



**Planning Commission Regular Meeting
October 19, 2023 7:00PM
City Hall
102 Butler Street, Saugatuck, MI**

1. Call to Order/Roll Call:

2. Approval of Agenda: (Voice Vote)

3. Approval of Minutes: (Voice Vote)

A. Regular Meeting Minutes – September 21, 2023

4. Public Comments on Agenda Items: (Limit 3 minutes)

5. Old Business:

6. New Business:

A. 118 Hoffman – Public Hearing and Site Plan Review for a Restaurant with Expanded Outdoor Dining

B. 120 Mary – Public Hearing for Rezoning from C-2 Water Street East to R-4 City Center Residential

C. Proposed Zoning Ordinance Text Amendment to 154.092(O) - Restaurants with Outdoor Seating and Expanded Outdoor Dining Areas – Public Hearing

D. Waterfront Development – Review Draft Zoning Ordinance Language

7. Communication:

8. Reports of Officers and Committees:

a. Zoning Administrator Activity Report

9. Public Comment: (Limit 3 minutes)

102 Butler St. ★ PO Box 86 ★ (269) 857-2603 ★ www.SaugatuckCity.com

<p>NOTICE: Join online by visiting: https://us02web.zoom.us/j/2698572603</p> <p>Join by phone by dialing: (312) 626-6799 -or- (646) 518-9805</p> <p>Then enter "Meeting ID": 2698572603</p> <p>Please send questions or comments regarding meeting agenda items prior to meeting to: rcummins@saugatuckcity.com</p>

10. Commissioner Comments:

11. Adjourn (Voice Vote)

***Public Hearing Procedure**

- A. Hearing is called to order by the Chair
- B. Summary by the Zoning Administrator
- C. Presentation by the Applicant
- D. Public comment regarding the application
 - 1) Participants shall identify themselves by name and address
 - 2) Comments/Questions shall be addressed to the Chair
 - 3) Comments/Questions shall be limited to **three** minutes
 - 1. Supporting comments (audience and letters)
 - 2. Opposing comments (audience and letters)
 - 3. General comments (audience and letters)
 - 4. Repeat comment opportunity (Supporting, Opposing, General)
- E. Public comment portion closed by the Chair
- F. Commission deliberation
- G. Commission action



Planning Commission Meeting Minutes - *Proposed*

The Planning Commission met for a Regular Committee Meeting, September 21, 2023, at
7:00 p.m. at City Hall
102 Butler St., Saugatuck, MI 49453.

1. Call to Order/Attendance:

The meeting was called to order by Chair Manns at 7:00 p.m.

Present: Chairman Manns, Commission members: Anderson, Bagierek, Gardner, Gaunt, LaChey.

Absent: Vice-Chair Broeker.

Others Present: Director of Planning, Zoning, and Project Management Ryan Cummins, Deputy Clerk Sara Williams, City Attorney Jacob Witte.

2. Approval of Agenda:

Motion by Gaunt, second by Anderson to approve the agenda as presented for September 21, 2023. Upon voice vote, motion carried 6-0.

3. Approval of Minutes:

Motion by LaChey, second by Anderson to approve the minutes as presented for regular meeting August 17, 2023. Upon voice vote, motion carried 6-0.

4. Public Comment on Agenda Items: None.

5. Old Business:

A. Short-Term Rental Task Force – Verbal Update

Short-Term Rental Taskforce Chairwoman Anderson said that she is thrilled to report that the STRTF has met its commitment to deliver recommendations to City Council.

Recommendations fall into two broad categories, sort of how to tackle how they run short-term rentals and nuisances, trash, inspections, and that kind of stuff. They had great input from the residents and outstanding input from the fire department. She thinks that they have some really good recommendations that are high level. Planning, Staff, and City Council will need to dig in and figure out how to make them actionable and what the appetite is for change. She thinks there is a great recommendation. The other area they tackled was neighborhoods and density levels and whether or not to recommend a cap either city wide residents or none at all and there was no consensus among the Task Force. They had really good discussion from the polls and the people. McKenna gave them several options, a lottery, city wide cap, no cap, and then

residential caps. There was some support for residential caps, whether it was by zone or by neighborhood. There was no consensus for residential caps. The report that was in the packet for the STRTF was approved with the four changes. One, they wanted us to recommend that the city consider outsourcing some of the management of STR's. There were some recommendations in her notes on adding some communications such as beefing up the website and attaching Fire Department letters because it would be helpful for Council to see what the fire department actually sent in versus a recap. Joe Clark pointed out that there was an inconsistency in the chart data earlier in the report and a summary of the sentiment of residents. When you look at the resident population, there is support for a cap in the residential sector. When you look at part time residents alone or the full survey respondents, it is not evenly split, it was a little bit more. Chair Anderson said that the Task Force was a great group with awesome people that came prepared to meet. She thought that they had a great response from the public and they were very respectful. This is an issue that people feel strongly about, and everyone is open to learning. They have a lot of work ahead because the recommendations are pretty high level.

6. New Business:

A. Proposed Zoning Ordinance Amendments (Roll Call Vote)

The following is a summary of the proposed amendments:

- Require every expanded outdoor dining area obtain: 1) a special use permit; 2) site plan review; and 3) a revocable license agreement from the City, regardless of whether the expanded outdoor dining area occupies a sidewalk, right-of-way, or other public property.
- Omits the prior restrictions on signage in expanded outdoor dining areas, but otherwise it incorporates substantially all of the requirements for expanded outdoor dining areas that would have been required by the planning commission's review via existing SUP process, administrative review via the emergency policy, or as part of Council's review in issuing a revocable license pursuant to Section 96.33.
- Note that the amended SUP section still contains a subsection of outdoor dining areas on restaurant premises, rather than on public property, and these regulations are very basic and largely unchanged from what was previously in the code.
- Allow the expanded outdoor dining area to operate between April 1 and November 1 (consistent with existing regulations) and require all items to be removed no later than November 10 and allow items to be reinstalled no earlier than March 20.
- Require payment of an annual fee for the privilege of using public property (previously a component of the revocable license agreement), which is established by resolution of the Council.
- Allow the SUP to be revoked by the City for failing to comply with the requirements of the zoning ordinance, maintain a valid revocable license agreement, or pay the annual

fee. It also notes that it can be terminated as necessary to accommodate public work, the City's use of its public places, or otherwise at the City's discretion.

- Added language noting that if the SUP was terminated for reasons outside the applicant's control, the annual fee would be prorated and refunded. As the proposed zoning ordinance amendments would now require a revocable license agreement with the City as a prerequisite to obtaining an SUP for an expanded outdoor dining area, Section 96.33 of the City Code is no longer necessary. If the zoning ordinance is amended, City Council will be asked to amend the City Code to delete that section. The Planning Commission should review and discuss any changes it desires to the proposed amendments. Once the Planning Commission is satisfied with the proposed language, a public hearing should be set.

Motion by Gardner, second by Gaunt to set a public hearing on October 19 for zoning ordinance amendments for restaurants with outdoor seating and expanded outdoor dining areas. Upon roll call vote, motion carried 6-0.

B. Waterfront Development Zoning Ordinance Review – Zoning Recommendations

David Jirousek said that the objective of the September meeting is to achieve a final consensus on the use of zoning districts and amendments to dimensional, parking, and land use requirements. While he anticipates additional edits and suggestions during the drafting phase, they should agree on the overall framework. After their upcoming conversation, he plans to prepare formal zoning text for consideration in October, with November as a target for the public hearing.

7. Communications: None.

8. Reports of Officers and Committees:

A. Zoning Administrator Activity Report: Director of Planning, Zoning, and Project Management Cummins gave brief update on his report.

9. Public Comments: None.

10. Commission Comments:

Commissioner Bagierek: He participated and watched the STRTF meetings or was a part of all of them and it was really good. He really felt like some of his positions did move a little bit through it and thought it was a good presentation.

Commissioner Gardner: Thanked the Commission for the dialogue tonight. He thinks that it is a real pleasure to serve on this Commission and he really appreciates the professional dialogue and expertise. He thanked City staff for printing on both sides of the paper.

11. Adjournment:

Motion by Gaunt, second by Anderson, to approve adjournment of the meeting. Upon voice vote, motion carried unanimously. Chair Manns adjourned at 8:49 pm.

Respectfully Submitted,

Sara Williams, City Deputy Clerk & DPW Administrative Assistant



MEMORANDUM

City of Saugatuck Planning Commission

Memo Date:	October 13, 2023	Meeting Date:	October 19, 2023
Request:	Special Land Use	Applicant:	Erhan Kara
Address:	118 Hoffman Street	Project Name:	Siena Café
Parcel:	03-57-300-105-00	Plan Date:	N/A
Lot Size:	2,702 square feet	Zoning District:	C-2 Water Street East
Complete:	Yes	Recommendation:	Conditional
Staff:	Ryan Cummins	Consultant:	David M. Jirousek, AICP

Overview

The applicant requests retroactive approval for establishing the Siena Café restaurant, installing an outdoor seating area, constructing a shed, and placing an outdoor freezer on the subject property.

Background

The lot is approximately 41 feet wide and 66 feet deep (2,702 square feet). The applicant previously established the restaurant use, installed a covered outdoor seating area, constructed a wood accessory storage building, and installed an outdoor freezer to accommodate business operations. A special land use permit was not received for the restaurant use, and no permits were secured for the shed and freezer. The structures also require multiple variances to remain in their current location. The Historic District Commission also reviewed the plans and tabled consideration until screening details can be improved.

Review Process and Standards

The application requires review in accordance with the following sections of the City of Saugatuck Zoning Ordinance:

- Site Plan approval in accordance with Section 151.060
- Special Land Use approval in accordance with Section 154.080

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Phone: 269-857-2603 • Website: www.saugatuckcity.com

- Design standards in accordance with Section 154.092 O

Site Plan Standards of Approval

The following standards for site plan review and approval apply to the project per Section 154.063. Findings related to each standard are provided for consideration by the Planning Commission.

- A. *All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of the buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.*

Comment: The structures are in existence, and the site is already developed. The structures are not anticipated to cause external impacts to neighboring property. However, the character of the screening must be approved by the Historic District Commission to ensure compatibility with the Historic District.

- B. *The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this chapter.*

Comment: This standard is not applicable as the site is already developed.

- C. *The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, to accomplish these purposes.*

Comment: The structures are mostly screened by existing fencing. However, as recommended by the HDC, the applicant must improve the screening of the structures.

- D. *All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department.*

Comment: This standard is not applicable as the site is already developed.

- E. *There shall be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, local shopping areas and other uses which generate a considerable amount of pedestrian traffic. All federal, state, and local barrier free requirements shall be met.*

Comment: This standard is not applicable.

F. The arrangement of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern serving adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the City's land use plan.

Comment: This standard is not applicable.

G. All streets shall be developed in accordance with city specifications, unless developed as a private road.

Comment: This standard is not applicable.

H. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, create puddles in paved areas or create erosion problems.

Comment: This standard is not applicable as the site is already developed.

I. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by an opaque wall or landscaped screen not less than six feet in height. (See §§ 154.142 through 154.144).

Comment: Storage areas are screened by the existing building walls.

J. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

Comment: New light fixtures are not proposed. Existing light fixtures will remain.

K. In approving the site plan, the Planning Commission may recommend that a bond or other financial guarantee of ample sum be furnished by the developer to ensure compliance for such requirements as drives, walks, utilities, parking, landscaping and the like (see § 154.173).

Comment: A financial guarantee is not necessary. The site is already developed.

Special Land Use Standards of Approval

In accordance with Section 154.080, before any special land use permit is granted, the Planning Commission shall make findings of fact based upon competent evidence certifying compliance with the specific regulations governing individual special land uses and, in addition, ensure that the following general standards have been met. Findings related to each standard are provided for consideration by the Planning Commission.

1. *In location, size, height and intensity of the principal and/or accessory operations, be compatible with the size, type and kind of buildings, uses and structures in the vicinity and on adjacent property;*

Comment: As stated earlier, the business is already operating, structures are in existence, and the site is already developed. The business and structures are not anticipated to cause external impacts to neighboring property. However, the character of the screening must be approved by the Historic District Commission to ensure compatibility with the Historic District.

2. *Be consistent with and promote the intent and purpose of this chapter;*

Comment: As long as Zoning Board of Appeals and Historic District Commission approvals are secured, this standard may be met.

3. *Be compatible with the natural environment and conserve natural resources and energy;*

Comment: This standard is not applicable as the site is already developed.

4. *Be consistent with existing and future capabilities of public services and facilities affected by the proposed use;*

Comment: The restaurant, outdoor seating, and structures are not anticipated to cause external impacts to neighboring property.

5. *Protect the public health, safety, and welfare as well as the social and economic well-being of those who will use the land use or activity, residents, businesses and landowners immediately adjacent and the City as a whole;*

Comment: The operation is not anticipated to cause external impacts to neighboring property. It is anticipated that there will be no additional impact on public health, safety, and welfare, as well as the social and economic well-being of the community. However, the applicant must confirm compliance with all outdoor seating requirements.

6. *Not create any hazards arising from storage and use of inflammable fluids;*

Comment: Not applicable.

7. *Not be in conflict with convenient, safe and normal vehicular and pedestrian traffic routes, flows, intersections and general character and intensity of development. In particular:

(a) The property shall be easily accessible to fire and police; and
(b) Not create or add to any hazardous traffic condition.*

Comment: The applicant must confirm compliance with all outdoor seating and clear area requirements.

8. *Be of such a design and impact that the location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping on the site shall not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof;*

Comment: This standard is not applicable as the site is already developed.

9. *That in the nature, location, size, and site layout of the use, be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic groupings of uses of the district; and*

Comment: As long as Zoning Board of Appeals and Historic District Commission approvals are secured, this standard may be met.

10. *That in the location, size, intensity and site layout be such that operations will not be objectionable to nearby dwellings, by reason of noise, fumes, pollution, vibration, litter, refuse, glare or flash of lights to an extent which is greater than would be operations of any use permitted by right for that district within which the special land use is proposed to be located.*

Comment: Continued business use is not anticipated to cause objectional impacts.

Restaurants with Outdoor Seating (Section 154.092 O)

The inclusion of outdoor seating shall be viewed as an expansion of a commercial business and shall meet the following standards:

1. *Tables, chairs, or similar features shall not have display signage or emblems representative of the restaurant;*

Comment: No emblems are present and this is an ongoing requirement.

2. *Outdoor seating area shall be on a fully improved surface of concrete, paver brick, or similar solid material;*

Comment: Outdoor seating is covered and on a hard surface, as well as on an improved sidewalk within the public right-of-way.

3. *If alcohol is served, area shall meet all applicable local, state, and federal regulations; and*

Comment: We are not aware of alcohol service.

4. *Seating and service within the right-of-way shall be classified as a special land use regardless of the zoning district and shall also meet the following standards:*

- a. *Tables must be removed from the public right-of-way when restaurant is not open;*

Comment: This is an ongoing requirement.

