



Cass County Planning Commission

Topic: My Meeting

Time: Mar 24, 2021 04:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

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Cass County Planning Commission

*Ryan Laylin
Kathy Cobb
Edwin Johnson III*

*David Kring
Annie File
Char Hiemstra*

*Robert Thompson
Dan Stutsman
Dianna McGrew*

AGENDA

**Wednesday, March 24, 2021 at 4:00 PM
Kincheloe Room**

Call to Order - 4:00 PM

Approval of Agenda

Approval of Minutes – February 26, 2020

New Business:

1. Election of Officers
2. Penn Township – Text Amendments
3. Silver Creek Township – Rezoning request – Tim and Deborah Masterman

Other Business:

Adjournment:

**PLEASE NOTE: THE MEETING WILL BE HELD IN PERSON FOR MEMBERS -ZOOM
INFORMATION PROVIDED FOR OTHERS**

**PLANNING COMMISSION
MEETING MINUTES
FEBRUARY 26, 2020
KINCHELOE ROOM**

The Planning Commission met in a regular meeting on Wednesday, February 26th, 2020 in the Kincheloe Room of the Cass County Building. Skip Dyes called the meeting to order at 4 pm.

Roll call found the following members present: Robert Thompson, David Kring, Annie File, Char Hiemstra, Dan Stutsman, Dianna McGrew and Skip Dyes. William Zuhl was absent.

Also in attendance: Sarah Seneca, Penn Township Attorney, Mike Huber, Abonmarche Consultants and David Allen, Midwest Energy Cooperative.

Char Hiemstra moved, seconded by Robert Thompson, to approve the minutes of the last meeting. Motion carried by voice vote.

Robert Thompson moved, seconded by Char Hiemstra, to approve the agenda for the February 26, 2020 Planning Commission meeting. Motion carried by voice vote.

NEW BUSINESS

Penn Township-Rezoning Request

Attorney Sarah Seneca spoke briefly thanking the Planning Commission for taking the time to look at the request. She opened the floor for questions from the members present. David Kring asked about flooding that currently takes place on the highway and how they are going to avoid that situation. David Huber informed the members that the engineering team has looked into the situation and have a solution that includes two retention basins utilizing the natural drainage that is already there.

David Allen spoke briefly about the plan. Annie File followed up with her excitement of the plan. Skip Dyes asked if the Village is going to be able to handle the sewage. David informed them that they would be able to handle the sewage. Discussion then moved to what the plan is for marketing this throughout the community. David Allen explained they are currently working with Pathfinders to create a market plan.

Robert Thompson expressed his various concerns with the project. The main concern is that the County was not and has not been involved with this project to date. His other main concern was that the first proposal indicated that the roads would be private and they are now proposed public. David Allen addressed why the County has not been involved in the project and indicated that this has been privately funded to date. Sarah Seneca went on to address Mr. Thompson's concerns further. She indicated that this was just a rezoning request. The park is not a sure thing as of now. The lot line adjustments were the first step of the process.

Robert Thompson went on to express concerns over the sewer issue. He did let the Penn Township representatives know he is excited to see this come together, but he wanted to make sure his concerns were heard.

Robert Thompson moved, seconded by Annie File, to grant the rezoning request for Penn Township. Motion carried by voice vote.

Milton Township-Zoning Ordinance Amendment

Discussion began with the representative from Milton Township explaining the amendment. This would allow an accessory dwelling unit on properties in Milton Township. This will allow for family members to take care of aged or infirm family members on their property, and allow the aged or infirm to be on their own.

Char Hiemstra moved, seconded by Annie File, to approve the Milton Township Zoning Ordinance Amendment. Motion carried by voice vote.

Silver Creek Township-Ordinance Amendment

Dan Stutsman began discussion informing the members he had an article on a court ruling that relates to the ordinance amendment Silver Creek is asking for. He gave a brief synopsis of the article. Discussion followed. Dan Stutsman is recommending that they send this request back to the township with a copy of the ruling.

Dan Stutsman moved, seconded by Char Hiemstra, to send the request back to the township with a copy of the ruling for the township to further review. Motion carried by voice vote.

Skip asked if there was any other business. There was none.

