

APPROVED 7/17/19

REGULAR MEETING OF CASCO TOWNSHIP PLANNING COMMISSION
June 19, 2019; 7PM

Tasha Smalley Zoning Administrator

Members Present: Chairman David Campbell, Secretary Lewis Adamson, Board Representative Judy Graff, ZBA Representative Dave Hughes and PC members Greg Knisley & Dan Fleming

Absent: Vice Chair Dian Liepe

Staff Present: Zoning Administrator Tasha Smalley and Janet Chambers, Recording Secretary

1. **Call to Order:** The meeting was called to order at 7 PM.
2. **Review/Approval of Agenda:** A motion by Graff, supported by Hughes to approve the agenda. All in favor. MSC.
3. **Interested Citizens in audience will be heard on items NOT on the Agenda Public Correspondence received:** None present
4. **Approval of minutes from 5/15/2019 Regular Meeting:** A motion by Graff, supported by Fleming to approve the minutes of 5/15/2019 as printed. All in favor. MSC.
5. **Calendar review (Campbell):** July 17 is the next regular meeting. There will be no special meeting on 24th. Zoning Administrator asked if the public hearing could be on July 17th. Discussion ensued. No decision was made at this time. Will cover later in this meeting.
6. **Old Business**
 - a. **Municode update (Smalley):** The first draft should be ready by July 8th. Current change log will be included. Future changes will be noted in content of ordinance instead of continuing the change log.
 - b. **External Lighting – See Attachment #1 (Smalley):** Smalley came up with a draft (5/15/19) that she thought the Board would approve of.

Discussion ensued about including “foot candle” in the amendment. Commissioners discussed glare definitions, i.e. nuisance glare, disabling glare, and glare. The concern is defining the amount of light that might cross the property line and “foot candle” would be a definitive measurement. Commissioners discussed the order of the definitions.

Discussion ensued on Section 3.41 C concerning the 20’ height limit. Is the main objective to keep light from crossing the property line. Commissioners reiterated the importance of foot candle as a clear measurement. The decision was to take out the height limit.

Discussion was had on the drawings 3.34 and 3.5. It was decided to leave the diagrams as they are.

Graff made a motion to add “foot candle” and remove the 20’ height maximum, supported by Campbell. Roll call vote as follows: Campbell – yes, Graff - yes, Hughes – yes, Knisley – yes, Fleming – no, Adamson – no. MSC.

Discussion on timing for a public hearing and making sure the document is fully ready with final changes to be presented to the board. Commissioners agreed the public hearing could be for more than one zoning amendment. Discussion ensued about how many amendments should be presented at one public hearing. Tabled until later in meeting.

- c. **Drainage – See Attachment #2 (Smalley):** Smalley said it was brought to her attention that giant houses are being built in Miami Park and grade being raised causing drainage onto neighbors. In the beginning of construction phase Casco can regulate that a drainage plan be submitted. This would go in general provisions. When permit issued it would be part of the process. The proposed text says if you change the grade, you would need an engineer to certify the plan.

Hughes asked if this would also apply to Zoning Amendments. If someone is building closer to the lot line, would they need an engineer to certify that it is not causing runoff to the neighbors.

Smailey said as the draft is worded, there would only need to be an engineer involved if the grade is changed. A runoff plan would be part of the building permit even if the grade is not changed but would not involve an engineer. Every roof or paving would affect runoff.

Discussion ensued about whether 3.43 #2 is necessary or if it is covered under #1. It needs to be understood that any “increased” flow is what the ordinance is referring to. Water naturally will run downhill, and already is. If a person blocks a flow of water on his property, it could cause water to collect on the person upstream of that property.

Commissioners questioned whether this would be applied to new construction only, or additions. Smalley said it would apply to all building permits.

Campbell said growth is going to continue in Casco because of the debt. This will result in more water runoff issues.

Graff motioned to approve Chapter 3, 3.43 (6/19/19), 2nd by Campbell.

Discussion ensued what districts to apply this ordinance to. Non-conforming lots, ag, lots of 1 or less acres, etc. It was decided to apply this amendment to all residential districts.

