

# Planning Commission

## **Work Session Minutes** **Wednesday, February 17, 2016** **10:00 a.m., Council Chambers**



**City of South Haven**

The meeting was called to order 10:00 a.m. by Chair Dave Paull. Present were planning commission members Terri Webb, Bill Fries, Clark Gruber, Brian Peterson, Larry Heinig and John Frost. Zoning Administrator Anderson and members of the public were also in attendance.

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

Paull asked if any members had any comments proper to beginning the session. Webb stated that she did have a response to a comment made by Steve Runkle during public comment. Gruber stated, "Yes, we are listening to residents and reading all of your emails. This process cannot wait until next year. We need collection to begin now".

Anderson gave an update on what has been completed so far and what still needs to be decided. Paull suggested that they begin the discussion a final decision of the exemption of children six years of age and lower from the occupancy limit. Gruber and Peterson said they were both okay with the occupancy as it now reads: age six and under are exempt. The other members concurred and that will be part of the ordinance.

Next was a discussion of whether to register those houses that have a principle residence exemption (PRE). Anderson stated that the city attorney recommends leaving it out but she knows there are some planning commission members who would like it left in. Gruber started the discussion by stated that he would like to see the PRE house included. That way, at least, they would need to comply with the rules and not rent for 2 weeks to 40 people. Paull added that including these residences would also keep our statistics clean. All agreed that PRE houses are included.

Anderson then brought up the issue of maximum house size. The members had, at one point, deleted the square foot/bedrooms/toilets provisions in favor of occupancy limits based on 2 adults per bedroom with an additional 2 people per occupied floor.

Paull stated that he thinks a maximum house size is necessary because of "ducks". Gruber said he likes that idea but how do they determine a size limit?

Webb reminded the members that we already have a lot coverage maximum and that restricts house size.

Peterson stated that a big house is not necessarily the problem and many of them exist now. Are we really considering restricting only short term rentals?

Paull stated that the planning commission should review all houses being constructed in the community that are over a certain size.

Fries believes the maximum lot coverage is the best ruler of overall size. He does not like the idea of all houses proposed over some arbitrary size to go to the planning commission.

Webb said that she doesn't care if people are using the houses as rentals or not, some house are just big. She asked the members if they thought the Cass Street house was the biggest in the neighborhood.

Fries asked again what does house size really matter.

Gruber said that this all started with the Cass Street house. People have owned summer rental houses in South Haven for 100 years, at least.

Frost asked why size or neighborhood character matters at all. Are we going to restrict people from redeveloping neighborhoods and building larger homes? Why would we restrict development and neighborhood improvement?

Gruber asked if we are potentially looking at planning commission approval for all new houses.

Frost and Fries both argued that new houses do not need to go to the planning commission as size is already regulated by lot coverage and reduced height regulations.

Paull talked about his neighborhood and what would happen if someone bought three 25 foot lots and built one big house.

Webb suggested maybe planning commission approval for houses proposed for combined lots.

Anderson asked for thoughts from other members on this. She suggested maybe having site plan review for lot combinations resulting in lots larger than the minimum for the zoning district.

Gruber stated that increased lot coverage is a matter for the ZBA, correct? Anderson said that was true.

Frost asked if someone bought a large house and want to rent it in the summer. "They are still bound by occupancy but what about size? Why don't we just go wild and limit the size of all houses in South Haven?"

Paull conceded that that was a good point and asked if size is still an issue worth regulating. All members agreed it was not. After more data was available, maybe they would find differently.

The next issue was whether to register rentals in condominiums and planned unit developments. It was decided unanimously that only site condominiums would be registered.

Discussion began concerning permit revocation and the definition of an "incident" (Sec. 10-244).

Frost asked why noise is on the list of offenses warranting revocation. Noise has nothing to do specifically with the rental ordinance. There are already regulations and penalties for noise violations in the city. Noise also has nothing to do with house size or occupancy per se. He asked Anderson if there were three noise complaints on a single rental in one year, their registration could be revoked and they would lose the right to reregister for three years.

Anderson stated that that was the way the ordinance currently read.

Frost asked, "How is that fair?"

What if I have a rental house next to me that I don't like? I rent the house for a week and deliberately violate the noise ordinance. The owner then loses the right to rent.

Gruber agreed it is unfair as written.

Heinig also agreed and said that all subsections should be deleted except (A). It should be added that failure to register and over occupancy are also offenses warranting revocation of registration. All agreed.

With no other outstanding issues, the members turned to adoption scheduling. There will be one last worksession next week just for fine tuning. Then the planning commission will schedule a public hearing for March 24, 2016. The ordinance will then move to city council. The ordinance really needs to be enacted by the May 16 moratorium end.

Meeting adjourned at 11:55 a.m.

RESPECTFULLY SUBMITTED,  
Linda Anderson, Zoning Administrator