- b. *A five-foot wide, unobstructed space must be maintained on the sidewalk at all times to prevent pedestrian traffic obstruction;*

Comment: The plans indicate 88” of clear sidewalk area (7.33’). However, pictures indicate café seating in front of the business, and these seats are not shown on the plan. Leaving five feet of clear area would limit the seating to 2.33 feet, which may make it difficult to achieve compliance. The applicant should clarify if this seating will remain and demonstrate compliance with the five-foot clear area requirement.

- c. *An approved revocable usage license, issued by City Council, must be obtained before any tables, chairs, or similar features can be placed within the right-of-way;*

Comment: A permit is required if not yet secured.

- d. *No accessory features, including but not limited to garbage cans, service stations, fencing, or similar features shall be permitted within the public right-of-way;*

Comment: No accessory features are shown in pictures or on the plan.

- e. *Seating shall be arranged to not interfere with pedestrian travel or the opening of car doors; and*

Comment: Chairs and tables must be placed to avoid this conflict. The applicant must demonstrate compliance with the five-foot clear area requirement and ensure that tables and chairs will not be struck by parked car doors when opened.

f. No outdoor seating within the public right of way shall be permitted between November 1 and April 1.

Comment: This is an ongoing requirement.

Recommendation

Based on the findings in this report, many standards are satisfied or can be satisfied if approved by the Zoning Board of Appeals and Historic District Commission. However, the following concerns remain with the outdoor seating area:

1. The applicant shall clarify outdoor seating locations and demonstrate compliance with the five-foot clear area requirement.
2. The applicant shall demonstrate that seating along the curb does not interfere with pedestrian travel or the opening of parked car doors.

If the applicant can demonstrate compliance with the outdoor seating requirements, and if the Planning Commission is open to approving the project, approval should be contingent upon the applicant securing all necessary variances for the project, Historic District Commission approval, and City Council approval of use of the right-of-way.

Application Fee: \$1,000
Escrow Deposit: \$2,000



Special Land Use Application

City of Saugatuck Zoning Code: https://codelibrary.amlegal.com/codes/saugatuck/latest/saugatuck_mi/0-0-0-4355

LOCATION INFORMATION

Address 118 hoffman st. Saugatuck, MI Parcel Number 57-300-105-00

APPLICANTS INFORMATION

Name Erhan Kara Address / PO Box PO box 1121
City Saugatuck State MI Zip 49453 Phone 269-268 8470
Interest In Project owner E-Mail erhan.kara@aol.com

I agree the statements made in this application and submitted plans are true, and if found not to be true, any zoning permit that may be issued may be void. Further, I agree to comply with the conditions and regulations provided with any permit that may be issued. I understand that this application will not be processed until it is deemed complete and the required fees and escrow deposit (if applicable) are paid. Further, I agree the permit that may be issued is with the understanding all applicable sections of the City of Saugatuck Zoning Ordinance and all other applicable laws, ordinances and regulations will be complied with. Finally, I understand this is a zoning permit application (not a permit) and that a zoning permit, if issued, does not include any representation or conveyance of rights in any other statute, building code, fire code, deed restriction or other property rights.

Signature [Signature] Date 9/10/2023

OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)

Name Same as above Address / PO Box _____
City _____ State _____ Zip _____ Phone _____
E-Mail _____

I hereby authorize the applicant listed above to make this application for proposed work as my agent. I agree the statements made in this application and submitted plans are true, and if found not to be true, any zoning permit that may be issued may be void. Further, I agree to comply with the conditions and regulations provided with any permit that may be issued. Further, I agree the permit that may be issued is with the understanding all applicable sections of the City of Saugatuck Zoning Ordinance and all other applicable laws, ordinances and regulations will be complied with. I additionally grant City of Saugatuck staff or authorized representatives thereof access to the property to inspect conditions, before, during, and after the proposed work is completed. Finally, I understand this is a zoning permit application (not a permit) and that a zoning permit, if issued, does not include any representation or conveyance of rights in any other statute, building code, fire code, deed restriction or other property rights.

Signature _____ Date _____

CONTRACTORS/ DEVELOPERS INFORMATION (UNLESS PROPOSED WORK IS TO BE DONE BY THE PROPERTY OWNER)

Name _____ Contact Name _____
Address / PO Box _____ City _____
State _____ Zip _____ Phone _____ Fax _____
E-Mail _____
License Number _____ Expiration Date _____

PROPERTY INFORMATION

Depth 66' Width 39' Size 0.06 Zoning District Busin Current Use Commercial

Check all that apply:

Waterfront Historic District Dunes Vacant

PROJECT DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)

* See attached sheet

- Property information

Depth 66' width 41' size 0.06 Zoning district H current use residential and commercial

- check all that apply

Waterfront Historic district ✓ Dunes Vacant

- Project Description

Siena Cafe is a seasonally operated fast service restaurant and a full service coffee shop. It operates under a cold kitchen menu where no fresh food open fire cooking is done on the premises. Cooked and frozen foods are delivered by Sysco and GFS, then prepared by state of the art ultra fast Hot microwave ovens and served without a table service. No alcohol is served at the premises.

Food prep and the coffee service is done within the premise on a 12 ft x 20 ft work area and rest of the area is reserved for 5 tables with booth seating. 5 more tables with chairs are placed in the enclosed and attached patio area where there are no walls.

The unit has 2 customer restrooms, 3 pcs Merrychef hot microwave ovens, 4 pcs undercounter freezers and fridges, 2 pcs large fridges, 2 pcs commercial super automatic espresso machines, sod fountain machine, display fridge and scores of other countertop equipment for coffee service.

Siena cafe operates by "order by the register" style and we believe this is perfect for our small size cafe interiors. We provide employment for up to 6 local students over the summer and proudly pay a minimum of \$20-26 per hour wages to our employees.

The building unit has been converted to a restaurant use from retail by obtaining all the permits from the Allegan County buildings department, have received the occupancy certificate by October 2021

My introduction;

9/10/2023

To honorable Saugatuck city buildings ordinance members,
July 2020, I spoke with Cindy Osman at the zoning dept. about my intent to purchase 118 Hoffman St. building to open a cafe at the street level. I asked her about the required permits from the Saugatuck city and she has told me that there are none as long as I don't change the outside of the building. She has directed me to the Allegan County buildings dept. to obtain the necessary building permits for the change of use to a restaurant. Then in September of 2020 I have applied to get a loan to purchase the building under my business; Boardwalk Cafe LLC, and got approved to purchase loan from Chase bank under a condition to use the 51% of the building for my restaurant business.

Soon after this I spoke with the building inspector and got a green light to clean up the interior of the unit. Then it took a difficult 6 months to start rebuilding as I had a multitude of contractor troubles. By summer of 2021 work resumed with all the permits in place and project finished by the end of 2021. I have also converted the attached shed to an open patio seating by a permit by City of Saugatuck Historic Society. Also another permit was issued for my business sign and as well as the sidewalk seating tables.

I had followed all the proper ways to renovate this unit to a restaurant use but I was never aware that a new law came out for special land use permitting after I had already started my project. While I was applying for all other types of permits from the city of Saugatuck, I was never notified about the permit for the special land use for my cafe. I ask here, to you, if I still need this application? Otherwise, please accept this application for my special land use request and I will eternally appreciate you granting me to run my business as usual. Then I promise to make Hoffman street a much better place to be by the operations of the Siena Cafe. Please see the before and after pictures of the Siena Cafe.

Best regards



Special Land Use Application

SITE PLAN REQUIREMENTS (SECTION 154.061)

A) Applications for preliminary site plan approval shall consist of the following information unless waived by the Zoning Administrator.

Y N NA

- Property dimensions
- Significant vegetation
- Water courses and water bodies, including human-made surface drainage ways
- Existing public right-of-way, pavements and/or private easements
- Existing and proposed uses, buildings, structures and parking areas
- Zoning classification of abutting properties
- The name, address and telephone number of the person and firm who prepared the site plan, and the date on which it was prepared
- A north arrow

B) Applications for final site plan approval shall consist of the following information unless waived by the Zoning Administrator. One (1) paper copy of a final site plan (no greater than 11" x 17") and one (1) digital copy, at a scale of not less than one inch equals ten feet, shall include:

Y N NA

- Dimensions of property of the total site area,
- Contours at 2-foot intervals
- Locations of all buildings
- Other structures on adjacent properties within 100 feet of the property, including those located across the street from the property
- Parking areas
- Driveways
- Required and proposed building setbacks
- Location of abutting streets and proposed alignment of streets, drives and easements serving the development, including existing rights-of-way and pavement widths;
- Location, screening, dimensions and heights of proposed buildings and structures, such as trash receptacles, utility pads and the like, including accessory buildings and uses, and the intended uses thereof. Rooftop or outdoor appurtenances should also be indicated, including proposed methods of screening the equipment, where appropriate;
- Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths;
- Proposed water supply and wastewater systems locations and sizes;
- Proposed finished grades and site drainage patterns, including necessary drainage structure. Where applicable, indicate the location and elevation of the 100-year floodplain;
- Proposed common open spaces and recreational facilities, if applicable;
- Proposed landscaping, including quantity, size at planting and botanical and common names of plant materials;
- Signs, including type, locations and sizes;



Special Land Use Application

- Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic-control signs or devices, and service drives;
- Exterior lighting showing area of illumination and indicating the type of fixture to be used.
- Elevations of proposed buildings drawn to an appropriate scale shall include:
 1. Front, side and rear views;
 2. Heights at street level, basement floor level, top of main floor, top of building, and if applicable, height above water level; and
 3. Exterior materials and colors to be used.
- Location, if any, of any views from public places to public places across the property;
- Location, height and type of fencing; and
- The name and address of the person and firm who drafted the plan, the seal of the professional responsible for the accuracy of the plan (licensed in the state) and the date on which the plan was prepared.

STANDARDS FOR SPECIAL LAND USE APPROVAL (SECTION 154.082)

Please respond to how the request will meet each of the following standards for special land use:

(1) How will the location, size, height and intensity of the principal and/or accessory operations, compatible with the size, type and kind of buildings, uses and structures in the vicinity and on adjacent property?

(2) How will the proposed request consistent with, and will promote the intent and purpose of this chapter?

(3) How will the proposed request compatible with the natural environment and will it conserve natural resources and energy?

(4) How will the proposed request consistent with existing and future capabilities of public services and facilities?

(5) How will the proposed request protect the public health, safety and welfare as well as the social and economic well-being of those who will use the land use or activity, residents, businesses and landowners immediately adjacent and the city as a whole?

* see attached sheet.

Standards for special land use approval

- 1- Wally's bar is adjacent to the Siena Cafe and it has a far more larger business foot print than Siena Cafe. Uncommon grounds is across the street and operates a far more intense business model than Siena Cafe. Our business is new and small but it is perfectly comparable to these businesses.
- 2- Siena Cafe is a low key business with bright visuals and enticing different food and drink offerings bring a fresh breath to Hoffman Street food and drink scene.
- 3- Existing resources are used within the business. No adverse effects are expected for the natural environment. Minimum electricity and water use is expected.
- 4- Siena Cafe is a small scale business who does not require the extended services of the public services.
- 5- Siena cafe is a small scale cafe for public use. It's business model has been accepted universally everywhere. The building is approved for a restaurant use by the Allegan County buildings department, as well as the Allegan County health dept who inspects the business annually. The revenue that is being created by Siena Cafe is used in turn to renovate the entire building at 118 Hoffman street. This, in return benefits the city of Saugatuck tremendously and provides beautiful visuals for all the visitors to our beautiful Village.



Special Land Use Application

(6) How will the proposed request create any hazards arising from storage and use of inflammable fluids?

N/A

(7) How will the proposed request not be in conflict with convenient, safe and normal vehicular and pedestrian traffic routes, flows, intersections and general character and intensity of development? In particular:

(a) Will the property be easily accessible to fire and police?

Yes

(b) Will measures be taken as to not create or add to any hazardous traffic condition?

Yes - N/A city sidewalk car parking.

(8) How will the proposed request be of such a design and impact that the location and height of buildings, the location, nature and height of walls, fences and the nature and extent of landscaping on the site not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof?

The property has an existing fence between the neighbours. Front west fence had been replaced by a new one. Siena Cafe operations are completely isolated from the neighboring property by a 6' fence. We have permission to use extra space on the patio.

(9) How will the nature, location, size and site layout of proposed request be a harmonious part of the district in which it is situated taking into account, among other things, prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationship of one type of use to another and characteristic groupings of uses of the district?

Siena Cafe has blended into the Hoffman street businesses harmoniously and tourists or locals have loved the business model. The building is renovated and the street got busier which in turn increased the values in Hoffman street.

(10) How will the location, size, intensity and site layout be such that operations will not be objectionable to nearby dwellings, by reason of noise, fumes, pollution, vibration, litter, refuse, glare or flash of lights to an extent which is greater than would be operations of any use permitted by right for that district within which the special land use is proposed to be located?

Siena Cafe does not create any sort of disturbance as it operates seasonally from 8 AM to 6 PM. No visible refuse or trash is produced by the operations. Business uses minimum water and electricity when compared to the nearby businesses and it creates minimum amount of trash weekly. It uses 3 pcs 96 gal residential trash containers which are stored at the back of the property, away from the public eyes.

* See attached sheet

- Siena Cafe business operations does not interfere with the usual pedestrian or car traffic in Hoffman St or around.
- Business operations create an inviting, warm atmosphere around the building which in turn increases the intrinsic value of the surrounding buildings, as well as the well being of our visitors and the Saugatuck residents.
- Business pays taxes to support our community and improve our infrastructure as a city.
- Business employs students and alike seasonally, therefore supports families around with much higher than average wages.
- Business proceedings go towards the entire building renovations which in turn creates a safer building and better eye pleasing views from the passerbys in Hoffman St.
- Siena Cafe is an exceptionally successfull business that creates a positive economical gain for the city of Saugatuck area which in turn helps increase the property values around.



Special Land Use Application

STANDARDS FOR SITE PLAN APPROVAL (SECTION 154.063)

Please respond to each of the following questions by explaining how the proposed development will meet the standards for site plan approval:

*Note: Not all questions will apply for all requests.

- (1) How will the elements of the site plan be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of the buildings? Will the site be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter?

N/A (only interior renovations have been implemented)

- (2) How will the landscape be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this chapter?

N/A same as above

- (3) How will the site plan provide reasonable visual and sound privacy for all dwelling units located therein? How will fences, walks, barriers and landscaping shall be used, as appropriate, be used to accomplish these purposes?

Exterior of the building remained the same. From the outside, the interior look modern and cozy with beautiful appointments. No other dwellings around.

- (4) How will all buildings or groups of buildings be arranged so as to permit necessary emergency vehicle access as required by the Fire Department?

