



**Planning Commission Regular Meeting
February 15, 2024 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 – January 18, 2024

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

5. Old Business:

6. New Business:

A. 311 Water Street – Public Hearing and Site Plan Review for a restaurant with outdoor seating and expanded outdoor dining area.

B. 449 Water Street - Public Hearing and Site Plan Review for a restaurant with outdoor seating and expanded outdoor dining area.

C. Zoning Text Amendment - Public Hearing - An ordinance which amends the Zoning Ordinance to, among other things, clarify and update provisions pertaining to short-term rentals and accessory dwelling units.

D. Police Powers Ordinance – Short Term Rentals

E. Police Powers Ordinance – Noise

F. Short Term Rentals – Further Discussion of Residential Caps and Parking

7. Communication:

<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>

8. Reports of Officers and Committees:

- A. Zoning Administrator Activity Report

9. Public Comment: (Limit 3 minutes)

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, January 18, 2024, 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 Vice-Chair Broeker at 7:00 p.m.

Present: Vice-Chair Broeker, Commission members: Anderson, Bagierek, Clark, LaChey.

Absent: Chair Manns & Commission Member Gaunt.

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

2. Approval of Agenda:

Motion by Anderson, second by LaChey, to approve the agenda as presented for January 18, 2024. Upon voice vote, motion carried 5-0.

3. Approval of Minutes:

Motion by Anderson, second by Clark, to approve the minutes for the regular meeting January 21, 2024. Upon voice vote, motion carried 5-0.

4. Guest Speaker:

- City of Charlevoix Zoning Administrator and Enforcement Officer, Jonathan Scheel, and East Bay Charter Township Community Development Fellow, Sam LaSusa spoke to the Commission regarding Short-Term rental experience in their communities. They gave a brief presentation on their implementation of caps, lessons learned, and answered questions from Commission members.

5. Public Comment on Agenda Items:

- Nancy Kimble (550 Spear St) – She wanted to speak on item 7C – Short Term Rentals Discussion of Residential caps and pricing. She said that the Guest Speakers said it all for her, they set their caps at 6% and 2.5% in residential neighborhoods compared to what the City of Saugatuck is currently at approximately 30%, which is a problem. She strongly urges the Commission to implement the caps on STR's.
- Jim Bouck (638 Spear St) – He spoke in favor of caps and the distance regulation so that there is a separation within the residential areas, what happens downtown is a separate issue. He said

that the survey indicated that the full-time residents have spoken very clearly, they would like to have caps in residential areas.

- Steve Manns (727 Butler St) – He apologized for not being able to attend the meeting as his flight was delayed. He thanked the guest speakers for presenting to the Commission. He took some notes and will be following-up with Ryan and with each of the guest speakers on a few questions that he had. Regarding tonight’s agenda, he wanted to say that he thinks that Ryan and the team have done an outstanding job compiling information for the packet, and writing up the ordinance that they are going to be reviewing within the group. He highly commends all the work that has gone into this and all the information that they have. He said that if he was present during this site plan review and public hearing, he would go along with the recommendation that is on page 18. With all of the disclosures, you may want to consider the idea of having a barrier wall because there is quite a drop off where those two six person tables would be.

Manns said that they have done an excellent job with the preparation of the Short-Term Rental Police Powers. He said that he would recommend sending it to City Council for review and approval of the police powers that they will be reviewing this evening. He would like David Jirousek to do his presentation to the group and then he and Commissioner Gaunt would be able to listen to it. He recommended tabling the deliberation and discussions on how they move forward to their February meeting so that everyone can be involved as how to best proceed with the concept of caps and parking.

6. Old Business: None.

7. New Business:

- A. 650 Water Street: Public Hearing and Site Plan Review for a proposed restaurant with expanded outdoor dining area and service of alcoholic beverages. (Roll Call Vote)**

Public Hearing Information

- A. Hearing is called to order by Vice-Chair Broeker at 7:47 pm.

B. Summary by the Zoning Administrator:

The applicant requests special land use and site plan approval for a restaurant with outdoor seating and the service of alcoholic beverages. The purpose of this memo is to provide a compliance review related to all applicable zoning standards and requirements and to assist the Planning Commission with developing findings related to special land use and site plan standards and specific requirements for the proposed business.

The project involves changing the use of the building to a fast-casual restaurant with outdoor dining options. Ordering is proposed through a walk-up area in the building, and no full table service is proposed. Customers will be able to dine in or place

orders for take-out. Tentative hours of operation will be 11 am to 8 pm, seven days a week (seasonally).

The indoor dining area will accommodate up to 49 seats, and outdoor dining will accommodate up to 30 customers at a time. The applicant plans to transfer their existing liquor license to offer beer, wine, and cocktails for on-premise consumption and social district takeaway.

The waterfront lot is just under 7,000 square feet in size. No significant exterior changes or site improvements are proposed as part of the project. While interior renovations will be involved with the project, noticeable exterior changes and items will be the following:

1. Three six-person tables
2. Six two-person tables
3. Six planters (20-inch diameter)
4. Sanitation station for waste and recycling collection
5. Waste containers (side building placement)
6. Four-foot-high screen for waste containers (side building placement)

All exterior furniture, planters, stations, and containers will be temporary in nature. The only permanent improvement will be the four-foot waste container screen and a future business identification sign. It is unclear if existing lighting will be used or if additional light fixtures are proposed.

C. Presentation by the Applicant: Alec & Lindsay Payleitner.

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 & letters): None.
 2. Opposing Comments (audience & letters): None.
 3. General Comments (audience & letters): None.
 4. Repeat Comment opportunity (Supporting, Opposing, General): None.

E. Public comment portion closed by the Chair at 7:58 pm.

F. Commission deliberation:

The board went into deliberation and discussed the requests special land use and site plan approval for a restaurant with outdoor seating and the service of alcoholic beverages. The purpose of this memo is to provide a compliance review related to all applicable zoning standards and requirements and to assist the Planning Commission with

developing findings related to special land use and site plan standards and specific requirements for the proposed business.

G. Commission action:

Motion by LaChey, second by Bagierek to approve the Special Land Use Application for a Restaurant Expanded Outdoor Dining and the serving of alcoholic beverages, and the site plan request from the same applicant for 650 Water Street with the following conditions:

- 1. That the applicant provides light fixture specification sheets for review and administrative approval if the new exterior lighting will be installed.*
- 2. That the applicant also provides signage information for administrative sign, permit review and approval.*
- 3. That the applicant also secures all other applicable approvals from City departments, the fire department, and the applicable outside agencies.*
- 4. That the applicant secures approval as applicable from the Historic District Commission.*
- 5. That the applicant provides all Expanded Outdoor Dining Area checklist items in accordance with Section 154.092 (O)(2)b (license agreement, fees, certificate of insurance, MLCC license, food service license, lighting attestation, and tax payment attestation.*
- 6. For administrative approval and potentially Historic District Commission approval the construction of a barrier on the north side of the outdoor dining adjacent to the boat ramp.*

Upon roll call vote, motion carried unanimously.

B. Short-Term Rentals – Review Draft Zoning, Noise, and Police-Powers Ordinance Language.

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

Some highlights of the additions and changes are provided in the packet. The Planning Commission is asked to provide feedback on the drafts. If you are comfortable with the zoning ordinance amendments, a public hearing will be scheduled for the February 15 meeting.

C. Short-Term Rentals – Discussion of Residential Caps and Parking.

The City Attorney has provided drafts of two ordinances to implement several recommendations from the City’s Short-Term Rental Task Force Action Report (“action report”).

One ordinance proposes to amend several sections of the City Zoning Ordinance regarding accessory dwelling units and short-term rentals, and the other “police power” ordinance outlines the permitting and enforcement process in the general City Code of Ordinances. However, certain policy discussions are recommended to assess rental permit caps and other requirements, such as parking restrictions.

D. 2023 Activity Report:

Zoning Administrator Cummins said that it was a busy year for the Commission as they have had a lot of long meetings and no cancelled meetings in 2023. As a matter of fact, they have had a couple of extra meetings and issued 95 Zoning and Sign permits, which is up from previous years. That does not include Short-Term Rental certificates, historic district, and all the other permitting that comes through his desk. He said that they had clear direction from Council that they wanted enforcement activity and follow-up on complaints that were being made. The Commission had 86 open cases this year. He provided a breakdown of the categories and said that they kind of fell into their short-term rental activity. They had 90 renewal or new short-term rental certificates that were issued this year, and then the Commissions activity. He said that he hasn’t pulled reports for a while, but they currently have around 275 total short-term rental permits. He took the Commissions 2023 priorities that they set for the year and laid out some progress. Essentially, with a couple of exceptions related to the fee in lieu of parking, Park Street sidewalks and widening which was picked up by the Parks and Public Works Committee, they have either completed or made significant progress. He said that they will now take the report to City Council, so they are able to see the Committee’s work. He said that even though they have had a lot of agenda items, they should add an agenda item to set goals for the year.

8. Communications: None.

9. Reports of Officers and Committees:

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

10. Public Comments:

- Mark Kimble (550 Spear): Said that they have been going through the Short-Term rentals process a long time. He said he didn’t want to get into what they call an IT analysis paralysis where you can spend time and you can look at statistics and there are lies, damn lies, and statistics. He said that when they did the survey the last time there was no clear-cut question on if they support caps. It was a mishmash of how to answer this. Saying there was no clear support for it was obvious because there were no clear questions. He says if they want to do this, it has to be clear and it has to be quick. From his understanding, every house that has sold in Saugatuck since this whole process started has been for a short-term rental. There isn’t going to be anyone left living here. He thinks it will be a giant distributed hotel, not a city. They moved here to live in a city and not in a hotel.

- Nancy Kimble (550 Spear): Committee needs to speed up actions on Short-Term rentals. She feels they are losing their town. She inquired about how many new STR certificates had been issued this year and said it is a lot based on her understanding and what has been happening in her neighborhood. She loved Holly's comments about the leaf blowers, she is totally in support of shutting those things down.
- Steve Manns (727 Butler): He thought it was a great meeting and that the Commission did a great job. He had a few comments on the leaf blowers and construction. The Commission left in there the 7am-9pm operating hours but Mann's advised the Commission to look at that and said that 8am – 8pm would be a better option. He thinks that 7am is too early to start and 9pm is too late to have that type of noise. He thinks they may want to consider putting it in as a recommendation. As far as the caps on short-term rentals, he thinks David Jirousek laid out some ideas so that they may want to try to do some neighborhood type of studies. If they were going to go down that avenue, it may be beneficial that they get some of that work done before February's meeting. Otherwise, they're going to go into February's meeting and start talking about caps and then they will have to question how a neighborhood is defined, what constitutes a house fee, how they can stop somebody from securing a license just so nobody would want them within 1000 feet of them can get a license. These are all things that would need to be done as part of a neighborhood study. He would like to have conversations with Ryan and Council on some things they might be able to prep for, for the February meeting. Even knowing that they haven't made decisions on how they want to go forward but it is clear that they do want to have the discussion. Regarding the timing, he says that everyone says it's been awhile, and we are in January, and as you heard about the other cities with the tonight's public speakers had numerous meetings and Charlevoix's Council held 8 meetings before they implemented anything. Mann's said that they are still looking at trying to get everything in place prior to the start of what really is the short-term rental season in Saugatuck, he thinks that they are setting themselves up with a goal to try to have those in place before the primaries in 2024. He thinks that all of them as Commissioners probably agree that they're just asking for the citizens to give them time to make certain that they don't do something without thinking it through properly. He thinks that they are moving forward and at a really good pace. He thanked everyone who participated tonight, and those that prepared the packets.

11. Commission Comments:

- Mark LaChey: He thanked the staff and attorney for their momentous work that they did. He wonders if they talk about STR's on the hill, does that include Pleasant Street? Does it go all the way to Maple Street or is it Elizabeth to Spear to Allegan? He thinks that is something to look into and also what is on the hill? Is it all the way to State Street or does it stop at Allegan? Wanted to get the comment out there for everyone to think about in case they talk about caps in a defined area. He says they have to think about it as it is not cut and dry defined in his mind to define the area of where that would be.

- Holly Anderson: Thanked everyone for their hard work. Her sense is that it's residential neighborhoods that they need to look at more holistically. She says she knows that there are things left to do but is also mindful as she knows they are taking a lot of time.
- Joe Clark: Thanked everyone for putting the information together as it is phenomenal, and a lot of work went into it. He agrees with the concept of putting caps in residential places and districts and thinks that it's worth talking about. He would strongly suggest that even if they can't get the Council together that the Planning Commission, even though he knows they have to have advance notice for the community that they should try to have a separate meeting to try and accelerate and have the discussion sooner rather than later. He doesn't know if it is possible before their February meeting, but he would be supportive of it.
- Ann Broeker: Thanked everyone for their amazing work, said it is truly impressive. She knows how much work went into the package that came before the Commission.

