

09-16-20
Approved 07/15/2020

Township Planning Commission
Public Hearing – via Zoom
Proposed Text Amendments to Zoning Ordinance
July 15, 2020, 6 PM

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

Absent: Board Representative Judy Graff

Also present: Zoning Administrator Tasha Smalley, and Janet Chambers Recording Secretary and Citizen John Kasishke, 720 Lakeview Ave, Miami Park, South Haven

1. **Call to order:** The meeting was called to order at 6:00PM.
2. **Review and Approve agenda:** Agenda was reviewed and approved.
3. **Public Comment – other than agenda items:** None
4. **Overview of the Public Hearing Notice (Attachment #1):**
5. **Open Public Hearing:** The public hearing was opened at 6:03. There was no public input.
6. **Close Public Hearing:** A motion by Hughes, supported by Knisley to close public hearing at 6:10 PM.
7. **Discussion and decision:**
 - a. **to add to Section 208 G Definitions: glare; 2.15 N Nuisance:** Litts asked what the reason for needing a definition of glare and/or nuisance.

Campbell said there was 9 places in the ordinance with “glare” mentioned, and 7 places where “nuisance” was mentioned and there was no definition for either. The Zoning Administrator suggested adding them.

Fleming said there are many words in the ordinance, we should use them based on their definition, we don’t need to redefine them. Fleming suggested taking out the words “*unpleasant or obnoxious things or*” and taking out “*a cause or source of annoyance, especially a continuing or*”.

Smalley said it would be a disservice not to define the words.

Campbell said this is not the time for wordsmithing. This has all been gone through and it is now time to say yes or no and move along.

Fleming asked what “generation of an excessive or concentrated movement of people” meant.

Campbell said it is pretty well set in stone, and we can’t get into wordsmithing or changing at this point.

Litts said before voting, the PC should look at each area in the ordinance the words are used and see if there is a risk that the changes zoning in any of those areas in the book.

Smalley said it would not change the zoning.

Fleming asked Hughes (previously an English teacher) about the 4th line in the Nuisance definition. “...which can be perceived by or effects of a human being....”

Hughes thought it was ok.

Campbell said he felt this had all been discussed and this is not a time for wordsmithing. There has been plenty of time for discussing and should move on to a vote.

A motion by Adamson, supported by Knisley to approve the addition of “Glare” as Sec 2.08G and “Nuisance” as 2.15N. Roll call vote: Campbell-yes; Adamson-yes; Litts-No, Hughes-yes; Fleming-No; Knisley-yes. Motion carried with a 4:2 vote.

- b. **Section 3.29A4 Rental of single-family dwellings, add “and have a setback of 25’ from a property line”**: Knisley asked Hughes, as ZBA Chair, if this is adopted, could someone go to the ZBA for a variance if there was a circumstance were this is an impossibility. It was determined they could.

Campbell said there are a number of situations where fire pits are right on the property line thus 15’ from the home next to them.

Knisley asked if this applied only to rentals.

Campbell said yes. He added that rentals also have restrictions on signs, so this is not unprecedented.

A motion by Hughes, supported by Campbell to approve the proposed additions of Sec. 3.29A4 Rental of single-family dwellings adding “*and have a setback of 25’ from a property line*”. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-yes; Knisley-yes. Motion carries with a unanously.

- c. **Section 3.30 Excavations add A. in part..... to protect properties from drainage and water run-off from adjacent properties:** A motion by Knisley, supported by Hughes to approve an amendment to Section 3.30 Excavations. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-no; Knisley-yes. Motion carried with a vote of 5 to 1.
- d. **Section 15.03D, Special Use, Bed and Breakfast, update the provisions:** Fleming asked why the 750' distance between Bed & Breakfasts is being dropped in the proposed amendment. It has been there a lot of years. We owe it to the people who have worked around it to explain why it is no longer important. Fleming also questioned the reason a guest room could not have a sink. Fleming questioned the reason for having a Bed & Breakfast ordinance if it is regulated by the state.

Campbell said we have been working on this and approved it September 18, 2019. We have been dealing with taking out the 750' from the beginning. We are beyond opening that part of the discussion. We already have rental units on top of one another. The Bed & Breakfast amendment has been on the table for over a year.

Adamson said, regarding the 750' part, he had to jump through hoops when they bought Martha's Vineyard and don't want others to have to do the same. Adamson added it takes 12 or 15 rooms to make a living with a Bed & Breakfast. That is why he suggests taking the 750' from nearest B&B out of the ordinance.

Adamson said the no sink idea was to prevent setting up a residence. A bathroom sink is allowed the reason for a B&B ordinance is to control the special use.

A motion was made by Hughes, supported by Litts to approve the proposed Amendment to 15.03D Special Use, Bed & Breakfast. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-no; Knisley-yes. Motion carries with a 5:1 vote.

8. Adjournment of Public Hearing: Adjourn at 6:42.

Attachment #1: Notice of Public Hearing

Attachment #2: Definitions of Nuisance and Glare proposed amendment

Attachment #3: Section 3.29A4 Firepits in rental homes proposed amendment

Attachment #4: Section 3.30 Excavations proposed amendment

Attachment #5: Section 15.03D B&B proposed amendment

Approved 9-16-2020

**Regular Meeting of Casco Township Planning Commission
July 15, 2020
Immediately following Public Hearing Members**

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

Absent: Board Representative Judy Graff

Also present: Zoning Administrator Tasha Smalley, Kathy Stanton Deputy Clerk and Janet Chambers Recording Secretary.

1. **Call to order and review agenda:** The meeting was called to order at 6:45. A motion made by Knisley, supported by Litts to approve the agenda. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-yes; Knisley-yes. Agenda approved 6:0.
2. **Interested Citizens will be heard on items not on agenda:** None
3. **Accept minutes:**
 - A. **6/17/2020 VanWagoner Special Events Site Plan Amendment (Attachment #1):** A motion by Adamson, supported by Campbell to approve minutes of 6/17/2020 special meeting. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-yes; Knisley-yes. Minutes approved as printed 6:0.
 - B. **6/17/2020 Regular Meeting (Attachment #2)** A motion by Knisley, supported by Adamson to approve minutes of 6/17/20 regular meeting. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes; Hughes-yes; Fleming-yes; Knisley-yes. Minutes approved as printed 6:17/20.
4. **May 20, 2020 Calendar Review (Campbell):** August 19th is the next regular meeting. Smalley has not received any requests for an August special meeting.
5. **Old Business:**
 - A. **Bylaws posting at Casco Website (Campbell/Smalley):** Campbell said previously the last revision to the bylaws was in 2005 or 2006, so we revised them. Campbell would like to consider having them posted on the website. If there is no objection to having them posted to the website Campbell would like to request the township post them. Hearing no objection Campbell asked Smalley to work with Kathy Stanton to get them posted.
 - B. **Potential ZO September Public Hearing Amendments (Campbell / Smalley)**
 - i. **Section 19 Signs: (Attachment #3)** Campbell asked Smalley to explain the law limiting townships from prohibiting contents.

Smalley said we can not set regulations for signs based on content. 2 Smalley said the attorney updated the sign ordinance; taking out and adding some wording. She said

the red text is what has been removed, and the blue text is what has been added. Campbell said he would like to work on the Chapter 19 Sign Requirements in August. Some of the attorney's text changes were legal, and the rest is just house cleaning.

Adamson asked why there is such a difference in the size of signs. It is 8 times what it was. It went to 32 sq. ft. in the proposed text. Smalley will look at that.

Fleming asked what data is used to determine the size a sign should be.

Smalley said the PC can put whatever size they want.

