

# Planning Commission

## Regular Meeting Agenda Thursday, January 7, 2016 7:00 p.m., Council Chambers



City of South Haven

1. **Call to Order**
2. **Roll Call**
3. **Approval of Agenda**
4. **Approval of Minutes** – December 3, 2015
5. **Interested Citizens in the Audience Will be Heard on Items Not on the Agenda**
6. **New Business** - Site Plan Review for 132 Northshore
7. **Other Business** – Rental Ordinance discussion
8. **Commissioner Comments**
9. **Adjourn**

RESPECTFULLY SUBMITTED,  
Linda Anderson, Zoning Administrator

# Planning Commission

## Regular Meeting Minutes Thursday, December 3, 2015 7:00 p.m., Council Chambers



City of South Haven

### 1. Call to Order by Paull at 7:00 p.m.

### 2. Roll Call

Present: Frost, Gruber, Heinig (7:26 p.m.), Miles, Stimson, Webb, Paull  
Absent: Peterson, Smith

Motion by Gruber, second by Miles to excuse Heinig, Peterson, and Smith.

All in favor. Motion carried.

### 3. Approval of Agenda

Motion by Stimson, second by Gruber to approve the agenda moving Item #7A after #5.

All in favor. Motion carried.

### 4. Approval of Minutes – November 5 and November 13, 2015

Motion by Frost, second by Stimson to approve the November 5, 2015 Regular Meeting Minutes and the November 13, 2015 Special Meeting Minutes as written.

All in favor. Motion carried.

### 5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

Paull requested all comments to be kind and there be no attacks on other people. Pointed out that there are officers in the room, and said if he does not like the attitude he will have them clear the room.

Maureen Moravec, 1034 Midway Drive: Spoke about the number of registered voters for the city elections in South Haven; the amount of money brought in for 2014 homestead taxes, non-homestead taxes and business taxes, noting this is the tax base the city of South Haven works off of.

Steve Runkle, 16 Pine Street: Thanked those working on the rental ordinance. Spoke about wanting to see a seven (7) day minimum required for short-term rentals, suggesting anyone wanting to stay for a shorter length of time can stay at a hotel or bed and breakfast.

Dorothy Appleyard, 806 Wilson Street: Spoke about Zoning Ordinance amendments. Supports a rental registration ordinance and fees to cover the cost of registration and inspection to ensure safety to renters and the surrounding neighborhoods.

Elaine Herbert, 140 North Shore Drive: Thanked the commission for working on the rental ordinance. Spoke about not being aware of any meetings or anything being done. Thanked Chairman Paull, for many years of asking for a rental ordinance. Spoke about wanting a zoned community and a promise that those of us who live in neighborhoods will live in neighborhoods and those who have businesses will do that in 'business-hoods'.

Michelle Reineck, 98 Erie Street: Spoke about owning her house with her husband for twenty-five years. Spoke about great changes which she is grateful for such as the South Beach improvements and neighborhood changes that make life difficult such as the eruption of party houses.

Joan Hiddema, 212 Monroe: Spoke about living two blocks from the blue stairs and since her husband owned a dental business and they own two houses so they pay homestead, non-homestead and business taxes. Spoke about their affiliation with many local boards, museums and organizations and support of milages. Spoke about worrying about their house getting burned down and their health being jeopardized by the smoke from open fires.

Susan Ryan, 37 Cass Street: Spoke about the commission reviewing site plans for construction for a new family home on St. Joseph Street. Spoke about meeting the new family; number of children in the neighborhoods; support of the doctor's practice and the local hospital.

Barb Calhoun, 862 Monroe Boulevard. Spoke about RM-1 and asked when this became a place for twenty-five (25) people who are not related and keeping R-1 for single family and not allowing unrestricted hotels in neighborhoods.

**7. a. Other Business** – Site Plan Review for 800 St. Joseph Street.

Anderson responded to Chair Paull's question regarding the document that has been prepared outlining all restrictions of the moratorium, including an affidavit signed by the owner, notarized by the register of deeds and filed with the city.

Motion by Gruber, second by Stimson to open the public hearing.

All in favor. Motion carried.

Paull asked if there was anyone who wished to address this issue.

Matthew O'Sullivan, Builder: Spoke about several reasons for this home to be approved for construction.

Elaine Herbert, 140 North Shore Drive: Welcomed this family and their big house. Spoke about liking big houses; living in a big house; building her big house and focusing on site plan review by working within the zoning ordinance.

Motion by Miles, second by Gruber to close the public hearing.

All in favor. Motion carried.

Gruber: Spoke of his hope that Matt O'Sullivan gets the opportunity to build more houses in the future, even a large enough house to provide more parking spaces. The proposed plan is providing a lot more than two (2) parking spaces; at least two in the garage and four (4) on the driveway.

Paull said procedurally since this house is exempted from normal procedure because of the moratorium; we are making a decision, not a recommendation.

Motion by Stimson, second by Frost to accept and approve the site plan review for new house at 800 St. Joseph.

All in favor. Motion carried.

## **6. New Business – Public Hearing on Proposed Zoning Ordinance Amendments**

Paull introduced the background regarding these amendments and asked Anderson to review the summary.

Anderson stated these amendments were started four (4) years ago and this summary represents about half of the ordinance. She instructed that they did not have to do this as one complete document, nor did they have to go through each item with an individual motion. She explained there were a number of options.

**ARTICLE II – Definitions** Anderson noted that several definitions were added along with some Zoning Board of Appeals (ZBA) interpretations and that the city attorney, during the course of litigation, wrote up some definitions for us. Anderson reviewed some of the definitions, including Access, Building height and Open Air business.

Anderson explained that the new height definition pertains mostly to mansard, flat roofs and the elimination of half story reference. The accompanying illustration was changed, too. This was changed to change the way mansard and flat roofs are measured.

**ARTICLE IV - Single Family Residential** section lot width and depth were added for flag lots, which are narrow at the front and widen in the back. Previously, flag lots were defined in the Zoning Ordinance but there were no regulations for them.

**ARTICLE VI - Central Business District** use list was streamlined. This allows a little more flexibility as new uses arise. Anderson noted this change takes bulk out of the ordinance but provides the same care with what is allowed in each district.

**ARTICLE VII - Neighborhood Business (B-1)** New commercial building size limits reflect the zoning ordinances call for businesses in this zone to be on a neighborhood

scale. As with the CBD, the B-1 use list was shortened and like was lumped with like. Some of the businesses remain in a separate category include home businesses, ATMS, recreation centers, convenience stores not larger than 3,000 square feet and dwellings above permitted commercial uses.

**ARTICLE VIII - General Business (B-2)** Slightly larger businesses are permitted than in the neighborhood business zone, such as personal service businesses and retail businesses up to 5,000 square feet.

**ARTICLE IX - Waterfront Business (B-3)** Due to recent review and changes to this category, no other changes than use consolidation were made to this section.

**ARTICLE X - Major Thoroughfare Businesses (B-4)** Deleted adult entertainment businesses from this zone. "We have to provide a location for adult entertainment businesses, but by allowing them in B-4 we are opening the door to a business near Walmart, Meijers and other family businesses, and that is not a good place for adult entertainment businesses.

**ARTICLE XI – General Industrial (I-2)** Adult entertainment facilities have been added to the permitted use lists in this zone.

**ARTICLE XII - Professional business (PB-1)** Since this zone is home to some medical and dental offices, pharmacies and medical supply stores have been added to the zone use list.

**ARTICLE XIV - Site Plan Review** Submittal requirements have been reduced when electronic copies are available. The planning commission or zoning administrator will now be permitted to require traffic studies for new projects. Costs of such studies will be the responsibility of the applicant, not the city.

**ARTICLE XVIII - Parking and Loading Spaces** The Planning Commission may allow some parking area set aside as green space when the applicant can show that the required number of spaces is excessive. The Meijer site plan review brought this to light; they could provide us evidence that they did not need all required parking. Meijer did get a variance; it might have been better to put the extra space into green space, if needed later, it would be available, but in the meantime would provide more green space.

Retail and commercial parking requirement has been reduced from one space for every 150 square feet of usable floor space to one space for every 250 feet of usable floor area. The amount of parking recommended now is on line with other communities.

Parking space dimensions amended per the city engineer. There are new graphics to accompany the revised text.

There were several other parking requirement changes but the most notable is the ordinance requirement for a residential single family and two family homes have two parking spaces for each unit with three (3) or less bedrooms and single family residences with four (4) or more bedrooms add one (1) additional space for each additional bedroom.

Also included is a requirement for area of residential off-street parking for more than (4) vehicles to be located on a pervious surface other than gravel.

Anderson noted that the half story reference has been deleted from all residential zones. This has been a problem for a long time; the definition was such that it easily turned into a third story. Going without the third story and requiring a height limit of thirty-five feet (35') is much cleaner and easier and brings down the mass of such structures.

Anderson pointed out that this is about half of the ordinance; we have been focusing so heavily on the rental ordinance, we wanted to move this forward.

Stimson noted that some comments come in after this was posted to the website; one was that it might be better if adult entertainment be limited to the I-2 zone, which is more heavy duty opposed to light and because of the location of that zone in the city. Stimson would like to propose that be added.

Anderson responded that there is sense to that suggestion and pointed out that the light industrial (I-1) is at all of the interchanges and the three (3) major entrances to the city while the I-2 zone is located within the industrial parks.

Heinig questioned definition for flag lot to which Anderson responded that there was an illustration but no definition; flag lots should be defined.

Motion by Gruber, second by Miles to open the public hearing.

All in favor. Motion carried.

Dorothy Appleyard, 806 Wilson Street. The building heights in residential zones are thirty-five feet (35') to the peak and thirty feet (30') for mansard or flat roof. Spoke about the Issue she has is builders being creative and coming forward with an almost flat little peak. Asked if something can be added to define pitch so that possibility could be eliminated.

Paull asked for clarification of the possibility being referred to and Appleyard explained.

Appleyard: Requested considering expanding setbacks for accessory uses from three feet (3') to six (6') whenever possible particularly in confined building lots where neighbors may also have three foot (3') setbacks for accessory structures already in place. Spoke about concerns that the additional parking spaces required for additional bedrooms in residential zones could result in a parking lot. Spoke about the need for language providing buffering for noise and lights. Requested that pools be considered in total lot coverage. Questioned recreation in residential zones but as time was up she will address that later.

Mary Lynn Bugge, Gabriel Drive: Spoke of being on the Planning Commission when some of these amendments were first discussed; that she sent Linda Anderson a list of suggestions. Bugge enumerated a number of those suggestions.

Connie Schaffer, North Shore Drive. Spoke about parking problems with renters, not calling the police, having questions about where renters are parking, beach parking

overflowing into neighborhoods and parking for nine hours, parking on both sides of North Shore Drive obstructing two-way traffic and the ability to get out of her driveway.

Paull said part of that problem has to do with a clear understanding of how we communicate this to police and dispatch.

Elaine Herbert. Spoke about having one of the last remaining corners in South Haven that is designated B-1 and wanting to know clearly what can and cannot be done as far as business in the neighborhood districts. She also asked about parking requirements for B-1, and noted that the Zoning Ordinance states that anything that comes in front of the city of South Haven that needs to be built from single family home to R-1 district, no matter what it is, has to go to Planning Commission for site plan review.

Motion by Gruber, second by Heinig to close the public hearing.

All in favor. Motion carried.

Paull noted it is time for the commission to discuss the amendments and restated that they can decided to do nothing, recommend a few amendments to city council for approval or recommend all of the amendments that have been discussed. Paull suggested that the recommendation regarding adult entertainment in the I-2 would be most appropriate.

