

09-16-20
Approved 07/15/2020

Township Planning Commission
Public Hearing – via Zoom
Proposed Text Amendments to Zoning Ordinance
July 15, 2020, 6 PM

Members Present: Chairman Dave Campbell, Vice Chair Lewis Adamson, Secretary Andy Litts, ZBA Representative Dave Hughes, and PC members Dan Fleming and Greg Knisley

Absent: Board Representative Judy Graff

Also present: Zoning Administrator Tasha Smalley, and Janet Chambers Recording Secretary and Citizen John Kasishke, 720 Lakeview Ave, Miami Park, South Haven

1. **Call to order:** The meeting was called to order at 6:00PM.
2. **Review and Approve agenda:** Agenda was reviewed and approved.
3. **Public Comment – other than agenda items:** None
4. **Overview of the Public Hearing Notice (Attachment #1):**
5. **Open Public Hearing:** The public hearing was opened at 6:03. There was no public input.
6. **Close Public Hearing:** A motion by Hughes, supported by Knisley to close public hearing at 6:10 PM.
7. **Discussion and decision:**
 - a. **to add to Section 208 G Definitions: glare; 2.15 N Nuisance:** Litts asked what the reason for needing a definition of glare and/or nuisance.

Campbell said there was 9 places in the ordinance with “glare” mentioned, and 7 places where “nuisance” was mentioned and there was no definition for either. The Zoning Administrator suggested adding them.

Fleming said there are many words in the ordinance, we should use them based on their definition, we don’t need to redefine them. Fleming suggested taking out the words “*unpleasant or obnoxious things or*” and taking out “*a cause or source of annoyance, especially a continuing or*”.

Smalley said it would be a disservice not to define the words.

Campbell said this is not the time for wordsmithing. This has all been gone through and it is now time to say yes or no and move along.

Fleming asked what “generation of an excessive or concentrated movement of people” meant.

Campbell said it is pretty well set in stone, and we can’t get into wordsmithing or changing at this point.

Litts said before voting, the PC should look at each area in the ordinance the words are used and see if there is a risk that the changes zoning in any of those areas in the book.

Smalley said it would not change the zoning.

Fleming asked Hughes (previously an English teacher) about the 4th line in the Nuisance definition. “...which can be perceived by or effects of a human being....”

Hughes thought it was ok.

Campbell said he felt this had all been discussed and this is not a time for wordsmithing. There has been plenty of time for discussing and should move on to a vote.

A motion by Adamson, supported by Knisley to approve the addition of “Glare” as Sec 2.08G and “Nuisance” as 2.15N. Roll call vote: Campbell-yes; Adamson-yes; Litts-No, Hughes-yes; Fleming-No; Knisley-yes. Motion carried with a 4:2 vote.

- b. **Section 3.29A4 Rental of single-family dwellings, add “and have a setback of 25’ from a property line”**: Knisley asked Hughes, as ZBA Chair, if this is adopted, could someone go to the ZBA for a variance if there was a circumstance were this is an impossibility. It was determined they could.

Campbell said there are a number of situations where fire pits are right on the property line thus 15’ from the home next to them.

Knisley asked if this applied only to rentals.

Campbell said yes. He added that rentals also have restrictions on signs, so this is not unprecedented.

A motion by Hughes, supported by Campbell to approve the proposed additions of Sec. 3.29A4 Rental of single-family dwellings adding “*and have a setback of 25’ from a property line*”. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-yes; Knisley-yes. Motion carries with a unamously.

- c. **Section 3.30 Excavations add A. in part..... to protect properties from drainage and water run-off from adjacent properties:** A motion by Knisley, supported by Hughes to approve an amendment to Section 3.30 Excavations. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-no; Knisley-yes. Motion carried with a vote of 5 to 1.
- d. **Section 15.03D, Special Use, Bed and Breakfast, update the provisions:** Fleming asked why the 750' distance between Bed & Breakfasts is being dropped in the proposed amendment. It has been there a lot of years. We owe it to the people who have worked around it to explain why it is no longer important. Fleming also questioned the reason a guest room could not have a sink. Fleming questioned the reason for having a Bed & Breakfast ordinance if it is regulated by the state.

Campbell said we have been working on this and approved it September 18, 2019. We have been dealing with taking out the 750' from the beginning. We are beyond opening that part of the discussion. We already have rental units on top of one another. The Bed & Breakfast amendment has been on the table for over a year.

Adamson said, regarding the 750' part, he had to jump through hoops when they bought Martha's Vineyard and don't want others to have to do the same. Adamson added it takes 12 or 15 rooms to make a living with a Bed & Breakfast. That is why he suggests taking the 750' from nearest B&B out of the ordinance.

Adamson said the no sink idea was to prevent setting up a residence. A bathroom sink is allowed the reason for a B&B ordinance is to control the special use.

