

City Council

Regular Meeting Agenda

Monday, April 18, 2016
7:00 p.m., Council Chambers



1. **Call to Order**
2. **Invocation – Reverend Eric Jarvis, Pastor at the First Assembly of God**
3. **Roll Call**
4. **Approval of Agenda**
5. **Consent Agenda: Items A through G (Roll Call Vote Required)**
(All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. Unless requested by a Council Member or a citizen, there will be no separate discussion on these items. If discussion is required regarding an item, that item will be removed from the Consent Agenda and considered separately.)
 - A. Council will be asked to approve the City Council Regular minutes for April 11, 2016.
 - B. Council will be asked to approve invoices totaling \$1,451,799.97 for the period ending April 10, 2016 be approved and forwarded to the Clerk and Treasurer for payment.
 - C. Council will be asked to consider approval of Resolution 2016-22, a resolution approving the Michigan Department of Natural Resources “Michigan Natural Resources Trust Fund” (MNRTF) grant agreement for improvements to North Beach Park in the amount of \$300,000.
 - D. Council will be asked to consider approval of Resolution 2016-23, a resolution approving the Michigan Department of Natural Resources “Michigan Natural Resources Trust Fund” (MNRTF) grant agreement for replacement of two skid piers at Black River Park Boat Launch in the amount of \$37,500.
 - E. Council will be asked to consider approval of Resolution 2016-24, a resolution approving the Michigan Department of Natural Resources grant agreement for Southside Marina Dock Extension Engineering.
 - F. Council will be asked to consider approval of Resolution 2016-25, a resolution approving the Michigan Department of Natural Resources grant agreement for Southside Marina Improvements.
 - G. Council will be asked to approve the following minutes:
 - 1) December 14, 2015 Brownfield Authority meeting minutes;
 - 2) December 14, 2015 Local Finance Development Authority meeting minutes; and
 - 3) March 8, 2016 Parks Commission meeting minutes.

If a member of the public wishes to address any of the following items listed on the agenda, they will be given a chance to speak prior to Council discussing the item. They will be given up to 5 minutes to address their concerns.

OLD BUSINESS

6. **The City Council will be asked to take the following actions related to the proposed amendment to the short-term rental ordinance and the amendment to the zoning ordinance:**
 - A. **Host a public hearing related to the proposed short-term rental ordinances.**
 - B. **Consider a motion to forward one of the following proposed ordinance amendments, related to the short-term rental ordinance, to the city's Planning Commission for review and comment on the areas of alteration:**
 - i. **Consider draft ordinance, option A, which limits maximum adult occupancy to 12, and implements stricter standards for new rental properties in the R-1A, R-1B, and R-1C zoning districts.**
 - ii. **Consider draft ordinance, option B, which limits maximum adult occupancy to 14, and implements stricter standards for new rental properties in the R-1A, R-1B, and R-1C zoning districts.**
 - iii. **Consider draft ordinance, option C, which follows the Planning Commission's recommendation and limits maximum adult occupancy to 16.**
 - C. **Consider a motion to forward the proposed amendment to the zoning ordinance to the city's Planning Commission for review and comment.**

NEW BUSINESS

7. **Council will be asked to approve Barbara Craig as the Lake Michigan College representative to the Local Development Finance Authority and Brownfield Redevelopment Authority boards.**
8. **Council will be asked to approve Special Event 2016-14 – South Haven Steelheader Pro-Am Fishing Tournament to be held May 13 - 15, 2016 at the Southside Municipal Marina from 6:00 a.m. to 6:00 p.m.**
9. **Interested Citizens in the Audience Will Be Heard on Items Not on the Agenda**
(You will be given up to 5 minutes to address your concerns.)
10. **City Manager's Comments**
11. **Mayor and Councilperson's Comments**
12. **Adjourn**

RESPECTFULLY SUBMITTED,



Brian Dissette, City Manager

South Haven City Hall is Barrier-free and the City of South Haven will provide the necessary reasonable auxiliary aids and services for persons with disabilities, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon seven (7) days notice to the South Haven City Clerk. Individuals with disabilities requiring services should contact the City Clerk by writing or calling South Haven City Hall at (269) 637-0750.

City Council

Regular Meeting Minutes

Monday, April 11, 2016
7:00 p.m., Council Chambers



1. Call to Order by Mayor Burr at 7:01 p.m.

2. Moment of Silence

3. Roll Call

Present: Jeff Arnold, Clark Gruber, Andy Klavins, Vickiy Kozlik Wall, Steve Schlack, Scott Smith, Bob Burr
Absent: None

4. Approval of Agenda

Moved by Kozlik Wall, seconded by Klavins, to approve the agenda.
Voted Yes: All. Motion carried.

5. Consent Agenda: Items A through F (Roll Call Vote Required)

Moved by Smith, seconded by Gruber, to approve the Consent Agenda as follows:

- A. Council will be asked to approve the City Council Regular minutes for March 21, 2016.
- B. Council will be asked to approve invoices totaling \$414,678.45 for the period ending April 10, 2016 be approved and forwarded to the Clerk and Treasurer for payment.
- C. Council will be asked to review the bids received for the Peterson Ravine Manhole Rehabilitation project and consider a contract award to Culy Contracting, Inc. in the amount of \$37,407.00.
- D. Council will be asked to consider proposed upgrades to the traffic signal at Broadway and Phoenix and authorize City Manager to execute MDOT contract 16-5080.
- E. Council will be asked to approve the Agreement and Mutual Release for the Covert Township Water Tower.
- F. Council will be asked to approve the following minutes:
 - 1) January 19, 2016 Harbor Commission minutes;
 - 2) January 25, 2016 Board of Public Utilities minutes;
 - 3) January 25, 2016 Zoning Board of Appeals minutes;
 - 4) January 27, 2016 Housing Commission minutes; and
 - 5) February 8, 2016 Zoning Board of Appeals Special Meeting minutes.

A Roll Call Vote was taken:

Yeas: Arnold, Gruber, Klavins, Kozlik Wall, Schlack, Smith, Burr

Nays: None

Motion carried.

NEW BUSINESS

6. Council will be asked to approve the following special events:

- a. Special Event Application 2016-10 – Gathering to Give Craft & Vendor Expo to be held on June 25, 2016 at Stanley Johnston Park from 8:00 a.m. to 4:00 p.m.**

Background Information:

The Domestic Violence Coalition is requesting to hold a craft and vendor expo on June 25, 2016 from 8:00 am to 4:00 pm at Stanley Johnston Park. The funds raised from this event will be used to help support the Domestic Violence Coalition. Insurance has been provided

Moved by Klavins, seconded by Arnold, to approve Special Event Application 2016-10 – Gathering to Give Craft & Vendor Expo to be held on June 25, 2016 at Stanley Johnston Park from 8:00 a.m. to 4:00 p.m.

Voted Yes: All. Motion carried.

- b. Special Event Application 2016-11 – 58th Annual Summer Art Fair to be held starting July 1, 2016 through July 3, 2016 at Stanley Johnston Park from 10:00 a.m. to 6:00 p.m.**

Background Information:

The South Haven Center for the Arts is requesting to hold their 58th annual craft fair starting July 1, 2016 through July 3, 2016 at Stanley Johnston Park. This event brings in over 30,000 people to South Haven. South Haven Center for the Arts will provide volunteers and overnight security. Insurance has been provided.

Moved by Gruber, seconded by Arnold, to approve Special Event Application 2016-11 – 58th Annual Summer Art Fair to be held starting July 1, 2016 through July 3, 2016 at Stanley Johnston Park from 10:00 a.m. to 6:00 p.m.

Voted Yes: All. Motion carried.

- c. Special Event Application 2016-12 – Light Up the Night 5k to be held on Saturday, October 1, 2016 from 5:30 p.m. to 9:00 p.m. beginning at the South Haven High School.**

Background Information:

Light up the Night in South Haven 5K is ready for Council approval. This event is a 5K walk/run to raise funds for South Haven Public Schools. The course will begin and end at the High School (see attached map for route). The event will have music playing along the route at miles 1, 2, and finish line. There will also be pre-race activities from 5:30 to 7:00 at the school. This event will take place on Saturday, October 1, 2016 from 5:30 pm to 9:00 pm.

Moved by Smith, seconded by Klavins, to approve Special Event Application 2016-12 – Light Up the Night 5k to be held on Saturday, October 1, 2016 from 5:30 p.m. to 9:00 p.m. beginning at the South Haven High School.

Voted Yes: All. Motion carried.

- d. Special Event Application 2016-13 – “Light Up the Lake” Fireworks 2016 to be held on July 3, 2016 beginning 10:30 p.m. on the city’s beaches.**

Background Information:

The fireworks committee is requesting approval of 2016 fireworks event. As with years past, the fireworks display will be fired off the North Pier over Lake Michigan. The committee is working with the City to ensure that the town is prepared for the increased crowds. They are also working with bridge tenders so there are no issues with backups at the bridge.

Mayor Burr gave details on the annual event.

Moved by Kozlik Wall, seconded by Smith, to approve Special Event Application 2016-13 – “Light Up the Lake” Fireworks 2016 to be held on July 3, 2016 beginning 10:30 p.m. on the city’s beaches.

Voted Yes: All. Motion carried.

7. Council will be asked to consider the following sign requests:

- a. National Day of Prayer to place a temporary sign on the west side of City Hall front lawn beginning April 27, 2016 through May 5, 2016.**

Background Information:

The coordinators of the National Day of Prayer Service are again asking to place one (1) temporary sign on public property to promote the May 5, 2016 event. The sign is proposed for the west side of the city hall front lawn (Phoenix Street) and is 70 inches long and 29 inches high. A graphic of the proposed sign is attached to this report. The sign is proposed to be in place from Thursday, April 27 to Thursday, May 5, 2016 and will be removed immediately after the event.

Moved by Gruber, seconded by Klavins, to approve National Day of Prayer to place a temporary sign on the west side of city Hall front lawn beginning April 27, 2016 through May 5, 2016.

Voted Yes: All. Motion carried.

- b. Historical Association of South Haven to place a temporary sign on the backstop of the baseball diamond at Kids’ Corner playground from April through October 2016.**

Background Information:

The Historical Society of South Haven requests permission to place a temporary sign on the backstop at Kid's Corner playground. The sign, which will be 3 feet by 5 feet, is vinyl with wood backing displaying the message shown on the attached graphic. The sign will be posted from April through October, 2016.

Moved by Smith, seconded by Schlack, to approve Historical Association of South Haven to place a temporary sign on the backstop of the baseball diamond at Kids' Corner playground from April through October 2016.

Voted Yes: All. Motion carried.

8. Council will be asked to consider the sale of real property, parcel number 80-17-022-050-00, to Nicholas Wiatrowski in the amount of \$8,000.00.

Background Information:

The City Council will be asked to consider approval of the sale of property to Nicholas Wiatrowski. Nick Waitrowski approached the city in December 2015 about purchasing property adjacent to his father's address of 13517 Blue Star Highway for a second home for his family. The adjacent property is on the east side of Blue Star Highway and 420' north of 14th Avenue and lies between 13517 and 13747 Blue Star Highway. Title is held by the City of South Haven's Board of Public Works with a parcel number 80-17-022-050-00. The property was a site formerly used as an electric substation and transformer storage. The driveway and transformers have been removed however the cement pads are still in place.

Due to the previous storage of transformers on the property, there may be soil contamination in the area that the transformers were used. An environmental assessment has not been performed. The cost to remove the foundations, haul away the fill material, and if necessary, handling of the contaminated soil from underneath the transformer pad area will be the responsibility of the Wiatrowski's.

The city has negotiated a purchase price for the property in the amount of \$11,000 less \$2,000 for title work and \$1,000 for surveying for a net price of \$8,000.00. As stated in the Purchase Agreement, buyer would accept the property "as is, where is" basis.

Brian Dissette, City Manager, spoke on this item giving background information and indicating that Board of Public Utilities has approved the sale of this parcel of property.

Moved by Kozlik Wall, seconded by Arnold, to approve the sale of real property, parcel number 80-17-050-00, to Nicholas Wiatrowski in the amount of \$8,000.00.

Voted Yes: All. Motion carried.

9. Council will be asked to schedule a series of budget workshops for the upcoming fiscal year.

Background Information:

The City Council will be asked to schedule a series of budget workshops for the upcoming fiscal year.

Over the coming month, the City Council will be asked to host a series of workshop sessions to discuss the upcoming fiscal year budget. Through these conversations, elected and appointed officials will be able to refine the draft budget document, which meets the City Council's expectations.

Possible workshop dates that the City Council could consider are:

- Wednesday, April 20th at 6:00 p.m.
- Monday, April 25th at 6:00 p.m.
- Wednesday, April 27th at 6:00 p.m.

While, only one or two workshop sessions may be needed for the bulk of the budget development process. However, an additional session has been scheduled if more time is needed to discuss the budget.

Moved by Kozlik Wall, seconded by Klavins, to approve a series of budget workshops for the upcoming fiscal year to occur on April 20th, April 25th, April 27th at 6:00 p.m. at City Hall, in Conference Room B.

Voted Yes: All. Motion carried.

10. Council will be asked to consider the approval of the SHARP farm lease.

Background Information:

The City Council will be asked to authorize the City Manager to issue a farm lease agreement for the city's property in Casco Township.

The City of South Haven owns approximately 96 acres of farmland in Casco Township, located north of 103rd Street and 71st Street. The property is generally known as the "SHARP Park." The property was purchased by the City of South Haven using community donations for the development of a recreation facility. The SHARP property has been leased to the South Haven Area Recreation Authority "SHARA" for the development of a recreation facility. SHARA has discussed the property and noted that funds are not currently available to construct improvements to the site. As a result, SHARA has expressed support for the property being farmed during the 2016 farming season. The benefits to farming the property are twofold: 1) the farm lease will generate revenue; 2) the farming work will provide maintenance to the property, through the removal of trash/debris from the site.

The city's staff has prepared an updated farm lease agreement, with Mr. Matthew Hamlin, which will pay \$125.00 per tillable acre. The lease calls for GPS data to confirm the total tillable acreage of the property. The city's staff has met with Mr. Hamlin and found him to be in agreement with the terms of the lease. The city's staff has consulted with SHARA about the farm lease agreement, and found the board to be supportive of the farm lease. Finally, the city's staff has consulted with Casco Township's Assessor and confirmed that the farm lease agreement will force the SHARP site to be added to the township's tax roll. Staff has confirmed that the farm lease revenue should generate approximately \$7,304 in net revenue (after maintenance and tax expenses are paid.)

Should the lease agreement proceed, staff will deposit the lease revenue into the SHARP account. A portion of the lease revenue will be used to pay the taxes for the SHARP property.

Moved by Gruber, seconded by Smith, to approve the SHARP farm lease.

Voted Yes: All. Motion carried.

11. Council will be asked to introduce an ordinance regulating short-term rentals and to set the matter for a public hearing to occur on April 18, 2016.

Background Information:

The Planning Commission began actively working specifically on the rental ordinance the beginning of October 2015, meeting weekly following the City Council directive to create recommendations for their consideration.

Before that directive, the Planning Commission was already working on zoning ordinance amendments designed to alleviate some of the issues associated with short term rentals. Amendments proposed included:

- Eliminate the ½ story provision and reduce residential height from 40 to 35 feet
- Require additional parking for new residences with greater than 3 bedrooms. This requires more lot side and rear lot space dedicated to parking and limiting the proposed building footprint.

The City Council also adopted increased utility and hookup fees for houses with more than 4 bedrooms and/or bathrooms and authorized a dedicated police officer to enforce noise and disturbing the peace ordinances during summer months. These amendments and policy changes went into effect the end of 2015.

As part of the Planning Commission effort to create the recommendations for City Council, the planning commissioners and staff studied ordinances from other cities and contacted the administrators to find which options met with the most success. They also met with police department representatives to discuss noise concerns and complaints received during the high rental season.

Staff and planning commissioners received numerous emails, phone calls and public comments offering advice on the recommendations. Staff met with members of the public frequently to discuss various opinions on the proposed ordinance.

On November 16, 2015, the City Council approved a resolution placing a six-month moratorium on the construction of new residences to halt the construction of purpose built short term rental houses that would exceed 3500 square feet in size. This moratorium will expire on May 16, 2016.

The Planning Commission determined that the best ordinance could only be enacted after the city processes the registration information and has an understanding of where the short term rentals are most prevalent in the city. This information will be used to review and revise the ordinance in the fall and be folded into the planned comprehensive citizen attitude survey results that will be conducted as part of the master plan update.

The key points in the draft recommendations include:

- **Registration:** Every rental registered; fee not to exceed administrative costs; high penalty for failure to register; registration card shall be placed in a window and shall include occupancy limit for the residence
- **Occupancy:** 2 persons per bedroom plus 2 additional persons per occupied floor or 16 occupants, whichever is less. Children 6 and under are not included.
- **Regulations and procedures to allow increased occupancy in certain zones where multi-family homes, condominium projects, inns and resorts are permitted.** Additional regulations include built-in fire suppression measures, supplementary setbacks, screening and isolation from other properties.

Mayor Burr spoke on the recommendations received from the Planning Commission and thanked them for their work. The City Council would like to make changes to the proposed recommendations, which involve amendments to the zoning ordinance and new sections in the City Code.

Scott G. Smith, the city's attorney, outlined the Mayor's proposed changes to the short-term rental ordinance received from the Planning Commission.

City Manager Brian Dissette gave an overview on the changes to height restrictions and parking requirements made since November.

Moved by Gruber, seconded by Arnold, to introduce an ordinance regulating short-term rentals and to set the matter for a public hearing to occur on April 18, 2016.

Voted Yes: All. Motion carried.

12. Interested Citizens in the Audience Will Be Heard on Items Not on the Agenda

Dr. Bob Hiddema, 212 Monroe Street, encouraged the Council to consider the health and safety of its citizens when making their decisions regarding the short-term rental ordinance.

City Attorney Scott G. Smith spoke again, illustrating the proposed changes to the ordinance at the request of an audience member.

Dorothy Appleyard, 806 Wilson Street, spoke to the Council about her concerns regarding the proposed short-term rental ordinance.

Steve Sweet, 507 Lagrange Street spoke to the Council regarding fire safety on rentals.

John Lohrstorfer, 712 Maple Street, agreed with the last two speakers and spoke for occupancy limit of 10 for rentals.

Tom Earley, 224 North Street, spoke to the Council regarding the rental ordinance and wondered when the proposed ordinance would go into effect.

Gail Patterson-Gladney, 914 Kalamazoo Street, encouraged the Council to lower the occupancy of short-term rentals to 10 or 8.

Connie Schaffer, 735 North Shore Drive, spoke against grandfathering large rentals.

Rosemary Fitzer, 24 ½ Grand Boulevard, asked about the appeal process that a homeowner could do to increase the occupancy.

Terri Webb, 508 North Shore Drive, spoke against increased regulation.

Maureen Moravec 1034 Midway Drive, spoke for grandfathering rentals and cautioned against a takings claim by a property owner who has lost value because of the regulation.

Jim Ryan, 369 Hubbard Street, asked the Council about parking requirements.

Jack Fitzer 24 ½ Grand Boulevard, asked about the basement bedrooms in the occupancy count.

Rosalie Plechaty, 559 Monroe Boulevard, advised the Council to listen to their constituents and limit the occupancy to 10.

Susan Ryan, 37 Cass Street, proposed to limit short-term rentals to 7 days and 8 people.

Bill Bradley, 746 Lee Street, commented on indiscriminate nature of fire.

Sally Newton, Shores Vacation Rentals 300 Kalamazoo Street, spoke against an occupancy limit to 8 or 10 and warned of the consequences on the economy if adopted.

Jan Roberts, 36 Apache Court, does not agree with rentals in R-1 areas and believes occupancy should be limited to 8 or 10.

Larry Girard, 223 North Shore Drive, wants to know more about fine schedule or enforcement of the proposed short-term rental ordinance.

Pat Gaston, 97 Superior, spoke for limiting occupancy for health and safety reasons.

Gerald Webb, 508 North Shore Drive, asked for the direction of a boardinghouse for a friend who needs to rent a room.

Joann Nordin, 1073 Monroe Boulevard, wants the city to preserve neighborhoods.

Susan Woodhull, 1000 Monroe Boulevard, does not believe the short-term rental ordinance preserves neighborhoods and proposed a hard occupancy cap of 8.

Kitty Gerard, 223 North Shore Drive, wants to know the vision for South Haven.

13. City Manager's Comments

A reminder, due to the compressed schedule, our next meeting is scheduled for April 18, 2016 at 7:00 p.m. The budget sessions are scheduled to occur on April 20th, 25th, and 27th.

14. Mayor and Councilperson's Comments

Klavins: Appreciates the commentary. Council is listening to the public. Planning Commission has worked very hard on this issue. Believes this is a really good start and wants to start getting data on rentals.

Smith: Is disappointed that we don't have data on rentals. This is a process and it must start somewhere. Light up the Night 5k is a great event for neighbors to come out.

Arnold: Thank you for your comments, we appreciate them. We have been receiving your letters and calls. He apologizes for the brevity of his responses.

Gruber: Thank you for the comments, calls, emails, and facebook messages. Planning Commission meets this Thursday for a site review of a commercial business.

Schlack: Please go to the city's website on Wednesday to see the proposal and thanked the Planning Commission for their efforts.

Kozlik Wall: Thanked Linda Anderson and Planning Commission for their work. We have to start somewhere. We have a great police force and if we have problems, call them. We are listening and we are gathering information.

Burr: Thanked the Planning Commission for their diligent work and all the comments received. Thanked the SHOUT organization for their donation of \$35,000 to help build a park adjacent to Black River Park. We already have grant of \$75,000 to build a fishing pier and stone wall. Encouraged other organizations to donate their favorite flowers and trees populate that area.

15. Adjourn

Moved by Kozlik Wall, seconded by Arnold, to adjourn the meeting.
Voted Yes: All. Motion carried. Meeting adjourned 8:36 p.m.

RESPECTFULLY SUBMITTED



Kate Hosier
Assistant City Manager

Approved by City Council:

**CITY OF SOUTH HAVEN
APRIL 18, 2016**

	PREPAID	CURRENT	TOTAL
101-GENERAL FUND	\$ 5,279.30	\$ 32,017.82	\$ 37,297.12
202-MAJOR STREET FUND	\$ -	\$ 3,690.00	\$ 3,690.00
203-LOCAL STREET FUND	\$ -	\$ -	\$ -
204-STREET FUND	\$ -	\$ 32.60	\$ 32.60
226-GARBAGE/REFUSE FUND	\$ -	\$ 32,614.99	\$ 32,614.99
250-DOWNTOWN DEVELOPMENT	\$ 16.72	\$ 1,544.43	\$ 1,561.15
251-LDFA #1	\$ 7,936.75	\$ -	\$ 7,936.75
252- LDFA #2	\$ -	\$ -	\$ -
253-LDFA #3	\$ -	\$ -	\$ -
260-BROWNFIELD AUTHORITY	\$ 68,131.24	\$ -	\$ 68,131.24
265-NARCOTICS UNIT	\$ 365.94	\$ -	\$ 365.94
266-POLICE TRAINING	\$ -	\$ -	\$ -
296-RIVER MAINTENANCE	\$ -	\$ -	\$ -
363- CAPITAL BOND	\$ -	\$ 19,777.50	\$ 19,777.50
370- BUILDING AUTHORITY #2	\$ -	\$ 20,987.50	\$ 20,987.50
371-CAPITAL BOND DEBT SERV	\$ -	\$ 297,943.75	\$ 297,943.75
372-WATER PLANT FUND	\$ -	\$ -	\$ -
395-DDA DEBT SERVICE	\$ -	\$ -	\$ -
396- DDA DISTRICT #2	\$ -	\$ -	\$ -
401-CAPITAL PROJECTS	\$ -	\$ -	\$ -
402-CAPITAL PROJECTS #2	\$ -	\$ -	\$ -
466- PAVILION AND ICE RINK	\$ -	\$ -	\$ -
545-BLACK RIVER PARK	\$ 220.28	\$ 318.89	\$ 539.17
577-BEACH FUND	\$ 193.97	\$ -	\$ 193.97
582-ELECTRIC FUND	\$ 770,981.45	\$ 43,090.21	\$ 814,071.66
591-WATER FUND	\$ 38,531.60	\$ 14,330.99	\$ 52,862.59
592-SEWER FUND	\$ 51,492.40	\$ 8,651.67	\$ 60,144.07
594-MUNICIPAL MARINA	\$ -	\$ 4,633.55	\$ 4,633.55
636-INFORMATION SERVICES	\$ -	\$ 6,245.86	\$ 6,245.86
661-MOTOR POOL	\$ 295.82	\$ 843.63	\$ 1,139.45
677-SELF INSURANCE	\$ -	\$ -	\$ -
703-TAX FUND	\$ -	\$ -	\$ -
718-TRUST & AGENCY	\$ -	\$ -	\$ -
750-EMPLOYEE WITHHOLDING	\$ 21,631.11	\$ -	\$ 21,631.11
TOTAL	\$ 965,076.58	\$ 486,723.39	\$ 1,451,799.97

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 1 FIFTH THIRD BANK						
04/08/2016	1	53965	003050	7TH DISTRICT COURT	CASH BOND - KAMRYNN C WEBER	100.00
04/08/2016	1	53966	000027	ADAMS REMCO, INC.	QUARTERLY MAINTENANCE 04/08 - 07/08/16	211.20
04/08/2016	1	53967	UB REFUND	ALDRICH, BRAD B	UB refund for account: 41178606	204.04
04/08/2016	1	53968	UB REFUND	AMERICAN LIVING INC	UB refund for account: 15115600	106.96
04/08/2016	1	53969	UB REFUND	CARTER, JOSHUA D	UB refund for account: 10462028	192.34
04/08/2016	1	53970	000418	CDW GOVERNMENT INC	SUPPLIES HARD DRIVE	311.66 77.07
						<u>388.73</u>
04/08/2016	1	53971	000430	CENTURY LINK	LONG DISTANCE	11.04
04/08/2016	1	53972	MISC	CRAZED CRAVINGS LLC	2016 FARMER'S MARKET REFUND	499.00
04/08/2016	1	53973	003378	CULLIGAN WATER OF ALLEGAN	BOTTLED WATER	67.00
04/08/2016	1	53974	000660	DOMESTIC LINEN-KALAMAZOO	CITY HALL RENTALS DPW RENTALS	476.80 1,699.20
						<u>2,176.00</u>
04/08/2016	1	53975	UB REFUND	EVANOFF, DAWN M	UB refund for account: 10618022	182.05
04/08/2016	1	53976	000843	FRONTIER	TELEPHONE 231-197-0043-051713-5 TELEPHONE 269-637-1386-071613-5 TELEPHONE 269-639-1795-082214-5	58.57 64.01 70.06
						<u>192.64</u>
04/08/2016	1	53977	UB REFUND	GREENE, DONALD S	UB refund for account: 40376019	33.00
04/08/2016	1	53978	003187	RODERICK HATHAWAY	MEALS & PARKING REIMBURSEMENT CLOTHING REIMBURSEMENT	167.41 198.53
						<u>365.94</u>
04/08/2016	1	53979	MISC	KEN & SUSAN WILTSE	2016 FARMER'S MARKET REFUND	499.00
04/08/2016	1	53980	001621	MICHIGAN MUNICIPAL LEAGUE	CITY QUARTERLY SUTA PAYMENT	21,631.11
04/08/2016	1	53981	001766	MUZZALL GRAPHICS	BUSINESS CARDS	56.66
04/08/2016	1	53982	001948	PAT'S PRONTO PRINT	NOTARY STAMP	22.81
04/08/2016	1	53983	UB REFUND	PHILLIPS, JOHNNIE	UB refund for account: 20724000	540.00
04/08/2016	1	53984	UB REFUND	PLEASANT VIEW MHP-SOUTH HAVEN	UB refund for account: 20568003 UB refund for account: 20885001	33.11 81.58
						<u>114.69</u>
04/08/2016	1	53985	003143	ROLAND ELECTRIC LLC	REPAIR ENTRANCE GATE AT BLACK RIVER PARK	220.28
04/08/2016	1	53986	UB REFUND	SINGLETON, SHIRLEY A	UB refund for account: 31509002	62.69
04/08/2016	1	53987	002424	SOUTH HAVEN/CASCO	MONTHLY REU DEBT CHARGES MONTHLY REU O & M CHARGES	78,962.14 9,536.43
						<u>88,498.57</u>
04/08/2016	1	53988	002447	LINDA SPEARS	ALTERATIONS	9.00
04/08/2016	1	53989	UB REFUND	TRANQUILITY CENTRAL	UB refund for account: 10699012	82.61
04/08/2016	1	53990	002721	UPLINK SECURITY LLC	MONTHLY SERVICE FEES	7.45
04/08/2016	1	53991	002724	UPS STORE #5080	SHIPPING FEE SHIPPING FEE	14.10 12.90
						<u>27.00</u>

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
04/08/2016	1	53992	002777	VANDERZEE MOTORPLEX	MAINTENANCE SUPPLIES	59.90
04/08/2016	1	53993	002793	VERIZON WIRELESS-VSAT NORTH	SMS PRESERVATION	50.00
04/08/2016	1	53994	003076	KEVIN WILDEY	TRAINING MATERIALS REIMBURSEMENT	15.85
04/08/2016	1	53995	UB REFUND	WILDT, WYLIE N	UB refund for account: 31443017	670.07
04/08/2016	1	53996	002949	WOLVERINE HARDWARE	MAINTENANCE SUPPLIES	65.65
					MAINTENANCE SUPPLIES	11.95
					MAINTENANCE SUPPLIES	41.38
					MAINTENANCE SUPPLIES	33.09
					MAINTENANCE SUPPLIES	1.43
					MAINTENANCE SUPPLIES	7.16
					MAINTENANCE SUPPLIES	6.39
					MAINTENANCE SUPPLIES	20.67
					MAINTENANCE SUPPLIES	10.12
					MAINTENANCE SUPPLIES	28.84
					MAINTENANCE SUPPLIES	32.65
					MAINTENANCE SUPPLIES	34.67
					MAINTENANCE SUPPLIES	52.39
					MAINTENANCE SUPPLIES	2.83
					MAINTENANCE SUPPLIES	25.18
					MAINTENANCE SUPPLIES	12.58
					MAINTENANCE SUPPLIES	25.18
					MAINTENANCE SUPPLIES	5.20
					MAINTENANCE SUPPLIES	18.40
					MAINTENANCE SUPPLIES	16.72
					MAINTENANCE SUPPLIES	7.55
					MAINTENANCE SUPPLIES	22.59
					MAINTENANCE SUPPLIES	22.99
						<u>505.61</u>
04/08/2016	1	53997	000468	CITY OF SOUTH HAVEN-PETTY CASH	PETTY CASH REIMB	<u>851.37</u>

1 TOTALS:

Total of 33 Disbursements:

118,654.61

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 1 FIFTH THIRD BANK						
04/11/2016	1	53998	002182	ROCK 'N' ROAD CYCLE	FUGI POLICE BIKES	1,500.00
04/11/2016	1	53999	003397	WEST MICH TACTICAL OFFICER'S ASSN	2016 WMTOA TACTICAL SHOOT	30.00

1 TOTALS:

Total of 2 Disbursements:

1,530.00

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 1 FIFTH THIRD BANK						
04/12/2016	1	105 (E)	000087	AMERICAN ELECTRIC POWER	ELECTRIC USAGE	768,823.98
04/12/2016	1	54000	000014	ABONMARCHE CONSULTANTS INC	220 ALYWORTH - BOHN BUILDING	7,936.75
04/12/2016	1	54001	003398	ECO DEMOLITION, INC.	229 ELKENBURG DEMOLITION	45,613.24
					229 ELKENBURG DEMOLITION	1,800.00
					229 ELKENBURG DEMOLITION	20,718.00
						<u>68,131.24</u>
04/18/2016	1	54002	003383	APPLIED IMAGING	MONTHLY CONTRACT 04/08 - 05/07/16	30.90
04/18/2016	1	54003	000229	BEAVER RESEARCH COMPANY	SUPPLIES	149.46
04/18/2016	1	54004	003444	BIO-ONE WEST MICHIGAN	BIO CLEANUP	297.00
04/18/2016	1	54005	000285	BLOOMINGDALE COMMUNICATIONS	BCI BUSINESS INTERNET	3,222.94
04/18/2016	1	54006	UB REFUND	BROWN, CHRISTINA H	UB refund for account: 20201003	260.00
04/18/2016	1	54007	000372	C.C. JOHNSON & MALHOTRA PC	MERCURY MINIMIZATION PROGRAM FOR NPDES P	4,122.82
04/18/2016	1	54008	000418	CDW GOVERNMENT INC	TRIPP 350VA UPS	63.01
					TONER	339.19
					TONER	431.85
						<u>834.05</u>
04/18/2016	1	54009	003030	CELLEBRITE USA INC	UFED TOUCH ULTIMATE SW RENEWAL	3,098.99
04/18/2016	1	54010	000430	CENTURY LINK	LONG DISTANCE	78.91
04/18/2016	1	54011	000471	CITY PLUMBING & HEATING CO	MAINTENANCE AGREEMENT - CITY HALL	1,030.00
					MAINTENANCE AGREEMENT - DPW	1,982.00
						<u>3,012.00</u>
04/18/2016	1	54012	003213	DALE CLAYTON	MILEAGE REIMBURSEMENT	64.80
04/18/2016	1	54013	000505	COMPTON INC	MDOT WORK AROUND PHONE VAULT	3,690.00
					PARK AVENUE WATER SERVICE	3,003.00
					MOVE TRAILER FROM ICE RINK	200.00
					CONDUIT BORE AT J & B LANDING	1,500.00
					REPAIR SEWER LINE - BLUE STAR HWY	1,514.00
						<u>9,907.00</u>
04/18/2016	1	54014	000514	CONSTRUCTION ASSOCIATES INC	BUILDING INSPECTIONS	4,248.79
04/18/2016	1	54015	002580	CONTROL SOLUTIONS INC.	ASSIST WITH RELOCATING TU-5 SPACE SENSOR	262.50
04/18/2016	1	54016	000531	CORE TECHNOLOGY CORP	ANNUAL SUPPORT - TALON INCIDENT MGMT SYS	5,107.00
04/18/2016	1	54017	003378	CULLIGAN WATER OF ALLEGAN	BOTTLED WATER	40.65
04/18/2016	1	54018	000570	CUMMINS BRIDGEWAY, LLC	PARTS FOR GENERATOR	374.00
04/18/2016	1	54019	000738	ENVIRONMENTAL RESOURCE ASSOCIATES	LAB SUPPLIES	1,138.69
04/18/2016	1	54020	000807	FLEMING BROS OIL CO INC	FUEL	352.39
04/18/2016	1	54021	000847	FUEL MANAGEMENT SYSTEM	FUEL	3,611.52
04/18/2016	1	54022	000873	GENEVA TOWNSHIP	ELECTION NOTICES - PRESIDENTIAL PRIMARY	149.74
04/18/2016	1	54023	000913	GRAINGER	MAINTENANCE SUPPLIES	18.18
04/18/2016	1	54024	000994	HAPA LLC	MARINA OPERATIONS EXP	411.49
					MARINA OPERATIONS EXP	156.15
					MARINA OPERATIONS EXP	963.17
						<u>1,530.81</u>
04/18/2016	1	54025	001046	HERALD PALLADIUM	ADVERTISING & PUBLISHING	2,703.12
04/18/2016	1	54026	001108	GORDON HULL	CONTRACTUAL SERVICES	2,264.16
04/18/2016	1	54027	001120	HYDRO DESIGNS INC	CROSS CONNECTION CONTROL PROGRAM	995.00

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
04/18/2016	1	54028	001141	INDIANA MICHIGAN POWER	COVERT ELECTRIC 040-008-013-1-8 COVERT ELECTRIC 044-832-292-1-9	28.07 67.91 <u>95.98</u>
04/18/2016	1	54029	001171	J & L ORCHARD SUPPLY LLC	SUPPLIES SUPPLIES	255.70 660.00 <u>915.70</u>
04/18/2016	1	54030	001186	JENSEN'S EXCAVATING INC	CRUSHED CONCRETE SAND	760.00 120.00 <u>880.00</u>
04/18/2016	1	54031	UB REFUND	KLINGENBERG, MONICCA C	UB refund for account: 30460109	20.79
04/18/2016	1	54032	001288	KONE INC	ELEVATOR MAINTENANCE - CITY HALL	287.19
04/18/2016	1	54033	001337	LAKELAND HOSPITAL	AHA BCLS SUPPLIES AHA BCLS CARDS	189.25 30.00 <u>219.25</u>
04/18/2016	1	54034	001373	LAWN BOYS INC	LAWNCARE - MARINA	1,890.00
04/18/2016	1	54035	UB REFUND	LEVA, JOHN A	UB refund for account: 20641008	44.67
04/18/2016	1	54036	001544	MENARDS	MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES	62.98 512.88 22.49 24.91 62.26 12.03 151.83 67.50 <u>916.88</u>
04/18/2016	1	54037	001565	METTLER-TOLEDO INC	PREVENTIVE MAINTENANCE	254.25
04/18/2016	1	54038	001657	MICHIGAN TOWNSHIP SERVICES	ELECTRICAL INSPECTIONS	1,628.25
04/18/2016	1	54039	003153	ROBERT MILLER JR	CONSULTATION CONTRACT - MARCH	1,300.00
04/18/2016	1	54040	003353	MLIVE MEDIA GROUP	EMPLOYMENT ADVERTISING	3,103.00
04/18/2016	1	54041	003046	AMANDA MORGAN	MILEAGE REIMBURSEMENT	29.16
04/18/2016	1	54042	003249	RYAN MYERS	MEALS & UNIFORM REIMBURSEMENT	61.15
04/18/2016	1	54043	001948	PAT'S PRONTO PRINT	D PRINTS - NORTH SHORE DRAIN DRAINAGE	63.00
04/18/2016	1	54044	003057	MICHAEL PAULY	MEAL REIMBURSEMENT	55.86
04/18/2016	1	54045	001965	PEERLESS MIDWEST INC	HIGH SERVICE PUMP RAW WATER	6,565.00
04/18/2016	1	54046	002002	PLUMBER'S PORTABLE TOILETS	RENTALS	140.00
04/18/2016	1	54047	002020	POWER LINE SUPPLY CO	TESTER QUICK-CHECK MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES	454.25 37.95 342.00 310.01 63.56 1,016.48 122.40 <u>2,346.65</u>
04/18/2016	1	54048	002033	PRI MAR PETROLEUM INC	CARS WASHED	30.00
04/18/2016	1	54049	002080	QUALITY DOOR OF SOUTH HAVEN, INC	REPAIR DOORS	561.25
04/18/2016	1	54050	002132	REPUBLIC SERVICES #646	DISPOSAL SERVICES 3-0646-9646005 DISPOSAL SERVICES 3-0646-1033150	28,817.82 1,665.74

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
					DISPOSAL SERVICES 3-0646-1079814	115.66
					DISPOSAL SERVICES 3-0646-1079813	3,107.85
						<u>33,707.07</u>
04/18/2016	1	54051	002267	SECANT TECHNOLOGIES	MONTHLY MANAGEMENT FEE	4,307.50
04/18/2016	1	54052	002416	SOUTH HAVEN ROTARY CLUB	QUARTERLY MEMBERSHIP DUES & MEALS	142.00
04/18/2016	1	54053	003284	SOUTH HAVEN TRANSER STATION-4298	MSW, ENVIRONMENTAL FEES & FUEL RECOVERY	108.90
04/18/2016	1	54054	002478	STAPLES ADVANTAGE	SUPPLIES	1,438.25
04/18/2016	1	54055	002486	STATE OF MICHIGAN	ELEVATOR ANNUAL CERTIFICATE - WFP	195.00
					ELEVATOR ANNUAL CERTIFICATE - WFP	180.00
						<u>375.00</u>
04/18/2016	1	54056	002495	STATE OF MICHIGAN	ANNUAL MIDEAL PROGRAM	180.00
04/18/2016	1	54057	002513	STEEL CENTER SUPPLY CO	MAINTENANCE SUPPLIES	25.00
04/18/2016	1	54058	002599	THAYER INC	PARKS SUPPLIES	131.20
					PARKS SUPPLIES	452.00
					PARKS SUPPLIES	3,620.00
						<u>4,203.20</u>
04/18/2016	1	54059	002665	TREECORE	TREE WORK	32,229.00
04/18/2016	1	54060	002726	US BANK	BOND PAYMENT	318,931.25
					BOND PAYMENT	19,777.50
						<u>338,708.75</u>
04/18/2016	1	54061	002728	USA BLUE BOOK	LAB SUPPLIES	964.35
					LAB SUPPLIES	69.19
					RAIN JACKETS	205.90
					RAIN PANTS	190.53
						<u>1,429.97</u>
04/18/2016	1	54062	002800	VILLAGE MARKET #869	FUEL	29.15
04/18/2016	1	54063	002850	WATER ENVIRONMENT FEDERATION	ANNUAL MEMBERSHIP - D. MULAC	141.00
04/18/2016	1	54064	002883	WEST MICHIGAN DOCUMENT	SHREDDING SERVICE	65.00
					SHREDDING SERVICE	45.00
						<u>110.00</u>
04/18/2016	1	54065	003241	WEST SHORE SERVICES, INC.	SERVICE CALL - MOVE SERVICE	240.95
04/18/2016	1	54066	UB REFUND	WILLIAMS, LESLIE O	UB refund for account: 10069013	41.54
04/18/2016	1	54067	002949	WOLVERINE HARDWARE	MAINTENANCE SUPPLIES	14.67
					MAINTENANCE SUPPLIES	7.99
						<u>22.66</u>

1 TOTALS:

Total of 69 Disbursements:

1,331,615.36



Consent Agenda Item # C

North Beach Park Grant Agreement Approval

The City Council will be asked to consider approval of Resolution 2016-22, a resolution approving the Michigan Department of Natural Resources "Michigan Natural Resources Trust Fund" (MNRTF) grant agreement for improvements to North Beach Park in the amount of \$300,000.