12. Adjournment:

Motion by Anderson, second by Clark, to approve adjournment of the meeting. Upon voice vote, motion carried 5-0. Vice-Chair Broeker adjourned at 9:49 pm.

Respectfully Submitted,

Sara Williams, City Deputy Clerk & DPW Administrative Assistant



MEMORANDUM

City of Saugatuck Planning Commission

Memo Date:	February 9, 2024	Meeting Date:	February 15, 2024
Request:	Special Land Use	Applicant:	Erhan Kara
Address:	311 Water Street	Project Name:	Boardwalk Deli & Ice Cream
Parcel:	57-300-103-00	Plan Date:	N/A
Lot Size:	0.123 acre	Zoning District:	C-2 Water Street East
Complete:	Yes	Recommendation:	Conditional
Staff:	Ryan Cummins	Consultant:	David M. Jirousek, AICP

Overview

The applicant requests special land use and site plan approval for a restaurant with expanded outdoor seating within the public right-of-way. The purpose of this memo is to provide a compliance review related to all applicable zoning standards and requirements and to assist the Planning Commission with developing findings related to special land use and site plan standards and specific requirements for the proposed business.

Background

The scope of the project includes the placement of picnic tables on sidewalks within the public right-of-way. The tables have light grey plastic tops and seats with dark metal framing. Tables are proposed to be placed on the patio seating areas and on the existing concrete sidewalk. Four (4) tables are proposed along Water Street and two (2) along Hoffman Street.

Table service is not proposed, and no significant exterior changes or site improvements are proposed as part of the project. However, it is unclear if existing lighting will be used or if additional light fixtures are proposed.

Review Process and Standards

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

102 Butler Street • P.O. Box 86 • Saugatuck, MI 49453
Phone: 269-857-2603 • Website: www.saugatuckcity.com

- Site Plan approval in accordance with Section 151.060
- Special Land Use approval in accordance with Section 154.080
- Design standards in accordance with Section 154.092 O(2)

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 building is in existence, and the site is already developed. The operation is not anticipated to cause external impacts to neighboring property.

- 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 has already been 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: This standard is not applicable as the site has already been developed.

- 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 has already been 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. Sidewalks are present within the adjacent public right-of-way.

- 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 has already been 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: This standard is not applicable as the site has already been developed.

- 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: It is unclear if new lighting will be incorporated. If so, light fixture details and specifications should be provided for administrative review.

- 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 principal building is already in existence, and the site is already developed. The proposed outdoor dining areas are not anticipated to cause external impacts to neighboring property.

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

Comment: Outdoor dining options are consistent with the City's vision and the intent and purpose of the zoning ordinance.

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

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

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

Comment: The expanded outdoor seating areas are not anticipated to impact public services and facilities.

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 outdoor dining areas are not anticipated to affect 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.

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 placement of picnic tables within the right-of-way will not impact pedestrian traffic routes as sufficient clear area is proposed (78" clear area along sidewalks).

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 has already been 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: Outdoor dining will add to the vibrancy of the downtown area, and the overall existing design is harmonious and compatible with nearby properties and land uses.

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: The operation is not anticipated to cause objectional impacts.

Expanded Outdoor Dining Areas- Section 154.092 (O)(2)

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.*

Comment: The restaurant complies with the zoning ordinance.

- 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.*

Comment: The dining areas along both frontages are proposed in appropriate locations and will not impact the character of the business district.

- 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.*

Comment: The outdoor dining areas are directly in front of the building along two frontages.

- 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.*

Comment: The proposed picnic tables are consistent with the general character of the surrounding 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.*

Comment: Additional lighting details must be provided.

- vi. *Expanded Outdoor Dining Areas occupying public streets or parking spaces shall be marked with traffic reflectors to promote visibility for traffic.*

Comment: Not applicable.

- 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.*

Comment: The dining areas are proposed on existing concrete surfaces.

- 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.*

Comment: Fire department approval is required.

- ix. *The Expanded Outdoor Dining Area shall not disrupt street or sidewalk drainage or impound water.*

Comment: The proposed picnic tables will have no impact on drainage patterns.

- 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.*

Comment: The dining area will not impact nearby parked vehicles as approximately 30" will be preserved between the tables and the curb.

- 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.*

Comment: Clear areas are proposed to be maintained (78" minimum).

- 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.*

Comment: Not applicable.

- 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.*

Comment: Not applicable.

- 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.*

Comment: Not applicable.

- xv. *No tents or enclosures are permitted within the Expanded Outdoor Dining Area.*

Comment: Not applicable.

- xvi. *If alcohol is served, the area shall meet all additional applicable local, state, and federal regulations.*

Comment: Not applicable.

- 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.*

Comment: Ongoing requirement.

- 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.*

Comment: Ongoing requirement.

- xix. *The City's Department of Public Works shall be allowed access to the Expanded Outdoor Dining Area for any maintenance purposes.*

Comment: Ongoing requirement.

- 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.*

Comment: Ongoing requirement.

- xxi. *The Expanded Outdoor Dining Area shall not create a nuisance of any kind.*

Comment: Ongoing requirement. Additionally, based on special land use findings, nuisance impacts are not anticipated.

- 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.*

Comment: The applicant has provided sufficient site plan and operational information for the Planning Commission to make an informed decision. It is recommended that the remaining items on this list be confirmed administratively as a condition of approval.

c. *Site Plan.*

Comment: The applicant provided a sketch plan and associated photos showing all necessary and applicable information.

Recommendation

I recommend approval of the special land use and site plan request for expanded outdoor dining contingent upon the following:

1. Provide light fixture specification sheets for review and administrative approval if new exterior lighting will be installed.
2. Secure all other applicable approvals from City departments, the fire department, and applicable outside agencies.
3. Provide all Expanded Outdoor Dining Area checklist items in accordance with Section 154.092 (O)(2)b (license agreement, fees, lighting attestation, and tax payment attestation).

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 311 Water St. Saugatuck Parcel Number _____

APPLICANTS INFORMATION

Name Erhan Kara Address / 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 1/8/2024

OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)

Name _____ 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 _____



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 | |
|-------------------------------------|--------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Property dimensions |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Significant vegetation |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Water courses and water bodies, including human-made surface drainage ways |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Existing public right-of-way, pavements and/or private easements |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Existing and proposed uses, buildings, structures and parking areas |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Zoning classification of abutting properties |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The name, address and telephone number of the person and firm who prepared the site plan, and the date on which it was prepared |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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 | |
|-------------------------------------|--------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Dimensions of property of the total site area, |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Contours at 2-foot intervals |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Locations of all buildings |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other structures on adjacent properties within 100 feet of the property, including those located across the street from the property |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Parking areas |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Driveways |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Required and proposed building setbacks |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of abutting streets and proposed alignment of streets, drives and easements serving the development, including existing rights-of-way and pavement widths; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed water supply and wastewater systems locations and sizes; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed finished grades and site drainage patterns, including necessary drainage structure. Where applicable, indicate the location and elevation of the 100-year floodplain; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed common open spaces and recreational facilities, if applicable; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed landscaping, including quantity, size at planting and botanical and common names of plant materials; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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?

Picnic tables placed on the side of the pavement. 78" space provided for public walking right of way. 30" space provided for parked cars to open their doors.

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

Free public seating. No table service from the restaurant

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

Plenty of space to place picnic tables on the paved sidewalk.

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

Non-permanent picnic tables for public use. Can be pushed around if necessary.

- (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?

Free public use



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?

N/A

- (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?

78" of public sidewalk space provided. Plenty of space

- (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?

it looks beautiful with the proposed tables and umbrellas.

- (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?

Not possible. Just seating for public



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?

it blends in perfectly. Just picnic tables on sidewalk

- (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?

nothing built on the pavement

- (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?

N/A

- (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.)

NO parking space occupied. 78" of pedestrian walking space provided. Tables are placed away from the public right of way

- (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. _____

N/A

- (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). _____

N/A

- (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. _____

N/A

PROPERTY INFORMATION

Depth 24' Width 77' Size 4000 Zoning District Busin Current Use restaurant

Check all that apply: fast food

Waterfront Historic District Dunes Vacant

PROJECT DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)



Supplemental Expanded Outdoor Dining Area Checklist

Site plan (must include the following):

- Bird's eye view map depicting in detail the seating layout
- Street level view map depicting in detail the seating layout
- Location of trash container and sanitation station → public trash in the street corner.
- Location of any manhole covers within the space
- Barriers used to separate diners from the right-of-way
- Heating equipment (if applicable)
- Any and all lighting (shall be lit by both electrical lighting and marked with traffic reflectors)
- Location of planters, plants, and organic materials
- Location of any fire hydrants, lanes, or other fire department connections
- Location of any handicapped parking spaces
- Other related facilities or appurtenances.

Current photos of the front of the business, including the curb strip and parking area.

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.

Certificate of umbrella insurance with policy limits of at least \$1,000,000, with the City listed as a named insured.

Michigan Liquor Control Commission License (if applicable).

Health Department Food Service License (if applicable).

Written approval from the Fire Department for heating equipment (if applicable).

Attestation form from Applicant, indicating that the Outdoor Dining Area will be lit 24 hours per day by both electrical lighting and traffic reflectors.

Attestation from Applicant that all property taxes, including personal property taxes, are current.



Supplemental Expanded Outdoor Dining Area Narratives

Please respond to how the request will meet each of the following standards for an expanded outdoor dining area:

- (1) 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.

Yes

- (2) 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.

Yes

- (3) 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.

Yes

- (4) The Expanded Outdoor Dining Area shall be adequately lit by both electrical lighting and marked with traffic reflectors 24 hours per day to promote visibility for traffic. 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.

N/A Area for outdoor dining is within the pavement, open to the public freely. No food service to tables will be provided

- (5) 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.

Yes



- (6) 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.

Yes

- (7) The Expanded Outdoor Dining Area shall not disrupt street or sidewalk drainage or impound water.

Yes

- (8) 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.

Yes there will be 30" of space between the curbside and the table placement.

- (9) 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.

Yes. more than 6 ft space provided.

- (10) A barrier must be placed around the Expanded Outdoor Dining Area, 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.

No barrier necessary. This is a public seating area
No table service provided.

- (11) 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.

No parking space will be occupied.



(12) 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.

N/A

(13) No tents or enclosures are permitted within the Expanded Outdoor Dining Area.

N/A

(14) If alcohol is served, the area shall meet all additional applicable local, state, and federal regulations.

N/A

(15) 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.

Yes - Seasonal business

(16) 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.

