

**Bainbridge Township
Planning Commission Meeting
Minutes**

April 19, 2021

The meeting was called to order by Chairman, Dale Kreitner at Bainbridge Township Hall, 7315 Territorial Rd, Watervliet, Michigan 49098 at 7:00pm.

ROLL CALL

Present: Dale Kreitner, Melissa Morlock, Don Baiers, Jim Doroh, Ron Bjies, Andrew Gardiner, Scott Bluschke, (also present Dave Peden, Alternate)

Absent: none

PUBLIC COMMENT:

OPENED: 7:00 CLOSED 7:01

NONE

APPROVAL OF MINUTES:

Motion by Ron Bjies/Scott Bluschke to approve Minutes March 15, 2021

Voice Vote: All in Favor

Motion Carried

APPROVAL OF AGENDA:

Mr. Schrage submitted his completed application, for a Small Mechanic Shop Special Land Use Permit, at 8:30am, on Monday, April 19, 2021. He would like to be added to the agenda, for consideration. The original document delivered to Mr. Schrage was not signed and dated prior to the meeting. A duplicate was provided at the start of the meeting, signed, dated and witnessed by Chairman Kreitner in order to complete the application for submission.

Motion by Don Baiers/Jim Doroh to approve the Agenda with the addition of Schrage Application under other business.

Voice Vote: All in Favor

Motion Carried

REPORTS: 7:03

Zoning Board of Appeals: None

Township Board: None

Building Inspector: None

Minutes Planning Commission 4-19-21 Continued:

PUBLIC HEARING

Open Public Hearing 7:04

Chairman Dale Kreitner explained that we have two properties up for consideration which are no longer in use. The Home Occupation, Special Land Use permits were published in the Tri-City Record. Property 11-01-0029-0019-05-2, at 1385 S Park Rd, Benton Harbor, MI 49022 would like to retain their right to have Gun Sales out of Home and have renewed their license. Property 11-01-0019-0016-01-3, at 5260 Britain Ave, Benton Harbor, MI 49022, for Storage of Wholesale Items for Delivery is to be rescinded.

Public Comment: None

Closed Public Hearing 7:05

Motion Ron Bjies/Andy Gardiner to Approve the removal of the Special Land Use for Storage of Wholesale Items for Delivery at 11-01-0019-0016-01-3.

Roll Call: "Yes" Dale Kreitner, Melissa Morlock, Don Baiers, Jim Doroh, Ron Bjies, Scott Bluschke, Andrew Gardiner
"No" None

Motion Carried

Business:

Mr. Schrage 7:06pm

Zoning Administrator, Ross Rogen and Vice Chairman, Andy Gardiner were at Mr. Schrage's property, to inspect the area. He has 720 sq feet that he could use, according to the Ordinance Book. They discussed using a 4-foot wall to designate the area he would be working within, including his office area. Zoning Administrator, Ross Rogien did mention an A frame wall would be sufficient. The application Mr. Schrage submitted outlines a Small Mechanic Shop, repairing vehicles operation to be limited to Monday-Friday and Saturday. He would like a maximum of 4 vehicles on the property, from the customers. This Home Occupation will be in an accessory building, with no employees. Mr. Schrage already has a one-sided sign 12x36 inches. His equipment consists of hand tools, air driven tools, and grinders. Chairman Krietner asked Mr. Schrage if he was aware of all the requirements and written language listed under the Small Mechanic Shop, which Mr. Schrage acknowledged he was aware. A copy of the requirements was given to Mr. Schrage, by Chairman Kreitner at the end of the meeting. Chairman Krietner reviewed with Mr. Schrage that he is located off a public road. All outdoor storage for vehicles, materials, and equipment used in connection with the business may be required to be fully enclosed by fence, wall or landscaped area, not to exceed 6 ft tall. Mr. Schrage stated "whatever you have to impose, I'm more than happy to comply". Chairman Krietner pointed out that all of his personal vehicles, on the property, would need to be licensed. There was discussion on an already existing solid fence that the neighbor installed and noise level that may arise. Chairman Krietner, reminded Mr. Schrage that under the requirements, of a Small Mechanic Shop, all maintenance should be completed inside. Mr. Schrage stated that the noise

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from his equipment isn't any louder than a Semi driving past the house. Public Hearing to be scheduled for May 17, 2021.

