



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, July 28, 2021 at 4:00 PM

**Cass County Building
120 N. Broadway
Kincheloe Room
Cassopolis, MI 49031**

Call to Order - 4:00 PM

Approval of Agenda

Approval of Minutes – June 23, 2021

Old Business:

1. Ontwa Township – Zoning ordinance amendment

New Business:

Other Business:

Adjournment:

CASS COUNTY PLANNING COMMISSION

Minutes of June 23, 2021

The meeting was called to order by Robert Thompson at 4:02 p.m.

Members Presents: Annie File, David Kring, Dan Stutsman, Robert Thompson and Char Hiemstra.

Members Absent: Kathy Cobb, Dianna McGrew, Ryan Laylin and Edwin Johnson III.

Approval of Agenda: Motion made by David Kring to approve the agenda, seconded by Dan Stutsman and motion carried.

Approval of Minutes: Motion made by Char Hiemstra to approve the minutes, seconded by David Kring and motion carried.

New Business:

1. Ontwa Township –

1. Dan Stutsman made a motion to table this submission. Discussion was held with questions from David Kring as to why this matter was being tabled. Sections C5 and C were cited as reasons for the matter being tabled. Robert Thompson abstained from voting.

Adjournment: Meeting adjourned at 4:25 p.m.

Respectfully submitted,

Annie File, Secretary

ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN

Ordinance No. 2021-07-12.2

AN ORDINANCE TO AMEND THE ONTWA TOWNSHIP ZONING ORDINANCE (ORDINANCE 80-2, AS AMENDED); TO AMEND SECTION 2.17 PERTAINING TO DEFINITIONS FOR DWELLINGS; TO AMEND SECTION 3.16 PERTAINING TO BASEMENT AND GARAGE DWELLINGS; TO AMEND SECTION 3.21 PERTAINING TO ACCESSORY BUILDINGS AND STRUCTURES; TO AMEND ARTICLE 3 TO ADD A NEW SUBSECTION 3.37 PERTAINING TO ACCESSORY DWELLINGS; TO AMEND SECTIONS 5.02, 6.06, AND 8.02 TO PERMIT ACCESSORY DWELLINGS IN THE A-R, R-1, R-1A, R-L, AND R-2 DISTRICTS, AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

ONTWA TOWNSHIP, CASS COUNTY MICHIGAN, ORDAINS:

Section 1. Amendment of Section 2.17. Section 2.17 of the Ontwa Township Zoning Ordinance is amended to include the following definition, which is inserted in alphabetical order:

DWELLING UNIT, ACCESSORY: A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, that is an attached or detached extension to an existing single-family dwelling.

Section 2. Amendment of Section 3.16. Section 3.16 of the Ontwa Township Zoning Ordinance is amended to read in its entirety as follows:

SECTION 3.16. BASEMENT AND GARAGE DWELLINGS.

- (a) The use of the basement or garage of a partially built or planned building as a residence or dwelling unit is prohibited in all districts.
- (b) The use of a garage as a dwelling unit is prohibited unless permitted by the zoning administrator as an accessory dwelling unit pursuant to Section 3.37.
- (c) The use of a basement more than four feet below grade in a completed dwelling for sleeping quarters or as a dwelling unit is prohibited unless there are two means of direct access to the outside.

Section 3. Amendment of Section 3.21(a). Section 3.21(a) of the Ontwa Township Zoning Ordinance is amended to read in its entirety as follows:

- (a) Except as permitted by Section 3.21 (c), no accessory buildings may be built or placed on any

lot on which there is no principal building. No accessory building may be used as a residence or living quarters unless authorized as an accessory dwelling unit (ADU) pursuant to Section 3.37 of this ordinance.

Section 4. Amendment of Article 3. Article 3, "General Provisions" of the Ontwa Township Zoning Ordinance is amended to include a new subsection 3.37 which reads as follows:

SECTION 3.37 ACCESSORY DWELLING UNITS (ADUs)

(a) Location and Dimensional Requirements

1. ADUs are permitted in the AR, R-1, R-1A, LR, and R-2 districts only upon receipt of a zoning compliance permit issued by the zoning administrator.
2. No more than one ADU shall be permitted on a parcel.
3. Detached ADUs shall be considered accessory buildings, and therefore shall only be permitted on properties where an accessory building could otherwise be located, subject to the provisions of this Section.
4. An ADU may be attached to the main building, a detached building, or located on the second story of a detached garage.
5. An ADU may be permitted in a detached accessory building located across the street from a lakefront parcel as permitted in Section 3.21(C). However, the ADU must be located on the second story of such accessory building. Further, only one ADU shall be located permitted between the two parcels.
6. The area and height of a detached ADU shall not exceed the maximum requirements for an accessory building in the district in which the ADU is located.
7. Under no circumstances shall the maximum lot coverage for a given district be exceeded.
8. Detached ADUs shall comply with all setbacks for accessory buildings in the zoning district in which they are located. ADUs attached to the principal dwelling shall meet the same setbacks as required for the principal dwelling.

