

Planning Commission

Work Session Minutes Wednesday, January 27, 2016 10:00 a.m., Council Chambers



City of South Haven

The meeting was called to order 10:00 a.m. by Chair Paull. Present were planning commission members Peterson, Gruber, Webb, Fries and Heinig. Frost arrived at 11:00 a.m. City attorney Scott Smith, zoning administrator Anderson and members of the public were also in attendance.

Public comment was received from John DeCardy.

Anderson said the focus of the meeting today is to try and reach consensus on occupancy and building size.

Attorney Smith asked the members what they saw as the key issues in the rental ordinance development.

Peterson: Occupancy and noise seem to be the biggest remaining issues. He stated he would like to see something along the lines of 2 people per bedroom and an occupancy cap of 12.

Heinig: Sees the need for registration information before some decisions can be made. Specific zoning districts may need different density allotments.

Gruber: Houses being developed outside of neighborhood character is what got this rental ordinance started. He sees a need to control density in not just new houses but remodels as well. He would like to see restrictions on combining lots to build larger homes that do not fit the existing character. He also feels registration information is needed to find where short term rentals are now.

Fries: His main concern is the unintended consequences of overly limited occupancy. He further questioned whether we have correctly identified the problems with rentals. He does not believe unfinished basements should be included in the square footage limits.

Webb: Supports the idea of registration and more detailed police reports to add data to our base. She questioned whether occupancy is really an issue. Couldn't a house with 8 people be as loud as or louder than a house of 18? The noise complaint last week involved only 8 adults in a hot tub. She has studied past rental records and finds that most larger rentals are multi-generational family groups. If we are going to control or limit occupancy, she suggests using the number of bedrooms or spaces which could be used as bedrooms.

She said that our changes to the parking requirements are a help but the city really needs to review all parking availability and need in the city, not just for rentals.

Paull chose to first hear the attorney's comments before he offered his own.

Attorney Smith said he sees this as a change in city policy. He recommends doing an incremental ordinance starting with registration and occupancy. Detailed police reports will provide needed information on noise complaints at various types of rentals and owner occupied housing.

He also stated that there is no possibility of drafting an ordinance that will satisfy everyone or even anyone. No perfect legislation exists and should not be expected. He agreed that this process began with a couple homes that were out of character for their neighborhoods and now we are exploring occupancy, size and enforcement. Occupancy is hard to enforce except through websites and advertising that offers occupancy higher than allowed by ordinance.

He also explained that basement bedrooms are okay with the proper egress.

Paull: Liked the attorney comments and also feels registration is critical to the program.

Webb: We all want to see families in our neighborhoods but attracting families is going to require more for families to do, good schools and jobs. Those are things that attract families.

Attorney Smith: We have a few issues here under discussion. One is the large, purpose built/renovated houses and the effect on neighborhoods. This is difficult to address as any house may be used as a long term rental. So, how do we regulate short term rentals? Size? Occupancy? Distance between rentals? Regardless of what is decided in this ordinance it needs to be included that the ordinance will be reexamined in one year when more information is available.

Paull called for a break at 10:58. Meeting resumed at 11:06.

Paull stated to the audience that it is not our intention to eliminate short term rentals in this city. Then it was decided that each member should offer their opinion and/or recommendation regarding occupancy limits.

Peterson: He likes 2 persons per bedroom plus 2 extra per occupied floor with a maximum of 12.

Heinig: Also likes 2 persons per bedroom plus 2 extras per occupied floor. He believes the maximums should vary by zoning district. As examples he suggests 12 in the R-1 zones and 18 in the RM-1, B-3 and R-2 zones.

Gruber: Recommends 3 people per bedroom plus 2 extra per occupied floor except basements. The maximum should be 16 with a limit of 10 adults for lots over 5000 square feet and a maximum of 12 with a limit of 8 adults for lots under 5000 square feet.

Fries: Does not like the lot size as a standard for occupancy. He likes 3 people per bedroom plus 2 per other living space in the house.

Webb: Likes 3 people per bedroom plus 2 per other living spaces in the house.

Frost: Does not like a hard number for the maximum and offered some examples. He questions the real problem with rentals. He agrees that larger lots should allow more occupancy. If a hard cap is necessary he would like something like 10 adults with no cap on children.

Paull: Likes 2 adults per bedroom plus 2 additional per occupied floor.

There was discussion concerning whether to have a maximum or not. The city attorney asked what would be considered adult. Sixteen, eighteen?

Fries: Again stated he does not like a maximum.

Gruber: Does not like the reference to adults and believes the occupancy cap should include all persons.

Webb: Also does not like imposing a maximum cap.

Attorney Smith: Stated that he feels a maximum is necessary even if it's a high number such as 25.

Frost: Does not believe the number of occupants is at issue here.

Peterson: Likes a cap with children under a certain age exempt.

Webb: Likes 16 as a maximum with kids under a certain age exempt.

There was discussion of possibly allowing exceptions to the maximum by special use permit. Most members felt this would be cumbersome to owners unless the exception was given for an entire season.

Attorney Smith restated the need to revisit this ordinance after a year. He also stated that he will be working on drafting a summary statement of the ordinance recommendations thus far after the next draft is prepared. He will work with staff to prepare a discussion draft after this meeting.

Meeting adjourned at 12:05 p.m.

RESPECTFULLY SUBMITTED,
Linda Anderson, Zoning Administrator