Background Information:

The intent of the North Beach Park improvements is to provide improvements to the city's sidewalks, streets, and beach areas for residents and visitors to the North Beach Park. Over the past two years, the city's staff has worked with neighboring residents to seek their input on the proposed park improvements. At the December 11, 2012 meeting of the city's Parks Commission, the commission approved the proposed North Beach Park plan.

The City submitted the application to MNRTF for North Beach Park improvements in 2013 and 2014. On both occasions, the applications were denied due to limited funding.

In an effort to boost the city's grant application score for a 2015 submittal and increase the likelihood of the grant being awarded, the City consulted with the Michigan Department of Natural Resources (MDNR) of possible changes to the grant application. The MDNR indicated that a non-motorized watercraft lane, which connects to Lake Michigan, is likely to result in additional points for the city's application. As a result, the city's grant application sought to build the North Beach Park improvements in two phases, as part of an effort to seek a lower grant request from the MNRTF. The grant application requested funds to make improvements to the sidewalks, roadway, night sky compliant street lighting, playground equipment, and an ADA accessible beach mat. The installation of seat walls, dumpster enclosures, public showers/foot-wash, and the reconstruction of the concession stand would be delayed until the second phase of the project.

At the City Council's February 23rd 2015 meeting, the Council approved the North Beach Park grant application with the inclusion of a non-motorized watercraft lane.

In early 2016, City staff was notified that the MDNRTF recommended approval of the City's grant funding request in the amount of \$300,000. The City General Fund will provide \$536,700 toward the final cost of \$836,700.

The next step in the process is City Council's approval of Resolution 2016-22 which approves the grant agreement.

Letters will be mailed in mid-April to neighboring property owners – Monroe Park and Harbours Condominiums – informing them of open houses regarding the project. These

meetings are scheduled for Thursday, May 12, 6-8pm; and Saturday, June 4, 11a-1pm. Both open houses will take place at City Hall.

Recommendation:

The City Council should consider approval of Resolution 2016-22, a resolution approving the Michigan Department of Natural Resources "Michigan Natural Resources Trust Fund" (MNRTF) grant agreement for improvements to North Beach Park in the amount of \$300,000.

Support Material:

Resolution 2016-22
Grant Agreement
North Beach Park Plan

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2016-22

A RESOLUTION APPROVING A GRANT WITH THE
MICHIGAN NATURAL RESOURCES TRUST FUND FOR
NORTH BEACH IMPROVEMENTS

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on April 18, 2016, at 7:00 p.m. local time.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by Member _____ and supported by Member _____.

WHEREAS, funds have become available to the Michigan Natural Resources through the Trust Fund (the "Department") to provide grants to local units of government for recreational improvements; and

WHEREAS the City of South Haven staff and the Parks Commission have identified North Beach as needing capital improvements as expressed in the 2013-2017 Recreation Plan; and

WHEREAS, the City of South Haven wishes to develop North Beach, improve safety, ensure universal accessibility, enhance amenities, improve appearances, and create recreational opportunities for all residents and visitors.

WHEREAS, the City of South Haven does hereby accept the Michigan Department of Natural Resources grant award in the amount of \$300,000 for a Trust Fund Grant for recreation facility improvements.

BE IT RESOLVED, that the City of South Haven, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City of South Haven does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide Five-hundred thirty-six thousand seven hundred (\$536,700) dollars to match the grant authorized by the Department, of which will be an in-kind match.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the Department for auditing at reasonable times.
3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.

5. To comply with any and all terms not specifically set forth in the foregoing portions of this Resolution.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Council.

RECORD OF VOTE:

Yeas: _____

Nays: _____

RESOLUTION DECLARED ADOPTED.

Robert G. Burr, Mayor

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on the 18th day of April, 2016, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 *et seq.*).

Amanda Morgan, City Clerk



Michigan Department of Natural Resources - Grants Management

**Michigan Natural Resources Trust Fund
Development Project Agreement**

Project Number : TF15-0072

Project Title : North Beach Park Improvements

This Agreement is between the Michigan Department of Natural Resources for and on behalf of the State of Michigan ("DEPARTMENT") and the City of South Haven IN THE COUNTY OF Van Buren County ("GRANTEE"). The DEPARTMENT has authority to issue grants to local units of government for the development of public outdoor recreation facilities under Part 19 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended. The GRANTEE has been approved by the Michigan Natural Resources Trust Fund (MNRTF) Board of Trustees (BOARD) to receive a grant. In PA 61 of 2016, the Legislature appropriated funds from the MNRTF to the DEPARTMENT for a grant-in-aid to the GRANTEE. As a precondition to the effectiveness of the Agreement, the GRANTEE is required to sign the Agreement and return it to the DEPARTMENT with the necessary attachments by **06/05/2016**.

1. The legal description of the project area (APPENDIX A); boundary map of the project area (APPENDIX B); and Recreation Grant application bearing the number **TF15-0072** (APPENDIX C) are by this reference made part of this Agreement. The Agreement together with the referenced appendices constitute the entire Agreement between the parties and may be modified only in writing and executed in the same manner as the Agreement is executed.
2. The time period allowed for project completion is **04/06/2016 through 04/30/2018**, hereinafter referred to as the "project period." Requests by the GRANTEE to extend the project period shall be made in writing before the expiration of the project period. Extensions to the project period are at the discretion of the DEPARTMENT. The project period may be extended only by an amendment to this Agreement.
3. This Agreement shall be administered on behalf of the DEPARTMENT through Grants Management. All reports, documents, or actions required of the GRANTEE shall be submitted through the MiRecGrants website unless otherwise instructed by the DEPARTMENT.
4. The words "project area" shall mean the land and area described in the attached legal description (APPENDIX A) and shown on the attached boundary map (APPENDIX B).
5. The words "project facilities" shall mean the following individual components, as further described in APPENDIX C.
 - Play Equipment
 - Beach Access Mat
 - Picnic Table
 - Bench
 - Bike Rack
 - Boardwalk
 - Canoe/Kayak Launch or ramp
 - Recycle Bin(s)
 - Landscaping

Seawall or Shoreline Stabilization
Lighting
Signage
Utilities
Site Preparation
Paved Parking Lot Renovation

6. The DEPARTMENT agrees as follows:

- a. To grant to the GRANTEE a sum of money equal to **Thirty-Six (36%) Percent of Eight Hundred Thirty Six Thousand Seven Hundred (\$836,700.00) dollars and Zero Cents**, which is the total eligible cost of construction of the project facilities including engineering costs, but in any event not to exceed **Three Hundred Thousand (\$300,000.00) dollars and Zero Cents**.
- b. To grant these funds in the form of reimbursements to the GRANTEE for eligible costs and expenses incurred as follows:
 - i. Payments will be made on a reimbursement basis at **Thirty-Six (36%) Percent** of the eligible expenses incurred by the GRANTEE up to 90% of the maximum reimbursement allowable under the grant.
 - ii. Reimbursement will be made only upon DEPARTMENT review and approval of a complete reimbursement request submitted by the GRANTEE through the MiRecGrants website, including but not limited to copies of invoices, cancelled checks, and/or list of force account time and attendance records.
 - iii. The DEPARTMENT shall conduct an audit of the project's financial records upon approval of the final reimbursement request by DEPARTMENT staff. The DEPARTMENT may issue an audit report with no deductions or may find some costs ineligible for reimbursement.
 - iv. Final payment will be released upon completion of a satisfactory audit by the DEPARTMENT and documentation that the GRANTEE has erected an MNRTF sign in compliance with Section 7(j) of this Agreement.

7. The GRANTEE agrees as follows:

- a. To immediately make available all funds needed to incur all necessary costs required to complete the project and to provide **Five Hundred Thirty Six Thousand Seven Hundred (\$536,700.00) dollars and Zero Cents** in local match. This sum represents **Sixty-Four(64%) Percent** of the total eligible cost of construction including engineering costs. Any cost overruns incurred to complete the project facilities called for by this Agreement shall be the sole responsibility of the GRANTEE.
- b. With the exception of engineering costs as provided for in Section 8, to incur no costs toward completion of the project facilities before execution of this Agreement and before written DEPARTMENT approval of plans, specifications and bid documents.
- c. To complete construction of the project facilities to the satisfaction of the DEPARTMENT and to comply with the development project procedures set forth by the DEPARTMENT in completion of the project, including but not limited to the following:

- i. Retain the services of a professional architect, landscape architect, or engineer, registered in the State of Michigan to serve as the GRANTEE'S Prime Professional. The Prime Professional shall prepare the plans, specifications and bid documents for the project and oversee project construction.
 - ii. Within 180 days following execution of this Agreement by the GRANTEE and the DEPARTMENT and before soliciting bids or quotes or incurring costs other than costs associated with the development of plans, specifications, or bid documents, provide the DEPARTMENT with plans, specifications, and bid documents for the project facilities, sealed by the GRANTEE'S Prime Professional.
 - iii. Upon written DEPARTMENT approval of plans, specifications and bid documents, openly advertise and seek written bids for contracts for purchases or services with a value equal to or greater than \$10,000 and accept the lowest qualified bid as determined by the GRANTEE'S Prime Professional.
 - iv. Upon written DEPARTMENT approval of plans, specifications and bid documents, solicit three (3) written quotes for contracts for purchases or services between \$2,500 and \$10,000 and accept the lowest qualified bid as determined by the GRANTEE'S Prime Professional.
 - v. Maintain detailed written records of the contracting processes used and to submit these records to the DEPARTMENT upon request.
 - vi. Complete construction to all applicable local, state and federal codes, as amended; including the federal Americans with Disabilities Act (ADA) of 2010, as amended; the Persons with Disabilities Civil Rights Act, Act 220 of 1976, as amended; the Playground Equipment Safety Act, P.A. 16 of 1997, as amended; and the Utilization of Public Facilities by Physically Limited Act, P.A. 1 of 1966, as amended; the Elliott-Larsen Civil Rights Acts, Act 453 of 1976, as amended.
 - vii. Bury all new telephone and electrical wiring within the project area.
 - viii. Correct any deficiencies discovered at the final inspection within 90 days of written notification by the DEPARTMENT. These corrections shall be made at the GRANTEE'S expense and are eligible for reimbursement at the discretion of the DEPARTMENT and only to the degree that the GRANTEE'S prior expenditures made toward completion of the project are less than the grant amount allowed under this Agreement.
- d. To operate the project facilities for a minimum of their useful life as determined by the DEPARTMENT, to regulate the use thereof to the satisfaction of the DEPARTMENT, and to appropriate such monies and/or provide such services as shall be necessary to provide such adequate maintenance.
 - e. To provide to the DEPARTMENT for approval, a complete tariff schedule containing all charges to be assessed against the public utilizing the project area and/or any of the facilities constructed thereon, and to provide to the DEPARTMENT for approval, all amendments thereto before the effective date of such amendments. Preferential membership or annual permit systems are prohibited on grant assisted sites, except to the extent that differences in admission and other

fees may be instituted on the basis of residence. Nonresident fees shall not exceed twice that charged residents. If no resident fees are charged, nonresident fees may not exceed the rate charged residents at other comparable state and local public recreation facilities.

- f. To adopt such ordinances and/or resolutions as shall be required to effectuate the provisions of this Agreement; certified copies of all such ordinances and/or resolutions adopted for such purposes shall be forwarded to the DEPARTMENT before the effective date thereof.
 - g. To separately account for any revenues received from the project area which exceed the demonstrated operating costs and to reserve such surplus revenues for the future maintenance and/or expansion of the GRANTEE'S park and outdoor recreation program.
 - h. To furnish the DEPARTMENT, upon request, detailed statements covering the annual operation of the project area and/or project facilities, including income and expenses and such other information the DEPARTMENT might reasonably require.
 - i. To maintain the premises in such condition as to comply with all federal, state, and local laws which may be applicable and to make any and all payments required for all taxes, fees, or assessments legally imposed against the project area.
 - j. To erect and maintain a sign on the property which designates this project as one having been constructed with the assistance of the MNRTF. The size, color, and design of this sign shall be in accordance with DEPARTMENT specifications.
 - k. To conduct a dedication/ribbon-cutting ceremony as soon as possible after the project is completed and the MNRTF sign is erected within the project area. At least 30 days prior to the dedication/ribbon-cutting ceremony, the DEPARTMENT must be notified in writing of the date, time, and location of the dedication/ribbon-cutting ceremony. GRANTEE shall provide notice of ceremony in the local media. Use of the grant program logo and a brief description of the program are strongly encouraged in public recreation brochures produced by the GRANTEE. At the discretion of the DEPARTMENT, the requirement to conduct a dedication/ribbon-cutting ceremony may be waived.
8. Only eligible costs and expenses incurred toward completion of the project facilities after execution of the Project Agreement shall be considered for reimbursement under the terms of this Agreement. Eligible engineering costs incurred toward completion of the project facilities beginning January 1, **2016** and throughout the project period are also eligible for reimbursement. Any costs and expenses incurred after the project period shall be the sole responsibility of the GRANTEE.
9. To be eligible for reimbursement, the GRANTEE shall comply with the DEPARTMENT requirements. At a minimum, the GRANTEE shall:
- a. Submit a written progress report every 180 days during the project period.
 - b. Submit complete requests for partial reimbursement when the GRANTEE is eligible to request at least 25 percent of the grant amount and construction contracts have been executed or construction by force account labor has begun.
 - c. Submit a complete request for final reimbursement within 90 days of project completion and no

later than 07/31/2018. If the GRANTEE fails to submit a complete final request for reimbursement by 07/31/2018, the DEPARTMENT may audit the project costs and expenses and make final payment based on documentation on file as of that date or may terminate this Agreement and require full repayment of grant funds by the GRANTEE.

10. During the project period, the GRANTEE shall obtain prior written authorization from the DEPARTMENT before adding, deleting or making a significant change to any of the project facilities as proposed. Approval of changes is solely at the discretion of the DEPARTMENT. Furthermore, following project completion, the GRANTEE shall obtain prior written authorization from the DEPARTMENT before implementing a change that significantly alters the project facilities as constructed and/or the project area, including but not limited to discontinuing use of a project facility or making a significant change in the recreational use of the project area. Changes approved by the DEPARTMENT pursuant to this Section may also require prior approval of the BOARD, as determined by the DEPARTMENT.
11. All project facilities constructed or purchased by the GRANTEE under this Agreement shall be placed and used at the project area and solely for the purposes specified in APPENDIX C and this Agreement.
12. The project area and all facilities provided thereon and the land and water access ways to the project facilities shall be open to the general public at all times on equal and reasonable terms. No individual shall be denied ingress or egress thereto or the use thereof on the basis of sex, race, color, religion, national origin, residence, age, height, weight, familial status, marital status, or disability.
13. Unless an exemption has been authorized by the DEPARTMENT pursuant to this Section, the GRANTEE hereby represents that it possesses fee simple title, free of all liens and encumbrances, to the project area. The fee simple title acquired shall not be subject to: 1) any possibility of reverter or right of entry for condition broken or any other executory limitation which may result in defeasance of title or 2) to any reservations or prior conveyance of coal, oil, gas, sand, gravel or other mineral interests. For any portion of the project area that the GRANTEE does not possess in fee simple title, the GRANTEE hereby represents that it has:
 - a. Supplied the DEPARTMENT with an executed copy of the approved lease or easement, and
 - b. Confirmed through appropriate legal review that the terms of the lease or easement are consistent with GRANTEE'S obligations under this Agreement and will not hinder the GRANTEE'S ability to comply with all requirements of this Agreement. In no case shall the lease or easement tenure be less than 20 years from the date of execution of this Agreement.
14. The GRANTEE shall not allow any encumbrance, lien, security interest, mortgage or any evidence of indebtedness to attach to or be perfected against the project area or project facilities included in this Agreement.
15. None of the project area, nor any of the project facilities constructed under this Agreement, shall be wholly or partially conveyed in perpetuity, either in fee, easement or otherwise, or leased for a term of years or for any other period, nor shall there be any whole or partial transfer of the lease title, ownership, or right of maintenance or control by the GRANTEE except with the written approval and consent of the DEPARTMENT. The GRANTEE shall regulate the use of the project area to the satisfaction of the DEPARTMENT.
16. The assistance provided to the GRANTEE as a result of this Agreement is intended to have a lasting

effect on the supply of outdoor recreation, scenic beauty sites, and recreation facilities beyond the financial contribution alone and permanently commits the project area to Michigan's outdoor recreation estate, therefore:

- a. The GRANTEE agrees that the project area or any portion thereof will not be converted to other than public outdoor recreation use without prior written approval by the DEPARTMENT and the BOARD and implementation of mitigation approved by the DEPARTMENT and the BOARD, including but not limited to replacement with land of similar recreation usefulness and fair market value.
 - b. Approval of a conversion shall be at the sole discretion of the DEPARTMENT and the BOARD.
 - c. Before completion of the project, the GRANTEE and the DEPARTMENT may mutually agree to alter the project area through an amendment to this Agreement to provide the most satisfactory public outdoor recreation area.
17. Should title to the lands in the project area or any portion thereof be acquired from the GRANTEE by any other entity through exercise of the power of eminent domain, the GRANTEE agrees that the proceeds awarded to the GRANTEE shall be used to replace the lands and project facilities affected with outdoor recreation lands and project facilities of equal or greater fair market value, and of reasonably equivalent usefulness and location. The DEPARTMENT and BOARD shall approve such replacement only upon such conditions as it deems necessary to assure the replacement by GRANTEE of other outdoor recreation properties and project facilities of equal or greater fair market value and of reasonably equivalent usefulness and location. Such replacement land shall be subject to all the provisions of this Agreement.
18. The GRANTEE acknowledges that:
- a. The GRANTEE has examined the project area and has found the property safe for public use or actions will be taken by the GRANTEE before beginning the project to assure safe use of the property by the public, and
 - b. The GRANTEE is solely responsible for development, operation, and maintenance of the project area and project facilities, and that responsibility for actions taken to develop, operate, or maintain the property is solely that of the GRANTEE, and
 - c. The DEPARTMENT'S involvement in the premises is limited solely to the making of a grant to assist the GRANTEE in developing same.
19. The GRANTEE assures the DEPARTMENT that the proposed State-assisted action will not have a negative effect on the environment and, therefore, an Environmental Impact Statement is not required.
20. The GRANTEE hereby acknowledges that this Agreement does not require the State of Michigan to issue any permit required by law to construct the outdoor recreational project that is the subject of this Agreement. Such permits include, but are not limited to, permits to fill or otherwise occupy a floodplain, and permits required under Parts 301 and 303 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts 451 of 1994, as amended. It is the sole responsibility of the GRANTEE to determine what permits are required for the project, secure the needed permits and remain in compliance with such permits.

21. Before the DEPARTMENT will approve plans, specifications, or bid documents; or give written approval to the GRANTEE to advertise, seek quotes, or incur costs for this project, the GRANTEE must provide documentation to the DEPARTMENT that indicates either:
 - a. It is reasonable for the GRANTEE to conclude, based on the advice of an environmental consultant, as appropriate, that no portion of the project area is a facility as defined in Part 201 of the Michigan Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended;
or
 - b. If any portion of the project area is a facility, documentation that Department of Natural Resources-approved response actions have been or will be taken to make the site safe for its intended use within the project period, and that implementation and long-term maintenance of response actions will not hinder public outdoor recreation use and/or the resource protection values of the project area.
22. If the DEPARTMENT determines that, based on contamination, the project area will not be made safe for the planned recreation use within the project period, or another date established by the DEPARTMENT in writing, or if the DEPARTMENT determines that the presence of contamination will reduce the overall usefulness of the property for public recreation and resource protection, the grant may be cancelled by the MNRTF Board with no reimbursement made to the GRANTEE.
23. The GRANTEE shall acquire and maintain insurance which will protect the GRANTEE from claims which may arise out of or result from the GRANTEE'S operations under this Agreement, whether performed by the GRANTEE, a subcontractor or anyone directly or indirectly employed by the GRANTEE, or anyone for whose acts may hold them liable. Such insurance shall be with companies authorized to do business in the State of Michigan in such amounts and against such risks as are ordinarily carried by similar entities, including but not limited to public liability insurance, worker's compensation insurance or a program of self-insurance complying with the requirements of Michigan law. The GRANTEE shall provide evidence of such insurance to the DEPARTMENT at its request.
24. Nothing in this Agreement shall be construed to impose any obligation upon the DEPARTMENT to operate, maintain or provide funding for the operation and/or maintenance of any recreational facilities in the project area.
25. The GRANTEE hereby represents that it will defend any suit brought against either party which involves title, ownership, or any other rights, whether specific or general rights, including appurtenant riparian rights, to and in the project area of any lands connected with or affected by this project.
26. The GRANTEE is responsible for the use and occupancy of the premises, the project area and the facilities thereon. The GRANTEE is responsible for the safety of all individuals who are invitees or licensees of the premises. The GRANTEE will defend all claims resulting from the use and occupancy of the premises, the project area and the facilities thereon. The DEPARTMENT is not responsible for the use and occupancy of the premises, the project area and the facilities thereon.
27. Failure by the GRANTEE to comply with any of the provisions of this Agreement shall constitute a material breach of this Agreement.

28. Upon breach of the Agreement by the GRANTEE the DEPARTMENT, in addition to any other remedy provided by law, may:
 - a. Terminate this Agreement; and/or
 - b. Withhold and/or cancel future payments to the GRANTEE on any or all current recreation grant projects until the violation is resolved to the satisfaction of the DEPARTMENT; and/or
 - c. Withhold action on all pending and future grant applications submitted by the GRANTEE under the Michigan Natural Resources Trust Fund and the Land and Water Conservation Fund; and/or
 - d. Require repayment of grant funds already paid to GRANTEE.
 - e. Require specific performance of the Agreement.
29. The GRANTEE agrees that the benefit to be derived by the State of Michigan from the full compliance by the GRANTEE with the terms of this Agreement is the preservation, protection and the net increase in the quality of public outdoor recreation facilities and resources which are available to the people of the State and of the United States and such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the State of Michigan by way of assistance under the terms of this Agreement. The GRANTEE agrees that after final reimbursement has been made to the GRANTEE, repayment by the GRANTEE of grant funds received would be inadequate compensation to the State for any breach of this Agreement. The GRANTEE further agrees therefore, that the appropriate remedy in the event of a breach by the GRANTEE of this Agreement after final reimbursement has been made shall be the specific performance of this Agreement.
30. Prior to the completion of the project facilities, the GRANTEE shall return all grant money if the project area or project facilities are not constructed, operated or used in accordance with this Agreement.
31. The GRANTEE agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status, familial status or disability that is unrelated to the person's ability to perform the duties of a particular job or position. The GRANTEE further agrees that any subcontract shall contain non-discrimination provisions which are not less stringent than this provision and binding upon any and all subcontractors. A breach of this covenant shall be regarded as a material breach of this Agreement.
32. The DEPARTMENT shall terminate and recover grant funds paid if the GRANTEE or any subcontractor, manufacturer, or supplier of the GRANTEE appears in the register compiled by the Michigan Department of Labor and Economic Growth pursuant to Public Act No. 278 of 1980.
33. The GRANTEE may not assign or transfer any interest in this Agreement without prior written authorization of the DEPARTMENT.
34. The rights of the DEPARTMENT under this Agreement shall continue in perpetuity.
35. The Agreement may be executed separately by the parties. This Agreement is not effective until:
 - a. The GRANTEE has signed the Agreement and returned it together with the necessary attachments within 60 days of the date the Agreement is issued by the DEPARTMENT, and

b. The DEPARTMENT has signed the Agreement. IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, on this date.

Approved by resolution (true copy attached) of the _____,
date

_____ meeting of the _____
(special or regular) (name of approving body)

GRANTEE

SIGNED:

WITNESSED BY:

By: _____

1) _____

Print Name: _____

Title: _____

2) _____

Date: _____

Grantee's Federal ID#

38-6004594

MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

SIGNED:

WITNESSED BY:

By: _____
Steve DeBrabander

1) _____

Title: Manager, Grants Management

2) _____

Date: _____



NORTH BEACH PLAYSTRUCTURE 12-4116B.PMD

- Powder Coat**
 -  Black
 -  Beige
- Plastic**
 -  Red
 -  Beige-Red
 -  
- Deck**
 -  Brown
-  ADA Compliant

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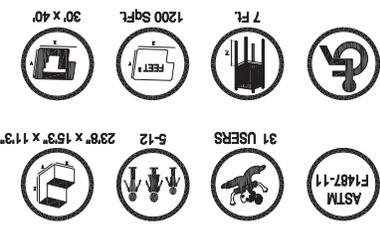


NORTH BEACH PLAYSTRUCTURE 12-4116B.PMD

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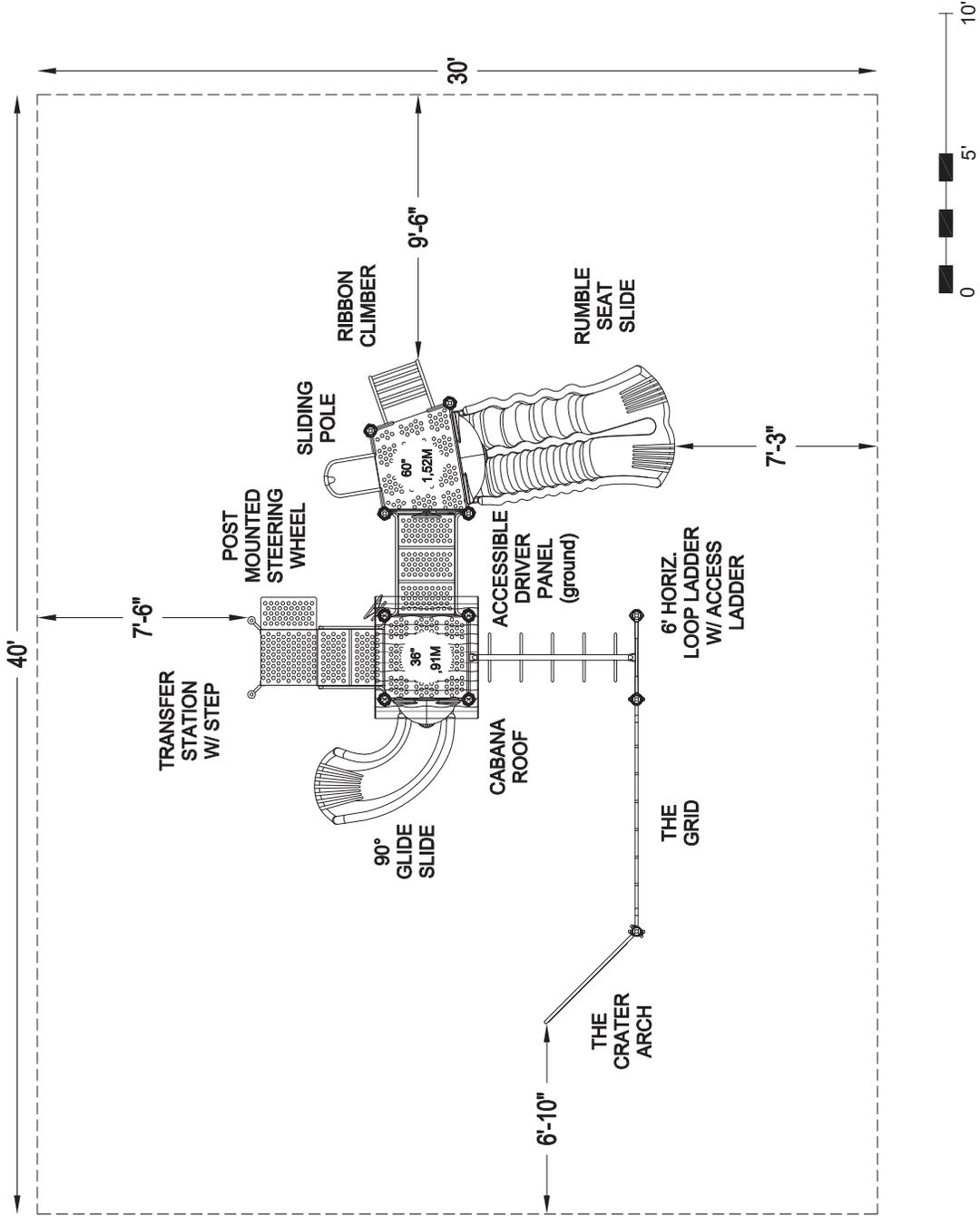
NORTH BEACH PLAY STRUCTURE

SOUTH HAVEN, MI



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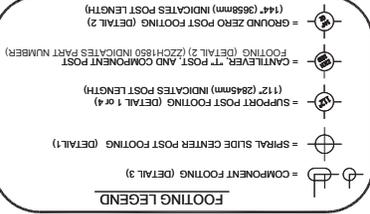
PROJECT NO: 12-416.PMD		SITE PLAN	
REV: B		CHALLENGERS	
DATE: 09-JAN-15		SCALE: 1/4" = 1'-0"	
		DRAWN BY: L.RICE	



*Playground Supervision Required

NORTH BEACH PLAY STRUCTURE

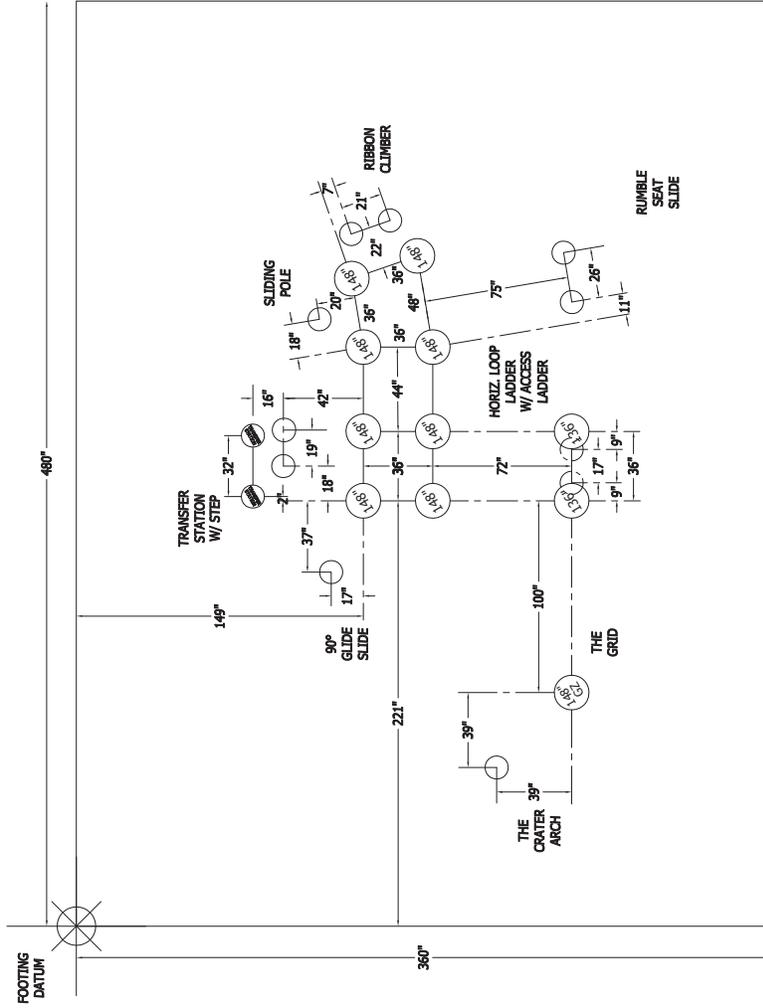
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PROJECT NO: 12-416.PMD	REV: B	DATE: 09-JAN-15	SCALE: 3/16" = 1'-0"	DRAWN BY: L.RICE
SYSTEM: CHALLENGERS		FOOTING PLAN		



*Playground Supervision Required

North Beach Play Structure

Design Number: 12-4116B - Compliance and Technical Data
Reference Document: ASTM F1487

Ref. No.	Part No.	Qty.	Description	Unit ASTM Status	Total Weight (lbs)	Pre-Consumer Recycled Content (lbs)	CO2e Footprint (kgs)	Users	Install Hours	Concrete (Yds3)	Active Play Events
1	ZZCH0028	2	3.5in OD x 136in STEEL POST W/ RIVETED CAP	Certified	87.02		117	0	2.00	0.25	0
2	ZZCH0038	4	3.5in OD x 148in STEEL POST W/ RIVETED CAP	Certified	188.44		253	0	4.00	0.50	0
3	ZZCH0038GZ	1	3.5in OD x 148in GROUND ZERO POST	Certified	47.01		63	0	1.00	0.18	0
4	ZZCH0039	4	3.5in OD x 148in STEEL POST W/O CAP	Certified	184.84		235	0	4.00	0.50	0
5	ZZCH0616	1	SQUARE COATED DECK ASSEMBLY	Certified	54.86		174	3	1.00	0.00	0
6	ZZCH0636	1	DOUBLE SLIDE COATED DECK ASSEMBLY	Certified	63.86		185	3	1.00	0.00	0
7	ZZCH2007	1	TRANSFER STATION w/TALL GUARDRAIL (36in DECK)	Certified	148.40		310	2	2.00	0.09	0
8	ZZUN2019	1	APPROACH STEP FOR TRANSFER STATION	Certified	35.83		72	1	1.00	0.04	0
9	ZZCH2737	1	RUMBLE SEAT (60in DECK)	Certified	201.86		762	4	3.00	0.06	1
10	ZZCH3129	1	90 DEGREE GLIDE SLIDE (36in DECK)	Certified	96.73		418	2	2.00	0.03	1
11	ZZCH8080	1	SLIDING POLE (60in DECK)	Certified	57.73		159	1	1.50	0.03	1
12	ZZCH4290	1	POST MOUNTED STEERING WHEEL	Certified	7.83		44	1	0.25	0.00	1
13	ZZCH4406	1	ACCESSIBLE DRIVING PANEL	Certified	24.07		202	1	0.50	0.00	1
14	ZZCH8300	1	RIBBON CLIMBER (60in DECK)	Certified	41.92		114	2	1.50	0.06	1
15	ZZCH8408	1	THE GRID	Certified	103.67		219	3	0.75	0.00	1
16	ZZCH8457	1	THE CRATER ARCH	Certified	79.50		407	2	1.00	0.03	1
17	ZZCH5780	1	6ft HORIZONTAL LOOP LADDER	Certified	55.72		124	4	1.00	0.00	1
18	ZZCH5970	1	OVERHEAD EVENT ACCESS LADDER (36in DECK)	Certified	25.12		71	1	1.50	0.06	0
19	ZZCH9846	1	CABANA ROOF	Certified	76.05		390	0	0.50	0.00	0
20	ZZCH9170	1	24in ACCESS STEPPED PLATFORM (DECK TO DECK)	Certified	135.24		296	1	2.00	0.00	0
21	ZZCHGUID	1	CHALLENGER GUIDELINES	N/A	0.00		1	0	0.25	0.00	0
22	ZZUN9910	1	SURFACING WARNING LABEL KIT	Certified	0.05		1	0	0.25	0.00	0
23	ZZUN9930	1	PIPE SYSTEMS MAINTENANCE KIT W/ AEROSOL	N/A	13.07		90	0	0.00	0.00	0



North Beach Play Structure

Design Number: 12-4116B - Compliance and Technical Data
 Reference Document: ASTM F1487

Ref. No.	Part No.	Qty.	Description	Unit ASTM Status	Total Weight (lbs)	Pre-Consumer Recycled Content (lbs)	Post-Consumer Recycled Content (lbs)	CO2e Footprint (kgs)	Users	Install Hours	Concrete (Yds3)	Active Play Events
24	ZZUN9990	1	TOOL AND ADDITIONAL PARTS KIT W/AEROSOL	N/A	3.46			75	0	0.00	0.00	0
Totals:					1,732.28	240	482	4,777	31	32.00	1.83	9
					779.53 Kg	108 Kg	217 Kg	5 Metric Tons			1.39 m3	



North Beach Play Structure

Design Number: 12-4116B - Compliance and Technical Data
Reference Document: ASTM F1487

Ref. No.	Part No.	Qty.	Description	Unit ASTM Status	Total Weight (lbs)	Pre-Consumer Recycled Content (lbs)	CO2e Footprint (kgs)	Users	Install Hours	Concrete (Yds3)	Active Play Events
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ASTM F1487

The lay-out for this custom playscape, design number 12-4116B, has been configured to meet the requirements of the ASTM F1487 standard. In addition, each of the above components listed as "Certified" have been tested and are IPEMA certified. Components listed as "Not Applicable" do not fall within the scope of the ASTM F1487 standard and have not been tested. IPEMA certification can be verified on the IPEMA website, www.ipema.org. In the interest of playground safety, IPEMA provides a Third Party Certification Service which validates compliance.

