

**REGULAR MEETING OF CASCO TOWNSHIP PLANNING COMMISSION**  
**August 8, 2018**  
**7 PM – 9 PM**

**Members Present:** Chairperson Dian Liepe, Vice Chairman David Campbell, Secretary Lewis Adamson, Board Representative Judy Graff and PC members Greg Knisley, and Dan Fleming

**Absent:** Dave Hughes is excused

**Staff Present:** Janet Chambers, Recording Secretary, Zoning Administrator Alfred Ellingsen

**Also Present:** Paul Macyauski and approximately 8 interested citizens (Sign-in Sheet Attachment #1)

1. **Call to order and review of agenda:** Meeting was called to order at 7:00 PM. There were no changes to the agenda.
2. **Opening comments by PC members:** None
3. **Public comments on items not on agenda:**  
Bill Chambers, Lake Ridge Rd., said when you get to the building height issue, please remember the ambiguity issues that the rules were written with last time. Please set rules that might keep in mind the highest peak, or the highest chimney, measured from the front so that you are not getting two different variables.

Chris Barczyk, Highland, said he would like to make sure the PC considers Macyauski's comments on not raising the soil grade. Macyauski had some really good comments about raising the grade and what that actually does to measure from average grade as opposed to measuring from the street level.

Valerie Baas, Miami Park, said she wanted to draw attention to the two newest raised up 3-story houses. She asked that the PC drive by there and see them.

Maureen Perideaux, Miami Park, also commented on the new houses under construction. The soil is being built up and creating water issues. Water is running off onto other neighboring properties.

4. **Approval of minutes of July 2018 Regular Meeting:** A motion by Fleming, supported by Campbell, to approve minutes of July 11, 2018. Campbell asked that a couple of additional words be added for clarification. On page 12, last paragraph under #3, he would like the word "Casco" added as follows:  
Campbell said the **Casco** board must deal with those kinds of things.  
On page 19, 2<sup>nd</sup> paragraph, John Fallon's statement, 3<sup>rd</sup> to last sentence, Campbell would like the word "Township" added as follows:  
Campbell asked if that was on the Casco **Township** website.  
On page 19, 3<sup>rd</sup> paragraph, he would like the word "Township" added as follows:  
Campbell said the point is it is not the Casco **Township** website.

All in favor. Minutes approved with three clarifications.

5. **Report from Township Board representative Judy Graff:** Graff reported on the July 16<sup>th</sup> Board meeting. Highlights as follows:
  - Officer Katje notified the board of a scam going on. A woman is asking for money for gas. A resident gave police a name, drivers license and license plate number when she approached their church for money.
  - Graff gave the Board an update on the July 11<sup>th</sup> PC meeting.
  - There are 24 connections for water and sewer
  - Update on Casco Preserve was given to board
6. **Report from ZBA representative Dave Hughes:** In Hughes' absence Macyauski said there was an interpretation appeal on 3.28 lots of record. Ellingsen said there will be a meeting coming up on August 16<sup>th</sup> for a variance to setbacks on Edgewater Terrace.
7. **Report from Water/Sewer representative Lou Adamson:** SHAWSA met and approved availability rates up to 2021, there will be a steady increase. Went over REU schedule so we understand as new housing development or commercial comes in if new we will understand and calculate. They had discussion on short-term rentals and whether short-term-rentals consume more water than a normal resident. They are gathering statistics on that so, if they do consume more, there will be some kind of charge on that. Right now, we give a local person an allowance (on sewer usage), because they sprinkle their lawns (does not go into municipal sewer system). That allowance may go away for short-term rentals. Hopefully, a decision will be made on that at the next meeting when statistics come back and tell them if they do consume more water at short-term rentals.

Graff asked how they will determine if STRs consume more water.

Adamson said he assumes they will go through and pull bills from the last months or years. Mr. Hunter, who has access to the data, is doing this.

Campbell asked for clarification on the allowance for sprinkling. Is this something customers apply for?

Adamson said, it is just assumed. They are also looking at taking that allowance away from everybody, then treating STRs differently. They also came up with a meter testing fee for when a customer thinks they are not using the amount of water they are billed for. Customers ask to have the meter tested. If they request a meter test and the meter is within the 4% tolerance, the customer would be charged \$100. for the test. They can only test the ¾" meters, they cannot test the 1", 2" or 3" meters. Those have to be sent out and the customer would be charged for that.

Adamson said we are under the Safe Drinking Water Act, so that will be addressed. Goosenecks on the connections were lead back in the day, so they will probably have to go back and change those at some time in the future.

Adamson said they got a water and sewer rate comparison report. Our connection fees are considerably higher. We are not the highest on the usage rate, but the connection charge is highest. It is not a fair comparison because some of the townships are subsidizing.

