

Approved 02-19-2020

Regular Meeting of Planning Commission
Casco Township
January 15, 2020, 6 PM

Members Present: Chairman David Campbell, Vice Chair and Secretary Lewis Adamson, Board Representative Judy Graff, ZBA Representative David Hughes and PC member, Dan Fleming and

Absent: Greg Knisley and Andy Litts were both ill

Also Present: Zoning Administrator, Tasha Smalley, and Supervisor Allan Overhiser and two interested citizens

1. **Call to Order:** The meeting was called to order by Chairman Campbell at 6 PM. A motion to approve the agenda was made by Fleming and supported by Hughes. All in favor. Agenda approved as written.

2. **Election of PC Officers for 2020** (Chair, Vice Chair, Secretary): A motion by Adamson, supported by Hughes to re-nominate Dave Campbell as Chairman. All in favor. MSC.

A motion by Chairman Campbell to nominate Lewis Adamson as Vice Chair. All in favor. MSC.

A motion by Campbell, supported by Hughes to nominate Andy Litts as secretary. All in favor. MSC.

3. **Interested Citizens in the audience will be heard on items NOT on the agenda and Public Correspondence received:**

Supervisor Allan Overhiser said the Fire Chief is monitoring the shoreline in Casco, South Haven Township and the City of South Haven so they can respond to 911 calls. He is watching structures that may show foundations close to the bluff and present a danger of going over, dragging electric and gas lines which could affect others. He is currently working on an old building near 109th North of Graff near Meads. They are working on getting it either moved or removed. There is a short list of houses that are close. They are monitoring for safety and inventory for possible aid.

Campbell spoke to a lady that said she is within 10' of the bluff. She was questioning the ramifications of letting it go over.

Supervisor Overhiser said it would be cheaper to take it down rather than let it go over. The homeowner would be responsible for their structure.

Zoning Administrator Smalley agreed it is cheaper to demolish rather than let it go over.

4. **Approval of minutes** of 12/18/2019: A motion by Fleming, supported by Graff to approve minutes of Dec. 18, 2019 regular meeting, with a correction on page 2 b. Township Board

Representative Report 1st sentence as follows: **There was a Board meeting on Monday January December 16th**. All in favor. MSC.

5. **Calendar review (Campbell):** There will not be a meeting on January 22nd. February 19th has nothing scheduled yet, and if nothing comes up will be the regular February meeting. There may be a Public Hearing March 18 for a Special Events Venue. If there is a Public Hearing on that day, the regular meeting would be on March 25th.
6. **Administrative Reports:**
 - a. **Zoning Administrator (Smalley) (Attachment 2):** Smalley said as of last Tuesday she will be issuing all the building permits. She said she is glad to have had the year to learn. Alfred Ellingsen is still the building inspector. Licensing classes have begun and Ellingsen has opted not to take the class to renew his license. Therefore, as of September 2022 he will no longer be licensed and will be done as Building Inspector.

Campbell asked a couple of questions about the ZA report, which brought up the following discussion:

- Smalley said there was discussion about moving a home. EAGL gave them a temporary permit. Ellingsen will issue a move permit. There is a possibility they may need a setback variance.
 - Campbell noted that the PC might consider mentioning berming fences up in the fence section of the ordinance. Campbell questioned a new huge fence West of Blue Star. He questioned what size fence would require a permit, and setbacks and height restrictions.
- b. **Township Board Representative (Graff):** No regular Board meeting since last report. There was a special meeting on Water & Sewer financing. Board approved new bonds that would potentially save \$1.7 million net. They are selling new bonds in Feb to replace old bonds in May.
 - c. **Report from ZBA representative (Hughes):** The ZBA met Dec 30th on 2 items. SH Big Sky house construction in a gated community had 2 front yards, and a deep ravine at the back. They were requesting two variances. After discussion and talking to the builder they figured out they only needed one 19.5 ft variance if they move the house to south. One variance was granted.

The second variance request was for a remodel of a home in Glenn Shores on a non-conforming lot of record on Maple Street. The owner wanted to put a 2nd story on his house. The footprint of the house did not change. Macyauski thought they did not need a variance if they were only building up within the same footprint on a non-conforming lot of record. The rest of the ZBA thought the variance was required.

Smalley said she would go the ZBA for interpretation so that something would be on record. The Process for handling an interpretation question is to go to the ZBA. Campbell said if there is a question on interpretation in the Zoning Ordinance, it should be brought to the Planning Commission, not the ZBA.

Discussion continued on the process of handling interpretation issues. Graff said the Zoning Ordinances should be clear enough that there is not an interpretation issue.

Supervisor Overhiser said if the Zoning Administrator gives her opinion and a customer does not agree, then the customer can go to the ZBA for an interpretation.

Campbell noted that there had previously been mention of differences in interpretation between Smalley and Ellingsen. He said, if there is any question about what's in the book, come to the PC.