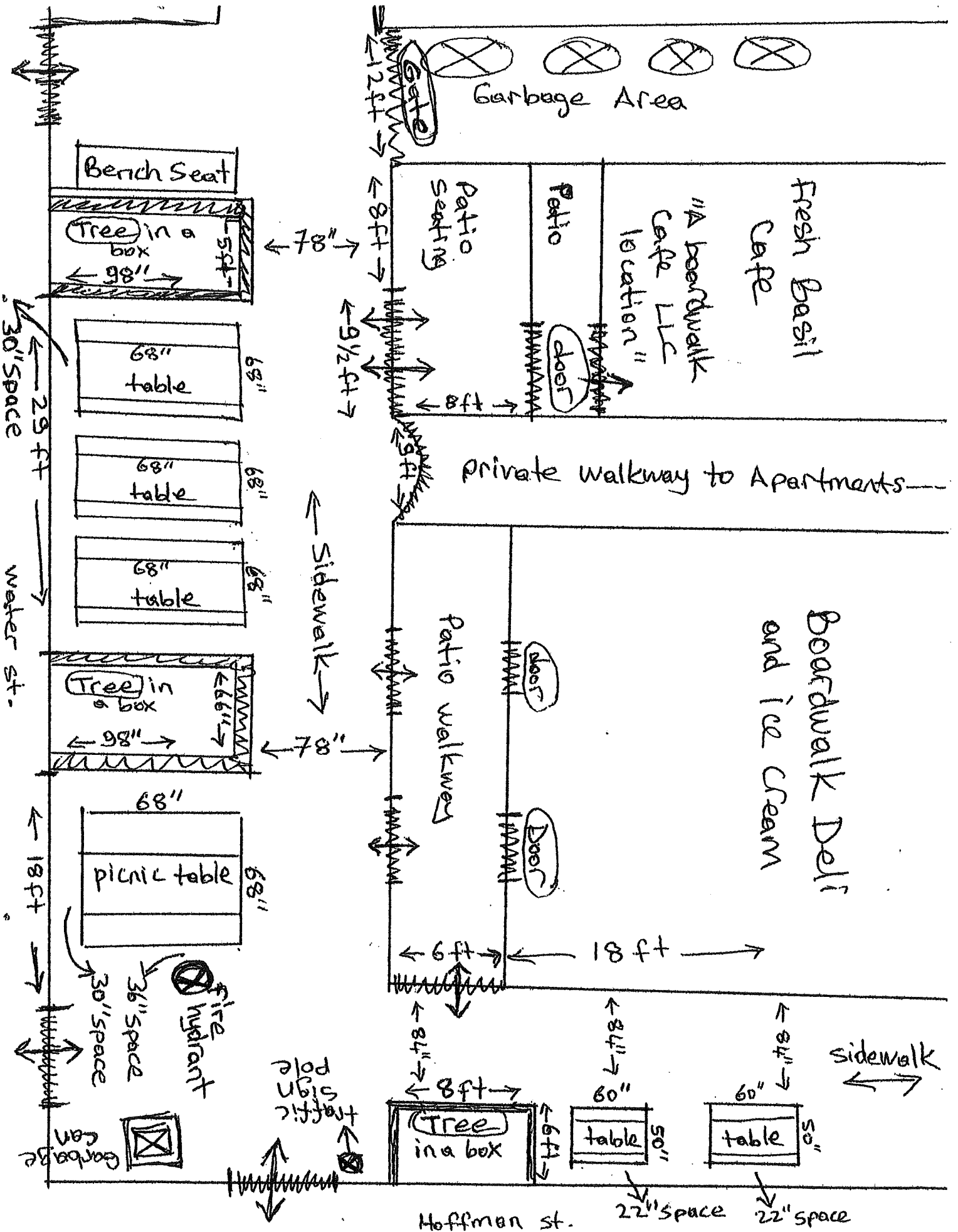
Yes

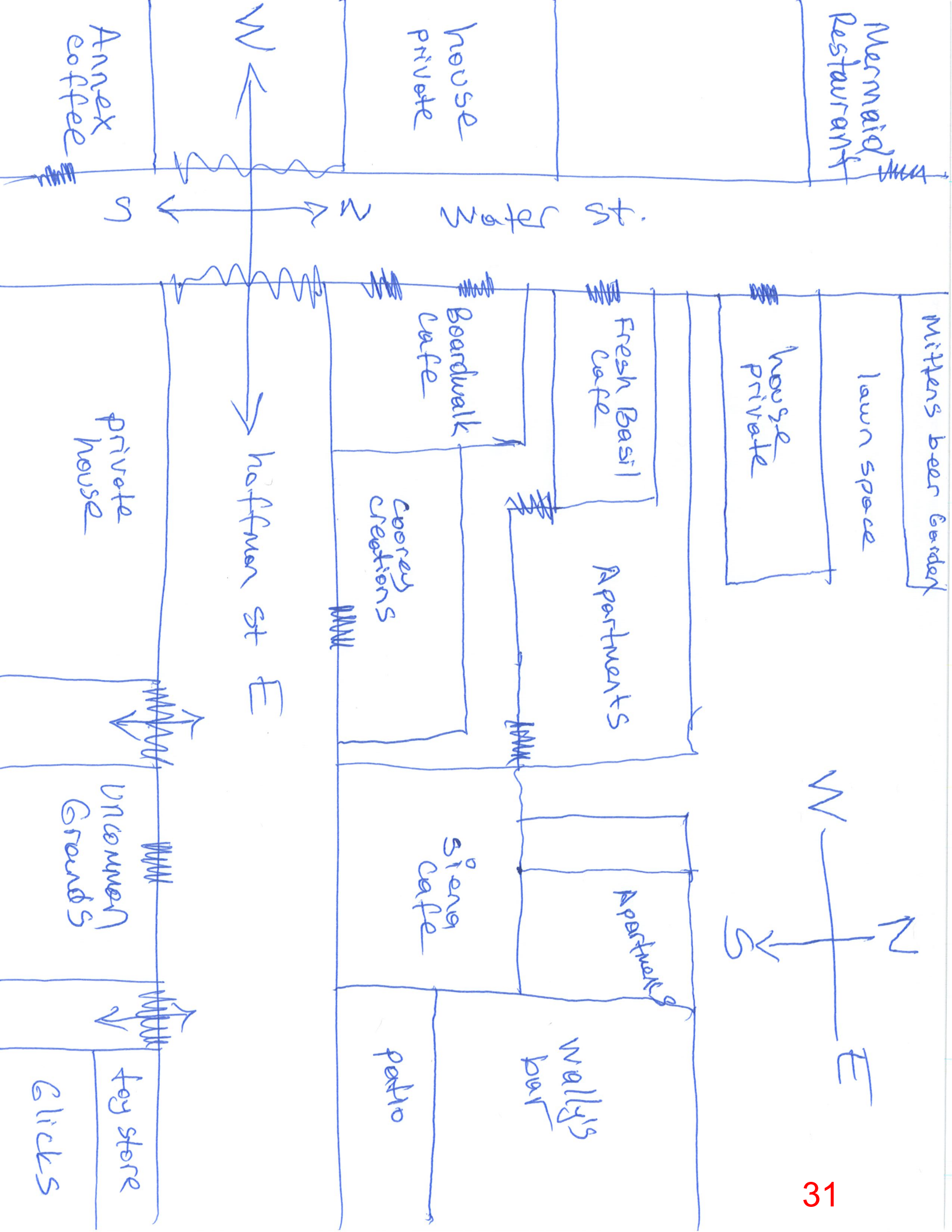
(17) The City's Department of Public Works shall be allowed access to the Expanded Outdoor Dining Area for any maintenance purposes.

Yes

(18) 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.

Yes







CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/12/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lighthouse, an Alera Group Company 66 Grandville Ave SW, Ste 300 Grand Rapids MI 49503		CONTACT NAME: CL Grand Rapids CT PHONE (A/C, No, Ext): (800) 344-3531 FAX (A/C, No): (616) 455-9489 E-MAIL ADDRESS:	
INSURED Boardwalk Cafe LLC 311 Water Street PO BOX 1121 Saugatuck MI 49453		INSURER(S) AFFORDING COVERAGE INSURER A: Selective Way Insurance Co. INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES**CERTIFICATE NUMBER:** MS 23-24**REVISION NUMBER:**

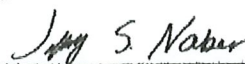
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL (SUBR) (INSR) (WVD)	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	Y	\$ 2553335	04/12/2023	04/12/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMPIOP AGG \$ 3,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

If special provisions apply, endorsements will be attached.

CERTIFICATE HOLDER**CANCELLATION**

City of Saugatuck 102 Butler Street Saugatuck MI 49453	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/11/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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PRODUCER HAZAR INSURANCE 10543 Metropolitan Ave Kensington MD 20895	CONTACT NAME: Berker Hazar PHONE (A/C No, Ext): (202) 888-0805 E-MAIL ADDRESS: berker@hazarfinancial.com	FAX (A/C No): (202) 899-4014
	INSURER(S) AFFORDING COVERAGE INSURER A: Allmerica Financial Benefit	
INSURED <div style="border: 1px solid black; border-radius: 50%; padding: 5px; display: inline-block;"> Boardwalk Cafe LLC 311 Water Street </div> Saugatuck MI 49453	INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

COVERAGES

CERTIFICATE NUMBER: CL2211318748

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			Z2RJ166274	09/22/2022	09/22/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/POP AGG \$ 2,000,000 Empl Practices Liab Ins \$ 25,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Saugatuck is named as additional insured to the policy.

CERTIFICATE HOLDER**CANCELLATION**

City of Saugatuck 102 Butler St PO Box 86 Saugatuck MI 49453	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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Expires: 04/30/2024

Issued To: BOARDWALK DELI AND ICE
CREAM
311 WATER ST # 2 STE 1121
SAUGATUCK MI 49453-8431

Responsible Party and Address:

ERHAN KARA
PO BOX 1121
SAUGATUCK MI 49453-1121

State of Michigan
Department of Agriculture &
Rural Development
Food and Dairy Division

SFE-0303-053015

**FOOD SERVICE - FIXED
ESTABLISHMENT**

Display for Public View



Issued by the Michigan Department of
Agriculture and Rural Development to
operate a Food Service Establishment in
accordance with provisions of Act 92,
P.A. of 2000, as amended.

This license is not transferrable.

Failure to post in a conspicuous place is
a misdemeanor. (See Section 4119)

Notify the Local Health Department
before a change of ownership. (See
Section 4123)

Direct Inquiries to the Allegan County
Health Department

**Kathleen
Angerer
Acting Director**







*** ICE CREAM ***

MICHIGAN'S BEST PREMIUM ICE CREAM BRANDS



ASHBY'S
SAUBATYCKA

PURE MICHIGAN ICE CREAM

CLOSED
Please Call Again

BOARDWALK Ice Cream

FRESH FRUIT SMOOTHIES



Hudsonville
EST. 1916 • HOLLAND, MI
NORTH EASTER ICE CREAM

REVIEW US

NO SMOKING

SHORE-FREE!







MEMORANDUM

City of Saugatuck Planning Commission

Memo Date:	February 9, 2024	Meeting Date:	February 15, 2024
Request:	Special Land Use	Applicant:	Christine Murphy Pierce
Address:	449 Water Street	Project Name:	Wicks Park Bar & Grille
Parcel:	57-300-068-00	Plan Date:	N/A
Lot Size:	.30 acre	Zoning District:	C-2 Water Street East
Complete:	Yes	Recommendation:	Conditional
Staff:	Ryan Cummins	Consultant:	David M. Jirousek, AICP

Overview

The applicant requests special land use and site plan approval for a restaurant with expanded outdoor seating within the public right-of-way. The purpose of this memo is to provide a compliance review related to all applicable zoning standards and requirements and to assist the Planning Commission with developing findings related to special land use and site plan standards and specific requirements for the proposed business.

Background

The scope of the project includes the placement of picnic tables on sidewalks and parking spaces within the public right-of-way. Outdoor seating was originally approved through the special land use process in 2015 (four tables and 16 chairs). The current proposal is the same as approved by the City in previous seasons, which includes tables and chairs in four diagonal parking spaces and along the sidewalk area:

1. Six tables in parking spaces.
2. Three picnic tables in the mulch area within the right-of-way (Mary Street).
3. Two picnic tables within the right-of-way (Water Street).
4. Two picnic tables and four other tables under an awning extended from the building.

Based on the location of the outdoor dining area in relation to the street and traffic, barrels, planters, and metal partitions are proposed to enclose the area within existing diagonal parking spaces. The picnic tables are constructed with wood, and umbrellas will be installed through a

102 Butler Street • P.O. Box 86 • Saugatuck, MI 49453
Phone: 269-857-2603 • Website: www.saugatuckcity.com

central hole. String lights were previously installed around the boundaries of the angled parking area.

No significant exterior changes or site improvements are proposed as part of the project. All exterior furniture, planters, stations, and containers will be temporary in nature.

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
- Design standards in accordance with Section 154.092 O(2)
- Design standards in accordance with Section 154.092 P

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 building is in existence, and the site is already developed. The overall existing design is harmonious and compatible with nearby properties and land uses. The operation is not anticipated to cause external impacts to neighboring property.

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

- 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 has already been 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. Sidewalks are present within the adjacent public right-of-way.

- 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 has already been 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: This standard is not applicable as the site has already been developed.

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: String lights are proposed to illuminate the expanded outdoor dining areas.

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 building is already in existence, and the site is already developed. The proposed outdoor dining areas are not anticipated to cause external impacts to neighboring property.

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

Comment: Outdoor dining options are consistent with the City's vision and the intent and purpose of the zoning ordinance.

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

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

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

Comment: The expanded outdoor seating area are not anticipated to impact public services and facilities.

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 outdoor dining areas are not anticipated to affect 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.

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 placement of tables within the right-of-way will not impact pedestrian traffic routes as sufficient clear area is proposed.

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 has already been 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: The use will add to the vibrancy of the downtown area, and the overall existing design is harmonious and compatible with nearby properties and land uses.

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: The operation is not anticipated to cause objectional impacts.

Expanded Outdoor Dining Areas- Section 154.092 (O)(2)

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.*

Comment: The restaurant complies with the zoning ordinance.

- 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.*

Comment: The front dining areas are in appropriate locations.

- 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.*

Comment: The outdoor dining areas are directly in front of the building along two frontages. The dining areas do not expand beyond the building frontages.

- 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.*

Comment: The proposed furniture and planters are aesthetically pleasing and consistent with the general character of the surrounding 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*

llumination shall be appropriately shielded and directed so as to not disturb adjacent uses or vehicular traffic.

Comment: String lighting is proposed. The applicant should confirm the compliant placement of electrical cords.