Robert Thompson moved, seconded by Dan Stutsman, to adjourn. Motion carried by voice vote.

Meeting adjourned at 4:51 pm

Respectfully Submitted,

Heather Harding
Chief Deputy Clerk/Register



Cass County Planning Commission

Checklist



Dear Local Government Official:

When you send the Cass County Planning Commission material for their review, please use the attached checklist and include it with the other documents that you submit. Thank you.

- ☒ Signed cover letter requesting review and summarizing the process which has already occurred.
- ☒ Copy of the public hearing minutes.
- ☐ Copy of section of Township Land Use Plan that applies to/supports action.
- ☒ Copy of section of zoning ordinance, including amendments or supplements, which apply to/support action.
- ☐ For an initial zoning ordinance: 8 copies on loan with map(s).
- ☒ For text changes (amendments or supplements): those portions affected or a comprehensive summary of the changes and, if affected, the map.
- ☐ For petitions for rezoning, a copy of the petition with the map(s) showing: zoning of adjoining properties within 300 ft. for which action was taken and the parcel(s) of consideration and roads need to be clearly identified and labeled. If not included on the petition, the cover letter should indicate acreage, existing zoning, requested zoning, existing use and proposed use.
- ☐ Does the action taken by the Township concur with the Township Ordinance, Zoning Map and/or Land Use Master Plan for that property? If not, is the request eligible for Zoning Board of Appeals action?
- ☐ If any provision of public services is or will be involved, include correspondence from the affected unit expressing its awareness.

**IT IS RECOMMENDED THAT A MEMBER OF THE PLANNING COMMISSION
ATTEND THE COUNTY PLANNING COMMISSION MEETING TO FURTHER
EXPLAIN THE REQUEST AND TO ANSWER QUESTIONS.**

Date: 3-18-21

Signed: J A L Penn Twp Attorney

Law Office of Sara A. Senica

·A Professional Limited Liability Company·

12 LONGMEADOW VILLAGE DRIVE
NILES, MI 49120

PHONE: 269.684.1500

FAX: 269.684.1501

EMAIL: SARA.SBLAW@GMAIL.COM

Cass County Planning Commission
120 N. Broadway, Suite 116
Cassopolis, MI 49031

March 19, 2021

RE: Text Changes to Penn Township Zoning Ordinance

Dear County Planning Commission Members:

On March 2, 2021, the Penn Township Planning Commission met and held a public hearing on proposed textual changes to the Township Zoning Ordinance. These changes were introduced to bring the Zoning Ordinance in compliance with the Township's Adult-Use Recreational Marihuana Ordinance, which was adopted at the Township Board's February meeting.

The Township has been working on their Adult-Use Ordinance for several months, and they have not received any negative input. There were no written comments received nor were there any citizens wishing to be heard at the meeting noticed for March 2, 2021.

The attached changes show the highlighted uses in each Zoning District.

Sincerely,



Sara A. Senica (P66004)

Attachments
5 days

RECREATIONAL (ADULT USE) MARIHUANA ESTABLISHMENTS

The following recreational (adult use) marihuana establishments may be authorized to operate within the Township of Penn by the holder of a state operating license, and the Township may issue a Township license for the same, subject to compliance with the Michigan Regulation and Taxation of Marihuana Act (Initiated Law 1 of 2018), as may be amended, the Rules promulgated thereunder and this ordinance:

1. Unlimited outdoor growers shall be authorized in the Township which number may include Class A, B or C growers, in any combination.
2. Indoor growing operation in industrial zoning areas pursued in accordance to Michigan law, is limited to six (6) physical locations. Each licensee at a given indoor growing location may apply for unlimited growers licenses for that location.
3. Not more than ten (10) processors shall be authorized in the Township.
4. Not more than three (3) secure transporters shall be authorized in the Township.
5. Not more than two (2) safety compliance facilities shall be authorized in the Township.
6. Medical Marihuana Caregivers may only operate on properties located in light industrial zoning areas; or by Special Use permit in agricultural zones.
7. No other license types as may be established by the Rules promulgated pursuant Initiated Law 1 of 2018, as amended, shall be authorized in the Township.