Smalley said there is a difference between understanding and interpretation.

Hughes said apparently the ZBA doesn't have bylaws. Bylaws will be discussed at the next ZBA meeting.

Hughes said there could possibly be a ZBA meeting on Thursday, Feb. 6, regarding a home being moved in Glenn Haven Shores. Smalley said the Feb. 6th meeting might not be needed and if needed would be moved to a different day.

- d. **Water/sewer representative (Adamson):** The Water and Sewer had a meeting Jan 13th to discuss financing of the bond. It was approved and signed that night.

Campbell asked if there are financial statements and when the last official audit was done on the "old" authority?

Supervisor Overhiser said it was last done June of 2018.

Campbell said there was something mentioned about the new bonds being folded into the new SHAWSA.

Supervisor Overhiser said SHAWSA is in charge of collecting money to service the debt. Casco is still responsible for the debt.

Campbell questioned the Debt Retirement part of the bill. When is the debt going to be paid off, and what is the financial plan?

Adamson said they have a plan, but new requirements by the State and repair projects come up. It is difficult to predict what might come up. The State said they were getting grants for some of the requirements. The grants turned out to be significantly less than expected. The project will still need to be done and they must find the money for it. The old debt is going to end in 2034.

Supervisor Overhiser said the Township debt will be going to the bonds. The Comprehensive rate includes what Adamson is talking about and existing debt. They have

had good experience with growth and there is a possibility of reducing monthly debt retirement.

Adamson said we are starting to pay the township back. They are slow to move, because they seem to get caught short.

Campbell said if the average person pays \$60 a month for debt retirement and there are 600 people on water and sewer, that would be approximately \$450,000. Does the difference come from hookup fees?

Supervisor Overhiser said for cash flow reasons, Casco and South Haven Township supported each other. Casco needed 6 or 7 new homes a year.

Campbell asked with 25 new homes, did they all put in the full connection fee amount?

Supervisor Overhiser said developers do not pay the whole amount.

Bill Chambers, Casco citizen, asked if the homes on 102nd payed the 2/3 developer cost or the whole individual home cost.

Supervisor Overhiser said they paid the developer cost.

Chambers said when they started the project, they cut corners by saying there were individual homeowners, not developers, to save money, and now they are developers to get a developer price on hookups.

Supervisor Overhiser said on Lakeview, Pacific, Beach or Orchard Streets they got developer rates. It is done that way all over. When water and sewer went in on North Shore and Lake Ridge the property owners were assessed a portion of the cost and growth was supposed to pay the rest. In 2002 that was not happening. At that time, we (Casco Board) said we are not putting pipe in the ground without the developer paying for it up front.

Chambers said the developers have not paid. They are behind in taxes and not up to date on the assessments. Allegan County does not care who is behind in their taxes. Casco must pay up regardless of whether the property owner has paid Casco.

7. **Old Business:** Campbell said there needs to be a system to be more effective if someone calls to ask if a building permit has been issued. Campbell said he sent three emails enquiring about a building permit and on the third email he said, "Please consider this a complaint". If there is a question on a building permit, it should be a yes or no. He could not get an answer.

Smalley said all permits are available in Ellingsen's office. If a zoning permit is needed, she handled it. If a building permit is issued, Ellingsen has handled it.

Campbell said he came in and a building permit could not be found.

a. Water trespass (Campbell/Smalley)

i. Proposed amendment modifications (Smalley) (Attachment 3)

1. **25% lot coverage amendment per Atwood recommendation to include all impervious surfaces (i.e., driveways, decks, patios, and parking surfaces that take away from natural absorption):** Smalley said there was a reduction in text after the last meeting, so she thought about where to best put it in the ordinance. Grading and filling were in there originally. Now that it is narrowed to one paragraph, she put it under **3.30 Excavations** and added "B".

Graff said the purpose of addressing water trespass was to prevent problems.

Campbell agreed it was to protect adjacent properties as much as possible. Now it sounds like tough luck.

Smalley asked if the commission had examples of what they would like.

Campbell questioned the definition of Lot Coverage. He suggested it might be easier to go to Chapter 7 and add an asterisk after the 25% and below note that it includes accessory buildings, structures and impervious surfaces.

Smalley said Lot Coverage is used in all sections, whether residential or commercial. Currently lot coverage in commercial areas does not include parking lots. In residential areas currently driveways and patios are not included. If you are now proposing to include them, it can be in the definition. In various districts LDR, LR-A, LR-B and MDR there are lot coverage restrictions. In commercial it is 35%.

Chairman Campbell said in section 3.28 Non-conforming Lots of Record, B 1 b, it says "*the maximum coverage on all buildings shall be 25%*". When you read that you think "buildings". If you go back and read the definition of maximum coverage it would include more. Atwood said to deal with the drainage issue we should include driveways, parking pads.

Bill Chambers said the trend is to bury pipe the entire length of the property to recover property that would be ditch.