N/A

- (5) How will there be provided a pedestrian circulation system which is separated from the vehicular circulation system. In order to ensure public safety, special pedestrian measures, such as crosswalks, crossing signals and other such facilities may be required in the vicinity of schools, playgrounds, local shopping areas and other uses which generate a considerable amount of pedestrian traffic? (All federal, state and local barrier free requirements shall be met.)

N/A

- (6) How will the arrangement of public or common ways for vehicular and pedestrian circulation be connected to existing or planned streets and pedestrian or bicycle pathways in the area? Will streets and drives which are part of an existing or planned street pattern serving adjacent development be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the City's land use plan?

N/A

- (7) How will all streets be developed in accordance with city specifications, unless developed as a private road?

N/A



Special Land Use Application

- (8) How will appropriate measures be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system? Will provisions be made to accommodate storm water, prevent erosion and the formation of dust? The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, create puddles in paved areas or create erosion problems. _____
-
-

- (9) How will all loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by an opaque wall or landscaped screen not less than six feet in height? (See §§ [154.142](#) through [154.144](#)).

Unloading area is inside the unit. Trash containers are residential style and stored at the back of the building away from the public eyes.

- (10) How will exterior lighting be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets? Flashing or intermittent lights shall not be permitted.

No exterior lighting installed.

Survey and other technical drawings



Science Church

The Mitten
Brewing Company

Grins of Saugatuck

Fenn Va

Saugatuck Tasting

118 Hoffman St

Hoffman St

Uncommon
Coffee Roasters

Google

231

private house

private house

Wally's Bar Grill

Fresh Basil cafe

Landsharks clothing

private Apartment

Boardwalk Deli icecream

Coorey Creations Jewelers

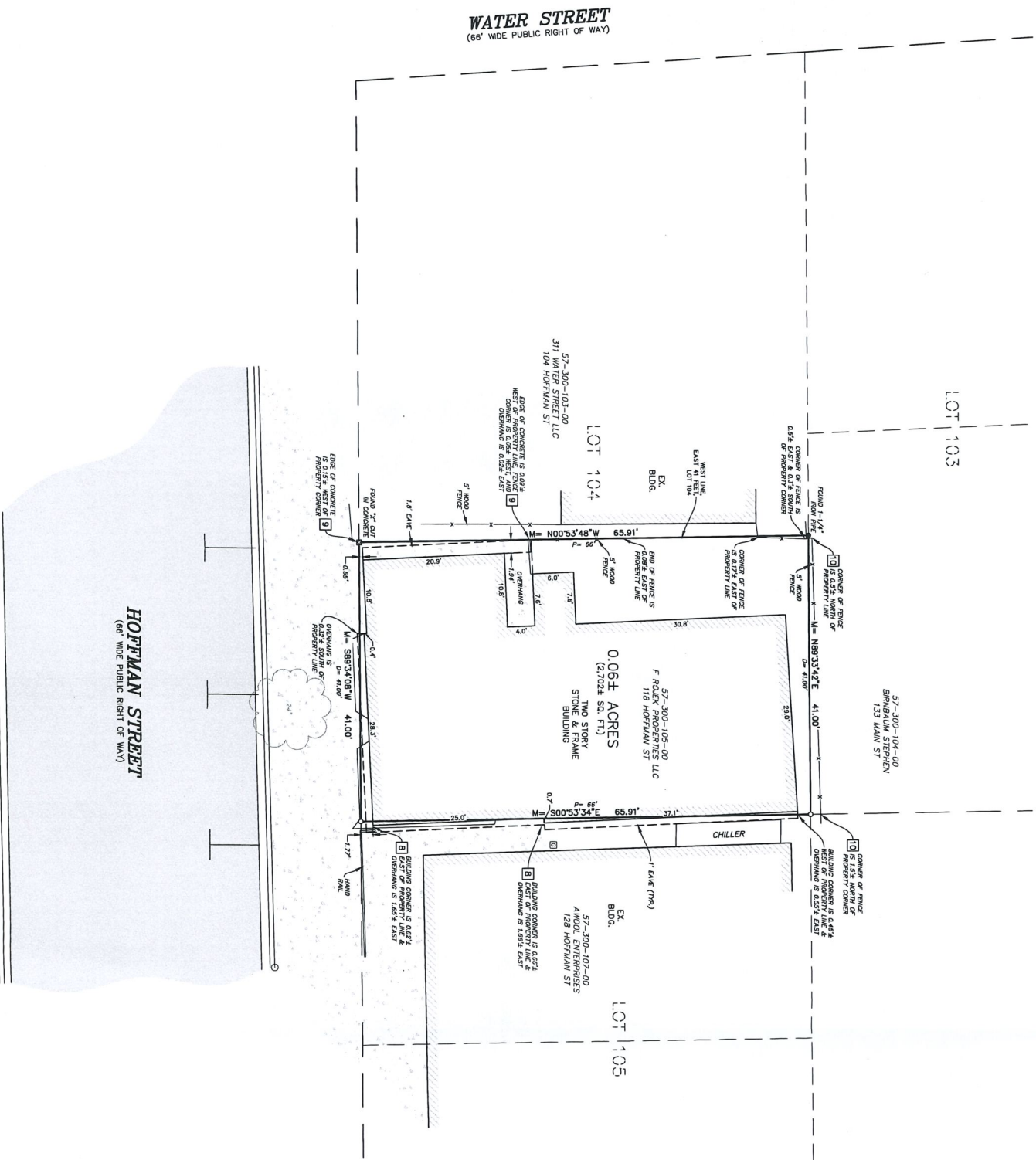
Tiny Toy store

private House

Gliks clothing store

Uncommon coffee

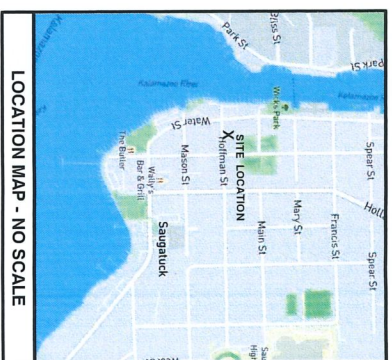
ALTA / NSPS LAND TITLE SURVEY



SCHEDULE "A" LEGAL DESCRIPTION
FROM: CHICAGO TITLE INSURANCE COMPANY
ORDER NO.: 0317131310CML (COMMITMENT DATE: NOVEMBER 5, 2020)
 LAND SITUATED IN THE STATE OF MICHIGAN, COUNTY OF ALLEGAN, CITY OF SAUGATUCK,
 THE EAST 41 FEET OF LOT 104, KALAMAZOO PLAT, ACCORDING TO THE RECORDED PLAT THEREOF, AS
 RECORDED IN LIBER 111 OF PLATS, PAGE 951, ALLEGAN COUNTY RECORDS.

SCHEDULE B-1 EXCEPTIONS
FROM: CHICAGO TITLE INSURANCE COMPANY
ORDER NO.: 0317131310CML (COMMITMENT DATE: NOVEMBER 5, 2020)
 THE ENCROACHMENT OF BUILDING OVER AND ONTO ADJOINING PROPERTY ON THE EAST AS REVEALED
 BY SURVEY PREPARED BY HOLLAND ENGINEERING, INC., DATED MARCH 29, 1993, JOB NO. 93-03-238
 (SHOWN ON DRAWING)
 THE ENCROACHMENT OF CONCRETE OVER AND ONTO ADJOINING PROPERTY ON THE WEST AS
 REVEALED BY SURVEY PREPARED BY HOLLAND ENGINEERING, INC., DATED MARCH 29, 1992, JOB NO.
 93-03-238 (SHOWN ON DRAWING)
 THE ENCROACHMENT OF FENCE OVER AND ONTO ADJOINING PROPERTY ON THE WEST AND NORTH AS
 REVEALED BY SURVEY PREPARED BY HOLLAND ENGINEERING, INC., DATED MARCH 29, 1993, JOB NO.
 93-03-238 (SHOWN ON DRAWING)

- SURVEYOR'S NOTES**
1. UTILITIES SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL FIELD MEASUREMENTS AND AVAILABLE RECORDS. THIS MAP IS NOT TO BE INTERPRETED AS SHOWING EXACT LOCATIONS OR SHOWING ALL UTILITIES IN THE AREA.
 2. NOTE TO CONTRACTORS: THREE WORKING DAYS BEFORE YOU DIG - CALL MISS DIG AT 811.
 3. THE FIELD WORK WAS COMPLETED ON FEBRUARY 16, 2021.
 4. BY GRAPHIC PLOTTING ONLY THIS PROPERTY IS IN ZONE "C" OF THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 26205 0001 C WHICH BEARS AN EFFECTIVE DATE OF FEBRUARY 1, 1980. ZONE "C" AREAS DETERMINED TO BE AREAS OF MINIMAL FLOODING.
 5. ADJOINING DEEPS OF RECORD WERE NOT PROVIDED TO SURVEYOR BY CLIENT AS SPECIFIED IN SEC. 4(1)(A) OF THE 2016 ALTA/NSPS LAND TITLE SURVEY REQUIREMENTS.
 6. TOTAL LAND AREA: 0.08± ACRES (2702± SQUARE FEET).
 7. WHILE EVERY EFFORT WAS MADE IN THE EXECUTION OF THIS ALTA/NSPS LAND TITLE SURVEY TO LOCATE ALL VISIBLE EVIDENCE OF SITE UTILITIES AND SUBSTANTIAL IMPROVEMENTS, SNOW COVER MAY HAVE CAUSED CERTAIN ITEMS TO BE OMITTED.



LEGEND

- SET CAPPED REBAR ACCESS
- FOUND NAIL
- FOUND CHISEL "X"
- PLATTED
- RECORDED
- REASURED
- GAS LETTER
- FENCE LINE
- ENTHUSIASM SURFACE
- CONCRETE SURFACE
- DECIDUOUS TREE

SCALE: 1" = 10'

0 5 10 20'

CERTIFICATION

TO: CHICAGO TITLE INSURANCE COMPANY, BOARDWALK CAFE LLC, AND CHASE BUSINESS BANKING, ITS SUCCESSORS AND/OR ASSIGNS.
 THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 7(a), 8, & 13 OF TABLE A THEREOF.
 THE FIELD WORK WAS COMPLETED ON FEBRUARY 16, 2021.
 DATE: FEBRUARY 18, 2021

MARC ELWOOD LOHEA, PROFESSIONAL SURVEYOR #420702295



118 HOFFMAN STREET
 SAUGATUCK, MICHIGAN 49453
 SECTION 09, T03N, R16W, CITY OF SAUGATUCK, ALLEGAN CO.
 -FOR-
ERHAN KARA
 497 CENTER STREET #753, DOUGLAS, MICHIGAN 49406

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 Kalamazoo, MI 269-544-1455
 Lansing, MI 517-489-9210
 Ypsilanti, MI 734-505-9403

NO.	REVISIONS
1	

Drawn By: GLK
 Scale: 1" = 10'
 Date: 02-18-2021
 Project #: 2110077.5A

Sheet #
V-101
 1 of 1



CERTIFICATE OF USE AND OCCUPANCY

BUILDING PERMIT NUMBER: SAB 21-029

SITE ADDRESS: 118 Hoffman St **PARCEL #:** 03-57-300-105-00

NAME OF APPLICANT: Erhan Kara **(OWNER)** same

TYPE OF PROJECT: Change of Use

TYPE: 5B **USE GROUP:** A2

CODE IN EFFECT: MBC 2015 **DESIGN OCCUPANT LOAD:** 36

AUTOMATIC SPRINKLER SYSTEM: INSTALLED No REQUIRED No

BUILDING PERMIT # SAB 21-029

APPROVED BY: Dan Poll **DATE:** 10/04/2021

CONDITIONS, IF ANY: None

ELECTRICAL PERMIT # SAE 21-028

APPROVED BY: Lyle Lester **DATE:** 07/16/2021

CONDITIONS, IF ANY: None

MECHANICAL PERMIT # SAM 21-031

APPROVED BY: Scott Paddock **DATE:** 08/06/2021

CONDITIONS, IF ANY: None

PLUMBING PERMIT # SAP 21-015

APPROVED BY: Charles Girolomi **DATE:** 10/01/2021

CONDITIONS, IF ANY: None



10/06/2021

DANIEL POLL, BUILDING OFFICIAL #2167

THE ABOVE SIGNATURE CERTIFIES THAT THE PROJECT DESCRIBED ABOVE HAS BEEN INSPECTED FOR CODE COMPLIANCE.



HOT BITES

\$11.99 CHICKEN NUGGET POPPERS with fries

\$13.99 CHICKEN TENDERS with fries

\$5.49 FRENCH FRIES

\$5.49 TATER TOTS



TOASTED SUBS AND MORE Served with chips

\$9.99 BLT Bacon, lettuce, tomato and mayo on a toasted sub

\$9.99 GRILLED HAM AND CHEESE Add tomatoes \$0.99

\$6.99 GRILLED CHEESE Add tomatoes \$0.99

\$7.49 CHEESE QUESADILLA with salsa and sour cream.

\$10.49 CHICKEN QUESADILLA served with salsa and sour cream.
Add avocado \$2.49

\$13.99 BEEF SHISH KEBAB Served in a warm pita bread along with green lettuce, tomatoes and onions. Add fries \$3.99

\$11.99 CHICKEN SHISH KEBAB Served in a warm pita bread along with green lettuce, tomatoes and onions. Add fries \$3.99

\$11.99 BACON CHEESEBURGER 4 oz steak burger, mayo, bacon, onion, provolone, lettuce, tomato and pickles. Add fries \$3.99

\$9.99 CHEESEBURGER 4 oz steak burger, mayo, provolone, lettuce, tomato, onion and pickles. Add fries \$3.99

\$9.99 CRISPY CHICKEN SANDWICH Breaded fried chicken breast on a sesame bun with provolone, lettuce, tomato, onion, pickle, mayo. Add fries \$3.99

\$9.99 CRISPY FISH SANDWICH Breaded fried Alaskan pollock served in a toasted hoagie bun with green lettuce, mayo, onions and tomatoes. Served with zesty tartar sauce

\$9.99 AVO MELT Seasoned avocado, tomatoes and provolone cheese on a toasted sub bread. Add chicken \$2.49 Add fries \$3.99

\$10.99 GYRO MELT Gyro slices, provolone cheese, onions, pickles on a toasted sub bread. Add fries \$3.99

\$9.99 GRILLED CHICKEN MELT Grilled chicken pieces, provolone cheese, onions and pickles on a toasted sub bread.

Add avocado \$1.49 Add fries \$3.99

\$9.99 CUBAN MELT Ham, provolone cheese, pickles and yellow mustard on a toasted sub bread. Add avocado \$1.49 Add fries \$3.99

\$10.99 CLUB MELT ham, bacon, provolone cheese, tomatoes and pickles on a toasted sub bread. Add avocado \$1.49 Add fries \$3.99

\$11.99 NACHOS SUPREME Crispy tortilla chips, spiced ground chorizo, tomatoes, cheddar cheese, jalapenos, salsa and sour cream. Add avocado \$2.49 .

