



**Planning Commission Regular Meeting  
April 18, 2024 7:00PM  
City Hall  
102 Butler Street, Saugatuck, MI**

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**1. Call to Order/Roll Call:**

**2. Approval of Agenda:** (Voice Vote)

**3. Approval of Minutes:** (Voice Vote)

A. Regular Meeting Minutes – March 21, 2024

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

**5. Old Business:**

**6. New Business:**

A. 831 Holland – Public Hearing and Site Plan Review for a rented accessory dwelling unit. (Pg. 11)

B. 132 Mason Street – Public Hearing and Site Plan Review for a restaurant with outdoor seating and expanded outdoor dining area. (Pg. 37)

C. 128 Hoffman Street - Public Hearing and Site Plan Review for a restaurant with outdoor seating and expanded outdoor dining area. (Pg. 64)

**7. Communication:**

A. Craig Baldwin (Pg. 113)

B. Diane Decker (Pg. 116)

C. Ethan Barde (Pg. 117)

D. Gary Medler (Pg. 120)

**8. Reports of Officers and Committees:**

A. Zoning Administrator Activity Report (Pg. 159)

102 Butler St. ★ PO Box 86 ★ (269) 857-2603 ★ [www.SaugatuckCity.com](http://www.SaugatuckCity.com)

<p><b>NOTICE:</b> Join online by visiting: <a href="https://us02web.zoom.us/j/2698572603">https://us02web.zoom.us/j/2698572603</a></p> <p>Join by phone by dialing: <b>(312) 626-6799 -or- (646) 518-9805</b></p> <p>Then enter "Meeting ID": <b>2698572603</b></p> <p>Please send questions or comments regarding meeting agenda items prior to meeting to: <a href="mailto:rcummins@saugatuckcity.com">rcummins@saugatuckcity.com</a></p>
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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, March 21, 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 Chair Manns at 7:00 p.m.

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

Absent: Commission member LaChey.

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

### **2. Approval of Agenda:**

*Motion by Bagierek to switch items 6A & 6B, to go over the goals first. The Commission debated and there was no second for this motion.*

*Motion by Anderson, second by Gaunt, to approve the agenda as presented for March 21, 2024. Upon voice vote, motion carried 6-0.*

### **3. Approval of Minutes:**

*Motion by Gaunt, second by Anderson, to approve the minutes for the regular meeting March 21, 2024. Upon voice vote, motion carried 6-0.*

### **4. Public Comment on Agenda Items:**

- Diana Decker (128 Elizabeth) - She sent in commentary to Council members and Planning Commission members regarding property management companies. She highlighted the legal requirement for property management companies in Michigan to have an Associate Broker or Broker's license. Decker also said that she lives on the hill and has concerns regarding short-term rentals and parking in the city.
- Jane Underwood (130 Perryman) – She expressed frustration with parking issues in the community and near the ferry terminal. People in town have been fussing about parking for 50 years, and she wonders when the city will do something about this safety issue. She said that is something they need to work on, the ferry, the fence, and too many cars.

### **5. Old Business: None.**

## **6. New Business:**

### **A. Short-Term Rentals: Further discussion of Residential Caps & Parking.**

The Planning Commission continued to discuss short-term rentals, residential caps, and parking. Zoning Administrator Cummins explained that they had moved a number of recommendations to City Council at the last meeting, including updates to zoning ordinance related to short-term rentals, made recommendations on a police powers licensing ordinance for short-term rentals and made some recommendations on amendments to noise ordinance. He said that all of those were passed by City Council and have been published and are in effect. Cummins said that Council did not enact the moratorium. Based on the discussion at the last meeting there was a consensus that you wanted to further study residential caps and do a greater neighborhood analysis. Chair Manns said that even though there was no approval of the recommendation for the moratorium, the Commission already said that they wanted to look at the neighborhoods again. He said he feels they are all commonly reminding people that the STR Taskforce did recommend that Planning Commission and City Council continue to review whether or not there is a need to have limits or caps. He explained that just because the moratorium was voted down, the conversation on limits and caps will continue. He said his feeling was that some of City Council were frustrated with the lack of data on short-term rentals despite task force recommendations.

City Planner David Jirousek said that based on the discussion last month, there is concern with some of the current or potential impact of clustering, and short-term rental permits in various neighborhoods. He said that this is a first look at an initial neighborhood analysis with the goal of identifying and characterizing R1 zone neighborhoods where the City may wish to strategically apply caps, to the number of permits, apply separation requirements, parking restrictions or provisions and other restrictions. Considering the methodology in this report, he said that this is just one planner's general look at a number of factors that may lead to these neighborhood-based restrictions. In his opinion, this is just preliminary, in a way that helped him to begin to work through the questions that they have been looking to answer over the next month or two. Jirousek identified twelve R1 zone neighborhoods in the City based on common characteristics and zoning. He sought feedback from the Planning Commission members on the initial data analysis to inform further study. Jirousek presented an initial framework for analyzing neighborhoods with high proportions of short-term rental permits, using methodologies such as clustering and comparing the number of permits to the overall number of lots in each neighborhood. He is looking for more feedback on potential areas for further study, with questions on how to approach the analysis and whether to focus on a larger or smaller number of neighborhoods. Chair Manns asked Zoning Administrator Cummins about the number of short-term rentals in specific areas. Cummins explained that there are 163 listings in the twelve areas, but the data is more complex when considering commercial districts and multi-family properties. Jirousek suggested a more detailed GIS analysis to map permit locations based on address information, which could provide a more accurate visual representation of the density

and clusters of short-term rentals. Commission members agree on the importance of accurate data on short-term rentals in their neighborhoods.

The Commission members continued to debate whether to prioritize short-term rental regulation. Anderson emphasized the importance of the Planning Commission addressing caps issue to provide residents with necessary data for informed decision-making. Broeker and Gaunt expressed willingness to move forward with short-term rental cap, but only if accurate numbers are provided. Gaunt says that an accurate count of how many short-term rentals they currently have in their zoning districts is needed to move forward. Commission member Clark emphasized the importance of defining their methodology, density, current state, and understanding velocity when analyzing the data. He says that if they are going to do it, do it right. Bagierek expressed that he did not feel that the STR Taskforce left with a mandate to talk about caps. He emphasized the importance of economic studies for Saugatuck and the potential loss of businesses if caps are implemented. Anderson stressed that the task force acknowledged the amount of work and level of data analysis that was conducted since May 2023, and said that continued discussions pertaining to caps should continue. Manns expressed skepticism about the likelihood of getting votes from City Council for a recommendation on caps when they did not approve a moratorium. He said that in 2033-2023 the Planning Commission went in the direction of trying to be much more reactive, to listen to the community, and to try to determine if there are things that they should do besides just reviewing site plans that come before them or dealing with zoning. Knowing that there is a big outcry, there was a petition that was drawn up, which probably has more than one hundred signatures, saying that they wanted further discussion on caps. There is also the possibility of a ballot initiative, and Manns thinks that it would be remiss if both the Planning Commission and City Council decided that they did not want to jump over this last hurdle and the biggest issue. He would like to see the Commission over the next couple of months, spend some time taking a look at this. Anderson addressed the survey which showed strong support for residential caps among Saugatuck residents, with 68% of the residents on the hill and 70% of Peninsula West residents were in favor and said that this is what the residents of Saugatuck want. Manns suggested identifying areas for potential reduction to determine impact of cap reduction on neighborhoods. Gaunt agrees with Manns and emphasizes importance of clear communication and consistent meetings to ensure understanding of cap reduction.

Commissioner Anderson argues for gradual changes to economic development policies, citing lack of economic disadvantage in small towns. Manns expressed hesitation towards implementing a 10% reduction in short-term rentals without proper analysis and data. Anderson questioned the administrative feasibility of implementing by neighborhood versus zone.

Commission member Broeker suggested that defining neighborhoods based on a more holistic view, such as proximity to residences, could provide a more accurate representation of the area. The Commission discussed the definition of neighborhoods in the peninsula area, with Manns suggesting grouping together areas 2, 3, and 4 as one neighborhood due to similar residential feel and proximity to Park Street. Manns also mentioned that there are 120 parcels in those three areas, with a 14% penetration of short-term rentals, and suggested focusing on the

peninsula side first. Broeker agreed with Manns that Manchester/Campbell should be separate. She suggested combining neighborhoods 2 and 3, as they feel more connected and share similar characteristics. The Commission discussed the potential for splitting up neighborhoods into smaller divisions, with some members preferring larger groups over finer distinctions. They debated whether to divide Peninsula West into four or two neighborhoods based on distinct feels and access points. Bagierek & Anderson agreed that they did not want to overcomplicate things for the people. The group discussed the possibility of remapping zoning areas to better reflect neighborhood character, with Manns suggesting it may be necessary to reconcile differences between what is allowed and not allowed in each area. The Commission debated the order of tasks to undertake, with some members suggesting they should first focus on remapping zoning areas over creating zones.

The Commission discussed cap levels for different neighborhoods, with Manns suggesting a single percentage for all zones or advocating for different levels based on area. Manns expressed difficulty in determining the ideal percentage of short-term rentals in a neighborhood due to the dilution of concentration when grouping them by zone. Anderson and Broeker agree that the end goal of zoning should be to create a city that looks and feels a certain way, rather than solely focusing on numerical percentages.

Residents have expressed concerns about potential negative impacts of redistricting in their neighborhoods. Manns suggests categorizing short-term rentals by neighborhood or zone, rather than by license type, to better reflect the varying levels of residential use in different areas. He believes there is a difference between the average owner in certain neighborhoods and those who purchase properties for part-time use and rental and suggests considering these factors when implementing regulations.

The Commission discussed the impact of short-term rentals on neighborhoods, with Anderson expressing concern about reducing the number of rentals in a neighborhood, that “really just surrounds the downtown.” Manns suggests that the hill is a feeder to the business district, and that reducing short-term rentals could have a negative impact on the economy. Manns suggest using zoning overlay districts instead of zoning remapping to address short-term rental regulations. The Commission discusses the use of data to support a cap on short-term rentals with Broeker questioning the purpose of the data and City Attorney Jacob Witte suggesting the use of overlay districts for easier amendment of the zoning ordinance.

City Planner Jirousek suggested focusing on obtaining accurate data on addresses and dwelling types. Once they build this in GIS, they can manipulate neighborhood boundaries and analyze short-term rentals. Jirousek believes neighborhood-based regulation for short-term rentals is possible and could be applied to R1 districts in a future zoning audit. Jirousek suggests analyzing data by zone instead of neighborhood to better understand density. Manns agreed but wants to consider impact of different zones on the community as a whole.

The Commission discussed how to count houses and lots in a neighborhood, with Anderson suggesting capturing both sets of numbers for simplicity. Manns raised the questions of how to handle the vacant lots and their potential impact on the percentage of short-term rental licenses available in the neighborhood. He recommends using lot limits instead of caps to

avoid adjusting numbers later. Anderson and Jirousek agree that getting the number of houses in addition to the loss is a bigger lift, but it is doable with GIS data.

City Planner Jirousek suggested pulling the data together on residential addresses to inform policy decisions. Chair Manns questioned the need to include unbuilt parcels in the data analysis, citing potential cost savings. They discuss the importance of parking in downtown areas, with Bagierek expressing concerns about the arbitrary nature of parking concerns and the need for more data on the issue. Anderson suggested characterizing short-term rental density based on parking levels, with Bagierek agreeing that more data is needed to accurately assess parking concerns in these areas. Jirousek discussed parking concerns, focusing on lot size and depth. He suggested a windshield survey or block-by-block review of aerials to gather more detailed data. Zoning Administrator Cummins mentions that the Planning Commission has approved the task force recommendations, including no parking on one side of the road, and the fire chief is providing feedback on the list of streets to be addressed.

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The Planning Commission discussed the goals for the remainder of 2024, including continuing the discussion on short-term rental and consolidating zoning districts in the commercial area. Zoning administrator Cummins agrees with the goals and highlights the accomplishments of 2023, including the successful waterfront preservation effort, and suggests looking at the commercial zones first for consolidation. Affordable housing and trails on the airport property are unlikely due to zoning restrictions.

Next, they discussed the City's plan to improve the Park Street corridor with Broeker expressing skepticism about the city's commitment to addressing safety concerns. They talk about prioritizing sidewalk issues in commercial zones, with Manns placing it low on the agenda and Broeker suggesting it should be taken out for City Council to address. Anderson agrees that Park Street is a complex issue and that it is important to address, but notes that it is a hard problem to solve and that not everyone will be happy with any solution.

The Commission continues to discuss prioritizing downtown commercial districts for improvement in 2024. Manns suggests breaking it down into smaller chunks, such as commercial and residential zones. Cummins agrees that Saugatuck is forward-thinking in eliminating parking minimums, but notes that it places pressure on the city and highlights the challenge of unwinding the current parking system. Jirousek suggests reducing parking requirements for new

developments to encourage more walkable and bikeable communities. Manns raised concerns about the feasibility of implementing paid parking in the resort community, citing the need for further discussion and analysis. Manns suggested prioritizing commercial zone changes for public hearing in July, August, or September, depending on time constraints. Jirousek aims to have GIS analysis ready for April meeting but may need to wait for capacity of outside agencies. Zoning Administrator Cummins aims to provide accurate data on short-term rentals by April but may need more time. Manns suggests breaking down the data into buildable versus vacant lots to help with reconciliation. Jirousek agrees to coordinate with Cummins on GIS data crunching for commercial district analysis. The commission discusses the need to analyze short-term rental data in commercial districts, as the current data only includes residential areas. They also agreed that consolidating zones and looking at each commercial district separately is necessary to understand the full scope of short-term rentals in the area.

#### **B. Goals for Remainder of 2024**

City Planner Jirousek and Zoning Administrator Cummins provided details on the housing readiness grant through MSHDA, which can be used for Master plan updates, zoning related updates, and other local efforts to increase housing supply, affordability, and attainability. The Commission expresses frustration with the lack of progress on the community plan and suggests prioritizing it for 2024. Consensus reached on four main goals for 2024:

- Continuation and finishing short-term rental discussions.
- Consolidation and review of zones, both commercial and residential.
- Lay a base plan for how to move forward with Master Plan.
- Parking planning

*Motion by Broeker, second by Bagierek, that their goals for 2024 will be to:*

- *Consider and review the Tri-Community Master Plan.*
- *Complete the discussion of short-term rentals with respect to potential caps.*
- *Consolidation of zoning districts, commercial and residential.*
- *Parking.*

*Upon roll call vote, motion carried 6-0.*

**7. Communications:** None.

**8. Reports of Officers and Committees:**

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

**9. Public Comments:**

- Diana Decker (128 Elizabeth): She attended a great meeting a few years back where they met Ryan Kilpatrick at the Saugatuck Center for the Arts regarding affordable housing. He spoke about what he has done in other communities to get grants and money for affordable housing. She said that South Haven just had their third meeting with Kilpatrick and noted that they are really trying to get ahead on that topic. She agreed with Commissioner Gaunt's comments regarding the Master Plan and noted that Douglas, Saugatuck, and Saugatuck Township are three different communities and should have their own Master Plans. She said that regarding the data for the map, she has worked with a few different assessors, and she thinks the it is pretty easy to collect the data.
- Jane Underwood (130 Perryman): She said that she has heard for many years that "Saugatuck is dying, no one is going to come", or "The sky is falling in". She says that it has not happened yet. She thinks that Saugatuck seems to reinvent themselves. It is a good place to be.
- Gary Kemp (1022 Holland): He likes the way the Commission is moving to try to collect the data and evaluate things but wished he had a chance to suggest an idea earlier. He thinks that one of the things that the Commission should be looking at is the allowable occupancy of each of the units as they are mapping. This will tell you how many people are going to be at that location, and how many people are going to be cut from that location according to the new rules. He also thinks that when they do their annual evaluation of the residency, they should look at off-street parking. Parking, the occupancy, and the size of the house are critical issues. It would be really easy to add the allowable occupancy and it does make a difference. He says that he thinks that the smaller homes with 2-6 people do not have the issues that the larger houses with higher occupancy have. He suggests that they have Mr. Jirousek ass the occupancy number to each of the units as he is mapping them and put in the data because he thinks they are going to find that to be extremely useful information. He thought it was a good meeting and he hopes they make some real headway and not overly cap things as he thinks a 20% cap is very arbitrary. It may feel good to Holly but may not feel as good to him as he would like to see a higher percentage. He says that the more data they have, the more they will be able to convince people of what they are doing.

#### **10. Commission Comments:**

- Joe Clark: Said that he does not mean to keep driving down into the short-term rental topic, but he spent a lot of time analyzing the data and said that he would be more than happy to bring the results in of the analysis that he did. There is a clear correlation between the zones and the resident's response in the zones that have the higher density of short-term rentals to the thresholds of caps that they want to see. Specifically, on the hill which he believes showed 64%, and another district was at 70. You could correlate the data directly. In each of those responses, they are all in favor of 20% or lower numbers. He wanted them to know, if they are going to be data dependent, he thinks they should be looking at that data as well. In his opinion, it is meaningful, it shows the feelings of the people that are responding. He thought it was a good meeting on a challenging subject and thanked everyone for coming.
- Steve Manns: He thanked Mr. Jirousek and said that the Commission appreciates what you have put in so far. He looks forward to seeing what he is able to produce by their April meeting. He



thanked Ryan and the rest of the city staff for their work. He loves the fact that they have Commissioners that are willing to put the time in to do more than just what comes before them. At the same time, they have to be respectful as they have a small staff and small budgets to factor in. He is not sure how they are paying for all of these studies. He thinks as they get to looking at the numbers, they should be going back to the survey and considering whether or not another survey should be done that is more specific because there were some complains about the survey that they did during the STR Task Force.