2010 ADA Standards for Accessible Design

The lay-out was also designed to meet the 2010 Standards published 15-Sep-2010, by the Department of Justice when installed over a properly maintained surfacing material that is in compliance with ASTM F1951 "Accessibility of Surface Systems Under and Around Playground Equipment" as well as ASTM F1292, "Impact Attenuation of Surfacing Materials Within the Use Zone of Playground Equipment", appropriate for the fall height of the structure.

Installation Times

Installation times are based on one experienced installer. A crew of three experienced individuals can perform the installation within the given time, each member working 1/3 of the given hours. [Eg. Installation Time = 30 hours. For a crew of three, each member will work 10 hours on the installation for a total of 30 hours on the project.]

Carbon Footprint

The CO2e (carbon footprint given in Kilograms and Metric Tons) listed above is a measure of the environmental impact this play structure represents from harvesting raw materials to the time it leaves our shipping dock. Playworld Systems nurtures a total corporate culture that is focused on eliminating carbon producing processes and products, reducing our use of precious raw materials, reusing materials whenever possible and recycling materials at every opportunity. Playworld Systems elected to adopt the Publicly Available Specification; PAS 2050 as published by the British Standards Institute and sponsored by Defra and the Carbon Trust. The PAS 2050 has gained international acceptance as a specification that measures the greenhouse gas emissions in services and goods throughout their entire life cycle.

Pre-Consumer Recycle Content

A measurement, in pounds, that qualifies the amount of material that was captured as waste and diverted from landfill during an initial manufacturing process and is being redirected to a separate manufacturing process to become a different product. E.g. 100% of our Aluminum Tubing is made from captured waste material during the manufacturing process of extruded Aluminum products such as rods, flat bars and H-channels.

Post-Consumer Recycle Content

A measurement, in pounds, that qualifies the amount of material that was once another product that has completed its lifecycle and has been diverted from a landfill as a solid waste through recycling and is now being used in a Playworld Systems' product. E.g. **20% to 40% of the steel in our steel tubing and sheet steel have been diverted from landfills. Automobiles are scrapped and recyclable steel is purchased by the steel mill that produces our raw product.

** The amount of Post-Consumer recycled steel fluctuates daily based on the availability of the recycled steel.





Consent Agenda Item # D

Black River Park Skid Pier Replacement Grant Agreement Approval

The City Council will be asked to consider approval of Resolution 2016-23, a resolution approving the Michigan Department of Natural Resources "Michigan Natural Resources Trust Fund" (MNRTF) grant agreement for replacement of two skid piers at Black River Park Boat Launch in the amount of \$37,500.

Background Information:

The proposed replacement of two skid piers is included within the City of South Haven's Five Year Capital Improvement Plan. Future renovations within the larger, master plan upgrade to Black River Park give the park an overall facelift while making necessary upgrades and replacements to meet the ever growing demands of residents and tourists. Included are plans for driveway improvements in order to relieve traffic congestion through the center of downtown South Haven.

The location of the Black River Park public boat launch in both to the Black River and the municipal marinas makes it ideal for both residents and seasonal watercraft users. However, sections of the skid pier's wood decking are broken, risers have had to be replaced and rebolted, and the steel structure has started to loosen. Repairs are frequently needed to despite the piers being pulled out of the water at the end of the season to prevent ice damage. The existing skid piers were first constructed in 1974 and rehabbed to 70% in 1992.

Recommendation:

The City Council should consider approval of Resolution 2016-23, a resolution approving the Michigan Department of Natural Resources "Michigan Natural Resources Trust Fund" (MNRTF) grant agreement for replacement of two skid piers at Black River Park Boat Launch in the amount of \$37,500.

Support Material:

Resolution 2016-23
Grant Agreement
Skid Pier Replacement Plan
Abonmarche project cost

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2016-23

A RESOLUTION APPROVING A GRANT WITH THE
MICHIGAN NATURAL RESOURCES TRUST FUND FOR
BLACK RIVER PARK SKID PIER REPLACEMENT

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on April 18, 2016, at 7:00 p.m. local time.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by Member _____ and supported by Member _____.

WHEREAS, funds have become available to the Michigan Natural Resources through the Trust Fund (the "Department") to provide grants to local units of government for recreational improvements; and

WHEREAS the City of South Haven staff and the Harbor Commission have identified replacement of two skid piers at Black River Park as needing capital improvements as expressed in the 2013-2017 Recreation Plan; and

WHEREAS, the City of South Haven wishes to make improvements to Black River Park, improve safety, ensure universal accessibility, enhance amenities, improve appearances, and create recreational opportunities for all residents and visitors.

WHEREAS, the City of South Haven does hereby accept the Michigan Department of Natural Resources grant award in the amount of \$37,500 for a Trust Fund Grant for replacement of two skid piers at Black River Park.

BE IT RESOLVED, that the City of South Haven, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City of South Haven does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide twelve thousand five hundred (\$12,500) dollars to match the grant authorized by the Department.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the Department for auditing at reasonable times.
3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.

4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
5. To comply with any and all terms not specifically set forth in the foregoing portions of this Resolution.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Council.

RECORD OF VOTE:

Yeas: _____

Nays: _____

RESOLUTION DECLARED ADOPTED.

Robert G. Burr, Mayor

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on the 18th day of April, 2016, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 *et seq.*).

Amanda Morgan, City Clerk



Michigan Department of Natural Resources - Grants Management

**Michigan Natural Resources Trust Fund
Development Project Agreement**

Project Number : TF15-0058

Project Title : Black River Park Skid Pier Replacement

This Agreement is between the Michigan Department of Natural Resources for and on behalf of the State of Michigan ("DEPARTMENT") and the City of South Haven IN THE COUNTY OF Van Buren County ("GRANTEE"). The DEPARTMENT has authority to issue grants to local units of government for the development of public outdoor recreation facilities under Part 19 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended. The GRANTEE has been approved by the Michigan Natural Resources Trust Fund (MNRTF) Board of Trustees (BOARD) to receive a grant. In PA 61 of 2016, the Legislature appropriated funds from the MNRTF to the DEPARTMENT for a grant-in-aid to the GRANTEE. As a precondition to the effectiveness of the Agreement, the GRANTEE is required to sign the Agreement and return it to the DEPARTMENT with the necessary attachments by **06/05/2016**.

1. The legal description of the project area (APPENDIX A); boundary map of the project area (APPENDIX B); and Recreation Grant application bearing the number **TF15-0058** (APPENDIX C) are by this reference made part of this Agreement. The Agreement together with the referenced appendices constitute the entire Agreement between the parties and may be modified only in writing and executed in the same manner as the Agreement is executed.
2. The time period allowed for project completion is **04/06/2016 through 04/30/2018**, hereinafter referred to as the "project period." Requests by the GRANTEE to extend the project period shall be made in writing before the expiration of the project period. Extensions to the project period are at the discretion of the DEPARTMENT. The project period may be extended only by an amendment to this Agreement.
3. This Agreement shall be administered on behalf of the DEPARTMENT through Grants Management. All reports, documents, or actions required of the GRANTEE shall be submitted through the MiRecGrants website unless otherwise instructed by the DEPARTMENT.
4. The words "project area" shall mean the land and area described in the attached legal description (APPENDIX A) and shown on the attached boundary map (APPENDIX B).
5. The words "project facilities" shall mean the following individual components, as further described in APPENDIX C.
Skid Pier
6. The DEPARTMENT agrees as follows:
 - a. To grant to the GRANTEE a sum of money equal to **Seventy-Five (75%) Percent of Fifty Thousand (\$50,000.00) dollars and Zero Cents**, which is the total eligible cost of construction of the project facilities including engineering costs, but in any event not to exceed **Thirty Seven Thousand Five Hundred (\$37,500.00) dollars and Zero Cents**.
 - b. To grant these funds in the form of reimbursements to the GRANTEE for eligible costs and

expenses incurred as follows:

- i. Payments will be made on a reimbursement basis at **Seventy-Five (75%) Percent** of the eligible expenses incurred by the GRANTEE up to 90% of the maximum reimbursement allowable under the grant.
- ii. Reimbursement will be made only upon DEPARTMENT review and approval of a complete reimbursement request submitted by the GRANTEE through the MiRecGrants website, including but not limited to copies of invoices, cancelled checks, and/or list of force account time and attendance records.
- iii. The DEPARTMENT shall conduct an audit of the project's financial records upon approval of the final reimbursement request by DEPARTMENT staff. The DEPARTMENT may issue an audit report with no deductions or may find some costs ineligible for reimbursement.
- iv. Final payment will be released upon completion of a satisfactory audit by the DEPARTMENT and documentation that the GRANTEE has erected an MNRTF sign in compliance with Section 7(j) of this Agreement.

7. The GRANTEE agrees as follows:

- a. To immediately make available all funds needed to incur all necessary costs required to complete the project and to provide **Twelve Thousand Five Hundred (\$12,500.00) dollars and Zero Cents** in local match. This sum represents **Twenty-Five(25%) Percent** of the total eligible cost of construction including engineering costs. Any cost overruns incurred to complete the project facilities called for by this Agreement shall be the sole responsibility of the GRANTEE.
- b. With the exception of engineering costs as provided for in Section 8, to incur no costs toward completion of the project facilities before execution of this Agreement and before written DEPARTMENT approval of plans, specifications and bid documents.
- c. To complete construction of the project facilities to the satisfaction of the DEPARTMENT and to comply with the development project procedures set forth by the DEPARTMENT in completion of the project, including but not limited to the following:
 - i. Retain the services of a professional architect, landscape architect, or engineer, registered in the State of Michigan to serve as the GRANTEE'S Prime Professional. The Prime Professional shall prepare the plans, specifications and bid documents for the project and oversee project construction.
 - ii. Within 180 days following execution of this Agreement by the GRANTEE and the DEPARTMENT and before soliciting bids or quotes or incurring costs other than costs associated with the development of plans, specifications, or bid documents, provide the DEPARTMENT with plans, specifications, and bid documents for the project facilities, sealed by the GRANTEE'S Prime Professional.
 - iii. Upon written DEPARTMENT approval of plans, specifications and bid documents, openly advertise and seek written bids for contracts for purchases or services with a value

equal to or greater than \$10,000 and accept the lowest qualified bid as determined by the GRANTEE'S Prime Professional.

- iv. Upon written DEPARTMENT approval of plans, specifications and bid documents, solicit three (3) written quotes for contracts for purchases or services between \$2,500 and \$10,000 and accept the lowest qualified bid as determined by the GRANTEE'S Prime Professional.
 - v. Maintain detailed written records of the contracting processes used and to submit these records to the DEPARTMENT upon request.
 - vi. Complete construction to all applicable local, state and federal codes, as amended; including the federal Americans with Disabilities Act (ADA) of 2010, as amended; the Persons with Disabilities Civil Rights Act, Act 220 of 1976, as amended; the Playground Equipment Safety Act, P.A. 16 of 1997, as amended; and the Utilization of Public Facilities by Physically Limited Act, P.A. 1 of 1966, as amended; the Elliott-Larsen Civil Rights Acts, Act 453 of 1976, as amended.
 - vii. Bury all new telephone and electrical wiring within the project area.
 - viii. Correct any deficiencies discovered at the final inspection within 90 days of written notification by the DEPARTMENT. These corrections shall be made at the GRANTEE'S expense and are eligible for reimbursement at the discretion of the DEPARTMENT and only to the degree that the GRANTEE'S prior expenditures made toward completion of the project are less than the grant amount allowed under this Agreement.
- d. To operate the project facilities for a minimum of their useful life as determined by the DEPARTMENT, to regulate the use thereof to the satisfaction of the DEPARTMENT, and to appropriate such monies and/or provide such services as shall be necessary to provide such adequate maintenance.
 - e. To provide to the DEPARTMENT for approval, a complete tariff schedule containing all charges to be assessed against the public utilizing the project area and/or any of the facilities constructed thereon, and to provide to the DEPARTMENT for approval, all amendments thereto before the effective date of such amendments. Preferential membership or annual permit systems are prohibited on grant assisted sites, except to the extent that differences in admission and other fees may be instituted on the basis of residence. Nonresident fees shall not exceed twice that charged residents. If no resident fees are charged, nonresident fees may not exceed the rate charged residents at other comparable state and local public recreation facilities.
 - f. To adopt such ordinances and/or resolutions as shall be required to effectuate the provisions of this Agreement; certified copies of all such ordinances and/or resolutions adopted for such purposes shall be forwarded to the DEPARTMENT before the effective date thereof.
 - g. To separately account for any revenues received from the project area which exceed the demonstrated operating costs and to reserve such surplus revenues for the future maintenance and/or expansion of the GRANTEE'S park and outdoor recreation program.
 - h. To furnish the DEPARTMENT, upon request, detailed statements covering the annual operation of the project area and/or project facilities, including income and expenses and such other

information the DEPARTMENT might reasonably require.

- i. To maintain the premises in such condition as to comply with all federal, state, and local laws which may be applicable and to make any and all payments required for all taxes, fees, or assessments legally imposed against the project area.
 - j. To erect and maintain a sign on the property which designates this project as one having been constructed with the assistance of the MNRTF. The size, color, and design of this sign shall be in accordance with DEPARTMENT specifications.
 - k. To conduct a dedication/ribbon-cutting ceremony as soon as possible after the project is completed and the MNRTF sign is erected within the project area. At least 30 days prior to the dedication/ribbon-cutting ceremony, the DEPARTMENT must be notified in writing of the date, time, and location of the dedication/ribbon-cutting ceremony. GRANTEE shall provide notice of ceremony in the local media. Use of the grant program logo and a brief description of the program are strongly encouraged in public recreation brochures produced by the GRANTEE. At the discretion of the DEPARTMENT, the requirement to conduct a dedication/ribbon-cutting ceremony may be waived.
8. Only eligible costs and expenses incurred toward completion of the project facilities after execution of the Project Agreement shall be considered for reimbursement under the terms of this Agreement. Eligible engineering costs incurred toward completion of the project facilities beginning January 1, **2016** and throughout the project period are also eligible for reimbursement. Any costs and expenses incurred after the project period shall be the sole responsibility of the GRANTEE.
9. To be eligible for reimbursement, the GRANTEE shall comply with the DEPARTMENT requirements. At a minimum, the GRANTEE shall:
- a. Submit a written progress report every 180 days during the project period.
 - b. Submit complete requests for partial reimbursement when the GRANTEE is eligible to request at least 25 percent of the grant amount and construction contracts have been executed or construction by force account labor has begun.
 - c. Submit a complete request for final reimbursement within 90 days of project completion and no later than **07/31/2018**. If the GRANTEE fails to submit a complete final request for reimbursement by **07/31/2018**, the DEPARTMENT may audit the project costs and expenses and make final payment based on documentation on file as of that date or may terminate this Agreement and require full repayment of grant funds by the GRANTEE.
10. During the project period, the GRANTEE shall obtain prior written authorization from the DEPARTMENT before adding, deleting or making a significant change to any of the project facilities as proposed. Approval of changes is solely at the discretion of the DEPARTMENT. Furthermore, following project completion, the GRANTEE shall obtain prior written authorization from the DEPARTMENT before implementing a change that significantly alters the project facilities as constructed and/or the project area, including but not limited to discontinuing use of a project facility or making a significant change in the recreational use of the project area. Changes approved by the DEPARTMENT pursuant to this Section may also require prior approval of the BOARD, as determined by the DEPARTMENT.

11. All project facilities constructed or purchased by the GRANTEE under this Agreement shall be placed and used at the project area and solely for the purposes specified in APPENDIX C and this Agreement.
12. The project area and all facilities provided thereon and the land and water access ways to the project facilities shall be open to the general public at all times on equal and reasonable terms. No individual shall be denied ingress or egress thereto or the use thereof on the basis of sex, race, color, religion, national origin, residence, age, height, weight, familial status, marital status, or disability.
13. Unless an exemption has been authorized by the DEPARTMENT pursuant to this Section, the GRANTEE hereby represents that it possesses fee simple title, free of all liens and encumbrances, to the project area. The fee simple title acquired shall not be subject to: 1) any possibility of reverter or right of entry for condition broken or any other executory limitation which may result in defeasance of title or 2) to any reservations or prior conveyance of coal, oil, gas, sand, gravel or other mineral interests. For any portion of the project area that the GRANTEE does not possess in fee simple title, the GRANTEE hereby represents that it has:
 - a. Supplied the DEPARTMENT with an executed copy of the approved lease or easement, and
 - b. Confirmed through appropriate legal review that the terms of the lease or easement are consistent with GRANTEE'S obligations under this Agreement and will not hinder the GRANTEE'S ability to comply with all requirements of this Agreement. In no case shall the lease or easement tenure be less than 20 years from the date of execution of this Agreement.
14. The GRANTEE shall not allow any encumbrance, lien, security interest, mortgage or any evidence of indebtedness to attach to or be perfected against the project area or project facilities included in this Agreement.
15. None of the project area, nor any of the project facilities constructed under this Agreement, shall be wholly or partially conveyed in perpetuity, either in fee, easement or otherwise, or leased for a term of years or for any other period, nor shall there be any whole or partial transfer of the lease title, ownership, or right of maintenance or control by the GRANTEE except with the written approval and consent of the DEPARTMENT. The GRANTEE shall regulate the use of the project area to the satisfaction of the DEPARTMENT.
16. The assistance provided to the GRANTEE as a result of this Agreement is intended to have a lasting effect on the supply of outdoor recreation, scenic beauty sites, and recreation facilities beyond the financial contribution alone and permanently commits the project area to Michigan's outdoor recreation estate, therefore:
 - a. The GRANTEE agrees that the project area or any portion thereof will not be converted to other than public outdoor recreation use without prior written approval by the DEPARTMENT and the BOARD and implementation of mitigation approved by the DEPARTMENT and the BOARD, including but not limited to replacement with land of similar recreation usefulness and fair market value.
 - b. Approval of a conversion shall be at the sole discretion of the DEPARTMENT and the BOARD.
 - c. Before completion of the project, the GRANTEE and the DEPARTMENT may mutually agree to alter the project area through an amendment to this Agreement to provide the most satisfactory

public outdoor recreation area.

17. Should title to the lands in the project area or any portion thereof be acquired from the GRANTEE by any other entity through exercise of the power of eminent domain, the GRANTEE agrees that the proceeds awarded to the GRANTEE shall be used to replace the lands and project facilities affected with outdoor recreation lands and project facilities of equal or greater fair market value, and of reasonably equivalent usefulness and location. The DEPARTMENT and BOARD shall approve such replacement only upon such conditions as it deems necessary to assure the replacement by GRANTEE of other outdoor recreation properties and project facilities of equal or greater fair market value and of reasonably equivalent usefulness and location. Such replacement land shall be subject to all the provisions of this Agreement.
18. The GRANTEE acknowledges that:
 - a. The GRANTEE has examined the project area and has found the property safe for public use or actions will be taken by the GRANTEE before beginning the project to assure safe use of the property by the public, and
 - b. The GRANTEE is solely responsible for development, operation, and maintenance of the project area and project facilities, and that responsibility for actions taken to develop, operate, or maintain the property is solely that of the GRANTEE, and
 - c. The DEPARTMENT'S involvement in the premises is limited solely to the making of a grant to assist the GRANTEE in developing same.
19. The GRANTEE assures the DEPARTMENT that the proposed State-assisted action will not have a negative effect on the environment and, therefore, an Environmental Impact Statement is not required.
20. The GRANTEE hereby acknowledges that this Agreement does not require the State of Michigan to issue any permit required by law to construct the outdoor recreational project that is the subject of this Agreement. Such permits include, but are not limited to, permits to fill or otherwise occupy a floodplain, and permits required under Parts 301 and 303 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts 451 of 1994, as amended. It is the sole responsibility of the GRANTEE to determine what permits are required for the project, secure the needed permits and remain in compliance with such permits.
21. Before the DEPARTMENT will approve plans, specifications, or bid documents; or give written approval to the GRANTEE to advertise, seek quotes, or incur costs for this project, the GRANTEE must provide documentation to the DEPARTMENT that indicates either:
 - a. It is reasonable for the GRANTEE to conclude, based on the advice of an environmental consultant, as appropriate, that no portion of the project area is a facility as defined in Part 201 of the Michigan Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended;
or
 - b. If any portion of the project area is a facility, documentation that Department of Natural Resources-approved response actions have been or will be taken to make the site safe for its intended use within the project period, and that implementation and long-term maintenance of

response actions will not hinder public outdoor recreation use and/or the resource protection values of the project area.

22. If the DEPARTMENT determines that, based on contamination, the project area will not be made safe for the planned recreation use within the project period, or another date established by the DEPARTMENT in writing, or if the DEPARTMENT determines that the presence of contamination will reduce the overall usefulness of the property for public recreation and resource protection, the grant may be cancelled by the MNRTF Board with no reimbursement made to the GRANTEE.
23. The GRANTEE shall acquire and maintain insurance which will protect the GRANTEE from claims which may arise out of or result from the GRANTEE'S operations under this Agreement, whether performed by the GRANTEE, a subcontractor or anyone directly or indirectly employed by the GRANTEE, or anyone for whose acts may hold them liable. Such insurance shall be with companies authorized to do business in the State of Michigan in such amounts and against such risks as are ordinarily carried by similar entities, including but not limited to public liability insurance, worker's compensation insurance or a program of self-insurance complying with the requirements of Michigan law. The GRANTEE shall provide evidence of such insurance to the DEPARTMENT at its request.
24. Nothing in this Agreement shall be construed to impose any obligation upon the DEPARTMENT to operate, maintain or provide funding for the operation and/or maintenance of any recreational facilities in the project area.
25. The GRANTEE hereby represents that it will defend any suit brought against either party which involves title, ownership, or any other rights, whether specific or general rights, including appurtenant riparian rights, to and in the project area of any lands connected with or affected by this project.
26. The GRANTEE is responsible for the use and occupancy of the premises, the project area and the facilities thereon. The GRANTEE is responsible for the safety of all individuals who are invitees or licensees of the premises. The GRANTEE will defend all claims resulting from the use and occupancy of the premises, the project area and the facilities thereon. The DEPARTMENT is not responsible for the use and occupancy of the premises, the project area and the facilities thereon.
27. Failure by the GRANTEE to comply with any of the provisions of this Agreement shall constitute a material breach of this Agreement.
28. Upon breach of the Agreement by the GRANTEE the DEPARTMENT, in addition to any other remedy provided by law, may:
 - a. Terminate this Agreement; and/or
 - b. Withhold and/or cancel future payments to the GRANTEE on any or all current recreation grant projects until the violation is resolved to the satisfaction of the DEPARTMENT; and/or
 - c. Withhold action on all pending and future grant applications submitted by the GRANTEE under the Michigan Natural Resources Trust Fund and the Land and Water Conservation Fund; and/or
 - d. Require repayment of grant funds already paid to GRANTEE.
 - e. Require specific performance of the Agreement.

29. The GRANTEE agrees that the benefit to be derived by the State of Michigan from the full compliance by the GRANTEE with the terms of this Agreement is the preservation, protection and the net increase in the quality of public outdoor recreation facilities and resources which are available to the people of the State and of the United States and such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the State of Michigan by way of assistance under the terms of this Agreement. The GRANTEE agrees that after final reimbursement has been made to the GRANTEE, repayment by the GRANTEE of grant funds received would be inadequate compensation to the State for any breach of this Agreement. The GRANTEE further agrees therefore, that the appropriate remedy in the event of a breach by the GRANTEE of this Agreement after final reimbursement has been made shall be the specific performance of this Agreement.
30. Prior to the completion of the project facilities, the GRANTEE shall return all grant money if the project area or project facilities are not constructed, operated or used in accordance with this Agreement.
31. The GRANTEE agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status, familial status or disability that is unrelated to the person's ability to perform the duties of a particular job or position. The GRANTEE further agrees that any subcontract shall contain non-discrimination provisions which are not less stringent than this provision and binding upon any and all subcontractors. A breach of this covenant shall be regarded as a material breach of this Agreement.
32. The DEPARTMENT shall terminate and recover grant funds paid if the GRANTEE or any subcontractor, manufacturer, or supplier of the GRANTEE appears in the register compiled by the Michigan Department of Labor and Economic Growth pursuant to Public Act No. 278 of 1980.
33. The GRANTEE may not assign or transfer any interest in this Agreement without prior written authorization of the DEPARTMENT.
34. The rights of the DEPARTMENT under this Agreement shall continue in perpetuity.
35. The Agreement may be executed separately by the parties. This Agreement is not effective until:
 - a. The GRANTEE has signed the Agreement and returned it together with the necessary attachments within 60 days of the date the Agreement is issued by the DEPARTMENT, and

b. The DEPARTMENT has signed the Agreement. IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, on this date.

Approved by resolution (true copy attached) of the _____,
date

_____ meeting of the _____
(special or regular) (name of approving body)

GRANTEE

SIGNED:

WITNESSED BY:

By: _____

1) _____

Print Name: _____

Title: _____

2) _____

Date: _____

Grantee's Federal ID#
38-6004594

MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

SIGNED:

WITNESSED BY:

By: _____
Steve DeBrabander

1) _____

Title: Manager, Grants Management

2) _____

Date: _____

Black River Park Skid Pier Replacement MNRTF Grant Application

I. Project Need and Justification

The proximity of South Haven, Michigan has made it a convenient location for tourists accessing Lake Michigan from both Detroit and Chicago, particularly those interested in a variety of recreational activities. South Haven boasts numerous parks, many along the Black River which provides easy access to Lake Michigan. Black River Park itself has been a destination for watercraft, kayak, and canoe enthusiasts for decades. The Black River Park contains one of four municipal marinas in the city of South Haven. The public boat launch enters the Black River approximately one mile from Lake Michigan and is the only boat launch access point to Lake Michigan between Benton Harbor and Saugatuck, a distance of roughly forty-five miles. The park contains sixty seasonal and transient slips and five boat launch ramps, a picnic area, showers and restrooms. The municipal marina is open from April 15-October 15 but the park facilities and grounds remain open throughout the year.

The park's primary service area and target population includes permanent and seasonal residents and visitors to the City of South Haven. The City currently contains a permanent resident population of 4,403, according to the 2010 US Census. The project site is located less than one-half mile from South Haven's downtown area, and is within Van Buren County's Census Tract 103, which contains 1,732 persons per square mile. In addition, it has a secondary user base of citizens from Van Buren County, which contains 76,258 people, as well as other nearby areas. People throughout Southwest Michigan come to South Haven for the numerous recreational opportunities the community provides. Seasonal residents as well as tourists contribute significantly to the use of the City of South Haven's recreational amenities. Around 50% of the residential parcels in the City are occupied seasonally and the City has approximately 2,400 seasonal residents within its limits.

The location of the Black River park public boat launch in relation to both the Black River and the municipal marina makes it ideal for both resident and seasonal watercraft users. However, sections of the skid pier's wood decking are broken, risers have had to be replaced and rebolted, and the steel structure has started to loosen. Repairs are frequently needed despite the piers being pulled out of the water at the end of the season to prevent ice damage. The existing skid piers were first constructed in 1974 and rehabbed to 70% in 1992.

II. Project Description

The City of South Haven is seeking grant assistance for replacement of two public boat launch skid piers.

This project meets the goals and objectives of the City's Five Year Recreational Plan. The Plan was a collaborative effort, developed in partnership with the City, the Public School System, and South Haven Township. Page eighty-two (82) of the Plan outlines Priority #3: Parks and Public Spaces. Included in Priority #3 is a goal for the City Council to work with staff to seek grant funds to assist with the planning and development of improvements in and near the Black River Park, keeping in mind improved access to the Black River and attempts to improve water quality. Additionally, page 92 to 93 of the Plan outlines the capital improvements and projects that city staff, the Parks Commission, and the community have identified for Black River Park Marina. These include updating the picnic area, fishing area, non-motorized boat launch, parking, and accessible route to river's

edge. These suggested improvements specifically speak to goal five on page 81, “develop recreation opportunities that focus upon and take advantage of the South Haven area water resources.”

The proposed replacement of two skid piers is included within the City of South Haven’s Five Year Capital Improvement Plan. Future renovations within the larger, master plan upgrade to Black River Park give the park an overall facelift while making necessary upgrades and replacements to meet the ever growing demands of tourists and residents. Included are plans for driveway improvements in order to relieve traffic congestion through the center of downtown South Haven. An expansion of the Black River Park parking into the unpaved area east of current parking will increase parking availability. A new fish cleaning station and a second restroom facility is included within the Black River Park Master Plan although; improvements to the existing facility are a higher priority. The City of South Haven is also making moves to expand Black River Park into a 1.5 acre empty lot to the east. That plan includes a sustainable fishing platform and riverbank stabilization.

It is expected that no additional maintenance will be necessary upon completion of this project. The city maintains 10 public parks, seven beaches, and beach access sites, and their associated amenities. They have, and continue to, successfully and safely manage heavily frequented public lands while enforcing regulations. The existing piers and ramp are deteriorating and require maintenance above and beyond their respective norm. Since this park is already within the City’s park system, maintenance of the park will continue to be under the Park and Recreation Department’s jurisdiction.

To facilitate communication with the community, information about the park upgrades will be published on the City’s website and updated throughout the duration of the project.

III. Natural Resource Access and Protection

The Michigan Natural Resources Trust Fund listed projects located within an Urban Area as one of three funding priorities for its 2015 grant funding. Black River Park is located in such, providing access to natural resources within city limits. The park is walking distance from downtown South Haven and is part of the Bangor to South Haven Heritage Water Trail. Cyclists and walkers, hikers, joggers also frequent the park on their way to/from the adjacent Kal-Haven trail head or while enjoying a leisurely bike ride or stroll through town or along the river’s edge.

Black River Park gives visitors direct access to the Black River and is one mile from Lake Michigan and because it is a designated park, it provides protection from further impeding development. Such development could threaten the existing environment in a variety of ways. Rather, necessary upgrades and improvements to the park, incrementally, will ensure that the natural resources and appropriate recreational activities remain and can be enjoyed well into the future. The park and associated amenities were originally constructed in 1974 and remodeled in 1992.

In addition to providing access and protection of the Black River and further, Lake Michigan, Black River contains a number of fish species and is a favorite fishing spot for both locals and tourists.

The City values recreation as an important land-use and recognizes the economic value and ecosystem services provided by protecting natural resources. South Haven has not closed, sold, or transferred control of any parkland or recreation facility within its park system and has strict provisions in the City Charter regarding parkland.

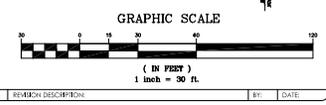
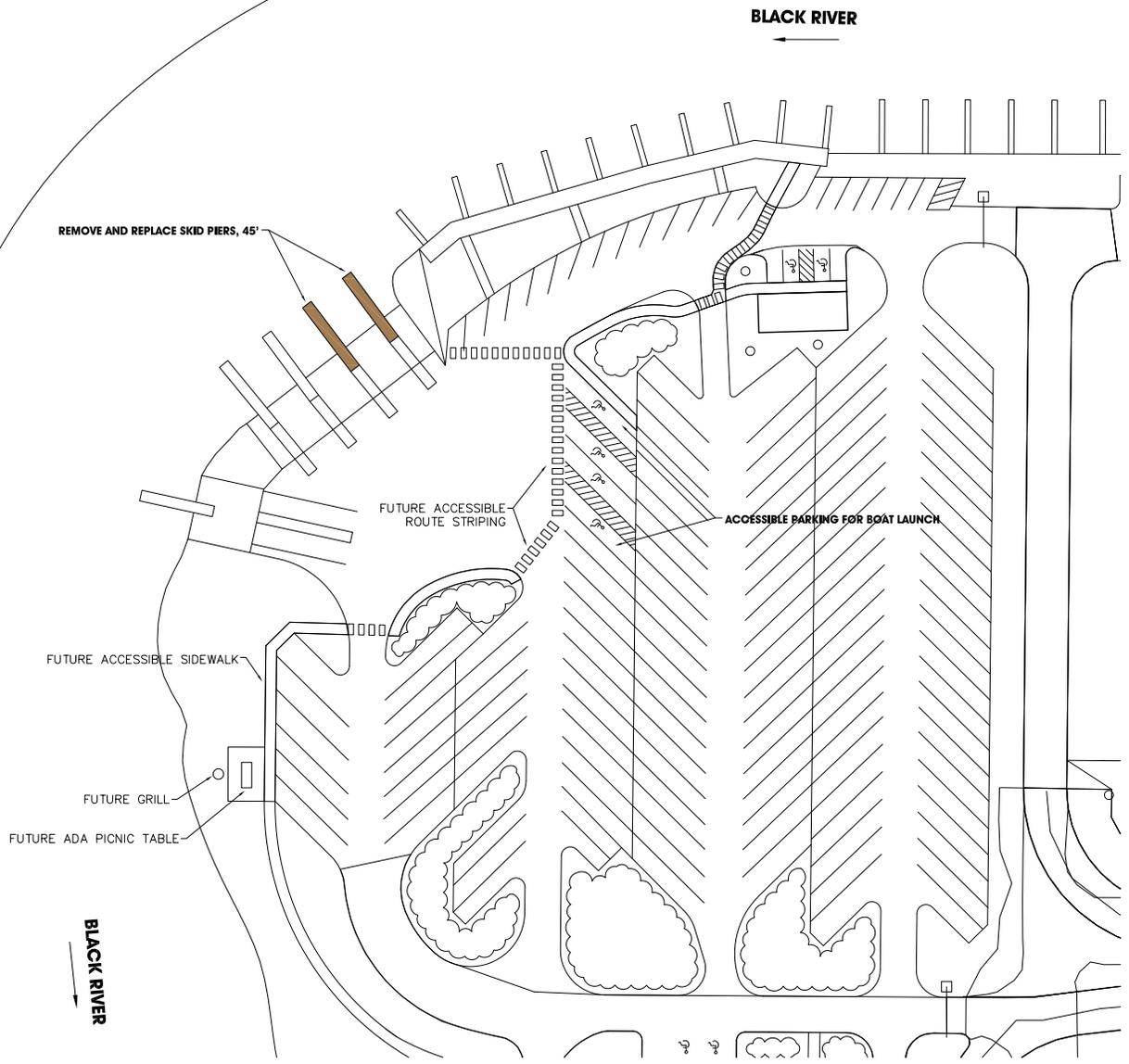
IV. Other Information

Safety within city parks is very important to the city of South Haven. Signs displaying the park entrance and hours of operation are clearly posted. The park does not allow unleashed animals or alcohol and it requires those picnicking to properly dispose of hot coals. The restroom facility, and the entire park, is well lit. Vandalism has never been an issue at Black River Park but there is a gate attendant during the day and the grounds are monitored by Police, as their schedule allows. The restrooms are cleaned daily in the early morning and are inspected and cleaned again throughout the day.

Historically, South Haven has established a rich relationship with MNRTF. In the past 37 years South Haven has received 7 MNRTF grants. All grants were managed and implemented successfully and continue to provide and protect access to recreational opportunities and natural resources.

Black River Park Skid Pier Replacement
City of South Haven
Project Number: 14-0754

<u>Item</u>	Quantity	Unit	Unit Price	Total
Skid Pier, 45 foot, Removal and Replacement	2	EA	\$ 25,000.00	\$ 50,000.00
			Contracted Work \$	50,000.00
			Total Project Cost \$	50,000.00





Consent Agenda Item # E

Southside Marina Dock Extension Engineering Study Grant Agreement Approval

The City Council will be asked to consider approval of Resolution 2016-24, a resolution authorizing a grant agreement with the Michigan Department of Natural Resources for the South Side Marina Dock Extension Engineering Study and committing local funds to match the grant award in the amount of \$50,000.

Background Information:

The City applied for a Michigan Department of Natural Resources Trust Fund grant in early 2015 to conduct a preliminary engineering and feasibility study of a head dock extension to the west at the South Side Marina. The city was notified in early 2016 that it was awarded funds in the amount not to exceed \$50,000. The City will provide the matching amount of \$50,000 for a total estimated cost of \$100,000.

Recommendation:

The City Council should authorize Resolution 2016-24, a resolution authorizing a grant agreement with the Michigan Department of Natural Resources for the South Side Marina Dock Extension Engineering Study and committing local funds to match the grant award in the amount of \$50,000.