- vi. *Expanded Outdoor Dining Areas occupying public streets or parking spaces shall be marked with traffic reflectors to promote visibility for traffic.*

Comment: Traffic reflectors are proposed on barrier barrels.

- 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.*

Comment: The dining area is proposed on existing concrete and asphalt surfaces. However, tables along Mary Street are proposed to be placed in existing mulch areas, which is prohibited. These areas must be improved with pavers or a hard surface prior to use, as proposed by the applicant. The surface improvements must be approved by the City Council, and additional details must be provided.

- 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.*

Comment: Fire department approval is required.

- ix. *The Expanded Outdoor Dining Area shall not disrupt street or sidewalk drainage or impound water.*

Comment: The tables, chairs, planters, and service area will have no impact on drainage.

- 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.*

Comment: The dining area will have no impact on nearby parked vehicles, and sufficient clear area will be preserved.

- 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.*

Comment: Five-foot clear areas are proposed to be maintained.

- 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.*

Comment: Barriers are proposed to be created with barrels and rope.

- 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.*

Comment: Not applicable.

- 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.*

Comment: The dining area is proposed to be 40 feet in length and no more than 15 feet from the curb.

- xv. No tents or enclosures are permitted within the Expanded Outdoor Dining Area.*

Comment: Not applicable.

- xvi. If alcohol is served, the area shall meet all additional applicable local, state, and federal regulations.*

Comment: Ongoing requirement.

- 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.*

Comment: Ongoing requirement.

- 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.*

Comment: Ongoing requirement.

- xix. *The City's Department of Public Works shall be allowed access to the Expanded Outdoor Dining Area for any maintenance purposes.*

Comment: Ongoing requirement.

- 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.*

Comment: Ongoing requirement.

- xxi. *The Expanded Outdoor Dining Area shall not create a nuisance of any kind.*

Comment: Ongoing requirement. Additionally, based on special land use findings, nuisance impacts are not anticipated.

- 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.*

Comment: The applicant has provided sufficient site plan and operational information for the Planning Commission to make an informed decision. It is recommended that the remaining items on this list be confirmed administratively as a condition of approval.

c. Site Plan.

Comment: The applicant provided a comprehensive site plan showing all necessary and applicable information.

Service of Alcoholic Beverages Standards (Section 154.092 P)

1. *Any new establishment seeking a license for the sale and consumption of beer, wine, or alcoholic beverages on-premises shall require special land use approval and site plan review in accordance with this division.*
2. *The applicant shall provide a copy of any licensing materials submitted to the Michigan Liquor Control Commission.*
3. *The applicant shall provide a site plan illustrating the proposed location where the alcohol sales would occur, as well as all other locations where on-premises sales presently exist within a one thousand-foot radius of the closest lot lines of the subject site.*
4. *The proposed establishment must promote the city's economic development goals and objectives, and must be consistent with the city's master plan and zoning ordinance.*
5. *Given the character, location, development trends and other aspects of the area in which the proposed use or change in use is requested, the applicant shall demonstrate that the use will: rejuvenate an underutilized property or an identifiable area within the city; provide a unique business model, service, product, or function; add to the diversity of the to the city or to an identifiable area within the city; or, that the addition of the use or proposed change in use will be otherwise a benefit or asset to the city or identifiable area.*
6. *The applicant must demonstrate that the use or change in use as constructed and operated is compatible with the area in which it will be located, and will not have appreciable negative secondary effects on the area, such as:*
 - a. *Vehicular and pedestrian traffic, particularly during late night or early morning hours that might disturb area residents;*
 - b. *Noise, odors, or lights that emanate beyond the site's boundaries onto property in the area on which there are residential dwellings;*
 - c. *Excessive numbers of persons gathering outside the establishment; or*
 - d. *Peak hours of use that add to congestion or other negative effects in the neighborhood.*

Comments: The applicant is aware of local and state permitting requirements and has provided a copy of their MLCC approval.

Recommendation

I recommend approval of the special land use and site plan request for expanded outdoor dining contingent upon the following:

1. Demonstrate the compliant placement of electrical cords.
2. Provide a detailed plan for installing pavers in the Mary Street right-of-way.
3. Secure all other applicable approvals from City departments, the fire department, and applicable outside agencies.
4. Provide all Expanded Outdoor Dining Area checklist items in accordance with Section 154.092 (O)(2)b (license agreement, fees, lighting attestation, and tax payment attestation).

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



2024

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 449 Water Street Parcel Number 30-57-300-068

APPLICANTS INFORMATION

Name Wicks Park Bar & Grille Address / PO Box PO Box 58
City Saugatuck State MI Zip 49453 Phone 269-857-2888
Interest In Project Expanded Outdoor Area E-Mail christine@wickspark.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 1/15/2024

OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)

Name Christine Murphy Pierce Address / PO Box PO Box 58
City Saugatuck State MI Zip 49453 Phone 2392724296
E-Mail christine@wickspark.com

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 [Signature] Date 1/15/2024

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

Name NONE Contact Name _____
Address / PO Box _____ City _____
State _____ Zip _____ Phone _____ Fax _____
E-Mail _____
License Number _____ Expiration Date _____

PROPERTY INFORMATION

Depth _____ Width _____ Size _____ Zoning District C2 Current Use BAR & RESTURANT

Check all that apply:

Waterfront Historic District Dunes _____ Vacant _____

PROJECT DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)

Wicks Park Bar & Grille Outdoor Expanded Dining 2024 Season

Wicks Park Bar & Grille is applying for a Special Land Use for Outdoor Expanded Dining Area.

Plan on doing the exact same design –

- **4 Parking Spots**
- **Barrels with post in them to hang the string lights from posts and the barrels have the traffic stickers on them for lights.**
- **6 Metal Planters with lots of flowers in them**
- **String Lights that will be on 24 hours**
- **6 Picnic tables in the parking spots – 8 feet and 6 feet tables**
- **3 Picnic tables in the mulch area (right of way area) on Mary Street (Mulch are)**
- **2 Picnic tables on Water Street (right of way area)**
- **picnic tables in the covered awning area and 4 metal tables in the covered awning area.**

Pictures are attached from past years –

Attached

- **MLCC Liquor License**
- **Health Department License**
- **Insurance Waiver**
- **Site Plan**
- **Survey with the N**



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 | |
|-------------------------------------|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Property dimensions |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Significant vegetation |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Water courses and water bodies, including human-made surface drainage ways |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Existing public right-of-way, pavements and/or private easements |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Existing and proposed uses, buildings, structures and parking areas |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Zoning classification of abutting properties |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The name, address and telephone number of the person and firm who prepared the site plan, and the date on which it was prepared |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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 | |
|-------------------------------------|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Dimensions of property of the total site area, |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Contours at 2-foot intervals |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Locations of all buildings |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Other structures on adjacent properties within 100 feet of the property, including those located across the street from the property |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Parking areas |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Driveways |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Required and proposed building setbacks |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of abutting streets and proposed alignment of streets, drives and easements serving the development, including existing rights-of-way and pavement widths; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 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; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed water supply and wastewater systems locations and sizes; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed finished grades and site drainage patterns, including necessary drainage structure. Where applicable, indicate the location and elevation of the 100-year floodplain; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed common open spaces and recreational facilities, if applicable; |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Proposed landscaping, including quantity, size at planting and botanical and common names of plant materials; |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | 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?

THE ONLY VISUAL DIFFERENCE WILL BE THE ADDITION OF SOMETYPE OF FENCING, PLANTERS AND PICNIC TABLES

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

THE ZONING THAT WICKS IS IN IS COMMERCIAL - SO IT IS USED FOR PROMOTING COMMERCIAL LAND USE. THE OUTDOOR EXPANDED AREA HAS BEEN A SUCCESS WITH TOURIST AND WE ADDED TO TEH COMMUNITY BECAUSE WE ARE ABLE TO OFFER MORE SEATING FOR TOURIST.

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

NO IMPACT

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

NO IMPACT

- (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?

NO IMPACT



Special Land Use Application

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

NO IMPACT

- (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

- (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 DESIGN AND IMPACT WILL HAVE NO IMPACT ON THE ADJACENT LAND AND BUILDINGS THAT ARE IN THE SURROUNDING AREAS.

- (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?

THE AREA WILL ADD ECONOMIC VALUE BECAUSE OF THE ADDITIONAL OUTDOOR SEATING AREA

- (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?

THERE IS NOT MANY DWELLINGS AROUND THE REQUESTED AREA



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?

NO IMPACT

- (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?

THE BARRIERS/FENCES WILL HELP DEFINE THE OUTDOOR EXPANDED AREA

- (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?

NO BUILDINGS ARE BEING CONSTRUCTED

- (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?

PEDESTRAIN TRAFFIC WILL NOT IMPACTED

- (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.)

ALL SIDEWALKS ARE 5 FEET WIDE SO PEDESTRIAN TRAFFIC WILL BE ABLE TO EXIST NORMALLY

- (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?

NOT DEVELOPING STREETS

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



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.

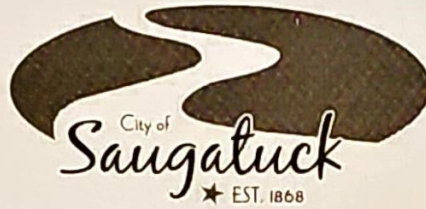
NO IMPACT

- (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).

NO IMPACT

- (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.

LIGHTING WILL BE DIMMED AND JUST BE IN THE EXPANDED OUTDOOR AREA - NO FLASHING LIGHTS



2024
Wick's Park
Bar + Grille

Supplemental Expanded Outdoor Dining Area Checklist

- Site plan (must include the following):
 - Bird's eye view map depicting in detail the seating layout
 - Street level view map depicting in detail the seating layout
 - Location of trash container and sanitation station
 - Location of any manhole covers within the space
 - Barriers used to separate diners from the right-of-way
 - Heating equipment (if applicable)
 - Any and all lighting (shall be lit by both electrical lighting and marked with traffic reflectors)
 - Location of planters, plants, and organic materials
 - Location of any fire hydrants, lanes, or other fire department connections
 - Location of any handicapped parking spaces
 - Other related facilities or appurtenances.

- Current photos of the front of the business, including the curb strip and parking area.
- 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.
- Certificate of umbrella insurance with policy limits of at least \$1,000,000, with the City listed as a named insured.
- Michigan Liquor Control Commission License (if applicable).
- Health Department Food Service License (if applicable).
- Written approval from the Fire Department for heating equipment (if applicable).
- Attestation form from Applicant, indicating that the Outdoor Dining Area will be lit 24 hours per day by both electrical lighting and traffic reflectors.
- Attestation from Applicant that all property taxes, including personal property taxes, are current.



Supplemental Expanded Outdoor Dining Area Narratives

Please respond to how the request will meet each of the following standards for an expanded outdoor dining area:

- (1) 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.

yes

- (2) 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.

yes

- (3) 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.

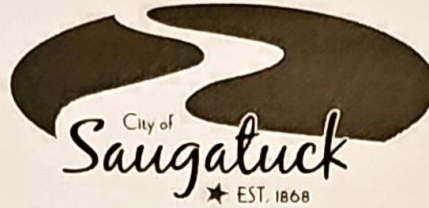
see photos

- (4) The Expanded Outdoor Dining Area shall be adequately lit by both electrical lighting and marked with traffic reflectors 24 hours per day to promote visibility for traffic. 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.

Agree

- (5) 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.

yes



- (6) 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.

yes

- (7) The Expanded Outdoor Dining Area shall not disrupt street or sidewalk drainage or impound water.

correct

- (8) 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.

agree

- (9) 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.

yes - see site plan

- (10) A barrier must be placed around the Expanded Outdoor Dining Area, 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.

yes

- (11) 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.

OK



(12) 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.

yes

(13) No tents or enclosures are permitted within the Expanded Outdoor Dining Area.

OK

(14) If alcohol is served, the area shall meet all additional applicable local, state, and federal regulations.

yes - see license

(15) 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.

OK

(16) 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.

