

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