

**MINUTES SILVER CREEK TOWNSHIP  
REGULAR PLANNING COMMISSION MEETING HELD ON MAY 22, 2019**

The Planning Commission meeting was called to order by Chairman Terry Harris at 7:00 p.m. on Wednesday, May 22, 2019. The Pledge of Allegiance to the Flag of the United States of America was recited.

MEMBERS PRESENT: Jon Tidey, Nick Barnes, Bill Zuhl, Terry Harris, Debbie Brown, Dave Grabemeyer

MEMBERS ABSENT: Tim Feirick

OTHERS PRESENT: Recording Secretary Lindsay Krohne, Building/Zoning Administrator Todd Herter, members from the public

**MOTION TO APPROVE MAY 22, 2019 MEETING AGENDA**

Dave Grabemeyer motioned to approve the May 22, 2019 Regular Planning Commission Meeting agenda. Nick Barnes seconded. Motion passed by voice vote.

**MOTION TO APPROVE APRIL 24, 2019 PUBLIC HEARING AND REGULAR MEETING MINUTES**

Nick Barnes motioned to approve the April 24, 2019 Planning Commission public hearing and regular meeting minutes. Debbie Brown seconded. Motion passed by voice vote.

**COMMUNICATIONS**

Chairman Terry Harris stated that he received an e-mail from Planning Commission member Tim Feirick, and read the correspondence aloud. Tim stated that he would have to abstain from voting on a rental ordinance, and stated his concerns: He wonders how many farmers may remove old farm houses that they rent, opposed to costly upgrades, which would then become a loss of tax revenue for the township, as well as result in less available housing in the township. He asked if landlords would have to pay additional fees for follow up inspections, and if individuals who own a non-homestead dwelling would be notified. Tim stated that he can appreciate a short term rental ordinance for vacation homes to regulate noise and other issues, but feels at this time that long term rentals should be left out of the ordinance.

**PUBLIC COMMENT**

None.

**TOWNSHIP ATTORNEY'S REPORT**

None.

## **ZONING BOARD OF APPEALS REPORT**

Dave Grabemeyer stated that there have been no Zoning Board of Appeals hearings.

## **BUILDING/ZONING ADMINISTRATOR'S REPORT**

Todd Herter stated that he had nothing to report.

## **NEW BUSINESS** **TOWNSHIP RENTAL ORDINANCE DRAFT**

Chairman Terry Harris stated that he found another township's rental ordinance and adapted it for Silver Creek Township and sent it to the Planning Commission members to review.

Todd Herter explained that there is a proposed bill on short term rentals, but he doesn't know if it's gone to the governor's desk or what the status is. He added that real estate agents and landlords have banded together fighting for the bill. Todd stated that the bill would only allow you to regulate nuisances with Airbnb's and short term rentals. He suggested waiting for the state to act.

Terry Harris stated that they would not be the only ones doing that, as there are a lot of townships waiting it out as well. He added that he sees no point in trying to get an ordinance through just to have it negated by state law.

Todd stated that he would ask Roxanne if she has heard anything about where the state is at with the short term rentals.

Todd referred to Tim's e-mail message, and explained that short term rentals around the lakes have the issue with overcrowding and noise, and things not being done to health standards. Todd referred to a conversation he had with someone who told him that a short term rental home on the lake had the sewer back up into the basement, and the landlord sent it into the lake and used a rug doctor to clean it up and rented it out the next weekend, which is a health hazard. Todd stated that with long term rentals, you get things like a home being rented out with fresh paint and looking nice, and then things start falling apart and the renter cannot do anything because they have a lease. Todd stated that he believes it would be good for both long term and short term rentals. He added that as long as the landlord takes care of the place and does the proper maintenance, it should not be a big deal.

Dave Grabemeyer stated that he has a lot of hesitation with this, and it looks like it could be a nightmare. Bill Zuhl asked how they are going to know what is being rented and what is not. Dave answered that they would have to come in and register. Bill Zuhl asked what they do when a property owner says they are not going to comply. Dave answered there would probably be fines.

Jon Tidey stated that he spoke with a friend on the ZBA at Hagar Township, who told him they are waiting to see what others and the state do. He added that it would require someone to be in

charge of enforcing it. He explained that New Buffalo and Niles have rental ordinances and people don't seem to have a problem with it, and it's mostly the fire department worrying about fire hazards.

Debbie Brown stated that she thinks 18 month renewals would be hard to keep track of and believes it should be yearly or every other year. Todd answered that he can see one year for long term rentals, but short term every year because people are constantly in and out.

Todd referred to a rental home on the corner of Garrett and M-152, where there is overcrowding and tons of vehicles and tents set up. Bill Zuhl stated that if you drive around on the 4<sup>th</sup> of July, you will see the same thing going on with property owners.

Dave Grabemeyer asked Todd how many noise complaints he gets. Todd answered that he usually gets 3 or 4 a year, and Dave questioned if that is enough to put an ordinance in effect. Todd explained that if you don't have a rental ordinance, people won't complain because they feel there's nothing you can do about it. He asked what you do with the people who are residents here, paying taxes and want to enjoy what they're paying their taxes on. Bill Zuhl answered that they can file a complaint and go to court at any point. Bill added that they don't need to do everything here.

Debbie Brown stated that the lakes are a party atmosphere, and it's what you expect when you live on a lake.

Discussion followed about tabling further discussion until the state makes a determination.

### **MOTION TO TABLE FURTHER RENTAL ORDINANCE DISCUSSION**

Debbie Brown motioned to table further discussion on a rental ordinance, Dave Grabemeyer seconded. Motion passed by voice vote.

