

Approved 11/18/2020

Casco Township Planning Commission
Public Hearing – via Zoom
Text Amendment
October 21, 2020 6 PM

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

Absent: None

Also Present: Zoning Administrator Tasha Smalley, Janet Chambers Recording Secretary and Paul Macyauski and Deputy Clerk Kathy Stanton

1. **Call to order:** The meeting was called to order at 6:00.
2. **Review and Approve agenda:** Motion by; Hughes, supported by Fleming to approve agenda. Roll call vote: Campbell–yes; Adamson–yes; Litts–yes; Hughes–yes; Fleming–yes; Knisley–yes (Graff was present but working on technical difficulties with Deputy Clerk) Motion carried 6-0.
3. **Public Comment – other than items on agenda:** None
4. **Overview of the Public Hearing:** Campbell read the public notice.
5. **Open Public Hearing:** Motion by Hughes, supported by Litts to open public hearing at 6:08. Roll call vote: Campbell–yes; Adamson–yes; Litts–yes; Hughes–yes; Fleming–yes; Knisley–yes (Graff working on technical difficulties with Deputy Clerk) Motion Carried 6-0.
 - A. **Text amendment 3.17 Outdoor storage:**
 - B. **Text amendment 3.32 Fences:**
 - C. **Public Comment:** None
 - D. **Planning Commission comments / questions:** Campbell asked Commissioners for input. Litts said the most significant item was tent camping. Litts questioned whether tent camping should be prohibited in Rural Residential where it is not very populated or on vacant land. He said if someone owned a piece of property, they ought to be able to camp on it. He also questioned Item #4 which limits guests from occupying a recreational vehicle on a lot on which a principal building is located.

Adamson questioned where the 72-hr. maximum per year came from. Smalley said that was already in the ordinance.

Knisley asked for clarification on whether a recreational vehicle could be on vacant land. Smalley said no campers on vacant land as stated in #3. "Storage or parking of recreational vehicles shall be limited to a lot or parcel upon which a principal building is located."

Knisley- Asked about vacant land. Smalley said they must have a house on the property for a recreational vehicle to be parked there. Smalley said no campers on vacant lot as stated in #3. Ordinance already reads that way.

Fleming reminded everyone that Tasha is telling us what is in our ordinance. It is up to the PC to decide going forward.

Adamson questioned the 72 hrs. What happens on the 73rd hr. What are we using to make that decision?

Fleming added as far as tents, why prohibit the activity when it is the misuse of that activity that is the problem.

Technical difficulties were corrected, and Graff was able to sign in. Graff asked if there were any public comments that she missed.

Paul Macyauski said if somebody owns a parcel and wanted to camp for 14 days or less, they could. He added there is one place in the township where the 14-day limit is abused, and they are also camping with numerous tents.

Discussion moved to Fences, 3.32C being measured from average grade. Smalley said she added *C. Fence height* it shall be measured from average grade of the ground to the top of the fence. She did not make a diagram as discussed at the previous meeting because she did not come up with a diagram that would be clearer than simply saying the average grade would be determined by taking measurements of the grade 5' out from either side of the fence.

Campbell recalled the subject coming up with Ellingson and he said 3' to 5' either side of the fence would be a way to figure average grade.

Fleming said he understood limiting fence height on a corner where it would affect traffic safety, but the PC has not come up with a reason for restricting fence height other places.

- E. **Final comments / questions:** Chairman Campbell invited public comment on the fence height amendment. Macyauski said he understood the reason for going from a 7' to 8' fences in AG is because of deer. Other than Ag, Macyauski said he does not know why fence height is regulated, except that the building codes say 7'.

Smalley said the building codes do not regulate any fence heights. A fence over 7' requires a building permit.

Macyauski said they would have to get a permit and a variance for a taller fence.

Fleming questioned why a property owner should have to explain why they should have a taller fence if the township cannot show why he should not.

6. **Close Public Hearing:** A motion by Hughes, supported by Campbell to close the public hearing at 6:33 PM. Roll call: Campbell-yes, Adamson-yes, Litts-yes, Graff-yes, Hughes-yes, Fleming-yes, Knisley-yes. Motion carried 7-0.

7. **Discussion and decision:** Campbell asked for discussion on 3.17.

Fleming had a comment relating to discussion from last month about tent camping. Since it is not "allowed" in the ordinance it is prohibited. He asked if there is a section telling what we can do with vacant land.

Smalley said Section 3.08 talks about the principal use of a lot. The principal use is determined by a dwelling or commercial structure on the lot. You can walk on it, mow it, you cannot have a use without a dwelling or commercial structure.

Litts asked if hunting would be a use. Would he be able to bring a camper and hunt on his vacant land?

Knisley asked about cutting firewood on a vacant lot.

