

**REGULAR MEETING**  
**CASCO TOWNSHIP PLANNING COMMISSION**  
**July 17, 2019**  
**7:00 PM**

1. Call to order
2. Review/Approval of Agenda 5 min.
3. Interested Citizens in the audience will be heard on items **NOT** on the Agenda & Public Correspondence received (2 minutes each) 10 min.
4. Approval of minutes: 10 min.
  - a. 06/19/2019 Regular Meeting
5. Casco Twp Planning Commission Annual Report to Board (Campbell) 5 min.
6. Calendar review (Campbell) 5 min.
7. Old Business:
  - a. Lighting (Smalley) 10 min.
  - b. Drainage (Smalley) 10 min.
  - c. Winery, Special Use Standards (Smalley) 10 min.
  - d. Municode update (Smalley) 5 min.
  - e. Master Plan – survey (Campbell) 10 min.
  - f. any old business that my come before the commission
8. New Business:
  - a. Bed and Breakfast (Smalley) 10 min.
  - b. any new business that may come before the commission
9. Administrative Reports
  - a. Zoning Administrator (Smalley) 5 min.
  - b. Township Board representative (Graff) 5 min.
    - i. Review/distribution to PC of monthly STR report
    - ii. Other items from the Board
  - c. Report from ZBA representative (Hughes) 5 min.
  - d. Water/Sewer representative (Adamson) 5 min.
10. General Public Comment (2 minutes each)
11. Adjourn

DRAFT

REGULAR MEETING OF CASCO TOWNSHIP PLANNING COMMISSION  
June 19, 2019; 7PM

Tasha Smalley Zoning Administrator

**Members Present:** Chairman David Campbell, Secretary Lewis Adamson, Board Representative Judy Graff, ZBA Representative Dave Hughes and PC members Greg Krisley & Dan Fleming

**Absent:** Vice Chair Dian Liepe

**Staff Present:** Zoning Administrator Tasha Smalley and Janet Chambers, Recording Secretary

1. **Call to Order:** The meeting was called to order at 7 PM.
2. **Review/Approval of Agenda:** A motion by Graff, supported by Hughes to approve the agenda. All in favor. MSC.
3. **Interested Citizens in audience will be heard on items NOT on the Agenda Public Correspondence received:** None present
4. **Approval of minutes from 5/15/2019 Regular Meeting:** A motion by Graff, supported by Fleming to approve the minutes of 5/15/2019 as printed. All in favor. MSC.
5. **Calendar review (Campbell):** July 17 is the next regular meeting. There will be no special meeting on 24<sup>th</sup>. Zoning Administrator asked if the public hearing could be on July 17<sup>th</sup>. Discussion ensued. No decision was made at this time. Will cover later in this meeting.
6. **Old Business**
  - a. **Municode update (Smalley):** The first draft should be ready by July 8<sup>th</sup>. Current change log will be included. Future changes will be noted in content of ordinance instead of continuing the change log.
  - b. **External Lighting – See Attachment #1 (Smalley):** Smalley came up with a draft (5/15/19) that she thought the Board would approve of.

Discussion ensued about including “foot candle” in the amendment. Commissioners discussed glare definitions, i.e. nuisance glare, disabling glare, and glare. The concern is defining the amount of light that might cross the property line and “foot candle” would be a definitive measurement. Commissioners discussed the order of the definitions.

Discussion ensued on Section 3.41 C concerning the 20’ height limit. Is the main objective to keep light from crossing the property line. Commissioners reiterated the importance of foot candle as a clear measurement. The decision was to take out the height limit.

Discussion was had on the drawings 3.34 and 3.5. It was decided to leave the diagrams as they are.

Graff made a motion to add "foot candle" and remove the 20' height maximum, supported by Campbell. Roll call vote as follows: Campbell – yes, Graff - yes, Hughes – yes, Knisley – yes, Fleming – no, Adamson – no. MSC.