COFFEE SPECIALTIES AND MORE

ESPRESSO \$2.49

DRIP COFFEE 12 oz: \$2.49

AMERICANO 12 oz: \$3.99 16 oz: \$3.99

LOOSE LEAF TEA 12 oz: \$3.99

RED EYE 12 oz: \$4.49 16 oz: \$5.49

CHAI TEA LATTE 12 oz: \$5.49

LATTE 12 oz: \$4.99 16 oz: \$5.99

MOCHA 12 oz: \$5.49 16 oz: \$6.49

CAPPUCCINO 12 oz: \$4.99 16 oz: 5.99

HOT CHOCOLATE 12 oz: \$3.99

ROYAL TEA 12 oz : \$5.49 16 oz: \$6.49

Premium Earl Grey tea brewed in hot steamed milk. Optional syrup flavors

LONDON FOG 12 or 16 oz : \$5.49

Premium earl grey tea with hot foamy milk and a shot of vanilla.

Add a shot of espresso (dirty) \$1.99

CAFE AU LAIT 12 oz: \$3.99

Drip coffee w/ hot milk

CAFE MIEL 12 oz:\$5.49 16 oz \$5.99

Latte with honey and cinnamon

CARAMEL SILK 12 oz: \$5.99

Caramel latte w/ white chocolate

CORTADO \$4.49 Double shot of

Espresso equal amount of hot milk

MACCHIATO \$3.99

Double shot espresso with a dash of steamed milk

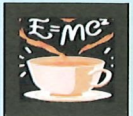
LAVENDER FIELDS \$5.49

Lavender latte with honey

TURKISH COFFEE 6 oz: \$6.49

Espresso style traditional with Turkish delight

ICED SPECIALTY DRINKS



ICED COFFEE 16 oz: \$3.99

COLD BREW ICED COFFEE \$5.99

NITRO COLD BREW 16 oz: \$6.49

ICED CARAMEL SILK 16 oz \$5.99

ICED CHAI TEA LATTE 16 oz \$5.99

ICED MATCHA LATTE 16 oz: \$6.49

ICED LATTE 16 oz: \$5.99

FRAPPUCCINO 16 oz: \$6.99

Frozen blended flavored coffee

MOCHACCINO 16 oz: \$6.99

Frozen, blended chocolate coffee

SHAKERATO \$5.99

Double shot espresso, vanilla flavor and ice cubes shaken long and served with cold foam on top. Sweetener optional

COFFEE 3D 16 oz \$5.99 Double

shot of espresso, coca cola with vanilla flavour, served over ice

BUMBLE BEE 16 oz \$5.99

Double shot of espresso, orange juice and caramel syrup served over ice

AYRAN (Kefir) 16 oz \$6.49 Creamy

savory yogurt drink loaded with probiotics , proteins and nutrient-served over ice with fizz water mixed in. Optional sweetened

ICED ROYAL TEA 16 oz: \$6.49

Premium earl grey tea brewed and mixed with your choice of milk and flavoring syrup, then served over ice

ICED LAVENDER FIELDS 16 oz \$5.99

Double shot of espresso, lavender concentrate syrup and milk over ice

FUJI YAMA LATTE 16 oz \$5.99

Japanese matcha green tea, white chocolate and milk served over ice-

SILK ROAD LATTE 16 oz \$5.99

Japanese matcha green tea, peppermint syrup and milk served over ice

PASSION COOLER 16 oz \$5.99

Flavorful sweet blend of hibiscus flowers, orange peel, rose hips, tropical flavors and spices cooler served over ice. Creamer optional-

MARGARITA COOLER 16 oz \$5.99

Zingy blend of strawberry and lime flavored with hibiscus flowers, orange peel and lemongrass served over ice. Creamer optional

ZEN TEA COOLER 16 oz \$5.99

Refreshing blend of green tea, lemongrass, lemon verbena and spearmint cooler served over ice. Creamer opt.

FRUIT SMOOTHIES 16 oz : \$6.99

Strawberry, Mango

CHOCOLATE MILK 12 oz : \$3.99

32



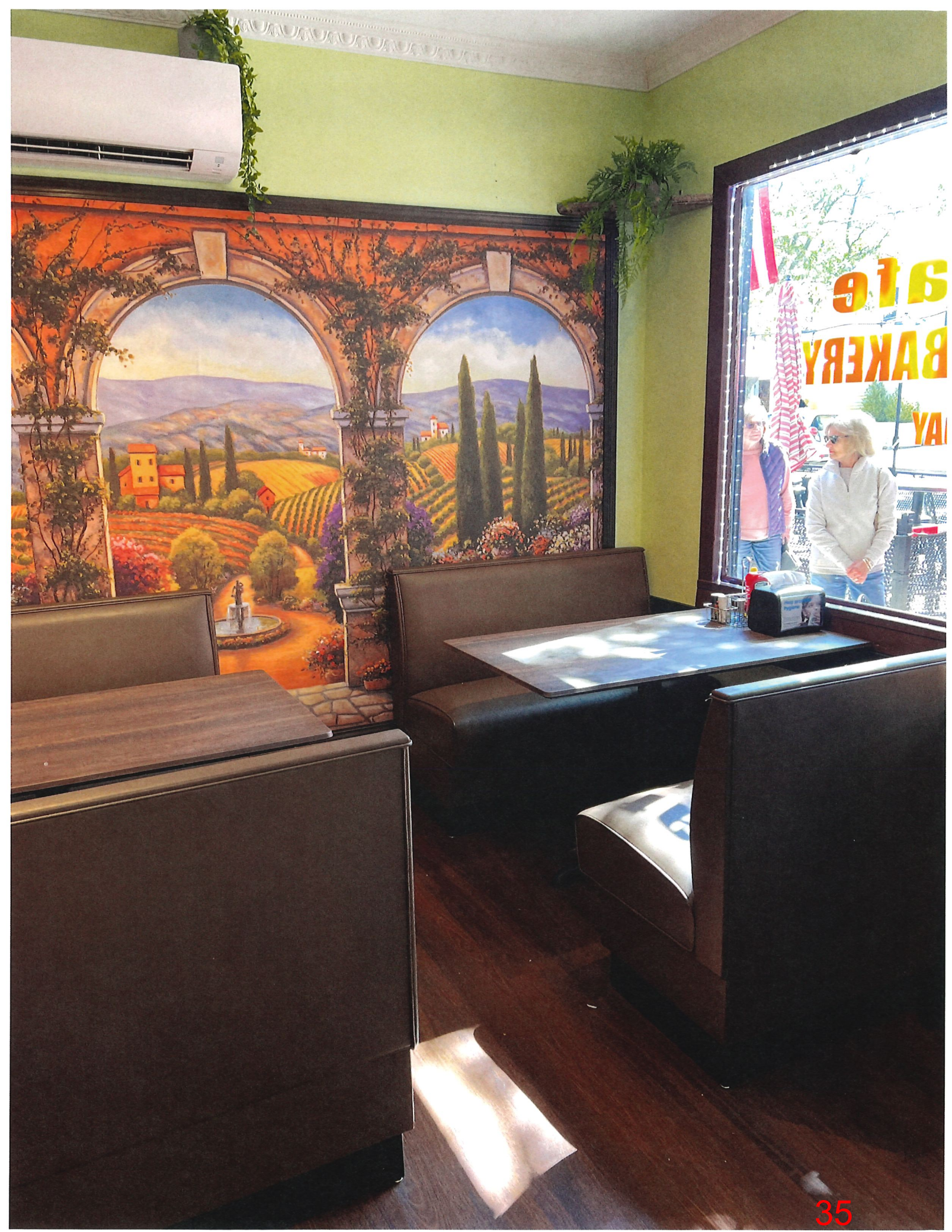
atoes and provolone cheese on a toasted sub bread.
 ie cheese, onions, pickles on a toasted sub bread.
 (chicken pieces, provolone cheese, onions and pickles on a
 Add fries \$3.99
 eeese, pickles and yellow mustard on a toasted sub bread.
 olone cheese, tomatoes and pickles on a toasted sub bread.
 mayo on a toasted sub
 Add tomatoes \$0.99
 es \$0.99
 asa and sour cream.
 red with salsa and sour cream. Add avocado \$2.49

ADS Add grilled chicken \$2.99
 e, tomatoes, cucumbers, croutons, parmesan and Cesar dressing
 e, tomatoes, cucumbers, olives, feta cheese, onions, croutons and
 e, apple slices, feta crumbs, almonds, cranberries, croutons and
 ce, tomatoes, cucumbers, croutons and balsamic vinaigrette or
 lip, green lettuce, tomatoes, cucumbers, feta cheese, olives, balsamic
 1 pita wedges.
 toasted pita slices
 All with green lettuce, tomatoes, cucumbers, feta cheese, zesty capers,
 ette

BREAKFAST SANDWICHES
 \$6.99 MAMA'S 2 eggs, hash brown patty, provolone and ciabatta bread
 \$6.99 ROADRUNNER 2 eggs, grilled chicken, provolone and ciabatta bread
 \$6.99 SUNNY DAYS 2 eggs, avocado, provolone and ciabatta bread
 \$7.99 SUNDAY 2 Eggs, hash brown patty, sausage, provolone and a ciabatta
 \$9.99 ENGLISH 2 eggs, bacon, ham, provolone, tomato, avocado, ciabatta
 ad
 in, sausage, provolone, ciabatta bread
 salsa, jalapeno peppers and provolone cheese wrapped in tortilla

ST PLATTERS
 otes and cucumbers over green lettuce. Side of butter and patty.
 eado, tomatoes, cucumbers, green lettuce, jalapeno, toast bread, butter and patty.
 es topped with bacon and served with tomatoes and cucumbers over green lettuce.
 n, breakfast sausage, smoked ham, toast bread, tomatoes and cucumbers over
 elly
 baron slices, blueberries, whipped cream and breakfast syrup
 slices, blueberries, breakfast syrup and whipped cream
 wherry jelly, kalamata olives, cream cheese, tomato, cucumbers, green lettuce












This is a
Smoke-Free
Property
Thank You
For Not Smoking

RESTAURANT
BURGERS-FRIES-SUB MELTS-SALADS-PI



Creations
Jewelry
Primary Gems

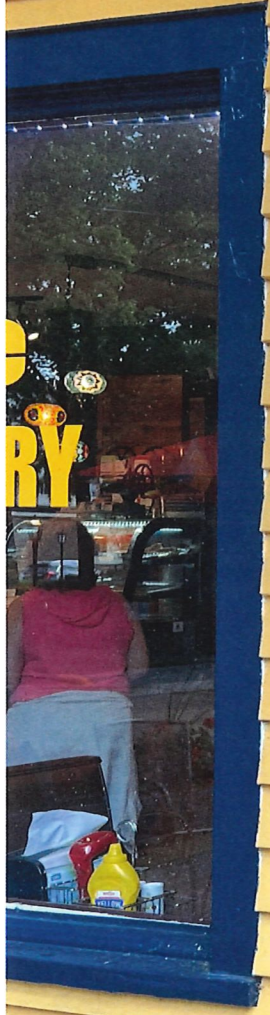
SIENA CAFE





118









MEMORANDUM

City of Saugatuck Planning Commission

Memo Date:	October 13, 2023	Meeting Date:	October 19, 2023
Request:	Rezone to R-4	Applicant:	Mike Friedman
Address:	120 Mary Street	Project Name:	N/A
Parcel:	03-57-300-053-50	Plan Date:	N/A
Lot Size:	7,402 square feet	Zoning District:	C-2 Water Street East
Complete:	Yes	Recommendation:	Approval
Staff:	Ryan Cummins	Consultant:	David M. Jirousek, AICP

Overview

The applicant requests the rezoning of the subject lot from C-2 Water Street East to R-4 City Center Transitional Residential District. The applicant proposes to use the entire single-family dwelling as a short-term rental and eventually convert the building to a bed and breakfast establishment.

Background

The landowner was previously using the entire dwelling as a short-term rental and was cited because short-term rentals are only permitted on upper floors in the C-2 Water Street East zoning district. The rezoning was requested so that short-term rental of the entire dwelling can continue and for the longer-term plan of establishing additional accommodations that would be affiliated with the Wickwood Inn.



Factors to Consider

In reviewing an application for the rezoning of land, whether the application be made with or without an offer of conditions, factors that should be considered by the Planning Commission and the City Council include, but are not limited to, the following:

1. *Whether the rezoning is consistent with the policies and uses proposed for that area in the city's Master Land Use Plan.*

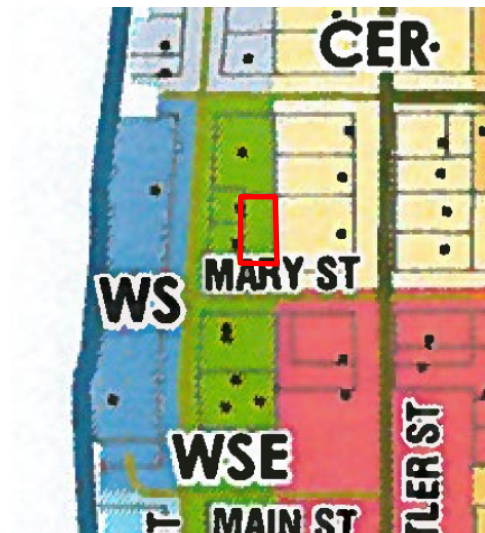
Comment: The subject property is designated as commercial on the future land use map, so rezoning to R-4 would be a minor departure from the future land use guidance. However, the future land use map is a guide and not law. Future land use plans are intended to be higher-level views of the future conditions of a community. When land is rezoned, the City considers a more detailed and site-specific analysis than the future land use planning process.

Boundaries between commercial and residential designations may shift or be clarified during rezoning processes or deeper review of the Zoning Map. Since this property is very close to the commercial/residential transition on the future land use map, a departure of this extent is not concerning and not inappropriate.

2. *Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.*

Comment: A closer look at the area of focus shows that Mary Street is a transition line between commercial uses to the south and residential uses to the north. Lots that do not front upon Water Street, north of Mary Street, are primarily residential or include commercial buildings of a residential scale. These lots along Butler Street include residential dwellings, bed and breakfast accommodations, and the Camp Willow retail business in a residential-scale building, and the properties are zoned R-4.

Rezoning 120 Mary would not result in fragmented zoning district boundaries or spot zoning. The uses permitted in R-4 would not affect the higher-intensity uses along Water Street nor the abutting and nearby lots fronting Butler Street.



- 3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning.*

Comment: The request is a “down-zoning, which is a change in a zoning designation that reduces the allowable uses, density, or intensity of the subject property. Because the downtown area experiences strain on streets and parking availability during the busy season, down-zoning to R-4 could limit the development potential of the property and reduce the future demand for parking and public services.