OK

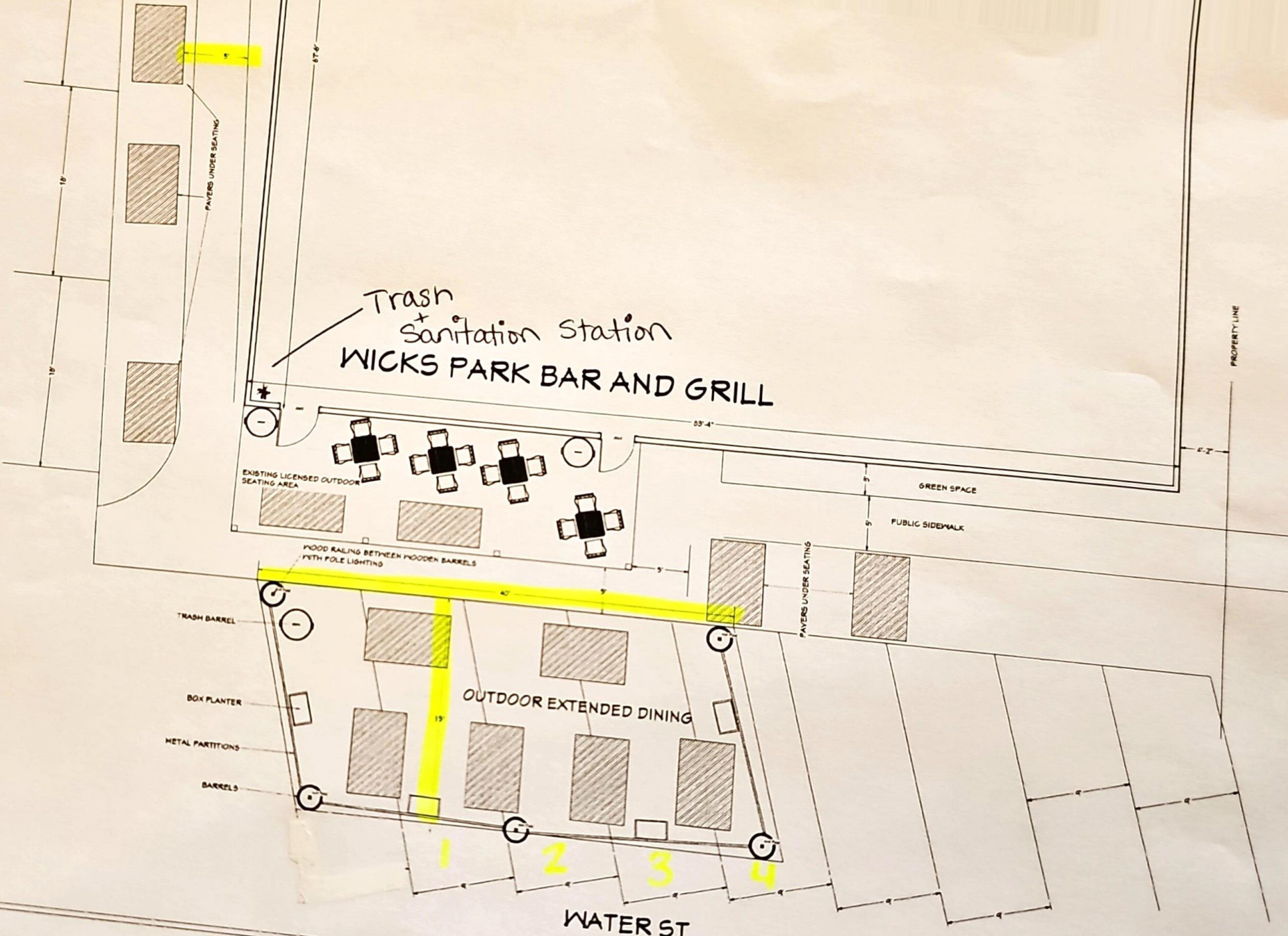
(17) The City's Department of Public Works shall be allowed access to the Expanded Outdoor Dining Area for any maintenance purposes.

yes

(18) 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.

yes

MARY ST.



Trash + Sanitation Station
WICKS PARK BAR AND GRILL

EXISTING LICENSED OUTDOOR SEATING AREA

GREEN SPACE

PUBLIC SIDEWALK

OUTDOOR EXTENDED DINING

- TRASH BARREL
- BOX PLANTER
- METAL PARTITIONS
- BARRELS

WATER ST.

SHEET TITLE
EXTENDED OUTDOOR DINING
METAL FENCE W/ PAVERS

PROJECT DESCRIPTION
WICKS PARK BAR AND GRILL

DRAWINGS PROVIDED BY:

DATE:
1-5-24

SCALE:

SHEET:
A-4

NOTEPAD:

HOLDER CODE CITYSAU
INSURED'S NAME Wicks Park Bar & Grille

WICKS-1
OP ID: ML

PAGE 2
Date 05/09/2023

The City of Saugatuck is listed as an Additional Insured with respect to General Liability.

Business Personal Property Coverage -
any property located in or on the building described in the Declarations
or in the open within 1,000 feet of the described premises, consisting of
the following unless otherwise specified.

Liability is comprehensive, follows the insured.



STATE OF MICHIGAN - LIQUOR CONTROL COMMISS

This is to certify that a License is hereby granted to the person(s) named with the stipulation that the licensee is in compliance with Commission 430 1003, which states that a licensee shall comply with all state and local building, plumbing, zoning sanitation, and health laws, rules, and ordinances determined by the state and local law enforcement officials who have jurisdiction over the licensee. Issuance of this license by the Michigan Liquor Control Commission does not waive this requirement. The licensee must obtain all other required state and local licenses, permits, and approvals for the before using this license for the sale of alcoholic liquor on the licensed premises.

This License is granted in accordance with the provisions of Act 58 of the Public Acts of 1988 and shall continue in force for the period designated and shall be suspended, revoked, or declared null and void by the Michigan Liquor Control Commission. Failure to comply with all laws and rules may result in the suspension, revocation, or annulment of this license.

THIS LICENSE SUPERSEDES ANY AND ALL OTHER LICENSES ISSUED PRIOR TO APRIL 26, 2023
FILE NUMBER: 619756

BUSINESS ID: 216237
BOAT HOUSE ACQUISITION, INC.
D/B/A WICKS PARK BAR & GRILLE

449 WALKER ST,
SARGENT, MI 49453

LICENSE # LICENSE:
1-000180001 Class C

1-000180003 Specially Designated Merchant

TOTAL RAFFS: 2 OUTDOOR SERVICE AREA: 3
DIRECT-CONNECTIONS: 0 PASSENGERS:

PERMIT
Additional Bar (1), Social District, Outdoor Service Area(1), Sunday Sales (DM); Class C-
Spirits & Mixed Spirit Drink, Dance, Outdoor Service Area(1), Outdoor Service Area(1)

ALLEGAN COUNTY
6-31
SARGENT CITY

AVENUE:

ROOMS:

IN WITNESS WHERE
this License has been at
and sealed by both the
Liquor Control Commission
Licensee(s).

LIQUOR CONTROL COM

Pat Regina
David...
Lee George
Edna To

LICENSEE(S) SIGNAT

2023
2024

LICENSE EFFECTIVE MAY 1, 2023 - EXPIRES APRIL 30, 2024

Expires: 04/30/2024

Issued To: WICKS PARK BAR & GRILLE
449 WATER ST
SAUGATUCK MI 49453

Responsible Party and Address:

CHRISTINE MURPHY PIERCE
PO BOX 58
SAUGATUCK MI 49453-0058

State of Michigan
Department of Agriculture &
Rural Development
Food and Dairy Division

SFE-0303-063176

**FOOD SERVICE - FIXED
ESTABLISHMENT**

Display for Public View



Kathleen
Angerer
Acting Director

Issued by the Michigan Department of Agriculture and Rural Development to operate a Food Service Establishment in accordance with provisions of Act 92, P.A. of 2000, as amended.
This license is not transferable.
Failure to post in a conspicuous place is a misdemeanor. (See Section 4119)
Notify the Local Health Department within a range of ownership. (See Section 4123)
Direct Inquiries to the Allegan County Health Department

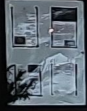
OPERATIONAL CUP-T FAILURE TO POST IN A CONSPICUOUS PLACE IS A MISDEMEANOR



wicks park bar & grille

NAUTIQUES
42.6590 N
86.2028 W

wicks park bar & grille



Welcome
WICKS
PARK





wicks park bar & grille

wicks park bar & grille



wicks park bar & grille

wicks park bar & grille





73



wicks park bar & grille















81



Planning Commission Agenda Item Report

FROM: Ryan Cummins, Director of Planning and Zoning

MEETING DATE: February 15, 2024

SUBJECT: Zoning Text Amendment Public Hearing – STRs and ADUs

DESCRIPTION:

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

The Planning Commission reviewed the draft zoning amendments at its January 18 meeting and agreed to schedule a public hearing for February 15. Changes to the draft include:

- Further clarification of where first floor and upper-floor units may front.
- Clarification of accessory dwelling unit access in a detached accessory building.
- Removal of interior access prohibition for attached accessory dwelling units.

The Planning Commission is asked to conduct a public hearing, discuss the amendments, and consider making a recommendation to City Council.

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

- Three-year certificate requirements are removed as STRs will now be required to obtain an annual license under a separate police-powers ordinance.
- Zoning will still regulate STR signage.
- Updated accessory dwelling units to clarify who may occupy an ADU and when an accessory dwelling unit can be rented.
 - Note: The current requirements that both an ADU and single-family dwelling be rented under a single contract, or the owner occupy the home and receive special land

use approval to rent the ADU separately remain unchanged. Not renting the ADU and single-family home separately also remains unchanged.

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

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 the zoning ordinance to clarify and update provisions pertaining to short-term rentals, accessory dwelling units, and flood hazard area definition.

Motion to NOT RECOMMEND adoption of the amendments to the zoning ordinance to clarify and update provisions pertaining to short-term rentals, accessory dwelling units, and flood hazard area definition.

Motion to RECOMMEND adoption of the amendments to the zoning ordinance to clarify and update provisions pertaining to short-term rentals, accessory dwelling units, and flood hazard area definition with the following changes:

1. _____
2. _____
3. _____
4. _____
5. _____

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 _____, 2024 at _____ p.m., City Council Member _____ moved to adopt the following ordinance, which motion was seconded by City Council Member _____.

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

CITY OF SAUGATUCK, ALLEGAN COUNTY, ORDAINS:

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

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

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

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

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

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

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

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

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

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

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

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

(B) Permitted uses:

- (1) Essential public services;
- (2) Retail stores;
- (3) Personal service establishments;
- (4) Art galleries;
- (5) Single-family, two-family, and multiple-family dwelling units on first or upper floors, except that first-floor dwelling units shall not front public streets. First-floor single-family, two-family, and multiple-family dwelling units may front public or private alleys, private streets, private driveways, side yards, and rear yards;

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

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

(B) Permitted uses:

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

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

(B) Permitted uses:

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

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

(B) Permitted uses:

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

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

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

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

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

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

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Lauren Stanton
City of Saugatuck, Mayor

DRAFT

CERTIFICATION

I hereby certify that:

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

ATTESTED:

Jamie Wolters
City of Saugatuck, Clerk

**CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN**

NOTICE OF ADOPTION

ZONING ORDINANCE AMENDMENT

ORDINANCE NO. ____

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

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

Jamie Wolters
City of Saugatuck, Clerk
(269) 857-2603
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Planning Commission Agenda Item Report

FROM: Ryan Cummins, Director of Planning and Zoning

MEETING DATE: February 15, 2024

SUBJECT: Police-Powers Licensing Ordinance – Short Term Rentals

DESCRIPTION:

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

The Planning Commission reviewed the draft police powers ordinance at its January 18 meeting. Changes have been made based on Planning Commission feedback and further staff discussions. Changes include:

- Clarifying subletting.
- Requiring owners to not allow use of fireworks.
- Requiring a signed attestation from the owner versus an affidavit.
- Requiring a completed and signed rental inspection checklist for both initial and renewal applications.
- Adding e-mail as a notification option for application deficiencies.
- Added motor courts as not being included in the definition of a dwelling unit.

The Planning Commission is asked to further discuss the draft ordinance and consider making a recommendation to City Council.

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

- An annual license and inspection will be required for each short-term rental.
- Occupancy - Set at two (2) per bedroom, plus an additional two (2) occupants per finished floor but not to exceed a maximum of twelve (12).

