

**Public Hearing & Special Meeting
of Casco Township Planning Commission
Proposed Zoning Ordinance Text Amendment
February 27, 2019
6:00PM**

1. Call to order

2. Review and Approve agenda

3. Reading of the Public Hearing Notice and Special Meeting

Note: Each proposal will be discussed and decided on separately

4. Open Public Hearing

Read proposed text: Prohibition of Recreational Marihuana

Public Comment – Please keep comments to no more than
3 minutes per person

Planning Commission comments / questions

Final comments / questions

5. Close Public Hearing

6. Discussion and decision for proposed text of Prohibition of Recreational
Marihuana

7. Open Public Hearing

Read proposed text: Height, remove “or 2 ½ stories”

Public Comment – Please keep comments to no more than
3 minutes per person

Planning Commission comments / questions

Final comments / questions

8. Close Public Hearing

9. Discussion and decision for proposed text of Height

10. Open Public Hearing

Read proposed text: Exterior Lighting

Public Comment – Please keep comments to no more than
3 minutes per person

Planning Commission comments / questions

Final comments / questions

11. Close Public Hearing

12. Discussion and decision for proposed text of Exterior Lighting

13. Adjournment of Special Meeting

**CASCO TOWNSHIP PLANNING COMMISSION
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF PUBLIC HEARING

TO: THE RESIDENTS AND PROPERTY OWNERS OF CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

PLEASE TAKE NOTICE that the Planning Commission of Casco Township will conduct a public hearing and special meeting concerning the following matters on Wednesday, February 27, 2019 at 6:00 p.m. at the Casco Township Hall, 7104 107th Ave, South Haven, MI 49090, within the Township.

PLEASE TAKE FURTHER NOTICE that the item(s) to be considered at said public hearing include the following:

1. Zoning Ordinance amendment to add Section 3.42, Prohibition of Recreational Marihuana Establishments.
2. Zoning Ordinance amendment to amend Sections 3.28, 5.03, 6.03, 7A.03, 7B.03, 8.03, 9.03, 11.03, and 12.03, to eliminate “or 2 ½ stories”; concerning Height.
3. Zoning Ordinance amendment to amend Section 3.34E 6, (add) 3.41, 15.03CC 5, 17.03 C, 18.03C, and definitions (2.31). The amendments are to add “exterior lighting” regulations.

PLEASE TAKE FURTHER NOTICE that the proposed Zoning Ordinance amendments can be reviewed at the Township Hall during regular business hours of regular business days at, 7104 107th Ave, South Haven, website www.cascotownship.info and will also be available at the time and place of the hearing.

PLEASE TAKE FURTHER NOTICE that written comments will be received from any interested person concerning the foregoing by the Township Clerk at the address set forth below, during regular business hours of regular business days or by mail to the Township Clerk at the address set forth below, up to the date of the hearing and will also be received by the Planning Commission at the hearing.

PLEASE TAKE FURTHER NOTICE that the Casco Township Planning Commission and Township Board reserve the right to make changes in the above mentioned proposed amendments at or following the public hearing. All interested persons are invited to be present at the aforesaid time and place.

Casco Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the hearing upon seven (7) days’ notice to the Casco Township Clerk. Individuals with disabilities requiring auxiliary services should contact the Casco Township Clerk at the address or telephone number listed below.

Cheryl Brenner
Casco Township Clerk
7104 107th Ave, South Haven MI 49090
269-637-4441

Tasha Smalley
Zoning Administrator
1-800-626-5964

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 3.42 of the Casco Township Zoning Ordinance (the "Zoning Ordinance") shall be added to state in its entirety as follows.

SECTION 3.42 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 Overhuser, Township Supervisor

Cheri Brenner, Township Clerk

CASCO TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
Ordinance # _____

AN ORDINANCE TO AMEND THE CASCO TOWNSHIP ZONING ORDINANCE; TO AMEND SECTION 3.28 NONCONFORMING LOTS USES OR STRUCTURES, SECTION 5.03 DISTRICT REGULATIONS, SECTION 6.03 DISTRICT REGULATIONS, SECTION 7A.03, DISTRICT REGULATIONS, SECTION 7B.03 DISTRICT REGULATIONS, SECTION 8.03 DISTRICT REGULATIONS, SECTION 9.03 DISTRICT REGULATIONS, SECTION 11.03 DISTRICT REGULATIONS, SECTION 12.03 DISTRICT REGULATIONS REGULATION

CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. Amendment of Section 3.28. Section 3.28, Section B, is amended to add item 4: The maximum height of all buildings shall be 35’.