A motion was made by Hughes, supported by Litts to approve the proposed Amendment to 15.03D Special Use, Bed & Breakfast. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-no; Knisley-yes. Motion carries with a 5:1 vote.

8. Adjournment of Public Hearing: Adjourn at 6:42.

Attachment #1: Notice of Public Hearing

Attachment #2: Definitions of Nuisance and Glare proposed amendment

Attachment #3: Section 3.29A4 Firepits in rental homes proposed amendment

Attachment #4: Section 3.30 Excavations proposed amendment

Attachment #5: Section 15.03D B&B proposed amendment

Approved 9-16-2020

**Regular Meeting of Casco Township Planning Commission
July 15, 2020
Immediately following Public Hearing Members**

Present: Chairman Dave Campbell, Vice Chair Lewis Adamson, Secretary Andy Litts, ZBA Representative Dave Hughes, and PC members Dan Fleming and Greg Knisley

Absent: Board Representative Judy Graff

Also present: Zoning Administrator Tasha Smalley, Kathy Stanton Deputy Clerk and Janet Chambers Recording Secretary.

1. **Call to order and review agenda:** The meeting was called to order at 6:45. A motion made by Knisley, supported by Litts to approve the agenda. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-yes; Knisley-yes. Agenda approved 6:0.

2. **Interested Citizens will be heard on items not on agenda:** None

3. **Accept minutes:**

A. 6/17/2020 VanWagoner Special Events Site Plan Amendment (Attachment #1): A motion by Adamson, supported by Campbell to approve minutes of 6/17/2020 special meeting. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-yes; Knisley-yes. Minutes approved as printed 6:0.

B. 6/17/2020 Regular Meeting (Attachment #2) A motion by Knisley, supported by Adamson to approve minutes of 6/17/20 regular meeting. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-yes; Knisley-yes. Minutes approved as printed 6:17/20.

4. **May 20, 2020 Calendar Review (Campbell):** August 19th is the next regular meeting. Smalley has not received any requests for an August special meeting.

5. **Old Business:**

A. **Bylaws posting at Casco Website (Campbell/Smalley):** Campbell said previously the last revision to the bylaws was in 2005 or 2006, so we revised them. Campbell would like to consider having them posted on the website. If there is no objection to having them posted to the website Campbell would like to request the township post them. Hearing no objection Campbell asked Smalley to work with Kathy Stanton to get them posted.

B. **Potential ZO September Public Hearing Amendments (Campbell / Smalley)**

i. **Section 19 Signs: (Attachment #3)** Campbell asked Smalley to explain the law limiting townships from prohibiting contents.

Smalley said we can not set regulations for signs based on content. 2 Smalley said the attorney updated the sign ordinance; taking out and adding some wording. She said

the red text is what has been removed, and the blue text is what has been added. Campbell said he would like to work on the Chapter 19 Sign Requirements in August. Some of the attorney's text changes were legal, and the rest is just house cleaning.

Adamson asked why there is such a difference in the size of signs. It is 8 times what it was. It went to 32 sq. ft. in the proposed text. Smalley will look at that.

Fleming asked what data is used to determine the size a sign should be.

Smalley said the PC can put whatever size they want.

Adamson said people really do not want huge real estate signs by their houses. Fleming said we are trying to protect safety and general welfare, why these numbers?

Smalley said the attorney picked these numbers. The PC can change it to whatever they want.

Campbell said the current text has a maximum of 4 sq. ft. in size.

Adamson said going from 4 to 32 sq. ft. is a big jump.

Commissioners will think about it during the next month and discuss in August.

- ii. **Section 15.03 Farm Market:** Smalley said Farm Markets cannot require a SLU. Farm Markets would go into the general provisions Section 3. There is nothing to do except take it out of the Special Use section and put the same text into General Provisions 15.03 Farm Market. Smalley will give it a number and show the PC what it will look like. The 2020 Farm Market GAAMP regulates farm markets. Smalley will look at it.

Fleming said they should also be thinking about whether to allow different sizes in various districts as opposed to lumping them all together. Campbell acknowledged it was a good point to consider sign sizes by districts.

Campbell said if anyone has thoughts on signs, they should get their points to Smalley.

- iii. **Section 3.17 Outdoor Storage in Residential Districts (Attachment #4):** Campbell asked if there are any changes other than in #3 and the indented section under #4. Section 4 will be replaced with the indented section under #4. Also, Section C on overnight tent camping. Overnight camping is prohibited on vacant land and the beach along Lake Michigan.

Hughes asked what is meant by "vacant land".

Smalley said land with no building. People may own some land and want to put a tent on it for the weekend. That is not allowed.

Campbell said property owners have had a home on one lot and bring a popup trailer, leave it all summer, and rent it.

