



CITY COUNCIL MEETING AGENDA

February 29th – 7:00 pm

*This is an in-person meeting at Saugatuck City Hall, 102 Butler St, Saugatuck, MI 49453.
The meeting will also be available live, virtually on Zoom.*

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Mayor's Comments
5. City Manager Comments
6. Agenda Changes (*Additions/Deletions*)
7. Guest Speakers
8. Public Comment on Agenda Items Only (*Limit 3 minutes*)
9. Consent Agenda: (*Roll Call*)
 - A. Regular City Council Meeting Minutes – February 12, 2024. **Pg.4**
 - B. Intergovernmental Agreement- Minor Revisions to Blue Star Trail Phase 2 **Pg.8**
 - C. Revocable License Agreement – GROW Estate, LLC **Pg.16**
 - D. Revocable License Agreement- GROW Estate, LLC **Pg.20**
 - E. Revocable License Agreement- Scooter's Café & Pizzeria **Pg.26**
 - F. Revocable License Agreement- Boardwalk Café **Pg.32**
 - G. Request for Proposal- Oval Beach Concession Stand **Pg.38**
 - H. Equipment Purchase- Asphalt Hot Box **Pg.51**
 - I. Social District Permit – Grow Estate, LLC **Pg.55**
 - J. Right of Way Sign Permit – SCA Events **Pg.59**
 - K. Right of Way Sign Permit – SCA Interurban Parking **Pg.62**
 - L. Board of Review Appointment **Pg.65**
 - M. KLSWA Appointment **Pg.72**

NOTICE:

Join online by visiting:

<https://us02web.zoom.us/j/2698572603>

Join by phone by dialing:

**(312) 626-6799 -or-
(646) 518-9805**

Then enter "Meeting ID":
2698572603

Please send questions or comments regarding meeting agenda items prior to meeting to:
ryan@saugatuckcity.com

Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact Saugatuck City Clerk at 269-857-2603 or JWolters@saugatuckcity.com for further information.

10. Staff Reports, Boards, Commissions & Committees:

Starting on *Pg.73*

A. Staff Reports:

1. City Manager
2. Treasurer
3. Planning and Zoning
4. Department of Public Works
5. Police
6. Engineer

B. Boards, Commissions & Committees:

1. Fire District Administration Board
2. Interurban Board
3. Kalamazoo Lake Sewer & Water Authority
4. Kalamazoo Lake Harbor Authority
5. Zoning Board of Appeals
6. Historic District Commission
7. Planning Commission
8. Parks & Public Works Committee
9. Tri-Community Non-Motorized Trail Study Committee

11. Request for Payment: None

12. Approval of Accounts Payable: *(Roll Call)*

- A. Accounts Payable in the amount of \$1,058,022.60 **Pg.81**

13. Introduction of Ordinances: None

14. Unfinished Business: None

15. New Business:

- A. Ordinance 240229-A- Zoning Ordinance Amendment - STRs and ADUs **Pg.83** *(Roll Call)*
B. Ordinance 240229-B- Police Powers Licensing Ordinance- STRs **Pg.93** *(Roll Call)*
C. Ordinance 240229-C- Amendment to Noise Ordinance **Pg.110** *(Roll Call)*
D. Ordinance 240229-D and Ordinance 240229-E- Short-Term Rental Police Power **Pg. 117** *(Roll Call)*
Moratorium- R-1 Residential Zoning District

16. Public Comments *(Limit 3 minutes)*

17. Correspondence: **Pg.130**

- A. Ethan Barde
B. Tom Brown
C. Brian Elmore
D. Liz Engel
E. Laura Godfrey

F. James Hannan

- G.** Nico Leo
- H.** Brett Locascio
- I.** Philippe Maraval
- J.** Gary Medler
- K.** Brian Schipper
- L.** John Thomas
- M.** Jim Van Dyke
- N.** Richard Williams
- O.** Saugatuck Township Fire Department

18. Council Comments

19. Adjourn (*Voice Vote*)



**CITY COUNCIL MEETING MINUTES - Proposed
February 12, 2024**

The City Council met for Regular Council Meeting at 7:00 p.m.
City Hall
102 Butler St., Saugatuck, MI 49453.

Call to Order:

The meeting was called to order by Mayor Pro Tem Baldwin at 7:00 p.m.

Pledge of Allegiance.

Attendance:

Present: Mayor Pro-Tem Baldwin and Councilmembers Anderson, Gardner, Muncey and White.

Absent: Mayor Stanton.

Motion by Anderson, second by Muncey to excuse Mayor Stanton from the meeting tonight. Via voice vote, motion carried 6-0.

Others Present: Director of Planning, Zoning & Project Management Cummins, Department of Public Works Assistant Superintendent Herbert, Attorney Jake Witte and Clerk Wolters.

Mayor's Comments:

Mayor Pro-Tem noted she volunteered for election and the training is extensive, she's excited.

City Manager Comments: None.

Agenda Changes: None.

Guest Speakers: None.

Public Comment on Agenda Item Only: None.

Consent Agenda:

- A. Regular City Council Meeting Minutes – January 22nd, 2024.
- B. Special City Council Meeting Minutes – February 6th, 2024.
- C. Special City Council Meeting Minutes – February 7th, 2024.
- D. Right of Way Signage Request – Pallete Sign Banner for St. Patrick's Day Pub Crawl.

Motion by Gardner, second by Dean to approve the consent agenda as presented. Upon roll call vote, motion carried 6-0.

Staff Reports:

City Manager, Director of Planning & Zoning, Treasurer, DPW Superintendent and Engineer submitted status reports of current activities since the last Council meeting on January 8th, 2023, for their respective departments.

Ryan Cummins:

- Highlighted that there was a water main break on North Maple and thanked the Kal-Lake team for repairing and the boil water advisory has been lifted.
- Planning Commission has been working hard on a number of items. Short-term rentals will be on their agenda for Thursday, there is a possibility they may make some recommendations soon.

Peter Stanislawski noted that property taxes are due by Wednesday February 14th.

Scott Herbert noted they are continuing preparation for the new Village Square Park Playground.

Boards, Commissions & Committees:

Fire District Administration Board, Dan Fox:

- One of the STFD vehicles was destroyed in a head on collision on Blue Star Highway by a driver under the influence.
- There is an abundance of informational reports on the STFD website.
- Reviewed statistics on falls.

Interurban Board, Councilmember Muncey:

- Ridership is up, close to pre-Covid numbers.
- They are extending hours starting March 1st to be open until 7pm through the entire week.
- Memorial Day through Labor Day they will be open till 11pm.
- They are still scouting for a new director.
- There are three buses that are set to be refitted for propane, bringing the propane fleet to five.
- They have their own propane tank for the drivers to re-fill their buses.

KLSWA, Barry Johnson: None.

Kalamazoo Lake Harbor Authority, Mayor Stanton: None.

Zoning Board of Appeals, Chair Bob Kubasiak:

- Reviewed the 2023 ZBA cases.

Historic District Commission, Councilmember Gardner:

- Next meeting is March 7th.
- Chair Straker has signed the commission up for training on March 12th.

Planning Commission, Chair Councilmember Anderson:

- Kudos to the lawyers and Ryan Cummins on the hard work with the short-term rental materials.

Ryan Cummins:

- Reviewed the Planning Commission 2023 report that was included in the packet.

Parks and Public Works Committee, Mayor Pro-Tem Baldwin:

- Next meeting has been moved from February 27th to February 29th due to the election.

Tri-Community Non-Motorized Trail Study Committee, Councilmember Dean:

- Getting Ryan Cummins up to speed on the Blue Star Trail.

Tri-Community Recycling Ad-Hoc Committee: None.

Request for Payment: None.

Approval of Accounts Payable:

- A. Accounts Payable in the amount of \$572,668.79.

Motion by Muncey, second by Dean to approve the accounts payable in the amount of \$572,668.79. Via roll call vote, motion carried 6-0.

Introduction of Ordinances: None.

Unfinished Business: None.

New Business:

City Council Meeting Date Request:

Motion by Dean, second by White to approve moving the regular scheduled City Council meeting of February 26, 2024, to February 29th, 2024, at 7pm with no change of location. Via voice vote, motion carried 6-0.

Public Comment:

John Blair who is currently runs Allegan County probate court in is running for judge of the Circuit Court. He introduced himself and gave Council a brief professional background also why he is running for judge.

Correspondence: None.

Council Comments:

- Councilmember White: He and councilmember Anderson attended MML training for new elected officials. He won a raffle and won a full weekend of training.
- Councilmember Muncey: Thanked Council for his birthday celebration between the last two meetings where there was a short break. New businesses coming to town, Lulu Cadieux is opening up a second location downtown by Duck Alley. A new bakery is going in next door to Wick's Park Bar & Grille.
- Councilmember Dean: None.
- Councilmember Gardner: None.
- Councilmember Anderson: Big win that the proposed Marina on the waterfront on the Kalamazoo River was denied by EGLE. She is exciting to being working as an election inspector.

- Mayor Pro-Tem Baldwin: Congratulated Councilmember Anderson for her service on the Board of the Coastal Alliance. She is also looking forward to being an election inspector. Thanked DPW Superintendent Herbert for taking the big equipment over to the local daycare, she participated and it was fun to see the kids enjoying the day.

Adjournment:

Motion by Dean, second by Anderson to adjourn the meeting. Upon voice vote, motion carried unanimously. Mayor Pro-Tem Baldwin adjourned at 4:40 p.m.

Respectfully Submitted

Jamie Wolters, City Clerk



City Council Agenda Item Report

FROM: Ryan Cummins

MEETING DATE: February 29, 2024

SUBJECT: Minor Revisions to Blue Star Trail Phase 2 Intergovernmental Agreement

DESCRIPTION:

On April 24, 2023, City Council approved a revised intergovernmental agreement for phase two design engineering for the development and continuation of the Blue Star Trail:

Motion by Baldwin, second by Stanton to approve the revised Intergovernmental Agreement and the Phase 2 C2AE Contract, with staff returning to Council for approval to proceed with the Construction Management Phase. Appoint Councilmember Lewis as the liaison to the Council for trail design and construction, with member Leo remaining. Upon roll call vote, motion carried 6-1. Yays- Baldwin, Dean, Leo, Lewis, Muncey and Stanton. No- Gardner.

Saugatuck Township and the City of the Village of Douglas proposed two changes to the agreement:

1. A change to Section 4, which clarifies the City to be Saugatuck City and Township to be Saugatuck Township.
2. A change to Section 20, which relates to available remedies in the event of dispute.

City Council is asked to review the proposed revisions and consider approval so the agreement can be fully executed. A red line and clean copy are attached.

The requested revisions are reasonable, and staff recommends approval.

LEGAL REVIEW:

The City Attorney reviewed the proposed revisions.

SAMPLE MOTION:

Motion to **approve/deny** the revised Intergovernmental Agreement to retain engineering services for Phase 2 of the north section of the blue star trail.

**INTERGOVERNMENTAL AGREEMENT
TO RETAIN ENGINEERING SERVICES FOR PHASE 2
THE NORTH SECTION OF THE BLUE STAR TRAIL**

This INTERLOCAL AGREEMENT is entered into pursuant to Act 7 of PA 1967 (hereinafter defined), by and among Saugatuck Township, 3461 Blue Star Hwy. P.O. Box 100, Saugatuck, MI 49453, the City of Saugatuck, 102 Butler St., Saugatuck, MI 49453, and the City of the Village of Douglas, PO Box 757, 86 W. Center St., Douglas MI 49406-0757 (the “Municipalities”), each of them a “public agency” as defined in Act 7.

RECITALS

WHEREAS, the Friends of the Blue Star Trail (FOTBST) is a 501(c)(3) non-profit organization incorporated in the State of Michigan for the charitable purpose of advocating for the development and continuance of the Blue Star Trail from South Haven to Saugatuck (“Trail”); and

WHEREAS the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of Michigan, 1967, Ex. Sess., MCL 124.501 et seq. (“Act 7”), permits a public agency to exercise jointly with any other public agency any power, privilege, or authority which such public agencies share in common and which each might exercise separately; and

WHEREAS the Municipalities have supported the Trail and in 2019-20 each passed a Joint Resolution that reaffirmed their support for the Trail and for pursuing construction of the Trail through their territories (the “Project”), including creation of a Joint Tri-community Study Committee (“TCC”); and

WHEREAS the Municipalities desire to enter into an interlocal agreement, pursuant to Act 7, to jointly pursue the Project through the authority granted by Act 7.

WHEREAS each Municipality has the power, privilege and authority to perform various economic development and recreational activities and administrative functions supportive of economic development and recreational activities, and to enter into this Agreement.

WHEREAS the TCC has determined that it is necessary to retain the services of a professional engineering firm to advise it as to how best to proceed with the Project; and

WHEREAS the TCC identified a number of qualified engineering firms, obtained proposals from four firms, selected two finalists, checked their references, conducted interviews of the firms, selected Capital Consultants, Inc. (“C2AE”), and arranged for legal counsel to negotiate the form of a proposed contract with that firm; and

WHEREAS the parties and the FOTBST have agreed to pay the reasonable fees of C2AE related to the Project as set forth below; and

WHEREAS C2AE has provided a proposal for the Phase 2 engineering work for the Project and the Municipalities and the FOTBST desire to retain C2AE to complete Phase 2 engineering; and

WHEREAS each Municipality, pursuant to resolution of its governing body, is authorized to execute and deliver this Agreement.

CORE TERMS

NOW, THEREFORE, the parties agree as follows:

1. The Municipalities will all execute the phase 2 contract, attached, at a meeting of their respective governing body.
2. To minimize costs and the risk of miscommunication, the parties hereby designate Ryan Heise, Saugatuck City Manager, as their liaison for the project (the "Project Liaison"). The Project Liaison shall be principal contact for the engineering firm. The Project Liaison shall provide regular status reports on the project to the Project/Advisory Team, which consists of representatives of each municipality and the FOTBST. Further, the Project Liaison shall consult with the chief administrative officer (i.e. the municipal manager) for the municipality before making any material decisions regarding the design of a trail segment located in that municipality.
3. Any changes in the scope of work to be provided by C2AE under this contract must be approved in writing by the Project Liaison, in consultation with the Project/Advisory Team and the chief administrative officer for each municipality in which the affected portion of the trail is located. Further, each municipality is free to retain C2AE or another individual or entity to render additional services to it under a separate agreement.
4. The Municipalities and FOTBST agree to share in payment of C2AE's fees as follows:

Party	Commitment Toward Match	% of Total Commitment	Dollar Share for Phase 2
FOTBST	\$205,000	77.3 %	\$48,320
<u>Saugatuck</u> City	50,000	18.8	11,751
<u>Saugatuck</u> Township	10,000	3.7	2,312

In addition, the Township has agreed to pay the fee for the archeological consultant to perform the services required by MDOT within the boundaries of the Township.

**INTERGOVERNMENTAL AGREEMENT
TO RETAIN ENGINEERING SERVICES FOR PHASE 2
THE NORTH SECTION OF THE BLUE STAR TRAIL**

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WHEREAS the TCC identified a number of qualified engineering firms, obtained proposals from four firms, selected two finalists, checked their references, conducted interviews of the firms, selected Capital Consultants, Inc. (“C2AE”), and arranged for legal counsel to negotiate the form of a proposed contract with that firm; and

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3. Any changes in the scope of work to be provided by C2AE under this contract must be approved in writing by the Project Liaison, in consultation with the Project/Advisory Team and the chief administrative officer for each municipality in which the affected portion of the trail is located. Further, each municipality is free to retain C2AE or another individual or entity to render additional services to it under a separate agreement.
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FOTBST	\$205,000	77.3 %	\$48,320
Saugatuck City	50,000	18.8	11,751
Saugatuck Township	10,000	3.7	2,312

In addition, the Township has agreed to pay the fee for the archeological consultant to perform the services required by MDOT within the boundaries of the Township.

5. The parties expect to follow these procedures for dealing with C2AE's fees (6-12):
6. C2AE will break down its work into appropriate segments.
7. Prior to beginning work on the next segment, C2AE will provide a not-to-exceed estimate of its fee to the Project Liaison and to the FOTBST.
8. The Allegan County Community Foundation, as fiduciary to the FOTBST, will confirm in writing to the Project Liaison that it has sufficient funds on account to pay the fee for Phase 2.
9. The Project Liaison will authorize C2AE to commence work on the next segment absent an objection by a Municipality. Municipalities shall have ten (10) working days to object/challenge the scope of work/estimate prior to the start of each segment.
10. C2AE will issue monthly invoices according to the terms of its contract.
11. Upon approval by the Project Liaison and the FOTBST, the FOTBST will authorize the ACCF to pay the invoice from the FOTBST's account [or from a new account to be set up dedicated to the TCC Project].
12. Subject to the terms of the contract with C2AE, the Project Liaison, in consultation with the Project/Advisory Team, may determine to suspend or halt the work of C2AE at any time.

MISCELLANEOUS

13. Entire Agreement. This Agreement sets forth the entire agreement between the Parties and supersedes any and all prior agreements or understandings between them in any way related to the subject matter hereof. It is further understood and agreed that the terms and conditions herein are contractual and are not a mere recital and that there are no other agreements, understandings, contracts, or representations between the Parties in any way related to the subject matter hereof, except as expressly stated herein.
14. No Presumption. This Agreement shall be construed without regard to any presumption or other rule requiring construction against the Party causing this Agreement to be drafted.

15. Severability of Provisions. If any provision of this Agreement, or its application to any Person or circumstance, is invalid or unenforceable, the remainder of this Agreement and the application of that provision to other Persons or circumstances is not affected but will be enforced to the extent permitted by law.
16. Governing Law. This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan without regard to the doctrine of conflict of laws. The language of all parts of this Agreement shall in all cases be construed as a whole according to its fair meaning, and not construed strictly for or against any Party.
17. Captions. The captions, headings, and titles in this Agreement are intended for the convenience of the reader and not intended to have any substantive meaning and are not to be interpreted as part of this Agreement. They are solely for convenience of reference and do not affect this Agreement's interpretation.
18. Terminology. All terms and words used in this Agreement, regardless of the number or gender in which they are used, are deemed to include any other number and any other gender as the context may require.
19. Cross-References. References in this Agreement to any Article include all Sections, subsections, and paragraphs in the Article; references in this Agreement to any Section include all subsections and paragraphs in the Section.
20. Jurisdiction and Venue. All claims, disputes, and other matters in question between the parties arising out of or relating to this Agreement or breach thereof first shall be submitted for nonbinding mediation to any one of the following, as agreed to by the parties: American Arbitration Association, American Intermediation Service, Americord, Dispute Resolution, Inc., Endispute, or Judicate. Any party hereto may initiate mediation within the time allowed for filing per State law and the parties hereto agree to fully cooperate and participate in good faith to resolve dispute(s). The Cost of mediation shall be shared equally by the parties involved. If mediation fails to resolve the claim or dispute, the matter shall be submitted to a court of competent jurisdiction.
21. Amendment. The Agreement may be amended or an alternative form of the Agreement adopted only upon written agreement of all Parties. In the event that an amendment to this Agreement or alternative form of Agreement is approved by less than all Parties, any Party which has not approved of the amendment or alternative form of Agreement may withdraw from the Agreement.
22. Execution of Agreement; Counterparts. Each Party shall duly execute three (3) counterparts of this Agreement, each of which (taken together) is an original but all of which constitute one instrument.

IN WITNESS WHEREOF, this Agreement is executed by each Party on the date hereafter set forth.

CITY OF THE VILLAGE OF DOUGLAS

By: _____

Its: _____

DATE: _____

CITY OF SAUGATUCK

By: _____

Its: _____

DATE: _____

SAUGATUCK TOWNSHIP

By: _____

Its: _____

DATE: _____



City Council Agenda Item Report

FROM: Ryan Cummins – Director of Planning and Zoning

MEETING DATE: 2/29/2024

SUBJECT: GROW Estate, LLC – 650 Water - Right of Way Signage Request

DESCRIPTION:

Alec Payleitner, owner of GROW Estate, LLC has submitted a request to install a freestanding sign in the right of way at 650 Water Street. The signage is for a new restaurant and will be replacing an existing sign in the same location.

The zoning ordinance requires the following:

154.141(L)(2) Any new permanent signs within the public right-of-way shall obtain City Council approval prior to erection. Signs shall not create a traffic vision obstruction, pedestrian traffic obstruction, or prevent the general accepted use of the public right-of-way.

Attached is a Revocable License Agreement that would allow for GROW Estate LLC to have a freestanding sign that encroaches into the City right of way.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

The Planning Commission approved the site plan with a condition that the signage receive administrative approval.

The Historic District Commission reviewed and approved the signage.

LEGAL REVIEW:

The City Attorney reviewed revocable license agreement language for signs in the public right of way.

SAMPLE MOTION:

Motion to **approve/deny** the Revocable License Agreement for a sign in the public right-of-way for GROW Estate, LLC.

REVOCABLE LICENSE AGREEMENT
REGARDING SIGN IN THE RIGHT-OF-WAY

THIS AGREEMENT is made this _____ day of _____, 2024, between the CITY OF SAUGATUCK (the “**City**”) a Michigan municipal corporation located in Allegan County, Michigan, and GROW Estate LLC, a Michigan limited liability company with leasehold interest in real property commonly known as 650 Water Street, Saugatuck MI 49453, P.P. No. 57-300-029-00 (the “**Licensee**”).

Recitals

- A. Licensee has leasehold interest in real property located at 650 Water Street in the City, further described as P.P. No. 57-300-029-00 (the “**Property**”).
- B. A public right-of-way owned and controlled by the City crosses the Property as shown on the sketch map attached as Exhibit A and incorporated by reference.
- C. Licensee desires to install an approximately twenty square foot freestanding sign in the City’s right-of-way (the “**Encroachment**”). Licensee seeks a license in order to install the Encroachment.
- D. Licensee will insure and maintain the Encroachment within and immediately adjacent to the public right-of-way for Water Street as hereinafter described.
- E. The City is amenable to granting a revocable license to Licensee for the installation and maintenance of the Encroachment within the right-of-way for Water Street, subject to terms of this Agreement.

Agreement

- 1. The City hereby grants to Licensee a revocable license for the Encroachment for the purpose of installing and maintaining the Encroachment in the precise location shown on Exhibit A subject to the terms of this Agreement. The Encroachment shall be as depicted on attached Exhibit A, which is incorporated by reference.
- 2. The Encroachment shall meet all requirements of the City of Saugatuck Code including, without limitation, any historic district requirements.
- 3. Licensee shall maintain the Encroachment in the public right-of-way in good condition at all times, and in compliance with all applicable laws and regulations of the City, County and State of Michigan.
- 4. Licensee shall indemnify and hold harmless the City, and its officers, agents, and employees, from any and all claims, demands, or suits by any person or entity for damages, injuries, or losses in any way connected or arising out of the placement, maintenance, existence or use of the Encroachment. The provisions of this section shall survive any termination of this Agreement.

5. Licensee shall obtain and maintain general liability insurance in a form and amount satisfactory to the City for the Encroachment at all times that this Agreement is in effect and the City shall be named as an additional insured on any such policy.
6. The placement of the Encroachment in no way creates any title, claim of right, or other property rights or interest for Licensee in any public right-of-way.
7. The license granted to the Licensee and this Agreement shall not be assigned or otherwise transferred by Licensee to any other person or business entity without the City's prior written approval.
8. The license granted by this Agreement shall be revocable at the will of the City, with or without cause, by the City giving Licensee or its successor thirty (30) days written notice of intent to revoke. Upon written notice to Licensee or its successor, mailed by regular mail to PO Box 841, Saugatuck, MI 49453, Licensee or its successor shall immediately remove the Encroachment and discontinue placing anything in the City right-of-way. The area where the Encroachment was removed shall be returned to its previous condition by the Licensee at no cost to the City.
9. At the time of execution of this Revocable License Agreement, Licensee shall pay to the City the cost of preparation of this Agreement.

In witness whereof, the parties have caused this Agreement to be executed on the date first set forth above.

CITY OF SAUGATUCK, a
municipal corporation

By: _____

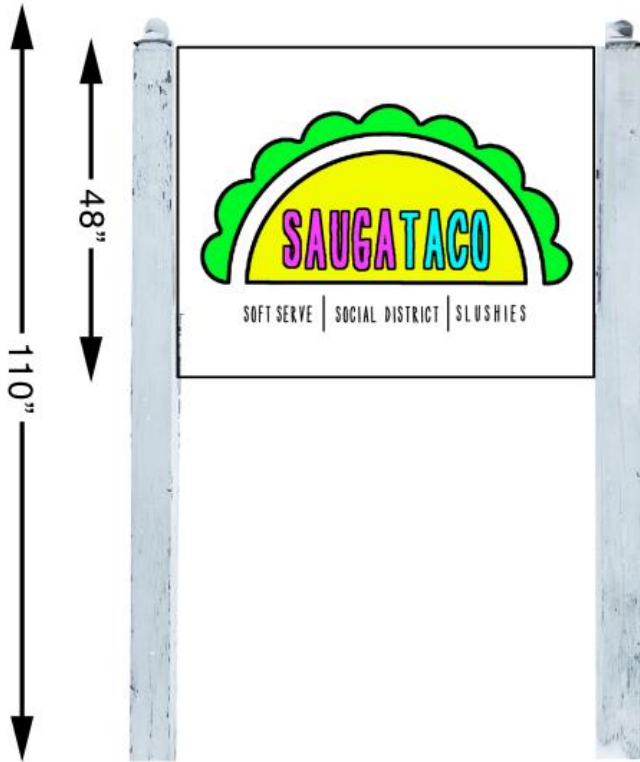
Its: _____

_____, a _____

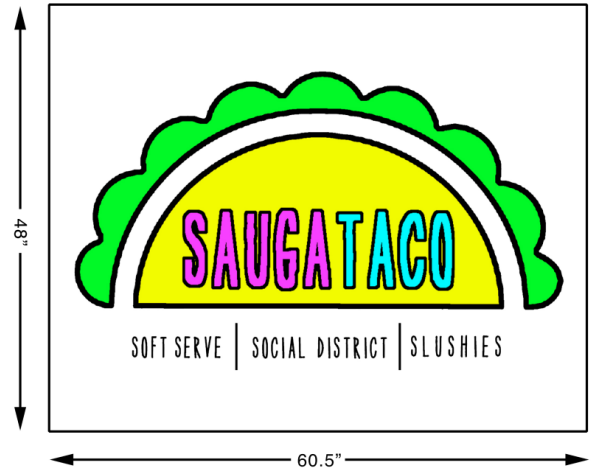
By: _____

Its: _____

Exhibit A



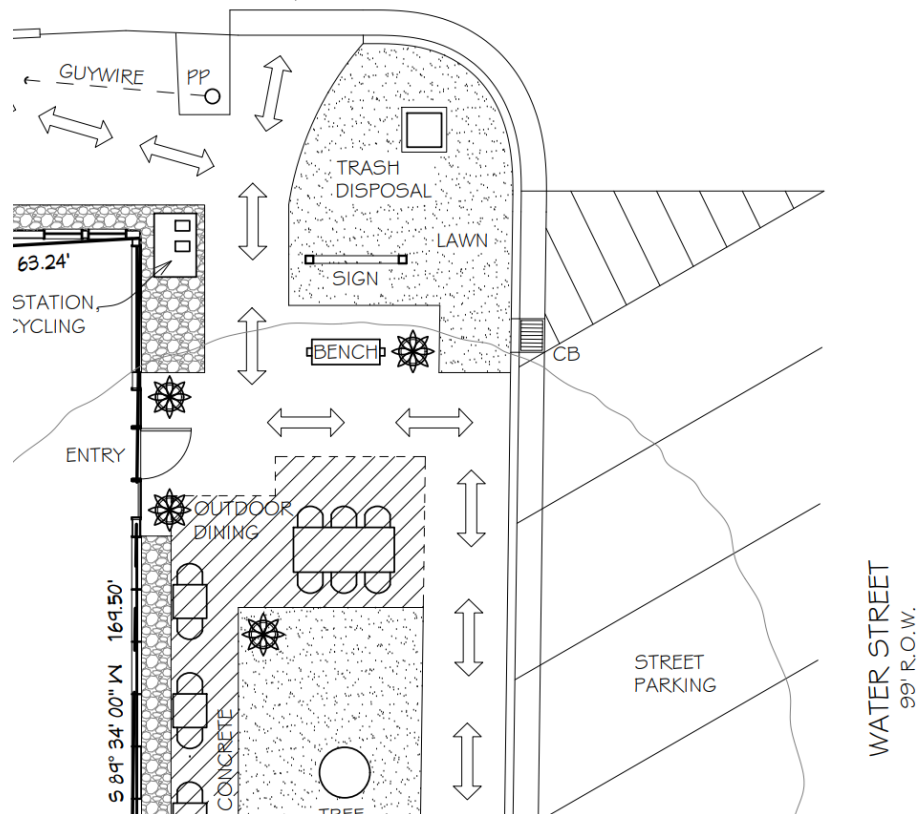
650 Water Street | Proposed Sign Design



***Color palette is subject to minor changes.

(Scale = 1:8)

(Scale = 1:20)





City Council Agenda Item Report

FROM: Ryan Cummins – Director of Planning and Zoning

MEETING DATE: 2/29/2024

SUBJECT: Sidewalk Seating Request – 650 Water - GROW Estate LLC

DESCRIPTION:

Alec Payleitner, owner of GROW Estate, LLC, has submitted a request to place 6 tables (of a size to seat two persons), 1 table (of a size to seat six persons), 18 chairs, 1 sanitation station for waste and recycling collection, and 4 planters within and on the public sidewalk adjoining the property at 650 Water Street, to be utilized in conjunction with a new restaurant. The seating will only be on the east side of the building. Mr. Payleitner advised they are not pursuing seating on the north side of the building for 2024.

