



City of New Buffalo
Planning Commission Special Meeting
Thursday, September 16, 2021 at 5:30 P.M.
224 W. Buffalo St. New Buffalo, MI 49117

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Agenda
5. Approval of Previous Minutes- July 13, 2021
6. Public Comment
7. Site Plan Review – 2 S. Franklin Street
8. Public Hearing
 - a. Ordinance to amend sections 2-3, 6-2, 7-2, and 8-2, and add a new section 20-8 to the New Buffalo Zoning Ordinance
9. New Business
 - a. Ordinance to amend sections 2-3, 6-2, 7-2, and 8-2, and add a new section 20-8 to the New Buffalo Zoning Ordinance
10. Commissioner Comments
11. Adjournment

The Special Meeting for July 13, 2021 of the New Buffalo City Planning Commission was called to order by Chair Billingslea at 6:01 p.m.

Pledge of Allegiance.

Roll Call: All present.

Don Stoneburner, Roxanne Lauer, Bill McCollum, Mark Joseph, Paul Billingslea.

Staff Present: City Manager; Darwin Watson, Deputy City Clerk; Nancy Griffin; Clerk, Amy Fidler. Also present Mayor John Humphrey; Council members, Mark Robertson and Brian Flanagan.

Approval of Agenda: Motion by Lauer, seconded by Stoneburner to approve the agenda with the addition of item 12.5 to discuss and potentially recommend adoption of the Houseal Lavigne Zoning Ordinance Update Proposal:

Voice Vote:

Motion Carried.

Approval of Previous Minutes, June 1, 2021: Motion by Joseph, seconded by Lauer to approve the Special Planning Commission Minutes from June 1st, 2021:

Voice Vote:

Motion Carried.

Public Comment:

Mary Rose Denton

Presentation: NuEra Cannabis

Laura Jaramillo, NuEra Director of Special Projects, gave a short presentation in support of cannabis dispensaries.

New Business

8. Zoning Ordinance Section 2-3 Definitions

- Discussion of Recreational Vehicle and Equipment definition

City Manager read the definition of recreational vehicle and equipment.

No action taken to update the definition.

9. Zoning Ordinance Section 3-20 Storage of Recreational Equipment (A)

- Potential exemptions or exceptions to the storage of recreational equipment

City Manager read the ordinance section 3-2 pertaining to storage of recreational equipment. Chair Billingslea remarked that he feels it is ok for boats to be parked in driveways since New Buffalo is a tourist town with access to Lake Michigan and people will be bringing their boats. The Chair also inquired how

New Buffalo Township handles the issue. Chair Billingslea recommended not to enforce this ordinance too strictly right now. A suggestion from the Mayor was to define the size of the boat that could be parked in driveways.

No action taken to update the storage guidelines.

10. Zoning Ordinance Section 6-3 Uses Permitted by Special Land Use Permit

- Removal of C. Educational Institutions from listing

The City Manager explained Michigan State law does not require a special land use for Educational Institutions.

No action taken to remove C. Educational Institutions from listing.

11. Zoning Ordinance Section 10-2 Uses Permitted by Special Land Use Permit. Miscellaneous

- Change Educational Institutions to Permitted by Right

The City Manager proposed a change to the ordinance along with agenda item #12.

No action taken to move Educational Institutions to Permitted by Right

12. Zoning Ordinance Section 11-2 Uses Permitted by Special Land Use Permit. Miscellaneous

- Change Educational Institutions to Permitted by Right
- Change Residential Dwellings to Special Use

No action taken to update the ordinance for Educational Institution or Residential Dwellings.

12.5 Adoption of the Houseal Lavigne Zoning Ordinance Update Proposal

Commissioner Joseph would like an update and potential options of existing zoning and to review the City's Master Plan.

Mayor Humphrey was given permission to provide his view of the current position.

Ron Morales, Waya Rentals, was given permission to speak and recommended a change to the minimum duration of rentals to one week, 7 nights.

No action taken to adopt the Houseal Lavigne Zoning Ordinance Update Proposal.

13. Discussion of changing Planning Commission meetings to monthly

City Manager made a request to change the frequency of the Planning Commission meetings to monthly, from quarterly, with the understanding that if there were no agenda items to discuss, the meeting would be cancelled. The City receives many applications and they would be reviewed more quickly if the Commission met more frequently.

Chair Billingslea is not in favor of meeting monthly and cancelling meetings. He would rather call a special meeting to meet more frequently than to cancel meetings. He mentioned the Commission would meet more frequently during zoning changes.

Commissioner Comment:

None

Adjournment: Motion by Lauer seconded by Stoneburner to adjourn the meeting at 7:17 p.m.

Voice Vote:
Motion Carried.

ng.

Paul Billingslea, Chair

Nancy Griffin, Deputy Clerk



**City of New Buffalo
PLANNING COMMISSION
Site Plan Application
Staff Report**

Hearing Date: September 16th, 2021 5:30pm

Project Number: PZ21-0008

Applicant: Historic Horizons (Mr. Peter Bernal)

Property Owner: Historic Horizons

Subject Property Address: 2 S. Franklin Street, New Buffalo, MI 49117

Nature of the Request: Site Plan application for construction of new parking lot.

Zoning District: GCD "General Commercial District"

OVERVIEW

The applicant is the property owner Historic Horizons. The applicant requests site plan approval for construction of a new parking lot located on the property known as 2 S. Franklin Street.

Article 15 Sec. 15-6 E "Required Parking". Stipulates required number of parking spaces be provided per business. This site plan if approved would be bringing this business into compliance for parking regulations.

Items for Planning Commission consideration not noted in application are as follows:

- Drainage
- Lighting
- Landscaping
- Signage

All appropriate Building permits will be required for this project.

