

**MINUTES OF THE COOPER CHARTER TOWNSHIP**  
**PLANNING COMMISSION HELD ELECTRONICALLY**  
**WEDNESDAY, JUNE 16, 2021**

A meeting of the Cooper Charter Township's Planning Commission was held on Wednesday, June 16, 2021 electronically pursuant to the Open Meetings Act as amended by Public Act 228 of 2020.

Roll Call:

Present - Comm. Fooy attending virtually from Cooper Township,  
Present - Comm. Frederick attending virtually from Cooper Township,  
Present - Comm. Corke attending virtually from Cooper Township,  
Present - Comm. Wiersma attending virtually from Cooper Township.

Members Absent: Chairperson Asselmeier, Comm. Boekhoven, and Comm. Feil.

Also Present: Michael Homier, of Foster, Swift, Collins and Smith, attorneys for Cooper Charter Township; Julie Johnston, Township Planner and Zoning Administrator.

Julie Johnston, Township Planner and Zoning Administrator called the meeting to order at 7:00 p.m. Ms. Johnston stated that the Chairperson, and Vice-Chair were unable to attend the meeting therefore a member of the planning commission would need to step into the roll to conduct the meeting. Township Attorney, Mike Homier stated that Comm. Frederick was precluded from acting as chair due to his position on the Township Board; so either Comm. Corke, Fooy or Wiersma would need to act as chair. Comm. Wiersma proposed that Comm. Corke act as chair due to his seniority among the commission members.

A motion was made by Comm. Frederick, supported by Comm. Fooy, to have Comm. Corke serve as chair for the June 16, 2021 meeting. Motion carried 4-0, with 3 absent.

Approval of Agenda

A motion was made by Comm. Frederick, supported by Comm. Wiersma, to approve the agenda. Motion carried 4-0, with 3 absent.

Review and Approval of Minutes

Members of the Planning Commission reviewed the Minutes of the May 19, 2021 meeting. A motion was made by Comm. Fooy, supported by Comm. Wiersma, to approve the minutes as printed. Motion carried 4-0, with 3 absent.

Citizen Comments

None.

## Keeping of Livestock and Honeybee Ordinance Draft Amendments

Julie Johnston, Township Planner and Zoning Administrator stated that the last time the Planning Commission saw the Keeping of Livestock and Honeybee Ordinance they held a public hearing and forwarded it to the Township Board for approval. Since that time the Township Board went through a first and second reading of the proposed ordinance, and adopted it. After adoption the Township received comments from residents who felt that the ordinance was overly regulatory in regard to small animals. After multiple discussions the Township Board asked that the Planning Commission take another look at the ordinance to address the citizens' concerns.

Ms. Johnston stated that the first change that the Board made to the ordinance was eliminating the zoning review requirement for small animals, and only addressing compliance or nuisance issues with small animals thru ordinance enforcement. The Township Board also requested the Planning Commission review the setback provisions especially those related to small animals and honeybees. Ms. Johnston stated that setbacks for moderate and large sized animals would be 50 feet from the property line and 150 feet away from any neighboring pre-existing dwelling, and small animal setbacks would be the same as the accessory structure setbacks.

Ms. Johnston also mentioned that the special exception use requirement for residents who lived in subdivisions and or site condominium developments was a particular concern due to the extra process neighbors would have to go through and the extra cost to get the special exception approved. Therefor the Board removed that provision in the ordinance.

Ms. Johnston added that since the adoption of the ordinance she has processed several applications for residents who desired to keep large animals, and so far things have run smoothly. Ms. Johnson believes the ordinance is working properly for its intended purpose.

Comm. Frederick asked Township Planner Johnston if she thought the setback language for small animals was clear enough in the ordinance. Ms. Johnson stated that the Planning Commission could add a letter D to section 5 of the ordinance and outline that the setbacks for small animals must comply with the setback provisions for residential accessory structures.

## Public Hearing on the Keeping of Livestock and Honeybee Ordinance Draft Amendments

A motion was made by Comm. Frederick, supported by Comm. Corke, to open the public hearing on the Keeping of Livestock and Honeybee Ordinance Draft Amendments. Motion carried 4-0, with 3 absent.

## Citizen Comments

Ryan Meyer of 5171 Boylan Street stated that he appreciated the Commission's reviewing the Ordinance and addressing his previous concerns that the language would allow some people to have animals and others not to.

