

Approved 2-8-17

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**SPECIAL MEETING OF CASCO TOWNSHIP PLANNING COMMISSION
TO DISCUSS THE RENTAL ISSUE
January 25, 2017, 7 PM - 9 PM**

Members Present: Chairman Dan Fleming, Dave Campbell, Dian Liepe, Greg Knisley, Dave Hughes, Judy Graff,

Staff Present: Janet Chambers Recording Secretary, Alfred Ellingsen Zoning Administrator

Also Present: Township Attorney Ron Bultje, Supervisor Allan Overhiser, Trustee Paul Macyauski, and 50+ interested citizens

1. **Call to order and review of agenda:** The meeting was called to order by Chairman Fleming at 7:00 PM. The following changes were made to the agenda: #3 Conflict of interest was added. Also #5A
 1. Identify and agree to WHAT IS/ARE THE PROBLEMS THAT NEED TO BE ADDRESSED by the Planning Comm.
 2. Review the Master Plan and policies that relate to rentals
 3. Review what is in the ZO for what relates to rentals.

2. **Approval of minutes 01/11/17:** A motion by Graff, supported by Liepe to approve minutes with the following amendments. On page 7, after Kathy Watt spoke, add paragraph "*Jenifer Chada, Miami Park, owner of rental property, stated that there is probably more noise from Highfield Beach than her rental. She has an agent and doesn't mind reasonable restrictions.*" Also on page 10, #7, 4th sentence "*There were 43 19 rental owners who received complaints.* Motion to amend by Kinsley, seconded by Campbell to approve amendments. MSC

3. **Conflict of interest:** Campbell said there were complaints brought up to him about a conflict of interest with him and the rental topic. Campbell reviewed the by-laws and discussed with Chairman Fleming, Supervisor Overhiser and the township attorney. He was advised that he did not have to remove himself from the rental issue, but it was his decision. Campbell has no doubt that he can be impartial and add value to the subject. But, because it is such a substantial issue to township, and he is not about to risk adding problems to the township, he will withdraw himself from the rental discussion. Campbell added that he feels perfectly comfortable that his colleges will do a good job.

Graff said that Campbell had made a personal decision and she respects Campbell for taking the best interest of the township into consideration. Campbell has always been impartial. She asked Campbell if he was leaving just this topic, and not the PC. Campbell said that would be for a later discussion. Campbell left the meeting. Chairman Fleming did not agree, but accepted Campbell's decision.

Graff, who also read the by-laws, said that if a person could be affected financially, there could be a conflict of interest. Planning Commissioners were asked if they had any rental properties. Graff, Hughes, Fleming, Liepe, and Kinsley all stated they do not have rental properties. Adamson was absent, but will be asked when he returns.

Chairman Fleming said the request for changing the Zoning Ordinance regarding rentals came to us via a court case, not through the Township. The decision will be based on facts and explanations will be given for decisions. Fleming questioned whether the fact that commissioners do not have rental properties could be a conflict of interest.

4. **Opening statements by PC members:** Chairman Fleming said there have been lots of public comment and input through letters and discussion. Fleming recognized there are problems. As a human being, a community member and as a township official, he feels the PC needs to weigh the interest of whole community against the bad behavior. Because this came through a court case it causes more confusion than a normal request.
5. **Discussion of whether or not the ramifications of Judge Cronin's opinion reflects the intent of our Ordinance:** Fleming stated, some say it is illegal to rent, some say it is legal. The Planning Commission needs to decide whether or not they believe the Judges ruling affects the intent of the Ordinance. Government has checks and balances, and separation of powers, A judge has told us one thing. Is that really the intent of our Ordinance? A motion, made by Fleming, and supported by Liepe to state **"The ramifications of the Judges opinion does not reflect the intent of our ordinance."**

Discussion ensued. Kinsley said it sounds like what we are saying is we did not get the ordinance right to start with.

Liepe said to her it means the PC should come up with something to give to the board.

Knisley stated the word *intent* is difficult. If there were a new board tomorrow, the master plan would carry forward. To rent or not to rent, it is the interpretation of the MP that must stand the test of time. Will it stand up in court? The Judge also said the ZO had wording that did not describe the allowance for rental. Based on that, the wording should be clarified. What was intended does not stand up in court.