- 4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.*

Comment: As stated earlier, the uses permitted in R-4 would not affect the higher-intensity uses along Water Street nor the abutting and lower-intensity nearby lots fronting Butler Street. Limiting the uses of the subject property may alleviate concern with future potential land uses and their effect on the Wickwood Inn and nearby residential dwellings.

Recommendation

Based on the factors mentioned above, I recommend approval of the R-4 request.



Rezoning/ Amendment Application

Application # _____

STANDARDS FOR APPROVAL PER SECTION 154.176

1. Please explain how the rezoning is consistent with the policies and uses proposed for that area in the city's Master Land Use Plan;

The future land use map in the Tri-Community Comprehensive Plan designates the subject parcel for commercial use. (p. 10-2). The Plan recognizes that "commercial uses in downtown Saugatuck are primarily oriented to tourists and seasonal residents," and that "this should be encouraged." (pp. 10-5, 10-6). It further recognizes that commercial uses include bed and breakfast establishments (pp. 5-8). (See bottom of page for continue response).

2. Please explain how all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;

The uses allowed in the R-4 district are residential dwellings and commercial uses of residential structures like short-term rentals and bed-and-breakfast establishments. These uses are compatible with the surrounding area, which includes many similar uses. The Comprehensive Plan acknowledges that bed-and-breakfast establishments are prevalent in this area. (pp. 5-8, 10-5).

3. Please explain how any public services and facilities would not be significantly adversely impacted by a development or use allowed under the requested rezoning; and

The requested rezoning is a "downzoning" in the sense that the permitted uses in the R4 zoning district are generally less intense than those permitted in the C-2. Further, existing utilities and streets are adequate to serve both the proposed short-term rental use and the proposed bed-and-breakfast use.

4. Please explain if the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

The parcel has historically been used as a residential dwelling, which is not consistent with its commercial designation on the future land use map. The applicant is proposing to transition the property to a commercial bed-and-breakfast use, which is more consistent with its current zoning as well as with the City's future land use plan.

OFFICE USE ONLY:

Application Complete _____ Date _____ Fee Paid _____ Date Paid _____

Notices Sent Paper _____ Resident Notification _____

Notes _____

Response to Item 1 (continued):

The proposed rezoning is consistent with the Plan because it would enable the applicant to convert the existing residential dwelling on the parcel into a commercial bed-and-breakfast establishment. In order to fund the renovations needed to undertake this transition, the applicant is proposing to use the existing structure as a short-term rental for approximately one year. Once a sufficient cash balance is achieved, the applicant will extensively renovate the structure and will then operate the structure as a bed-and-breakfast under common management with the neighboring Wickwood Inn (in other words, prospective guests will be able to book reservations through shared system). The renovations will involve modifying the exterior of the structure to more closely resemble the architecture of the Wickwood Inn.

Notably, the proposed long-term use of the parcel (bed-and-breakfast establishment) is permitted under the parcel's current C-2 zoning designation. ZO § 154.039(C)(10). The primary purpose of the rezoning is to allow temporary use as a short-term rental to provide the funding needed to re-purpose the existing residential structure for commercial bed-and-breakfast use.

**CITY COUNCIL
CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN**

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND TITLE XV, CHAPTER 154, SECTION 154.043 OF
THE CODE OF THE CITY OF SAUGATUCK AND THE OFFICIAL ZONING MAP**

Section 1. Amendment. The City of Saugatuck Zoning Ordinance is hereby amended by the amendment of Section 154.043 of the Code of the City of Saugatuck, Zoning Map, so as to rezone a lot that is currently zoned C-2 Water Street East to R-4 City Center Transitional Residential District. The land is commonly described by tax identification number 03-57-300-053-50 and is located at 120 Mary Street.

Section 2. Severability. The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

Section 3. Repeal. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 4. Effective Date. This Ordinance shall become effective seven (7) days after its publication unless otherwise provided by law.

YEAS: _____

NAYS: _____

ABSENT: _____

ORDINANCE NO. _____ ADOPTED

I, Jamie Wolters, the Clerk of the City of Saugatuck, certify that the foregoing is a true and accurate copy of an ordinance adopted at a regular meeting of the City Council of the City of Saugatuck, held on _____, and noticed in accordance with all legal requirements.

Jamie Wolters, Clerk

Introduced: _____

Adopted: _____

Published: _____

Sent to ALP: _____



Planning Commission Agenda Item Report

FROM: Ryan Cummins, Director of Planning and Zoning

MEETING DATE: October 19, 2023

SUBJECT: Zoning Ordinance Amendment – Outdoor Dining

DESCRIPTION:

During the course of the COVID-19 pandemic, the City and many other local governments declared emergencies which allowed measures, including suspending specific ordinance requirements, to reduce the risk and spread of the virus. This included creating flexibility to expand dining outdoors. Part of this flexibility allowed restaurants to expand dining onto sidewalks and into the street.

Following the emergency measures and during a time of unknowns as it related to what would happen with the viral spread, the City Council continued to offer flexibility by adopting an expanded outdoor dining ordinance and policy in February 2022. This allowed for a licensee to temporarily occupy City streets.

The Zoning Ordinance considers expansion of restaurant seating into the right of way (which would include streets) as a special land use. A special land use requires a public hearing and site plan review by the Planning Commission. During the pandemic, because of the emergency and continued need for flexibility, zoning approvals were not required.

In March, staff discussed the following with the City Council:

- Three summers of licensing approvals and expanded outdoor use by establishments downtown has created a hybrid of approvals, as well as likely some confusion on the necessary approvals for outdoor dining.
- Some establishments obtained prior special use permit approval for expanded dining on the sidewalks, received additional expanded dining on sidewalks under temporary licenses issued during 2020-2022, and additionally received licenses for the use of City streets or parking spaces under temporary approvals.
- Others may only have first started expanded outdoor dining areas based on the temporary licenses authorized during 2020-2022, and have no zoning approval.
- As COVID-19 is no longer at high levels of transmission, many communities are now working through how to bring restaurants with expanded outdoor dining into compliance with zoning code requirements.

On March 27, City Council approved continued flexibility and staff discretion for temporary expanded outdoor dining during the 2023 spring/summer/fall tourist season. This included following the same application process for temporary expanded outdoor dining licensing that occurred in 2022. After November 1, 2023 all city codes, including zoning, will have to be followed.

Staff worked with legal counsel over the summer to draft proposed changes to the zoning and other code requirements for outdoor dining so they are aligned.

The following is a summary of the proposed amendments:

- Require every expanded outdoor dining area obtain: 1) a special use permit; 2) site plan review; and 3) a revocable license agreement from the City, regardless of whether the expanded outdoor dining area occupies a sidewalk, right-of-way, or other public property.
- Omits the prior restrictions on signage in expanded outdoor dining areas, but otherwise it incorporates substantially all of the requirements for expanded outdoor dining areas that would have been required by the planning commission's review via existing SUP process, administrative review via the emergency policy, or as part of Council's review in issuing a revocable license pursuant to Section 96.33.
 - Note that the amended SUP section still contains a subsection of outdoor dining areas on restaurant premises, rather than on public property, and these regulations are very basic and largely unchanged from what was previously in the code.
- Allow the expanded outdoor dining area to operate between April 1 and November 1 (consistent with existing regulations) and require all items to be removed no later than November 10 and allow items to be reinstalled no earlier than March 20.
- Require payment of an annual fee for the privilege of using public property (previously a component of the revocable license agreement), which is established by resolution of the Council.
- Allow the SUP to be revoked by the City for failing to comply with the requirements of the zoning ordinance, maintain a valid revocable license agreement, or pay the annual fee. It also notes that it can be terminated as necessary to accommodate public work, the City's use of its public places, or otherwise in the City's discretion.
- Added language noting that if the SUP was terminated for reasons outside the applicant's control, the annual fee would be prorated and refunded.

As the proposed zoning ordinance amendments would now require a revocable license agreement with the City as a prerequisite to obtaining an SUP for an expanded outdoor dining area, Section 96.33 of the City Code is no longer necessary. If the zoning ordinance is amended, City Council will be asked to amend the City Code to delete that section.

The Planning Commission reviewed and discussed the proposed changes at its September 21 meeting and set a public hearing.

The Planning Commission will conduct a public hearing, discuss the proposed changes and make a recommendation to City Council.

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 RECOMMEND adoption of the amendments to Section 154.092(O) of the zoning ordinance to provide expanded regulations pertaining to restaurants with outdoor seating and expanded outdoor dining areas occupying public rights-of-way or public sidewalks.

Motion to NOT RECOMMEND adoption of the amendments to Section 154.092(O) of the zoning ordinance to provide expanded regulations pertaining to restaurants with outdoor seating and expanded outdoor dining areas occupying public rights-of-way or public sidewalks.

CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN

ZONING ORDINANCE AMENDMENT
ORDINANCE NO. _____

At a meeting of the City Council of the City of Saugatuck, Allegan County, Michigan, held at the City of Saugatuck Hall on _____, 2023 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 Zoning Ordinance to provide expanded regulations pertaining to restaurants with outdoor seating and expanded outdoor dining areas occupying public rights-of-way or public sidewalks, to provide flexibility to the restaurants operating within the City and enhance the public’s downtown experience, to ensure such uses are conducted in a safe, orderly, and conscientious fashion without unreasonably disrupting or disturbing traffic or pedestrians, to ensure that such uses will not impede City functions, and to protect the public health, safety, and welfare of the residents and visitors of the City of Saugatuck.

CITY OF SAUGATUCK, ALLEGAN COUNTY, ORDAINS:

SECTION 1. AMENDMENT OF SECTION 154.092(O) OF THE CODE. The City of Saugatuck Code of Ordinances, Section 154.092(O), shall be amended to read as follows:

(O) Restaurants with outdoor seating and Expanded Outdoor Dining Areas.

(1) *Outdoor Seating on Restaurant Premises.* The inclusion of outdoor seating within the premises of an existing restaurant shall be viewed as an expansion of a commercial business and shall comply with the following standards:

- a. Outdoor seating shall be on a fully improved surface of concrete, paver brick, or other solid material.
- b. If alcohol is served, the outdoor seating area shall meet all applicable local, state, and federal regulations.
- c. Any illumination shall be appropriately shielded and directed so as to not disturb adjacent uses.

(2) *Expanded Outdoor Dining Areas.* Any lawfully permitted restaurant may utilize an Outdoor Dining Area in a public property or right-of-way (hereafter, “Expanded Outdoor Dining Areas”) upon receipt of special land use approval and site plan review pursuant to this Section, regardless of the zoning district. Expanded Outdoor Dining Areas shall be permitted within public rights-of-way or public sidewalks notwithstanding any setback requirements in this chapter to the contrary, provided the standards of this subsection are satisfied.

- a. *Standards:* Expanded Outdoor Dining Areas shall comply with the following supplemental special use standards:
- i. The restaurant seeking to utilize the Expanded Outdoor Dining Area shall be in full compliance with this chapter.
 - ii. The Expanded Outdoor Dining Area shall not pose any safety or health concerns and shall be consistent with the general character of the surrounding area.
 - iii. The Expanded Outdoor Dining Area shall only be located in the areas of the public property or public right-of-way authorized by the City (the “Permitted Space”). The Expanded Outdoor Dining Area shall not extend past the building frontage of the Applicant’s business.
 - iv. The Expanded Outdoor Dining Area shall be aesthetically pleasing and consistent with the general character of the surrounding area. Planters, plants, and organic materials are required parts of the Expanded Outdoor Dining Area.
 - v. The Expanded Outdoor Dining Area shall be adequately lit by electrical lighting 24 hours per day. Overhead and underground electrical cords are permitted. Electrical cords may not run along the ground and onto the sidewalk. All illumination shall be appropriately shielded and directed so as to not disturb adjacent uses or vehicular traffic.
 - vi. Expanded Outdoor Dining Areas occupying public streets or parking spaces shall be marked with traffic reflectors to promote visibility for traffic.
 - vii. The Expanded Outdoor Dining Area shall be on a fully improved surface of concrete, paver brick, or other solid material. No carpeting or ground coverings of any kind are permitted.
 - viii. The Expanded Outdoor Dining Area shall not interfere with required fire access or any fire department equipment. Fire lanes, fire hydrants, and other fire department connections will not be blocked by the Expanded Outdoor Dining Area.
 - ix. The Expanded Outdoor Dining Area shall not disrupt street or sidewalk drainage or impound water.
 - x. The Expanded Outdoor Dining Area shall be arranged to not interfere with pedestrian travel or the opening of car doors, and the Expanded Outdoor Dining Area shall not unreasonably interfere with the flow of pedestrian or vehicular traffic or the use of adjacent parking spaces.

- xi. For all Expanded Outdoor Dining Areas, a five-foot wide, unobstructed space must be maintained on the sidewalk at all times to prevent pedestrian traffic obstruction.
 - xii. Expanded Outdoor Dining Areas occupying public streets or parking spaces shall have a barrier which clearly defines the perimeter of the area to prevent pedestrians from entering or exiting from the street. Barriers must be made of non-flexible materials, including wood, plastic or metal, but excluding concrete or cinder blocks. Flexible materials, such as rope and canvas, are not permitted.
 - xiii. Expanded Outdoor Dining Areas within parallel parking spaces shall not extend more than 8 feet from the face of the curb or exceed 40 feet in length.
 - xiv. Expanded Outdoor Dining Areas within angled street parking zones shall not extend more than 15 feet from the face of the curb or exceed 40 feet in length.
 - xv. No tents or enclosures are permitted within the Expanded Outdoor Dining Area.
 - xvi. If alcohol is served, the area shall meet all additional applicable local, state, and federal regulations.
 - xvii. No Expanded Outdoor Dining Area shall operate between November 1 and April 1 of each year. All items used in the Expanded Outdoor Dining Area shall be removed from the Permitted Space no later than November 10 of each year and may not be reinstalled until March 20 of each year.
 - xviii. Expanded Outdoor Dining Areas shall comply with all additional applicable local and county ordinances, applicable State laws, applicable building, electrical, and mechanical codes, COVID limitations, and City policies.
 - xix. The City's Department of Public Works shall be allowed access to the Expanded Outdoor Dining Area for any maintenance purposes.
 - xx. The Expanded Outdoor Dining Area shall be kept free of debris and in a neat, clean, safe, reasonable, and orderly condition, and all objects and items located thereon shall be kept in good and safe maintenance and repair.
 - xxi. The Expanded Outdoor Dining Area shall not create a nuisance of any kind.
- b. *Application Requirements:* In addition to the standards set forth in Section 154.083(B), an application for an Expanded Outdoor Dining Area shall include the following:
- i. A site plan.

