

**CITY OF GRAND HAVEN
OTTAWA COUNTY, MICHIGAN**

ORDINANCE NO. 17-01

AN ORDINANCE TO AMEND SECTIONS 40-201.19, 40-406.01, 40-406.02, 40-407.01, 40-407.02, 40-408.01, 40-408.02, 40-410.01, 40-410.02, 40-413.02, AND 40-417.02 OF THE GRAND HAVEN ZONING ORDINANCE, AND TO ADD NEW SECTIONS 40-119.08 AND 40-513, TO CURB THE PROLIFERATION OF NEW SHORT-TERM RENTAL USES

WHEREAS, since 2007, the Grand Haven Zoning Ordinance has expressly permitted the short-term rental of residential dwelling units in the Dune Residential, North Shore, Central Business, Waterfront 2, Southside, and Old Town zoning districts; and

WHEREAS, the short-term rental of residential dwelling units is also expressly permitted in several planned developments in the City; and

WHEREAS, there has been a rapid increase in short-term rental uses in all zoning districts where they are permitted; and

WHEREAS, after extensive study of the proliferation and effects of short-term rental uses, the City Council has determined that if current trends were allowed to continue, short-term rental uses could undermine the character and stability of neighborhoods in certain districts by, among other things:

1. Decreasing the number of long-term residents;
Decreasing enrollment in local schools;
3. Decreasing the availability of long-term housing stock, thereby driving up prices and making long-term residency less affordable;
4. Creating significant numbers of vacant homes in the winter months; and
5. Increasing levels of noise, traffic, and on-street parking during the summer tourist season.

WHEREAS, the City Council has determined that it is in the best interest of the City to amend the zoning ordinance to curb the proliferation of short-term rental uses in certain zoning districts characterized by single-family residential neighborhoods, and to otherwise mitigate potential adverse effects of new short-term rentals.

NOW, THEREFORE, the City of Grand Haven Ordains:

Section 1. Addition to Nonconformance Provisions. A new Section 40-119.08 is added to the Grand Haven Zoning Ordinance to read as follows:

Sec. 40-119.08. Nonconforming short-term rental uses.

- A. *Nonconforming short-term rental uses permitted.* When a lawful short-term use existed at the effective date of an amendment to this chapter and is not permitted under the terms of the amendment, the use may be continued as a nonconforming use so long as it remains otherwise lawful and complies with the provisions of this section.
- B. *Examples.* By way of example only, the following uses are nonconforming:
 1. A short-term rental use that lawfully existed without a special use permit in a zoning district where a special use permit is now required.

A short-term rental use that lawfully existed in a zoning district where short-term rentals are now prohibited.
 3. A short-term rental use that lawfully existed in a dwelling where the underlying residential use was nonconforming, before the City prohibited short-term rental uses in such dwellings.
- C. *Regulations.* Notwithstanding any other provision of this chapter:
 1. The ability to operate a nonconforming short-term rental use is not impaired by the making of modifications, improvements, or repairs to the structure or land where the use is located.

However, if the underlying residential use is nonconforming, the underlying use may be impaired by such activities as provided in sections 40-119.03 and 40-119.05.

The ability to operate a nonconforming short-term rental use is not impaired by any transfer of ownership or control of the property. Owners are responsible for transferring short-term rental certificates in accordance with the processes provided in Chapter 9 of the Code of Ordinances.

3. A short-term rental use shall be deemed abandoned if: (a) the short-term rental certificate for the property expires, terminates, or becomes invalid, and (b) a new certificate or renewal certificate is not obtained within 12 months of the expiration, termination, or invalidation. An abandoned short-term rental use cannot be resumed as a nonconforming use.
4. Notwithstanding subsection C.3, the ability to operate a nonconforming short-term rental use is not impaired by the demolition of the structure in which the use is located, so long as: (1) there is a valid short-term rental certificate in effect at the time of the demolition, and (2) a short-term rental certificate is obtained for the newly constructed dwelling on the property within 18 months of the date of the demolition permit.

Section Definition Amendments. Section 40-201.19 of the City of Grand Haven Zoning Ordinance, which provides definitions, is amended to read as follows:

Sec. 40-201.19. "S."

Satellite dish: A parabolic dish antenna including its structural supports, used for reception of various television programming signals or used to transmit or receive other radio or electromagnetic waves between terrestrially or orbitally-based uses.

Screen: To conceal from view; or a structure or landscape materials providing enclosure and a visual barrier between the area enclosed and adjacent properties and right-of-ways.

Self-service storage facility: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Senior assisted living facility: A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living, which may or may not include a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, and where the emphasis of the facility remains residential.

Sensitive area: An area not suitable or desirable for intense development due to environmental constraints or natural features, including, but not limited to, floodplain area; wetlands; lakes, rivers, streams, and adjacent lands; dunes and the Lake Michigan shoreline; significant vegetation; slopes; and habitat for animal and plant species of concern.

Service drive: A minor public or private street or driveway which may be parallel to and adjacent to a major thoroughfare, and which provides access to abutting properties and restricts access to the major thoroughfare.

Service establishment accessory to a principal use: An establishment whose primary activity is the provision of assistance or products, to individuals, business, industry, government, and other enterprises, and which is located interior to or inside an office building or other principal use.

Setback: The distance required to obtain minimum front, side or rear yard open space provisions of this ordinance.

Setback, elevated: A distance required to obtain minimum front, side or rear yard open space provisions and view corridors, which occurs at a certain elevation above natural grade.

Sexually oriented business: An establishment engaged in providing services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Sheltered housing: A community service facility offering temporary refuge for persons in domestic transition living together as a group of individuals or families.

Short-term rental: A dwelling unit providing transient accommodations for periods of less than one month, more than three (3) times per year.

Showroom: An indoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising a business, product or service.

Sidewalk cafe: An area adjacent to abutting space controlled by the user of a street-level restaurant located within the sidewalk area or pedestrian plaza area of the public right-of-way and used exclusively for dining, drinking, and pedestrian circulation.

Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images; including the following sign types:

Sign Types

A. *Sign, animated or moving:* Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation, not including electronic message boards.