(b) Design Requirements

1. The ADU shall include a kitchen, bathroom, and sleeping area separate from the primary residence, and the ADU shall meet all applicable provisions of the Building Code and other regulations.
2. The ADU shall comply with all building, electrical, mechanical, plumbing, property maintenance, and other applicable codes for dwellings.
3. The exterior design of an ADU, whether attached or detached, shall be compatible with the principal dwelling on the lot. The building form, height, construction materials,

dimensions, and landscaping shall remain consistent with the principal structure and shall be harmonious with the character and scale of the surrounding neighborhood.

4. The design and location of the ADU shall maintain a compatible relationship to adjacent properties and shall not significantly impact the privacy, light, air, or parking for adjacent properties.
5. Windows in an ADU facing an adjoining residential property must be designed to protect the privacy of neighbors unless fencing or landscaping is provided as screening.
6. Attached ADUs shall have a separate entrance/exit from that of the primary dwelling unit. All interior doors and entryways linking the primary residence to the accessory unit shall be lockable.

(c) Use and Occupancy Requirements

1. The ADU shall not result in excessive traffic, parking congestion, or noise.
2. A minimum of one additional dustless off-street parking space shall be provided on the lot containing the ADU as required in Section 17.02.
3. The property owner must occupy either the principal dwelling or the ADU.
4. The ADU shall be connected to public water and wastewater systems where such systems are available or required pursuant to applicable Township ordinances. If connected to a private well and septic system, such systems must be approved by the Van Buren Cass District Health Department.
5. If the ADU is connected to a public sewer system, it shall comply with all applicable regulations, including, but not limited to, the payment of additional service charges and/or connection fees as determined by the Township pursuant to the adopted Sewer Use Ordinance and Sewer Connection and Rate Ordinance of Ontwa Township.
6. Neither the principal dwelling nor the ADU shall be utilized for short-term rental purposes as defined and regulated by the adopted Ontwa Township Short Term Rental Ordinance.

(d) Deed Restriction Required

1. Before obtaining an occupancy permit, the property owner shall file with the zoning administrator a declaration of restrictions that shall be recorded with the Cass County Register of Deeds containing a reference to the deed under which the property was acquired by the present owner, which shall state the following:
 - a. The zoning permit for the ADU shall be in effect only so long as either the main residence or the ADU is occupied as the principal residence by the applicant.
 - b. The ADU is restricted to the approved size.
 - c. The ADU shall not be sold separately from the principal dwelling.

- d. All above declarations shall run with the land and are binding upon any successor in ownership.
- e. The deed restrictions shall lapse upon the removal of the ADU.

(e) Existing Accessory Dwelling Units

- 1. ADUs in existence on the effective date of this Ordinance shall be considered nonconforming uses and shall be subject to applicable provisions of Chapter 18 of this Ordinance.

Section 5. Amendment of Section 5.02. Section 5.02 of the Ontwa Township Zoning Ordinance is amended to include the following subsection (b), with the remaining subsections renumbered commensurately:

- (b) Accessory dwellings, as regulated in Section 3.37

Section 6. Amendment of Section 6.02. Section 6.02 of the Ontwa Township Zoning Ordinance is amended to include the following subsection (b), with the remaining subsections renumbered commensurately:

- (b) Accessory dwellings, as regulated in Section 3.37

Section 7. Amendment of Section 8.02. Section 8.02 of the Ontwa Township Zoning Ordinance is amended to include the following subsection (b), with the remaining subsections renumbered commensurately:

- (b) Accessory dwellings, as regulated in Section 3.37

Section 8. Severability. This Ordinance and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 9. Repealer. Any existing ordinance or resolution that is inconsistent or conflicts with this Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

Section 10. Effective Date. This Ordinance is ordered to take effect seven (7) days following publication of adoption in a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.


Tina VanBelle, Clerk, Ontwa Township



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: June 4, 2021

Signed: Andrew Moore

Digitally signed by
Andrew Moore
Date: 2021.06.04
14:23:15 -04'00'

CHAPTER VI GOALS AND OBJECTIVES

Planning goals are statements that express the community's long-range desires and serve to provide direction for related planning activities. The following goals and objectives have been developed by the Planning Commission as a foundation in establishing future direction. The goals are presented by major topic areas and are a result of the public input received throughout the process to update this plan.

A goal is generally defined as a desired end state or condition the Township is striving to achieve. It should be fairly long-term in nature and yet within the reach of the community to attain. The goal statement should be reflective of the values and attitudes of the community; and, therefore, it should enjoy broad-based support. Generally, a goal statement should be stated assertively and in positive terms. An objective statement is a milestone in the journey to achieve the goal. Objectives are more specific than goals and should have some measurable aspect so that progress toward the goal may be evaluated.