Mike Green of 2508 McKinley Street, stated that he agrees with Mr. Frederick that the language in the ordinance needs to be very explicit because when residents choose to add animals to their

properties they need to be able to clearly see what the Ordinance says. Additionally, Mr. Green asked about the language regarding livestock being kept at a person's principal residence instead of at another location, therefore preventing renters from keeping livestock. Ms. Johnston responded that the current ordinance states that property owners must reside in the primary single family dwelling on the property in order to keep livestock. So the current ordinance does not allow renters to keep animals. Additionally Ms. Johnston stated that the Planning Commission could change that language to allow renters to keep livestock, but suggested that the Commission add provisions stating that renters require permission from the property owner to keep animals on the property.

Comm. Frederick asked if someone could restate Mr. Green's question for clarity. Ms. Johnston stated that according to section C of the ordinance, property owners must reside in the primary dwelling in order keep livestock. Mr. Green was inquiring about the ability for renters to be able to keep livestock or honeybees.

There being no further public comments a motion was made by Comm. Fooy, supported by Comm. Wiersma, to close the public hearing on the Keeping of Livestock and Honeybee Ordinance Draft Amendments. Motion carried 4-0, with 3 absent.

#### Commissioner Discussion

Comm. Frederick stated that he would like to see the setbacks for small animals clearly stated in the ordinance. The remaining commissioners were in agreement with Mr. Frederick's request regarding language outlining setbacks for small animals so that the ordinance is clear and concise. Township Planner and Zoning Administrator Johnston stated that the maximum side yard and rear yard setbacks in residential districts are 15 feet, and the minimum was 10 percent of the properties frontage. Comm. Frederick asked if a 10 percent setback based off of the frontage was sufficient, especially when dealing with smaller parcels. The commissioners all thought that the 10 percent setback was sufficient, and Ms. Johnston stated that she would update the language regarding setbacks for small animals in the ordinance.

Ms. Johnston asked the commissioners how they would like to address the primary residence issue and how they would like to deal with renters. Comm. Wiersma stated that he would be in favor of allowing renters to have animals with the approval of the property owner. Comm. Frederick also agreed that renters should be allowed the ability to have animals, but that the ordinance requires them to have approval of the landlord in order to do so. Comm. Corke voiced concern over renters properly caring for livestock, and how the Township could deal with issues. Comm. Fooy asked who would be held responsible if there were issues with animals that renters were keeping on a property. Ms. Johnston stated that any issues regarding animals on a property will always be the responsibility of the property owner. Township Attorney Homier stated that if the ordinance allowed renters to keep livestock, it would be incumbent upon the landlord to enforce their lease provisions regarding such animals instead of making it the Township's duty to enforce them. Attorney Homier stated that the Township needs to decide if they are going to limit the keeping of livestock and honeybees to property owners, or open it up to occupants of single family dwellings. Comm. Frederick stated that he liked softening the language to allow

occupants of single family dwellings to have livestock and/or honeybees, and let lease terms dictate what a property owner is willing allow at their rental.

Ms. Johnston stated that if the Commission desire to all occupants of single family dwellings then section “C. Primary Residence” may no longer be necessary. Attorney Homier agreed, but added that he also thought the language in section A.1 would also need to be adjusted to allow property occupants to keep livestock and honeybees. Comm. Wiersma and his fellow commissioners voiced approval for those changes.

Ms. Johnston summarized the proposed amendments to the ordinance. She stated that in total, the Planning Commission was removing section C and amending A.1 to allow occupants of single family residences to keep livestock and/or honeybees. Additionally language would be added outlining the setback requirements for small animals in section 5 to correlate with the setback provisions in the Township’s Accessory Building Ordinance.

A motion was made by Comm. Wiersma, supported by Corke to recommend approval to the Township Board of the Keeping of Livestock and Honeybees Ordinance Draft Amendments as revised. Motion carried 3-1, with 3 absent.

#### New Businesses

None.

#### Commissioner Comments

Comm. Frederick stated that the Township Board voted Monday to resume in person meetings in July. Attorney Homier added that Kalamazoo County declared its own state of emergency thru December 31, 2021, which would allow remote meetings under the Open Meetings Act. Therefore if the Planning Commission chose to hold a remote meeting during the state of emergency it would be lawful under the Open Meetings Act. Attorney Homier added that if that state of emergency was rescinded by Kalamazoo County, then the only exceptions to in person attendance would be due to a medical condition that would prevent a member from attending, or to accommodate military service.

Ms. Johnston advised the Planning Commission that they will have two projects to review at their July meeting, including the Coopers Landing phase 5 and phase 6 site plan review, and a public hearing on an application for rezoning.

#### Adjournment

There being no further business before the Commission, a motion was made by Comm. Fooy, supported by Wiersma, to adjourn the meeting. Motion carried 3-1, with 3 absent.