Motion by Campbell supported by Hughes to approve the proposed text amendments for Section 3.17 Recreational vehicle storage or parking in residential districts. Roll call: Campbell-yes; Adamson-yes; Litts-no; Graff-yes; Hughes-yes; Fleming-no; Knisley-yes. Motion carries with a 5-2 vote.

A motion by Campbell, supported by Hughes to approve the proposed text amendments for Section 3.32 Fences. Roll call: Campbell-yes; Adamson-yes; Litts-yes; Graff-yes; Hughes-yes; Fleming-no; Knisley-yes. Motion carries with a 6-1 vote.

8. **Adjournment of Public Hearing:** Meeting adjourned at 6:41 PM.

Attachment 1: Notice of Public Hearing

Attachment 2: Proposed amendment, Section 3.17 Recreational vehicle Storage or parking in residential districts

Attachment 3: Proposed amendment, Section 3.32 Fences

Approved 11/18/2020

Regular Zoom Meeting of Casco Township

Planning Commission

October 21, 2020, 6 PM (immediately following Public Hearing)

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

Absent: None

Also Present: Zoning Administrator Tasha Smalley, Janet Chambers Recording Secretary, Paul Macyauski and Deputy Clerk Stanton

1. **Call to order and review agenda:** A motion by Hughes supported by Campbell to approve the agenda. Roll call: Campbell-yes; Adamson-yes; Litts-yes; Graff-yes; Hughes-yes; Fleming-yes; Knisley-yes. Motion carried with a 7-0 vote.
2. **Interested Citizens in the audience will be heard on items NOT on the Agenda, and Public Correspondence received:** None
3. **Accept Minutes**
 - a. **9/16/2020 Public Hearing on Lighthouse Estates (Attachment 1):** A motion by Hughes, supported by Campbell, to approve the minutes of 9/16/2020 Public Hearing. Roll call: Campbell-yes; Adamson-yes; Litts-yes; Graff-yes; Hughes-yes; Fleming-yes; Knisley-yes. Minutes approved as written with a 7-0 vote.
 - b. **9/16/2020 Regular Meeting (Attachment 2):** A motion by Hughes, supported by Campbell, to approve the minutes of 9/16/2020 Regular meeting. Roll call: Campbell-yes; Adamson-yes; Litts-yes; Graff-yes; Hughes-yes; Fleming-yes; Knisley-yes. Minutes approved as written with a vote of 7-0.
4. **Proposed 2021 Planning Commission Calendar (Campbell):**
 - a. **Approve Regular Meeting dates for 2021 (Attachment 3):** Campbell asked commissioners to look at the new 2021 calendar. He said officers will be elected at the January 20th meeting. The calendar lists the third Wednesday of each month as meeting dates, with possible extra meetings on the 4th Wednesday if needed.

A motion to approve the 2021 calendar as printed was made by Hughes and supported by Campbell. Roll call: Campbell-yes; Adamson-yes; Litts-yes; Graff-yes; Hughes-yes; Fleming-yes; Knisley-yes. MSC 7-0.

Fleming thanked Smalley for helping the PC get through Public Meetings in a timely manner, avoiding extra meetings.

Campbell said the Governor signed an act to allow virtual meetings due to Covid-19. Beginning January 1, 2021 members of a public body could participate virtually, via zoom, if they meet one

of three ~~medical~~ conditions. Any members participating virtually must state in the minutes who is attending remotely and where they are attending from. If they do not meet one of the 3 medical conditions, they must be present in the building.

Campbell will discuss this with the supervisor to see how they will handle it.

5. **Old Business:**

- a. **Update: Bylaws posting at Casco website (Smalley):** Campbell said they are still requesting the bylaws be posted on the website.
- b. **Update: Board decisions on amendments voted on by PC at our July 15, 2020 Public Hearing (Campbell):** Graff reported on the Board's decisions on amendments from the July 15th public hearing.
 - Adding a definition "Glaring" was approved
 - A definition for "nuisance" was not approved. Thea board would like the PC to relook at where the word nuisance is used and see if it can be replaced with other wording.
 - The firepit ordinance was not approved, but the board thought they could compromise by changing the 25' setback to 15'. Because there is a 15' building setback, adding this 15' setback for fire pits would still give 25' from the firepit to a dwelling. The Board also said the firepit ordinance should pertain to all single-family dwellings, not just rentals.
 - The excavation ordinance was discussed and tabled to the next board meeting after they have time to consider how it would be enforced.
 - The B&B amendment was approved unanimously.

Campbell said interpretation is the problem with the excavation ordinance. Campbell added the firepit ordinance will need a new draft and public hearing.