SECTION V

RECREATIONAL (ADULT USE) MARIHUANA ESTABLISHMENT LICENSES

1. All applicants for a Township recreational (adult use) marihuana establishment license shall be pre-qualified by the State of Michigan Marihuana Regulatory Agency and shall provide proof of such approval from the State prior to or upon applying to the Township for a Township license. In the event that an applicant already has a license from the State of Michigan for a medical marihuana facility license, the applicant does not need to obtain prequalification for a recreational (adult use) marihuana establishment license.
2. On and after February 28, 2021 the Township shall accept applications for a Township license to operate a recreational (adult use) marihuana establishment within the Township. Application shall be made on a Township form and must be submitted to the Township Clerk and/or other designee of the Township (hereinafter referred to as the "Clerk."). Once the Clerk receives a complete application including the initial annual recreational (adult use) marihuana establishment fee, the application shall be

Planning Board Meeting and Public Hearing

March 2nd, 2021

Public Hearing to provide Community with opportunity do comment on proposed changes to Zoning Ordinance

Meeting to vote on changes in Zoning Ordinance to comport with Penn Township marijuana ordinance.

Present: Oli Olafsson, secretary, Roger Leach, Carl Sparks, Bill Schuld, Barb Olafsson.

Barb brought up that there should be 10 sites for indoor grow.

Oli discussed nature of zoning change, that it will prevent Marijuana ordinance from conflicting with Penn Township Zoning ordinance.

There were no public comments or suggestions during the Public Hearing.

Bill brings motion to support changes to zoning ordinance. Barb seconds.

Motion to pass adoption of changes to zoning ordinance.

Carl Sparks-Yes

Bill Schuld

Roger Leach-Yes

Barb Olafsson-yes

All ayes and no nays.

Recommended for adoption.

ARTICLE 12. "R-1" LOW DENSITY RESIDENTIAL DISTRICTS

Section 12.01 PURPOSE

The purpose of this district is to provide area for outlying residential development on lots of sufficient size to accommodate the safe and healthful on-site water supply and liquid wastewater disposal, since these areas will likely remain unserved by public water-sewer services for an extended period of time. It is also the purpose of this district to protect and stabilize the essential characteristics of these areas, in order to promote and encourage suitable environments for low density family life until such time as it may be in the public interest to promote development of greater intensity requiring higher levels of public services and utilities.

Section 12.03 CONDITIONAL USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted subject to obtaining a conditional use permit as provided in Article 8.

- A. Golf Course.
- B. Country Club, public swimming pool, recreation club, and private and public park and playground.
- C. Church and public building.
- D. Public and private nursery, primary and secondary school.
- E. Home occupation as prescribed in Section 10.02 C.
- F. Temporary building or trailer office.
- G. Marihuana Microbusinesses.

ARTICLE 11. AGRICULTURAL-RESIDENTIAL DISTRICT

Section 11.01 PURPOSE

The Agricultural-Residential Districts are those areas identified by the Township Planning Commission as being marginal for agriculture production and yet not presently needed for urban residential type uses. The purpose of this section is to provide for the continual change from rural agriculture to suburban and from suburban to urban uses. The Agricultural-Residential Districts are expected to remain essentially in agriculture production, but provide for the transition of these uses to more intensively used rural residential developments on large lots providing a variety of housing types.

Section 11.02 PERMITTED USES

- A. All uses permitted in Article 10, Agricultural District.
- B. Mobile homes and manufactured homes, type II, subject to the procedures and criteria contained in Article 6.24.

Section 11.03 CONDITIONAL USES

- A. The removal of soil, sand, gravel and other minerals.
- B. Public and private park camping ground, golf course, golf driving range, clubs, hunting lodge.
- C. Community and governmental buildings.
- D. Airport.
- E. Temporary building or trailer office.
- F. Roadside stand, provided all of the nursery stock or other agricultural products are raised on the premises where situated or on the vicinity area of the same township.
- G. Mobile or manufactured home parks, subject to the procedures and criteria contained in Article 14.
- H. Mobile or manufactured home subdivisions, subject to the procedures and criteria contained in Article 6.24.
- I. ⁵Developments exercising the Open Space Preservation option in Section 6.25 of this Ordinance.