B. *Sign, bench:* A sign painted, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public place or roadway.

C. *Sign, bulletin board:* A sign that identifies an institution or organization on the premises of which it is located and that contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages

D. *Sign, construction:* A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project

E. *Sign, directional:* Signs limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way," "entrance," and "exit."

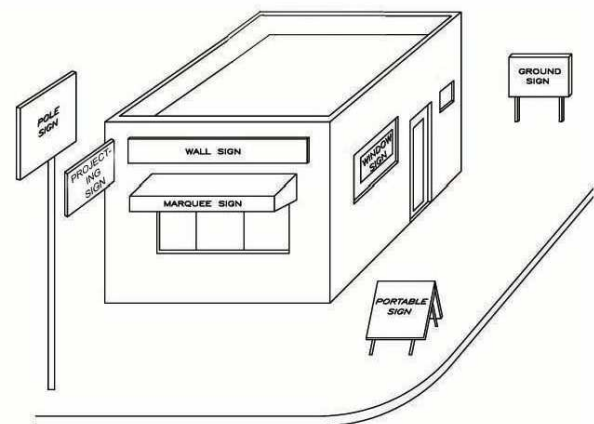
F. *Sign, electronic message board:* A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

G. *Sign, ground:* Any sign, other than a pole sign, in which the entire bottom is in contact with or close to the ground and is independent of any other structure and which is up to six (6) feet in height.

H. *Sign, identification:* A sign giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

I. *Sign, marquee:* A sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by ordinance.

J. *Sign, off-premises.* See Billboard.



K. *Sign, pole*: A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six (6) feet or more above grade.

L. *Sign, political*: A sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

M. *Sign, portable*: A sign that is not permanent, affixed to a building, structure, or the ground, such as an A-frame sign.

N. *Sign, projecting*: A sign that is wholly or partly dependent upon a building for support and that projects more than twelve (12) inches from such building.

O. *Sign, real estate*: A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

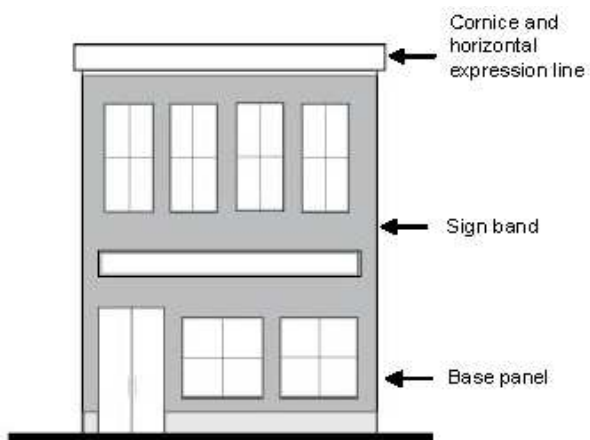
P. *Sign, roof*: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Architectural Elements of Commercial Buildings

Q. *Sign, suspended*: A sign hanging down from a marquee, awning, or porch that would exist without the sign.

R. *Sign, temporary*: A sign designed for use for a limited period of time to announce special events.

S. *Sign, wall*: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12) inches from such building or structure, and the exposed face of which shall be on a plane parallel to the building wall to which it is attached.



T. *Sign, wayfinding*: An off-premises sign that is part of a city-sponsored and coordinated program for the purpose of facilitating pedestrian and vehicular transit to local destinations as designated and recognized by the city's way-finding sign program.

U. *Sign, window*: A sign attached to, or in close proximity to, the window surface so as to be clearly and comprehensively visible from the outside.

V. *Sign, yard*: A sign of relatively impermanent construction manually placed in a yard and typically intended to announce or advertise an infrequent event such as, but not limited to, a garage sale; or to support a political candidate or political position; or the sale or rental of real property.

Sign area: The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

Sign band: The horizontal piece of a facade framework, within which a sign is permitted, located between the top of a first story window and the base of a second story window.

Site condominium: A method of subdivision where the sale and ownership of sites is regulated by the Condominium Act (P.A. 59 of 1978), as amended, as opposed to the Land Division Act. Condominium subdivision shall be equivalent to the term "subdivision" as used in this zoning ordinance and the city's subdivision regulations ordinance.

Site condominium subdivision plan: The site, survey and utility plans, floor plans, and sections, as appropriate, showing the existing and proposed structures and improvements, including the location thereof in the land.

Site plan: The development plan for one or more lots on which is shown the existing and proposed conditions of the lot as required by section 40-115 of this zoning ordinance.

Social service center: An overnight or drop-in facility which provides services such as job training, counseling, health training, rehabilitation, therapy, or the distribution of food or clothing, but which does not include a medical office or permanent homeless shelter as a major element.

Solar heating and air conditioning units: A design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy for the purposes of heating and cooling a building.

Specified anatomical areas: Specified anatomical areas shall include:

- A. Less than completely and opaquely covered human genitals, anus and female breasts at or below the top of the areola; and
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities: Specified sexual activities shall include:

- A. The fondling or any other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- B. Sex acts, actual or simulated, including intercourse, oral copulation or sodomy; or
- C. Masturbation, actual or simulated; or
- D. Excretory functions as part of or in connection with any of activities set forth in (A), (B) or (C) above.

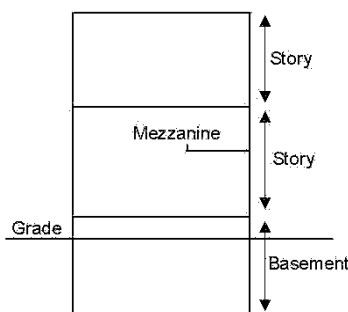
Stoop: An exterior floor utilized primarily as an access platform to a building and located directly adjacent to a principal building, which is at least seven (7) inches above finished grade, which may or may not be covered by a permanent roof, but which is neither fully nor partially enclosed with screening.

Storage, motor vehicle: The standing or placement of operable new or used motor vehicles on display for sale, lease, or for private storage.

Storage, outside: The outdoor standing or placement of usable and/or potentially usable goods or equipment other than for display and not including waste or scrap materials, other than in junk yards.

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.

Story



Story, half: An uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purposes of this

ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

Street: A dedicated public right-of-way, other than an alley, which affords the principal means of access to abutting property.

Street, local: A street of limited continuity used primarily for access to abutting residential properties.