- c. **Planning Commission bylaw "around screen" discussion (Campbell):**
 - i. **Section 3.D "Other duties of the Township Zoning Act reserves for the Planning Commission "See your Bylaws:** Campbell pointed out Section 3, Duties of the PC include a capital improvement plan for parks, roads, etc. This would explain why the annual joint meeting was done in February in the past. If you want input from the community on capital improvements, February is a good time. Campbell asked PC members to give this some thought for future discussion.
- d. **2021 ZO Initiatives (Campbell):** Campbell said the following 3 items will need to be discussed by the PC in the future.
 - i. **Section 3.23 Projections into yards (previously distributed):**
 - ii. **Section 15.03.O Farm Market (Zoning Administrator):**
 - iii. **Section 19 Signs (previously distributed):**
- e. **Administrative Zoning Ordinance links at Casco website (Campbell)**
 - i. **Zoning Administrator FAQs:** Some of the points covered on the monthly report could be answered with a FAQ section.

f. **Any old business that may come before the Commission:** None

6. New Business:

- a. **Marijuana Regulations Ordinance Update (Graff):** Graff gave an update from the last board meetings. In August, the board reviewed a draft from Bultje. In September they discussed and made changes and wanted to see how an update would look. They discussed whether growing or activities should be in AG and RR. Smalley said it would only be allowed in AG or Commercial. The Board came to a consensus that if growing is allowed, a license to transport should also be approved. They also discussed whether if medical marijuana growing is allowed, maybe recreational marijuana growing should also be allowed, limiting both to growing. Monday Bultje will have another draft to discuss. Nothing was discussed about PC involvement.
- b. **Any new Business that may come before the Commission:** Campbell got information on Planning for Resilient Coastal Communities, a group being formed by Casco, City of South Haven and South Haven Township for discussion and planning for the coast. Campbell will forward information to all PC members. There is a virtual joint workshop meeting on Wed, 28th at 6 PM. Advanced registration is required and information on registering will be included in an email Campbell will be sending out. A subcommittee to represent Casco could be comprised of a couple of PC members and a couple of citizens knowledgeable or interested in the erosion problems along the coast.

Graff agreed with previous suggestions by Campbell for an overlay zone and erosion problems. Graff expressed interest in attending. She asked if she could pass the information on to interested residents. Campbell said it is open to the public if they register.

Litts also expressed interest in attending.

7. Administrative Reports

- a. **Zoning Administrator (Smalley) (Attachment 4):**
- Campbell asked about inquiries on Blue Star. Smalley said people want to know if cabins could be rented. They cannot. It is residential. Realtors have been advertising them as rentable cabins, so people call in and find the answer is no. The cabins need to be torn down.
 - Campbell asked if anymore came up on a Day Care Center. Smalley said no.
 - Litts asked about citations issued on the corner of 68th and 103rd. Smalley said there is property with 10 campers and 2 mobile homes, a park model and camper on the property and they are occupied. She sent them a letter and the Township will be taking them to court.
 - Campbell asked about blight letters and where the property is located. Smalley said Lakeview on the east side at the end of the road.
 - Graff asked if Smalley has checked into camping on Adams Road. Smalley sent a letter but has not heard back yet.

b. ZA Chair (Hughes): Hughes said there have no been any meetings. He will be retiring after December. His spot on the PC will be filled by whoever fills his ZBA Chair seat.

c. Water/Sewer representative (Adamson): Adamson said next Tuesday will be a meeting.

d. Township Board representative (Graff):

- Clerk Brenner reported that as of Monday there have been 900 requests for mail-in ballots and 530 have been returned.
- A new lawn mower has been purchased to replace the stolen one. Insurance will pay full cost.
- For the 2nd time Ron Ridley was named Fire Fighter of the Year. He has been on the force over 40 years.

8. General Public Comment: None

9. Adjourn: 7:30.

Attachment 1: Minutes 09/16/2020 Public Hearing

Attachment 2: Minutes 09/16/2020 Regular Meeting

Attachment 3: 2021 Proposed Calendar

Attachment 4: Zoning Administrator report

Minutes prepared by Janet Chambers, Recording Secretary

**CASCO TOWNSHIP PLANNING COMMISSION
ALLEGAN COUNTY, MICHIGAN**

**NOTICE OF INTENT TO USE A VIRTUAL PLATFORM
FOR PUBLIC HEARING**

PLEASE TAKE NOTICE that the Planning Commission of Casco Township will conduct a public hearing and regular meeting to follow concerning the following matter on Wednesday, October 21, 2020 at 6:00 p.m. via Zoom meeting (*at the Casco Township Hall, 7104 107th Ave, South Haven, MI 49090*).

PLEASE TAKE NOTICE the public may participate in the meeting electrically and may make public comment: cascotownship.info Homepage will have the Zoom link and specific log in information.

PLEASE TAKE FURTHER NOTICE that the items to be considered at said public hearing include the following:

1. Zoning Ordinance amendment to amend Section 3.17 Outdoor storage in residential districts; add RR, LDR, MDR, LRA&B; rename to Recreational vehicle storage or parking; add C. prohibit overnight tent camping
2. to amend Section 3.32 Fences; add C. fence height measure from average grade; add fencing for AG use properties not to exceed 8 feet in height.