All in favor. MSC.

d. Winery, Special Use Standards – See Attachment 3 (Smalley): Smalley presented text from Ganges Twp. This is a SLU. Smalley asked if commissioners felt it should be on the property where the fruit is grown, and what provisions the PC would like to see. For a winery to be legal under the existing ordinance, it must be an ancillary use of a farm market. A winery is not a farm market. In order to be a farm market, they would sell the grapes, not make wine. Commissioners should begin thinking about this and further discussion was tabled until a future meeting.

e. Any old business that may come before the commission:

7. New Business

a. Proposed Amendment of ZO Section 3.39 A 4 – Fire Pits – See Attachment #4 (Campbell):

Campbell presented a proposed amendment to the fire pit ordinance. The ordinance proposes fire pits are not less than 25' from the property line. (The existing STR Fire Pit Ordinance says 25' from a structure). The rest of the ordinance basically says go read SHAES. Campbell said it should be more specific. 25' from structure or building is not doing anything for the neighbors. This would mean Macyauski would be inspecting the location while doing STR inspections. Non-conforming lots are too small, and we are not protecting neighbors. Campbell said we should expand 3.39 and get it on the table to come up with an amendment.

b. Proposed ZO for Fire Pits in Non-Conforming Lots of Record (Section 3.28 B), in LR-A, Lakeshore Residential District (Section 7A) – See Attachment 5 (Campbell): Could go to a contained unit like a "chimney".

c. P C Process Review Timing (Campbell – Liepe): Campbell referred to the following three items from the May 15, 2019 minutes: *Page 1 item 2 - there was reference to Graff having discussion with the Zoning Administrator about the agenda being posted to the website. *Page 3, e i, 2nd paragraph - Graff had a conversation with Smalley about water trespass. *Page 3, 3 ii 2nd paragraph Graff had a conversation with Smalley about Wineries. Campbell expressed his anger about Graff having discussion with the Zoning Administrator outside of a meeting. Campbell said he does not want anyone, except himself, having discussions one on one outside of a meeting.

Campbell asked the recording secretary if she has commissioners' input on the minutes prior to sending them out. She said no. Campbell stated that Commissioners must not discuss minutes with the recording secretary prior to being presented for approval.

i. General guidelines (Campbell): Smalley will send out packets with supporting materials prior to all meetings. Attachments will not need to be emailed by recording secretary.

ii. **Discussion items (Liepe):** Absent

d. **Master Plan Update (Campbell):** Campbell met with the Supervisor and looked at a couple of drafts for a Master Plan survey **discussed drafting a Master Plan survey.** ~~They~~ **He (Campbell)** will come up with a potential 40 question survey to **jumpstart the PC / Board survey generation process.**

e. **Any new business that may come before the commission:** The 24th public meeting has been cancelled. There was discussion on whether there needs to be an August 7th meeting. Discussion ensued about when a final draft would be ready for the external lighting and drainage ordinances. Discussion was had on how many ordinances should be covered at one public hearing. Bed & Breakfast will not be a difficult ordinance. It was agreed that not less than two ordinance amendments would be held at one meeting. August 7th at 6:00 could be a public hearing for amendments, followed by the regular August meeting.

8. Administrative Reports

a. **Zoning Administrator (Smalley):**

Smalley said there is an opportunity to have a public hearing on July 17th. There is an amendment to an already approved site plan.

It was decided there would be a regular meeting on July 17th at 7:00. ~~and possibly a B&B public hearing for a site plan amendment.~~ August 24th ~~would be a public hearing for external lighting and drainage.~~ September 18th is a regular meeting. September 25th ~~could~~ **will** be for a B&B amendment **site plan review** and a Winery amendment could be another time **External Lighting and Drainage Public Hearings.**

b. **Short Term Rental Twp Report (Campbell):** The township is doing a great job on enforcement side of things. There are 102 registered STRs. Warning letters to those not registered. There are several mystery properties. Noise complaint call in to police and the people have been good about dealing with it. Reviews of a property said there are strict noise policies.

c. **Township Board representative (Graff):** *Annual & normal board meeting.
*Shingle shots are available, *BS Highway from Mt. Pleasant to 111 will be paved
*W&S authority is looking at reducing monthly debt retirement. *Airport will have a fly-in Aug 11th there will be plane & helicopter rides. *The 2019-20 budget has been approved, * Staff & elected officials are getting a 2.5% cost of living raise *Used police car is going up for bid. *There are 102 registered STRs in Casco

Campbell asked about off road vehicles. Graff said it was approved and will be effective 30 days after it is published. She did not have the exact date it was published.

Knisley asked Graff to take information about the recycle yard to the board. There are people getting in when closed. The area just south of entrance you can see where people are entering during off hours and dumping illegally. The entrance should be blocked.

Graff said recycling is getting expensive, but Casco is in the green. Graff continued listing items discussed at board meeting. *In June Casco agreed to pay for a service available to residence who want a business. It will be similar to *Allegan County's Legal Assistance Center* available to residence in Allegan Co. for civil issues. and Judge Baker announced the service and asked for donations. Casco agreed to contribute.