H. Marihuana Microbusinesses.

ARTICLE 10. "A" AGRICULTURAL DISTRICT

Section 10.01 PURPOSE

The purpose of this district is to protect and stabilize the essential characteristics of agricultural areas within the Township, and to insure proper maintenance of conditions for healthful and economically productive agricultural activities by preserving those areas which are

⁵ Amendment 4 – See Appendix A

predominately agricultural in nature, and which are most appropriate for present and future agricultural developments. The requirements of this district are designed so as not to impede necessary urban expansion, but to prevent unwarranted premature urban development from encroaching upon legitimate agricultural areas, thus disrupting the agricultural resources, environment, and economy, including the tax base. It is essential that development in areas which are predominately agricultural be based on sound principles which realize the importance of such activities to the economy and welfare of the Township.

Section 10.02 PERMITTED USES

The following buildings and structures, and uses of parcels, lots, buildings and structures are permitted in this district:

- A. One or two family dwellings, including type I mobile or manufactured homes, of not less than nine hundred and fifty (950) square feet of living space per unit.
- B. A parcel may be used for general and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs, and any building or structure may be located thereon and used for day-to-day operation of such activities for the quartering, storage, or preservation of said crops, livestock, poultry, animals, products and foodstuffs raised or grown on said lot or in said building for structures, provided that any parcel that is kept as idle cropland shall be treated as to prevent soil erosion by wind or water.
- C. Home Occupations: Customary home occupations such as hair-dressing, millinery, dressmaking, bookkeeping and accounting services, real estate and insurance sales, professional offices for not more than one (1) physician, surgeon, dentist, attorney, architect, engineer, or similar professional practitioner provided that such home occupation shall satisfy the following conditions:
 - 1. The nonresidential use shall be only incidental to the primary residential use of the property.
 - 2. The home occupation shall be limited to the principal structure only and utilize no more than thirty (30) percent of the total floor area.
 - 3. There shall be no more than one (1) employee other than members of the immediate family residing on the premises.
 - 4. All activities shall be conducted indoors.
 - 5. There shall be no external evidence of such occupation except a small announcement sign as specified herein.
 - 6. No home occupation shall be permitted which is injurious to the general character of the agricultural district and which creates a hazardous or unhealthy condition.

7. For the purposes of this provision, principal and accessory farm operations shall not be considered home occupations.
8. No structural alterations or additions, either interior or exterior, shall be permitted in order to accommodate a home occupation.

D. An accessory use, building, or structure.

E. Essential service structure except as provided in Section 8.11.

F. Outdoor Recreational Marihuana Grower Establishments (Class A, B, or C)

G. Marihuana Processors.

H. Secure Marihuana Transporters.

I. Marihuana Safety Compliance Facilities.

J. Marihuana Microbusinesses.

ARTICLE 16. "I-1" INDUSTRIAL PARK DISTRICT

Section 16.01 PURPOSE

The function of this district is to provide the location and space for certain designated industrial and wholesale commercial uses. These uses are to generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants and other harmful or obnoxious matter. Such a district has been located within the Township to permit orderly industrial development, or insure high quality industrial land use and protect the adjacent agricultural, residential and commercial uses. Any uses which could function more effectively in other districts and would conflict with the stated purposes of this district have been excluded.

Section 16.02 PERMITTED USES

- A. Research oriented uses.
- B. Research and testing facilities.
- C. Fully enclosed wholesale warehouse facilities.
- D. Light manufacturing industrial uses which by nature of the materials, equipment and process utilized are to a considerable extent clean, quiet and free from any objectionable or dangerous nuisance or hazard.

- E. Printing, lithographic, blueprinting and similar uses.
- F. Assembly and treatment of articles and merchandise.
- G. Accessory uses, building, or structures subordinate to principal use permitted on the premises.
- H. Essential service or public utility buildings.
- I. Outdoor Recreational Marihuana Grower Establishments (Class A, B, or C).
- J. Indoor Recreational Marihuana Grower Establishments (Class A, B, or C).
- K. Marihuana Processors.
- L. Secure Marihuana Transporters.
- M. Marihuana Safety Compliance Facilities.
- N. Marihuana Microbusinesses.