- ii. An executed Revocable License Agreement between the City and Applicant.
 - iii. A one-time application fee and annual fee.
 - iv. Current photos of the front of the business, including the curb strip and parking area.
 - v. Description or photos of proposed barriers, tables, or chairs to be used in the Expanded Outdoor Dining Area.
 - vi. Certificate of Insurance, demonstrating general and product liability coverage in the amount of \$500,000 per person/\$500,000 per incident with the City listed as a named insured.
 - vii. Certificate of umbrella insurance with policy limits of at least \$1,000,000, with the City listed as a named insured.
 - viii. Michigan Liquor Control Commission License (if applicable).
 - ix. Health Department Food Service License (if applicable).
 - x. Attestation form from Applicant, indicating that the Outdoor Dining Area will be lit 24 hours per day by both electrical lighting and traffic reflectors.
 - xi. Written approval from the Fire Department for heating equipment (if applicable).
 - xii. Attestation from Applicant that all property taxes, including personal property taxes, are current.
- c. *Site Plan*: In addition to the requirements of Section 154.061, a site plan must include both a bird's eye view map and street level view map of the Expanded Outdoor Dining Area, each depicting in detail the seating layout of the Expanded Outdoor Dining Area, location of trash container and sanitation station; indication/location of any manhole covers within the Permitted Space; barriers used to separate diners from the right-of-way; heating equipment (if applicable); any and all lighting; location of planters, plants, and organic materials; location of any fire hydrants, lanes, or other fire department connections; location of any handicapped parking spaces; and other related facilities or appurtenances.
- d. *Annual Fee*: Recognizing that Expanded Outdoor Dining Areas occupy public property, the Applicant for a special land use permit for an Expanded Outdoor Dining Area shall pay a fee for each month the Applicant wishes to operate an Expanded Outdoor Dining Area (the "Annual Fee"). Such payment shall be assessed on a yearly basis and constitutes payment for the number of months the Applicant wishes to operate in the City between April 1 and November 30. Payment shall be made at the time of application, as well as by March 1 of each year, and shall be in an amount established by the City Council.

- e. *Revocation of Special Use Permit:* The City may revoke any approved special use permit for an Expanded Outdoor Dining Area if no Revocable License Agreement is in effect, the Applicant fails to pay its Annual Fee, the Applicant fails to comply with any requirements of this section, or for any other reason, including but not limited to, the City’s need or desire to use the Permitted Space for parking infrastructure, utilities, or other City needs, as determined in the City’s sole discretion. If a special use permit for an Expanded Outdoor Dining Area is revoked for reasons completely beyond the Applicant’s control, the City shall refund some or all of Applicant’s Annual Fee to account for the months Applicant will be unable to operate.

SECTION 2. 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 3. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE: This Ordinance shall take effect seven 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.

Scott Dean
City of Saugatuck, Mayor

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 _____, _____ 2023, 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 _____, 2023.
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 _____, 2023.

ATTESTED:

Jamie Wolters
City of Saugatuck, Clerk

Memorandum

To: City of Saugatuck Planning Commission
Date: October 13, 2023
From: David M. Jirousek, AICP
RE: Waterfront Regulation- Draft Language

Summary of Proposed Amendments

1. **Map Amendment: C-2 Water Street East.** Absorb C-1 WSN north of Francis to C-2 WSE.
2. **Table of Contents.**
 - a. Updated to include 154.038 Downtown Waterfront Preservation District (previously “reserved”).
 - b. Removed of 154.040 C-1 Water Street North District (WSN) and 154.041 C-2 Water Street South District (WSS).
3. **Definitions.** Added:
 - a. Building width, maximum;
 - b. Setback, maximum; and
 - c. Story, half, and a graphic
4. **Section 154.037. C-4 Resort District.** Added maximum building width of 60 percent.
5. **Section 154.038. Downtown Waterfront Preservation District.**
 - a. Created intent and objectives statements.
 - b. Revised allowable land uses and increased the use of special land use designatiions.
 - c. Created a distinction between requirements north and south of Francis Street.
 - i. North of Francis Street
 1. Increased minimum front setback to 5 feet with a maximum of 20 feet (front “build-to area”).
 2. Increased minimum side setbacks to 10 feet or a minimum of 20 feet total of side setbacks.
 3. Increase the minimum lot size to ¼ acre.
 4. Included minimum lot width of 100 feet.



5. Included parking setback of 20 feet.
- ii. South of Francis Street
 1. Increased minimum front setback to 20 feet with a maximum of 40 feet (front “build-to area”).
 2. Increased minimum side setbacks to 20 feet or a minimum of 40 feet total of side setbacks.
 3. Increase the minimum lot size to ¼ acre.
 4. Included minimum lot width of 132 feet.
 5. Retained maximum lot coverage of 45 percent.
 6. Included parking setback of 45 feet.
- d. Included restrictions on the placement of car garages and loading areas.
- e. Included a restricted the placement of parking lots to side and rear yards.
- f. Included a required a minimum of usable outdoor open space.
6. **Section 154.082 Special Use Standards.** Created supplemental Downtown Waterfront Preservation District special land use standards.
7. **Section 154.110 Planned Unit Development (PUD).**
 - a. Added waterfront references.
 - b. Added benefit statements regarding accessibility and walkways.
 - c. Waived minimum lot size requirement for eligibility.
 - d. Included Downtown Waterfront Preservation District zoning waiver guidance.
 - e. Addressed special flood hazard areas.
8. **Section 154.131. Exception to Off-Street Parking Requirements.** Added reference to the Downtown Waterfront Preservation District.

CHAPTER 154: ZONING CODE

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154.038 Downtown Waterfront Preservation District

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BUILDING, PRINCIPAL. A building in which is conducted the main or principal use(s) of the lot on which the building is located.

BUILDING WIDTH, MAXIMUM. The maximum horizontal dimension or width of the front building elevation is allowed on a lot. The maximum dimension is a percentage of the lot width, meaning that a building width cannot exceed the specified percentage of the lot width measured horizontally from one side property line to the other side property along front lot line.

BULKHEAD. A wall or restraining structure constructed along a waterway to prevent the earth behind it from sliding or eroding. A BULKHEAD may constitute a pier, dock or quay for mooring watercraft.

BUSINESS, PROFESSIONAL OFFICES. A building, or portion of a building, occupied by an establishment in which a person or persons offer a professional service for a fee or charge including but not limited to: offices for finance, insurance and real estate functions, legal services, engineering, architectural and planning services, accounting, auditing and bookkeeping services, and professional medical services such as, but not limited to doctors offices, dental office or physical therapy.

CELLAR. See BASEMENT.

CERTIFICATE OF OCCUPANCY. A document signed by the Building Inspector as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that the use, structure or building complies with the provisions of this chapter.

CHARTER FISHING TOUR. A commercial establishment where individuals offer compensation to be taken by boat into nearby bodies of water to catch fish.

CHURCHES and SYNAGOGUES. See RELIGIOUS FACILITY.

CITY. The City of Saugatuck, a chartered municipal corporation.

CLUB, LODGE, CHARITABLE OR CIVIC ORGANIZATION. An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or the like, but not for profit, and without payment of dividends to members. Activities associated with these entities include traditional civic activities such as but not limited to: meetings, community hall rental for private parties, fund raising sales, social events, educational activities, puppet shows and movies, veteran support, exhibitions, and other activities. The sale or distribution of alcohol and/or gambling or playing at any game of chance for money or other stakes is permitted only with a properly issued state licenses.

COMMON LAND and COMMON OPEN SPACE. A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners and/or occupants of the individual dwelling units in a subdivision, site condominium, planned unit development, or comparable land development type or which is to be shared by the owners and/or occupants of a commercial or industrial project in which common land and/or common open space has been provided for. Common land

road, and the location of the road has not been described by a right-of-way or other such easement description, setback shall be measured from the edge of the improved road surface. For waterfront properties the setback shall be measured to the ordinary high water mark. The setback shall be measured from the front, rear, or side property line to the nearest point of the foundation of a structure, or from the front, rear or side property line to the nearest support post or area directly below a cantilevered floor of a structure.

(1) SETBACK, REQUIRED FRONT YARD. The distance as determined within a particular zoning district between the front lot line and a parallel line in which no structures may be constructed, excluding approved fences or signs.

(2) SETBACK, REQUIRED REAR YARD. The distance as determined within a particular zoning district between the rear lot line and a parallel line in which no structures may be constructed, excluding approved fences or signs.

(3) SETBACK, REQUIRED SIDE YARD. The distance as determined within a particular zoning district between the side lot line and a parallel line in which no structures may be constructed, excluding approved fences or signs.

SETBACK, MAXIMUM. The maximum distance that at least 50 percent of the front elevation of a building can be placed from the public right-of-way.

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

SIGN. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trademarks, logos or pictures, or combination thereof, intended to be used to attract attention to or convey information about a person, place, business, firm, profession, association, product or merchandise when placed out of doors in view of the general public. Also, the above when positioned inside in such a way as to be in view of the general public through a window or a door for the purpose of attracting the general public into a business. See §§ 154.140 through 154.144.

SITE PLAN REVIEW. The submission of plans and scaled drawing(s) illustrating existing conditions and proposed uses and structures for review, as part of the process of securing a zoning permit.

SPECIALTY GIFT SHOP. A retail facility which sells goods which may be rare in quantity or availability, handmade, or express a local or regional theme, as part of its retail stock.

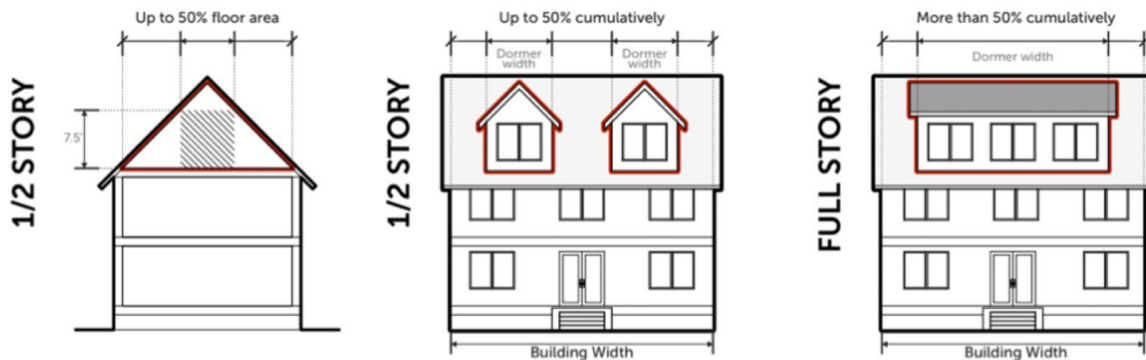
SPECIAL LAND USE. A use of land whose characteristics may create nuisance-like impacts on adjoining lands unless carefully sited according to standards established in this chapter (see §§ 154.080 through 154.092). Approval for establishing a special land use is indicated by issuance of a special land use permit.

SPRING PILES. A beam of timber, concrete or steel beams, driven into the water bottom as a means of securing watercraft, or to facilitate the maneuvering of watercraft.

STORY. The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it (see Appendix, Figure 1).

STORY, HALF. The topmost story of a building is a half story when:

- (1) It is completely within the roof form of a building and less than 50 percent of the floor area has a clear height of more than 7.5 feet, measured from the finished floor to the finished ceiling; and
- (2) Dormers do not exceed more than 50 percent of the front, rear, or side building length.



STREET. A public thoroughfare which affords the principal means of access to abutting property.

STRUCTURAL CHANGES OR ALTERATIONS. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial change in the roof or foundation.

STRUCTURE. Anything constructed or erected, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services.

THEATER. A commercial operation that offers the viewing of movies or live performance to the public for compensation.

TOWNHOUSES. A row of three or more attached 1-family dwellings, in which each dwelling has its own front entrance and rear entrance.

TVRO. Television reception only satellite antennas.

UNNECESSARY HARDSHIP. A situation whereby a property owner, due to conditions of a lot or parcel cannot use the lot or parcel for any legal use allowed by this Zoning Code, within the district in which the lot is located. Situations occurring due to the owner's desire

- (2) Home businesses;
- (3) Rented accessory dwelling units in accordance with § 154.092(J); and
- (4) Dwelling, single-family detached, with a floor area ratio that exceeds 0.3:1.

(D) Dimension and area regulations:

Front setback	25 feet
Side setback	10 feet
Rear setback	25 feet
Minimum lot area	21,780 square feet
Minimum lot width	100 feet
Maximum lot coverage	25%

(Ord. passed 6-24-1996; Am. Ord. passed 9-22-1997; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 080414-1, passed 4-14-2008; Am. Ord. 090824-1, passed 8-24-2009; Am. Ord. 100726-1, passed 7-26-2010; Am. Ord. 111212-1, passed 12-12-2011; Am. Ord. 140714-1, passed 7-14-2014; Am. Ord. 170911-1, passed 9-11-2017)

§ 154.037 C-4 RESORT DISTRICT.

(A) Generally.

(1) The purpose of this district is to provide compatible zoning for existing and future hotels, motels, and bed and breakfasts.

(2) The zone is intended to eliminate a number of nonconforming uses and preserve the historic character of the structures in the district.

(3) It is designed to compliment the waterfront property and permit lodging facilities that are associated and coordinate with the waterfront.

(4) Land use in this district is intensive but limited to provide a specific zone for the use.

(B) Permitted uses:

- (1) Bed and breakfasts;
- (2) Essential public services; and
- (3) Short-term rental unit.

(C) Special land uses. Special land uses are subject to review and approval by the Planning Commission in accordance with §§ 154.060 through 154.068 and §§ 154.080 through 154.092:

- (1) Marinas/commercial boats;
- (2) Parking facilities;
- (3) Restaurant, where such facilities are designed, constructed and managed as an integral part of an overall motel or hotel operation;
- (4) Planned unit developments;
- (5) Hotels/inns;
- (6) Motels/motor courts;
- (7) Swimming pools, tennis courts or other recreational facilities oriented to the clientele of the motel or hotel;
- (8) Other uses deemed by the Planning Commission to be accessory to a motel or hotel use;
- (9) Dwellings, single-family, regardless of the floor area ratio; and
- (10) Rented accessory dwelling units in accordance with § 154.092(J).

(D) Dimension and area regulations:

- (1) All uses except single-family dwellings:

Front setback	15 feet
Side setback	10 feet
Rear setback	10 feet
Minimum lot area	15,000 square feet
Minimum lot width	66 feet
Maximum lot coverage	50%
Maximum building width	60% of lot width

- (2) Single-family dwellings:

Front setback
15 feet
Side setback

requirement, the city may require an applicant to provide a traffic impact analysis demonstrating compliance with the above standard if the city determines that a proposed project has a reasonable potential of resulting in congestion and/or an unsafe traffic situation. The traffic impact analysis shall be performed by a qualified Traffic Engineer.