Street, major: A street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, roadway, parkway, freeway, expressway or equivalent term in the City of Grand Haven Master Plan.

Street, private: A street which is not legally owned, and which has not been accepted by the city or other governmental entity.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground; including, but not limited to, buildings, driveways, fences, signs and walls.

Studio for performing or graphic arts: A facility designed, constructed, or used for instructional, practice or production purposes in graphic and performing arts, including sculpture, painting, music, photography, drama, dance, yoga and other similar pursuits.

Swimming pool, private: Any artificially constructed non-portable structure, erected in connection with or appurtenant to one or more private residences, either above or below or partly above or partly below grade, located either in part or wholly outside of a permanently enclosed and roofed building, which is designed to hold water to a depth any place in said structure greater than twenty-four (24) inches when filled to capacity, and intended to be used for recreational purposes.

Section 3. Dune Residential District Amendments. Sections 40-406.01 or 40-406.02 of the City of Grand Haven Zoning Ordinance, which pertain to the Dune Residential district, are amended to read as follows:

Sec. 40-406.01. Intent.

This district is comprised of the Highland Park, Five Mile Hill, and the Edwards areas. The DR, Dune Residential district is characterized by steep topographical slopes, sandy soils, and a variety of single-family architectural styles. The greatest natural resources within the district's neighborhoods are the views of Lake Michigan, sensitive sand dunes and woodland areas. The intent of this district is to preserve the character of the neighborhoods and resources of the dunes for the enjoyment of residents and visitors alike. Development in this district should be scaled primarily for relatively densely-formed single-family neighborhoods with some multi-unit facilities carefully sited to be consistent in look and performance with a single-family area. Because this district is near the lakeshore and has historically had significant concentrations of vacation homes and other tourist-related uses, short-term rental uses (which are commercial or quasi-commercial in nature) are permitted in some circumstances. In particular, short-term rental uses are permitted only with special use approval, based on standards designed to protect the residential character of the neighborhoods.

New development and improvements or renovations in this district shall be consistent with the current character of the respective communities as well as respectful to the views historically enjoyed by property owners. Due to the small size and irregular shape of many lots in the Dune Residential district, building siting standards are intended to take advantage of limited space through flexible building envelopes, while protecting sensitive dune areas and view corridor sight lines, as reasonable and to the extent possible.

Protecting dunes and views of Lake Michigan without sacrificing the integrity of the neighborhood will be more important than rigid site design standards, such as deep setbacks, building height or style requirements. Nevertheless, new development and improvements shall be generally consistent with and in keeping with the current character of the community.

Sec. 40-406.02. District summary.

A. Permitted uses.

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Adult foster care
- Day care, family (6 clients)
- Dwelling, one-family
- Home occupation, minor
- Municipal uses—Utilities
- Park or parkland
- Uses similar to permitted uses, subject to section 40-325

B. *Special land uses.*

- Accessory building w/footprint greater than principal building, subject to section 40-502
- Accessory dwelling, subject to section 40-525
- Accessory use, to a special land use, subject to section 40-503
- Bed and breakfast, subject to section 40-510
- Cemetery, subject to section 40-514
- Short-term rentals, where the underlying residential use is permitted by right or as a special land use. Short-term rental uses are subject to special use approval under section 40-513, and require a valid short-term rental certificate issued pursuant to chapter 9 of the Grand Haven Code of Ordinances
- SSMWET, subject to article IX
- STMWET, subject to article IX

C. *Site and building placement standards.*

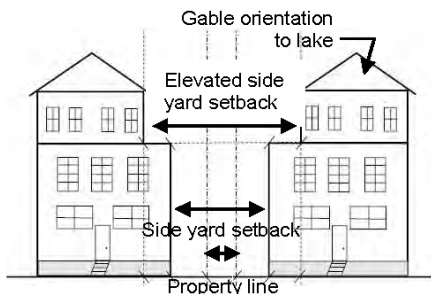
Minimum lot area:	10,500 square feet
Minimum lot width:	66 feet
Maximum lot coverage:	Greater of 35% or 1,650 square feet including all accessory buildings (see D. building form standards for building footprint standards)
Minimum setbacks:	
Front:	20 feet
Corner front:	20 feet
Side:	6 feet minimum for one side and 16 feet total of two sides
Rear/waterfront:	10 feet, subject to Critical Dune requirements
See D. building form standards for elevated setback requirements.	
Building placement priority, buildings shall be sited to:	

First: Protect Critical Dunes per MDEQ requirements, per section 40-422.
Second: Mitigate impact on view corridors for upgradient improved property.
Third: Preserve a reasonable setback from roads.
Fourth: Establish a comfortable separation between existing buildings.

D. Building form standards.

Building footprint:	For the purposes of this section 40-406, building footprint shall be a rectangle enclosing all foundation walls and any cantilevered building faces together with any attached accessory buildings, but excluding decks and patios.
Maximum building height:	30 feet from median natural grade for each side of the building footprint, pursuant to subsection 40-306.08.B.2.
Rooflines:	Rooflines with the lowest elevation at or above 22 feet above the median natural grade for the most proximate side of the building footprint, shall be pitched at slopes of not less than 4:12. Where important viewsheds exist and for viewsheds of any upgradient improved properties, gable ends of roofs shall face generally westerly toward Lake Michigan and dormers on northerly or southerly roof faces and skylights that project above the predominate roof deck by more than 6 inches shall not be located at an elevation greater than 25 feet above the median natural grade for the most proximate side of the building footprint.
Elevated setbacks:	To mitigate impact on viewsheds for improved up-gradient properties, where one or more of the sides of the building footprint lies on or within 10 feet of the northerly or southerly lot line, such setback dimensions shall be increased by 5 feet at and above an elevation 22 feet greater than the median natural grade for that side of the building footprint.
Decks:	An attached or detached deck may project into the required front yard by not more than 5 feet provided all building placement priority standards of subsection 40-406.02.C. are met.
Min. first floor area	900 square feet for principal building and excluding garages, but not more than maximum lot coverage.