**11. Adjournment:**

*Motion by Gaunt, second by Anderson, to approve adjournment of the meeting. Upon voice vote, motion carried 6-0. Chair Manns adjourned the meeting at 9:37 pm.*

Respectfully Submitted,

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Sara Williams, Deputy Clerk





**MEMORANDUM**

**City of Saugatuck Planning Commission**

<b>Memo Date:</b>	<b>April 12, 2024</b>	<b>Meeting Date:</b>	<b>April 18, 2024</b>
<b>Request:</b>	<b>Special Land Use</b>	<b>Applicant:</b>	<b>Dawn Alexander</b>
<b>Address:</b>	<b>831 Holland Street</b>	<b>Project Name:</b>	<b>ADU Rental Proposal</b>
<b>Parcel:</b>	<b>03-57-209-056-01</b>	<b>Plan Date:</b>	<b>Surveyed July 20, 2022</b>
<b>Lot Size:</b>	<b>0.183</b>	<b>Zoning District:</b>	<b>R-1 Community Res</b>
<b>Complete:</b>	<b>Yes</b>	<b>Recommendation:</b>	<b>TBD based on ADU s.f.</b>
<b>Staff:</b>	<b>Ryan Cummins</b>	<b>Consultant:</b>	<b>David M. Jirousek, AICP</b>

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**Overview**

The applicant has applied for special land use approval to rent an existing accessory dwelling unit (ADU) in accordance with Section 154.026 (C)(3) of the Zoning Ordinance. 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 rental of ADUs.

**Background**

A garage with a second-floor ADU living space was approved in 2019 and constructed soon thereafter. The square footage of the second-floor living space provided by the applicant is 638 square feet. The unit is accessed by an exterior staircase and includes an open living area with a kitchen, bathroom, and bedroom. The dwelling also has access to a second-floor open-air porch which is covered by an extension of the gable end roof.

The owner now wishes to manage the rental of the ADU. If a short-term rental, the ADU rental must also be permitted administratively in accordance with Section 154.022 V and the City of Saugatuck’s Short-Term Rental Ordinance.

**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](http://www.saugatuckcity.com)

- Compliance with Section 154.092 J- Rental of an Accessory Dwelling Unit
- Compliance with Section 154.022 W- Accessory Dwelling Unit
- Site Plan approval in accordance with Section 151.060
- Special Land Use approval in accordance with Section 154.080

### **Rental of an Accessory Dwelling Unit**

In accordance with Section 154.092 J, a rental accessory dwelling unit shall conform to all regulations in Section 154.022(W) and the following requirements.

**Comment:** Concerning compliance with Section 154.022(W)(3), the building plans show the ADU living space is 638 square feet. Assessing data shows the overall footprint as 620 square feet. As outlined later in this report, it appears that the ADU does not conform to all zoning requirements.

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.*

**Comment:** The owner intends to remain the primary occupant of the principal detached single-family dwelling. This will remain an ongoing requirement for renting the ADU.

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*

**Comment:** If intended to be rented on a short-term basis, the proper permit must be secured by the applicant.

### **Accessory Dwelling Unit**

In accordance with Section 154.022 W, an accessory dwelling unit 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.*

**Comment:** Although the principal building was at one time three rental units, it was recently determined to be a single-family dwelling by the Zoning Administrator.

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.*

**Comment:** Until it is approved for renters, the ADU occupancy is limited to owner/occupants and non-renting guests.

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.*

**Comment:** The building plans show the ADU living space is 638 square feet, which exceeds the past and current ADU square footage requirements. Assessing data shows an overall footprint of 620 square feet. From the information available, the ADU appears to be nonconforming.

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.*

**Comment:** Not applicable.

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.*

**Comment:** The building was previously confirmed as compliant with dimensional requirements for the subject zoning district.

6. *No more than one accessory dwelling unit is permitted on any lot.*

**Comment:** Although the principal building was originally divided into three units, it is now a single-family dwelling with one accessory dwelling unit.

7. *Accessory dwellings shall not be permitted to have independent electric, gas, or water meters from the single-family detached dwelling.*

**Comment:** The building was previously confirmed as compliant.

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.*

**Comment:** Not applicable. The ADU exists above a detached garage.

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.*

**Comment:** Parking for the ADU is available on an existing driveway and ground level garage space.

*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).*

**Comment:** The applicant is seeking approval for renting the ADU.

**Comment:** Not applicable. The ADU is above a detached garage.

### **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:** Not applicable. The site is already developed and improved with a single-family dwelling and a detached garage with a second-story ADU.

*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:** Not applicable. No site work is proposed as part of the proposal.

*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:** As a single residential dwelling with an existing ADU in an established residential area, screening is not necessary or recommended.

*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:** Site improvements were previously approved by all applicable City departments. Additional permitting will be required rented for short terms.

*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 to a single-family residential dwelling with a detached ADU.

- 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 to a single-family residential dwelling with a detached ADU.

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

**Comment:** This standard is not applicable to a single-family residential dwelling with a detached ADU.

- 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:** Not applicable. The site is already developed and improved with a single-family dwelling and a detached garage with a second-story ADU.

- 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:** Not applicable. The site is already developed and improved with a single-family dwelling and a detached garage with a second-story ADU.

- 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:** Not applicable. The site is already developed and improved with a single-family dwelling and a detached garage with a second-story ADU.

*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:** The existing principal dwelling and ADU are compatible with nearby properties and land uses. Permits were secured for improvements to the dwelling and construction of the detached accessory building.

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

**Comment:** Except the size requirement mentioned earlier, other standards and zoning requirements have been met for the ADU and the rental of the ADU.

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

**Comment:** Not applicable. The site is already developed and improved with a single-family dwelling and a detached garage with second-story ADU.

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

**Comment:** Renting the existing ADU will have a negligible impact on public services, as there may be more frequent turnover than if it were only used for guests or by the primary resident.



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:** Renting the existing ADU will have no additional impact on public health, safety, welfare, or the social and economic well-being of the community.

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

**Comment:** This standard is not applicable to a single-family residential dwelling with an ADU.

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 rental of the existing ADU will have a negligible impact on traffic conditions. Sufficient parking exists in the driveway and inside the garage.

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:** Renting the existing ADU will not impede the use of adjacent properties or negatively impact them. Additionally, the applicant owns the dwellings on both sides of the accessory building.

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:** This standard is not applicable to a single-family residential dwelling with an ADU.

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:** This standard is not applicable to a single-family residential dwelling with an ADU.

### **Recommendation**

Based on the findings in this report, all standards of approval have been satisfied, except that it is unclear how the ADU was originally approved to be 638 square feet. Section 154.092(J) states that to rent an ADU, all requirements of 154.022(W) must be met, yet it appears that the ADU does not conform to the square footage requirements in place in 2019 and those in effect at the present time.

There is the possibility that there is an inconsistency between plans, or that there are details that are missing from the submittal. There are several strikethroughs and notes on the plans submitted by the applicant, so it is not entirely clear if there were changes to the plans or overall square footage. In any case, the applicant should confirm the interior gross finished floor area and address this issue to the best of their ability.

If we find that the ADU is, in fact, nonconforming and unable to be approved, the Planning Commission may wish to review the zoning ordinance further in a separate discussion. It may be worthwhile to assess the zoning text and possibly consider reasonable provisions to allow the rental of ADUs that do not comply with certain requirements.

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](https://codelibrary.amlegal.com/codes/saugatuck/latest/saugatuck_mi/0-0-0-4355)

### LOCATION INFORMATION

Address 831 Holland St Parcel Number 03-57-209-056-00

### APPLICANTS INFORMATION

Name Dawn Alexander Address / PO Box 831 Holland St PO Box 112  
City Saugatuck State Mi Zip 49453 Phone 616 218-4110  
Interest In Project Owner E-Mail dawnalexander30@yahoo.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 Dawn Alexander Date 2-20-24

### OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)

Name John Jenkins / Dawn Alexander Trust 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 N/A SEE \* BELOW Contact Name \_\_\_\_\_  
Address / PO Box \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_  
E-Mail \_\_\_\_\_  
License Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

\* RE EXISTING Building - Permit issued 9/17/2019 SAB 19036 Occupancy - 7/8/2020



PROPERTY INFORMATION

Depth 32 Width 20 Size 640 Zoning District R1 Current Use STR

Check all that apply:

SEE PAGE (F) FOR SURVEY

Waterfront \_\_\_\_\_ Historic District  Dunes \_\_\_\_\_ Vacant \_\_\_\_\_

~~DANN & JOHN LINC AT 831 HOLLAND RESIDENT HOME~~

PROJECT DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)

~~HAS Additional Building ADU Unit~~  
FOR UNIT

PLEASE SEE ATTACHMENTS FOR following for the  
PRE EXISTING GARAGE ADU AT 831 HOLLAND ST:

A) ON 9/17/2019 Jurisdiction of Saugatuck  
City ISSUED COUNCL of 831 HOLLAND Building  
Permit SAB 19036

B) City of Saugatuck Certificate of Appropriateness  
Zoning use & Location Approval P-HIS-19018  
FOR ATTACHMENTS See Detached Garage!

1) City Saugatuck Historic District finds  
Project approved & MEETS the Standards  
found in chapter 152 of city ordinance

2) Planning & zoning approved project MEETS  
Requirements of chapter 154 of city of Saugatuck  
Ordinance

3) Attached Meeting Notes from July 11<sup>th</sup> 2019.

4) 7/8/2020. David Pohl Building Office #2167  
Issues Certificate of occupancy for Accessory  
Building with Accessory Dwelling unit ABOVE



# 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.

- SEE ATTACHMENTS FOR EXISTING ADU PERMIT & APPROVALS FOR ALL BELOW*
- |                                     |                          |                                     |   |
|-------------------------------------|--------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Property dimensions   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Significant vegetation <i>→ SURVEY PROVIDED</i>   |
| <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 checked="" 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 <i>STCS</i>  |
| <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   |
- SEE ATTACHED 7-20-2022 SURVEY*
- Jan Jenkins 851 HOLLAND ST 616-886-9188*  
*July 2019*

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:

- SEE ATTACH BLUE PLANS & LAND SURVEY 7-20-2022*
- |                                     |                                     |                                     |   |
|-------------------------------------|-------------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | <input checked="" 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 type="checkbox"/>            | <input type="checkbox"/>            | <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/>            | Driveways   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input 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; <i>EXISTING</i>   |
| <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

See Attachment for EXISTING ADU PLAN 2019 + HISTORIC MEETING NOTES 7/11/2019

- 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. *SUNNY*
- 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. *see blue prints*

## 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?  
*EXISTING 2019 Build with Newer Building After 2019*
- (2) How will the proposed request consistent with, and will promote the intent and purpose of this chapter?  
*ASKING for Renewal of this ADU AS AN STR that has been in the Rental system SINCE 2020*
- (3) How will the proposed request compatible with the natural environment and will it conserve natural resources and energy?  
*All Materials + Design Approved by Historical District Commission City of Saugateck 7/11/2019*
- (4) How will the proposed request consistent with existing and future capabilities of public services and facilities?  
*EXISTING STR SINCE 2019*
- (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?  
*Land owner occupied, live w property, ONLY ONE bedroom unit for single couple who are very respectful of our local owners and neighboring vacationers in STR'S.*



# Special Land Use Application

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

ALL FLAMABLES REMOVED FROM BUILDING  
RISK EXTINGUISHERS RECORDS KEEP UPDATED MANUALLY

(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 SEE SURVEY FOR DRIVE WAY ENTRANCES

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

ALL PARKING ON PROPERTY, NONE IN CITY NEAR PUBLIC PROPERTY WHICH WE NEED FOR OUR TOURIST

(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?

EXISTING 7/11/2019 APPROVED CITY OF SHELTON

(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?

MATERIALS, SITE, SIZE APPROVED BY CITY 7/11/2019

(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?

SMALL UNIT FOR SINGLE COUPLES, BUILDING SPRAY FAN INSULATED, LOW WATT LIGHTS + SAVE ENERGY, OUTSIDE OF BUILDING, SEPARATE TRASH CANS + RECYCLE CANS FOR ADU.





# 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?

EXISTING Build 2019

- (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?

EXISTING Build 2019

- (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?

EXISTING Build 2019 SEE RECENT SURVEY

- (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?

EXISTING Build 2019 - See 13.5' x 95' DRIVEWAY ON SURVEY

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

N/A - Private Drive & Walkways

- (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 Private Drive & Walkways

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

N/A Private Drive & Walkways



## 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.

EXISTING Swirling 2019

- (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](#)).

ALL TRASH + BICYCLE CONTAINERS NOT VISIBLE FROM HOLLAND ST.

- (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.

ALL LOW WATTS ENERGY CONSERVING LIGHT



A

**BUILDING PERMIT INFORMATION**

**THE FOLLOWING INFORMATION IS REQUIRED TO OBTAIN A BUILDING PERMIT: *incomplete applications may be returned***

1. A complete BUILDING PERMIT APPLICATION form showing:
  - A: A detailed site plan
  - B: Owner/Contractor/Jobsite/cost information/type of project
  - C: Agent Authorization (*required if builder obtains permit*)
  
2. **THREE SETS - HARDCOPY PLANS TO SCALE** (*one will be returned to be kept on the jobsite*)  
**INCLUDE ON THE PLANS:**
  - a: Foundation Plan detailed
  - b: All significant elevations (side views)
  - c: Floor plans – including, but not limited to: use of all rooms and dimensions; window and door sizes; stairway structural details (*if applicable*); deck structural details (*if applicable*)
  - d: Cross section of one wall from footing to peak
  - e: Identify north elevation as (N)
  - f: Indicate snow-loading capacity. Be sure to show all dimensions
  - g. Energy code insulation values
  - h. Items required prior to rough-in: 1) Manufacturers truss diagrams 2) Mechanical Design Criteria (Manual S & J)
  
3. ENVIRONMENTAL HEALTH PERMIT (Septic and Well Permits) is necessary for a septic and well system or an approval from the local municipal water/sewer authority.  
\*\*\* Permit is required to hook to an existing system (septic and/or well)  
Allegan County Environmental Health – 269-673-5415  
VanBuren County Health Department – 269-621-3143
  
4. DRIVEWAY PERMIT contact the road commission for the installation of a culvert or a waiver. In cities contact City Hall for curb cuts and sidewalk requirements  
Allegan County Road Commission – 269-673-2184  
Van Buren County Road Commission – 269-674-8011

▶ see reverse side

(B)

# BUILDING PERMIT

The Jurisdiction Of SAUGATUCK CITY

Issue Date

Expiration Date

Permit #

9/17/2019

SAB19036

## APPLICANT, OWNER, and BUILDER INFORMATION

Builder Is Owner

Property Owner Is Owner

Owner

Jenkins John

PO Box 112

Saugatuck, MI 49453

(616) 886-9186

, MI

Work\Cell: License #:

Applicant Is Owner

## PROJECT INFORMATION

Site Address 831 Holland St

Subdivision

Type Of Project Accssy Bldg w/ ADU

Proposed Use Residential

Foundation Concrete

Value \$40,000 Parcel# 03-57-209-056-00

Zoning District

Group R3 Type 5B

Code MRC 2015

Zoning Permit #

Septic Permit #

Soil Erosion Permit #

## DIMENSIONAL INFORMATION

Width	Length	Height	1st	2nd	3rd	Basement		Garage	Deck	Total Square Footage	
						Total	Living			Living	Total
20	32		0	0	0	0	0	0	0	0	0

Stories Of Project 1

Bedrooms 0

Bathrooms 0

Heat Source

No Fireplace is included in this permit

No Airconditioning unit is included in this permit

There is no water tap

There is no well

No truss diagram was submitted

## FEE INFORMATION

Permit Fees		Total Fees Due	\$240.00
Building	\$240.00	Balance Due	\$0.00
Plan Review	\$150.00		
Application	\$0.00		
Miscellaneous	\$0.00		

Permit Remarks

(pd ch#186) \*AS PER PLAN REVIEW LETTER

Verified By

Jennifer Goodrich

Date

9-17-19



**CERTIFICATE OF USE AND OCCUPANCY**

**BUILDING PERMIT NUMBER:** SAB 19-036

**SITE ADDRESS:** 831 Holland St

**PARCEL #:** 03-57-209-056-00

**NAME OF APPLICANT:** John Jenkins

**(OWNER)** same

**TYPE OF PROJECT:** 20 x 32 Accessory Building with Accessory Dwelling Unit Above

**TYPE:** 5B

**USE GROUP:** R3

**CODE IN EFFECT:** MRC 2015

**DESIGN OCCUPANT LOAD:**

**AUTOMATIC SPRINKLER SYSTEM INSTALLED:** N **REQUIRED** N

**BUILDING PERMIT #** SAB 19-036

**APPROVED BY:** Brian MacCartny

**DATE:** 07/03/2020

**CONDITIONS, IF ANY:** None

**ELECTRICAL PERMIT #** SAE 19-048

**APPROVED BY:** Lyle Lester

**DATE:** 07/03/2020

**CONDITIONS, IF ANY:** None

**MECHANICAL PERMIT #** SAM 19-069

**APPROVED BY:** Scott Paddock

**DATE:** 06/30/2020

**CONDITIONS, IF ANY:** None

**PLUMBING PERMIT #** SAP 19-025

**APPROVED BY:** Chuck Girolomi

**DATE:** 06/23/2020

**CONDITIONS, IF ANY:** None

**DATE:** 07/08/2020

**DANIEL POLL, BUILDING OFFICIAL #2167**

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



**City of Saugatuck**

102 Butler St PO Box 86  
Saugatuck, MI 48823  
(269) 857-2603 Fax (269) 857-4406

**Certificate of Appropriateness  
Zoning Use and Location Approval**

**P-HIS-19018**

This permit conveys no right to occupy any STREET, ALLEY, or SIDEWALK, or any part thereof either temporarily or permanently.