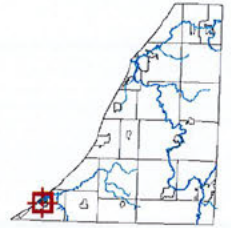
Recommendation: Upon review of the application materials, validation of the facts reported, site inspection and evaluation of each of the criteria required for review and noted in this staff report, Zoning Administrator moves the application forward for planning commission consideration to approve the site plan for new parking lot.

Respectfully submitted,

Ted Hanson
Building Official
City of New Buffalo



Overview



Legend

- City and Villages
- Railroads
- Roads**
 - <all other values>
 - Interstate
 - Major Arterial
 - Minor Arterial
 - Roads
- Parcels
- Lakes
- Rivers
- Parcel
- Lake Michigan

Parcel ID	11-62-8200-0084-03-7	Alternate ID	n/a	Owner Address	HISTORIC HORIZONS INC
Sec/Twp/Rng	n/a	Class	401		
Property Address	2 S FRANKLIN AVE NEW BUFFALO	Acreage	n/a		
District	11200				
Brief Tax Description	COM 198'N 62DEG12'E OF MOST WLY COR BLK 84 VIRGINIA ADD TO VILLAGE OF NEW BUFFALO TH N62DEG12'E 66' S27DEG53'E 132'S62DEG12'W 66'TH N27DEG 53'W 132'TO POB 937/844				
	(Note: Not to be used on legal documents)				

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Section 19-1 Purpose.

The purpose of this article is to require and review those documents or drawings as specified in the ordinance, to ensure that a proposed land use or development is in compliance with this ordinance, other local ordinances, state statutes, and federal statutes. And furthermore, its purpose is to ensure that development taking place within the City of New Buffalo is properly designed, safe, efficient, environmentally sound, and developed in such a manner as to protect adjacent properties from adverse impacts.

Section 19-2 Uses requiring site plan review.

All new construction and new uses, including the expansion of existing buildings, structures, and uses (other than single-family or two-family dwelling that are permitted by right in the zoning district in which they are located) shall require site plan review. This shall include uses permitted by right, private streets, public buildings and structures, planned unit developments, special uses, mobile home parks, and site condominium subdivisions.

Section 19-3 Authority and responsibility for site plan review.

The Planning Commission shall have the authority and responsibility to review and make decisions regarding all plans submitted for site plan review, except where this ordinance specifically provides authority for other officials to conduct specified types of plan reviews. The Planning Commission may delegate specified review activities to staff or consultants as they may decide is appropriate.

Section 19-4 Prohibitions prior to site plan approval.

Until a site plan is approved and in effect, no grading, removal of vegetation, filling of land, or construction shall commence for any development or use for which site plan approval is required.

Section 19-5 Site plan review process.

[Amended 9-20-2016 by Ord. No. 219]

- A. Ten copies of a complete site plan shall be submitted to the Zoning Administrator, along with an application for that purpose and a fee, as established by resolution of the City Council from time to time.
- B. The Zoning Administrator shall review the site plan for completeness, and shall obtain comments, as the Zoning Administrator considers necessary, from the Department of Public Works, Water Department, Police Department, Fire Department, City Planner, and other City departments or consultants. Notice that site plan approval has been requested shall be mailed for information purposes only to the owners of all abutting properties, and other persons whom the Zoning Administrator deems appropriate. All such notices shall be mailed at least seven days prior to the meeting at which the Planning Commission will consider the site plan. Any failure to give notice to the owners of abutting property pursuant to this section shall not affect the validity of any action taken by the Planning Commission pursuant to this chapter.
- C. Once the Zoning Administrator determines that the site plan is complete, the Zoning Administrator shall transmit the site plan, along with comments from City departments and consultants, to the Planning Commission at least two weeks prior to the next meeting. The Zoning Administrator shall not be required to submit any site plan for review which was submitted less than 40 days prior to the next regularly scheduled Planning Commission meeting.
- D. The Planning Commission shall consider the site plan and shall recommend to City Council: (1) approval of the site plan, as submitted, if all applicable requirements and standards have been met; (2) approval of the site plan with conditions; or (3) denial of the site plan if applicable requirements and standards have not been met. All recommendations of the Planning Commission with regard to site plans shall be accompanied by written findings of fact to support its position for each item under Section 19-9, Standards for site plan review.
- E. The reasons for the Planning Commission's action, along with any conditions that may be attached, shall be stated in the meeting minutes and a copy provided to the applicant.
- F. If approved, two copies of the final site plan shall be signed and dated by the Secretary of the Planning Commission and the applicant. One copy shall be kept on file with the City and one copy shall be returned to the applicant or his designated representative.

Section 19-6 Required contents of site plan.

The following information shall be required to be submitted for site plan review.

A. General information:

1. ✓ The applicant's name, address, telephone number, and their interest in the project and/or property.
2. ✓ The name, address, and telephone numbers of the owner(s) of record (or the firm or corporation having a legal or equitable interest in the land), and the signatures of the owners authorizing the site plan submittal.
3. ✓ The name, address, and telephone number of the individual or firm preparing the site plan.
4. ✓ Project title.
5. ✓ Proof of property ownership or purchase agreement.
6. ✓ The legal description, address, and tax identification number of the parcel.
7. ✓ Written permission, signed by the property owner, granting the Planning Commission and City Officials authority to enter onto property which is the subject of an application for site plan approval. (This item is optional.)
8. ✓ Deed restrictions, master deed restrictions, and bylaws as applicable.