E. Sensitive Area Overlay requirements per section 40-422 may apply in certain portions of the district.



Maximum Building Height:

$H-L=Y$

$Y \times 0.5 = X$

$L + X = \text{Median Elevation}$

$\text{Median Elevation} + 30' = \text{Maximum Building Height For Said Building Elevation}$

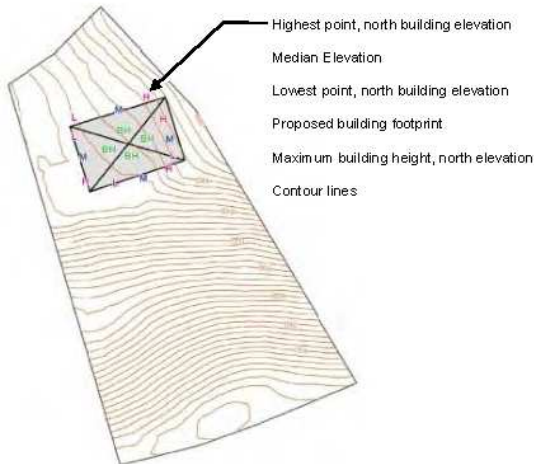
Highest and lowest natural grade elevation points are based on contour lines from the official City of Grand Haven Topographical Map.

H= Highest Elevation

L=Lowest Elevation

BH=Building Height

M=Median



Section 4. North Shore District Amendments. Sections 40-407.01 or 40-407.02 of the City of Grand Haven Zoning Ordinance, which pertain to the North Shore district, are amended to read as follows:

Sec. 40-407.01. Intent.

The NS, North Shore district is intended to respect the unique natural setting of the northern side of the Grand River channel and the Lake Michigan shoreline adjoining the Kitchel Lindquist Dunes Natural Preserve. The locale, while sensitive, is ideal for low-density single-family residential neighborhoods, which predominantly serve families with and without children. Neighborhoods will be quiet and free of unrelated traffic, though limited, low-impact residentially related land uses may be permitted as described below. The area is not likely to be served with public wastewater service, so densities will be low. Except where topographic or other environmental constraints preclude such connectivity, streets within the NS district should be interconnected.

Short-term rental uses (which are commercial or quasi-commercial in nature) are now prohibited in order to maintain the single-family residential character of the district, maintain or increase current levels of year-round residents, and ensure the availability of affordable housing stock.

Sec. 40-407.02. District summary.

A. Permitted uses.

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Adult foster care
- Day care, family (6 clients)
- Dwelling, one-family
- Home occupation, minor
- Municipal uses—Utilities
- Park or parkland

- Uses similar to permitted uses, subject to section 40-325

B. *Special land uses.*

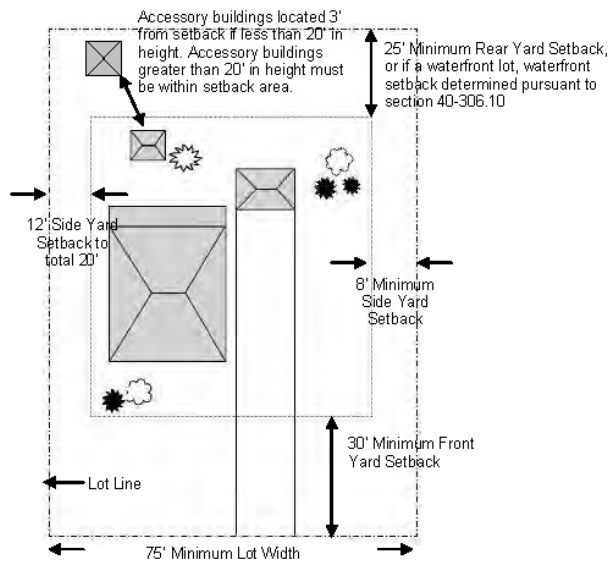
- Accessory building w/footprint greater than principal building, subject to section 40-502
- Accessory use, to a special land use, subject to section 40-503
- Bed and breakfast, subject to section 40-510
- Home occupation, major, subject to section 40-533
- SSMWET, subject to article IX
- STMWET, subject to article IX

C. *Site and building placement standards.*

Minimum lot area:	10,500 square feet
Minimum lot width:	75 feet
Maximum lot coverage:	30%
Minimum setbacks:	
Front:	30 feet
Corner front:	30 feet
Side:	8 feet minimum for one side and 20 feet total of two sides
Rear/waterfront:	25 feet, subject to Critical Dune requirements and waterfront averaging requirements of section 40-306.10
Minimum floor area:	1,200 square feet
See Table 40-402.02 for more detail and exceptions	

D. *Building form standards.*

Maximum building height:	30 feet
Rooflines:	Rooflines of regulated accessory structures or principal structures with the lowest elevation at or above 22 feet above the median grade shall be pitched at slopes ranging from 4:12 to 12:12. Roofs located below 22 feet above the median grade may be flat or pitched at any slope.
Sensitive Area Overlay requirements per section 40-422 may apply in certain portions of the district.	



Section 5. Southside District Amendments. Sections 40-408.01 through 40-408.02 of the City of Grand Haven Zoning Ordinance, which pertain to the Southside District, are amended to read as follows:

Sec. 40-408.01. Intent.

The S, Southside district exhibits many of the city's finest examples of historic residential architecture including Italianate and Queen Anne styles. As such, these structures, when located on major transit routes, such as on Franklin, are appropriate for low impact, nonresidential uses such as small-scale retail, office and bed and breakfast facilities. Carriage houses provide additional space for residential and small-scale retail, office and bed and breakfast facilities, and shall be encouraged to remain. This ordinance aims to preserve the historic structures in this district by allowing for adaptive reuse from residential to small scale commercial and office uses.

The Southside district is generally bounded on the north by the south side of Franklin, Howard to the south, Harbor to the west and Beacon to the east. Ensuring the stability of the neighborhoods is paramount. The Southside district shall be zoned for single-family detached residential dwellings, in order to perpetuate the existing and predominant land use. However, the Key Street segments, and Franklin Street in particular, have historically had commercial uses that have become an integral part of this district.

Short-term rental uses (which are commercial or quasi-commercial in nature) are permitted only on in dwellings with driveways fronting on Franklin Street, from 5th Street west, and only with special use approval, based on standards designed to protect the residential character of the neighborhoods. Elsewhere in the Southside District, short-term rental uses are now prohibited in order to maintain the single-family residential character of the district, maintain or increase current levels of year-round residents, and ensure the availability of affordable housing stock.