Issued:

Expires:

Type of Construction: **Garage, Detached**

Code Section: **SEC 152**

LOCATION	PROPERTY OWNER	APPLICANT
831 HOLLAND ST 57-209-056-00 Plat/Sub:	JENKINS JOHN PO BOX 112 SAUGATUCK MI 49453 Ph.: Fx.:	JENKINS JOHN PO BOX 112 SAUGATUCK MI 49453 Ph.: Fx.:

**Work Description:** Detached garage with ADU above as detailed in the application

**Stipulations:**

The City of Saugatuck Historic District finds that the project as approved meets the standards as found in Chapter 152 of the City Ordinance

The Planning and Zoning Administrator had determined that the project as approved meets the requirements of Chapter 154 of the Saugatuck City Ordinance

Cindy Osman Zoning Administrator



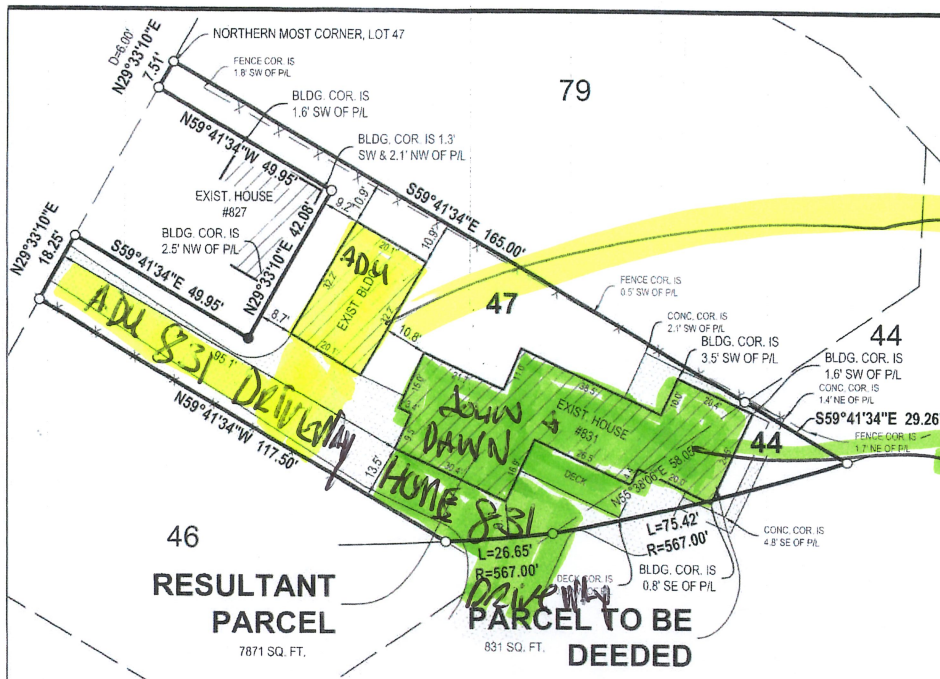
City of Saugatuck –Historic District Commission  
102 Butler Street, Saugatuck, MI 49453  
July 11, 2019 – 6:00 p.m.



1. **Call to Order:** The meeting was called to order by Chairperson Straker at 6:00 p.m.  
**Roll Call:** Present: Straker, Peterson, Leo, Cannarsa, Paterson, Cobb, Davenport  
Absent: None  
Others: Zoning Administrator Osman
2. **Agenda Changes:** None
3. **Approval of Minutes:** A motion was made by Peterson, 2<sup>nd</sup> by Cobb, to approve the April 4, 2019 minutes. Upon voice vote the motion carried unanimously.
4. **Public Comments:** None
5. **Unfinished Business:** None
6. **New Business:**
  - A. **241 Culver Street – Fence/Dumpster Enclosure:** A motion was made by Cobb, 2<sup>nd</sup> by Cannarsa, to approve Application P-HIS-19019 / 241 Culver Street for the installation of a 6 foot fence/dumpster enclosure finding that the structure as presented meeting all the standards of IV(C) of the guidelines and that the structure is proposed to be painted the same color as the building. Upon roll call the motion carried unanimously.
  - B. **831 Holland Street – Detached Garage with AUD:** A motion was made by Peterson, 2<sup>nd</sup> by Leo, to approve Application P-HIS-19018 / 831 Holland Street for the installation of detached garage with AUD. Upon roll call the motion carried unanimously with the following conditions:
    - The orientation of the garage will be that the garage door will face south
    - The roof will be metal standing seam to match the house
    - The windows will all be double hung JeldWen wood windows with no divided lites
    - The doors will be raised panel
    - The garage door will be raised panel as shown on the plan
    - The left exterior stair will be eliminated
    - The deck will be L shaped around the corner to the other exterior door
    - The guard rails will be square spindles
    - The smart siding will be smooth siding
    - The deck will be wood cedar
  - C. **Small Cells Tele-Communication Sites:** Discussion item only.
7. **Administrative Approvals:**
  - A. 201 Culver Street – Sign Replacement
  - B. 103 Butler Street – Two (2) Signs
  - C. 201 Culver Street – Temporary Sign
  - D. 673 Lake Street – Deck Replacement
  - E. 215 Butler Street – Roof Replacement
  - F. 347 Water Street – Flatwork at Rear
  - G. 403 Water Street – Sign Replacement
8. **Communications:** None
9. **Public Comments:** None
10. **Commission Comments:**
  - A. **Butler Restaurant Window Update** – Administrative approval with Michael Deem, Chairperson at the time, was granted on November 27, 2017 to replace vinyl windows with vinyl windows, same size, same location. According to Steven Phelps, the vinyl casement windows were replaced in February 2018 by Battle Creek Glass.
11. **Adjournment:** Chairperson Straker adjourned the meeting at 6:50 p.m.

Respectfully Submitted,

Monica Nagel, CMC  
Saugatuck City Clerk



⌘

Add DRIVEWAY with PARKING see Yellow

Join of PARCELS 831 HOME WE RESIDE IN - SEE GREEN with DRIVEWAY

**PROPOSED PARCEL DESCRIPTIONS**

**RESULTANT PARCEL:** Part of Lots 44 & 47, Block 9, Judson's Addition to the Village of Saugatuck, Allegan County, Michigan, also being part of the Northeast 1/4 of Section 9, Town 3 North, Range 16 West, City of Saugatuck, Allegan County, Michigan, described as: Beginning at the Northernmost corner of Lot 47; thence S59°41'34"E 194.26 feet along the Northerly line of Lot 47 and the extension thereof; thence Southwesterly 75.42 feet along a 567.00 foot radius curve to the right along the North line of Simonson Drive, said curve having a central angle of 07°37'15", and a chord bearing S76°10'40"W 75.36 feet; thence continuing Southwesterly 26.65 feet along a 567.00 foot radius curve to the right along the North line of Simonson Drive, said curve having a central angle of 02°41'35", and a chord bearing S85°05'41"W 26.65 feet; thence N59°41'34"W 117.50 feet along the Southerly line of 47; thence N29°33'10"E 18.25 feet along the East line of Holland Street; thence S59°41'34"E 49.95 feet; thence N29°33'10"E 42.08 feet; thence N59°41'34"W 49.95 feet; thence N29°33'10"E 7.51 feet along said East line to the Point of Beginning. Contains 7871 square feet. Subject to easements, restrictions and rights-of-way of record.

**PARCEL TO BE DEEDED:** Part of Lot 44, Block 9, Judson's Addition to the Village of Saugatuck, Allegan County, Michigan, also being part of the Northeast 1/4 of Section 9, Town 3 North, Range 16 West, City of Saugatuck, Allegan County, Michigan, described as: Commencing at the Northernmost corner of Lot 47; thence S59°41'34"E 165.00 feet along the Northerly line of Lot 47 to the Point of Beginning; thence continuing S59°41'34"E 29.26 feet along the extension of the Northerly line of Lot 47; thence Southwesterly 75.42 feet along a 567.00 foot radius curve to the right along the Northerly line of Simonson Drive, said curve having a central angle of 07°37'15", and a chord bearing S76°10'40"W 75.36 feet; thence N55°38'06"E 58.05 feet to the Point of Beginning. Contains 831 square feet. Subject to easements, restrictions and rights-of-way of record.

**REMAINDER PARCEL** Part of Lots 39 & 44, Block 9, Judson's Addition to the Village of Saugatuck, Allegan County, Michigan, also being part of the Northeast 1/4 of Section 9, Town 3 North, Range 16 West, City of Saugatuck, Allegan County, Michigan, described as: Beginning at the Southeast corner of Lot 44; thence S02°22'09"W 165.00 feet along the East line of Lot 39; thence N88°29'02"W 66.00 feet along the South line of Lot 39; thence N02°28'46"E 148.47 feet along the West line of Lot 39; thence S77°26'42"W 38.03 feet along the South line of Lot 44; thence N26°59'56"E 83.07 feet; thence S76°22'39"E 67.31 feet along the South line of Simonson Drive; thence S00°36'20"E 35.12 feet along the East line of Lot 44 to the Point of Beginning. Contains 14876 square feet. Subject to easements, restrictions and rights-of-way of record.

**LEGEND**

- Iron - Set 1/2" X 18" iron rebar with NED Cap
- Iron - Found as noted
- X - X - Fence
- ▭ Concrete
- ▨ Existing Building

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.

**SURVEYOR'S CERTIFICATE:**

I certify that the requirements for 1970 PA 132, MCL 54.213 have been met. The relative positional precision of the corners identified for this survey and shown on the map are within the limits accepted by the practice of professional surveying.

By: *Scott A. Hedges*  
 Scott A. Hedges Licensed Professional Surveyor No. 5601047953

SCALE: 1" = 30' 0' 15' 30'

Dawn Alexander  
 P.O. Box 112  
 Saugatuck, MI 49453

440 Spear Street & 831 Holland Street

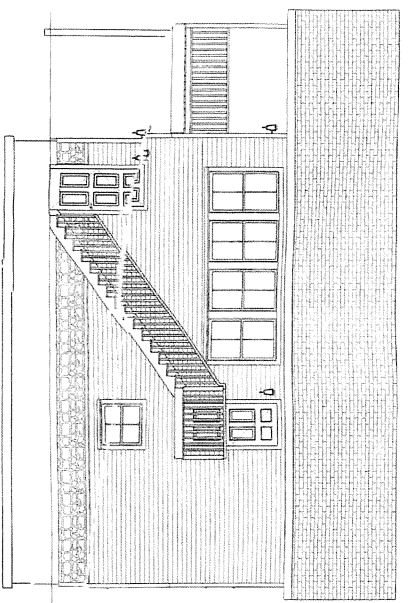
DRAWN BY: JH DATE: 7-20-2022 PRJ #: 22201134DSC  
 REV. BY: REV. DATE: 2 OF 2

**NEDERVELD**  
 www.nederveld.com • 800.222.1866  
 Holland  
 347 Hoover Blvd  
 Holland, MI 49423  
 Ann Arbor, Chicago, Columbus, Grand Rapids, Indianapolis, St. Louis

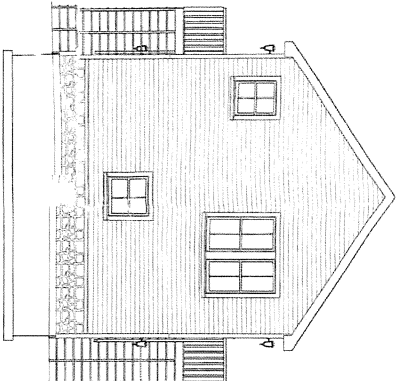




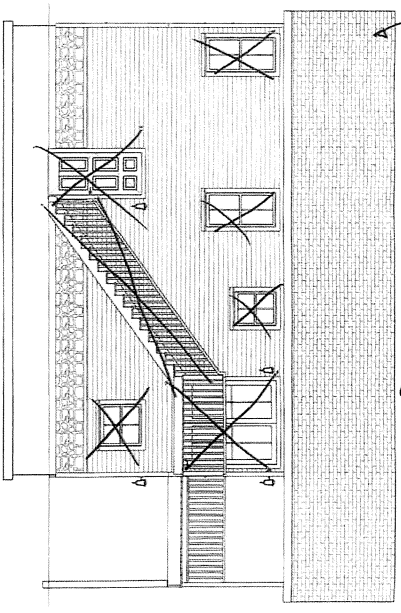
831 HOLLAND ST SAGINAW, MI 49453



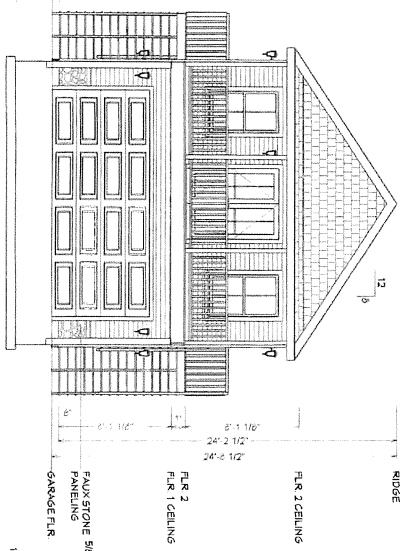
RIGHT ELEVATION  
SCALE: 1/4" = 1'



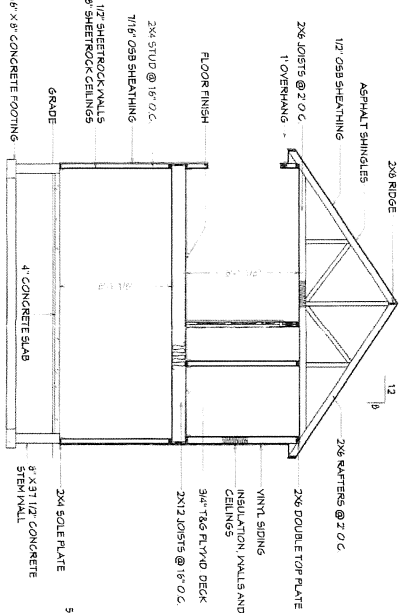
REAR ELEVATION  
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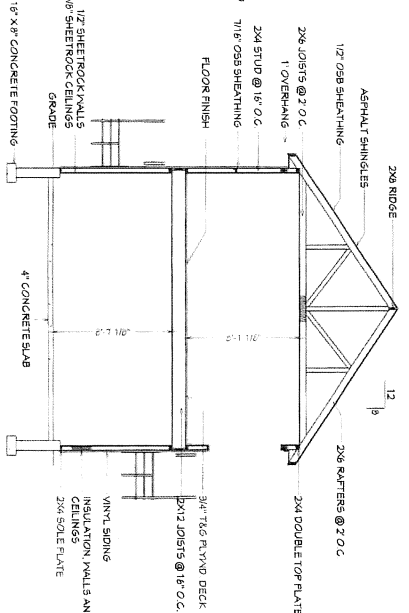
LEFT ELEVATION  
SCALE: 1/4" = 1'



FRONT ELEVATION  
SCALE: 1/4" = 1'



CROSS SECTION  
SCALE: 1/4" = 1'



CROSS SECTION  
SCALE: 1/4" = 1'

# 20X32 House #20X32H6E

SQUARE FEET: 808 (170 1st, 638 2nd)  
VAULTED SOFT

BUILDING CONTRACTOR/HOME OWNER  
TO REVIEW AND VERIFY ALL DIMENSIONS,  
AND SPECS BEFORE CONSTRUCTION  
BEGINS. BUILDING TO BE BUILT AS  
PER LOCAL CODE REQUIREMENTS.

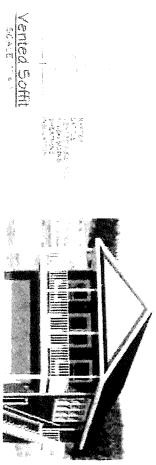
To the best of my knowledge these plans are drawn to comply with owner's  
and/or builder's specifications and any changes made on them after prints are  
made will be done at the owner's and/or builder's expense and responsibility.