Knisley asked if the numbers were across the three districts (Casco Township, South Haven Township and South Haven City)

Adamson said they used the City numbers.

PFOS water testing is mandated by the state for all water systems. The state will notify SHAWSA when they will be testing and give them the results.

Barczyk asked where they will be testing. Adamson said only in the line itself before any filtering near the pumping station.

Graff asked for an explanation of the availability rates. Adamson said availability rates are the debt service, the capital replacement and all those things. We approve them by different sizes of the meter. A ¾" and 5/8" meter is \$7.19; a 1" meter is \$9.57. We have adopted a chart that will carry us through 2021. If you added them all up together, South Haven rates would cost you \$66 and Casco would be \$77.

Barczyk asked what water filtration is recommended for homeowners if the level is not acceptable.

Adamson will check into it and get the information for Barczyk.

8. **Report from Alfred Ellingsen, Zoning Administrator:** The next meeting will be a public hearing for an Events Venue on 62<sup>nd</sup> Street for VanWagoner on September 5<sup>th</sup> at 6:00. There is an application for land division, then special use. There is another B&B who has already been operating but was told he needed to get approval. No dates have not been set for that. Ellingsen said he has not heard from Kline about his Events Venue on 111<sup>th</sup>.

Ellingsen said he wanted to clear up comments he has been hearing about resigning. He will be resigning as Zoning Administrator at the end of October and will be asking for a Deputy Zoning Administrator's job. He would like to continue as building inspector, but not Zoning Administrator. His schedule would be at the discretion of the new Zoning Administrator. This will all depend on what the Township Board says. Ellingsen said he would continue to be in the building. There are too many people telling him what to do. There was a job description for Zoning Administrator given to the Board 20 years ago.

Ellingsen continued he does not recommend Michigan Township Services because they take all the money. Ellingsen said he is the only profit-making department in Casco. It pays for Ruth's salary and operation of the building. He said he avoids making decisions outside the purview of the Zoning Administrator.

Campbell feels there is enough demand for a full-time Zoning Administrator.

Campbell said he has looked at the Williams & Works items the PC has been working on and noticed there was something on elderly housing density and Winery and Brewery. Is that far enough along that we should be looking at a public hearing?

Ellingsen said that is up to the PC. There has not been a request for those things for some time now. We had somebody looking at elderly housing on 102<sup>nd</sup> that did not go through with it.

Ellingsen said they had been using the "Farm Market" to pursue wineries and he is not comfortable with that.

Campbell said, the point being, you have worked with Williams & Works and put together something you feel comfortable with. It seems better to be proactive rather than wait for someone to make a request.

Ellingsen said it is up to the PC to set the agenda.

Campbell asked if there is enough information to move forward with those changes if the PC chooses.

Ellingsen said yes.

## 9. **Unfinished Business**

### **A. *Building Height ZO amendment reconsideration:* Casco Township Board's response to PC's July 2018:**

Chairperson Liepe asked Macyauski about the building height issue as Barczyk requested. Macyauski said it is not so much building height as it is average grade. We are hearing a lot about building up berms. Macyauski said he drove through Miami Park and realized how many lots are still undeveloped. He thought this is a disaster here. What are we doing at the bottom? What are we doing with the water that comes down from the houses roofs and hits the ground. Macyauski continued, getting back to average grade, he does see some conflicts. It is basically wetlands, and everybody is building up a little bit. To what point or extent, he does not know. Macyauski said he believes the grade should be measured at the front of the house at the drive off the street. He believes this is the way it should be done because the purpose of that is to mitigate any kind of berms. Also, another reason is to not penalize people who have the opportunity to have a walk-out basement.

Barczyk added that essentially, if you use average grade, you are raising the appearance of the building compared to 35' from the front. Also, you would be penalizing people who want a walk-out basement. This is across the whole township, not just Miami Park. Miami Park has very narrow lots, the purpose in the Master Plan was to bring down the height. By changing to average grade, you are bringing the height up.

Macyauski said if someone came to the ZBA for a height variance, they would be looking at the level off the street, not considering the average of all four sides.

Campbell said we have been through all of this extensively and heard both sides. We did go with the recommendation the Zoning Administrator has been using for more than a couple of months. Campbell said there are 2 issues. He thinks it is crazy that we are letting someone put up the black bags and put sand in there. Why are we doing it. That should not be happening.

Graff agreed with Campbell. Campbell continued, it ticks him off that people are putting the black things up and filling it with dirt and saying "that's the ground". That should not happen. Why are we talking about this again and again.