Office, commercial, or retail uses shall only be permitted along key street segments such as Franklin and 3rd, 5th, 7th and 8th Streets. All new infill and redevelopment along key street segments shall be constructed to resemble the historic architectural styles through the use of selected building materials, building elements, and building placement standards, which characterize the Southside district.

Sec. 40-408.02. District summary.

A. Permitted uses^(B).

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Adult foster care

- Day care, family (6 clients)
- Dwelling, one-family
- Home occupation, minor
- Municipal uses—Utilities
- Park or parkland
- Personal service business*
- Professional service establishment*
- Residential above office*
- Uses similar to permitted uses, subject to section 40-325

*Uses that must be located on key street segments per section 40-408.03(A)

B. *Special land uses.*

- Accessory building w/footprint greater than principal building, subject to section 40-502
- Accessory dwelling, subject to section 40-525
- Accessory use, when accessory to uses permitted by special land use, subject to section 40-503
- Bed and breakfast, subject to section 40-510
- Commercial parking facility*, subject to section 40-515
- Day care, commercial (13+ clients)*, subject to section 40-518
- Day care, group (7—12 clients)*, subject to section 40-519
- Dwelling, two-unit*, subject to section 40-526
- Educational facility, subject to section 40-530
- Home occupation, major, subject to section 40-533
- Medical office*, subject to section 40-543
- Place of public assembly, large*, and small, subject to section 40-551
- Short-term rentals**, where the underlying residential use is permitted by right or as a special land use. Short-term rental uses are subject to special use approval under section 40-513, and require a valid short-term rental certificate issued pursuant to chapter 9 of the Grand Haven Code of Ordinances.
- Uses similar to special land uses, subject to section 40-565
- SSMWET, subject to article IX
- STMWET, subject to article IX

*Uses that must be located on key street segments per section 40-408.03(A).

**Uses that may only be located in dwellings with driveways fronting on Franklin Street, from 5th Street west.

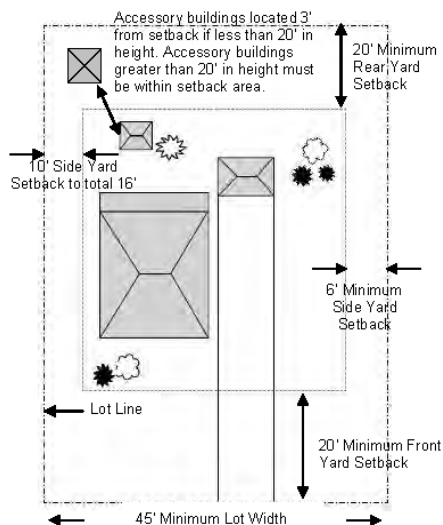
C. *Site and building placement standards.*

Minimum lot area:	5,900 square feet
Minimum lot width:	Greater of 45 feet or original plat dimensions
Maximum lot coverage:	35%
Minimum setbacks:	
Front:	20 feet

Corner front:	20 feet
Side:	6 feet minimum for one side and 16 feet total of two sides
Rear:	20 feet
Minimum floor area:	1,000 square feet
See Table 40-402.02 for more detail and exceptions	

D. Building form standards.

Max building height:	35 feet
Exterior building materials visible from right-of-way, park, or public parking area:	
Walls:	Minimum 80% brick, stone, or wood, cement board, vinyl or aluminum siding with max. 5" reveal
Ornamentation/trim:	Metal, concrete, brick, stone or wood
Architectural features:	Wrap around entire side visible from ROW; blank solid walls visible from public ROW prohibited
Minimum roof pitch of principal or regulated accessory structures at or above 22' above median grade:	4:12 to 12:12
Minimum transparency:	60% for porches with roofs
Garage door:	Recessed at least 12 inches behind the front line of the building.



Section 6. Old Town District Amendments. Sections 40-410.01 through 40-410.02 of the City of Grand Haven Zoning Ordinance, which pertain to the Old Town district, are amended to read as follows:

Sec. 40-410.01. Intent.

The OT, Old Town district serves as a gateway to the city's Central Business district. With a mix of land uses, the Old Town district will provide residential uses, as well as service oriented commercial business along primary transit routes. Generally bounded by Beacon to the east, the Grand River to the north, Harbor to the west and Fulton to the south, the Old Town district transitions from medium intensity uses along major corridors, to a modest residential neighborhood consisting of single-family detached residential dwellings with front porches, pitched roofs and narrow lots. Walkability,

connectivity and historic integrity are key attributes of the Old Town area. Flanked by the Central Business district and US-31, the Old Town district may experience pressure to convert its single-family residential and small-scale commercial nodes to multi-family and large scale commercial.

It is the intent of this ordinance to ensure that the Old Town district continues to provide housing opportunities for all income levels, helping to sustain small retail nodes and the Central Business district. The Old Town district will be characterized by modest single-family detached residential and small-scale businesses such as personal service establishments, cafes, and offices. In Old Town, sidewalks and the boardwalk will provide safe and convenient non-motorized connections to other parts of the city. Development in this district should be scaled primarily for relatively densely formed single-family neighborhoods with some multi-unit facilities carefully sited to be consistent in appearance and performance with a single-family area.

Because this district has traditionally allowed a mix of residential and commercial uses, the short-term rental of residential dwellings can be compatible in this district. Short-term rental uses (which are commercial or quasi-commercial in nature) are permitted only on Key Street Segments and only with special use approval, based on standards designed to protect the residential character of the neighborhoods. Elsewhere in the Old Town District, short-term rental uses are prohibited in order to maintain the single-family residential character of the district, maintain or increase current levels of year-round residents, and ensure the availability of affordable housing stock.

Sec. 40-410.02. District summary.