ARTICLE 17. "I-2" INDUSTRIAL PARK DISTRICT

Section 17.01 PURPOSE

The function of this district is to provide the location and space for certain designated industrial uses. These uses are to generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants and other harmful or obnoxious matter. Such a district has been located within the Township to permit orderly industrial development, insure a good quality of industrial land use and protect the adjacent agricultural, residential and commercial uses. Any uses which could function more effectively in other districts and would conflict with the stated purpose of this district have been excluded.

Section 17.02 PERMITTED USES

- A. Any use permitted in "I-1" Industrial Park District.
- B. Manufacturing, assembling and fabrication activities including large scale or specialized industrial operations which are to a considerable extent clean, quiet and free from any objectionable or dangerous nuisance or hazard.

Section 17.03 CONDITIONAL USES

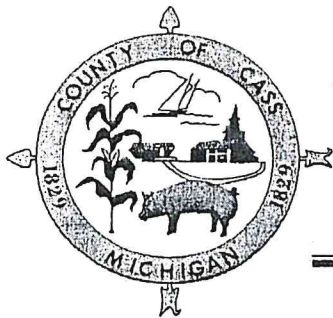
Such a use which complies with the spirit, intent and purpose of the “I-2” Industrial Park District.

Section 17.04 REGULATIONS

Refer to Article 16, Section 16.04 (“I-1” Industrial Park District).

Section 17.05 PROHIBITED USES

- A. Foundries.
- B. Slaughterhouses.
- C. Truck storage.
- D. Junkyards or junk storage.
- E. Asphalt and concrete plants.
- F. Outdoor Recreational Marihuana Grower Establishments (Class A, B, or C).
- G. Indoor Recreational Marihuana Grower Establishments (Class A, B, or C).
- H. Marihuana Processors.
- I. Secure Marihuana Transporters.
- J. Marihuana Safety Compliance Facilities.
- K. Marihuana Microbusinesses.



Cass County Planning Commission

CHECKLIST



Dear Local Government Official:

When you send the Cass County Planning Commission material for their review, please use the attached checklist and include it with the other documents that you submit. Thank you.

- ☒ Signed cover letter requesting review and summarizing the process which has already occurred.
- ☒ Copy of the public hearing minutes.
- ☒ N/A Copy of section of Township Land Use Plan that applies to/supports action.
- ☒ N/A Copy of section of zoning ordinance, including amendments or supplements, which apply to/support action.
- ☒ N/A For an initial zoning ordinance: 8 copies on loan with map(s).
- ☒ N/A For text changes (amendments or supplements): those portions affected or a comprehensive summary of the changes and, if affected, the map.
- ☒ For petitions for rezoning, a copy of the petition with the map(s) showing: zoning of adjoining properties within 300 ft. for which action was taken and the parcel(s) of consideration and roads need to be clearly identified and labeled. If not included on the petition, the cover letter should indicate acreage, existing zoning, requested zoning, existing use and proposed use.
- ☒ N/A Does the action taken by the Township concur with the Township Ordinance, Zoning Map and/or Land Use Master Plan for that property? If not, is the request eligible for Zoning Board of Appeals action?
- ☒ N/A If any provision of public services is or will be involved, include correspondence from the affected unit expressing its awareness.

**IT IS RECOMMENDED THAT A MEMBER OF THE PLANNING COMMISSION
ATTEND THE COUNTY PLANNING COMMISSION MEETING TO FURTHER
EXPLAIN THE REQUEST AND TO ANSWER QUESTIONS.**

Date: _____

Signed: Lindsay Krohn

SILVER CREEK TOWNSHIP
P.O. BOX 464
DOWAGIAC, MICHIGAN 49047
PHONE (269) 424-3025 FAX (269) 424-3858

received
3/1/21

BILL J. SAUNDERS, SUPERVISOR
LORRI BEHNKE, CLERK
MAUREEN T. KURIATA, TREASURER

MICHAEL BRAMAN, TRUSTEE
MIKE GLYNN, TRUSTEE

February 25, 2021

Cass County Planning Commission
120 N. Broadway, Suite 116
Cassopolis, MI 49031

Cass County Planning Commission members:

This letter transmits the proposed rezoning for the property of Tim and Deborah Masterman, parcel number 14-130-004-050-13. The Silver Creek Township Planning Commission approved the request to rezone the property from part ag/part waterfront, to all waterfront district.