Adamson said people really do not want huge real estate signs by their houses. Fleming said we are trying to protect safety and general welfare, why these numbers?

Smalley said the attorney picked these numbers. The PC can change it to whatever they want.

Campbell said the current text has a maximum of 4 sq. ft. in size.

Adamson said going from 4 to 32 sq. ft. is a big jump.

Commissioners will think about it during the next month and discuss in August.

- ii. **Section 15.03 Farm Market:** Smalley said Farm Markets cannot require a SLU. Farm Markets would go into the general provisions Section 3. There is nothing to do except take it out of the Special Use section and put the same text into General Provisions 15.03 Farm Market. Smalley will give it a number and show the PC what it will look like. The 2020 Farm Market GAAMP regulates farm markets. Smalley will look at it.

Fleming said they should also be thinking about whether to allow different sizes in various districts as opposed to lumping them all together. Campbell acknowledged it was a good point to consider sign sizes by districts.

Campbell said if anyone has thoughts on signs, they should get their points to Smalley.

- iii. **Section 3.17 Outdoor Storage in Residential Districts (Attachment #4):** Campbell asked if there are any changes other than in #3 and the indented section under #4. Section 4 will be replaced with the indented section under #4. Also, Section C on overnight tent camping. Overnight camping is prohibited on vacant land and the beach along Lake Michigan.

Hughes asked what is meant by "vacant land".

Smalley said land with no building. People may own some land and want to put a tent on it for the weekend. That is not allowed.

Campbell said property owners have had a home on one lot and bring a popup trailer, leave it all summer, and rent it.

Hughes asked if Smalley is saying a person owns a lot in a subdivision and are not going to build but want to camp for the weekend, they cannot.

Smalley said that is not allowed in Casco.

Fleming asked if that applies to rural residential.

Smalley said it is not allowed in Casco. She added it is Casco's Ordinance, you can choose to allow camping without a dwelling if you like. Currently you cannot bring a camper or a tent unless there is a dwelling on the property. That is the principal use of the property.

Hughes asked if you have vacant land, what is the principal use of it?

Smalley said vacant land is no use, just vacant. When you do something to it, it must be allowed by the ordinance.

Knisley said a building without a residence is not allowed except for AG use.

Smalley said if the ordinance does not permit something, it is prohibited. She added there is so much trouble with people camping, it needs to be in the ordinance as allowed or not allowed.

- iv. Section 3.23 Projections into yards (Attachment #5): Smalley said she is proposing sections with the indent to replace 3.23 D and add 3.23E.

Smalley said there are 3 topics and she would like to separate them. Deck, outdoor stairs and storage buildings should be three separate paragraphs.

Campbell asked Smalley's professional opinion what the setbacks should be. 4

Smalley said with beach stairs, most setbacks are 10' and it would protrude 5' into the setback.

Campbell said with small lots you could have a 20' back yard setback. Someone could have a 15' projection would be 5' from the property line.

Smalley said she is proposing to rearrange. She did not know why a person could not have beach stairs close to their property line. Also, if you have a deck or storage area, how close should that be to the OHWM or the side yard. A pool may need its own setback because of noise.

Litts asked if the State regulated setbacks on waterfront. He asked if you need a permit for stairs. Smalley said no permit is required by the State for beach stairs.

Campbell said there is a map that shows the township and where the high erosion areas are. It starts at approximately Lake Ridge Road and goes north.

Smalley said one little section was not regulated by EGLE. Structures are regulated. We need setbacks for the area that is not regulated.

Fleming asked how close to the side yard stairs be, and what if two neighbors wanted to share stairs on the property line.

Smalley said it was a good point and would be helpful to the dunes to have one less set of stairs going down. She will explore language for that.

Adamson said it could be done on one property and access allowed to the neighbor.

- v. Section 3.32 Fences: Smalley is proposing new wording for section B with the current ordinance saying a fence can only be 3' high in any front yard setback. Why (in AG) does it have to be back 50' when 20' would not be in the line of sight from the road. Why have a fence if you have to be back 50' from the property line? 20' is 2 car lengths. Any fence within 20' of the front line would be 4'. After that it could be 7'. On some of these residential subdivisions on nonconforming lots the setback is 25'. It would only be 5' closer. They would be changed in all districts. Would apply to every parcel in every district. After 20' you can have a 7' fence. LDR is 30' and non-conforming is 25'.

Fleming asked if Smalley is saying perpendicular to the street you could have a 4' fence 20' back from the road?

Campbell said 4' would be 1' higher than it is right now. Knisley asked if that would pertain to shrubbery.

Smalley said no. There is some text about clear vision in 3.19.

Fleming said that would supersede a Corvette. A van would have no problem.

Knisley said clear view mainly pertains to corner lots.

Fleming recalled discussion about putting fences on a berm. It did not seem to be a problem. Fleming questioned the fact that a permit is required for a 7' or higher fence.

Smalley said most townships allow 8 or 10' fences. Even if they do not regulate at all, they do not have a problem. Right now, you could not build an 8' fence. We could go to 10' or have no limit at all.

Knisley said the State is not limiting height at all, just requiring a permit. A house on North Shore had a solid, regulation height fence on a berm with a gap under. The State only regulates the fence, not the berm or gap between the boards and ground. Average grade would have to be addressed to control the height of the top of the fence. Signs in section 19 is limited height from grade. Someone could get around a height restriction. You have to say measured from the bottom of the fence or measured from average grade.

Smalley said some want a fence for privacy and they want a 10' fence. You need to specify what height you want.

Knisley said you have to say overall height and specify where you will take the measurement from.

Campbell said section D is new.

Smalley said Section F is already in there, she just added 8' in AG. Smalley asked what height commissioners would like.

6. Administrative Reports: (Attachment #7)

A. Zoning Administrator (Smalley): Smalley answered questions on items in her report including: 146 Bluestar. Used to be a motel or gas station. They want to do something commercial. It was once commercial and want to know what can be done with the property. It has been used for residential the last 20 years. People have been asking if they can camp on vacant property. On 68th Street they are expanding a pond and have a boardwalk down the length of it.

B. ZBA Chair Hughes: no meeting

C. Water / Sewer representative Adamson: Rates will be going up 9.7%.

D. Township Board representative Graff: Absent

7. New Business: None

8. **General Public Comment:** John Kasishke , 7250 Lakeview Avenue, South Haven in Miami Park was asked if he had a comment. He commented on the fence situation. If you start letting residential areas put up a 15' fence, they will. They will be blocking the view on Lakeview. A neighbor put in 33 juniper trees and that will eventually block the view on Lakeview. Kasishke is in favor of limiting the height of fences.
9. **Adjourn:** The meeting was adjourned at 8:21 PM.

Attachment #1: Minutes of 6/17/2020 Special Events Site Plan Amendment

Attachment #2: Minutes of 6/17/2020 Regular Meeting

Attachment #3: Chapter 19 Proposed text changes Sign Requirements

Attachment #4: 3.17 Outdoor storage of RVs

Attachment #5: 3.23 Projection into yards

Attachment #6: 3.32 Fences

Attachment #7: ZA's June 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**

TO: THE RESIDENTS AND PROPERTY OWNERS OF CASCO TOWNSHIP, ALLEGAN COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

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, July 15, 2020 at 6:00 p.m. at the Casco Township Hall, 7104 107th Ave, South Haven, MI 49090, within the Township.

PLEASE TAKE NOTICE this meeting will be held electronically pursuant to the Open Meetings Act and Governor Whitmer's Executive Order. The public may participate in the meeting electronically and may make public comment: cascotownship.info Homepage will have the Zoom link and specific log in information, or call Zoning Administrator, 1-800-626-5964 for information.