Attached is a Revocable License Agreement that would allow for GROW Estate LLC to have temporary restaurant seating in the public right-of-way until November 1, 2029. It is of note the seating must still be removed seasonally from November 1 to April 1.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

The Planning Commission and Historic District Commission have both reviewed the request and approved.

LEGAL REVIEW:

The City Attorney reviewed revocable license agreement language for restaurant seating in the public right of way.

SAMPLE MOTION:

Motion to **approve/deny** the Revocable License Agreement for temporary restaurant seating in the public right-of-way for GROW Estate, LLC.

REVOCABLE LICENSE AGREEMENT

FOR RESTAURANT SEATING IN THE PUBLIC RIGHT OF WAY

THIS AGREEMENT is made this ___ day of _____, 2024, by and between the CITY OF SAUGATUCK, (hereinafter "City") a municipal corporation located in Allegan County, Michigan; and GROW Estate LLC, (hereinafter "Licensee").

Recitals

- A. Licensee has leasehold interest in real property located at 650 Water Street, in the City of Saugatuck, further described as PP No. 03-57-300-029-00. A restaurant is operated on the property.
- B. Licensee desires to place 6 tables (of a size to seat two persons), 1 table (of a size to seat six persons), 18 chairs, 1 sanitation station for waste and recycling collection, and 4 planters within and on the public sidewalk adjoining the property, to be utilized in conjunction with the restaurant.
- C. The public sidewalk is under the control and jurisdiction of the City and the City is amenable to granting a revocable license to Licensee for the purposes described herein, subject to the terms of this Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties, it is agreed as follows:

Agreement

1. The parties affirm that the recitals set forth above are correct, form an integral part of this Agreement and are incorporated by reference.
2. The City grants to the Licensee, and the Licensee accepts from the City, a non-exclusive, revocable license to place and utilize the number of tables and chairs set forth above within and on the public sidewalk directly adjacent to the Licensee's property, in the precise location shown on the attached sketch plan, marked as Exhibit A (the "Licensed Premises") subject to the terms and conditions of this Agreement. Without limiting the foregoing, the placement and use of the seating and tables shall not obstruct or interfere with a five (5) foot wide path on the improved sidewalk, which path shall be continuously maintained for pedestrian travel.
3. The Licensee acknowledges and agrees that Licensee has inspected the Licensed Premises and has determined such premises to be in a satisfactory condition and that the Licensee's entry upon and use of the Licensed Premises constitutes acceptance of the Licensed Premises on an "as is" basis. The City makes no representations or warranties as to the condition of the public right-of-way, the suitability of the use of the Licensed Premises proposed by Licensee, or any physical or other condition. The City will have no liability or responsibility for upkeep, maintenance, or any other action

with regard to personal property located on the Licensed Premises or the Licensed Premises as a result of this Agreement. Licensee will comply with all applicable ordinances, laws, and regulations governing the same and will keep personal property placed thereon in neat and clean condition, reasonable wear and tear excepted.

4. This Agreement is subject, without limitation, to the following general restrictions:
 - A. The use of the personal property on the Licensed Premises shall not be conducted in such a way as to become a public nuisance; and Licensee's use of the Licensed Premises shall not interfere with traffic or circulation on any adjoining streets, alleys, sidewalks or public open-space areas.
 - B. The Licensee is responsible for maintaining, in a clean and safe condition, the personal property as well as the Licensed Premises.
 - C. The personal property shall only be located in that area expressly designated on Exhibit A.
5. This Agreement shall not authorize the use or placement of any other personal property within or on the Licensed Premises, including, but not limited, to signage, fencing, trash cans, service stations, or features except those items referenced in Recital B above.
6. The Licensee shall hold the City and its officers, employees, and agents harmless from, and defend and indemnify them against, any and all claims or lawsuits seeking recovery for damage or injury, including death, and against any other legal proceedings instituted against any of them, directly or indirectly, arising from the use or placement of the tables and chairs within and on the public sidewalks or from the City's permitting the Licensee to install and maintain such encroachment, regardless of whether the Licensee or any of its officers, employees, or agents are negligent. The obligations of the Licensee under this paragraph shall survive the termination of this Agreement for a period of three years.
7. The license granted by this Agreement shall expire on November 1, 2029. Notwithstanding the foregoing, the license granted by this Agreement shall be revocable at the will of the City, with or without cause, by the City giving Licensee 15 days written notice of intent to revoke. Upon written notice to Licensee, mailed by regular mail to the Licensee at the property Licensee's address of record (PO Box 841, Saugatuck, MI 49453), Licensee shall forthwith remove the tables, chairs and rope barrier from within the City right-of-way. In the event the license is revoked, neither Licensee nor its successors or assigns shall be entitled to any compensation.
8. Any food service shall conform to applicable local, county, state, and federal laws, regulations, licensing requirements, and standards, subject to any limits imposed in this license.

9. The Licensee shall obtain, continuously maintain for the duration of this Agreement, and provide the City prior to execution of this Agreement, and from time to time thereafter, with proof acceptable to the City Manager of commercial general liability insurance coverage, naming the City as an additional insured party. Such insurance shall have an initial limit of \$1,000,000 per occurrence and \$2,000,000 general aggregate. Said insurance must contain comprehensive coverage to insure against any and all claims arising out of or attributable to the encroachment of the tables and chairs into the Licensed Premises or other public right-of-way, regardless of whether the Licensee or any of its officers, employees, or agents are negligent in any manner. The certificate of insurance must contain an unqualified guarantee that the City will be provided with 30 days prior written notice of cancellation, termination, non-renewal, or material change in coverage of the insurance policy provided. If the Licensee fails to maintain the required insurance in force, the City may, at its option, obtain such insurance at its own expense and bill the costs of the same to the Licensee, which costs the Licensee agrees to promptly pay.
10. In no event shall the City be responsible for loss or damage to improvements or personal property owned by the Licensee or its invitees or employees and located on the Licensed Premises, which are caused by fire, theft, loss, vandalism or other casualty.
11. The failure of either party to enforce any covenant or condition of this Agreement shall not be deemed a waiver thereof or of the right of either party to enforce each and every covenant and condition of this License. No provision of this Agreement shall be deemed to have been waived unless such waiver shall be in writing.
12. Licensee acknowledges and agrees that the City is the owner of the Licensed Premises, that the license granted under this Agreement involves the permission to enter and use property which is a public right of way, that the public's rights are paramount, and that the Licensee's use under this license may not interfere with the public's rights to the reasonable use of the Licensed Premises. Licensee further acknowledges that its use of the Licensed Premises does not constitute any title, claim of right, or other interest in the Licensed Premises.
13. Violations of a term of this Agreement by Licensee shall result in the suspension of Licensee's rights hereunder with 24-hour notice to Licensee.
14. This license is personal with the Licensee and does not run with the land. This license shall not be assigned or transferred in any manner by the Licensee to any other person or business entity. The City, in its sole discretion, may authorize the assignment or transfer of this license to a third party by amendment to this Agreement or by a separate license agreement.

In witness whereof, the parties have caused this Agreement to be executed on the date first set forth above.

CITY OF SAUGATUCK, a municipal corporation

By: _____

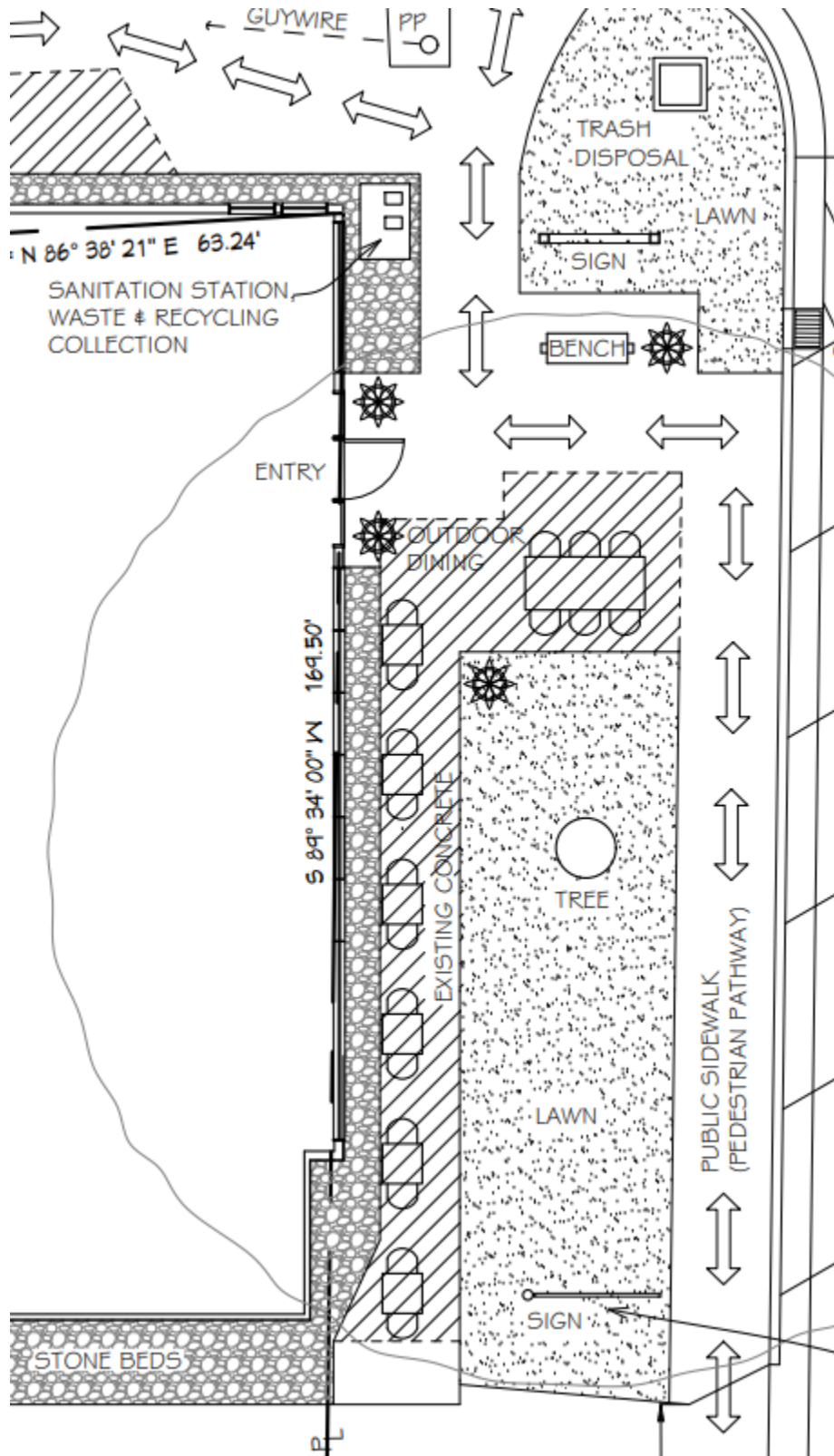
Its: _____

_____, a _____

By: _____

Its: _____

EXHIBIT A





City Council Agenda Item Report

FROM: Ryan Cummins – Director of Planning and Zoning

MEETING DATE: 2/29/2024

SUBJECT: Sidewalk Seating Request – Scooters Café & Pizzeria

DESCRIPTION:

Charles Myers, managing partner of Scooters Café and Pizzeria, is requesting the placement of 2 tables (of a size to seat two persons), 2 tables (of a size to seat four persons), and 16 chairs on the public sidewalk adjoining the property. Scooters Café and Pizzeria received zoning approval for this seating in 2015, and no changes are proposed.

Attached is a five-year Revocable License Agreement that would allow for Scooters Café and Pizzeria to have temporary restaurant seating in the public right-of-way until November 1, 2029. It is of note, that while approval is granted until November 1, 2029, the seating must still be removed seasonally from November 1 to April 1.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

The Planning Commission approved the sidewalk seating in 2015.

LEGAL REVIEW:

The City Attorney reviewed revocable license agreement language for restaurant seating in the public right of way.

SAMPLE MOTION:

Motion to **approve/deny** the Revocable License Agreement for temporary restaurant seating in the public right-of-way for Scooters Café & Pizzeria LLC.

REVOCABLE LICENSE AGREEMENT

FOR RESTAURANT SEATING IN THE PUBLIC RIGHT OF WAY

THIS AGREEMENT is made this ___ day of _____, 2024, by and between the CITY OF SAUGATUCK, (hereinafter “City”) a municipal corporation located in Allegan County, Michigan; and Scooters Café & Pizzeria LLC, (hereinafter “Licensee”).

Recitals

- A. Licensee has leasehold interest in real property located at 322 Culver Street, in the City of Saugatuck, further described as PP No. 03-57-300-195-00. A restaurant is operated on the property.
- B. Licensee desires to place 2 tables (of a size to seat two persons), 2 tables (of a size to seat four persons), and 16 chairs on the public sidewalk adjoining the property, to be utilized in conjunction with the restaurant.
- C. The public sidewalk is under the control and jurisdiction of the City and the City is amenable to granting a revocable license to Licensee for the purposes described herein, subject to the terms of this Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties, it is agreed as follows:

Agreement

1. The parties affirm that the recitals set forth above are correct, form an integral part of this Agreement and are incorporated by reference.
2. The City grants to the Licensee, and the Licensee accepts from the City, a non-exclusive, revocable license to place and utilize the number of tables and chairs set forth above within and on the public sidewalk directly adjacent to the Licensee’s property, in the precise location shown on the attached sketch plan, marked as Exhibit A (the “Licensed Premises”) subject to the terms and conditions of this Agreement. Without limiting the foregoing, the placement and use of the seating and tables shall not obstruct or interfere with a five (5) foot wide path on the improved sidewalk, which path shall be continuously maintained for pedestrian travel.
3. The Licensee acknowledges and agrees that Licensee has inspected the Licensed Premises and has determined such premises to be in a satisfactory condition and that the Licensee's entry upon and use of the Licensed Premises constitutes acceptance of the Licensed Premises on an "as is" basis. The City makes no representations or warranties as to the condition of the public right-of-way, the suitability of the use of the Licensed Premises proposed by Licensee, or any physical or other condition. The City will have no liability or responsibility for upkeep, maintenance, or any other action with regard to personal property located on the Licensed Premises or the Licensed

Premises as a result of this Agreement. Licensee will comply with all applicable ordinances, laws, and regulations governing the same and will keep personal property placed thereon in neat and clean condition, reasonable wear and tear excepted.

4. This Agreement is subject, without limitation, to the following general restrictions:
 - A. The use of the personal property on the Licensed Premises shall not be conducted in such a way as to become a public nuisance; and Licensee's use of the Licensed Premises shall not interfere with traffic or circulation on any adjoining streets, alleys, sidewalks or public open-space areas.
 - B. The Licensee is responsible for maintaining, in a clean and safe condition, the personal property as well as the Licensed Premises.
 - C. The personal property shall only be located in that area expressly designated on Exhibit A.
5. This Agreement shall not authorize the use or placement of any other personal property within or on the Licensed Premises, including, but not limited, to signage, fencing, trash cans, service stations, or features except those items referenced in Recital B above.
6. The Licensee shall hold the City and its officers, employees, and agents harmless from, and defend and indemnify them against, any and all claims or lawsuits seeking recovery for damage or injury, including death, and against any other legal proceedings instituted against any of them, directly or indirectly, arising from the use or placement of the tables and chairs within and on the public sidewalks or from the City's permitting the Licensee to install and maintain such encroachment, regardless of whether the Licensee or any of its officers, employees, or agents are negligent. The obligations of the Licensee under this paragraph shall survive the termination of this Agreement for a period of three years.
7. The license granted by this Agreement shall expire on November 1, 2029. Notwithstanding the foregoing, the license granted by this Agreement shall be revocable at the will of the City, with or without cause, by the City giving Licensee 15 days written notice of intent to revoke. Upon written notice to Licensee, mailed by regular mail to the Licensee at the property Licensee's address of record (6189 Bayou Trail, Saugatuck, MI 49453), Licensee shall forthwith remove the tables and chairs from within the City right-of-way. In the event the license is revoked, neither Licensee nor its successors or assigns shall be entitled to any compensation.
8. Any food service shall conform to applicable local, county, state, and federal laws, regulations, licensing requirements, and standards, subject to any limits imposed in this license.
9. The Licensee shall obtain, continuously maintain for the duration of this Agreement, and provide the City prior to execution of this Agreement, and from time to time

thereafter, with proof acceptable to the City Manager of commercial general liability insurance coverage, naming the City as an additional insured party. Such insurance shall have an initial limit of \$1,000,000 per occurrence and \$2,000,000 general aggregate. Said insurance must contain comprehensive coverage to insure against any and all claims arising out of or attributable to the encroachment of the tables and chairs into the Licensed Premises or other public right-of-way, regardless of whether the Licensee or any of its officers, employees, or agents are negligent in any manner. The certificate of insurance must contain an unqualified guarantee that the City will be provided with 30 days prior written notice of cancellation, termination, non-renewal, or material change in coverage of the insurance policy provided. If the Licensee fails to maintain the required insurance in force, the City may, at its option, obtain such insurance at its own expense and bill the costs of the same to the Licensee, which costs the Licensee agrees to promptly pay.

10. In no event shall the City be responsible for loss or damage to improvements or personal property owned by the Licensee or its invitees or employees and located on the Licensed Premises, which are caused by fire, theft, loss, vandalism or other casualty.
11. The failure of either party to enforce any covenant or condition of this Agreement shall not be deemed a waiver thereof or of the right of either party to enforce each and every covenant and condition of this License. No provision of this Agreement shall be deemed to have been waived unless such waiver shall be in writing.
12. Licensee acknowledges and agrees that the City is the owner of the Licensed Premises, that the license granted under this Agreement involves the permission to enter and use property which is a public right of way, that the public's rights are paramount, and that the Licensee's use under this license may not interfere with the public's rights to the reasonable use of the Licensed Premises. Licensee further acknowledges that its use of the Licensed Premises does not constitute any title, claim of right, or other interest in the Licensed Premises.
13. Violations of a term of this Agreement by Licensee shall result in the suspension of Licensee's rights hereunder with 24-hour notice to Licensee.
14. This license is personal with the Licensee and does not run with the land. This license shall not be assigned or transferred in any manner by the Licensee to any other person or business entity. The City, in its sole discretion, may authorize the assignment or transfer of this license to a third party by amendment to this Agreement or by a separate license agreement.

In witness whereof, the parties have caused this Agreement to be executed on the date first set forth above.

CITY OF SAUGATUCK, a municipal corporation

By: _____

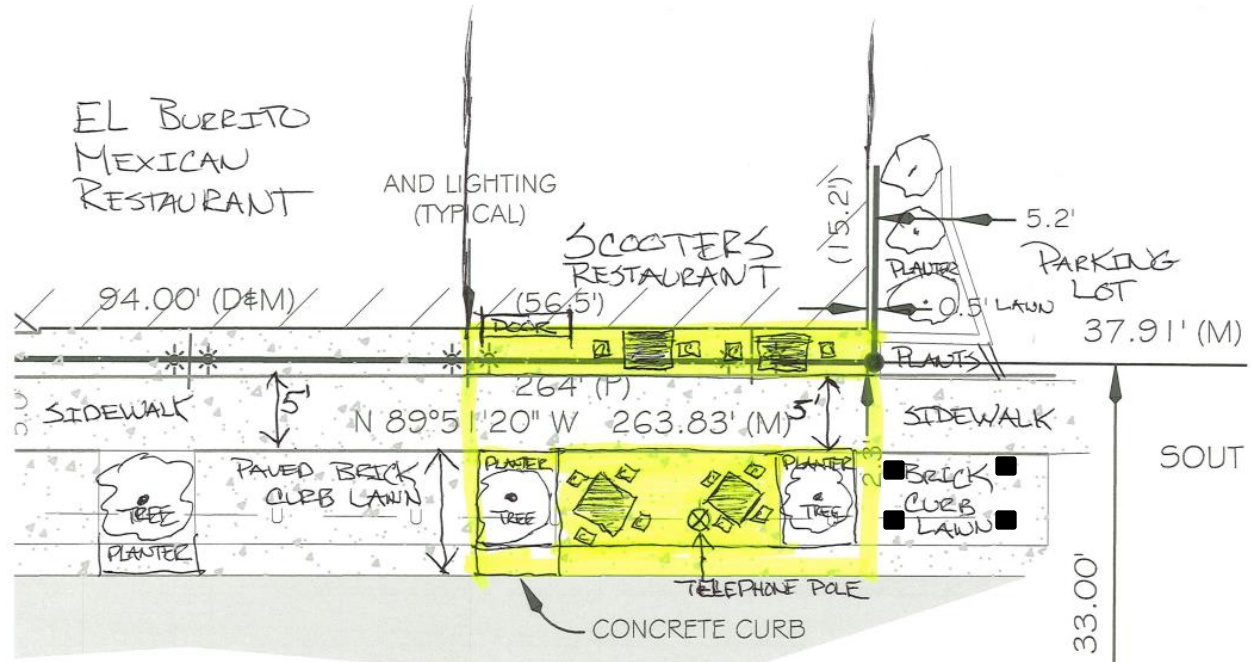
Its: _____

_____, a _____

By: _____

Its: _____

EXHIBIT A



OLVER STREET
(E PUBLIC RIGHT-OF-WAY)

SCOOTERS SIDEWALK SEATING

- ▣ - 2 - 2 TOPS Against building on paved private sidewalk
- ◊ - 2 - 4 tops On Paved Brick curb lawn ROW
- ▨ Licensed Seating Area from City
- ▨ Licensed Alcohol Serving from MLCC
- TTL SEATING - 12 seats



City Council Agenda Item Report

FROM: Ryan Cummins – Director of Planning and Zoning

MEETING DATE: 2/29/2024

SUBJECT: Sidewalk Seating Request – 311 Water - Boardwalk Cafe

DESCRIPTION:

Ehran Kara, owner of Boardwalk Café (Boardwalk Café LLC), has submitted a request to place six picnic tables on the public sidewalk adjoining the property. Boardwalk Café has previously placed picnic tables on the sidewalk in this area.

Attached is a five-year Revocable License Agreement that would allow for Boardwalk Café to have temporary restaurant seating in the public right-of-way until November 1, 2029. It is of note the seating must still be removed seasonally from November 1 to April 1.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

The Planning Commission and Historic District Commission both reviewed the request and approved as presented.

LEGAL REVIEW:

The City Attorney reviewed revocable license agreement language for restaurant seating in the public right of way.

SAMPLE MOTION:

Motion to **approve/deny** the Revocable License Agreement for temporary restaurant seating in the public right-of-way for Boardwalk Café (Boardwalk Café LLC).

REVOCABLE LICENSE AGREEMENT

FOR RESTAURANT SEATING IN THE PUBLIC RIGHT OF WAY

THIS AGREEMENT is made this ___ day of _____, 2024, by and between the CITY OF SAUGATUCK, (hereinafter “City”) a municipal corporation located in Allegan County, Michigan; and Boardwalk Café (Boardwalk Café LLC), (hereinafter “Licensee”).

Recitals

- A. Licensee has leasehold interest in real property located at 311 Water Street, in the City of Saugatuck, further described as PP No. 03-57-300-103-00. A restaurant is operated on the property.
- B. Licensee desires to place 6 picnic tables within and on the public sidewalk adjoining the property, to be utilized in conjunction with the restaurant.
- C. The public sidewalk is under the control and jurisdiction of the City and the City is amenable to granting a revocable license to Licensee for the purposes described herein, subject to the terms of this Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is acknowledged by the parties, it is agreed as follows:

Agreement

- 1. The parties affirm that the recitals set forth above are correct, form an integral part of this Agreement and are incorporated by reference.
- 2. The City grants to the Licensee, and the Licensee accepts from the City, a non-exclusive, revocable license to place and utilize the number of tables and chairs set forth above within and on the public sidewalk directly adjacent to the Licensee’s property, in the precise location shown on the attached sketch plan, marked as Exhibit A (the “Licensed Premises”) subject to the terms and conditions of this Agreement. Without limiting the foregoing, the placement and use of the seating and tables shall not obstruct or interfere with a five (5) foot wide path on the improved sidewalk, which path shall be continuously maintained for pedestrian travel.
- 3. The Licensee acknowledges and agrees that Licensee has inspected the Licensed Premises and has determined such premises to be in a satisfactory condition and that the Licensee's entry upon and use of the Licensed Premises constitutes acceptance of the Licensed Premises on an "as is" basis. The City makes no representations or warranties as to the condition of the public right-of-way, the suitability of the use of the Licensed Premises proposed by Licensee, or any physical or other condition. The City will have no liability or responsibility for upkeep, maintenance, or any other action with regard to personal property located on the Licensed Premises or the Licensed Premises as a result of this Agreement. Licensee will comply with all applicable

ordinances, laws, and regulations governing the same and will keep personal property placed thereon in neat and clean condition, reasonable wear and tear excepted.