Smalley said the size of the home might need to be reduced. Or a gravel driveway as opposed to paved. Sometimes gravel drives leave gravel running into the street and it goes into the storm water.

Graff said, "What Bill describes sounds like it is not right. Isn't this all part of the final approval of the site? The problem is with drainage and somebody may not be doing it properly, something is kosher." Graff asked who would issue the permit.

Supervisor Overhiser said what Bill is talking about is correct. It is inconsistent with the Road Commission. Piping with a depression for water runoff is the way to do it.

Campbell asked about the Grade Height section.

Smalley said nobody really liked the Grade Height section, which is why she is now only proposing one paragraph. If we get the 25% part on the books, we can come back to this. It is difficult to enforce. How do we assess what it looked like before they started, and how do we know what the neighbor looked like?

Fleming said in paragraph B, when there is a rainstorm in Miami Park, which is a clay hill, water is going to run from one neighbor to the next in a downpour. If we think the lot coverage part is going to help, why do we need the paragraph. It just gives people ideas that it is going to be a nuisance.

Hughes said the 25% rule including other areas like driveways is good.

Campbell said he would be happy with the 25% thing for a start.

Smalley said it would be up to interpretation on decks, etc. It says impervious surfaces, including but not limited to...." From the beginning a homeowner will have to know what surface would go under a deck.

Campbell said if someone comes in for a building permit, the Zoning Administrator would be making the zoning decision, setbacks, minimum coverage, etc. Whatever it is, the Zoning Administrator would be approving it. Ellingsen would be doing the building codes.

Commissioners discussed how lot coverage is determined along the bluff when part of the lot has eroded. The Zoning Administrator said the property description is used when figuring lot coverage. If part of the land is eroded and useless, it is still figured in as part of the lot.

Campbell said technically on the bluff they would need an EAGL permit. When an overlay zone was discussed, people would be back 60' to 110' from the bluff. Setbacks are measured from the bluff.

Commissioners said there are new houses closer than 60' to the bluff. The Zoning Administrator said EAGL a property owner a variance. The DEQ gave them a 35' variance and the ZBA gave them a variance. Hughes said when discussing granting that variance he questioned the homeowner if they really knew what they were doing building that close.

Graff said they started with two issues. Excavation and 25% lot coverage. She would like to see some kind of text to deal with the excavation issue, but don't hold up the 25% lot coverage while the PC deals with the grade.

Campbell said to move forward on lot coverage and the Zoning Administrator could look at how other townships have dealt with the grade height issue.

Graff stated just because there is difficulty with the wording, don't throw the grade height issue out.

Fleming asked what data was used to come up with the 25%. Originally the 25% was arrived at for the purpose of density and not water runoff.

Graff said if there is going to be a motion for the 25% lot coverage, the PC should articulate in the minutes the reason for the change.

2. **Grade height cannot exceed that of adjacent properties:** Commissioners agreed further discussion is necessary on grade height.

- ii. **Vote to charge Smalley with preparation of Ordinance Amendment for public hearing.**

Graff made the following motion: To help with water runoff issues the PC will move forward on changing the lot coverage definition to include all impervious surfaces, leaving more area for water absorption. Motion supported by Adamson. Roll call vote: Campbell-yes; Adamson-yes; Fleming-no; Hughes-yes; Graff-yes. Motion carried 4-1.

b. Bylaw Revision

- i. **Amendments to the current Planning Commission Bylaws dated "2/6/2007" PC Bylaws recreated 11-01-2007 (Attachment 4)**

1. **Vote on amending Section 2F as proposed by Subcommittee:** Motion by Fleming, supported by Adamson to amend Section 2F as proposed. Campbell-yes; Adamson-yes; Fleming-yes; Hughes-yes; Graff-yes. All in favor. MSC.
2. **Vote on amending Section 2G [1] and [2] as proposed by subcommittee:** Motion by Adamson, supported by Fleming to amend Section 2G 1 & 2 as proposed. Roll Call: Campbell-yes; Adamson-yes; Fleming-yes; Hughes-yes; Graff-yes. All in favor. MSC
3. **Vote on adding Section 3F as proposed by Fleming that:** *The Planning Commission is limited by the United States Constitution from taking private property for public use without just compensation*". Motion by Fleming to add Section 3F as proposed. Motion drops due to lack of support.
4. **Vote on adding Section 4C.6 as proposed by the Subcommittee and amended by Smalley's request that the proposed report be provided in February of each**

year. Motion by Hughes, supported by Adamson. Roll call: Campbell-yes; Adamson-yes; Fleming-yes; Hughes-yes; Graff-yes. All in favor. MSC.

5. Vote on deleting Section 6 [A] [4] as proposed by Graff: Motion Fleming, supported by Hughes to delete Section 6[A] [4] as proposed by Graff. Roll Call: Campbell-no; Adamson-no; Fleming-yes; Hughes-yes; Graff-yes. Motion passed 3 – 2.