Anderson said Bugge gave her some edits and additions, most are housekeeping, things that were bold that should not have been, so could be cleaned up before it goes to City Council. The issue of removing adult entertainment from I-1 should be part of any motion.

Stimson questioned building height and limiting single family houses to two (2) stories. Anderson responded that a third story reference in the R1-A, B and C districts has been removed from the ordinance. Frost explained that removing it from the ordinance does not mean we can leave it alone; we need to recommend that. Stimson asked if saying two stories does not cover that. Gruber asked if the amendments could be recommended to city council and continue more tweaks later.

Frost said we heard concern about not adding parking spaces and creating a parking lot. Gruber said we are looking at the current home. Anderson said counting toilets was a better way to determine how many parking spaces are needed. Frost said he thinks square footage would be a better measure because a house could be designed with eight (8) dens and four (4) bedrooms.

Paull said they are valid thoughts and could and should be dealt with individually.

Stimson said can we send some on and refine some of the questions later. Paull said that would be his feeling but not sure how we want to pull those out.

Gruber said there is a lot of work that has been done in these four (4) years, thinks especially with the height and some other things send it on to City Council, give some direction. The parking one is tough, but is something that would be okay to go forward.

Motion by Stimson to send the amendments on to City Council for approval in its existing status except for adult entertainment facilities being limited to the I-2 zone and any necessary clerical changes staff may need to make. Second by Miles.

Paull said we have some concerns on Frost's part which need to be corrected as soon as possible.

A roll call vote was taken:

Ayes: Gruber, Heinig, Miles, Stimson, Webb, Paull  
Nays: Frost

Motion carried.

### **7b. Meeting Calendar for 2016.**

Anderson noted that Planning Commission meetings are normally scheduled for the first Thursday of each month and pointed out two months where that could be problematic.

The first Thursday in April falls on April 7<sup>th</sup>, which is during Spring Break for South Haven Schools. Anderson suggested scheduling the meeting for the following Thursday, April 14.

The first Thursday in July falls on July 7, after the Independence Day holiday, which in 2016 falls on Monday. After discussion the commission agreed to schedule the July meeting on Thursday, July 14.

Motion by Gruber to adopt the proposed calendar for 2016 as presented with change in July to the 14. Second by Stimson.

All in favor. Motion carried.

### **7. Commissioner Comments**

There were none.

### **8. Adjourn**

Motion by Heinig, second by Gruber to adjourn at 8:15 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary



**Agenda Item #6  
Site Plan Review  
132 North Shore Drive**

**City of South Haven**

**Background Information:** Section 501 of the zoning ordinance requires planning commission site plan review for all structures in the RM-1 zoning district. Staff initially overlooked this provision and issued building and zoning permits for the proposed dwelling at 132 North Shore Drive. When a representative of a concerned citizen brought the oversight to the City's attention, the City informed the property owner that the permits have no legal effect until the planning commission reviews and approves a site plan for the property. This item was then placed on the agenda for this meeting.

The requirements of site plan review by the planning commission are clearly stated in the Michigan Zoning Enabling Act (Act 110 of 2006, MCL 125.3501). That Act reads:

***Submission and approval of site plan; procedures and requirements.***

*Sec. 501. (1) The local unit of government may require the submission and approval of a site plan before authorization of a land use or activity regulated by a zoning ordinance. The zoning ordinance shall specify the body or official responsible for reviewing site plans and granting approval.*

*(2) If a zoning ordinance requires site plan approval, the site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance is agreed to by the landowner and the body or official that initially approved the site plan.*

*(3) The procedures and requirements for the submission and approval of site plans shall be specified in the zoning ordinance. Site plan submission, review, and approval shall be required for special land uses and planned unit developments.*

*(4) A decision rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in the zoning ordinance, other statutorily authorized and properly adopted local unit of government planning documents, other applicable ordinances, and state and federal statutes.*

*(5) A site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the conditions imposed under the zoning ordinance, other statutorily authorized and properly adopted local unit of government planning documents, other applicable ordinances, and state and federal statutes.*

If the site plan meets the zoning requirements, it must be approved.

**Recommendation:** Based on the confidential legal opinion that was provided to the planning commission prior to the meeting, staff recommends that the planning commission review the site plan in accordance with the criteria above, and that it not apply the moratorium adopted by the city council on November 16, 2015.

Notably, the applicant recently informed the City that the portion of the garage labeled “golf cart garage” on the site plan will be used for ordinary vehicle parking. The applicant also stated that the area labeled “covered patio” on the site plan will instead be paved for additional off-street parking. These changes will bring the property into compliance with the new parking requirements adopted by the city council on December 21, 2015. Staff recommends that the planning commission approve the site plan with these changes because all ordinance requirements are satisfied. Staff further recommends that the additional parking area currently labeled “covered patio” on the site plan be covered with a pervious surface.

**Support Material:**

Application w/zoning review  
Site plans

**BUILDING ZONING PERMIT APPLICATION**  
**CITY OF SOUTH HAVEN**  
**BUILDING DEPARTMENT**  
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090  
FOR INFORMATION CALL 269-269-0760

**Incomplete Forms Will NOT be  
Approved or Processed**

Project Address (Incl. unit #, if applicable): 132 Northshore Dr

Tax ID 80-53-720-003-01 (If property is part of a PUD or condominium development, confirmation of parcel number from the Assessing Department is required)

Applicant: [Signature] Property Owner: Michael Burnett

Appl. Address: 09257 M43 Owner Address: 132 N Shore Dr  
South Haven

Applicant Phone: \_\_\_\_\_ Owner Phone: 847-274-8609

Current Use of Property: Vacant Zoning District of Property: RM-1

Project Description: new house includes accessory building (DH)

Contractor: [Signature] Lic. No. 2103045670

Liability Carrier/ Expiration date: Auto Quenon

Fed ID or SS: 38 301 7589

Total Value of Construction (Materials and Labor, Building Permit Only): ~~245,000~~ 245,000 ?

Is property subject to an association? Yes \_\_\_\_\_ No  (If yes, attach letter from association)  
*per cnc 10,000 on dec. Blck-9  
500,000 on floor*

Is property currently served with city water and sanitary sewer connections? (Letter from city engineer req'd.)

I hereby authorize the Zoning Administrator, Building Inspector or other authorized representative of the City of South Haven to enter and inspect the above property for the purpose of inspection of the premises.

AFFADAVIT: I certify and affirm that I am the property or building owner or owner's authorized agent and that I agree to conform to all applicable laws of this jurisdiction. I also certify that this application is accurate and complete. Section 23A of the State Construction Code Act of 1972, Act No. 230 of the Public Acts of 1972, being Section 125.1523a of the Michigan Compiled Laws, prohibits a person from conspiring to circumvent the licensing requirements of the state relating to persons who are to perform work on a residential structure. Violators of Section 23a are subject to civil fines.

OWNER'S SIGNATURE: [Signature] DATE: 11-12-15

APPLICANT'S SIGNATURE: [Signature] DATE: 11-12-15

(Rev.7/2014)

SITE PLAN REVIEW APPLICATION  
CITY OF SOUTH HAVEN  
BUILDING DEPARTMENT  
539 PHOENIX STREET, SOUTH HAVEN, MICHIGAN 49090  
FOR INFORMATION CALL 269-637-0760

Fee Due With Application: ~~\$200.00~~ N/C

Project Address: 132 Northshore Dr Tax ID 80-53-720.003.01

Applicant: Michael Burnett Property Owner: Same

Appl. Address: 1633 N. Clybourn #2 Owner Address: same

Chicago, IL 60614

Applicant Phone: 847.274.8609 Owner Phone: Same

Applicant Email: michael.midwest-tropical.com Owner Email: Same

Current Use of Property: Vacant Zoning District of Property: RM-1

Project Description: Construct 7371<sup>2</sup> ft house

PROPOSED USE: Construct house on vacant property

SECTION NUMBER WHICH PERMITS THIS USE: 501

SETBACKS (IN FEET):

FRONT YARD: 25' SIDE YARD: 12'

REAR YARD: 55'+ SIDE YARD: 12'

LOT AREA (IN SQUARE FEET) 8712<sup>2</sup> ft

LOT WIDTH (AT FRONT SETBACK) 66'

AREA COVERAGE (BY ALL STRUCTURES AND DECKS) 30%

HEIGHT (AVERAGE OF PEAK AND EAVE) 28'

BUILDING HEIGHT AT PEAK 34' 9"

FORM CONTINUES ON OTHER SIDE, PLEASE COMPLETE BACK OF SHEET →



Van Buren County Community Information Center

**Parcel 80-53-720-003-01**



Close This Window

**Van Buren County Property Information**

If you have Questions or find Incorrect Information Send an Email.

**Jurisdiction:** South Haven City  
**Plate Number:** C63

**Owner Name:** BURNETT MICHAEL & JULIA  
**Parcel Address:** 132 NORTH SHORE DR  
SOUTH HAVEN, MI 49090  
**Mailing Address:** PO BOX 2044  
KALAMAZOO, MI 49003-2044

**Property Information**

**School District:** 80010  
**Current Property Class:** 401  
**Current Assessment:** \$81,700  
**Previous Assessment:** \$81,700  
**Taxable Value:** \$40,488  
**Homestead %:** 0%  
**Calculated Acreage:** 0.2

**Legal Description**

C63 3-1-17 837-774 1625-804 \*\*\* LOT 4, BLOCK 10 DYCKMAN & WOODMAN'S ADD.

Powered by Community Center™ software from the [Land Information Access Association](#)

**BASE MAP**

Showing Parcel Lines and Labels

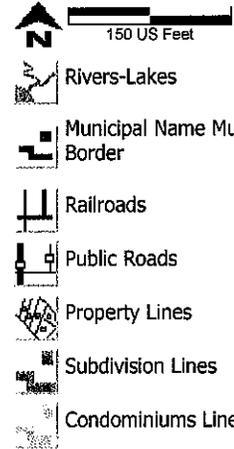


**BASE MAP**

This Base Map consists of the Township Roads, Lakes, and Rivers.

One can overlay other information on this Base Map or begin a new map.

NOTE: This information can always be viewed by clicking the title of the map. Information about each LEGEND item (below the map) is displayed by clicking each legend item.