Graff agreed with Knisley, the Judge's decision was based on words in Zoning Ordinance. Whether we intended to or not. Intent is irrelevant. The words in the Zoning Ordinance is based on permitted activities. Disputing the Judge is irrelevant. We have to move on.

Fleming disagreed that *intent* is irrelevant. He quoted Section 20.08, Review Standard for Variances in regard to intent: A 1 ".....Spirit of this ordinance is observed."; 2 "....full understanding of property history, 3"...the preservation of substantial property rights." He referred to one comment mentioned in the Position Statement of the Homeowners' Alliance for the Preservation of Casco's Residential Neighborhoods presented at the last meeting. The letter stated that "private beliefs, thoughts or intent has no significance in the court." Fleming read the following quote from James Wilson, Supreme Court Justice appointed by George Washington in 1789, and one of six to sign both the Declaration of Independence and the Constitution. "*The first and governing maxim in the interpretation of a statute is to discover the meaning of those who made it.*" He also read a quote from Joseph Story, .S. Supreme Court Justice appointed by James Madison in 1811. "*The first and fundamental rule in the interpretation of all documents is to construe them according to the sense of the terms and the intentions of the parties.*"

Fleming stated that the PC needs to say if they agree with the judge or not. Seeing this as a sense of balance of power, and checks and balances. The PC can say the Judges statement is fine, or can say it can be interpreted one way or another, it cannot go to the intent of the framers. If it can go either way, it needs clarification

The vote for the motion was as follows: Graff-no; Hughes-yes; Fleming-yes; Liepe-yes; Kinsley-abstained. MSC.

6. Categorizing of comments by the public (including official complaints and correspondence): Chairman Fleming asked Knisley to report on the categorized summary of public comment

Knisley gave the following report:

Synopsis of Casco Township resident's comments made to the Township by letter correspondence and statements made at the Special meeting of Planning Commission on January 11, 2017. 28 letters had been received as of that date, and 24 residents spoke at that meeting. 3 additional responses, a realtor, an outside rental agent and a longtime 'renter/vacationer' of properties in Casco were not included as they were not property owners in Casco Twp.

The breakdown of the 52 respondents was as follows from property locations:

9 Glenn Shores
21 Miami Park
4 Mount Pleasant
2 Highfield Beach
16 other locations

The specifics I had sought from these were: 1. Do these property owners Rent? Yes 31/No 11
2. Are they in favor of Zoning changes? Yes 37/No 5

The 10 responses did not take a stance on Y/N or were not specific.

Comments that realtors sold the thought that this is/was a good rental market area (and probably the contrary if not being a rental area would benefit the sale). Rental agent's comments that this is a good portion of their business in Casco and the few property owners that had multiple homes and produce a sizable income from the short-term renting gives credibility to the 'Commercial' aspect of this rental issue.

The Position Statement of the Homeowners Alliance had 98 names, with no specifics of their property location, if they rented at all, and their stance on zoning changes was in the Position Statement.

Report generated by Greg Knisley 1-23-2017

Liepe said that a lot of time and effort went into South Haven's Rental Ordinance. South Haven has done a lot of research, and Casco PC should use some of that information. How to deal with complaints, long-term and short-term definitions are things Casco could use from South Haven's Ordinance. Liepe is in favor of suggesting an annual fee. She also favored the 3 strikes and your out approach.

Chairman Fleming stated that regulations could not come until after a decision is made.

7. **Identify and agree to WHAT IS / ARE THE PROBLEMS THAT NEED TO BE ADDRESSED by the Planning Commission.** Graff stated the rental issues began at the Board level in July. She had highlights of what she learned from public comment and meetings. Graff said three to four years ago, there were complaints about noise, cars left in tight, one lane areas, etc., and the Board advised those with complaints to talk to their neighbors. Even when some of the subdivisions changed their bylaws, problems continued. May thru September the problem magnified. People would call police and there would be no response or very delayed response. There were strangers in residential communities. People said there has been renting for years, throughout the township, but there is no solid data. The only estimate we have is from Ellingsen, who found 155 places advertised online. People voiced their opinions that it was more than short-term renting. Quite a few people want to earn income from their land. Citizens want a rural friendly community and do not want change. Everyone said give them common rules and they will follow them.

