

**MINUTES SILVER CREEK TOWNSHIP
PLANNING COMMISSION MEETING – DECEMBER 16, 2020**

Chairman Terry Harris called the Planning Commission meeting to order at 7:00 p.m. on Wednesday, December 16, 2020.

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

MEMBERS PRESENT: Nick Barnes, Mick Braman, Debbie Brown, Tim Feirick, David Grabemeyer, Terry Harris, Jon Tidey

MEMBERS ABSENT: None

OTHERS PRESENT: Building and Zoning Administrator Todd Herter, Recording Secretary Liberty Nevins, Township Attorney Robert Thall, members of the public

It was stated that John Joossens would be present for the meeting to observe and would join as a Planning Commission member after the first of January 2021.

It was stated that Mick Braman had been appointed as a member of the Planning Commission.

APPROVAL OF THE AGENDA

Debbie Brown motioned to approve the agenda.

Tim Feirick seconded.

YES (6): Mick Braman, Debbie Brown, Tim Feirick, David Grabemeyer, Terry Harris, Jon Tidey

NO (0): None

Motion passed by roll call vote.

ADDITIONS TO THE NOVEMBER 18, 2020 MINUTES

Debbie Brown stated that “including any finished basement spaces” should be added to item 1 on the list of requirements from the November 18, 2020 minutes. She stated that “fire extinguishers and carbon monoxide detectors in furnace room areas” should be added to item 3. She stated that “registration fee scheduled by number of potential occupants, number of bedrooms, etc.” should be added to item 6.

ZBA REPORT

David Grabemeyer stated that the Zoning Board of Appeals had a request for a house to be built on Magician Lake. The variances requested were for the front yard, back yard, and both side yards. The request was denied by a 5:0 vote.

BUILDING AND ZONING ADMINISTRATOR REPORT

Todd Herter stated that provisions had been made in the ordinance that would allow for people to store their RVs outside. He stated that a segment that indicates outdoor storage for RVs is for personal use should be added to the ordinance.

UPDATE ON SHORT TERM VACATION RENTAL ORDINANCE

Terry Harris stated that the meeting would include discussion with Township Attorney Robert Thall on short term rental properties. Terry stated that short term rentals should be added to the ordinance.

Todd Herter stated that it had been previously discussed that short term rentals could be a special use permit.

Robert Thall stated that typically a special land use runs with the land. He stated that once a special land use is granted it cannot be tied into the owner, just the property itself. He stated that a special land use for short term rentals could be coupled with licensing under a police power ordinance, which would require the license to be obtained every so often.

Terry Harris stated that the ordinance would need to include what the license would specifically be for short term rentals.

Robert Thall stated that there would be a police power ordinance that would require registration. He asked what the members would like to allow for short term rentals. He stated that if

inspections were to be used for short term rentals, all inspection costs should be paid for separately from the registration fee. Robert stated that the annual fees for short term rentals could be set by the resolution of the board and would not need to be written in the ordinance. Todd Herter stated that a special land use would be lost if it is abandoned for 12 months or longer. He stated that the ordinance says if a nonconforming use is abandoned for 12 months or longer the use can no longer happen.

Robert Thall stated that if a property with a special use permit is sold to be used as a single-family home, the property would then be used as a permitted use. He stated that some townships run inspections every two or three years for short term rentals.

Terry Harris stated that some people come from out of state and purchase property on the lakes for the specific purpose of renting them. He stated that some individuals own a piece of property and rent it out for a month a year to help pay for taxes, but do not want to turn it into a 12-month rental property. Terry stated that both types of landowners would need to be included in the ordinance.

Robert Thall stated that you could address the scenarios Terry Harris shared by limiting the overall amount of allowed short term rental time.

John Joossens stated that the individual renting out their property to help pay for taxes and the individual who has multiple units to rent as a form of business should be viewed differently.

Terry Harris stated that egress windows and evidence of insurance coverage were two items missing from the original list of requirements for those who want special land use permits.

Nick Barnes stated that 14-28 days would be a good number of days for short term rentals to be rented out per year.

Robert Thall stated that it could be required that the short term rentals be rented for 1 week at a time.

Nick Barnes stated that would be a good idea to rent for 4 occurrences rather than a 28-day period.

Jon Tidey stated that limiting it to a specific timeframe would curtail the commercial aspect of short term rentals.

Debbie Brown stated that anything under 30 days would be a good number of days to allow for short term rentals to be rented out.

Robert Thall stated that allowing anything more than 30 days would be considered a single-family use under the Federal Fair Housing Act. He stated that limiting the number of people allowed in a short term rental house would help with overcrowding.

Tim Feirick stated that if 30 days will be listed as the maximum number of days for short term rentals, the property owner should be able to rent out those days anytime throughout the year, not just in the summertime.

Debbie Brown and Robert Thall agreed.

Robert Thall stated that to be most enforceable there would be a permitting process. He stated that a police power registration permit or standards added onto a permitted use could be used.

Todd Herter stated that if a property owner wanted a permit for a short term rental they would need to go through an inspection first.

Debbie Brown restated that application, inspection, and approval of a permit would be steps for short term rentals.

Todd Herter stated that inspections would be a one-time ordeal for short term rentals.

Robert Thall stated that annual inspections would not be necessary if short term rental properties were up to code. He suggested to have inspections every 3 years.

Todd Herter stated that there should be a way to cite the property owners if they did not abide by the occupancy load per rental property. He stated that the penalty should be big enough to keep the property owner from violating the restriction again.

Robert Thall stated that the penalty could be a fine and a suspension of the ability to rent for several years.

John Joossens stated that violations result from renters who bring extra guests, not just the property owners.

Todd Herter stated that if extra guests were an issue the property owner would need to police the matter themselves. He stated that if short term rentals consisted of a permitted use with a license, the list of 9 requirements for short term rentals would not be necessary.

UPDATE ON RESTRICTIONS ON PUBLIC USE OF FIREWORKS IN THE TOWNSHIP

Terry Harris stated that it is the public safety committee's job to monitor the usage of fireworks in the township. He stated that the Planning Commission could pass on information regarding firework usage but could not directly address firework issues.

COMMISSION MEMBER COMMENTS

Tim Feirick asked where the ordinance talked about boat storage.

Todd Herter responded that the heading it is under is called *Outdoor Storage*.

Terry Harris stated that the next Planning Commission meeting would be on January 27th. He stated that the meeting would start at 6:30 p.m. so the members could discuss a request on rezoning a property into Waterfront District.

ADJOURNMENT

Debbie Brown motioned to adjourn.

Terry Harris adjourned the meeting at 8:20 p.m.

Recording Secretary, Liberty Nevins

Debbie Brown, Secretary

DRAFT