Support Material:

Resolution 2016-24
Grant Agreement
P. VandenBosch report

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2016-24

A RESOLUTION AUTHORIZING A GRANT WITH THE
MICHIGAN DEPARTMENT OF NATURAL RESOURCES FOR
THE SOUTH SIDE MARINA DOCK EXTENSION ENGINEERING
AND COMMITTING LOCAL FUNDS TO MATCH THE GRANT AWARD

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on April 18, 2016 at 7:00 p.m. local time.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by Member _____ and supported by Member _____.

WHEREAS, the City of South Haven is an important center of recreational boating activity and serves as a refuge point for shallow-draft recreational vessels; and

WHEREAS, the City has solicited the aid and assistance of the Michigan Department of Natural Resources (MDNR) in conducting a preliminary engineering and feasibility study of a head dock extension to the west at the South Haven South Side Marina; and

WHEREAS, the MDNR agreed to participate in the cost of a preliminary engineering and feasibility study to determine the design and cost estimate for these improvements.

NOW, THEREFORE, BE IT RESOLVED, that the City of South Haven, Michigan, accepts the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City agrees, but not by way of limitation, as follows:

1. To appropriate the sum of Fifty Thousand dollars (\$50,000), to match the Fifty Thousand dollars (\$50,000) authorized by the MDNR.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the Department for auditing at reasonable times.
3. To negotiate and enter into a contractual relationship with a registered professional engineer so licensed by the State of Michigan to provide for the completion of said preliminary engineering study in accordance with established engineering principles, which contractual relationship shall be subject to the approval of the MDNR.
4. To comply with all terms of the Agreement, including all terms not specifically set forth in the foregoing portions of this resolution.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Council.

RECORD OF VOTE:

Yeas: _____

Nays: _____

RESOLUTION DECLARED ADOPTED.

Robert G. Burr, Mayor

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on the 18th day of April, 2016, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 *et seq.*).

Amanda Morgan, City Clerk

AGREEMENT

Engineering Study

THIS AGREEMENT, made this _____ day of _____, 2016, by and between the CITY OF SOUTH HAVEN, VAN BUREN COUNTY, MICHIGAN, a municipal corporation, hereinafter referred to as the "City", and the MICHIGAN DEPARTMENT OF NATURAL RESOURCES, an agency of the State of Michigan, hereinafter referred to as the "Department."

WHEREAS, the City is an important center of recreational boating activity and serves as a refuge point for shallow-draft recreational vessels; and

WHEREAS, the City has solicited the aid and assistance of the Department in conducting a preliminary engineering and feasibility study of a head dock extension to the west at the South Haven South Side Marina; and

WHEREAS, the Department agreed to participate in the cost of a preliminary engineering and feasibility study to determine the design and cost estimate for these improvements.

NOW, THEREFORE, in consideration of the mutual promises and conditions contained herein, it is agreed as follows:

1. This Agreement shall be administered on behalf of the Department through its Parks and Recreation Division. All reports, documents, or actions required of the City by this Agreement shall be submitted to the Chief of the Parks and Recreation Division, P.O. Box 30257, Lansing, Michigan, 48909.

2. The Department agrees as follows:

a. To grant to the City a sum of money equal to fifty (50) percent of the total cost of a preliminary engineering and feasibility study to determine the design and cost of improvements required for the head dock extension. Said grant shall not in any event exceed Fifty Thousand dollars (\$50,000.00).

b. The monies herein granted shall be released as reimbursement according to the following:

Acceptance by the City of this Agreement, execution of an agreement between the City and a registered professional engineer as prescribed in paragraph 3b hereof, study completion and written Department approval, and receipt of payment reimbursement request.

c. As a condition precedent to any liability and/or responsibility of the Department under this Agreement, the City shall execute a contract or an agreement with a registered professional engineering firm so licensed by the State of Michigan for the conduct and completion of said preliminary engineering study, which contract or agreement shall be approved by the Department in writing.

3. The City agrees as follows:

a. To immediately appropriate the sum of Fifty Thousand dollars (\$50,000.00). This sum represents fifty (50) percent of the total cost of the preliminary engineering and feasibility study called for by

this Agreement. Any additional funds needed to complete this study, called for in this Agreement, shall be provided by the City.

b. To negotiate and enter into a contractual relationship with a registered professional engineer so licensed by the State of Michigan to provide for the completion of said preliminary engineering study in accordance with established engineering principles, which contractual relationship shall be subject to the approval of the Department.

c. To authorize no variances from said engineering contract nor any additional expenditures without obtaining prior written approval of the Department for each and every variance or additional expenditure.

d. To use all funds granted by the Department to this Agreement solely for the conduct and completion of the preliminary engineering study. The City shall maintain satisfactory financial accounts, documents, and records and shall make them available to the Department for auditing at reasonable times. Such accounts, documents, and records shall be retained by the City for a period of not less than three (3) years following completion of the study called for herein.

e. To designate and establish a competent and proper agency and/or individual to be responsible for the conduct and the completion of the said preliminary engineering study.

f. To hold and save the State of Michigan and the Department free from damages or any suits brought against the City due to the conduct of the study.

g. To certify to the best of its knowledge and belief that the City and any principal, agent, contractor, and subcontractor of the City:

(1) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any State or Federal agency.

(2) have not been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction, as defined in 45 CFR 1185; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property within a three-year period preceding this Agreement.

(3) are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses.

(4) have not had one or more public transactions (Federal, State, or local) terminated for cause or default within three years preceding this Agreement.

(5) will comply with all applicable requirements of all Federal and State laws, rules, executive orders, regulations, and policies governing this program.

4. It is expressly understood and agreed by and between the parties hereto that neither this Agreement, nor any section, paragraph, condition, clause, provision, or like portion hereof, shall in any way be construed so as to impose any obligation of any nature whatsoever, financial or otherwise, upon either the Department or the City as regards the construction of facilities which shall be considered in said preliminary engineering study.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seal the day and date first above written.

WITNESSES:

CITY OF SOUTH HAVEN

By: _____

Title: _____

**MICHIGAN DEPARTMENT OF
NATURAL RESOURCES**

By: _____
Ronald A. Olson, Chief
Parks and Recreation Division

South Side Marina Dock Extension Engineering

Project Scope

Southside Marina is one of four municipal marinas in South Haven. It contains forty slips and, of the four municipal marinas, is the closest to Lake Michigan; approximately 0.5 miles. Southside Marina slips are heavily sought after because of their proximity on Black River to Lake Michigan. The marina is a transient boater marina facility which is part of the State of Michigan Harbor of Refuge program and participates in the State Reservation System. The growing enthusiasm by both residents and tourists to dock their boat in South Haven and enjoy the recreational activities, restaurants, or shopping available in the downtown area has raised the demand for more dock space during the peak season and for dockage of larger vessels than can be accommodated in existing marina slips. In response to these demands, the City of South Haven seeks to extend the South Side Marina head dock to the west to allow for more head dock mooring for transient vessels. The purpose of the dock extension is primarily for transient boat mooring however, the City occasionally hosts events such as the Queen's Cup and Tall Ship festivals, and the dock must be usable for these purposes, which includes space for public dinghies.

Additionally, the orientation and composition of the Black River channel walls coupled with summer storms or high winds cause marina users in the existing marina basin to experience motion of boats due to wave action in Lake Michigan. This motion can cause considerable damage because anytime there is a westerly wind it creates a surge down the channel. Frequently during wind weather, transient boats will request to move out of the South Side basin, especially when there is a west wind funneling winds and waves off the lake. The boats rock the worst along the riverside pier and least along the landside pier, which is why most boaters request to be docked on the landside pier. In an effort to address these issues, included in this project is a wave attenuation component that reduces wave action in the South Side Marina basin. Absorbing some of the force of the wave and re-directing it will decrease the impact on the docked boats and in turn, minimize damage and ease the minds of the boat owners utilizing South Side Marina. Climate forecasts predict storm events to increase in volume in the coming years. Preparing South Haven's municipal marinas for future intense weather events, on top of routine wave fluctuations and water surges, will extend the lifetime and decrease the vulnerability of the marina in the face of climate change.

Grant monies awarded for this project will be used to first perform a wave attenuation study to gain an understanding of the wave impacts at South Side Marina and other areas of the harbor. This will avoid reflecting waves and dissipating energy across the river, exacerbating wave issues to other property owners. Various wave attenuation components for the dock expansion will be considered in order to choose the most appropriate one for the conditions at South Side Marina.

This project will also include a public input process to assess the impact of a dock extension on users of the adjacent Riverfront Park, as well as general public concerns related to view, impacts to navigation in harbor, and aesthetics of the dock design and location.

The preliminary engineering and feasibility study hopes to help transition South Side Marina to a sustainable harbor, a goal that the DNR has for all Michigan State Waterways grant recipients. The marina remains strongly woven into the community fabric as one of the four municipal marinas in South Haven and the closest marina on the Black River to Lake Michigan. The adjacent park, Riverfront Park, is a place where people like to enjoy watching boats pass. The marina is ideally positioned geographically and the proposed preliminary engineering study will equip the City with the proper information to correctly structure the dock extension to help with wave attenuation.

Estimated Costs

The estimated cost of this preliminary engineering and feasibility study will be \$100,000 with a 50% match by the City of South Haven. The wave attenuation study is anticipated to cost \$75,000 with the remaining \$25,000 for preliminary engineering.

Estimated Construction Schedule

This project proposes a preliminary engineering study of the wave attenuation experienced at South Side Marina and adjacent effected areas. Included in this project is a public input process to assess the impact as well as the general public concerns related to view, navigation, and aesthetics of the dock extension. No large-scale construction is expected within the scope of this project. Future grant applications will address the development of the dock extension and wave attenuation component based on the results of this study.

Grant Application Submission	April 2015
Grant Awarded	Summer 2015
Public Input Process	Fall 2015/Spring 2016
Feasibility Study/Preliminary Engineering	Spring/Summer 2016
Grant Application Submission	Spring 2017
Grant Awarded	Summer 2017
Design	Fall 2017
Construction	Winter 2017/Spring 2018

Needs Assessment

The demand for more dock space during the peak season and for dockage of larger vessels than can be accommodated in existing marina slips defines the need for this preliminary engineering project. In 2014, 887 transient boats passed through the South Side Marina all requesting dock space. The 40 existing slips cannot accommodate boats exceeding 50' which does not suffice for the Tall Ships that South Haven welcomes multiple times throughout the season. Additionally, damaging westerly winds send surges down the channel that send boaters away from the South Side basin because owners do not want to risk the chance of boat damage.

South Haven offers a variety of recreational resources not only to its local residents, but to the residents of the immediate surrounding area. South Haven has a year-round population of approximately 4,403¹ but during the summer months, South Haven's population swells when second-home owners and tourists flock to the city to take part in any number of the recreational opportunities offered. Around 50% of the residential parcels in the City are occupied seasonally and the City has approximately 2,400 seasonal residents within its limits. The project site is located less than one-half mile from South Haven's downtown area, and is within VanBuren County's Census Tract 103, which contains 1,732 persons per square mile. In addition, it will have a secondary user base of citizens from Van Buren County, which contains 76,258 people. This project will allow the city of South Haven to better serve both residents and tourists alike by expanding the docking options. The wave study proposed will help engineers appropriately design a wave attenuation component, improving safety and security of dock patrons.

Currently the daily slip rates vary from \$32.25-86.00 with increasing footage. Boats 60+ feet are \$1.75 per foot and temporary rates are available in two-hour increments. The 2012 City of South Haven municipal marina rates are outlined in Table 1.

Table 1.

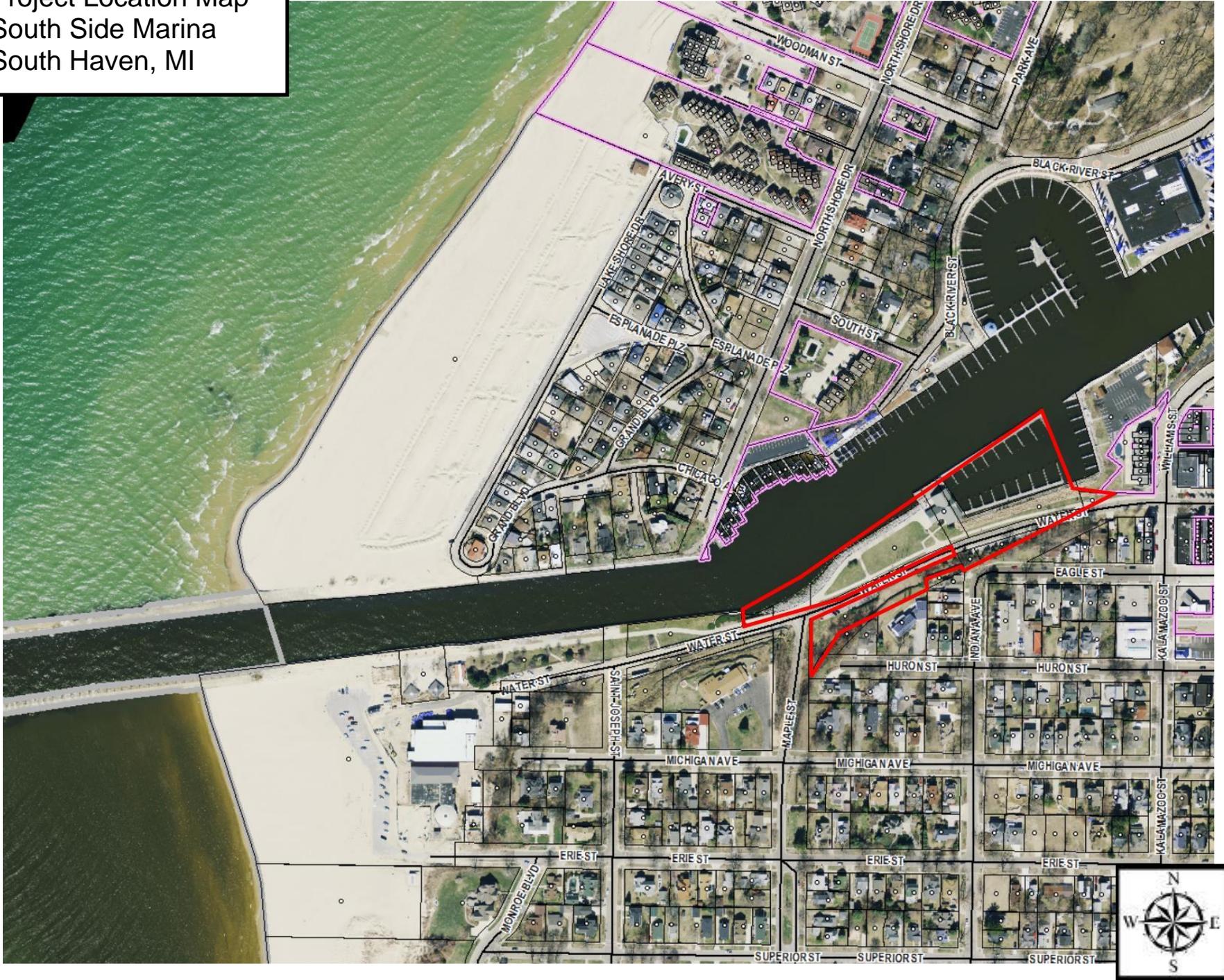
2012 City of South Haven Rates	
South Haven Municipal Marinas Northside, Southside, and Museum Slips	
Boat Size	Daily Rate
1-24 feet	\$32.25
25 feet	\$32.25
26 feet	\$32.25
27 feet	\$32.25
28 feet	\$32.25
29 feet	\$33.50
30 feet	\$36.00
31 feet	\$37.50
32 feet	\$39.00
33 feet	\$40.25
34 feet	\$41.00
35 feet	\$42.75
36 feet	\$44.25
37 feet	\$45.75
38 feet	\$47.25
39 feet	\$48.00
40 feet	\$51.25
41 feet	\$52.25
42 feet	\$53.75
43 feet	\$54.75
44 feet	\$56.25
45 feet	\$59.00
46 feet	\$59.50
47 feet	\$61.25
48 feet	\$62.75
49 feet	\$64.25
50 feet	\$72.00
51 feet	\$73.00
52 feet	\$74.00
53 feet	\$75.25
54 feet	\$76.50
55 feet	\$80.25
56 feet	\$82.00
57 feet	\$83.00
58 feet	\$84.50

59 feet	\$86.00
60 feet and over	\$1.75 per foot
Temporary Rate:	
\$7.25 up to 45 foot length	
\$12.00 over 45 foot length - two hours	
\$23.25 Black River Park All Slips	

South Side Marina
101 Water Street
South Haven, MI



Project Location Map
South Side Marina
South Haven, MI





Consent Agenda Item # F

Southside Marina Improvements Grant Agreement Approval

The City Council will be asked to consider approval of Resolution 2016-25, a resolution authorizing a grant agreement with the Michigan Department of Natural Resources for renovations to the South Side Marina and committing local funds to match the grant award in the amount of \$62,500.

Background Information:

The City applied for a Michigan Department of Natural Resources Trust Fund grant in early 2015 for renovations to the South Side Marina, including removal of existing roofing, plywood sheathing inspection, and installation of new ice and water shield and standing seam roofing. The city was notified in early 2016 that it was awarded funds in the amount not to exceed \$62,500. The City will provide the matching amount of \$62,500 for a total estimated cost of \$125,000.

Recommendation:

The City Council should authorize Resolution 2016-25, a resolution authorizing a grant agreement with the Michigan Department of Natural Resources for renovations to the South Side Marina and committing local funds to match the grant award in the amount of \$62,500.

Support Material:

Resolution 2016-25
Grant Agreement
P. VandenBosch report

CITY OF SOUTH HAVEN
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2016-25

A RESOLUTION AUTHORIZING A GRANT WITH THE
MICHIGAN DEPARTMENT OF NATURAL RESOURCES FOR
THE SOUTH SIDE MARINA BUILDING RENOVATIONS
AND COMMITTING LOCAL FUNDS TO MATCH THE GRANT AWARD

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on April 18, 2016 at 7:00 p.m. local time.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by Member _____ and supported by Member _____.

WHEREAS, the City of South Haven is an important center of recreational boating activity and serves as a refuge point for shallow-draft recreational vessels; and

WHEREAS, the City has asked that the Michigan Department of Natural Resources (MDNR) to assist in removal of existing roofing, plywood sheathing inspection, and installation of new ice and water shield and standing seam roofing at the South Haven South Side Marina; and

WHEREAS, the MDNR is willing to assist the City to construct the facilities, which are estimated to cost One Hundred Twenty-five Thousand dollars (\$125,000), with the MDNR agreeing to pay 50% of the estimated cost, and is not to exceed Sixty-two Thousand Five Hundred dollars (\$62,000).

NOW, THEREFORE, BE IT RESOLVED, that the City of South Haven, Michigan, accepts the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the City agrees, but not by way of limitation, as follows:

1. To appropriate the sum of Sixty-two Thousand Five Hundred dollars (\$62,000) to match the Sixty-two Thousand Five Hundred dollars (\$62,000) authorized by the MDNR.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the Department for auditing at reasonable times.
3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
4. To ensure that all premises, buildings, and equipment related procedures comply with all applicable State and Federal regulations.
5. To establish and appoint the appropriate staff to regulate the use of the facilities constructed under this Agreement to assure the use thereof by the public on equal and reasonable terms.

6. To enforce all State statutes and local ordinances pertaining to marine safety and to enforce statutes of the State of Michigan within the confines of the City pertaining to the licensing of watercraft. Watercraft not fully complying with the laws of the State of Michigan relative to licensing shall not be permitted to use the facility until full compliance with those laws has been made.
7. To comply with all terms of the Agreement, including all terms not specifically set forth in the foregoing portions of this resolution.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Council.

RECORD OF VOTE:

Yeas: _____

Nays: _____

RESOLUTION DECLARED ADOPTED.

Robert G. Burr, Mayor

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on the 18th day of April, 2016, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 *et seq.*).

Amanda Morgan, City Clerk

WATERWAYS GRANT AGREEMENT

Harbors and Docks – Mooring Construction

THIS WATERWAYS GRANT AGREEMENT (the "Agreement") is made as of _____, 2016, between the City of South Haven, VAN BUREN COUNTY, MICHIGAN (the "City") and the MICHIGAN DEPARTMENT OF NATURAL RESOURCES, a principal department of the State of Michigan (the "Department").

WHEREAS, the City is an important center of recreational boating activity and serves as a refuge point for shallow-draft recreational vessels;

WHEREAS, the City has asked that the Department assist the City in the removal of existing roofing, plywood sheathing inspection, and installation of new ice and water shield and standing seam roofing at the South Haven South Side Marina (the facilities);

WHEREAS, the Department is willing to assist the City to construct the facilities, which are estimated to cost One Hundred Twenty-five Thousand dollars (\$125,000.00), with the Department agreeing to pay 50% of the estimated cost, and is not to exceed Sixty-two Thousand Five Hundred dollars (\$62,500.00).

NOW, THEREFORE, in consideration of the Agreement's mutual promises and undertakings, the parties agree as follows:

1. The Department shall:

(a) grant to the City a sum of money equal to 50% of the cost of construction of the facilities called for by the plans and specifications, including final engineering costs, but not to exceed Sixty-two Thousand Five Hundred dollars (\$62,500.00). The words "plans and specifications" shall mean the plans and specifications developed for the City for the facilities prepared by a consulting firm duly licensed to perform professional services within the State of Michigan (the "State").

(b) release State funds as reimbursement according to the following:

Acceptance by the City of this Agreement, written Department approval of final plans and specifications (bidding documents), receipt of all necessary permits, award of contract to a competent contractor (licensed in the State of Michigan) to accomplish the work called for by the plans and specifications following bidding procedures

acceptable to the Department and City, and receipt of payment reimbursement requests.

The final ten (10) percent shall be paid upon completion of work and receipt of progress payment requests from the contractor that are approved for payment by the designated project manager. The final ten (10) percent of State funds shall be paid upon completion of the project and 60 days after receipt of project cost documentation to the Department by the City or completion of an audit of the expenditures for the facilities by the Department, whichever occurs first.

(c) make the resources of the Department and the experience gained by the Department operating similar boating projects available to the City.

(d) provide for the routine inspection of the facilities, including all equipment and buildings.

2. The City shall:

(a) immediately appropriate the sum of Sixty-two Thousand Five Hundred dollars (\$62,500.00) for the project, which represents fifty (50) percent of the total cost of the project work called for by this Agreement. Any additional funds needed to complete this work, called for in this Agreement, shall be provided by the City.

(b) construct the facilities to the satisfaction of the Department, and to provide the funds, services, and materials necessary to satisfy this Agreement. There shall be no deviation from the plans and specifications without the express written consent of Chief of the Parks and Recreation Division. Proceeding with unauthorized changes shall result in excluding the work from State fund eligibility. Upon completion of the project, a final set of "as built" plans shall be submitted to the Department on a CD in an appropriate format.

(c) use all funds granted by the Department to this Agreement solely for the conduct and completion of the project work within three (3) years from the date of this Agreement. The City shall maintain satisfactory financial accounts, documents and records, and shall make them available to the Department for auditing at reasonable times. The City shall retain all accounts, documents, and records for the facilities for not less than three (3) years following completion of construction.

(d) permit Department review and approval of all professional services agreements, project contracts, bidding documents, specifications and final engineering drawing plans before being sent out to bid. The final engineering drawings shall provide, or conduct, soil

boring data for any projects below the waterline. The Department must approve all change orders before being initiated. The Department shall have a representative on the selection panel for all contracts.

(e) ensure that all premises, buildings, and equipment-related procedures comply with all applicable State and Federal regulations for employee and public safety and with all applicable construction codes. All facilities shall comply with the barrier free design requirements of the Utilization of Public Facilities by Physically Handicapped Act, MCL 125.1351 *et seq.* The City shall submit a written report to the Department annually in which any safety issues, identified through Department inspections, are listed and compliance procedures are outlined. If the Department determines the City has failed to correct any safety issues, the Department will have the necessary work completed and the City shall pay 105% of the cost of the work.

(f) construct the facilities authorized under this Agreement, and the land and water access ways to those facilities, only in accordance with the plans and specifications approved by the Department.

(g) certify to the best of its knowledge and belief that the City and any principal, agent, contractor, and subcontractor of the City:

(1) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any State or Federal agency.

(2) have not been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction, as defined in 45 CFR 1185; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property within a three-year period preceding this Agreement.

(3) are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses.

(4) have not had one or more public transactions (Federal, State, or local) terminated for cause or default within three years preceding this Agreement.

(5) will comply with all applicable requirements of all Federal and State laws, rules, executive orders, regulations, and policies governing this program.

3. After the facilities are constructed, the City shall:

(a) establish or assign a competent and proper agency of the City to operate the facilities, to regulate the use of the facilities, and to provide for maintenance for the facilities to the satisfaction of the Department.

(b) provide to the Department for approval, a complete tariff schedule containing all charges to be assessed against watercraft utilizing the facilities and to provide any amendment to the schedule to the Department for approval before becoming effective. Any fee schedule adopted by the City shall provide for sufficient income to defray operating and maintenance expenses of the project exclusive of depreciation. The City shall not impose fees for the use of the facilities unless they have been specifically approved by the Department in writing. Any net revenues accruing from the operation of the facilities shall be separately accounted for and reserved in a restricted fund by the City for the future maintenance or expansion of the facility or, with the Department's approval, for the construction of other recreational boating facilities. The City shall request, no more than once annually, approval to vary from fee rates set by the Michigan State Waterways Commission.

(c) enforce all State statutes and local ordinances pertaining to marine safety, licensing of watercraft, and the dispensing of marine fuel within the City.

(d) furnish the Department, upon request, detailed statements covering the annual operation of the facilities, including boat traffic, income, and expenses for the 12 months ending December 31 of each year.

(e) hold the State of Michigan and the Department harmless from damages or any suits brought against the City due to construction, maintenance or operation of the facilities.

(f) maintain throughout the life of this Agreement suitable signs for both land and water approaches designating this project as having been constructed by the City and the Department. The size, color, and design of these signs shall be approved by the Department before being constructed.

(g) adopt the ordinances or resolutions as required to effectuate this Agreement. The City shall forward certified copies of all the ordinances and resolutions to the Department before their effective date.

(h) participate in the State Harbor Reservation System for the life of facilities.

(i) provide, upon the Department's request, one seasonal boat slip at no cost for Department-owned vessels.

4. Facility improvements are held in perpetuity. Perpetuity is defined as life of facilities. Life of facilities is defined as a minimum of 20 years from latest grant award. The City

may request release from grant obligations after 20 years from date of last executed grant agreement.

5. The City shall comply with all State and Federal statutes applicable to the facilities.

6. The City must submit all reports, documents, or actions required by this Agreement to the Chief of the Parks and Recreation Division, Department of Natural Resources, P.O. Box 30257, Lansing, Michigan 48909. The City must submit invoices for reimbursement within ninety (90) days of invoice date.

7. Nothing in this Agreement shall be in any way construed to impose any obligation of whatsoever nature, financial or otherwise, upon the Department for the operation or maintenance of any recreational boating facilities.

8. All of the facilities constructed pursuant to this Agreement, or pursuant to any amendments or extensions of this Agreement, shall be reserved in perpetuity by the City for the exclusive use and/or rental, on a daily basis, by the operations of transient recreational watercraft, unless otherwise authorized in writing by the Department.

9. Commercial operations of any type shall not be permitted to regularly use any of the facilities or to be located on the facilities without the prior written approval of both the City and the Department.

10. The facilities and the land and water access ways to the facilities shall be open to the public at all times on equal and reasonable terms, and that no individual shall be denied access to, or the use of, the facilities on the basis of race, color, religion, national origin, or ancestry contrary to the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101 *et seq.* or the Persons with Disabilities Civil Rights Act 1976 PA 220, MCL 37.1101 *et seq.*, and any violation of this requirement shall be a material breach of contract, subject to penalties as provided in this Agreement.

In connection with this Agreement, the City shall:

(1) comply with the Elliott-Larsen Civil Rights Act, 1976 PA 453, MCL 37.2101 *et seq.*, the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 *et seq.*, and all other Federal, State and local fair employment practices and equal opportunity

laws and covenants that it shall not discriminate against any employee or applicant for employment, to be employed in the performance of this Agreement, with respect to his or her hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, because of his or her race, religion, color, national origin, age, sex, height, weight, marital status, or physical or mental disability that is unrelated to the individual's ability to perform the duties of a particular job or position. The City agrees to include this covenant, not to discriminate in employment, in every subcontract entered into for the performance of this grant agreement. A breach of this covenant is a material breach of this Agreement.

(2) send, or its collective bargaining representative shall send, to each labor union representative of workers with which he/she has a collective bargaining agreement or other contract or understanding, a notice advising the labor union or workers' representative its commitments under this Agreement.

11. The City represents that it possesses good and clear title to all lands involved in this project, and that it will defend any suit brought against either party which involves title, ownership, or specific rights, including appurtenant riparian rights of any lands connected with or affected by this project.

12. The facilities constructed under this Agreement shall not be wholly or partially conveyed, either in fee or otherwise, or leased for a term of years or for any other period, nor shall there be any whole or partial transfer of the title, ownership, or right of maintenance or control by the City without the Department's prior written approval.

13. Any failure by the City to abide by any of the conditions, promises, or undertakings contained in this Agreement shall constitute a material breach of this Agreement. A material breach of this Agreement could result in an "ineligibility" status with all Department-administered grant programs until the breach is corrected. Further, a material breach of this Agreement by the City shall entitle the Department to the following options:

(a) To purchase the facilities and the right of access over City property to the facilities at the existing value of the facilities, less any financial contribution made by the Department. The value of the facilities shall be determined by three competent appraisers; one to be selected by the City, one to be selected by the Department, and the third to be selected by the first two appraisers. The Department and the City shall equally share the total fees of these

appraisers, including expenses. The appraisal shall be limited to the value of the facilities for the construction, repair, or rehabilitation in which the facilities are located. No value shall be assigned to the right of access to the facilities over City property. The Department shall have ninety (90) days from the date of receipt of the appraisals within which to exercise its option. If the Department does not exercise the option within that period, the City shall pay to the Department a sum equal to the total financial contribution made by the Department towards the construction or maintenance of the facilities.

(b) To accept from the City a sum equal to the total financial contribution made by the Department for the construction or maintenance of the facilities.

14. This Agreement shall not be effective until the Michigan Legislature appropriates the State funds for the facilities and the State Administrative Board approves their release.

15. The Department's rights under this Agreement shall continue in perpetuity.

16. Failure of either party to insist on the strict performance of this Agreement shall not constitute waiver of any breach of the Agreement.

17. This Agreement represents the entire agreement between the parties and supersedes all proposals or other prior agreements, oral or written, and all other communications between the parties.

18. No amendment to the Agreement shall be binding upon the parties unless it is in writing and signed by a duly authorized representative of both parties.

IN WITNESS WHEREOF, the parties execute this Agreement by the signatures of their duly authorized representatives.

WITNESSES:

CITY OF SOUTH HAVEN

By: _____

Title: _____

**MICHIGAN DEPARTMENT OF
NATURAL RESOURCES**

By: _____

Ronald A. Olson, Chief
Parks and Recreation Division

South Side Marina Building Renovation

DESCRIPTION OF PROJECT

Attach a description of the overall project (including scope items, estimated costs, estimated construction schedule, and digital site photos) and a needs assessment.

Note, for harbor projects, attach the last **3 years of harbor traffic** (harbor logs), and last **3 years of harbor financial summaries**. In addition, you must provide a **5 Year Harbor Recreation Plan** to the Natural Resources Trust Fund.

Description of Project and Scope

Southside Marina is one of four municipal marinas in South Haven and is closest to the pier heads and Lake Michigan. It contains forty slips and, of the four municipal marinas, is the closest to Lake Michigan; approximately 0.5 miles. Southside Marina slips are heavily sought after due to their proximity to Lake Michigan and its short two block walk to South Haven's vibrant downtown. The marina is a transient boater marina facility and is part of the State of Michigan Harbor of Refuge program. The facility fully participates in the State Reservation System. The growing enthusiasm by both residents and tourists to dock their boat in South Haven and enjoy the recreational activities, restaurants, or shopping available in the downtown area has raised the demand for boating facilities on the Black River. The Southside Marina building has served for 25 years as a marina office, boater lounge, laundry and restroom/shower facility.

Currently, the 7,850 square foot roof of the South Side Marina building is showing signs of failure. Leaks are occurring which threaten the integrity of the structure. The City of South Haven feels it must replace the structure soon to protect its investment in the waterfront and provide healthy, safe, and sound facilities to the public. After reviewing its options, the City feels that a standing seam roof would provide the best alternative for replacement and provide the best cost benefit option as well as lessen environmental impact of the building on the surrounding waterway. Climate forecasts predict storm events to increase in volume in the coming years and the durability of the metal roof will extend the lifetime of the marina building and decrease the vulnerability of the marina in the face of climate change. An additional component to consider is the environmental impact of the ceramic-coated minerals and slag granules of an asphalt roof washing into the water stream.

The process will follow this general order:

- Remove existing asphalt shingles, including roofing felt underneath and dripline flashing
- Inspect plywood sheathing for any damage and replace as needed
- Install new ice and water shield membrane over entire roof
- Install underlayment felt over ice and water shield
- Install new standing seam roofing including all flashing and drip edge material

Necessary safety precautions and standard construction practices will be put in place to protect the public during project.

Estimated Costs

The estimated cost of this project is \$125,000, with the City of South Haven contributing a 50% project match of \$62,500 to the grant request of \$125,000.

Estimated Construction Schedule

Grant Agreement signed and returned to DNR	March 2016
Send Professional Services Agreement for Design Work to DNR for Review (2 months)	March 2016
Submit Design, Specifications, Bidding Documents, Final Engineering Drawings to DNR for Review (2 months)	May 2016
Submit Permit Applications as required, send copies to DNR	May 2016
Bidding	July 2016
Submit bid summary and recommendation of Award to DNR for review and approval	August 2016
Award contract	October 2016
Construction	October 2016 – November 2016
Install signage identifying use of Waterways Funds	December 2016
Send final engineer approval of construction work to DNR	January 2017
Submit As Built plans to DNR	January 2017

Photos

Please see enclosed photos

Needs Assessment

Increased demand for boat space and dockage of larger vessels at the Southside Marina is leading to higher demand on the South Side Marina building facility. The City is in the process of making alterations to the dock area of the facility to allow for the docking of a tour boat that will conduct several tours a day on Lake Michigan, placing further demands on the facility. The project site is located very near (less than ½ mile) from the City's bustling downtown area, and also the entrance to Lake Michigan, and serves a population of both local residents and visitors.

The proximity of South Haven, Michigan has made it a convenient location for tourists accessing Lake Michigan from both Detroit and Chicago, particularly those interested in a variety of recreational activities. South Haven boasts numerous parks, many along the Black River which provides easy access to Lake Michigan.

The park's primary service area and target population includes permanent and seasonal residents and visitors to the City of South Haven. The City currently contains a permanent resident population of 4,403, according to the 2010 US Census. The project site is located less than one-half mile from South Haven's downtown area, and is within Van Buren County's Census Tract 103, which contains 1,732 persons per square mile. In addition, it has a secondary user base of citizens from Van Buren County, which contains 76,258 people, as well as other nearby areas. People throughout southwest Michigan come to South Haven for the numerous recreational opportunities the community provides. Seasonal residents as well as tourists contribute significantly to the use of the City of South Haven's recreational amenities. Around 50% of the residential parcels in the City are occupied seasonally and the City has approximately 2,400 seasonal residents within its limits.

As part of the Harbor Recreation Plan developed by the South Haven Harbor Commission, Section B. 1 addresses the need to ensure municipal Marina facilities provide a quality experience to users as well as be upgraded and expanded to accommodate the high usage the facilities receive.

The Marina facility currently has a 25-year-old asphalt shingle roof that is showing signs of failure. Leaks are visible in the decking and the outer shingle layer of the roof has eroded. Roof leaks can cause a number of problems, beyond the unsightly visual. Leaks allow mildew and mold to grow, which can cause allergic reactions and asthma attacks. Mold has been linked to upper respiratory problems such as wheezing and coughing in otherwise healthy people. As this is a public marina, the City has an obligation to provide a safe environment to its patrons. Leaks can also create a fire hazard should water come into contact with electrical wiring, further endangering the public. In order to protect the City's investment in its public recreational offerings, which generate much needed tourism dollars to the area, a new roof is essential.

The replacement choice, a standing seam roof, has a longer lifespan of 50-70 years, is more durable, and offers insulating properties that an asphalt roof does not. With the additional insulating value, cooling loads would be reduced for the facility which would not only ease City budgets, but also provide less energy demands on the environment.

The deterioration of an asphalt roof has environmental consequences that increase over time, as well. As asphalt shingles age and fail, they release the top layer of the shingles, which are made up of ceramic-coated minerals and slag granules. Asphalt roofs are composed of thousands of pounds of this gritty material, which is washed off during storms and enters the water stream. As storm intensity is projected to increase due to climate change further granule runoff will occur, causing thousands of pounds of granules to be washed directly into the adjacent waterways if the roof is not replaced. South Haven's marinas are already plagued with dredging problems, and asphalt roof granules contain material that can be hazardous to the environment, creating sediment that doesn't simply add to the amount of material that must be dredged, but could also release chemicals into the water and become harmful to the aquatic environment.

A standing seam/metal roof would not only stand up to damage from storms, it would also cause no environmental impact due to particle release. The improved roof structure can be integral in the

transition of the South Side Marina to a sustainable harbor, a goal that the DNR has for all Michigan State Waterways grant recipients. It would also allow South Haven to participate in the Michigan Clean Marina Program, a program that promotes environmentally sound marina and boating practices to reduce pollution, enhance fish and wildlife habitat and protect Great Lakes water quality. The City of South Haven enthusiastically supports this mission and wants to be proactive in its support in all its recreational opportunities, as stated in their recreation plan under Natural Environment preservation – encourage all marinas to achieve clean marina status (recreation plan amendment D. 3).

Another factor to consider is that the current aged and failing roof of the marina building is an eyesore and makes the South Side Marina look much less welcoming to tourists. South Haven's marinas are popular, well used, and an essential element to the City's annual income. However, other cities are vying for boaters and the tourism dollars they bring to communities. If the choice is between a marina with a failing boater services building and perfectly functional and safe facilities in the next town over, boaters will pass South Haven by.