Copyright © 2015 Land Information Access Association

### 2015 ORTHO AERIAL MAPS

*Showing Parcel Lines and Labels*



#### 2015 Digital Orthophotographs

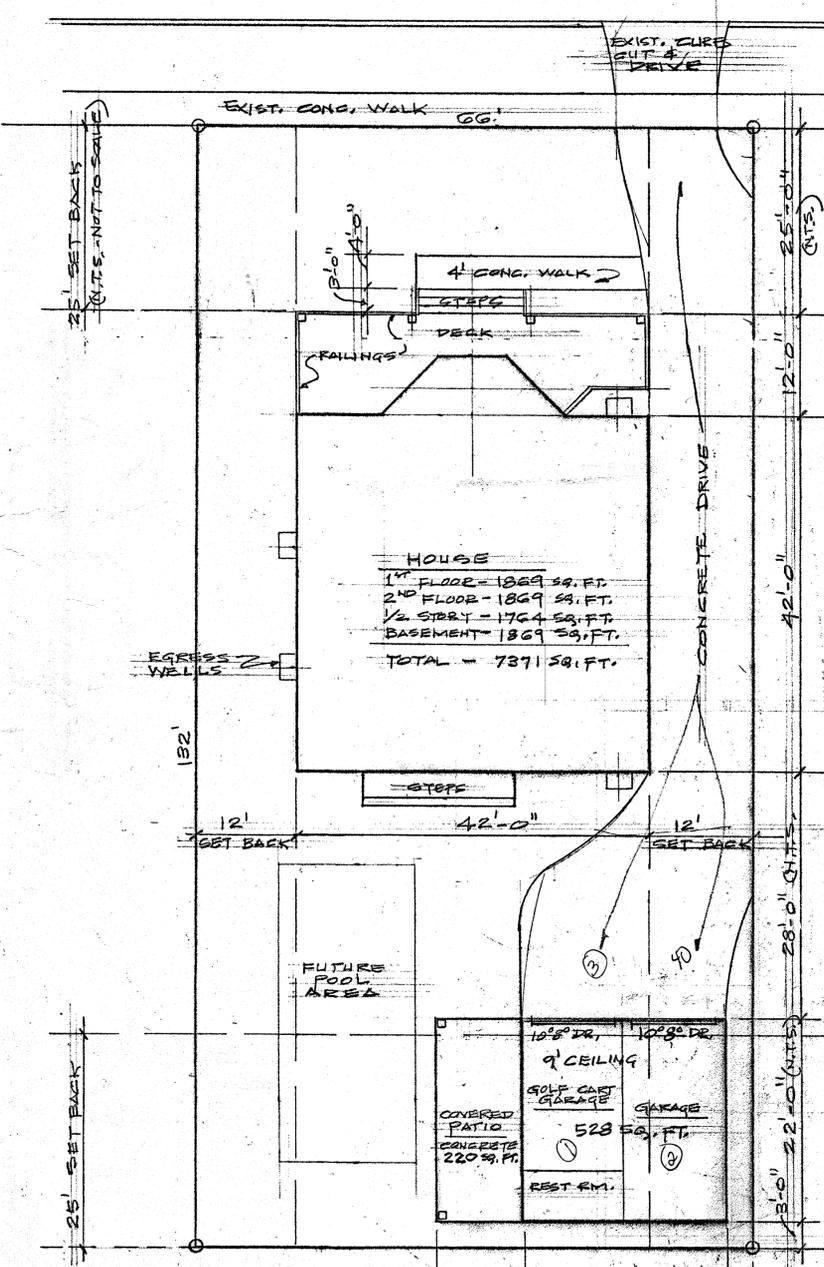
The original photographs displayed here were taken in the spring of 2015. The 'best resolution' of these images is 0.5 feet per pixel.

Digital ortho photography consists of images processed by computer to remove the distortions caused by tilt of the aircraft and topographic relief in the landscape. These images are properly scaled and located in the state plane coordinate system (NAD83) thus giving them similar characteristics of a map.

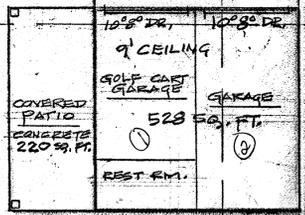
-  65 US Feet
-  2015 Digital Orthophotograph
-  Municipal Name  
Municipal Border
-  Railroads
-  Public Roads
-  Property Lines
-  Subdivision Lines
-  Condominiums Lines

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NORTH SHORE DRIVE

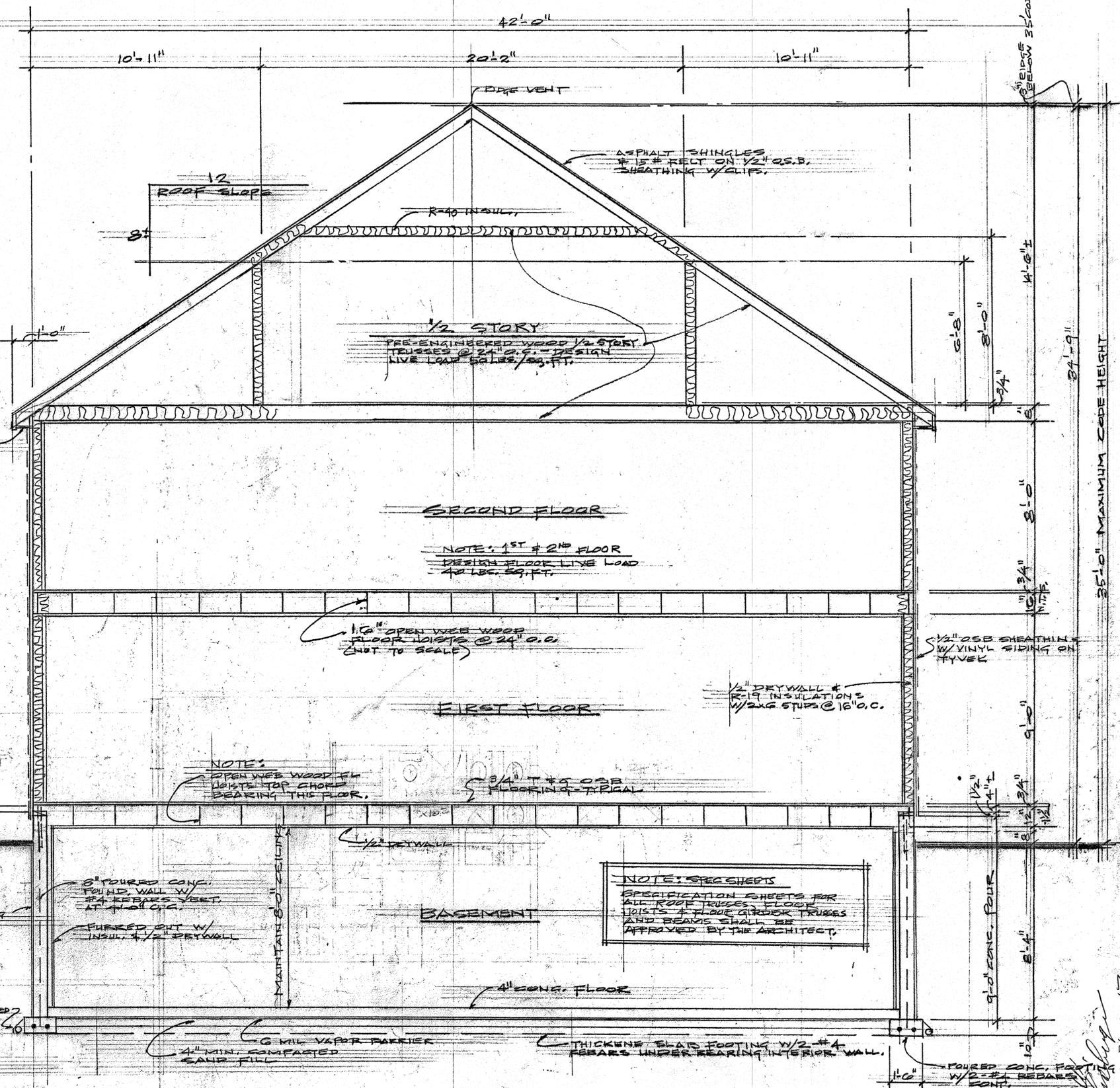


HOUSE  
 1<sup>ST</sup> FLOOR - 1869 SQ. FT.  
 2<sup>ND</sup> FLOOR - 1869 SQ. FT.  
 1/2 STORY - 1764 SQ. FT.  
 BASEMENT - 1869 SQ. FT.  
 TOTAL - 7371 SQ. FT.



SITE PLAN  
 SCALE: 1" = 10'-0"

LOT COVERAGE  
 LOT - 8712 SQ. FT.  
 HOUSE - 1869 SQ. FT.  
 GARAGE - 528 SQ. FT.  
 COVERED PATIO - 220 SQ. FT.  
 TOTAL - 2617 SQ. FT.  
 LOT COVERAGE - 30%



SECOND FLOOR

NOTE: 1<sup>ST</sup> & 2<sup>ND</sup> FLOOR  
 DESIGN FLOOR LIVE LOAD  
 40 LB. SQ. FT.

FIRST FLOOR

NOTE: OPEN WEB WOOD FL  
 JOISTS TOP CHORD  
 BEARING THIS FLOOR.

BASEMENT

NOTE: SPEC SHEETS  
 SPECIFICATION SHEETS FOR  
 ALL ROOF TRUSSES, FLOOR  
 JOISTS, FLOOR GIRDER TRUSSES  
 AND BEAMS SHALL BE  
 APPROVED BY THE ARCHITECT.

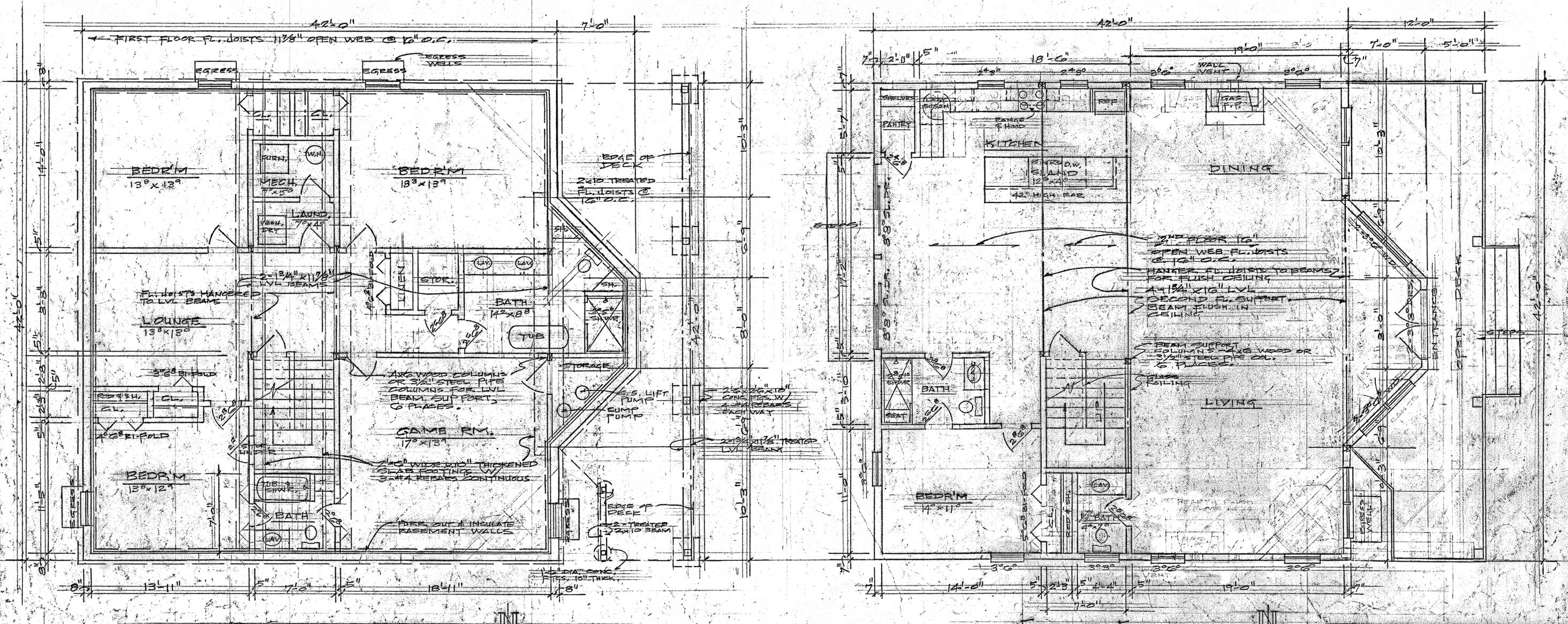
BUILDING SECTION  
 3/8" = 1'-0"

SHEET INDEX:

- 1- SITE PLAN & SECTION
- 2- BASEMENT & 1<sup>ST</sup> FL. PLAN
- 3- 2<sup>ND</sup> FL. & 1/2 STORY PLAN
- 4- EXTERIOR ELEVATIONS & GARAGE
- 5- EXTERIOR ELEVATIONS