Any other business that may come before the Planning Commission

PLEASE TAKE FURTHER NOTICE that the proposed text can be viewed at cascotownship.info or contacting the Zoning Administrator 1-800-626-5964 or mtsallegan@frontier.com.

PLEASE TAKE FURTHER NOTICE that written comments will be received from any interested person concerning the foregoing by the Township Clerk at the address set forth below, or by email to the Township Clerk cascoclerk@gmail.com up to the date of the hearing and will also be received by the Planning Commission at the hearing.

The Casco Township Planning Commission and Township Board reserve the right to make changes in the above mentioned proposed ordinance at or following the public hearing.

Casco Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities at the hearing upon seven (7) days' notice to the Casco Township Clerk.

Cheryl Brenner
Casco Township Clerk
7104 107th Ave, South Haven MI 49090
269-637-4441

Tasha Smalley
Zoning Administrator
1-800-626-5964

Casco Township Planning Commission

Public Hearing – via Zoom

Text amendment

October 21, 2020

6:00PM

Regular meeting immediately after

1. Call to order
2. Review and Approve agenda
3. Public Comment – other than agenda items; please keep comments to no more than 2 minutes
4. Overview of the Public Hearing Notice
5. Open Public Hearing
 - Text amend 3.17 Outdoor storage – 5-2 vote – Andy & Dan
 - Text amend 3.32 Fences – 6-1 vote – Dan
 - Public Comment – Please keep comments to no more than 2 minutes per person
 - Planning Commission comments / questions
 - Final comments / questions
6. Close Public Hearing 09:33
7. Discussion and decision
8. Adjournment of Public Hearing session
9. *Open regular scheduled planning commission meeting*

**CASCO TOWNSHIP
ALLEGAN COUNTY, MICHIGAN**

Ordinance No:

Approved Date:

Effective Date:

AN ORDINANCE TO AMEND THE CASCO TOWNSHIP ZONING ORDINANCE; AMEND SECTION 3.17 AND AMEND 3.32.

CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. Amend Chapter 3. Section 3.17 Outdoor Storage is amended to the Zoning Ordinance to read as follows:

Section 3.17 Recreational vehicle storage or parking in residential districts

A. The outdoor storage or parking of recreational vehicles in residential districts, RR, LDR, MDR, LR-A, LR-B, shall be subject to the following minimum conditions:

3. Storage or parking of recreational vehicles shall be limited to a lot or parcel upon which a principal building is located. The lease of space for storage or parking of recreational vehicles for compensation shall not be permitted in a residential district other than a licensed campground.

4. It shall be lawful for only non-paying guests to occupy one recreational vehicle on a lot or parcel upon which a principal building is located and parked subject to the provisions of this Ordinance, for sleeping purposes only, for a period not exceeding 72 consecutive hours. The total number of days during which a recreational vehicle may be occupied under this Subsection shall not exceed 14 in any calendar year.

5. Recreational vehicles and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied, except as otherwise permitted in Subsection 4 above, and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water, or gas.

C. Overnight tent camping is prohibited on vacant land and the beach along Lake Michigan.

Section 2. Amend Chapter 3. Section 3.32 add C amend G Fences is amended in the Zoning Ordinance to add to read as follows:

C. Fence height shall be measured from average grade within five feet of the fence on the ground to top of fence.

G. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any yard, provided that any fence over four feet in height shall be not greater than 50 percent opaque. Fences used for agricultural purposes shall not exceed eight feet in height.

Section 3.17 Recreational vehicle storage or parking in residential districts

A. The outdoor storage or parking of recreational vehicles in residential districts, RR, LDR, MDR, LR-A, LR-B, shall be subject to the following minimum conditions:

1. Any recreational vehicle parked outside shall not be located in any required front or required side yard setback area. Not more than one recreational vehicle shall be stored on a lot or parcel, except as allowed under Subsection 4 below.
2. Recreational vehicles stored outside shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding area.
3. Storage or parking of recreational vehicles shall be limited to a lot or parcel upon which a principal building is located. The lease of space for storage or parking of recreational vehicles for compensation shall not be permitted in a residential district other than a licensed campground.
4. It shall be lawful for only non-paying guests to occupy one recreational vehicle on a lot or parcel upon which a principal building is located and parked subject to the provisions of this Ordinance, for sleeping purposes only, for a period not exceeding 72 consecutive hours. The total number of days during which a recreational vehicle may be occupied under this Subsection shall not exceed 14 in any calendar year.
5. Recreational vehicles and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied, except as otherwise permitted in Subsection 4 above, and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water, or gas.
6. Notwithstanding the provisions above, a recreational vehicle may be parked anywhere on the premises during active loading or unloading, and use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.

B. The storage of recreational vehicles not owned by the primary resident shall be permitted within an approved and fully enclosed accessory building or farm building on property within the AG and RR Districts.