B. Site analysis/project impact information:

- NO 1. Existing topographic elevations at two-foot intervals, proposed grades, and direction of drainage flows.
- NO 2. The location of existing structures on the subject site and on adjacent parcels within 50 feet of subject parcel.
- NO 3. Location and type of significant existing vegetation.
- NO 4. Location and elevations of existing watercourses and water bodies, including county drains, and man-made surface drainage ways, floodplains, and wetlands.

C. Site plan information.

1. A vicinity map.
2. North arrow, and date of original submittal and all revisions.
3. A grading plan showing finished contours at a minimum interval of one foot, and correlated with existing contours so as to clearly indicate cut and fill required (All finished contour lines are to be connected to existing contour lines at or before the lot lines).
4. Location of proposed and/or existing property lines with dimensions, legal description, and statement or illustration of building setback lines.
5. The size of parcel (in acres) and a breakdown of use areas using the categories: street rights-of-way, development area, and open space.
6. The gross and net acreage of all parcels in the project. (Net acreage is the size of the parcel in acres after subtracting any area that is within a street right-of-way or formal access easement.)
7. Land uses (residential, commercial, industrial, vacant, etc.) and zoning classification for the subject parcel and adjoining parcels.
8. Location of proposed buildings (including accessory buildings) and intended uses thereof, as well as the length, width, height, and total square footage of each building. For buildings housing multiple use types, the square footage for each use type shall be provided.
9. Indication of phases, if applicable.
10. Location of existing streets, street rights-of-way and private easements of record.

4. The use of semi-trailers for storage purposes on a long-term basis (longer than a week) is prohibited.

C. Determination of parking requirements.

1. The minimum parking space requirements for all uses shall be those identified in Section 15-6.
 2. For uses not specifically listed in Section 15-6, the requirements for on-premises parking shall be determined as follows:
 - a. The Zoning Administrator may establish the parking requirement by making the determination that the proposed use is similar in parking requirement to a use which is listed in Section 15-6. In such case, the same parking requirement shall apply.
 - b. The Planning Commission may establish the parking requirement for the proposed use based on documentation pertaining to the parking demand for that use provided and substantiated by the applicant, or based on other professional planning resource material.
 3. Public street rights-of-way shall not be counted for meeting on-premises parking requirements.
 4. Outdoor parking spaces required for business-related vehicles shall be provided in addition to the parking spaces required in Section 15-6.
 5. Two or more buildings or uses may collectively provide the required on-premises parking if a signed agreement is provided by the property owners, and the number of spaces being provided meets the minimum required for all uses calculated individually. Such parking shall be convenient to all uses for which it is intended.
 6. Where two or more uses are present on the premises, parking requirements shall be calculated for each use, unless specifically provided otherwise herein.
- D. Maximum amount of parking. In order to minimize excessive areas of pavement which results in adverse aesthetic and environmental impacts, and contributes to high rates of storm-water runoff, the Planning Commission may limit the total amount of parking to not exceed the minimum parking requirement by more than 30%.
- E. Conversion of parking areas to other uses. Unless the Planning Commission has reviewed and approved the change, any parking area once approved as a required parking area shall not be changed to any other use.

Section 15-4 Design and construction requirements.

- A. Surface and drainage requirements. All parking areas shall be surfaced with a durable and dustless surface and shall be properly graded and provided with adequate drainage facilities as approved by the City Engineer.
- B. Surface striping. All paved parking spaces, aisles, and unloading zones shall be striped or marked. Such striping or other required demarcation shall be maintained permanently in a condition such that easy interpretation of such markings by intended users is possible. In approved unpaved parking areas, spaces shall be defined by wheel chocks, concrete bumpers, or other similar device.
- C. Lighting. All parking lot lighting shall be designed, located, and/or shielded to prevent spill over onto adjacent properties, and shall be arranged to prohibit adverse affects on motorist visibility on adjacent public roadways. The maximum height of parking lot light fixtures shall be 20 feet for any fixture to be located within 150 feet of a residential district or use, and a maximum height of 30 feet for all other locations.
- D. Dimensional standards for parking spaces and aisles. All on-premises parking areas shall meet the minimum parking space and maneuvering lane standards contained in the following table.

Minimum Parking Space and Maneuvering Lane Standards

Parking Pattern	Maneuvering Lane Width One-Way	Maneuvering Lane Width Two-Way	Parking Space Width¹	Parking Space Length²
(degrees)	(feet)	(feet)	(feet)	(feet)
Parallel	12	20	9	25
30° to 50°	12	20	9	25

Minimum Parking Space and Maneuvering Lane Standards

Parking Pattern	Maneuvering Lane Width One-Way	Maneuvering Lane Width Two-Way	Parking Space Width¹	Parking Space Length²
(degrees)	(feet)	(feet)	(feet)	(feet)
54° to 74°	13	24	9	21
75° to 90°	20	24	9	20

NOTES:

¹ Parking space width measured perpendicular to the space center line.

² Parking space length measured along the space center line.

Section 15-5 Parking units of measurement.**A. Equivalency or substitution.**

1. Wherever parking requirements are based on gross floor area, gross leasable area may be substituted if that figure is more readily available.
2. In calculating bench seating for places of assembly, two feet shall be the equivalent of one seat.
3. In those cases where the Planning Commission determines that striping of spaces would not be appropriate, 300 square feet of parking area shall be provided for each required parking space.

B. Rounding. In calculating the required amount of parking or loading spaces, any fraction of 0.5 or greater shall be rounded up, and any fraction of less than 0.5 shall be rounded down.

Section 15-6 Minimum parking space requirements.

The minimum amount of parking spaces required for designated uses are included in the tables below.

