 13 covered by Parking in Chapter 18 and by the Road Commission.

Number 6 is covered by Health Department.

Number 7 is covered by the noise ordinance.

Numbers ¶ I U R P D S X E O L F U R D G D Q G D F U H V L V Q R
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should be stricken out.

Discussion ensued on Shared Driveways and Private Roads and the difference between the two. A driveway could be shared by 2 homes. If a third home was added, it might need to be upgraded to a private road.

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driveways and private roads, and the legal implications if a home is sold after a shared drive is made. Does this apply in RR and AG? What is the advantage of forcing someone to comply with the increased standards of a private road over the lesser standards of a shared driveway. What are the differences with regard to fire trucks? Should shared driveways be expanded beyond AG and RR?

Exterior lighting will be discussed at a later meeting.

Ellingsen will be asked to attend the next meeting. Ellingsen will be asked to send commissioners a written document with his thoughts, to review before he attends the next meeting, or in the event he is unable to attend the next meeting.

Chairperson Liepe will find out what happened to the section on Restaurants.

b. Any other old business : None

8. New Business

a. Proposed 2018 Calendar :

Discussion on Calendar resulted in the following changes:

‡ Move January 3rd to January 10th.

‡ Add annual meeting with the Board March 24th 9 AM ± Noon. Pending
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annual or bi-annual event. Would be good for Ellingsen to participate in that meeting.

‡ February 7th Public hearing at 6 PM followed by regular meeting.

‡ April 4th meeting moved to April 11th, due to Spring Break

‡ May 2nd moved to May 9th

‡ June 18th \$ Q Q X D O 7 R Z Q V K L S P H H W L Q J ³ \$ G G 3 0 ´

‡ August 1st change to August 8th

b. Public Comment time : Graff asked to add discussion of Public Comment time to agenda because she feels no matter what meeting, no matter topic, there should always be time for public comment. If a meeting is running late, it is important to keep time for public comment sacred. It is our responsibility to have time for the public. It is also important to have dialogue. People ask questions and the PC should respond. Dialogue is good. Chairperson Liepe said she got the 2-minute rule from 4H. If people know there is a 2-minute limit, they will figure out a way to

say what they want within that 2 minutes. Liepe also said if there is time, she can be lenient on the 2-minute rule.

- c. Reading of emails at PC meetings : Graff said that when people take the time to formulate a letter or email because they cannot be at a meeting, it should be read or summarized. They need to be heard. Comments are for everyone. Chairperson Liepe disagreed. Emails are sent to the PC members, hoping you read them. They become part of the minutes. People that come to a meeting can get a copy of them forwarded if they ask. They are on the website after minutes are approved. It would have taken a lot of time to read all the emails at the last meeting because of the volume of them. Liepe said she replies and thanks the public for their comments, and tells them she will add them to the minutes of next meeting. Graff said it is important that we share the comments. Supervisor Overhiser allows the public to ask questions and have dialogue. Commissioners agreed that it would take a long time to read all of the email and decided that if the writer of an email request their email be read at the meeting, then read it. Otherwise attach them to the minutes.
- d. Shoreline Overlay District: Dave Campbell thought this is something that should be discussed to get a better overview of what is going on. It is something that should be added to the March 24th agenda with the Board.

9. Public comment on items discussed in this meeting :

Chris Barczyk said discussion with the public is very good. He wrote comments on many things throughout the meeting. He could have answered some of the questions the Commission asked if he were allowed to speak. One thing he could have answered is Riverbend Retreat is not grandfathered. They need protection.

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had been allowed to speak.

Daron Massey of Miami Park, said in reference to pictures of the tall 3 story house on Lakeview, height does not really matter. You will have 10 or 12 people in the house regardless of the height. What are you trying to solve? The Boardwalk community would not be building 3-story homes. Regarding resorts, they are not defined in the Master Plan or Zoning Ordinance.

Debbie Weaver said that large boulders have been piled on the lakeshore by Boardwalk. You cannot walk the beach without going out into the water. She asked if this was protected in the Master Plan. Graff said the Master Plan is required by state law to be looked at every 5 years. The Master Plan is a plan for land use for the next 5 or 10 years. John Weaver added that it is a huge wall of boulders so that people cannot walk down the beach. Graff said the Corps of Engineers and D&R have control of that, not the township. John Weaver said the boulders are ½ the size of a VW and piled up into a huge wall.