Motion to move forward with a Public Hearing made by Andy Gardiner/Don Baiers
Roll Call: "Yes" Scott Bluschke, Andy Gardiner, Don Baiers, Jim Doral, Dale Krietner, Melissa Morlock, Ron Bjies "No" None **Motion Carried.**

Zoning Amendments: 7:15pm

- **Airbnb:** Discussion of the addition of Airbnb and VRBO (Vacation Rental By Owner) to the zoning ordinance in Definitions, 8.06 and Matric 5.0 was tabled. Zoning Administrator will provide more information at the next meeting.
- **Amendment 5.10:** Motion Dale Krietner/Scott Bluschke to add Minimum Lot Size of **2 Acres** and Width in Feet at Road to **200 Feet** to Section 5.10 for Commercial and Industrial Districts. Additionally, move (a) under Commercial Side Yard to District Commercial (**a,b**). (attached)
Voice Vote: All in Favor **Motion Carried**
- **Amendment 6.02,B:** Motion Dale Krietner/Andy Gardiner to add in Section 6.02, B, **In R-1 Single Family Residential, RMH Residential Mobile Home and R-2 Multiple Family Residential, Districts**, accessory buildings may not cover more than 30 percent of the total lot area or exceeding the size of the principle dwelling **foot print**. (attached)
Voice Vote: All in Favor **Motion Carried**
- **Amendment 6.12,C:** Motion Dale Krietner/Andy Gardiner to add in 6.12,C. In **AG, Agriculture, C Commercial, I, Industrial, and CA, Commercial Agricultural Districts**, fences constructed..... (attached)
Voice Vote: All in Favor **Motion Carried**
- **Amendment 6.15,B:** Motion Dale Krietner/Andy Gardiner to add in 6.15,B, May operate seasonal (April thru October), from **Thursday, Friday** through Sunday only. Hours of operation may not begin..... (attached)
Voice Vote: All in Favor **Motion Carried**
- **Amendment 10.07,3:** Motion Dale Krietner/Scott Bluschke to add, The Special Land Use permit may **be terminated** if the Special Land Use has been abandoned for **one (1) year**. When determining the intent of the property..... (attached)
Voice Vote: All in Favor **Motion Carried**
- **Amendment 5.09 Uses Requiring Planning Commission Special Land Use Permit:** Motion Scott Bluschke/Andy Gardiner to add 29. Small Owner/Operator Mechanic Shops **6.16**. (attached)
Voice Vote: All in Favor **Motion Carried**

Minutes Planning Commission 4-19-21 Continued:

- **Amendment 5.06, Permitted Accessory Uses:** Motion Ron Bjies/Scott Bluschke to add, **13. Commercial Solar (Public Utilities), Site Plan Review Required.** (attached)
Voice Vote: All in Favor **Motion Carried**

General Discussion: 7:50

- **Unplatted Right-of-Way:** Shadow driveway removed from 5.12,A during the 2018 review will be revisited at the next meeting along with possible amendments to the PUD and the rezoning of some properties on M-140 to commercial.

ADJOURN: 8:04PM

Motion by Dale Kreitner/Don Baiers to Adjourn
Voice vote: All in Favor

Motion Carried

Respectfully,

Secretary, Melissa Morlock
Planning Commission Secretary

**SECTION 5.09 – SCHEDULE OF DISTRICT REGULATION
AG, Agricultural District**

CONTINUED

| DISTRICT AND INTENT | PERMITTED PRINCIPLE USES | PERMITTED ACCESSORY USES | USES REQUIRING PLANNING COMMISSION SPECIAL LAND USE PERMIT (See Article X) |
|--|---------------------------------|---------------------------------|--|
| <p>AG, AGRICULTURAL DISTRICT</p> <p>To conserve and enhance the low density and agricultural use of substantial portions of the Township that do now and for a substantial period of time should have such character. By conserving such character, the Township and other public agencies will realize economies in public expenditures by minimizing scattered demand for urban types and levels of services, utilities and facilities in otherwise predominantly rural areas encourage the preservation of prime agricultural land for agricultural productivity and protect the Township's most vital economic activity.</p> | | | <ol style="list-style-type: none"> 1. Land disposal or dispersal of human waste septage from onsite systems, or sludge from municipal waste treatment plants. 2. Showrooms and workshops of plumbers, electricians, painters, printers, contractors, warehousing and storage units. 3. Large Wind Energy Conversion System. 25.0. 4. Microbrewery, distillery, winery or tasting facility. 5. Guest Houses 6.03B. 6. Farm Market 6.14 B. 7. Off-Site Sign 7.05 A,4. 8. Private Road 18.0. 9. Earth Change 24.0. 10. Firewood Sales. 11. Event Venue. 6.15 12. Small Owner/Operator Mechanic Shops 6.16 |