A. GENERAL RESIDENTIAL

Single-family and two-family dwellings	2.0 spaces per dwelling unit
Multiple-family dwelling and dormitories	2.0 spaces per each unit
Manufactured homes in a mobile home park	2.0 space per each manufactured home unit or site

B. SENIOR HOUSING

Housing for fully independent residents: Senior independent units and independent care retirement village or center	1.5 spaces per each room and living unit
Housing for residents requiring a moderate level of care: senior "interim care," "elder care," and "intermediate care" units	1.0 space per each room
Housing for residents whose care is fully dependent on others: Convalescent homes, nursing homes, rest homes, etc.	1.0 space per each 2 rooms

C. INSTITUTIONAL/CIVIC (Religious, Municipal, Hospital, Child Care, Schools, and Halls)

Churches, temples, synagogues and other places of worship	1.0 space per each 3 seats or 6 feet of pews
Municipal office buildings	4.0 spaces per 1,000 square feet of gross floor area, plus spaces required for any assembly hall, auditorium, and outdoor arena
Hospitals	2.5 spaces per each licensed bed, plus outpatient care and emergency care requirements
Outpatient care and emergency care services	Refer to medical office parking requirements
Child-care centers	3.0 spaces plus, 1.0 additional space for each 7 children of licensed

	authorized capacity
Primary schools (elementary and junior high)	2.0 spaces per classroom, plus 1 space for each 3 seats of maximum seating capacity for that indoor facility having the greatest seating capacity
Secondary schools (high)	8.0 spaces per each classroom, or 1 space per each 4 seats of maximum seating capacity for that indoor place of assembly having the greatest seating capacity
Auditoriums, assembly halls, and outdoor arenas	1.0 space per each 3 seats or 6 feet of bleachers
Public recreation centers	5.0 spaces per 1,000 square feet of gross floor area
Dance hall, union hall, lodge hall, fraternal hall/club and similar uses	1.0 space per every 2 persons of capacity authorized by the City Building Code or Fire Code if more stringent
D. OFFICE	
Medical, dental office, clinic	5.0 spaces per 1,000 square feet of gross floor area, plus outpatient care, emergency, twenty-four-hour medical station requirements, if applicable
Outpatient care, emergency care, 24-hour medical station	2.0 spaces per exam or outpatient procedure/operating room, plus 1.0 space per laboratory or recovery room, plus 1.0 space for each 2 rooms for employee parking
General office building and real estate offices	3.0 spaces per 1,000 square feet of gross floor area
Bank, credit union, savings and loan	6.0 spaces per 1,000 square feet of gross floor area, plus 4.0 stacking spaces per window and ATM
E. COMMERCIAL/RETAIL/SERVICE	
Appliance store	4.0 spaces per 1,000 square feet of gross floor area
Auto service station and auto care centers	3.0 spaces per each service bay, plus 1.0 space per each tow truck, plus 4.0 spaces per 1,000 square feet of area devoted to the sale of automotive goods, or convenience foods
Auto service-oil change/quick lube	3.0 spaces per service bay
Automotive sales	1.0 space per 5,000 square feet of outdoor sales area, plus 1.0 space per sales desk/office, plus 3.0 spaces per each service bay
Automobile wash (self-wash)	3.0 stacking spaces per bay
Automobile wash (automatic)	2.0 spaces plus 15 stacking spaces per bay
Bar (lounge)	16.0 spaces per 1,000 square feet of gross floor area, or 0.7 space per seat, whichever is greater
Barber shop, beauty salon, hair salon	2.5 spaces per each barber or beautician's chair or station
Bed-and-breakfast inn	2.0 spaces, plus 1.0 space per guest room
Conference rooms, exhibit halls, and similar uses	1.0 space per every 2 persons of capacity authorized by the City Building Code or fire official, or 10.0 spaces per 1,000 square feet of gross floor area, whichever is greater
Convenience store	4.0 spaces per 1,000 square feet of gross floor area or the area devoted to convenience sales when in a multi-use building
Discount retail store	5.0 spaces per 1,000 square feet of gross floor area
Dry cleaners	2.0 spaces per 1,000 square feet of gross floor area, plus 2.0 spaces per drive-up window
Funeral homes	1.0 space per 50 square feet of space devoted to service parlors, chapels, and reception area, plus 1.0 space per each funeral vehicle stored on the premises
Furniture, carpet store	2.0 spaces per 1,000 square feet of gross floor area
Hardware, paint, home improvement store	3.0 spaces per 1,000 square feet of gross floor area
Laundromat	1.0 space per each 3 washing machines

City Staff
Use Only

Project Name PZ 21-0008
 Project Number _____
 Review Fee Paid \$350
 Escrow Fee Paid _____

Parking Lot
"Site Plan" Planning Commission

APPLICATION TO: PLANNING COMMISSION ZONING BOARD OF APPEALS

224 W Buffalo St, New Buffalo, MI 49117 City Hall: 269-469-1500 Building Dept: 269-469-7144 Facsimile: 269-469-7917

Instructions: Fill-in all blanks and 'X' applicable boxes (). Incomplete applications cannot be processed.

I. Applicant and Owner Information

A) Applicant(s) principal contact:

Name Peter F Bernal
 Address 25 S Franklin St
New Buffalo, MI 49117
 Telephone [REDACTED] (cell)
 email [REDACTED]

E) Property owner(s) principal contact:

Name Peter F Bernal
 Address 25 S Franklin St
New Buffalo, MI 49117
 Telephone [REDACTED]
 email [REDACTED]

B) Applicant(s) secondary contact:

Name Historic Horizons
 Address [REDACTED]
 Telephone [REDACTED]
 email [REDACTED]

F) Architect (if applicable):

Name _____
 Address _____
 Telephone _____
 email _____

C) Agent or Attorney (if applicable):

Name _____
 Address _____
 Telephone _____
 email _____

G) Engineer (if applicable):

Name _____
 Address _____
 Telephone _____
 email _____

PAID
 AUG 26 2021
 City of New Buffalo

D) Is the property held in Trust*:

Yes - Answer below

No - Skip below

Name of Trust Peter F Bernal Living Trust

Address

Telephone

email

H) Applicant is (circle one):

Property owner

Attorney

Agent

Engineer

Other: _____

* Trusts: Provide an attached statement from the trustee verifying the names of all the beneficial owners.