Brownfield Redevelopment Authority

Regular Meeting Minutes

Monday, December 14, 2015
4:00 p.m., Council Chambers



City of South Haven

1. Call to Order by Valentine at 4:00 p.m.

2. Roll Call

Present: Dotson, Erdmann, Gawreliuk, Henry, Schaffer, Timmer, Valentine
Absent: Herrera, Klavins, Bolt

3. Approval of Agenda

Motion by Henry, second by Gawreliuk to approve the December 14, 2015 regular meeting agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – November 9, 2015

Motion by Henry, second by Timmer to approve the November 9, 2015 regular meeting minutes as written.

All in favor. Motion carried.

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

None at this time.

6. Financial Report

Dissette reviewed the Financial Report.

Erdmann requested more information regarding contractual services which Dissette explained were regarding the Overton building demolition.

In response to a question by Valentine about whether the Factory Condominium expenses have all been paid, Dissette noted that in general, everything appears to be current.

Motion by Erdmann, second by Dotson to approve the financial report.

All in favor. Motion carried.

7. Factory Condominium Reimbursement Request

Motion by Henry, second by Erdmann to pay the Factory Condominium reimbursement as requested.

Valentine abstained.

Ayes: Dotson, Erdmann, Gawreliuk, Henry, Schaffer, Timmer
Nays: None

Motion carried.

8. General Comments

None at this time.

9. Adjourn

Motion by Erdmann, second by Henry to adjourn at 4:07 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Local Development Finance Authority

Regular Meeting Minutes

Monday, December 14, 2015
4:00 p.m., Council Chambers
South Haven City Hall



City of South Haven

1. Call to Order by Valentine at 4:07 p.m.

2. Roll Call

Present: Erdmann, Dotson, Gawreliuk, Henry, Schaffer, Timmer, Valentine
Absent: Bolt, Herrera, Klavins

Also present: Jack McCloughan, Economic Development Director; Brian Dissette, City Manager; Kate Hosier, Deputy City Clerk

3. Approval of Agenda

Motion by Dotson, second by Gawreliuk to approve the December 14, 2015 regular meeting agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – November 9, 2015 Regular Meeting

Motion by Timmer, second by Erdmann to approve the November 9, 2015 regular meeting minutes as written.

All in favor. Motion carried.

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

None at this time.

6. Financial Report

Dissette reviewed the financial report, noting the breakdown of LDFA 1, LDFA 2 and LDFA 3 and their fund balances.

Erdmann inquired whether the fairly substantial capital project in LDFA 1 is related to the Bohn property. Dissette responded that he will have to check VandenBosch's notes but believes the capital project is related to the Kalamazoo Street reconstruction.

Motion by Henry, second by Schaffer to approve the financial report as submitted.

All in favor. Motion carried.

7. Economic Development Report

Jack McCloughan, Economic Development Director, reported on recent economic development activities.

8. Overton Demolition Invoices

a. Overton Baseline Environmental Assessment Completion

Dissette noted we have four (4) invoices and one change order to consider, explaining that the change order was related to the demolition contractor finding a tunnel that contained asbestos related material which was covered so was unknown at the time of the bids being taken.

Valentine suggested that the invoices be considered individually.

1. Abonmarche/Eco Demolition: Application #2, in the amount of \$98,706.15

Motion by Henry, second by Dotson that invoice for Application #2 by Abonmarche/Eco Demolition in the amount of \$98,706.15 be approved.

All in favor. Motion carried.

2. Villa Environmental Consultants: Invoice #51630 dated November 25, 2015 for \$1,500.00 related to on-site final testing/final clearance review.

Motion by Henry, second by Erdmann to approve Invoice #51630 for \$1,500.00 by Villa Environmental Consultants.

All in favor. Motion carried.

3. Villa Environmental Consultants: Invoice #51631 dated November 25, 2015 for \$3,300.00 related to drum removal/PCB Cleanup/Asbestos Removal Specification and Management.

Motion by Dotson, second by Gawreliuk to approve the invoice #51631 by Villa Environmental for \$3,300.00.

All in favor. Motion carried.

4. Terra Contracting: Invoice #21113 dated November 17, 2015 for \$8,909.00 to remove/dispose of PCB oil and drum disposal.

Motion by Gawreliuk, second by Erdmann to approve Invoice #21113 by Terra Contracting for \$8,909.00

All in favor. Motion carried.

The board considered details of the change order for asbestos removal by Abonmarche/Eco Demolition, with disposal costs estimated at \$10,000 to \$15,000 depending on the volume of fill to be removed containing the material. Dissette recommended that a change order be authorized with a not to exceed amount of \$15,000.

Motion by Dotson, second by Erdmann to approve the change order for \$10,000 to \$15,000, not to exceed \$15,000, for removal and disposal to an approved land fill of transite panels containing asbestos.

All in favor. Motion carried.

9. General Comments

Henry requested an update on the demolition and environmental cleanup being done at the former Overton site. Dissette updated the board regarding the city taking possession without the costs of environmental cleanup being placed on the shoulders of the community. Underground cleanup has commenced. The contractors may move onto the site in early spring. As he knows more he will notify the entire board.

In response to a question from Valentine Dissette said Abonmarche has completed the survey of the Bohn property and there are substantial expenses for this board or a potential buyer to consider. Dissette noted the city has received an offer on the property contingent on some improvements and Dissette will be sitting down with Abonmarche and the potential buyers to go through the requested improvements and what they mean line by line.

Within the time of the survey being done there has been other interest in the property. Dissette noted the city will work to achieve a win-win situation with all parties.

Discussion ensued regarding the use, job numbers and related issues to which Dissette responded that the prospective buyers have indicated they intend to do light manufacturing at some point.

There was discussion regarding the offer including water, sewer and six hundred (600) amp service being contingencies. Valentine said the money is important, but job creation is more important for the purpose of this board. Dissette has already told them that the board is willing for flexibility on price along with a clear vision for the site. Erdmann encouraged thinking about the potential for employment with all prospective buyers.

Valentine asked if there were any other questions or comments.

Dotson: Noted that he has resigned from the South Haven Board of Education and will be taking a position with the Village of Blissfield; expressed his appreciation for the commitment of these boards; the benefit to him from this experience and noted that it has been a privilege to work with the board members, City Manager Dissette and Economic Director Jack McCloughan. Congratulations were extended by the board members.

10. Adjourn

Motion by Erdmann, second by Dotson to adjourn at 4:30 p.m.

December 14, 2015
LDFA
Regular Meeting Minutes

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Parks Commission

Regular Meeting Minutes

Tuesday, March 8, 2016
6:00 p.m., Council Chambers



1. Call to Order by Reinert at 6:00 p.m.

2. Roll Call

Present: Dorothy Cobbs, Bob McAlear, Chuck Moore, Warren Toneman, Marilyn White, Patti Reinert

Absent: Jeff Arnold

3. Approval of Agenda

Motion by Moore, second by Cobbs to approve the March 8, 2016 Regular Meeting Agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes for the Record – February 9, 2016

Motion by White, second by Cobbs to approve the February 9, 2016 regular Meeting Minutes as written.

All in favor. Motion carried.

5. Public Comments and Inquiries Concerning Items not on the Agenda.

None at this time.

REPORTS

6. Project Updates.

Halberstadt updated the board that city staff has a bid in hand for reroofing the restroom at Kid's Corner which came in \$10,000 less than we expected; staff hopes to get some work done on the pavilion at South Beach with those dollars. Halberstadt explained both projects will be a simple strip and reroof.

On North Beach, Abonmarche has been reviewing some of the utility needs as part of that project.

Moore asked the time frame for the beach flags to which Halberstadt responded that the beach flags should be in place by the beginning of the season, which is May 15, but sooner, if possible.

NEW BUSINESS

7. Commission will be requested to review a proposal from Foundry Hall for installation of a permanent performance stage in Riverfront Park.

Charlotte (Lotte) Resek, 702 Lee Street, representing Foundry Hall. Resek explained that Foundry Hall has been booking and sponsoring the Riverfront Concert Series and been involved with some of the festivals. Noting that the city does not have a good spot for the performers to be in Riverfront Park, Resek explained that placing the temporary stage right in front of the restrooms at the South Marina facility requires people to climb over the musician's equipment to get to the restrooms and people are not very close to the performers. Learning that some of the bigger festivals rent stages as part of the activities, Resek stated, "We started thinking about a permanent structure. Seeing something like this, a band shell or amphitheater in a community, people realize there are activities, arts and music occurring in the community.

Resek pointed out the photos of such structures in other communities which she provided for the packet, noting that she prefers an open back structure to keep the view. Resek also noted that there would not have to be a roof but for the festivals and some events there would be need for lights and other things which would be more easily accommodated by a roofed structure.

Resek pointed to the drawings, noting that she has learned that setting up near the marina building causes disruptions in services. It was during Harborfest that someone came up with the idea of putting the stage at the other end of the park, where the beer tent was for Harbor Fest and Blueberry Fest and Resek feels it would be an ideal spot. Music would be projected more towards downtown rather than towards neighborhoods, although a few homes would still be affected.

Moore noted if you put it so it's facing away from the lake there is a limit to how many people can be accommodated to which Resek responded that she has not been aware of there being a problem of overcrowding and noted, indicating the pictures she provided, from the top of the hill, any structure would not block the view of the lighthouse or pier. Sightline-wise it would not be in the way.

Toneman said he has been to the one in St. Joseph several times and thinks the lake is a great backdrop. "The nice thing about the one in Saint Joseph is that it is built up closer to the main drag; you can park elsewhere and walk."

Moore commented that it is too bad it is not part of the master plan for this area to which Halberstadt responded that the city does not have the funds immediately available, but that is what we need from this board is an indication of whether you are interested in and want to have something like this added to future plans.

Reinert expressed her thought that the timing is good because the commission is looking at some activity in that general area. Resek noted that the larger space she is recommending is kind of a no-man's land and explained that there are larger acts for the Riverfront Concert Series so a smaller stage wouldn't do what we need. "This is such a nice location for this."

Moore said looking at a birds-eye view of that area would be ideal and Halberstadt responded that city staff can work with Lotte to come up with something like that. Resek said there could even be stairs at the sides which could be used for other things, perhaps even seating.

McAlear said that is a great idea, to have the structure be as transparent as possible and multi-functional. Halberstadt asked about the next step being to have staff work with Resek on this concept.

Reinert suggested looking at the "bowl" near the keeper's house, a natural spot that is still a great spot without being in the middle of the park area and something to consider as an alternative location.

8. Commission will be requested to hold a Public Hearing and recommend approval of the Splash Pad Final Conceptual Plan to City Council.

Reinert asked if there was any more discussion on the Splash Pad. When none was forthcoming, Halberstadt reminded that the primary discussion revolved around the need for providing a sail/shade structure over some of the seating. "We have shown what that looks like on this drawing."

Reinert noted she did some exploring while she was in Florida and a lot of the parks there use something similar; it has a nautical feel, we've talked about doing something similar over the Evelyn S at the Maritime Museum. Doing this in multiple locations would provide continuity. Discussion ensued regarding doing the project as a stepped concept so if funding were limited it could be done a little at a time.

Motion by White, second by Toneman, to support the Splash Pad project plan and recommend that City Council proceed with the Michigan Natural Resources Trust Fund Grant application.

Halberstadt noted that council will formally open the public hearing, take comments if any, and close the public hearing, so this should be done for the record.

Motion by Toneman, second by McAlear to open the public hearing.

There were no comments.

Motion by McAlear second by Moore to close the public hearing.

All in favor. Motion carried.

The motion to support the Splash Pad still being on the floor, the vote was called.

All in favor. Motion carried.

9. Commission will be requested to consider approval of the City Gift Policy.

Reinert noted we have had a lot of discussion and procrastinated a little bit.

Moore noted we kind of copied our gift policies from Ann Arbor and Grand Haven but we do not have the same situation as either city. There are no limitations of how long the bench can be there. Moore stated that he also heard some people were promised benches who sold pieces of property to the city and that he does not know if that is true. Moore said some people who are not vested in this community want a bench with their name on it. "I think we haven't answered every question here. Should I be able to get a bench for the next 50 years?"

Halberstadt noted that if someone donates a bench, the city would maintain that to the extent we could, knowing that at some point it will reach the end of its life span, probably in the area of ten years. The policy stated that the life cycle will be determined by Parks staff based on industry standards and inspection. On page 2, 4c. Halberstadt noted that the policy states that if current contact information is on file, the donor will be contacted and have first right of refusal, which still means perpetuity.

Reinert said one reason benches are possible are that it is affordable and something that can be used; the Parks Commission was just thinking of other locations and encouraging people to donate other items. Reinert asked whether Moore thinks people want a bench because of the location to which Moore responded, "Yes." Reinert asked if city staff has turned down benches to which Halberstadt responded, "Yes, we turned down one bench because there was already one donated for the same individual."

Halberstadt confirmed that the city manager told the people who sold the parcels to the city that they could have the first chance to place a bench in the area of the land that was sold. Discussion ensued regarding putting benches there and Halberstadt explained that one of those property owners has already donated a bench and it is placed just south of his the property he sold; there are two more that are interested. There is probably room for two (2) more benches in this area and maybe a total of four (4) more down the bluff without overloading things. At some point it is going to be full, according to Halberstadt. Reinert added that staff should be proactive to encourage gifts to be given in other areas of need. Moore talked about charging a very large amount for the benches and charging a higher fee for maintenance.

McAlear stated, "The answer is in the document. Staff has the right to veto a proposed gift item and I see the control there and have no concerns," and indicated Page A1, guidelines, #1 of the policy. Moore asked, "How can they say yes to one and no to another?" Toneman asked why it comes back to us (Parks Commission) if it is going to the city council. Reinert explained that we are trying to provide a policy which we can recommend to city council. Halberstadt explained that the original gift policy was drafted by Parks Commission and approved by city council.

Moore asked if this policy can be sent to the council with concerns. McAlear said our assignment is to review this; polish it up and approve it for recommendation to the city

council to take in as policy. "I don't think we will ever get a perfect document; the section I referred to answers that question."

Moore asked if the Parks Commission has the ability to move it on with questions. Halberstadt stated he would not be comfortable doing that. McAlear said, "We would be passing the buck." Halberstadt explained that he has to take something that Parks has either approved or turned down. Reinert noted that the council still has the ability to make revisions to what is recommended.

Motion by McAlear to approve the revised draft of the City of South Haven Gift Policy, recommending adoption of the revised policy by City Council.

Ayes: Cobbs, McAlear, White, Reinert

Nays: Toneman, Moore

Motion carried.

10. City Engineer Comments

None at this time.

11. Commissioner Comments

Moore: The project updates are very valuable to keep us up to date so we don't forget about a project.

12. Adjourn

Motion by McAlear, second by Cobbs to adjourn at 6:37 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary



Agenda Item # 6

Short-term Rental Ordinance Consideration

Background Information:

The City Council will be asked to take the following actions related to the proposed amendment to the short-term rental ordinance and the amendment to the zoning ordinance: 1) Host a public hearing related to the proposed short-term rental ordinance, 2) consider adoption of the proposed amendment to the short-term rental ordinance, 3) consider adoption of the proposed amendment to the zoning ordinance.

The Planning Commission began actively working specifically on the short-term rental ordinance the beginning of October 2015, meeting weekly following the City Council directive to create recommendations for their consideration.

Before that directive, the Planning Commission was already working on zoning ordinance amendments designed to alleviate some of the issues associated with short-term rentals. Amendments proposed included:

- Eliminate the ½ story provision and reduce residential building height from 40 feet to 35 feet.
- Require additional parking for new residences with greater than 3 bedrooms. This requires more lot side and rear lot space dedicated to parking and limiting the proposed building footprint.

The City Council also adopted increased utility connection fees for houses with more than 4 bedrooms and/or bathrooms and authorized a dedicated police officer to enforce noise and disturbing the peace ordinances during the summer months. These amendments and policy changes went into effect the end of 2015.

As part of the Planning Commission's efforts to create the recommendations for City Council, the commissioners and staff studied ordinances from other cities and contacted the administrators to find which options met with the most success. They also met with South Haven Police Department representatives to discuss noise concerns and complaints received during the high rental season.

Staff and commissioners received numerous emails, phone calls and public comments offering advice on the recommendations. Staff met with members of the public frequently to discuss various opinions on the proposed ordinance.

On November 16, 2015, the City Council approved a resolution placing a six-month moratorium on the construction of new residences to halt the construction of purpose built short-term rental houses that would exceed 3,500 square feet in size. This moratorium will expire on May 16, 2016.

The Planning Commission determined that the best ordinance could only be enacted after the city processes the registration information and has an understanding of where the short-term rentals are most prevalent in the city. This information will be used to review and revise the ordinance in the fall and be folded into the planned comprehensive citizen attitude survey results that will be conducted as part of the master plan update.

The key points in the draft recommendations include:

- **Registration:** Every rental registered; fee not to exceed administrative costs; high penalty for failure to register; registration card shall be placed in a window and shall include occupancy limit for the residence
- **Occupancy:** 2 persons per bedroom plus 2 additional persons per occupied floor or 16 occupants, whichever is less. Children 6 and under are not included.
- **Regulations and procedures to allow increased occupancy in certain zones where multi-family homes, condominium projects, inns and resorts are permitted.** Additional regulations include built-in fire suppression measures, supplementary setbacks, screening and isolation from other properties.

On March 24, 2016, the Planning Commission voted unanimously to forward the proposed amendments to City Council with a recommendation for adoption. The only change included in the recommendation from the public hearing documents was a modification from 48 hours to two (2) nights as the minimum time allowed for a rental unit.

The Planning Commission also recommends that the short-term rental ordinances be revisited once all the registration information is received and processed.

It is also advised that City Council hold hearings on the amendments to the Noise Ordinance (City Code Section 30-28) and on the new Section 54-116 concerning Nuisance gathering.

At the April 11, 2016 regular meeting of the City Council, the Council and city attorney provided notice to the public that some of the elected officials were desirous of lowering the total allowed occupancy at short-term rental properties, and implementing stricter standards related to the creation of new rental properties. As a result, the Council will be asked to consider adoption of an alternative zoning ordinance amendment, which does not alter what the Planning Commission has suggested, but adds the following limitations:

1. Lowers the allowed occupancy from a maximum number of adults from 16 to 14, and lowers the age of uncounted children from age 6 to age 2. Please note; some members of Council have expressed interest in lowering the maximum number of adults from 16 to 12.
2. In the R-1A zoning district, a dwelling that is constructed or expanded after the effective date of the ordinance cannot be used for short-term rentals (this provision will sunset within three years of the ordinance adoption.)
3. In the R-1B and R-1C zoning districts, a dwelling over 3,500 square feet in interior area, that has not been previously used for short-term rentals, or that is constructed or expanded after the effective date of the ordinance, cannot be used for short-term rentals.
4. Both regulations effectively “grandfather” pre-existing uses of dwellings for short-term rentals, if rented during the 2015 calendar year. The regulations will require that approved bedrooms follow applicable egress requirements for occupancy in the Michigan Residential Code of 2015.

Please note; Pursuant to Section 2500(11) of the city's zoning ordinance, the following must occur:

City Council must hold a public hearing on the amendments to the ordinance that was forwarded to them from the Planning Commission. The Council should decide what (if any) changes are deemed necessary. The Council must return the amended ordinance, with the Council's changes, to the Planning Commission for review, prior to the Council's final adoption of the ordinance amendments. As a result of this requirement, the Council cannot take final action on the ordinance amendments until the Planning Commission has had an opportunity to review and comment on those proposed changes.

Recommendation:

The City Council will be asked to take the following actions related to the proposed amendment to the short-term rental ordinance and the amendment to the zoning ordinance:

- 1) Host a public hearing related to the proposed short-term rental ordinances.
- 2) Consider a motion to forward one of the following proposed ordinance amendments, related to the short-term rental ordinance, to the city's Planning Commission for review and comment on the areas of alteration:
 - a. Consider draft ordinance, option A, which limits maximum adult occupancy to 12, and implements stricter standards for new rental properties in the R-1A, R-1B, and R-1C zoning districts.
 - b. Consider draft ordinance, option B, which limits maximum adult occupancy to 14, and implements stricter standards for new rental properties in the R-1A, R-1B, and R-1C zoning districts.
 - c. Consider draft ordinance, option C, which follows the Planning Commission's recommendation and limits maximum adult occupancy to 16.
- 3) Consider a motion to forward the proposed amendment to the zoning ordinance to the city's Planning Commission for review and comment.

Support Material:

1. Chronology of planning commission activities related to rental ordinance amendments
2. Public hearing notice for zoning and regulatory amendments
3. Proposed zoning ordinance amendments
4. Proposed regulatory ordinance amendments
5. **Noise ordinance amendment*
6. **Nuisance Gathering ordinance*
7. Planning Commission minutes of public hearing and recommendation to City Council
8. Good Neighbor policy

**The Planning Commission did not hold hearings on these ordinances.*

Short-term Rental Ordinance Proposal Comparison (4-13-16)
 (Not Comprehensive – Only for Quick Reference)

		Ordinance Adopted 12-21-15	Planning Commission's Recommendation	Alternative Proposal	
Zoning Ordinance	Height of Dwellings	<ul style="list-style-type: none"> • Max height lowered from 40 to 35 ft. • No new 2 ½ story homes 	No Change	No Change	
	Parking for Dwelling Units	<ul style="list-style-type: none"> • Up to 3 bedrooms – 2 spaces • 1 additional space per additional bedroom 	No Change	No Change	
	Other Zoning Changes	N/A	<ul style="list-style-type: none"> • Defines short-term rentals as 2 to 29 nights • Requires compliance with regulatory ordinance 	<ul style="list-style-type: none"> • Defines short-term rentals as 2 to 29 nights • Requires compliance with regulatory ordinance • In the R-1A district, no new short-term rental uses or expansion of dwellings used for short-term rentals • In the R-1B and R-1C districts, no short-term rental uses in new or newly expanded dwellings larger than 3,500 s.f. 	
	Maximum Occupancy (Mayor's Proposal Moves from Regulatory to Zoning)	N/A	Beginning 2017: <ul style="list-style-type: none"> • Lesser of: (i) 2 per bedroom + 2 per finished story; or (ii) 16 • With PC approval, cap could be increased to 24 in the RM-1, B-3, or R-2 zones, but not to exceed 2 per bedroom + 2 per finished story • *Children under 6 not counted as occupants 	Beginning 2017: <ul style="list-style-type: none"> • Lesser of: (i) 2 per bedroom + 2 per finished story; or (ii) 14 • Existing short-term rentals "grandfathered" at highest number of occupants in 2015 or previous calendar year, if occupancy complied with Michigan Construction Code • With PC approval based on standards relating to occupant safety and effects on neighbors, cap could be increased to 24 in the RM-1, B-3, or R-2 zones, but not to exceed 2 per bedroom + 2 per finished story • *Children under 2 not counted as occupants 	
Regulatory Ordinance	Registration	N/A	<ul style="list-style-type: none"> • Dwelling units used for short-term rentals must be registered 	<ul style="list-style-type: none"> • Dwelling units used for short-term rentals must be registered 	
	Local Agent	N/A	<ul style="list-style-type: none"> • Must have local agent within 45 miles 	<ul style="list-style-type: none"> • Must have local agent within 45 miles 	
	Display	N/A	<ul style="list-style-type: none"> • Local agent's phone number posted • Street address of unit posted inside unit 	<ul style="list-style-type: none"> • Local agent's phone number posted • Street address of unit posted inside unit 	
	Good Visitor Guide	N/A	<ul style="list-style-type: none"> • Materials distributed to renters 	<ul style="list-style-type: none"> • Materials distributed to renters 	
	Revocation	N/A	<ul style="list-style-type: none"> • Registration may be revoked if there are 3 incidents of violations of the rental ordinance within a calendar year 	<ul style="list-style-type: none"> • Registration may be revoked after 3 incidents of violations of rental ordinance or other City ordinances relating to nuisances (e.g. noise, zoning, etc.) within a calendar year 	
	Smoke and Carbon Monoxide Detectors		N/A	<ul style="list-style-type: none"> • Smoke detectors in every bedroom, tested every 90 days • Carbon monoxide device on each floor, tested every 90 days 	<ul style="list-style-type: none"> • Smoke detectors in every bedroom, tested every 90 days • Carbon monoxide device on each floor, tested every 90 days
	Amendment		N/A	<ul style="list-style-type: none"> • Requires public hearing prior to amendment or repeal 	<ul style="list-style-type: none"> • Requires public hearing prior to amendment or repeal

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

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND SECTIONS 201.2, 201.3, 201.4, 201.12, 201.15, 201.19,
401, 406, 501, AND 901 OF THE SOUTH HAVEN ZONING ORDINANCE TO
REGULATE SHORT-TERM RENTALS**

The City of South Haven Ordains:

Section 1. Amendment. Sections 201.2, 201.3, 201.4, 201.12, 201.15, 201.19, 401, 406, 501, and 901 of the South Haven Zoning Ordinance are amended to read as follows:

Sec. 201.2. "B".

Basement: That portion of a building, which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story (see Figure 2-1). A cellar is a basement.

Bed and Breakfast Hotel: An owner-occupied bed and breakfast which has more than ten (10) but less than fifteen (15) sleeping rooms available for transient occupancy, including sleeping rooms occupied by the innkeeper and his/her family, and which may or may not have other commercial facilities for use.

Bed and Breakfast Inn: A single family, owner occupied dwelling unit in which transient guests are provided a sleeping room and board for compensation as an accessory use of the one-family dwelling. A continental or American breakfast, lunch, and/or dinner may be served to overnight guests only. A bed and breakfast inn has ten (10) or less sleeping rooms available for transient occupancy, including sleeping rooms occupied by the innkeeper and his/her family.

Bedroom: A room intended for sleeping or placement of a bed, separated from other spaces in the dwelling unit by one or more functional doors. The following spaces, which must be included in every dwelling unit, do not qualify as bedrooms: (1) kitchens; (2) dining areas; and (3) gathering spaces such as family rooms, dens, or living rooms.

Benefit, Recognizable and Substantial: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonable foreseeable detriments of the proposed development and use(s), including, without limitation: long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; reducing to a significant extent the nonconformity of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.

Berm: A mound of earth graded, shaped, and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

Billboard: See definition in Section 2000.1.

Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating); or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

Bluffline: The line that is the edge or crest of the elevated segment of the shoreline above the beach or riverbank, which normally has a precipitous front, inclining steeply on the shoreline side. Where no elevated segment of the shoreline exists, the bluffline shall be determined as the line of continuous, perennial vegetation nearest the water.

Boarding House/Rooming House: A structure in which furnished rooms, or apartments, are let to lodgers on a temporary basis.

Buffer Strip: A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing, or open space can also be used to buffer noise, light and related impacts from abutting properties even if not in a separately established buffer strip and may be so required by this Ordinance.

Building: Any structure, either temporary or permanent, having a roof supported by columns, walls or other supports, and used or intended for the shelter or enclosure of persons, animals, chattels, or property of any kind, or for the conduct of business. The definition includes but is not limited to: mobile homes, tents, inflatable structures, sheds, garages, greenhouses, and other principal and accessory buildings.

Building Inspector: The City of South Haven Building Inspector or the Code Enforcement Officer.

Building, Principal (same as Main Building): A building in which is conducted the main or principal use of the lot upon which it is situated.

Sec. 201.3. "C".

Campground: A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either City of South Haven Zoning Ordinance October 4, 2010 free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units.

Campsite: An area designated for the exclusive, temporary use of a single recreational unit.

Carry-out Food Establishment: A business establishment so developed that its retail or service character is dependent upon the preparation of food for consumption off the premises.

Carport: A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to garages.

Cemetery: Property, including crematories, mausoleums, and/or columbariums, used, or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

Certificate of Occupancy: A document signed by the Building Inspector as a condition precedent to the commencement of a use or the occupancy of a structure or building, which acknowledges that such use, structure, or building, complies with the provisions of the Building Code.

Certificate of Zoning Compliance: A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the occupancy of a structure or building, which acknowledges that such use, structure, or building, complies with the provisions of the Zoning Ordinance.

Change of Use: A use of a building, structure, or parcel of land, or portion thereof, which is different from the previous use in the way it is classified in this Ordinance or in the Building Code, as amended.

Changeable Message Board: A sign which identifies a business, institution or organization on the premises of which it is located and which contains the name of the business, institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages such as products on sale, the price of a product or a special service opportunity.

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Club: An organization of persons or a group of persons associated for a common purpose or a special purpose for promotion or engaging in sports, recreational and social activities, arts, sciences, literature, politics or the like, but not operated for profit and open only to members and not to the general public.

Communication Tower: A radio, telephone or television relay structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

Comprehensive Plan: The plan adopted by the Planning Commission pursuant to Public Act 33 of 2008, as amended, including text, maps and graphic proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, the relationship of land uses to one another, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Condominium Project: Means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59 of the Public Acts of 1978).

Condominium Master Deed: See Master Deed.

Condominium Subdivision: A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

Condominium Unit: Means that portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot", for purposes of determining compliance of the site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

Conflict of Interest: Participation by a member of the Zoning Board of Appeals, Planning Commission, or City Council in a public hearing, lobbying, or voting on a matter in which the property in question is owned, leased, rented or is proposed to be developed by the member; is owned or is to be developed by a relative, boss or close friend of the member; or involves a party with whom the member shares a financial interest, such as a partner, borrower, lender, renter or investor; or is property which abuts or is near property owned by the member and the member does not feel he/she can objectively evaluate the request and vote in an unbiased manner. This definition applies to any matter being decided under the Zoning Ordinance. Charter provisions or conflict of interest provisions in other Ordinances shall guide other decisions unless the City Attorney or a Court of Law rules otherwise.

Convalescent or Nursing Home: A structure whose principal purpose is the provision of sleeping, eating and gathering rooms where persons afflicted with illness, injury, or an infirmity are housed or lodged, often for extended periods of time, and who are furnished with meals and nursing care.

Compensation: Money or other consideration given in return for services, or for the right to occupy or possess a property.

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 building containing one or more dwelling units.

Dwelling Unit: A building or portion thereof that is designed for human occupancy and provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation.

Dwelling, One-Family: A dwelling 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 hotel, motel, and bed and breakfast room or suite, which is used for temporary or transient lodging in exchange for compensation. Additionally, any residential dwelling unit 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.

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. 201.15. "O".

Occupant: An individual at least 24 months' of age who is living in, sleeping in, or otherwise having possession of a space. An individual present in a dwelling unit during the term of a short-term rental shall be presumed to be an occupant unless circumstances clearly indicate that the individual is visiting between the hours 8:00 a.m. and 11:00 p.m. and will not stay overnight.

Off-Street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

Open Space, Common: An area of land in a development, the use of which is limited to landscaping, conservation and recreational purposes and which is held for the collective use and enjoyment of the

owners, tenants, or occupants of a single development, or by others if so authorized by this Ordinance or other municipal action.

Open Space, Dedicated: Common open space dedicated as a permanent recorded easement, or other means of permanent dedication that runs with the deed.

Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. Pursuant to the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 325, formerly the Great Lakes Submerged Lands Act, P.A. 247 of 1955, as amended, the ordinary high water mark for Lake Michigan is 580.5 feet above sea level, International Great Lakes Datum of 1985.

Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

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 for compensation for a term of 2 nights to 29 nights. However, the rental of the following facilities shall not be considered short-term rentals: (i) attached dwelling units in a multi-family dwelling condominium project, and (ii) 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 Residential Districts may be used for the following purposes only:

1. One-family detached dwellings.
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.
3. A dwelling unit under subsection 401.1 or 401.2 may be used as a short-term rental, only in compliance with the following:

- a. The short-term rental of the dwelling unit complies with all applicable provisions of the City Code including, without limitation, any applicable registration requirements.
- b. In the R-1A zoning district, a dwelling unit may be used for short-term rental provided (i) construction of the dwelling unit was completed and it was first occupied as a short-term rental before May 1, 2016 and (ii) the completion of any improvements increasing the size of the dwelling unit occurred before May 1, 2016. This provision shall terminate on December 31, 2019.
- c. In the R-1B and R-1C zoning districts, a dwelling unit that is more than 3,500 square feet in total interior area including unfinished basement space but excluding garage space may be used for short-term rental provided (i) construction of the dwelling unit and of any improvements made to increase its size to over 3,500 square feet including unfinished basement space but excluding garage space, was completed and first occupied as a short-term rental over 3,500 square feet in size before May 1, 2016.
- d. The short-term rental of a dwelling unit is only permitted if the entire dwelling unit is rented to a single occupant or group of occupants. Rooms or other subcomponents of a dwelling unit cannot be rented individually.
- e. Maximum occupancy of a dwelling unit during the term of a short-term rental in all R-1 zoning districts shall be as follows:
 - i. Beginning January 1, 2017, except as otherwise provided in subsection 401.3.e.ii, the number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of:
 - A. 2 occupants per bedroom plus 2 additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code; or
 - B. 12 total occupants.
 - ii. A dwelling unit used for short-term rentals for at least 15 days during 2015 or a previous calendar year shall have a maximum occupancy that does not exceed the highest number of occupants occupying the dwelling unit during a short-term rental of the dwelling unit during 2015 or the most recent year in which the dwelling unit was used for short-term rentals, provided that such occupancy is evidenced by rental agreements or other evidence acceptable to the Zoning Administrator or the Planning Commission. During the short-term rental used to justify increased occupancy under this subsection, all sleeping areas used must have been in compliance with the applicable egress requirements for occupancy in the Michigan Construction Code.
4. Farms in existence on the effective date of this Ordinance are allowed by right, all others by special use permit (see Section 1510.12.)
5. Publicly owned and operated libraries, parks, recreational facilities, and municipal parking lots by special use permit.
6. Cemeteries which lawfully occupied land in this district at the time of adoption of this Ordinance.
7. 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:
8. 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.
9. 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.

10. 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.
11. 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.
12. 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. No customers or clients visit the property to do business.
 - ii. No parking of commercial vehicles, equipment or trucks.
 - iii. No shipping or receiving of merchandise or freight which is obtrusive to neighbors.
 - iv. No storage of material, products, or other business related items in a garage, accessory building, or outdoors.
 - v. No signage.
 - vi. 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.
13. 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.
14. Accessory buildings and structures customarily incidental to the above permitted uses.
15. 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 zoning districts, provided that any time more than two (2) one-family dwellings are proposed, the requirements of Article XIII shall be met.
2. Two-family dwellings, provided that any time more than one duplex is proposed, the requirements of Article XIII shall be met.
3. A dwelling unit under subsections 406.1 or 406.2 may be used as a short-term rental only in compliance with the following:
 - a. The short-term rental of the dwelling unit complies with all applicable provisions of the City Code including, without limitation, any applicable registration requirements.
 - b. The short-term rental of a dwelling unit is only permitted if the entire dwelling unit is rented to a single occupant or group of occupants. Rooms or other subcomponents of a dwelling unit cannot be rented individually.
 - c. Maximum occupancy of a dwelling unit during the term of a short-term rental shall be as follows:
 - i. Beginning January 1, 2017, except as otherwise provided in subsections 406.3.c.ii and 406.3.c.iii, the number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of:
 - A. 2 occupants per bedroom plus 2 additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code;
 - B. 12 occupants.

- ii. A dwelling unit used for short-term rentals for at least 15 days during 2015 or a previous calendar year shall have a maximum occupancy that does not exceed the highest number of occupants occupying the dwelling unit during a short-term rental of the dwelling unit during 2015 or the most recent year in which the dwelling unit was used for short-term rentals, provided that such occupancy is evidenced by rental agreements or other evidence acceptable to the Zoning Administrator or the Planning Commission. During the short-term rental used to justify increased occupancy under this subsection, all sleeping areas used must have been in compliance with the applicable egress requirements for occupancy in the Michigan Construction Code.
- iii. An owner of a dwelling unit may apply to the City's Planning Commission to increase the maximum occupancy of a short-term rental unit in the R-2 zoning district to the lesser of 2 occupants per bedroom plus 2 additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code or 24 occupants. Applications shall be submitted on a standard form available with the zoning administrator, and shall be accompanied by any applicable fee established by resolution of the City Council. The Planning Commission may grant the application upon determining all the following are provided:
 - A. A parking site plan allowing sufficient access for emergency vehicles.
 - B. An automatic sprinkler system on all floors with one or more bedrooms.
 - C. A fire alarm system.
 - D. An interconnected smoke alarm system.
 - E. Fire-rated corridors.
 - F. Fire-rated stairwell enclosures on all stairways providing the primary means of egress for one or more bedrooms.
 - G. Automatic door closers and fire-rated doors on all bedrooms.
 - H. A sufficient number of emergency exits, suitably placed in relation to the designated bedrooms, as determined in the discretion of the Planning Commission with input from officials with expertise in fire safety.
4. 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.
5. Accessory buildings and structures customarily incidental to the above permitted uses.