SECTION 5.06 – SCHEDULE OF DISTRICT REGULATION

C. COMMERCIAL DISTRICT

| DISTRICT AND INTENT | PERMITTED PRINCIPLE USES | PERMITTED ACCESSORY USES | USES REQUIRING PLANNING COMMISSION (See Article X) |
|--|--|--|---|
| <p>C, COMMERCIAL DISTRICT</p> <p>To encourage and facilitate the development and maintenance of sound and efficient shopping, business and service areas, among such necessary regulations being the exclusion of certain uses and activities which tend to disrupt the efficient functioning of commercial areas, and which function better outside such areas.</p> | <ol style="list-style-type: none"> 1. Mercantile establishments for the sale of goods at retail or wholesale. 2. Personal service establishments, such as barber and beauty shops, shoe repair shops, laundry and dry cleaning shops. 3. Professional service establishments such as offices of doctors, dentists, accountants, brokers and realtors. 4. Funeral homes, clinics, medical centers, nursing homes, convalescent homes and hospice facilities. 5. Hotels, motels, lodging houses, boarding houses, tourist homes, and bed and breakfast. 6. Retail shops which make or fabricate merchandise for sale of same upon the premises. 7. Farm Markets 8. Restaurants, delicatessens and other dispensaries of food at retail. 9. Banks and savings and loan associations. 10. Theaters, night clubs, bowling alleys and skating rinks. | <ol style="list-style-type: none"> 1. A single-family dwelling unit may be occupied as an integral part of commercial building 2. Private garage. 3. Garden house, tool house, children playhouse, green house, boathouse, pump house, and pool house. 4. Swimming pool 6.09. 5. Automobile parking for the domestic use of occupants of the dwelling. 6. All accessory buildings 6.02. 7. Roadside Stands 6.14 A. 8. Animals 6.07 A. 9. Small Wind Energy Conversion System 25.03. 10. Farm Labor Housing 6.03 C. 11. Semi Trailer Storage 6.02 A,2. 12. Fences 6.12 C. 13. Commercial Solar(Public Utilities). Site Plan Review Required. | <ol style="list-style-type: none"> 1. Outdoor sales permitted for specified duration. 2. Outdoor recreation such as trampolines and miniature golf, driving ranges, subject to such operating and special regulations as may be imposed in the public interest; overnight campgrounds for camping trailers, tents and motor homes; motor vehicle race tracks. 3. Circus, fair or carnival provided such use and occupancy: <ol style="list-style-type: none"> a. Is temporary and/or seasonal only. b. Is not detrimental to adjacent surrounding property. c. Is not disturbing to the general peace and tranquility. d. Will not create undue traffic hazard and congestion. 4. Permits for such use may be granted for periods not to exceed eight (8) days consecutively and may be renewable for not more than eight (8) days. 5. Public parking garage or parking lot for paid parking. 6. Used car, mobile home, motor home and travel trailer or recreational vehicle sales, service or rental. 7. Shops for the manufacture of small tools, dies, gauges, molds, patterns, models or similar light manufacturing uses such as assembly of electronic components. 8. Junk yards or salvage yards. 9. Office of veterinarian and animal clinics. 10. Planned Unit/Cluster Development. 17.0 |

Section 5.10 – Schedule of District Regulation

Yard, Height, and Lot Size Requirements for Principal (a) and Accessory Uses

| DISTRICT | MINIMUM YARD SETBACK IN FEET | | | MAXIMUM BUILDING HEIGHT | | MINIMUM LOT SIZE | |
|--|------------------------------|-----------|------------|-------------------------|---------|-----------------------------|-----------------------|
| | FRONT YARD | SIDE YARD | REAR YARD* | IN STORIES | IN FEET | SQUARE FEET | WIDTH IN FEET AT ROAD |
| R-AG, RESIDENTIAL-AGRICULTURAL (b) | 25 | 15 | 15 | 2-1/2 | 40 | 217,800 (5 ACRES) | 235 |
| R-1 SINGLE-FAMILY RESIDENTIAL (b) | 40 | 10 | 10 | 2 | 30 | 21,000 | 120 |
| R-2 MULTIPLE FAMILY RESIDENTIAL (b) Except two-family and Multiple-family residential Uses by Special Land Use Permit | 40 | 10 | 10 | 2 | 30 | 13,000 | 100 |
| | 40 | 10 | 10 | 2-1/2 | 40 | 13,000 per dwelling unit | 120 |
| RMH RESIDENTIAL MOBILE HOME (b) (For Mobile Home Park see Section 5.05, 1.f.) | 40 | 10 | 10 | 1 | - | 13,000 | 100 |
| C COMMERCIAL (a,b) | 40 | (a) 50 | 50 | 2 | 40 | 87,120 (2 Acres) | 200 |
| C-A COMMERCIAL AGRICULTURAL (b) | 40 | 50 | 50 | 2 | 30 | 217,800 (5 acres) | 300 |
| M INDUSTRIAL (b,c) | 40 | 50 | 50 | 2 | 40 | 87,120 (2 Acres) | 200 |
| AG AGRICULTURAL (b, 5.12) | 25 | 15 | 15 | 2-1/2 | 40 | 217,800 (5 acres) | 235 |

(a) No building or sign shall be closer than twenty-five (25) feet to any residential district boundary.