C. Overnight tent camping is prohibited on vacant land and the beach along Lake Michigan.

Sec. 3.17. Outdoor storage in residential districts.

A. The outdoor storage or parking of recreational vehicles in all residential districts shall be subject to the following minimum conditions:

1. Any recreational vehicle parked outside shall not be located in any required front or required side yard setback area. Not more than one recreational vehicle shall be stored on a lot or parcel, except as allowed under Subsection 4 below.
2. Recreational vehicles stored outside shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding area.
3. Storage or parking of recreational vehicles shall be limited to a lot or parcel upon which a principal building is located. The lease of space for storage or parking of recreational vehicles for compensation shall not be permitted in a residential district.
4. It shall be lawful for only non-paying guests at a dwelling in a residential district to occupy one recreational vehicle, parked subject to the provisions of this Ordinance, for sleeping purposes only, for a period not exceeding 72 consecutive hours. The total number of days during which a recreational vehicle may be occupied under this Subsection shall not exceed 14 in any calendar year.
5. Travel trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied, except as otherwise permitted in Subsection 4 above, and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water, or gas.
6. Notwithstanding the provisions above, a recreational vehicle may be parked anywhere on the premises during active loading or unloading, and use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.

B. The storage of recreational vehicles not owned by the primary resident shall be permitted within an approved and fully enclosed accessory building or farm building on property within the AG and RR Districts.

Sec. 3.18. Home occupations.

All home occupations shall be subject to the following restrictions and regulations:

- A. The home occupation shall be conducted within the principal dwelling and only by a resident of the dwelling, along with not more than one person employed who is not a resident of the premises.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. There shall be no alteration in the residential character of the premises, or any visible evidence of the conduct of the home occupation, other than signage permitted in accordance with this Section.
- C. The home occupation shall be operated in its entirety within the principal dwelling, but shall not in any case, exceed a total area greater than 20 percent of the usable floor area of the dwelling unit, or 300 square feet, whichever is less.
- D. For the purpose of identification of such use, one non-illuminated wall sign not exceeding four square feet in area may be permitted, mounted flat against the wall of the principal building. Such signs shall identify only the name of the profession and the name of the occupant of the premises.
- E. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable off the premises. In case of electrical interference, no equipment or process shall be used which creates visual or

**Proposed text amend
Public Hearing 10-21-20**

Section 3.32 Fences

- A. Fences shall not be constructed in any public right-of-way.
- B. Unless provided for elsewhere in this Ordinance, a fence may not exceed a height of three feet within any required front yard setback area, or a height of seven feet in any other area. For waterfront lots, a fence may not exceed a height of three feet within any front or rear yard setback area, or a height of seven feet in any other area.
- C. Fence height shall be measured from average grade within five feet of the fence on the ground to top of fence.
- D. No fence shall contain any barbed wire or electrification unless necessary for agricultural or industrial purposes. Barbed wire may be used for security in a nonresidential district, or for the protection of public utility buildings or improvements. The barbed portion of the fence shall be at least six feet from the ground, in which case the height of a fence may extend to a maximum of seven feet.
- E. Razor wire is prohibited in the Township.
- F. In the case of a double frontage (through) lot in any residential district, a fence up to seven 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.
- G. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any yard, provided that any fence over four feet in height shall be not greater than 50 percent opaque. Fences used for agricultural purposes shall not exceed eight feet in height.

- E. A detailed description of any underground storage tanks and the materials to be stored shall be documented and appropriate permits obtained from the State Police Fire Marshal Division, Hazardous Materials Section.
- F. Storage of pesticide or fertilizer in quantities greater than 55 gallons or 100 pounds shall be documented and appropriate permits obtained from the Michigan Department of Agriculture, Pesticide and Plant Pest Division.

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F. Fences used to enclose vacant land or land used for agricultural purposes may be erected within any yard, provided that any fence over four feet in height shall be not greater than 50 percent opaque.

(Ord. No. O31819-3, § 3, 3-18-2019)

Sec. 3.33. Greenbelts, buffers and landscaping.

It is the intent of this provision to promote the public health, safety and welfare by establishing minimum standards for the design, installation, and maintenance of landscaping as greenbelt buffer zones between potentially incompatible uses and residential dwellings. Landscaping is also viewed as a critical element contributing to the aesthetics, development quality, stability of property values, mitigation of nuisance affects, and overall rural character of the Township. As such, the following standards shall be met, as applicable. Further, protected landscapes and well-designed landscapes help the Township meet Master Plan goals and objectives.