- Visitor Maximum - The maximum number of visitors to be equal to the maximum number of occupants multiplied by a factor of 1.5. Visitors permitted only between the hours of 7:00 am and 11:00 pm.
 - While not a Task Force recommendation, staff and some Planning Commissioners raised concern about how maximum sleeping occupancy can be enforced. This will assist. It is also consistent with the “quiet hours” in the existing noise ordinance. The factor can be modified, or the suggested regulation can be removed entirely.
- All advertising will have to reference the license number.
- Still required to comply with zoning.
- Requires providing and posting of the rules and regulations, name of the license holder and/or local agent responsible, that individual's telephone number and email address that they may be reached on a 24-hour basis, notification of the maximum number of overnight occupants, a copy of the City’s noise ordinance, notification that an occupant and/or a visitor of an occupant may be cited for a violation and a copy of the Good Neighbor Guide.
 - Note: The Good Neighbor Guide will contain considerations for noise, trash disposal, parking, and maximum occupancy.
- Trash - One (1) outdoor garbage can and one (1) recycling bin required. If occupancy is six (6) or more, at least two (2) outdoor garbage cans and at least one (1) recycling bin. Exposed waste or garbage will be considered a violation.
 - Note: Some discussion occurred on whether two recycling bins should be required. Staff plans on negotiating twice monthly pickup with Republic, but the current contract doesn’t expire until October.
- All rooms in a dwelling must be rented under a single contract. No individual renting of rooms or subletting.
- Owner shall not allow use of fireworks by STR occupants and visitors.
- Rental insurance must be maintained.
 - Note: The Fire Department advised “we have had owners within the District, that had a fire at their property and found out after the fact that their standard homeowner’s insurance did not cover renting the property, and the loss they incurred was not covered.” The recommendation was “an effort to help protect property owners to ensure they have adequate information and proper coverages.”
- Registry - By applying for a license, the owner and/or license holder agrees to have their name, contact information, the address of the short-term rental, maximum occupancy and contact information for their local agent included in the City’s publicly available short-term rental registry.
- Current STR Certificates – Intent to “grandfather” certificates that were issued under the Zoning ordinance until those certificates expire. Once a previously issued short-term rental certificate expires, the certificate-holder must receive a short-term rental license to continue operating at the premises.
- Duty to Address Issues - The license holder and/or local agent will have the duty to remedy a violation, including the noise ordinance, within two hours. If they do not, it would be a violation.
 - Note: This makes it clear that the local agent or license holder has a responsibility to act and respond to concerns. The time limit can be modified if desired.

- A suspension and revocation process is outlined. Any suspension time will occur during primary tourist season.
 - Note: Months can be modified if desired.
- Fraudulent Complaints – Anyone who makes a fraudulent complaint will face their own violation.
- Licenses cannot be transferred.
 - Note: STR certificates do not transfer to new owners either. The language provides much more detail to define a transfer. Depending on whether the Planning Commission desires to recommend residential caps and at what level, transfer of ownership clarity will be important.

LEGAL REVIEW:

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

SAMPLE MOTIONS:

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

Motion to NOT RECOMMEND adoption of the short-term rentals licensing ordinance to provide for the public peace and health and for the safety of persons and property in the City of Saugatuck by the licensing and regulation of short-term rentals, to provide procedures for the suspension and revocation of short-term rental licenses, and to provide penalties for violations of short-term rental regulations.

Motion to RECOMMEND adoption of the short-term rentals licensing ordinance to provide for the public peace and health and for the safety of persons and property in the City of Saugatuck by the licensing and regulation of short-term rentals, to provide procedures for the suspension and revocation of short-term rental licenses, and to provide penalties for violations of short-term rental regulations with the following changes:

1. _____
2. _____
3. _____
4. _____
5. _____

**CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN**

**SHORT-TERM RENTAL LICENSING ORDINANCE
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 _____, 2024 at _____ p.m., City Council Member _____ moved to adopt the following ordinance, which motion was seconded by City Council Member _____.

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

THE CITY OF SAUGATUCK, ALLEGAN COUNTY, ORDAINS:

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

CHAPTER 99.5: SHORT-TERM RENTALS

§99.51 INTENT AND PURPOSE.

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

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

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

§99.52 APPLICABILITY.

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

§99.53 DEFINITIONS.

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

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

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

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

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

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

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

MAXIMUM OCCUPANCY. The maximum number of allowable occupants and visitors of a short-term rental, as established in Section 7(b) of this chapter.

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

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

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

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

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

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

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

§99.54 LICENSE REQUIRED.

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

§99.55 APPLICATION FOR SHORT-TERM RENTAL LICENSE.

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

- (3) The name, address, telephone numbers (home, work, or cell phone), and email address of the applicant, if different than the owner.
- (4) The name, address, telephone numbers (home, work, or cell phone), and email address of the local agent.
- (5) The address and parcel identification number of the subject parcel containing the dwelling unit of the proposed short-term rental.
- (6) Documentation showing the owner's valid tenancy, ownership, or other legal interest in the proposed short-term rental premises, which may include, but is not necessarily limited to, a deed, land contract, or lease agreement. If the owner possesses less than fee ownership in the proposed short-term rental premises, a signed attestation from the owner of the premises authorizing the use of the same for a short-term rental must also be included.
- (7) A floorplan drawing of the proposed short-term rental that includes the number of bedrooms intended to be occupied as part of the short-term rental.
- (8) Proposed occupancy of the dwelling unit, not to exceed the maximum occupancy established by this chapter.
- (9) A drawing of the premises on which the short-term rental will be located that includes all buildings on the premises and the location where all parking will be provided.
- (10) A signed certification from the owner stating that the dwelling unit will be operated in conformance with all applicable requirements of this chapter.
- (14) A completed and signed rental inspection checklist from the Saugatuck Township Fire District.
- (15) Documentation showing that the dwelling unit that is being used as a short-term rental has been insured as a rental dwelling.

(16) The owner shall notify the city of any changes to the approved application within no later than thirty (30) days of the date of the change, including change of mailing address, contract information, or local agent/rental agency.

- (C) *Application fee; eligibility.* The application shall be accompanied by an application fee as established and set forth in the City’s schedule of fees. This fee schedule shall also establish an “after the fact” fee that must be paid when a short-term rental is operated but without first complying with the procedural requirements of this chapter. This “after the fact” fee is not intended to be a penalty but shall reflect the additional legal and administrative costs incurred by the City as the result of the applicant’s failure to initially comply with the requirements of this chapter. In addition, to be eligible for a short-term rental license, applicants must have no outstanding City taxes, permit or inspection fees, escrow deposits, or other amounts due and owing to the City.
- (D) *Complete application.* A short-term rental license application shall not be considered accepted until the enforcing officer deems it to be complete. If the enforcing officer determines that all required information was not supplied and/or if the applicant fails to pay the required fee, then the enforcing officer shall send written notification via mail or email to the applicant of the deficiencies. If the applicant fails to provide all the information required by this chapter and/or fails to pay the required fee within fourteen (14) days after being notified of the deficiencies, then the application shall be deemed incomplete and shall be denied on that basis.
- (E) *License.* Once deemed to be complete, if an application complies with all the standards and regulations of this chapter and the required fire inspection certificate has been submitted pursuant to Section 99.56 below, the enforcing officer shall approve the short-term rental license. Each short-term rental license shall be designated with a unique license number.

§99.56 FIRE INSPECTION.

- (A) *Required fire inspection.* The short-term rental unit shall meet all applicable building, health, fire, and related safety codes at all times and shall be inspected annually by the Saugatuck Township Fire District no later than thirty (30) days following of the submittal of the application for a short-term rental license or an application to renew a short-term rental license. Violations found by the Saugatuck Township Fire District shall be corrected within fifteen (15) days of notification from the Fire Inspector. No license or renewal shall be issued until after the fire inspection has been completed and approved. The owner or rental agency shall submit a completed and approved inspection certificate from the Saugatuck Township

Fire District to the City prior to the approval of any license application or license renewal.

- (B) *Fire inspection criteria.* The Saugatuck Township Fire District shall promulgate the criteria necessary to pass a short-term rental fire inspection, including but not limited to, requirements regarding smoke alarms, emergency exits, fire hydrants, fire extinguishers, occupancy/capacity, fire exits, fire escapes, and any other criteria that the Saugatuck Township Fire District finds necessary to protect to the health, safety, and general welfare of the community.

§99.57 SHORT-TERM RENTAL STANDARDS AND REGULATIONS.

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

- (A) *Occupancy.* The maximum occupancy for short-term rentals shall be determined as follows:
- (1) The maximum number of occupants shall be two (2) per bedroom, plus an additional two (2) occupants per finished floor as defined herein, but not to exceed a maximum of twelve (12) occupants.
 - (2) The maximum number of visitors shall be equal to the maximum number of occupants as calculated above multiplied by a factor of 1.5. Visitors are permitted only between the hours of 7:00 am and 11:00 pm.
- (B) *Designation of a local agent.* If the owner or license holder does not qualify as, or does not desire to be, a local agent, then the license holder shall designate a local agent and authorize in writing the local agent to act as the license holder's agent for any acts required of the license holder under this chapter. The local agent must reside or maintain a physical place of business within a 25-mile radius of the short-term rental. The local agent shall be knowledgeable about the premises and accountable for responding to the premises 24 hours per day, 7 days per week, 365 days per year.
- (C) *Information.* All notification information for the owner, license holder, and local agent shall be kept current and up to date.
- (D) *Advertising.* All advertising for the short-term rental shall display the number of the license issued pursuant to this chapter. If a short-term rental license holder within the City chooses to advertise the short-term rental online (for instance, on AirBnB, VRBO, or a similar website) the license holder shall post their short-term rental license number within the listing.
- (E) *Water and sewer.* All water and sewer connections and/or systems servicing short-term rentals shall be fully functional and shall meet the minimum applicable requirements

imposed by the City, the Kalamazoo Lake Water and Sewer Authority, and/or the Allegan County Health Department.

- (F) *Compliance with zoning; signage.* The short-term rental dwelling unit and premises shall, at all times, fully comply with all applicable requirements of the Saugatuck City Zoning Ordinance, including applicable provisions concerning signs.
- (G) *Rules and regulations to be provided to occupants.* The license holder or local agent will provide all occupants of a short-term rental with the following information prior to occupancy and will post such information in a conspicuous place within each short-term rental:
 - (1) The name of the license holder and/or local agent responsible to perform obligations related to the short-term rental under this chapter, that individual's telephone number(s), and an email address at which that individual may be reached on a 24-hour basis.
 - (2) Notification of the maximum number of overnight occupants permitted in the short-term rental.
 - (3) A copy of the City's Noise Ordinance as set forth in Section 94.04 of the City Code, as may be amended from time to time.
 - (4) A copy of this chapter, as it may be amended from time to time.
 - (5) Notification that an occupant and/or a visitor of an occupant may be cited for a violation of this chapter, the City's Noise Ordinance as set forth in Section 94.04 of the City Code, in addition to any other citations or remedies available to the City.
 - (6) A copy of the City's Good Neighbor Guide, which contains considerations for noise, trash disposal, parking, and maximum occupancy.
- (H) *Pets.* The occupants and visitors of a short-term rental shall be informed prior to occupancy that all pets must be secured on the premises or on a leash at all times.
- (I) *Taxes.* The person who rents a short-term rental shall pay any applicable sales tax and/or required Michigan Use Tax for any stay of thirty-one (31) nights or less.
- (J) *Garbage and recycling.* All short-term rentals must provide at least one (1) outdoor garbage can and one (1) recycling bin of sufficient size to service a single-family residential dwelling. If a short-term rental has an occupancy of six (6) or more, at least two (2) outdoor garbage cans and at least one (1) recycling bin shall be provided. All waste generated by a short-term rental, its occupants, and visitors must always be stored in a garbage can or similar trash receptacle, and exposed waste or garbage shall

be considered a violation of this chapter. Occupants of the short-term rental shall be notified prior to occupancy that they are not allowed to leave waste outside of garbage cans or recycling bins.

- (K) *Subletting or renting individual rooms.* No owner, agent, or license holder may rent individual rooms within a dwelling unit used for a short-term rental, nor may any occupants of a short-term rental sublease rooms within a short-term rental. All rooms within a dwelling unit that is rented as a short-term rental shall be fully rented under a single contract. However, nothing in this section shall prevent an owner or license holder from occupying a dwelling unit while it is being used as a short-term rental.
- (L) *Tent, campers, or similar sleeping facilities.* The use of tents, campers, or similar temporary sleeping facilities at a short-term rental premises shall be prohibited.
- (M) *Fireworks.* Owners/and or license holders shall prohibit the use of fireworks by short-term rental occupants and visitors.
- (N) *Insurance.* A dwelling unit that is licensed as a short-term rental must, at all times, maintain rental property insurance.
- (O) *Short-term rental registry.* By applying for and being issued a short-term rental license from the City, the owner and/or license holder consents to having their name, contact information, the address of the short-term rental, the maximum occupancy of the short-term rental, and contact information for their local agent included in the City's publicly available short-term rental registry.

§99.58 DURATION OF LICENSE; RENEWAL.

- (A) Except as otherwise provided herein, a license issued under this chapter shall remain in effect for a period of one (1) year from the date it was issued unless it is suspended or revoked by the City.
- (B) The license holder or local agent may apply for a renewed license by submitting a renewal application to the enforcing officer no later than thirty (30) days prior to the date that the license is set to expire, along with the license renewal fee established by the City's fee schedule.
- (C) All information submitted with the prior application(s) shall be deemed submitted with the application for renewal, except that each year a new completed and signed fire safety checklist must be submitted, a new fire inspection must be conducted, and an approved fire inspection certification must be issued before a license can be renewed. Aside from the renewed fire safety checklist and fire inspection, the license holder or local agent shall only be required to submit new information with the application for renewal when that application information has changed since the last application was filed with the

City.