Goal: Agriculture and Open Space

Ontwa Township will feature productive and economically-viable agricultural lands for years to come and the encroachment of non-agricultural uses into prime farming areas will be minimized.

Objectives

- Explore alternative planning and transitional zoning techniques, such as fixed area ratio zoning, sliding-scale zoning and other approaches, that discourage or reduce spot zoning and the encroachment of non-farm development into prime farm areas.¹
- Encourage the use of P.A. 116 of 1974 preservation agreements by area farmers that are consistent with the overall land development needs of the area.
- Investigate enacting a local transfer of development rights program, possibly with a multi-jurisdictional structure, which would preserve designated agricultural land and open space while facilitating development in certain pre-defined areas of the community, which may include the Village.
- Identify areas that are presently zoned for agricultural use which, due to their location and the encroachment of non-farm development, should be planned and zoned for an alternative long-range use.

¹ Fixed area ratio zoning allows one dwelling at a density standard, with a maximum lot area to reduce the fragmentation of farmland; while sliding-scale zoning would allow comparatively more nonfarm dwellings to be subdivided from smaller farm parcels than larger farm parcels.

Goal: The Environment

A defining characteristic of Ontwa Township will be its woodlands, open lands, drainage network, healthy wetlands and lakes, natural character, and wildlife habitat.

Objectives

- Institute land use plans, policies and regulations intended to minimize or avoid impacts on air and water quality.
- Amend the zoning ordinance to provide for open space development patterns, where development is planned, as the preferred use by right with conventional development patterns processed as special land uses.
- Develop zoning standards to promote non-contiguous planned unit developments as a means to promote open space protection.
- Implement more stringent zoning and related development review tools that encourage land developers to take natural features such as soils, topography, hydrology, and natural vegetation into account in the process of site design.
- Promote soil conservation and wise use of fertilizers and pesticides.
- Establish landscape guidelines for new commercial, industrial, and residential developments which will offset the loss of natural vegetation caused by development.
- Determine the feasibility of establishing a Township recycling program/center.
- Create a detailed inventory of key natural resources and features that can be used as a preservation guide, and possibly a regulatory tool, for the Township and developers.

Goal: Water Resources

The surface waters of Ontwa Township, including its many lakes and streams, will be clean, attractive and healthy, supporting a balance of native wildlife communities and a sustainable level of human use.

Objectives

- Evaluate and revise, as necessary, zoning or other regulations pertaining to filter or buffer requirements along water bodies, including wetlands. Develop techniques to ensure development is adequately set back from significant features and that runoff is minimized.

- Expand and strengthen storm water management standards to reduce the quantity and velocity of runoff and to reduce pollutants.
- Implement a program of surface water quality monitoring to develop a trend line data for analysis and to serve as a basis for intelligent surface water regulation.
- Define the environmental carrying capacity of Ontwa Township lakes and employ the resulting analysis to guide land use decisions in the vicinity of water features.
- Explore mechanisms to ensure safe public access to the lakes at a reasonable level and minimize conflicts between motorized watercraft and swimmers.

Goal: Residential Land Use and Housing

Ontwa Township will feature stable, high-quality and welcoming neighborhoods that accommodate a variety of housing opportunities to maintain affordability for a wide range of income levels.

Objectives

- Make improvements to local residential streets to ensure safe access to neighborhoods.
- Encourage the maintenance and preservation of the existing housing stock through proper zoning and housing code enforcement.
- Maintain efficient police, ambulance and fire service to the neighborhoods.
- Implement zoning standards better equipped to influence the location and design of mobile home parks.
- Protect residential areas from commercial and industrial land uses by requiring open space, landscaping, and buffered thoroughfares and encouraging transitional land uses.
- New developments should include amenities such as open space, sidewalks, bike and foot paths with multiple connections, street trees, and pedestrian linkages to commercial centers and parks.

Goal: Commercial Development

Areas of Ontwa Township and the Village of Edwardsburg providing shopping and services will be quaint and vibrant; and will boast attractive streetscapes and will serve as a destination hub of social and retailing activity.

Objectives

- Implement regulations that encourage the shared use of commercial driveways and control the number and spacing of driveways, especially along U.S. 12 and M-62.
- Implement policies and regulations that promote family-oriented neighborhood convenience centers sited to promote walkability.
- Work with the local business community to encourage and maintain a desired mix of commercial and service opportunities available to Township residents.
- Develop more stringent landscaping, sign, and building appearance guidelines or ordinances to promote aesthetics and the vitality of the commercial districts.
- Explore methods to give preference to utilization of existing commercial properties over greenfield development in outlying areas.
- Partner with the Village in completion of a market study to determine which businesses the community can support.

Goal: Industrial Development

Ontwa Township and the Village of Edwardsburg will be balanced with a varied mix of businesses and industries, attractively developed and maintained and providing meaningful employment opportunities.