MICHAEL & JULIA BURNETT  
 132 NORTH SHORE DRIVE, SOUTH HAVEN, MI.  
 SCALE AS SHOWN APPROVED BY: DRAWN BY:  
 DATE: 11-11-2015 REVISED:  
 JAMES W. SCHNEBERGER ARCHITECT  
 825 SCHOOL ST. SOUTH HAVEN, MI.  
 269-637-2036 49090 OR 5

132 N. Shore



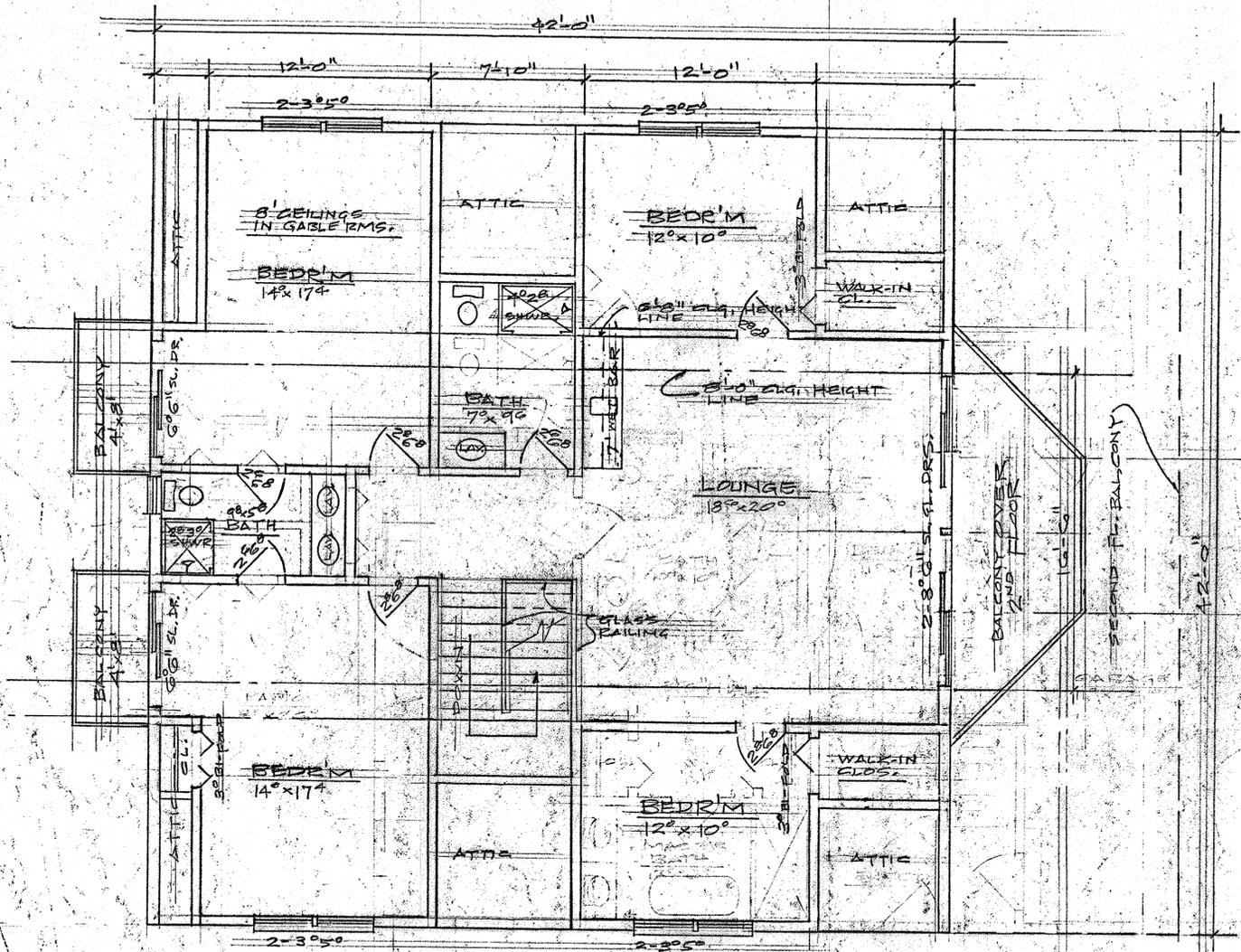
**BASEMENT FLOOR**

SCALE: 1/4" = 1'-0"

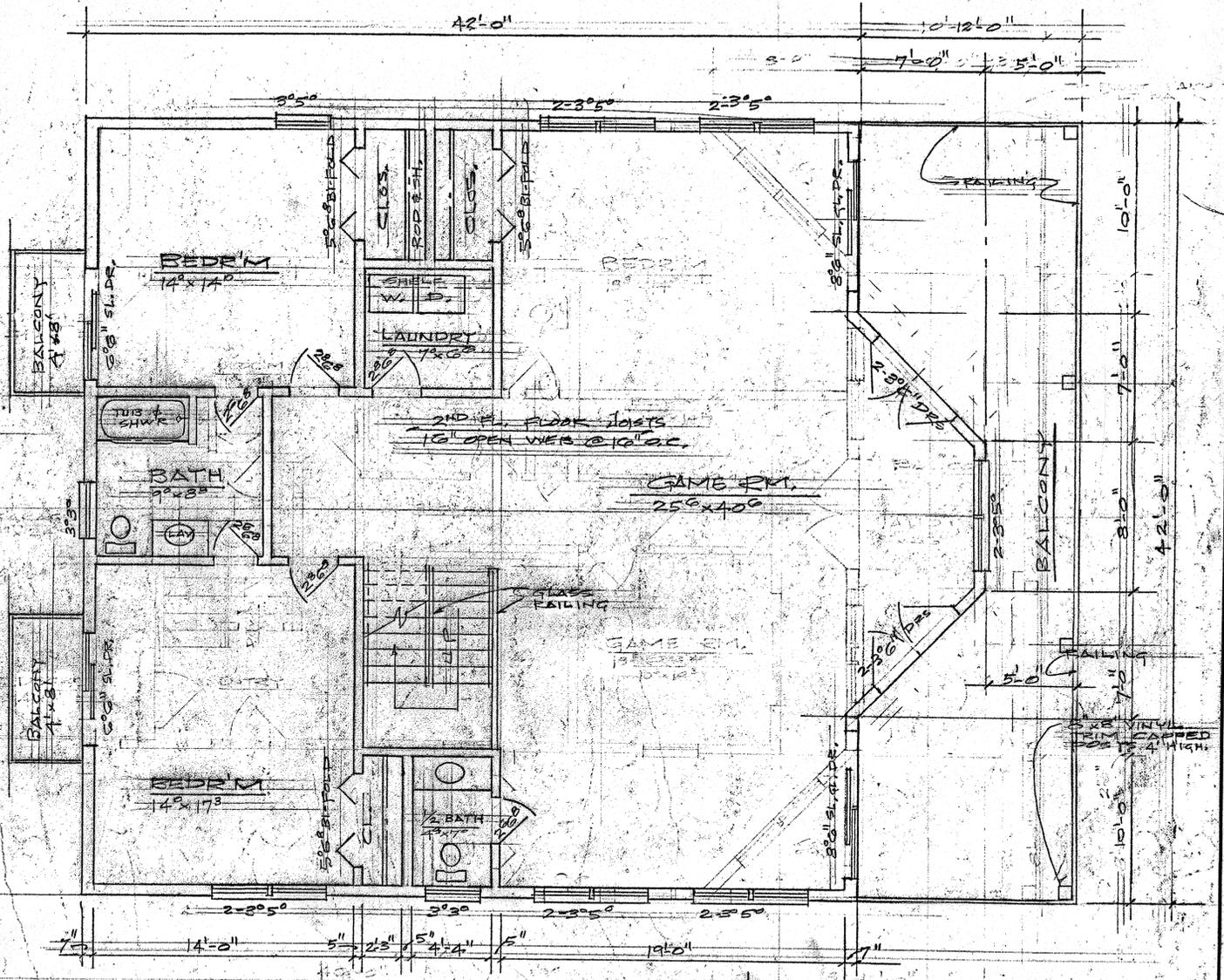
**FIRST FLOOR**

SCALE: 1/4" = 1'-0"

MICHAEL & JULIA BURNETT  
 132 NORTH EDGE DRIVE, SOUTH HAVEN, CT.  
 SCALE AS SHOWN APPROVED BY: DRAWN BY:  
 DATE: 11-11-2015 REVISED:  
 JAMES W. SCHNEBERGER-ARCHITECT  
 665 SCHOLAR ST., SOUTH HAVEN, CT. 06488  
 203-637-2026 APPD. DRAWING NUMBER: 2



1/2 STORY  
SCALE: 1/4" = 1'-0"



SECOND FLOOR  
SCALE: 1/4" = 1'-0"

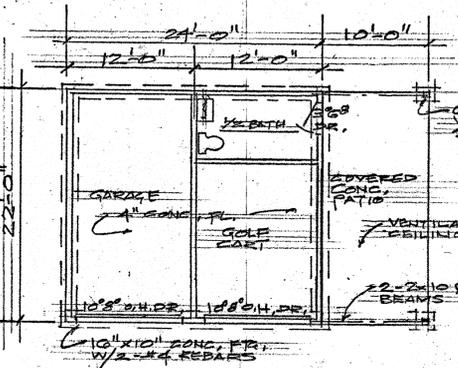
MICHAEL + JULIA BURNETT 132 NORTH SHORE DRIVE, SOUTH HAVEN, MI.	
SCALE: 1/4" = 1'-0"	APPROVED BY:
DATE: 11-11-2015	DRAWN BY:
	REVISED:
JAMES W. SCHNEEBERGER - ARCHITECT	
EGG SCHOOL ST, SOUTH HAVEN, MI.	
201-937-2330	4000 OF 5



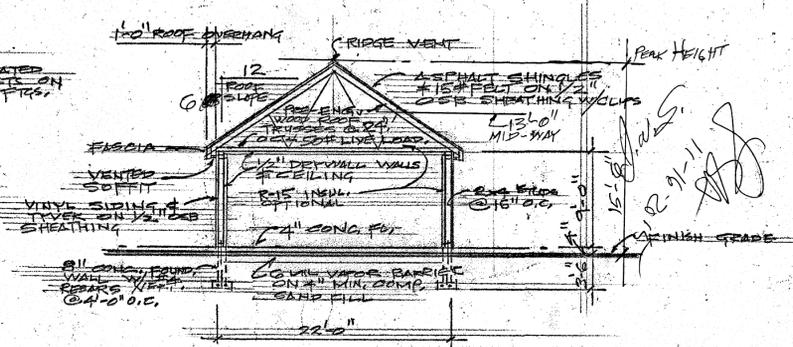
**NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"

North Elevation  
SCALE: 1/4" = 1'-0"

**WEST ELEVATION**  
SCALE: 1/4" = 1'-0"



**FLOOR PLAN**



**SECTION**

**GARAGE**

SCALE: 1/8" = 1'-0"

<b>MICHAEL &amp; JULIA BURNETT</b>			
122 NORTH SHORE DRIVE, SOUTH HAVEN, MI.			
SCALE: AS SHOWN	APPROVED BY:	DRAWN BY:	
DATE: 6-2-2013		REVISED:	
<b>JAMES W. SCHNEBERGER - ARCHITECT</b>			
305 SCHOOL ST., SOUTH HAVEN, MI.		DRAWING NUMBER:	
209-637-2030		49092 01-5	





City of South Haven

## Agenda Item #7 Proposed Rental Ordinance Amendments

**Background Information:** Attached to this agenda you will find the draft zoning ordinance and city code of ordinances amendments related to short term rental properties in the city. There is also a summary of the proposed amendments. After distributing the previous draft, I received a number of comments from planning commissioners and compiled the list below. These are issues that should be discussed prior to any public hearing(s).