Note: LEFT SIDE FACES HOUSE TO  
WEST (Reason for Removing All Windows,  
DOORS AND STAIRS)

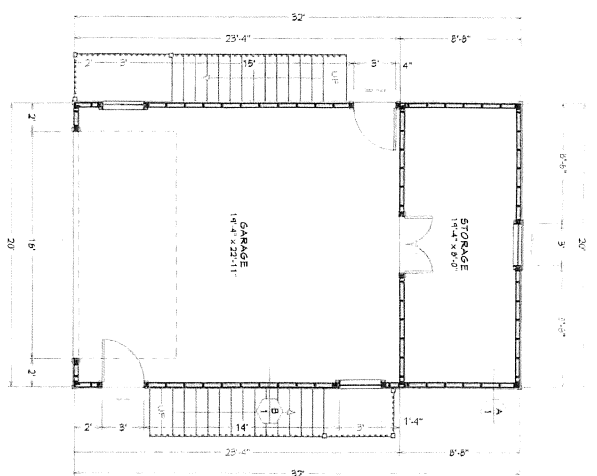
"Reviewed for Code Compliance"

These plans were not prepared by nor checked by a licensed architect and/or engineer.  
I, E.P. Do not represent or hold myself to be a licensed architect and/or licensed engineer.

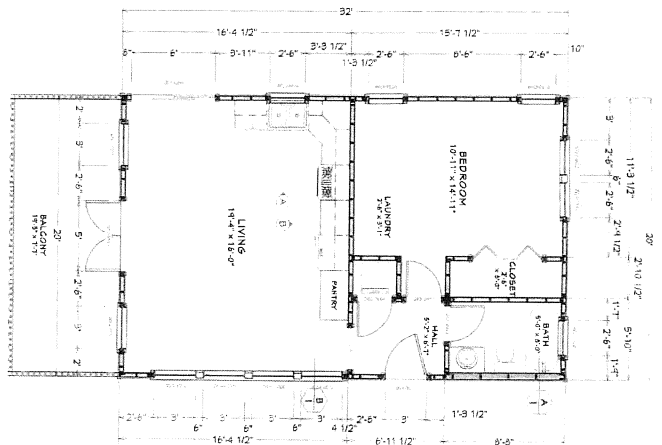
PAG 1  
SHEE 4



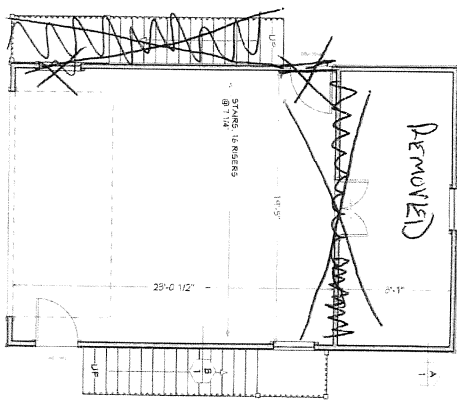
IT



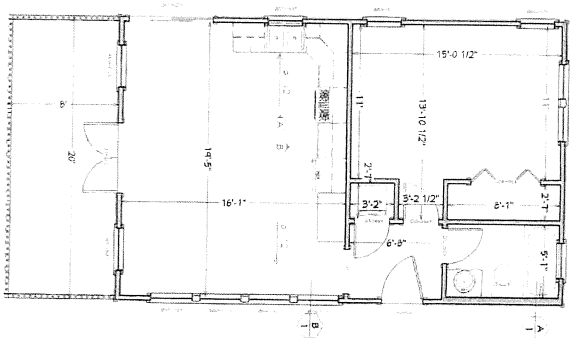
MAIN FLOOR PLAN  
SCALE 1/4" = 1'



2ND FLOOR PLAN  
SCALE 1/4" = 1'

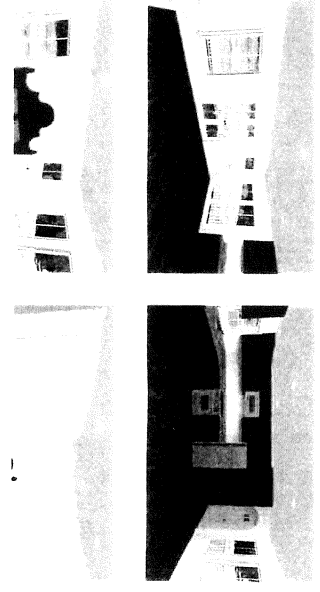


MAIN FLOOR PLAN  
SCALE 1/4" = 1'

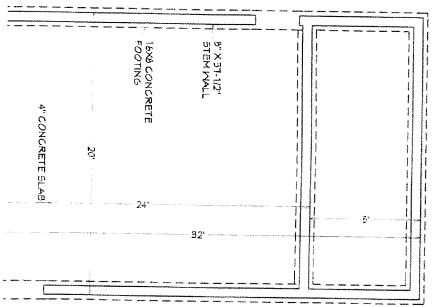
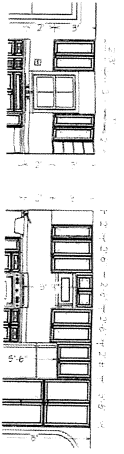


2ND FLOOR PLAN  
SCALE 1/4" = 1'

NUMBER	DATE	BY	DESCRIPTION	COMMENTS
001	01-13-21	1	CONCEPT	
002	02-23-21	2	CONCEPT	
003	03-23-21	3	CONCEPT	
004	04-23-21	4	CONCEPT	
005	05-23-21	5	CONCEPT	
006	06-23-21	6	CONCEPT	
007	07-23-21	7	CONCEPT	
008	08-23-21	8	CONCEPT	
009	09-23-21	9	CONCEPT	
010	10-23-21	10	CONCEPT	
011	11-23-21	11	CONCEPT	
012	12-23-21	12	CONCEPT	
013	01-23-22	13	CONCEPT	
014	02-23-22	14	CONCEPT	
015	03-23-22	15	CONCEPT	
016	04-23-22	16	CONCEPT	
017	05-23-22	17	CONCEPT	
018	06-23-22	18	CONCEPT	
019	07-23-22	19	CONCEPT	
020	08-23-22	20	CONCEPT	



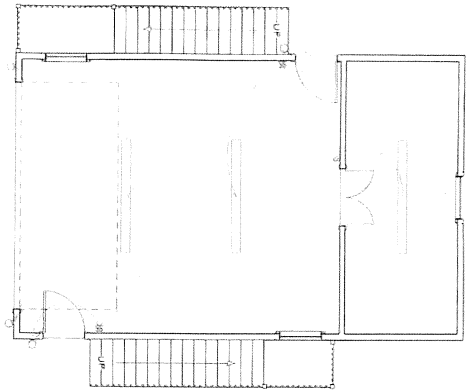
20x32 House  
#20X32H6E



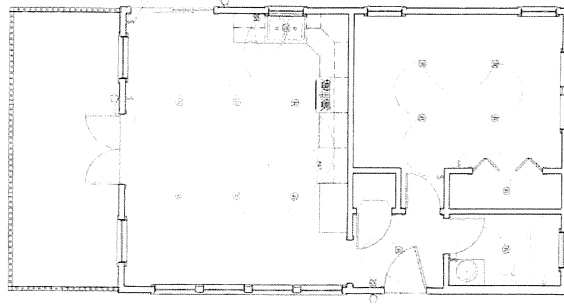
These plans were not prepared by nor checked by a licensed architect and/or engineer. If you do not represent or imply itself to be a licensed architect and/or licensed engineer.



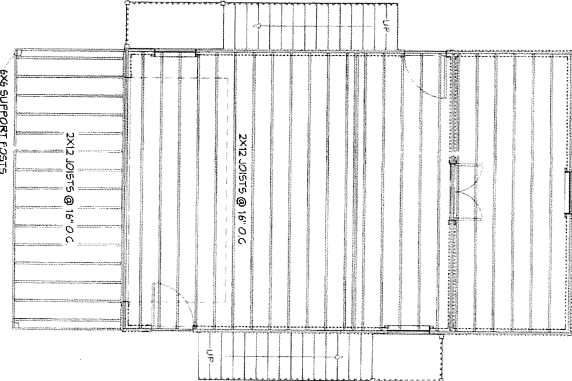
5



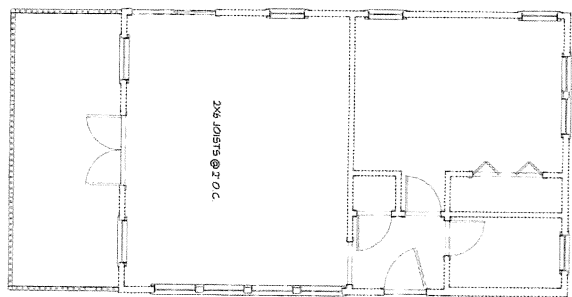
MAIN FLR. LIGHTING PLAN  
SCALE: 1/4" = 1'-0"



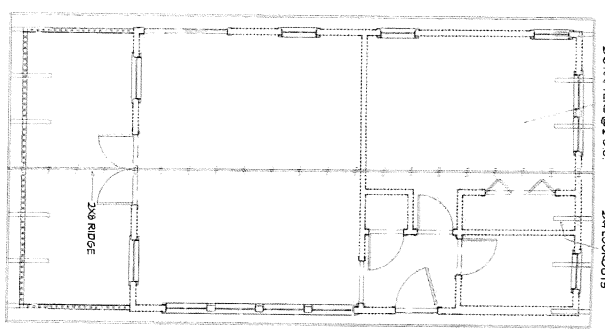
2ND FLR. LIGHTING PLAN  
SCALE: 1/4" = 1'-0"



FLOOR FRAMING PLAN  
SCALE: 1/4" = 1'-0"



CEILING FRAMING PLAN  
SCALE: 1/4" = 1'-0"



ROOF FRAMING PLAN  
SCALE: 1/4" = 1'-0"

ALL WIRING TO BE INSTALLED AS PER ACTUAL JOBSITE CONDITIONS, ELECTRICAL CODE AND HOME OWNER OR CONTRACTOR'S REQUIREMENTS. LIGHTING FIXTURE PLACEMENT OF LIGHTING AND SWITCHING AND WIRING TO BE APPROVED BY HOMEOWNER PRIOR TO WORK.

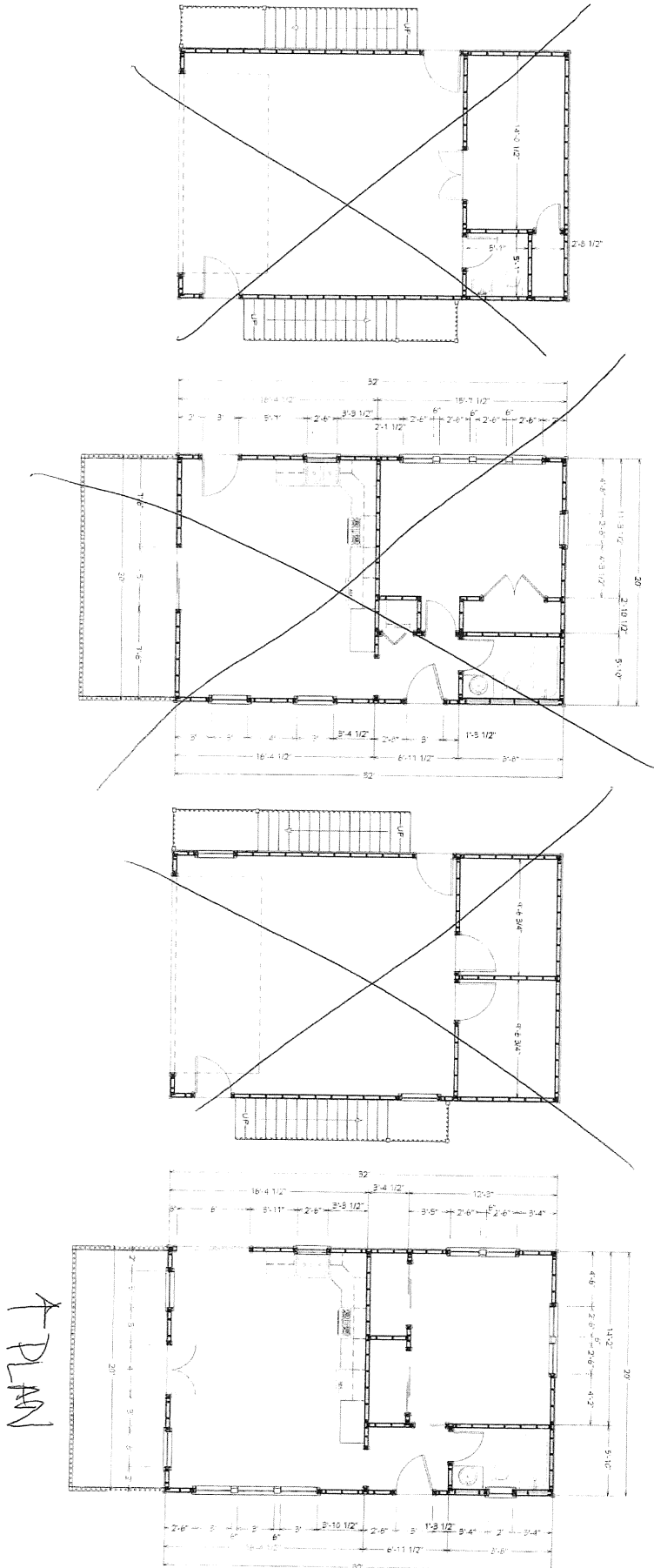
- 11 RECESSED DOWN LIGHT
- 12 PORCH LANTERN
- 13 FLUORESCENT LIGHT

20x32 House

NOTE - ENGINEERED TRUSS IN PLACE OF RAFTERS

These plans were not prepared by nor checked by a licensed architect and/or engineer. P.F.F. does not represent or imply itself to be a licensed architect and/or licensed engineer.

4



**IDEAS**  
 20x32 House  
 #20X32H6E

↑ PLAN



**MEMORANDUM**

**City of Saugatuck Planning Commission**

<b>Memo Date:</b>	<b>April 12, 2024</b>	<b>Meeting Date:</b>	<b>April 18, 2024</b>
<b>Request:</b>	<b>Special Land Use</b>	<b>Applicant:</b>	<b>Brian and Lisa Barnhill</b>
<b>Address:</b>	<b>132 Mason Street</b>	<b>Project Name:</b>	<b>Round the Corner Ice Cream Shop</b>
<b>Parcel:</b>	<b>57-470-004-00</b>	<b>Plan Date:</b>	<b>N/A</b>
<b>Lot Size:</b>	<b>0.23</b>	<b>Zoning District:</b>	<b>C-1 City Center</b>
<b>Complete:</b>	<b>Yes</b>	<b>Recommendation:</b>	<b>Conditional</b>
<b>Staff:</b>	<b>Ryan Cummins</b>	<b>Consultant:</b>	<b>David M. Jirousek, AICP</b>

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**Overview**

The applicant requests special land use and site plan approval for a restaurant with expanded outdoor seating within the public right-of-way and within an existing patio area outside of the 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 use.

**Background**

The expanded outdoor seating area was approved by the Historic District Commission on April 4. The current proposal is the same as carried out in four previous seasons, and it includes tables and chairs in front of the building and within one parallel parking space. The special land use request includes the following:

1. Three tables with three chairs each are proposed in the existing patio area in front of the building.
2. Three tables with three chairs each are planned to be placed within one public parking space within the City’s right-of-way

The tables and chairs will be the same as those provided in previous seasons, as shown in the pictures in the application and as evident in street-view online imagery. Although dimensions are described, no images of the benches, trash container, or market-style string lights were provided.

No significant exterior changes or site improvements are proposed as part of the project. All exterior furniture 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)

### **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 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:** Market-style light will be strung to illuminate the expanded outdoor dining areas. The applicant has provided a sketch that confirms the compliant overhead placement of electrical cords.

- 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. The number, style, and location of tables, chairs, barriers, and lighting do not detract from the overall character of the property and other lots in the vicinity.

- 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 is 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. The number, style, and location of tables, chairs, barriers, and lighting do not detract from the overall character of the property and other lots in the vicinity.

- 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 and in one designated parking space.

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

**Comment:** Market-style light will be strung to illuminate the expanded outdoor dining areas. The applicant has provided a sketch that confirms compliant overhead 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:** The supplemental response states that reflectors will be placed on the fence posts. However, no images or details were provided.

- 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.

- 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, and benches 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:** A six-foot clear sidewalk area is shown on the site plan.

- 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:** White picket fencing is proposed to surround the dining area within the parking spaces

- 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:** Only one parking space will be used, and the dimension of the street dining area is noted as 20 feet wide and seven feet deep on the site plan.

- 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:** 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.

**Recommendation**

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

1. Secure all other applicable approvals from City departments, the fire department, and applicable outside agencies.
2. Provide all Expanded Outdoor Dining Area checklist items in accordance with Section 154.092 (O)(2)b (license agreement, fee, insurance, food licenses, attestation concerning lighting and reflectors, and attestation concerning tax payments).

