

Draft Date
03/23/18

CASCO TOWNSHIP
ALLEGAN COUNTY, MICHIGAN
Zoning Text Amendment Ordinance
Ordinance # 0416-2-18

AN ORDINANCE TO AMEND THE CASCO TOWNSHIP ZONING ORDINANCE; TO AMEND SECTION 2.17, DEFINITIONS – P TO ADD DEFINITION ‘PRIVATE ROAD’; TO AMEND SECTION 2.19, DEFINITIONS – S TO ADD DEFINITIONS ‘SHARED DRIVEWAY’, AND ‘SPECIAL EVENTS VENUE’; TO ADD SECTION 3.39, SHARED DRIVEWAYS; TO AMEND SECTION 5.02, PERMITTED USES AND SPECIAL USES TO INCLUDE A NEW SPECIAL USE CALLED ‘SPECIAL EVENTS VENUE’; AND TO AMEND SECTION 15.03, SPECIFIC USE STANDARDS TO INCLUDE A NEW SUBSECTION UU CALLED ‘SPECIAL EVENTS VENUE’.

CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. Amendment of Section 2.17. Section 2.17 – Definitions – P is amended to amend the following defined term to read as follows:

PRIVATE ROAD

A privately owned and maintained thoroughfare meeting the requirements of Section 3.26 of this Ordinance and providing access to three (3) or more individual lots or parcels.

Section 2. Amendment of Section 2.19. Section 2.19 – Definitions – S is amended to add the following defined terms in alphabetical order:

SHARED DRIVEWAY

A privately owned and maintained thoroughfare meeting the requirements of Section 3.39 of this Ordinance and providing access to no more than two (2) individual lots or parcels.

SPECIAL EVENTS VENUE

Rental space in a barn, accessory building, outside area, or tent for functions such as, but not limited to: wedding parties, conferences, service club meetings, and other similar gatherings, with or without the serving of food.

Section 3. Amendment of Section 3.39. Section 3.39 – Shared Driveways is added to read as follows:

SECTION 3.39 SHARED DRIVEWAYS

- A. Purpose. The Township determines that it is in the best interest of the community to regulate the construction, improvement, extension, relocation, and use of shared driveways. Shared driveways are only permitted in the AG

and RR districts. These provisions have been enacted to assure that proposed shared driveways:

1. Will not be detrimental to the public health, safety, or general welfare;
2. Will not adversely affect the long term development policies of the Township;
3. Will be designed and constructed with width, surface, and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles; and
4. Will be constructed so as to protect against or minimize soil erosion and prevent damage to the lakes, streams, wetlands, and natural environment of the Township.

B. Frontage and Access.

1. A shared driveway shall be directly accessible from a public road.
2. All lots utilizing a shared driveway shall have frontage on the approved shared driveway for a distance equal to or greater than the minimum lot width required for the zoning district in which the lot is located.

C. Permits.

1. No person shall construct or extend a shared driveway without first obtaining a zoning compliance permit from the Zoning Administrator.
2. All required Allegan County and State of Michigan permits shall be obtained.

D. Design Requirements. The construction of a shared driveway shall conform to the following construction standards.

1. A shared driveway that extends for a distance of more than one hundred fifty (150) feet shall require review and approval by South Haven Area Emergency Services (SHAES).
2. A shared driveway shall have a recorded permanent easement with a minimum width of at least thirty-three (33) feet. The easement shall also expressly permit public or private utilities to be installed within the easement.
3. The area in which the shared driveway is to be located shall have a minimum cleared width of twenty (20) feet, which clearing shall always be maintained.

4. A shared driveway shall have a finished width of sixteen (16) feet constructed of a minimum of six (6) inch 22A aggregate over a minimum of six (6) inches compacted sand base.
5. The shared driveway surface shall have a crown sufficient enough to provide for the drainage of stormwater.
6. The method and construction technique to be used in the crossing of any natural stream, wetland, or drainage course shall satisfy the requirements of the Township engineer and any other agency with jurisdiction.