PLEASE TAKE FURTHER NOTICE that the item(s) to be considered at said public hearing include the following:

1. Zoning Ordinance amendment to add to Section 2.08 G Definitions; glare;
2.15 N Nuisance
2. to amend Section 3.29A4 Rental of single family dwellings, add "and have a setback of 25' from a property line";
3. to amend Section 3.30 Excavations add A. in part... to protect properties from drainage and water run off of adjacent properties.
4. to amend Section 15.03D, Special Use, Bed and Breakfast, update the provisions

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 and will also be available at the time and place of the hearing.

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.

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
Proposed Text Amendments to Zoning Ordinance
July 15, 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
 1. Proposed Zoning Ordinance amendments:
 - a. ✓ to add to Section 2.08 G Definitions; glare; 2.15 N Nuisance
 - b. ✓ Section 3.29A4 Rental of single family dwellings, add “and have a setback of 25’ from a property line”;
 - c. ✓ Section 3.30 Excavations add A. in part... to protect properties from drainage and water run off of adjacent properties.
 - d. Section 15.03D, Special Use, Bed and Breakfast, update the provisions

Public Comment – Please keep comments to no more than
2 minutes per person

Planning Commission comments / questions

Final comments / questions

6. Close Public Hearing
7. Discussion and decision
8. Adjournment of Public Hearing session
9. *Open regular scheduled planning commission meeting*

6042

Proposed Definitions:

Sec 2.08 G Glare. The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Sec 2.15 N Nuisance. Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or effects of a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibrations, objectionable effluent, water drainage or storm water run-off.

Section 3.39 Rental single family dwellings
Proposed text

Sec. 3.39. - Rental of single-family dwellings.

All short-term and long-term rentals as defined in Chapter 2 shall be subject to the following regulations and performance standards:

A. Regulations applicable to short-term and long-term rentals:

1. *Lighting.* All lighting on the lot shall be fully cut-off, downward-facing, dark-sky compliant, and shall not cast glare or light beyond any lot line.
2. *Parking.* Parking shall comply with the standards of Chapter 18 and Section 3.24.
3. *Signage.* Signage, if permitted, shall comply with the standards of Section 19.07.
4. *Fire pit.* A fire pit shall not be less than 25 feet from any structure or building or combustible materials **“and have a setback of 25’ from property line”**. The maximum size shall be three feet wide by two feet high, per the regulations set forth by SHAES (South Haven Area Emergency Services or any successor organization) as of November 1, 2017, or as amended.
5. *Tents.* Beach tents or camping tents shall not be permitted between sunset and sunrise.
6. *Accessory uses.* Accessory uses shall be regulated by applicable Township ordinances, including all requirements of this Ordinance.

3. *Exempt divisions under the State Land Division Act:* The applicant shall indicate on the land division application form when submitting the application to the Zoning Administrator if the landowner chooses to exercise the Open Space Preservation option.
- E. Mandatory inclusion of existing regulated floodplains, critical sand dunes, high risk erosion areas, wetlands, areas of open waters, and drainage ravines in open space preservation. The inclusion of existing regulated floodplains, wetlands, critical sand dunes, high risk erosion areas, areas of open water and drainage ravines in developable lots under this Open Space Preservation Section is hereby prohibited except where over 50 percent of the parent parcel is composed of such areas. When over 50 percent of the parent parcel contains such environmentally sensitive areas all proposed land divisions or condominium units shall be reviewed by the Planning Commission, which shall ensure that no more than the minimum impact upon such areas is approved. Applications for land divisions or condominium units that include floodplains, wetlands, critical dunes, high risk erosion areas or open water shall include review(s) by the appropriate divisions of the Michigan Department of Environmental Quality or successor agency.

*** Sec. 3.39. Rental of single-family dwellings.** *current*

All short-term and long-term rentals as defined in Chapter 2 shall be subject to the following regulations and performance standards:

- A. Regulations applicable to short-term and long-term rentals:
 1. *Lighting.* All lighting on the lot shall be fully cut-off, downward-facing, dark-sky compliant, and shall not cast glare or light beyond any lot line.
 2. *Parking.* Parking shall comply with the standards of Chapter 18 and Section 3.24.
 3. *Signage.* Signage, if permitted, shall comply with the standards of Section 19.07.
 4. *Fire pit.* A fire pit shall not be less than 25 feet from any structure or building or combustible materials. The maximum size shall be three feet wide by two feet high, per the regulations set forth by SHAES (South Haven Area Emergency Services or any successor organization) as of November 1, 2017, or as amended.
 5. *Tents.* Beach tents or camping tents shall not be permitted between sunset and sunrise.
 6. *Accessory uses.* Accessory uses shall be regulated by applicable Township ordinances, including all requirements of this Ordinance.

(Ord. No. O21918-2, § 7, 1-24-2018)

Sec. 3.40. Shared driveways.

A. *Purpose.* The Township determines that it is in the best interest of the community to regulate the construction, improvement, extension, relocation, and use of shared driveways. Shared driveways are only permitted in the AG and RR Districts. These provisions have been enacted to assure that proposed shared driveways:

1. Will not be detrimental to the public health, safety, or general welfare;

**Section 3.30 Excavations
Proposed Text**

3.30 EXCAVATIONS

A. Intent: To protect the public health, safety, and welfare of Casco Township Residents. The proposed amendments are intended to address the issue of water drainage impacting adjacent properties of surrounding lots in our residential neighborhoods resulting from new home construction and/or home expansion.

In order to protect adjacent properties and to provide adequate 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.

1. The Zoning Compliance Permit applicant acknowledges that by submitting the "Application" they are familiar with Zoning Ordinance Section 3.30-Excavations and their responsibilities for adequate drainage of surface and storm water run-off related to the planning of construction.
2. The Zoning Administrator will do an onsite inspection of the building site before issuing a Zoning Compliance Permit. The Administrator will take pictures and make notes regarding the review that will become part of the application and permanent file.
3. The Zoning Administrator will make a post construction inspection of the building site and take pictures for the permanent file before the Building Official issues the Certificate of Occupancy.

B. Topsoil or sand may be removed from a lot for the purpose of erecting or constructing a building, structure or pond on the lot, provided that a permit is first obtained from the Zoning Administrator. If any removal from a parcel exceeds 500 cubic yards of material, then the applicant shall comply with the provisions of Section 15.03.DD. In addition, topsoil or sand may be moved from one part of the lot to another part of the lot if such action will not cause, or be likely to cause, sand blow, stagnant water pools, or possible future injury to adjoining properties. A permit shall be required from the Township if the property affected is over one acre in size.

Appeals as a matter for decision pursuant to Section 20 of the Zoning Act (MCL 125.290). In considering such authorization, the Zoning Board of Appeals shall consider the following standards:

1. Whether the extension or enlargement will substantially extend the probable duration of the nonconforming use; and
2. Whether the extension or enlargement will interfere with the use of other properties in the surrounding neighborhood for the uses for which they have been zoned or with the use of such other properties in compliance with this Ordinance.

(Ord. No. O31819-2, § 1, 3-18-2019; Ord. No. O31819-3, § 2, 3-18-2019)

Sec. 3.29. Clearing of land.

Unless associated with a bona fide forestry, or agricultural practice or public works project (such as the installation of utilities or other similar activities conducted by, or on behalf of the State, Federal government, County, or the Township), it shall be unlawful for any person to engage in land clearing of over one acre, including grading, stripping and removing of topsoil or existing vegetation, from any site, parcel, or lot within the Township without first receiving appropriate development approval, such as but not limited to site plan review, special use, planned unit development, or subdivision approval.