Proceed to Next Page

II. Purpose of Application

A) This application is a request for the following action:

Rezoning of Property	Subdivision Approval	Site Plan Approval
Rezoning Amendment	Variance(s) Approval	Special Use Approval
Lot Split – Subdivision or Land Division	Other: _____	

B) The reasons for the requested action(s) are as follows:

Converting side yard (US12) into asphalt parking lot with 14 parking spaces. Diagram enclosed.

C) The specific section(s) of the City Zoning Ordinance or City General Ordinances which addresses the amendment, variance, or other action which is being requested:

N/A

D) The following two questions are only for applications which contain a request for a zoning variance:

- Are the conditions which prevent the development of the property the result of action by an individual who has or had a property interest in the subject property: Yes No
- If the conditions were self-imposed (not hardship), explain why the variance should be granted:

N/A

III. Site and Surrounding Property Information

A) Common address or property location of subject property:

2 S Franklin St, New Buffalo, MI 49117

B) Legal description (attach an additional sheet if necessary):

Exhibit "A"

C) Permanent Real Estate Tax Identification Number: 116282000084037

D) Parcel Size:

11-62- 8200-0084-03-7

_____ Square feet
_____ Acres
132.00 (Franklin) _____ Dimension of lot frontage
_____ Dimension of lot depth

E) What are the current land uses and zoning on the property and the adjoining properties:

	Current zoning	Current land use
1. On Site:	GCD	Unknown
2. Adjoining property:		
a) North of Site	GCD	
b) South of Site	Residential	
c) East of Site	GCD	
d) West of Site	GCD	

F) Describe any existing structures or other improvements and physical attributes of the site:

Unappealing 6x7 Shed.

IV. Description of the Proposed Development

A) Please describe the proposed use of the land and/or building assuming approval of the request:
Removal of landscaping to allow for purposed parking lot.

B) What is the proposed time frame for the build-out of this development: Before Frost

C) For each intended use please fill-in the number of buildings, square footage of each building, the total square footage of the development, and the required number of parking spaces; as well as the number and size of the water and the sewer connections:

Building Use	Number of Buildings	Building Area (sq ft)	Total Building (sq ft)	Required Parking Spaces	Water Connections and Sizes	Sewer Connections and Sizes
Single Family R-1						
Two Family R-2						
Mufty-Family R-3						
Central Business CBD						
Gen. Commercial GCD	1					
Waterfront Marina WM						
General Industrial I-1						
TOTAL						

D) If this application is for a development please provide information concerning the amount of traffic and the proposed road configuration it will have:

1) Average daily traffic count for the proposed development: _____

2) Peak traffic flow count for the proposed development: _____

3) How many lineal feet of roadway is proposed to be developed: _____

4) How many cul-de-sacs will be constructed as part of this project: _____

5) How many curb cuts to City, County or State roads are proposed: _____

E) Does the request contemplated in this application concern any hazardous materials:

No

Yes – describe the type and quantity of materials (attach extra pages if necessary):

A) _____ Plat of Survey with legal description.

B) _____ Site plan of proposed use of project showing traffic patterns, parking locations and court, drainage patterns including detention areas, landscaping plans, exterior lighting locations and illumination pattern, building facade portrait and building size and location dimensions.

C) _____ Floodplain map (engineer's drawing or FEMA map showing location of subject property).

D) xx Application fee in the amount of \$ 350.00.

E) _____ High Risk Dune Area Designation and/or Soil Conservation Analysis (if applicable).

F) xx Application for permits (specify type):

1) Michigan DOT _____

2) County Road Commission _____

3) County Health Department _____

4) State Dept. of Public Health _____

5) Michigan DEQ _____

6) Others _____

G) _____ Sand Dune Permit for Construction (if applicable).

To eliminate the office traffic off the main street (US12).

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VII. Signature and Declaratory Statement

A) Required attendance at public hearing(s) and/or meeting(s): The Planning Commission and Zoning Board of Appeals (ZBA) have established a policy requiring the applicant or a designated representative of the applicant to be present at any meeting or public hearing at which their application is to be considered. Failure of the applicant or designee of the applicant to appear may postpone consideration of the application by the Planning Commission or ZBA.

B) Declaratory Statement:

I, Peter F. Bernal, hereby certify that all information contained in this application and accompanying documentation is true and correct to the best of my knowledge and further, I acknowledge the required attendance of the applicant as set forth in paragraph A above. I furthermore grant permission for identified members of the City of New Buffalo's Planning Commission or Zoning Board of Appeals to visit the site(s) referenced in this application.

C) Applicant Signature: Peter F. Bernal Date: 8-17-21

D) Notary Public Certification Statement:

I, Melinda Foster, Notary Public in and for the State of Michigan this 17th day of August, 2021 the above captioned applicant appeared before me and under oath, stated that all matters contained in this application are true.

My commission expires: 3-7-25 Melinda Foster
 MELINDA FOSTER
 Notary Public, State of Michigan
 County Of Berrien
 My Commission Expires 3-7-25
 Acting in the County of Berrien

VIII. City Staff Review

A) Fire Department approval of Site and Building Plans, except for single family dwellings: This application and associated documentation must be reviewed by the Fire Chief or his designee, which can be arranged by calling the Fire Department: 269-469-4993.