6. Vote on amending Section 7 as proposed by Subcommittee. Motion by Adamson, supported by Fleming to amend Section 7 as proposed. Roll Call: Campbell-yes; Adamson-yes; Fleming-yes; Hughes-yes; Graff-yes. All in favor. MSC.

c. Discussion and vote on scheduling a public hearing on Rental Property Fire Pit proposed ordinance amendment previously presented (Campbell) (Attachment 5): Campbell brought up the fire pits issue that had come up at a previous meeting. Campbell said it would be good timing to cover this before the next rental season. Campbell also thought it should be brought up to the board to consider including AG in the STR ordinance. There were issues with neighbors renting up to 28 people in a STR and neighbors were considering moving because of this. Campbell felt it was inconsistent to allow so many renters just because it is in AG.

Hughes said it would be more consistent if included in all districts.

Campbell said they should at least be asked to register. A motion by Campbell, supported by Hughes to have Graff ask the Board to reconsider the exemption of AG from the STR Ordinance. Fleming asked if there was a problem in AG and if it was solved? Campbell said there has been a problem, and it was not solved. Roll Call: Campbell-yes; Adamson-yes; Fleming-yes; Hughes-yes; Graff-no. Motion passed 4-1.

Discussion returned to Fire Pits (Attachment 5) under 3.39 Rentals of single-family dwellings [4]. Campbell proposed taking what is the current SHAES rules and applying them. He said his proposal simply delineates what SHAES is saying.

Discussion ensued on whether the SHAES rules should be referenced in the ordinance. The Zoning Administrator said it was difficult for her to find the SHAES fire pit regulations and would be easier if spelled out in the Zoning Ordinance.

Graff said a lot of things have reference to others. Graff said somethings to consider are #1: Is it consistent to put references to other regulations in the ordinance. And #2, do we want to have to update our ordinance every time rules from other entities change.

Campbell said the Casco Ordinance already says fire pits must be 25' from a structure and would like the ordinance to include no fire pit within 25' of property lines.

A motion by Hughes, supported by Fleming to recommend amending fire pits to have a setback of 25' from a property line. Campbell-yes; Adamson-yes; Fleming-no; Hughes-yes; Graff-no. Motion passes with a 3-2 vote.

d. Discuss Smalley's recommended changes to the existing zoning ordinance (Smalley) (Campbell):

- i. **Section 3.07 Accessory Buildings:** Campbell said to Smalley that it took him a lot of time going back and forth to documents from December. It was difficult for him to follow the changes without track changes. Campbell asked Smalley if she would use track changes in the future.

Smalley said her computer does not have the ability to track changes. Smalley said she would like to have a new computer but is not currently in the budget.

Graff asked Smalley to explain why she would like a change to 3.07C. Smalley said the current text says a building does not have to be physically attached to be classified as attached. It becomes an issue because accessory buildings prohibit sleeping. If a garage or accessory building is within 10' of the home, it could be considered attached and therefore could be used as an apartment.

Campbell reiterated his comments on difficulty of reading the Zoning Administrator's recommendations without track change.

- ii. **Section 3.17 Outdoor Storage in Residential Districts** Smalley suggested changing the title to *Recreational vehicles, campers, tents*, as the current title does not apply. There were issues with tents, and it was recommended that tents be prohibited. Tent and Camper languages are consistent. Maybe it could be changed from allowing 1 to allowing 2 recreational vehicles.
- iii. **Section 3.23 Projection into Yards:** Smalley said she changed title to Projections into **required** yards. She put question marks for discussion. Fleming questioned reason for change. Smalley said it didn't make sense to her and needs clarification.
- iv. **Section 3.32 Fences** Smalley said fence height is currently 3'. Because 3' is not a standard height for fences, people would have to alter pre-constructed fences. Discussion ensued about what fences require a building permit and what fence restrictions are. Campbell also asked about Average Grade and berming up of fences. Fleming asked the reason for restricting fence height. Some commissioners said it had to do with safety and visibility when pulling out of a driveway. Fleming noted that a barn can be built in Ag without a permit, but a fence requires a permit.
- v. **Section 15.03 Farm Market** In existing ordinance Farm Market is a special land use, which means you must allow it. Smalley is proposing taking it out of special land use. Any commercial use goes through Site Plan review.
- vi. **Section 19 signs (provided by attorney):** Smalley said a couple of years ago case law determined that you can't regulate content of signs. Section 19 is outdated. Smalley said she was going to look at the sign ordinance and bring it in line with law changes, but Bultje redid the whole thing.

- e. **Process for handling Zoning Ordinance interpretations by administrative staff (Campbell):** Campbell asked Smalley to find out when an interpretation needs to go through the ZBA. If something needs to be clarified they can go to the PC. Campbell asked what the difference is.

Smalley said interpretations issues must go through the ZBA.

Campbell disagreed and asked why not come to the PC for interpretation?