X **Sec. 3.30. Excavations.** *current*

Topsoil or sand may be removed from a lot for the purpose of erecting or constructing a building, structure or pond on the lot, provided that a permit is first obtained from the Zoning Administrator. If any removal from a parcel exceeds 500 cubic yards of material, then the applicant shall comply with the provisions of Section 15.03.DD. In addition, topsoil or sand may be moved from one part of the lot to another part of the lot if such action will not cause, or be likely to cause, sand blow, stagnant water pools, or possible future injury to adjoining properties. A permit shall be required from the Township if the property affected is over one acre in size.

Sec. 3.31. Hazardous materials.

The accessory storage of hazardous substances shall be subject to the following provisions:

- A. No loading/unloading shall take place in the front yard of any use in any zoning district.
- B. A description of any hazardous substances expected to be used, stored or disposed of on the site shall be provided to the Township. The information shall describe the type of materials, location within the site and method of containment.
- C. Documentation of compliance with Federal and State requirements, and a Pollution Incident Prevention Plan (PIPP), shall be submitted to the Township, as appropriate.
- D. Any discharge of wastewater to a storm sewer, drain, lake, stream or other surface water shall be documented and appropriate permits obtained from the Department of Environmental Quality, Surface Water Quality Division. Any discharge of liquids, sludges, wastewater or wastewater residuals into or onto the ground shall be documented and appropriate permits obtained from the Department of Environmental Quality, Waste Management Division.

**Section 15.03D Special Use Bed & Breakfast
Proposed Text**

- 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 owner or innkeeper.
 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 public road.
 5. Parking shall be located to minimize negative impacts on adjacent properties. 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 dwelling within fifty (50) feet of the parking area.
 6. The number of guest rooms in the establishment shall not exceed nine (9) . Guest rooms may be in an unattached building located on the same property and shall not have a kitchen or bar sink. In no case shall the total number of guest rooms exceed nine (9).
 7. 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.
 8. Accessory retail or service uses, including but not limited to gift shops, art studios, wine tasting, antique shops, and other uses may be permitted provided the retail and services are only for guest.
 9. Meals may be served only to residents, employees, family members, and overnight guests.
 10. Exterior refuse containers beyond what might normally be expected for a single-family dwelling are prohibited.
 11. Any other federal, state, county or local permit that may be required must be obtained and copies of the permits be submitted to the zoning administrator. Including but not limited to, health department for kitchen, state license to operate the bed and breakfast.

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.

Bed and breakfast establishments

Current

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.
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. The establishment shall be inhabited by the operator.
8. Accessory retail or service uses, including but not limited to gift shops, art studios, wine tasting, antique shops, bakeries, and other similar uses may be permitted provided they are cumulatively no more than three thousand (3,000) square feet in area.
9. Meals may be served only to the operator's family, employees, and overnight guests.
10. No such use shall be permitted on any property where there exists more than one (1) other bed-and-breakfast establishment within seven hundred fifty (750) feet, measured between the closest property lines.
11. Exterior refuse storage facilities beyond what might normally be expected for a detached single family dwelling shall be prohibited.

Special use
15.03 D.

REGULAR MEETING OF CASCO TOWNSHIP PLANNING COMMISSION
July 15, 2020
Immediately following Public Hearing

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. 6/17/2020 VanWagoner Special Events Site Plan Amendment (Attachment 1)
 - b. 6/17/2020 Regular Meeting (Attachment 2)
4. May 20, 2020 Calendar Review (Campbell)
5. Old Business:
 - a. Bylaws posting at Casco website (Campbell/Smalley)
 - b. Potential ZO September Public Hearing Amendments (Campbell/Smalley)
 - i. **Section 19 Signs**
 - ii. **Section 15.03 Farm Market**
 - iii. **Section 3.17 Outdoor Storage in Residential Districts**
 - iv. **Section 3.23 Projections into yards**
 - v. **Section 3.32 Fences**
 - c. Future ZO Public Hearing Amends
 - i. **Wineries- New Section**
 - d. Administrative Zoning Ordinance links at Casco website (Campbell)
 - i. Issued Building Permits
 - ii. Issued Zoning Compliance Permits
 - iii. Zoning Administrator FAQs
 - e. Any old business that may come before the Commission
6. Administrative Reports
 - a. Zoning Administrator (Smalley) (Attachment 3)
 - b. ZBA Chair (Hughes)
 - c. Water/Sewer representative (Adamson)
 - d. Township Board representative (Graff)
7. New Business:
 - a. None
8. General Public Comment (2 minutes each)
9. Adjourn

Draft

Casco Township Planning Commission
Public Hearing
Amend Site Plan Existing Special Land Use
June 17, 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, Applicants Bruce and Peggy VanWagoner, and Recording Secretary, Janet Chambers and Kathy Stanton.

1. **Call to order:** The meeting was called to order at 6:00 PM by Chairman Campbell
2. **Review and Approve Agenda:** A motion by Adamson, supported by Hughes to approve the agenda. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes, Graff-yes; Hughes-yes, Fleming-yes, Knisley-yes. MSC.
3. **Public comment:** None
4. **Overview of the Public Hearing notice (Attachment #1):** Published in the South Haven Tribune on May 31, 2020.
5. **Open Public Hearing: The public hearing was opened at 6:02 PM. VanWagoner at 1073 62nd Street, 02-001-007-2. Amend site plan to an existing Special Events Venue SLU (9-5-18):**
 - A. **Applicants present brief description of proposal:** Peggy and Bruce VanWagoner were invited to explain their request. They would like to build a pavilion with storage area. It would be for rain cover and storage of tables and chairs.
 - B. **Public Comment:** None
 - C. **Planning Commission comments/questions:** Campbell asked if there were changes to the original application, or the facility itself? And what kind of storage it would be? VanWagoner said it would be tables and chairs.

Knisley asked if it is required to do an update if it is just for storage. The Zoning Administrator said it was not on the initial site plan, and there is going to be an open pavilion for people. That is why it requires an amendment.

Smalley has received the SHAES review. They have signed off on it and Smalley will email it to commissioners.

- D. **Final comments / questions:**

6. **Close Public Hearing:** A motion by Litts, supported by Hughes to approve Chapter 17 Site Plan Review as one item. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes, Graff-yes; Hughes-yes, Fleming-yes, Knisley-yes. MSC.

Campbell asked for questions in 17.03 c or 17.07.

Graff had two conditions. 17.03 c #3, current date on site plan and #4 the name of the owners on the site plan.

A motion by Graff, supported by Knisley, because the applicants have met conditions in Chapter 17.03 C and 17.07, to approve Chapter 17 with the following conditions:

- 17.03 c 3 current date on site plan;
- 1703 c 4 name of the owners on the site plan;
- update initial site plan adding new building with sizes and setbacks from existing buildings;
- remove all references to “proposed” on items that have been completed;
- add number of parking spaces and size of parking spaces to parking lot area on site plan.

Roll call vote: Campbell-yes; Adamson-yes; Litts-yes, Graff-yes; Hughes-yes, Fleming-yes, Knisley-yes. MSC

7. **Discussion and decision:** Chapter 15 Section 15.03 UU Specific Use for Special Events Venue, Questions on Specific Standards 1 -12. Graff questioned why we go through the amendment as if it were a new project? Smalley said the ordinance says an amendment goes through the same process as an original request.

Campbell asked if there were questions on 15.02 c General Standards or 15.03uu Specific Standards.

A motion was made by Adamson, supported by Knisley, that because Chapter 15.2c General Standards and 15.03uu Specific Use standards are complied with, the applicant meets the conditions of Chapter 15. Roll call vote: Campbell-yes; Adamson-yes; Litts-yes, Graff-yes; Hughes-yes, Fleming-yes, Knisley-yes.