Discussion on timing for a public hearing and making sure the document is fully ready with final changes to be presented to the board. Commissioners agreed the public hearing could be for more than one zoning amendment. Discussion ensued about how many amendments should be presented at one public hearing. Tabled until later in meeting.

- c. **Drainage – See Attachment #2 (Smalley):** Smalley said it was brought to her attention that giant houses are being built in Miami Park and grade being raised causing drainage onto neighbors. In the beginning of construction phase Casco can regulate that a drainage plan be submitted. This would go in general provisions. When permit issued it would be part of the process. The proposed text says if you change the grade, you would need an engineer to certify the plan.

Hughes asked if this would also apply to Zoning Amendments. If someone is building closer to the lot line, would they need an engineer to certify that it is not causing runoff to the neighbors.

Smalley said as the draft is worded, there would only need to be an engineer involved if the grade is changed. A runoff plan would be part of the building permit even if the grade is not changed but would not involve an engineer. Every roof or paving would affect runoff.

Discussion ensued about whether 3.43 #2 is necessary or if it is covered under #1. It needs to be understood that any "increased" flow is what the ordinance is referring to. Water naturally will run downhill, and already is. If a person blocks a flow of water on his property, it could cause water to collect on the person upstream of that property.

Commissioners questioned whether this would be applied to new construction only, or additions. Smalley said it would apply to all building permits.

Campbell said growth is going to continue in Casco because of the debt. This will result in more water runoff issues.

Graff motioned to approve Chapter 3, 3.43 (6/19/19), 2<sup>nd</sup> by Campbell.

Discussion ensued what districts to apply this ordinance to. Non-conforming lots, ag, lots of 1 or less acres, etc. It was decided to apply this amendment to all residential districts.

All in favor. MSC.

**d. Winery, Special Use Standards – See Attachment 3 (Smalley):** Smalley presented text from Ganges Twp. This is a SLU. Smalley asked if commissioners felt it should be on the property where the fruit is grown, and what provisions the PC would like to see. For a winery to be legal under the existing ordinance, it must be an ancillary use of a farm market. A winery is not a farm market. In order to be a farm market, they would sell the grapes, not make wine. Commissioners should begin thinking about this and further discussion was tabled until a future meeting.

**e. Any old business that may come before the commission:**

**7. New Business**

**a. Proposed Amendment of ZO Section 3.39 A 4 – Fire Pits – See Attachment #4 (Campbell):**

Campbell presented a proposed amendment to the fire pit ordinance. The ordinance proposes fire pits are not less than 25' from the property line. (The existing STR Fire Pit Ordinance says 25' from a structure). The rest of the ordinance basically says go read SHAES. Campbell said it should be more specific. 25' from structure or building is not doing anything for the neighbors. This would mean Macyauski would be inspecting the location while doing STR inspections. Non-conforming lots are too small, and we are not protecting neighbors. Campbell said we should expand 3.39 and get it on the table to come up with an amendment.

**b. Proposed ZO for Fire Pits in Non-Conforming Lots of Record (Section 3.28 B), in LR-A, Lakeshore Residential District (Section 7A) – See Attachment 5 (Campbell):** Could go to a contained unit like a "chimney".

**c. P C Process Review Timing (Campbell – Liepe):** Campbell referred to the following three items from the May 15, 2019 minutes: \*Page 1 item 2 - there was reference to Graff having discussion with the Zoning Administrator about the agenda being posted to the website. \*Page 3, e 1, 2<sup>nd</sup> paragraph - Graff had a conversation with Smalley about water trespass. \*Page 3, 3 ii 2<sup>nd</sup> paragraph Graff had a conversation with Smalley about Wineries. Campbell expressed his anger about Graff having discussion with the Zoning Administrator outside of a meeting. Campbell said he does not want anyone, except himself, having discussions one on one outside of a meeting.

Campbell asked the recording secretary if she has commissioners' input on the minutes prior to sending them out. She said no. Campbell stated that Commissioners must not discuss minutes with the recording secretary prior to being presented for approval.