- f. **Quick Links Homepage Electronic Zoning Ordinance Compliant filing proposal (Campbell):** Campbell said he would like complaint form for blight, cars and zoning available online. The township has a complaint form for rentals online that you can go to and fill it out and submit. Campbell was looking at Casco's homepage, you can go to Host Compliance and fill out a complaint form and click on submit and it goes to Clerks office. He would like to consider having a link so complaints can be submitted electronically and sent to the ZA. This would be good discussion for the township to have. It would be more user friendly.
- g. **Erosion – Responsibility for erosion damage cleanup (Campbell):** Owners are responsible to cleanup erosion damage.
- h. **Erosion – Lakeshore Overlay Zone (Campbell):** This is something we have covered several times, but the board does not have interest.
- i. **Any old business that might come before the Commission:** Campbell said he would cover this later with both Supervisor Overhiser and Zoning Administrator Smalley, but wanted to discuss the process the board went through to tell the PC that they weren't focused enough. Campbell said Smalley came up with a priority list and drafted a letter to the board. Campbell went to the Board meeting and got a copy of the list. Campbell said he doesn't get it. Why is the board complaining? What is the process the board was complaining about? The note said the board is telling us what the priorities are and what we are supposed to be doing.

Smalley said Supervisor Overhiser asked her for a list. An example of one complaint the Board had about the PC was the amount of time spent on things.

Campbell said somebody told the board we weren't doing our job. Campbell said he wanted to know why we are changing our process. The list (given to the Board by the Zoning Administrator) should have been agreed upon by the whole PC.

Smalley said the list was a list discussed by the PC.

Fleming said he has made suggestions to Supervisor Overhiser but did not say anything about the PC not doing their job.

REGULAR MEETING OF CASCO TOWNSHIP PLANNING COMMISSION

January 15, 2020

*******NEW TIME***** 6:00 PM**

1. Call to order
2. Election of PC Officers for 2020 (Chair, Vice Chair, Secretary)
3. Interested Citizens in the audience will be heard on items NOT on the Agenda & Public Correspondence received (2 minutes each).
4. Accept minutes:
 - a. 12/18/2019 Regular Meeting (Attachment 1)
5. Calendar review (Campbell)
6. Administrative Reports
 - a. Zoning Administrator (Smalley) (Attachment 2)
 - b. Township Board representative (Graff)
 - c. Report from ZBA representative (Hughes)
 - d. Water/sewer representative (Adamson)
7. Old Business:
 - a. Water trespass (Campbell/Smalley)
 - i. Proposed amendment modifications (Smalley) (Attachment 3)
 1. 25% lot coverage amendment per Atwood recommendation to include all impervious surfaces (i.e., driveways, decks, patios, and parking surfaces that take away from natural absorption)
 2. Grade height cannot exceed that of adjacent properties
 - ii. Vote to charge Smalley with preparation of Ordinance Amendment for public hearing
 - b. Bylaw Revision
 - i. Amendments to the current Casco Township Bylaws dated "2/6/2007 – PC Bylaws recreated 1112007" (Attachment 4)
 1. Vote on amending **Section 2F** as proposed by Subcommittee
 2. Vote on amending **Section 2G [1] and [2]** as proposed by Subcommittee
 3. Vote on adding **Section 3F** as proposed by Fleming that: "The Planning Commission is limited by the United States Constitution from taking private property for public use without just compensation".
 4. Vote on adding **Section 4C.6** as proposed by the Subcommittee and amended by Smalley's request that the proposed report be provided in **February** of each year.

5. Vote on deleting **Section 6 [A] [4]** as proposed by Graff.
6. Vote on amending **Section 7** as proposed by Subcommittee

- c. Discuss and vote on scheduling a public hearing Rental Property Fire Pit proposed ordinance amendment previously presented. (Campbell) (Attachment 5)

- d. Discuss Smalley's recommended changes to the existing zoning ordinance (Smalley) (Campbell)
 - i. Sec 3.07 Accessory Buildings
 - ii. Sec 3.17 Outdoor Storage in Res dist
 - iii. Sec 3.23 Projection into Yards
 - iv. Sec 3.32 Fences
 - v. Sec 15.03 O. Farm Market
 - vi. Sec 19 signs (provided by attorney)

- e. Process for handling Zoning Ordinance interpretations by administrative staff. (Campbell)

- f. Quick Links Homepage Electronic Zoning Ordinance Compliant filing proposal (Campbell)

- g. Erosion – Responsibility for erosion damage cleanup (Campbell)

- h. Erosion – Lakeshore Overlay Zone (Campbell)

- i. Any old business that may come before the Commission

8. New Business:
 - a. None

9. General Public Comment (2 minutes each)

10. Adjourn

Campbell asked what the logic of this new operation is. Why are we changing now?
Campbell said he has sat right there at the Board's meetings.

Campbell added "The business of saying we need growth. We don't need so many homes for the debt to go away."