8. Adjournment of Public Hearing: 6:20
9. Open regular scheduled Planning Commission meeting.

Attachment #1: Public Notice

Attachment #2: Memo from Zoning Administrator

Attachment #3: Application Peggy & Bruce Van Wagoner

Attachment #4: Minutes of Special meeting, September 5, 2018, where Special Events Venue was originally granted.

Minutes prepared by Janet Chambers, Recording Secretary

Draft

Regular Meeting of
Casco Township Planning Commission
June 17, 2020
Following Special Meeting

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 and Recording Secretary Janet Chambers

1. **Call to order and review agenda:** Chairman Campbell called the meeting to order at 6:22 PM and reviewed the agenda. A motion by Fleming, supported by Hughes to approve agenda as presented. Roll call vote: Campbell – yes; Adamson – yes; Litts – yes; Graff – yes; Hughes – yes; Fleming – yes; Knisley – yes. MSC.
2. **Interested Citizens in the audience will be heard on items NOT on the Agenda & Public correspondence received:** None
3. **Accept minutes:**
 - A. **5/20/2020 Special Seedling LLC Venue Site Plan (Attachment #1):** A motion by Fleming, supported by Hughes to approve minutes of the Special meeting of 5/20/2020 as presented. Roll Call Vote: Campbell – yes; Adamson – yes; Litts – yes; Graff – yes; Hughes – yes; Fleming – yes; Knisley – yes. MSC.
 - B. **5/20/2020 Regular Meeting (Attachment #2):**

A motion by Fleming, supported by Hughes to approve minutes of the 5/20/2020 Regular Meeting. Roll call vote: Campbell – yes; Adamson – yes; Litts – yes; Graff – yes; Hughes – yes; Fleming – yes; Knisley – yes. Minutes approved with the following corrections:

 - * Page 2, 8th paragraph, 2nd sentence regarding when a Zoning Compliance Permit is required: Smalley said anything less than **\$200 sq. ft.** requires the Compliance Permit, and anything over **\$200 sq. ft.** requires a building permit.
 - * Page 3; 1st paragraph, regarding the “Stay at Home” order resulting an increase in domestic violence & increased parenting needs, the following will be added to clarify: Because Casco is so far from the County Seat, ***the Allegan County Legal Services will hold*** a pilot program in Casco on a monthly basis.
 - * Page 3, 1st paragraph, 7th line the word resolution will change to recommendation and the following sentence changed to clarify: Drain Commissioner made a ***resolution recommendation*** to do maintenance on Sun & Sand Drain district. ~~***It will cost more than money allocated for the job, and the balance will be the responsibility of Casco and citizens in the district.***~~ ***The Casco Board approved a motion to complete the drain work and assess property owners.***

4. May 20, 2020 Calendar Review (Campbell): July 15th will be a public hearing followed by a brief regular meeting. Campbell asked the Zoning Administrator if there were any applications requiring a July 22nd meeting. There was not.

5. Administrative Reports

A. Annual PC 2019 (Smalley) (Attachment #3): Campbell asked Smalley about the request at 700 Blue Star Hwy. Smalley said Brian Silvernail was inquiring about what is allowed in the district.

Graff asked about Joe Darby on Lake Michigan Drive getting a zoning permit to move a house. Graff asked if there was room to move the house. Smalley said yes, there is over 200'.

Fleming asked about inquiries on a B&B and other allowed uses at 7073 Baseline. Smalley said they just wanted to know what would be allowed.

B. ZBA Chair (Hughes): No meetings since last report.

C. Water/Sewer Representative (Adamson): No meeting since last report.

D. Township Board Representative (Graff): Graff reported on the 6/15/2020 Board meeting including the following:

* Officer Katje said the County and Casco policing is going back to normal functions after changes were made due to Covid-19.

*Regarding the upcoming August 4th election, voting will take place at the Township Hall, and absentee ballots will be available to every voter. There is one person who has requested to be a challenger.

*Improvements to stairs and plantings on 1st Street access were completed. A bid of \$2100 was approved for seasonal maintenance at the Preserve as well as \$3825 for cutting and removal of 13 trees. The Porta potty near the bluff will be removed due to there being no access to the beach.

*The Board approved a \$36,000 per year contract for the next 3 years for assessing services.

*The Board approved an annual payment of \$3,000 for Allegan County Legal Aid services to be provided free to Casco and Allegan County residents.

*The Board approved a resolution from SHAWSA to apply for a CARES grant for \$5,500,000 for rehabilitation of the system standpipe.

*There was a major bluff slide at Miami Park near Beach Street. The Road Commission is evaluating the street for safety.

6. Old Business:

A. Annual PC 2019 Minutes Certification per Bylaws (Smalley): Smalley verified that all minutes are safely stored and complete for 2019.

B. ZO Amendments Public Hearing(s) July 15th, 2020 (Campbell/Smalley)

i. Excavations (Sec. 3.30.A) (Attachment 4): Smalley prepared two versions, Text I with an intent paragraph and Text II without. Graff recommended deleting the word

“undeveloped” in the intent paragraph. After discussion it was decided to go with Text I, with the intent paragraph, and the word “undeveloped” left out.

- ii. Definitions – Section 3.08 Glare, Sec. 3.08 Grade, final, Sec. 2.a5 Nuisance (Attachment #5): Chairman Campbell did a search for the number of times Glare and Nuisance appeared in the ordinance. Glare appeared 9 times and nuisance appeared 7 times. It was decided they were significant enough in the ordinance to warrant a definition.

Discussion ensued on “Final Grade” definition. After discussion, it was decided to leave Final Grade out of definitions.

Fleming said in the definition of “Nuisance” 4th line down, the word “of” needs to be removed or the word “affects” needs to be “effects”. Smalley will look at it.

- iii. Rental of single-family dwellings: fire pit (Sec. 3.39.A.4) Chairman Campbell said this is the same wording the Planning Commission discussed previously, just waiting until there were enough items to move forward with.
- iv. Bed & Breakfast Establishments (Sec 15.03.D) (Attachment #7) Discussion ensued about the differences in what exists and what is proposed. Campbell said #11 is new. #10 Exterior refuse containers were previously referred to as storage facilities. #9 did not change. #8 bakeries were deleted and for guests only was added. #7 No change. #8 was changed to comply with State laws from 10 guest rooms to 9 guest rooms and owner.

Discussion ensued about why rooms should not have a sink or bar sink. Smalley said “no sink” or bar sink” applies to unattached buildings. Smalley said the reason for no sink is to keep it from being a residence.

Rules on being 750’ away from an existing Bed and Breakfasts has been deleted. Parking in B&B is not subject to Special Use approval.

Chairman Campbell said a Public Hearing could be scheduled for all for of these changes. There may not be much of a regular meeting other than approval of minutes.

Chairman Campbell said it needed to be decided if the meeting would be a virtual meeting. Smalley said it would depend on the Governor’s orders. Wearing masks and social distancing would still be in effect.

Discussion ensued about how to make a virtual meeting go smoothly, and how to handle public questions. Ideas were moving the computer to face the public when they speak, adding a microphone(s), and / or multiple computers. With the current setup, not everyone can be seen without moving the computer back and forth. A screen showing documents would be nice. Campbell said they will speak to Kathy

Stanton about how to make it work. He added Zoom meetings are taped if anything needs clarification. Kathy Stanton said she can make something work.

At the conclusion of the discussion it was decided that Graff will bring updating technology to the board.