- (D) A renewed license for a short-term rental shall be issued when all of the standards and regulations of this chapter are met.
- (E) If the short-term rental premises does not meet all the requirements of this chapter at the time of renewal, the City shall promptly notify the license holder. The license holder shall have thirty (30) calendar days from the date the notice of a deficiency was sent to cure any deficiencies. If the license holder cannot demonstrate full compliance with this chapter at the end of the cure period, the short-term rental license will not be renewed and will be deemed expired.

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

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

§99.60 DUTY TO REMEDY VIOLATIONS.

- (A) *Duty to remedy.* The license holder and/or local agent shall have the duty to remedy any violation of this chapter and the City’s Noise Ordinance, as set forth in Section 94.04 of the City Code, by the occupants and visitors of a short-term rental.
- (B) *Notification from City.* For any violation of the above, the City may (in addition to other remedies) notify the license holder and/or local agent for the short-term rental of such violation by telephone or return receipt email. The license holder and/or local agent shall be deemed to have received notice of the violation upon being contacted by telephone (including a call or text message, if applicable) or when a return receipt email message is received by the City, whichever is sooner.
- (C) *Corrective action.* Upon receiving notice of the violation, the license holder and/or local agent shall ensure that the violation is remedied within two (2) hours of receipt of such notice.

(D) *Failure to remedy.* Failure to remedy the violation within two (2) hours after receiving notice of the violation, without good cause, shall constitute a violation of this chapter and may subject the license issued under this chapter to suspension or revocation pursuant to Section 99.61 of this chapter and may subject the license holder and/or local agent to court enforcement proceedings and the penalties under Section 99.62 of this chapter.

§99.61 SUSPENSION AND REVOCATION OF LICENSE.

- (A) *Suspension or revocation of license.* The following shall constitute grounds for suspending or revoking a short-term rental license:
- (1) A license holder, owner, and/or authorized agent's inclusion of false, incorrect, or misleading information and/or statements on an application for a short-term rental license.
 - (2) A license holder, owner and/or local agent's failure to comply with the standards and regulations set forth in Section 99.57.
 - (3) A license holder, owner, and/or local agent's failure to timely remedy a violation of this chapter or the City's Noise Ordinance, as set forth in Section 99.60.
 - (4) A license holder and/or owner's attempted transfer of a short-term rental license, as defined in Section 99.63.
- (B) *Violation notice.* If the enforcing officer has reason to believe that there are grounds to suspend or revoke a short-term rental license, the enforcing officer may, but is not required to, prepare a written notice specifying the alleged grounds for suspension or revocation and the factual basis for this belief. The written notice shall inform the alleged violator of the time, date, and place of the hearing before the City Council, shall be served on the license holder either personally or by certified mail no less than twenty-one (21) days before the hearing.
- (C) *Violation hearing.* If such a violation notice is prepared and served, the City Council shall hold a hearing at which time the license holder shall be given an opportunity to show cause why the short-term rental license issued under this chapter should not be suspended or revoked. The City Council's decision shall be in writing and shall specify the factual evidence upon which it is based and shall be final and binding upon the license holder. A copy of the City Council's written decision shall then be provided to the license holder.
- (D) *Subsequent violations.* After a short-term rental license has been suspended, any additional violation(s) committed by the license holder and/or local agent within one (1) year of the expiration of the last suspension shall be grounds for a second suspension. If it has been more than two (2) years since the expiration of an initial suspension of a short-term rental license, a subsequent violation shall be deemed to be a first suspension. Upon a

determination that a short-term rental license holder has been suspended two (2) or more times and is facing a third suspension, the City Council may permanently revoke the short-term rental license.

- (E) *Length and timing of suspensions and/or revocations.* Subject to subsection (F) below, suspensions and revocations shall generally be effective immediately. Provided, however, if any portion of the suspension time falls outside the primary tourist season of May through September, then the balance of the suspension time shall carry over to the next primary tourist season, with rental activity outside of the primary tourist season remaining prohibited until the suspension expires. Suspensions/revocations shall be for the following periods:
 - (1) First suspension - three (3) months.
 - (2) Second suspension - six (6) months.
 - (3) Revocation - permanent.
- (F) *Existing contracts.* Existing short-term rental contracts up to sixty (60) nights beyond the beginning date of any suspension/revocation may be honored by the license holder with approval by the City Council. Those existing contracts beyond sixty (60) nights shall be canceled. The time period approved to honor existing contracts shall be added to the end of any suspension period.
- (G) *Fraudulent complaints.* Any person who knowingly files a fraudulent, false, or fictitious complaint about a short-term rental shall be deemed to be in violation of this chapter and may be subject to court enforcement proceedings and the penalties under Section 99.62 of this chapter.

§99.62 VIOLATIONS AND PENALTIES.

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

- (D) In addition to any other remedies available to it, the City may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this chapter.

§99.63 TRANSFER OF OWNERSHIP.

- (A) *Transfers prohibited.* Short-term rental licenses are non-transferable, and a short-term rental license issued under this chapter shall become void upon the attempted transfer of a license or transfer of ownership of the dwelling unit for which the license is issued. In the event of an unauthorized transfer, a new short-term rental license must be obtained by the new owner of the dwelling unit from the City before short-term rentals may be resumed in the dwelling unit.
- (B) *Transfer defined.* As used in this chapter, a “transfer” of a short-term rental license shall include the following:
 - (1) Any transfer, sale, change in ownership, or other conveyance of a short-term rental license to a person or entity other than the owner or license holder;
 - (2) Any transfer, sale, change in ownership, or other conveyance of the premises;
 - (3) Any transfer, sale, change in ownership, or other conveyance of an interest or membership in the corporate entity which is the owner of the premises or the short-term rental license; or
 - (4) Any change in the trustee(s), beneficiary, or beneficiaries of the trust which is the owner of the premises or the short-term rental license.

§99.64 ADMINISTRATION AND INTERPRETATION.

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

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

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

SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective immediately at the later to

occur of: 1) the effective date of Ordinance No. __; or 2) the date of this Ordinance’s publication as required by law.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

Lauren Stanton
City of Saugatuck, Mayor

DRAFT

CERTIFICATION

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

DRAFT



Planning Commission Agenda Item Report

FROM: Ryan Cummins, Director of Planning and Zoning

MEETING DATE: February 15, 2024

SUBJECT: Police Powers Ordinance - Noise

DESCRIPTION:

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

The Planning Commission reviewed the draft noise ordinance at its January 18 meeting. Changes have been made based on Planning Commission feedback. Changes include:

- Modifying the hours of operation for lawn equipment.

The Planning Commission is asked to further discuss the draft ordinance and consider making a recommendation to City Council.

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

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

LEGAL REVIEW:

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

SAMPLE MOTIONS:

Motion to RECOMMEND adoption of the amendment to the noise ordinance to clarify provisions related to the quiet hours and provide examples of violations of the ordinance to better protect the public health, safety, and general welfare of the City, its residents, and visitors.

Motion to NOT RECOMMEND adoption of the amendment to the noise ordinance to clarify provisions related to the quiet hours and provide examples of violations of the ordinance to better protect the public health, safety, and general welfare of the City, its residents, and visitors.

Motion to RECOMMEND adoption of the amendment to the noise ordinance to clarify provisions related to the quiet hours and provide examples of violations of the ordinance to better protect the public health, safety, and general welfare of the City, its residents, and visitors with the following changes:

1. _____
2. _____
3. _____
4. _____
5. _____

**CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN**

AMENDMENT TO NOISE ORDINANCE

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 _____, 2024 at _____ p.m., City Council Member _____ moved to adopt the following ordinance, which motion was seconded by City Council Member _____.

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

THE CITY OF SAUGATUCK, ALLEGAN COUNTY, ORDAINS:

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

§ 94.04 UNLAWFUL NOISE; EXCEPTIONS.

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

this section, subject to additional prosecution and civil penalties.

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

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

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

- (10) *Radios, musical instruments, and music playing devices.* The playing of any radio, television set, speaker, musical instrument, or music playing device in such a manner or with such volume so as to create a noise disturbance. The playing of such a device or in such a manner as to be plainly audible on the property of another or within a building or dwelling unit other than that within which the device is located, or the playing of such a device between the hours of 11:00 p.m. and 7:00 a.m., shall serve as prima facie evidence of a violation of this section.
 - (11) *Shouting and whistling.* Yelling, shouting, hooting, whistling, speaking loudly, or singing or the making of any other loud noise on the public streets any time so as to create a noise disturbance. The creation of such noises so as to be plainly audible on the property of another or within a building or dwelling unit other than that within which the noise is made, or the creation of such noises between the hours of 11:00 p.m. and 7:00 a.m., shall serve as prima facie evidence of a violation of this section
 - (12) *Whistles or sirens.* The blowing of any whistle or siren in such a manner as to create a noise disturbance, except to give notice of the time to begin or stop work or as a warning of fire or danger, or for duly authorized tests.
 - (13) *Fireworks and Explosives.* The ignition, discharge, or detonation of any firework explosive or explosive device, firecracker, shell, consumer firework, or other article whereby the device or article undergoes a rapid chemical reaction with the production of noise, heat and/or violent explosion of gases, except as provided in Section 92.02 of the City Code.
- (E) *Exceptions.* None of the terms or prohibitions of Section 94.04(C) shall apply to or be enforced against:
- (1) Any government owned or operated police or fire vehicle or any ambulance, while engaged in emergency business.
 - (2) Excavations or repairs of bridges, streets, or highways by or on behalf of the City or the State of Michigan.
 - (3) Warning devices emitting sound for warning purposes as authorized by law.
 - (4) Customary lawn maintenance equipment for residential use, such as lawn mowers, leaf blowers, and chain saws, if the equipment is in good working order and is being operated between the hours of 7:00 a.m. and 9:00 p.m.

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

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

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

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

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

 Lauren Stanton
 City of Saugatuck, Mayor

CERTIFICATION

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

DRAFT

Memorandum

To: City of Saugatuck Planning Commission
Date: January 12, 2024
From: David M. Jirousek, AICP
RE: Short-Term Rental Policy Discussion

Overview

The City Attorney has provided drafts of two ordinances to implement several recommendations from the City's Short-Term Rental Task Force Action Report ("action report"). One ordinance proposes to amend several sections of the City Zoning Ordinance regarding accessory dwelling units and short-term rentals, and the other "police power" ordinance outlines the permitting and enforcement process in the general City Code of Ordinances. However, certain policy discussions are recommended to assess rental permit caps and other requirements, such as parking restrictions.

Policy Discussions

Some communities feel that capping the number of short-term rentals addresses impacts related to housing availability, community character, noise, disturbances, and calls for service. Based on the action report, these are important considerations as the Planning Commission reviews the ordinances.

While overall caps can be considered, we may also wish to consider varying applicability based on unique neighborhood characteristics. Considering strategic application of caps, if any caps at all, is justified by the action report summary, which concluded that a city-wide cap was not overwhelmingly supported.

For instance, we could start with four separate locations based on survey response areas: north/east side of the river, on the "hill", peninsula/west of the river, and downtown, and then narrow down distinct neighborhoods. However, the action report noted the challenge of the effort:

The Task Force discussed placing caps on residential areas of the City to help alleviate the number of rentals in a given geographic area. The Task Force further discussed the potential for extreme challenges on establishing neighborhood districts for cap implementation. Some of the questions posed were as follows:

- *Would such neighborhood caps be placed block by block?*
- *Would one side of a street be classified in one neighborhood, with the other side in a separate neighborhood?*

- *Would instituting a cap in residential neighborhoods then begin to push rentals into other areas of the city, thus exacerbating the issue and not solving for resident concerns regarding the number of rental units?*

Character and Issue Analysis

To answer the questions above, we would need to identify, name, and characterize “neighborhoods,” and then conduct an analysis. For instance, itemizing the following through a character and issue analysis could help to guide this conversation:

- Response area
- Zoning district
- Land use
 - Single-family residential & ADUs
 - Attached residential
 - Mixed-use
 - Commercial
- Character
 - Walkability
 - Density/intensity
 - Proximity to downtown
 - Proportion/intensity of short-term rental units
- Parking analysis
 - Lot sizes in relation to the ability to accommodate on-site parking
 - Proximity of public lots
 - Availability and demand for on-street parking

Based on the analysis of neighborhoods and these factors, the City could assess where caps may be more appropriate or accepted by landowners and where they would not. This may help to make a more informed decision on caps, as well as other restrictions concerning parking capacity.