1. The majority of members agree the R1-C zone should be included in the single family residential provisions. There was some interest in drafting specific regulations in the ordinance to address existing R1-C rental properties without parking in the event the properties are sold.
2. Many rentals already have reservations for next summer or even 2017. If those reservations exceed the occupancy limits, will they be “grandfathered” for a certain time?
3. Some members have mentioned that the number of bedroom/bathroom limits may not be a good way of limiting occupancy. As a result, the city attorney added a provision for an occupancy limit. Some members have suggested limiting the number of occupants to 2 adults per bedroom. Children under a certain age would be exempt. Others suggest having a maximum occupancy regardless of size of structure or age of occupants.
4. When larger, owner occupied homes are given site plan approval, the certification document included in the moratorium requirements should be used. (This is what we required for 800 St. Joseph Street.)
5. Site plan review is not a discretionary approval. The Michigan Zoning Enabling Act, Act 110 of 2006 (125.3501) reads: (Excerpt)

*Submission and approval of site plan; procedures and requirements.*

*Sec. 501.5) A site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the conditions imposed under the zoning ordinance, other statutorily authorized and properly adopted local unit of government planning documents, other applicable ordinances, and state and federal statutes.*

The word *shall* is mandatory in this text. So, if a site plan came in for a 7000 square foot rental house in the R1-A zoning district and that plan complied with all zoning

requirements, the plan could not be denied. Is this acceptable or do we want something that will give the planning commission some ability for discretionary approval like special use approval?

6. There was general agreement that the fine for not registering a rental property should be increased significantly over what is included in the draft.

As the commissioners have discussed, one element of this program should be the standardization of rules for rental owners and for renters. Staff has attached two examples of such documents currently in use in the city. Before any rental ordinance is adopted, the planning commission should work with rental owners to make sure that the rules are accepted and posted in the rental unit.

**Recommendation:** Please review the attached information and determine if more study is needed or if the amendments are ready for public hearing.

**Support Material:**

Summary of draft amendments

Proposed zoning ordinance amendments (redlined)

Proposed new Section 10 to Article X in the code of ordinances

Good Visitor Policy

Rental Owner Policy

## M E M O R A N D U M

To: City of South Haven Planning Commission  
From: Scott G. Smith, City Attorney  
Re: Proposed Ordinances Regarding Short-term Rentals  
Date: December 21, 2015

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Over the past few months, the Planning Commission and others have held work sessions to develop a regulatory framework for short-term rentals. Based on the ideas discussed in those sessions, the Zoning Administrator and City attorneys have developed proposed ordinance amendments to be discussed at your meeting of January 7, 2015. This memorandum summarizes the contents of those proposals.

If adopted in its current form, the proposed zoning ordinance amendment would:

- a. Define “short-term rental” to generally mean the rental of a dwelling unit for a term of 30 days or less. The term would not include the rental of: (i) dwelling units that qualify for the personal residence exemption (PRE) for property taxes; (2) dwelling units in a multi-family condominium development;
- b. Allow short-term rentals in all residential zoning districts. However, in all but the R-2 and RM-1 districts, new short-term rental operations would be prohibited in certain large dwellings that:
  1. Are more than 4,000 square feet in size including unfinished basement space;
  2. Have more than 5 toilets; or
  3. Have more than 5 bedrooms.
- c. Allow existing short-term rental operations in these large dwellings to continue, subject to the nonconforming use provisions in the zoning ordinance. The right to nonconforming use would expire if not used in any given 12-month period.
- d. Require that all large dwellings obtain site plan approval from the Planning Commission, which may impose conditions to minimize adverse effects that might arise if the dwelling is ever used for short-term rentals.
- e. Establish an abbreviated site-plan review application specifically for residential dwellings, which will essentially mirror the application for a building/zoning permit.
- f. Impose a maximum occupancy restriction for short-rentals in each zoning district. The draft ordinance has blank spaces for the Planning Commission to set the maximum occupancy load as it deems appropriate.

The proposed regulatory ordinance would create a new Chapter 10, Article X of the Code of Ordinances, and would require that:

- g. All short-term rental dwellings be registered with the City.
- h. All short-term rental dwellings have a local agent who can be reached by phone all hours of every day.
- i. The local agent’s name and contact number be displayed prominently in a first-floor window.
- j. The street address of the rental unit be posted in prominent interior locations, to assist occupants in communicating with emergency responders.
- k. The Planning Commission develops materials regarding “good renter” behavior and “good visitor” behavior, to be provided to all property owners who register short-term rentals and to all visitors who stay in short-term rentals.

Please let us know if you have any questions or concerns regarding these drafts. We would be happy to draft revisions or provide other assistance upon request.

GRAPIDS 57671-1 392093v1

**CITY OF SOUTH HAVEN**  
**VAN BUREN COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND SECTIONS 201.4, 201.12, 201.19, 401, 406, 501, 1401, AND 1901 OF THE SOUTH HAVEN ZONING ORDINANCE, AND TO ADD A NEW 1401a, TO REGULATE SHORT-TERM RENTALS**

The City of South Haven Ordains:

Section 1. Amendment. Sections 201.4, 201.12, 201.19, 401, 406, 501, 1401, and 1901 of the South Haven Zoning Ordinance are amended to read as follows:

**Sec. 201.4. "D".**

Day Care Center (Child Care Center): A facility, licensed by the State of Michigan, receiving one or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility, which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a church or other religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
2. A facility operated by a church or other religious organization where children are cared for while persons responsible for the children are on the premises.

Day Care (Family, Home): A licensed day care center as an accessory use in a private home in which at least 1 but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care (Group, Home) or Day Nursery: As defined in PA 116 of 1973, MCL 722.111, a "group day care home" means a licensed day care center in a private home as an accessory use in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Day Care (Private, Home): A private residence in which a day care center operator licensed by the State of Michigan permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.

Deck: An unroofed structure, generally with a pole or pier foundation, used for outdoor living purposes which may or may not be attached to a building and which protrudes more than four (4) inches above the finished grade. (See Section 1722.)

Deed Restriction: A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the City has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the City.

Density: The number of dwelling units situated on or to be developed on a net acre (or smaller unit) of land, which shall be calculated by taking the total gross acreage and subtracting the area in rights-of-way for streets and roads. (See Figure 2-6 and definitions of Lot Area, Gross and Lot Area, Net).

Detached Dwelling: A dwelling unit that is not attached to any other dwelling unit by any means.

Development: A parcel of land with one or more structures and a legal use.

District (or Zone): A portion of the incorporated area of the municipality within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Drive-in: A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.

Driveway: A means of access for vehicles from a street or approved alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any other requirements of the City, the County Road Commission or State of Michigan (depending on which entity exercises authority over the street from which driveway access is derived).

~~Dwelling: A structure designed for occupancy by one (1) family for residential purposes that is either permanently affixed to the ground, like a dwelling unit, or is a mobile structure like a travel trailer, or motor home.~~

Dwelling: A building containing one or more dwelling units.

~~Dwelling Unit: A building, or portion thereof, that is designed as a self-contained unit for human occupancy by one (1) family for residential purposes and having bathroom and cooking provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation.~~

Dwelling, One-Family: A dwelling unit designed for occupancy by one (1) family; also known as a single-family dwelling.

Dwelling, Two-Family: A building containing two (2) dwelling units designed for occupancy by two (2) families living independently of each other; also known as a duplex. A structure with two independent housekeeping units with independent entrances and independent cooking, eating, living, sleeping and sanitary facilities shall be considered a two-family dwelling, unless there is a shared common living area joining the housekeeping units.

Dwelling, Multiple-Family: A building or a portion thereof, designed for occupancy of three (3) or more families living independently of each other. A structure with three or more independent housekeeping units with independent entrances and independent cooking, eating, living, sleeping and sanitary facilities shall be considered a multiple-family dwelling, unless there is a shared common living area joining the housekeeping units.

#### **Sec. 201.12. "L".**

Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Lodging Rental: A lodging unit secured for transient or temporary occupancy for compensation, which may include but is not limited to, daily fees for a hotel room, motel room, bed and breakfast room, or residential dwelling unit: rented for a period of less than 48 hours. (See Section 1738).

Landscaping structure: A structure intended as an exterior decoration, often associated with plantings, which is open to the sky, and does not support either a floor or a closed roof, including an arbor, gateway arbor, shade arbor, trellis, retaining wall, raised garden bed, ornamental fence post, pillar, monument or statue.

Lodging Unit: A ~~dwelling unit,~~ hotel, motel, and bed and breakfast room or suite, which is used for temporary or transient lodging in exchange for compensation. AnyAdditionally, any residential dwelling unit, ~~which is~~ rented for a period of less than 48 hours, or offered or advertised as a daily rental, shall be considered a lodging unit, and its use shall not be classified as a residential use. (See Section 1738).

Lot: Land described in a recorded plat or by metes and bounds description, including a condominium unit in a site condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on a private road approved by the City (see Figure 2-4). A lot may or may not be specifically designated as such on public records. A lot may consist of: (a) a single lot of record; (b) a portion of a lot of record; (c) any combination of complete and/or portions of contiguous lots of record; or (d) a parcel of land described by metes and bounds, provided that in no case of a lot division or combination shall the width or depth of any lot or parcel created including residuals be less than that necessary to comply with the requirements of this Ordinance.

Lot Area. The area of a horizontal plane contained within the lot lines and right of way lines of a parcel, not including any area within a public right of way, or the 100 year Flood Plain as established by the Flood Insurance Rate Map promulgated by the Federal Emergency Management Agency as referenced within Section 1613.

~~(a)~~ Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees.

A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees.

Lot Coverage: The amount of a lot, stated in terms of percentage, which is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks (four inches or less above the finished grade) or patios or swimming pools. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot (see Figure 2-5).

Lot, Flag: A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property. See Figures 2-4 and 2-7.

Lot Frontage: The length of the front lot line. Lot, Interior: Any lot other than a corner lot, which, with the exception of a "through lot", has only one lot line fronting on a street (see Figure 2-4).

Lot Lines: The lines bounding a lot as defined herein and illustrated on Figure 2-7:

1. Front Lot Line: In the case of an interior lot, that line separating said lot from the street, private road, or other access easement. In the case of a through lot, that line separating said lot from either street, private road, or other access easement. (See Section 1715).
2. Rear Lot Line: That lot line opposite the front lot line. In the case of a through lot or a lot having frontage on more than one street, the line, which is opposite, the street address selected by the owner. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.
3. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A lot which is part of a subdivision and is shown on a plat, or a parcel of land, the dimensions of which are shown on a document or map, or a parcel of land described by survey or metes and bounds which is the subject of a deed or land contract and, in all three cases, **that was legally created and legally existing at the effective date of this Ordinance, February 3, 1983, as such lot was depicted and dimensionally configured on such date, and is on file with the County Register of Deeds**, or in common use by municipal or county officials and which actually exists as so shown, or any part of such parcel held in an record of ownership separate from that of

the remainder thereof. For the purposes of Article XVI, a lot of record only includes lots, which predate the effective date of the high-risk erosion designation.

Lot, Through: Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot (see Figure 2-4). In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

Lot, Waterfront: A lot having a property line abutting the Black River and/or Lake Michigan.

Lot Width: The horizontal straight-line distance between the side lot lines, measured between the two points where the line establishing the setback for the front yard intersects the side lot lines.

Lot, Zoning: A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one or more lots of record.