Graff said a couple of weeks ago she talked with Maureen Perideaux and Jim Glass. She was at Miami Park for a couple of hours in the pouring rain. The water problems there are awful. When you see these new homes, built up, with all the water running off of them, coming down to the road, going across the road to the homes that are at street level. Maureen's home is not the only home being inundated with water. It's criminal. It needs to stop. Graff asked what in our ordinance allows that to happen? And, how is the county involved from the standpoint of soil and the whole water thing? Graff said she didn't realize there was only one county drain in Miami Park until Maureen showed it to her. That place is a disaster. We need to thank Maureen and others who are bringing it to our attention.

Chairperson Liepe said she appreciates what Graff is sharing and asked Ellingsen what can be done if someone decides to berm up their property. Ellingsen said it is out of his control.

Chairperson Liepe asked if there is something we can do. Ellingsen said there is currently nothing required, except water must drain away from the building. That is all there is in the building codes. If you put in a basement, they have to put in drains that go out to an approved system. Ellingsen asked, when they put in new storm drains, does the water go into the drains and go away.

Graff answered, obviously not. She asked Ellingsen, if he has no say, who does?

Ellingsen said the building codes say, "Water has to get away from the building". If they put a slab on grade, there are no drain tiles required.

Campbell say, so the water goes away from the building, and on a 60' lot, it goes to the next person's property. There is no way of getting rid of the water. Campbell asked Ellingsen if there is anything we can do at the township level to address the issue.

Ellingsen said at Cedar Bluff off 109<sup>th</sup> Street, the water runs down the road and goes over the bluff many times. Nobody does anything about that. We can't control what grade is used , within the current confines of the building codes and zoning

ordinance. If you think you can write an ordinance to not allow somebody to build up a piece of property I would abide with it.

Campbell said can we say, if they do build up their property, all the water must go to a county drain rather than the next property.

Ellingsen asked, what if there isn't a county drain close by? There are ditches all over Miami Park.

Campbell said we are basically talking about the historically platted lots. They are the ones with the issues. We are not talking about township wide. We are talking about nine locations. We have ditches that the county has not maintained in 50 years. There is a general location where people send their water to. It is generally not the next guys property. If someone comes in, builds up the property 4', and they will dump all the water on you and you are 10' away from them. That's crazy. If we can't do it, I think the township should figure out how to fix it.

Ellingsen said he went out to the Lamb property and the adjacent property. The problem, in retrospect, was created 25 years ago by Mike Hill building the house next door and brought in thousands of yards of sand. He elevated it out. The gentleman who owns the house now is complaining because the water from Mrs. Lamb's property is draining on the back of his property, but most of the water on her property is draining down from his property, then back to his. That was a retention property for that area before. The drain commission says you have to create a drainage district. Mrs. Lamb would have to accept that and the board would have to approve it, but the gentleman who complained in the first place about the water coming back to his property, and staying on his property, doesn't want to be a part of the drain district, neither does the gentleman on the other side of Ms. Lamb. Ellingsen said he can't do anything about it, because they have a crawl space. A crawl space is not a habitable and usable space. If it is habitable and usable, you have to put drain tile around the perimeter and drain it to an approved system. There is nothing in the Zoning Ordinance regarding that particular situation. Ellingsen said, "If you can find someone to write something, be my guest."

Graff asked what the result was from the discussion of the Lamb house water issues.

Ellingsen said Lamb will petition for a drainage district. Ellingsen said that North Shore Drive, in that case, has no storm sewers. That was pure error. It is very expensive. All subdivisions have the same problem. Nobody wants to fix it.

Discussion continued with examples of problem drain areas. Ellingsen said it is all over.

Graff said we have a common problem. She asked who is taking any responsibility to find any solution moving forward? Is anybody doing anything or are they just passing the responsibility back and forth? We can't do it it's.....; we can't do it because it's .....; we can't do it, it costs too much; we can't do it because we're not

bothered by the water. We need a whole new assessment of a drainage district and get some solutions. I know it doesn't happen overnight. Somebody needs to take the ball and says this is what we do next. Who is that responsible person?

Ellingsen said that is the board's responsibility.

Graff said good. We the board and we the Planning Commission have heard multiple times about this. We have heard Miami Park, and we have heard others. We as a board need to act. Something needs to get done. We as a board need to act.

Fleming said his father was Drain Commissioner, so he has heard a lot of talk. It seemed like when there is a need for a drain district people approach the Drain Commissioner and do an independent group of people assess and see what needs to be done. If they need a drain district they begin that process. Fleming said he didn't know if the Board had to be included or not.

There are two options, one in the document that Perideaux sent her, where five property owners can sign a petition, or the 2<sup>nd</sup> option is the Board can do it to represent not only the township, but that area, and that's what the board did for North Shore.

Knisley said he was part of the drainage district at Washington – Pershing area. It was very expensive. There were three different drain districts. All three areas were a problem. If someone called about one of the districts, they would look at just that one district. They would not look at any of the others. That was a problem because they needed to look at the entire system. That's the only way to assure one district doesn't affect the next. That is the problem with the Lamb house, and the problem east of North Shore, where Ellingsen was just speaking of.