- A. It is the intent of this Ordinance to protect existing site vegetation as a means of retaining rural character. Significant site vegetation, including landmark trees, shall be protected as much as practical and noted for protection on the site plan. If existing plant material is labeled "to remain" on a site plan by the applicant or is required by the Township, protective techniques, such as, but not limited to, fencing or barriers placed at the drip line around the

REGULAR ZOOM MEETING OF CASCO TOWNSHIP PLANNING COMMISSION
October 21, 2020
Immediately Following Public Hearing
6PM

- ✓ 1. Call to order and review agenda
- ✓ 2. **Interested Citizens in the audience will be heard on items NOT on the Agenda & Public Correspondence received (2 minutes each).**
3. **Accept minutes:**
 - a. 9/16/2020 Public Hearing on Lighthouse Estates (Attachment 1)
 - b. 9/16/2020 Regular Meeting (Attachment 2)
4. **Proposed 2021 Planning Commission Calendar (Campbell)**
 - a. Approve Regular Meeting dates for 2021 (Attachment 3)
5. **Old Business:**
 - a. Update: Bylaws posting at Casco website (Smalley)
 - b. Update: Board decisions on amendments voted on by PC at our July 15, 2020 Public Hearing. (Campbell)
 - c. Planning Commission bylaw “around screen” discussion (Campbell)
 - i. **Section 3.D “Other duties the Township Zoning Act reserves for the planning commission. (See your Bylaws)**
 - d. 2021 ZO Initiatives (Campbell)
 - i. **Section 3.23 Projections into yards (previously distributed)**
 - ii. **Section 15.03.O Farm Market (Zoning Administrator)**
 - iii. **Section 19 Signs (previously distributed)**
 - e. Administrative Zoning Ordinance links at Casco website (Campbell)
 - i. Zoning Administrator FAQs
 - f. Any old business that may come before the Commission
6. **New Business:**
 - a. **Marihuana Regulation Ordinance Update (Graff)**
 - b. Any new business that may come before the Commission
7. Administrative Reports
 - a. Zoning Administrator (Smalley) (Attachment 4)
 - b. ZBA Chair (Hughes)
 - c. Water/Sewer representative (Adamson)
 - d. Township Board representative (Graff)
8. General Public Comment (2 minutes each)
9. Adjourn

Casco Township

Planning Commission

Proposed Calendar

2021
3rd Wed 4th Wed

Month	6PM Regular Mtg*	6PM Public/Special Mtg**	Joint PC/Board Mtg***
January	20th	If Needed	
February	17th		
March	17th	If Needed	
April	21st		
May	19th	If Needed	1st
June	16th		
July	21st	If Needed	
August	18th		
September	15th	If Needed	
October	20th		
November	17th		
December	15th		

*1. Regular Meetings are scheduled for the 3rd Wednesday of each month. When a Public Hearing is scheduled on these evenings it will begin at 6PM and be followed immediately by the Regular Meeting.

2. Only one Public Hearing will normally be scheduled on a regular meeting night

** Hold for possible Public/Special/workshop meeting(s) on the 4th Wednesday of the months designated.

*** Annual Meeting 9AM to 12PM(noon)

Guidelines:

1. Public Hearing(s) and Site Plan Review(s) packets shall be distributed to members and available to public 15 days prior to meeting.
2. Regular meeting agenda will be distributed electronically no later than the Friday before the Regular Meeting date.

Proposed Text amendment

Tasha proposed text

For meeting 10-21-20

Current text

Section 3.23 Projection into yards

A. Architectural features may project a maximum of four feet into a front or rear yard setback area, but shall not project into the side yard setback.

B. Porches, terraces, decks, balconies, window awnings, and similar structures which are open on three sides, unenclosed, and uncovered and project six inches or more above the surrounding grade:

1. May project a maximum of ten feet into a front yard setback area.
2. May project a maximum of 15 feet into a rear yard setback area.
3. Shall not project into a side yard setback area.
4. An open deck or patio less than 30 inches in height may be five feet from any side or rear property line.

C. If these structures are permanently enclosed on any side or covered in any manner they shall be considered part of the main building and shall comply with the setback requirements of the main building.

D. Yards, projections into. Notwithstanding other provisions in this Section, outdoor stairways shall be permitted, to allow access over natural features such as dunes or wetlands, if all applicable State regulations are satisfied, whether or not the stairways are connected to the principal building on the lot. A storage area, not used for human habitation, shall be permitted under such stairway or deck, even if the storage area includes walls and a roof. Stand-alone accessory structures such as decks, pools, and gazebos, as well as storage sheds with less than 225 square feet, are permitted in the waterside front yard of waterfront lots.

Clarify if this applies to 3.28 properties

Discussion text

I feel D. is really not meant for this Section. It refers to other things than projection into yards.

D. Notwithstanding other provisions in this Section, outdoor stairways shall be permitted, to allow access over natural features such as dunes or wetlands, if all applicable State regulations are satisfied, whether or not the stairways are connected to the principal building on the lot. Stairways to a lake shall not be closer than 5 feet to side property line or 50 feet to the OHWM. Stairway or walkway for other uses shall not be closer than 5 feet to side or rear property line.