**Sec. 201.19. "S".**

Satellite Antenna: See definition in Section 1729.1.

Seasonal Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual or temporary basis but occupied on a temporary basis only, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home. Seasonal mobile home park does not include a campground licensed pursuant to sections 12501 to 12516 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.12501 to 333.12516 of the Michigan Compiled Laws.

Setback: The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

Setback Line: As used in Article XVI, the line which is the required setback distance landward of the bluffline and which is the lakeward limit for the construction of permanent structures without a special exception.

Screen: A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structural, consisting of shrubs or other growing materials.

Shoreland: The land, water and land beneath the water, which is in close proximity to the shoreline of Lake Michigan.

Shoreline: That area of shorelands where land and water meet.

Shore Protection Structure: Any structural or physical method used to control shoreland erosion processes. Shore protection structures include, but are not limited to, structures such as seawalls, revetments or bulkheads, and may also include any type of beach nourishment by filling.

Short-term Rental: The rental of a dwelling unit in the R-1A, R-1B, R-1C, R-2, or RM-1 zoning district for compensation for a term of less than 30 days. However, the rental of the following facilities shall not be considered short-term rentals: (i) dwelling units that qualify for the personal-residence exemption for property tax purposes, (ii) attached dwelling units in a multi-family dwelling condominium project, and (iii) transitional houses operated by a charitable organization, group homes such as nursing homes and adult-foster-care homes, substance-abuse rehabilitation clinics, mental-health facilities, and other similar health-care related facilities.

Sign: A device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity. Definitions of specific types of signs are found in Section 2001.

Site Condominium Subdivision: Means a condominium subdivision which includes units with building envelopes or which grants the owner the right to construct a structure.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan (see Article XIV).

Special Land Use: A use of land whose characteristics may create a nuisance or nuisance-like impacts on adjoining lands unless carefully sited according to standards established in this Ordinance (see Article XV). Approval for establishing a special land use is indicated by issuance of a Special Use Permit.

Special Use Permit: A permit issued by the City Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as a special land use pursuant to standards and procedures established in Article XV.

Stop Work Order: An administrative order, which is either posted on the property or mailed or personally delivered to the property owner, which directs a person not to continue, or not to allow the continuation of an activity, which is in violation of this Ordinance.

Story: That part of a building, except a mezzanine as defined herein included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story (see Figure 2-1).

Story, Half: An uppermost story lying under a sloping roof with the floor height at or above the level of the roof eave.

Street: A public dedicated right-of-way, other than an alley, or an approved private road or easement, which affords the principal means of access to abutting property.

Structure: Anything fabricated, constructed or erected, the use of which requires fixation or placement in, on or attachment to something having location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services.

Subdivision: The division of a lot, tract, or parcel of land into more lots for the purpose of sale or development, and subject to the requirements of Public Act 288 of 1967, as amended, this Ordinance and the requirements of Chapter 78 of the Code of Ordinances of the City of South Haven.

Substandard Lot or Parcel: Also known as "nonconforming" lot or parcel. A lot or parcel of record or a lot or parcel which is described in a land contract or deed that is executed and delivered before the designation of a high risk erosion area and which does not have adequate depth to provide the required setback distance from the bluffline for a permanent structure. The term also means those lots which are legally created after the designation of a high-risk erosion area and which have sufficient depth to meet setback requirements for permanent structures, but which subsequently become substandard due to erosion processes or become substandard due to a change in the required setback distance.

Swimming Pool: Means any structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing.

#### **Sec. 401. R-1A, R-1B AND R-1C USE REGULATIONS**

Land, buildings and structures in the R-1 zoning district may be used for the following purposes only:

1. One-family detached dwellings. The short-term rental of a one-family detached dwelling:
  - a. Is subject to a maximum occupancy load as provided in Chapter 10, Article X of the Code of Ordinances; and
  - b. Is not permitted in a dwelling that:
    - i. Is more than 4,000 square feet in size including unfinished basement space;

ii. Has more than 5 toilets; or

iii. Has more than 5 bedrooms, (i.e. rooms intended for sleeping or placement of a bed), as indicated in the registration application submitted to the City pursuant to Section 10-241 of the Code of Ordinances.

2. Two-family dwellings which were erected prior to the effective date of the amendment which added this provision. Thereafter, no new two-family dwellings, or conversions to two-family dwellings are permitted in this district. The short-term rental of a two-family dwelling is subject to the same regulations as described in subsection (1) above.
3. Farms in existence on the effective date of this Ordinance are allowed by right, all others by special use permit (see Section 1510.12.)
4. Publicly owned and operated libraries, parks, recreational facilities, and municipal parking lots by special use permit.
5. Cemeteries which lawfully occupied land in this district at the time of adoption of this Ordinance.
6. Churches and other facilities normally incidental thereto when authorized as a special land use. In considering such authorization, the Planning Commission shall ensure compliance with the standards in Article XV:
7. Public, charter, parochial and private schools offering courses in general education, when authorized as a special land use by the Planning Commission. In considering such authorization, the Planning Commission shall ensure compliance with the standards of Article XV.
8. Family day care home is permitted. Nursery schools, day nurseries and group day care homes, not including dormitories, when authorized by the Planning Commission as a special land use. In considering such authorization, the Planning Commission shall ensure compliance with the standards of Article XV.
9. Private noncommercial recreation areas, institutional or community recreation centers, nonprofit swimming pool clubs when authorized as a special land use by the Planning Commission. In considering such authorization, the Planning Commission shall ensure compliance with Article XV.
10. Golf courses when authorized as a planned unit development. In considering such authorization, the Planning Commission shall ensure compliance with the standards in Section 1510.15 and Article XIII.
11. Home occupations, as defined in Section 201, and which meet the requirements which follow, are not required to obtain a special use permit, all others are only permitted when authorized as a special land use by the Planning Commission according to the standards in b., which follow:
  - a. No special use permit is required if the home occupation meets the following standards:
    - ~~i-iv.~~ iv. No customers or clients visit the property to do business.
    - ~~ii-v.~~ v. No parking of commercial vehicles, equipment or trucks.
    - ~~iii-vi.~~ vi. No shipping or receiving of merchandise or freight which is obtrusive to neighbors.
    - ~~iv-vii.~~ vii. No storage of material, products, or other business related items in a garage, accessory building, or outdoors.
    - ~~v-viii.~~ viii. No signage.
    - ~~vi-ix.~~ ix. No visible evidence of business activity from outside the home.
  - b. In considering authorization for a special use permit for a home occupation, the Planning Commission shall ensure compliance with the following standards and those in Article XV:
    - i. Said home occupation shall not exceed ten (10) percent of the gross floor area of any floor of the residential structure.

- ii. There shall be no alteration in the residential character or function of the premise in connection herewith nor shall any garage or parking area be used in connection herewith.
  - iii. An identification sign shall not exceed two (2) square foot in area and shall be mounted flush to the main structure.
  - iv. The sale of a commodity or stock in trade sold or stored upon the premises shall only be incidental to the specific home occupation.
  - v. No person not residing on the premises shall be employed in connection with the home occupation.
  - vi. There shall be no equipment or machinery used in connection with a home occupation which is industrial in nature.
  - vii. No home occupation shall be permitted to be established or continued when the same is objectionable as determined by the Planning Commission due to noise, dust, smoke, odor, vibrations, light, traffic congestion, reduction of the living environment, or other impacts detrimental to the neighborhood in which it is located.
12. Planned Unit Development which contains the following uses or mix of uses and as regulated in Article XIII:
- a. Single-family dwellings.
  - b. Golf courses, tennis clubs, athletic clubs, and other recreational uses.
  - c. Parks and playgrounds.
13. Accessory buildings and structures customarily incidental to the above permitted uses.
14. Model homes including sales office(s) are permitted in subdivisions, condominium developments and planned unit developments and shall comply with the following standards:
- a. The model home shall be used solely as a sales and promotion office for the development in which the home is located. The model home shall not be used to conduct other business, or as a model home to promote sales in other developments.
  - b. The model home requires a temporary zoning permit. The Zoning Administrator may issue temporary zoning permits for up to either three (3) model homes or a number equal to one (1%) percent of the total number of units within the development, whichever is less, with a minimum of one (1) model home permitted per development. Temporary zoning permits shall not be issued until roads, water supply, sewage disposal, storm drainage, and other utilities and infrastructure to service the site used for the model home(s) are completed and determined to be acceptable for use. Certificates of occupancy for model homes shall be limited to model and sales office purposes only and not for habitation.
  - c. The model home must be located within the boundaries of the approved development and must comply with all requirements, conditions and stipulations of the development approval, zoning ordinance, and other city, county, state and federal regulations which may apply.
  - d. The model home shall be maintained to appear as a home at all times.
  - e. Use of the model home for sales and promotion shall cease as soon as fifty (50%) percent of the lots, condominiums, or units are sold or leased, or within two (2) years of the home's occupancy as a model home, whichever occurs first, whereupon the model home shall be offered for sale.
  - f. One (1) identification sign shall be permitted subject to the following regulations
    - i. The sign shall not exceed six (6) square feet in area.
    - ii. The sign shall be mounted to the structure or freestanding within five (5) feet of the building.

- iii. If freestanding the sign may be no more than six (6) feet in height. The sign may not be illuminated.

#### **Sec. 406. -R-2 USE REGULATIONS**

Land, buildings and structures in the R-2 District may be used for the following purposes only:

1. All uses as permitted and regulated in the R-1 Residential District, provided that any time more than two (2) one-family dwellings are proposed, the requirements of Article XIII shall be met. The regulations on short-term rentals provided in Section 406(1) do not apply to dwellings in the R-2 District. The short-term rental of a dwelling in the R-2 district is subject to a maximum occupancy load as provided in Chapter 10, Article X of the Code of Ordinances.
2. Two-family dwellings, provided that any time more than one duplex is proposed, the requirements of Article XIII shall be met.
3. Planned Unit Development which contains the following uses or mix of uses and as regulated in Article XIII:
  - a. Single-family attached and detached dwelling units that conform with the standards of Section 501(2).
  - b. Two-family dwellings.
  - c. Golf courses, tennis clubs, athletic clubs and other recreational uses.
  - d. Parks, playgrounds and other open space.
4. Accessory buildings and structures customarily incidental to the above permitted uses.

#### **Sec. 501. RM-1 USE REGULATIONS**

Land, buildings and structures in ~~this zoning district~~ RM-1 District may be used for the following purposes only, subject to the review and approval of a site plan by the Planning Commission:

1. All uses as permitted and regulated in the R-1 and R-2 Residential Districts. The regulations on short-term rentals provided in Section 406(1) do not apply to dwellings in the RM-1 District. The short-term rental of a dwelling in the RM-1 district is subject to a maximum occupancy load as provided in Chapter 10, Article X of the Code of Ordinances.
2. Attached and semi-detached dwelling units including dwellings known as townhouses or condominiums, among other names, subject to conformance with the following standards:
  - a. Each dwelling unit shall have one (1) floor at ground level.
  - b. No more than four (4) dwelling units shall be attached in any construction group, or contained in any single structure, except that where the roof ridge lines and building facades of any four (4) consecutive units are staggered or offset by at least ten (10) feet, then a maximum of eight (8) units may be permitted.
  - c. The site plan shall be so planned as to provide ingress and egress directly onto a major or minor thoroughfare, except when the Planning Commission finds, upon review of the site plan, that ingress and egress directly onto an adjacent minor street will not be detrimental to the harmonious development of the adjacent properties. Where feasible, the Planning Commission may require that ingress-egress to parking facilities be provided from adjacent alleys so as to minimize curb cuts directly onto the major or minor thoroughfares.
  - d. The site plan shall be so planned as to recognize yard and general development relationships with adjacent land uses. The Planning Commission may recommend physical features to be provided which will insure harmony in these relationships.
3. Multiple-family dwellings and apartments where not all the units are at ground level.
4. Mobile home parks, when authorized as a special land use by the Planning Commission and provided they are in conformance with all state regulations governing mobile home parks,

including Public Act 96 of 1987 as amended. In considering such authorization, the Planning Commission shall also ensure conformance with the requirements of Article XV.

