

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

**ORDINANCE NO. 1027**

**AN ORDINANCE TO AMEND SECTIONS 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 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 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 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 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: Arnold, Gruber, Klavins, Kozlik Wall, Smith, Burr

NAYS: Schlack

ABSTAIN: None

ABSENT: None

CERTIFICATION

This true and complete copy of Ordinance No. 1027 was declared adopted at a Regular Meeting of the South Haven City Council held on May 16, 2016.

Robert Burr  
Robert Burr, Mayor

Amanda Morgan  
Amanda Morgan, City Clerk

PC Hearing: March 24, 2016  
 Introduced: May 2, 2016  
 Adopted: May 16, 2016  
 Published: \_\_\_\_\_, 2016  
 Effective: \_\_\_\_\_, 2016