Review Date: _____

Approval: Yes No Signature: _____

Conditions: Attached None Title: _____

B) Note to applicant: The original application must be filed in the Office of the Zoning Administrator, where the following signatures are required for verification that this is a complete and valid application to be considered by the Planning Commission or the Zoning Board of Appeals.

Building Inspector: _____ Date: _____

Zoning Administrator: _____ Date: _____

Initial meeting date: _____

Historic Horizon



318 East Buffalo Street
New Buffalo, MI 49117
269-469-3771

August 17, 2021

Ted Hanson
Building Department
City of New Buffalo
224 W Buffalo Street
New Buffalo, MI 49117

Mr. Hanson,

I wanted to inform you that Arnt Asphalt was at 2 S Franklin today at 11:00 AM. He marked all the boundaries for the proposed parking lot in Red paint. They notified me to let you know so that it is presently visible.

Respectfully,

Handwritten signature of Peter F. Bernal.

Peter F. Bernal

PFB/aj

City of New Buffalo

224 W Buffalo St
New Buffalo, MI 49117
(269) 469-1500
(269) 469-7917

Invoice For Permit: PZ21-0008

Print Date: 08/24/2021


HORIZONS INC, HISTORIC
310 E BUFFALO
NEW BUFFALO MI 49117

Pay By Account In Full



Pay By Account In Full

\$ 350.00

Invoice No	Invoice Date	Permit Number	Address	Amount Due	
	00001505	08/24/21	PZ21-0008	25 S Franklin	\$ 350.00
Fee Details	Quantity	Description	Amount Cost	Balance	
	1.000	Site Plan	\$350.00	\$ 350.00	
Total Amount Due				\$ 350.00	

PAID
AUG 26 2021
City of New Buffalo

CITY OF NEW BUFFALO
224 W. BUFFALO STREET
NEW BUFFALO, MI 49117
Phone : (269) 469-1500

Received From: HORIZONS INC, HISTORIC
Date: 08/26/2021 Time: 1:26:11 PM
Receipt: 94080
Cashier: SBOONE

ITEM REFERENCE	AMOUNT
BDINV 00001505	\$350.00
TOTAL	\$350.00
CHECK 1820	\$350.00
Total Tendered:	\$350.00
Change:	\$0.00

HISTORIC HORIZONS, INC
318 E BUFFALO STREET
NEW BUFFALO, MI 49117-1110

PAY TO THE
ORDER OF City of New Buffalo

Three Hundred Fifty and 00/100*****

City of New Buffalo
224 W. Buffalo St
New Buffalo, MI 49117

MEMO
Building Application

SECURITY FEATURES INCLUDE TRUE WATERMARK PAPER, HEAT SENSITIVE ICON AND FOIL HOLOGRAM

ONE BANK & TRUST, N.A.