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](https://codelibrary.amlegal.com/codes/saugatuck/latest/saugatuck_mi/0-0-0-4355)

### LOCATION INFORMATION

Address 132 Mason Street Parcel Number \_\_\_\_\_

### APPLICANTS INFORMATION

Name Brian & Lisa Barnhill Address / PO Box 6407 Palmetto Ct  
City Saugatuck State MI Zip 49453 Phone 269-355-2656  
Interest In Project Outdoor Seating / Parking Spot E-Mail lisabarnhill12@yahoo.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 *Lisa Barnhill* *Brian Barnhill* Date 3-18-24

### OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)

Name N/A 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 N/A Contact Name \_\_\_\_\_  
Address / PO Box \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_  
E-Mail \_\_\_\_\_  
License Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

**PROPERTY INFORMATION**

Depth \_\_\_\_\_ Width \_\_\_\_\_ Size \_\_\_\_\_ Zoning District \_\_\_\_\_ Current Use \_\_\_\_\_

Check all that apply:

Waterfront \_\_\_\_\_ Historic District  Dunes \_\_\_\_\_ Vacant \_\_\_\_\_

**PROJECT DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)**





# 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 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Existing public right-of-way, pavements and/or private easements  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Existing and proposed uses, buildings, structures and parking areas   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | Zoning classification of abutting properties  |
| <input 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 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Locations of all buildings  |
| <input 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 type="checkbox"/> | Parking areas   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Driveways   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Required and proposed building setbacks   |
| <input 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 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 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 type="checkbox"/> | Proposed water supply and wastewater systems locations and sizes;   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input 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 type="checkbox"/> | Proposed common open spaces and recreational facilities, if applicable;   |
| <input 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 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?

STREET & PATIO SEATING WILL NOT AFFECT ADJECENT PROPERTIES

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

PROPOSED REQUEST IS CONSISTENT WITH CITY GUIDELINES & APPEARANCE(HISTORIC CHARACTER) OF CITY

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

N/A

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

N/A

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- (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?

REQUEST WILL NOT AFFECT ANY OF THE THINGS LISTED ABOVE.

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# 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, WE ARE ONLY PLACING FENCING IN CITY PARKING SPACE & SEATING ON EXISTING PATIO

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

YES, LIGHTS, POLES AND REFLECTORS WILL BE USED AROUND THE FENCING

(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?

THIS A TEMPORARY FENCE & STREET SEATING - SEASONAL PURPOSES

(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?

FENCING IS TEMPORARY. FENCING MATCHES HISTORIC CHARACTER OF BUILDING

(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?

FENCE & SEATING WILL BE "INSIDE" PARKING LINES. PATIO SEATING WILL BE ON EXISTING PATIO ON PROPERTY.



# 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?

THE APP IS FOR STREET SEATING W/FENCE PER CITY GUIDELINES. THE FENCE IS IN CHARACTER & STYLE TO MATCH BUILDING

- (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?

LANDSCAPE NOT BEING DISTURBED AT ALL - STREET SEATING & EXISTING PATIO ONLY

- (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?

NOT APPLICABLE  
FENCE IS BEING TEMPORARILY ERECTED FOR SEASONAL STREET SEATING AS IN PREVIOUS YEARS. (2020, 2021, 2022, 2023)

- (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?

FENCE & SEATING WILL NOT HINDER FIRE TRUCKS TO ACCESS PROPERTY

- (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.)

FENCE & SEATING WILL NOT OBSTRUCT ANY CROSSWALKS, SIDEWALKS, OR OTHER FACILITIES

- (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?

WILL NOT IMPEDE WITH ANY OF THE THINGS LISTED.

- (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. WE WILL ENSURE LEAVES & DEBRIS IS CLEARED

FROM STREET DRAIN BY DRIVEWAY

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- (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

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- (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.

USING MARKET STYLE LIGHTS THAT ARE VISIBLE BUT NOT SO BRIGHT THEY ARE BLINDING.

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## 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. *from Lisa*



## 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.

STREET AND PATIO SEATING WILL NOT AFFECT ANY ADJACENT PROPERTIES

- (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. WE WILL ONLY PUT THE SEATING WITHIN THE PARKING SPOT ALLOWED AND IN OUR EXISTING PATIO AREA

- (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.

THE PROPOSED REQUEST WILL BE PLEASING AND CONSISTENT WITH THE CITY GUIDELINES TO MAINTAIN THE HISTORIC CHARACTER OF ITS SURROUNDINGS

- (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.

WE WILL BE USING MARKET STYLE LIGHTING STRUNG UP AND OUT OF THE WAY OF WALKWAYS. REFLECTORS WILL BE ON POLES OUTLINING FENCING

- (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.

FENCING AND SEATING WILL BE ON EXISTING PATIO AREAS AND IN PARKING SPOT LEFT OF DRIVEWAY DRAIN





- (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.

FENCING AND SEATING WILL NOT IMPEDE ANY ACCESS FOR THE FIRE DEPARTMENT

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

THE OUTDOOR FENCING AND SEATING WILL ONLY BE ON EXISTING PATIO AND PARKING SPOT LEFT OF THE DRIVEWAY AND DRAIN

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- (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.

FENCING & SEATING WILL BE "INSIDE" PARKING LINES AND PATIO SEATING WILL BE ONLY ON EXISTING PATIO AREA

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- (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.

OUR FENCING AND SEATING AREAS WILL ONLY BE IN THE STREET PARKING LINES AND EXISTING PATIO AREAS

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- (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.

OUR FENCING IS OF PLASTIC MATERIAL AND IS WITHIN CITY GUIDELINES. NO ROPES OR CANVAS WILL BE USED.

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- (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.

WE WILL MAKE SURE OUR FENCING STAYS WITHIN THE PARKING LINES

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- (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

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

N/A

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

N/A

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- (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.

OUR FENCING AND SEATING IS FOR SEASONAL PURPOSES. WE WILL ONLY BE USING SPACES MAY-SEPTEMBER.

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- (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.

OUR FENCING AND SEATING AREAS WILL COMPLY WITH ALL ORDINANCES

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

NONE OF OUR FENCING AND SEATING AREA WILL NOT IMPEDE ACCESS FOR THE CITY'S DEPARTMENT OF PUBLIC WORKS.

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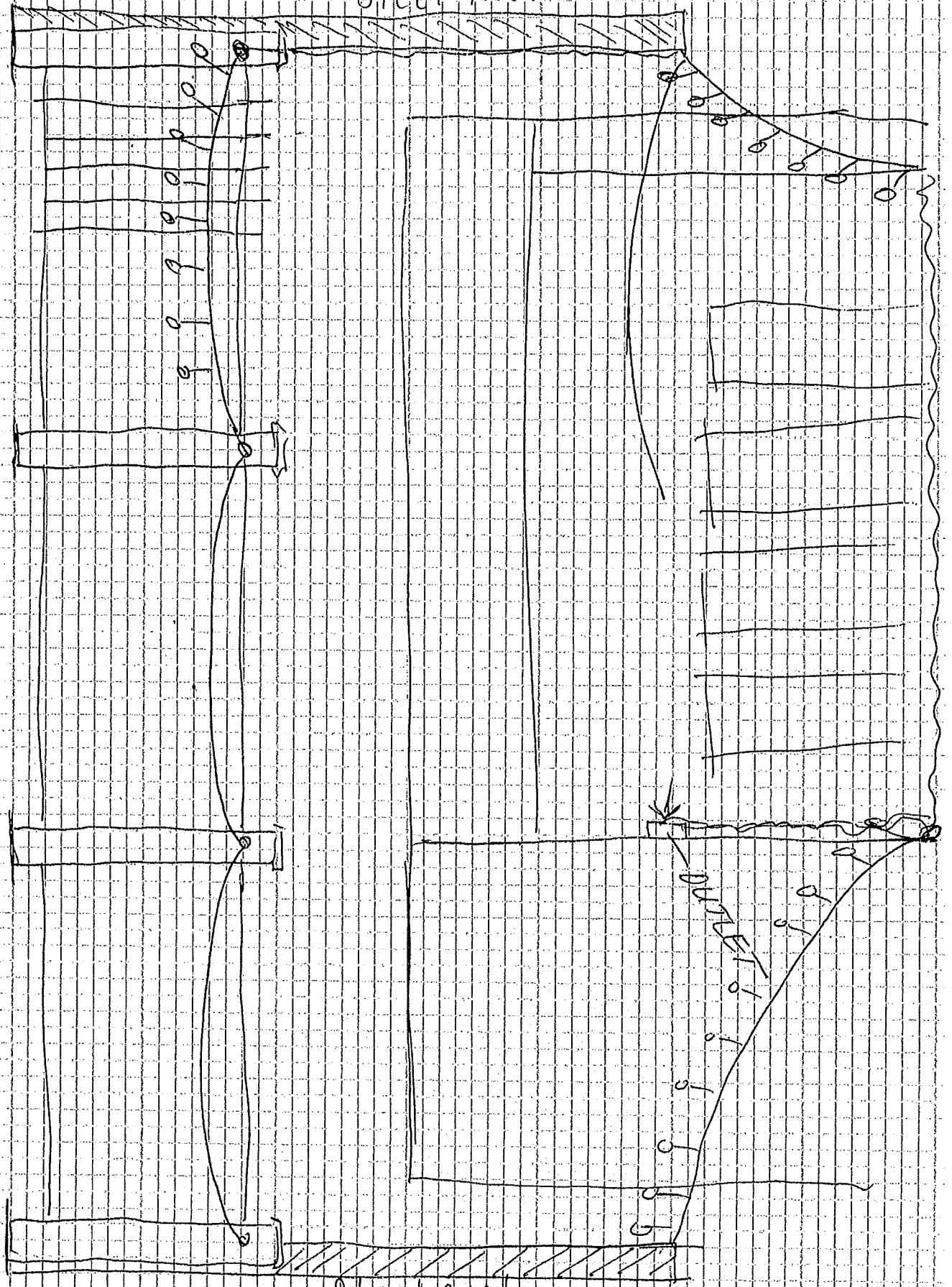
- (18) The Expanded Outdoor Dining Area shall be kept free of debris and in a neat, clean, safe, reasonable, and orderly condition, and all objects and items located thereon shall be kept in good and safe maintenance and repair.

WE WILL KEEP AREA CLEAN NEAT AND FREE OF DEBRIS UNDER CITY GUIDELINES.

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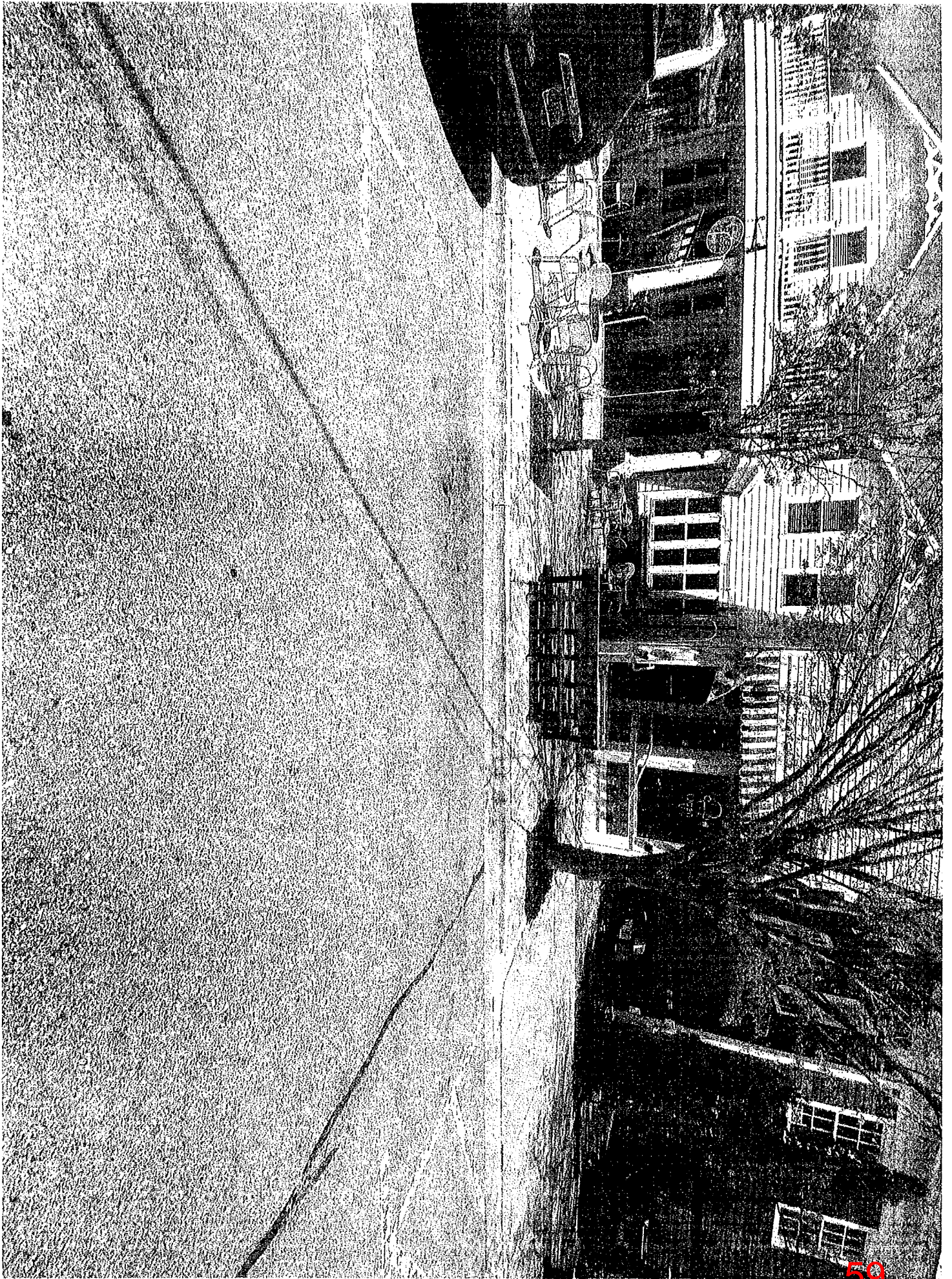
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Steel Post