Our ordinance is based on permission, if something is not listed you cannot do it. The attorney said at last meeting that we cannot do flip side, by permitting specific things, it is not clear to everybody.

The Master Plan says we want a residential community, not business. Residents do not want parties with 6, 8, and 10 cars. This will change the community.

Fleming went back to noise and parking issues. There is a parking ordinance, and there will be a noise ordinance. Noise and parking can be handled by those ordinances.

Graff stated there is already a section on parking and there continues to be a problem. Enforcement is a problem.

Fleming said parking is not a rental issue, it should be handled already. Fleming addressed the idea of not wanting change. He said he can appreciate that. He continued, "There are nightmares of those kind of changes some of you have described. But, if we are going to dam up the river of time, we will be very busy. Things change, things have always changed and will continue. We need to be realistic.

Chairman Fleming said we need to identify problems and how to solve them. Noise and parking should be handled by noise and parking ordinances. Regulations should contain the parking off street problem, and who to call. He added children unattended would be difficult to enforce

Graff mentioned the gentleman at the last meeting from Highfield Beach, who suggested identifying and being specific about problems to solve. She suggested the following:

1. Address problems residents are experiencing.
2. Many people have been renting for years and should be able to do with reasonable rules.
3. Township needs to come up with rules, what to do, who to call, so people get satisfaction.

Graff said Bed & Breakfasts are a Special Land Use. Ordinance for Bed & Breakfasts have been in effect for 10 years. The Bed & Breakfast Ordinance only allows for 3 bedrooms and requires that property owners be a resident with on-site supervision. Standards for B&B's say there cannot be another B&B within 750 ft. Judy said this shows that Casco's intent to protect the community. Graff wants the PC to go over the key parts of the ordinance to remind commissioners what is there and the ramifications of those things discussed today.

Dian Liepe reviewed the letters and complaints and found drunken people, kids on ATVs running up and down the road, nuisances like that. She does not pay attention to things like that in her neighborhood, but if it happens a lot it could be a nuisance. Liepe made reference to a book on the traditions and history of Casco, by Jeannie Hallgren. There has always been some kind of renting. Change does happen. Casco had a community hall, when there was no cable, no internet, etc. people came to socialize. Eventually, the hall lost its significance and they had to make a decision to do away with it. Now, we have a Township Hall. Change happens and new traditions are created.

Knisley said as far as people being intoxicated, loud neighbors they have property rights, I have property rights. When they push limits, Knisley has to nudge them and say you cannot party until 5 AM and cannot light off fireworks in the night. Renters change things. The homeowner who is renting are infringing on the rights of the neighbors. Knisley said he would not put up with as much from a renter. This does not change the fact that the zoning doesn't allow short-term rentals. If there is a change to allow rentals, it should be for the normal, not abnormal. Abnormal would be 2 or 3 homes. Just because someone pay \$2,000, does not entitle them to rights.

Chairman Fleming agreed. He does not want to allow the abnormal. He doesn't think we should draw the line between business or non-business. He feels we should punish the behavior. He noted, in reference to Liepe's point on historical rentals, most were supervised.

Graff stated all of us, as homeowners, talk to our neighbors. When property owner is not there, it is another part is what is not normal. Bed & Breakfast with 3 bedrooms sounds normal. Homes allowing up to 20 people is not normal for a single-family district. One of the problems is along the lakeshore homes are closer together. There are smaller lots and residents want a normal acceptable home on those small lots.

Knisley stated the simplest route to take is coming up with definitions. You must define short-term and long-term rentals. We need to read more of the master plan to see what will impact what. He referred to Flemings comment that parking is already an ordinance. Knisley said you don't want to tell someone dealing with rentals, and go to the rental widow, that they must deal with the parking window. Knisley felt it should all be under rental where it is one thing.

Chairman Fleming said if we already have noise and parking ordinances, it could be referenced under rentals.