4. This Agreement is subject, without limitation, to the following general restrictions:
 - A. The use of the personal property on the Licensed Premises shall not be conducted in such a way as to become a public nuisance; and Licensee's use of the Licensed Premises shall not interfere with traffic or circulation on any adjoining streets, alleys, sidewalks or public open-space areas.
 - B. The Licensee is responsible for maintaining, in a clean and safe condition, the personal property as well as the Licensed Premises.
 - C. The personal property shall only be located in that area expressly designated on Exhibit A.
5. This Agreement shall not authorize the use or placement of any other personal property within or on the Licensed Premises, including, but not limited, to signage, fencing, trash cans, service stations, or features except those items referenced in Recital B above.
6. The Licensee shall hold the City and its officers, employees, and agents harmless from, and defend and indemnify them against, any and all claims or lawsuits seeking recovery for damage or injury, including death, and against any other legal proceedings instituted against any of them, directly or indirectly, arising from the use or placement of the tables and chairs within and on the public sidewalks or from the City's permitting the Licensee to install and maintain such encroachment, regardless of whether the Licensee or any of its officers, employees, or agents are negligent. The obligations of the Licensee under this paragraph shall survive the termination of this Agreement for a period of three years.
7. The license granted by this Agreement shall expire on November 1, 2029. Notwithstanding the foregoing, the license granted by this Agreement shall be revocable at the will of the City, with or without cause, by the City giving Licensee 15 days written notice of intent to revoke. Upon written notice to Licensee, mailed by regular mail to the Licensee at the property Licensee's address of record (PO Box 1121, Saugatuck, MI 49453), Licensee shall forthwith remove the tables and chairs from within the City right-of-way. In the event the license is revoked, neither Licensee nor its successors or assigns shall be entitled to any compensation
8. Any food service shall conform to applicable local, county, state, and federal laws, regulations, licensing requirements, and standards, subject to any limits imposed in this license.
9. The Licensee shall obtain, continuously maintain for the duration of this Agreement, and provide the City prior to execution of this Agreement, and from time to time thereafter, with proof acceptable to the City Manager of commercial general liability

insurance coverage, naming the City as an additional insured party. Such insurance shall have an initial limit of \$1,000,000 per occurrence and \$2,000,000 general aggregate. Said insurance must contain comprehensive coverage to insure against any and all claims arising out of or attributable to the encroachment of the tables and chairs into the Licensed Premises or other public right-of-way, regardless of whether the Licensee or any of its officers, employees, or agents are negligent in any manner. The certificate of insurance must contain an unqualified guarantee that the City will be provided with 30 days prior written notice of cancellation, termination, non-renewal, or material change in coverage of the insurance policy provided. If the Licensee fails to maintain the required insurance in force, the City may, at its option, obtain such insurance at its own expense and bill the costs of the same to the Licensee, which costs the Licensee agrees to promptly pay.

10. In no event shall the City be responsible for loss or damage to improvements or personal property owned by the Licensee or its invitees or employees and located on the Licensed Premises, which are caused by fire, theft, loss, vandalism or other casualty.
11. The failure of either party to enforce any covenant or condition of this Agreement shall not be deemed a waiver thereof or of the right of either party to enforce each and every covenant and condition of this License. No provision of this Agreement shall be deemed to have been waived unless such waiver shall be in writing.
12. Licensee acknowledges and agrees that the City is the owner of the Licensed Premises, that the license granted under this Agreement involves the permission to enter and use property which is a public right of way, that the public's rights are paramount, and that the Licensee's use under this license may not interfere with the public's rights to the reasonable use of the Licensed Premises. Licensee further acknowledges that its use of the Licensed Premises does not constitute any title, claim of right, or other interest in the Licensed Premises.
13. Violations of a term of this Agreement by Licensee shall result in the suspension of Licensee's rights hereunder with 24-hour notice to Licensee.
14. This license is personal with the Licensee and does not run with the land. This license shall not be assigned or transferred in any manner by the Licensee to any other person or business entity. The City, in its sole discretion, may authorize the assignment or transfer of this license to a third party by amendment to this Agreement or by a separate license agreement.

In witness whereof, the parties have caused this Agreement to be executed on the date first set forth above.

CITY OF SAUGATUCK, a municipal corporation

By: _____

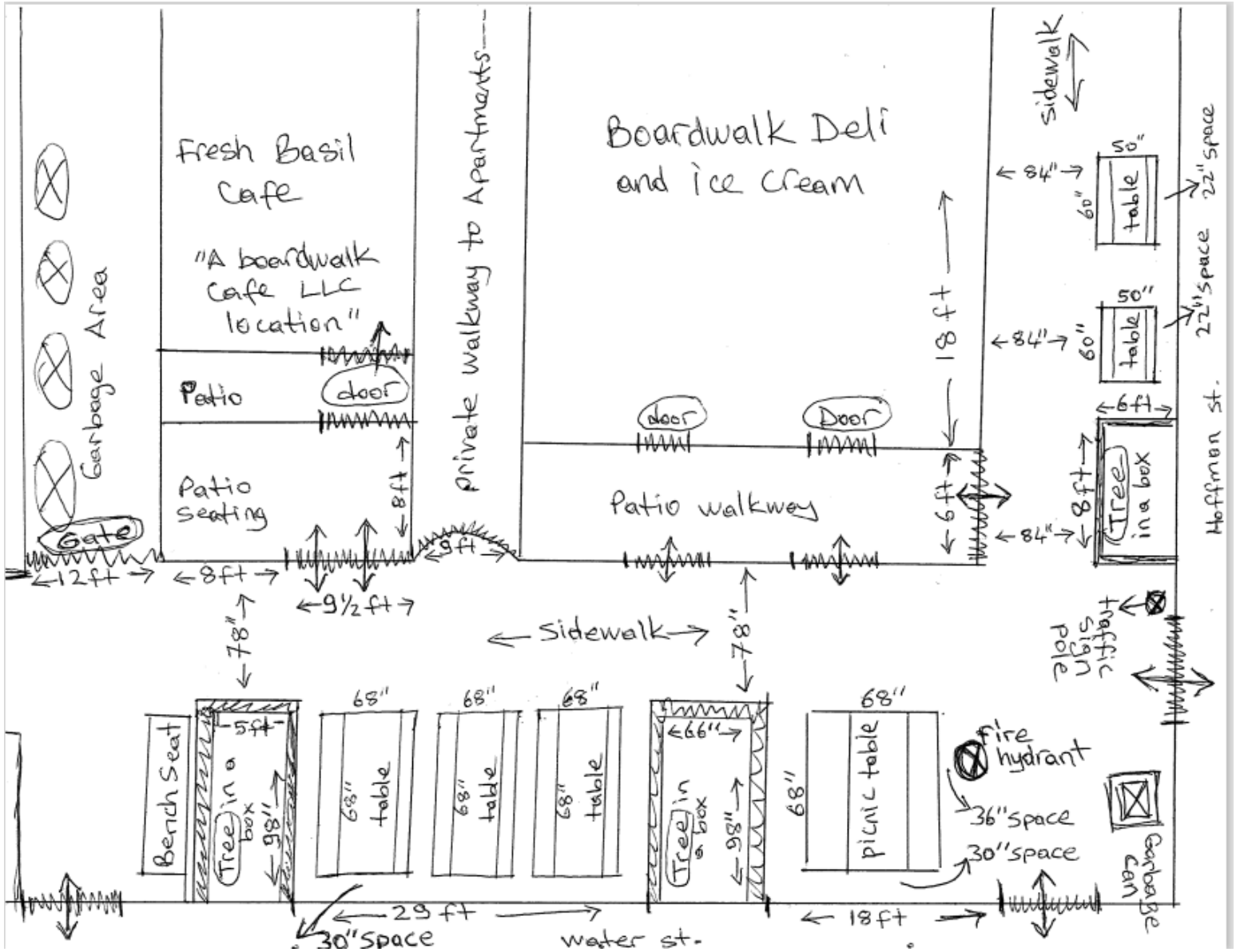
Its: _____

_____, a _____

By: _____

Its: _____

EXHIBIT A





City Council Agenda Item Report

FROM: Scott Herbert – Department of Public Works

MEETING DATE: Superintendent 02/29/24

SUBJECT: Oval Beach Concessions RFP

DESCRIPTION:

This Request for Proposal (RFP) is to solicit proposals from qualified vendors to use The Oval Beach Concessions located at 699 Perryman Street (Property) for food and beverages, bagged ice, and novelty souvenirs. This is in effort to provide services and relieve the Department of Public Works of some of their workload during a busy time of year for staff.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Move to approve DPW Superintendent Scott Herbert to advertise RFP to solicit proposals from vendors to use the Oval Beach Concessions.



CITY OF SAUGATUCK
REQUEST FOR PROPOSAL
OVAL BEACH CONCESSION STAND

CITY OF SAUGATUCK
REQUEST FOR PROPOSAL
OVAL BEACH CONCESSION STAND

The City of Saugatuck is seeking proposals for furnishing equipment, supplies, and staffing necessary to provide food/beverage concessions at the City of Saugatuck Oval Beach.

Request for proposal packets may be obtained from the City Clerk at Saugatuck City Hall, 102 Butler Street, Saugatuck, MI 49453 or by calling 269-857-2603.

Technical questions regarding this Request for Proposal may be directed to the City Manager (**Ryan Heise**) at 269-857-2603.

Sealed proposals will be received by the City Clerk of the City of Saugatuck up to the hour of 2:00 p.m., **Monday, March 4, 2024**. Responses delivered after the said date and time will not be accepted. The City of Saugatuck is not responsible for delays in delivery.

All responses to this request that are mailed through the United States Postal Service shall be addressed to the Saugatuck City Clerk, P.O. Box 86, Saugatuck, MI 49453. All responses to this request that are mailed through the FedEx, UPS, or similar delivery service that do not deliver to P.O. Boxes shall be addressed to the Saugatuck City Clerk, 102 Butler Street, Saugatuck, MI 49453. Hand-delivered responses shall be delivered to the Saugatuck City Clerk, 102 Butler Street, Saugatuck, MI 49453.

All proposals shall be placed in a sealed envelope, which is clearly marked "OVAL BEACH CONCESSION RFP". Responses by fax or e-mail will not be accepted.

The City of Saugatuck reserves the right to accept the proposal that is, in its judgment, the best and most favorable to the interests of the City and to the public; to reject any and all proposals; and to waive irregularities and informalities in any proposal submitted or in the request for proposals process.

INTRODUCTION

The City of Saugatuck’s Oval Beach Park, located on the shore of Lake Michigan, serves as a destination point for residents and visitors each year – generally commencing in May and concluding in October. The lakefront park offers swimming, hiking, boating and other water and dune recreational activities to park visitors, as well as City-owned restrooms and the Oval Beach Concession Building. The Oval Beach Concession stand is typically open 7 days a week starting Memorial Day through Labor Day each year. The purpose of the Oval Beach Concession stand is to offer visitors to Oval Beach a variety of food and beverage options at reasonable prices.

The equipment provided by the City of Saugatuck includes:

- 200lb. Manitowoc icemaker
- Standup freezer
- Refrigerator
- Hot dog roller/grill
- Microwave
- (3) Crockpot warmers
- Slushie machine
- Ice Cream Machine
- Miscellaneous supplies (cleaning, buckets, kitchen utensils, etc.)
- Picnic tables/umbrellas
- Cash register
- Shelving units

APPROXIMATE PROJECT TIMELINE

RFP issued:	February 5, 2024
Proposals Due:	March 4, 2024
Council award:	March 2024
Contract signed:	March 2024

PROPOSAL SUBMITTAL FORMAT

The *General Information* form, on the next page, is designed to serve as the cover sheet. Do not attach cover letters, title pages, or blank sheets ahead of this form, nor substitute letterhead paper for it. If additional space is needed, plain paper may be attached behind this form. **This form must be signed by a person authorized to make proposals and enter into contract negotiations on behalf of your agency.** This individual must be at least 18 years of age. **Failure to submit this form will result in your proposal being deemed non-responsive.**

CITY OF SAUGATUCK
OVAL BEACH CONCESSION STAND

General Information

This form must be signed by a person authorized to make proposals and enter into contract negotiations on behalf of your agency. To be considered for this project, the submittals must be completed in accordance with this RFP and this cover sheet must be attached. **Failure to submit this form will result in your proposal being deemed non-responsive.**

Authorized Official (Signature)

Date

Print Name of Authorized Official

Title of Authorized Official

Company Name

Contact Person

Address

City, State, Zip

Phone Number

Fax Number

E-Mail Address

Federal Tax ID #

TO BE COMPLETED AND SUBMITTED

The request for proposal (RFP) is to solicit proposals from qualified vendors to use **Oval Beach Concession Stand located at 690 Perryman Street, Saugatuck, MI 49453** (Property), for food/beverages and novelty souvenirs. Those interested are required to submit a written proposal that best represents the Proposer. The Property will be used as is with no proposed improvements planned by the **City of Saugatuck**.

PROPOSERS QUALIFICATION STATEMENT:

Check One: An Individual _____ A Co-Partnership _____ A Corporation _____

Submitted by: _____

With principal office at: _____

The completion and submission of this questionnaire reflects accurate and truthful statements of the signatory. (Attach additional pages if necessary)

Request for Proposal: Requirements

The proposal should include the following to coincide with this RFP:

1. Provide a business plan or explain in detail the Proposer’s proposed use of the Property and how it will contribute to the vitality of the City.
2. Explain how proposers use of the facility is compatible with the City’s Zoning Ordinances.
3. Resumé of Proposer’s previous experience, identifying not less than three (3) years of experience directly related to the proposed use.
4. Three (3) business and/or personal references. Note – the City reserves the right to contact the references listed and references other than, and/or in addition to, those being furnished.

5. Financial statements including, but not limited to, balance sheets and income statements (audited statements preferred) for the past two (2) years supporting the financial abilities of the Proposer to operate at the facility.
6. Statement that the proposer is or is not a subsidiary of, or affiliated with, any other corporations, partnerships, or firm. If so, please specify. If the Proposer is a subsidiary, please indicate the extent to which the parent entity will guarantee performance by the subsidiary.
7. In what other businesses are you financially invested?
8. Statement that the Proposer or its officers, principal members, shareholders, or investors, or any of its parent, subsidiary, or affiliated entities or other interested parties have or have not been adjudged bankrupt, either voluntarily or involuntarily, within the past ten (10) years? If so, explain.
9. Statement that there is or is not pending litigation against the Proposing entity or its officers, principal members, shareholders, or investors, or any parent, subsidiary or affiliated entities or other interested parties other than the minor personal injury suits involving claims under \$250,000? If so, explain.
10. Letter(s) from any financial credit rating service for the Proposer with whom the City may contract or the member or members of that entity who will be responsible for financial obligations and on whom the City should rely for financial performance.
11. Any other financial statements and/or other documents that would indicate acceptable financial standing and the ability of Proposer to fund the proposed services on the City Property.
12. A complete description and history of the Proposer's entity (corporation, partnership, etc.) and identification of all parties including disclosure of all persons or entities having a beneficial and/or financial interest in the proposal. Include names and qualifications of corporate/company officers/owners, their addresses/location(s) and other appropriate contact information.

13. Description of employment opportunities that will be created by the proposed services including a description of the type, number of positions, and the estimated salary range of those positions.
14. Proposed operating schedule detailing days and hours open to the public. **The City requires the Proposer to open operations every weekend (Friday – Sunday), Memorial Day (and the day before and after the holiday), Independence Day (and the day before and after the holiday), Labor Day (and the day before the holiday), with a minimum of two (2) days during any given week, Monday through Thursday.**
15. Description of the proposed menu items or vendor items with pricing.
16. Description of the proposed marketing, advertising, and sales promotion plans.
17. Description of the proposed annual lease payment and proposed monthly percentage of gross revenue payment paid to the City during the **two (2)** year contract period. Tier percentage fees will not be accepted. The City expressly reserves the right to accept an offer other than the highest responsive offered price, and also reserves the right to negotiate any terms.
18. List all major equipment Proposer will supply to provide services and/or goods proposed in this proposal.
19. Affirmative statements that:
 - a. The Proposer’s entity will occupy the Property.
 - b. The Proposer will not sublet or sublease the Property.
20. You may, if you desire, provide a narrative that would include anything you feel might assist the **City of Saugatuck** in evaluating your experience or Business Plan. If appropriate, describe plans you may have for, including projected expenditures. Attach additional sheets if necessary.

5. The parties expect to follow these procedures for dealing with C2AE's fees (6-12):
6. C2AE will break down its work into appropriate segments.
7. Prior to beginning work on the next segment, C2AE will provide a not-to-exceed estimate of its fee to the Project Liaison and to the FOTBST.
8. The Allegan County Community Foundation, as fiduciary to the FOTBST, will confirm in writing to the Project Liaison that it has sufficient funds on account to pay the fee for Phase 2.
9. The Project Liaison will authorize C2AE to commence work on the next segment absent an objection by a Municipality. Municipalities shall have ten (10) working days to object/challenge the scope of work/estimate prior to the start of each segment.
10. C2AE will issue monthly invoices according to the terms of its contract.
11. Upon approval by the Project Liaison and the FOTBST, the FOTBST will authorize the ACCF to pay the invoice from the FOTBST's account [or from a new account to be set up dedicated to the TCC Project].
12. Subject to the terms of the contract with C2AE, the Project Liaison, in consultation with the Project/Advisory Team, may determine to suspend or halt the work of C2AE at any time.

MISCELLANEOUS

13. Entire Agreement. This Agreement sets forth the entire agreement between the Parties and supersedes any and all prior agreements or understandings between them in any way related to the subject matter hereof. It is further understood and agreed that the terms and conditions herein are contractual and are not a mere recital and that there are no other agreements, understandings, contracts, or representations between the Parties in any way related to the subject matter hereof, except as expressly stated herein.
14. No Presumption. This Agreement shall be construed without regard to any presumption or other rule requiring construction against the Party causing this Agreement to be drafted.

15. Severability of Provisions. If any provision of this Agreement, or its application to any Person or circumstance, is invalid or unenforceable, the remainder of this Agreement and the application of that provision to other Persons or circumstances is not affected but will be enforced to the extent permitted by law.
16. Governing Law. This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan without regard to the doctrine of conflict of laws. The language of all parts of this Agreement shall in all cases be construed as a whole according to its fair meaning, and not construed strictly for or against any Party.
17. Captions. The captions, headings, and titles in this Agreement are intended for the convenience of the reader and not intended to have any substantive meaning and are not to be interpreted as part of this Agreement. They are solely for convenience of reference and do not affect this Agreement's interpretation.
18. Terminology. All terms and words used in this Agreement, regardless of the number or gender in which they are used, are deemed to include any other number and any other gender as the context may require.
19. Cross-References. References in this Agreement to any Article include all Sections, subsections, and paragraphs in the Article; references in this Agreement to any Section include all subsections and paragraphs in the Section.
20. Jurisdiction and Venue. ~~In the event of any dispute between the Parties over the meaning, interpretation or implementation of the terms, covenants or conditions of this Agreement, the matter under dispute, unless resolved between the parties, shall be submitted to the courts of the State of Michigan.~~ All claims, disputes, and other matters in question between the parties arising out of or relating to this Agreement or breach thereof first shall be submitted for nonbinding mediation to any one of the following, as agreed to by the parties: American Arbitration Association, American Intermediation Service, Americord, Dispute Resolution, Inc., Endispute, or Judicate. Any party hereto may initiate mediation within the time allowed for filing per State law and the parties hereto agree to fully cooperate and participate in good faith to resolve dispute(s). The Cost of mediation shall be shared equally by the parties involved. If mediation fails to resolve the claim or dispute, the matter shall be submitted to a court of competent jurisdiction.
21. Amendment. The Agreement may be amended or an alternative form of the Agreement adopted only upon written agreement of all Parties. In the event that an amendment to this Agreement or alternative form of Agreement is approved by less than all Parties, any Party which has not approved of the amendment or alternative form of Agreement may withdraw from the Agreement.

22. Execution of Agreement; Counterparts. Each Party shall duly execute three (3) counterparts of this Agreement, each of which (taken together) is an original but all of which constitute one instrument.

IN WITNESS WHEREOF, this Agreement is executed by each Party on the date hereafter set forth.

CITY OF THE VILLAGE OF DOUGLAS

By: _____

Its: _____

DATE: _____

CITY OF SAUGATUCK

By: _____

Its: _____

DATE: _____

SAUGATUCK TOWNSHIP

By: _____

Its: _____

DATE: _____



City Council Agenda Item Report

FROM: Scott Herbert – Department of Public Works Superintendent

MEETING DATE: February 29, 2024

SUBJECT: Equipment Purchase – Falcon Asphalt Hot Box Reclaimer

DESCRIPTION:

The Department of Public Works is recommending the purchase of a Falcon Asphalt Hot Box Reclaimer in the amount of \$42,439.92.

BUDGET ACTION REQUIRED:

The amount is currently held in the 2023/2024 Motor Pool Fund.

COMMITTEE/COMMISSION REVIEW:

Parks and Public Works Committee (PPWC)

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Motion to approve the purchase of one Falcon Asphalt Hot Box Reclaimer in the amount of \$42,439.92.









City Council Agenda Item Report

FROM: Jamie Wolters
MEETING DATE: February 29, 2024
SUBJECT: Social District Application- Grow Estate, LLC

DESCRIPTION:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Grow Estate, LLC at 650 Water St. has requested approval to be added to the City of Saugatuck Social District.

Resolution No. 240229-A establishing the Social District and Commons Area in the City of Saugatuck and Approving a Social District Plan is attached for reference along with the map of the City of Saugatuck Social District.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Motion to **approve/deny** Resolution 240229-A adding Grow Estate, LLC to the City of Saugatuck Social District.



Social District Permit Application

Part 1 - Licensee Information

Individuals, please state your legal name. Corporations or Limited Liability Companies, please state your name as it appears on your Articles of Incorporation / Organization.

Licensee name:		
Address:		
City:	State:	Zip Code:
Contact Name:	Phone:	Email:

Part 2 - Required Documents & Fees

<input type="checkbox"/> Local Governmental Unit Approval <i>Approval from the local governmental unit (city council, township board, village council) is required to be submitted with this application (See page 2 for approval form)</i>	
<input type="checkbox"/> \$70.00 Inspection Fee (MLCC Fee Code 4036)	TOTAL DUE: \$320.00
<input type="checkbox"/> \$250.00 Social District Permit Fee (MLCC Fee Code 4081)	
Leave Blank - MLCC Use Only	
Make checks payable to State of Michigan	

Part 3 - Signature of Licensee

Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this application by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this permit for the sale of alcoholic liquor on the licensed premises.

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003.

The person signing this form has demonstrated that they have authorization to do so and have attached appropriate documentation as proof.

Print Name of Licensee & Title

Signature of Licensee

Date

Please return this completed form and fees to:
Michigan Liquor Control Commission
Mailing address: P.O. Box 30005, Lansing, MI 48909
Overnight deliveries: 2407 N. Grand River Avenue, Lansing, MI 48906
Fax with Credit Card Authorization to: 517-284-8557



Local Governmental Unit Approval For Social District Permit

Instructions for Governing Body of Local Governmental Unit:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered. RESOLUTION 240229-A

At a Regular meeting of the City of Saugatuck council/board
(regular or special) (name of city, township, or village)

called to order by Mayor Stanton on February 29 at 7:00 p.m.
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from Grow Estate, LLC
(name of licensee - if a corporation or limited liability company, please state the company name)

for a **Social District Permit** is _____ by this body for consideration for approval by the
(recommended/not recommended)

Michigan Liquor Control Commission.

If not recommended, state the reason: _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the City of Saugatuck
council/board at Regular meeting held on February 29, 2024
(regular or special) (date)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Saugatuck Social District

Enjoy within the boundaries

Social District Hours:
Daily from 11:00 am to 11:00 pm

Alcoholic beverages may be purchased
from participating restaurants and bars.

Alcohol consumed in the common areas of
the Social District must be in the
designated Social District container with
the Social District logo and the logo of the
participating business.

The public may NOT "bring your own" into
the Social District.

Alcohol purchased from non-participating
businesses is NOT allowed in the common
area.

Alcohol purchased from one participating
business may not be brought into another
participating bar or restaurant.

Retail shopping is welcomed while
enjoying the Social District. However, not
every retailer permits Social District
beverages within their business. Look for
"Social District Participant" window decals,
which indicate the businesses where drinks
are permitted.

Social District beverages must be
disposed of when leaving the boundaries.



■ Social District Boundary
▨ Parks Within the District Boundary

Scan the QR Code to
view digital version of
the rules





City Council Agenda Item Report

FROM: Jamie Wolters

MEETING DATE: February 29th, 2024

SUBJECT: SCA Right of Way Signage Application

DESCRIPTION:

Saugatuck Center for the Arts has submitted a Right of Way Sign Application. The request is for 12 signs with the size 18" H X 24" W to be displayed on the following dates in the areas outlined on attached map:

Spring Market- April 11th - 13th.

Holiday Market- December 5th - 7th.

Farmer Market- Every Friday between May 24th – September 27th.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Move to approve the Right of Way Sign Application for the SCA for following event dates:

Spring Market- April 11th – April 13th.

Holiday Market- December 5th – December 7th.

Farmer Market- Every Friday between the dates of May 24th – September 27th.