I have included:

- *Cass County Planning Commission Checklist
- *January 27, 2021 public hearing minutes
- * Masterman rezoning application
- *Zoning map showing location of property and adjoining properties.

Please let us know if you need anything else.

Would you please place this on the Agenda for your next meeting and make a recommendation? Please let us know of your decision so we can place it on our township board agenda.

Sincerely,

Lindsay Krohne

Lindsay Krohne, Deputy Clerk

MINUTES SILVER CREEK TOWNSHIP
PLANNING COMMISSION MEETING – JANUARY 27, 2021

PUBLIC HEARING

Chairman Terry Harris called the Public Hearing to order at 6:30 p.m. on Wednesday, January 27, 2021.

The Pledge of Allegiance to the Flag of the United States of America was recited.

MEMBERS PRESENT: Nick Barnes, Mick Braman, Tim Feirick, Terry Harris, John Joossens, Jon Tidey

OTHERS PRESENT: Recording Secretary Liberty Nevins, Township Attorney Robert Thall, members of the public

MEMBERS ABSENT: Debbie Brown

APPROVAL OF THE AGENDA

Terry Harris stated that the last name Masterman had been misspelled as Masterson on the agenda.

Nick Barnes motioned to approve the agenda with the amendment to the spelling of the Masterman's last name.

John Joossens seconded.

REASON FOR THE PUBLIC HEARING

Terry Harris stated he would fill in as Secretary for the meeting. He read the public notice, stating the reason for the meeting: The request of Tim and Deborah Masterson, 31115 Curran Beach Road, Dowagiac, MI 49047 (Parcel No. 14-130-004-050-13) to rezone his currently bi-furcated property from the existing AR (Agricultural/Residential) and WD (Waterfront) district zoning classifications to place it entirely within the WD (Waterfront) district zoning classification. Considerations for rezoning are contained in Section 155.275(3) of the Township Zoning Ordinance. Such other and further matters as may properly come before the Planning Commission.

PUBLIC COMMENT

None

PLANNING COMMISSION MEMBER DISCUSSION

Tim Feirick motioned to close the public hearing.

John Joossens seconded.

YES (6): Nick Barnes, Mick Braman, Tim Feirick, Terry Harris, John Joossens, Jon

Tidey

NO (0): None

Motion passed by roll call vote.

Public Hearing closed at 6:45 p.m.

REGULAR MEETING

Terry Harris called the Planning Commission meeting to order at 7:00 p.m.

APPROVAL OF THE AGENDA

Tim Feirick motioned to approve the agenda.

John Joossens seconded.

YES (6): Nick Barnes, Mick Braman, Tim Feirick, Terry Harris, John Joossens, Jon

Tidey

NO (0): None

Motion passed by roll call vote.

APPROVAL OF DECEMBER 16, 2020 MINUTES

Nick Barnes motioned to approve the December 16, 2020 Planning Commission minutes.

Mick Braman seconded.

YES (6): Nick Barnes, Mick Braman, Tim Feirick, Terry Harris, John Joossens, Jon

Tidey

NO (0): None

Motion passed by roll call vote.

ZBA REPORT

Nick Barnes stated that the Zoning Board of Appeals had a meeting regarding internal procedures for meetings.

RECLASSIFICATION OF MASTERMAN PROPERTY

Nick Barnes motioned to approve the request of reclassifying 31115 Curran Beach Road, Dowagiac, MI 49047 to Waterfront District.

Mick Braman seconded.

YES (6): Nick Barnes, Mick Braman, Tim Feirick, Terry Harris, John Joossens, Jon Tidey

No (0): None

Motion passed by roll call vote.