### **UNFINISHED BUSINESS**

#### **BANQUET/WEDDING VENUE DISCUSSION SECTION 155.078 AR AGRICULTURAL/RURAL RESIDENTIAL DISTRICT (C) SPECIAL LAND USES (11)**

Chairman Terry Harris explained that the township attorney made some recommendations, and read the draft updates to the Wedding/Event Barn ordinance.

Discussion. It was agreed to remove #3, the number of employees or owner representatives to be present during events.

Discussion regarding security being provided by the management of the barn. Ms. Northrop stated that usually the bar area has to be through a licensed liquor liability, and the beverage specialist holds the liability. She added that usually each client takes out another insurance policy for that.

Dave Grabemeyer stated that the only thing he's worried about is the hill. Bill Zuhl reminded them that they are not looking at the Gould property, they are looking at wedding barns.

Terry Harris stated that if someone wanted to put a commercial driveway for a parking lot attached by a county road, they would need a permit, which the county or state won't allow if it is a dangerous situation.

Todd Herter stated that the driveway permit needs to be taken care of before construction starts, and before applying for a Planning Commission Special Use.

Bill Zuhl referred to Section 155.185, suggesting they put in there that a site plan is required, detailing parking and put in driveway permit required from the state or county right in the application before they even get started.

Todd Herter explained that he was contacted by an architect designing a post frame barn specifically for barn wedding use in Niles Township. Discussion followed. He questioned if they would allow someone who wants to build a wedding barn specifically for that use in Ag or Commercial districts.

Discussion followed about converting an existing agricultural barn into a wedding barn vs. building a wedding barn for that specific use.

Terry Harris stated that wedding event barns are found in rural settings and may or may not be part of an active farm operation. He stated he isn't sure if they want to restrict it that much. Discussion followed.

Bill Zuhl referred to the Master Plan that Silver Creek adopted, and explained that it supports cottage industries and encourages small businesses. He added that their zoning ordinance is supposed to get them to their Master Plan. He stated that he is not opposed to new buildings, and everyone agreed.

Discussion on cottage industries was held. Bill Zuhl explained that zoning is going to mixed use now.

Todd Herter questioned what cottage industries means. Bill Zuhl answered that it is anything going on that is not grandfathered in. He explained that BT's, Midway Engineering, Timberline, and Ausra's are not in the zoning they are supposed to be in. Todd explained that Ausra's is a little different because they deal with nothing but agriculture.

Bill Zuhl referred to the Swartz's on Bakeman Rd, explaining that they have a welding/fabrication small business on the side, which he considers to be cottage industry.

Todd questioned if a 100'x80' post frame building is put up specifically for events is considered cottage, and if it's any different than the little welding shop that no one sees or knows is there. He added that he sees cottage industry as a small business.

Bill Zuhl asked how long they have to rent their barn to Grabemeyer's to park their tractor before it's Ag and can then be used for a wedding barn. Discussion followed.

Terry Harris referred to Letter F in the draft and asked if they should leave it out and be less specific. Bill Zuhl answered that he doesn't think so, because the checklist would ensure that they are treating every applicant the same.

Discussion of music being allowed in a tent and traffic management and parking plans took place.

Nick Barnes stated that music will be heard from an open barn as well. He questioned if they limit the maximum number of attendees to the overall property or allow for overflow. He stated that if a barn may handle 100-150 people, but they have 285, will they allow them to put up a tent? Jon answered that he believes they should if they have the space.

Dave Grabemeyer stated that sometimes they have the wedding ceremony outside and the reception inside.

Terry Harris stated that he thinks they do want to restrict this ordinance to the farm area.

Terry Harris referred to Item F and asked if they should leave it less specific. Bill Zuhl answered that he doesn't think so, and this checklist would show that each applicant is treated the same.

Terry Harris stated that he can put a little more restriction in the wording for the driveway permit and then it can be submitted to the County Planning Commission.

Nick Barnes asked if they would be eliminating "C" in Section 155.158 that it has to be farm use. All agreed yes.

### **MOTION TO ADOPT THE WEDDING EVENT BARN ORDINANCE**

Bill Zuhl motioned to adopt the wedding event barn ordinance as written with the addition of driveway permit section in 155.185 A, and the elimination of Section 155.185 C. Nick Barnes seconded. Motion passed by voice vote.

Terry Harris stated that he would get the final copy to Lindsay to send to the Cass County Planning Commission.

### **COMMISSION MEMBER DISCUSSION**

Bill Zuhl explained that Bainbridge Township is currently in court over a special use for a dog kennel. He explained that the property owner sold the property and the new owner was denied by the township for a special use with fewer dogs. He stated that once you approve a special use, it's almost impossible to ever get it off that property again. He added that our special use ordinance states that the special use is gone if a year goes by that it's not being used, which is not the case. Bill stated that the property owner has to request the special use be taken off. He asked the Planning Commission to keep that in mind. He added that the special use is very powerful as far as the courts are concerned.

**PLANNING COMMISSION MEETING DATE**

Chairman Terry Harris stated the next Planning Commission meeting will be held on Wednesday, June 26, 2019.

**MOTION TO ADJOURN**

Dave Grabemeyer motioned to adjourn the meeting. Bill Zuhl seconded. Motion passed by voice vote.

The meeting was adjourned at 8:00 p.m. by Chairman Terry Harris.

Respectfully submitted,

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Lindsay Krohne  
Recording Secretary

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Jon Tidey, Secretary

To be approved at the June 26, 2019 Planning Commission meeting