Conclusion

As anticipated by the action report, a finer-grain neighborhood-level study is recommended if the Planning Commission and City Council wish to pursue further regulation beyond what is included in the two ordinances presented for the January review. The Planning Commission should determine whether such an effort is worthwhile and if the scope should be refined.



City Manager, Planning, Zoning and Project Report

February 12, 2024

Acting City Manager

- Election Commission Meeting
 - I attended the Election Commission meeting this week. You should all be very proud of your local Clerks. They are doing an excellent job in working collaboratively through a lot of new requirements. I was very impressed with their teamwork during the public accuracy test.
- Water Main Break
 - On Thursday, KLSWA repaired a water main outside Ridgewood Oaks Apartments. KLSWA advised there was a leak at a slip joint. KLSWA issued a boil water advisory for the limited affected properties. Big thank you to the KLSWA team for their quick response and repairs.
- Projects
 - I am working on getting status updates for the various projects Ryan H is the lead on. Further details will be available at your next meeting. I appreciate everyone's patience.

Planning and Zoning

- Prepared for and attended Historic District Commission meeting.
- A Request for Proposals (RFP) for third party STR enforcement support has been released. After the due date, a recommendation will be brought to City Council for a decision.
- STR Updates
 - The Planning Commission will be conducting a public hearing on zoning amendments at their February 15 meeting. They will also have further discussion regarding a police-powers ordinance. They may make a recommendation to Council on both.
 - Residential Caps – The Planning Commission will also have further discussion about residential caps at their next meeting.
- Reviewed case law update provided by Fahey Schultz.
- Attended Renewable Energy Projects webinar by Fahey Schultz.
- Updated Right of Way application to reflect recent ordinance amendments and formal policy.
- Set up online training for a Planning Commission member and ZBA member.

- Met and talked with property owners and applicants to answer questions and provide resources.
- Continued follow-up on complaints of code violations throughout the City.
- Completed planning and zoning casework as outlined in the chart below.

Planning and Zoning Casework

320 Mason	Enforcement	Previously 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 engaged in discussions with owner's attorney to gain compliance. Discovered further evidence of non-compliance. Legal received no response to recent inquires. Next steps for enforcement action under review.
560 Mill and 860 Simonson	Enforcement	Enforcement was pending of hardscaping in ROW. Report back to City Council for further policy direction occurred at September 20 workshop meeting. Formal policy and ordinance amendments were approved by Council on January 22. Forwarded amended ordinance, formal policy, and application to both property owners to apply for approval.
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. Prior approved plans and survey did not show any structures in the northwest area of the property. Assessing photos confirm this. 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 and HDC application. HDC tabled pending further detail and plans. Planning Commission approved with conditions that other approvals are obtained. Variance application received. Requested as built survey to verify dimensions. Owner withdrew historic district and variance applications as they will now be removing the shed and freezer. Owner advised shed was being removed week of 12/4 but still remains. Sent owner letter to remove both shed and freezer by end of January or further enforcement will occur. Owner advised work was scheduled but contractor cancelled due to poor winter weather. Extension to end of February was granted.
297 Sugar Hill	New Home	Zoning app for new home. Roof encroached further than allowed. Appeared to be ADU with internal connection which is not allowed. Advised applicant of concerns. Talked with applicant about ADU. Updated plans for eaves received. Eaves still not compliant. Water-sewer application received. Driveway concerns also noted. Advised applicant of concerns and non-compliant items. Plans are being updated.

Planning and Zoning Casework Continued

57-850-010-00	Easement	Current owner requested copy of water main easement. Engineer and I unable to locate. Referred to register of deeds. Owner advised they could not locate one. Engineer later advised it appears watermain easement was recorded for Dunegrass Condos to the west, but this one parcel was missed. Dune Ridge had to install water main as part of site condo development. Legal prepared easement documents to present to current property owners. Owner sent proposed easement. Reviewed with legal and engineer. Sent City proposed easement. Awaiting owner response.
650 Water	New Restaurant	SLU and site plan app for a restaurant with an expanded outdoor dining area and service of alcoholic beverages. Asked for additional detail on outdoor seating which was provided. Planning Commission approved with conditions. HDC app received. HDC approved with conditions. Awaiting further from owner to bring forth a revocable license request to Council.
345 Hoffman	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Failed. Sent reinspection invoice. Reinspection fee paid. Still pending reinspection.
842 Lake Unit 6	Short Term Rental	New owner of property with STR certificate. New owner did not apply. Advised new owner of requirement to apply for STR certificate if they wish to operate unit as STR. Asked to advise if no longer an STR. STR app received from new owner. Did not list contact within 45 miles. Asked for updated local agent. Info provided. Sent to Fire Department for inspection.
842 Lake Unit 2	Short Term Rental	New owner of property with STR certificate. New owner has not applied. Advised new owner of requirement to apply for STR certificate if they wish to operate unit as STR. Asked to advise if no longer an STR. Did not list contact within 45 miles. Asked for updated local agent. Info provided. Sent to Fire Department for inspection.
615 Park #5	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Owner advised Fire Department she was not ready for inspection. Corresponded with owner about requirements. Owner advised she is ready. Inspection pending.
443 Park	Enforcement	Complaint of a boat cover in right of way. Researched surveys from prior plans and from engineer. Under review by legal due to pending litigation.
940 Pleasant	New Dwelling	Zoning app for an accessory building with a garage/workshop, storage, and studio/office/guest suite. Various initial questions sent to applicant. Applicant provided details. Sent to consultant. Sent to engineer. Engineer talked with applicant and also provided conditions for stormwater. Sent applicant list of concerns with plans. Talked with application and provided various resources to the applicant. Awaiting revised plans.
685 Lake	Accessory Building	HDC and zoning app to refurbish accessory building into an art studio and construct a deck around it. Concerns with setbacks, possible floodplain issue. Asked for further detail from owner. Chair indicated full HDC review. . Asked Building Official for feedback on floodplain concerns. Owner responded with requested information. Provided resources regarding variances. Provided feedback regarding floodplain concerns. Owner withdrew zoning application for deck. HDC approved.

Planning and Zoning Casework Continued

322 Culver	Revocable License for Outdoor Seating	Request from Scooter's Pizza for revocable license agreement for continued sidewalk seating. Previous zoning approval prior to pandemic and no changes. Insurance provided. Will be brought to Council for approval in February.
1042 N Maple	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Failed. Sent reinspection invoice.
311 Water	Outdoor Seating	SLU/Site Plan app and HDC app for outdoor seating area. HDC approved. Scheduled for PC meeting.
717 Water, #8	Short Term Rental	STR app. New STR. Asked for proof of ownership. Proof provided. Sent to Fire Department for inspection.
215 Grand	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection.
449 Water	Outdoor Seating	SLU/Site Plan app and HDC app for outdoor seating area. Requested clarifications and clearer photos and plans. Info provided. HDC approved. Scheduled for PC meeting.
730 Water	Vent	HDC app to install kitchen fan vent. Need owner signature. Advised applicant. Chair agreed admin approval.
230 Culver	Awning	HDC app to install an awning structure in front of the front door. Reviewed history. 2018 similar awning was approved conditioned on Fire Department approval and seasonal removal. Asked Fire Department whether they approved. Sent applicant info Fire Department needs. Scheduled for March HDC meeting.
149 Griffith	Final Inspections / Enforcement	Request for final inspections. Inspected site. Work differed from zoning and HDC approvals. Fence locations and height were corrected. Minor amendments to site plan were approved. Updated HDC request for deviations from approved plans forthcoming.
568 Mason	Enforcement	Complaint that excavation for the new basement holding standing water and no fencing around it, a hose in the street, soil and erosion fencing being down, and soil and sediment leaving the site. DPW checked site and observed sidewalk closed and portions removed without permits. DPW took photos. Discussed with legal. Referred soil and erosion controls to Allegan County Health Department. They advised photos did not show soil leaving site but will inspect. The Building Official advised fencing is not required for the excavation unless it is within 5 ft of the property line along the street. Sent enforcement letter advising of complaint and to remove items from street/sidewalk or apply for temporary right of way permit. Advised in letter that while code does not require fencing, they may want to install fencing or caution tape around excavation. Temporary right of way app received. Answered contractor questions regarding storm sewer connection.
120 Mary	Short Term Rental	STR app. New STR. Sent to Fire Department for inspection.
716 Water Unit A	Short Term Rental	STR app. Renewing. Need owner signature and additional fee. Both received. Sent to Fire Department for inspection.

Planning and Zoning Casework Continued

716 Water Unit B	Short Term Rental	STR app. Renewing. Need owner signature and additional fee. Both received. Sent to Fire Department for inspection.
716 Water Unit C	Short Term Rental	STR app. Renewing. Need owner signature and additional fee. Both received. Sent to Fire Department for inspection. Studio unit no cooking facilities. Unclear if independent entrance. Talked with owner about history and unit. He advised he will install a small stove or range. Sent to Fire Department for inspection.
716 Water Unit D	Short Term Rental	STR app. Renewing. Need owner signature and additional fee. Both received. Sent to Fire Department for inspection.
1005 Elizabeth	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection.
184 Park	Variance	ZBA app for setback variance. Revised plans do not substantially conform to prior approval, so new variance is needed. Scheduled for March ZBA meeting.
290 Spear	Stairway Replacement	Zoning app for stairway replacement. Awaiting fee.
332 Mary	Inquiry	Questions about possible garage and ADU. Answered questions and provided resources.
145 Grant	Inquiry	Answered inquiry about outcome of variance request. Advised variance was denied and provided link to meeting video.
568 Mason	Inquiry	Inquiry about project and setbacks. Answered questions.
230 Culver	Inquiry	Inquiry about permits for awning. Answered questions and provided resources.
133 Main	Inquiry	Inquiry about snowplowing driveway around southwest corner of Village Square. Conducted historical research, talked with engineer and legal. City has not historically plowed and does not have a requirement to plow it. Advised DPW.
888 Holland	Inquiry	Various zoning questions related to property. Answered questions and provided resources. Received second call from another property with same. Answered questions and provided resources.
145 Grant	Inquiry	Questions about STR regulations and possible changes. Answered questions.
246 Butler	Inquiry	Questions about permit required to replace doors. Historic District permit will be required. Referred to guidelines and resources.
790 Lake	Deck	Zoning app for rear yard deck around pool. Advised applicant permits issued for a similar deck. Applicant asked to amend prior approval with revised plans. Amended permits issued.
296 Sugar Hill	Pool	Questions about permits for a pool. Pool received zoning approval as part of plans for new home. Advised if pool dimensions or location has changed, a zoning permit will be needed for the pool.
890 Simonson	ROW Landscaping	Revised right of way plans submitted for review. Was awaiting finalized Council policy to respond. Policy finalized. Sent owner right of way app, ordinance amendments, and formal policy.

Planning and Zoning Casework Continued

650 Water St A and B	Short Term Rental	News owners had not applied for STR certificate for existing STR units. E-mailed to advise of requirement to obtain STR certificate. STR apps received for both units. Sent to Fire Department for inspection. Passed. STR certificates issued.
245 Hoffman	Inquiry	Questions about STR regulations and possible changes. Answered questions.
229 Francis	Inquiry	Request for copy of STR and ADU ordinance. Copies provided.
237 Butler	Complaint	Neighbor concerned that their property was damaged as a result of work occurring at this address. No zoning or historic district permits. Asked MTS for any permits. Advised caller they could make a report to law enforcement and also pursue civil remedies for damage to their property. Asked tenant about nature of work. Tenant advised owner arranged work and explained work. Contractor reached out and provided details of work. Building Official (MTS) advised permits were needed for floor work and possibly drywall if fire rated. Notified contractor to apply for necessary permits.
N/A	Inquiry	Questions about application periods for STRs. Answered questions.
556 Main	Inquiry	Questions about demo permits. Provided resources.
304 Lucy	Inquiry	Questions about historic district boundary. Planned siding replacement. Property is outside district boundaries. Referred to MTS. Also answered sidewalk questions.
435 Water	Use and Signage	Questions about signage for new bakery. Answered questions. Asked questions related to the business to determine use. Discussed with consultant. Requested further detail from owner to make a determination. Use determination made and provided to bakery owner. Received sign app for an attached wall sign and projecting sign. Total sign area exceeded allowable amount. Advised applicant. Building owner also needed to sign app. Revised sign size received for wall sign. Signage meets size requirements. HDC Chair agreed admin approval. Permit issued.
Various Locations	Enforcement	Flooring contractor signs placed in ROW. Left voicemail with contractor advising of ordinance and asked to remove.
Mt. Baldhead, Pharmacy, and Village Square	Trash and Recycling Receptacles	New trash and recycling cans to be piloted. HDC approved.