UPDATE ON SHORT TERM RENTAL ORDINANCE FROM ROBERT THALL

Robert Thall stated that if the Planning Commission liked the short term rental ordinance presented, it would be moved forward to a public hearing, and then moved forward to the Township Board. Robert stated that the ordinance draft only consisted of rental regulation for single family dwellings. He stated that short term rentals are unlawful in the township without an ordinance. Robert stated that the new ordinance would allow short term rentals for single family dwellings to be rented out for at least 3 nights at a time to help avoid daily rentals. He stated that not more than 27 nights in a calendar year would be allowed. Robert stated that the ordinance would help reduce the flow of people in and out of the rental homes. He stated that short term rental registration would be required annually. He stated that on the short term rental application name, address, and telephone number of the owner. He stated that if the owner did not live within 45 miles of the rental, they would need to name a local agent. Robert stated that either the owner or agent would be at the rental property within an hour when contacted by the township or law enforcement. He stated that the number of bedrooms in the rental would need to be stated on the short term rental application. He

stated that a drawing of the off street parking and a sample rental agreement must also be included. Robert stated that a single family dwelling could not be advertised as a short term rental unless registered with the township. He stated the regulations for short term rentals as follows: street address posted within the single family dwelling, maximum occupancy of 10 people or 2 people per bedroom plus one additional occupant per finished story, how many people can be on the rental property up to 1.5x the maximum number of occupants, mandatory smoke detectors, fire extinguishers, and carbon monoxide devices. Robert stated there must be operational smoke detectors in each bedroom, an operational fire extinguisher in the kitchen, and at least one operational carbon monoxide device on each floor. He stated that attics and basements do not count toward the maximum occupancy unless egress requirements are met. Robert stated that the owner of a short term rental must consent to inspection by the township upon request. He stated that the short term rental owner is required to have insurance. He stated that the owner must post the requirements of short term rentals for the guests to see. Robert stated that short term rental quiet hours would be 10:00 p.m. – 7:00 a.m. He stated that for an unregistered dwelling there would be a \$750.00 fine for the first violation, and a \$1,000.00 fine for each following violation. He stated that for exceeding the maximum occupancy there would be a \$500.00 fine for the first offense, and a \$1,500.00 fine for each following offense. He stated that for various other violations there would be a \$100.00 fine for the first offense, a \$500.00 fine for the second offense, and a \$1,500.00 fine for each following offense. Robert stated that if a short term rental has more than two violations within the year, the short term rental license could be revoked for a year. He stated short term rentals would be a permitted use.

PLANNING COMMISSION MEMBER DISCUSSION

Nick Barnes asked if a maximum occupancy of 10 was common for short term rentals. Robert Thall responded that he had seen maximum occupancies of more than 10.

Mick Braman asked what the insurance liability for the proposal was.

Robert Thall responded that the short term rental owners would be required to have a \$1,000,000.00 policy.

Tim Feirick asked if the maximum amount of 27 nights for short term rentals should be bumped up to 30.

Robert Thall responded that if the maximum number of nights was 28 days then it would be considered the same as residential renting.

Tim Feirick stated that inspections for short term rentals should be upon request only.

Terry Harris stated that the ordinance would protect the rental property owners, the renters, and the general public.

John Joossens asked if there was distinction made between minors and adults for the maximum occupancy.

Robert Thall stated he had not seen distinction between minors and adults anywhere. He stated that if the Planning Commission decided to move forward with the short term rental draft, a public hearing date would be set up and made into a public notice in the paper. He stated that the public could speak at the public hearing, and the draft would be voted on by the Planning Commission. Robert stated if the draft was passed by the Planning Commission, it would be sent on to the Township Board. He stated that the ordinance would go into effect 30 days after being adopted at a Board meeting.

Nick Barnes motioned to accept the ordinance draft as presented and to set a public hearing for February 24, 2021.

Jon Tidey seconded.

YES (6): Nick Barnes, Mick Braman, Tim Feirick, Terry Harris, John Joossens, Jon Tidey

NO (0): None

Motion passed by roll call vote.

RV AND BOAT STORAGE

Terry Harris stated there was not much information to share with out Todd Herter present at the meeting.

It was stated that the discussion would be tabled until the next Planning Commission meeting.

RESTRICTIONS ON PUBLIC USE OF FIREWORKS

Mick Braman stated that there should be a restriction in place to show what is legal regarding usage of fireworks.

Nick Barnes stated that Mick Braman should present the topic to the Board to see if the Planning Commission should act on the matter.