(b) See Article XVII (17) on Planned Unit Development. And Article XX (20) on Condominium.

(c) No industrial activity, building, sign or storage shall be closer than one thousand (1,000) feet to a residential district.

Section 10.07 - Expiration of a Special Land Use:

- A. A Special Land Use Permit does not terminate on transfer or sale of the property.
- B. A Special Land Use Permit may be terminated if any of the following apply:
 - 1. The Special Land Use permit shall expire unless the use has begun within one (1) year of approval. Thirty days prior to expiration of an approved Special Land Use permit, and applicant may make application to the Planning Commission for a one-year extension of the permit at no fee. The Planning Commission shall grant the requested extension for this additional one (1) year if it finds good cause for the extension in accordance with 10.04,3.
 - 2. The Special Land Use permit shall terminate if replaced or superseded by a subsequent permitted use of Special Land Use permit or if the applicant requests the rescinding of the Special Land Use Permit.
 - 3. The Special Land Use permit may **be terminated** if the Special Land Use has been abandoned **for one (1) year**. When determining the intent of the property owner to abandon a Special Land Use, the Planning Commission shall consider the following factors:
 - a. Whether utilities such as water, gas, and electricity to the property have been disconnected.
 - b. Whether the property, buildings, and grounds have fallen into disrepair.
 - c. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.
 - d. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.
 - 4. The owner of land, holding a Special Land Uses Permit, shall be entitled to notice and a public hearing if termination is considered by the Planning Commission.

Section 6.15 – Event Venue

- A. Allowed in existing farm operations, AG Agricultural, by Special Land Use Permit, that will not create any adverse impact on agricultural viability or the rural character of the surrounding property.
- B. May operate seasonal (April thru October), from, **Thursday, Friday** through Sunday only. Hours of operation may not begin before noon on any given day and must end by 10:00 P.M. on Thursday, Friday and Saturday and 8:00 P.M. on Sunday.
- C. A minimum of ten (10) acres and any structure must be a minimum of three hundred (300) feet from any residence and fifty (50) feet from any property line.
- D. Any amplified music must be in a commercial grade tent or structure. Sound level may not exceed sixty (60) decibels at any property line.
- E. Maximum occupancy of two-hundred fifty (250) people.
- F. Fire Suppression System as required by Michigan Building Code.

Section 6.16 - Small Mechanic Shop

- A. Operator must reside on property and be an owner of the property. An Owner Operator is defined by Deed, Land Contract, Trust, or Partial owner by recorded documentation and subject to the regulations of Article VIII (8.01) Home Occupation.
- B. All site ingress and egress must be from a public road.
- C. Outdoor storage areas for vehicles, materials and equipment used in connection with the business may be required to be fully enclosed by a fence, wall or landscaped area, not less than 6 feet in height. The Zoning Administration may waive if existing vegetation screens the use from adjacent properties and public right of ways.
- D. Except for temporary staging, retrieving, storage of materials and Equipment within fenced and screened outdoor storage areas, all work associated with the business shall be conducted indoors.
- E. The Planning Commission may establish hours of operation and require other operational conditions.
- F. Storage of fuel or other hazard substances must be within EPA approved containers and located in such a manner to avoid spilling and contamination of ground water.
- G. Must obtain a Bainbridge Township Business License Registration.
- H. Building size and location per zoning district, with approval of site plan by Zoning Administrator.