Section 2. Amend Section 5.03. Remove reference to 2 ½ stories.

Section 3. Amend Section 6.03. Remove reference to 2 ½ stories.

Section 4. Amend Section 7A.03. Remove reference to 2 ½ stories.

Section 5. Amend Section 7B.03. Remove reference to 2 ½ stories.

Section 6. Amend Section 8.03. Remove reference to 2 ½ stories.

Section 7. Amend Section 9.03. Remove reference to 2 ½ stories.

Section 8. Amend Section 11.03. Remove reference to 2 ½ stories.

Section 9. Amend Section 12.03. Remove reference to 2 ½ stories.

Section 10. 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

Cheryl Brenner,
Township Clerk

CASCO TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
Ordinance # _____

AN ORDINANCE TO AMEND THE CASCO TOWNSHIP ZONING ORDINANCE; TO AMEND SECTION 2.31 DEFINITIONS (L), AMEND SECTION 3.34 E, 6 TO REFER TO LIGHTING SECTION, ADD SECTION 3.41 EXTERIOR LIGHTING, AMEND SECTION 15.03 CC, 5, AMEND SECTION 17.03 C, LINE 16, AMEND SECTION 18.03 C.

CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. Amendment of Section 2.31. Section 2.31 – Definitions – L is amended to add the following defined term to read as follows:

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 watt incandescent or equivalent, 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 2. Amend Section 3.34 E, 6. Replace with: Lighting shall conform to Section 3.41, Exterior Lighting.

Section 3. Add Section 3.41. Section 3.41 Exterior Lighting is added to the Zoning Ordinance to include the following:

SECTION 3.41 EXTERIOR LIGHTING

- 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.
- 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 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.

Figure 3-4

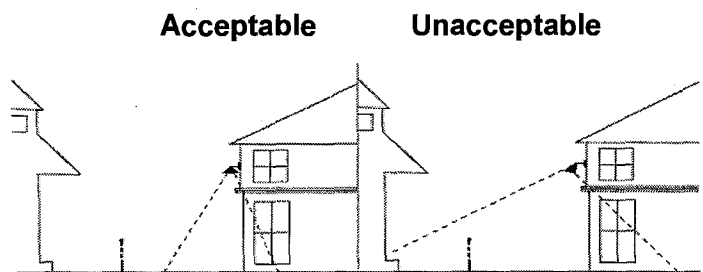
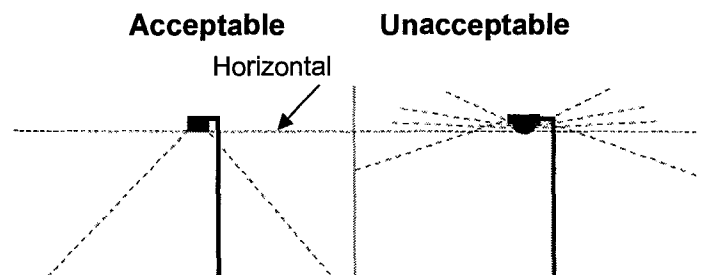


Figure 3-5



5. No light fixture shall be mounted higher than 20 feet above the average grade of the site, except for 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 used at any location or in any manner so as to be confused 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.

Section 4. Amend Section 15.03 CC, 5. Replace with: Lighting shall conform to Section 3.41, Exterior Lighting.

Section 5. Amend Section 17.03 C, Line 16. Amend to read as follows: Specific location and design of exterior lighting, including a photometric plan, 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

Section 6. Amend Section 18.03 C. Replace Section C with the following: Lighting shall conform to Section 3.41, Exterior Lighting.

Section 7. 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

Cheryl Brenner,
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