(Ord. 02-02, passed 2-11-2002; Am. Ord. 090427-2, passed 4-27-2009; Am. Ord. 090824-1, passed 8-24-2009; Am. Ord. 091109-1, passed 11-9-2009; Am. Ord. 100726-1, passed 7-26-2010; Am. Ord. 111212-1, passed 12-12-2011; Am. Ord. 140714-1, passed 7-14-2014; Am. Ord. 170911-1, passed 9-11-2017)

§ 154.038 Downtown Waterfront Preservation District.

(A) Generally. This district will provide an area for commercial businesses, offices, accommodations, hospitality, recreational, and residential uses, along with mixed-use projects. However, the Downtown Waterfront Preservation District is intended to manage and regulate development and redevelopment projects to ensure views of the Kalamazoo River and to encourage and incentivize access to its shoreline. Development and redevelopment projects that complement and enhance the waterfront are envisioned for this area. The objectives of this district are to:

- (1) connect the downtown area and surrounding neighborhoods to the waterfront area;
- (2) provide opportunities for public access and recreation along the waterfront, creating spaces for community enjoyment, leisure, and cultural activities;
- (3) preserve and protect the character of the waterfront area, ensuring that its architectural, cultural, and historical significance is maintained for future generations;
- (4) promote economic revitalization by encouraging the adaptive reuse of historic structures, redevelopment, and the development of compatible businesses that enhance the vibrancy and attractiveness of the waterfront and downtown area;
- (5) establish requirements to ensure design excellence, visual harmony, and a sense of place, contributing to a unique and visually appealing waterfront district; and
- (6) ensure a balance between new residential development, job creation, and public benefits.

(B) Permitted uses:

- (1) Essential public services.

(C) Special land uses. Special land uses are subject to review and approval by the Planning Commission in accordance with §§ 154.060 through 154.068 and §§ 154.080 through 154.092:

- (1) Retail stores;
- (1) Bed and breakfasts;
- (2) Business, professional offices;
- (3) Personal service establishments;
- (4) Art galleries;
- (5) Parks;
- (6) First-floor and upper-floor apartments, except that first-floor apartments shall not face Water Street;
- (7) Home occupations;
- (8) Short-term rental of allowable apartments;
- (9) Hotels/inns;
- (10) Marinas, commercial/private;
- (11) Community centers, clubs, and fraternal organizations;
- (12) Recreational transportation rental facilities; and
- (13) Restaurants.

(D) Dimension and area regulations north of Francis Street:

Front setback	5 feet
Maximum front setback	20 feet
Side setback	20 feet minimum between both side setbacks
Rear setback	15 feet
Waterfront setback	25 feet, see § 154.021 (F)(4)
Minimum lot area	10,890 square feet
Minimum lot width	100 feet of street frontage
Maximum lot coverage	No requirement
Minimum parking lot setback	20 feet

(E) Dimension and area regulations south of Francis Street:

Front setback	20 feet
Maximum front	40 feet

setback	
Side setback	40 feet minimum between both side setbacks
Rear setback	15 feet
Waterfront setback	25 feet, see § 154.021 (F)(4)
Minimum lot area	10,890 square feet
Minimum lot width	132 feet of street frontage
Maximum lot coverage	45%
Minimum parking lot setback	40 feet

(F) Other requirements:

Garage doors intended for vehicles, loading docks, and overhead doors for loading purposes	Shall not face the public right-of-way
Parking lot location	Side or rear yard only
Usable and accessible open area	An open area equal to at least 15% of the total buildable area shall be preserved on every lot. Up to 33% of the required open space may be satisfied through balconies of individual units. At least 67% of the open area shall comprise no more than two separate contiguous areas, as follows: <ul style="list-style-type: none"> • Where located at grade, the open area shall be located anywhere behind the parking lot setback line. • Where provided above the first story, but the open may be located forward of the parking setback line, such as a terrace walkout level or rooftop patio.

§ 154.039 C-2 WATER STREET EAST DISTRICT (WSE).

(A) Generally. The Water Street East District is designed to preserve the residential flavor of the area while promoting commercial land use and development. The district is designed for an intermediate intensity and density of structures and land use. Commercial development is desired in this district. The district will also promote visual access to the Kalamazoo River and Lake.

(B) Permitted uses:

The duration of the permit may be limited only if such use is clearly temporary in nature.

(C) In addition to the aforementioned standards, special land uses within the Downtown Waterfront Preservation District are subject to the following supplemental standards:

(1) Design and Aesthetics. Development of property shall:

- a. Maintain view corridors and sightlines to and from the waterfront;
- b. Encourage architectural diversity while ensuring a cohesive and visually appealing waterfront; and
- c. Incorporate landscaping and public art to enhance the aesthetic appeal.

(2) Waterfront Protection. Development of property shall:

- a. Implement strategies for shoreline protection to mitigate erosion and flooding risks;
- b. Ensure that waterfront structures are resilient to climate change and sea-level rise; and
- c. Avoid adverse impacts on water ecosystems, including riparian zones and marine life.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002)

§ 154.083 APPLICATION PROCEDURES FOR SPECIAL LAND USE PERMITS.

(A) Application. Prior to construction or physical development of a proposed special land use, as specified by this chapter, an application for a required special land use permit must be made to the Zoning Administrator on forms supplied by the city.

(B) Contents of application. The contents shall be the same as required for zoning permits in § 154.172. In addition, a site plan meeting the requirements of §§ 154.061 et seq. shall be submitted.

(C) Fee. A fee may be set by the City Council and listed in the city's schedule of fees and shall accompany any plans or application in order to defray the cost of administration and inspection.

(D) Zoning Administrator review.

(1) The Zoning Administrator shall begin to collect the application package and review for required content.

§ 154.110 INTENT AND PURPOSE.

(A) The provisions of this subchapter provide requirements and standards for the submission, review and approval of applications for planned unit developments (PUD).

(B) The PUD regulations are designed to accomplish the objectives of this chapter through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

(C) The permanent preservation of open space, waterfront areas, natural areas and the existing small town rural character of Saugatuck are major objectives of these PUD regulations.

(D) To those ends, these PUD regulations are intended to permit flexibility in the regulation of land development, encourage innovation in land use and variety in design, layout and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage provision of useful open space; provide adequate housing, employment and shopping opportunities particularly suited to the needs of the residents of the city; to preserve views of the Kalamazoo river, and to incentivize the provision of public waterfront access and pedestrian facilities. Further, it is the purpose of the planned unit development regulations to promote the intent and purpose of this chapter, and to ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use.

(E) The provisions of this subchapter are not intended as a device for ignoring or circumventing this chapter or the planning upon which it has been based.

(Ord. 02-02, passed 2-11-2002)

§ 154.111 PUD IS AN OVERLAY ZONE.

The purposes, procedures and standards of this subchapter are intended to guide the applicant in the preparation of preliminary and final site plans for a PUD, consistent with the purposes stated in § 154.110. These standards shall be used as the basis for the evaluation of the site plans by the Planning Commission and City Council and shall be considered in reviewing any application for a PUD. Approval of a PUD may proceed only when an application and site plan therefore are determined to be in compliance with the regulations of this subchapter and those of §§ 154.060 through 154.068. A district zoned PUD is an overlay zone. The underlying zone shall establish permitted uses, density and the minimum lot size for consideration as a PUD. All condominium projects and condominium subdivisions shall be permitted only if the PUD requirements of this subchapter are met.

(Ord. 02-02, passed 2-11-2002)

§ 154.112 ELIGIBILITY CRITERIA.

To be eligible for planned unit development approval, the applicant must demonstrate that the following criteria will be met.

(A) Recognizable and substantial benefit. The planned unit development shall result in a recognizable and substantial benefit to the ultimate users of the project and to the community. This benefit must otherwise be unfeasible or unlikely to be achieved taking into consideration the reasonable foreseeable detriments of the proposed development and uses(s); including, without limitation:

(1) The long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis;

(2) Reducing to a significant extent the non-conformity of a non-conforming use or structure, i.e., modification of a non-conforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated; and

(3) For areas zoned Downtown Waterfront Preservation District, the preservation of public access to waterfront yard locations or accessible waterfront pathways or boardwalks.

(B) Minimum area and density. The minimum land area necessary to be considered for a PUD shall not be less than the land areas as specified for a lot in the underlying zoning district in which the lot is presently located. The density of dwelling units shall not exceed that permitted within the underlying district. Density may be shifted throughout the site and dwellings may be clustered on lots smaller than those permitted in the underlying zone if doing so better achieves the open space preservation objectives of this subchapter.

(C) Availability and capacity of public services. The proposed planned unit development shall not exceed the capacity of existing and available public services, including but not necessarily limited to, police and fire protection services, and educational services, unless the project proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the planned unit development is completed.

(D) Compatibility with the land use plan. The proposed development shall not have an adverse impact on the Comprehensive Plan of the city.

(E) Compatibility with the planned unit development intent. The proposed developments shall be consistent with the intent and intent of these regulations, as stated in § 154.110.

(F) Economic impact. The proposed developments shall not impede the continued use or development of surrounding properties for uses that are permitted in the district in which they are located.

(G) Unified control of property. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with the planned unit development regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of the transfer is given immediately to the Zoning Administrator.

(H) Dedication of utilities and roads. Roads within the PUD development not associated with access to individual commercial or residential units shall be dedicated to the city. Likewise, utility easements shall be conveyed to the city. Utility easements and roads in PUD developments approved prior to the enactment of this chapter may remain in private ownership.

(Ord. 02-02, passed 2-11-2002)

§ 154.113 PROJECT DESIGN STANDARDS.

In considering any application for approval of a planned unit development proposal filed according to the procedures of § 154.115 and application and data requirements of § 154.114, the Planning Commission and City Council shall make their determinations on the basis of standards set forth for site plan review, the eligibility criteria of § 154.112, as well as the following standards and requirements.

(A) Minimum lot area. Planned unit developments may be approved only on contiguous properties containing a minimum of three acres under single ownership. **Areas with an underlying zoning designation of Downtown Waterfront Preservation District have no minimum acreage to qualify for planned unit development review.**

(B) Compatibility with adjacent uses. The proposed planned unit development shall set forth specifications with respect to height, setbacks, density, parking, circulation, landscaping, views and other design and layout features which exhibit due regard for the relationship of the development to surrounding properties and the uses thereon. In determining whether this requirement has been met, consideration shall be given to the following:

- (1) The bulk, placement and materials of construction of proposed structures;
- (2) The location and screening of vehicular circulation and parking areas in relation to surrounding development;
- (3) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development;
- (4) The hours of operation of the proposed uses; and
- (5) The provision of landscaping and other site amenities.

(C) Permitted uses. Any land use authorized in the underlying district may be included in a planned unit development as a principal or accessory use, provided that public health, safety and welfare are not impaired.

(D) Application base regulations. Unless waived or modified in accordance with division (E) below, the yard and lot coverage, parking, loading, landscaping, lighting and other standards for the underlying district(s) shall be applicable for uses proposed as a part of a planned unit development. Mixed uses shall comply with the regulations applicable for each individual use, as outlined above, except that if regulations are inconsistent with each other, the regulations applicable to the most restrictive use shall apply. However, a special use that is part of a PUD shall not be separately processed as a special use, instead, it shall be processed as part of the PUD application.

(E) Regulatory flexibility.

(1) To encourage flexibility and creativity consistent with the planned unit development concept, departures from the regulations in division (D), above, may be permitted, subject to review and approval by the Planning Commission and City Council. For example, such departures may include but are not limited to modifications to: lot dimensional standards; floor area standards; setback requirements; parking, loading and landscaping requirements; and similar requirements. These modifications may be permitted only if they will result in a higher quality of development or a better design or layout than would be possible without the modifications.

(2) For areas zoned Downtown Waterfront Preservation District, departures from the minimum side setback, minimum rear setback (reductions up to 10 feet), and maximum lot coverage requirements will be considered by the Planning Commission and City Council when at least 33 percent of the waterfront yard is available for public access or if 100 percent of the waterfront yard width can be traversed from one side to the other by a waterfront walkway or boardwalk.

(F) Permitted mix of uses. Where the existing underlying zoning district is residential, nonresidential uses shall be permitted as part of a planned unit development which also contains a residential component, provided that the applicant demonstrates that the residential uses will be predominant and the non-residential use will not create a nuisance for abutting property. The Planning Commission shall determine predominance of use after taking into account the following criteria as they apply to each of the proposed uses: extent to which it serves residents in the PUD compared to others who travel to the site, amount of traffic generated; hours of operation or use; noise, odors and overall impact on adjoining uses; land area allocated to each use; and, building area allocated to each use. Where residential development is the principal use and a commercial component of the PUD is predominantly designed to serve persons other than those who reside in the PUD, it shall not be permitted.

(G) Open space requirements. Open space shall at least equal that which would be provided under the maximum lot coverage requirements of the underlying district. Open space shall be in large contiguous units that are easily accessible and usable. Small

discontinuous areas of open space are contrary to the intent of this section, although it may be necessary to permit up to 20% of the total open space area in small discontinuous areas on a given parcel in order to achieve quality design and/or function of the balance of the PUD. Any land without a structure within the boundaries of the site may be included as required open space, except for land in the floodplain, subject to an easement, submerged lands and land contained in public or private street right-of-way. The required open space shall be set aside by the developer through an irrevocable conveyance, such as a deed restriction or covenant that runs with the land, assuring that the open space will be developed according to the site plan and never change to another use unless the PUD plan is properly amended according to the requirements of § 154.117. The conveyance shall:

(1) Ensure the open space is under single ownership or control, such that there is a single person or entity having proprietary responsibility for the open space. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, master deeds and/or deed restrictions that indicate that open space will be held as proposed in perpetuity;

(2) Guarantee to the satisfaction of the City Council that all open space portions of the development will be maintained in the manner approved. Documents shall be presented to the satisfaction of the city attorney that bind all successors and future owners in fee title to maintenance commitments made as a part of the approval of the open space; and

(3) Provide for maintenance to be undertaken by the city in the event that the dedicated open space is inadequately maintained, or is determined by the city to be a public nuisance, with the assessment of costs upon the property owners within the PUD.

(H) Frontage and access. Planned unit developments shall front onto a street with adequate capacity to safely accommodate the traffic of the development without unreasonably congesting the street. Road improvements contiguous to the site of the PUD that would improve traffic safety and reduce congestion may be required as a condition of a development approval. Access and egress openings from the development onto a public or private street shall be limited to one per 200 feet. The nearest edge of any entrance or exit drive shall be located no closer than 100 feet from any street or road intersection (measured from the nearest intersection right-of-way line). All requirements of §§ 154.060 through 154.068 shall also apply to planned unit developments.

(I) Utilities; privacy for dwelling units. The design of a planned unit development, including electric, telephone and cable television lines, shall be placed underground, wherever feasible or required by the city.

(J) Privacy for dwelling units. The design of a planned unit development shall provide visual and sound privacy for all dwelling units within and surrounding the development. Fences, walks and landscaping shall be used in the site design to protect the privacy of dwelling units.