Sec. 501. RM-1 USE REGULATIONS

Land, buildings and structures in 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.
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. A dwelling unit permitted under subsections 501.1 through 501.3 may be used short-term rentals, in compliance with the following:
 - a. The short-term rental of the dwelling unit complies with all applicable provisions of the City Code including, without limitation, any applicable registration requirements.
 - b. The short-term rental of a dwelling unit is only permitted if the entire dwelling unit is rented to a single occupant or group of occupants. Rooms or other subcomponents of a dwelling unit cannot be rented individually.
 - c. Maximum occupancy during the term of a short-term rental shall be as follows:
 - i. Beginning January 1, 2017, except as otherwise provided in subsections 501.4.c.ii and 501.4.c.iii, the number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of:
 - A. 2 occupants per bedroom plus 2 additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code; or
 - B. 12 total occupants.
 - ii. A dwelling unit used for short-term rentals for at least 15 days during 2015 or a previous calendar year shall have a maximum occupancy that does not exceed the highest number of occupants occupying the dwelling unit during a short-term rental of the dwelling unit during 2015 or the most recent year in which the dwelling unit was used for short-term rentals, provided that such occupancy is evidenced by rental agreements or other evidence acceptable to the Zoning Administrator or the Planning Commission. During the short-term rental used to justify increased occupancy under this subsection, all sleeping areas used must have been in compliance with the applicable egress requirements for occupancy in the Michigan Construction Code.
 - iii. An owner of a dwelling unit may apply to the City's Planning Commission to increase the maximum occupancy of a short-term rental unit in the RM-1 zoning district to the lesser of 2 occupants per bedroom plus 2 additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code or 24 occupants. Applications shall be submitted on a standard form available with the zoning administrator, and shall be accompanied by any applicable fee established by resolution of the City Council. The Planning Commission may grant the application upon determining all the following are provided:

- A. A parking site plan allowing sufficient access for emergency vehicles.
 - B. An automatic sprinkler system on all floors with one or more bedrooms.
 - C. A fire alarm system.
 - D. An interconnected smoke alarm system.
 - E. Fire-rated corridors.
 - F. Fire-rated stairwell enclosures on all stairways providing the primary means of egress for one or more bedrooms.
 - G. Automatic door closers and fire-rated doors on all bedrooms.
 - H. A sufficient number of emergency exits, suitably placed in relation to the designated bedrooms, as determined in the discretion of the Planning Commission with input from officials with expertise in fire safety.
5. 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.
 6. Bed and breakfast inns.
 7. Bed and breakfast hotel as a special land use (see Section 1510.04).
 8. 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.
 9. 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.
 10. 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.
 11. 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.
 12. 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.
 13. Accessory buildings and structures customarily incidental to the above permitted uses.
 14. 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 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. 901. B-3 USE REGULATIONS

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

1. Automatic teller machines when inside a building and accessory to another use.
2. Beaches and recreation areas, either municipal or private by special use permit.
3. Boat launching ramp.
4. Campgrounds, subject to compliance with the standards and procedures for establishing a Planned Unit Development as regulated in Article XIII.
 - a. The minimum size of the campground shall be 3 acres.
 - b. Thirty percent of the campground shall be dedicated to open space for the common use of the residents. For purposes of calculating the open space percentage, areas set aside for common recreational use may be included; driveways and parking areas shall be excluded.
 - c. There shall be a traffic route which does not pass through a residential area, connecting the campground entrance with a public street with a minimum right of way of 80 feet in width.
 - d. The campsites shall be set back from the property line a minimum distance of 30 feet.
 - e. A recreational unit may be located at the campground for no more than 21 consecutive nights. After 5 nights out of the campground, the recreational unit may return again for no more than 21 consecutive nights. A recreational unit shall not be located on the premises of a campground for more than 42 nights in any calendar year. Storage of recreational units for more than 21 days is not permitted in a campground.
 - f. The recreational units (excluding tents) located at the campground shall be validly licensed as vehicles or trailers, and shall at all times be legal for use on roads and highways without requiring any special permits. The maximum allowable trailering width of a recreational unit is 96 inches. The campground owner shall establish the maximum allowable length of a recreational unit based on the available turning radii in the campground.
 - g. There shall be a security fence surrounding the campground, with a minimum height of 6 feet. There shall be security gates at the entrances.
 - h. Accessory uses and structures are allowed as part of the campground under the following conditions:
 - i. Allowed uses are convenience store, snack bar, laundromat, or similar uses.
 - ii. The accessory use is intended for use of occupants of campground only.
 - iii. The accessory use must be centrally located in the campground, it shall not abut or adjoin a public street.
 - iv. No signs advertising the accessory use shall face public streets.
 - v. The accessory use shall cease business operation when the campground is closed for the season; the accessory use shall only be open for business when the campground is operating.
 - vi. One structure is allowed to be used as an office.
 - vii. One mobile home is allowed in a campground as a caretaker's residence.
 - i. Home occupations are not permitted within the campground.
 - j. Campgrounds shall be licensed by the State of Michigan, including as required in Act 368 of 1978, the Public Health Code. The City may enforce the provisions of the Public Health Code.

- k. A Planned Unit Development shall not be licensed as both a campground and a seasonal mobile home campground.
 - l. The maximum number of sites per acre of total campground area is 12 sites per acre.
 - m. The minimum area of each site is 1,300 square feet.
 - n. All driveways and parking areas shall be paved with bituminous or concrete paving. Two paved parking spaces shall be provided for each campsite.
 - o. Each entrance and exit to and from the campground shall be located at least 25 feet distant from adjacent property located in any single-family residential district.
 - p. There shall be no vehicle access to the campground except through designated common driveways, unless an access for use only by emergency vehicles is approved as a condition of development approval.
 - q. Screening shall be provided along side yards, rear yards and any part of the parcel which abuts a public or private right of way. Screening shall be maintained in a living condition and shall consist of 1) a compact hedge of deciduous or evergreen trees which reach a minimum of 5 feet in height and 5 feet in width after one growing season; or 2) a solid wall or tight board fence 6 feet in height.
 - r. The campground owner or applicant must research and show proof that the campground will not overload available roadways, utilities and drainage, including a study which estimates peak loads and shows that there is excess capacity in city utilities, streets and drainage to service the campground.
 - s. The City Fire Marshal may prohibit campfires as part of site plan approval.
- 5. Convenience store.
 - 6. Dwelling above permitted use according to the standards in Section 601.16.
 - 7. Marinas and marine services.
 - 8. Miniature or par-3 golf course.
 - 9. Motels, hotels or resort motels or hotels when authorized as a special land use (see Section 1510.22 and Section 1738).
 - 10. Parking lots by special use permit.
 - 11. Planned Unit Development which contains a mix of land uses including any use permitted by right in this district and one or more of the following land uses according to the requirements of Article XVIII.
 - a. Attached and semi-detached dwelling units including dwellings known as townhouses or condominiums, among other names, subject to conformance with the following standards:
 - 1. Each dwelling unit shall have one floor at ground level.
 - 2. No more than 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 consecutive units are staggered or offset by at least 10 feet, then a maximum of 8 units may be permitted.
 - 3. 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.
 - 4. 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.

5. 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.
 - b. Multiple-family dwellings and apartments where not all the units are at ground level.
12. Private clubs, fraternal organizations, lodge halls and convention halls.
13. Recreation centers and facilities by special use permit.
14. Restaurants, lounges or other places serving food or beverage, except those having the character of a drive-in.
15. Retail uses.
16. Accessory buildings and structures customarily incidental to the above uses.
17. One family detached dwellings by special use permit, subject to the following conditions to be demonstrated by the applicant:
 - a. The proposed use will be of substantial benefit to the City and the waterfront business community.
 - b. No other use permitted in this zoning district is possible on the lot due its size or configuration.
 - c. The inability to use the lot for another use permitted in this zoning district was not the result of an action taken after January 1, 2014, by the applicant or any predecessor in interest in the property.
 - d. Special use permits shall not be granted under this subsection for any lot created by lot split occurring after January 1, 2014.
 - e. The site plan submitted with the application must satisfy all additional requirements for special use permits in Section 1502 of this ordinance.
18. When a dwelling unit in the B-3 district may be used as a short-term rental only in compliance with the following:
 - a. The short-term rental of a dwelling unit is only permitted if the entire dwelling unit is rented to a single occupant or group of occupants. Rooms or other subcomponents of a dwelling unit cannot be rented individually.
 - b. Maximum occupancy during the term of a short-term rental shall be as follows:
 - i. Beginning January 1, 2017, except as otherwise provided in subsections 901.18.b.ii and 901.18.b.iii, the number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of:
 - A. 2 occupants per bedroom plus 2 additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code; or
 - B. 12 total occupants.
 - ii. A dwelling unit used for short-term rentals for at least 15 days during 2015 or a previous calendar year shall have a maximum occupancy that does not exceed the highest number of occupants occupying the dwelling unit during a short-term rental of the dwelling unit during 2015 or the most recent year in which the dwelling unit was used for short-term rentals, provided that such occupancy is evidenced by rental agreements or other evidence acceptable to the Zoning Administrator or the Planning Commission. During the short-term rental used to justify increased occupancy under this subsection, all sleeping areas used must have been in compliance with the applicable egress requirements for occupancy in the Michigan Construction Code.
 - iii. An owner of a dwelling unit may apply to the City's Planning Commission to increase the maximum occupancy of a short-term rental unit in the RM-1 zoning district to the lesser of

2 occupants per bedroom plus 2 additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code or 24 occupants. Applications shall be submitted on a standard form available with the zoning administrator, and shall be accompanied by any applicable fee established by resolution of the City Council. The Planning Commission may grant the application upon determining all the following are provided:

- A. A parking site plan allowing sufficient access for emergency vehicles.
- B. An automatic sprinkler system on all floors with one or more bedrooms.
- C. A fire alarm system.
- D. An interconnected smoke alarm system.
- E. Fire-rated corridors.
- F. Fire-rated stairwell enclosures on all stairways providing the primary means of egress for one or more bedrooms.
- G. Automatic door closers and fire-rated doors on all bedrooms.
- H. A sufficient number of emergency exits, suitably placed in relation to the designated bedrooms, as determined in the discretion of the Planning Commission with input from officials with expertise in fire safety.

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 on Next Page]

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 405276v1

DRAFT

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

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND SECTIONS 201.2, 201.3, 201.4, 201.12, 201.15, 201.19,
401, 406, 501, AND 901 OF THE SOUTH HAVEN ZONING ORDINANCE TO
REGULATE SHORT-TERM RENTALS**

The City of South Haven Ordains:

Section 1. Amendment. Sections 201.2, 201.3, 201.4, 201.12, 201.15, 201.19, 401, 406, 501, and 901 of the South Haven Zoning Ordinance are amended to read as follows:

Sec. 201.2. "B".

Basement: That portion of a building, which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story (see Figure 2-1). A cellar is a basement.

Bed and Breakfast Hotel: An owner-occupied bed and breakfast which has more than ten (10) but less than fifteen (15) sleeping rooms available for transient occupancy, including sleeping rooms occupied by the innkeeper and his/her family, and which may or may not have other commercial facilities for use.

Bed and Breakfast Inn: A single family, owner occupied dwelling unit in which transient guests are provided a sleeping room and board for compensation as an accessory use of the one-family dwelling. A continental or American breakfast, lunch, and/or dinner may be served to overnight guests only. A bed and breakfast inn has ten (10) or less sleeping rooms available for transient occupancy, including sleeping rooms occupied by the innkeeper and his/her family.

Bedroom: A room intended for sleeping or placement of a bed, separated from other spaces in the dwelling unit by one or more functional doors. The following spaces, which must be included in every dwelling unit, do not qualify as bedrooms: (1) kitchens; (2) dining areas; and (3) gathering spaces such as family rooms, dens, or living rooms.

Benefit, Recognizable and Substantial: A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonable foreseeable detriments of the proposed development and use(s), including, without limitation: long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis; reducing to a significant extent the nonconformity of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.

Berm: A mound of earth graded, shaped, and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

Billboard: See definition in Section 2000.1.

Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating); or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

Bluffline: The line that is the edge or crest of the elevated segment of the shoreline above the beach or riverbank, which normally has a precipitous front, inclining steeply on the shoreline side. Where no elevated segment of the shoreline exists, the bluffline shall be determined as the line of continuous, perennial vegetation nearest the water.

Boarding House/Rooming House: A structure in which furnished rooms, or apartments, are let to lodgers on a temporary basis.

Buffer Strip: A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing, or open space can also be used to buffer noise, light and related impacts from abutting properties even if not in a separately established buffer strip and may be so required by this Ordinance.

Building: Any structure, either temporary or permanent, having a roof supported by columns, walls or other supports, and used or intended for the shelter or enclosure of persons, animals, chattels, or property of any kind, or for the conduct of business. The definition includes but is not limited to: mobile homes, tents, inflatable structures, sheds, garages, greenhouses, and other principal and accessory buildings.

Building Inspector: The City of South Haven Building Inspector or the Code Enforcement Officer.

Building, Principal (same as Main Building): A building in which is conducted the main or principal use of the lot upon which it is situated.

Sec. 201.3. "C".

Campground: A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either City of South Haven Zoning Ordinance October 4, 2010 free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units.

Campsite: An area designated for the exclusive, temporary use of a single recreational unit.

Carry-out Food Establishment: A business establishment so developed that its retail or service character is dependent upon the preparation of food for consumption off the premises.

Carport: A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to garages.

Cemetery: Property, including crematories, mausoleums, and/or columbariums, used, or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

Certificate of Occupancy: A document signed by the Building Inspector as a condition precedent to the commencement of a use or the occupancy of a structure or building, which acknowledges that such use, structure, or building, complies with the provisions of the Building Code.

Certificate of Zoning Compliance: A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the occupancy of a structure or building, which acknowledges that such use, structure, or building, complies with the provisions of the Zoning Ordinance.

Change of Use: A use of a building, structure, or parcel of land, or portion thereof, which is different from the previous use in the way it is classified in this Ordinance or in the Building Code, as amended.

Changeable Message Board: A sign which identifies a business, institution or organization on the premises of which it is located and which contains the name of the business, institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages such as products on sale, the price of a product or a special service opportunity.

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Club: An organization of persons or a group of persons associated for a common purpose or a special purpose for promotion or engaging in sports, recreational and social activities, arts, sciences, literature, politics or the like, but not operated for profit and open only to members and not to the general public.

Communication Tower: A radio, telephone or television relay structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

Comprehensive Plan: The plan adopted by the Planning Commission pursuant to Public Act 33 of 2008, as amended, including text, maps and graphic proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, the relationship of land uses to one another, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Condominium Project: Means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59 of the Public Acts of 1978).

Condominium Master Deed: See Master Deed.

Condominium Subdivision: A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

Condominium Unit: Means that portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot", for purposes of determining compliance of the site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

Conflict of Interest: Participation by a member of the Zoning Board of Appeals, Planning Commission, or City Council in a public hearing, lobbying, or voting on a matter in which the property in question is owned, leased, rented or is proposed to be developed by the member; is owned or is to be developed by a relative, boss or close friend of the member; or involves a party with whom the member shares a financial interest, such as a partner, borrower, lender, renter or investor; or is property which abuts or is near property owned by the member and the member does not feel he/she can objectively evaluate the request and vote in an unbiased manner. This definition applies to any matter being decided under the Zoning Ordinance. Charter provisions or conflict of interest provisions in other Ordinances shall guide other decisions unless the City Attorney or a Court of Law rules otherwise.

Convalescent or Nursing Home: A structure whose principal purpose is the provision of sleeping, eating and gathering rooms where persons afflicted with illness, injury, or an infirmity are housed or lodged, often for extended periods of time, and who are furnished with meals and nursing care.

Compensation: Money or other consideration given in return for services, or for the right to occupy or possess a property.

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 building containing one or more dwelling units.

Dwelling Unit: A building or portion thereof that is designed for human occupancy and provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation.

Dwelling, One-Family: A dwelling 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 hotel, motel, and bed and breakfast room or suite, which is used for temporary or transient lodging in exchange for compensation. Additionally, any residential dwelling unit 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.

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. 201.15. "O".

Occupant: An individual at least 24 months' of age who is living in, sleeping in, or otherwise having possession of a space. An individual present in a dwelling unit during the term of a short-term rental shall be presumed to be an occupant unless circumstances clearly indicate that the individual is visiting between the hours 8:00 a.m. and 11:00 p.m. and will not stay overnight.

Off-Street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

Open Space, Common: An area of land in a development, the use of which is limited to landscaping, conservation and recreational purposes and which is held for the collective use and enjoyment of the

owners, tenants, or occupants of a single development, or by others if so authorized by this Ordinance or other municipal action.

Open Space, Dedicated: Common open space dedicated as a permanent recorded easement, or other means of permanent dedication that runs with the deed.

Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. Pursuant to the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 325, formerly the Great Lakes Submerged Lands Act, P.A. 247 of 1955, as amended, the ordinary high water mark for Lake Michigan is 580.5 feet above sea level, International Great Lakes Datum of 1985.

Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

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 for compensation for a term of 2 nights to 29 nights. However, the rental of the following facilities shall not be considered short-term rentals: (i) attached dwelling units in a multi-family dwelling condominium project, and (ii) 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 Residential Districts may be used for the following purposes only:

1. One-family detached dwellings.
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.
3. A dwelling unit under subsection 401.1 or 401.2 may be used as a short-term rental, only in compliance with the following:

- a. The short-term rental of the dwelling unit complies with all applicable provisions of the City Code including, without limitation, any applicable registration requirements.
 - b. In the R-1A zoning district, a dwelling unit may be used for short-term rental provided (i) construction of the dwelling unit was completed and it was first occupied as a short-term rental before May 1, 2016 and (ii) the completion of any improvements increasing the size of the dwelling unit occurred before May 1, 2016. This provision shall terminate on December 31, 2019.
 - c. In the R-1B and R-1C zoning districts, a dwelling unit that is more than 3,500 square feet in total interior area including unfinished basement space but excluding garage space may be used for short-term rental provided (i) construction of the dwelling unit and of any improvements made to increase its size to over 3,500 square feet including unfinished basement space but excluding garage space, was completed and first occupied as a short-term rental over 3,500 square feet in size before May 1, 2016.
 - d. The short-term rental of a dwelling unit is only permitted if the entire dwelling unit is rented to a single occupant or group of occupants. Rooms or other subcomponents of a dwelling unit cannot be rented individually.
 - e. Maximum occupancy of a dwelling unit during the term of a short-term rental in all R-1 zoning districts shall be as follows:
 - i. Beginning January 1, 2017, except as otherwise provided in subsection 401.3.e.ii, the number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of:
 - A. 2 occupants per bedroom plus 2 additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code; or
 - B. 14 total occupants.
 - ii. A dwelling unit used for short-term rentals for at least 15 days during 2015 or a previous calendar year shall have a maximum occupancy that does not exceed the highest number of occupants occupying the dwelling unit during a short-term rental of the dwelling unit during 2015 or the most recent year in which the dwelling unit was used for short-term rentals, provided that such occupancy was not achieved as evidenced by rental agreements or other evidence of such occupancy acceptable to the Zoning Administrator or the Planning Commission.
4. Farms in existence on the effective date of this Ordinance are allowed by right, all others by special use permit (see Section 1510.12.)
 5. Publicly owned and operated libraries, parks, recreational facilities, and municipal parking lots by special use permit.
 6. Cemeteries which lawfully occupied land in this district at the time of adoption of this Ordinance.
 7. 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:
 8. 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.
 9. 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.
 10. 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.

11. 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.
12. 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. No customers or clients visit the property to do business.
 - ii. No parking of commercial vehicles, equipment or trucks.
 - iii. No shipping or receiving of merchandise or freight which is obtrusive to neighbors.
 - iv. No storage of material, products, or other business related items in a garage, accessory building, or outdoors.
 - v. No signage.
 - vi. 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.
13. 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.
14. Accessory buildings and structures customarily incidental to the above permitted uses.
15. 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 zoning districts, provided that any time more than two (2) one-family dwellings are proposed, the requirements of Article XIII shall be met.
2. Two-family dwellings, provided that any time more than one duplex is proposed, the requirements of Article XIII shall be met.
3. A dwelling unit under subsections 406.1 or 406.2 may be used as a short-term rental only in compliance with the following:
 - a. The short-term rental of the dwelling unit complies with all applicable provisions of the City Code including, without limitation, any applicable registration requirements.
 - b. The short-term rental of a dwelling unit is only permitted if the entire dwelling unit is rented to a single occupant or group of occupants. Rooms or other subcomponents of a dwelling unit cannot be rented individually.
 - c. Maximum occupancy of a dwelling unit during the term of a short-term rental shall be as follows:
 - i. Beginning January 1, 2017, except as otherwise provided in subsections 406.3.c.ii and 406.3.c.iii, the number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of:
 - A. 2 occupants per bedroom plus 2 additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code;
 - B. 14 total occupants.

- iii. A dwelling unit used for short-term rentals for at least 15 days during 2015 or a previous calendar year shall have a maximum occupancy that does not exceed the highest number of occupants occupying the dwelling unit during a short-term rental of the dwelling unit during 2015 or the most recent year in which the dwelling unit was used for short-term rentals, as evidenced by rental agreements or other evidence of such occupancy acceptable to the Zoning Administrator or the Planning Commission.
- ii. An owner of a dwelling unit may apply to the City's Planning Commission to increase the maximum occupancy of a short-term rental unit in the R-2 zoning district to the lesser of 2 occupants per bedroom plus 2 additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code or 24 occupants. Applications shall be submitted on a standard form available with the zoning administrator, and shall be accompanied by any applicable fee established by resolution of the City Council. The Planning Commission may grant the application upon determining all the following are provided:
 - A. A parking site plan allowing sufficient access for emergency vehicles.
 - B. An automatic sprinkler system on all floors with one or more bedrooms.
 - C. A fire alarm system.
 - D. An interconnected smoke alarm system.
 - E. Fire-rated corridors.
 - F. Fire-rated stairwell enclosures on all stairways providing the primary means of egress for one or more bedrooms.
 - G. Automatic door closers and fire-rated doors on all bedrooms.
 - H. A sufficient number of emergency exits, suitably placed in relation to the designated bedrooms, as determined in the discretion of the Planning Commission with input from officials with expertise in fire safety.
4. 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.
5. Accessory buildings and structures customarily incidental to the above permitted uses.

Sec. 501. RM-1 USE REGULATIONS

Land, buildings and structures in 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.
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. A dwelling unit permitted under subsections 501.1 through 501.3 may be used short-term rentals, in compliance with the following:
 - a. The short-term rental of the dwelling unit complies with all applicable provisions of the City Code including, without limitation, any applicable registration requirements.
 - b. The short-term rental of a dwelling unit is only permitted if the entire dwelling unit is rented to a single occupant or group of occupants. Rooms or other subcomponents of a dwelling unit cannot be rented individually.
 - c. Maximum occupancy during the term of a short-term rental shall be as follows:
 - i. Beginning January 1, 2017, except as otherwise provided in subsections 501.4.c.ii and 501.4.c.iii, the number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of:
 - A. 2 occupants per bedroom plus 2 additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code; or
 - B. 14 occupants.
 - ii. A dwelling unit used for short-term rentals for at least 15 days during 2015 or a previous calendar year shall have a maximum occupancy that does not exceed the highest number of occupants occupying the dwelling unit during a short-term rental of the dwelling unit during 2015 or the most recent year in which the dwelling unit was used for short-term rentals, as evidenced by rental agreements or other evidence of such occupancy acceptable to the Zoning Administrator or the Planning Commission.
 - iii. An owner of a dwelling unit may apply to the City's Planning Commission to increase the maximum occupancy of a short-term rental unit in the RM-1 zoning district to the lesser of 2 occupants per bedroom plus 2 additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code or 24 occupants. Applications shall be submitted on a standard form available with the zoning administrator, and shall be accompanied by any applicable fee established by resolution of the City Council. The Planning Commission may grant the application upon determining all the following are provided:

- A. A parking site plan allowing sufficient access for emergency vehicles.
 - B. An automatic sprinkler system on all floors with one or more bedrooms.
 - C. A fire alarm system.
 - D. An interconnected smoke alarm system.
 - E. Fire-rated corridors.
 - F. Fire-rated stairwell enclosures on all stairways providing the primary means of egress for one or more bedrooms.
 - G. Automatic door closers and fire-rated doors on all bedrooms.
 - H. A sufficient number of emergency exits, suitably placed in relation to the designated bedrooms, as determined in the discretion of the Planning Commission with input from officials with expertise in fire safety.
5. 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.
 6. Bed and breakfast inns.
 7. Bed and breakfast hotel as a special land use (see Section 1510.04).
 8. 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.
 9. 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.
 10. 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.
 11. 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.
 12. 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.
 13. Accessory buildings and structures customarily incidental to the above permitted uses.
 14. 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 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. 901. B-3 USE REGULATIONS

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

1. Automatic teller machines when inside a building and accessory to another use.
2. Beaches and recreation areas, either municipal or private by special use permit.
3. Boat launching ramp.
4. Campgrounds, subject to compliance with the standards and procedures for establishing a Planned Unit Development as regulated in Article XIII.
 - a. The minimum size of the campground shall be 3 acres.
 - b. Thirty percent of the campground shall be dedicated to open space for the common use of the residents. For purposes of calculating the open space percentage, areas set aside for common recreational use may be included; driveways and parking areas shall be excluded.
 - c. There shall be a traffic route which does not pass through a residential area, connecting the campground entrance with a public street with a minimum right of way of 80 feet in width.
 - d. The campsites shall be set back from the property line a minimum distance of 30 feet.
 - e. A recreational unit may be located at the campground for no more than 21 consecutive nights. After 5 nights out of the campground, the recreational unit may return again for no more than 21 consecutive nights. A recreational unit shall not be located on the premises of a campground for more than 42 nights in any calendar year. Storage of recreational units for more than 21 days is not permitted in a campground.
 - f. The recreational units (excluding tents) located at the campground shall be validly licensed as vehicles or trailers, and shall at all times be legal for use on roads and highways without requiring any special permits. The maximum allowable trailering width of a recreational unit is 96 inches. The campground owner shall establish the maximum allowable length of a recreational unit based on the available turning radii in the campground.
 - g. There shall be a security fence surrounding the campground, with a minimum height of 6 feet. There shall be security gates at the entrances.
 - h. Accessory uses and structures are allowed as part of the campground under the following conditions:
 - i. Allowed uses are convenience store, snack bar, laundromat, or similar uses.
 - ii. The accessory use is intended for use of occupants of campground only.
 - iii. The accessory use must be centrally located in the campground, it shall not abut or adjoin a public street.
 - iv. No signs advertising the accessory use shall face public streets.
 - v. The accessory use shall cease business operation when the campground is closed for the season; the accessory use shall only be open for business when the campground is operating.
 - vi. One structure is allowed to be used as an office.
 - vii. One mobile home is allowed in a campground as a caretaker's residence.
 - i. Home occupations are not permitted within the campground.
 - j. Campgrounds shall be licensed by the State of Michigan, including as required in Act 368 of 1978, the Public Health Code. The City may enforce the provisions of the Public Health Code.

- k. A Planned Unit Development shall not be licensed as both a campground and a seasonal mobile home campground.
 - l. The maximum number of sites per acre of total campground area is 12 sites per acre.
 - m. The minimum area of each site is 1,300 square feet.
 - n. All driveways and parking areas shall be paved with bituminous or concrete paving. Two paved parking spaces shall be provided for each campsite.
 - o. Each entrance and exit to and from the campground shall be located at least 25 feet distant from adjacent property located in any single-family residential district.
 - p. There shall be no vehicle access to the campground except through designated common driveways, unless an access for use only by emergency vehicles is approved as a condition of development approval.
 - q. Screening shall be provided along side yards, rear yards and any part of the parcel which abuts a public or private right of way. Screening shall be maintained in a living condition and shall consist of 1) a compact hedge of deciduous or evergreen trees which reach a minimum of 5 feet in height and 5 feet in width after one growing season; or 2) a solid wall or tight board fence 6 feet in height.
 - r. The campground owner or applicant must research and show proof that the campground will not overload available roadways, utilities and drainage, including a study which estimates peak loads and shows that there is excess capacity in city utilities, streets and drainage to service the campground.
 - s. The City Fire Marshal may prohibit campfires as part of site plan approval.
5. Convenience store.
 6. Dwelling above permitted use according to the standards in Section 601.16.
 7. Marinas and marine services.
 8. Miniature or par-3 golf course.
 9. Motels, hotels or resort motels or hotels when authorized as a special land use (see Section 1510.22 and Section 1738).
 10. Parking lots by special use permit.
 11. Planned Unit Development which contains a mix of land uses including any use permitted by right in this district and one or more of the following land uses according to the requirements of Article XVIII.
 - a. Attached and semi-detached dwelling units including dwellings known as townhouses or condominiums, among other names, subject to conformance with the following standards:
 1. Each dwelling unit shall have one floor at ground level.
 2. No more than 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 consecutive units are staggered or offset by at least 10 feet, then a maximum of 8 units may be permitted.
 3. 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.
 4. 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.

5. 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.
 - b. Multiple-family dwellings and apartments where not all the units are at ground level.
12. Private clubs, fraternal organizations, lodge halls and convention halls.
13. Recreation centers and facilities by special use permit.
14. Restaurants, lounges or other places serving food or beverage, except those having the character of a drive-in.
15. Retail uses.
16. Accessory buildings and structures customarily incidental to the above uses.
17. One family detached dwellings by special use permit, subject to the following conditions to be demonstrated by the applicant:
 - a. The proposed use will be of substantial benefit to the City and the waterfront business community.
 - b. No other use permitted in this zoning district is possible on the lot due its size or configuration.
 - c. The inability to use the lot for another use permitted in this zoning district was not the result of an action taken after January 1, 2014, by the applicant or any predecessor in interest in the property.
 - d. Special use permits shall not be granted under this subsection for any lot created by lot split occurring after January 1, 2014.
 - e. The site plan submitted with the application must satisfy all additional requirements for special use permits in Section 1502 of this ordinance.
18. When a dwelling unit in the B-3 district may be used as a short-term rental only in compliance with the following:
 - a. The short-term rental of a dwelling unit is only permitted if the entire dwelling unit is rented to a single occupant or group of occupants. Rooms or other subcomponents of a dwelling unit cannot be rented individually.
 - b. Maximum occupancy during the term of a short-term rental shall be as follows:
 - i. Beginning January 1, 2017, except as otherwise provided in subsections 901.18.b.ii and 901.18.b.iii, the number of occupants in a dwelling unit during a short-term rental shall not exceed the lesser of:
 - A. 2 occupants per bedroom plus 2 additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code; or
 - B. 14 total occupants.
 - ii. A dwelling unit used for short-term rentals for at least 15 days during 2015 or a previous calendar year shall have a maximum occupancy that does not the highest number of occupants occupying the dwelling unit during a short-term rental of the dwelling unit during the 2015 calendar year, as evidenced by rental agreements or other evidence of such occupancy acceptable to the Zoning Administrator or the Planning Commission.
 - iii. An owner of a dwelling unit may apply to the City's Planning Commission to increase the maximum occupancy of a short-term rental unit in the RM-1 zoning district to the lesser of 2 occupants per bedroom plus 2 additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code or 24 occupants. Applications shall be submitted on a standard form available with the zoning administrator, and shall be accompanied by any applicable fee established by resolution

of the City Council. The Planning Commission may grant the application upon determining all the following are provided:

- A. A parking site plan allowing sufficient access for emergency vehicles.
- B. An automatic sprinkler system on all floors with one or more bedrooms.
- C. A fire alarm system.
- D. An interconnected smoke alarm system.
- E. Fire-rated corridors.
- F. Fire-rated stairwell enclosures on all stairways providing the primary means of egress for one or more bedrooms.
- G. Automatic door closers and fire-rated doors on all bedrooms.
- H. A sufficient number of emergency exits, suitably placed in relation to the designated bedrooms, as determined in the discretion of the Planning Commission with input from officials with expertise in fire safety.

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 on Next Page]

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 391363v17

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, separated from other spaces in the dwelling unit by one or more functional doors. The following spaces, which must be included in every dwelling unit, do not qualify as bedrooms: (1) kitchens; (2) dining areas; and (3) gathering spaces such as family rooms, dens, or living rooms.
- (b) *Compensation* – Money or other consideration given in return for occupancy, possession or use of a property.
- (c) *Dwelling* – A building containing one or more dwelling units.
- (d) *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.
- (e) *Good visitor guideline materials* – Materials 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 and local police to report any issues relating to the property.
- (f) *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. A property owner who meets these criteria may be the local agent.
- (g) *Occupant* – An individual at least 24 months' of age who is living in, sleeping in, or otherwise having possession of a space. An individual present in a dwelling unit during the term of a short-term rental shall be presumed to be an occupant unless circumstances clearly indicate that the individual is visiting between the hours 8:00 a.m. and 11:00 p.m. and will not stay overnight.
- (h) *Short-term rental* – The rental of a dwelling unit for compensation for a term of 2 nights to 29 nights. However, the rental of the following facilities shall not be considered short-term rentals: (i) attached dwelling units in a multi-family dwelling condominium project, and (ii) 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.

Sec. 10-242. Registration required.

- (a) *Registration required.* All short-term rental units in the City's B-3, R-1A, R-1B, R-1C, R-2, and RM-1 zoning districts shall be registered with the City. The short-term rental of an unregistered dwelling is a violation of this article.
- (b) *Application.* To register a dwelling unit for short-term rentals, the property owner or agent of the owner shall:
 - (1) 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, and information sufficient to justify such occupancy level in accordance with the provisions of the zoning ordinance.
 - (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 90 days.
 - (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 property owner 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 a registration fee, in an amount set by resolution of the City Council.

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

- (a) *Local agent required.* All dwelling units used for short-term rentals shall have a designated local agent.
- (b) *Contact information posted in window.* A notice shall be posted in a prominent first-floor window of any dwelling unit used for short-term rentals stating (in at least 16-point type) the name of the local agent, a 24-hour telephone number with which the agent can be reached, and the maximum occupancy of the dwelling unit as permitted by this ordinance.
- (c) *Street address posted within dwelling unit.* The street address of the property shall be posted in at least two prominent locations within the dwelling 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
- (d) *Smoke detectors and carbon monoxide devices.* The owner or local agent of a dwelling unit used for short-term rentals shall:
 - (1) Install and maintain an operational smoke detector in each bedroom, and test such smoke detectors at least every 90 days to ensure that they are properly functioning.
 - (2) Install and maintain at least 1 operational approved carbon monoxide device of the type described in MCL 125.1504 on each floor, and test such devices at least every 90 days to ensure that they remain operational.

- (e) *Fireworks.* No fireworks shall be used on the premises of a dwelling unit registered under this ordinance when it is occupied by anyone other than the owner.
- (f) *Zoning compliance.* The short-term rental of a dwelling unit must comply with the requirements of the zoning ordinance.

Sec. 10-244. Violations; revocation of registration.

- (a) *Violations as municipal civil infractions.* Any violation of a provision of this article shall be a municipal civil infraction. Each day that a violation continues constitutes a separate violation. Notwithstanding any other provision of this Code of Ordinances, violations of this article are subject to the following fines:
 - (1) *Short-term rental of unregistered dwellings.* The fine for leasing an unregistered dwelling unit in violation of subsection 10-242(a) is \$750 for a first violation and \$1,000 for each subsequent violation.
 - (2) *Maximum occupancy.* The fine for exceeding the maximum occupancy in violation of subsection 10-243(d) is \$500 for a first offense and \$1,500 for each subsequent offense.
 - (3) *Other provisions.* Fines for other violations of this article are as follows: \$100 for a first offense, \$500 for a second offense, and \$1,500 for each subsequent offense.
- (b) *Revocation of registration.*
 - (1) *Offenses warranting revocation.* The City may revoke the rental registration for any dwelling unit which is the site of at least 3 separate incidents (occurring on 3 separate days) within a calendar year resulting in a plea of responsibility (with or without an explanation), a plea of guilty, a plea of no contest, or a court's determination of responsibility or guilt by the owner, local agent, or any renter for a violation of one or more of the following:
 - (A) Any provision of this article.
 - (B) Chapter 30, Article II of the City Code – Noise.
 - (C) Chapter 30, Article III of the City Code – Controlled Substances.
 - (D) Chapter 30, Article IV of the City Code – Unwholesome Substances (Junk, Rubbish, and Noxious Weeds).
 - (E) Chapter 54, Article V of the City Code – Offenses Against Public Peace.
 - (F) Chapter 70, Article II of the City Code – Solid Waste (Provision and Use of Trash Containers).
 - (G) Any violation of the Zoning Ordinance or any permit or approval issued pursuant to the Zoning Ordinance.
 - (2) *Revocation Procedure.* Upon a determination by the zoning administrator that the registration of a dwelling unit is subject to revocation pursuant to subsection (b)(1), the zoning administrator shall issue a notice to the property owner and the local agent stating that the City intends to revoke the rental registration. The notice shall inform the owner and local agent of a right to a hearing to show cause as to why the registration should not be revoked, if a hearing is requested within 14 days of the service of the notice. If a hearing is timely requested, the City shall schedule the hearing before the City Manager and notify the owner and local agent in writing of a time and place for that hearing. At the hearing, the owner and local agent may present evidence that the requirements for revocation provided in subsection (b)(1) are not satisfied, or that the property owner and local agent should not be held responsible for one or more of the three requisite violations due to extenuating circumstances (e.g. the violation related to the conduct of a non-renter, etc.).
 - (3) *Revocation Period and Effect.* Upon revocation of registration, a dwelling unit cannot be re-registered for a period of 1 year, and cannot be used for short-term rentals until re-registered.

Sec. 10-245. Public hearing required before amendment or repeal.

The City Council shall hold a public hearing before amending or repealing any provision of this article, providing notice in the manner required by state law for an amendment to a zoning ordinance.

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 391225v14



Agenda Item # 11

Short Term Rental Ordinance Introduction Planning Commission Recommendations

Background Information:

The Planning Commission began actively working specifically on the rental ordinance the beginning of October 2015, meeting weekly following the City Council directive to create recommendations for their consideration.

Before that directive, the Planning Commission was already working on zoning ordinance amendments designed to alleviate some of the issues associated with short term rentals. Amendments proposed included:

- Eliminate the ½ story provision and reduce residential height from 40 to 35 feet
- Require additional parking for new residences with greater than 3 bedrooms. This requires more lot side and rear lot space dedicated to parking and limiting the proposed building footprint.

The City Council also adopted increased utility and hookup fees for houses with more than 4 bedrooms and/or bathrooms and authorized a dedicated police officer to enforce noise and disturbing the peace ordinances during summer months. These amendments and policy changes went into effect the end of 2015.

As part of the Planning Commission effort to create the recommendations for City Council, the planning commissioners and staff studied ordinances from other cities and contacted the administrators to find which options met with the most success. They also met with police department representatives to discuss noise concerns and complaints received during the high rental season.

Staff and planning commissioners received numerous emails, phone calls and public comments offering advice on the recommendations. Staff met with members of the public frequently to discuss various opinions on the proposed ordinance.

On November 16, 2015, the City Council approved a resolution placing a six-month moratorium on the construction of new residences to halt the construction of purpose built short term rental houses that would exceed 3500 square feet in size. This moratorium will expire on May 16, 2016.

The Planning Commission determined that the best ordinance could only be enacted after the city processes the registration information and has an understanding of where the short term rentals are most prevalent in the city. This information will be used to review and revise the

ordinance in the fall and be folded into the planned comprehensive citizen attitude survey results that will be conducted as part of the master plan update.

