

**AMENDMENTS AFTER
19 MAY 2014**

ORDINANCE NO. _____

ZONING TEXT AMENDMENT ORDINANCE

AN ORDINANCE TO AMEND THE CASCO TOWNSHIP ZONING ORDINANCE, SPECIFICALLY PERTAINING TO SWIMMING POOLS; NONCONFORMING LOTS, USES OR STRUCTURES; FENCES; AND THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. Swimming Pools. Section 3.16.D of the Casco Township Zoning Ordinance, concerning enclosures around swimming pools, shall be restated in its entirety as follows.

- D. Each pool shall be enclosed by a fence or wall with a height of at least four (4) feet, sufficient to make the body of water inaccessible to small children. The enclosure, including gates therein, must be not less than four (4) feet above the underlying ground. All gates must be self-latching, and latches shall be placed four (4) feet above the ground or otherwise made inaccessible from the outside to small children. See Section 3.32 for other fence requirements. A natural barrier or other protective device may be approved by the Zoning Administrator as an alternative if the degree of protection afforded is at least equal to the protection offered by the fence or wall, and if the alternative complies with the state building code.

Section 2. Nonconforming Lots, Uses Or Structures. Section 3.28 of the Casco Township Zoning Ordinance, concerning nonconforming lots, uses, or structures, shall be restated in its entirety as follows.

SECTION 3.28 NONCONFORMING LOTS, USES OR STRUCTURES

A. Intent.

1. Within the zoning districts established by this Ordinance, or any subsequent amendments thereto, there exist lots, structures, uses of land, and structures, and characteristics of use which were lawful before this Ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed but not to encourage their expansion or continuation except in compliance with this Section.
2. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the zoning districts involved. A nonconforming use of land or a

- a. For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they meet the following:
 - (1) Are in the same or substantially the same ownership;
 - (2) Are adjacent to each other or have continuous frontage; and
 - (3) Individually do not meet the lot width or lot area requirements of this Ordinance.
- b. In the case where several contiguous nonconforming lots in an existing platted subdivision must be combined, the resultant buildable lot or lots shall provide a:
 - (1) Minimum lot width of sixty (60) feet;
 - (2) Minimum lot depth of one hundred (100) feet;
 - (3) Maximum lot coverage for all buildings of twenty-five (25) percent;
 - (4) Front setback of twenty-five (25) feet;
 - (5) Rear setback of twenty (20) feet; and
 - (6) Side setback of ten (10) feet.
- c. No portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width or lot area requirements.

C. Nonconforming Uses - Change or Discontinuance.

- 1. Except as noted in subsection 2 below, the nonconforming use of a building or structure or of any land or premises shall not be:
 - a. Re-established after it has been changed to a conforming use; or
 - b. Re-established after being abandoned or discontinued for a continuous period of twelve (12) consecutive months, or for eighteen (18) months within any three (3) year period. A nonconforming use shall be determined to be abandoned or discontinued if one (1) or more of the

- a. No nonconforming building or structure may be enlarged or altered in a way which increases its nonconformity, but it may be altered to decrease its nonconformity.
- b. Should a nonconforming building or structure be destroyed by any means, it may only be rebuilt as permitted in Section 3.28.E.2.
- c. Should a nonconforming building or structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located.

E. Repairs and Maintenance.

1. Except as provided by Section 3.28.E.2, all repairs and maintenance work required to keep a nonconforming building or structure in sound condition may be made, but it shall not be structurally altered to permit the use of such building or structure beyond its natural life, except for repairs necessary to maintain public safety.
2. Nonconforming buildings or structures damaged by fire, wind, explosion, act of God, or public enemy may be restored or repaired if the cost does not exceed fifty (50) percent of the true cash value of the nonconforming building or structure prior to its damage or destruction. If the cost of restoration or repair would exceed fifty (50) percent of the true cash value of the nonconforming building or structure prior to its damage or destruction, the restoration or repair shall be permitted only if it complies with the requirements of this Ordinance.
3. Residential nonconforming dwellings damaged by fire, wind, explosion, Act of God, or public enemy may be restored or repaired provided that the reconstruction takes place within the confines of the original nonconforming building height and footprint.
4. If a nonconforming building or structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored or repaired, except in conformity with this Ordinance.

- F. Any buildings, structures, or uses which fail to conform to the predecessor of this Ordinance, were not constructed or used legally, were not permissible nonconforming buildings or structures or uses thereunder, or which violated the predecessor of this Ordinance, shall not be considered nonconforming buildings or structures under this

- E. In the case of a double frontage (through) lot in any Residential District, a fence up to seven (7) feet in height may be erected in the rear yard, as determined by the Zoning Administrator, but shall not block clear vision for area driveways or roadways.

Section 4. 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 _____, 2016, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on _____, 2016, 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