Objectives

- Preserve land for future industrial purposes in and around areas which provide easy access to major arteries such as M-62.
- Work with the Village in mutually-beneficial efforts dedicated to researching and recommending development incentives and other measures to attract private investment.
- Explore methods to give preference to utilization of existing industrial properties over greenfield development in outlying areas.
- Promote high quality industrial development through the use of local site plan review regulations.
- Develop zoning regulations that separate residential areas from industrial areas with appropriate buffer strips, open space or other transitional land uses.
- Use zoning to prevent incompatible uses from intruding into industrial areas, and vice-versa.

Goal: Transportation

Ontwa Township will feature aesthetically attractive and well-maintained transportation routes that will complement balanced, orderly growth and ensure convenience and safety for residents and workers.

Objectives

- Give priority to roads in areas intended to support the highest concentrations of development.
- Continue to work with the Cass County Road Commission to improve maintenance on existing roadways and to address traffic controls, sight restrictions, drainage and ditching.
- Maintain solid communication with Cass County Road Commission personnel to promote road improvement policies consistent with the goals of the Township.

Goal: Public Safety

Public safety and public services will be enhanced.

Objectives

- Expand the capabilities of the Edwardsburg/Ontwa Police and Ambulance Departments to match a standard ratio relating to the size of the Township's population as needed.
- Provide street lighting in identified residential areas and at key street intersections where necessary.

Goal: Trails, Parks and Recreation, and Community Facilities

The residents and visitors of Ontwa Township will enjoy a network of trails and safe and inviting non-motorized connections to local and regional natural areas and recreational facilities.

Objectives

- Acquire land areas for development of future parks – including open spaces for developed play areas and preserves along the lakes for passive recreation.
- Develop neighborhood park facilities to provide economical and convenient recreational opportunities.
- Work with developers to set aside land for parks and obtain easements for pedestrian/bicycle paths. Amend the zoning ordinance to require the inclusion of pathways throughout new

development and along streets to promote pedestrian connections and to begin to build a non-motorized network.

- Develop a recreation plan that identifies future desired park and trail locations; based on likely emerging growth areas, existing and proposed regional trails, natural feature destinations, sports complexes, cultural venues, etc.
- Explore possible trail funding opportunities or general resource partners, including the Michigan Natural Resources Trust Fund, the Cass County Parks Department, the Land & Water Conservation Fund, and the Michigan Trails and Greenways Alliance.
- Support the Edwardsburg Sports Complex.

Goal: Cooperative Planning with the Village and Adjacent Communities

Ontwa Township will benefit from coordination of services and cooperative land use planning with neighboring communities and within the larger region.

Objectives

- Continue and strengthen the consistent means of communicating with the Village of Edwardsburg Council and Planning Commission.
- Coordinate consistent and compatible land use decisions along the Township's borders with adjacent municipalities.
- Maintain cooperative programs, including emergency services.
- Support efforts of the joint Corridor Improvement Authority to improve and beautify the M-62 area.

williams&works

engineers | surveyors | planners

June 4, 2021

Cass County Planning Commission
20 N. Broadway
Cassopolis, Michigan 49031

RE: Ontwa Township Proposed Zoning Ordinance Amendment

Dear Commissioners:

Over the past several months, we have been working with the Ontwa Township Planning Commission on an amendment to their Zoning Ordinance. The purpose of this letter is to provide you a copy of the proposed amendment and summarize its regulatory effect. The Township also invites your review and comment pursuant to the requirements of the Michigan Zoning Enabling Act (MZEa), as amended.

The proposed amendment would permit accessory dwelling units in several residential zoning districts of the Township, subject to certain conditions and regulations. Other changes proposed to the ordinance are contemplated to eliminate conflicts resulting from the allowance of ADUs. The Township Planning Commission held a public hearing on June 2, 2021.

Many of the amendments are consistent with the recommendations of the Township Master Plan, which was last updated in 2017. Specifically, the Plan sets forth a housing policy stating "Ontwa Township will feature stable, high-quality and welcoming neighborhoods that accommodate a variety of housing opportunities to maintain affordability for a wide range of income levels." The proposed amendment clearly supports this goal. The Plan also recommends revisions to the Zoning Ordinance to implement the Plan.