Hughes added, if you are in medium density parking might be totally different. Each district is different.

A tool used in the Zoning Ordinance is Special Land Use. Under SLU the use can be specified. Under SLU you can see if the situation is different or has a possibility of changing the community. If someone wants to do a B&B today it must be reviewed to see if it fits into the community. Chapter 21 of the Zoning Ordinance is Administration and Enforcement. The Planning Commission has a role in enforcement. We want an ordinance that is enforceable.

Chairman Fleming asked for comments on how to enforce. Liepe said "fees". Hughes said "A permit for each rental that expires, and physical safety inspections of the rental". Chairman Fleming said "fines added to taxes". Liepe added "significant fines". Graff agreed with Liepe, "it needs to be enough to get their attention and the problem fixed." Graff added they need to renew their license every year, with fees and registration every year.

Knisley questioned if changes are made in the Zoning Ordinance language to accommodate rentals, could it go back to the Board. At one time, there was talk of a stand-alone ordinance. If stand-alone is legal, do we have to make a change in the Ordinance.

Graff answered Knisley's question. A regulatory ordinance would have been a one stop shop that would talk about land use, registrations and policing, but it needs to go to the PC because the Zoning Ordinance needs to change. This would also allow for public input, public hearings and an option for referendum. The Board will eventually approve the PC's ordinance and will use regulatory ordinance to talk about registration etc.

Knisley asked if the PC needs to address problems like registration, behavior and penalties. He questioned if the PC needs to do something from an administrative standpoint to make sure rules are followed? Graff said yes.

Graff said the PC has a role in enforcement in Chapter 21, it is a key issue or need in the township. The PC needs to come up with rules that will guide the board on enforcement. The heart and sole of the Zoning Ordinance what is acceptable and what is not.

Graff, in support of what Hughes said earlier, everyone should register. This will enable us to understand and look at the grand scheme in all districts, keep everything standard

Chairman Fleming questioned addressing problems where there are none. In the Ag district there is a resident with a 2nd house on their property. They have been renting short-term. There are no close neighbors, no complaints, onsite oversight. Why should everyone jump through hoops. There should be a line drawn somewhere.

Graff said the Zoning Ordinance states standards that are equitable across the board. She gave an example of her mother driving twice a year. She still must have a driver's license and insurance.

Hughes added the PC is not trying to cut renters off at knees, but we still need to know that they are there.

Graff added, along these lines, process fees need to be self-sustaining. Everybody must have car insurance. Keep it standard and everyone will support the process.

Chairman Fleming said all districts are all different. If there is not a problem, why do we need to know about it. Fleming asked Graff to cover item 5B.

5 B. Review the Master Plan and policies that relate to rentals.

Graff said the Master Plan is a policy statement. The State requires the township to have a Master Plan. A year ago, the board said they like the Master Plan as it is, and did not need changes for the 5-year review. The Board likes the Master Plan as it is.

Graff found the following sections in the Master Plan that need consideration when coming up with a rental ordinance.

Page 3, Vision: Casco Township's Vision is to preserve our rural character. Business based at residents' homes will be supported to service local needs and preserve the quality and viability of a more rural lifestyle.

Page 4, Goals & Objectives: Goal: The township should preserve its rural character in future planning while protecting natural resources.

Page 4, Goals & Objectives: 1st Objective: Preservation of farmland, open spaces, natural features and wetlands should be a priority and enforced by strong zoning.

Page 4, Goals & Objectives: 2nd objective: Rural traits of quietness, privacy, stable property values, and an identity apart from the city should be a priority and enforced by strong zoning

Page 4, Goals & Objectives: 3rd Objective: Both full and part time (seasonal) residents of all ages should be served by Township services.

Page 5, Residential Development: Goal: Casco should emphasize its role as a rural residential community for seasonal & year-round residences.

Page 5, Residential Development: Objective #1 Residential densities should be low, except in neighborhoods of historically platted lots and areas near the City of South Haven where public water and sanitary sewer are available or planned.

Page 6, Commercial Development, Goal: Intensive commercial development should remain concentrated in the South Haven area. Small-scale businesses should be provided to serve current and future needs of Township residents and visitors.