Ellingsen said the new house has created two problems. She has a pool, a big patio in the back, the house in front, she has a driveway and large parking area for a lot of cars because it's a rental. The surface is saturated. Once you get down to a certain water level, it won't go down any further anyway because it's heavy clay.

Knisley asked if the district was the whole corner, basically Blue Star, North Shore and around and Baseline. Or did it not encompass that corner?

The Drain Commissioner wasn't going to do anything about it, and a district was created, they also have to think of people on the opposite side of the road. They have problems with ponding water. We've had unusual rains. It is ponding more on the gentleman to the south than the gentleman to the north.

Discussion continued about drain districts and problem areas. Chairperson Liepe said discussion should move on because there was nothing the Planning Commission could do about it. As Graff said, there is one of two ways for people to move forward on this. A group coming forward, or the Board getting it started. It needs to be taken to the township board.

Perideaux said there is a holistic approach. Michigan is a Principal Natural Flow State. If water naturally flows in a direction, you cannot stop it. However, you are prohibited from doing anything to increase the volume of water onto your neighbors. I think that is a part of the law that you can do something with.

Barczyk said this is part of the reason for measuring from the front rather than average grade, which encourages the build up of ground around the house.

**Resubmission from PC with minor modification:**

Graff gave the ordinance back to the Board with the change of removing the 2 ½ - stories and keeping the 35'. The question Graff raised, and the attorney was contacted and found this would not require a 2<sup>nd</sup> public hearing. The change does not include anything new. The PC should approve the text for submission to the board on the 35'. The only thing holding us back was contacting the attorney.

Graff said the draft includes average grade and that should be decided.

Campbell said if we do that, we need to do Section 2 and Section 3 basically is building height and for nonconforming lots of record because it pertains to down below.

Liepe asked, if we have already approved this, why are we going back and talking about it again.

Graff said in her opinion, because of the water problems that the new homes and elevation have caused the neighbors. If you see the homes in Miami Park, and you have a neighbor that is 10' away and is 2' to 3' lower. The water is all going to that guy's house.

Liepe said we have already discussed this and will have to be handled in another way through the drain commission.

Graff said if the measurement of the grade allows it to be built up we are adding to that problem.

Ellingsen said Judy is complaining about the fact that his opinion is going into the ordinance. That's not the case. He said when he looks at a site plan he looks at it in two different ways. He looks at it from the Zoning Ordinance, he looks at it from the front wall because that's what the ordinance says. Then he goes back to the building code and reviews it on the average grade. He finds that the building codes are almost always more restrictive than the zoning ordinance.

Graff said she did not appreciate Ellingsen's phrase of "Judy's complaining". What I did with last months meeting was read the minutes of the June meeting that she did not attend. It was the view of this Planning Commission of the concerns of the different interpretations used by Ellingsen to make decisions. That's what I briefed



the board on to inform them that we were unsure as to why the Zoning Ordinance was not consistently followed.

Ellingsen said he has no answer for that.

Graff said she did not appreciate the criticism.

Ellingsen said he did not appreciate the minutes.

Graff said they were approved by everybody.

Campbell asked for clarification on Ellingsen's two step method of measuring height. Campbell thinks what Ellingsen is saying is that he uses the front for measurement, then he goes back and looks at all four sides. Then, with the vast majority he gets lower buildings using all four sides. Campbell asked if he is understanding this correctly. And then, do you use the Building Codes or the Zoning Ordinance.

Ellingsen said the Building Codes are more restrictive.

Campbell said we are considering changing it to all four sides. He asked Ellingsen if, based on his experience, using all four sides ends up with a lower height of building.

Ellingsen said he uses both.

Campbell said, it has to be one or the other. Campbell said he understands Ellingsen has to do both parts of the math. He said he is asking which one Ellingsen uses.

Ellingsen said whether he goes from the front or all four sides, it's still compliant with 35'.

Campbell said it is his interpretation that builders are building up around the black bags, and the average is getting higher and it is getting 4 or 5 feet higher than it would be if you just use the front.

Ellingsen said he doesn't know of any place that is four feet higher.

Campbell said it is his understanding that Section 1 was added because Ellingsen was using the reference plane of the average for the finished ground. We can go back and look at the minutes, but what I understood was you have been using the average for some time.

Knisley said 35' is 35', but by looking all around the building and taking an average, it may be more restrictive.

Ellingsen said, it says the average of the finished grade, not the average of the existing grade, and you change the height to the peak. That was my suggestion for the existing lots of record.

Knisley said I think we are trying to get where the domineering houses weren't happening.

You should qualify this change now and say to the peak of the roof.