**i. General guidelines (Campbell):** Smalley will send out packets with supporting materials prior to all meetings. Attachments will not need to be emailed by recording secretary.

ii. **Discussion items (Liepe):** Absent

d. **Master Plan Update (Campbell):** Campbell met with the Supervisor and looked at a couple of drafts for a Master Plan survey. They will come up with a potential 40 question survey.

e. **Any new business that may come before the commission:** The 24<sup>th</sup> public meeting has been cancelled. There was discussion on whether there needs to be an August 7<sup>th</sup> meeting. Discussion ensued about when a final draft would be ready for the external lighting and drainage ordinances. Discussion was had on how many ordinances should be covered at one public hearing. Bed & Breakfast will not be a difficult ordinance. It was agreed that not less than two ordinance amendments would be held at one meeting. August 7<sup>th</sup> at 6:00 could be a public hearing for amendments, followed by the regular August meeting.

## 8. Administrative Reports

a. **Zoning Administrator (Smalley):**

Smalley said there is an opportunity to have a public hearing on July 17<sup>th</sup>. There is an amendment to an already approved site plan.

It was decided there would be a regular meeting on July 17<sup>th</sup> at 7:00 and possibly a B&B public hearing for a site plan amendment. August 24<sup>th</sup> would be a public hearing for external lighting and drainage. September 18<sup>th</sup> is a regular meeting. September 25<sup>th</sup> could be for a B&B amendment and a Winery amendment could be another time.

b. **Short Term Rental Twp Report (Campbell):** The township is doing a great job on enforcement side of things. There are 102 registered STRs. Warning letters to those not registered. There are several mystery properties. Noise complaint call in to police and the people have been good about dealing with it. Reviews of a property said there are strict noise policies.

c. **Township Board representative (Graff):** \*Annual & normal board meeting.  
\*Shingle shots are available, \*BS Highway from Mt. Pleasant to 111 will be paved  
\*W&S authority is looking at reducing monthly debt retirement. \*Airport will have a fly-in Aug 11<sup>th</sup> there will be plane & helicopter rides. \*The 2019-20 budget has been approved, \* Staff & elected officials are getting a 2.5% cost of living raise \*Used police car is going up for bid. \*There are 102 registered STRs in Casco

Campbell asked about off road vehicles. Graff said it was approved and will be effective 30 days after it is published. She did not have the exact date it was published.

Knisley asked Graff to take information about the recycle yard to the board. There are people getting in when closed. The area just south of entrance you can see where people are entering during off hours and dumping illegally. The entrance should be blocked.

Graff said recycling is getting expensive, but Casco is in the green. Graff continued listing items discussed at board meeting. \*In June Casco agreed to pay for a service available to residence who want a business. It will be similar to *Allegan County's Legal Assistance Center* available to residence in Allegan Co. for civil issues. and Judge Baker announced the service and asked for donations. Casco agreed to contribute.

d. **Report from ZBA representative (Hughes):** They have not met Discussion ensued about being sure people are going for a building permit if variance is granted.

e. **Water / Sewer representative (Adamson):**

9. **General Public Comment:** no public present

10. Adjourn: 9:30 PM

Attachment #1: Exterior Lighting Proposed Ordinance Draft from Smalley

Attachment #2: Grade and Fill Proposed Ordinance Draft from Smalley

Attachment #3: Winery Ordinance Proposed Draft from Smalley

Attachment #4: Fire Pit 3.39 A.4 Proposed Ordinance Draft from Smalley

Attachment #5: Lakeshore Residential 7A Proposed Ordinance for 3.28 B Non-conforming Lots from Smalley

Attachment #6: Smalley hours for May 2019

Minutes Prepared by Janet Chambers, Recording Secretary

# CASCO TOWNSHIP PLANNING COMMISSION

## Annual Report

June 17, 2019

Submitted by David R. Campbell Sr.  
Planning Commission - Chair

An overview of the Casco Township Planning Commission (PC) activities during the 2018-2019 year include:

1. **Regular Monthly Meetings** - The PC meets on the 3<sup>rd</sup> Wednesday of month and held 12 meetings during 2018-2019.
2. **Special Meetings/Public Hearings** – The PC held 6 Special Meetings/Public Hearings during 2018 – 2019 as follows:
  - a. **Sept.** 3<sup>rd</sup> - Special Events Venue [VanWagoner]
  - b. **Oct.** 10<sup>th</sup> - B&B [1020 Blue Star Hwy]
  - c. **Jan.** 16<sup>th</sup> - Special Events Venue [Roessing]
  - d. **Feb.** 27<sup>th</sup> - 3 Public Hearings
    - i. Building Height restrictions
    - ii. Marijuana opt out
    - iii. Exterior Lighting
  - e. **March** 27<sup>th</sup> - Special Land Use – Campground [The Fields]
  - f. **April** 17<sup>th</sup> – Special Events Venue – [Wood]
3. **Joint PC/Board of Trustees Meeting** – April 6, 2019 – Agenda items included Lake Michigan Coastal Planning Joint Project, MUNICODE Transition Process, Short Term Rental Update, Current Casco Board Focus, Master Plan Revision Kickoff.
4. **Other significant activities:**
  - a. During the past year the PC Chair has worked with the Casco Supervisor and Zoning Administrator to transition the Township's Zoning Ordinance to hosting by Municode. Once completed the Zoning Ordinance will be universally accessible to the public and easier to facilitate updates for the Township.
  - b. The PC also welcomed our new Zoning Administrator (Tasha Smalley with Michigan Township Services) to the team in January 2019.
  - c. The PC Chair has met with the Township Supervisor regarding the process for kicking off a Master Plan review including a preliminary budget estimate and the search for a planner to help with facilitation of the Master Plan revision.

**Casco Township Planning Commission**

**Future Text Amendment Tickle File**

**Revised per 6-19-19 PC comments**

6-19-19 **Drainage issue / storm water retention** – proposed text discussed; few corrections to be made; will discuss at July 17<sup>th</sup> meeting.

\_\_\_\_\_ **Bed & Breakfast provisions** – to discuss 7-17-19

\_\_\_\_\_ **Site Plan Review provisions / simplify**

\_\_\_\_\_ **17.03 C #1 clarify provision to be on site plan**

\_\_\_\_\_ **17.03 C #18 clarify easements**

\_\_\_\_\_ **add Winery provision for SLU** – to discuss 7-17-19

\_\_\_\_\_ **add Telecommunication provisions for internet antenna**

6-19-19 **revise exterior lighting text** – discussed revisions; revised text to look at 7-17-19

6-19-19 **recreational fire pits** – proposed text amendment was discussed; not an urgent matter; idea was ok'd to discuss in future for possible amendment.

\_\_\_\_\_ **review all special land use provisions for possible updates; make sure provisions are current with possible law changes, etc...**

\_\_\_\_\_ **MZEA updated March 2019, go thru ordinance for updates; revised definitions and new regulation**



**Section 1. Amendment of Section 2.31.** Section 2.08 – Definitions – G is amended to add the following defined term to read as follows:

**GLARE**

The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

**GLARE, NUISANCE**

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

**GLARE, DISABLING**

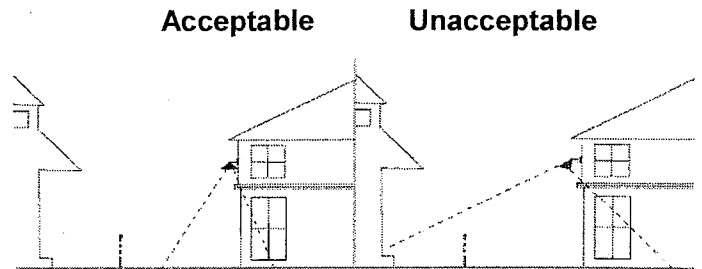
Glare that impairs visibility to the extent that it creates a potentially hazardous situation for either pedestrians or motorists.