Adamson said it is too late to complain. Notice is sent out to neighbors when a request is made for something like this. South Haven has this in their ordinance. They have just started enforcing it. First, a request goes before the Harbor Commission, then recommendations go to the PC. If the PC approves, an erosion permit is taken out and the Corps and DEQ must approve. Casco does not have this in the Zoning Ordinance.

Graff asked Chairperson Liepe to ask the attorney if the PC can get involved in this. She asked if the PC should have been noticed. Adamson said only neighboring properties are noticed, and they have 20 days to object.

Clerk Brenner said if someone is going to loose their property due to erosion, they have a legal right to do something like this to stop erosion. If the house is in serious danger, you cannot stop them.

Adamson said South Haven just stopped some where pools and a house were in jeopardy. The City stopped it. No action can be taken until it goes before the Harbor Commission, then the PC. The City has said they can override it. The township would have the power in zoning.

Barczyk asked if the Williams & Works documents could be put on the website prior to a meeting. He also said there has been a history of resorts in Casco for many years. Resorts are non-conforming. They need to be made legitimate. Barczyk asked about music venues at Special Event Barns. He questioned restrictions on noise during he day. Commissioners said the noise ordinance has noise restrictions during the day that are increased at night.

10. Closing comments and adjournment : A motion to adjourn was made by Graff, supported by Adamson. All in favor. Meeting adjourned at 9:15.

Upcoming Meetings

:HG 'HF SP « « « « « « « « :RUNVKRS 6KRUW 7HUP 5HQV
-DQ SP « « « « « « « « 5HJXODU 0HHWLQJ (OHFWLRQ RI

Attachment #1 Sign-in Sheet

Attachment #2 Williams & Works Zoning Ordinance Amendment Draft, 12-01-2017

Attachment (OOLQJVHQ¶V TXHVWLRQV IRU FRQVLGHUDWLRQ ZKHQ

Minutes Prepared by Janet Chambers, Recording Secretary

MEMORANDUM

To: Casco Township Planning Commission
Date: December 1, 2017
From: Lynee Wells, AICP
Nathan R. Mehmed
RE: Zoning Ordinance Amendment Draft s

As discussed with Alfred, we have developed draft amendments to the Casco Township Zoning Ordinance addressing Building Height, Resorts, Banquet Barns, Shared Driveways/Private Roads in AG and RR, Exterior Lighting, Elderly Housing Density, and Wineries/Breweries. The following language includes only additions to the Zoning Ordinance text and does not include full sections or chapters. Highlighted or strikethrough text indicates changes to existing language or sections. Each amendment topic has been placed in its own section with a narrative describing each.

Building Height

The following zoning ordinance language was developed to enhance compatibility of new and existing residential dwellings by clarifying language regarding story height, and by changing the height measurement to the peak of the building which would apply to any building within the Township.

SECTION 2.03 DEFINITIONS – B

BUILDING HEIGHT

~~The vertical distance measured from the average grade to the highest point of the roof surface of a flat roof; to the deck of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip and gambrel roof.~~

The vertical dimension measured from the average grade of the building, structure, or wall exposed above grade to the highest point of the roof, parapet wall, or other uppermost part.

The diagram in this section depicting building height calculations has been replaced with the following diagram:

H=Height of Building

Add the highlighted language to the district regulations in the following districts:

_____ (PC to discuss and add applicable districts)

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

Resorts

The following zoning ordinance language for resorts was developed to provide a distinction between resorts and short-term rentals. The standards were written so as to reflect existing conditions at resorts in the Township while providing standards that protect adjacent land uses. We have provided a new definition and proposed that resorts be permitted by special use in the LDR district. Moving forward, if any existing resort were to expand, they would be required to submit a site plan and follow the special land use process. Currently, they are legal non-conforming, thus becoming a "special land use" would advance them into conforming status.