Knisley said it should not be a casual comment to the board about technology. We need to let the board know that something must be done about technology and something needs to be done soon.

Chairman Campbell asked members who would be Zooming and who would be present at the township hall. Judy, Lou, and Janet will Zoom. Greg will either Zoom or be present. Dave Campbell, Dave Hughes, Andy and Dan and Tasha will be at the hall.

- C. 2020 Planning Commission Annual Report (Campbell) (Attachment #8): Campbell provided an annual report of the PC.
- D. Any old business that may come before the Commission. None
- 7. New Business: Graff would like Smalley to recommend to PC members what she feels needs to be looked at in the ordinance.
- 8. General Public Comment: None
- 9. Adjourn: The meeting was adjourned at 7:32 pm.

- Attachment #1: Minutes of 5/20/2020 Special Meeting Seedlings Venue Site Plan
- Attachment #2: Minutes of 5/20/2020 Regular Meeting
- Attachment # 3: Zoning Administrator Report
- Attachment #4: Proposed change Excavations (Sec. 3.30.A)
- Attachment #5: Proposed change Definitions (Sec 2.08 and 2.15)
- Attachment #6: Proposed change to Fire pits in rentals (Sec. 3.30.A.4)
- Attachment #7: Proposed change to Bed & Breakfast Establishments (Sec. 15.03.D)
- Attachment #8: 2020 Planning Commission Annual Report

Minutes prepared by Janet Chambers, Recording Secretary

Michigan Township Services Allegan

111 Grand
Allegan, MI 49010

Invoice

Date	Invoice #
7/6/2020	3543

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

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	Zoning June 2020		
0.25	6-1 Sue Catherman, review possible site plan new res Adams/pershing	48.00	12.00
0.25	6-1 Scott Parker, Berkshire Realty, 200 63rd, land div questions	48.00	12.00
0.25	6-1 Bob Graver, questions regarding tree plantings close to property line	48.00	12.00
0.25	6-1 Zenon Tolczyk, 086-017-00, zoning permit approval	48.00	12.00
1.25	6-2 Wagoner, 1073 62nd St, prepare packet site plan amendment	48.00	60.00
0.25	6-3 Nick Fryer, 231 Glasgow, front setback	48.00	12.00
0.25	6-3 Patricia Henderson, 02-026-020-00 land division approval	48.00	12.00
0.5	6-3 Kevin Whiteford, 46 68th St, pond extension and boardwalk zoning approval permits	48.00	24.00
0.25	6-3 Emily Anderson, 146 Blue Star, lots of "what can do with property questions", LDR, but was used for commercial long ago	48.00	12.00
0.25	6-4 Dekoning, 1098 Lake Mich Dr, zoning approval permit	48.00	12.00
0.25	6-4 Tim Johnson, 603-001-00 setbacks	48.00	12.00
0.25	6-4 Denzil Cotera, 1111 Blue Star, gate questions	48.00	12.00
0.25	6-5 Jesse, 651-003-00, min dwell regs	48.00	12.00
0.25	6-8 Joel Rafferty, 218 74th St, two dwellings allowed, land div questions	48.00	12.00
		Total	

Michigan Township Services Allegan

111 Grand
Allegan, MI 49010

Invoice

Date	Invoice #
7/6/2020	3543

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

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
0.25	6-9 Lousie Ludwig, North Shore.Pershing (lot 45&46), building questions: size, setback etc	48.00	12.00
1.5	6-10 PC regular meeting packet prepare and mail	48.00	72.00
1	6-10 Sue Hurd, 608 71st, lots of questions, farm market, farming, ag bldgs, winery, greenhouse	48.00	48.00
0.25	6-10 Lyle McKee, 869 68th zoning approval permit	48.00	12.00
0.25	6-10 William Schmidt, 6973 103rd, zoning approval permit	48.00	12.00
0.25	6-12 Tom Tucker corner 107th/Blue Star, pavilion AG use questions	48.00	12.00
0.25	6-12 Steve Barry, 7116 Lake Forest, fence and shed regs	48.00	12.00
0.25	6-12 Charles Dotson, 6789 103rd, need to apply for LD memo	48.00	12.00
0.25	6-15 Pricilla Hunt, camper regs	48.00	12.00
0.25	6-12 Julia, Blue Star property questions	48.00	12.00
0.25	6-12 Jesse, more questions 651-003-00	48.00	12.00
0.25	6-16 Sue Catherman, Adams/Pershing more min dwell regs questions	48.00	12.00
2	6-16 Office hours	48.00	96.00
1	6-16 per bylaws add PC minutes/packet to book at Twp Hall 2019	48.00	48.00
0.25	6-16 Francisco Sanchez, 3 66th St, mail app for outdoor gathering (possible event in Sept)	48.00	12.00
Total			

Michigan Township Services Allegan

Invoice

111 Grand
Allegan, MI 49010

Date	Invoice #
7/6/2020	3543

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

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
0.75	6-17 PC packets for website Jan 15, Feb 19, zba 3-19	48.00	36.00
1.5	6-17 Planning commission meeting	48.00	72.00
0.25	6-18 Milton, 7250 Lincoln shed regs	48.00	12.00
0.25	6-18 Emily Anderson, more 146 Blue Star questions, dividable, lot area, short term rental	48.00	12.00
0.25	6-22 Jesse 651-003-00 variance questions may need setback variance	48.00	12.00
0.25	6-22 Martin 408 60th, building questions, setbacks etc	48.00	12.00
1	6-23 in office Julia 878 Blue Star, mom passed, inherited property, lots of "what can i do" with property questions, shed, garage, tear down rebuild, etc	48.00	48.00
2	6-23 office hours	48.00	96.00
0.25	6-23 Akmed, McBeth 651-003-00, (property for sale) setbacks	48.00	12.00
0.25	6-24 Tom Lorenzini 7180 Cottage, pool regs	48.00	12.00
0.25	6-25 Nicole Edwards, Vanguard Title, 1001 Ravine, 215-001-00, zoning	48.00	12.00
0.25	6-25 Francisco Rivera 529 60th zoning approval permit	48.00	12.00
0.75	6-25 work on PH text (7-15) proposed text amendments	48.00	36.00
2	6-30 office hours	48.00	96.00
Total			\$1,104.00

Size Political
459 to 3289
Size in general

Chapter 19 - SIGN REQUIREMENTS

Sec. 19.01. - Description and purpose.

The sign regulations of this Chapter are intended to protect and further the health, safety, and welfare of the residents of the Township; to maintain and improve the appearance of the Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs. It is further determined that to allow signs of excessive number and size in the Township would unduly distract pedestrians and motorists, create a traffic hazard, and reduce the effectiveness of signs needed to direct the public. These regulations are intended to provide reasonable identification of businesses and other uses within the community, but are not intended to serve as a means of advertising.

Sec. 19.02. - Definitions.

For the purposes of the provisions of this Chapter related to signs, the following words and phrases are defined as follows:

Billboard means any structure, including the wall of any building, on which lettered, figured, or pictorial matter is displayed for advertising a land use, business, service, or entertainment, general message, product, or service that is not conducted on, related to, or available upon the landlot upon which the structure is located, or products not primarily sold, manufactured, processed, or fabricated on such landlot.

Freestanding sign means a sign not attached to a building or wall and which is supported by one or more poles or braces with a minimum ground clearance of eight feet.

Ground sign means a sign, the bottom of which is no more than 24 inches from the ground, which rests directly on the ground, or is supported by short poles or a base, and is not attached to a building or wall.