Right of Way Sign Application

APPLICANTS INFORMATION **APPLICATION NUMBER** _____ - _____

Name Susan Poolman / SCA Address / PO Box 400 Culver St
City Saugatuck State MI Zip 49453 Phone 2698572399
E-Mail market@sc4a.org
Signature *Susan L. Poolman* Date 02/01/2024

SIGN DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)

Type: Number of Yard Signs 12 Number of Banners _____
Dates to be displayed SMkt 04/11-04/13 HMkt 12/05-12/07 FMkt: Thursday-Friday May 24 - Sept 27
Further Comments: _____
Signs will be placed as shown in attached map. Signs will be 18" H x 24" W and will be secured with the metal stakes typical for yard signs
.Spring Mkt is April 13th
.Holiday Mkt is December 7th
.Saugatuck Farmers Market runs Friday, May 24th - Friday, September 27th

PLEASE INCLUDE THE FOLLOWING INFORMATION

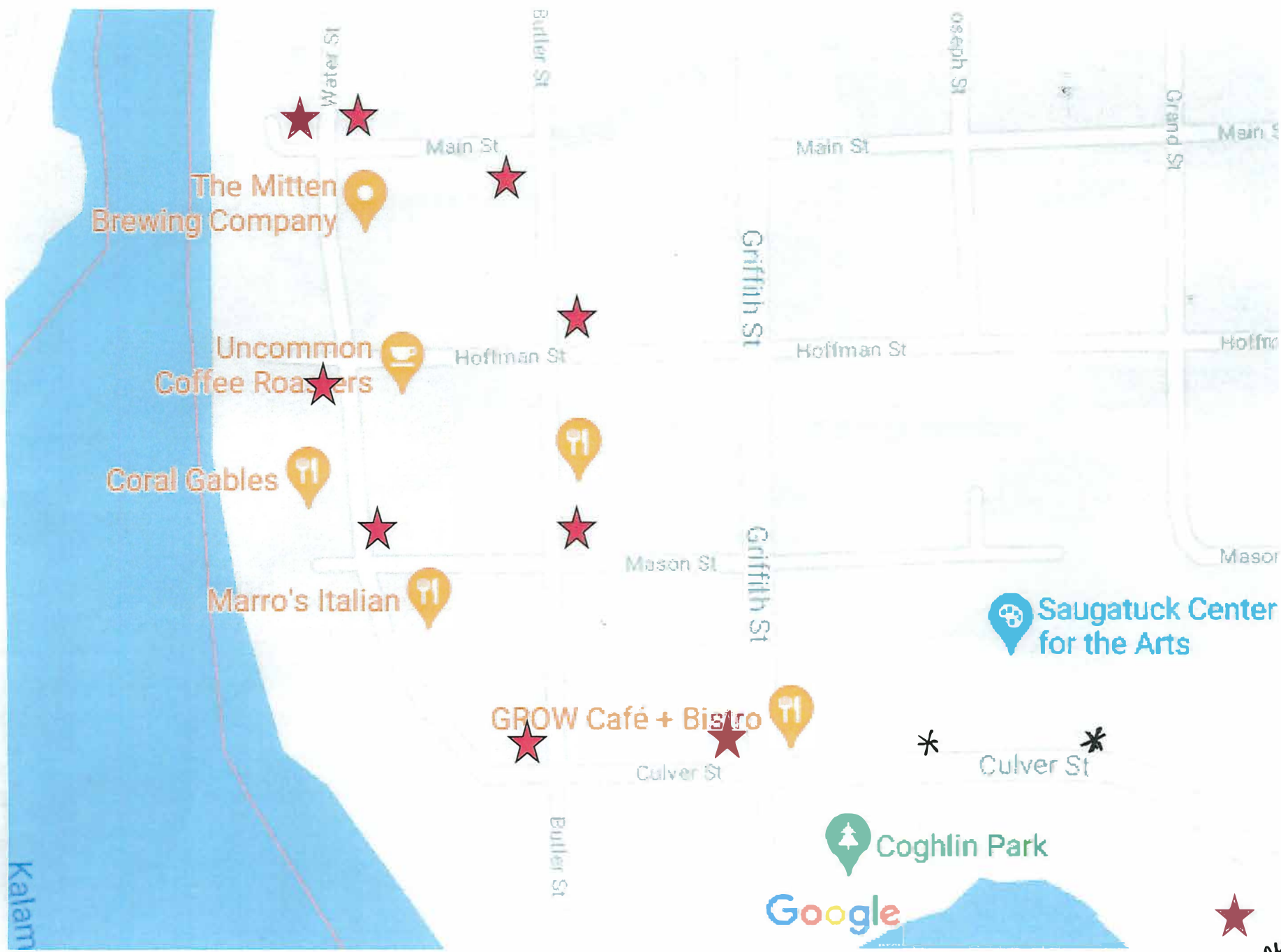
Pursuant to Section 150.30, please attach the following supporting documents when applying for sign approval

Y N NA

- Dimensions and type of each proposed sign 18" H X 24" W
- Map showing the location of each sign
- Explanation of how each sign will be attached and secured

Pursuant to Section 150.30(H), please to the following questions:

- Will the signs create a traffic vision obstruction?
- Will the signs create a pedestrian traffic obstruction?
- Are the signs compatible with the surroundings and is not uniquely out of character for the community? and
- Do the signs create a situation which could be detrimental to health, safety, or welfare?



67  corner of
B5H + Lake



City Council Agenda Item Report

FROM: Jamie Wolters

MEETING DATE: February 29th, 2024

SUBJECT: SCA Right of Way Signage Application

DESCRIPTION:

Saugatuck Center for the Arts has submitted a Right of Way Sign Application. The request is to display signage in the right of way to reserve parking for the Interurban which provides local transportation to and from the SCA during market season. See attached picture of sign placement.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Move to approve the Right of Way Sign Application for the SCA to display signage reserving a parking spot for the Interurban during the following dates:

April 13th, June 7th, August 3rd, December 7th, and Every Friday between the dates of May 24th – September 27th.



Right of Way Sign Application

APPLICANTS INFORMATION

APPLICATION NUMBER _____ - _____

Name Susan Poolman / SCA Address / PO Box 400 Culver St
 City Saugatuck State MI Zip 49453 Phone 2698572399
 E-Mail market@sc4a.org
 Signature *Susan L. Poolman* Date 02/01/2024

SIGN DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)

Type: Number of Yard Signs 1 Sandwich Board Number of Banners
 Dates to be displayed SMkt 04/13 / HMkt 12/07 / FMkt 05/24 - 09/27 / JUMP 06/07 / SCA Benefit 08/03

Further Comments: _____
We have a shuttle sign for the Interurban that was used in 2023 and has been a major bonus for those that use our local transportation service to attend our market and special events. Those that are on on food assistance greatly appreciate our drop-off during market season. Guests that have taken advantage of the Interurban during all our events are thankful.

PLEASE INCLUDE THE FOLLOWING INFORMATION

Pursuant to Section 150.30, please attach the following supporting documents when applying for sign approval

Y N NA

- Dimensions and type of each proposed sign (25" w x 45" H)
- Map showing the location of each sign
- Explanation of how each sign will be attached and secured (Weighted)

Pursuant to Section 150.30(H), please to the following questions:

- Will the signs create a traffic vision obstruction?
- Will the signs create a pedestrian traffic obstruction?
- Are the signs compatible with the surroundings and is not uniquely out of character for the community? and
- Do the signs create a situation which could be detrimental to health, safety, or welfare?



Location is on Culver St between the entrance & exit of the SCA Parking Lot.

We've already filled out an application for our yard signage for the season.





City Council Agenda Item Report

FROM: Jamie Wolters

MEETING DATE: February 29, 2024

SUBJECT: Board of Review Appointment

DESCRIPTION:

The City Clerk provided notice that the city is accepting applications for the Board of Review. An application recently came in with interest in the Board of Review. A copy of the application is in your meeting packet. An interview was conducted with Mayor Stanton and Deputy Assessor Jollay. Mayor Stanton recommends appointing David Isljamovski to the Board of Review.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

N/A

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Move to appoint David Isljamovski to the Board of Review with a term ending January 1, 2026.

Jamie Wolters

From: no-reply@weebly.com
Sent: Friday, February 2, 2024 3:57 PM
To: Jamie Wolters
Subject: New Form Entry: Application for Boards & Commissions

Follow Up Flag: Follow up
Flag Status: Flagged

You've just received a new submission to your [Application for Boards & Commissions](#).
[Mark as Spam](#)

Submitted Information:

Name

David Isljamovski

Email

disljamovski@gmail.com

Home Phone Number**Mobile Phone Number**

15133103577

Address

350 N Maple Street
SAUGATUCK, MI United States 49453

Current Employer

C21 Affiliated

Occupation/Position

Real Estate

Business Phone Number

15133103577

Business Reference Name

Bill Underdown

Business Reference Phone Number

313-824-2000

Business Reference Email

billunderdown@gmail.com

Does your employer have any business dealings wth the City which might present a conflict of interest

No

If yes, please explain:

I am not sure if C21 has any dealing with the city as I am a new agent.

Are you a City of Saugatuck resident?

Yes

Are you a registered City of Saugatuck voter?

Yes

Serving on a board or commission can be time-consuming. Are you committed to attending all regularly scheduled meetings?

Yes

On which boards and/or commissions would you be willing to serve? .Board of Review

1

On which boards and/or commissions would you be willing to serve? .Historic District Commission

1

On which boards and/or commissions would you be willing to serve? .Kalamazoo Lake Harbor Authority

1

On which boards and/or commissions would you be willing to serve? .Kalamazoo Lake Sewer and Water Authority Board

1

On which boards and/or commissions would you be willing to serve? .Parks and Public Works Committee

1

On which boards and/or commissions would you be willing to serve? .Planning Commission

1

On which boards and/or commissions would you be willing to serve? .Zoning Board of Appeals

1

Please describe any qualifications, expertise or special interests that relate to your possible appointment:

I have two short term rentals and have gone through one of the most rigorous short term licensing processes in the country with Sonoma Country where my first and most successful STR is. I also have an STR business and plan to expand in the area this year.

I also have a design side of the business so have a passion for renovation and home design.

Digital Signature

David Isljamovski

Submitted Files

Resume

[david_isljamovski_resume_jan_2024.pdf](#)

Overview

Passionate business development and sales professional with 15+ years experience launching Ads, SaaS products and monetizing untapped markets across multiple industries. Trusted advisor who builds strong sustainable relationships with clients, vendors, and internal stakeholders, resulting in high employee performance, client retention and increased revenue. Highly organized, goal-oriented strategic planner – ground level at startup and high level at large corporations, managing transition and acquisition.

Professional Experience

C21 Affiliated Douglas, MI

January 2024 - Present

Real Estate Agent

- Focused on the Lakeshore communities in Western Michigan

Sans Souci Hospitality Saugatuck, MI

November 2021 - Present

Partner and Head of Sales

- Invests in, launches, and manages vacation/short term rental properties in California, North Carolina and Michigan
- Expanded business to two new markets and increased number of properties from 1 to 5 in 10 months
- Maintain near perfect 4.95 ratings (5 point scale) across multiple platforms including Airbnb and VRBO with over 1600 reviews/guests to date

Google, Mountain View, CA

Business Partner Lead - People Operations

October 2019 – March 2023

- Partnering with Google 400+Vice Presidents on Org Strategy
- Managed team of 4 People Ops Consultants
- Oversaw strategy of AMER, EMEA, LATAM, and APAC markets for all VPs at Google
- Partner with recruiting orgs to help grow business for strategic roles
- Partnered with specialty groups within Google; Disability, LGBTQIA, Military, African American, Indigenous, LatinX on specific growth goals

Lead Performance/Senior Account Strategist - Mid-Market Ad Sales

March 2018 – October 2019

- Consulting C-Suite for strategic Google clients in the Lead Generation vertical
- Lead a Pod of 2 Account Strategists
- Consistently increasing revenue quarterly for approx. 60 clients
- 3 Quarters of 100% goal attainment and over 140% implemented pipeline goal
- Consistently hitting all OKRs

Gaygler Mentor Program

- Mentoring 3 participants in Google's Gaygler (Inaugural) Mentorship program

Michigan Mutual/MiMutual, Charlotte, NC

December 2016 – November 2017

National Business Development Manager (Consulting)

- Built team and launched business development efforts for newly-formed retail division, MiMutual
- Established new revenue channels, resulting in increased monthly revenue of \$3M MoM
- Created growth opportunities for customers via talent acquisition, business referrals and partnerships

Intuit, Inc., Mountain View, CA

May 2015 – May 2016

Senior Partner Manager

- Defined strategy for key partners and nurtured growth in QuickBooks ecosystem, acting as single business liaison for partners across Intuit
- Managed new product integrations with partners from inception to launch, ensuring cross-functional alignment, adherence to timeline, and successful deployment
- Grew Intuit customer base by 5% and partner's customer base by 3% in one year related to QBPS (QuickBooks Point of Sale)

Global Director, Employee Resource Group

David Isljamovski *Saugatuck, MI*

513.310.3577 • disljamovski@gmail.com • <https://www.linkedin.com/in/david-isljamovski-966a456/>

- Led 12 chapters globally to cultivate a more diverse and inclusive workplace culture at Intuit
- Organized events to engage and educate employees, including Pride Parade participation, fundraising opportunities, and educational speakers
- Initiated partnerships with external organizations and created networking opportunities for LGBTQ employees and allies

Demandforce, an Intuit Company, San Francisco, CA

November 2010 – May 2015

Business Development Manager

- Led go-to-market strategy to launch new vertical
- Implemented sales team and oversaw growth to 20 account executives, resulting in 1000+ new customers and increased annual revenue of over \$5M
- Created and implemented partner program for vertical, resulting in over 15 key partnerships
- Coordinated cross-functional teams - including product, integrations, marketing and sales - to ensure alignment and address ongoing partnership needs

Senior Regional General Manager

- Mentored and supervised 30+ account executives in the Lifestyle vertical
- Coached team on all aspects of deal from prospect to close, achieving 4 consecutive quarters of 110% of quota and leading multiple account executives to President's Club in 2013

Demandforce, an Intuit Company (Cont.)

Senior Account Executive

- Launched new customer vertical (Lifestyle) and grew sales to become the company's largest business unit in 2 years with over 500 new clients personally closed, generating \$10M in recurring revenue
- Top ten producer in consultative and solution sales organization for marketing/communications SaaS product for small businesses
- Exceeded sales quotas for 10 consecutive quarters and achieved President's Club in 2012

Hobsons, Oakland, CA

January 2006 - June 2008/November 2009 – November 2010

Account Executive

- Sold wide variety of products including interactive media and advertising to large education institutions
- Established, maintained, and managed over 100+ accounts
- Secured 40+ new clients and increased revenue in the Western Region by over 60%
- Top 10 Sales Person out of 30+ Sales Representatives of Advertising Division and 'Salesperson of the Month' three times and nominated 'Rookie Salesperson of the Year'

TravelCLICK, Chicago, IL

July 2008 - September 2009

Northern California Sales Manager

- Developed \$2.5M territory in one year from inherited \$1M existing portfolio
- Established and managed over 250+ accounts, secured 50+ new clients and exceeded targets in all quarters
- Top 10 Salesperson quarter over quarter

Education

- University of Cincinnati, Cincinnati OH
 - BA Communications
 - French Business Certificate

Extracurricular

- Cyclist; French speaker; Yoga; Dog lover; Skier; Avid Traveler; Hiking; Community programs and volunteering



City Council Agenda Item Report

FROM: Ryan Cummins – Director of Planning and Zoning

MEETING DATE: February 29, 2024

SUBJECT: KLSWA Reappointment

DESCRIPTION:

Barry Johnson is a current member of the Kalamazoo Lake Sewer and Water Authority (KLSWA) Board. His term expires at the end of the month. The City Clerk provided notice that the City is accepting applications.

Mr. Johnson has applied for reappointment to the KLSWA Board. No other applications have been received. Mayor Stanton is recommending that Barry Johnson be reappointed.

BUDGET ACTION REQUIRED:

N/A

COMMITTEE/COMMISSION REVIEW:

Mr. Johnson is the current Chair of the KLSWA Board.

LEGAL REVIEW:

N/A

SAMPLE MOTION:

Motion to reappoint Barry Johnson to the Kalamazoo Lake Sewer Water Authority Board with a term ending February, 28 2027.



City Manager, Planning, Zoning and Project Report February 29, 2024

Acting City Manager

Thank you

- First and foremost, I want to thank everyone for their support and patience! Our fantastic staff, consultants, engineers, legal, Sheriff's Office, Fire Department, board/commission members, partners in Douglas and the Township, and more have all been so responsive and supportive the last couple weeks. Grateful for the collaboration and everyone's work.

Blue Star Trail

- Met with Nancy Kimble of the Friends of the Blue Star Trail to learn about the history and status of the project.
- Reviewed several reports, agreements, and documents.
- Meeting scheduled with C2AE to further discuss trail status and issues specific to Lake/Blue Star Trail.
- Further discussion of the pallet sign is planned for the next Parks and Public Works meeting.

AT&T

- Followed up with AT&T on status of providing cellular service on Mt. Baldhead. They are still working on State Historic Preservation Office (SHPO) approvals. Their decision on City's agreement requests is pending resolution of SHPO approval.

Updated Water/Sewer Agreements

- Met with other managers, Baker Tilly, and EGLE to discuss status. A framework for an updated water agreement has been prepared and sent to KLSWA for consideration. Awaiting KLSWA draft of the updated water agreement for further review.
- Met with Saugatuck representatives on KLSWA Board (Barry Johnson and Mark Bekken).

Cemetery Agreement

- The Township's agreement with the City for shared mowing cost of the cemetery in exchange for reduced fees for plots is now expired. An updated agreement is being drafted by the Township for future Council consideration.

Trash/Recycling

- The City's agreement with Republic is set to expire in October. Planning on this being a topic of discussion at the next workshop meeting.

Milfoil Treatment

- An agreement for 2024 is not yet approved. The effectiveness of prior treatments and cost is being evaluated and will be brought to Council at a future date for consideration.

Budget and Capital Improvements

- Joined Scott Herbert and Jon Moxey to discuss their recommendations for capital improvements and updates to the capital improvement plan. They are planning on reviewing with the Council in March.
- Staff will soon begin drafting a budget proposal for the fiscal year 24/25. A draft budget to the Council will be brought in April.

CVB

- I attended the last CVB Board Meeting. I appreciated the opportunity to provide an update on things happening in the City and hear about the things they are working on. I learned a lot and greatly appreciate the work they do.

Planning and Zoning

- Prepared for and attended Planning Commission meeting.
- Reviewed proposals received for third party STR enforcement support.
- Reviewed draft STR moratorium language.
- STR enforcement plan is being drafted along with fee recommendations.
- Met and talked with several property owners and applicants to answer questions and provide resources.
- Continued follow-up on complaints of code violations throughout the City.
- Completed planning and zoning casework.
 - Apologies for not having the full report and details for this meeting. It is of note that several STR renewal applications were received. Some new STR applications were also received since the last report.



Treasurer Report

Below is a summary of notable activities carried out by the Treasurer's Office since the last council meeting on 02/12/2024:

- Paid routine bills
- Completed and disseminated bi-weekly payroll
- Finishing up 2023 tax collections & settlement
- Attend monthly fire board meeting
- 2024-2025 Budget discussions



Department of Public Works Report

Below is a summary of notable activities carried out by the Department of Public Works since the last council meeting on 02/12/2024:

Village Square Playground:

For the past couple of weeks, a top priority for the DPW has been to continue site preparations for the new Village Square playground. The construction will be a community build project, in which an attempt will be made to solicit 30-40 volunteers to assist. The community build project is scheduled for April 15th and will span 3-5 days. After the community build portion is completed, professional installers will spend up to two weeks working on the structure to ensure its proper construction before the playground becomes open for public use.

Oval Beach:

3 sections of railing have been built for the observation deck located just west of the concession stand building. Sand had covered the bottom of the railing, which caused it to deteriorate. The sand has been excavated away from the decking and the railing is ready to be replaced.

Meetings:

- **02/12/2024** – DPW Weekly Goals Meeting
- **02/12/2024** – City Council
- **02/13/2024** – Meeting with Cleaning Service
- **02/16/2024** – DPW Weekly Goals Follow Up Meeting
- **02/16/2024** – Capital Improvement Meeting – F&V
- **02/19/2024** – DPW Weekly Goals Meeting
- **02/21/2024** – Meeting with Sinclair Recreation – Village Square Playground
- **02/21/2024** – Workshop Meeting
- **02/23/2024** – DPW Weekly Goals Follow Up Meeting



City Manager, Planning, Zoning and Project Report February 29, 2024

Acting City Manager

Thank you

- First and foremost, I want to thank everyone for their support and patience! Our fantastic staff, consultants, engineers, legal, Sheriff's Office, Fire Department, board/commission members, partners in Douglas and the Township, and more have all been so responsive and supportive the last couple weeks. Grateful for the collaboration and everyone's work.

Blue Star Trail

- Met with Nancy Kimble of the Friends of the Blue Star Trail to learn about the history and status of the project.
- Reviewed several reports, agreements, and documents.
- Meeting scheduled with C2AE to further discuss trail status and issues specific to Lake/Blue Star Trail.
- Further discussion of the pallet sign is planned for the next Parks and Public Works meeting.

AT&T

- Followed up with AT&T on status of providing cellular service on Mt. Baldhead. They are still working on State Historic Preservation Office (SHPO) approvals. Their decision on City's agreement requests is pending resolution of SHPO approval.

Updated Water/Sewer Agreements

- Met with other managers, Baker Tilly, and EGLE to discuss status. A framework for an updated water agreement has been prepared and sent to KLSWA for consideration. Awaiting KLSWA draft of the updated water agreement for further review.
- Met with Saugatuck representatives on KLSWA Board (Barry Johnson and Mark Bekken).

Cemetery Agreement

- The Township's agreement with the City for shared mowing cost of the cemetery in exchange for reduced fees for plots is now expired. An updated agreement is being drafted by the Township for future Council consideration.

Trash/Recycling

- The City's agreement with Republic is set to expire in October. Planning on this being a topic of discussion at the next workshop meeting.

Milfoil Treatment

- An agreement for 2024 is not yet approved. The effectiveness of prior treatments and cost is being evaluated and will be brought to Council at a future date for consideration.

Budget and Capital Improvements

- Joined Scott Herbert and Jon Moxey to discuss their recommendations for capital improvements and updates to the capital improvement plan. They are planning on reviewing with the Council in March.
- Staff will soon begin drafting a budget proposal for the fiscal year 24/25. A draft budget to the Council will be brought in April.

CVB

- I attended the last CVB Board Meeting. I appreciated the opportunity to provide an update on things happening in the City and hear about the things they are working on. I learned a lot and greatly appreciate the work they do.

Planning and Zoning

- Prepared for and attended Planning Commission meeting.
- Reviewed proposals received for third party STR enforcement support.
- Reviewed draft STR moratorium language.
- STR enforcement plan is being drafted along with fee recommendations.
- Met and talked with several property owners and applicants to answer questions and provide resources.
- Continued follow-up on complaints of code violations throughout the City.
- Completed planning and zoning casework.
 - Apologies for not having the full report and details for this meeting. It is of note that several STR renewal applications were received. Some new STR applications were also received since the last report.

**City of Saugatuck
Status Report of Engineering Activities
February 22, 2024**

General Consultation

- Olde Mill Apartments Water Service: This work could be combined with other work on Maple Street or the Drinking Water State Revolving Fund project.
- 2023 System-wide Crack Sealing: Due to weather concerns, this work has been delayed to spring 2024. It will be completed once temperatures are conducive to the work.
- Grants Workshop: We are discussing the possibility of having grant experts from F&V put together a workshop for council, staff and other interested parties to review the various programs used in the past, recent applications and brainstorming for new opportunities.
- City-wide parking, safety, signage, etc. review: Prepared a letter reviewing on-street parking vs. sight distance concerns. We plan to conduct a kickoff meeting with City staff and F&V traffic team this fall to develop a scope for the broader study, if required.
- N. Park Street Slope Erosion: The work has been incorporated into the 2023 Streets contract with Krohn. Work is scheduled for the spring, due to planting restrictions.
- Bridge Street Resurfacing: The work has been incorporated into the 2023 Streets contract with Krohn. Work is scheduled for the spring, when asphalt plants reopen.
- Capital Improvements Plan Update: We met with staff and are finalizing the CIP and recommended projects for 2024-2025. We anticipate presenting the updated plan at the March 6 council workshop.

Blue Star Highway Bridge Navigation Lighting

- Bids were received on July 27, 2023 with construction scheduled to be complete prior to Memorial Day 2024. Prepared a Recommendation of Award to the low bidder. Once all three communities have awarded the project, a contract can be prepared.

EGLE Drinking Water State Revolving Fund

- The Intent To Apply was submitted on November 1, 2023 for the 2024 funding round. We are making minor updates to the Project Plan to resubmit in the 2024 round. We anticipate a brief public presentation of the current plan at the May 8 or 22 council workshop to meet the June 1 submittal deadline.

2023 Street Improvements (West, East, Takken, Taylor and N. Maple)

- Work is complete for the season.
- Grass will be planted in the spring.
- A final walkthrough will be held in the spring, and punch list items will be addressed.

Water System Asset Management Plan

- The draft AMP has been prepared and will be finalized based on input from the financial consultant and comments from EGLE.
- An application was submitted for EGLE's new Community Technical, Managerial, and Financial (TMF) support for lead line replacement grant. If successful, this would provide funding to help the City complete its final Distribution System Materials Inventory, which is due in October 2024 (deadline was moved up from January 1, 2025). According to the EGLE website, 172 applications were received totaling \$67M (vs. \$48M in funding available) and staff are currently reviewing applications. We anticipate results will be available soon.

Mt. Baldhead Conceptual Planning

- Prepared conceptual floor plan and isometric drawing for a new restroom building.
- Working on concept and cost estimate to replace the observation deck area.

Mt. Baldhead AT&T Project Assistance

- The EGLE/USACoE Critical Dunes permitting process has been put on hold for now, pending SHPO approvals.

Maple Street Improvements

- Maple Street (between Blue Star Highway and the work completed in the 2023 Street Improvements project) has been identified as a high priority need for some time. Recent water main breaks have highlighted the need. We are working on developing the project, which is anticipated to involve Saugatuck Township. A proposal for design engineering will be prepared soon.

Vendor Name	Description	Amount
1. ALLEGAN COUNTY SHERIFF	SHERIFF CONTRACT	31,826.12
2. ALLEGAN COUNTY TREASURER	PROPERTY TAXES	129,219.56
3. AT&T MOBILITY	CELL PHONES	92.51
4. C2AE	BLUE STAR TRAIL	5,468.33
	BLUE STAR TRAIL	21,322.50
	TOTAL	26,790.83
5. COMCAST	INTERNET & TELEPHONES	193.40
6. COMMERCIAL RECORD	PUBLISHING	574.00
7. COMPASS MINERALS AMERICA INC	ROAD SALT	7,412.73
8. DUNESVIEW KWIK SHOP INC	GASOLINE & DIESEL	2,348.87
9. FAHEY SCHULTZ BURZYCH RHODES	LEGAL FEES WATER	84.00
10. FLEIS & VANDENBRINK ENGINEERING INC	ENGINEERING FEES	2,364.00
	ENGINEERING FEES	147.75
	TOTAL	2,511.75
11. H BARBER & SONS INC	OVAL BEACH RAKE	6,991.32
12. HORIZON COMMUNITY PLANNER	PLANNING & HISTORIC DISTRICT	3,607.50
13. INTERURBAN TRANSIT AUTHORITY	PROPERTY TAXES	34,643.16
14. JAMES E SMIT	ESCROW REFUND	1,283.50
15. JOHN DEERE FINANCIAL	SUPPLIES	397.45
16. MCKELLIPS PLUMBING INC	PLUMBING SERVICES	907.00
17. MERS	RETIREMENT	4,500.00
18. MICHIGAN GAS UTILITIES	CITY HALL	97.54
	BUTLER STREET TOILETS	124.69
	TOTAL	222.23
19. MICHIGAN HISTORIC PRESERVATION	TRAINING	300.00
20. MID CITY TRAILERS	NEW TRAILER PARKS	3,968.29
21. MIKE'S NUISANCE ANIMAL CONTROL	PEST CONTROL	275.00
22. MISS DIG SYSTEM INC	ANNUAL DUES	3,602.36
23. MORRISON INDUSTRIAL EQUIPMENT	REPAIRS	317.75
24. NET2PHONE INC	TELEPHONES	215.13
25. OTTAWA AREA INTERMEDIATE	SCHOOL DIS	
	PROPERTY TAXES	2,413.17
26. PETTY CASH	BATTERIES	33.91

Vendor Name	Description	Amount
27. RICOH USA INC	COPIER LEASE	127.97
28. SAUGATUCK DOUGLAS LIBRARY	PROPERTY TAXES	1,000.00
	PROPERTY TAXES	50,951.98
	TOTAL	51,951.98
29. SAUGATUCK FIRE	RENTAL INSPECTIONS	250.00
	PROPERTY TAXES	172,198.20
	TOTAL	172,448.20
30. SAUGATUCK PUBLIC SCHOOLS	PROPERTY TAXES	566,525.84
31. SCOTT'S LANDSCAPE MANAGEMENT INC	SNOW BLOWER	995.46
32. SMART BUSINESS SOURCE LLC	SUPPLIES	109.67
33. SPECTRUM PRINTERS INC	ELECTION MATERIALS	25.38
34. STANDARD INSURANCE COMPANY	INSURANCE	453.31
35. STREAMLINE DESIGN.COM LLC	SIGNS	45.00
36. SUPERIOR ASPHALT INC	ASPHALT COLD PATCH	155.00
37. TOWNSHIP OF SAUGATUCK	PARK PLAN	287.50
38. ZEIGLER GMC OF HOLLAND	PARTS	165.75
TOTAL - ALL VENDORS		1,058,022.60
FUND TOTALS:		
Fund 101 - GENERAL FUND		77,972.62
Fund 202 - MAJOR STREETS		5,572.32
Fund 203 - LOCAL STREETS		2,307.80
Fund 661 - MOTOR POOL FUND		15,217.95
Fund 701 - CURRENT TAX FUND		956,951.91



City Council Agenda Item Report

FROM: Ryan Cummins, Director of Planning and Zoning

MEETING DATE: February 29, 2024

SUBJECT: Zoning Ordinance Amendment – STRs and ADUs

DESCRIPTION:

The City's STR Task Force met for several months and finalized its report at the end of September. The Task Force recommendations were presented to the Planning Commission on October 19 and the City Council on November 8. On November 16 and December 21, the Planning Commission reviewed and discussed the STR Task Force recommendations. The Planning Commission found consensus on several of the Task Force recommendations. For items for which there was a consensus and for others staff identified as needing further clarity, a draft police-powers ordinance, zoning amendments, and noise ordinance amendments were drafted.