1820

8/17/2021

DEPOSIT ONLY

70465/819

\$**350.00

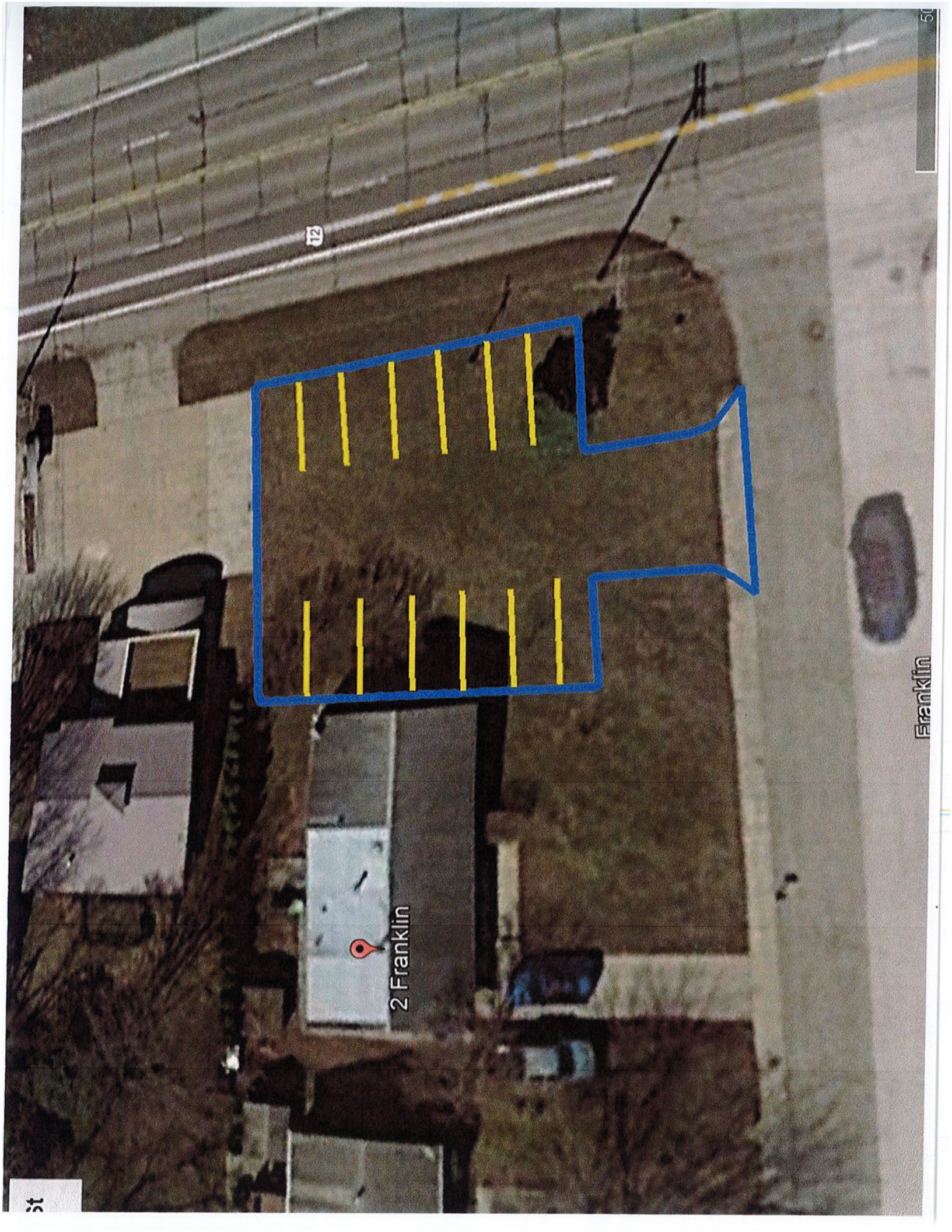
DOLLARS



AUTHORIZED SIGNATURE
[Signature]

Security Features Included

Details on Back.



12

2 Franklin

Franklin

Proposal

Page No. 1 of 1 Page(s)



1240 South Crystal Avenue
Benton Harbor, MI 49022
Phone: (269) 927-1532 Fax: (269) 927-1547
Toll Free: (877) 880-2768
Celebrating 50 Great Years 1970-2020

South Bend Office
(574) 233-1505

Website: arntasphalt.com

Customer: Pete
2 S Franklin St.
New Buffalo, MI 49117

Date: 08-02-2021
Job Name:
Location: See Map

Phone: [REDACTED] **Fax:**

Email: [REDACTED]

1. Strip sod and top soil to 8 ½" depth.
2. Supply install grade and compact 5" 22A gravel Base.
3. Fine grade for asphalt.
4. Pave in 2 layers: 2" average of base and 1 ½" average of surface.
5. Supply, install and pin (14) 6' wheel stops.
6. Layout and stripe for 14 parking stalls with yellow traffic paint.

APPROX. 5,100 SQ. FT.

COST: \$ 29,265.00

OWNER IS RESPONSIBLE FOR ALL PERMITS.

Price does not include permits. Not responsible for unforeseen obstructions or utilities.
Not responsible for damage to sidewalk if not allowed to remove by New buffalo.

ARNT ASPHALT SEALING, INC. WILL MAKE EVERY EFFORT TO MATCH ANY QUALIFIED COMPETITOR'S PRICE!

PAYMENT TERMS: 25% DOWN WITH SIGNED PROPOSAL – BALANCE DUE 10 DAYS FROM INVOICE DATE

There shall be a one (1) year guarantee on the material and all workmanship, except that as applied to cracks. The guarantee shall be limited to the replacement of the material and application of the same. Any alterations or deviation from above specifications involving extra costs will be executed upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized **Jon Anderson**
Signature _____

Note: This proposal may be withdrawn by us if not accepted within 10 days.

Acceptance of Proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. Legal fees and court costs incurred in the collection of monies according to this contract will be borne by the customer.

1 ½% interest will be charged on past due accounts over 30 days from date of billing – NO EXEMPTIONS. This is an ANNUAL PERCENTAGE RATE OF 18%.

Signature _____

Signature _____

Date of Acceptance: 8-12-21



TO: Mayor Humphrey and the New Buffalo City Council

FROM: Darwin Watson, City Manager

DATE: August 31, 2021

RE: Zoning Ordinance Amendment Request – Planning Commission

ITEM BEFORE THE COUNCIL:

Request the Planning Commission to review amendment to Chapter 11 of the City's Zoning Ordinance

DISCUSSION:

The City of New Buffalo ("the city") passed an ordinance on April 15, 2019. The purpose behind the ordinance was to implement the infrastructure for the safe operation of short-term rentals. This ordinance also aimed to safeguard balance and respect for the quality of life for the entire community.

Currently, the city has a moratorium on new short-term rentals that is set to expire on September 18, 2021. During the course of the moratorium, the city has made considerable progress in studying various issues relating to short-term rentals; developing a modified set of regulations; implementing a strategy for not only short-term rentals, but city-wide code enforcement; and the commencement of data collection.

The city's ultimate goal is to terminate the city's moratorium. In order to achieve the ultimate termination of the moratorium, several steps and guidelines need to be implemented. Of utmost importance is the work needed from the Planning Commission to amend the city's zoning ordinance.

RECOMMENDATION:

That the New Buffalo City Council request the Planning Commission to review and recommend amending Chapter 11 of the City of New Buffalo's Zoning Ordinance.

**CITY OF NEW BUFFALO
BERRIEN COUNTY, MICHIGAN**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND SECTIONS 2-3, 6-2, 7-2, AND 8-2, AND ADD A NEW SECTION 20-8 TO THE NEW BUFFALO ZONING ORDINANCE TO PROHIBIT NEW SHORT-TERM RENTALS IN THE R-1, R-2, AND R-3 ZONING DISTRICTS

WHEREAS, in April 2019, the City Council adopted an ordinance requiring the registration and inspection short-term rental units within the City; and

WHEREAS, since enacting the ordinance, City staff has studied the registration statistics and the density of short-term rentals; 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;
2. 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, in a series of recent cases, Michigan courts have recognized that transitory and commercial uses are in tension with the traditional use of single-family dwellings; and

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.