5. Bed and breakfast inns.
6. Bed and breakfast hotel as a special land use (see Section 1510.04).
7. General hospitals, when authorized by the Planning Commission as a special land use. In considering such authorization, the Planning Commission shall ensure conformance with the standards Article XV.
8. Housing for the elderly when authorized by the Planning Commission as a special land use or planned unit development. In considering such authorization, the Planning Commission shall ensure conformance with the standards in Article XV or Article XIII, as appropriate.
9. Convalescent homes and orphanages when authorized as a special land use by the Planning Commission. In considering such authorization, the Planning Commission shall ensure conformance with the standards in Article XV or Article XIII, as appropriate.
10. Planned unit development which includes any of the solitary, or a mix of the uses permitted in this District and as regulated in Article XIII.
11. Marinas as an accessory use in a planned unit development when authorized as a special land use by the Planning Commission. In considering such authorization, the Planning Commission shall ensure conformance with the standards in Article XV or Article XIII, as appropriate.
12. Accessory buildings and structures customarily incidental to the above permitted uses.
13. Bakeries for the production of baked goods to be sold on the property and retail establishments for the sale of baked goods, coffee, ice cream, pizza and other similar consumable products which have been erected prior to the effective date of the amendment which added this provision and subject to the following conditions:
  - a. On-premise seating may be provided for the consumption of goods purchased on site subject to an occupancy load established by the Fire Marshall, Building Inspector, and Health Department and subject to all state and local code requirements.
  - b. No additional parking shall be required if the seating provided is for 16 persons or less.
  - c. The premises shall be limited in size to 1,000 square feet in area and shall be architecturally compatible with the surrounding buildings.

A very few such establishments that have historically existed and continue on a small scale are compatible with a neighborhood. Larger scale establishments, those with architecture or layouts out of character with the neighborhood, and an increase in the number of such establishments can adversely affect the quality and character of the community. The concept is to continue the "quaint" without succumbing to the "commercial" nature of such businesses. Therefore, no new bakeries or retail establishments, as defined in this section, are permitted in this district.

#### **Sec. 1401. USES REQUIRING SITE PLAN APPROVAL**

The Zoning Administrator shall not issue a zoning permit or a certificate of zoning compliance, nor shall the Building Inspector issue a building permit for any principal use listed below, nor for any accessory use on a lot or parcel for which site plan approval was previously granted or is required, until a site plan covering the entire lot or parcel has been reviewed and approved:

1. ~~The Site plans for the following the structures and uses are reviewed by the~~ Planning Commission ~~shall review and approve, deny, or approve in accordance with conditions all site plans involving the following, except those provided in 1401.2 the standards and 1401.3 below procedures in 1402 through 1406:~~
  - a. Any new principal use or any expanded principal use requiring more than ten (10) parking spaces;
  - b. All uses requiring a special use permit as specified in each zoning district.

- c. All new or substantially redeveloped uses within the RM-1 Multiple Family Residential District, CBD Central Business District, B-1 Neighborhood Business District, B-2 General Business District, B-3 Waterfront Business District, B-4 Major Thoroughfare Business District, I-1 Light Industrial District, I-2 General Industrial District, PB-1 Professional Business District and for erection of new principal buildings on all public lands.
  - d. All planned unit developments.
  - e. Anytime a building other than a single-family dwelling increases in height, ~~except where a single family home is increased from one to two stories and is below the maximum permitted height requirement.~~
  - f. Any subdivision plat, condominium subdivision or development with two (2) or more dwelling units.
  - g. All structures in the RM-1 Multi-Family Residential District.
  - h. Swimming pools on any lot where the principal use is not a one-family dwelling.
  - i. Retaining walls of a height greater than four (4) feet or of a distance less than two (2) times the height of the retaining wall above grade from another retaining wall.
  - j. Principal buildings erected in a ravine.
2. The Zoning Administrator, or the Planning Commission when requested by the Zoning Administrator, shall review and approve, deny, or approve with conditions site plans for expansion of all uses listed in Section 1401.1(c) that are under 20% of the existing structure size, and all expansions requiring less than ten (10) new parking spaces.
  3. The Zoning Administrator, or Planning Commission when requested by the Zoning Administrator, may waive site plan review and action thereon where:
    - a. ~~a~~A change of use requires no new buildings or structures, no expansion in area or height of existing structures or buildings and no new parking;
    - b. ~~an~~An expansion of an existing use involves only either: the erection of an accessory structure of a size and location that meets all applicable nondiscretionary standards of this Ordinance; or minor building alterations in the discretion of either the Zoning Administrator or Planning Commission;
    - c. ~~all~~All such waivers are recorded by the Zoning Administrator in a log, along with the rationale for the waiver.
  4. Site plans for certain large residential dwellings are reviewed by the Planning Commission in accordance with the abbreviated application procedures in Section 1401a. Specifically, site plan approval is required for all new or expanded dwellings that:
    - a. Are over 4,000 square feet in size;
    - b. Have more than 5 toilets, or
    - c. Have more than 5 bedrooms (i.e. rooms intended for sleeping or placement of a bed).

**Sec. 1901. LEGAL NONCONFORMING LOTS, USES, BUILDINGS AND STRUCTURES**

- ~~1. Nonconforming lots, uses, buildings or structures that were not legally established, defined for purposes of this section to mean in accordance with applicable provisions of this Ordinance, the City's Code of Ordinances or state law shall be declared illegal nonconforming lots, uses, buildings or structures and are not entitled to the status and rights accorded legally established nonconforming lots, uses, buildings or structures.~~
1. Nonconformities generally. A legal nonconforming lot, use of a building, or premises structure legally existing at the time ~~of enactment of when~~ this Ordinance was adopted or is amended in relevant part may be continued, ~~although such use or structure does not conform even if it no longer conforms~~ to the provisions of this Ordinance. However, a legal nonconformity may not be

~~increased in any manner unless otherwise provided there is NO such increase in the degree or manner of nonconformance. Such increase includes in this Ordinance.~~

2. Nonconforming uses. The following regulations apply to nonconforming uses:

a. Increases in use. Increases in nonconforming uses include, but ~~is~~ are not limited to, occupying:

i. Occupying a greater area of land than was occupied at the time the use became nonconforming ~~as well as moving.~~

ii. Moving the nonconforming use in whole or part to any other portion of the lot ~~as~~ than was occupied when it became nonconforming, unless approved under the provisions of this Article, a variance, or a special use permit. ~~In addition:~~

b. No Replacement with conforming use. Whenever a nonconforming use is replaced by conforming use, the nonconforming use may not be resumed and any subsequent use of the land must conform to the regulations for the district in which it is located.

c. Discontinuance of nonconforming use. Whenever a nonconforming use is discontinued for a period of 12 months or more, the nonconforming use may not be resumed and any subsequent use of the land must conform to the regulations for the district in which it is located.

3. Nonconforming structures. The following regulations apply to nonconforming structures:

~~b.a.~~ Change in use in nonconforming structure. A nonconforming structure may not be enlarged or altered in a way ~~which~~ that increases its nonconformity, but the use of a ~~structure and/or the nonconforming~~ structure ~~itself~~ may be changed or altered to any use permitted in the district in which it is located, ~~provided that all such changes are also in conformance with the requirements of the district in which it is located. Furthermore.~~ Further, any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time ~~for of the relevant~~ adoption or amendment of this ~~Article~~ Ordinance, but no such use shall be extended to occupy any land outside such building.

~~a.~~ Should such Destruction. If a nonconforming structure ~~be~~ is destroyed by any means to an extent of more than sixty (60%) percent ~~of~~ twice its assessed valuation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Article.

~~b.~~ Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located ~~after it is moved.~~

~~c.~~ Any structure, or structure and land in combination, in or on which a nonconforming use is replaced by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

~~d.a.~~ Ordinance. Where nonconforming ~~use~~ status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

b. Relocation of structure. If a nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located.

~~e.b.~~ Single-family dwellings in business districts. In ~~Business Districts~~ business districts, existing single-family ~~homes~~ dwellings are permitted to add accessory buildings and uncovered decks ~~under~~ in accordance with the requirements of the ~~district~~ districts in which they are located.

2.4. ~~Changes to property which help bring it into or closer to Ordinance conformance shall not be considered a prohibited alteration or expansion of a nonconforming use provided such alteration or expansion conforms as nearly as is reasonable, in the opinion of the Zoning Administrator, with the requirements of the district in which the lot or building is located.~~ Changes toward conformity.

Changes on a lot that help bring it into or closer to conformity with this Ordinance are permitted. Such activities include, but are not limited to increasing parking where it is deficient, adding landscaping screening, or fencing where it otherwise is required or would help mitigate a negative impact on abutting property, or replacing signs which ~~don't do not~~ conform with this Ordinance with ones that do.

3.5. Additions relating to multi-family occupancy. Decks, stairways, fire escapes and wheelchair ramps shall not be considered an expansion to a multiple-family residential nonconforming structure in an R-1 or R-2 district if all of the following conditions have been met:

- a. ~~the~~The addition meets the dimensional standards of the zoning ordinance; ~~and,~~
- b. ~~there~~There is no roofing, screening or enclosure of the addition; ~~and,~~
- c. ~~the~~The height of the floor of a deck addition is not above the first story floor level of the main structure being added to; ~~and,~~
- d. ~~no~~No part of a deck addition structure is located above the guardrail or hand railing height as required by the building code; ~~and,~~
- e. ~~the~~The baluster area between the flooring and the guardrail or hand railing shall have at least a fifty (50%) percent open area.

4.6. Fences and dumpster corrals. Fences and dumpster corrals shall not be considered an expansion of a nonconforming use if the proposed fence or dumpster corral meet the zoning ordinance standards for a conforming use.

Section 2. Addition. A new Section 1401a is added to the South Haven Zoning Ordinance to read as follows:

**Sec. 1401a. ABBREVIATED APPLICATION FOR RESIDENTIAL DWELLINGS**

Applicants for site plan review of a large dwelling (as required by Section 1401.4) must submit the following materials to the Zoning Administrator. The Planning Commission will review the application and consider final site plan approval with 30 days of receipt, in accordance with the standards in 1404. The Planning Commission may impose reasonable conditions on the approval of a site plan in order to satisfy the applicable standards.

1. The street address, tax ID number, and legal description of the property (including any deed restrictions and easements).
2. Proof that the applicant is a record title owner of the property.
3. A completed building/zoning permit application.
4. A site plan including the information listed below. The applicant shall provide 2 copies in 11" x 17" format, 2 in copies 24" x 36" format, and one copy in electronic format.
  - a. Date of site plan and the name, address, and phone number of the preparer.
  - b. Property lines, setbacks, and dimensions of the lot..
  - c. Existing structures, proposed structures, and structures planned for demolition.
  - d. Dimensions and locations of off-street parking spaces.
  - e. Direction of stormwater runoff.
5. Building elevation drawings including the information listed below. The applicant shall provide 2 copies in 11" x 17" format, 2 in copies 24" x 36" format, and one copy in electronic format.
  - a. Average grade of site.
  - b. Peak height of roof on each building face, as measured from the average grade of the site.
  - c. Depth of bury of basement around structure foundation.
  - d. Existing and proposed structures with stories labeled.