The Planning Commission reviewed the draft zoning amendments at its January 18 meeting and held a public hearing on February 15. The Planning Commission voted 7-0 to recommend the attached zoning amendments.

The following highlights some of the changes in the proposed text amendment:

- Three-year certificate requirements are removed as STRs will now be required to obtain an annual license under a separate police-powers ordinance.
- Updated accessory dwelling units (ADU) to clarify who may occupy an ADU and when an accessory dwelling unit can be rented.
 - Note: The current requirements that both an ADU and single-family dwelling be rented under a single contract, or the owner occupy the home and receive special land use approval to rent the ADU separately remain unchanged. Not renting the ADU and single-family home separately also remains unchanged.
- Made language consistent in how an accessory dwelling unit size should be measured.

- Made clear that both an ADU and single-family dwelling, even if rented under a single contract, will still each be required to have their own STR license and inspection if rented 31 days or less.
- Clarified where certain dwellings and apartments can be located in the City Center, Water Street North, Water Street East, and Water Street South zoning districts. Also clarified which may be used for STRs.
 - Note: Some single-family dwellings and first floor apartments exist in these districts, and they do not have frontage on the street. Many are ineligible to be used as STRs as they are not wholly located on the second or third floor. The language changes would still maintain the original intent to ensure that restaurants, retail, etc., were on first floors fronting active “main street” environments.
- Changed the definition of Flood Hazard Area to address a typo.
- Removed definition of rental occupancy certificate.

LEGAL REVIEW:

The City Attorney prepared the draft zoning ordinance amendment. The City Attorney will be at your meeting to answer any questions you may have.

SAMPLE MOTIONS:

Motion to adopt Ordinance No. 240229-A, to amend the City of Saugatuck’s Zoning Ordinance to update provisions governing short-term rentals and to clarify specific provisions pertaining to accessory dwelling units and the rental of the same.

**CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN**

ZONING ORDINANCE AMENDMENT

ORDINANCE NO.240229-A

At a meeting of the City Council of the City of Saugatuck, Allegan County, Michigan, held at the City of Saugatuck Hall on _____, 2024 at _____ p.m., City Council Member _____ moved to adopt the following ordinance, which motion was seconded by City Council Member _____.

An ordinance to amend the City of Saugatuck's Zoning Ordinance to update provisions governing short-term rentals and to clarify specific provisions pertaining to accessory dwelling units and the rental of the same.

CITY OF SAUGATUCK, ALLEGAN COUNTY, ORDAINS:

SECTION 1. AMENDMENT TO ZONING ORDINANCE, SECTION 154.022(V): The City of Saugatuck Zoning Ordinance, Section 154.022(V) is amended to remove certain provisions that will now be encompassed in the City of Saugatuck's Short-Term Rental Ordinance. Section 154.022(V) will now read as follows:

(V) *Short-term rentals.* Short-term rentals shall require a license pursuant to the City of Saugatuck's Short-Term Rental Ordinance, Chapter 99.5 of the City Code, and shall comply with the following requirements:

- (1) Short-term rentals shall only be permitted in dwelling units that satisfy all the applicable requirements of this chapter.
- (2) Signs shall be subject to the applicable provisions of § 154.141 of this Chapter.

SECTION 2. AMENDMENT TO ZONING ORDINANCE, SECTION 154.022(W): The City of Saugatuck Zoning Ordinance is amended to clarify certain provisions in Section 154.022(W), which shall now read as follows:

(W) *Accessory dwelling unit.* An accessory dwelling unit, as defined in § 154.005 of this chapter shall meet the following criteria:

- (1) An accessory dwelling unit shall be permitted on a lot where the principal use is an existing single-family detached dwelling.
- (2) Occupancy of an accessory dwelling unit permitted by right shall be limited to the following:
 - a. Owners/occupants of the single-family detached dwelling on the same property.

- b. Non-renting invited guests of the owners/occupants of the single-family detached dwelling on the same property, such as family or friends.
 - c. Renters of the single-family detached dwelling on the same property if both the single-family detached dwelling and accessory dwelling unit are rented under a single contract. Renting both the single-family detached dwelling and the accessory dwelling unit under a single contract does not require a special land use approval. If an accessory dwelling unit is rented in conjunction with a single-family detached dwelling for less than 31 days, each dwelling unit must obtain a short-term rental license pursuant to the City of Saugatuck's Short-Term Rental Ordinance, Chapter 99.5 of the City Code, and shall otherwise adhere to all of this chapter's requirements concerning short-term rentals.
- (3) An accessory dwelling unit shall have a minimum of 375 square feet of gross finished floor area and shall not exceed the lesser of 30% of the gross finished floor area contained within the single-family detached dwelling or 600 square feet of gross finished floor area; except, in the CRC zone district when the parcel on which the accessory dwelling unit is located is two or more acres in area, the floor area of an accessory dwelling unit shall not exceed the lesser of 30% of the gross floor area of the principal residence or 1,500 square feet. For purposes of this section, the floor area of an accessory dwelling unit is the total gross finished floor area intended for living, sleeping, bathing, eating and cooking. In the case of an accessory dwelling unit attached to or incorporated with a detached accessory building intended for other purposes, such as accessory studio, shop, or storage space, there shall be no internal access and connection to the additional floor area intended for the other purpose if the result of the connection would exceed the maximum gross finished floor area required for the accessory dwelling unit.
- (4) An accessory dwelling, which is not located within the single-family detached dwelling, shall not be located between the front door of the single-family detached dwelling and the public right-of-way, unless located above an existing detached accessory structure.
- (5) An accessory dwelling shall be subject to all setback and lot coverage requirements applicable to a single-family detached dwelling in the district in which it is located.
- (6) No more than one accessory dwelling unit is permitted on any lot.
- (7) Accessory dwellings shall not be permitted to have independent electric, gas, or water meters from the single-family detached dwelling.

- (8) An accessory dwelling unit attached to a single-family detached dwelling shall have a separate entrance from the exterior of the single-family detached dwelling.
- (9) A lot with an accessory dwelling unit shall provide one additional parking space on a fully improved surface of concrete, asphalt, or brick, gravel, stone, or other surface approved by the city.
- (10) The rental of an accessory dwelling unit independently from the single-family detached dwelling on the same parcel shall be prohibited without receiving special land use approval from the Planning Commission as authorized in § 154.092(J).

SECTION 3. AMENDMENT TO ZONING ORDINANCE, SECTION 154.092(J): The City of Saugatuck Zoning Ordinance, Section 154.092(J) is amended to read as follows:

(J) *Rental of an accessory dwelling unit.* Unless otherwise specified below, a rental accessory dwelling unit shall conform to all regulations in § 154.022(W) and the following:

- (1) A rented accessory dwelling unit shall only be permitted on a parcel that contains a single-family detached dwelling that is occupied and used by the owner as his or her primary, year-round residence. Under no circumstances may a single-family detached dwelling and an accessory dwelling unit on the same parcel be rented to separate parties or under separate contracts.
- (2) Accessory dwelling units rented for less than 31 days shall require a short-term rental license pursuant to the City of Saugatuck's Short-Term Rental Ordinance, Chapter 99.5 of the City Code, and shall otherwise adhere to all of this chapter's requirements concerning short-term rentals.

SECTION 4. AMENDMENT TO ZONING ORDINANCE, SECTION 154.024(B): The City of Saugatuck Zoning Ordinance, Section 154.024(B), Permitted Uses, shall be amended to read as follows:

- (B) Permitted uses:
- (1) Essential public services;
 - (2) Retail stores;
 - (3) Personal service establishments;
 - (4) Art galleries;
 - (5) First-floor and upper-floor apartments, except that first-floor apartments shall not front public streets. First-floor apartments may front public or private alleys, private streets, private driveways, side yards, and rear yards;
 - (6) Home occupations;

- (7) Short-term rental of allowable apartments; and,
- (8) Business, professional offices on first or upper floors, except that first-floor offices shall not front public streets. First-floor offices may front public or private alleys, private streets, private driveways, side yards, and rear yards.

SECTION 5. AMENDMENT TO ZONING ORDINANCE, SECTION 154.039(B): The City of Saugatuck Zoning Ordinance, Section 154.039(B), Permitted Uses, shall be amended to read as follows:

(B) Permitted uses:

- (1) Essential public services;
- (2) Retail stores;
- (3) Domestic business repairs;
- (4) Personal service establishment;
- (5) Art gallery;
- (6) Dwelling, single-family detached;
- (7) First-floor and upper-floor apartments, except that first-floor apartments shall not front public streets. First-floor apartments may front public or private alleys, private streets, private driveways, side yards, and rear yards;
- (8) Short-term rental of allowable dwelling units or apartments; and,
- (9) Home occupations.

SECTION 6. AMENDMENT TO ZONING ORDINANCE, SECTION 154.040(B): The City of Saugatuck Zoning Ordinance, Section 154.040(B), Permitted Uses, shall be amended to read as follows:

(B) Permitted uses:

- (1) Dwelling, single-family detached;
- (2) Dwelling unit, two-family;
- (3) Essential public services;
- (4) Retail stores;
- (5) Personal service establishments;
- (6) Art gallery;
- (7) Marinas/commercial boats;
- (8) First-floor and upper-floor apartments, except that first-floor apartments shall not front public streets. First-floor apartments may front public or private alleys, private streets, private driveways, side yards, and rear yards;
- (9) Charter fishing/tours;
- (10) Home occupations; and
- (11) Short-term rental of allowable dwelling units or apartments.

SECTION 7. AMENDMENT TO ZONING ORDINANCE, SECTION 154.041(B): The City of Saugatuck Zoning Ordinance, Section 154.041(B), Permitted Uses, shall be amended to read as follows:

(B) Permitted uses:

- (1) Essential public services;
- (2) Retail stores;
- (3) Bed and breakfasts;
- (4) Personal service establishments;
- (5) Art gallery;
- (6) Parks;
- (7) Dwelling, single-family detached;
- (8) First-floor and upper-floor apartments, except that first-floor apartments shall not front public streets. First-floor apartments may front public or private alleys, private streets, private driveways, side yards, and rear yards;
- (9) Home occupations; and
- (10) Short-term rental of allowable dwelling units or apartments.

SECTION 8. AMENDMENT TO ZONING ORDINANCE, SECTION 154.005: The City of Saugatuck Zoning Ordinance, Section 154.005, Definitions, shall be amended to delete the definition of “Rental Occupancy Certificate” and to revise the definition of “Flood Hazard Area,” which shall read as follows:

FLOOD HAZARD AREA. The area designated as a flood hazard area (100-year floodplain) on the city’s Flood Insurance Rate Map (FIRM), issued by the Federal Emergency Management Agency (FEMA), as from time to time amended.

SECTION 9. SEVERABILITY: Should a court of competent jurisdiction find any provision, clause, or portion of this ordinance amendment to be invalid, the balance or remainder of this ordinance amendment shall remain valid and in full force and effect and shall be deemed “severable” from the portion, clause, or provision deemed to be invalid by the court.

SECTION 10. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 11. EFFECTIVE DATE: This Ordinance shall take effect seven (7) days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL 125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Lauren Stanton
City of Saugatuck, Mayor

DRAFT

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an ordinance adopted by the City of Saugatuck at a duly scheduled and noticed meeting of the City Council held on _____, _____ 2024, pursuant to the required statutory procedures.
2. A summary of the above ordinance was duly published in the _____ newspaper, a newspaper that circulates within the City of Saugatuck, on _____, 2024.
3. Within 1 week after such publication, I recorded the above ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the City Council voting, and how each member voted.
4. I filed an attested copy of the above ordinance with the Allegan County Clerk on _____, 2024.

ATTESTED:

Jamie Wolters
City of Saugatuck, Clerk

**CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ADOPTION

ZONING ORDINANCE AMENDMENT

ORDINANCE NO. ____

Please take notice that on _____, 2024, the City Council of City of Saugatuck adopted Ordinance No. ____, which amends the City of Saugatuck Zoning Ordinance (“Zoning Ordinance”) to, among other things, clarify provisions pertaining to short-term rentals and accessory dwelling units. Copies of the ordinance may be obtained from Jamie Wolters, City of Saugatuck Clerk, at 102 Butler Street, P.O. Box 86, Saugatuck, Michigan 49453 during regular business hours.

The Zoning Ordinance Amendment has the following sections, which are summarized below: Section 1: Amendment to Zoning Ordinance, Section 154.022(V); Section 2: Amendment to Zoning Ordinance, Section 154.022(W); Section 3: Amendment to Zoning Ordinance, Section 154.092(J); Section 4: Amendment to Zoning Ordinance, Section 154.024(B); Section 5: Amendment to Zoning Ordinance, Section 154.039(B); Section 6: Amendment to Zoning Ordinance, Section 154.040(B); Section 7: Amendment to Zoning Ordinance, Section 154.041(B); Section 8: Amendment to Zoning Ordinance Section 154.005; Section 9: Severability; Section 10: Repeal; and Section 11: Effective Date, which is seven days after publication of this notice of adoption unless referendum procedures are initiated under MCL 125.3402

Jamie Wolters
City of Saugatuck, Clerk
(269) 857-2603
JWolters@saugatuckcity.com

Publication Date: _____, 2024



City Council Agenda Item Report

FROM: Ryan Cummins, Director of Planning and Zoning

MEETING DATE: February 29, 2024

SUBJECT: Police-Powers Licensing Ordinance – Short Term Rentals

DESCRIPTION:

The City’s STR Task Force met for several months and finalized its report at the end of September. The Task Force recommendations were presented to the Planning Commission on October 19 and the City Council on November 8.

On December 11 the City Council authorized the Planning Commission to make police-power ordinance recommendations regarding short-term rentals.

On November 16 and December 21, the Planning Commission reviewed and discussed the STR Task Force recommendations. The Planning Commission found consensus on several of the Task Force recommendations. For items for which there was a consensus and for others staff identified as needing further clarity, a draft police-powers ordinance, zoning amendments, and noise ordinance amendments were drafted.

The Planning Commission reviewed a draft police powers ordinance at its meetings on January 18 and February 15. The Planning Commission voted 6-1 to recommend approval of the attached short-term rental licensing ordinance.

The following highlights some of the key elements of the licensing ordinance for short-term rentals:

- An annual license and inspection will be required for each short-term rental.
- Occupancy - Set at two (2) per bedroom, plus an additional two (2) occupants per finished floor but not to exceed a maximum of twelve (12).
- Visitor Maximum - The maximum number of visitors to be equal to the maximum number of occupants multiplied by a factor of 1.5. Visitors permitted only between the hours of 7:00 am and 11:00 pm.
 - While not a Task Force recommendation, staff and some Planning Commissioners raised concern about how maximum sleeping occupancy can be enforced. This will

assist. It is also consistent with the “quiet hours” in the existing noise ordinance. The factor can be modified, or the suggested regulation can be removed entirely.

- All advertising will have to reference the license number.
- Still required to comply with zoning.
- Requires providing and posting of the rules and regulations, name of the license holder and/or local agent responsible, that individual's telephone number and email address that they may be reached on a 24-hour basis, notification of the maximum number of overnight occupants, a copy of the City’s noise ordinance, notification that an occupant and/or a visitor of an occupant may be cited for a violation and a copy of the Good Neighbor Guide.
 - Note: The Good Neighbor Guide will contain considerations for noise, trash disposal, parking, and maximum occupancy.
- Trash - One (1) outdoor garbage can and one (1) recycling bin required. If occupancy is six (6) or more, at least two (2) outdoor garbage cans and at least one (1) recycling bin. Exposed waste or garbage will be considered a violation.
 - Note: Some discussion occurred on whether two recycling bins should be required. Staff plans on negotiating twice monthly pickup with Republic, but the current contract doesn’t expire until October.
- All rooms in a dwelling must be rented under a single contract. No individual renting of rooms or subletting.
- Owner shall not allow use of fireworks by STR occupants and visitors.
- Rental insurance must be maintained.
 - Note: The Fire Department advised “we have had owners within the District, that had a fire at their property and found out after the fact that their standard homeowner’s insurance did not cover renting the property, and the loss they incurred was not covered.” The recommendation was “an effort to help protect property owners to ensure they have adequate information and proper coverages.”
- Registry - By applying for a license, the owner and/or license holder agrees to have their name, contact information, the address of the short-term rental, maximum occupancy and contact information for their local agent included in the City’s publicly available short-term rental registry.
- Current STR Certificates – Intent to “grandfather” certificates that were issued under the Zoning ordinance until those certificates expire. Once a previously issued short-term rental certificate expires, the certificate-holder must receive a short-term rental license to continue operating at the premises.
- Duty to Address Issues - The license holder and/or local agent will have the duty to remedy a violation, including the noise ordinance, within two hours. If they do not, it would be a violation.
 - Note: This makes it clear that the local agent or license holder has a responsibility to act and respond to concerns. The time limit can be modified if desired.
- A suspension and revocation process is outlined. Any suspension time will occur during primary tourist season.
 - Note: Months can be modified if desired.
- Fraudulent Complaints – Anyone who makes a fraudulent complaint will face their own violation.
- Licenses cannot be transferred.

- Note: STR certificates do not transfer to new owners either. The language provides much more detail to define a transfer. Depending on whether the Planning Commission desires to recommend residential caps and at what level, transfer of ownership clarity will be important.

LEGAL REVIEW:

The City Attorney prepared the draft police powers ordinance. The City Attorney will be at your meeting to answer any questions you may have.

SAMPLE MOTION:

Motion to adopt Ordinance No. 240229-B, to provide for the public peace and health and for the safety of persons and property in the City of Saugatuck by the licensing and regulation of short-term rentals, to provide procedures for the suspension and revocation of short-term rental licenses, and to provide penalties for violations of short-term rental regulations.

**CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN**

**SHORT-TERM RENTAL LICENSING
ORDINANCE ORDINANCE NO. 240229-B**

At a meeting of the City Council of the City of Saugatuck, Allegan County, Michigan, held at the City of Saugatuck Hall on _____, 2024 at _____ p.m., City Council Member _____ moved to adopt the following ordinance, which motion was seconded by City Council Member _____.

An ordinance to provide for the public peace and health and for the safety of persons and property in the City of Saugatuck by the licensing and regulation of short-term rentals, to provide procedures for the suspension and revocation of short-term rental licenses, and to provide penalties for violations of short-term rental regulations.

THE CITY OF SAUGATUCK, ALLEGAN COUNTY, ORDAINS:

SECTION 1: AMENDMENT TO TITLE IX OF THE CITY CODE. The City of Saugatuck Code of Ordinances, Title IX, shall be revised to add the following new and additional Chapter 99.5, which shall read as follows:

CHAPTER 99.5: SHORT-TERM RENTALS

§99.51 INTENT AND PURPOSE.

The purpose of this chapter is to protect and promote the health, safety and welfare of the City’s residents, property owners, and visitors by licensing short-term rentals within the City and establishing standards and regulations for the operation of the same.

The City’s Short-Term Rental Task Force gathered facts and data pertaining to the potential community impacts of short-term rentals, both positive and negative, and provided recommendations on how to revise the City’s short-term rental regulations, which this chapter seeks to implement into a cohesive regulatory framework. Consistent with those findings and recommendations, the City recognizes that short-term rentals have the potential to promote tourism and visitors to the City, increase property values, and provide valuable business opportunities for property owners. The City also recognizes that without appropriate regulation and enforcement, short-term rentals have the potential to create conflicts with adjacent properties, degrade the residential character of neighborhoods, impact long-term housing availability, and create nuisance conditions.

Accordingly, the intent and purpose of this chapter is to license and regulate short-term rentals in a manner that promotes the healthy development of short-term rentals and maintains the City’s status as a tourist destination while minimizing potential adverse impacts of short-term rentals and preserving the character of the City that makes it such a popular destination for residents and visitors alike.

§99.52 APPLICABILITY.

All persons who desire to operate a short-term rental located anywhere within the City must first obtain a license from the City under the terms and conditions established in this chapter.

§99.53 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

BEDROOM. A room which is intended, arranged, and designed to be occupied by one or more individuals primarily for sleeping purposes, as determined by the enforcing officer.

DWELLING UNIT. Any building or portion thereof having independent cooking, bathing, and sleeping, facilities, which is occupied wholly as the home, residence, or sleeping place, either permanently or transiently, with an independent entrance not located within another dwelling. In no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling. In case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the provisions thereof relative to dwellings. A dwelling unit shall include both manufactured units (mobile homes and modular homes) and site-built units. Hotels, motels, motor courts, bed and breakfasts, and inns, as those terms are defined by the Saugatuck City Zoning Ordinance, are not included in the definition of a “dwelling unit.”

ENFORCING OFFICER. The City of Saugatuck Zoning Administrator or his or her designee.

FINISHED FLOOR. The finished horizontal base of any story of a dwelling unit that meets all building code requirements for a habitable space.

LICENSE HOLDER. The person who applies for and receives a short-term rental license from the City pursuant to this chapter. A license holder may or may not be the owner of the dwelling unit and/or premises where the short-term rental is located.

LOCAL AGENT. The individual or management company designated by the license holder to perform obligations under this ordinance and to serve as the contact person for issues relating to a short-term rental. A local agent may be, but is not required to be, an owner or license holder, provided such owner or license holder satisfies the requirements of this chapter.

MAXIMUM OCCUPANCY. The maximum number of allowable occupants and visitors of a short-term rental, as established in Section 99.57(A) of this chapter.

OCCUPANT. An individual living in, sleeping in, or otherwise having possession of a short-term rental. An individual present in a dwelling unit during the term of a short-term rental shall be presumed to be an occupant unless circumstances clearly indicate that the individual is a visitor, as defined herein.

OWNER. Any person holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common, or as a land contract vendee.

PERSON. An individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

PREMISES. The property on which a short-term rental will be located.

SHORT TERM RENTAL. A dwelling unit which is rented to a person for less than thirty-one (31) consecutive days, or is advertised to be rented for any period less than thirty-one (31) days.

VIOLATION NOTICE. A written notice issued by City advising the license holder and/or the local agent of a violation of this chapter.

VISITOR. An individual visiting a short-term rental who will not stay overnight. A visitor shall not be considered an occupant, as defined herein.

§99.54 LICENSE REQUIRED.

An owner of any dwelling unit located anywhere within the City shall not rent, or allow to be rented, a dwelling unit to another person for less than thirty-one (31) consecutive days, unless the owner or the owner's authorized agent has obtained a short-term rental license for that dwelling unit in accordance with the requirements of this chapter. A short-term rental license is required for every dwelling unit intended to provide short-term rental accommodations, even if there are multiple dwelling units located on the same premises.

§99.55 APPLICATION FOR SHORT-TERM RENTAL LICENSE.

- (A) *Responsibility.* The owner, either directly or through an authorized agent, shall apply for a short-term rental license through the submission of a short-term rental license application.
- (B) *Application information required.* A person seeking a license under this chapter shall submit a complete application, certified as being true, to the enforcing officer. The application shall include documentation and information reasonably required to demonstrate current and continuing compliance with the standards and regulations contained in Section 99.56 and Section 99.57 of this chapter and all of the following information:
 - (1) The name, address, telephone numbers (home, work, or cell phone), and email address of the owner of the proposed short-term rental. If the proposed short-term rental owner is a corporate entity, the application must identify all current members and their percentage ownership interests in the corporation or other entity. If the proposed short-term rental owner is a trust, the application must identify all beneficiaries and trustees of the trust.
 - (2) A signed attestation by the owner of the proposed short-term rental granting authority to the applicant to act on behalf of the owner to request a license under this chapter, if the applicant is not the owner.

- (3) The name, address, telephone numbers (home, work, or cell phone), and email address of the applicant, if different than the owner.
- (4) The name, address, telephone numbers (home, work, or cell phone), and email address of the local agent.
- (5) The address and parcel identification number of the subject parcel containing the dwelling unit of the proposed short-term rental.
- (6) Documentation showing the owner's valid tenancy, ownership, or other legal interest in the proposed short-term rental premises, which may include, but is not necessarily limited to, a deed, land contract, or lease agreement. If the owner possesses less than fee ownership in the proposed short-term rental premises, a signed attestation from the owner of the premises authorizing the use of the same for a short-term rental must also be included.
- (7) A floorplan drawing of the proposed short-term rental that includes the number of bedrooms intended to be occupied as part of the short-term rental.
- (8) Proposed occupancy of the dwelling unit, not to exceed the maximum occupancy established by this chapter.
- (9) A drawing of the premises on which the short-term rental will be located that includes all buildings on the premises and the location where all parking will be provided.
- (10) A signed certification from the owner stating that the dwelling unit will be operated in conformance with all applicable requirements of this chapter.
- (14) A completed and signed rental inspection checklist from the Saugatuck Township Fire District.
- (15) Documentation showing that the dwelling unit that is being used as a short-term rental has been insured as a rental dwelling.
- (16) The owner shall notify the city of any changes to the approved application within no later than thirty (30) days of the date of the change, including change of mailing address, contract information, or local agent/rental agency.

(C) *Application fee; eligibility.* The application shall be accompanied by an application fee as established and set forth in the City's schedule of fees. This fee schedule shall also establish an "after the fact" fee that must be paid when a short-term rental is operated but without first complying with the procedural requirements of this chapter. This "after the fact" fee is not intended to be a penalty but shall reflect the additional legal and administrative costs incurred by the City as the result of the applicant's failure to initially comply with the

requirements of this chapter. In addition, to be eligible for a short-term rental license, applicants must have no outstanding City taxes, permit or inspection fees, escrow deposits, or other amounts due and owing to the City.

- (D) *Complete application.* A short-term rental license application shall not be considered accepted until the enforcing officer deems it to be complete. If the enforcing officer determines that all required information was not supplied and/or if the applicant fails to pay the required fee, then the enforcing officer shall send written notification via mail or email to the applicant of the deficiencies. If the applicant fails to provide all the information required by this chapter and/or fails to pay the required fee within fourteen (14) days after being notified of the deficiencies, then the application shall be deemed incomplete and shall be denied on that basis.
- (E) *License.* Once deemed to be complete, if an application complies with all the standards and regulations of this chapter and the required fire inspection certificate has been submitted pursuant to Section 99.56 below, the enforcing officer shall approve the short-term rental license. Each short-term rental license shall be designated with a unique license number.

§99.56 FIRE INSPECTION.