Page 6, Commercial Development: 1st Objective: Regional, and highway commercial needs should be met by existing and planned business districts within nearby communities.

Page 9, Farmland Protection Benefits: Historically, Casco Township has been predominantly a farming community, and based upon agricultural statistics for the County, agriculture will continue to be a prominent economic force in the region. A review of old county plat books reveals that a large number of farms in the Township have continued in the same family for many generations. Casco Township has also had a long tradition of farm-related tourism. Beginning about 1900, farms within

ten miles of South Haven often turned to the tourist industry for income during periods of agricultural market recession. There developed a strong tradition of resort-farms, in particular the Wolf family became prominent in this activity which became the origins of the Sea Wolf resort. This activity went into a decline during the boom period of the auto industry when high-paying jobs were readily available in South Haven, Pullman and Holland. With the decline of the auto industry in Michigan, the Township is seeing resurgence in farm-stand/market activity.

Page 9, Working at Home: a key consideration in such a decision is the compatibility of these uses with the desire and predominant character of the area.

Page 9, Historically Platted Small Lots: ...pre-existing platted subdivisions that fail to meet even the most liberal standards for conventional development. Many of the lots within these older plats are unacceptable narrow, making development congested and potentially hazardous for the residents

Page 10, Density: Rural areas east of the freeway should be the least densely developed in order to achieve the goals of the Plan and retain the rural farm character that exists. Land generally within the southwest quadrant of the Township, on the other hand, should be fairly intensely developed due to the availability of public water and sewer.

Page 12, Planned Concept: 2nd Paragraph: Casco Township's own definition of rural character is the most important part of preservation. The components of rural ambience include the following: fruit and field crop farmlands, woodlands and wetlands, clean air and water, undeveloped open space, Lake Michigan bluffs and beaches, Black River tributary streams, and attractive, rolling terrain.

Page 12, Planned Concept: 4th Paragraph: Limited commercial development is envisioned, but intense commercial growth is not appropriate as the City of South Haven serves as the regional center for more intensive commercial activity.

Page 14, Rural Residential Maximum densities should be no more than one unit per acre

Page 14, Lakeshore Residential: ~~A large portion of that land is already platted, with some of the platted lots developed and some remaining vacant. The existing lots are generally small in size, some with seasonal cottages that may be converted over time to year-round dwellings and others already occupied by year-round homes. In those areas that are already platted, density of existing development varies significantly, but may be as high as eight units per acre, even where public sewer is not available. Therefore, while these existing platted lots must be appropriately recognized through zoning, no new plats should be permitted at such densities.~~ The overall density for new development within the Lakeshore Residential area should be no more than 2.5 units per acre where public sewer is available (area "B"), and a maximum of one unit per acre without public sewer (area "A").

Page 15, Low Density Residential: This land use category is expected to be a suburban-style, single-family residential land use. Low density residential is intended to have public utilities available including public sanitary sewers and B where needed B public water supply. The lots can be appropriately smaller with a maximum density of 3.5 dwelling units per acre.

Page 16, Community Business: It is specifically not the intent of this category to permit intensive uses serving a broader regional market area or the highway traveler whose needs are being met elsewhere. It is recommended that a restrictive zoning district be adopted to enforce this intent.

Page 20, Refer to it in all Zoning Decisions: One of the principal benefits of having an adopted Master Plan is the foundation it provides for zoning decisions. Just as the Master Plan is the policy guide for land use, zoning is the principal legal enforcement tool. The two should work in conjunction with one another.

Page 20, Refer to it in all Zoning Decisions: A request to construct a commercial use in an area planned for residential development for example would be contrary to the Plan and should not be approved.

Chairman Fleming stated that “Rural Character” gets used everywhere, but is not defined.

Graff stated the definition of Rural Character is on page 12, under Planned Concept 2nd paragraph: Casco Township’s own definition of rural character is the most important part of preservation. The components of rural ambience include the following: fruit and field crop farmlands, woodlands and wetlands, clean air and water, undeveloped open space, Lake Michigan bluffs and beaches, Black River tributary streams and attractive, rolling terrain.