8. **New Business:** None
9. **General Public Comment:** None
10. **Adjourn:** Meeting was adjourned at 9:07 PM.

Attachment 1: Agenda

Attachment 2: Zoning Administrator Report

Attachment 3: Proposed Amendment Modifications

Attachment 4: Bylaws

Attachment 5: Proposed Fire Pit Ordinance

Michigan Township Services Allegan

111 Grand
Allegan, MI 49010

Invoice

Date	Invoice #
2/5/2020	3491

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

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	Zoning January 2020		
0.25	1-3 Clayton Schutter, height definition	48.00	12.00
2	1-7 office hours	48.00	96.00
0.25	1-8 Jane VanderWeele, sign regs; real estate signs	48.00	12.00
0.25	1-8 Mike Jarman, 1024 Lakeview, house move comments	48.00	12.00
0.5	1-8 PC agenda packet	48.00	24.00
0.5	1-8 prepare text for PC meeting (draft text amendment)	48.00	24.00
2	1-14 office hours	48.00	96.00
0.25	1-15 Emily Anderson, 7224 Beethoven, division questions	48.00	12.00
3	1-15 Planning commission meeting	48.00	144.00
2	1-21 office hours	48.00	96.00
0.25	1-21 Michael Heme, 592-020-00 min dwell regs	48.00	12.00
0.25	1-27 David Griessel, 412 63rd, pole barn regs	48.00	12.00
0.25	1-27 Ms. Slentz, 6041 Baseline, pole barn regs	48.00	12.00
2	1-28 office hours	48.00	96.00
0.25	1-29 Donna, Meyer Appr, 653 Lakeshore, zoning	48.00	12.00
0.25	1-29 Gail, 7140 Orchard 180-146-00, move house questions	48.00	12.00
		Total	

Michigan Township Services Allegan

111 Grand
Allegan, MI 49010

Invoice

Date	Invoice #
2/5/2020	3491

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

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
0.25	1-30 Gary lousey, fence regs	48.00	12.00
Total			\$696.00

Tasha's revised text for 1-15-20 meeting

Water passage issue

Amend 3.30 Excavations

A. current text...

B. In order to protect adjacent properties and to provide adequate, as possible, drainage of surface water and storm water run off, the final grade shall be designed and landscaped such that storm water run off is managed in a manner which does not create a nuisance for adjacent properties for all earth moving activities in the LDR, LR-A, LR-B, MDR zoning districts.

Definitions

Lot coverage means The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, but not including parking lots.

,including accessory buildings or structures, impervious surfaces including but not limited to driveways and patios, but not including parking lots for commercial or industrial use.

Residential districts – 25% lot coverage

Typical lot size $50 \times 100 = 5000$

$5000 \times 25\% = 1250 \text{ sq ft}$

**Casco Planning Commission
Bylaw Revision Proposals
January 15, 2020**

Section 1: Officers

- **None**

Section 2: Meetings

- **[Amend Section 2F]: An affirmative vote of the majority of the planning commission membership is required to adopt any part of the master plan or amendments to the plan “or to amend these bylaws”. Unless required by statute,**
.....
..... Except in the case of conflict of interest all planning commission in attendance, including the chair, shall vote on all matters.
- **[Amend Section 2G]**
 - **(1)- Regular Meeting Agenda**
 - **Call to Order/Determination of Quorum**
 - **Review Agenda**
 - **Approval of Minutes**
 - **Report of Township Board Representative**
 - **Report of Zoning Board of Appeals Representative**
 - **Report of Planning Consultant**
 - **Old Business**
 - **New Business**
 - **Discussion of items not on agenda**
 - **Correspondence received by Planning Commission**
 - **Public Comment**
 - **Adjournment**
 - **(2)- Public Hearings/Special Meetings Agenda**
 - **Prepared by Chairperson/Zoning Administrator as needed.**

Section 3: Duties of the Planning Commission

- **[Add Section 3 F]: *The Planning Commission is limited by the United States Constitution from taking private property for public use without just compensation.***

Section 4: Duties of Zoning Administrator and Planning Consultant

- **[Add Section 4 C.6]: The Zoning Administrator “*Shall provide a written report to the Planning Commission at the February Regular Meeting each year that hardcopies of all approved PC minutes for the previous year, including all related attachments, are safely stored in the Township hall.*”**

Section 5: Absences, Removals, Resignations and Vacancies

- **None**

Section 6: Conflict of Interest

- **[Delete Section 6 A.4]**

Section 7: Amendments

- **[Amend as follows] These bylaws may be amended at any meeting *by a vote of the majority of the membership* of the planning commission.**

JAN 15 2020

att5

CASCO TOWNSHIP
Lakeshore Residential District - Section 7A
Proposed Fire Pit Regulation for ALL Dwellings in
Section 3.28 B Nonconforming Lots of Record

There is no FIRE PIT ZONING ORDINANCE REGULATIONS other than ZO Section 3.39 A.4 covering all Single-Family Dwelling rental properties in this district.