- (A) *Required fire inspection.* The short-term rental unit shall meet all applicable building, health, fire, and related safety codes at all times and shall be inspected annually by the Saugatuck Township Fire District no later than thirty (30) days following of the submittal of the application for a short-term rental license or an application to renew a short-term rental license. Violations found by the Saugatuck Township Fire District shall be corrected within fifteen (15) days of notification from the Fire Inspector. No license or renewal shall be issued until after the fire inspection has been completed and approved. The owner or rental agency shall submit a completed and approved inspection certificate from the Saugatuck Township Fire District to the City prior to the approval of any license application or license renewal.
- (B) *Fire inspection criteria.* The Saugatuck Township Fire District shall promulgate the criteria necessary to pass a short-term rental fire inspection, including but not limited to, requirements regarding smoke alarms, emergency exits, fire hydrants, fire extinguishers, occupancy/capacity, fire exits, fire escapes, and any other criteria that the Saugatuck Township Fire District finds necessary to protect to the health, safety, and general welfare of the community.

§99.57 SHORT-TERM RENTAL STANDARDS AND REGULATIONS.

A license for a short-term rental shall be issued when an applicant demonstrates that all of the following standards and regulations are met. Continued compliance with the following standards and regulations is required to maintain a valid short-term rental license within the City.

- (A) *Occupancy.* The maximum occupancy for short-term rentals shall be determined by the Saugatuck Township Fire District following the required fire inspection, shall be based on applicable building, health, fire, and safety codes, and shall not exceed the following:
- (1) The maximum number of occupants shall be two (2) per bedroom, plus an additional two (2) occupants per finished floor as defined herein (provided adequate sleeping space is provided for such additional occupants), not to exceed a maximum of twelve (12) occupants.
 - (2) The maximum number of visitors shall be equal to the maximum number of occupants as calculated above multiplied by a factor of 1.5. Visitors are permitted only between the hours of 7:00 am and 11:00 pm.
- (B) *Designation of a local agent.* If the owner or license holder does not qualify as, or does not desire to be, a local agent, then the license holder shall designate a local agent and authorize in writing the local agent to act as the license holder's agent for any acts required of the license holder under this chapter. The local agent must reside or maintain a physical place of business within a 25-mile radius of the short-term rental. The local agent shall be knowledgeable about the premises and accountable for responding to the premises 24 hours per day, 7 days per week, 365 days per year.
- (C) *Information.* All notification information for the owner, license holder, and local agent shall be kept current and up to date.
- (D) *Advertising.* All advertising for the short-term rental shall display the number of the license issued pursuant to this chapter. If a short-term rental license holder within the City chooses to advertise the short-term rental online (for instance, on AirBnB, VRBO, or a similar website) the license holder shall post their short-term rental license number within the listing.
- (E) *Water and sewer.* All water and sewer connections and/or systems servicing short-term rentals shall be fully functional and shall meet the minimum applicable requirements imposed by the City, the Kalamazoo Lake Water and Sewer Authority, and/or the Allegan County Health Department.
- (F) *Compliance with zoning; signage.* The short-term rental dwelling unit and premises shall, at all times, fully comply with all applicable requirements of the Saugatuck City Zoning Ordinance, including applicable provisions concerning signs.
- (G) *Rules and regulations to be provided to occupants.* The license holder or local agent will provide all occupants of a short-term rental with the following information prior to occupancy and will post such information in a conspicuous place within each short-term rental:
- (1) The name of the license holder and/or local agent responsible to perform

obligations related to the short-term rental under this chapter, that individual's telephone number(s), and an email address at which that individual may be reached on a 24-hour basis.

- (2) Notification of the maximum number of overnight occupants permitted in the short-term rental.
 - (3) A copy of the City's Noise Ordinance as set forth in Section 94.04 of the City Code, as may be amended from time to time.
 - (4) A copy of this chapter, as it may be amended from time to time.
 - (5) Notification that an occupant and/or a visitor of an occupant may be cited for a violation of this chapter, the City's Noise Ordinance as set forth in Section 94.04 of the City Code, in addition to any other citations or remedies available to the City.
 - (6) A copy of the City's Good Neighbor Guide, which contains considerations for noise, trash disposal, parking, and maximum occupancy.
- (H) *Pets.* The occupants and visitors of a short-term rental shall be informed prior to occupancy that all pets must be secured on the premises or on a leash at all times.
- (I) *Taxes.* The person who rents a short-term rental shall pay any applicable sales tax and/or required Michigan Use Tax for any stay of thirty-one (31) nights or less.
- (J) *Garbage and recycling.* All short-term rentals must provide at least one (1) outdoor garbage can and one (1) recycling bin of sufficient size to service a single-family residential dwelling. If a short-term rental has an occupancy of six (6) or more, at least two (2) outdoor garbage cans and at least one (1) recycling bin shall be provided. All waste generated by a short-term rental, its occupants, and visitors must always be stored in a garbage can or similar trash receptacle, and exposed waste or garbage shall be considered a violation of this chapter. Occupants of the short-term rental shall be notified prior to occupancy that they are not allowed to leave waste outside of garbage cans or recycling bins.
- (K) *Subletting or renting individual rooms.* No owner, agent, or license holder may rent individual rooms within a dwelling unit used for a short-term rental, nor may any occupants of a short-term rental sublease rooms within a short-term rental. All rooms within a dwelling unit that is rented as a short-term rental shall be fully rented under a single contract. However, nothing in this section shall prevent an owner or license holder from occupying a dwelling unit while it is being used as a short-term rental.
- (L) *Tent, campers, or similar sleeping facilities.* The use of tents, campers, or similar temporary sleeping facilities at a short-term rental premises shall be prohibited.

- (M) *Fireworks.* Owners/and or license holders shall prohibit the use of fireworks by short-term rental occupants and visitors.
- (N) *Insurance.* A dwelling unit that is licensed as a short-term rental must, at all times, maintain rental property insurance.
- (O) *Short-term rental registry.* By applying for and being issued a short-term rental license from the City, the owner and/or license holder consents to having their name, contact information, the address of the short-term rental, the maximum occupancy of the short-term rental, and contact information for their local agent included in the City's publicly available short-term rental registry.

§99.58 DURATION OF LICENSE; RENEWAL.

- (A) Except as otherwise provided herein, a license issued under this chapter shall remain in effect for a period of one (1) year from the date it was issued unless it is suspended or revoked by the City.
- (B) The license holder or local agent may apply for a renewed license by submitting a renewal application to the enforcing officer no later than thirty (30) days prior to the date that the license is set to expire, along with the license renewal fee established by the City's fee schedule.
- (C) All information submitted with the prior application(s) shall be deemed submitted with the application for renewal, except that each year a new completed and signed fire safety checklist must be submitted, a new fire inspection must be conducted, and an approved fire inspection certification must be issued before a license can be renewed. Aside from the renewed fire safety checklist and fire inspection, the license holder or local agent shall only be required to submit new information with the application for renewal when that application information has changed since the last application was filed with the City.
- (D) A renewed license for a short-term rental shall be issued when all of the standards and regulations of this chapter are met.
- (E) If the short-term rental premises does not meet all the requirements of this chapter at the time of renewal, the City shall promptly notify the license holder. The license holder shall have thirty (30) calendar days from the date the notice of a deficiency was sent to cure any deficiencies. If the license holder cannot demonstrate full compliance with this chapter at the end of the cure period, the short-term rental license will not be renewed and will be deemed expired.

§99.59 EFFECT ON PREVIOUSLY ISSUED SHORT-TERM RENTAL CERTIFICATES.

- (A) It is the express intent of this chapter to “grandfather” short-term rental certificates that were issued under the City’s previous regulatory scheme until those certificates expire. Therefore, short-term rentals with certificates issued pursuant to the Saugatuck City Zoning Ordinance prior to the effective date of this chapter may continue to operate until the certificate expires, subject to the requirements in effect at the time the short-term rental certificate was issued.
- (B) Once a previously issued short-term rental certificate expires, the certificate-holder must receive a short-term rental license under this chapter to continue operating a short-term rental at the premises.
- (C) No short-term rental certificates issued pursuant to the Saugatuck City Zoning Ordinance may be renewed after the effective date of this chapter.

§99.60 DUTY TO REMEDY VIOLATIONS.

- (A) *Duty to remedy.* The license holder and/or local agent shall have the duty to remedy any violation of this chapter and the City’s Noise Ordinance, as set forth in Section 94.04 of the City Code, by the occupants and visitors of a short-term rental.
- (B) *Notification from City.* For any violation of the above, the City may (in addition to other remedies) notify the license holder and/or local agent for the short-term rental of such violation by telephone or return receipt email. The license holder and/or local agent shall be deemed to have received notice of the violation upon being contacted by telephone (including a call or text message, if applicable) or when a return receipt email message is received by the City, whichever is sooner.
- (C) *Corrective action.* Upon receiving notice of the violation, the license holder and/or local agent shall ensure that the violation is remedied within two (2) hours of receipt of such notice.
- (D) *Failure to remedy.* Failure to remedy the violation within two (2) hours after receiving notice of the violation, without good cause, shall constitute a violation of this chapter and may subject the license issued under this chapter to suspension or revocation pursuant to Section 99.61 of this chapter and may subject the license holder and/or local agent to court enforcement proceedings and the penalties under Section 99.62 of this chapter.

§99.61 SUSPENSION AND REVOCATION OF LICENSE.

- (A) *Suspension or revocation of license.* The following shall constitute grounds for suspending or revoking a short-term rental license:
 - (1) A license holder, owner, and/or authorized agent’s inclusion of false, incorrect, or misleading information and/or statements on an application for a short-term rental license.

- (2) A license holder, owner and/or local agent's failure to comply with the standards and regulations set forth in Section 99.57.
 - (3) A license holder, owner, and/or local agent's failure to timely remedy a violation of this chapter or the City's Noise Ordinance, as set forth in Section 99.60.
 - (4) A license holder and/or owner's attempted transfer of a short-term rental license, as defined in Section 99.63.
- (B) *Violation notice.* If the enforcing officer has reason to believe that there are grounds to suspend or revoke a short-term rental license, the enforcing officer may, but is not required to, prepare a written notice specifying the alleged grounds for suspension or revocation and the factual basis for this belief. The written notice shall inform the alleged violator of the time, date, and place of the hearing before the City Council, shall be served on the license holder either personally or by certified mail no less than twenty-one (21) days before the hearing.
- (C) *Violation hearing.* If such a violation notice is prepared and served, the City Council shall hold a hearing at which time the license holder shall be given an opportunity to show cause why the short-term rental license issued under this chapter should not be suspended or revoked. The City Council's decision shall be in writing and shall specify the factual evidence upon which it is based and shall be final and binding upon the license holder. A copy of the City Council's written decision shall then be provided to the license holder.
- (D) *Subsequent violations.* After a short-term rental license has been suspended, any additional violation(s) committed by the license holder and/or local agent within one (1) year of the expiration of the last suspension shall be grounds for a second suspension. If it has been more than two (2) years since the expiration of an initial suspension of a short-term rental license, a subsequent violation shall be deemed to be a first suspension. Upon a determination that a short-term rental license holder has been suspended two (2) or more times and is facing a third suspension, the City Council may permanently revoke the short-term rental license.
- (E) *Length and timing of suspensions and/or revocations.* Subject to subsection (F) below, suspensions and revocations shall generally be effective immediately. Provided, however, if any portion of the suspension time falls outside the primary tourist season of May through September, then the balance of the suspension time shall carry over to the next primary tourist season, with rental activity outside of the primary tourist season remaining prohibited until the suspension expires. Suspensions/revocations shall be for the following periods:
- (1) First suspension - three (3) months.
 - (2) Second suspension - six (6) months.

(3) Revocation - permanent.

- (F) *Existing contracts.* Existing short-term rental contracts up to sixty (60) nights beyond the beginning date of any suspension/revocation may be honored by the license holder with approval by the City Council. Those existing contracts beyond sixty (60) nights shall be canceled. The time period approved to honor existing contracts shall be added to the end of any suspension period.
- (G) *Fraudulent complaints.* Any person who knowingly files a fraudulent, false, or fictitious complaint about a short-term rental shall be deemed to be in violation of this chapter and may be subject to court enforcement proceedings and the penalties under Section 99.62 of this chapter.

§99.62 VIOLATIONS AND PENALTIES.

- (A) Any person who violates any provision of this chapter, including the continued operation of a short-term rental after the license for that short-term rental has been suspended or revoked as provided in this chapter, shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be required to pay a civil fine established by resolution of the City Council along with statutory costs. Each day this chapter is violated shall be considered as a separate violation.
- (B) The enforcing officer, deputies of the Allegan County Sheriff's Department, and other persons appointed by the City Council are hereby designated as the authorized City officials to issue municipal civil infraction citations directing alleged violators of this chapter to appear in court.
- (C) A violation of this chapter is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety, and welfare.
- (D) In addition to any other remedies available to it, the City may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this chapter.

§99.63 TRANSFER OF OWNERSHIP.

- (A) *Transfers prohibited.* Short-term rental licenses are non-transferable, and a short-term rental license issued under this chapter shall become void upon the attempted transfer of a license or transfer of ownership of the dwelling unit for which the license is issued. In the event of an unauthorized transfer, a new short-term rental license must be obtained by the new owner of the dwelling unit from the City before short-term rentals may be resumed in the dwelling unit.
- (B) *Transfer defined.* As used in this chapter, a "transfer" of a short-term rental license shall

include the following:

- (1) Any transfer, sale, change in ownership, or other conveyance of a short-term rental license to a person or entity other than the owner or license holder;
- (2) Any transfer, sale, change in ownership, or other conveyance of the premises;
- (3) Any transfer, sale, change in ownership, or other conveyance of an interest or membership in the corporate entity which is the owner of the premises or the short-term rental license; or
- (4) Any change in the trustee(s), beneficiary, or beneficiaries of the trust which is the owner of the premises or the short-term rental license.

§99.64 ADMINISTRATION AND INTERPRETATION.

The enforcing officer shall have the authority to administer and interpret this chapter. This shall include, but shall not be limited to, developing, and enacting administrative policies and procedures pertaining to short-term rental licenses and interpreting or construing provisions of this chapter so as to give effect to the City Council’s intent underlying the enactment of this chapter.

SECTION 2: REPEAL. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 3: SEVERABILITY. If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective immediately at the later to occur of: 1) the effective date of Ordinance No. __; or 2) the date of this Ordinance’s publication as required by law.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Lauren Stanton

DRAFT

CERTIFICATION

I, Jamie Wolters, being the duly elected and acting Clerk of the City of Saugatuck, Allegan County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of an Ordinance duly adopted by the City Council at a regular meeting held on _____, 2024, at which meeting a quorum was present and remained throughout, (2) that an original thereof is on file in the records of the City, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

DRAFT



City Council Agenda Item Report

FROM: Ryan Cummins, Director of Planning and Zoning

MEETING DATE: February 29, 2024

SUBJECT: Amendment to Noise Ordinance

DESCRIPTION:

The City's STR Task Force met for several months and finalized its report at the end of September. The Task Force recommendations were presented to the Planning Commission on October 19 and the City Council on November 8.

On December 11 the City Council authorized the Planning Commission to make police-power ordinance recommendations regarding short-term rentals.

On November 16 and December 21, the Planning Commission reviewed and discussed the STR Task Force recommendations. The Planning Commission found consensus on several of the Task Force recommendations. For items for which there was a consensus and for others staff identified as needing further clarity, a draft police-powers ordinance, zoning amendments, and noise ordinance amendments were drafted.

The Planning Commission reviewed noise ordinance amendments at its meetings on January 18 and February 15. The Planning Commission voted 7-0 to recommend approval of the attached noise ordinance.

The following highlights some of the key elements of the noise ordinance:

- Language was modified to be compliant with recent case law and more defensible.
- Time limitations were left unchanged except for construction noises and lawn maintenance equipment. These were changed to 8a-8p.
 - Note: Some have thought "quiet hours" started at 10p while others believed it was 11p. The existing ordinance states 11p.

LEGAL REVIEW:

The City Attorney prepared the draft noise ordinance. The City Attorney will be at your meeting to answer any questions you may have.

SAMPLE MOTION:

Motion to adopt Ordinance No. 240229-C, to amend the City Code, Title IX, Section 94.04 to update the City's noise ordinance to, among other things, clarify provisions related to the quiet hours and provide examples of violations of this Ordinance to better protect the public health, safety, and general welfare of the City, its residents, and visitors.

**CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN**

AMENDMENT TO NOISE ORDINANCE

ORDINANCE NO. 240229-C

At a meeting of the City Council of the City of Saugatuck, Allegan County, Michigan, held at the City of Saugatuck Hall on _____, 2024 at _____ p.m., City Council Member _____ moved to adopt the following ordinance, which motion was seconded by City Council Member _____.

An Ordinance to amend the City of Saugatuck City Code, Title IX, Section 94.04 to update the City's noise ordinance to, among other things, clarify provisions related to the quiet hours and provide examples of violations of this Ordinance to better protect the public health, safety, and general welfare of the City, its residents, and visitors.

THE CITY OF SAUGATUCK, ALLEGAN COUNTY, ORDAINS:

SECTION 1: AMENDMENT TO TITLE IX, SECTION 94.04 OF THE CITY CODE. The City of Saugatuck Code of Ordinances, Title IX, Section 94.04 shall be amended and will now read as follows:

§ 94.04 UNLAWFUL NOISE; EXCEPTIONS.

- (A) *Intent and purpose.* The intent and purpose of this section is to promote the public health, safety, and welfare of the residents and visitors of the City by prohibiting noises that would annoy or disturb the quiet, comfort, and repose of a reasonable person of normal sensitivities or disrupt the reasonable conduct of basic human activities.
- (B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:
 - (1) **PLAINLY AUDIBLE.** Any sound that can be detected by a person using his or her unaided hearing faculties.
 - (2) **NOISE DISTURBANCE.** Any sound that exceeds the maximum permissible sound levels in this section; that endangers or injures the safety or health of humans or animals; unreasonably annoys or disturbs a person of normal sensitivities; disrupts the reasonable conduct of basic human activities such as conversing or sleeping; or endangers or injures real or personal property.
- (C) *General regulation.* No person, firm or corporation shall cause, create, or continue, or assist in creating any noise disturbance, or as an owner, lessee, or occupant of the property on which the activity is located, permit the continuation of any noise disturbance. Each noise that continues or is repeated in a 1/2-hour time frame may be considered a separate violation of

this section, subject to additional prosecution and civil penalties.

(D) *Specific violations.* The following noise disturbances are hereby declared to be a violation of this section, but this enumeration shall not be deemed to be exclusive:

- (1) *Animal and bird noises.* The keeping of any animal or bird which, by causing frequent or long continued noise, creates a noise disturbance. Allowing or permitting any dog to bark repeatedly in an area where such barking is plainly audible on the property of another or within a building or dwelling unit other than that upon which it is located, shall be prima facie evidence of a violation.
- (2) *Construction noises.* The erection, excavation, demolition, alteration, or repair of any building, and the excavation of streets and highways, in such a manner as to create a noise disturbance, at any time on Sundays, and on other days except between the hours of 8:00 a.m. and 8:00 p.m., unless a permit has been first obtained from the City Manager, which permit shall limit the periods that the activity may continue.
- (3) *Sound amplifiers.* Use of any loudspeaker, amplifier, or other instrument or device, whether handheld, stationary or mounted on a vehicle, in such a manner or with such volume as to create a noise disturbance. If such a device is plainly audible on the property of another or within a building or dwelling unit other than that within which the device is located, or if such a device used between the hours of 11:00 p.m. and 7:00 a.m., shall serve as prima facie evidence of a violation of this section.
- (4) *Engine exhausts.* The discharge into the open air of the exhaust of any engine or motor vehicle, except through a muffler or other device which effectively prevents loud or explosive noises therefrom, so as create a noise disturbance.
- (5) *Vehicle noise.* The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling, or similar noise, which creates a noise disturbance. Any such noise that is plainly audible on the property of another or within a building or dwelling unit other than that upon which it is located shall serve as prima facie evidence of a violation of this section.
- (6) *Tire Noise.* Intentionally or by the immoderate operation of a motor vehicle to cause tires to squeak or screech, so as to create a noise disturbance.
- (7) *Blowers.* The discharge into the open air of air from any noise-creating blower or power fan in such a manner as to create a noise disturbance.
- (8) *Hawking.* The hawking of goods, merchandise, or newspapers in a loud and boisterous manner so as to create a noise disturbance.
- (9) *Horns and signal devices.* The sounding of any horns or signal device on any automobile, motorcycle, bus, or other vehicle, in a manner that creates a noise disturbance, unless necessary to operate said vehicle safely or as required by the

Michigan Motor Vehicle Code. Horns or signal devices shall not be altered, replaced, or in a state of disrepair so as to create unreasonably loud or harsh sound. The sounding of the horn or signal device for an unnecessary and unreasonable period of time so as to be disturbing to a reasonable person of normal sensitivities shall constitute a noise disturbance and be deemed a violation of this section.

- (10) *Radios, musical instruments, and music playing devices.* The playing of any radio, television set, speaker, musical instrument, or music playing device in such a manner or with such volume so as to create a noise disturbance. The playing of such a device or in such a manner as to be plainly audible on the property of another or within a building or dwelling unit other than that within which the device is located, or the playing of such a device between the hours of 11:00 p.m. and 7:00 a.m., shall serve as prima facie evidence of a violation of this section.
 - (11) *Shouting and whistling.* Yelling, shouting, hooting, whistling, speaking loudly, or singing or the making of any other loud noise on the public streets any time so as to create a noise disturbance. The creation of such noises so as to be plainly audible on the property of another or within a building or dwelling unit other than that within which the noise is made, or the creation of such noises between the hours of 11:00 p.m. and 7:00 a.m., shall serve as prima facie evidence of a violation of this section
 - (12) *Whistles or sirens.* The blowing of any whistle or siren in such a manner as to create a noise disturbance, except to give notice of the time to begin or stop work or as a warning of fire or danger, or for duly authorized tests.
 - (13) *Fireworks and Explosives.* The ignition, discharge, or detonation of any firework explosive or explosive device, firecracker, shell, consumer firework, or other article whereby the device or article undergoes a rapid chemical reaction with the production of noise, heat and/or violent explosion of gases, except as provided in Section 92.02 of the City Code.
- (E) *Exceptions.* None of the terms or prohibitions of Section 94.04(C) shall apply to or be enforced against:
- (1) Any government owned or operated police or fire vehicle or any ambulance, while engaged in emergency business.
 - (2) Excavations or repairs of bridges, streets, or highways by or on behalf of the City or the State of Michigan.
 - (3) Warning devices emitting sound for warning purposes as authorized by law.
 - (4) Customary lawn maintenance equipment for residential use, such as lawn mowers, leaf blowers, and chain saws, if the equipment is in good working order and is being operated between the hours of 8:00 a.m. and 8:00 p.m.

- (5) Snow blowers and other snow removal equipment engaged in the removal of snow, if the equipment is in good working order and reasonable precautions are taken to minimize disruptions to the public.
- (6) City street and sidewalk maintenance equipment or snow removal equipment and such equipment used by a school or hospital or medical care facility or their agents.
- (7) The operation of any equipment used for the control of mosquitoes, when authorized by the City as part of an approved mosquito control program.

SECTION 2: REPEAL. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 3: SEVERABILITY. If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective immediately upon publication.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

 Lauren Stanton
 City of Saugatuck, Mayor

CERTIFICATION

I, Jamie Wolters, being the duly elected and acting Clerk of the City of Saugatuck, Allegan County, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of an Ordinance duly adopted by the City Council at a regular meeting held on _____, 2024, at which meeting a quorum was present and remained throughout, (2) that an original thereof is on file in the records of the City, (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended), and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

DRAFT



City Council Agenda Item Report

FROM: Ryan Cummins, Director of Planning and Zoning

MEETING DATE: February 29, 2024

SUBJECT: Short-Term Rental Moratorium in R-1 Residential Zoning Districts

BACKGROUND:

In 2023, the City Council established short-term rental (STR) regulations, including minimizing damage with loss of housing stock, as an essential priority. Concurrently, the Planning Commission established updates to the zoning ordinance regarding short-term rentals as a priority.

In February 2023, responding to these priorities, the Planning Commission proposed the creation of a STR Task Force. The City Council subsequently approved the creation of a Task Force to serve as an advisory committee to research and discuss STR issues and opportunities.

In March 2023, the Planning Commission recommended approval of a temporary police power moratorium on new certificates for STRs. Following deliberations, the City Council decided not to enact a moratorium at that time.

The City's STR Task Force met for several months and finalized its report at the end of September. The Task Force's recommendations were subsequently presented to both the Planning Commission and the City Council for review.

Following several meetings, the Planning Commission reached consensus on several Task Force recommendations. Draft ordinances, including a police-powers ordinance, zoning amendments, and noise ordinance amendments, were prepared and submitted to the City Council for consideration.

RESIDENTIAL CAPS AND MORATORIUM:

The Task Force stated in its report that "further review and analysis of instituting a cap on the number of rentals may be required. However, for the purpose of the Short-Term Rental Task Force, a consensus from the members was given that no definitive direction on caps was achieved."

During its regular meeting on February 16, the Planning Commission deliberated on whether to explore the possibility of implementing caps on short-term rentals. A consensus emerged against city-wide or commercial zoning district caps. A majority of Commissioners expressed interest in studying caps in residential zoning districts or neighborhoods.

Similar to the Task Force report, consulting planner, David Jirousek, proposed that the Planning Commission conduct further study. He recommended four steps:

1. Study Areas
 - a. Identify and analyze natural neighborhoods.
2. Create Table Assessing Characteristics
 - a. Evaluate factors that indicate suitability for caps.
 - b. Matrix to include parking, lot sizes, area characteristics, and Task Force survey results.
3. Decision on Areas
 - a. Determine which neighborhoods warrant consideration for caps.
4. Evaluate Options and Methodologies for Caps
 - a. Explore the specifics of potential caps, including the number, percentage, and potential spatial separations.

A consensus of the Planning Commissioners agreed to undertake these steps. The Planning Commission discussed that thorough and thoughtful evaluation is necessary, and it will take time to make an informed recommendation.

In a 6-1 vote, the Planning Commission recommended the following to City Council:

City Council reconsider the police power moratorium on new STR licenses that the Planning Commission previously recommended with the following changes:

- The moratorium be limited to just R-1 residential zoning districts.
- The moratorium be in effect for six months.

DRAFT MORATORIUM FOR CITY COUNCIL CONSIDERATION:

After considering the Planning Commission recommendation, several public comments, correspondence, and discussion, the City Council asked that legal draft moratorium language for further review.

Two temporary STR moratorium options are attached for Council consideration. A few highlights of each include:

Option 1

- Temporarily prohibits the establishment of new short-term rentals and the issuance of new licenses for short-term rentals for properties located in the City's R-1 zoning districts.
- Makes exceptions for STR applications received prior to February 29.
- Allows all valid short-term rental certificates currently in effect for properties located in the City's R-1 zoning districts to remain effective throughout the moratorium for the latest to occur: 1) a period of 30 days after the date this Ordinance is repealed; or 2) the time that such certificate would have expired under its own terms.