**SECTION 3.41 EXTERIOR LIGHTING**

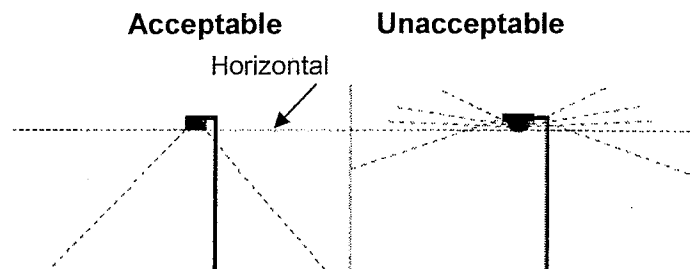
All outdoor lighting fixtures in the LDR, LR-A, LR-B, MDR Zoning Districts shall be designed and constructed in such a manner as to:

- A. Prevent direct light trespass across property lines and prevent light pollution that result in light glare, including nuisance glare or disabling glare.
- B. 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.
- C. The light from any illuminated source shall be designed so that the light intensity or brightness at any property line shall no exceed one foot candle.
- D. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Holiday lighting is exempt.
- E. Ensure that direct light is confined to the subject property per Figure 3-4.
- F. Lighting fixtures shall have 100% cut off above the horizontal plane at the lowest part of the light source per Figure 3-5.

**Figure 3-4**



**Figure 3-5**



Tasha's revised text per 6-19-19 PC comments

## Chapter 3 General Provisions

### **3.43 Grading and Filling**

In order to protect adjacent properties, public roads, public water courses, and to provide adequate drainage of surface water, the following rules shall apply to all construction activities requiring a permit in the LDR, LR-A, LR-B, MDR zoning districts:

1. Flow restrictions: The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flow away from the building or structure and is managed in a manner which avoids: increased flow into adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public water course or the creation of standing water over a private sewage disposal drainage field.

2. Elevation restrictions: Filling with earth or other materials of a parcel of land to an elevation above the established grade of adjacent developed land is prohibited unless an engineer certifies that the adjacent properties will not be affected by the raise in grade

3. Natural watercourses which provide drainage from or through a proposed site shall be maintained in a natural state, or as an open grass swale, unless design flow clearly warrants the enlargement of the watercourse or deepening of the drain.

### **3.44 Storm Water Management**

All lots shall retain storm water run off on-site, or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies, above the existing predevelopment runoff impact.

expense of the property owner.

26. Applicant shall show proof of public liability insurance for the project.

Sample only

**FF. WINERY**

1. **Minimal lot size for the facility shall be ten (10) acres if located in the Res/Ag or Ag Districts and two (2) acres if located in the Commercial District. Meaderies are only allowed in the Commercial District and require a minimal lot size of two (2) acres.**
2. **These facilities require a Special Land Use.**
3. **Facilities located in the Res/Ag or Ag Districts must be located on the farm from which the fruit is grown for wine production. This is not required of facilities located in the Commercial Districts.**
4. **In the Res/Ag and Ag Districts the facility shall be located no closer than two Hundred (200) feet from any lot line that abuts a residential district or use. In the Commercial District the side and front yard setbacks shall be fifty (50) feet and the rear yard setback shall be thirty (30) feet.**
5. **Activities may include entertainment functions associated with the winery or meadery including but not necessarily limited to tours and a retail area for products not made at the winery or meadery.**
6. **No activity or structure shall be located within fifty (50) feet of the public street right-of-way.**
7. **One parking space shall be provided for each three (3) persons permitted under the maximum building occupancy code.**
8. **The access drive shall be wide enough to accommodate two (2) vehicles side-by-side. Two (2) access drives may be required by the Township where a facility is large enough to need additional access points.**
9. **Access to the lot shall be located according to County or State road requirements as applicable.**
10. **No more than five thousand (5,000) square feet shall be devoted to retail sales or ancillary uses such as meeting rooms.**
11. **Hours of operation shall be limited to between the hours of 7:00 a.m. and 9:00 p.m.**

**GG. Wireless communication towers over 75 feet**

1. The applicant shall provide evidence that there is no reasonable or suitable alternative for collocation of antennas on an existing communication tower or building within the service area of the proposed tower.