Knisley said he thought it was to the top of the structure.

Campbell and Liepe both said we got that part changed.

Ellingsen said it was not including TV antennas.

Knisley added it was not antennas or chimneys. It was not copulas unless they were big enough to stand in. If you could stand inside a copula, it is a floor. Knisley said we all agreed that outside of antennas, chimneys or copulas, it was the top of the structure.

Campbell said that is what the amendment proposes.

Knisley said we are trying to eliminate the ambiguity and eliminate loop holes to get another couple of feet. It didn't matter how many stories, when you get to 35' you're done.

Campbell said what the minutes say is what we decided. Campbell asked who writes up the text.

Ellingsen said he assumes it would be Williams & Works.

Knisley said this was strictly for the lots of record.

Chairperson Liepe asked for a motion to be made to send this back to the Board.

Campbell said we have already done that. We start out with the PC's response to the board. Campbell read from the minutes: Adamson made a motion to resubmit the draft with the following changes..... The motion was supported by Hughes. All in favor and we passed the motion. Then we had to wait for Graff to come back with the input from the attorney whether or not we needed another public hearing. Now we know we don't need a public hearing, so we send it back and say here it is.

Graff said we will need an updated document.

Chairperson Liepe said just take this (3/23/2018 Williams & Works draft) and say we struck the 2 ½ - stories. If they want to retype it they can.

Chairperson Liepe said she will tell Overhiser that she gave the scratched-out copy to Graff and she will present it at the Board meeting. We can ask them if they want to pay someone to type it up. Which is ridiculous but may be legally required.

**B. *Lighting Amendment – discussion & set date for public hearing.***

(See: Williams & Works **February 1, 2018 Zoning Ordinance Amendment Drafts (UPDATED)** document Pgs. 9-11 Exterior Lighting Sections 2.08/3.39)

Chairperson Liepe said Maureen Perideaux sent a letter saying she thought we had not exempted the residential decorative lighting. Liepe did not recall making any changes.

Campbell read Perideaux's letter. (attachment #3)

Campbell read the suggested amendment on page 9 of Williams & Works draft (attachment #2).

Campbell asked why would we not want to exclude a low level porch light.

Graff said, the key is lighting stays on your property. Why should we exempt anything?

Chairperson Liepe said the second part of that says the decorative lighting shall not mean unshielded flood or security lighting. We do want them to take care of unshielded flood or security lighting.

Campbell said, you are correct, look at diagrams 3 and 4, the lighting is on your property. (attachment #2)

Graff said, when you exempt something, that says the standard doesn't apply to what you are exempting.

Knisley said he could have a 200-w lightbulb that would shine on the neighbors. But, it's a porch light. It could shine in all directions. It's not a down light. It's lighting your porch. If it's a nuisance and going across to other property, it's a nuisance. Knisley said he has a porch light that lights up ½ his front yard. If he was at the neighbors, it's shining in his yard too.

Campbell asked what they propose the PC do. Not have a porch light?

Graff said leave the diagrams and leave the standards. Why exempt anything?

Adamson said those are landscape lights. They are solar lights and they shine straight up. Adamson said they are talking about the little low-density landscaping lights and special seasonal lighting. Adamson said he thinks it is ridiculous to think he cannot put little disk lights and light a pathway to follow.

Graff said that light will stay on your property.

Adamson said he agrees, and that's what they mean by low-density lights.

Graff said that's not specific enough. Her neighbor 5 houses down has landscape lights that Graff can see from her property, five lots down, and they are on 24/7 365.

Chairperson Liepe asked if they bother Graff at night.

Graff said yes, and they bother her neighbor right next door also. They are globes, so anybody can see them. They are not restricted to the property. That's the point.

Perideaux said if this goes forward with the exemption, there would be two different standards. The Rental Ordinance (attachment #4) in section 3.39 talks about #1 All lighting on lot shall be fully cut-off, downward facing dark sky compliant, and shall not cast glare or light beyond any lot line.

Chairperson Liepe said that is a good point and we need to check out the wording in the Rental Ordinance (attachment #4).

Adamson said they are talking about low level lawn and landscaping lights. It is not exempting the ones she is talking about. Those fit into this category.

Knisley said now you will have to define "low level". They will not be shielded, they will not be downward.

Adamson said those small disk lights do not have to be downward. They are low level.

Knisley asked who is going to decide low level. Same thing with my porch light. It is not downward pointing. It goes out 360 degrees.

Perideaux said there is a 3 ½ story house next door. Their front door is above her house. Their porch light is shining in her window.

Adamson said porch lights are different. They should be down. Low level lights are ok. It says low level and special seasonal lights are exempt.

Campbell said this is the rental ordinance that says all lighting shall be downward facing. So what you're saying should be regulated is parking lot lighting, porch lighting, lighting for commercial multifamily.