5 C. Review what is in the Zoning Ordinance for what relates to rentals.

Graff listed items for consideration:

Page 2-2 Section 2.02 Definitions, Adult Foster Care Facility A. Adult Foster Care Family Home. A private residence in which the licensee is a member of the household and an occupant, providing foster care for five (5) or more days a week and for two (2) or more consecutive weeks with the approved capacity to receive six (6) or fewer adults.

Page 2-4 Definitions: Bed and Breakfast Establishment: A use within a detached single-family dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

Page 2-5 Definitions: Commercial: The use of property for the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services; or the maintenance of service offices for recreation or amusement enterprises; or garage/yard sales operating more than twelve (12) days during any one (1) twelve (12) month period.

Page 2-8, Definitions: Dwelling, Single-Family (Detached): A detached building used or designed for use exclusively by one (1) family.

Page 2-9 Definitions: Family:

- A. An individual group of two (2) or more persons related by blood, marriage, or adoption, together with servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit
- C. The definition shall not include any society, club, fraternity, sorority, association, halfway house, lodge, coterie, organization, group of students, or other individuals whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of a school term or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

Page 2-13, Definitions: Hotel: A facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meeting rooms, and recreational facilities.

Page 2-18, Definitions: Parking Space: An off-street space of at least one hundred eighty (180) square feet exclusive of necessary driveways, aisles, or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a road or alley.

Page 2-23, Definitions: Use, Incompatible: An incompatible or conflicting characteristic is one that produces sound, odor, dust or light, in excess of pre-existing ambient conditions, at the property

line of the source, or a use that overloads or reduces the efficiency of public facilities, to an extent that such proposed use could interfere, more than other reasonable permitted uses, with the rights of neighboring property owners or occupants.

Page 3-12, Section 3.24 Parking in Residential Zones,

D. No vehicle storage or display shall be permitted within any road right-of-way. On-street parking is permitted in locations specifically designated by public authority for on-street parking. On-street parking spaces shall not be counted toward the required parking for any use.

Page 5-2, AG District: Uses:

Bed & Breakfast - Permitted;
Day care, group homes, in accordance with Sec. 15.03 K - Special Use
Day Care family homes - Permitted

Page 6-2. Rural Residential Uses:

Bed & Breakfasts establishments in accordance with Section 15.03 D – Permitted
Day Care, group homes, in accordance with Section 15.03 K – Special Use
Day care, family homes – Permitted

Page 6-4, LR-A Lakeshore Residential District

Bed & Breakfast establishments, in accordance with Sec 15.03 D – Special Use
Day Care, family homes – Permitted

Page 7-1, 7B, LR- Lakeshore Residential; District

Bed and breakfast establishments, in accordance with Sec. 15.03D – Special Use
Day care, family homes – Permitted

Page 8-1, LDR, Low Density Residential District

Bed and breakfast establishments, in accordance with Sec. 15.03 D – Special Use
Day Care, group homes, in accordance with Sec. 15.03K – Special Use
Day care, family homes – Permitted

Page 9-1 MDR, Medium Density Residential District

Bed and breakfast establishments, in accordance with Sec. 15.03 D – Special Use
Day care, group homes, in accordance with the requirements of Sec. 15.03 K – Special Use
Day care, family homes - Permitted

Page 11-1 C-I Neighborhood Commercial District, Description and Purpose, 2nd paragraph

This zoning district is intended primarily for local services and convenience goods within the township and accommodates small commercial facilities and offices to serve local needs. It is specifically not the intent of this zoning district to permit intensive uses serving a broader market area or the highway traveler whose needs are being met elsewhere. This zoning district is consistent with the local business land designation, as described in the Master Plan.

Chapter 12 C-2 General Commercial District Permitted uses are intended to be of an appropriate scale, appearance and arrangement to maximize compatibility with adjoining uses and minimize conflicts with traffic on adjacent roads.

Chapter 15 – Specific Use Regulations

Page 15-5 D-Bed & Breakfasts

#5 - The number of guest rooms in the establishment shall not exceed three (3), plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by

which the lot area of the use exceeds one (1) acre, not to exceed ten (10) guest rooms in any case.