SECTION 2.18 DEFINITIONS – R

RESORT

A permanent building or group of permanent buildings, other than a boarding house, bed and breakfast, hotel, motel, short-term rental, or campground, containing overnight accommodations for transient guests with a large portion of the site devoted to recreational activities, such as tennis, horseback riding, swimming, hiking, or similar activities.

SECTION 8.02 PERMITTED USES AND SPECIAL USES

USES	LDR
Resort	SU

SS. Resort

1. Resorts shall be located on a lot of ten (10) acres or greater.
2. The total number of rental units shall not exceed twelve (12) per acre.
3. Individual resort buildings, accessory buildings and similar features shall be buffered from surrounding single-family residential uses or similar resort uses by screening, distance, or other means satisfactory to the Planning Commission to protect the quiet enjoyment and aesthetic values of adjoining properties.
4. Storage for operational equipment or supplies must be located in accessory buildings or structures.
5. The Planning Commission may require that driveways and parking areas consist of a dustless hard surface depending on the anticipated level of use, and must meet the standards for ingress and egress of emergency equipment as determined by the Fire Department.
6. Resorts may be connected to a common septic system and drain field, subject to review and approval by the Allegan County Health Department.
7. Suitable containers for rubbish shall be placed on the premises for public use and shall be properly disposed of on a regular basis.
8. Suitable lavatory facilities shall be provided on the premises.
9. Accessory uses related to the operation of a resort such as, but not necessarily limited to, swimming pools, tennis courts, restaurants, and other recreational uses may be permitted, provided that they are indicated at the time of application.
10. The Planning Commission may establish quiet hours for a resort.
11. The Planning Commission may establish conditions pertaining to events held at a resort.

Banquet Barns

The following zoning ordinance language for banquet barns was developed to address the pressure for “wedding barns” in the Township. We have provided a new definition and proposed that banquet barns be permitted by special use in the AG and RR districts. As a note, this draft language does not permit banquet barns without a principle single-family dwelling. The majority of proposed standards are intended to protect potential impacts caused by the operation in a primarily rural and residential setting.

SECTION 2.03 DEFINITIONS - B

BANQUET BARN

A use which provides rental space in a barn or accessory building for functions such as, but not limited to: wedding parties, conferences, service club meetings and other similar gatherings, along with the catering of food services off the premises.

SECTION 5.02 PERMITTED USES AND SPECIAL USES

USES	AG
Banquet Barn	SU

SECTION 6.02 PERMITTED USES AND SPECIAL USES

USES	RR
Banquet Barn	SU

UU. Banquet barn

1. A single-family dwelling shall be located on the property.
2. A banquet barn shall be located on a lot of five (5) acres or greater. (Note this is double the min. lot area for the districts.)
3. If applicable, the establishment shall be licensed and inspected by the Allegan County Health Department and comply with all applicable laws and regulations regarding food service.
4. The establishment shall be operated for a time period not to exceed 180 days during a 12 month period.
5. Hours of operation shall be limited to the hours of 7:00 a.m. and 10:00 p.m.
6. The maximum capacity of the establishment shall not exceed that established by the fire chief.
7. Amplified music shall be in accordance with the Township noise ordinance.
8. No activity or structure shall be located within fifty (50) feet of the public road right-of-way.
9. The structure shall be located no closer than one hundred (100) feet from any dwelling unit on an adjacent property.
10. Suitable containers for rubbish shall be placed on the premises for public use and shall be properly disposed of on a regular basis.
11. Suitable lavatory facilities shall be provided on the premises.

- 12. Parking shall be available on site and in accordance with Chapter 18.
- 13. Access to the use shall be located in accordance with County Road Commission requirements.

Shared Driveways in AG and RR

The following zoning ordinance amendment for shared driveways and private roads was developed to address the pressure for shared driveways in the AG and RR districts. We have provided an updated definition for private roads and developed a new definition for shared driveways. The existing private road standards are proposed to remain the same; however, we have proposed the addition of shared driveways, subject to the same standards as private roads, which would serve up to two parcels in the AG, RR, LR, LDR, MDR and commercial or industrial districts.

SECTION 2.17 DEFINITIONS – P
PRIVATE ROAD

A privately owned and maintained thoroughfare meeting the requirements of Section 3.26 of this Ordinance and providing access to three (3) ~~two (2)~~ or more individual lots or parcels.