Liepe said if we take that statement (from STR ordinance) and add it above A, and have that statement, then we need to do work on the residential decorative lighting. She still thinks people should be able to put in those \$1 stake lights. Porch lights should not be that extensive.

Campbell said this still has to go to a public hearing. He is ok with making that change and seeing if all agree. We can make additional changes after the public hearing.

Liepe said on that one paragraph #1, it sounds like the real issue was with porch lights. She asked Perideaux what she thought.

Perideaux said she did not want to stop anyone from having Christmas lights. That is a temporary thing.

Fleming said, if you can see the light, the light is leaving the property. We have to determine what is dark sky compliant. What is the definition.

Knisley said nuisance glare is the key. He asked Perideaux if she has information on the definition of dark sky compliant.

Perideaux said she will send the PC a copy of that definition.

Campbell said maybe it should be below a certain density.

Graff said in the rental ordinance, Section 3.39 is on lighting. Our section on lighting is also 3.39.

Ellingsen said it is not in the zoning ordinance. It is two different documents.

Campbell said we can work on it after a public hearing.

Graff asked for a copy of it ahead of a hearing.

Macyauski said the International Dark Sky Association website has all the information that should satisfy everyone. Porch lights are shielded. There are all kinds of examples. We don't need to reinvent the wheel. They have examples of what you are talking about.

Knisley asked about existing lighting.

Ellingsen said when they change out their lighting, they will have to change it to something that is compliant.

Chairperson Liepe said she will get with Williams & Works and have something written up and send it to the PC members. If you all feel like we can go ahead, then she will ask for a public hearing to be scheduled.

Graff said the PC cannot make decisions by email. It must be done at a public meeting.

Liepe said she will send it out ahead of time, before the next meeting so they can say yes or no at the next meeting.

Macyauski said you can tell Williams & Works to look at the Dark Sky website.

Liepe said she thought the wording was already pretty good.

**C. *Graff's request for resolution between 2014 and 2016 ZO Section 3.28 Nonconforming, Lots, Uses of Structures discrepancies:***

Graff said, we the Planning Commission discussed not having the current version of the Zoning Ordinance on the website. She cannot get a response to it. The 2014 version is on the website and the Planning Commission has been using the 2016 version. Graff has been asking about this for months and has not gotten an answer to it. What do we want to do about it?

Fleming asked who updates it? The ordinance belongs to the township board. Once we pass it, it is the townships problem. Whoever oversees the website. I'm sure Kathy Stanton works for the board, not for us. It would go from Graff to the Board to Stanton to fix it.

Chairperson Liepe asked if Graff could bring it to the Board and ask them to have the website updated.

Graff said she would like it in the form of a motion because she has been asking Supervisor Overhiser for months and it's not getting done.

Campbell made a motion that the Planning Commission ask the Township Board to have the latest Zoning Ordinance put up on the website by September 1<sup>st</sup>.  
Seconded by Fleming.

Ellingsen suggested, regarding how to update and have the ordinance online. He showed the Planning Commission a Codification book that Saugatuck uses. A company comes in and compiles all the ordinances, if you change something, they will change the page. You simply print the page with the changes, open the book and change that page only. They keep it on their website with a link from the Casco website. Everybody can find anything in the Zoning Ordinance. It has fire codes and any other ordinances and codes. Initially the cost is \$20,000 to \$25,000, but it is worth it.

Campbell said Overhiser mentioned this in 2014. Campbell did not understand why we are not already doing it.

Ellingsen said it solves issues. Everything will be there. It can be codified every year or so. The change is just by the page.

Graff asked if Casco has ever codified the ordinance. Ellingsen said he doesn't think so.

Knisley asked if this could be included in the motion.

Chairperson Liepe said it should be a separate motion.

Campbell's motion to have the website updated with the 2016 Zoning Ordinance was supported by Fleming. All in favor. MSC.

Chairperson Liepe asked if a codified ordinance would be in the budget.

Graff said the budget gets amended all the time.

A motion was made by Campbell for the PC to recommend to the Board that they Codify the Ordinances.

Graff said that Saugatuck's book could be used as an example. This would alleviate Casco staff from having to keep updates and change logs.

Chairperson Liepe said the PC is suggesting this because they have never codified the ordinance and have had issues regarding keeping it updated.

Reasons for recommending the Board have the Ordinances codified are:

- Hiring a service (Municipal Code Corporation)
- They do this for other Municipalities including Saugatuck on an annual basis
- Takes the work out of Casco's office personnel's hands.
- Information would be on their website linked to the Casco website

Ellingsen said it is expensive but could come out of the building budget.

Chris Barczyk said codification is just putting it all together. They have great search engines. He recommends the township do this.