- #7 – The establishment shall be inhabited by the operator.
- #10 – No such use shall be permitted on any property where there exists more than one (1) other bed-and-breakfast establishment within seven hundred fifty (750) feet measured between the closest property lines.

Page 15-7, E-Campgrounds and recreational vehicle parks,

- #7 – Each camping or recreational vehicle site shall contain a minimum of one thousand five hundred (1,500) square feet. Each site shall be set back from any right-of-way or property line at least seventy-five (75) feet.
- #8 - Parking shall not be allowed on any roadway in the project.

Page 15-8, I - Country clubs and golf courses,

- #3 - All structures shall be at least one hundred (100) feet from any lot line abutting a residential zoning district or at least seventy-five (75) feet from any other lot line and all right-of-way lines.

Page 15-9, J – Day care centers

- #3 – Playground equipment may only be located in the interior side or rear yard of the lot, and must have a four (4) foot fence around its border. The playground must be at least fifty (50) feet from any lot line.
- #4 The main building shall be at least fifty (50) feet from any lot line.
- #5 The required off street parking shall meet the conditions outlined in Chapter 18 for elementary schools.
- #6 – The off-street parking area shall be arranged so that client loading and unloading will not be in the path of vehicular traffic

Page 15-10, K – Daycare group homes

- #5 – The facility shall not be located closer than one thousand five hundred (1,500) feet to another licensed group day care home,
- #8 – Required off-street parking, as well as off-street pick-up and drop-off areas shall be provided

Chapter 18 Parking and Loading Spaces

Page 18–4, Minimum Parking Space

Residential Single family dwellings - Two (2) for each dwelling unit

Chapter 20 Zoning Board of Appeals

Page 20-3, C – Variances.

The ZBA shall only have the power to authorize specific dimensional variances from the requirements of this Ordinance. The granting of use variance is strictly prohibited.

Chapter 21 Administration and Enforcement

Page 21-1, Section 21.03 Remedies and Enforcement

- A. A violation of this Ordinance is a civil infraction, for which the fine shall be in accordance with Township Municipal Civil Infractions Ordinance. In addition to said fines, the responsible party is subject to all other costs, damages, and expenses provided by law.
- B. Notwithstanding the provisions of this Section, offences committed on subsequent days within a period of one (1) week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

Page 21-2 Section 21.04 Public Nuisance, Per Se

Any building or structure which is moved, erected, repaired, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this ordinance, and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se. The nuisance may be abated by order of any court of competent jurisdiction.

Page 21-2, Section 21.06 Zoning Compliance Permits and Survey Requirements

B. A zoning Compliance Permit, issued by the Zoning Administrator, is required before any development, construction, improvement or change in the use of land

Page 21-3, Section 21.06 Zoning Compliance Permits and Survey Requirements

B A Zoning Compliance Permit, issued by the Zoning Administrator, is required before any development, construction, improvement, or change in the use of land.

Graff ~~reiterated~~ said in Chapter 21 ~~shows there should be consequences if you do not get a permit.~~ The text about penalties should be changed to make people follow the ordinance the first time, such as someone who does not get a required permit. When they are confronted about not getting a permit, they only have to get the permit after the fact, no added consequences.

Fleming stated that the attorney did not say renting is illegal, technically. The zoning ordinance does not permit renting; therefore, it is illegal. If it is not permitted, it is illegal.

Knisley referred to 11 the Township Planning and Zoning Guide which stated, Any violation of Ordinance, most a misdemeanor, could be served by the Zoning Administrator or local police. Under Michigan law, when you are in violation, the State of Michigan can stand behind it.

Chairman Fleming said the next Regular Meeting will be February 8, 2017 at 7:00 PM will cover reports briefly then continue discussion on rentals.

The March 8th meeting will start at 6:00 PM with a request from Mr. Tucker, with the regular meeting to follow.

An Amendment was made by Knisley, supported by Liepe to adjourn. All in favor. Meeting adjourned at 9:07 PM

Minutes prepared by Janet Chambers, Recording Secretary