A. Permitted uses.

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Adult foster care
- Day care, family (6 clients)
- Dwelling, one-family
- Government building
- Home occupation, minor
- Municipal uses—Utilities
- Park or parkland
- Personal service business*
- Professional service establishment*
- Residential above retail or office*
- Uses similar to permitted uses, subject to section 40-325

*Uses that must be located on key street segments per section 40-410.03(A)

B. Special land uses.

- Accessory building w/footprint greater than principal building, subject to section 40-502
- Accessory use, to a special land use, subject to section 40-503
- Animal grooming*, subject to section 40-505
- Bed and breakfast*, subject to section 40-510
- Day care, commercial*, subject to section 40-518
- Day care, group*, subject to section 40-519
- Dwelling, multiple-family*, subject to section 40-527
- Dwelling, two-unit*, subject to section 40-526

- Eating and drinking establishment*, subject to section 40-529
- Educational facility, subject to section 40-530
- Home occupation, major, subject to section 40-533
- Mixed-use development*, subject to section 40-544
- Nursing care facility*, subject to section 40-548
- Place of public assembly, large*, and small*, subject to section 40-551
- Recreational facility, comm'l*, subject to section 40-554
- Retail business or retail sales*, subject to section 40-556
- Social services center, subject to section 40-561
- Short-term rentals*, where the underlying residential use is permitted by right or as a special land use. Short-term rental uses are subject to special use approval under section 40-513, and require a valid short-term rental certificate issued pursuant to chapter 9 of the Grand Haven Code of Ordinances
- SSMWET, subject to article IX
- STMWET, subject to article IX
- Uses similar to special land uses, subject to section 40-565

*Uses that must be located on key street segments per section 40-410.03(A)

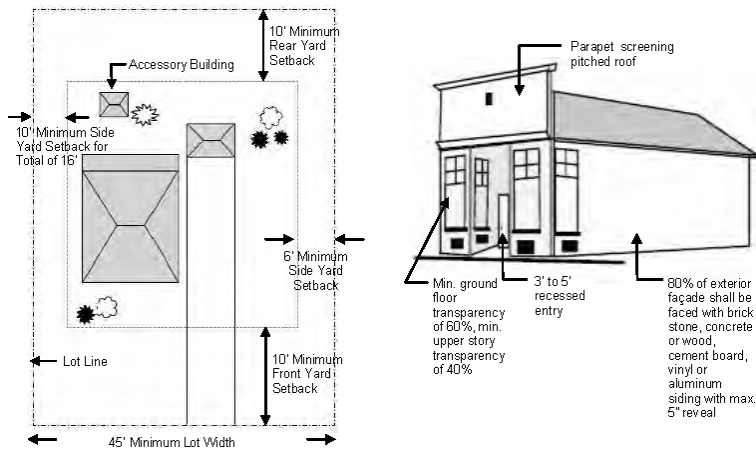
C. Site and building placement standards.

Minimum lot area:	5,900 square feet
Minimum lot width:	45 feet
Maximum lot coverage:	35%
Minimum setbacks:	
Front:	10 feet
Corner front:	10 feet
Side:	6 feet minimum for one side and 16 feet total of two sides
Rear:	15 feet
Minimum floor area*:	1,000 square feet
For uses other than one-family, two-unit, multiple-family dwellings or conversions of residential dwellings to nonresidential uses, the following shall be required:	
Minimum setbacks:	
Front:	10 feet
Corner front:	10 feet
Side:	5 feet when adjacent to nonresidential use; 20 feet when adjacent to the SFR or NMU districts
Rear:	15 feet
*Dwelling units as part of a mixed use development or residential above retail or office shall be a minimum of 500 square feet in area	

Sensitive Area Overlay requirements per section 40-421 may apply in certain portions of the district.
See Table 40-402.02 for more detail and exceptions

D. Building form standards.

Maximum building height:	30 feet
Minimum number of stories:	1½
Roof pitch at or above 22' above median grade:	6:12 to 12:12
Minimum transparency:	60% for porches with roofs
Garage door	Recessed at least 12 inches behind the front line of the building
Required front porch:	80 square feet
For uses other than one-family, two-unit, multiple-family dwellings or conversions of residential dwellings to nonresidential uses, the following shall be required:	
Maximum building height:	30 feet
Maximum roof pitch (B):	Flat or pitched with parapet
Minimum/maximum transparency	
Ground floor:	60%/85%
Upper stories:	40%/85%
First floor use:	Nonresidential
Residential access:	Separate from commercial or office entry
Recessed entry:	3 feet to 5 feet
Exterior building materials visible from right-of-way, park, or public parking area:	
Walls:	Minimum 80% brick, stone, or wood, cement board, vinyl or aluminum siding with max. 5" reveal
Ornamentation/trim:	metal, concrete, brick, stone or wood
Architectural features:	Wrap around entire side visible from ROW; blank solid walls visible from public ROW prohibited
Affordable Housing	10% of units when 10 or more are proposed in new development (C)



Section 7. Central Business District Amendments. Section 40-413.02 the City of Grand Haven Zoning Ordinance, which pertains to the Central Business district, is amended to read as follows:

Sec. 40-413.02. District summary.

A. Permitted uses.

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Eating and drinking establishment
- Office building (A)
- Park or parkland
- Personal service business
- Place of public assembly, small
- Professional service establishment (A)
- Residential above retail or office
- Retail business or retail sales
- Service establishment accessory to a principal use
- Short-term rentals, where the underlying residential use is permitted by right or as a special land use. Short-term rentals require a short-term rental certificate issued pursuant to chapter 9 of the Grand Haven Code of Ordinances
- Uses similar to permitted uses, subject to section 40-325

B. Special land uses.

- Accessory use, to a special land use, subject to section 40-503
- Commercial parking facility, subject to section 40-515
- Drive-through business, subject to section 40-521
- Dry cleaning and laundry establishment, subject to section 40-523
- Dwelling, multiple-family, subject to section 40-527
- Hotel, subject to section 40-535
- Medical office, subject to section 40-543
- Mixed-use development, subject to section 40-544
- Place of public assembly, large, subject to section 40-551

- Recreational facility, commercial, subject to section 40-554
- SSMWET, subject to article IX
- STMWET, subject to article IX
- Studio for performing and graphic arts, subject to section 40-562
- Uses similar to special land uses, subject to section 40-565