A motion was made by Graff, 2<sup>nd</sup> by Campbell, that the PC recommend to the Township Board that all Ordinances be codified for the following reasons:

- Hiring a service (Municipal Code Corporation). Codifying the ordinances has never been done
- They do this for other Municipalities including Saugatuck on an annual basis
- Takes the work out of Casco's office personnel's hands.
- Information would be on their website linked to the Casco website

All in favor. MSC.

Graff said she wanted something done about the differences she has documented in Section 3.28 of the 2014 and 2016 versions of the Ordinance. Changes were made, but not documented, and cannot find any evidence of the

changes being authorized. The changes are not in the change logs. It needs to be looked at why the changes were made and correct them. Graff said she uses the change log all the time and looks to see that they are updated. Those changes are not in the change log.

Ellingsen said changes are done through this PC, through a hearing and the Board. He has not made changes. Ellingsen said the log is for the PC.

Campbell asked if Ellingsen makes sure the changes are done.

Ellingsen said the PC uses the change logs as a guide but has nothing to do with the zoning ordinances. He does not do the change log.

Campbell said this is a good reason for having the zoning ordinances codified.

Knisley said we should ask the board why there is a discrepancy.

Campbell will be at the next meeting and tell the board we need to get this fixed, so they won't say it is Graff complaining again, because we do all our complaining through her. Campbell said Macyauski could support Graff when she brings this to the board.

Macyauski said he would.

**D. *Fleming's concern regarding Public Record.***

Fleming said he is all set on this unless somebody wants to add to it. His statement in the last minutes satisfies his concerns.

**10. New Business**

**A. Special PC Organizational Meeting planning: PC administration (i.e. by-laws, documentation maintenance, updating, etc), ZO interpretation and enforcement and other matters pertaining to PC policies and procedures)**

**B. Other items**

Chairperson Liepe said because of the time, they would skip the rest of the agenda and go straight to public comment.

**11. Public comments:**

Valerie Baas, Miami Park, asked if a site plan can be considered when plans for a building are submitted. She asked why it is not a part of the Building Inspector's job.

Knisley said I believe it is. But we don't do site plans for individual houses.



Baas asked, Shouldn't that be part of State law?

Ellingsen said the gentleman next to Lamb was part of soil and sediment issue. They have to get an earth change permit from the County. Issued by drain commissioned, Michigan Township Services, and by Health Dept. The permit comes from them. They have to cover draining during construction. That's a different thing.

Bass asked if soil buildup is not part of the permit process.

Ellingsen said if the 1<sup>st</sup> floor is not habitable, you are not required to have drain tile. It flows away from the building.

Graff said if the neighbor has a problem, it's somebody else's problem.

Campbell said we have had a number of complaints across the township, historically platted subdivisions, systemic issues and we would like the board to look at it.

Bill Chambers said he sat right here three years ago with concerns about 102<sup>nd</sup>. It was bounced back and forth who was responsible. 102<sup>nd</sup> is still a mess.

Chris Barczyk said a site plan requirement is to show a diagram of the site with grading and shows where the water will go.

Bill Chambers said until you have more than an acre, they don't have a site plan.

Barczyk said it should be part of the building plan. He said they require that part of a building plan include elevations and little lines showing the water flow. This is what they require in his subdivision.

Graff asked Barczyk to bring a copy of this to the next meeting. Barczyk said he will bring it. He thanked the PC for having open dialogue.

## **12. Closing comments and adjournment:**

A motion was made by Graff, supported by Adamson to adjourn. All in favor. Meeting adjourned at 9:11.

### **Next Meetings:**

Wed., September 5, 2018 6PM - Special Meeting (B & B and Special Event Venue)  
followed by September Regular PC Meeting

Wed., October 3, 2018 7PM - Regular PC Meeting

Attachment #1 Sign-in Sheet

Attachment #2 Williams & Works, 2/1/2018 Draft of Lighting Amendment

Attachment #3 Maureen Perideaux's letter 8-5-2018 regarding exemption in lighting ordinance  
Attachment #4 Section 3.39 Rental of Single-Family dwellings

Minutes prepared by Janet Chambers, Recording Secretary

Regular Meeting  
Date 8/8/2018 Planning Commission Meeting - Please sign in

Name	Address
Zill Chambers	7340 Lake Ridge Rd
Bill Garrity	1188 Cherry Dr
John Barkley	646 Waters Edge
Maureen Leideaux	7258 Beach
Chris Barczyk	Highfield
Kristin Barczyk	476 High Shore Ln
Valerie Bass	

**G. Inspections/Certificate of Compliance.**

1. Upon completion of construction of the shared driveway, the Zoning Administrator shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance.
2. The applicant(s) shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the shared driveway has been completed in accordance with the requirements of the permit and this Ordinance.
3. If the completed shared driveway does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in Section 21.03 and the Township's Municipal Civil Infractions Ordinance.