- d. **Report from ZBA representative (Hughes):** They have not met Discussion ensued about being sure people are going for a building permit if variance is granted.
- e. **Water / Sewer representative (Adamson):**

9. **General Public Comment:** no public present

10. Adjourn: 9:30 PM

Attachment #1: Exterior Lighting Proposed Ordinance Draft from Smalley

Attachment #2: Grade and Fill Proposed Ordinance Draft from Smalley

Attachment #3: Winery Ordinance Proposed Draft from Smalley

Attachment #4: Fire Pit 3.39 A.4 Proposed Ordinance Draft from Smalley **Campbell**

Attachment #5: Lakeshore Residential 7A Proposed Ordinance for 3.28 B Non-conforming Lots from Smalley **Campbell**

Attachment #6: Smalley ~~hours~~ **Zoning Report** for May 2019

Attachment #7: Agenda

Minutes Prepared by Janet Chambers, Recording Secretary

Section 1. Amendment of Section 2.31. Section 2.08 – Definitions – G is amended to add the following defined term to read as follows:

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.

SECTION 3.41 EXTERIOR LIGHTING

All outdoor lighting fixtures in the LDR, LR-A, LR-B, MDR Zoning Districts shall be designed and constructed in such a manner as to:

- A. Prevent direct light trespass across property lines and prevent light pollution that result in light glare, including nuisance glare or disabling glare.
- B. 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.
- C. No light fixture shall be mounted higher than 20 feet above the average grade.
- D. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Holiday lighting is exempt.
- E. Ensure that direct light is confined to the subject property per Figure 3-4.
- F. 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

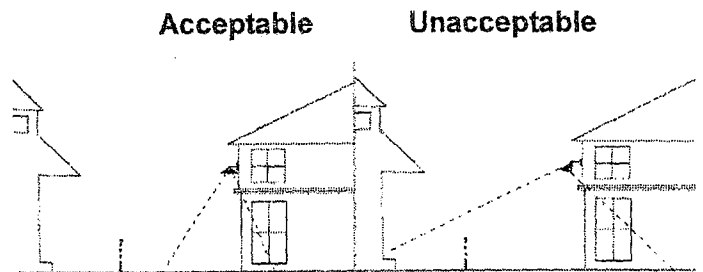
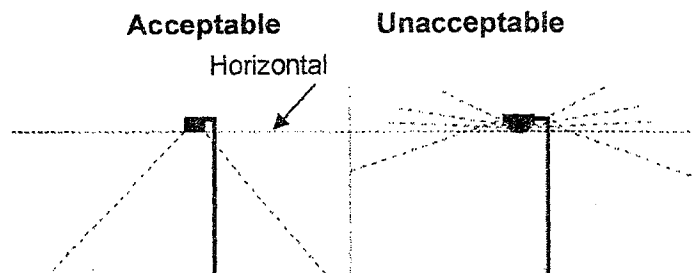


Figure 3-5



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Tasha's proposed text amendment 6/19/19

Chapter 3 General Provisions

3.43 Grading and Filling

1. Flow restrictions: The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flow away from the building or structure and is managed in a manner which avoids: increased flow into adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public water course or the creation of standing water over a private sewage disposal drainage field.

2. Elevation restrictions: Filling with earth or other materials of a parcel of land to an elevation above the established grade of adjacent developed land is prohibited unless *an engineer certifies that the adjacent properties will not be affected by the raise in grade*

3. Natural watercourses which provide drainage from or through a proposed site shall be maintained in a natural state, or as an open grass swale, unless design flow clearly warrants the enlargement of the watercourse or deepening of the drain.

3.44 Storm Water Management

All lots shall retain storm water run off on-site, or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies, above the existing predevelopment runoff impact.

expense of the property owner.

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26. Applicant shall show proof of public liability insurance for the project.

sample only

FF. WINERY

1. **Minimal lot size for the facility shall be ten (10) acres if located in the Res/Ag or Ag Districts and two (2) acres if located in the Commercial District. Meaderies are only allowed in the Commercial District and require a minimal lot size of two (2) acres.**
2. **These facilities require a Special Land Use.**
3. **Facilities located in the Res/Ag or Ag Districts must be located on the farm from which the fruit is grown for wine production. This is not required of facilities located in the Commercial Districts.**
4. **In the Res/Ag and Ag Districts the facility shall be located no closer than two Hundred (200) feet from any lot line that abuts a residential district or use. In the Commercial District the side and front yard setbacks shall be fifty (50) feet and the rear yard setback shall be thirty (30) feet.**
5. **Activities may include entertainment functions associated with the winery or meadery including but not necessarily limited to tours and a retail area for products not made at the winery or meadery.**
6. **No activity or structure shall be located within fifty (50) feet of the public street right-of-way.**
7. **One parking space shall be provided for each three (3) persons permitted under the maximum building occupancy code.**
8. **The access drive shall be wide enough to accommodate two (2) vehicles side-by-side. Two (2) access drives may be required by the Township where a facility is large enough to need additional access points.**
9. **Access to the lot shall be located according to County or State road requirements as applicable.**
10. **No more than five thousand (5,000) square feet shall be devoted to retail sales or ancillary uses such as meeting rooms.**
11. **Hours of operation shall be limited to between the hours of 7:00 a.m. and 9:00 p.m.**

