

Planning Commission

Work Session Minutes **Wednesday, February 10, 2016** **10:00 a.m., Council Chambers**



City of South Haven

The meeting was called to order 10:00 a.m. by Vice-chair Larry Heinig. Present were planning commission members Terri Webb, Bill Fries and John Frost. Zoning Administrator Anderson and members of the public were also in attendance.

Public comment was received from Dorothy Appleyard, Pat Gaston, Susan Ryan, Steve Runkle, Susan Woodhull and Gerald Webb.

The members began with a discussion of the proposed exemption of children six (6) and under in the occupancy limit. Frost stated he does take neighbors into consideration by taking care not to encourage raucousness. "But," he stated, "Who do we want in these rental houses? Why is occupancy an issue at all?" He added that he would never rent to 32 people at one house so 'let's decide this issue and be done. What is the real issue? Noise? Then let the police use existing laws to deal with that.'

Heinig reminded Frost that we are trying to deal with the young child exemption and we need to get that resolved. Frost agreed but stated that any occupancy number is purely arbitrary. Where is the evidence that a multi-generational family of 20 is noisier than a group of ten (10) 25-year-olds?

Webb agreed, saying she really is not comfortable with a limit on occupancy, but understands that it is necessary. She also stated that they would never rent to a party over 20 regardless of ages.

Fries questioned what is the actual problem? Do occupancy and noise always go hand in hand? He is concerned that there will be unintended consequences resulting from overregulation. What will happen to our downtown if we severely limit short term rentals?

Webb stated she feels we are rushing this process and initiating regulations without adequate information to move forward. If occupancy is about noise, we have regulations in place for the police to deal with that. We need to know where the rentals are now located and detailed police reports of noise and disturbance complaints.

Heinig stated that he is satisfied with the occupancy regulations as determined at last week's meeting. Frost then said that he thinks they should table this decision until next time when more members are present. All agreed.

Discussion then moved to the section concerning revocation of rental permits (Sec. 10-244 City Code of Ordinances). Webb said she has problems with this section. What is an incident? We need this clearly defined.

Frost said an incident could not just be a police call to the house adding that the determination of incident is too subjective to leave as it reads. Maybe it's the issuance of a citation and a plea of guilty. He also feels that *Section 54-116 j* proposed for the code of ordinances is a problem. Why was that included? 50 feet is not a long distance. Failure to register is an incident. Exceeding the occupancy limit overnight is an incident. Noise is not an incident as it is covered already under the noise ordinance.

Webb stated that *Section 30-28* is overregulation in her opinion. "Are we going to drive people away from the city? Is the local contact/manager rule overboard?" She also agrees with Frost that the 50 foot limit needs to go as we already have a noise ordinance. Why should the police work with two (2) noise ordinances and why would fines be higher for a short term rental than for an owner occupied house?

Fries related a story about friends of his who were looking to build here but with the moratorium in place and the rental ordinance in the air they have decided to go elsewhere. He also questioned why the fine for a first offense is so high? This is another example of unintended consequences.

Webb said this whole process is too rushed without having good data on existing rentals and detailed police reports. What is the urgency? She agrees with the registration and occupancy but feels some of the other regulations are too arbitrary without adequate data.

Heinig said that the city council placed the urgency on this when they asked us to draft the ordinances.

Fries said that a homeowner could be fined if the number of occupants exceeds the limit overnight but not during daylight hours. (*Sec. 10-241 g*). Daylight hours should be more clearly defined, especially during the long days of summer.

Frost said that a \$1000 fine is way out of line for a civil infraction.

Next meeting February 24 at 10:00 a.m. Focus of discussion will again be *Section 10-244*, Violations and Revocation of Registration and the occupancy limits.

Meeting adjourned at 10:57 a.m.

RESPECTFULLY SUBMITTED,
Linda Anderson, Zoning Administrator