BusinessLocation center means any two or more businessesstreet addresses which meet one of the following:

1. Are located on a single parcel of property lot;
2. Are connected by common walls, partitions, canopies, or other structural members to form a continuous building or group of buildings;
3. Are under one common ownership or management and have a common arrangement for the maintenance of their common grounds;
4. Share a common parking area; or
5. Otherwise present the appearance of a single, contiguous business-area.

BusinessLocation center sign means a freestanding or ground sign identifying the name of a businesslocation center or one or more individual businessesaddresses within the location center.

Construction sign means a sign identifying the owners, contractors, architects, and engineers of a building(s) or development project under construction.

Directional sign means a sign which gives directions, instruction, or information relating to location of buildings, designated routes for pedestrians and vehicles and other information for convenience or safety, such as parking information signs or entrance and exit signs.

Freestanding sign means a sign not attached to a building or wall and which is supported by one or more poles or braces with a minimum ground clearance of eight feet.

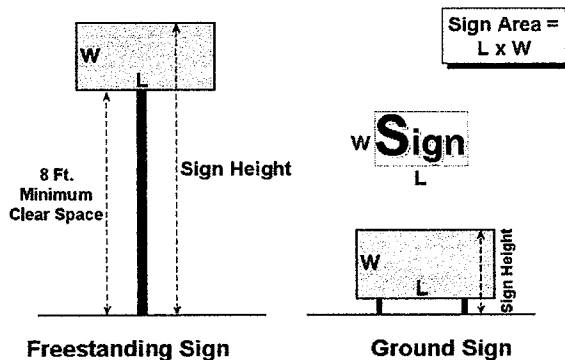
Governmental sign means a sign erected or required to be erected by the Township, County, or by the State or Federal government.

Ground sign means a sign, the bottom of which is no more than 24 inches from the ground, which rests directly on the ground, or is supported by short poles or a base, and is not attached to a building or wall.

Political sign means a sign erected for a limited period of time for purposes of political campaigns for public office, for elections on public questions, or otherwise relating to public elections or public meetings held for the purpose of voting on or for public offices or public questions.

Real estate sign means a sign advertising the real estate upon which the sign is located as being available for sale, rent, or lease.

Sign means a device, structure, fixture, or placard using graphics, symbols and written copy designed specifically for the purpose of identifying an establishment, product, service, commodity, or activity, or displaying or depicting other information, pertaining to the same lot as the lot where the sign is located (other than temporary signs, which shall not be so limited).



LSI Planning, Inc.

Sign area means the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character.

Subdivision identification sign means a sign identifying or otherwise stating the name of a platted subdivision, site condominium development, apartment complex, manufactured housing community, or other residential development.

Temporary sign means a display, informational sign, banner, or other advertising device with or without a structural frame and intended for a limited period of display, including information for or concerning seasonal produce sales and public demonstrations, as well as decorative displays for holidays, or public demonstrations.

Wall sign means a sign painted or attached directly to and parallel to the exterior wall of a building, extending not greater than 12 inches from the exterior face of the wall to which it is attached.

Sec. 19.03. - Signs prohibited.

The following types of signs are expressly prohibited, unless otherwise exempted:

- A. Any sign that has flashing, or blinking lights, excluding time and temperature signs and barber pole signs, which are permitted;
- B. Signs imitating or resembling official traffic or governmental signs or signals;
- C. Any sign not expressly permitted by this Ordinance.
- ~~D. Balloons, strings of light bulbs, pennants, streamers, or flags (other than those of a governmental nature not used for the purpose of business advertisement or attraction) hung to draw attention to a business or its merchandise on display activities; and~~

~~ED.~~ No business vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be and is parked in any area abutting a public or private road.

Sec. 19.04. - Signs exempted.

The following signs shall be exempt from the provisions of this Chapter:

~~A. Governmental signs.~~

~~A. Signs erected or required to be erected by the Township, County, State, or the federal government;~~

~~B. Signs for essential services;~~

~~C. Historical designation markers, plaques, and informational resources;~~

~~D. Memorial signs or tablets.~~

~~E. Political signs, except that such signs shall be removed within the time stated in Section 19.05.~~

~~FD. Incidental signs with an address and name of the owner or occupant, of not more than one square foot in area, attached to a mailbox, light fixture, or exterior wall;~~

~~G. Temporary yard and garage sale signs of four square feet in size or less, located on the property on which the sale is conducted, during the time the sale is conducted.~~

~~HE. Window signs provided the total area of all signs within one foot of the window shall not obscure more than 50 percent of the window area;~~

~~I. Flags or insignia of any nation, State, local government, community organization, or educational institution.~~
~~F. Internal signs on non-residential property no more than four square feet and not oriented toward a public right-of-way;~~

~~G. Government or school flags;~~

~~H. Temporary yard signs limited to one per lot, not more than six square feet in area, setback at least 10 feet from any lot line, and limited to not more than 45 days before or 15 days after an election; and~~

~~I. Temporary yard signs on construction sites or lots for sale, not greater than 32 square feet in area, and limited to one sign in the agricultural and residential districts and one per street frontage in commercial and industrial districts.~~

Sec. 19.05. - Sign regulations applicable to all districts.

A. It shall be unlawful for any person to erect, place, maintain, or continue a sign upon any lands in the Township except in accordance with the provisions of this Ordinance.

B. All signs except temporary signs shall be stationary, securely anchored or fastened to the ground or structure, and shall be designed and constructed to withstand a 90-mile-per-hour ground wind load.

~~C. Signs shall pertain only to the business or activity conducted on the premises, except for political signs, community special event signs, and billboards.~~

~~D. Real estate signs shall not exceed four square feet in sign area and be removed within 30 days after completion of the sale or lease of the property.~~

~~E. Political signs shall not exceed four square feet in sign area and be removed within five days after the election or referendum to which the sign refers.~~

~~FC. No sign shall be placed in, or extend into, or obstruct a clear vision in any public right-of-way area described in Section 3.19.~~

~~GD. The leading edge of the sign shall be a minimum of twoten feet from theany public or private road right-of-way way.~~

~~H.~~ Construction signs are permitted subject to the following restrictions:

- ~~1.~~ One construction sign may be erected on the site where work is scheduled to begin.
- ~~2.~~ Construction signs shall not be larger than 32 square feet in sign area and shall not exceed eight feet in height.
- ~~3.~~ Construction signs shall not be erected until a building permit has been issued for the building or project which is the subject of the proposed sign and construction activity has begun.
- ~~4.~~ Construction signs shall be removed within 15 days after the issuance of any occupancy permit for the building or structure which is the subject of the construction sign.

~~I.~~ Community special event signs shall not exceed 16 square feet in sign area and may be permitted for a period not to exceed 30 days for any single event. No more than five such signs shall be permitted for any single event and such signs shall be removed within two days of the end of the event.

~~J.~~ On-site directional signs shall not exceed four square feet in sign area per sign, shall not be higher than three feet, and shall not be located closer than five feet to any right of way line. No more than two directional signs per road frontage are permitted for any property or use.

~~K.~~ Off-site directional signs of up to 16 square feet in sign area provided they:

- ~~1.~~ Are not located in the road right-of-way;
- ~~2.~~ They do not block clear vision;
- ~~3.~~ They are consolidated with other signs at the off site location to prevent clutter of the landscape.

~~L.~~ No wall sign shall project above the roof line.

~~M.~~ Temporary signs are permitted subject to the following restrictions:

- ~~1.~~ A temporary sign shall only be displayed upon receipt of a permit issued by the Zoning Administrator.
- ~~2.~~ No temporary sign shall be displayed on any one lot or parcel for more than 30 consecutive days for any one permit period and no more than two permits shall be issued for any lot or parcel during any calendar year.
- ~~3.~~ Upon expiration of the permit, the sign shall be promptly removed by the permit holder.
- ~~4.~~ No temporary sign shall exceed 32 square feet in sign area.
- ~~5.~~ No temporary sign shall be closer than five feet from any right-of-way or property line.
- ~~6.~~ All temporary signs shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of area.