SECTION 2.19 DEFINITIONS – S
SHARED DRIVEWAY

A privately owned and maintained thoroughfare meeting the requirements of Section 3.26 of this Ordinance and providing access to no more than two (2) individual lots or parcels.

SECTION 3.26 PRIVATE ROADS

- A. Purpose. The Township determines that it is in the best interest of the community to regulate the construction, improvement, extension, relocation, and use of private roads. Private roads are only permitted in the LR, LDR, MDR and commercial or industrial districts, and on lots in the Rural Residential District which directly front Blue Star Highway and which include an open space development. For the purposes of this Ordinance, shared driveways shall be considered a type of private road and shall comply with the requirements of this Section. Shared driveways are only permitted in the AG, RR, LR, LDR, MDR and commercial or industrial districts. These provisions have been enacted to assure that proposed private roads:

*(the remainder of the section remains unchanged and is not included to save space)

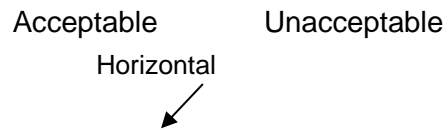
Exterior Lighting

The following zoning ordinance language for exterior lighting was developed to address existing exterior lighting issues, particularly in residential districts. We have provided comprehensive lighting language which applies to exterior lighting in all zoning districts within the Township.

SECTION 2.39 EXTERIOR LIGHTING

- A. Exemptions. The following types of outdoor lighting shall not be covered by this Ordinance:
 - 1. Residential decorative lighting such as, but not limited to, porch lights, sconce lights, low level lawn or landscape lights, and special seasonal lights such as for Christmas decorating. Residential decorative lighting shall not mean unshielded flood or security lighting such as, but not limited to, sodium vapor lights or other high powered dusk to dawn lighting.
 - 2. Sign lighting as regulated by Chapter 19 herein.
 - 3. Lighting affiliated with a farm or farm operation.
- B. Regulated Lighting. The following types of lighting shall be regulated by this Ordinance:
 - 1. Parking lot lighting, building-mounted lighting, and site lighting for commercial, industrial, multiple-family and institutional developments.
 - 2. Publicly and privately owned roadway lighting.
 - 3. Other forms of outdoor lighting which, in the judgment of the Planning Commission or Zoning Administrator, are similar in character, luminosity and/or glare to the foregoing.
- C. Standards. Lighting shall be designed and constructed in such a manner as to:
 - 1. Ensure that direct or directly reflected light is confined to the development site or subject property.
 - 2. Lamps and luminaries shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way, or the light

Figure 3 -4



source is not directly visible from beyond the boundary of the site.

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 point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as illustrated in Figure 3-4. No light fixture shall be mounted higher than 20 feet above the average grade of the site, except for approved outdoor recreation area lighting.
5. Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling, glare guards or lenses to meet the requirements of this section.
6. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. The permanent use of beacon and search lights is not permitted.
7. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
8. The Zoning Administrator or Planning Commission may impose other reasonable standards to better ensure that the intent and purpose of this Section would be met.

Elderly Housing Density

The following zoning ordinance amendment for elderly housing was developed to address a desire for lower density (12 units/acre) instead of the existing density (18.25 units/acre).

SECTION 15.03 SPECIFIC USE STANDARDS

N. Elderly housing

1. Parking shall be provided at the rate of one (1) space per unit. Should units revert to general occupancy, then two (2) parking spaces per unit shall be provided.
2. Minimum lot size shall be one (1) acre with a minimum of ~~two thousand four hundred~~ three-thousand six-hundred thirty (~~2,400~~)-(3,630) square feet of lot area per dwelling unit (a maximum of 12 ~~18.25~~ dwelling units per acre).
3. The number of dwelling units in an elderly housing project may exceed the twenty (20) units per building by no more than fifty (50) percent (~~ten [10] units per building~~) if the facility is licensed by the State of Michigan for nursing care or as a home for the aged. If the facility is not licensed by the State of Michigan the number of units may exceed

twenty (20) units per building by no more than twenty-five (25) percent. ~~(five [5] units per building).~~

4. All units in the building shall have a minimum of four hundred fifty (450) square feet per unit.
5. A covered drop-off and pick-up area shall be provided on-site in close proximity to the main entrance.
6. Walkways shall be provided from the main building entrances to the sidewalk along the adjacent public or private road(s).