E. A storage area, not used for human habitation, shall be permitted under such stairway or deck, even if the storage area includes walls and a roof shall not be closer than 10 feet to side property line or 50 feet to the OHWM.

F. Stand-alone accessory structures, not connected to a stairway, such as a shed under 225 sq ft, deck, pool, gazebo, pergola are permitted in the waterside front yard of waterfront lots. Structures, except for a pool, shall not be closer than 10 feet from side property line and 50 feet to the OHWM. Pool shall not be closer than 100 feet to the OHWM and shall meet the side and rear (if not on Lake Michigan) setback of the zoning district.

Tasha proposed text For meeting 10-21-20

The Farm Market GAAMP does not allow Township's to require a Special Land Use for a Farm Market. They shall be allowed by right, but the Township can regulation including but not limited to: setbacks, parking, signage, other ancillary uses (hay rides, petting zoo, deli, bakery, etc)

Special Land Use - 15.03 O – **move to 3.43 (general provisions)**

3.43 Farm Market

Farm markets shall be subject to the Generally Accepted Agricultural and Management Practices (GAAMPs)—see definition for farm markets.

1. A single-family dwelling may be located on the property.
2. The principal product(s) processed or sold on the premises shall be primarily produced in the agricultural operation.
3. Farm market activities may include entertainment functions associated with the farm including, but not necessarily limited to, cider processing, donut making, pumpkin carving, hayrides, apple dunking, and Christmas tree cutting.
4. No activity or structure shall be located within 50 feet of the public road right-of-way.
5. The maximum floor area devoted to display and sales shall not exceed 3,000 square feet.
6. Access to the use shall be located in accordance with County Road Commission requirements.
7. Access to the site shall be located at least 100 feet from any intersection as measured from the nearest right-of-way line to the nearest edge of the intersection, and shall be located a minimum of 50 feet from any property line.
8. Farm markets shall be located no closer than 100 feet from any lot line which abuts a residential zoning district or dwelling unit.
9. Suitable containers for rubbish shall be placed on the premises for public use.
10. Storage structures shall be permitted.
11. Hours of operation shall be limited between the hours of 7:00 a.m. and 10:00 p.m.
12. One ground sign, not exceeding 20 square feet, and one wall sign, not exceeding 12 square feet, may be erected on the property. Such signs shall otherwise meet the requirements of Chapter 19 where applicable.

Current GAAMP attached



Generally Accepted Agricultural and Management Practices for Farm Markets

June 2020

Michigan Commission of Agriculture & Rural
Development
PO BO 30017
Lansing, MI 48909



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INTRODUCTION

As farmers look for ways to keep their businesses economically viable, many have chosen to shift their operations from a farmer-to-processor to a direct market business model. This includes selling raw and value-added products directly to the consumer through on-farm establishments, farmers markets, and other agricultural outlets. This allows farms to take advantage of consumer interest in agritourism, the “buy local” movement, and a desire for a connection with farmers and food production. These activities have far-reaching economic impacts. Many regions have capitalized on the growth of farm markets by developing regional farm market and culinary trails, and tourism promotion based on authentic culinary experiences offered by local farm markets. Farm markets provide the opportunity for visitors to meet a farmer, learn about modern agricultural practices, and gain access to fresh, local, nutritious food. Finally, farm markets and the associated farm, help maintain green space adding to the quality of life. Thriving farmland enhances the beauty of communities, retains residents and attracts visitors. As farm operations engage in direct sales and on-farm activities, conflicts have arisen regarding oversight of these businesses.

Michigan is a Right to Farm (RTF) state and the RTF Act defines a “farm operation” as meaning the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products. This definition includes, but is not limited to, marketing produce at roadside stands or farm markets. Farm markets offer farm related experiences and farm products through a variety of agritourism activities. The experience in turn promotes sale of more farm products and provides an added income stream to support the farm business, the farm family, and surrounding communities; and keeps farmland in production.

Although the RTF Act includes farm markets in the definition of a farm operation, this definition does not define a farm market or describe specific marketing activities. These GAAMPs for Farm Markets were developed to provide guidance as to what constitutes an on-farm market and farm market activities.

PHYSICAL CHARACTERISTICS OF A FARM MARKET

Use of space

A farm market may be a physical structure such as a building or tent, or simply an area where a transaction between a customer and a farmer is made. The farm market must be located on property owned or controlled (e.g. leased) by the producer of the products offered for sale at the market. A new or expanding farm market greater than 120 square feet must meet a minimum setback of 165 feet from all non-farm residences and all new or expanding farm markets are not authorized under this GAAMP on platted lots within a subdivision created under the Michigan Land Division Act (Act 288 of 1967, MCL 560.101, *et seq.*) or preceding statutes and on condominium units within a condominium (sometimes referred to as "site-condos") created under the Michigan Condominium Act (Act 59 of 1978, MCL 559.101, *et seq.*); however, farm markets are permitted in such areas if authorized by association rules or pursuant to a local ordinance designed for that purpose, unless prohibited by association rules. A farm market should have a written site plan for potential MDARD review that preempts local government regulations.