PROPOSED ZO (italicized, bold, underlined items) applicable to Recreational Fire Pits in all Single-Family Dwellings in Lakeshore Residential District – Section 7A

Intent: To protect the public health, safety, and welfare of Casco Township Residents and all Township guest in Single Family Short Term and Long Term Rentals.

Section 7A X.XX Fire Pit Regulations for ALL Dwellings

1. **Recreational fire pits and containers need to meet the following location requirements:**
 - a. **At least 25 feet from any structure or building or combustible material.**
 - b. **At least 25 feet from any lot line, roadway, or fence**
 - c. **At least 15 feet from any overhead line.**
2. **The maximum size of recreational fire pits in Casco shall be three (3) feet wide by two (2) feet high.**
3. **Recreational fire pits and containers need to meet the following usage requirements:**
 - a. **Only seasoned dry firewood can be burned.**
 - b. **You're not allowed to burn yard waste, leaves, refuse, trash, building material or other materials.**
 - c. **Burning is only allowed between 7AM and 10PM.**
 - d. **An adult 18 years or older must be present at all times.**
 - e. **A garden hose, fire extinguisher or other means of extinguishment must be available for immediate use.**
4. **The property owner of any Single Family Dwelling is responsible for providing Casco Township with a South Haven Area Emergency Services (SHAES) Recreational Burn Permit. [Note: "Section 307 of the Fire Code requires that an Recreational Burn Permit be obtained prior to kindling a fire for pleasure, religious ceremonial, cooking, warmth or similar purposes."].**
5. **Apply for a Recreational Fire Pit by submitting an application with a non-refundable permit application fee of \$55 to SHAES. The application must be accompanied by a site plan drawn to scale showing the location of your fire container in relation to property lines, existing buildings or structures on the property, overhead wires and a garden hose, fire extinguisher or other means of extinguishment readily available for immediate use.**

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3.07 C

In any zoning district, except as noted elsewhere, an accessory building may be erected detached from the principal building, or it may be erected as an integral part of the principal building. Accessory buildings or garages shall be considered as attached to the principal building when the distance between structures is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device. Attached structures shall meet the setbacks for the principal building.

Notwithstanding the exceptions contained in the immediately preceding sentence:

- A. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six feet high and adequate to obstruct passage of persons or materials.
- B. Public utility buildings when located in any residential or AG District shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use.
- C. Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform to the general character of the architecture of the surrounding neighborhood.

Sec. 3.05. Required yard or lot.

All lots, yards, parking areas or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the zoning district in which they are located.

Sec. 3.06. Control of heat, glare, fumes, dust, noise vibration and odors.

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

Sec. 3.07. Accessory buildings and uses.

A. In any zoning district, accessory uses, incidental only to a permitted use, are permitted when located on the same property as the principal use, subject to the conditions of the Ordinance.

B. Except for buildings related to active farming operations, an accessory building or use shall only be permitted on a lot which contains a principal use or building. For example, storage buildings or garages shall not be permitted where no principal building exists.

C. In any zoning district, except as noted elsewhere, an accessory building may be erected detached from the principal building, or it may be erected as an integral part of the principal building. When erected as an integral part of the principal building, it shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Accessory buildings or garages shall be considered as attached to the principal building when the distance between structures is solidly covered by a breezeway, portico, covered colonnade, or similar architectural device, or when the accessory building is located within ten feet of the principal building.

D. No detached accessory building shall be located in any required front yard setback of a lot or parcel.

E. No accessory building shall include sleeping quarters.

F. Setbacks for accessory buildings shall be measured to the eaves of the building.

G. Accessory buildings shall be set back from any rear or side property line according to the following:

JAN 15 2001

Sec. 3.17 – Recreational vehicles, campers, tents

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

1. Any recreational vehicle or camper parked outside shall not be located in any required front or required side yard setback area. Not more than one recreational vehicle or camper shall be stored on a lot or parcel, except as allowed under Subsection 4 below.

2. Recreational vehicles or campers 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 or campers 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 or campers 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 two?? recreational vehicles and/or camper, 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, campers 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. Tent camping or storage shall be limited to a lot or parcel upon which a principal building is located. It shall be lawful for only non-paying guests at a dwelling in a residential district to occupy two tents for sleeping purposes only for a period not exceeding 72 consecutive hours. The total number of days during which a tent can be occupied under this Subsection shall not exceed 14 in any calendar year.

B. A swimming pool or appurtenances thereto shall not be constructed, installed, enlarged or altered until a building permit has been obtained.

C. The outside edge of the pool wall shall meet the side and rear yard setbacks of the zoning district in which it is located. On waterfront lots, no pool or fence surrounding the pool which is four feet or higher shall be located closer than the minimum required setback designated by the Michigan Department of Environmental Quality for high risk erosion areas. Swimming pools shall not be located in the front yard.