**H. Indemnification.**

1. The applicant(s)/owner(s) of the shared driveway agree that by applying for or securing a permit to construct the shared driveway to indemnify and hold the Township harmless from any and all claims for personal injury or property damage arising out of the use of the shared driveway or of the failure to properly construct, maintain, use, repair, and replace the shared driveway.

**Exterior Lighting**

*The following zoning ordinance language for exterior lighting was developed to address existing exterior lighting issues, particularly in residential districts. We have prepared new definitions for glare, disabling glare, and nuisance glare. We have also provided comprehensive lighting language which applies to exterior lighting in all zoning districts within the Township.*

**SECTION 2.08      DEFINITIONS – G**

**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.

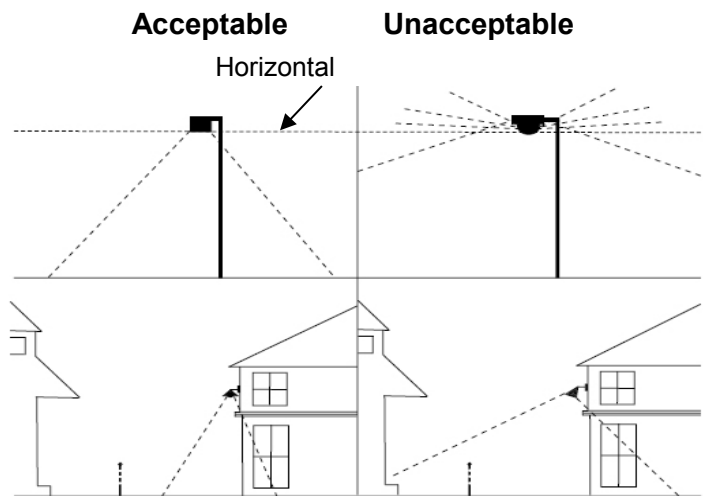
**GLARE, NUISANCE**

Glare that creates an annoyance, aggravation, or discomfort but does not create a potentially hazardous situation.

**SECTION 3.39 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, 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.
  - 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 source is not directly

**Figure 3-4**



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

**From:** Maureen Perideaux <[maureen@brilliantsparks.com](mailto:maureen@brilliantsparks.com)>  
**Subject: Residential Lighting Language**  
**Date:** August 5, 2018 at 5:54:31 PM EDT  
**To:** "Liepe, Dian" <[liepe@anr.msu.edu](mailto:liepe@anr.msu.edu)>, Judy Graff <[graffj@i2k.com](mailto:graffj@i2k.com)>

Hi, Diane.

At the last meeting at which we discussed the lighting rules, I addressed the board about language that exempts residential lighting. As noted, this would make the rules ineffective for the purpose of limiting light pollution and nuisance.

After much discussion, I understood that exemption for residential lighting would be removed. However, in the most recent document that Judy shared with me the language still reads:

1. *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.*

Can this be updated by the consultants before Wednesday's meeting to remove the residential exemption?

Maureen Perideaux  
Content Optimization Copywriter & Speaker  
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**Section 7. Amendment of Chapter 3.** Chapter 3 – General Provisions is amended to include a new Section 3.39 which reads as follows:

**SECTION 3.39 RENTAL OF SINGLE-FAMILY DWELLINGS**

All Short Term and Long Term Rentals as defined in Chapter 2 shall be subject to the following regulations and performance standards:

**A. Regulations applicable to Short Term and Long Term Rentals.**

1. **Lighting:** All lighting on the lot shall be fully cut-off, downward-facing, dark-sky compliant, and shall not cast glare or light beyond any lot line.
2. **Parking:** Parking shall comply with the standards of Chapter 18 and Section 3.24.
3. **Signage:** Signage, if permitted, shall comply with the standards of Section 19.07.
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.
5. **Tents:** Beach tents or camping tents shall not be permitted between sunset and sunrise.
6. **Accessory uses:** Accessory uses shall be regulated by applicable Township ordinances, including all requirements of this Ordinance.

**Section 8. Amendment of Section 5.02.** Section 5.02 – Permitted Uses and Special Uses is amended such that the following land uses are added in alphabetical order:

USES	AG
Long Term Rental	P
Short Term Rental	P

**Section 9. Amendment of Section 6.02.** Section 6.02 – Permitted Uses and Special Uses is amended such that the following land uses are added in alphabetical order:

USES	RR
Long Term Rental	P
Short Term Rental	P

**Section 10. Amendment of Section 7.02A.** Section 7.02A – Permitted Uses and Special Uses is amended such that the following land uses are added in alphabetical order:

USES	LR-A
Long Term Rental	P
Short Term Rental	P