Please feel free to contact me if there are questions or concerns at (616) 224-1500 or via email at moore@williams-works.com

Sincerely,

[via email]

Andy Moore, AICP

c: Chris Marbach, Planning Commission Chairman
Tina VanBelle, Township Clerk
Leroy Krempec, Zoning Administrator

ONTWA TOWNSHIP
CASS COUNTY, MICHIGAN

Ordinance No. _____

AN ORDINANCE TO AMEND THE ONTWA TOWNSHIP ZONING ORDINANCE (ORDINANCE 80-2, AS AMENDED); TO AMEND SECTION 2.17 PERTAINING TO DEFINITIONS FOR DWELLINGS; TO AMEND SECTION 3.16 PERTAINING TO BASEMENT AND GARAGE DWELLINGS; TO AMEND SECTION 3.21 PERTAINING TO ACCESSORY BUILDINGS AND STRUCTURES; TO AMEND ARTICLE 3 TO ADD A NEW SUBSECTION 3.37 PERTAINING TO ACCESSORY DWELLINGS; TO AMEND SECTIONS 5.02, 6.06, AND 8.02 TO PERMIT ACCESSORY DWELLINGS IN THE A-R, R-1, R-1A, R-L, AND R-2 DISTRICTS, AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

ONTWA TOWNSHIP, CASS COUNTY MICHIGAN, ORDAINS:

Section 1. Amendment of Section 2.17. Section 2.17 of the Ontwa Township Zoning Ordinance is amended to include the following definition, which is inserted in alphabetical order:

DWELLING UNIT, ACCESSORY: A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, that is an attached or detached extension to an existing single-family dwelling.

Section 2. Amendment of Section 3.16. Section 3.16 of the Ontwa Township Zoning Ordinance is amended to read in its entirety as follows:

SECTION 3.16. BASEMENT AND GARAGE DWELLINGS.

- (a) The use of the basement or garage of a partially built or planned building as a residence or dwelling unit is prohibited in all districts.
- (b) The use of a garage as a dwelling unit is prohibited unless permitted by the zoning administrator as an accessory dwelling unit pursuant to Section 3.37.
- (c) The use of a basement more than four feet below grade in a completed dwelling for sleeping quarters or as a dwelling unit is prohibited unless there are two means of direct access to the outside.

Section 3. Amendment of Section 3.21(a). Section 3.21(a) of the Ontwa Township Zoning Ordinance is amended to read in its entirety as follows:

- (a) Except as permitted by Section 3.21 (c), no accessory buildings may be built or placed on any

lot on which there is no principal building. No accessory building may be used as a residence or living quarters unless authorized as an accessory dwelling unit (ADU) pursuant to Section 3.37 of this ordinance.

Section 4. Amendment of Article 3. Article 3, “General Provisions” of the Ontwa Township Zoning Ordinance is amended to include a new subsection 3.37 which reads as follows:

SECTION 3.37 ACCESSORY DWELLING UNITS (ADUs)

(a) Location and Dimensional Requirements

1. ADUs are permitted in the AR, R-1, R-1A, LR, and R-2 districts only upon receipt of a zoning compliance permit issued by the zoning administrator.
2. No more than one ADU shall be permitted on a parcel.
3. Detached ADUs shall be considered accessory buildings, and therefore shall only be permitted on properties where an accessory building could otherwise be located, subject to the provisions of this Section.
4. An ADU may be attached to the main building, a detached building, or located on the second story of a detached garage.
5. An ADU may be permitted in a detached accessory building located across the street from a lakefront parcel as permitted in Section 3.21(C). However, the ADU must be located on the second story of such accessory building. Further, only one ADU shall be located permitted between the two parcels.
6. The area and height of a detached ADU shall not exceed the maximum requirements for an accessory building in the district in which the ADU is located.
7. Under no circumstances shall the maximum lot coverage for a given district be exceeded.
8. Detached ADUs shall comply with all setbacks for accessory buildings in the zoning district in which they are located. ADUs attached to the principal dwelling shall meet the same setbacks as required for the principal dwelling.

(b) Design Requirements

1. The ADU shall include a kitchen, bathroom, and sleeping area separate from the primary residence, and the ADU shall meet all applicable provisions of the Building Code and other regulations.
2. The ADU shall comply with all building, electrical, mechanical, plumbing, property maintenance, and other applicable codes for dwellings.
3. The exterior design of an ADU, whether attached or detached, shall be compatible with the principal dwelling on the lot. The building form, height, construction materials,

dimensions, and landscaping shall remain consistent with the principal structure and shall be harmonious with the character and scale of the surrounding neighborhood.

4. The design and location of the ADU shall maintain a compatible relationship to adjacent properties and shall not significantly impact the privacy, light, air, or parking for adjacent properties.
5. Windows in an ADU facing an adjoining residential property must be designed to protect the privacy of neighbors, unless fencing or landscaping is provided as screening.
6. Attached ADUs shall have a separate entrance/exit from that of the primary dwelling unit. All interior doors and entryways linking the primary residence to the accessory unit shall be lockable.

(c) Use and Occupancy Requirements

1. The ADU shall not result in excessive traffic, parking congestion, or noise.
2. A minimum of one additional dustless off-street parking space shall be provided on the lot containing the ADU as required in Section 17.02.
3. The property owner must occupy either the principal dwelling or the ADU.
4. The ADU shall be connected to public water and wastewater systems where such systems are available or required pursuant to applicable Township ordinances. If connected to a private well and septic system, such systems must be approved by the Van Buren Cass District Health Department.