Option 2

- Includes the same elements as option 1.
- Allows applications for short-term rental licenses for properties in the City’s R-1 zoning districts where, in the determination of the City Manager, an applicant for a short-term rental license provide documentation demonstrating that **all** of the following criteria are satisfied:
 - As of February 29, 2024, the property had been used as a short-term rental pursuant to a valid short-term rental certificate issued by the City;
 - The property was actively listed for sale prior to February 29, 2024;
 - The property was sold after February 29, 2024;
 - The short-term rental certificate for the property was not revoked or terminated prior to the time of the sale; and
 - The purchaser of the property submits an application for a short-term rental license meeting all the relevant requirements of the City Code no later than 30 days after the sale of the property.

The City Council may choose to adopt one of the options, modify the elements of either option, or take no action at all.

LEGAL REVIEW:

The City Attorney prepared the draft moratorium options and will be present at your meeting to answer any questions you may have.

SAMPLE MOTION:

Motion to adopt Ordinance No. _____, to enact a temporary moratorium on the issuance of short-term rental licenses within the City’s R-1 zoning districts until six months from the effective date of this ordinance, or an earlier time in which the City adopts new regulations governing the activities regulated in this ordinance.

**CITY OF SAUGATUCK
COUNTY OF ALLEGAN
STATE OF MICHIGAN**

**TEMPORARY MORATORIUM ORDINANCE FOR
SHORT-TERM RENTALS IN R-1 ZONING DISTRICTS**

ORDINANCE NO. 240229-D

At a meeting of the City Council of the City of Saugatuck, Allegan County, Michigan, held at the Saugatuck City Hall on _____, 2024 at ____ p.m., City Council Member _____ moved to adopt the following ordinance, which motion was seconded by City Council Member _____.

An ordinance to enact a temporary moratorium on the issuance of short-term rental licenses within the City's R-1 zoning districts until six months from the effective date of this ordinance, or an earlier time in which the City adopts new regulations governing the activities regulated in this ordinance.

CITY OF SAUGATUCK, ALLEGAN COUNTY, ORDAINS:

WHEREAS, short-term rentals are currently permitted within the City of Saugatuck ("City") subject to the Saugatuck City Code, which provides for the certification and regulation of short-term rentals within the City; and

WHEREAS, there has been a steadily increasing number of applications for short-term rental certificates in the City, and the City already has a large number of approved short-term rentals; and

WHEREAS, the Saugatuck City Council ("Council") has noticed a trend of increased interest in short-term rental uses and is legitimately concerned that these uses, if left unchecked, have the potential to impact housing availability, create land use conflicts, and alter the character of the City's residential neighborhoods; and

WHEREAS, the Council has a legitimate public purpose in addressing the proper and consistent regulation of short-term rentals within the City; and

WHEREAS, on February 16, 2023, the Council created the Short-Term Rental Task Force to serve as an advisory committee and to represent the various different stakeholders within the community in order to research and discuss the issue of short-term rentals to assist the City in promulgating balanced regulations related to short-term rentals; and

WHEREAS, the Short-Term Rental Task Force met numerous times in 2023 and exhaustively gathered information from professional consultants, part- and full-time City residents, business owners, property owners, and other community stakeholders, and provided a

wide-ranging report of recommendations regarding updates to the City’s short-term rental regulations to the Council and the Planning Commission in the fall of 2023; and

WHEREAS, upon receiving the Short-Term Rental Task Force’s report, the Planning Commission developed and recommended to the Council on February 15, 2024, comprehensive updates to the City Code of Ordinances that will establish a new framework for regulating short-term rentals in a manner that will protect the public health, safety, and general welfare of the City, including: 1) an update to the City’s zoning regulations of short-term rentals; 2) an update to the City’s noise regulations; and 3) a licensing ordinance regulating short-term rentals on a City-wide basis; and

WHEREAS, the City’s new short-term rental regulations do not address any limitations on the maximum permitted density of short-term rentals within the City’s R-1 zoning districts, such as the maximum number of short-term rental licenses that may be issued within these districts, or minimum separation distances within these zoning districts; and

WHEREAS, at its February 15, 2024, meeting the Planning Commission determined by a 6-1 vote that while a City-wide cap on short-term rental licenses was not warranted, potential limitations on the permitted density of short-term rentals within the City’s R-1 zoning districts required additional study, consideration, and possible regulation by the City; and

WHEREAS, it is appropriate to address the impacts to the public health, safety, and general welfare to enact a reasonable and temporary moratorium until appropriate regulation can be enacted and effective; and

WHEREAS, absent a temporary moratorium on the establishment of any new short-term rentals in the City’s R-1 zoning districts and the issuance of any new licensing for the same, inconsistent regulation of those activities could result, and the Council would be left without a meaningful way of addressing the potential impacts of these uses on housing availability, land use conflicts, and the character of the City’s residential neighborhoods; and

WHEREAS, the Council finds that it is necessary and reasonable to establish a temporary moratorium on the establishment of any new short-term rentals in the City’s R-1 zoning districts and the issuance of any new licenses for the same, subject to the exceptions set forth below, for six (6) months or until the City has enacted a valid amendment to the Saugatuck City Code.

NOW, THEREFORE, The City of Saugatuck Ordains:

An Ordinance Imposing a Temporary Moratorium on the Establishment of New Short-Term Rentals and Issuance of New Licenses for Short-Term Rentals Within the City’s R-1 Zoning Districts.

Section 1: Moratorium. The City of Saugatuck hereby temporarily prohibits the establishment of new short-term rentals and the issuance of new licenses for short-term rentals for properties located in the City’s R-1 zoning districts, which includes the following zoning districts:

- Community Residential

- Maple Street
- Peninsula North - Duneside
- Peninsular North – Riverside
- Peninsula South
- Peninsula West

Except as expressly provided herein, no applications for short-term rental licenses for properties located in the City’s R-1 zoning districts shall be received or processed by the City throughout the duration of the moratorium period. Nothing in this Ordinance shall be construed to authorize the operation of any short-term rentals without a validly issued certificate or license from the City.

Section 2: Existing Certificates; Renewal. Notwithstanding the renewal requirements in the Saugatuck City Code, all valid short-term rental certificates currently in effect for properties located in the City’s R-1 zoning districts shall remain effective throughout the duration of the moratorium period and for the latest to occur of: 1) a period of 30 days after the date this Ordinance is repealed; or 2) the time that such certificate would have expired under its own terms. However, nothing in this Ordinance shall preclude the City from terminating or revoking a short-term rental certificate or license pursuant to the City Code for failure to comply with the applicable standards and requirements of the City Code, excepting the renewal requirements suspended by this Ordinance.

Section 3: Exceptions for Pending Applications. This Ordinance shall not apply to applications for short-term rental certificates for properties in the City’s R-1 zoning districts submitted to the City prior to February 29, 2024, which shall be processed consistent with the Saugatuck City Code and may be approved and issued during the moratorium period. Nothing in this Section shall preclude the City from rejecting a nonconforming or incomplete application for a short-term rental certificate for a property in the City’s R-1 zoning districts, in which event the applicant shall have no right to reapply until this Ordinance is repealed.

Section 4: Exemptions for Properties Listed for Sale. This Ordinance shall not apply to applications for short-term rental licenses for properties in the City’s R-1 zoning districts where, in the determination of the City Manager, an applicant for a short-term rental license provide documentation demonstrating that all of the following criteria are satisfied:

- 1) As of February 29, 2024, the property had been used as a short-term rental pursuant to a valid short-term rental certificate issued by the City;
- 2) The property was actively listed for sale prior to February 29, 2024;
- 3) The property was sold after February 29, 2024;
- 4) The short-term rental certificate for the property was not revoked or terminated prior to the time of the sale; and
- 5) The purchaser of the property submits an application for a short-term rental license meeting all the relevant requirements of the City Code no later than 30 days after the sale of the property.

Nothing in this Section shall preclude the City from rejecting a nonconforming or incomplete application for a short-term rental license for a property in the City’s R-1 zoning districts, in which event the applicant shall have no right to reapply until this Ordinance is repealed.

Section 5: Term; Renewal. This Ordinance shall terminate and be of no further effect six (6) months from the effective date of this Ordinance unless the City Council adopts a resolution extending the moratorium or terminating the moratorium.

Section 6: Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 7: Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 8: Publication. This Ordinance or a summary thereof shall be promptly published in a newspaper of general circulation within the City of Saugatuck, and on the City’s website.

Section 9: Effective Date. This Ordinance shall become effective immediately at the later to occur of: 1) the effective date of Ordinance No. 240229-B; or 2) the date of this Ordinance’s publication as required by law.

The above Ordinance was offered for enactment by _____ and was supported by _____ at a regular meeting of the Saugatuck City Council, held at the Saugatuck City Hall, on the ___ day of _____, 2024, at _____ p.m., the vote being as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ADOPTED this _____ day of _____, 2024.

CITY OF SAUGATUCK

BY: _____
Lauren Stanton, Mayor

BY: _____
Jamie Wolters, City Clerk

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an ordinance adopted by the City of Saugatuck at a duly scheduled and noticed meeting of the City Council held on _____, _____ 2024, pursuant to the required statutory procedures.
2. A summary of the above ordinance was duly published in the _____ newspaper, a newspaper that circulates within the City of Saugatuck, on _____, 2024.
3. Within 1 week after such publication, I recorded the above ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the City Council voting, and how each member voted.
4. I filed an attested copy of the above ordinance with the Allegan County Clerk on _____, 2024.

ATTESTED:

Jamie Wolters
City of Saugatuck, Clerk

**CITY OF SAUGATUCK
COUNTY OF ALLEGAN
STATE OF MICHIGAN**

**TEMPORARY MORATORIUM ORDINANCE FOR
SHORT-TERM RENTALS IN R-1 ZONING DISTRICTS**

ORDINANCE NO. 240229-E

At a meeting of the City Council of the City of Saugatuck, Allegan County, Michigan, held at the Saugatuck City Hall on _____, 2024 at ____ p.m., City Council Member _____ moved to adopt the following ordinance, which motion was seconded by City Council Member _____.

An ordinance to enact a temporary moratorium on the issuance of short-term rental licenses within the City's R-1 zoning districts until six months from the effective date of this ordinance, or an earlier time in which the City adopts new regulations governing the activities regulated in this ordinance.

CITY OF SAUGATUCK, ALLEGAN COUNTY, ORDAINS:

WHEREAS, short-term rentals are currently permitted within the City of Saugatuck ("City") subject to the Saugatuck City Code, which provides for the certification and regulation of short-term rentals within the City; and

WHEREAS, there has been a steadily increasing number of applications for short-term rental certificates in the City, and the City already has a large number of approved short-term rentals; and

WHEREAS, the Saugatuck City Council ("Council") has noticed a trend of increased interest in short-term rental uses and is legitimately concerned that these uses, if left unchecked, have the potential to impact housing availability, create land use conflicts, and alter the character of the City's residential neighborhoods; and

WHEREAS, the Council has a legitimate public purpose in addressing the proper and consistent regulation of short-term rentals within the City; and

WHEREAS, on February 16, 2023, the Council created the Short-Term Rental Task Force to serve as an advisory committee and to represent the various different stakeholders within the community in order to research and discuss the issue of short-term rentals to assist the City in promulgating balanced regulations related to short-term rentals; and

WHEREAS, the Short-Term Rental Task Force met numerous times in 2023 and exhaustively gathered information from professional consultants, part- and full-time City residents, business owners, property owners, and other community stakeholders, and provided a

wide-ranging report of recommendations regarding updates to the City’s short-term rental regulations to the Council and the Planning Commission in the fall of 2023; and

WHEREAS, upon receiving the Short-Term Rental Task Force’s report, the Planning Commission developed and recommended to the Council on February 15, 2024, comprehensive updates to the City Code of Ordinances that will establish a new framework for regulating short-term rentals in a manner that will protect the public health, safety, and general welfare of the City, including: 1) an update to the City’s zoning regulations of short-term rentals; 2) an update to the City’s noise regulations; and 3) a licensing ordinance regulating short-term rentals on a City-wide basis; and

WHEREAS, the City’s new short-term rental regulations do not address any limitations on the maximum permitted density of short-term rentals within the City’s R-1 zoning districts, such as the maximum number of short-term rental licenses that may be issued within these districts, or minimum separation distances within these zoning districts; and

WHEREAS, at its February 15, 2024, meeting the Planning Commission determined by a 6-1 vote that while a City-wide cap on short-term rental licenses was not warranted, potential limitations on the permitted density of short-term rentals within the City’s R-1 zoning districts required additional study, consideration, and possible regulation by the City; and

WHEREAS, it is appropriate to address the impacts to the public health, safety, and general welfare to enact a reasonable and temporary moratorium until appropriate regulation can be enacted and effective; and

WHEREAS, absent a temporary moratorium on the establishment of any new short-term rentals in the City’s R-1 zoning districts and the issuance of any new licensing for the same, inconsistent regulation of those activities could result, and the Council would be left without a meaningful way of addressing the potential impacts of these uses on housing availability, land use conflicts, and the character of the City’s residential neighborhoods; and

WHEREAS, the Council finds that it is necessary and reasonable to establish a temporary moratorium on the establishment of any new short-term rentals in the City’s R-1 zoning districts and the issuance of any new licenses for the same, except for short-term rental certificate applications that have been filed with the City prior to February 29, 2024, for six (6) months or until the City has enacted a valid amendment to the Saugatuck City Code.

NOW, THEREFORE, The City of Saugatuck Ordains:

An Ordinance Imposing a Temporary Moratorium on the Establishment of New Short-Term Rentals and Issuance of New Licenses for Short-Term Rentals Within the City’s R-1 Zoning Districts.

Section 1: Moratorium. The City of Saugatuck hereby temporarily prohibits the establishment of new short-term rentals and the issuance of new licenses for short-term rentals for properties located in the City’s R-1 zoning districts, which includes the following zoning districts:

- Community Residential
- Maple Street
- Peninsula North - Duneside
- Peninsular North – Riverside
- Peninsula South
- Peninsula West

Except as expressly provided herein, no applications for short-term rental licenses for properties located in the City’s R-1 zoning districts shall be received or processed by the City throughout the duration of the moratorium period. Nothing in this Ordinance shall be construed to authorize the operation of any short-term rentals without a validly issued certificate or license from the City.

Section 2: Existing Certificates; Renewal. Notwithstanding the renewal requirements in the Saugatuck City Code, all valid short-term rental certificates currently in effect for properties located in the City’s R-1 zoning districts shall remain effective throughout the duration of the moratorium period and for the latest to occur of: 1) a period of 30 days after the date this Ordinance is repealed; or 2) the time that such certificate would have expired under its own terms. However, nothing in this Ordinance shall preclude the City from terminating or revoking a short-term rental certificate or license pursuant to the City Code for failure to comply with the applicable standards and requirements of the City Code, excepting the renewal requirements suspended by this Ordinance.

Section 3: Exceptions for Pending Applications. This Ordinance shall not apply to applications for short-term rental certificates for properties in the City’s R-1 zoning districts submitted to the City prior to February 29, 2024, which shall be processed consistent with the Saugatuck City Code and may be approved and issued during the moratorium period. Nothing in this Ordinance shall preclude the City from rejecting a nonconforming or incomplete application for a short-term rental certificate for a property in the City’s R-1 zoning districts, in which event the applicant shall have no right to reapply until this Ordinance is repealed.

Section 4: Term; Renewal. This Ordinance shall terminate and be of no further effect six (6) months from the effective date of this Ordinance unless the City Council adopts a resolution extending the moratorium or terminating the moratorium.

Section 5: Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 6: Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 7: Publication. This Ordinance or a summary thereof shall be promptly published in a newspaper of general circulation within the City of Saugatuck, and on the City’s website.

Section 8: Effective Date. This Ordinance shall become effective immediately at the later to occur of: 1) the effective date of Ordinance No. 240229-B; or 2) the date of this Ordinance’s publication as required by law.

The above Ordinance was offered for enactment by _____ and was supported by _____ at a regular meeting of the Saugatuck City Council, held at the Saugatuck City Hall, on the ___ day of _____, 2024, at _____ p.m., the vote being as follows:

AYES: _____

NAYS: _____

ABSENT: _____

ADOPTED this _____ day of _____, 2024.

CITY OF SAUGATUCK

BY: _____
Lauren Stanton, Mayor

BY: _____
Jamie Wolters, City Clerk

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an ordinance adopted by the City of Saugatuck at a duly scheduled and noticed meeting of the City Council held on _____, _____ 2024, pursuant to the required statutory procedures.
2. A summary of the above ordinance was duly published in the _____ newspaper, a newspaper that circulates within the City of Saugatuck, on _____, 2024.
3. Within 1 week after such publication, I recorded the above ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the City Council voting, and how each member voted.
4. I filed an attested copy of the above ordinance with the Allegan County Clerk on _____, 2024.

ATTESTED:

Jamie Wolters
City of Saugatuck, Clerk

Jamie Wolters

From: Ethan Barde <ethanbarde54@gmail.com>
Sent: Friday, February 23, 2024 2:19 PM
To: Russ Gardner; Holly Anderson; Logan White; Lauren Stanton; Helen Baldwin; Gregory Muncey; Scott Dean
Cc: Jamie Wolters; Ryan Cummins; mannssteven@hotmail.com; Tammy Kerr; Laura Durham
Subject: Moratorium and STR caps for town or per neighborhood
Importance: High

Hello,

Please put this email on record with the city on behalf of Myself, my company and the attached list of my client whom own property in the city of Saugatuck.

I have spoken out at many meetings from the beginning along with a majority of others that are against caps or a moratorium on short term rentals. This included the task force that was put in place as well as the consultants that were hired by the city. With all the speaking and data that has been presented there are only a few on the board that are listening and not placing their personal agenda in front of what is best for our town of Saugatuck. I believe the majority of board members are going through the motions and are not even considering what is best for the town or the towns stakeholders yet only interested in their agenda of stopping short term rentals that have been a part of Saugatuck for over 100 years. Saugatuck has NOTHING else but tourism and depends on this to thrive.

The answer has been clear from day 1 and also recommended by the task force and the consultants.. ENFORCE the rules in place and if a few more are needed add them and ENFORCE them.

To place a moratorium after all this work has been done so that you can look neighborhood by neighborhood and pick winners and losers is ridiculous and discriminatory. I am sure we will be able to tell what neighborhoods will be picked to not allow STR's or limit them by just correlating who is on zoning and council as we know this started with personal agendas and NOT what is best for the town of Saugatuck.

Many people have spent countless hours to come up with the conclusion to just enforcing the rules and ordinances in place while adding a few more for parking and trash, we already have a noise ordinance and we are a city not a quiet rule setting, if someone living in any city wants no noise I suggest they move to the countryside!

Make the right decision to move forward with the recommendations of the task force and the consultants instead of dragging this out with a moratorium that will have a devastating blow on our town, hurting our businesses and property owners because a few do not want the tourists in town.

Quaint Cottages on behalf our owners is prepared to hold the representatives of the city accountable for damages caused by a moratorium, STR caps etcetera as it pertains to affecting the business and jobs that have been a part of Saugatuck for the last 100 years and affect the ONLY industry we have that is tourism.

Thank you

Ethan Barde
Quaint Cottages

Property owners that we represent

Pierre Medwar	5174021160
Tom Spoelstra	517-914-7701
Julie Sowa	858-382-0488
Mike Hansen	(313) 779-6129
Elizabeth Woodward	313-820-1028
Carrie Aikman	517-402-0922
Rick Vogel	3124202496
Brian Reid	(312) 735-3130

Jamie Wolters

From: Tom Brown <tommy42959@yahoo.com>
Sent: Tuesday, February 20, 2024 4:45 PM
To: Lauren Stanton; Jamie Wolters
Subject: Short term rentals

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mayor Stanton and City Council members,

I am writing to support the proposal to put a temporary moratorium on new short-term rental certificates in residential neighborhoods. I own and manage a short-term in Saugatuck City but as part of a neighborhood, I understand and agree with the need to ensure we don't ruin the feeling of our neighborhoods with too many STRs.

Thank you for your consideration.

Sincerely,
Tom Brown

Brian Elmore
985 Ridgeview Ln.
Saugatuck, MI 49453
briantelmore@gmail.com
773.220.0419

February 22, 2024

Saugatuck City Council
102 Butler St.
PO Box 86
Saugatuck, MI 49453

Dear Mayor Stanton and Members of the Saugatuck City Council,

I am writing to vehemently oppose the recent recommendation of a moratorium on short-term rentals (STRs) and the proposal for implementing license caps in our community. As a property owner and taxpayer, I am deeply concerned about the well-being and future prosperity of Saugatuck. I urge the council to reconsider these recommendations given the immediate harm a moratorium would impose on anyone currently buying or selling in Saugatuck and the overall lack of an economic impact study.

It is deeply troubling that despite the commitment to financial transparency and accountability during the recent campaigns, no economic impact study has been advocated for by members of council to assess the potential costs and repercussions of these proposed measures. However, the absence of such a study leaves us in the dark regarding the true financial burden that implementing a moratorium and license caps would place on our city, our economy, residents, businesses, and property owners.

Without concrete data on the economic ramifications, proceeding with these measures would be reckless and irresponsible. We cannot afford to make decisions that may have detrimental effects on our city's finances and overall well-being without a comprehensive understanding of the costs involved. Moreover, reckless decision-making by the council or through encouragement of ballot measures to circumvent the recommendations of the STR task force could result in significant legal opposition by those harmed by those actions and will only contribute further to the legal burdens of the city.

Furthermore, it is imperative to emphasize that the decision to impose a moratorium and caps on STRs would not only impact property owners and tourists but could also have ripple effects throughout the local economy. The tourism industry is a vital source of revenue for Saugatuck, and any measures that disrupt this sector must be carefully evaluated to mitigate unintended consequences.

In addition to the absence of an economic impact study, the disregard for the recommendations of the STR Committee and the broader community feedback is deeply concerning. It suggests that personal biases and political agendas may be influencing decision-making processes to the detriment of the community's best interests.

In light of these factors, I urge the Saugatuck City Council to prioritize transparency and accountability by commissioning an economic impact study before proceeding with any decisions regarding STR regulations. Let us ensure that our actions are grounded in evidence and informed by a thorough understanding of the potential consequences.

Thank you for considering my perspective on this crucial matter. I trust that the council will act in the best interests of all residents and stakeholders in Saugatuck.

Sincerely,

Brian Elmore

Jamie Wolters

From: Liz Engel <c21saugatuck@gmail.com>
Sent: Tuesday, February 20, 2024 5:27 PM
To: Lauren Stanton
Cc: Jamie Wolters
Subject: STR

Follow Up Flag: Follow up
Flag Status: Flagged

Regarding STR
Att: Planning and Council

Hello,
I'm writing today as a local Realtor with more than 30 years of experience. I'd like to thank the city officials for actively pursuing the problems surrounding short term rentals in our residential neighborhoods and for creating a task force to enact smart policies. I believe that a good system of balance should include enforcement of rules and uniformity in STR to ensure a high quality rental experience for guests, neighbors and all area residents. Therefore, I would agree that a moratorium may be necessary to make sure that all aspects of the cities STR policies have been researched. At this time, we are still experiencing a shortage of residential homes in Saugatuck so I do not feel that a short moratorium would negatively impact home values.

Sincerely,
Liz Engel
Associate Broker
Century 21 Affiliated

Jamie Wolters

From: Ryan Cummins
Sent: Thursday, February 22, 2024 2:06 PM
To: Jamie Wolters
Subject: FW: You are amazing and more

From: Laura Godfrey <godfreylaura10@gmail.com>
Sent: Thursday, February 22, 2024 1:57 PM
To: Lauren Stanton <lstanton@saugatuckcity.com>; Helen Baldwin <Helen@saugatuckcity.com>; Scott Dean <sdean@saugatuckcity.com>; Russ Gardner <Russ@saugatuckcity.com>; Logan White <Logan@saugatuckcity.com>; Gregory Muncey <Gregory@saugatuckcity.com>; Holly Anderson <Holly@saugatuckcity.com>
Cc: Ryan Cummins <rcummins@saugatuckcity.com>
Subject: You are amazing and more

Team,

There is nothing like the Short Term Rental circus is there?

I must thank you for your dedication and stoic ability to sit through hours of testimony and comments that swing all over the place. It takes great fortitude to listen to all of us ramble on. You are impressive in your poker faced yet highly courteous demeanor. Thank you.

My comments were brief as I hadn't planned to speak at all as this meeting caught my schedule a bit off guard. I popped up impetuously as I could no longer tolerate the fear mongering statements related to property values. There is no economic theory that supports this and I do trust that you won't succumb to this line of thinking. Some would say that property values have stalled because of this ongoing conflict. Nonetheless, we do know that the Federal Reserve has announced plans to lower interest rates, so our colleagues in real estate won't be harmed in the making of this moratorium.

The purpose of this moratorium, beyond the stated objective, is to take the temperature of the city as it stands right now. Are we still a community or have we tipped over on our sides? The numbers suggest we've flipped over on our backs. If you throw up the flare and enact the moratorium (which is a brilliant stroke to define a limited territory), the country will take notice. You will activate a new set of constituents that will take another look and realize that Saugatuck has come to its senses. That new group might include the new surgeon joining Holland Hospital who likes the area, has his eye on the school, but doesn't want to spend his weekend picking up beer cans from his lawn. Reputation matters.

This issue will rage on and the only way to move toward any resolution is to implement this step. The timing is now; the market is formidable, you've heard everything you need to hear and with this limited range, the outcome will reveal what we're really made of. Visionary builders for the long term, or short sighted roulette players with a distorted view of what a community is?

Be guided as you are by the charter and your oath to protect the community as the residents have built it. If you can't, then let's take the Saugatuck sign down and put up a beer can and a slot machine and throw in the towel. But I don't think that's the direction we should take.

Throw up the flare and let's see what we really have.

With all sincere respect,
Laura J. Godfrey

Jamie Wolters

From: James Hannan <jhannan80@hotmail.com>
Sent: Wednesday, February 21, 2024 1:17 PM
To: Jamie Wolters
Subject: Short Term Rentals

Please be advised I'm very concerned about possible upcoming regulations on limiting short term rentals in the future. We purchased a very inflated value home in order to produce income and allow us to possibly purchase another home in Saugatuck in order to retire in Saugatuck. With the proposals in place, the value of our real estate and every home owner will plummet - forcing properties into disrepair or foreclosure. This is not the vision we had for investing in real estate in this beautiful vacation community.

I strongly encourage the council to not implement these economy killing changes.

Thank you.

James Hannan
526 Butler Street

Feb 21, 2024

Dear City of Saugatuck City Council,

It seems that the Planning Commission has lost sight of our community's identity and values. This is evident from item number 6D on tonight's agenda, which discusses a topic that took many of us by surprise. It's my understanding that you're considering imposing a moratorium or caps on short-term rentals. My question is: why?

We've been a resort community for well over a century. When my wife Holly and I bought our home on the hill in 2003, we converted what was once a men's boarding house into our primary residence. Before that, Holly's father owned a house on Lucy Street that served as a short-term rental, which we also used during the off-season. Surrounding our house on St. Joseph Street, both at the time of purchase and currently, are many rental homes. These properties have been excellent neighbors, and in the 20 years we've lived here, we've never had any issues with renters.

About a year ago, the Planning Commission proposed a moratorium on short-term rentals to the City Council. Fortunately, this measure was dismissed, and instead, a task force was established to examine short-term rentals and establish basic guidelines and rules for owners and guests. Most people, including myself, supported the task force. While I didn't closely follow the process, the findings reported in the news made sense to me. A few years ago, my family and I rented a short-term rental in Palm Springs and had to sign a "good neighbor contract" agreeing to abide by local rules on noise and behavior. Violating these rules meant forfeiting our security deposit without any warnings or second chances. I assumed the Saugatuck task force would propose something similar. While most of the work done so far is sensible, the discussion of caps or a moratorium doesn't align with our community's values.