6. A survey drawing prepared by a professional surveyor is required in the following circumstances only:

a. For residences in the C-2 District.

b. When the proposed structure or overhang is less than 10 foot from the minimum setback line.

7. An application fee in an amount set by resolution of the City Council.

Section 3. Publication and Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

[Certification on Next Page]

DRAFT

CERTIFICATION

This true and complete copy of Ordinance No. \_\_\_\_\_ was declared adopted at a Regular Meeting of the South Haven City Council held on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Robert Burr, Mayor

\_\_\_\_\_  
Amanda Morgan, City Clerk

PC Hearing: \_\_\_\_\_, 2016  
Introduced: \_\_\_\_\_, 2016  
Adopted: \_\_\_\_\_, 2016  
Published: \_\_\_\_\_, 2016  
Effective: \_\_\_\_\_, 2016

| GRAPIDS 57671-1 ~~391363v1~~391363v4

DRAFT

**CITY OF SOUTH HAVEN  
VAN BUREN COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO ADD A NEW ARTICLE X TO CHAPTER 10 OF THE CODE OF  
ORDINANCES, CITY OF SOUTH HAVEN, MICHIGAN, TO REQUIRE REGISTRATION AND  
OTHERWISE REGULATE SHORT-TERM RENTALS**

The City of South Haven Ordains:

Section 1. Addition. Chapter 10, Article X, entitled "Short-Term Rentals," is added to the Code of Ordinances, City of South Haven, Michigan, and shall read in its entirety as follows:

**Chapter 10, Article X. Short-Term Rentals.**

**Sec. 10-241. Definitions.**

When used in this article, the following words and phrases shall have the meanings ascribed to them in this section:

- (a) Bedroom – A room intended for sleeping or placement of a bed.
- (b) Dwelling – A building containing one or more dwelling units.
- (c) Dwelling unit – A self-contained unit within a building that is designed for human occupancy and provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation.
- (d) Good visitor guideline materials – Materials prepared by the City's Zoning Administrator that include: (1) a summary of the City's noise ordinance (chapter 30, article II), fireworks ordinance (section 54-167), trash disposal ordinances (chapter 30, article IV and Chapter 70), and applicable offenses against the public peace (chapter 54, article V), (2) a reminder that the rental property is located in a residential neighborhood and that neighbors may not be vacationing, and (3) a statement informing the renters that neighboring property owners may contact the local agent to report any issues relating to the property.
- (e) Local agent – An individual designated to oversee the short-term rental of a dwelling unit in accordance with this article and to respond to calls from renters, concerned citizens, and representatives of the City. The local agent must live or maintain a physical place of business within 45 miles of the dwelling unit used for short-term rentals. The owner of the property may serve as the local agent so long as these criteria are met.
- (f) Short-term rental – The rental of a dwelling unit in the R-1A, R-1B, R-1C, R-2, or RM-1 zoning district for compensation for a term of less than 30 days. However, the rental of the following facilities shall not be considered short-term rentals: dwelling units that qualify for the personal-residence exemption for property tax purposes, attached dwelling units in a multi-family dwelling condominium project, transitional houses operated by a charitable organization, group homes such as nursing homes and adult-foster-care homes, substance-abuse rehabilitation clinics, mental-health facilities, and other health-care related clinics. .

**Sec. 10-242. Registration required.**

- (a) *Registration required.* All short-term rental units in the City's R-1A, R-1B, R-1C, R-2, and RM-1 Zoning District shall be registered with the City. It shall be a violation of this article to use any dwelling unit for short-term rentals if not registered.
- (b) *Application.* To register a dwelling unit used for short-term rentals, the property owner or agent of the owner shall:
  - (1) Truthfully provide and certify as true the following on a form provided by the City:
    - a. Name, address, and telephone number of the local agent for the dwelling unit.
    - b. The street address of the dwelling unit, along with other identification if more than 1 dwelling unit has the same street address.

- c. The number of dwelling units in the building, if more than one.
  - d. The number of bedrooms in each dwelling unit, and in the dwelling as a whole.
  - e. The number of off-street parking spaces provided for the dwelling unit.
  - f. The maximum number of occupants to which the applicant intends to rent the dwelling unit in any given rental period.
  - g. The length of the typical rental period for which the applicant intends to rent the property.
  - h. A statement certifying that each bedroom has a working smoke alarm, that there is a working carbon monoxide detector on each floor, and that the owner or local agent will check those devices at least every 6 months.
  - i. A statement certifying that the property owner consents to inspections by the City and will make the dwelling unit available to inspections upon request.
  - j. A statement certifying that the applicant or a local agent will provide at least one copy of the City's good visitor guideline materials to the renters each time the dwelling unit is rented.
  - k. Such other information as the City deems appropriate.
- (2) Pay an administrative fee, as set by resolution of the City Council.
  - (3) Prove that the personal residence tax exemption is legally appropriate or is not being claimed.

**Sec. 10-243. Short-term rental regulations.**

- (a) *Contact information posted in window.* The local agent shall post a notice in a prominent first-floor window of any short-term rental unit stating (in at least 16-point type) the name of the local agent and a 24-hour telephone number with which the agent can be reached.
- (b) *Street address posted within unit.* The local agent shall post the street address of the property in at least two prominent locations within the unit in order to assist occupants in directing emergency service personnel in the event of an emergency. The address should be posted near the kitchen and near any telephone or pool.
- (c) *Maximum occupancy.*
  - (1) A dwelling in the R-1A, R-1B or R-1C districts shall not have more than [REDACTED] occupants at any one time when being used for short-term rentals.
  - (2) A dwelling in the R-2 and RM-1 districts shall not have more than [REDACTED] occupants at any one time when being used for short-term rentals.
- (d) *Zoning compliance.* Short-term rentals are regulated in the South Haven Zoning Ordinance, and nothing in this article shall be construed as excusing compliance with zoning requirements.

**Sec. 10-244. Violations.**

Any violation of the requirements of this article shall be a municipal civil infraction. The fine for failing to register a dwelling unit used for short-term rentals is \$750.

Section 2. Publication and Effective Date. The City Clerk shall cause a notice of adoption of this ordinance to be published. This ordinance shall take effect 10 days after its adoption or upon publication of the notice of adoption, whichever occurs later.

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

CERTIFICATION

This true and complete copy of Ordinance No. \_\_\_\_\_ was declared adopted at a Regular Meeting of the South Haven City Council held on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Robert Burr, Mayor

\_\_\_\_\_  
Amanda Morgan, City Clerk

Introduced: \_\_\_\_\_, 2016

Adopted: \_\_\_\_\_, 2016

Published: \_\_\_\_\_, 2016

Effective: \_\_\_\_\_, 2016

GRAPIDS 57671-1 391225v2

## City of South Haven Good Rental Owner Guide

In consideration of our resident's right to peaceful enjoyment of their neighborhood, we have compiled some good neighbor guidelines. The Good Rental Owner Guide was established to address the most common complaints heard during community discussions regarding the impact of vacation rentals on residential neighborhoods. We encourage you to share your contact information with neighbors and maintain an open dialogue with them. A little consideration can go a long way to protect your property rights and ensure your neighbor's right to quiet peaceful enjoyment of their property.

### Vacation Home Interior Posting

The following items should be posted or easily located within your vacation home:

1. Registration card posted in front window
2. South Haven Good Visitor Guide
3. Local Agent or Manager Phone Number
4. Vacation Home address
5. Hospital & After Hours Clinic Location & Phone Numbers
6. Non-Emergency Police Phone Number or Vacation Rental Hotline

### Parking

Parking issues can be a big source of contention for your neighbors. It is important to establish a good parking plan prior to having your first guest. Guests can show up with an abundance of cars if they are traveling from different cities or have different schedules. The following guidelines will ensure happy neighbors:

1. Provide Parking Instructions to your guests prior to their arrival detailing:
  - a. Number of off-street parking spaces available
  - b. Number of other available parking spaces available
  - c. Location of overnight car parking lots. Encourage car-pooling from those lots to the home.
  - d. Parking Diagram if applicable
  - e. Provide additional street parking instructions if you live on or near narrow streets or there are other special circumstances regarding parking
  - f. No more than \_\_\_\_ cars will be allowed at any time at this address

### Garbage Pickup

You may be surprised to know vacationers can produce more garbage than the average family in a week. Overflowing garbage bins and empty bins left at the street will upset your neighbors. Best Garbage Practices:

1. Provide clear instructions on how to handle garbage & how to properly store it
2. Order or buy additional garbage bins during peak season
3. Hire someone to ensure garbage bins are taken back to storage area after pick-up

### Snow Plowing

Ordinance #\_\_\_\_ stipulates.... Best Practice:

1. Hire someone to shovel your side walk during the winter

### Properly Vetting Guests & Controlling Occupancy

Due to parking & noise large events should be avoided in residential neighborhoods. If you self-manage you should take extreme precaution when guests are in town for weddings or family reunions. It is important for guests to understand the negative impact large groups can have when congregating in residential neighborhoods.

**Fire Pits**

Smoke from wood burning fire pits can be a nuisance to your neighbors especially if you are in close proximity to them. A propane fire pit may be a good alternative. Please contact the South Haven Area Emergency Services department for current information regarding fire pits prior to using a pit.

**Sleeping Rooms**

Insert Building Code regarding Egress Windows, Etc.

## **EXAMPLE**

### **City of South Haven Good Visitor Guide**

Welcome to the City of South Haven. We hope you enjoy our beautiful community as much as we do. During your visit, please remember the Vacation Rental home you are staying in is located within a residential neighborhood. To ensure our resident's right to quiet and peaceful enjoyment of their neighborhood, we have established a Good Visitor Guide. Please respect our residents and our city by adhering to these guidelines.

#### **Noise**

Be considerate and respect your neighbor's right to the quiet enjoyment of their home and property especially after 10:00p.m. Some residents may have to work in the morning and would appreciate a good nights sleep. In addition, City Ordinance 30-29 stipulates no shouting, whistling, yelling or singing on public streets between the hours of 10:00p.m – 7:00a.m. Noise violations may result in a fine.

#### **Fireworks**

Loud fireworks are a general nuisance especially to neighboring pets. Ordinance # \_\_\_ stipulates fireworks are permitted only the day before, day of and day after a holiday. In addition, fireworks are strictly prohibited by many home owners and management companies.

#### **Parking**

In some areas street parking is limited. Please utilize your vacation home's off-street parking whenever possible. If street parking is available, please engage in good neighbor practices by parking in front of your vacation home, being mindful not to block sidewalks, mailboxes or driveways. Please ask your property manager about alternative overnight parking lots that are available to help relieve parking congestion. Overnight parking is not allowed on any public street from Nov 15 – March 15 to allow for snow plowing.

#### **Garbage Pickup**

Garbage shall not be left in public view except in proper containers. The regularly scheduled garbage day for the City of South Haven is Monday. Please put your garbage out no sooner than Sunday (preferably in the evening). Emptied garbage bins should be returned to their storage location as soon as possible after pickup on Monday.

#### **Pets**

All pets are required to be on leashes whenever they are in un-enclosed areas or on public streets. When walking your dog you are required to pick up and dispose of their waste. Please do not allow your pets to trespass on neighboring property. Pets should not be allowed to make loud and frequent noise that will disturb the peace and quiet of a neighborhood.

#### **Events & Occupancy**

Large events such as family reunions and weddings can have a negative impact on residential neighborhoods due to parking and noise. Please check your vacation homes policies regarding events and day guests.

#### **South Haven Contact Information**

Code Enforcement Hotline – [Phone](#)

South Haven Community Hospital – [Information](#)

After Hours Urgent Care - [Information](#)