(K) Emergency access. The configuration of buildings, driveways and other improvements shall permit convenient and direct emergency vehicle access.

(L) Pedestrian and vehicular circulation. A pedestrian circulation system shall be provided that is isolated as completely as possible from the vehicular circulation system. The layout of vehicular and pedestrian circulation routes shall respect the pattern of existing or planned streets, sidewalks and bicycle pathways in the vicinity of the site.

(M) Minimum spacing. Unless modified in accordance with paragraph E, minimum spacing between detached buildings shall not be less than 20 feet measured from the nearest point of the foundation. In no case shall spacing be less than required under the Building Code.

(N) Building length. No multiple-family building shall exceed 120 feet in length along any one elevation of the building measured between its two furthest points unless modified in accordance with paragraph E.

(O) Sensitive natural features. All sensitive natural features such as drainage ways and streams, wetlands, lands within the 100-year floodplains, and stream or river banks (which by virtue of soils and slope may create highly erodible hazards to the public health and safety) shall remain unencumbered by any principal or accessory buildings and structures. However, areas zoned Downtown Waterfront Preservation District may be developed within special flood hazard areas as designated in the current Flood Insurance Rate Map (FIRM) if the lowest floor level is at least one (1) foot above the Base Flood Elevation (BFE).

(P) Natural vegetation strip along streams. Drainage ways and streams shall be protected by a 25 foot natural vegetation strip or public easement measured from the centerline of the drainage ways or streams and measured from the ordinary high water mark for other surface water bodies.

(Q) Buffer zone along property lines. Natural vegetation, planted or landscaped buffer areas of 25 feet width are required wherever feasible along all exterior boundaries of the property to be developed as a PUD.

(R) Parking areas. The parking area shall be designed so as to maximize and encourage the use of landscape breaks and/or buffers to minimize the unbroken expanses of surfaced area. However, landscaped areas in parking lots shall be large enough to support thriving vegetation and shall be preferred over many small landscape islands.

(S) Common property.

(1) Common property in the PUD is a parcel or parcels of land, a privately owned road, or roads, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites or condominiums within the PUD. When common property exists, the ownership of the common property shall be private.

(2) When privately owned, arrangements must be made for the improvements, operation and maintenance of the common property and facilities, including private streets, drives, service parking and recreational facilities (such as a club house or tennis courts).

- (1) C-1 City Center Commercial;
- (2) C-2 Water Street Commercial;
- (3) C- 2 Water Street East;

(4) C-2 Downtown Waterfront Preservation District

(B) If the Planning Commission determines that off-street parking is required as part of a site plan, special land use approval, planned unit development approval, or any new structure containing four or more dwelling units, then additional off-street parking requirements may be required.

(Ord. 120326-1, passed 3-26-2012)

§ 154.132 OFF PREMISES PARKING.

(A) If approved by the Zoning Administrator, required parking may be located within a reasonable distance of the premises it serves and/or may be consolidated into a large parking area serving other buildings and uses; provided that the property is located in the same district.

(B) The off-street parking shall be maintained and regulated as if it were located on the premises it is designed to serve.

(C) The Zoning Administrator may require a plat, deed or agreement, or any other proof necessary to show that the required parking, if located off the premises, is controlled by and available to the property owner in perpetuity.

(D) An agreement between the city and the owner of the off-premises parking area which meets the satisfaction of the City Attorney shall be drafted and recorded at the expense of the property owner. It shall prohibit any change of the property used for off-premises parking without first receiving approval of the Zoning Administrator. In no case shall the amount of off-premises parking be reduced without the consent of the city as an amendment to this agreement.

(Ord. 02-02, passed 2-11-2002)



Planning, Zoning and Project Report

October 9, 2023

Planning and Zoning

- Prepared for and attended Historic District Commission meeting.
- Reviewed McKenna's final changes to STR Task Force report.
- Prepared and mailed meeting notices for several upcoming Planning Commission and ZBA public hearings.
 - AT&T's requested variance will be on the October 12 ZBA agenda.
- Met with Planning Commission Chair, STR Task Force Chair, Mayor and City Manager to discuss STR report next steps.
 - Presentation to Planning Commission planned for October 19 at 6p.
 - Presentation to City Council planned for November 8 workshop meeting.
- Attended PFAS Settlements Webinar by MML
- Attended Allegan County Housing Needs Assessment Presentation
- Continued follow-up on complaints of code violations throughout the City.
- Met and talked with property owners and applicants to answer questions and provide resources.
- Completed planning and zoning casework as outlined in the chart below.

Planning and Zoning Casework

320 Mason	Enforcement	Discovered STR property still being advertised contrary to options presented to owner and agent in several e-mails and in person meeting. Also found evidence property isn't being rented under a single contract despite past warnings. Civil infraction notice issued. Owner denied responsibility. Evaluated next steps with legal. Legal has continued discussions with owner's attorney to gain compliance.
560 Mill and 860 Simonson	Enforcement	Enforcement of hardscaping in ROW report back to City Council for further policy direction occurred at September 20 workshop meeting. Working on finalizing formal policy and ordinance amendments for Council review/decision. Pending DPW review.
665 Spear St	Drainage Complaint	Concern of drainage issues from project. Over winter similar concerns received. Engineer reviewed and felt issues were soil and erosion related. Notified Allegan County Health Department at that time. Received further information from neighbor. Viewed on site with Engineer and DPW Superintendent. Project still ongoing. Some storm water items on site but not connected. Sand bags on portion of property. Engineer advised stormwater plans should be requested. He advised to notify Allegan County as well to check on soil and erosion control permit. Advised owner of complaint and requested stormwater management plans. Advised Allegan County. Meeting held with owner. He advised he was meeting with contractor soon and will provide formal stormwater plans to review. Sent e-mail asking if formal plans have been developed. Received report that permanent stormwater items are being installed and owner may soon be installing a fence. Contacted owner for stormwater plans and advised of fence permit requirement. Owner submitted fence permit application. Fence permit issued. Owner provided stormwater plans. Engineer reviewed. Comments/questions provided back to owner. Met with owner. Responses received and reviewed by engineer. Plans revised by owner. Additional review and feedback provided. Awaiting a response from owner.
118 Hoffman	Enforcement	Complaint of structures built without screening or permits. Complainant advised outdoor refrigeration building was built in late winter/early spring. Checked area and discovered two structures built in northwest section of property. Refrigeration unit not permitted by zoning or historic district. Checked with MTS and no building permits. Previously a mix of retail. Construction began on new restaurant in October 2021. Water Street East zoning changed in November 2020 to make restaurants a SLU instead of permitted use. No special land use or formal site plan approvals. Sent owner letter to apply for permits for recent structures and apply for SLU and formal site plan review for restaurant use. Met with owner and answered questions and provided resources. Owner submitted special land use application. Scheduled for October Planning Commission meeting. Owner also submitted HDC application. Scheduled for October meeting. ZBA application for variances also received. Application initially not complete. Met with owner and answered questions and provided resources. Updated application received and under review.

Planning and Zoning Casework Continued

234 Francis	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Failed. Sent reinspection invoice which has been paid. Fire Department advised repairs/corrections are in progress.
717 Water #5	Short Term Rental	STR app. New owner of existing STR. Needed property transfer affidavit and fee paid. Both received. Sent to Fire Department for inspection. Failed two reinspections. Sent invoice. Fire Department advised repairs/corrections are in progress.
125 Elizabeth	Short Term Rental / Enforcement	STR app. New STR. Sent to Fire Department for inspection. Discovered home is already being rented without a certificate. Also discovered hot tub and patio installed without zoning permits. Sent letter to owner to cease STR use until certificate is obtained and apply for zoning permits. Talked to owner. Answered questions. Provided resources. Discovered dwelling still being rented without STR certificate. Civil infraction notice issued. Asked about status of applying for zoning approvals for hot tub and patio. Owner paid fine. Advised he is working on applying for variances. Still awaiting ZBA application.
296 Sugar Hill	New Home	Zoning app for new home. Updated application received. Initial review complete. Still awaiting water/sewer connection applications.
570 Shorewood	New Home	Zoning app to demolish existing home and build new single family home. Reviewed zoning regulations, design review committee letter, and EGLE approvals. Contractor sent plans to Fire Department for review. Researched history of zoning in this area. Discussed with legal. Met with contractor and discussed application and requested 50 year high risk erosion information.
640 Water St	Enforcement	Complaint of demolition work without historic district permits. No historic district permit. No MTS permits. Checked on alteration or demo work. Found some eave demolition occurring on the west elevation by a contractor. They stated they were hired by the owners. Advised them to stop work. Sent enforcement letter to stop work and apply for permits for unpermitted work. Issued civil infraction notice. Answered contractor questions and provided applications and resources. Historic district application received. Scheduled for October HDC meeting.
240 Lucy	Short Term Rental	STR app for rear studio/cottage. Existing STR. Reviewed history. Discussed with legal. Determined is legally non-conforming. Sent to Fire Department for inspection. Still pending.
750 Park	Variance	ZBA application for a dimensional variance for construction of a new platform and equipment to support AT&T cellular technology. AT&T is applicant. Council approved application as owner. Scheduled for October 12 ZBA meeting.
298 Sugar Hill	New Home	Zoning app and plans for new home. Initial review complete. Need stormwater plans. Water/Sewer connection app also needed.
745 Pleasant	Short Term Rental	STR app. New owner. Sent to Fire Department for inspection.

Planning and Zoning Casework Continued

120 Mary	Enforcement/Rezoning Request	STR app. New STR in a single family home. Denied due to STRs only being permitted on second or third floors in water street east zoning district. Sent email and letter to owner and agent. Answered owner questions. Provided resources related to rezoning and use variances. Discovered home is being advertised and rented as an STR without the certificate. Issued a civil infraction notice. Fine paid. Conditional rezoning application received to change from Water Street East to City Center Transitional Residential. Reviewed with consultant and legal. Legal provided feedback to owner's attorney. Owner revised request to be a rezoning request with no conditions. Scheduled for October Planning Commission meeting.
439 Butler	Enforcement/Historic Request	Complaint of mural, signage, and window tint work occurring without permits. Checked site and found mural being painted and freshly painted wall signage. Some rear building windows did appear to be tinted. Sent owner a letter to stop work and apply for required permits . HDC app received for mural, paint touch up to wall sign, and window tint for rear unit. Chair advised full commission review needed. Advised applicant. Chair advised work was still occurring. Talked with applicant who denied any further work but stated scaffolding is still up. Scheduled for October meeting.
423 Grand	Final Inspections	Final inspections requested. Asked for stormwater plans due to neighbor concerns. Talked with contractor. Water is being drained to rear yard drain. Advised of various regulations and that a sketch will be needed for engineer to review and approve. Stormwater plans received. Engineer reviewed. Provided feedback to contractor.
807 Lake	Deck Railings	HDC app to replace deck railings. Chair advised full commission review needed. Scheduled for October meeting.
143 Takken	Deck and Porch Replacement	Zoning app to remove existing deck and screened in porch and replace with new. Need lot coverage. Asked applicant.
165 Elizabeth	Short Term Rental	STR app. Previous STR. Sent to Fire Department for inspection.
787 Lake	Enforcement	After the fact complaint of disturbance and nuisance issues with STR rental including indecent exposure or lewd acts, noise, and drunkenness. Complaint states incidents occurred on weekend of 8/25 and weekend of 9/1. Advised complainant he can make an indecent exposure/lewd acts report to law enforcement. Warning letter sent as STR regulations prohibit this conduct. Recommended for future that law enforcement be contacted when incidents are occurring so they may investigate and take appropriate action. Met with rental agent. He advised they take complaints seriously and have contacted the complainant. He stated they are happy to cooperate with any law enforcement investigations and do not tolerate any types of the conduct in the complaint.

Planning and Zoning Casework Continued

111 Park	Inquiry	Questions related to stairs and screening definition. Provided resources.
702 Lake	Enforcement	Trash can out three days after pickup. No prior logged violations. Sent warning letter.
612 Lake	Enforcement	Trash can out three days after pickup. No prior logged violations. Sent warning letter.
868 Holland	Enforcement	Received information that Saugatuck Yacht Service was replacing metal roof without permits. No HDC permits issued. Checked with MTS on any permits they may have issued. Sent letter to apply for retroactive approval. Met with property manager. HDC app received. Replacing wall panels, roof, and garage door. All to match existing. Chair agreed admin approval. Issued permit.
984 Ridgeview	New Home	Zoning app for new home. Further information was needed and requested from applicant. Also advised of water-sewer connection application. Received updated plan and water-sewer connection application. All reviewed. Permits issued.
N/A	Inquiry	Questions about STR registration process. Left voicemail answering questions.
350 Mason	Street Cut	Street cut app to retire gas service. Engineer reviewed. Received fees. Issued permit.
585 Campbell	Inquiry	Temporary right of way app for gas service line work. Sent to engineer and DPW for feedback. Discovered this is on Douglas side of road. Advised applicant to contact Douglas for any permits.
330 Elizabeth	Inquiry	Questions about setbacks. Setbacks incorrect on survey. Provided resources.
880 Holland	Inquiry	Questions about prior approvals and seeking approval for updated plans. Answered questions and provided resources. Will need SLU and site plan approval catering accessory use and reconfiguration of buildings. Will need HDC approval as well.
344 Lucy	Various Work	HDC app to repair siding, repair/replace pergola, replace doors, deck, and light fixtures. HDC approved at September meeting. Permit issued. Received Zoning app for deck/balcony and pergola work. Permit issued.
N/A	Inquiry	Questions about STR recommendations status. Answered questions.
747 Water	Inquiry	Questions and concerns about the waterfront assessment project and possible rezoning of the property from Water Street North to Water Street East. Advised owner of status of waterfront assessment project and process to date. Answered various questions related to zoning regulations for the two districts. Owner requested copy of regulations for both districts, copies of meeting minutes and reports. E-mailed all requested information and advised owner of opportunities to share concerns via written correspondence or attendance at future meetings.

Planning and Zoning Casework Continued

822 Allegan	Inquiry	Complaint of mattress propped against a tree. Returned voicemail to gather further.
515 Water	Inquiry	Question about past enforcement note in online BS&A platform. Answered questions.
247 Grand	Inquiry	Questions about STR regulations and any changes. Answered questions.
350 Mason	Inquiry	Questions about permits issued. Answered questions.
446 Butler	Inquiry	Questions about renewing STR certificate. Returned voicemail and answered questions.
N/A	Inquiry	Questions about STR regulations. Answered questions.
1044 Holland	Street Cut	Curb and street cut application for gas line service. Engineer reviewed. Permit issued.
184 Park	Inquiry	Questions from builder about possible plan changes and options. Answered questions. Also answered inquiry from a neighbor about approved plans.
312 Hoffman	Inquiry	Met with owner to review property and survey. Owner requested various zoning regulations as they consider options. Provided resources.