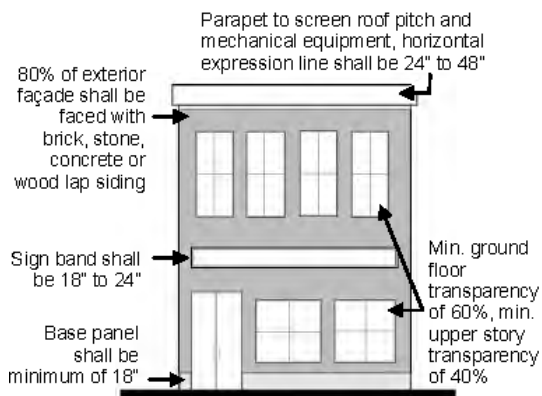
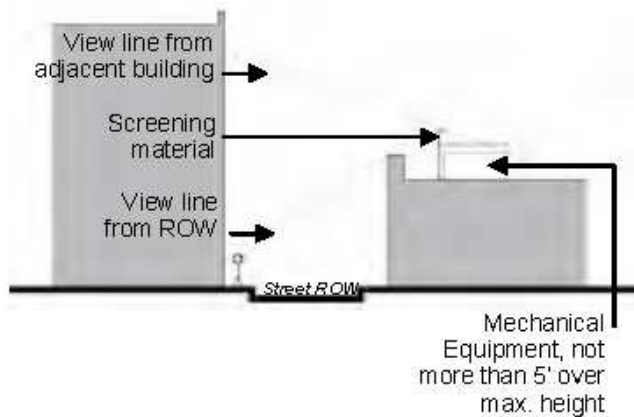
C. Site and building placement standards.

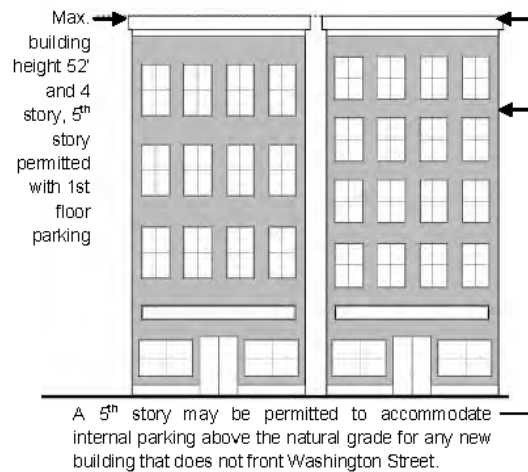
Minimum lot width:	N/A
Minimum setbacks:	
Front:	70% of building frontage in build-to zone
Side:	0 feet (E)
Rear abutting commercial:	3 feet
Rear abutting residential:	20 feet
Dwelling unit area:	500 square feet

D. Building form standards.

Minimum building height:	Greater of 24 feet or 2 stories
Maximum building height:	Lesser of 52 feet or 4 stories (B)
Minimum roof pitch (G):	Flat or pitched with parapet
Minimum/maximum	
Transparency:	
Ground floor:	75%/85%
Upper stories:	40%/85%
First floor use:	Nonresidential
Residential access:	Separate from commercial or office entry
Recessed entry:	3 feet to 5 feet
Exterior building materials visible from right-of-way, park, or public parking area (C):	
Walls:	Minimum 80% brick, stone, wood lap siding,

	or ceramic
Ornamentation/trim:	Metal, concrete, brick, stone, wood, decorative concrete block
Architectural features:	Wrap around entire side visible from ROW
Articulation:	Not less than every 20 feet
Base panel:	18 to 30 inches
Sign band:	12 to 24 inches
Horizontal expression line:	24 to 48 inches. Stone or pre-cast concrete, and stepped or sloped
Minimum width of bays:	30 feet
Blank walls:	None permitted when facing a public ROW, parking area or park
Facade proportions (D):	Maintain vertical and horizontal spacing





Section 8. Waterfront 2 District Amendments. Sections 40-417.02 of the City of Grand Haven Zoning Ordinance, which pertains to the Waterfront 2 district, is amended to read as follows:

Sec. 40-417.02. - District summary.

A. Permitted uses.

- Accessory building and structure
- Accessory use, when accessory to permitted uses
- Day care, family (6 clients)
- Dwelling, multiple-family (above first floor)
- Dwelling, multiple-family (on first floor, subject to Notes (A))
- Eating and drinking establishment
- Municipal uses—Utilities
- Office building
- Park or parkland
- Personal service business
- Professional service establishment
- Residential above retail or office
- Retail business or retail sales
- Service establishment accessory to a principal use
- Short-term rentals, where the underlying residential use is permitted by right or as a special land use. Short-term rentals require a short-term rental certificate issued pursuant to chapter 9 of the Grand Haven Code of Ordinances
- Uses similar to permitted uses, subject to section 40-325

B. Special land uses.

- Accessory building with footprint greater than the footprint of the principal building, subject to section 40-502
- Accessory use, to a special land use, subject to section 40-503
- Bed and breakfast, subject to section 40-510
- Hotel, subject to section 40-535
- Nursing care facility*, subject to section 40-548

- Place of public assembly, large and small, subject to section 40-551
- SSMWET, subject to article IX
- STMWET, subject to article IX
- Uses similar to special land uses, subject to section 40-565
- * Uses that must be located on key street segments per section 40-317.03(H)

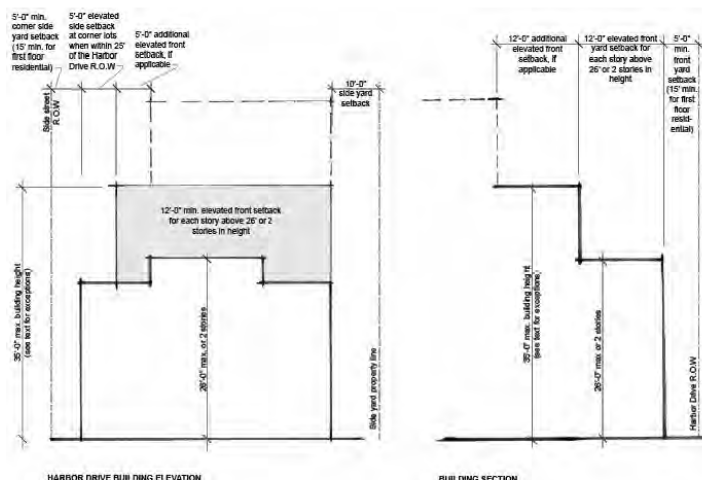
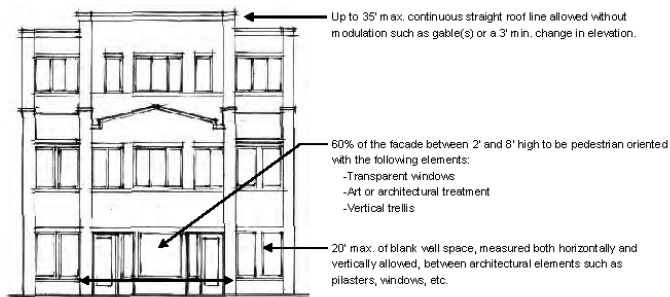
C. Site and building placement standards.