5. If the ADU is connected to a public sewer system, the ADU shall be connected to a separate water or sewer hookup as an additional REU.

OR

If the ADU is connected to a public sewer system it shall be considered an additional 0.5 REU pursuant to the adopted Sewer Use Ordinance and Sewer Connection and Rate Ordinance of Ontwa Township.

OR

If the ADU is connected to a public sewer system, it shall comply with all applicable regulations, including, but not limited to, the payment of additional service charges and/or connection fees as determined by the Township pursuant to the adopted Sewer Use Ordinance and Sewer Connection and Rate Ordinance of Ontwa Township.

6. Neither the principal dwelling nor the ADU shall be utilized for short-term rental purposes.

(d) Deed Restriction Required

1. Before obtaining an occupancy permit, the property owner shall file with the zoning administrator a declaration of restrictions that shall be recorded with the Cass County Register of Deeds containing a reference to the deed under which the property was acquired by the present owner, which shall state the following:
 - a. The zoning permit for the ADU shall be in effect only so long as either the main residence or the ADU is occupied as the principal residence by the applicant.
 - b. The ADU is restricted to the approved size.
 - c. The ADU shall not be sold separately from the principal dwelling.
 - d. All above declarations shall run with the land and are binding upon any successor in ownership.
 - e. The deed restrictions shall lapse upon the removal of the ADU.

(e) Existing Accessory Dwelling Units

1. ADUs in existence on the effective date of this Ordinance shall be considered nonconforming uses and shall be subject to applicable provisions of Chapter 18 of this Ordinance.

Section 5. Amendment of Section 5.02. Section 5.02 of the Ontwa Township Zoning Ordinance is amended to include the following subsection (b), with the remaining subsections renumbered commensurately:

- (b) Accessory dwellings, as regulated in Section 3.37

Section 6. Amendment of Section 6.02. Section 6.02 of the Ontwa Township Zoning Ordinance is amended to include the following subsection (b), with the remaining subsections renumbered commensurately:

- (b) Accessory dwellings, as regulated in Section 3.37

Section 7. Amendment of Section 8.02. Section 8.02 of the Ontwa Township Zoning Ordinance is amended to include the following subsection (b), with the remaining subsections renumbered commensurately:

- (b) Accessory dwellings, as regulated in Section 3.37

Section 8. Severability. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 9. Repealer. Any existing ordinance or resolution that is inconsistent or conflicts with this

Ordinance is hereby repealed to the extent of any such conflict or inconsistency.

Section 10. Effective Date. This Ordinance is ordered to take effect seven (7) days following publication of adoption in a newspaper having general circulation in the Township, under the provisions of 2006 Public Act 110, except as may be extended under the provisions of such Act.

Tina VanBelle, Clerk
Ontwa Township

**Ontwa Township Planning Commission
Cass County Michigan**

Wednesday, June 2, 2021,
7:00 PM

VIA ZOOM
889-3509-5120

Members on Zoom: Chris Marbach – Chairman, Sandra Seanor-Secretary, Mike Mroczek, Don Delong, Richard Gates, Robert Thompson -Vice Chair, Dawn Bolock, and William Mahaney.

Members Absent: Shane Szalai

Minutes Recorded by: Brigid Forlenza

Chair Marbach called the meeting to order at 7:00 PM.

1. **Pledge of Allegiance**
2. **Agenda Approval:** Motion made by Robert Thompson to approve agenda moving public comments before new business seconded by Sandra Seanor. All in favor, motion passes.
3. **Reading and approval of past minutes:** May 5, 2021. Motion made by Dawn Bolock to approve minutes as presented seconded by Sandra Seanor. All in favor, motion passes.
4. **Land Divisions:** None
5. **Public Comments: All regarding short term rental ordinance:**
James Solarec: 26654 Deer Path Court, Edwardsburg MI
He has four concerns:
 1. Parking – Why limit and make a separate law. By what authority and why single out short-term rentals
 2. Occupancy – IPMC is complex and over lapping regarding this. IMPC is vague.
 3. 5H the availability of owner or local agent has two standards 20 miles and 30 minutes. Would failure at this be considered a strike.
 4. Inspections need limitations as to when demanded and who can inspect.

Jack Leman – 24267 High Street, Edwardsburg MI

He has three concerns regarding short term rental ordinance.

1. Violation for advertising
2. Why is it a violation for a renter requesting a date a year in advance?
3. Revocation
4. B3/B2 Fines are problematic violation under 2 sections
5. Insurance – township cannot be named as insured.
6. Quiet hours: measurable – can be biased with a bad neighbor. Violation is a strike and a fine. People are outside on holidays like the local neighbors. We need a clear definition. Sandra Seanor responded there is a noise ordinance on the website.