E. Maintenance and Repairs. Shared driveways shall be maintained in a manner that complies with the provisions of this Section.

1. All costs for maintenance and repair of the shared driveway shall be the responsibility of the property owners served by the shared driveway.
2. The applicant(s) of the proposed shared driveway shall provide the Zoning Administrator with a recorded shared driveway maintenance or restrictive covenant agreement among the owner(s) of the shared driveway and the owners of the lots accessed by the shared driveway; the agreement shall provide that the shared driveway shall be regularly maintained, repaired, and snowplowed to assure that it is safe for travel at all times. The agreement shall at a minimum contain the following:
 - a. A method of initiating and financing of the shared driveway improvements and maintenance to keep it in a reasonably good and usable condition;
 - b. A workable method of apportioning the costs of maintenance and improvements;
 - c. A notice that no public funds of the Township will be used to build, repair, or maintain the shared driveway;
 - d. Perpetual easements to the public for purposes of emergency and other public vehicles rendering necessary public services.

F. Performance Guarantee, Drawings, and Indemnification.

1. The Zoning Administrator may require that the applicant provide a performance guarantee, in accordance with the provisions of Section 21.05.
2. The applicant(s) shall agree by applying for or securing a permit to construct the shared driveway to indemnify and hold the Township harmless from all claims for personal injury or property damage arising

out of the use of the shared driveway or the failure to properly construct, maintain, use, repair, and replace the shared driveway.

Section 4. Amendment of Section 5.02. Section 5.02 – Permitted Uses and Special Uses is amended such that the following land use is added in alphabetical order:

USES		AG
Special Events Venue		SU

Section 5. Amendment of Section 15.03. Section 15.03 – Specific Use Standards is amended to include a new subsection UU which reads as follows :

UU. Special events venue

1. The use shall be owner-operated, and the owner shall live in a single-family dwelling located on the same lot during the operation of the special events venue.
2. A special events venue shall be located on a lot of five (5) acres or greater.
3. The use shall be licensed and inspected by the Allegan County Health Department and comply with all applicable laws and regulations regarding food service.
4. Hours of operation shall be limited to the hours between 7:00 a.m. and 10:00 p.m.
5. The maximum capacity of the venue shall not exceed that established by South Haven Area Emergency Services (SHAES) or its successor, or applicable building codes, whichever is less.
6. Amplified music must comply with Township ordinance limitations, unless a condition of the special use is to prohibit amplified music.
7. No activity or structure pertaining to the special events venue may be located within fifty (50) feet of the public road right-of-way.
8. No activity or structure pertaining to the special events venue may be located closer than fifty (50) feet from any dwelling unit on another lot.
9. Suitable containers for rubbish shall be placed on the lot for public use and shall be properly disposed of on a regular basis to avoid overflowing and a foul odor.
10. Suitable restroom facilities shall be provided on the lot as approved by the Allegan County Health Department.
11. Parking shall be available on the same lot and in accordance with Chapter 18.

12. Access to the lot and the venue on the lot shall be constructed and located in accordance with Allegan County Road Commission requirements.

Section 6. 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 _____, 2018, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on _____, 2018, which date is eight days after publication of the Ordinance as is required by Section 401 of Act 110, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

Allan Overhiser,
Township Supervisor

Cheryl Brenner,
Township Clerk

Casco 42 Zoning Text Amendment Ordinance - Shared Driveways and Special Events Venue 03232018

CERTIFICATE

I, Cheryl Brenner, the Clerk for the Township of Casco, Allegan County, Michigan, certify that the foregoing Casco Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Township Board held on _____, 2018. The following members of the Township Board were present at that meeting: _____

_____. The following members of the Township Board were absent: _____. The Ordinance was adopted by the Township Board with members of the Board _____

_____ voting in favor and members of the Board _____ voting in opposition. A copy of the Ordinance or a summary was published in the _____ on _____, 2018.

Cheryl Brenner, Clerk
Casco Township