Minimum/maximum setbacks (B):	
Front (nonresidential first floor):	70% of building frontage in Build-to-zone or 5 feet max.
Front (residential first floor):	15 feet
Elevated front (C):	12 feet for each story above 26 feet
Side:	10 feet
Elevated side (C):	5 feet for each story above second floor
Rear abutting SFR, MDR, OT or S:	25 feet
Rear abutting other districts (D):	10 feet
Build-to-zone:	70% of building front
Dwelling unit area:	500 square feet
Sensitive Area Overlay requirements per section 40-422 may apply in certain portions of the district.	
See Table 40-402.02 for more detail and exceptions	

D. Building form standards.

Maximum building height:	35 feet or (E)
Minimum/maximum transparency:	
Ground floor (F):	60%/85%
Upper stories:	40%/85%
Exterior building materials visible from right-of-way, park or public parking area (G):	
Walls:	Minimum 80% brick, stone, or wood lap siding

Ornamentation/trim:	Metal, concrete, brick, stone, wood
Architectural features:	Wrap around entire side visible from public street
Recessed entry:	3 feet to 5 feet
Blank walls:	Prohibited when visible from right-of-way, park or public parking area
Retaining walls:	Prohibited along public streets when greater than 3 feet in height
Building articulation:	Required every 20 feet
Roofline modulation:	Required every 35 feet; modulation includes a change in elevation at least 3 feet; or a sloped or gabled roofline segment of 3 feet vertical and 12 feet horizontal



Section 9. Special Use Standards Addition. A new Section 40-513 is added to the City of Grand Haven Zoning Ordinance to read as follows:

Sec. 40-513. Short-term rental.

- A. *Definition*. A dwelling unit providing transient accommodations for periods of less than one month, more than three (3) times per year.

- B. *Regulations and conditions.* The applicant shall provide documentation acceptable to the planning commission that the proposed use shall meet the following standards:
1. *Intent.* It is the intent to establish reasonable standards for short-term rentals as special uses in the Dune Residential, Old Town, and Southside districts, to ensure that:
 - a. The property is suitable for temporary lodging.
 - b. The use is not incompatible with other allowed uses in the vicinity.
 - c. Impacts on neighboring properties are minimized to the extent reasonably possible.
 2. *Specific standards for short-term rentals in the Dune Residential, Old Town, and Southside districts.* The following standards, together with any other applicable standards in this ordinance, are required for short-term rental uses in the Dune Residential, Old Town, Southside districts:
 - a. If the subject lot does not meet the district minimum lot area or has other dimensional nonconformities, the Planning Commission may determine that the short-term rental use is not suitable, or it may condition approval on measures that mitigate potential adverse effects of operating a short-term rental on the lot.
 - b. If an outdoor area intended for the congregating of guests (e.g., porches, decks, pools and pool decks, gazebos, fire pits, etc.) is provided, it shall be sufficiently setback from the property lines or screened or buffered with a fence, wall, or landscape screen to minimize sounds and light, so as not to disturb neighbors. All existing and proposed fire pits shall meet the City's fire code.
 - c. Accessory structures constructed or expanded after the effective date of this section shall not be used as sleeping rooms for short-term rentals, and shall not be counted for purposes of determining the maximum occupancy of a short-term rental use pursuant to chapter 9 of the Grand Haven Code of Ordinances.
 - d. Short-term rental uses shall comply with the parking requirements of article VI of this zoning ordinance.
 - e. The driveway and off-street parking areas shall be laid out in a manner so as to minimize on-street traffic congestion to the extent reasonably possible.
 - f. The exterior appearance of the dwelling shall have a residential character, and shall not be incompatible with other dwellings in the vicinity. By way of example, the subject property shall not: (i) appear to be a commercial, multi-family, or institutional use; (ii) be altered to add excessive paved or other impermeable surfaces that create an appearance incompatible with other lots in the neighborhood; or (iii) be illuminated or signed in a manner that is out of character with other homes in the vicinity.
 - g. The applicant shall submit a site plan of the structure or proposed structure drawn to a scale of not less than 1/8" = 1' that shows the specific layout of the facility in accord with the provisions of this zoning ordinance.
 - h. The special use permit holder shall secure, maintain, and furnish proof of all required federal, state and local permits.
 - i. No separate cooking facilities shall be allowed in sleeping rooms.
 - j. Interior features (bedrooms, bathrooms, kitchens, dwelling units, means of ingress and egress, etc.) must be in conformance with the Michigan Construction Code, and all open permits must be finalized prior to occupancy as a short-term rental.
 3. *Special use approval required.* Special use review and approval is required for short-term rentals in the Dune Residential, Old Town, and Southside districts for properties that have not previously been used for short-term rentals in compliance with applicable City ordinances.
 4. *Site modifications.* The following site modifications will void an existing special use permit for short-term rental uses:

- a. Any structural expansion of the dwelling that increases the square footage of the dwelling, including the addition of a new decks and patios.
- b. Alteration of the interior of the dwelling in a manner that results in an increased number of sleeping rooms.

In these circumstances, a property owner may seek a new special use permit in accordance with the standards provided in this section.

Section 10. Effective Date. This ordinance shall become effective 20 days after its adoption or upon its publication, whichever occurs later.

YEAS:	Monetza, Brugger, Scott, Fritz, and McCaleb
NAYS:	NONE
ABSTAIN:	NONE
ABSENT:	NONE

CERTIFICATION

I certify this true and complete copy of Ordinance No. 17-01 adopted at a Regular Meeting of the Grand Haven City Council held on April 24, 2017.

Linda L. Browand, City Clerk

Introduced: April 10, 2017
Adopted: April 24, 2017
Published: May 10, 2017
Effective: May 14, 2017

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