We are a resort community that heavily relies on tourists for our economy. We need a constant influx of tourists renting properties to sustain businesses such as boat rentals,

restaurants, shops, and bars. Concerns about a surge in short-term rental applications due to impending restrictions are unfounded. According to our local MLS, residential property sales have actually decreased over the years. In 2019, there were 47 sales, followed by 60 in 2020, 42 in 2021, 38 in 2022, and only 27 in 2023. In the last four months, we've had only four sales, one of which is in a former seasonal motel. The proverbial fire hose has been shut off!!! Ryan is more than capable of handling four potential new rental certificates, so there's no true need for a moratorium unless your goal is to deprive homeowners of their private property rights. Implementing one would deprive full-time residents of the option to rent out their homes when needed, especially considering the recent 10% increase in property taxes over the last two years, which has particularly impacted retired residents.

I urge you to follow last year's approach and adopt sensible suggestions from the task force, as outlined in tonight's packet, but refrain from imposing any form of moratorium or caps.

Thank you.

Nico Leo
419 St Joseph Street
Saugatuck, MI 49453

Brett Locascio
3437 64th Street
Saugatuck, MI 49453
brettlocascio@aol.com
312.961.8011

February 22, 2024

Saugatuck City Council
102 Butler St.
PO Box 86
Saugatuck, MI 49453

Dear Mayor Stanton and Members of the Saugatuck City Council,

I am writing to vehemently oppose the recent recommendation of a moratorium on short-term rentals (STRs) and the proposal for implementing license caps and certain new licensing requirements in our community. The tourism industry is a vital source of revenue for Saugatuck, and any measures that disrupt this sector must be carefully evaluated to mitigate unintended consequences.

It is troubling that despite the commitment to financial transparency and accountability during the recent campaigns, no economic impact study has been advocated for by members of council to assess the potential costs and repercussions of these proposed measures. This leaves us guessing regarding the true financial burden that implementing any of this would place on our city, our economy, residents, businesses, and property owners. It is also unclear how the new processes and guidance would be funded and paid for, and how much that would cost and what would be feasible.

Without concrete data on the economic ramifications, proceeding with these measures would not be prudent or responsible. Everything now seems to be based on personal perspectives and feelings. We cannot afford to make decisions that may have potential detrimental effects on our city's finances and overall well-being without a comprehensive understanding of the costs involved. Moreover, this type of decision-making by the council without proper due diligence or through encouragement of ballot measures to circumvent the recommendations of the STR task force could result in significant legal opposition by those harmed by those actions and will only contribute further to the legal burdens of the city.

In addition to the absence of an economic impact study, the disregard for the recommendations of the STR Committee and the broader community feedback is concerning and disappointing. It suggests that personal biases and political agendas may be influencing decision-making processes to the detriment of the community's best interests.

I'd also encourage everyone to look at the rental licensing proposed criteria and ensure we are not penalizing everyone for the few who have caused problems. One example is the new max capacity also takes away capacity from existing STRs that have safely had capacity greater than 12 without issue in the past.

- This penalizes properties with more bedrooms that can safely accommodate more people and have the necessary egresses for exit in an emergency.
- There are many businesses allowed to have much larger capacities with fewer exits and likely have more exit bottlenecks than a residence would.
- There is also nothing in the grandfather clause about honoring past sleeping capacity. Grandfathering legacy capacity would help at least honor those that were approved before at their historical capacity level.
- There are many multi-generational families who rent larger spaces to be together for a shared vacation and not to be separated into several smaller units which likely are not close to each other, which this would force to happen.

I support having safe capacities by bedroom (including the additional capacity by finished level) but having a max cap to the equation is unfair. One of the things you and the task force were adamant about was not taking away from current STRs. Reducing capacity would do this and goes against that goal.

I urge you all to prioritize transparency and accountability by commissioning an economic impact study and impact of new guidance to existing good neighbor STRs before proceeding with any decisions regarding STR regulations. Let us ensure that our actions are grounded in evidence and informed by a thorough understanding of the potential consequences.

Thank you for considering my perspective on this crucial matter. I trust that the council will act in the best interests of all residents and stakeholders in Saugatuck.

Sincerely,



Brett Locascio

Jamie Wolters

From: Occitan <occitan@comcast.net>
Sent: Wednesday, February 21, 2024 11:22 AM
To: Jamie Wolters
Subject: STR Licenses Moratorium

Hello Jamie,

I wanted to reach out to you in reference to today's meeting.

My wife and I have owned a home on Grand Street for over 30 years and we love the small town feeling. However over the past few years we noticed the increase of full time rental properties.

We have friends in other communities such as Charlevoix and Charleston and they commented on how strict STR regulations have helped improve their communities.

I completely agree with the recommendation to institute a residential STR license moratorium for 6 months until residential caps are agreed upon.

I hope this could be included in the notes for today's meeting.

Thank you very much.
Philippe Maraval

Philippe Maraval - Sent from my iPhone

GARY E. MEDLER

gary.medler@yahoo.com

461 Vine Street PO Box 461
Saugatuck, Michigan 49453
312-848-2453

February 20, 2024

BY EMAIL DELIVERY

Jamie Wolters
City Clerk
City of Saugatuck
102 Butler Street/PO Box 86
Saugatuck, Michigan 49453
jwolters@saugatuckcity.com

Ryan Cummins
Interim City Manager
Director, Planning, Zoning & Proj. Mngt.
rcummins@saugatuckcity.com

Re: City Council Workshop
February 21, 2024
Agenda Item 6 D – Short Term Rental Police Power Moratorium

Dear Ms. Wolters:

This comment letter is submitted for Council’s consideration and for inclusion in the Record on the proposed Short Term Rental Police Power Moratorium.

I support the proposed 6 month moratorium. The City has committed significant time and effort to address revised regulation of short term rentals. The Planning Commission’s diligent evaluation of proposed regulations and concerns surrounding the operation of short term rentals in the diverse neighborhoods in Saugatuck, including the River West area, is commendable and appreciated.

Taking the time now to further evaluate “caps” makes good sense as described and recommended by the Planning Commission.

Sincerely

Gary E. Medler

cc: Lauren Stanton
Helen Baldwin
Holly Anderson
Scott Dean
Russ Gardner
Gregory Muncey
Logan White

Jamie Wolters

From: Brian Schipper <brianjschipper@gmail.com>
Sent: Tuesday, February 20, 2024 7:39 PM
To: Lauren Stanton
Cc: Jamie Wolters
Subject: Support for Short-Term Rental Moratorium in Residential Neighborhoods
Attachments: LETTER - TO STR TASK FORCE - PUBLIC COMMENTS - 17 AUG 2023.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Honorable Mayor Stanton:

I wrote a lengthy letter (attached) to the Short-Term Rental Task Force during the public comment phase leading to the recommendations.

As an owner of a legally permitted short-term rental property in Saugatuck, I favor additional compliance requirements for STRs and believe that more tools for local residents (whether primary or second home) to ensure quality of life can be protected from the behavior of occupants of STRs is reasonable and appropriate.

Unfortunately the above steps will do nothing to affect the density of already-approved STRs in residential districts. Nearly half of the houses on Pleasant Street (where I live) have been approved as STRs. I consider Pleasant Street to be a lost cause. The STR density is simply too great to preserve the street as a home predominantly of homeowner neighbors.

As things stand today, the City of Saugatuck does not have the necessary tools to address STR density. For that reason, a STR moratorium is perfectly reasonable and the only protection against other residential areas being transformed into business districts for short term lodging.

A moratorium would give the Planning Commission the requisite time to consider options that would seek to preserve economic vitality and balance it with considerations to protect the residential character and quality of life of our neighborhoods.

Surveys taken during the Task Force's work clearly showed that the prevailing sentiments of those whose primary residences are in Saugatuck are distinct from the population who own homes. Ultimately, it is the population of those who live and vote in Saugatuck who will determine whether the transformation the parts of the city zoned residential into what are effectively business zones continues unabated.

A moratorium is a reasonable and prudent step to take now to empower the city to take the time necessary to develop a fair and balanced approach to STR density in Saugatuck.

Sincerely,

Brian Schipper

Brian Schipper
758 Pleasant Street
Saugatuck, MI 49453

22 August 2023

Holly Anderson, Chair
Short-Term Rental Task Force
City of Saugatuck Planning Commission
PO Box 86
Saugatuck, MI 49453

Re: Response to Request for Public Comments Regarding Short Term Rentals in the City of Saugatuck

Dear Ms. Anderson and Task Force Members:

I applaud the City of Saugatuck and the Short-Term Rental Task Force for devoting extensive time to develop recommendations regarding using private residences as short-term rental (STR) housing in the City of Saugatuck. This work is necessary and timely and I am grateful to so many committed citizens who are contributing their personal time in this way, which shows how much everyone involved cares about our city.

It is unfortunately true, that the public comments have tended to be polarizing, which contributes to a sense that positions are irreconcilable. The views are typically based on the circumstances of the individual making the comments. If the commenter is a STR owner, property manager, or realtor, the commentary tends towards highlighting the risks and dangers of regulation on economic well-being of the city and on property values. If the commenter is a non-STR owning resident, the commentary typically highlights the loss of the sense of community and the impact of STRs on the quality of life.

While it might well be in the personal interest of commentators to amplify the differences in order to rally others to their point of view, appropriate regulations of STRs are possible to achieve, and the goal of the Task Force must remain to find that balance in making recommendations to the City.

I own a home that is used as a permitted short-term rental in the City of Saugatuck. And I am a resident of a street where almost half of the private homes are used predominantly as revenue-generating STRs.

I am convinced that banning the use of private residences for short-term lodging would have a detrimental impact on the economic vitality of the community. I also know that the presence of STRs has a very real and significant corrosive effect on quality of life. My hope is that everyone on the Task Force, and indeed, all Saugatuck voters, understand that both things are true.

I would ask the Task Force members to consider the following scenarios:

- Two young children of the short-term multi-family renters from Chicago, pulling down their pants, and defecating on the driveway a few feet from the street, in front of their mother and in full view of guests in my home

- An intoxicated woman attempting to break into a car parked on my private property at 5:30 am, having been locked out of a short-term rental after pounding on the door of the rental and yelling to the occupants to let her in to join the seven other guests of the short-term renters having a Madison, Wisconsin high school class reunion
- A family staying in a short-term rental, trespassing into the yard and driveway of my private home and taking photos both of the exterior and through the windows of the contents of the home while their young children pounded on the windows
- A game of beer pong being played on a folding table on the street by guests of a short-term rental while drinking a case of beer, throwing the empty cans on the street (when the property manager was notified, the response was “...they are just having fun”)
- Loud music and yelling while drinking and playing pool, continuing all night until after 4:00 am from the garage of a short-term rental
- A short-term renter parking a pontoon boat on a trailer on the street preventing any vehicles from driving down the street
- Multiple cars—as many as twelve per STR—parking on the street in front of one property that advertises that it allows occupancy for up to fourteen guests
- Using a narrow public street for activities (predominantly on weekends when dozens of parked cars are on the street) such as touch football, throwing a Frisbee, corn hole games, and tee ball because the STRs in question have no yards that can be used for activities.











For one private home being used for short-term rental lodging, the promotional materials are silent on the fact that there is no useable yard because the house is sited on a steep dune, but includes the following:

- “Open and spacious indoor and outdoor space”
- “Comfortably sleeps ten guests”
- “Party lounge and deck”
- “...perfect for large family getaways, wedding parties, multi-family vacations...”

Another nearby rental unit also has no useable yard (again, which is not noted); the promotional materials states that it can accommodate “...14 guests; in six bedrooms.”

Regulation of STRs is dramatically asymmetric. For the owner and the property manager of an STR, there might be new requirements with which to comply. For the realtor, there might be the need to find a buyer seeking a home vs. a buyer seeking an income. But for those who are impacted by the behavior of short-term renters, their quality of life is unpredictably impacted depending on the behavior of those who rent the property. From first-hand experience, every week is another roll of the dice. Is this a family visiting Saugatuck to have a quiet escape, or is this another high school reunion or bachelorette group with every guest driving their own vehicle from Illinois blocking traffic with the inevitable drunken late-night parties and screaming in the hot tub? Ultimately, someone who lives near an STR could be compelled to find a new place to live from this relentless uncertainty about what will next unfold.

I am an advocate for private property owners having the latitude to use and enjoy their private property—including using it as an STR. Owners of short-term rental housing, property managers and realtors should consider how they would feel if the kind of events I have described were taking place next door to where they live, and where they are presumably seeking to enjoy their homes. I am acquainted and indeed friends with many who have weighed in with strong positions against STR regulation: both those whose primary residences are in Saugatuck and those that are not, and am aware that, while they have an economic interest in the STR-driven sub-economy, they do not have STRs immediately adjacent to their homes and are not personally experiencing these impact on themselves or their families.

Building or remodeling a private home requires compliance with building codes, zoning requirements, and other regulations and are serially inspected during the construction process to ensure compliance. Those requirements were written to promote the health and safety and peaceful co-existence of residents. When a private residence is repurposed for income-generating short-term lodging, those requirements no longer match the purpose and use for which they were developed in the first place.

These same advocates for not restricting STRs should also consider whether private citizens should be required to monitor and report on the activities of short-term renters to ensure compliance with local laws and codes. And these same advocates should consider whether it is fair for their fellow tax paying residents to have their quality of life persistently impacted in these ways.

Renting all or part of a home was often done to offset the expense of maintaining a home. What has changed is that many private houses are marketed by sellers and realtors as, and purchased with, the

expressed purpose of using the home as a source of income, i.e. to convert it into an income-producing business--not as a home to be lived in and enjoyed by the homeowner.

The most recent home to sell on the street has since been converted to a STR, taking the percentage of STRs on the street to 44%. Upon meeting the new owners, they said how excited they were to own a home in Saugatuck, but also said, "...we don't expect to be living in the house more than 4-5 weeks a year."

In another community with a resort-driven economy with which I am familiar, what changed public perception and stopped voters from approving a citizen initiative ballot measure to outright ban short-term rentals, was the fact that the city adopted by ordinance, clear guidelines with exceptionally strong enforcement mechanisms to ensure property owners of short-term rentals and their management companies were complying with rental restrictions or risk losing their short-term rental permit.

Those guidelines include:

- Twenty percent cap on permitted short-term rentals per neighborhood
- Permit required, renewed annually
- Special transient occupancy tax
- Occupancy limits
- Contract for each guest stay required
- Local response contact required
- Twenty-four hour rental hotline to report active nuisances such as noise, parking or trash
- Minimum age requirements
- Prohibition against outdoor/amplified music
- Posting of registration number in all advertising
- Limits on permitted number of rental contracts per year
- "Three strikes" suspension risk (three citations in a twelve month period result in a two-year suspension of the property unit's permit)
- Substantial fines for violations (from \$500 for first to \$1000 for subsequent violations)
- Failure to register considered an extremely serious violation with permanent ineligibility to be issued a short-term rental permit
- Guest standards including "statement of rules and regulations" and "good neighbor" brochure.

The above regulations in that city have dramatically reversed the incessantly negative quality of life issues that had impacted the residents who live near homes being used for short-term rental housing.

As I noted in a previous letter when (yet another) private residence on the street was seeking approval to convert the property to a STR: friends who moved from Pleasant Street said in a recent conversation "...we don't miss it," attributing the poor quality of life specifically to the proliferation of short-term rentals. I believe this merits additional emphasis: Homeowners are leaving what is generally considered to be a desirable residential street in the City of Saugatuck because short-term rentals have negatively impacted quality of life.

Advocates for ensuring STRs in Saugatuck should be aware that long-term viability is predicated on ensuring residents' quality of life is not further eroded. I believe that common ground can be found that

strikes the right balance for Saugatuck to both be an economically vibrant tourist-driven economy and a great place to live.

The current situation does not represent the right balance.

Quality of life is being disproportionately negatively impacted for Saugatuck residents. I believe that achieving the best outcome for the city requires residents to acknowledge that STRs are a source of economic vitality. And it also requires that STR owners, property managers and those that market these homes as prospective businesses appreciate the impact that STRs have on the lives of the residents who live nearby.

I am happy to comply with the regulations expected of me as the owner of an STR. I would gladly comply with additional regulations that would ensure that those who stay in the STR I own are not negatively impacting the quality of life of my neighbors.

Using a residential property for a business should not be equated in impact or importance with a fellow member of the community being able to be happy in their home.

Sincerely,

//s//

Brian Schipper

Jamie Wolters

From: jtmixedm@aol.com
Sent: Tuesday, February 20, 2024 1:34 PM
To: Jamie Wolters
Subject: Short Term Rental

I understand there is a meeting schedule this week to continue the discussion about a possible temporary moratorium on short term rentals. Please include this memo as part of that process. It is a copy of the letter I wrote to the Short Term Rental Task Force in September. My thoughts are the same today, so I am sending this letter, rather than composing another one.

Thank you for your consideration of my perspective.

John Thomas

John Thomas
141 West Street
Saugatuck, MI 49453

September 12, 2023

Holly Anderson, Chair
Short Term Rental Task Force
City of Saugatuck Planning Commission
PO Box 86
Saugatuck, MI 49453

Re: written comments on Short Term Rental deliberations

Short Term Rental Task Force:

By way of introduction; I am writing this as a thirty-year, full time resident of the hill and a thirty-year member of the Saugatuck and Douglas retail community, who fully understands the importance of tourism and all of the complexities of living and working in a town that benefits from the people who come here. I would also like to say that I am in complete agreement with all of the points that Brian Schipper made in his August 20, 2023 letter to the Task Force, so I won't bother covering those same points. Instead, I will focus my input on two things; a moratorium and a cap on STRs.

By the end of the Task Force's September 7th meeting, several items under consideration seemed to be close to consensus. But I sensed that there was not yet consensus on whether or not to recommend a moratorium or a cap on STR permits. Since I believe these are the two most critical issues on the table, I would like to contribute my thoughts for your consideration.

First, I believe the rapid expansion of STRs - especially in certain districts - has created a runaway train that must be slowed down before this problem gets any worse than it already is.

Although there have always been STRs in my neighborhood, I have chosen to speak out now because, almost overnight, I am now completely surrounded by STRs and I believe my quality of life, and that of many of the other people who live in my part of Saugatuck, has been seriously diminished by the unbridled expansion of STRs.

Because of that perspective, I am a strong advocate for an immediate moratorium on new STR permits, until the Council's deliberations of this topic have been completed.

Since it will likely take the Council quite some time to formulate any new STR regulations or ordinances (especially given the need for legal review, etc.), it doesn't make sense to me to continue to grant even more permits that may later have to be grandfathered in, if new regulations or caps are adopted in the future.

Second, I think a cap, at whatever level is eventually chosen, has to be set by the community's elected and appointed officials, who are entrusted with protecting everyone's interests and the quality of life of our community as a whole.

Therefore, I hope when you send your final report to the Council, it will include a recommendation that they eventually implement some form of a cap.

I freely acknowledge that the Task Force and the community at large, are divided on the issue of a cap. But often, opinions about STRS depend a lot on whether or not you are being personally affected by STRs. For example, on my street, I am totally surrounded by STRs. By comparison, if you look at the zoning map, currently there are 0 STR permits in the Peninsula North (Riverside) district. In fact, the statistics by district, show that STRs vary from a low of 0% in one district to a high of over 70% in the Center Residential district. And surely that will color ones personal opinion on the subject, especially when some residents fear the complete takeover of STRs in their neighborhood if caps aren't put in place.

Many argue that letting market forces work all of this out, is a better approach. I totally disagree. Things like this, that can have a profound impact on a community, should be decided by the community and not the market. That is why many of us are appealing to our elected officials to look out for all of us - including STRs - but not "especially" STRs.

Let's be perfectly clear, STRs are, first and foremost, "businesses," and as such, should be subject to regulation as needed, based on their nature and their impact. I put STRs in the same category as things like bars, restaurants, marijuana businesses, etc. that can have unusually high impact on the identity and nature of adjoining properties and even the whole town by their presence and placement. It is not the presence of a single STR that causes a problem, the problem arises when there are too many. That is why I am lobbying for a moratorium and some sort of cap on STRs until we decide the right balance for our community. I believe that without a cap, we will end up with too many and especially too many concentrated in certain areas.

During the thirty years I have lived in Saugatuck I have seen this community take a stand on other issues to preserve the community's identity and character, so there is ample precedent for appropriate regulation of STRs too.

First, like all communities in Michigan, we limit the number of bars by controlling the number of licenses available, because if left to market forces, there could be far too many bars (because of their profit potential) than we would want. Second, I remember when Saugatuck fought to keep chain stores and chain restaurants out of our downtown because they didn't fit with what we wanted this town to be. Third, so far, Saugatuck has chosen not to permit any marijuana businesses for many reasons, but primarily because of concerns that they weren't what Council members felt was best for us. Fourth, we created a historic district to preserve the look and feel of the town, despite the many restrictions it places on property owners within that district.

We have all kinds of other ordinances that apply to businesses and residences to avoid potential harm or to avoid negative impact on the look and feel for our hometown. They include anything from height restrictions for building, to the size and placement of signs on businesses. So we won't be singling out STRs or applying different standards if we choose to put reasonable limits on them too.

It is clear, by the creation of this Task Force, that the STR situation is problematic enough to many residents, to warrant special study and some degree of additional regulation. It is also clear that leaving things up to market forces has not worked. So, people like me are counting on you to advise the Council to consider what is best for the common good and not just for those who have invested in STRs.

You have heard from many about how their lives, and the nature of whole neighborhoods, have been impacted by the explosion of STRs. This has resulted in "residential neighborhoods" becoming de facto "business districts," without the normal checks and balances that govern other kinds of businesses in town. Now it has gotten so bad that we are even contemplating hiring an additional police officer to control them. What more has to be said about how negatively impactful these STRs have become? Personally, I find it hard to believe that we are willing to consider resorting to police enforcement, while some people are still hesitant to consider a moratorium or caps.

All of this leaves me with several questions. 1. How much worse does this have to get for some of us, before we set a limit on their impact (not just noise, occupancy and parking) but also a cap? 2. Why are people arguing that STRs should be left to the market place to manage, when we don't use that same logic for things like bars and marijuana shops? 3. When is enough, enough? 4. If not now, when?

I am not in a position to suggest what method of capping should be chosen (since there are many to choose from). In fact, I think we need more data about the percent of properties that are now STRs and the rate of conversion of residential properties to STRs, etc. before a cap could be set. But I do hope the Task Force will recognize that we can't let this go on unabated forever. If we don't set limits now, I fear that the topic will not be revisited again for a very long time and the damage to some areas of the community will be irreversible.

Unless you believe that there should be absolutely no limit on the number of STRs, then I hope you will encourage the Council to propose a cap of some sort based on analytics and data. In addition, we need to have a method in place to monitor the effectiveness of the cap to determine if they work. That's all I am asking the Task Force and the Council to do. For me, not setting a cap is not the right solution.

In closing, I want to make sure that it is clear; I am not opposed to STRs. I am opposed to letting them decide what life will be like for many of us going forward. I think that imposing a moratorium, and eventually a cap, are important steps that we need to take in order to ensure that the qualities we have all valued most about Saugatuck over the years are not lost.

I also want to end by expressing my sincere thanks and appreciation to this Task Force. I believe this is the most important issue that any Saugatuck committee has been asked to wrestle with during my years in town.

You deserve our gratitude for doing the work and especially for conducting your business in the exemplary way you have.

John Thomas

Saugatuck full time resident

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Jamie Wolters

From: no-reply@weebly.com
Sent: Friday, February 23, 2024 8:30 AM
To: Jamie Wolters
Subject: New Form Entry: Website Contact Us Form

You've just received a new submission to your [Website Contact Us Form](#).

[Mark as Spam](#)

Submitted Information:

Name

Jim Van Dyke

Email

vandykejrr@gmail.com

Comment

I have been following the news on the direction of VRBO rentals. My wife and I frequent Saugatuck 5-6 times per year. We rent a VRBO and make a long weekend out of it. We enjoy the town, restaurants and bars. We have always enjoyed our time. Your new policy on 30 rentals will eliminate us from doing so. I have to wonder how many others, like ourselves, do the same thing. We have met numerous people on our stays that are doing the same thing. I also wonder the impact this will have on the shops, restaurants and the bars. I would imagine these business supply a tax base to the town. What happens when they close because there isn't enough traffic to support them all. How does this effect Saugatuck? I wanted to share my thoughts as I truly enjoy your town, but this will force us to go somewhere else.

Jamie Wolters

From: Rich <rwebid@gmail.com>
Sent: Friday, February 23, 2024 9:17 AM
To: Holly Anderson; Logan White; Lauren Stanton; Russ Gardner; Helen Baldwin; Gregory Muncey; Scott Dean
Cc: Jamie Wolters; Ryan Cummins; S. Manns; Sara Williams
Subject: Economic Impact of STR Curtailment

February 23, 2024

Please include this letter in the 2/29/2024 Saugatuck City Council Agenda Packet.

Saugatuck City Council Members:

This week's "Workshop" meeting was both lengthy and well-attended. I hope the Council considers further public discussion of the issues contained within the packed agenda, given the numerous matters on the table. The economic impact and the city's reputation as a tourist destination are paramount. For example, if new owners of previously STR-certified properties cannot obtain STR certificates due to a moratorium, the resulting cancellation of short-term agreements would harm both the would-be travelers and the various parties involved, such as local merchants, restaurants, cleaning companies, and property owners. The blame for these negative economic conditions would squarely rest on the City.

I hope that additional public dialogue is scheduled and that a moratorium is avoided.

Thank you.

Richard Williams
1050 Elizabeth St.
City of Saugatuck Taxpayer

cc: R. Cummins, S. Manns, J. Wolters, S. Williams



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Saugatuck, MI 49453
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Please allow Saugatuck Township Fire District to offer supportive documentation on the risks associated with residential occupancies as stated in the International Fire Code.

Residential Group R

❖ Residential occupancies represent some of the **highest fire safety risks** of any of the occupancies listed in Chapter 3 of the IBC. There are several reasons for this condition:

- Structures in the residential occupancy house the widest range of occupant types, i.e., from infants to the aged, for the longest periods of time. As such, residential occupancies are more susceptible to the frequency of careless acts of the occupants; therefore, the consequences of exposure to the effects of fire are the most serious.
- Most residential occupants are asleep approximately one-third of every 24-hour period. When sleeping, they are not likely to become immediately aware of a developing fire. Also, if awakened from sleep by the presence of fire, the residents often may not immediately react in a rational manner which could delay their evacuation.
- The **fuel load** in residential occupancies is often quite high, both in quantity and variety. Also, in the construction of residential buildings, it is common to use extensive amounts of combustible materials.



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- Another portion of the fire problem in residential occupancies relates to the occupants' lack of vigilance in the prevention of fire hazards. In their own domicile or residence, people tend to relax and are often prone to allow fire hazards to go unabated; thus, in residential occupancies, fire hazards tend to accrue over an extended period of time and go unnoticed or are ignored.

Most of the nation's fire problems occur in Group R buildings and, in particular, one- and two-family dwellings, which account for more than 80 percent of all deaths from fire in residential occupancies and about two-thirds of all fire fatalities in all occupancies. One- and two-family dwellings also account for more than 80 percent of residential property losses from fire and more than one-half of all property losses from fire.

Greg Janik

Fire Chief/Fire Marshal