Brock Squire – 68645 Oak Springs Rd, Edwardsburg MI

1. Violation – revocations regarding two incidents in a calendar year, Subsection C1 – wording if renter causes strike about quiet hours or occupancy.

2. Appeals – Section B1 – references wrong bullet. It should be A1 or C1.
3. Grandfathering: 5E – nothing in IPMC
4. Parking is not reasonable. He feels township is rushing to punish.

Jordan Florian – Attorney – 317 Center St, South Haven MI 49090

1. There are many issues identified such as occupancy and parking. Parking should be an ordinance for all residents.
2. IPMC – occupancy 2021-2022 needs defined the required 20 miles or 30 minutes is an issue if traffic is backed up and he does not see the reasoning. This sets traps for the owners regarding advertising. Cannot advertise beyond current year permit.
3. Regarding Inspections: Who can request inspection and times for time frames need set.
4. Violations are confusing regarding occupancy, parking, insurance, issue with township being insured. The township should not be named as they have no interest in property.
5. Quiet hours are hard to be defined.
6. Grandfathering – parking clause limits this.
7. Revocation section is confusing. This needs more time to be worked out.

6.New Business: Accessory Dwelling Units – Public Hearing – Chair Marbach recited rules for public hearing.

Williams & Works: Planner Andy Moore – has no further comments on this ordinance.

7:31 PM – Public Hearing opened. Chair Marbach requested public comments. None Heard. Last call for public comments.

Sandra Seanor made a motion to close public hearing seconded by Don Delong. All in favor – motion passes.

Planning Commission:

Don Delong – Is there a listing of these and how do we monitor grandfathering?

Mike Mroczek- This is land based and it is not retroactive. Does this apply to a new building?

Andy Moore – This applies to people moving forward. This enables this to happen in the township. The existing ones are grandfathered in unless in violation before this. The township will take no action, and these will be grandfathered in for existing units.

Sandra Seanor – This grandfather's existing A.D.U.'s in. This came to be as a couple wanted to build on their property and could not.

Mike Mroczek questioned one sewer bill for two houses, and this is not fair to current sewer customers. They are commercial uses.

Sandra Seanor – replied no short-term rentals will be allowed with accessory dwelling units.

Chris Marbach – Could sewer ordinance cover this? REU could be doubled.

Sandra Seanor – We are trying to get control.

Sandra Seanor – No short-term rentals are allowed in an A.D.U.

Mike Mroczek - A.D.U. should not be a long-term rental as that is running a business.

Sandra Seanor made a motion to approve the Accessory Dwelling Unit Ordinance adding units connected to public sewer must meet requirements, seconded by Dawn Bolock. Roll call vote, yeah, Chair Marbach, Sandra Seanor, Mike Mroczek, Don DeLong, William Mahaney, Dawn Bolock, Robert Thompson, Richard Gates. Motion passes.

7.Old Business: Short Term Rental Ordinance

Chair Marbach – Pushed back to Planning Commission from the Board of Trustees. The Planning Commission Ad Hoc Committee reviewed a few items. In May everyone received a letter from Tim Leman, and he wants that put into the record, (attachment #1) this covers their concerns. The Board of Trustees returned this as their concerns were the time frame of this going into effect, the violations and the occupancy. Ad Hoc Planning Commission changed some items which are highlighted in yellow.

Chair Marbach turns over to Andy Moore. Andy Moore has no more to add to the draft. He will walk through some of the public comments.

1. Parking – two spaces for short term rental plus one for every three occupants. STR – small lots – usually this is a public safety concern. The IPMC adopted version is 2015.
2. Local Agent – name an agent eighteen miles away but not available does not work. We need a nearby person to address concerns.
3. Inspections – are a regular occurrence for health and safety. No one can barge in on a Friday night.
4. Advertising – 2021-2022 does not see this as an issue to change this tool for the township.
5. Insurance – township does not care if we take this out.
6. Quiet time – refer to township ordinance.

Dawn Bolock – Inspection is annual, one a year. We are not trying to trap – try to protect everyone.

Sandra Seanor – Done by a certified whole house inspector. This is complaint driven and gives the police help in resolving issues if there is a contact name. This helps police take care of issue.

Mike Mroczek – No one has talked to the Chief about this, he was notified. He cannot go into the house and count noses. People park on grass all the time. How can he enforce this? He will be enforcing noise and complaints.

Sandra Seanor – You are not correct. We are not asking him to count heads. He will contact the agent to take care of the complaint. This is not about a police action. We are trying to protect the residents. This is asking people to have good behavior. This covers all properties. We are not asking the Chief to do anything more than he already does.

Dawn Bolock – Spoke to Chief and he was concerned about evictions. Researched and the sheriff and owner are responsible for this.

Richard Gates – How much insurance is required?