PUBLIC COMMENT

Lori Boukas asked if any research had been done on the demand for short term rentals in the area.

Tali Kulbeda asked if any research had been put into home values in the area.

Jon Tidey stated that the ordinance would be in place to curtail the lakes becoming overly commercialized.

Kurt Cleary stated that limiting short term rentals to 27 nights would be excessive.

Jon Fehland asked why the ordinance would be limited to single family dwellings and not include campgrounds.

Robert Thall responded that the campground may be a lawful nonconforming use.

Justin Sebastian asked if it had been investigated whether short term rental owners would be making or losing money with the proposed ordinance. He asked if the ordinance was overreaching any state laws.

Michael Ribich stated that he believed the maximum occupancy number should be increased.

Allison Carithers stated that she believed the proposed ordinance would hurt the local economy.

Steve Piller stated that he believed the proposed ordinance was restrictive.

ADJOURNMENT

Terry Harris stated that the next Planning Commission meeting along with a public hearing starting at 7:00 p.m. would be on February 24, 2021.

Nick Barnes motioned to adjourn.

Mick Braman seconded.

YES (6): Nick Barnes, Mick Braman, Tim Feirick, Terry Harris, John Joossens, Jon

Tidey

NO (0): None

Motion passed by roll call vote.

Terry Harris adjourned the meeting at 8:17 p.m.

Recording Secretary, Liberty Nevins

Secretary, Terry Harris

Date Rec'd: 12-1-20

ZONING APPLICATION SILVER CREEK TOWNSHIP

P.O. BOX 464

DOWAGIAC, MICHIGAN 49047

PHONE (269) 424-3125 FAX (269) 424-3858

Application For:

- ☒ Rezoning
☐ Special Land Use
☐ Site Plan Review
☐ Conditional Rezoning
☐ Land Division
☐ Other

This application will not be accepted if incomplete. All required materials must be submitted at least 45 days prior to the next Planning Commission meeting and 45 days prior to the next Board of Appeals meeting. Site Plan Reviews may be submitted at least 7 days prior to the next Planning Commission meeting.

New Construction _____
Size _____ x _____

Addition _____
Size _____ x _____

APPLICANT INFORMATION (If different than owner)

Name Same
Phone _____ Fax _____
Address _____ Email _____
City _____

OWNER INFORMATION

Name Tim + Deborah Masterman
Phone 574-350-8775 Fax _____
Address 3115 Curran Beach Rd Email TMasterman@Titanisc.com
City Dowagiac

PROPERTY INFORMATION

Address or Location 3115 Curran Beach Rd Dowagiac MI
Permanent Parcel # 14-130-004-050-13
Zone District (Current) AG/Water Front Dist.
Property Size 0.85 Ac
Directions & Landmarks _____

DESCRIPTION OF PROPOSED USE/REQUEST (use other side)

I hereby attest that the information on this application form is, to the best of my knowledge, true and accurate. I hereby grant permission for members of the Silver Creek Township (Planning Commission) (Board of Appeals) (Township Board) (Zoning Administrator) to enter the above described property (or as described in the attached) for the purposes of gathering information related to this application.

(Note to Applicant: This is optional and will not affect any decision on your application.)


Signature of Applicant

11/17/20
Date

OFFICE USE:

Application Fee Paid _____

Submitted Materials: _____ Site Plan _____ Application _____ Survey _____

Application Accepted by _____ Date Accepted _____

DESCRIPTION OF PROPOSED USE/REQUEST

Rezone our Property to Water front District
a Portion of The Property is zoned AG
and a Portion is zoned WFD Would Like
all of it to Be WFD. we are Hooked
up to Thew Sewer already.

(attach pages if needed)

Date legal notices published in newspaper 12/12/2020

Date notices mailed to neighboring property owners 12/15/2020

ACTION TAKEN BY PLANNING COMMISSION/BOARD OF APPEALS

Approved ☒ Denied ☐ Number of Yeas 6 Number of Nays 0

Date 1/27/2021 Chairman _____

Member _____

Member _____

Member _____

If approved - date submitted to Cass County Planning Commission for approval 2/25/21

If approved or denied - date Township Board took action _____

Approval _____ Denial _____