Section 6.11 – Temporary Dwelling Structures (Continued)

5. Use of any building, mobile home, garage, basement or other structure for temporary occupancy shall not be adverse to health, safety or the public welfare.
1. The location of each such building, garage, cellar, basement or other structure shall conform to the regulations governing the yard requirements for dwellings, or similar conformable structures in the district in which it is situated, conforming to Section 5.10 of this Ordinance.
2. A Special Land Use Permit must be approved by the Planning Commission with a one (1) year term for any Temporary Hardship Permits other than a Temporary Medical Hardship Permit. A permit under this Section may be revoked if construction of the permanent dwelling is not commenced within thirty (30) day after issuance of a Temporary Hardship Permit. Mobile homes used as temporary housing under this Section shall have Domestic Water Disposal System approved by the Berrien County Health Department, proper drainage and be connected to a pressure water system.
3. In the event of a natural disaster such as fire, wind, etc., so damages a residence that it may not be occupied for a temporary basis, and it is established due to the nature of the property it is necessary to remain on the premises while repairs are accomplished, the Zoning Administrator is hereby authorized to grant an Emergency Permit for a period not to exceed ninety (90) days to occupy a motor home, recreational vehicle, fifth wheel trailer, or travel trailer as temporary emergency housing. An approval by the Planning Commission may be required for any extension beyond the initial ninety (90) day duration as deemed necessary by the Zoning Administrator.

Section 6.12 – Fences

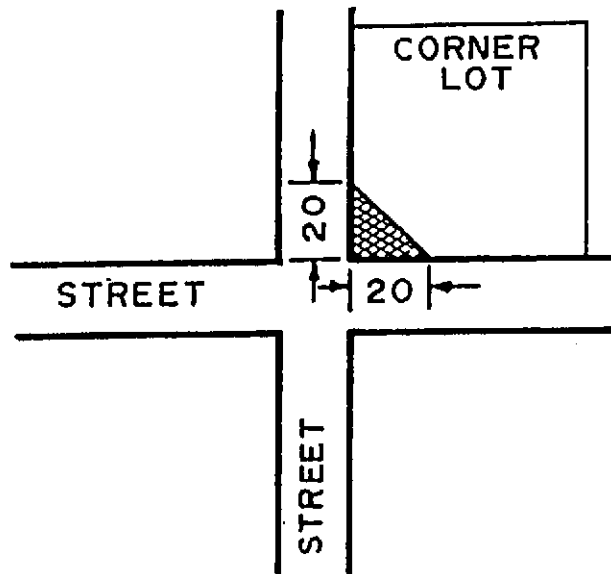
- A. In all districts, no fence shall be constructed within the right away of any public road.
- B. Within platted subdivisions, no fence of more than four (4) feet in height or more than fifty (50) percent solid materials shall be constructed in front of the principal structure on any lot. Any fence constructed between the principal structure and the rear property line may be solid material and shall not exceed six (6) feet in height. Fences shall not contain barbed wire, electric current, or charge of electricity.
- C. In **AG, Agriculture** C, Commercial, I, Industrial, and CA, Commercial Agricultural Districts, fences constructed between the public right of way and the nearest structure shall not exceed ten (10) feet in height or more than fifty (50) percent solid materials. A Building Permit is required prior to start of construction of any fence in excess of six (6) feet in height and may be issued upon satisfactory review of site plan and construction methods.
- D. Where any Industrial district abuts a residential district along a common lot or property line, a substantial fence of not less than five (5) nor more than seven (7) feet shall be constructed, by the occupant in the industrial district and no building, storage, or industrial activity shall be located within fifty (50) feet of the residential district property line.

ARTICLE VI

Supplementary District Regulations

Section 6.01 – Visibility at Intersections

- A. On any corner lot in any district no fence, accessory structure, plant, shrub or similar object over three (3) feet in height shall hereafter be placed, erected, planted or allowed to grow in the area bounded by the street lines of such corner lot and a line joining points along the street lines for a distance of twenty (20) feet from the point of the intersection.



Section 6.02 – Accessory Buildings

- A. An Accessory Building or Structure: A structure detached from a principal building, on the same lot and customarily incidental and subordinate in use to the permitted use of the principal building or use.
1. Mobile Homes shall not be used as Accessory Buildings.
 2. Semi-Trailers or Shipping Containers shall only be permitted as an Accessory Building in Ag-Agricultural, CA-Commercial Agricultural, C-Commercial, and I-Industrial Districts as enclosed storage for goods or products produced relevant to the operation.
- B. In no case will it be permitted to erect a garage or other accessory building in any required front yard in platted subdivisions. The required front yard is considered to be the area measured from the innermost measurement of the road right-of-way to the outer most portion of the structure including the eave, and/or roof structure. The front yard requirements are set forth in Section 5.10. Garages or other accessory buildings may be built anywhere on buildable lots provided all set back requirements are met for the affected district in R-1 Single Family Residential, RMH Residential Mobile Home and R-2 Multiple Family Residential. **In R-1 Single Family Residential, RMH Residential Mobile Home and R-2 Multiple Family Residential Districts, accessory buildings may not cover more than 30 percent of the total lot area or exceeding the size of the principle dwelling foot print.**