Andy Moore – One million.

Sandra Seanor – The cost of application and fee will be about \$500.00.

Dawn Bolock – This is not being rushed through. This has been approved by an attorney (Kaufman) and planner (Moore).

Chair Marbach – The date of enactment will never make everyone happy example, October vs. December.

Sandra Seanor – Issue with occupancy – 1 person per 70 square feet, and 2 people per 100 square feet. Lakeview Drive has 14 people, and the bedrooms equate to 5 people not 14 per IPMC.

Dawn Bolock – The Chief will be provided with list containing addresses and phone numbers to local agents that are responsible for the properties.

Mike Mroczek – We regulate, and register will we keep track of occupancy? One property has a PRE on it and if it is rented more than allowed the PRE should be removed. Regarding tax concerns most are secondary residences. I have spoken to the assessor about this, and he is aware.

Sandra Seanor – These are commercial entity. To be frank this was started last year then took up again in January. People that live on either side have a right to peace. People with good behavior are not an issue. This is a commercial entity. We must know about this, PRE, sewer, and township. This protects all.

Mike Mroczek – This sounds like a solution in search of a problem. I do not know why we are trying so hard to fix something we have not had any issues. Properties have been rented on these lakes for decades. Really this is all about control.

Sandra Seanor – That is what zoning is.

Don Delong – Has questions regarding inspections and administration. Who pays for all this? What is the Plan?

Dawn Bolock – 20 exist and the Zoning Administrator will handle. Inspections will be paid out of administration fee.

Sandra Seanor – Fee should be \$500.00 to cover all.

Mike Mroczek – So Leroy is the official to enforce?

Sandra Seanor – Leroy will not enforce until people start complaining. Zoning Administrator Krempec will not go looking as this is complaint driven. He is not going to count heads.

Mike Mroczek – There have been no complaints in the last 50 years.

Chair Marbach – There are a couple of things that Andy needs to tweak. Do we go there as the Planning Commission and recommend to the Board of Trustees?

Dawn Bolock – The only attorney on board tonight recommends removing township in liability insurance. I am fine with this.

Dawn Bolock made a motion to strike liability insurance naming township seconded by Don Delong.

Richard Gates – Explain this removing insurance.

Chair Marbach – Item K – delete last sentence – Ontwa Township will be removed.

Sandra Seanor – We spoke with Catherine Kaufman, and she did not believe it would be enforceable.

Andy Moore – Agreed and said he understood the township has no interest. This is between the owner and renter a private arrangement.

Richard Gates – Home inspection does not involve us.

Dawn Bolock – We give them a list.

Chair Marbach – The homeowner will pay directly.

Dawn Bolock – Township will give them three days.

Sandra Seanor – Will put criteria together for this for the home inspection.

Motion made by Dawn Bolock to strike Ontwa Township being named on the liability insurance issue seconded by Don Delong. Roll call vote, all in favor, motion passes.

Sandra Seanor made a motion seconded by Dawn Bolock. Motion to recommend approval of the Short-Term Rental Ordinance to the Board of Trustees, including a suggested application fee of no less than \$500.00 per property application fee to cover inspection and township costs. Additionally, we can agree to change the fully compliant date to January 01, 2022, date under Section 3p. 2 of pa9 and require applicant to provide the contact information for the liability insurer.

Don Delong – what about the bill pending in house and senate regarding short term rentals? We may be doing this with no cause. We could cover noise, traffic, and advertising. Broad sweeping legislation.

Sandra Seanor – That has been out there for five years, and this is nothing new.

Chair Marbach – this legislation has been before state every year for five years. It has never made it at state level. It has failed to pass. We opted to move forward to create the ordinance. If it is passed, then it is mute. We wanted to create the mechanism to monitor that activity. It went to the floor for discussion. If passed it overrides us.

Mike Mroczek – Occupancy rules IPMC are very draconian – this eliminates small people – bunk rooms.

Sandra Seanor – IPMC are codified in our ordinance. We cannot stick too many people in these small rooms. You were concerned about sewer issues in A.D.U. and you are not concerned about fifteen people in one house. IPMC does not allow for overcrowding. I think it is practical. This has to do with police, fire – ingress and egress.

Chair Marbach – this is a recommendation to the Township Board. We have a motion on the floor. People have concerns. This is not the final approval. Just because we approve this does not mean the Board of Trustees will.

Roll Call Vote:

Yea: Dawn Bolock, Robert Thompson, Sandra Seanor, William Mahaney, Chris Marbach

Neah: Mike Mroczek, Don DeLong, Richard Gates

Motion passes.

8. Committee Reports:

Sandra Seanor – Next will be whole issue of Bubblers in July or August.

9. Announcements: None

10. Adjournment: Hearing no further comments Chair Marbach adjourned meeting at 8:31 PM.

Respectfully submitted:

Brigid Forlenza

Recording Secretary