Steel Post

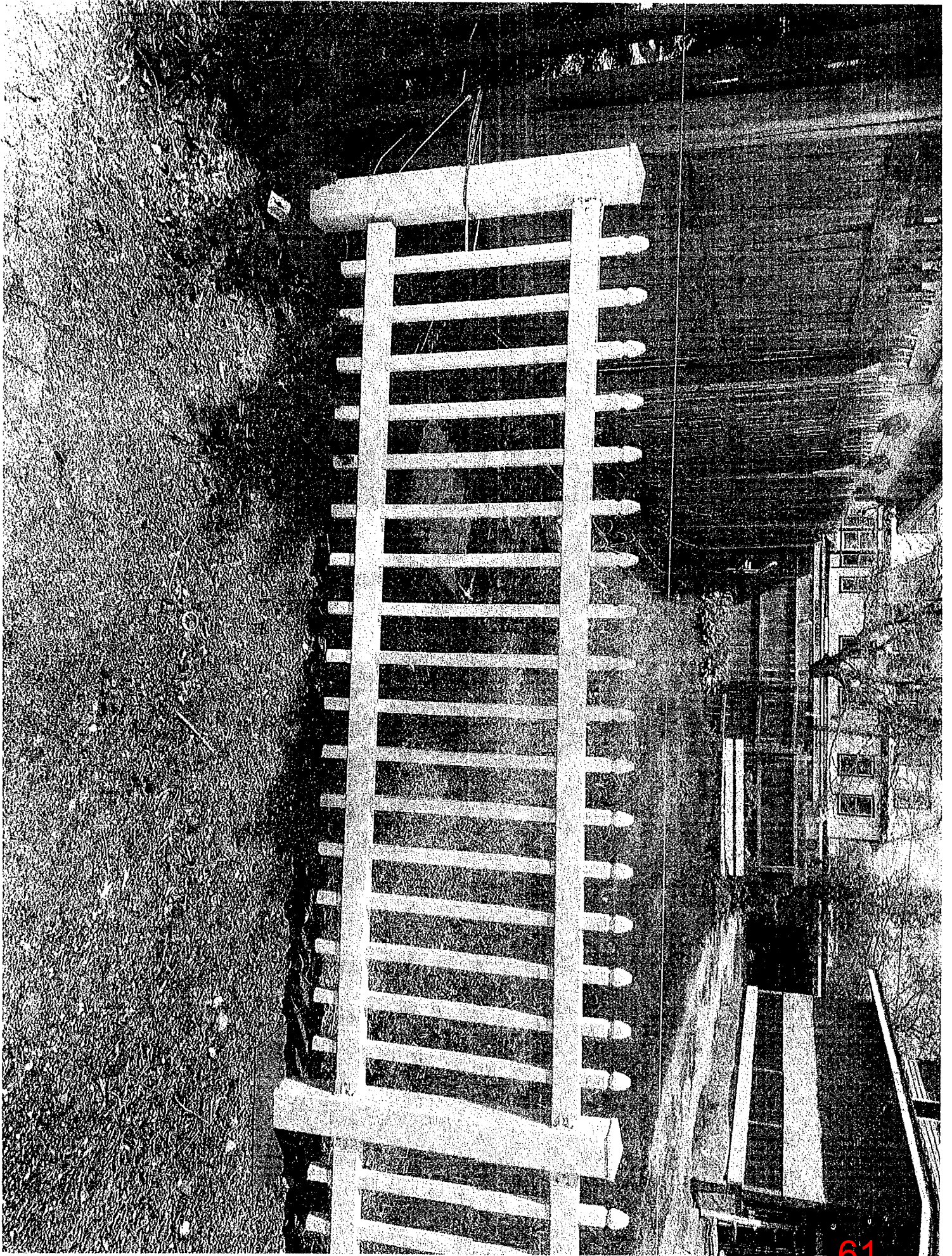






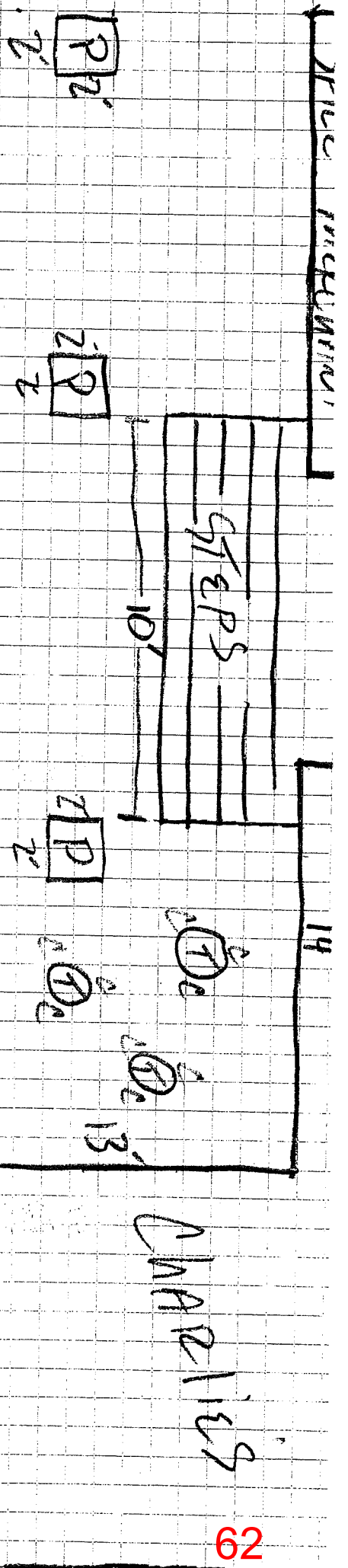




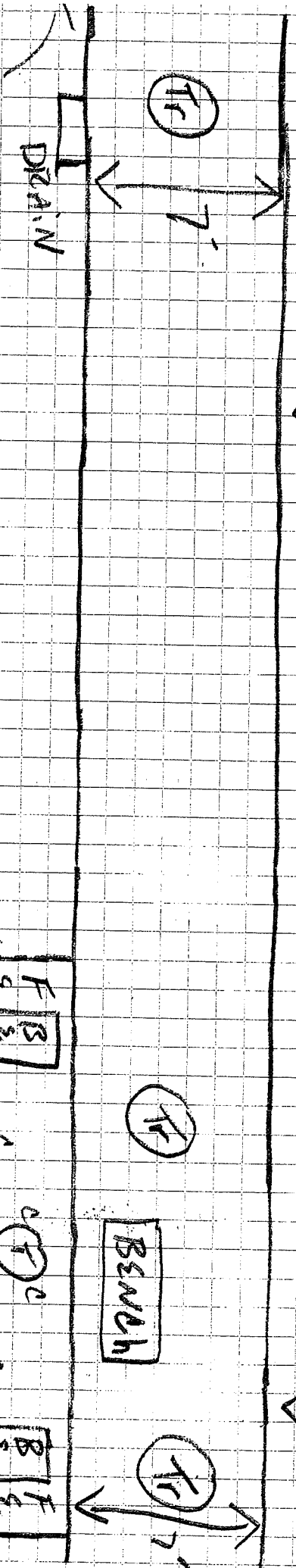




PRICE RICHMOND

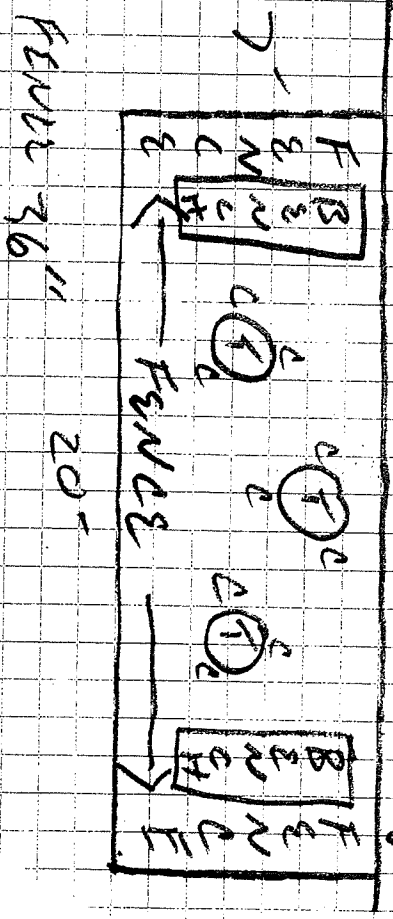


16' SIDEWALK



9' DRIVEWAY  
 ON WEST SIDE  
 OF BUILDING

T = TREE  
 P = PI HAN  
 T = TABLE  
 C = CHAIR



Drug Store  
Side walk

Sand Bar  
Garden  
Side walk

Butler Street

Side walk  
Pumps  
Drive way  
Charlies  
Tea & market  
Drive way  
Business  
GLASS  
Side walk

Side walk

Mason Street

Side walk

Side walk  
Kilwins  
Business  
Marios  
Side walk

Water Street

Side walk

Coreal  
Gardes

Side walk

PTS



**MEMORANDUM**

**City of Saugatuck Planning Commission**

<b>Memo Date:</b>	<b>April 12, 2024</b>	<b>Meeting Date:</b>	<b>April 18, 2024</b>
<b>Request:</b>	<b>Special Land Use</b>	<b>Applicant:</b>	<b>Tom Arnold</b>
<b>Address:</b>	<b>128 Hoffman</b>	<b>Project Name:</b>	<b>Wallys Bar &amp; Grill</b>
<b>Parcel:</b>	<b>57-300-107-00</b>	<b>Plan Date:</b>	<b>N/A</b>
<b>Lot Size:</b>	<b>0.077 acres</b>	<b>Zoning District:</b>	<b>C-2 Water Street East</b>
<b>Complete:</b>	<b>Yes</b>	<b>Recommendation:</b>	<b>Conditional</b>
<b>Staff:</b>	<b>Ryan Cummins</b>	<b>Consultant:</b>	<b>David M. Jirousek, AICP</b>

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**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 use.

**Background**

The expanded outdoor seating area was approved by the Historic District Commission on April 4. The current proposal is the same as previous seasons, and it includes tables and chairs on the sidewalk area and within two parallel parking spaces. The special land use request includes the following:

1. Four square tables with four chairs each are proposed along the sidewalk and tree lawn area.
2. Two square tables with four chairs and three round tables with barstools are proposed within the public parking spaces in front of the building.

Previously approved outdoor seating is located outside of the right-of-way directly in front of the building.

The applicant has provided images of the outdoor seating area from previous years, although images show lounge chairs with blue cushions to the west side of the parking spaces. The proposed barriers are black metal with attached LED string lots. The chairs, barstools, and round tables are black, while the square tables have white tops with black legs. A black garbage can is placed in the central area. However, specifications on the sanitation station were not provided.

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:** LED string lights along the barrier 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. The number, style, and location of tables, chairs, barriers, and lighting do not detract from the overall character of the property and other lots in the vicinity.

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 is 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 and will not have an 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 furniture and materials within the right-of-way will not impact pedestrian traffic routes as long as a sufficient clear area is maintained.

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 proposed in appropriate locations. The number, style, and location of tables, chairs, barriers, and lighting will not detract from the overall character of the property and other lots in the vicinity.

- 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. However, it appears that the outdoor seating area in the street extends beyond the building frontage on the site plan. The plan must be revised to ensure compliance.

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

**Comment:** LED string lights along the barrier are proposed to illuminate the expanded outdoor dining areas. 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:** The attestation form states that traffic reflectors will be placed on the fencing. However, no details were provided, and they are not evident in photos from previous seasons.

- 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.

- 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:** A six-foot clear sidewalk area is referenced in the supplemental response but is not indicated on the site plan. While the six-foot clear area was labeled on the HDC plan, it was removed from the site plan for Planning Commission review.

- 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:** Black metal barriers are proposed to surround the dining area within the parking spaces.

- 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:** The applicant stated in their supplemental response that two parking spaces will be used, and the eating area is seven feet deep and 40 feet wide. However, a site plan note mentions that three combined parking spaces will be used, which is inconsistent with the narrative.

Additionally, the area is noted as 50 feet wide on the plan submitted to the HDC, which is not compliant. The 50-foot reference is not included on the site plan submitted to the Planning Commission, but no width and depth measurements are included at all. The applicant should prepare a revised site plan indicating compliance.

- 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:** Ongoing requirement.

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. However, the dimensions of the parking space service areas and the clear sidewalk area are not indicated on the plan.

**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. Update the plan to indicate compliant dimensions of outdoor seating areas and compliant width of clear sidewalk area. The street seating area shall not exceed 40 feet in width and eight feet deep from the curb.
3. Update the plan so that the parking space dining area does not extend beyond the width of the front building elevation.
4. Secure all other applicable approvals from City departments, the fire department, and applicable outside agencies.
5. Provide all Expanded Outdoor Dining Area checklist items in accordance with Section 154.092 (O)(2)b (license agreement and food license).



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](https://codelibrary.amlegal.com/codes/saugatuck/latest/saugatuck_mi/0-0-0-4355)

#### LOCATION INFORMATION

Address ~~5895 500th AVE~~ Parcel Number 0357-300-107-00  
128 HOFFMAN STREET

#### APPLICANTS INFORMATION

Name WALLY'S BAR & GRILL Address / PO Box 128 HOFFMAN ST, PO. BOX 576  
City SAUGATUCK State MI Zip 49453 Phone 616-796-5367  
Interest In Project EXPANDED OUTDOOR DINING E-Mail WALLYSAUGATUCK@GMAIL.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 3.16.24

#### OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)

Name TOM ARNOLD Address / PO Box \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_  
E-Mail SAME AS ABOVE

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 3.16.24

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

Name \* ALL WORK IS TO BE DONE BY PROP OWNER \* Contact Name \_\_\_\_\_  
Address / PO Box \_\_\_\_\_ City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_  
E-Mail \_\_\_\_\_  
License Number \_\_\_\_\_ Expiration Date \_\_\_\_\_

**PROPERTY INFORMATION**

Depth \_\_\_\_\_ Width \_\_\_\_\_ Size \_\_\_\_\_ Zoning District \_\_\_\_\_ Current Use \_\_\_\_\_

Check all that apply:

Waterfront \_\_\_\_\_ Historic District  Dunes \_\_\_\_\_ Vacant \_\_\_\_\_

**PROJECT DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)**



# Special Land Use Application

## SITE PLAN REQUIREMENTS (SECTION 154.061)

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

Y N NA

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

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

Y N NA

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





# Special Land Use Application

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

**STANDARDS FOR SPECIAL LAND USE APPROVAL (SECTION 154.082)**

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

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

2 PARKING SPOT ALLOCATIONS. FENCED 36" HIGH  
2 OPENINGS. LIGHTED, PLANTS, TRASH CAN, 6-8 TABLES

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

N/A

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

N/A

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

N/A

(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?

YES.





## Special Land Use Application

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

N/A

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

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

YES

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

YES

- (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?

N/A

- (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?

YES

- (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?

YES



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?

FENCING & DINING AREA WILL RESEMBLE CURRENT OUTDOOR PATIO

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

N/A

- (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?

FENCING PROVIDES BARRIER FROM AND THROUGH CITY SIDEWALKS

- (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 NO "BUILDINGS" - FENCING AREA HAS BEEN APPROVED IN THE PAST.

- (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.)

7 FEET BETWEEN MAIN BUILDING FENCING & EXPANDED SIDEWALK FENCING.

- (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.

ALL LIGHTING ON FENCE FACES DOWNWARD



## 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.

WE HAVE ATTEMPTED TO MAKE A NICE OUTDOOR DINING AREA USING AESTHETICALLY PLEASING & SAFE FENCING

- (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.

AS SHOWN WE USE 2 PARKING SPOTS IN DIRECT FRONT OF BUSINESS

- (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 ENCLOSED

- (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.

LIT & REFLECTIVE AS ATTESTED TOO.

- (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.

SIDEWALK & ROAD



- (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.

IT DOES NOT

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

IT DOES NOT

- (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.

IT DOES NOT

- (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.

WE HAVE AND MAINTAIN OVER 6 FEET

- (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.

SEE ENCLOSED PHOTOS

- (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.

CURB IS 7 FT X 40 FT



(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.

WE DO NOT

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

IT DOES, DOCUMENTATION ATTACHED

(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.

IT DOES NOT

(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.

IT DOES

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

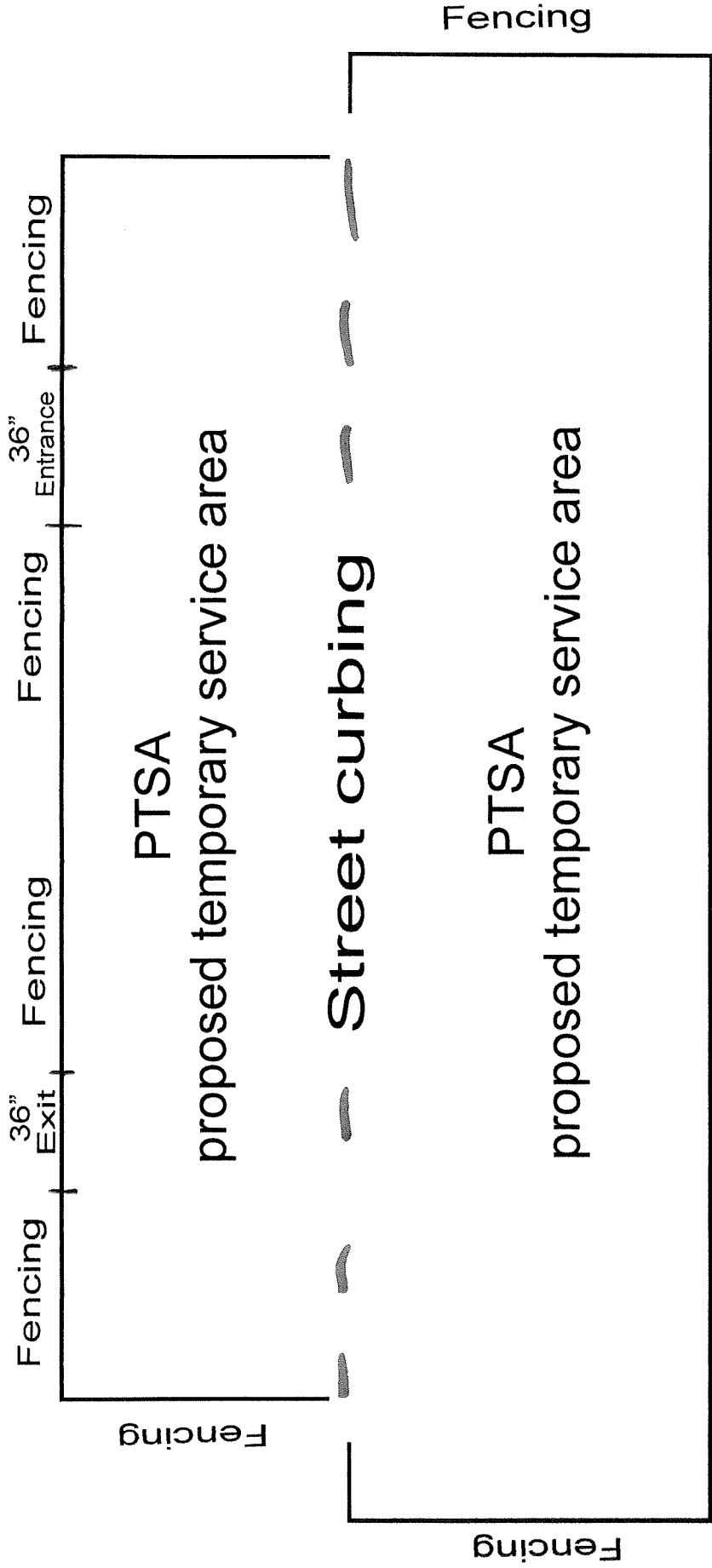
THEY WILL

(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.