D. Each pool shall be enclosed by a fence or wall with a height of at least four feet, sufficient to make the body of water inaccessible to small children. The enclosure, including gates therein, must be not less than four feet above the underlying ground. All gates must be self-latching, and latches shall be placed four feet above the ground or otherwise made inaccessible from the outside to small children. See Section 3.32 for other fence requirements. A natural barrier or other protective device may be approved by the Zoning Administrator as an alternative if the degree of protection afforded is at least equal to the protection offered by the fence or wall, and if the alternative complies with the State building code.

E. All swimming pool installations shall comply with any applicable construction codes and all other applicable codes.

(Ord. No. O31819-3, § 1, 3-18-2019)

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 audible interference in any radio or television receivers off the premises, or cause fluctuation in line voltage off the premises.
- F. No articles or materials used in connection with such home occupation shall be stored other than in the dwelling.
- G. No merchandise or articles for sale shall be displayed for advertising purposes and no sign or device relative to the sale of such merchandise shall be displayed on the premises.
- H. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided off the road and not within the required front yard.
- I. By way of example, the following uses shall not be considered home occupations: medical clinics or offices, hospitals, tearooms, veterinary clinics or offices, bed and breakfasts, kennels, and similar uses, as determined by the Planning Commission.

JAN 15 2000

Sec. 3.23. - Projections into required 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. 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.

Sec. 3.22. Satellite dish antenna.

These regulations shall not apply to antennas that have a diameter of one meter or less in residential districts, or two meters or less in nonresidential districts. No satellite dish antenna shall be constructed, installed, maintained, or operated in the Township except in conformance with these regulations. It is the intent of these regulations to protect the community from a potentially unsightly proliferation of such antennas in open view, to protect public safety by regulating the placement of such dishes in front yards and thereby avoiding visual obstructions to traffic, to ensure conformance to applicable building codes to avoid injury or destruction of property, and to ensure that the intent and purposes of this Ordinance are met.

A. Nonresidential districts:

1. The dish antenna shall be permitted in an interior side or rear yard, or mounted on top of a building, if securely anchored.
2. The nearest part of the antenna shall be at least five feet from any property line.
3. The height shall not exceed the height restrictions in the zoning district in which the proposed device is to be located.

B. Residential districts:

1. The antenna shall be permitted in the rear yard only.
2. The nearest part of the antenna shall be at least five feet from any property line.
3. The unit shall be securely anchored as determined by the Zoning Administrator.
4. The maximum height measured from the ground to the top edge of the dish shall be 14 feet.
5. The antenna shall be an unobtrusive color, as approved by the Zoning Administrator.

C. No portion of the antenna shall contain any name, message, symbol, or other graphic representation.**D. A site plan shall be submitted to the Zoning Administrator for approval prior to the issuance of a zoning compliance permit. The site plan shall include the proposed location of the antenna and an elevation drawing showing the proposed height, color, and foundation details.****E. The Zoning Administrator shall be permitted to waive or modify any of these restrictions to the minimum extent necessary to permit full reception and use of the dish antenna, if existing buildings, vegetation, topography, or other factors cause interference with reception.****Sec. 3.23. Projections 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.

Sec. 3.24. Parking in residential zones.

A. In no case shall vehicles be parked in any required parking lot for the sole purpose of displaying such vehicle for sale, except in approved and licensed car sales lots.

B. It shall be unlawful for the owner, holder, occupant, lessee, agent, or trustee of any lot in the LR, LDR, or MDR Districts to permit or allow the open storage or parking, either day or night, thereon of trucks (over one ton), semi-trucks and trailers, manufactured homes, construction equipment, or any other similar equipment or machinery used for business purposes, unless expressly permitted in other Sections of this Ordinance.

C. In all other districts such parking as described in Subsection B above shall be permitted for a period not exceeding 48 hours. However, the owner, tenant, or lessee of a farm may openly store the machinery and equipment used on that farm; and equipment necessary to be parked overnight on a lot, parcel or tract of land during construction work thereon shall be exempted from this restriction.

D. No vehicle storage or display shall be permitted within any road right-of-way. On-street parking is permitted in locations specifically designated by public authority for on-street parking. On-street parking spaces shall not be counted toward the required parking for any use.

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Sec. 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 four feet within 20/25 feet of right-of-way, or a height of seven feet in any other area.

Cannot obstruct vision

For waterfront lots, a fence may not exceed a height of four feet within 20/25 feet of right-of-way or waters edge, or a height of seven feet in any other area.

C. 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.

D. Razor wire is prohibited in the Township.

E. 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.

F. Fences used to enclose 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 and not exceed 8 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.

Sec. 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. 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.
 - D. Razor wire is prohibited in the Township.
 - E. 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.
 - 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

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15.03 move to General Provisions 3.4~~4~~

O. *Farm markets.* 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.

Chapter 19 Signs – the attorney is drafting proposed changes