Hughes asked if Smalley is saying a person owns a lot in a subdivision and are not going to build but want to camp for the weekend, they cannot.

Smalley said that is not allowed in Casco.

Fleming asked if that applies to rural residential.

Smalley said it is not allowed in Casco. She added it is Casco's Ordinance, you can choose to allow camping without a dwelling if you like. Currently you cannot bring a camper or a tent unless there is a dwelling on the property. That is the principal use of the property.

Hughes asked if you have vacant land, what is the principal use of it?

Smalley said vacant land is no use, just vacant. When you do something to it, it must be allowed by the ordinance.

Knisley said a building without a residence is not allowed except for AG use.

Smalley said if the ordinance does not permit something, it is prohibited. She added there is so much trouble with people camping, it needs to be in the ordinance as allowed or not allowed.

- iv. Section 3.23 Projections into yards (Attachment #5): Smalley said she is proposing sections with the indent to replace 3.23 D and add 3.23E.

Smalley said there are 3 topics and she would like to separate them. Deck, outdoor stairs and storage buildings should be three separate paragraphs.

Campbell asked Smalley's professional opinion what the setbacks should be. 4

Smalley said with beach stairs, most setbacks are 10' and it would protrude 5' into the setback.

Campbell said with small lots you could have a 20' back yard setback. Someone could have a 15' projection would be 5' from the property line.

Smalley said she is proposing to rearrange. She did not know why a person could not have beach stairs close to their property line. Also, if you have a deck or storage area, how close should that be to the OHWM or the side yard. A pool may need its own setback because of noise.

Litts asked if the State regulated setbacks on waterfront. He asked if you need a permit for stairs. Smalley said no permit is required by the State for beach stairs.

Campbell said there is a map that shows the township and where the high erosion areas are. It starts at approximately Lake Ridge Road and goes north.

Smalley said one little section was not regulated by EGLE. Structures are regulated. We need setbacks for the area that is not regulated.

Fleming asked how close to the side yard stairs be, and what if two neighbors wanted to share stairs on the property line.

Smalley said it was a good point and would be helpful to the dunes to have one less set of stairs going down. She will explore language for that.

Adamson said it could be done on one property and access allowed to the neighbor.

- v. Section 3.32 Fences: Smalley is proposing new wording for section B with the current ordinance saying a fence can only be 3' high in any front yard setback. Why (in AG) does it have to be back 50' when 20' would not be in the line of sight from the road. Why have a fence if you have to be back 50' from the property line? 20' is 2 car lengths. Any fence within 20' of the front line would be 4'. After that it could be 7'. On some of these residential subdivisions on nonconforming lots the setback is 25'. It would only be 5' closer. They would be changed in all districts. Would apply to every parcel in every district. After 20' you can have a 7' fence. LDR is 30' and non-conforming is 25'.

Fleming asked if Smalley is saying perpendicular to the street you could have a 4' fence 20' back from the road?

Campbell said 4' would be 1' higher than it is right now. Knisley asked if that would pertain to shrubbery.

Smalley said no. There is some text about clear vision in 3.19.

Fleming said that would supersede a Corvette. A van would have no problem.

Knisley said clear view mainly pertains to corner lots.

Fleming recalled discussion about putting fences on a berm. It did not seem to be a problem. Fleming questioned the fact that a permit is required for a 7' or higher fence.

Smalley said most townships allow 8 or 10' fences. Even if they do not regulate at all, they do not have a problem. Right now, you could not build an 8' fence. We could go to 10' or have no limit at all.

Knisley said the State is not limiting height at all, just requiring a permit. A house on North Shore had a solid, regulation height fence on a berm with a gap under. The State only regulates the fence, not the berm or gap between the boards and ground. Average grade would have to be addressed to control the height of the top of the fence. Signs in section 19 is limited height from grade. Someone could get around a height restriction. You have to say measured from the bottom of the fence or measured from average grade.

Smalley said some want a fence for privacy and they want a 10' fence. You need to specify what height you want.

Knisley said you have to say overall height and specify where you will take the measurement from.

Campbell said section D is new.

Smalley said Section F is already in there, she just added 8' in AG. Smalley asked what height commissioners would like.

6. Administrative Reports: (Attachment #7)

A. Zoning Administrator (Smalley): Smalley answered questions on items in her report including: 146 Bluestar. Used to be a motel or gas station. They want to do something commercial. It was once commercial and want to know what can be done with the property. It has been used for residential the last 20 years. People have been asking if they can camp on vacant property. On 68th Street they are expanding a pond and have a boardwalk down the length of it.

B. ZBA Chair Hughes: no meeting

C. Water / Sewer representative Adamson: Rates will be going up 9.7%.

D. Township Board representative Graff: Absent

7. New Business: None