~~N.~~ Pole signs shall have a clear space of at least eight feet between the grade and the bottom of the sign to permit an unobstructed view for motorists and pedestrians.

Sec. 19.06. - Nonconforming signs.

~~A.~~ Every permanent sign in existence at the time of adoption of this Ordinance which does not conform to the height, size, area, or location requirements of this Chapter is deemed to be nonconforming.

~~B.~~ Nonconforming signs may not be expanded, enlarged, or extended, but they may be maintained and repaired so as to continue their useful life.

~~C.~~ A nonconforming sign may be diminished in size or dimension, or the copy on the sign may be amended or changed, without adversely affecting the status of the sign as a nonconforming sign.

~~D.~~ Notwithstanding any other provision of this Ordinance, any nonconforming sign in existence in any residential zoning district at the date of enactment of this Ordinance shall, at the expiration of two years from such date, become a prohibited and unlawful use and shall be discontinued.

Sec. 19.07. - Signs in agricultural and residential districts.

In addition to the requirements in Section 19.05, the following signs are permitted in agricultural and residential zoning districts:

AG, RR, LR, LDR, MDR, Districts	
Subdivision identification sign	
Number	One non-illuminated sign per entrance road of the subdivision to a residential development, not exceeding two such signs per development
Size	Not to exceed 32 square feet in sign area
Location	To be set back a minimum of 15 feet from any right-of-way or property lot line
Height	Maximum of six feet
Sign for nonresidential use lots in residential zoning districts not used for residential purposes	
Number	One non-illuminated ground sign and one wall sign per lot or parcel
Size	The ground sign may not exceed 32 square feet in sign area and the wall sign may be ten percent of the commercial portion of the wall area, but not exceeding 50 square feet in sign area
Location	Ground sign to be set back a minimum of 15 feet from any right-of-way or property lot line
Height	Ground sign to be a maximum of six feet
Wall sign for any dwelling with a home occupation	
Number	One per lot or parcel
Size	Maximum four square feet in sign area
Location	Must be on premises
Sign indicating sale of produce grown on the premises or providing for any lot used for agricultural information production with a farm market	

Number	One non-illuminated sign per parcel <u>lot</u>
Size	Not to exceed 32 square feet in sign area
Location	Minimum setback of 15 feet from any right-of-way or property <u>lot</u> line
Height	Maximum of four feet

Sec. 19.08. - Signs in commercial and industrial districts.

In addition to the requirements in Section 19.05, the following signs are permitted in commercial zoning districts:

C-1, C-2 Districts	
Ground sign or freestanding sign	
Number	One per <u>public or private</u> road frontage, but not more than two signs total, provided that lots with two road frontages shall have a minimum width at each right-of-way line of at least 50 feet in order to have a second sign. No freestanding or ground sign shall be permitted for individual businesses <u>addresses</u> within a business <u>location</u> center.
Size	Maximum of 48 square feet in sign area for ground signs or 60 square feet for freestanding signs
Location	Minimum setback equal to half the required setback distance for the zoning district
Height	Maximum of six feet for ground signs or 25 feet for freestanding signs
Wall sign	
Number	One per business <u>lot</u> , provided any business <u>lot</u> with frontage on more than one <u>public or private</u> road may have one sign per road frontage of at least 50 feet in width. No more than one sign shall be permitted per wall face.
Size	Maximum ten percent of the commercial portion of the wall area to which it is affixed, not to exceed a maximum of 100 square feet in sign area
Location	Mounted flat against the wall facing the road

BusinessLocation center sign	
Number	One per <u>public or private</u> road frontage, but not more than two signs, provided that lots with two road frontages shall have a minimum width at each right-of-way line of at least 75 feet in order to have a second sign. No freestanding or ground sign shall be permitted for individual <u>businessesaddresses</u> within a <u>businesslocation</u> center.
Size	Maximum 60 square feet for ground signs or 80 square feet in sign area for freestanding signs
Location	Minimum setback equal to half the required setback distance for the zoning district
Height	Maximum of six feet for ground signs or 25 feet for freestanding signs

Billboard (within the C-2 District only)	
Number	One per parcel <u>lot</u>
Size	Maximum 400 square feet, provided the vertical dimension shall not exceed 12 feet and the horizontal dimension shall not exceed 42 feet
Location	Minimum setback equal to the required setback distance for the zoning district and a minimum separation from any other billboard of 1,000 feet
Height	Maximum of 40 feet

In addition to the requirements in Section 19.05, the following signs are permitted in the Industrial District:

I, Industrial District	
Ground sign (no freestanding signs are permitted)	
Number	One per lot or parcel
Size	Maximum of 48 square feet in sign area
Location	Minimum setback 15 feet from any right-of-way or property <u>lot</u> line

Height	Maximum of six feet
Wall Sign	
Number	One per <u>public or private</u> road frontage
Size	Maximum of ten percent of wall area to which the sign is affixed, not exceeding 100 square feet in sign area
Location	Mounted flat against wall facing road.
Billboard	
Number	One per <u>parcel/lot</u>
Size	Maximum of 400 square feet in sign area , provided the vertical dimension shall not exceed 12 feet and the horizontal dimension shall not exceed 42 feet
Location	Minimum setback equal to the required setback distance for the zoning district and a minimum separation from any other billboard of 1,000 feet
Height	Maximum of 40 feet

Sec. 19.09. - Signs for PUDs.

Sign requirements for planned unit developments may be modified by the Planning Commission where such modification is consistent with the intent and purpose of this Chapter and the objectives of the PUD Chapter.

Proposed text amendment

Tasha proposed text

For meeting 7-15-20

current

Section 3.17 Outdoor storage in residential districts

Recreational vehicle storage or parking in residential districts

name

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 other than a licensed campground.

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.

-current

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.

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.

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)

change title

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. *2. other than license campground*
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.

C. Tent Camping not allow on vacant land

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.

Proposed Text amendment

Tasha proposed text

For meeting 7-15-20

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.

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 25 feet from OHWM. Stairway or walkway for other uses shall not be closer than 5 feet to side or rear property line.

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 from OHWM.

This does not give a setback just says allowed? I assume since in this section, this type of structure can be closer than allowed setback? A vast majority will be beach stairs – to side property line? how about water? Other not for beach? A structure with steps shall be setback farther than just steps.

E. 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 shall not be closer than ??? from side

???OHWM. (current pool setback - properties not in high risk erosion, the current setback is 200 ft from OHWM; properties within high risk erosion are regulated by EGLE; typically 65-100 feet OHWM)

apply
3.28

75ft

10-15ft

Sharp stairs

- 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.

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** *new title*

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.

projections in Yards

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.

Proposed text amend
Tasha proposed text
For Meeting 7-15-20

Underline proposed change

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.

B. Unless provided for elsewhere in this Ordinance, a fence within a setback of 20 feet from ROW shall not be greater than four feet in height, or a height of seven feet in any other area. For waterfront lots, a fence may not exceed a height of four feet within the front yard or waterfront yard setback, or a height of seven feet in any other area.

C. Fence height shall be measured from average grade. *(might help to regulate fence from being on a berm) 3ft around fence*

Overall height

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. Fences used for agricultural purposes shall not exceed eight feet in height.

10ft Barrier

- 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. *AG 50' change to 20' ROW*

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. *AG height 8'*

(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

*Berm
4 ft fence*

4 ft