IT WILL

— N —

# Facing Wally's Bar & Grill ESA (Established Service Area)




# Fencing



**LEGEND**

**E.S.A.** EXISTING SERVICE AREA

**P.T.S.A.** PROPOSED TEMPORARY SERVICE AREA

 BARRIER - HEIGHT 38", LENGTH 7'-0"

**DOC. TITLE**

2020 PROPOSED OUTDOOR SERVICE AREA DIAGRAM

**BUSINESS OWNER**

TOM ARNOLD

**BUSINESS**

AL TOM ENTERPRISES, INC.  
WALLY'S

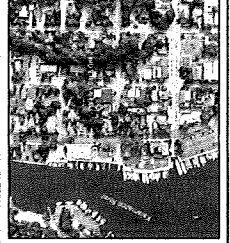
**ADDRESS**

128 HOFFMAN ST.  
SAUGATUCK, MI 49453

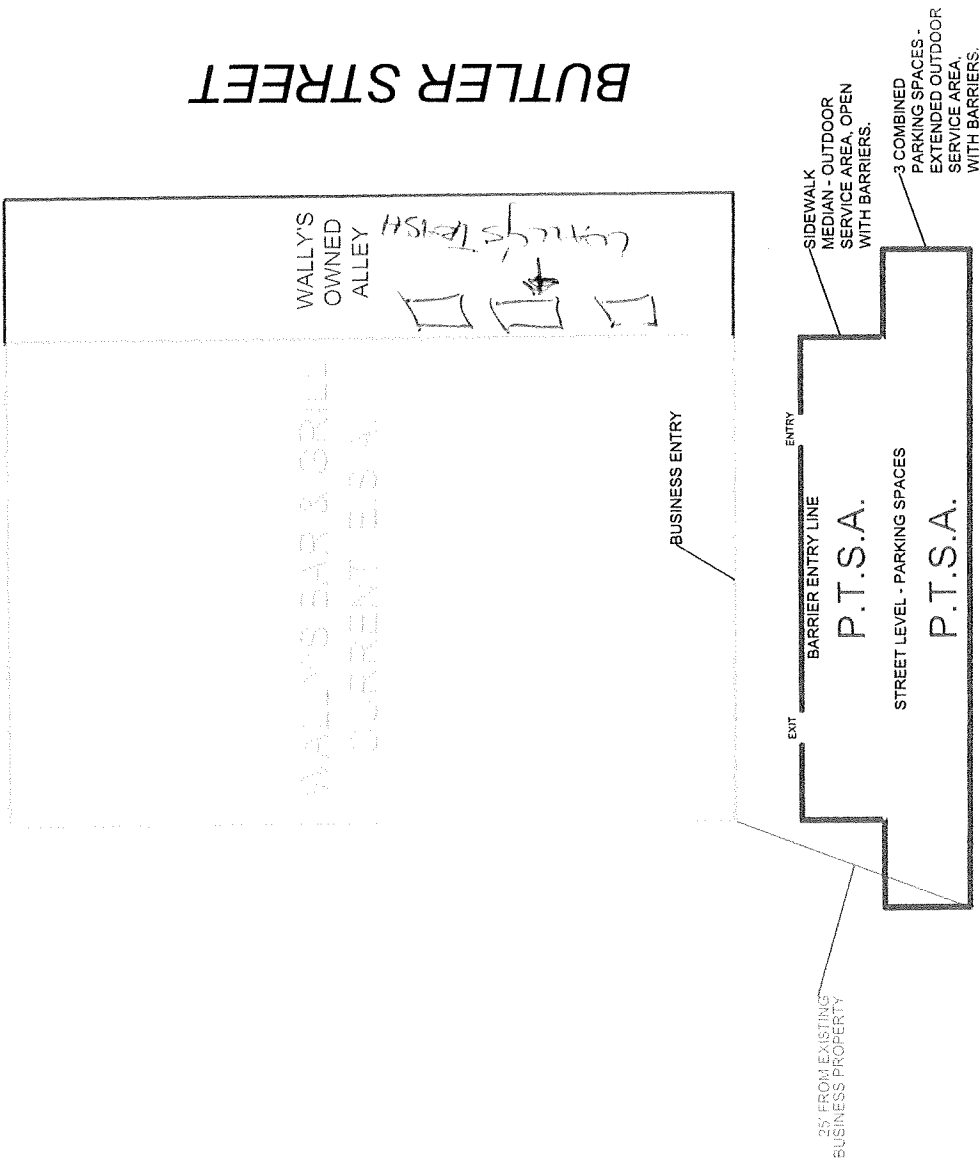
**DATE** 05/31/2020

**SCALE** 1/16" = 1'-0"

**SITE PLAN**



*Handwritten: - 11 -*



**BUTLER STREET**

**HOFFMAN STREET**

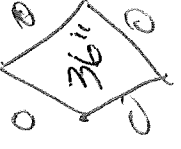
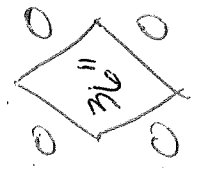
N

7 FT 36" OPENING 7 FT 38 1/2 H

7 FT 36" OPENING 7 FT 38 1/2 H

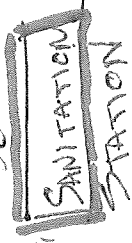
FENCE 38 1/2 H

FENCE 38 1/2



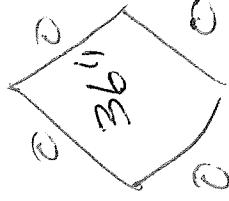
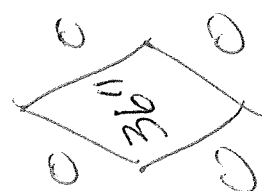
STREET CURB

STREET CURB



20"

36"



FENCING 38 1/2 H

FENCING 38 1/2 H

FENCING 38 1/2 H



**12** | **24**  
**BULBS** | **FEET**



# LED SHATTER-PROOF CAFÉ LIGHTS™

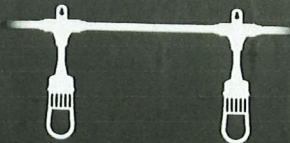
COMMERCIAL GRADE | LIFETIME LED GUARANTEE

WHITE OR **COLOR-CHANGING** BULBS



POWERED BY\*  
**enbrighten**

REMOTE CONTROLS  
ALL FEATURES



**2FT. OF SPACE  
BETWEEN BULBS**



**SHATTER-  
PROOF**



**LINKABLE  
UP TO 750FT.**







WALLY'S  
Bar & Grill







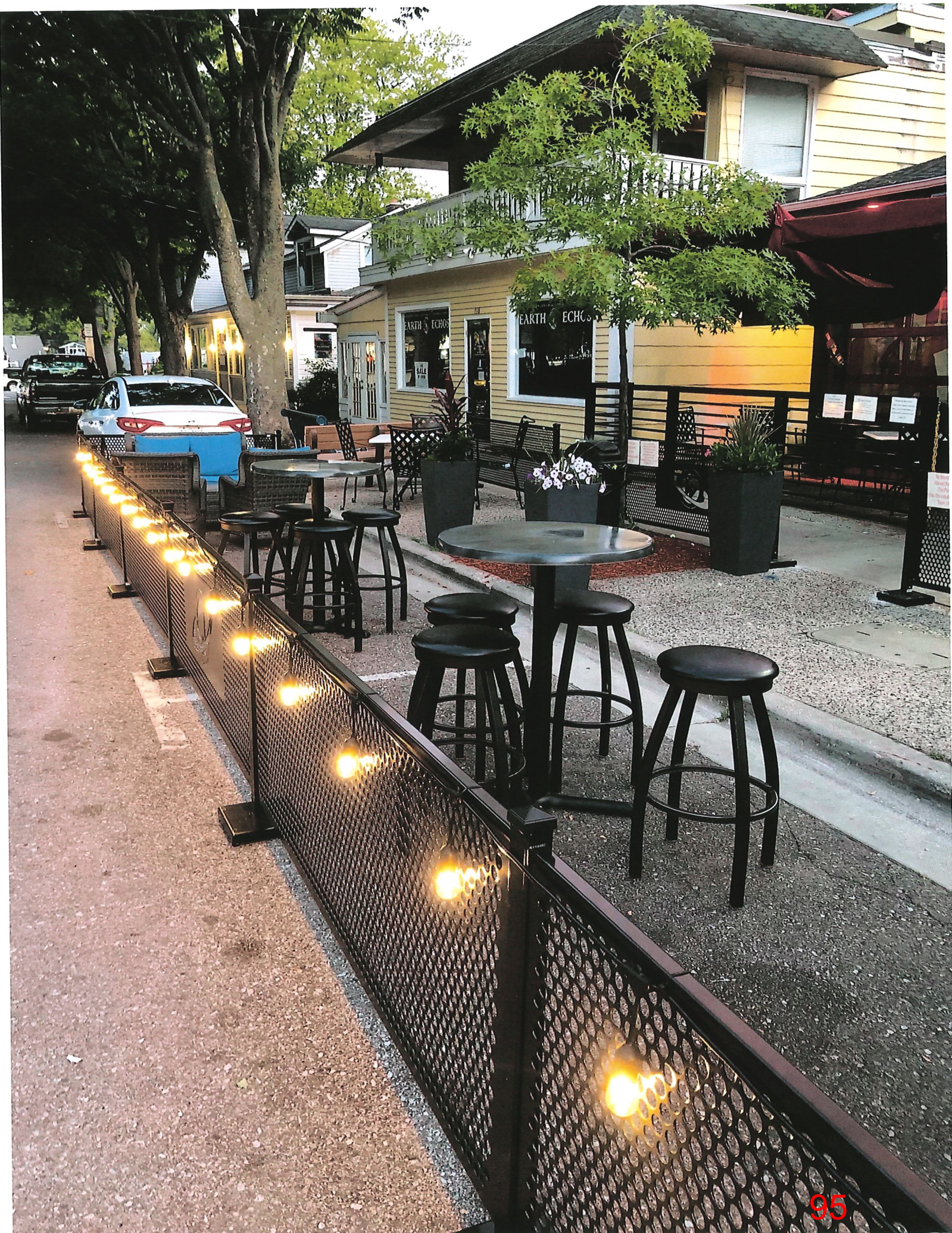
























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## sidewalk cafe partitions

- rust proof
- removable
- lightweight
- long-lasting
- easy assembly
- low maintenance

shop now



## PARTITIONS, PLANTERS, & UMBRELLAS FOR OUTDOOR USE

Are you looking to bring your indoor dining experience outdoors? A contemporary and modular outdoor fencing solution is the answer. At SelectSpace® Partitions, we provide restaurant and hospitality owners with a DIY quality fencing system that is easy to set up and improves the looks of any outdoor space. There is no time to bring your fantastic indoor dining experience outside like the present. The experts at SelectSpace® are ready to guide you throughout the design process! [Contact us](#) today for a free quote.

partition panels

metal fence planters

gates

stands

umbrellas

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testimonials



"My experience was great!

Design service was quick and approved in two days!

Customizing the colors to our theme was such a relief, so it didn't look out of place!"

- Annapurna, Chicago IL



"Working with SelectSpace® Partitions has been an absolute pleasure, from start to finish.

Their customer service is fantastic, they respond to clients in a timely manner, and they provide accurate information.

We definitely plan on using SelectSpace® Partitions on future projects."

- will fuka, McCloud Builders



"The fencing turned out awesome..."

It looks great and was crazy easy to put together."

- Wally's Bar and Grill, Saugatuck MI



"Thank you SelectSpace Partitions for making our patio space lovely.

You were on budget and on time and the custom partition is beautiful."

- Scratch Distillery Edmonds, WA

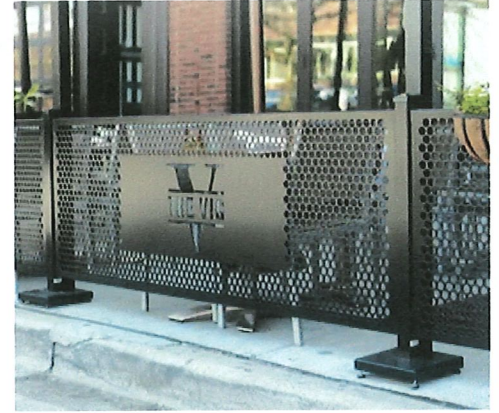


"Our experience with SelectSpace® Partitions could not have been better. We reached out to get outdoor partitions for our bar patio and they went above and beyond to create something timeless and perfect for us!



"Given the COVID-19 pandemic, we've had to move our entire operations outdoors.

Within a matter of days, SelectSpace® Partitions had us up and running with a clean professional look that continues



"I found SelectSpace® Partitions to be very responsive and knowledgeable on their product. I have wondered for years why I product like this has not existed. I immediately bought them for both my restaurants.



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We could not be more pleased with the promptness and detail of SelectSpace® Partitions. We thank you for helping us!"  
- On The Rocks, Romeoville IL

[read the case study.](#)

...ants and would highly recommend SelectSpace® Partitions."  
- daniel dekemper, Cork City Pub, Hoboken, NJ

[read the case study.](#)

...for 20 years and highly recommend this product to anyone looking for a simple and durable solution to sidewalk cafe barriers."  
- ryan marks, the VIG and the Whale

## WHY CHOOSE SELECTSPACE® PARTITIONS?

When you're looking for the kind of outdoor partitions that can add both functionality and aesthetic value to a patio, SelectSpace® is the place to go. We're the company that creates sidewalk cafe partitions that are low-maintenance, lightweight, rust-proof and able to last with your business. We make them as modular components, so you can arrange them exactly as desired. They're also easy to assemble, giving great flexibility and the option to move them when needed. Best of all, we're the partition provider that offers a variety of customization options, which means we can create exactly the look you want.

Whether you know exactly what you're looking for or want to talk about ideas, reach out to us. Count on our experts to help you see the potential in your patio. We'll find ways to organize and beautify the space to create an incredible ambience for customers and value for the restaurant.



### attractive design

elegantly designed, SelectSpace® custom room dividers and partitions for outdoor use will enhance the beauty of any venue



### customizable

match your aesthetic with custom colors and panel patterns, including your own logo



### durable construction

made from heavy-gauge aluminum & stainless steel coated with long-lasting finishes



### modular & flexible

mix & match components to create a unique system that perfectly fits your space



### easy assembly

designed to be easily assembled; no tools necessary to add or remove panels



### light & compact

lightweight with a slim profile, SelectSpace® partitions are effortless to move and store





shipping in two weeks on certain products



## café and restaurant sidewalk partitions

The appearance of overflow customers — diners pouring out into the sidewalk, enjoying themselves in full view of the public — might seem like a happy circumstance for a café or restaurant owner. But imagine how much more inviting your outdoor space would look with attractive outdoor patio partitions.

Sidewalk barriers are a way to truly own and personalize your space. Learn more about the benefits of a sidewalk café fence and other outdoor dining barriers below, and find out why products from SelectSpace® Partitions are the smartest option around.

### the benefits of sidewalk partitions

It's challenging to personalize an outdoor café space that spills onto the sidewalk with no clear boundaries. Even if your restaurant's style is casual, an element of structure may be desirable. Sidewalk fencing and partitions add a touch of class and definition to any [outdoor seating area](#).

You should also take into account your restaurant's security. It's a slippery slope between clutter and chaos, and proper partitioning can keep areas organized and the flow of traffic smooth.

### legal factors to consider

Aesthetics aside, outdoor fence dividers may sometimes be functionally and legally necessary. In many locations, they are required by law. Depending on local regulations, a restaurant with seating that extends more than 3 feet into pedestrian areas may be required to place sidewalk partitions or patio barriers. Additionally, restaurants serving alcohol typically are required to have sidewalk partitions in place, regardless of how far into the public space your seating extends.

For aesthetic and perhaps environmental purposes, local regulations sometimes also require that plants comprise a specified percentage of the partition system. We offer [planter stands](#) and [hanging planters](#) that make it easy to meet these requirements.

Visit our [permits](#) page for additional information on regulations.

Regardless of legal considerations, sectioning off outdoor seating from pedestrian walkways is considered a best practice. And it's our job to help you do that in a way that works for you.

### the types of products we carry

Our patio partitions are manufactured to suit most outdoor seating needs. Our rustproof, lightweight and sturdy products are designed to be removable so you can reposition them as needed. They are available in [3-foot panels](#), [5-foot panels](#) and [7-foot panels](#).

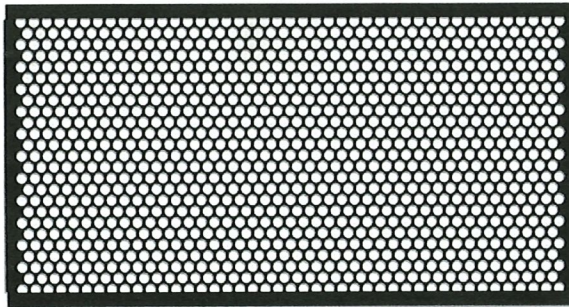


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Home / partition panels / 5' Partition Panel- Circle

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### 5' Partition Panel- Circle

\$499.99

- Black Available for Quick Ship Program - 2 weeks or less!
- modern circular perforated

[Read more](#)

color



custom color RAL # or Pantone # (optional)

50

Quantity

1

add to cart

specifications   structure & design   additional information

- product dimensions (L x H x D): 56" x 29.50" x 1.4"
- assembled panel height:
  - Floor to Bottom: 4.5" without leg levelers
  - Floor to Top: 34" without leg levelers
- product weight: 19 lbs

102

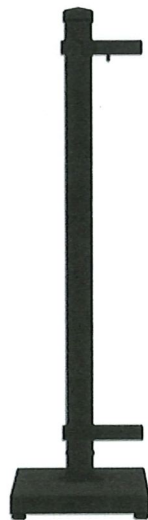


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Home / partition stands / Partition End Stand

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## Partition End Stand

\$339.99

- black Available for Quick Ship Program - 2 weeks or less!
- adjustable arms for new

[Read more](#)

color



custom color RAL # or Pantone # (optional)

Quantity

add to cart

- specifications
- structure & design
- additional information

- assembled dimensions (H x L x W): 36" x 10" x 10"
- assembled weight: 13 lbs
- pole dimensions (W x L): 2" x 2"
- pole material: 1/8" thick aluminum
- base dimensions (W x L): 10" x 10"
- base material: .135" stainless steel





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shipping in two weeks on certain products

Home / partition stands / Partition Straight Stand

< Prev | Next >



## Partition Straight Stand

\$349.99

- Black Available for Quick Ship Program - 2 weeks or less!
- adjustable arms for new

[Read more](#)

color



custom color RAL # or Pantone # (optional)

Quantity

add to cart

specifications   structure & design   additional information

- assembled dimensions (H x L x W): 36" x 10" x 10"
- assembled weight: 13 lbs
- pole dimensions (W x L): 2" x 2"
- pole material: 1/8" thick aluminum
- base dimensions (W x L): 10" x 10"

104



shipping in two weeks on certain products

## metal fence planters

The perfect complement to your outdoor seating area is an elegant metal fence planter mounted to new or existing metal partitions. SelectSpace Partitions offers a selection of custom cafe barrier planters that are both functional and eye-catching. We also offer hanging planters that easily attach to standard outdoor metal partitions, as well as planter stands that serve as panel supports.