The key points in the draft recommendations include:

- **Registration:** Every rental registered; fee not to exceed administrative costs; high penalty for failure to register; registration card shall be placed in a window and shall include occupancy limit for the residence
- **Occupancy:** 2 persons per bedroom plus 2 additional persons per occupied floor or 16 occupants, whichever is less. Children 6 and under are not included.
- **Regulations and procedures to allow increased occupancy in certain zones where multi-family homes, condominium projects, inns and resorts are permitted.** Additional regulations include built-in fire suppression measures, supplementary setbacks, screening and isolation from other properties.

Recommendation:

On March 24, 2016, the Planning Commission voted unanimously to forward the proposed amendments to City Council with a recommendation for adoption. The only change included in the recommendation from the public hearing documents was a modification from 48 hours to two (2) nights as the minimum time allowed for a rental unit.

The Planning Commission also recommends that the short term rental ordinances be revisited once all the registration information is received and processed.

It is also advised that City Council hold hearings on the amendments to the Noise Ordinance (City Code Section 30-28) and on the new Section 54-116 concerning Nuisance gathering.

Attachments:

1. Chronology of planning commission activities related to rental ordinance amendments
2. Public hearing notice for zoning and regulatory amendments
3. Proposed zoning ordinance amendments
4. Proposed regulatory ordinance amendments
5. **Noise ordinance amendment*
6. **Nuisance Gathering ordinance*
7. Planning Commission minutes of public hearing and recommendation to City Council
8. Good Neighbor policy

**The Planning Commission did not hold hearings on these ordinances.*

Respectfully submitted,
Linda Anderson
Zoning Administrator

Chronology of Planning Commission Activities Related to Short Term Rental Ordinances

May 5, 2015 – The planning commission zoning subcommittee, which had been meeting weekly to consider minor ordinance amendments, met to discuss possible zoning ordinance amendments that could help ease short term rental impacts on residential neighborhoods. City staff had been receiving numerous complaints about the negative effect of large, purpose built rentals in the residential neighborhoods. Topics of discussion included lowering the maximum height of residential structures from 40 feet to 35 feet, requiring additional off-street parking for larger rentals and the possibility of restricting free standing rental signs.

Amendments were subsequently drafted to include parking and house size in the proposed amendments but there was little to be done legally about the sign issue.

October 14, 2015 – Subcommittee met to review final drafts of parking and height regulations.

October 21, 2015 – The subcommittee met with city attorney and deputy police chief after receiving authorization from city council to begin drafting a short term rental ordinance. Members began collecting and reviewing ordinances from other lake front communities.

October 28, 2015 – The city manager met with the subcommittee members to discuss some of the ideas brought forth by city council and offered any assistance necessary to accelerate the ordinance process. City council ideas for the ordinance included increased site plan review requirements for short term approvals and the possibility of adding additional police during the summer months to respond to noise and public disturbance complaints.

November 5, 2015 – The subcommittee met to continue working on the draft, focusing on parking, short term rental house size and noise.

November 13, 2015 – The planning commission held a special meeting to make a recommendation to city to impose a six month moratorium on all new and remodeled houses which would exceed 3500 square feet in size and have more four bedrooms or toilets.

November 16, 2015 – City council adopted the moratorium.

November 18, 2015 – Working with the city attorney, the planning commission began reviewing the draft short term rental ordinance.

December 3, 2015 – Planning commission held a public hearing for a number of zoning ordinance amendments, including a reduced residential height and additional parking requirements for houses with over 3 bedrooms. Proposed amendments moved on to city council.

Additional meetings were held on the following dates with staff conferring with the city attorney to refine the draft ordinances between meetings:

January 13, 2016

January 27, 2016

February 3, 2016

February 10, 2016

February 17, 2016

February 24, 2016

March 3, 2016 – Final review of draft ordinance before the planning commission meeting at which the public hearing date will be set for March 24, 2016.

March 24, 2016 – Public Hearing held by Planning Commission.

PUBLIC HEARING NOTICE

CITY OF SOUTH HAVEN **PLANNING COMMISSION**

On March 24, 2016 at a special meeting of the Planning Commission which will begin at 7:00 P.M. at City Hall, 539 Phoenix Street, South Haven, there will be public hearing held concerning proposed amendments to the Zoning Ordinance and City Code of Ordinances. The amendments are related to the regulation of short term rentals in the City. A summary of the proposed amendments follows:

Summary of Proposed Short Term Rental Zoning Ordinance Amendments

Article 201 – Definitions:

A definition added for “compensation”

The definition for Dwelling has been shortened to read, “A building containing one or more dwelling units”. Removed are references to types of dwellings such as mobile homes, travel trailers and motor homes.

The definition for Dwelling Unit has been changed to, “A building or portion thereof that is designed for human occupancy and provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation”. The reference to one-family has been deleted.

Sec 201.12 had added the reference to rental periods of less than 48 hours to the definition of Lodging Rental.

The following definition for Short Term Rental has been added:

“Short-term Rental: The rental of a dwelling unit for compensation for a term of less than 30 days and more than 48 hours. However, the rental of the following facilities shall not be considered short-term rentals: (i) attached dwelling units in a multi-family dwelling condominium project, and (ii) 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”.

The Articles regulating the residential zones (R1-A, R1-B, R1-C, RM-1 and R-2) have been amended to allow short term rentals as a permitted use. The same was added to the B-3 zone with the existing requirement for a special use permit.

**Summary of Proposed
Short Term Rental
City Code of Ordinances Amendments**

Requires registration of all short term rentals in the city. Registration requirements include, but are not limited to, the owner of the unit, number of bedrooms in the unit, a contact person within 45 miles of South Haven, the length of the typical rental period and a statement certifying that the unit has working smoke alarms and carbon monoxide detectors. The owner will also need to provide evidence that the personal property tax exemption is legally appropriate or not being used.

The maximum number of occupants allowed in a dwelling unit during a short-term rental lease shall not exceed the lesser of: 16 total occupants; or 2 occupants per bedroom plus two additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code. (Occupants are defined as all persons over six year of age.)

In the RM-1 (Multiple Family Residential), B-3 (Waterfront Business) and R-2 (Two Family Residential) zones, the number of occupants may be increased to 24 by the planning commission if certain standards are met. These standards include specific fire suppression construction and adequate screening and setback distances. This permit is discretionary and not automatic.

The ordinance also provides for penalties and revocation of permits.

A separate “**Good Neighbor Policy**” sheet has also been prepared for every registered rental owner to share with renters. The policy includes city codes related to noise, pets, trash collection and parking.

The complete draft text may be reviewed during regular City Hall business hours and on the city website. Written comments will be received until 4:00 P.M., March 24, 2016 at City Hall. All interested parties will be heard at the meeting.

Linda Anderson, Staff
Planning Commission
269-637-0760

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

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND SECTIONS 201.2, 201.3, 201.4, 201.12, 201.19, 401,
406, 501, AND 901 OF THE SOUTH HAVEN ZONING ORDINANCE TO REGULATE
SHORT-TERM RENTALS**

The City of South Haven Ordains:

Section 1. Amendment. Sections 201.3, 201.4, 201.12, 201.19, 401, 406, 501, and 901 of the South Haven Zoning Ordinance are amended to read as follows:

Sec. 201.3. "C".

Campground: A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either City of South Haven Zoning Ordinance October 4, 2010 free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units.

Campsite: An area designated for the exclusive, temporary use of a single recreational unit.

Carry-out Food Establishment: A business establishment so developed that its retail or service character is dependent upon the preparation of food for consumption off the premises.

Carport: A partially open structure, intended to shelter one or more vehicles. Such structures shall comply with all yard requirements applicable to garages.

Cemetery: Property, including crematories, mausoleums, and/or columbariums, used, or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

Certificate of Occupancy: A document signed by the Building Inspector as a condition precedent to the commencement of a use or the occupancy of a structure or building, which acknowledges that such use, structure, or building, complies with the provisions of the Building Code.

Certificate of Zoning Compliance: A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the occupancy of a structure or building, which acknowledges that such use, structure, or building, complies with the provisions of the Zoning Ordinance.

Change of Use: A use of a building, structure, or parcel of land, or portion thereof, which is different from the previous use in the way it is classified in this Ordinance or in the Building Code, as amended.

Changeable Message Board: A sign which identifies a business, institution or organization on the premises of which it is located and which contains the name of the business, institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages such as products on sale, the price of a product or a special service opportunity.

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Club: An organization of persons or a group of persons associated for a common purpose or a special purpose for promotion or engaging in sports, recreational and social activities, arts, sciences, literature, politics or the like, but not operated for profit and open only to members and not to the general public.

Communication Tower: A radio, telephone or television relay structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

Comprehensive Plan: The plan adopted by the Planning Commission pursuant to Public Act 33 of 2008, as amended, including text, maps and graphic proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the municipality, the relationship of land uses to one another, and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

Condominium Project: Means a plan or project consisting of not less than two (2) condominium units if established and approved in conformance with the Condominium Act (Act 59 of the Public Acts of 1978).

Condominium Master Deed: See Master Deed.

Condominium Subdivision: A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

Condominium Unit: Means that portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot", for purposes of determining compliance of the site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage.

Conflict of Interest: Participation by a member of the Zoning Board of Appeals, Planning Commission, or City Council in a public hearing, lobbying, or voting on a matter in which the property in question is owned, leased, rented or is proposed to be developed by the member; is owned or is to be developed by a relative, boss or close friend of the member; or involves a party with whom the member shares a financial interest, such as a partner, borrower, lender, renter or investor; or is property which abuts or is near property owned by the member and the member does not feel he/she can objectively evaluate the request and vote in an unbiased manner. This definition applies to any matter being decided under the Zoning Ordinance. Charter provisions or conflict of interest provisions in other Ordinances shall guide other decisions unless the City Attorney or a Court of Law rules otherwise.

Convalescent or Nursing Home: A structure whose principal purpose is the provision of sleeping, eating and gathering rooms where persons afflicted with illness, injury, or an infirmity are housed or lodged, often for extended periods of time, and who are furnished with meals and nursing care.

Compensation: Money or other consideration given in return for services, or for the right to occupy or possess a property.

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. A building containing one or more dwelling units.~~

~~Dwelling Unit: A building, or portion thereof, designed as a self-contained unit for occupancy by one (1) family for residential purposes and having bathroom and cooking facilities. A building or portion thereof that is designed for human occupancy and 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 hotel, motel, and bed and breakfast room or suite, which is used for temporary or transient lodging in exchange for compensation. Additionally, any residential dwelling unit 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.

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 for compensation for a term of less than 30 days and more than 48 hours. However, the rental of the following facilities shall not be considered short-term rentals: (i) attached dwelling units in a multi-family dwelling condominium project, and (ii) 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).

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 districts may be used for the following purposes only:

1. One-family detached dwellings. **The short-term rental of a one-family detached dwelling shall comply with all applicable provisions of the City Code including, without limitation, any applicable registration requirements.**
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. No customers or clients visit the property to do business.
 - ii. No parking of commercial vehicles, equipment or trucks.
 - iii. No shipping or receiving of merchandise or freight which is obtrusive to neighbors.
 - iv. No storage of material, products, or other business related items in a garage, accessory building, or outdoors.
 - v. No signage.
 - vi. 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 short-term rental of a dwelling in the R-2 district must comply with all applicable provisions of the City Code including, without limitation, registration requirements.**
- 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 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 short-term rental of a dwelling in the RM-1 district must comply with all applicable provisions of the City Code including, without limitation, registration requirements.**
- 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 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. 901. B-3 USE REGULATIONS

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

1. Automatic teller machines when inside a building and accessory to another use.
2. Beaches and recreation areas, either municipal or private by special use permit.
3. Boat launching ramp.
4. Campgrounds, subject to compliance with the standards and procedures for establishing a Planned Unit Development as regulated in Article XIII.
 - a. The minimum size of the campground shall be 3 acres.
 - b. Thirty percent of the campground shall be dedicated to open space for the common use of the residents. For purposes of calculating the open space percentage, areas set aside for common recreational use may be included; driveways and parking areas shall be excluded.
 - c. There shall be a traffic route which does not pass through a residential area, connecting the campground entrance with a public street with a minimum right of way of 80 feet in width.
 - d. The campsites shall be set back from the property line a minimum distance of 30 feet.
 - e. A recreational unit may be located at the campground for no more than 21 consecutive nights. After 5 nights out of the campground, the recreational unit may return again for no more than 21 consecutive nights. A recreational unit shall not be located on the premises of a campground for more than 42 nights in any calendar year. Storage of recreational units for more than 21 days is not permitted in a campground.
 - f. The recreational units (excluding tents) located at the campground shall be validly licensed as vehicles or trailers, and shall at all times be legal for use on roads and highways without requiring any special permits. The maximum allowable trailering width of a recreational unit is 96 inches. The campground owner shall establish the maximum allowable length of a recreational unit based on the available turning radii in the campground.
 - g. There shall be a security fence surrounding the campground, with a minimum height of 6 feet. There shall be security gates at the entrances.
 - h. Accessory uses and structures are allowed as part of the campground under the following conditions:
 - i. Allowed uses are convenience store, snack bar, laundromat, or similar uses.
 - ii. The accessory use is intended for use of occupants of campground only.
 - iii. The accessory use must be centrally located in the campground, it shall not abut or adjoin a public street.
 - iv. No signs advertising the accessory use shall face public streets.
 - v. The accessory use shall cease business operation when the campground is closed for the season; the accessory use shall only be open for business when the campground is operating.
 - vi. One structure is allowed to be used as an office.
 - vii. One mobile home is allowed in a campground as a caretaker's residence.
 - i. Home occupations are not permitted within the campground.
 - j. Campgrounds shall be licensed by the State of Michigan, including as required in Act 368 of 1978, the Public Health Code. The City may enforce the provisions of the Public Health Code.
 - k. A Planned Unit Development shall not be licensed as both a campground and a seasonal mobile home campground.

- l. The maximum number of sites per acre of total campground area is 12 sites per acre.
 - m. The minimum area of each site is 1,300 square feet.
 - n. All driveways and parking areas shall be paved with bituminous or concrete paving. Two paved parking spaces shall be provided for each campsite.
 - o. Each entrance and exit to and from the campground shall be located at least 25 feet distant from adjacent property located in any single-family residential district.
 - p. There shall be no vehicle access to the campground except through designated common driveways, unless an access for use only by emergency vehicles is approved as a condition of development approval.
 - q. Screening shall be provided along side yards, rear yards and any part of the parcel which abuts a public or private right of way. Screening shall be maintained in a living condition and shall consist of 1) a compact hedge of deciduous or evergreen trees which reach a minimum of 5 feet in height and 5 feet in width after one growing season; or 2) a solid wall or tight board fence 6 feet in height.
 - r. The campground owner or applicant must research and show proof that the campground will not overload available roadways, utilities and drainage, including a study which estimates peak loads and shows that there is excess capacity in city utilities, streets and drainage to service the campground.
 - s. The City Fire Marshal may prohibit campfires as part of site plan approval.
5. Convenience store.
 6. Dwelling above permitted use according to the standards in Section 601.16.
 7. Marinas and marine services.
 8. Miniature or par-3 golf course.
 9. Motels, hotels or resort motels or hotels when authorized as a special land use (see Section 1510.22 and Section 1738).
 10. Parking lots by special use permit.
 11. Planned Unit Development which contains a mix of land uses including any use permitted by right in this district and one or more of the following land uses according to the requirements of Article XVIII.
 - a. Attached and semi-detached dwelling units including dwellings known as townhouses or condominiums, among other names, subject to conformance with the following standards:
 1. Each dwelling unit shall have one floor at ground level.
 2. No more than 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 consecutive units are staggered or offset by at least 10 feet, then a maximum of 8 units may be permitted.
 3. 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.
 4. 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.
 5. 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.

- b. Multiple-family dwellings and apartments where not all the units are at ground level.
- 12. Private clubs, fraternal organizations, lodge halls and convention halls.
- 13. Recreation centers and facilities by special use permit.
- 14. Restaurants, lounges or other places serving food or beverage, except those having the character of a drive-in.
- 15. Retail uses.
- 16. Accessory buildings and structures customarily incidental to the above uses.
- 17. One family detached dwellings by special use permit, subject to the following conditions to be demonstrated by the applicant:
 - a. The proposed use will be of substantial benefit to the City and the waterfront business community.
 - b. No other use permitted in this zoning district is possible on the lot due its size or configuration.
 - c. The inability to use the lot for another use permitted in this zoning district was not the result of an action taken after January 1, 2014, by the applicant or any predecessor in interest in the property.
 - d. Special use permits shall not be granted under this subsection for any lot created by lot split occurring after January 1, 2014.
 - e. The site plan submitted with the application must satisfy all additional requirements for special use permits in Section 1502 of this ordinance.
 - f. **The short-term rental of any dwelling unit in the B-3 district shall comply with all applicable provisions of the City Code including, without limitation, any applicable registration requirements.**

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 on Next Page]

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 391363v9

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, separated from other spaces in the dwelling unit by one or more functional doors. The following spaces, which must be included in every dwelling unit, do not qualify as bedrooms: (1) kitchens; (2) dining areas; and (3) gathering spaces such as family rooms, dens, or living rooms.
- (b) *Compensation* – Money or other consideration given in return for occupancy, possession or use of a property.
- (c) *Dwelling* – A building containing one or more dwelling units.
- (d) *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.
- (e) *Good neighbor 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.
- (f) *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
- (g) *Occupant* – An individual at least six years of age who is living in, sleeping in, or otherwise having possession of a space. An individual present in a dwelling unit during the term of a short-term rental lease shall be presumed to be an occupant unless circumstances clearly indicate that the individual is visiting between the hours 8:00 a.m. and 11:00 p.m. and will not stay overnight.
- (h) *Short-term rental* – The rental of a dwelling unit for compensation for a term of less than 30 days and more than 48 hours. However, the rental of the following facilities shall not be considered short-term rentals: (i) attached dwelling units in a multi-family dwelling condominium project, and (ii) 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.
- (i) *Short-term rental unit* – A dwelling unit used for at least one short-term rental within a calendar year.

Sec. 10-242. Registration required.

- (a) *Registration required.* All short-term rental units in the City's B-3, R-1A, R-1B, R-1C, R-2, and RM-1 zoning districts shall be registered with the City. The owner of any unregistered dwelling unit that is leased for short-term rentals is in violation of this ordinance.
- (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 property owner 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) *Local agent required.* All short-term rental units shall have a designated local agent.
- (b) *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, a 24-hour telephone number with which the agent can be reached, and the maximum occupancy of the rental unit as permitted by this ordinance.
- (c) *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.
- (d) *Maximum occupancy.*
 - (1) *Maximum occupancy established.* Except as otherwise provided in subsection (d)(2), the number of occupants in a dwelling unit during a short-term rental lease shall not exceed the lesser of: (i) 16 total occupants; or (ii) 2 occupants per bedroom plus two additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code.

(2) *Applications for increase.* An owner or local agent may apply to the City's Planning Commission to have the maximum occupancy of a short-term rental unit in the RM-1, B-3, or R-2 zoning district increased to the lesser of: (i) 24 total occupants; or (ii) 2 occupants per bedroom. Applications shall be submitted on a standard form available with the zoning administrator, and shall be accompanied by any applicable fee established by resolution of the City Council. The Planning Commission shall grant the application upon determining that subsections (d)(1)(A) and (d)(1)(B) below are both satisfied:

(A) All of the following are provided:

- (i) A parking site plan allowing sufficient access for emergency vehicles.
- (ii) An automatic sprinkler system on all floors with one or more bedrooms.
- (iii) A fire alarm system.
- (iv) An interconnected smoke alarm system.
- (v) Fire-rated corridors.
- (vi) Fire-rated stairwell enclosures on all stairways providing the primary means of egress for one or more bedrooms.
- (vii) Automatic door closers and fire-rated doors on all bedrooms.
- (viii) A sufficient number of emergency exits, suitably placed in relation to the designated bedrooms, as determined in the discretion of the Planning Commission with input from officials with expertise in fire safety.

(B) Due to one or more of the following features or other similar features of the applicant's property, an increased maximum occupancy would not have an adverse effect on surrounding properties:

- (i) Isolation from properties used as residential dwellings.
- (ii) Size of the setbacks on the property.
- (iii) Provision of fencing or other screening from adjoining properties.
- (iv) Topography and layout of the applicant's property, or of the adjoining properties.
- (v) Other characteristics and uses of properties within the vicinity of the applicant's property.

(e) *Fireworks.* No fireworks shall be used on the premises of a short-term rental unit when it is occupied by anyone other than the owner.

(f) *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; revocation of registration.

(a) *Violations as municipal civil infractions.* Any violation of the requirements of this article shall be a municipal civil infraction. Each day that a violation continues after the property owner or local agent is given notice of the violation constitutes a new violation. Notwithstanding any other provision of this Code of Ordinances, violations of this article are subject to the following fines:

- (1) *Short-term rental of unregistered dwellings.* The fine for leasing an unregistered dwelling unit in violation of subsection 10-242(a) is \$750 for a first violation and \$1,000 for each subsequent violation.
- (2) *Maximum occupancy.* The fine for exceeding the maximum occupancy in violation of subsection 10-243(d) is \$250 per violation of an occupant, and \$750 per violation of an owner or local agent.
- (3) *Other provisions.* Fines for other violations of this article are as follows: \$50 for a first offense, \$250 for a second offense, and \$500 for a third offense.

(b) *Revocation of registration.*

- (1) *Offenses warranting revocation.* The City may revoke the rental registration for any short-term rental unit which is the site of at least 3 separate incidents within a calendar year resulting in a plea of responsibility (with or without an explanation), a plea of guilty, a plea of no contest, or a court's determination of responsibility or guilt by the owner, local agent, or any renter for a violation of this article (including but not limited to violations of the maximum occupancy limits).
- (2) *Revocation Procedure.* Upon a determination by the zoning administrator that the registration of a short-term rental unit is subject to revocation pursuant to subsection (b)(1), the zoning administrator may issue a notice to the property owner and the local agent stating that the City intends to revoke the rental registration. The notice shall inform the owner and local agent that a hearing may be requested to show cause as to why the registration should not be revoked. If a hearing is requested within 14 days of service of the notice, the City shall schedule a hearing before the City Manager and notify the owner and local agent in writing of a time and place for that hearing. At the hearing, the owner and local agent may present evidence that the requirements for revocation provided in subsection (b)(1) are not satisfied, or that the property owner and local agent should not be held responsible for one or more of the three requisite violations due to extenuating circumstances (e.g. the violation related to the conduct of a non-renter, etc.).
- (3) *Revocation Period and Effect.* Upon revocation of registration, a dwelling unit cannot be re-registered for a period of 1 year, and cannot be used for short-term rentals until re-registered.

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

DRAFT

**CITY OF SOUTH HAVEN VAN BUREN COUNTY, MICHIGAN
ORDINANCE NO. _____**

AN ORDINANCE TO AMEND SECTION 30-28 OF THE CODE OF ORDINANCES, CITY OF SOUTH HAVEN, MICHIGAN, TO DESIGNATE INDIVIDUALS RESPONSIBLE FOR NOISE ORDINANCE VIOLATIONS

The City of South Haven Ordains:

Section 1. Amendment. Section 30-28 of Chapter 30, Article II of the Code of Ordinances, City of South Haven, Michigan, entitled "Noise," is amended to read as follows:

Sec. 30-28. General Prohibitions.

Any person who creates, assists in creating, or permits the continuance of any noise prohibited in this article is in violation of this article. Further, any person who owns or occupies a premises on which a prohibited noise is produced is in violation of this article. All noises prohibited in this article are hereby declared to be public nuisances.

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:

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Robert Burr, Mayor

Amanda Morgan, City Clerk

Introduced: , 2016
Adopted: , 2016
Published: , 2016
Effective: , 2016

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.

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

ORDINANCE NO. _____

**AN ORDINANCE TO ADD A NEW SECTION 54-116 TO THE CODE OF ORDINANCES,
CITY OF SOUTH HAVEN, MICHIGAN, TO DESIGNATE INDIVIDUALS RESPONSIBLE FOR
NOISE ORDINANCE VIOLATIONS**

The City of South Haven Ordains:

Section 1. Addition. A new Section 54-116 is added to Chapter 54, Article V of the Code of Ordinances, City of South Haven, Michigan, to read as follows:

Sec. 54-116. Nuisance Gathering.

- (A) *Purpose*. The City Council finds that there are parties or gatherings on premises in the city that are unsafe or are a public nuisance. These gatherings can involve alcoholic beverages that are illegally sold and/or provided to individuals in attendance, including underage individuals. These gatherings can result in excessive noise and traffic, excessive consumption of alcohol, overcrowding of the premises, and other ordinance and state law violations. The City Council desires to protect the public from such public nuisances.
- (B) *Definitions*. For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning:
- (1) *Nuisance Gathering*. A gathering, party or meeting that is conducted on or within any premises located within the city and which, by reason of the conduct of persons hosting or attending, results in one or more of the following conditions or occurrences:
 - (a) The drinking or possession of alcohol in public or intoxication that would warrant involuntary commitment under MCL 330.1276, as amended;
 - (b) The use or possession of any controlled substance, drug, or immediate precursor enumerated in schedule 1-5 of sections 7201 to 7231 of the Public Health Code, 1978 PA 368, as amended, MCL 333.7201 *et seq.*, except as provided in subsection (c) of this ordinance with respect to marihuana;
 - (c) The use or possession of marihuana, except as permitted by the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, as amended, MCL 333.26421 *et seq.*;
 - (d) Indecent exposure or public nudity in violation of MCL 750.335a, as amended;
 - (e) Public urination or defecation;
 - (f) The unlawful sale, furnishing, possession or consumption of alcoholic or intoxicating beverages in violation MCL 436.1703, as amended, or Sections 54-105 or 54-106 of this Code;
 - (g) The unlawful dumping, placing or depositing of trash or litter on public or private property in violation of MCL 750.552a, as amended, or Section 70-35 of this Code;
 - (h) The damage or destruction of public or private property;
 - (i) The generation of pedestrian or vehicular traffic which obstructs the free flow of traffic within the public rights-of-way or interferes with the ability to render police or other emergency services;
 - (j) The generation of noise or violations that are audible at a distance beyond 50 feet from the property line of the premises or from inside a neighboring building, structure or dwelling unit;
 - (k) Public disturbances, brawls, fights, quarrels or similar disturbances of the peace in violation of Chapter 54, Article V of this Code; and

(l) Violation of the fire code, building code, zoning ordinance, or Chapter 10, Article X of this Code, due to the over-occupancy or overcrowding of a building, structure or dwelling unit, or any adjacent deck or patio, or the obstruction of stairway or entries to a building, structure or dwelling unit.

(2) Premises. Any building, structure or dwelling unit, either commercial or residential, including adjacent exterior property, common areas, yards, and parking lots. The term premises does not include an establishment operating with a liquor license issued by the Michigan Liquor Control Commission, or a successor agency.

(C) Nuisance gatherings prohibited.

(1) Nuisance gatherings are declared to be public nuisances and are prohibited in the city.

(2) Any person who is an owner, occupant, or tenant of a premises that is the site of a nuisance gathering is in violation of this article.

(3) Any person who attends a nuisance gathering is in violation of this article.

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

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Robert Burr, Mayor

Amanda Morgan, City Clerk

Introduced: _____, 2016

Adopted: _____, 2016

Published: _____, 2016

Effective: _____, 2016

Planning Commission

Special Meeting Minutes Thursday, March 24, 2016 7:00 p.m., Council Chambers



City of South Haven

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

2. Roll Call

Present: Bill Fries, John Frost, Clark Gruber, Steve Miles, Brian Peterson, Dave Paull, Judy Stimson, Terri Webb, Larry Heinig

Absent: None

3. Approval of Agenda

Motion by Gruber, second by Stimson to approve the March 24, 2016 Special Meeting Agenda as presented.

All in favor. Motion carried.

4. PUBLIC HEARING REGARDING A PROPOSED SHORT TERM RENTAL ORDINANCE

Anderson introduced the item, noting that this public hearing is a culmination of about 6 (six) months of work, beginning in October 2015, at the direction of the City Council. The sub-committee met weekly, except for a couple of missed meetings around the holidays, to work on the ordinance. Anderson pointed out that even before the council directive; the Planning Commission was already working with some changes to the Zoning Ordinance, to alleviate some problems they saw with the rentals. A couple of those changes included removing the half story provision and reducing the height from forty feet to thirty-five, both of which make a huge difference in the size of the house and the massiveness of it on the site. Another requirement was for additional parking for any house having more than three bedrooms; extra parking has to be provided for each additional bedroom. Anderson noted that this has two advantages. It reduces the amount of parking on the street and actually provides extra parking for each additional bedroom and the extra guests that may be visiting. Also, Anderson noted, the more parking that is required on that site, the more space is taken up on that site and the more space that is taken up by parking, the size of the house, the area for the house to be built, is lessened.

Anderson noted that City Council also adopted a couple of measures; they increased the utility hook-up fees for houses with more than 4 (four) bedrooms or bathrooms and

approved a dedicated police officer to enforce the noise and disturbing the peace ordinances during the summer months. These amendments and the policy changes went into effect at the end of 2015. These are already in place; they are already being enforced. Anderson added that the police officer will begin in the summer and that there has been very good cooperation with the builders and contractors in the city.

As part of the Planning Commission's efforts to create recommendations for City Council, Anderson pointed out, the Planning Commissioners and staff studied ordinances from many other cities. "Not just around the state and along the lake shore, but from other states, as well," Anderson noted. Administrators in those cities were contacted to find out what worked and what didn't work, what their path was to get to that ordinance and if they had met with success. Police department representatives were met with to discuss noise concerns and complaints during the high rental season. "Planning Commissioners and staff have received many emails and they continue through today, as I'm sure most of you are aware," Anderson added, "phone calls and advice on recommendations the commission was putting forth." Staff met with members of the public frequently to discuss various options on the proposed ordinance.

"On November 16, 2015, City Council approved a resolution placing a six (6)-month moratorium on the construction of new residences, to halt the construction of purpose-built short-term rental houses that would exceed thirty-five hundred square feet," Anderson stated, "That moratorium will expire on May 16, 2016 or when a new rental ordinance is enacted, whichever comes first. The Planning Commission determined that the best ordinance could only be enacted after the city processes the registration information and learns where the short term rentals are most prevalent in the city." Anderson noted that this information will be used to review and revise the ordinance in the fall and be folded into the comprehensive Master Plan and the Citizen Attitude Survey results that will be conducted as part of the Master Plan update. Anderson added, "The city will be doing a very comprehensive citizen attitude survey, reaching, hopefully, as many people as we can in the city, and it will cover a number of things, not just rentals. Economic development, public safety, recreation and will also, as part of the Master Plan update, be having some city-wide workshops, likely on Saturdays, where we can get the most people in and do some goal setting as a whole community."

Anderson noted that the key points in the draft and explained that these are recommendations that are going to City Council. "This isn't done," Anderson stated. "City Council will hold their own public hearing; they will likely make changes to what the Planning Commission is presenting. The draft, at this point, includes a registration. Every short term rental will be registered. The fee will cover administrative costs; we cannot make profit on this program, but we may cover our costs." Anderson noted that the city has not yet determined what those costs will be, and that will be a matter for City Council; there will be a high penalty for failure to register. There will be a registration card placed in the window of each rental and it shall include the occupancy limit for the residence and emergency contact information.

Anderson noted that another point in the draft is occupancy. The Planning Commission has proposed two persons per bedroom plus two additional persons per occupied floor or 16 occupants, whichever is less. Children 6 (six) and under are not included in that number. Regulations and procedures to allow increased occupancy in certain zones where multi-family condominiums, inns and resorts are permitted are also included. Additional regulations include built-in fire suppression measures, supplementary setbacks, screening

and isolation from other properties, and the ability to go over those numbers in those certain zones but not the single family residential zones, but to go higher will require Planning Commission approval, as well, which brings us now to the public hearing. From here, Anderson added, this will be sent to City Council and noted that Chair Heinig will be touching on their schedule later, which Heinig affirmed.

Heinig asked whether the Commissioners had any questions on anything Anderson had touched on so far. Hearing none, Heinig entertained a motion to open the public hearing.

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

All in favor. Motion carried.

Heinig announced the public hearing open, noted that at this point public comments will be accepted and added, "Threats, accusations and personal attacks are not helpful and will not be tolerated. We will hear your comments in the order in which you signed the sign-in sheet. If you did not sign the sign-in sheet, you will have opportunity to speak after that list is exhausted." Heinig explained that each speaker will have 3 (three) minutes and that Anderson will show a card at the one minute and thirty seconds remaining indicated, noting that at that time the speaker should begin to wrap up their comments because at that time he will rap the gavel and the speaker will be asked to leave the podium. Heinig concluded, "Be considerate of those who follow you. If you agree with what another speaker has said, please feel free to come to the podium and state that you agree and what it is you agree with. We do not need to hear a complete explanation; we have already heard that explanation. In the interest of time, it will be appreciated if we can keep it short."

Heinig then explained that each speaker should come to the podium, state their name and place of residence and suggested that the public hearing proceed.

Dr. Bob Hiddema, 212 Monroe Street. Spoke about following the intent of the 2012 Michigan Building Code and the city's Zoning Ordinance, referencing sections of the Building Code to reinforce his points.

Bob Andree, 42 Cass Street. Spoke of the small 6 (house) neighborhoods' beach access and how the number of residents being proposed in the short-term rental house being built will affect the beach access; listed a number of feelings and activities, both negative and positive, that he guarantees will happen if this ordinance is enacted.

Susan Ryan, 37 Cass Street. Spoke about the 3 (three) bedroom house at 57 Cass Street being razed and new construction beginning on a 7 (seven) bedroom house advertised as accommodating 23 in beds, a 50% deposit being accepted at a charge of \$1695 per night with a 2 (two) night minimum stay. Spoke about those on Planning Commission who would directly benefit from the passage of the proposed ordinance.

Heinig used the gavel and requested Ryan refrain from personal attacks. Ryan responded that she didn't see it that way, said, "I'm sorry," and asked that those who will profit recuse themselves.

Susan Ryan, 37 Cass Street (continued). Spoke about visiting the city manager of the City of St. Joseph and details of the rental ordinance of that city and shared her proposal for the number of residents to be allowed in various zones.

Gail Patterson Gladney, 914 Kalamazoo Street. Spoke about working together as a community to work out what is best for our community. Read a portion of a letter that was sent to Anderson, the Planning Commission and carbon copied to Scott Smith and Brian Dissette from John Lorsdorfer, Joseph Reeser, she and Steve Runkle. Spoke about starting with an occupancy level of 10.

Scott Smith, City Attorney. Addressed the chairman, suggesting it might be helpful for people to know that everything that has been submitted in writing has been sent to the Planning Commissioners and City Council members whether by email, mail or hand-delivered. Noted those speaking can read anything they want, but it is not necessary since it is all part of the record.

Gruber, City Council Rep. Seconded the reassurance, noting that some of them he has received three or four times and he reads them all.

David Fenske, 2 Pine Street. Spoke about there being a place in our city for both short- and long-term and commercial rentals; and it being the responsibility of the Planning Commission to protect neighborhoods.

Steve Runkle, 16 Pine Street. Agreed with Terri Webb that the data must be looked at and urged starting with a maximum occupancy of 10, excluding those under 2 (two) years of age, then looking at the data. Expressed his belief that it would be easier to start low and add to the occupancy than to start at 16 and try to reduce the occupancy in some areas.

Michael Biedermann, 64 North Shore Drive. Stated that if a rental ordinance will improve the City of South Haven he is all for it but wants to understand what exactly the rental ordinance will accomplish; that if a rental ordinance is passed simply to appease those who oppose short term rentals within their traditional neighborhoods, it will be a disservice to everyone. Spoke about already having noise, parking and building codes in place and asked what another regulation will accomplish.

Susan Woodhull, 1000 Monroe Boulevard. Spoke about every heartbeat counts in the Federal Government's HUD (Housing and Urban Development) program. Urged a maximum occupancy of 10 or less. Wants non-owner occupied rental homes to be considered commercial businesses.

Ken Beehla, 311 Clinton Street. Stated that he had a question about who would have to register, noting that tonight he heard that all would have to register, so that answered his question. Noted he has lived at his address for 30 years, is surrounded by 10 rentals, 5 (five) are adjacent to his property and he has not had any problems. Stated he likes his neighbors and they have good renters.

Jim Wettlaufer, 3 Oak Court. Spoke of his concern for the 16 persons plus rental homes in residential neighborhoods. Lives adjacent to one of these so-called "neighborhood hotels," noting that this location has turned their quaint, quiet neighborhood into "Party Town." Suggested that none of the commissioners would want one next to their personal home.

Sue McCabe, 511 Kalamazoo Street. Spoke about living here for 3 (three) years, and can access, can walk to, the lake and the downtown; that's what attracts people here. Wants the Planning Commission to be careful that we don't lose what is unique about South Haven, that quick access. Noted that she agrees with Gail Patterson's letter.

Joyce Thompson, 51 Pine Street. Spoke about living in her house (Susan Woodhull's house is between her house the "resort") for 23 years, that she loves her house and her neighbors, that she is not against short-term rentals but wants to keep single-family homes for single families, whether year-round or short-term rental.

Sandy Fenske, 2 Pine Street. Has been here almost 49 years, has seen a lot of changes. Spoke about not being against rentals, keeping the number 10 in mind, 10 and under, 10 and over, the number 10. Babies in arms, cradles, cribs don't count but keep to the number 10. If you want bigger capacity, keep it in the riverfront or business districts.

Jack Fitzer, 24 ½ Grand Boulevard. Spent 25 years in the real estate appraisal business; never sold real estate but learned a lot about the rental business in those years. Spoke of purpose-built rentals not always being built to the same standard as you would build your own home. Spoke about living near a rental with 3 (three) or 4 (four) parking spaces to which 50 or more people show up on a weekend; that it's time to draw that in. Asked that the commissioners, during discussion, tell why they feel that 16 is a good number, when the state regs mandate 10.