The City of New Buffalo ordains:

Section 1. Amendment. Section 2-3 of the New Buffalo Zoning Ordinance is amended to add the following definitions of “Short-Term Rental Activity” and “Short-Term Rental Unit,” which shall appear between the definitions of “Shopping Center” and “Sign,” and to amend the definition of “Dwelling Unit” so that it reads in its entirety as indicated below. Except as expressly modified herein, the remainder of Section 2-3 is reenacted in full:

Short-Term Rental Activity. The rental of a dwelling unit for compensation for a term of less than one month. However, short-term rental activity does not include the following: transitional housing operated by a nonprofit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance abuse rehabilitation clinic, mental health facility, other health care related clinic, or dwelling units owned by a business entity and made available on a temporary basis to employees of that business entity or employees of a contractor working for that business entity.

Short-Term Rental Unit. A dwelling unit in which short-term rental activity is permitted to occur subject to the terms and conditions of this ordinance and Chapter 11 of the City Code.

Dwelling Unit. A building, or portion thereof, designed exclusively for human occupancy providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. A dwelling unit may be used as a short-term rental unit

when licensed pursuant to Chapter 11 of the City Code and when either: (1) short-term rentals are not prohibited in the zoning district where the property is located; or (2) the short-term rental unit is established as nonconforming and operating in compliance with the regulations in Section 20-8.

Section 2. Amendment. Sections 6-2, 7-2, and 8-2 of the New Buffalo Zoning Ordinance are amended to read as follows:

Sec. 6-2. Uses permitted by right.

- A. Land and/or buildings in the R-1 District may be used for the following purposes by right:
 - 1. Single-family detached dwelling units.
 - 2. Accessory uses pursuant to Section 3-2.
 - 3. Home occupations pursuant to Section 3-26.
 - 4. State-licensed residential care family facilities.
 - 5. State-licensed family day-care centers.
 - 6. Municipal parks.
- B. Short-term rental units are prohibited in the R-1 District except when established as a nonconforming use and operating in compliance with the regulations in Section 20-8.

Sec. 7-2. Uses permitted by right.

- A. Land and/or buildings in the R-2 District may be used for the following purposes by right:
 - 1. Single-family detached dwelling units.
 - 2. Two-family dwelling units.
 - 3. Accessory uses pursuant to Section 3-2.
 - 4. Home occupations pursuant to Section 3-26.
 - 5. State-licensed residential care family facilities.
 - 6. State-licensed family day-care centers.
 - 7. Municipal parks.
- B. Short-term rental units are prohibited in the R-2 District except when established as a nonconforming use and operating in compliance with the regulations in Section 20-8.

Sec. 8-2. Uses permitted by right.

- A. Land and/or buildings in the R-3 District may be used for the following purposes by right:
 - 1. Multiple-family dwelling units, including single-family attached dwelling units, and apartment buildings.
 - 2. Single-family detached dwelling units.
 - 3. Accessory buildings and uses associated with the above permitted uses, including:
 - a. Automobile garages.
 - b. Health club facilities intended primarily for residents of the residential complex.
 - c. Recreational facilities intended exclusively for residents of the residential complex such as pools and tennis courts and other similar uses.
 - d. Community center building.

Accessory buildings shall also comply with regulations contained in Section 3-2 of this ordinance. As provided in Section 8-3, carports are permitted in the R-3 District by special use permit only.

4. Home occupations pursuant to Section 3-26.
5. State-licensed residential care family facilities.
6. State-licensed family day-care centers.
7. Municipal parks.
8. Public utility or service buildings, not requiring the outdoor storage of materials.

- B. Short-term rental units are prohibited in the R-3 District except when established as a nonconforming use and operating in compliance with the regulations in Section 20-8.

Section 3. Addition. Section 20-8 of the New Buffalo Zoning Ordinance is added to read as follows:

Sec. 20-8. Nonconforming short-term rental units.

- A. *Nonconforming short-term rental units permitted*. Short-term rental units that existed and were registered under Chapter 11 of the Code of Ordinances as of October 1, 2021, the effective date of the amendment creating this section, may be continued as nonconforming uses so long as they conform to the regulations provided herein.

- B. *Regulations*. Notwithstanding any other provision of this ordinance:

1. The ability to operate a nonconforming short-term rental unit 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 section 20-5.

The ability to operate a nonconforming short-term rental unit is not impaired by any transfer of ownership or control of the property, unless the right to continue operating a short-term rental unit is later deemed abandoned by the new owner subsection B.3 below. New owners are responsible for obtaining renewal permits in accordance with the processes provided in Chapter 11 of the Code of Ordinances.

3. A short-term rental unit shall be deemed abandoned if: (a) the short-term rental permit for the property expires, terminates, or becomes invalid, and (b) a new permit or renewal permit is not obtained within the later of: (i) 12 months from the expiration, termination, or invalidation; (ii) in cases where the permit has been revoked pursuant to Chapter 11 of the Code, 6 months from the date when the period of ineligibility expires.
4. Notwithstanding subsection B.3, the ability to operate a nonconforming short-term rental unit is not impaired by the demolition of the structure in which the use is located, so long as:
 - a. There is a valid short-term rental permit in effect at the time of the demolition, and
 - b. A short-term rental permit is obtained for the newly constructed dwelling on the property within 18 months of the date of the demolition permit.

Section 4. Publication and Effective Date. The City Clerk shall cause this ordinance or a summary thereof to be published in a newspaper of general circulation in the City, and the ordinance shall be effective 20 days after enactment or upon publication, whichever is later.

YEAS: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

CERTIFICATION

This is a true and complete copy of Ordinance No. ____ adopted at a regular meeting of the New Buffalo City Council held on _____, 2021.

John Humphrey, Mayor

Ann M. Fidler, City Clerk

DRAFT