Buildings

If the farm market is housed in a physical structure as defined and regulated by the Stille-Derossett-Hale Single State Construction Code Act (Act 230 of 1972), the structure must comply with the Stille-Derossett-Hale Single State Construction Code Act (Act 230 of 1972), including road right-of-way areas and ingress and egress points.

Parking and Driveways

Parking and driveway surfaces may be vegetative, ground, pavement, or other suitable material. However, other parking and driveway requirements must comply with all applicable regulations.

Vehicle Ingress and Egress

Any farm market and affiliated parking operating along a public road must obtain all appropriate ingress and egress permits.

Signage

The operator of the farm market must comply with all applicable state and federal regulations for signs. A minimum of one roadside sign is allowed pursuant to local sign ordinance setbacks, lighting, height and size requirements.

For further information concerning this GAAMP you may contact the Michigan Department of Agriculture and Rural Development or Michigan State University Extension.

ADVISORY COMMITTEE

Listed below are the advisory committee members for the Generally Accepted Agricultural and Management Practices for Farm Markets.

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Michigan Township Services Allegan

111 Grand
Allegan, MI 49010

Invoice

Date	Invoice #
10/5/2020	3574

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

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	Permit fees September 2020	4,601.70	4,601.70
	Inspections 15 @ \$40.00	600.00	600.00
2	9/1 office hours	48.00	96.00
2	9/8 office hours	48.00	96.00
2.5	9/8 PC packet 9-16-20 review rezone	48.00	120.00
0.5	9/9 Roberto Guilan 02-107-001-00 allowed uses, min dwell regs, setbacks	48.00	24.00
0.25	9/9 SteveB 82 Bluff 02-450-045-00 setbacks	48.00	12.00
0.25	9/9 Kim Stokes 146 Blue Star, variance allowed for change of use to campground	48.00	12.00
0.25	9/9 Robert Deorsey Beachview & 74th 02-380-172/173-00 min dwell and setbacks	48.00	12.00
0.25	9/9 Scott Chico 7277 Michigan zoning permit shed	48.00	12.00
0.25	9/9 Meiste Homes 6423 111th zoning permit new res	48.00	12.00
0.25	9/9 Mackenzie Vene 6732 107th zoning permit pole barn	48.00	12.00
0.25	9/9 Daril Valentine 200 63rd zoning permit pole barn	48.00	12.00
0.25	9/9 Robin Maynard 7171 Atlantic zoning permit new res	48.00	12.00
0.25	9/10 Shelly Coulter 7210 Lakeview zoning permit pool	48.00	12.00
0.25	9/10 Pete Whele re: allowance of medical marihuana facility	48.00	12.00
0.25	9/10 Sue Catherman 7383 Pershing setback questions, deck and patio	48.00	12.00
Total			

Michigan Township Services Allegan

111 Grand
Allegan, MI 49010

Invoice

Date	Invoice #
10/5/2020	3574

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

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
0.25	9/11 Mr. Crosby 74th/102nd 02-380-173-00 setback questions	48.00	12.00
0.25	9/11 Steve Bocik 82 Bluff 02-450-045-00 zoning, allowed uses, setbacks	48.00	12.00
0.25	9/14 Mike Diedermann 146 Blue Star, zoning and allowed uses	48.00	12.00
2	9/15 office hours	48.00	96.00
0.25	9/16 Sharon Curtis and Morris Snitowsky possible illegal build questions, Maple St	48.00	12.00
0.25	9/16 Quadree Holmes 80 Pershing zoning permit new res	48.00	12.00
0.25	9/16 Jesse Willis 146 Blue Star can cabins be rented	48.00	12.00
0.25	9/16 Deary, 376 74th St zoning permit pole barn	48.00	12.00
2.25	9/16 Planning Commission meeting	48.00	108.00
0.25	9/21 Shanna Ax, 768 60th St, land div regs	48.00	12.00
2	9/22 office hours	48.00	96.00
0.25	9/22 Chad M Maple St, building permit submitted, lots need to be combined	48.00	12.00
0.25	9/23 Terry Shull, pole barn set backs 68th st	48.00	12.00
0.25	9/23 Patti Sheehy 02-021-012-00 land div questions	48.00	12.00
0.25	9/23 Slentz 6041 Baseline, home occupation and pole barn regs	48.00	12.00
0.5	9/23 Blight Letters 710 70th and 7146 Lakeview Noise complaint letter, roofing company working on Lincoln	50.00	25.00
		Total	

111 Grand
Allegan, MI 49010

Date	Invoice #
10/5/2020	3574

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

P.O. No.	Terms	Project

[illegible]