Dorothy Appleyard, 806 Wilson. Spoke about the R-1 residential zone being created to protect neighborhoods from incompatible uses; that the proposed rental ordinance does not go far enough to protect our neighborhoods, that 8 (eight) should be the maximum and that "at least 6 years of age" should be deleted from the definition of 'occupant'. Spoke about hours of use of pools and the stays of day visitors, signage, and about registration revocation requirements being too onerous and not permitting short-term rentals in all zones.

John Kalenda, 60 Kalamazoo Avenue. Spoke about buying his house in Monroe Park in 2005 and being surrounded by rental homes; about not doing anything to harm the ambience that draws people here, that he has never had a problem that he has been unable to solve by either talking to the owners or the renters, and then only twice in 10 years.

Bill Bradley, 746 Lee Street. Spoke about his ancestors coming here in the eighteen hundreds and being born here in 1931. Noted that most in this room could be called "newbies" and commented on their attitudes of not wanting change. Noted he loves change and free enterprise because that is the way the world works. Stated that if change and free enterprise had not been allowed we could be Russia, with the government running things and people falling in line. Suggested if people don't like it here they should move and that people should run their own lives but not try to run the lives of others.

Don Bemis, 740 Phillips. Noted being on the planning Commission for over 20 years and on Council for the short time that we had a rental ordinance that he was disappointed that it was repealed. Observations: that he moved here in 1979 but probably couldn't buy that home today because property values have risen so much; has co-workers that do not consider moving to South Haven because they cannot afford to live here; that those values have risen because houses are not being purchased as homes but as business speculation, the end of South Haven being a place people can afford to live. Agreed with 10 as an occupancy limit; suggested limiting rentals to two per week, cutting down on packing and unpacking, likes the safety requirements and inspections and agrees with Dorothy Appleyard on signage.

Pat Gaston, 97 Superior. Spoke about it not being nice to live in a town with so much divisiveness, people pitted against people, and that the Planning Commission could end much of the controversy by changing the occupancy limit from 16 to 10 so we could see where you all stand. Commented that not everyone would be happy but she thinks it would make 80 percent of the voters and residents happy and would end 80 percent of the controversy. Spoke about the number 10 coming out of the Michigan Building Code.

Anderson noted that was the last signed in speaker. Heinig opened the public hearing to anyone else that would like to speak to the commission.

Gerald Webb, 508 North Shore Drive. Provided examples of occupancy levels of 16. 1.) Twenty ladies between the ages of 55 and 70 who have been renting here for over twenty years. 2.) A family with 6 (six) adult children; four young children aged 4 (four) to 9 (nine); four grandparents. Total of sixteen. Noted he has many more, that this was not a cherry-picked sample but representative of what we call a "larger home" that occupies 16. "I hope we don't tell these people in 2017 and thereafter that they are not welcome in our city."

Rosemary Fitzer, 24 ½ Grand Avenue. Spoke about the city needing to differentiate between what is a residential and what is a business structure. If a law applies to the entire city you can have as many bathrooms as you want. If it is a business it has to be built differently, taxed differently and out of a residential area. Spoke about not chasing people out, not chasing renters out, those people are going to come but they don't need to be housed in residential neighborhoods.

Mary Lynn Bugge, 70 Gabriel Drive. Concurs with 10 people in a residential district; spoke about, in the Zoning Ordinance, in your definition of short term rentals, defining anything as more than 10 people being a commercial use, therefore put it into commercial areas which will solve the problem of them being in residential areas. Welcomes the registration of rentals because it allows the city to be more aware of what is going on and alerts emergency agencies. Agreed with Dorothy Appleyard's comments on revocation of registration. Noted that regarding people who may lose money by not being able to rent to as many people, no investment is guaranteed.

Connie Shaeffer, 735 North Shore Drive. Spoke about not being against rentals; has had rentals, small rentals, in the past and was there to manage them. Who manages, who is going to manage, these rentals? Spoke about occupancy numbers having a profound impact on our communities, empty homes in neighborhoods and break-ins, and who do we call? Hates the feeling of being glad summer is over.

Lottie Resick, 712 Lee Street. Spoke about choosing the neighborhood they are in because it is still a neighborhood with people living in it year round. Spoke about several houses being for sale now and the need for guidance because it could change their neighborhood. Spoke about having no problem with small family rentals in smaller homes in residential areas, but not large party houses.

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

All in favor. Motion carried.

Gruber commented on the behavior of those participating in the public hearing.

Heinig asked the city attorney to speak to an issue that was brought up, that of conflict of interest.

Scott Smith, City Attorney. Stated conflict of interest is a common question asked at planning meetings but the Michigan Planning Enabling Act requires a planning commission to have representatives of various community interests. Planning Commissions are supposed to be made up of people in various occupations; various demographics; of various ages and so forth and the act is pretty specific on that. We want the input of people who have various interests in the community and oftentimes I get the question, "Well, doesn't so and so have a conflict of interest, since they benefit, either directly or indirectly, from a decision of the planning commission?" I've heard that from Planning Commissioners who live across the street from a proposed development, and somebody will say he or she has a conflict of interest. Well they don't have a conflict of interest. There is not a direct financial result in the decision being made and once you start down the road of deciding that people have a conflict of interest due to their closeness to the issue at hand, on a planning commission, you would eliminate a lot of planning commissioners. If living across the street gives you a conflict of interest, what happens if you live a block away, or within the same neighborhood, or you're going to hear that industry or that particular project will affect the traffic on your street? So the law is pretty clear unless there is a direct financial interest in the particular decision being made, there is not a conflict of interest by planning commissioners".

Now, that may also be because planning commissions only make recommendations on zoning ordinance changes like this and the recommendation goes to the city council, which is the legislative body, and the city council can make changes in what the planning commission recommends before the city council approves the ordinance. Moreover, in this case, one of the ordinances even requires planning commission action. The Zoning Ordinance amendments require Planning Commission action; the other ordinance amendment does not require action of the Planning Commission, but the City Council asked the Planning Commission to consider it as a package, and to offer a package and to work together, because the two ordinances should work in harmony with one another.

Smith asked whether that addressed the chair's question to which Heinig responded, "Yes, it does." Heinig then opened the floor to discussion by commissioners.

Stimson asked the attorney, "It was mentioned during the public hearing about the enforcement of problems, the process that we have in there for people who continue to have the same problem over and over, get tickets, etc. Is it your opinion that this type of problem is not enforceable?"

Smith responded, "That is really a policy decision for you and the council to decide. It's a legislative issue and a policy decision. You have some standards in there; some may prefer that those standards be more strict and revocation be an easier result to come to. Some might prefer otherwise, and I guess that's a policy decision for you to make and probably not an issue for me to make a recommendation on."

Gruber: We've heard a lot about the Commercial Building Code of 2012 and the Residential Building Code of 2009, about up to 10 and a boarding house. Can we get a little clarification? Because the city does abide by both of those building codes, both the residential and the commercial.

Anderson suggested that might be a question for Brian (Peterson); Brian is an architect and he works with both building codes.

Peterson joked that he could in trouble for that. "I'm one test away from that."

Peterson thanked Gruber for bringing that up because it is something he, too, wanted to clarify. Peterson noted, "The Michigan Building Code was invoked here but it's confusing. Both the International Building Code and the Michigan Building Code are pretty much the same, but they both state in their scope, Sec. 101.2, the structures that this document covers and it is pretty much everything under the sun," and quoted 'the provisions of this code shall apply to the enlargement, replacement, repair, equipment use and occupancy location to maintenance, removal and demolition or rebuilding of structure, or any appurtenance connected or attached to such buildings or structures.' Peterson added, "So it's pretty much everything. But both the International Building Code and the Michigan Building Code have an exception, the International one has two, but they both share the exception that detached, one and two family dwellings and multiple single family dwellings not more than three stories above grade/plane in height, with separate means of egress, and accessory structures shall comply with the International Residential Code or the Michigan Residential Code. So that is saying that all, if not all, most, of the houses in this town are beholden to the Michigan Residential Code and not the building code. And I know the essence of this argument is that these structures, single family homes, should not be and that's why they should be beholden to the Michigan Building Code. But, as it is now, they are single family homes and they're beholden to the residential code."

Gruber: "So the boarding houses referred to, I think boarding houses allow the renting of individual rooms for anywhere from 24 hours or longer, to separate individuals, so a 7 (seven) bedroom home could be rented to 7 (seven) different families, each of them occupying a particular bedroom for an indeterminate number of days. So we are looking at that 10 as boarding houses; but really these aren't boarding houses, these are individual homes. There is a different standard and I think what was happening was we were getting one standard mixed with another standard . . ."

Anderson addressed the chair, noting that the City Building Official also prepared a statement in regard to this. Anderson noted, "He said there are two construction codes enforced in South Haven. The first is the 2012 Michigan Building Code, which is the document cited in the letter and that we keep hearing reference to. That code regulates commercial use construction and he attached a section of the code that the letter writer addresses. That code specifically addresses uses such as boarding houses, dormitories, group homes. Residential, but commercial. Single family homes are not covered in this code even though the code references the use groups as R-1, R-2, and R-3. Those references in the building code have nothing to do with residential zoning. The second building code is the Residential Building Code of 2009. This code concerns single and two-family residences only, as Brian stated. There is no part of the code that restricts the number of bedrooms or bathrooms in the residence."

Anderson added that the City Building Official contacted the State Bureau of Construction Codes this week and confirmed what he believed was true; found it was absolutely the truth and that there are no limitations on the size of the home, the number of bedrooms, bathrooms or kitchens under the Residential Building Code, and that's the one that single family homes are under in the city." Anderson summarized, "According to our Zoning Ordinance and the building code, a single family home is a private residence regardless of

whether it is rented short term, long term or not at all.” Anderson added that if there are further specific questions on that, the Building Official may be the one to talk to.

Stimson stated that one of the emails we received had an excellent point. It was the 48 hours versus 2 (two) nights. A normal weekend rental, in her understanding, is from 3:00 on Friday to 11:00 on Sunday. That is not 48 hours. So the suggestion of the person who wrote the email was 2 (two) nights, not 48 hours, is the better description of what we are addressing. Stimson would like, and asked if anyone else would like, to make that change.

Gruber commented that he has never rented anything that had hours; it was always nights. “And I think that’s a clearer definition.”

Stimson asked if she should propose a change, to which Heinig suggested, “I think it should be done by motion.”

Motion by Stimson on page 7 (seven) under the definition of short term rental, where it says 48 hours, that be changed to 2 (two) nights, to more accurately cover what we are trying to do. Second by Paull.

A roll call vote was taken.

Ayes: Peterson, Paull, Stimson, Webb, Fries, Frost, Gruber, Miles, Heinig

Nays: None

Motion carried.

Smith asked for clarification of whether this change should carry over to the rental ordinance itself. Stimson responded that any place where it states 48 hours, we want it changed to two (2) nights.

Heinig asked if there was further discussion and hearing none suggested the disposition or moving along of the ordinance.

Gruber noted that it was mentioned by someone that they did not have money in the game. Gruber thinks everybody in South Haven has money in the game. If you’re a homeowner, at some point, we all have ownership in something in this. I think it is important to think of it holistically. It was also mentioned going down to St. Joe and talking with John Hodgson, the city manager, and I think that was an excellent thing to do. “We’ve had some conversations with John ourselves; I had one, myself, months ago and I know that St. Joe has a pretty good plan down there. St. Joe didn’t do that from Day One. That was a process; something they came to over time. And it took years for them to get to that point. Also, I know that John has seen our plan, and mentioned to our group that gathering data is the right way to start. To get going, get started with this, understand what you’ve got to work with and then, from there, see where you need to go. I think that’s a good process. Someone asked what we feel, how we came up with the 16. Where do we feel we need to be? I, personally like the formula we came up with, 2 (two) per bedroom, 2 (two) per floor. If we look at a 3-bedroom ranch that’s only 8 (eight) people. I look at five bedrooms as being a pretty large house, especially in our older neighborhoods. If you take 5 (five) by 2 (two) we get (10), and I hope my math is right, if we have two stories, we’re at 14. I like the 14 better than the 16; I also like to see children in cribs, maybe 2 (two) and under not be counted. That’s probably the crib, the toddler, the little ones, not being included in that. I don’t see that when folks go on

vacation, it's about how many kids we can cram into a home. They're typically a couple of families having a good time and if they're enjoying themselves, having a family vacation in a family town, and you've got toddlers, you're probably going to bed early. A lot earlier than I probably do. I think the Planning Commission has done an excellent job putting this together and certainly I will be seeing this again. So this is a recommendation that will go forward; if voted on, and we'll see what happens again, but I would like to stress, if in fact this heads to CC tonight, this excellent body is done with their work, so from this time forward, you don't have to email the Planning Commission or Linda any more. Email the City Council."

Paull interjected, "And Bob Burr."

Gruber agreed, noting that emails should go to Bob Burr and all the members of the council; that if this goes forward we have something to work with and thanked everyone again for their hard work.

Peterson followed up on his earlier comments, noting that the number 10 was zoned in on from the building code. "That very well may be the ideal number, but "I don't think it is, I think it should be a little higher if we start too low before we evaluate, in my view we're going to lose some visitors to other communities who may never come back. And if we go too high before we evaluate, we may tick off some residents and they may leave town and never come back, too. So it's a conundrum we've all been tackling for several weeks and months. The backbone of our community on one hand and the lifeblood of our economy on the other. There's no real good middle ground. And about the kids. I don't disagree with what Gruber said, the under 7 (seven) or 6 (six), seems a little ominous, nefarious or catch-all, but I think what we were trying to do was not limit the family who may have 1 (one) or 2 (two) kids over the limit. And what's wrong with having an extra kid, really? I do think we need to monitor this, in case someone decides to invite their child's whole preschool, and I would be happy to put this on the chopping block when next we evaluate. Or severely reword it."

Heinig noted we will be required to evaluate this in the future.

Webb said that when this goes to council, perhaps that is something that City Council wants to consider, putting a cap on the non-infant number of children you can have so that you don't end up having eleven or twelve or eight of them. "I think that's something the council can decide; we've done our work."

Paull stated he believes this is a reasonable compromise, with the numbers as they are; we can work with them for now and review things in the fall. "And I'm going to take this opportunity to chide City Council. We wouldn't be here; we wouldn't be struggling with these details, at this time, if City Council had not, as someone mentioned earlier in the audience, revoked the existing ordinance which was beginning to serve the community in 2009. We would be refining it as we now have to deal with this coming fall. So I think it's time we fish and cut bait. And do the right thing so we can come back and revisit this issue in the fall. And all numbers should remain as they are, because they are good compromises and we have spent 6 (six) months reviewing this.

Motion by Paull that the ordinance, with the amendment as made tonight, be recommended to the City Council for approval. Second by Stimson. All ayes.

5. Comments

Frost: None.

Webb: "I would like to see City Council, if they are considering lowering the occupancy limits that they will reach out to Shores, Jacqua, us and get all the information you need to really make a good decision. For example, I would like to point out that of the 143 reservations that we have on the books currently for 2016, 70 of them have 11 or more people/guests. And we are actually the smallest property management company in town; I reached out to Sally (at Shores) who will put some numbers together, but at 10, that's almost half of our reservations, I think that would have a significant impact on tourism. It's not only about homeowners and management companies profiting from this, it's also about cleaners that clean these homes, restaurant owners, it's actually about all of us. Our restaurants stay open longer than they used to; many of these larger groups are actually coming in the non-peak season. So it would actually have a large impact even in the non-peak season, when retail and restaurants may struggle a little bit more." Webb noted that there is a lot of good data out there even at present and expressed her hopes that City Council will get that information before they make some decisions/changes.

Miles: Thanked everyone for the emails the past few weeks, noting that is has really been helpful.

Stimson: Please now communicate with the city council about how you feel.

Gruber: Noted that the council from 2012 to 2015, in regard to revocation of the registration ordinance, two of those members voted not to revoke and two of them never had a chance. Four out of seven were not a part of that. And since 2016, four of us never had an opportunity to vote. Now we'll get an opportunity.

Peterson: None

Fries. Expressed thanks to the commissioners for all their hard work, especially the workshops.

Heinig: Seconded Fries' comment adding, "We've done a lot of hard work on this, as has staff, and I will even thank our attorney."

6. Adjourn

Motion by Gruber, second by Paull to adjourn at 8:23 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

City of South Haven Good Neighbor Guide

A Guide for Renters

Welcome to the City of South Haven. We hope you enjoy our beautiful community. During your visit, please remember the Vacation Rental home where you are staying is within a residential neighborhood. Not everyone in the neighborhood is on vacation and many are required to rise early in the morning. To ensure our residents' quiet and peaceful enjoyment of their neighborhood, we have established a "Good Neighbor Guide". Please respect our residents and our city by following these guidelines. Failure to comply may result in neighborhood property owners notifying local law enforcement. This may result in fine for the renter.

Noise

Be considerate and respect your neighbor's right to the quiet enjoyment of their home and property especially after 11:00 p.m. Some residents may have to work in the morning and would appreciate a good nights sleep. In addition, City Ordinance Chapter 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.

City Code Chapter 54, Article V prohibits disturbing the peace including noisy boisterous conduct, playing in streets or otherwise causing a public disturbance.

Fireworks

No fireworks will be allowed on short term rental properties unless the owner is occupying the residence at the time.

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 owner/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 and shall not remain at the curb overnight. City Code Chapter 30, Article IV and Chapter 70 prohibits storing refuse containers in the parkway for more than 24 hours.

Pets

All pets are required to be on leashes whenever they are in un-enclosed areas or on public streets (City Code of Ordinances, Chapter 6). 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. Please note that pets are not allowed on the public beaches or at the Dyckman Park pavilion during farmer's market sales.

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.

Beach Use

The City of South Haven has many public beaches for all to enjoy. There are also many privately owned beaches. While walking along the water is permissible in all areas, please limit your swimming activities, umbrella or blanket to the public areas only.

South Haven Contact Information

Code Enforcement Hotline – 269.637.1825
South Haven Community Hospital –269.637.5271
Emergency or Urgent Care – 911

THE ADDRESS WHERE YOU ARE STAYING IS _____



City of South Haven

BOARD AND COMMISSION APPLICATION

Name Barbara Craig Phone [REDACTED]

Address [REDACTED]
Street City State Zip

E-Mail Address [REDACTED]

Resident of City? (Circle One) Yes No If Yes, how long: _____

Board or Commission Applying for: LDFA

Qualifications: _____

Interested in serving to represent Lake Michigan College, a community partner
very much interested in making sure it is serving the needs of its community
Currently serve as vice president for regional and community engagement
with responsibility for the South Haven and Bertrand Crossing campuses
where I have been Dean for seven years.

I believe I can benefit the City of South Haven by serving on a board and commission because: _____
Mostly because I am anxious to learn about what is going on in South Haven
and keeping abreast of community and municipal developments. Looking
forward to continuing and strengthening our 15 year partnership and to
working hard to give South Haven and area residents opportunities for
career and educational advancement. Thank you for considering.

Signature *Barbara Craig* Date 03/31/16

Return Application to:
City of South Haven
Attn: Clerk's Office
539 Phoenix Street
South Haven, MI 49090
Fax: (269) 637-5319
Phone: (269) 637-0750

For Office Use Only:
Appointed _____
Term Expires _____
Letter Mailed _____



City of South Haven

Department of Public Works

DPW Building • 1199 8th Ave. • South Haven, Michigan 49090
Telephone (269) 637-0737 • Fax (269) 637-4778

MEMORANDUM

To: Brian Dissette, City Manager

From: Michelle Coffey, Special Events Coordinator

Date: April 6, 2016

RE: Special Event 2016-14 – South Haven Steelheader Fishing Tournament

Background Information

This is a 2-day fishing tournament with weigh-in and prize ceremony. It is scheduled for May 13 - 15, 2016. Boaters travel from all over to participate in this tournament.

This fishing tournament has a history of being well run with minimal incident. The City facility impacted the most is the Municipal Marina. It will serve as the command post with portable marine radio set-up inside marina building. Scales will be located outside on the North deck.

Attachments

Special Event 2016-14 Special Event Application and Maps

RECEIVED APR 04 2016

FOR OFFICE USE ONLY

CITY OF SOUTH HAVEN

Special Events & Festivals Application

Special Event # _____

Date Received _____

The Special Events & Festivals Information Pamphlet must be read before filling out this application.

Complete and return this application to the Parks and Recreation Office at least 21 business days prior to the start of the event.

A new application must be submitted each year.

I have read the Special Events & Festivals Information Pamphlet and will fill out this application completely; agreeing to follow all policies and regulations set by the City of South Haven.

Initial TS

Date 4/14/16

CONTACT INFORMATION

Event Title: SOUTH HAVEN STEELHEADER PRO AM TOURNAMENT

Sponsoring Organization: SOUTH HAVEN STEELHEADERS - MSSFA

Applicants Name: CITAD BARD

Telephone #: 269-214-8934 Phone # During Event: 269-214-8018

E-mail Address: cbard@bte-bci.com

Other contacts for/during event

Name: JEFF DEHN Telephone: 269-377-5554

Name: LARRY OLSON Telephone: 269-767-0389

EVENT SPECIFIC INFORMATION

Event Location: SOUTHSIDE MUNICIPAL MARINA

Date(s) Requested: MAY 13, 14, 15 Alternative Date(s): -NA-

Start Time: 6 AM End Time: 6 PM

Any event that exceeds 10:00 P.M. has to be approved by City Council

Number of people expected to attend: 600

EVENT DESCRIPTION

Please give a description of the event (Please attach a separate sheet with details if there is not enough space below).

3 DAY FISHING TOURNAMENT WITH WEIGH-IN AND PRIZE CEREMONIES. MUNICIPAL MARINA WILL BE TOURNAMENT COMMAND POST WITH PORTABLE MARINE RADIO SET-UP INSIDE BUILDING. SCALES WILL BE LOCATED OUTSIDE ON NORTH DECK UNDER 10x20 PORTABLE CANOPY. TOURNAMENT LEADER BOARDS ALONG WEST RAIL, FEATHER FLAGS (6) ALONG ROAD & DOCK, SOME FOOD COOKED ON GRILL TO THE WEST OF BUILDING,

- First Aid facilities. Mark location on maps. List agency providing staff and equipment

Name: _____ Telephone: _____

- Live animal sites. Mark location on maps and describe: _____

- Any other item(s) that should be included on maps. Explain: _____

ADDITIONAL EVENT INFORMATION

- Liquor License

The sale and consumption of alcoholic beverages may occur on publicly-owned property located with the approved Downtown South Haven Special Event Area. Guidelines for such special event liquor licensing are available in the Special Event & Festivals Alcohol Policy. These policies require that an application be filed with the City of South Haven and the Michigan Liquor Control Commission.

City of South Haven Liquor License Application

Michigan Liquor Control Commission Website

Liquor license application must be submitted before the city will process this special event application.

- Noise: Please describe i.e. music, sound, amplification and any other noise that impacts surrounding area. Provide dates and times noise will occur. **All noise must stay within the city's noise ordinance. Noise Ordinance Sec. 30-28. City Noise Ordinance will be enforced.** If you have any questions about the noise ordinance please contact the local police department 269-637-5151.

Date: _____ Time: _____

Date: _____ Time: _____

Date: _____ Time: _____

- Signage: Prior to the event a list of all signage (example: sandwich boards, banners, etc.) and placement of the signage needs to be turned in to the city's Parks and Recreation Supervisor. Upon submission the signage requests will be reviewed by the Parks and Recreation Supervisor; additional approval may be required. ***Due to limited space for banners, they will be placed on a first come first served basis***
- Street Marking: Painting and marking on roads and sidewalks should be held to a minimum, and paint specifically designed to wear away in a short period of time and approved by the city shall be used. Please contact the Parks and Recreation Supervisor for approved list.

CITY SERVICES

Are you requesting any utility services to be provided: Yes No

If yes, explain: _____

If electric utilities requested, name of festival person or electrician who will be responsible:

Name: _____ Telephone: _____

Will vendors be using electric utilities: Yes No

If yes, the city's Electrical Inspector will be making inspections of all vendors using electric during events. A charge of \$10.00 per vendor will be billed to the Sponsoring Organization (NOT the vendor) following the event.

Will you require additional police services: Yes No

If yes, explain: _____

MAPS/LOCATION – mark event items on map(s)

Check items below that apply to your event. **All items checked below must be indicated on the MAP(S).** Maps can be found on the city's website. Please note, **map(s) must be submitted with the Special Events & Festivals Application.**

- City property or city park use. **Show locations of fencing, barriers, or barricades. Include streets and/or sidewalks to be closed or barricaded on map(s).** To ensure requested items, such as cones or barricades, are reserved and available for the day of the event, please complete the **CONES AND BARRICADE REQUEST FORM** and submit it with the Special Events & Festival Application. Requested items are available Monday through Friday during office hours between 7:00am and 3:30pm; the office is closed during lunch from 12:00pm to 1:00pm. Should you require an alternate time a **\$50 After Hour Charge** will be assessed. Please note, if the Cones and Barricade Request Form is not submitted, the City of South Haven can not guarantee the requested items will be available for the event, **first come - first served, limited quantity available.**

Barricade Request: Mark locations on maps. Barricades that are damaged or not returned to the Public Works Department will be charged \$25.00 per barricade.

Cone Request: Mark locations on maps. Cones that are damaged or not returned to the Public Works Department will be charged \$10.00 per cone.

Explain closure _____

- Entertainment, dance, tent or stage. Mark locations on maps.
- Event Command Post. Mark location on maps.
- Dumpsters and/or trash containers. Mark location on maps.
- Portable toilet facilities. Mark locations on maps. How many? _____
The City requires the use of portable facilities for events expecting over 500 attendants.
****Huron Street Pavilion requires portable toilet facilities for events expecting over 150 attendants. ****
- Under part 117 of Act, 1994 PA 451, Waste servicers must dispose of their waste at a wastewater treatment plant with an approved receiving facility. The South Haven Wastewater Treatment Plant is **NOT** an approved facility.

Approved facility being used _____.

- Parade. Mark beginning area, the route* (with arrows) and finish area on maps
*If Business Route I-196 needs to be closed for the Parade you will need to contact Department of Public Works at 269-637-0737 to obtain a MDOT permit for road closure.
- Participants. Mark parking areas, bus locations, and special passengers on maps.
- Relay event. Indicate "hand-off" points and areas of participant equipment impact.
- Aircraft landing / hot air balloons. Mark location on maps.
- Fireworks/pyrotechnics site. Mark location on maps.
- Vendors/General Merchandise concession areas. Mark areas on maps. Name of contact person for vendor(s)

Vendors and General Merchandise Concessions will not be allowed in the Central Business District (CBD). Please refer to the Special Events & Festivals Information Pamphlet for a detailed map of this area.

Name: _____ Telephone: _____

Note: Number will be given for all vendor inquiries. It is suggested that the Sponsoring Organization issue a paper permit to be displayed by vendor to let city and event staff now they are an approved vendor.

Will you require additional fire/ambulance services:

Yes No

If yes, explain: _____

Additional fire information: Mark all that apply

- Tents Concessions Exits Compressed Gases
 Extinguishers Electrical Exposed Flames
 Other: _____

If you checked any box in the "Additional fire information" section, you **MUST** obtain a "FIRE & LIFE SAFETY (Form A3) REQUIREMENT FOR VENDORS, PARTICIPATING IN FESTIVALS, FAIRS AND ALL OTHER OUTSIDE EVENTS/ACTIVITIES" information form from the Deputy Fire Chief. Please contact the South Haven Area Emergency Services at 269-637-5151 located at 90 Blue Star Hwy.

The primary concern during an event is Public Safety. In the event of inclement weather the City of South Haven has the right to cancel or postpone any special event; this includes the City Manager, Police Chief or his designee and Fire Chief or his designee.

INSURANCE

The city requires proof of insurance (\$1,000,000) naming the City of South Haven as "additionally insured". The Proof of Insurance Certification needs to be turned in with the Special Event application.

Is the Proof of Insurance Certification Provided with Special Event Application? Yes No

REMINDERS

Please make sure the following items are turned in with the Special Events & Festivals Application

- Map(s)
 Proof of Insurance Certification
 Cones and Barricade Request Form (if applicable)
 Submitted liquor license application (if applicable)

INDEMNIFICATION AGREEMENT

The undersigned agrees and promises, as a condition of approval of this Special Events & Festivals Application to defend, indemnify, and save harmless the City of South Haven, its agents, officials and employees from all suits, claims, damages, causes of action or demands of any kind and character arising out of resulting from or in connection with the use of said Public Property



Applicants Signature

4-3-16
Date

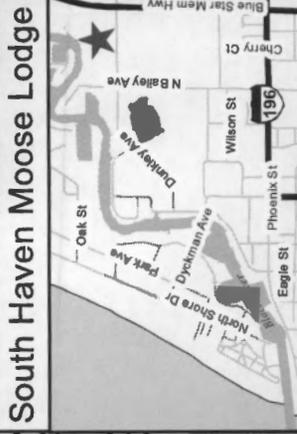
Please return to:

**Parks and Recreation Supervisor
Department of Public Works
City of South Haven
1199 8th Ave
South Haven, MI 49010
Phone: 269-637-0772 / Fax: 269-637-4778
Hours: Monday-Friday 7:00a.m. – 3:30p.m.**

**Please remember this application must be submitted to the Parks and Recreation Office
at least 21 business days prior to the start of the event.**

South Haven Downtown Lodging, Restaurants & Bicycle Facilities

- Legend**
- Bicycle Rentals
 - Trailheads
 - Lodging
 - Restaurant
 - Tourist Information
 - Public Parking Lot
 - Public Restrooms
 - Dinghy Dock
 - Groceries
 - Non-Motorized Trail
 - Bike Lanes
 - Harbor Walk



South Haven Moose Lodge

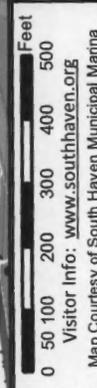
Pro/Am, Shootout & Friday 5 Challenge -Weigh-in -Touch & Go Head Dock

Tournament Control Saturday and Sunday Awards

Cooler Loading Zone No Loitering

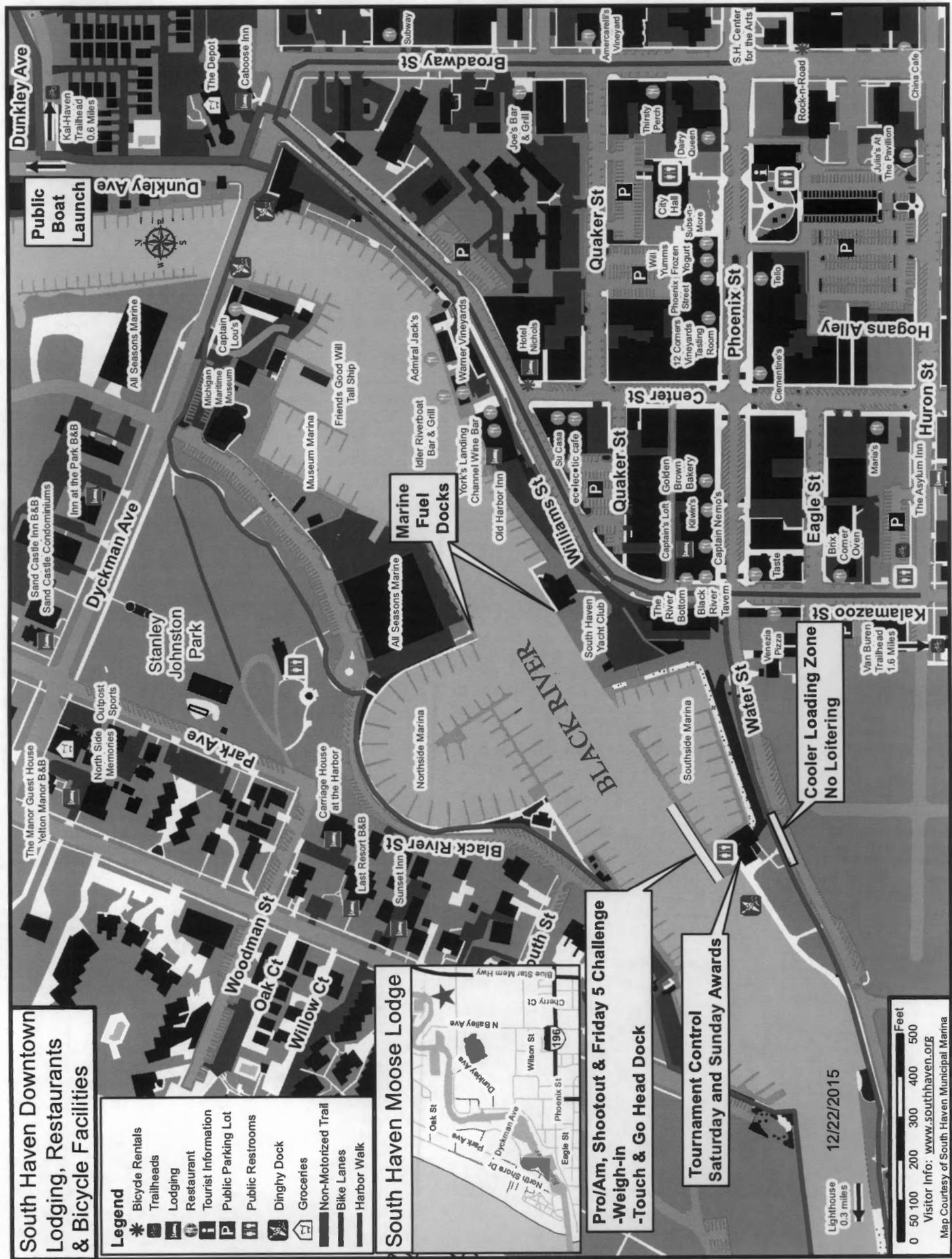
12/22/2015

Lighthouse 0.3 miles



Visitor Info: www.southhaven.org

Map Courtesy of South Haven Municipal Marina



CANOPY & SCALES

Place symbols on map where needed and write quantity needed on lines.

△ Cones*: _____
 ◇ Barricades: _____
 □ Dumpsters: _____
 ○ Porta-Potties: _____

*If making requests for barricades and cones be sure to also fill out: Cones and Barricade Request Form.

At stairs:
 #3 12 - 110V GFI (AMP supply for stage)
 #4 High AMP supply

#1
 4 - 110V
 1 - 30AMP

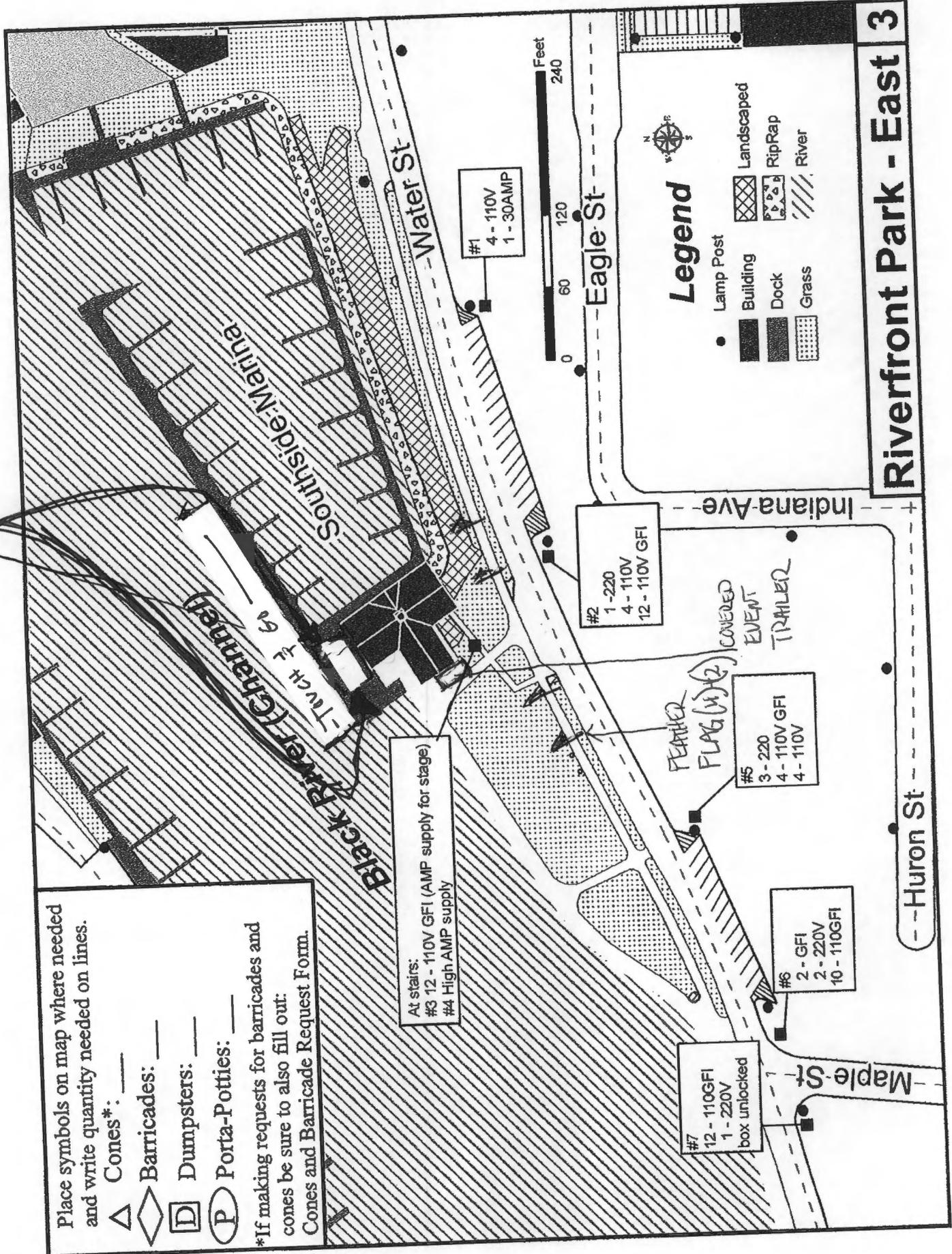
#2
 1 - 220
 4 - 110V
 12 - 110V GFI

#5
 3 - 220
 4 - 110V GFI
 4 - 110V

#6
 2 - GFI
 2 - 220V
 10 - 110GFI

#7
 12 - 110GFI
 1 - 220V
 box unlocked

FEATHER
 FLAG (w/2)
 COVERED
 EVENT
 TRAILER



Riverfront Park - East 3