GG. Wireless communication towers over 75 feet

1. The applicant shall provide evidence that there is no reasonable or suitable alternative for collocation of antennas on an existing communication tower or building within the service area of the proposed tower.

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CASCO TOWNSHIP
Rental of Single-Family Dwellings
Proposed Section 3.39 A.4 Amendment

CURRENT FIRE PIT ZONING ORDINANCE REGULATIONS (Section 3.39 A.4)

Section 3.39 A.4 Fire Pit: A fire pit shall not be less than twenty-five (25) feet from any structure or building or combustible materials. The maximum size shall be three (3) feet wide by two (2) feet high, per the regulations set forth by SHAES (South Haven Area Emergency Services or any successor organization) as of November 1, 2017, or as amended.

PROPOSED AMENDMENT (*italicized, bold, under* items below) applicable to Recreational Fire Pits in Single-Family Rental Dwellings covered by Section 3.39 A.4 of the Casco Township Zoning Ordinance.

Intent: To protect the public health, safety, and welfare of Casco Township Residents and all Township guest in Single Family Short Term and Long Term Rentals.

Section 3.39 A.4 RENTAL OF SINGLE-FAMILY DWELLINGS

1. Recreational fire pits and containers need to meet the following **location** requirements:
 - a. At least 25 feet from any structure or building or combustible material,
 - b. ***At least 25 feet from any lot line, roadway, or fence***
 - c. ***At least 15 feet from any overhead line.***
2. The maximum **size** of recreational fire pits in Casco shall be three (3) feet wide by two (2) feet high.
3. ***Recreational fire pits and containers need to meet the following usage requirements:***
 - a. ***Only seasoned dry firewood can be burned.***
 - b. ***You're not allowed to burn yard waste, leaves, refuse, trash, building material or other materials.***
 - c. ***Burning is only allowed between 7AM and 10PM.***
 - d. ***An adult 18 years or older must be present at all times.***
 - e. ***A garden hose, fire extinguisher or other means of extinguishment must be available for immediate use.***
4. ***The property owner of any Single Family Rental Dwelling is responsible for providing Casco Township with a South Haven Area Emergency Services (SHAES) Recreational Burn Permit when submitting their annual application. [Note: "Section 307 of the Fire Code requires that an Recreational Burn Permit be obtained prior to kindling a fire for pleasure, religious, ceremonial, cooking, warmth or similar purposes].***
5. ***Apply for a Recreational Fire Pit by submitting an application with a non-refundable permit application fee of \$55 to SHAES. The application must be accompanied by a site plan drawn to scale showing the location of your fire container in relation to property lines, existing buildings or structures on the property, overhead wires and a garden hose, fire extinguisher or other means of extinguishment readily available for immediate use.***

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CASCO TOWNSHIP
Lakeshore Residential District - Section 7A
Proposed Fire Pit Regulation for ALL Dwellings in
Section 3.28 B Nonconforming Lots of Record

There is no FIRE PIT ZONING ORDINANCE REGULATIONS other than ZO Section 3.39 A.4 covering all Single-Family Dwelling rental properties in this district.

PROPOSED ZO (italicized, bold, underlined items) applicable to Recreational Fire Pits in all Single-Family Dwellings in Lakeshore Residential District – Section 7A

Intent: To protect the public health, safety, and welfare of Casco Township Residents and all Township guest in Single Family Short Term and Long Term Rentals.