Tasha's proposed changes for 7-17-19 PC meeting review

D. Bed and breakfasts establishments

1. The use shall only be established in a detached single family dwelling.
2. The establishment shall be inhabited by the operator. **Moved from #7 to #2**
3. The establishment shall be directly serviced by public water and sanitary sewer services, or such private water and sanitary sewer systems approved by the Allegan County Health Department.
4. The establishment shall be located on property with direct access to a paved public road.
5. Parking shall be located to minimize negative impacts on adjacent properties. For B&B establishments not subject to special use approval all parking area shall be setback ten (10) feet from any side or rear lot line and there shall be a six (6) foot high fence between such parking area and any adjacent property within fifty (50) feet of the parking area. **Why is this rule only for non SLU properties (AG & RR)???**
6. The number of quest rooms in the establishment shall not exceed three (3), plus one (1) additional quest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed **nine (9)** quest rooms in any case.
6. One (1) sign shall be allowed for identification purposes. The sign shall not exceed sixteen (16) square feet in area, and may not exceed four (4) feet in height. If illuminated, the illumination shall only be of an indirect nature; internally lighted signs are not permitted. The sign shall be set back at least one-half (1/2) of the front yard setback area of the zoning district in which the use is located, and shall be located at least fifteen (15) feet from any side or rear lot line.
7. Accessory retail or service uses, including but not limited to gift shops, art studios, wine tasting, antique shops, bakeries, and other uses **may be permitted** provided they are cumulatively no more than three thousand (3,000) square feet in area. **Why are these uses permitted? This is a single family home.**
8. Meals may be served only to residents, employees, family members, and overnight guests.
9. No such use shall be permitted on any property where there exists more than one (1) other B&B establishment within seven hundred fifty (750) feet, measured between the closest property lines. **WHY???** **Does this prohibit neighboring B&B's?**
10. Exterior refuse storage facilities beyond what might normally be expected for a single-family dwelling will be prohibited.

4. One (1) non-illuminated sign measuring no more than four (4) square feet may be permitted if attached to the principal structure.

**B. Airports and landing fields and rotorcraft**

1. The minimum lot size shall be twenty (20) acres.
2. All structures directly associated with the use shall be set back a minimum of one hundred (100) feet from all property lines.
3. The airport shall not be located within five hundred (500) feet of any school, church, or other public meeting places.

**C. Assembly Buildings**

1. Minimum lot size shall be ten (10) acres.
2. The proposed site shall front upon and have direct access to a paved County primary road.
3. Where the site abuts a residential zoning district, a buffer zone shall be provided along that property line. Grass, plant materials, and sight-obscuring fences or walls, of a type approved by the Planning Commission, shall be placed within the buffer.

**D. Bed and breakfast establishments**

1. The use shall only be established in a detached single family dwelling.
2. The establishment shall be directly serviced by public water and public sanitary sewer services, or such private water and sanitary sewer systems as approved by the Allegan County Health Department.
3. The establishment shall be located on property with direct access to a paved public road.
4. Parking shall be located to minimize negative impacts on adjacent properties. For bed and breakfast establishments not subject to special use approval all parking areas shall be setback ten (10) feet from any side or rear lot line and there shall be a six (6) foot high fence between such parking area and any adjacent property within fifty (50) feet of the parking area.
5. The number of guest rooms in the establishment shall not exceed three (3), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre, not to exceed ten (10) guest rooms in any case.