Winery/Brewery

The following zoning ordinance language for a winery/brewery was developed to address the pressure for and existence of wineries and breweries in the Township. We have provided new definitions for winery/brewery and tasting rooms and proposed that a winery/brewery be permitted by special use in the AG district. The majority of proposed standards are intended to protect potential nuisances caused by the operation in a primarily rural setting. Moving forward, if any existing winery or brewery were to expand, they would be required to submit a site plan and follow the special land use process. Currently, they are legal non-conforming, thus becoming a “special land use” would advance them into conforming status.

SECTION 2.20 DEFINITIONS – T

TASTING ROOM

An establishment associated with a winery/brewery that allows patrons to sample the winery or brewery’s products and a limited amount of prepared food products for on-site consumption. A tasting room may be located on the same parcel as the winery/brewery with which it is associated as an accessory use. For the purposes of this Ordinance, a tasting room shall not be considered an eating and drinking establishment.

SECTION 2.23 DEFINITIONS – W

WINERY/BREWERY

A state-licensed facility where production of agricultural products used in the production of beer, wine, mead, and/or cider is maintained and where the site and buildings are used principally for the production of wine, beer, mead, or cider. A winery/brewery shall include buildings involved in the production of wine, beer, mead, or cider. A winery/brewery may include tasting rooms conducted in association with and on the same property as the winery/brewery.

SECTION 5.02 PERMITTED USES AND SPECIAL USES

USES	AG
Winery/Brewery	SU

TT. Winery/Brewery

1. The establishment shall be related to the farm use and at least fifty (50%) of the products processed, served, or sold on the premises shall contain farm products produced by the affiliated farm.
2. The establishment shall be licensed and inspected by the Allegan County Health Department and comply with all applicable laws and regulations regarding food service.
3. Winery/brewery activities may include entertainment functions associated with a tasting room including, live music, yard games, and outdoor sitting areas.
4. Hours of operation shall be limited between the hours of 7:00 a.m. and 10:00 p.m.
5. Amplified music shall be in accordance with the Township noise ordinance.
6. Exterior lighting shall be so arranged that it is fully cut-off, downward facing, dark-sky compliant, and deflected away from adjacent properties so as to preserve the rural character of the Township, pursuant to Section 2.39.
7. No activity or structure shall be located within fifty (50) feet of the public road right-of-way.
8. Access to the site shall be located at least one hundred (100) feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the intersection, and shall be located a minimum of fifty (50) feet from any property line.
9. A building, structure, or accessory structure containing a winery/brewery or tasting room shall be located no closer than one hundred (100) feet from any lot line which abuts a residential dwelling unit on adjacent property.
10. One (1) ground sign, not exceeding twenty (20) square feet, and one (1) wall sign, not exceeding twelve (12) square feet, may be erected on the property. Such signs shall otherwise meet the requirements of Chapter 19 where applicable.
11. Parking shall be available on site and in accordance with Chapter 18.
12. Access to the use shall be located in accordance with County Road Commission requirements.

As always, please let us know if you have any questions.

Since it appears that the Master Plan allows some type of future commercial endeavors in the Agricultural Zone, either in association with an existing use or as a potential standalone use, the Planning Commission will have to answer, among others, the following questions:

1. Would small restaurants be appropriate in some areas and in conjunction with certain uses? Or
2. Should stand alone restaurants be allowed?
3. Will the use change the character of the area, especially properties immediately surrounding the property with the change of use?
4. Is the use contrary to the purpose and intent of the zoning district?
5. Will the roads be impacted such as to need upgrading to be safe and not degrade more quickly?
6. Will the use create more demand of Fire/Rescue and Police in terms of potential emergencies?
7. Will the use be able to operate long term without the need for public water and sewer?
8. Is the use primarily for local patrons or is it primarily for travelers?
9. What would be the maximum scale of the facility (Number of seats, size of building, etc.)?
10. Would the Health Department approve these uses?