Section 7A X.XX Fire Pit Regulations for ALL Dwellings

1. **Recreational fire pits and containers need to meet the following location requirements:**
 - a. **At least 25 feet from any structure or building or combustible material,**
 - b. **At least 25 feet from any lot line, roadway, or fence**
 - c. **At least 15 feet from any overhead line.**
2. **The maximum size of recreational fire pits in Casco shall be three (3) feet wide by two (2) feet high.**
3. **Recreational fire pits and containers need to meet the following usage requirements:**
 - a. **Only seasoned dry firewood can be burned.**
 - b. **You're not allowed to burn yard waste, leaves, refuse, trash, building material or other materials.**
 - c. **Burning is only allowed between 7AM and 10PM.**
 - d. **An adult 18 years or older must be present at all times.**
 - e. **A garden hose, fire extinguisher or other means of extinguishment must be available for immediate use.**
4. **The property owner of any Single Family Dwelling is responsible for providing Casco Township with a South Haven Area Emergency Services (SHAES) Recreational Burn Permit. [Note: "Section 307 of the Fire Code requires that an Recreational Burn Permit be obtained prior to kindling a fire for pleasure, religious ceremonial, cooking, warmth or similar purposes."].**
5. **Apply for a Recreational Fire Pit by submitting an application with a non-refundable permit application fee of \$55 to SHAES. The application must be accompanied by a site plan drawn to scale showing the location of your fire container in relation to property lines, existing buildings or structures on the property, overhead wires and a garden hose, fire extinguisher or other means of extinguishment readily available for immediate use.**

Michigan Township Services Allegan

111 Grand
Allegan, MI 49010

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Invoice

| Date | Invoice # |
|-----------|-----------|
| 6/10/2019 | 3399 |

| |
|--|
| Bill To |
| Casco Township 7104 107th Ave South Haven MI 49090 |

| P.O. No. | Terms | Project |
|----------|-------|---------|
| | | |

| Quantity | Description | Rate | Amount |
|--------------|--|-------|--------------------|
| 0.5 | Zoning May 2019 5/2 ZBA meeting | 48.00 | 24.00 |
| 0.25 | 5/6 Laura Durham, min lot size Miami Park | 48.00 | 12.00 |
| 2 | 5/7 office hours | 48.00 | 96.00 |
| 0.25 | 5/7 Shanna, Remax, BLA quest 02-790-146/145/144-00 | 48.00 | 12.00 |
| 0.25 | 5/8 Matthew, architect, setbacks, lot coverage, new res MiamiPark | 48.00 | 12.00 |
| 2 | 5/14 office hours | 48.00 | 96.00 |
| 0.25 | 5/15 Nick, realtor, email variance information | 48.00 | 12.00 |
| 0.5 | 5/15 Mr. Whiteford, ordinance regulation to not allow a pole barn on property without a dwelling | 48.00 | 24.00 |
| 0.25 | 5/17 muniode update | 48.00 | 12.00 |
| 0.25 | 5/20 Jeff, Jaqua Realtor, lot size regs AG district | 48.00 | 12.00 |
| 2 | 5/21 office hours | 48.00 | 96.00 |
| 0.25 | 5/21 Bridgette, 7421 Washington, 2 exisiting cottages, remodel questions | 48.00 | 12.00 |
| 2 | 5/28 office hours | 48.00 | 96.00 |
| 0.25 | 5/29 Steve Earls, golf course for sale, available splits | 48.00 | 12.00 |
| 0.25 | 5/31 Harriet Adelstein, separate lots, Mt Pleasant. 8 lots, separate 3 | 48.00 | 12.00 |
| Total | | | 3340.00 |

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REGULAR MEETING OF CASCO TOWNSHIP PLANNING COMMISSION
June 19, 2019

1. Call to order
2. Review/Approval of Agenda
3. Interested Citizens in the audience will be heard on items **NOT** on the Agenda & Public Correspondence received (2 minutes each)
4. Approval of minutes:
 - a. 05/15/2019 Regular Meeting
5. Calendar review (Campbell)
6. Old Business:
 - a. Municode update (Smalley)
 - b. External Lighting – See Attachment 1 (Smalley)
 - c. Drainage – See Attachment 2 (Smalley)
 - d. Winery, Special Use Standards – See Attachment 3 (Smalley)
 - e. Any old business that may come before the commission
7. New Business:
 - a. Proposed Amendment of ZO Section 3.39 A.4 – Fire Pits – See Attachment 4 (Campbell)
 - b. Proposed ZO for Fire Pits in NonConforming Lots of Record [Section 3.28 B] in LR-A, Lakeshore Residential District (Section 7A) – See Attachment 5 (Campbell)
 - c. PC Process Review Timing (Campbell-Liepe)
 - i. General guidelines (Campbell)
 - ii. Discussion items (Liepe)
 - d. Master Plan Update (Campbell)
 - e. Any new business that may come before the commission
8. Administrative Reports
 - a. Zoning Administrator (Smalley)
 - b. Short Term Rental Twp Report (Campbell)
 - c. Township Board representative (Graff)
 - d. Report from ZBA representative (Hughes)
 - e. Water/Sewer representative (Adamson)
9. General Public Comment (2 minutes each)
10. Adjourn