In addition to being a sophisticated feature for your outdoor seating area, tall, square outdoor gate planters can serve an important function. Most local governments require partitions to separate outdoor dining spaces from pedestrian areas and also require any outdoor spaces serving alcohol to be completely enclosed. Metal partitions decorated with black metal hanging fence planters not only serve that purpose but also allow you to beautify the space with live plants. You can further customize your space by using a stand-alone black metal planter stand in place of a standard partition for a dramatic look or unique layout.

Like our metal partitions, our metal corner planter stands are made to be durable and easy to assemble while also enhancing the ambiance of your outdoor space. They are also rustproof. That's important for your ambiance because not only is rusty metal ugly, but the rust will stain sidewalks and walkways. Whether you're interested in black, rectangular metal planter stands or square patio planters, we have the right option for you. Learn more about our restaurant fence-mounted planters by [contacting us](#) today.





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# contact us

ready to make the most of your outdoor space?  
fill out the form below and a representative will be touch shortly!

first name

last name

email

phone

establishment

type of establishment

how did you hear about us? \*

comments

submit







STATE OF MICHIGAN  
DEPARTMENT OF TREASURY

**Expires: 04/30/2024**

Issued To: **WALLY'S BAR & GRILL**  
**PO BOX 576**  
**128 HOFFMAN ST**  
**SAUGATUCK MI 49453-0576**

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

**SFE-0303-000254**

**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.

not transferable

Must be posted in a conspicuous place in  
a mi. Licensee. (See Section 4115)

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**

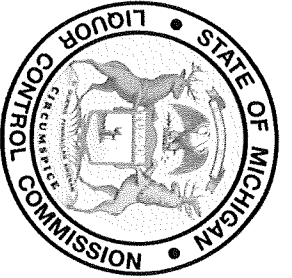
Responsible Party and Address:

**THOMAS W ARNOLD**  
**PO BOX 576**  
**SAUGATUCK MI 49453-0576**

**STATE OF MICHIGAN - LIQUOR CONTROL COMMISSION**

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 Code  
436.1003, which states that a licensee shall comply with all state and local building, plumbing, zoning sanitation, and health laws, as  
determined by the state and local law enforcement officials.





# STATE OF MICHIGAN - LIQUOR CONTROL COMMISSION

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 Rule R 436.1003, which states that a licensee shall comply with all state and local building, plumbing, zoning sanitation, and health laws, rules, and ordinances as determined by the state and local law 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 this business 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 1998 and shall continue in force for the period designated unless 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 revocation of this license.

Department of Licensing and Regulatory Affairs  
THIS LICENSE SUPERSEDES ANY AND ALL OTHER LICENSES ISSUED PRIOR TO APRIL 26, 2023  
BUSINESS ID: 5799  
ALFOM ENTERPRISES, INC.  
D/B/A WALLY'S  
FILE NUMBER: G16580

128 HOFFMAN ST,  
SAUGATUCK, MI 49453  
ALLEGAN COUNTY  
G-31  
SAUGATUCK CITY

LICENSE # L-000011728  
L-000008879  
LICENSE: Specially Designated Merchant  
Class C  
ACT:

TOTAL BARS: 2  
DIRECT-CONNECTIONS: 0  
OUTDOOR SERVICE AREA: 2  
ROOMS:  
PASSENGERS:

PERMIT  
Sunday Sales (PM), Outdoor Service Area(1), Additional Bar(1), Outdoor Service Area(1)

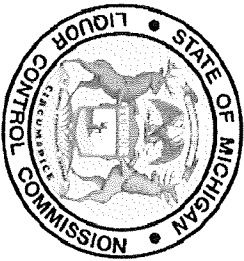
IN WITNESS WHEREOF,  
this License has been duly signed and sealed by both the Michigan Liquor Control Commission and the Licensee(s).

LIQUOR CONTROL COMMISSION

*Pat Asplund*  
*Daniel Miller*  
*Justin Ferguson*  
*Dee Sangala*  
*David Tom*  
LICENSEE(S) SIGNATURE(S)

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





## STATE OF MICHIGAN - LIQUOR CONTROL COMMISSION

This to certify that this establishment is licensed for the sale of beer, wine, and spirits for the consumption on the premises and has the number of bars indicated at which beer, wine, and spirits are to be sold to customers, served to customers, or consumed by customers, and has also paid the required statutory fee.

# ADDITIONAL BAR PERMIT

Authorized by Administrative Rule R 436.1023(3)

**THIS IS NOT A LICENSE**

**BUSINESS ID:** 5799  
**AL TOM ENTERPRISES, INC.**

**PERMIT #:**  
58992 - 1

**WALLY'S**

**LICENSE #:**  
Class C L-000008879  
**AL TOM ENTERPRISES, INC.**

128 HOFFMAN ST,  
SAUGATUCK, MI 49453  
1

This Permit Expires On The Same Date As The License Expires

# 2023-2024

STATE OF MICHIGAN  
DEPARTMENT OF TREASURY

**Expires: 04/30/2024**

Issued To: **WALLY'S BAR & GRILL**  
**PO BOX 576**  
**128 HOFFMAN ST**  
**SAUGATUCK MI 49453-0576**

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

**SFE-0303-000254**

**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.

not transferrable

Must be posted in a conspicuous place in  
a visible location. (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

Responsible Party and Address:

**THOMAS W ARNOLD**  
**PO BOX 576**  
**SAUGATUCK MI 49453-0576**

**STATE OF MICHIGAN - LIQUOR CONTROL COMMISSION**

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 Code  
436.1003, which states that a licensee shall comply with all state and local building, plumbing, zoning sanitation, and health laws, rules,  
determined by the state and local law enforcement officials.

3.16.24

To Whom it May Concern

I attest that the outdoor dining area @ Wally's Bar & Grill will be lit 24/7 day and night and will have traffic reflectors place on and around the fencing.

I also attest that all property and personal property taxes are current and up to date.

A handwritten signature in black ink, appearing to read 'Thomas Arnold', written over a horizontal line.

Date: 3.16.24

Thomas Arnold  
President/Owner  
Altom Enterprises, Inc  
Stegalaas Holdings, Inc  
DBA: Wally's Bar & Grill



**From:** Craig Baldwin <[craigbaldwin312@gmail.com](mailto:craigbaldwin312@gmail.com)>

**Sent:** Thursday, March 21, 2024 8:07 AM

**To:** [mannssteven@hotmail.com](mailto:mannssteven@hotmail.com); [annbroeker@hotmail.com](mailto:annbroeker@hotmail.com); [bagaunt@comcast.net](mailto:bagaunt@comcast.net); Holly Anderson <[Holly@saugatuckcity.com](mailto:Holly@saugatuckcity.com)>; [mwlachey@gmail.com](mailto:mwlachey@gmail.com); [badge\\_cj@yahoo.com](mailto:badge_cj@yahoo.com); Joseph Clark <[jclark003@ameritech.net](mailto:jclark003@ameritech.net)>; Ryan Cummins <[rcummins@saugatuckcity.com](mailto:rcummins@saugatuckcity.com)>; Jamie Wolters <[Jwolters@saugatuckcity.com](mailto:Jwolters@saugatuckcity.com)>

**Subject:** Re: STR Neighborhood Analysis

To the Planning Commission:

I want to correct an error in my list of Maple Street District STR certificates. Two entries were duplicated so I believe there are 13 rather than 15. Thank you.

Craig Baldwin  
Saugatuck City Resident.

On Wed, Mar 20, 2024 at 3:22 PM Craig Baldwin <[craigbaldwin312@gmail.com](mailto:craigbaldwin312@gmail.com)> wrote:  
To the Planning Commission:

I wanted to share some observations about the Neighborhood Analysis from Mr. Jirousek that is included in the March 21 meeting packet.

An STR saturation analysis should look at what percentage of our residential dwelling units are being used as a short term rental. Yet Mr. Jirousek includes vacant parcels in his calculation, which artificially lowers the saturation number.

Mr. Jirousek also inexplicably ignores any dwelling unit that is located in a Planned Unit Development (PUD). The homes and condos in these areas are a part of our housing supply that needs to be considered in any city-wide analysis of STR saturation. These areas include the condos at East Shore Harbor, Maple Woods Drive, Secrets of Saugatuck, and others.

Further, for at least the Peninsula Districts and Maple Street District the reported number of STRs is significantly less than what I believe exists. For the Peninsula Districts (North, South, West) collectively, Mr. Jirousek reported 22 STRs across 156 lots (14%). I believe there are 29 STRs across 126 residences (23%), and if you include properties in PUDs, it is 49 STRs across 146 residences (34%). In the Maple Street District, Mr. Jirousek reports 9 STRs out of 46 lots (20%). I believe there are 15 STRs (32%) in the Maple Street District. My list of STR Certificate holders in these areas is included at the end of this email.

A further surprise was seeing the STR percentages that were assigned to the low/medium/high concern levels. I don't think there are many residents who think a 19.9% saturation deserves a shoulder shrug, and a 29.9% saturation is only "somewhat concerning."

Finally, thank you for continuing to look at the issue of STR caps. The Task Force survey showed a clear majority of residents want caps in at least our residential areas. The residents who have signed my online petition back this up as well.

Craig Baldwin  
Saugatuck City Resident

**Peninsula Districts STR Certificate Holders:**

16 Park (duplex - 2 residential units and 2 certificates)  
126 Park  
242 Park  
295 Park  
336 Park  
338 Park  
340 Park  
444 Park  
810 Park  
828 Park  
836 Park  
37 Park  
97 Park  
347 Park  
714 Park  
128 Van Dalson  
140 Van Dalson  
143 Van Dalson  
540 Campbell  
574 Campbell  
441 Frederick  
448 Frederick  
775 Manchester  
781 Manchester  
117 Perryman  
133 Perryman  
562 Weirich  
565 Weirich

**Peninsula STRs in a PUD:**

560 Campbell Home  
560 Campbell Penthouse  
560 Campbell A1  
560 Campbell A2  
560 Campbell A3  
560 Campbell A4

560 Campbell A5  
560 Campbell A6  
560 Campbell B1  
560 Campbell B2  
560 Campbell B3  
560 Campbell B4  
560 Campbell B5  
560 Campbell B6  
560 Campbell C1  
560 Campbell C2  
560 Campbell C3  
560 Campbell C4  
560 Campbell C5  
560 Campbell C6

**Maple Street District STRs:**

160 N. Maple  
212 N. Maple  
324 N. Maple  
350 N. Maple  
444 N. Maple  
520 N. Maple  
721 N. Maple  
1042 N. Maple  
981 Ridgeview  
985 Ridgeview  
186 S. Maple  
186 S. Maple  
530 S. Maple  
530 S. Maple  
997 Singapore



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**Property rental management companies**

2 messages

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**Diana Decker** <diana.saugatuck@gmail.com>  
To: Diana Decker <diana.saugatuck@gmail.com>

Tue, Mar 19, 2024 at 6:46 PM

Dear City Council, Planning Commission, Ryan Zoning Department and Staff

Please be advised that property managers are to be certified as real estate brokers or associate brokers (MCL339.2501.t) which outlines their responsibilities and required tasks to be performed by such brokers.

Contrary to that, several rental management companies in our area are operating without an associate or broker's license; these companies should not be permitted to operate in Michigan. When a homeowner fills out the rental application there is a box to fill out requiring the agency contact. The city needs to verify the agency meets this requirement as it is a liability for the City to approve.

Please contact Kim at LARA at 1-517-335-9700 press 5 or Bernie the Attorney at 1-800-522-2820 if you have questions.  
Thank you

Diana M. Decker  
**Century 21 Affiliated**  
Associate Broker, ABR  
616-836-5241



## Jamie Wolters

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**From:** Ethan Barde <ethanbarde54@gmail.com>  
**Sent:** Thursday, April 11, 2024 8:39 AM  
**To:** Jamie Wolters  
**Cc:** tammy  
**Subject:** Fwd: Moratorium and STR caps for town or per neighborhood

Jamie

Please make sure this gets in the record with city, zoning, etc

Thank you

Ethan Barde  
Quaint Cottages

Hello Saugatuck city counsel and Saugatuck zoning board and all other city groups applicable,

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

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

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

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

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

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

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

Thank you

Ethan Barde

Quaint Cottages

Property owners that we represent



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

**GARY E. MEDLER**

461 Vine Street  
PO Box 461  
Saugatuck, MI 49453  
[gary.medler@yahoo.com](mailto:gary.medler@yahoo.com)

**April 12, 2024**

**BY EMAIL DELIVERY**

Jamie Wolters, City Clerk  
City of Saugatuck  
102 Butler Street/PO Box 86  
Saugatuck, Michigan 49453  
[jwolters@saugatuckcity.com](mailto:jwolters@saugatuckcity.com)

Ryan Cummins, Interim City Manager  
Director, Planning, Zoning and Project Design  
City of Saugatuck  
102 Butler Street PO Box 86  
Saugatuck, MI 49453  
[rcummins@saugatuckcity.com](mailto:rcummins@saugatuckcity.com)

Saugatuck City Council  
Historic District Commission  
Planning Commission  
Zoning Board of Appeals  
Parks and Public Works

Re: Village Square Park Playground

To the Parties Addressed:

**Village Square Park**

The City owned Village Square Park (“Park”) is located in the C-1 City Center Commercial Zoning District (See City Code of Ordinances (“Code”) Section 154.024, attached as Exhibit A).

The Park is also located within the City’s Historic District established pursuant to Chapter 152 (Historic District Regulations) of the Code (See attached Exhibit B).

The Historic District is an overlay zone and subjects “all lands” (including the Park) within the Historic District to the requirements of Chapter 152 (See Code Section 152.048 (E), attached as Exhibit C). Code Sections 152.048 (B) and (C) limit permitted uses and special land uses to those as classified by the underlying zone district (Code Sections 154.024 (B) and (C), as applicable here, at Exhibit A).

The City is not exempt from compliance with Chapter 152 or Code Section 154.024.

**Former Children’s Playground Constituted a Nonconforming Use**

A children’s playground/equipment is not a permitted use nor a listed special land use under Chapter 152 and Code Sections 154.024 (B) and (C) (See Exhibit A).

The former “Children’s Playground” constituted a nonconforming structure/use within the Park because such structure/use was neither a permitted use nor a listed special land use under Code Sections 154.024 (B) and (C) (See Exhibit B).

The City’s installation of the new playground equipment is neither a permitted use (See Code Section 154.024 (B) at Exhibit A) nor a listed special land use (See Code Section 154.024 (C) at Exhibit A).

The City has demolished and removed the former Children’s Playground equipment and its footprint/foundation. The City has now excavated substantially all of the northwest quadrant of the Park for installation of new playground equipment within a footprint which engulfs the entire northwest quadrant of the Park.

These new structures and the proposed footprint substantially enlarge, increase and extend the nonconforming structures/use to a greater area of land than occupied by the former Children’s Playground in violation of Code Sections 154.174 (B) (1) and (2) and (C) (1); and Code Section 154.174 E) (1) (See attached Exhibit D ).

**Grandfathered Rights Extinguished**

By demolition/removal of the prior playground equipment and footprint (foundation), coupled with the proposed impermissible substantial enlargement of the footprint (foundation) and installation of significantly more additional equipment, the City has abandoned the nonconforming use (See Code Section 154.174 (D) (5) at Exhibit D).

The new proposed playground/equipment/footprint is not functionally similar to the former Children’s Playground and constitutes a change in use not authorized under Code Section 154.024 (See Exhibit A).



## **Code Enforcement**

Code Section 154.020 provides that: (1) zoning effects every structure and use; and (2) except as authorized under the Code, no structure/use shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformance with the regulations specified for the zoning district in which it is located (See attached Exhibit E).

Code Section 154.021 provides that: (1) the Code regulations shall apply uniformly to each class or kind of structure, land or use; and (2) no structure or land shall be constructed, altered, or changed in use unless in conformity with all of the regulations set forth in the district in which such structure/use is located (See attached Exhibit F).

Code Section 154.177 provides that: (1) anyone or entity, including the City, that violates any provision of the Code shall be guilty of a violation of the Code; and (2) the Zoning Administrator “**shall** follow the procedure in pursuing all alleged ordinance violations (See attached Exhibit G).”

Code Section 154.171 sets forth the enforcement responsibilities of the Zoning Administrator (See attached Exhibit H).

Code Section 154.171 (A) provides the Zoning Administrator “**shall** administer and enforce” the Code provisions. A violation of the Code “**shall** constitute a nuisance per se (See Exhibit H).”

Code Section 154.171 (J) provides that: (1) the Zoning Administrator “**shall** keep a record of every written and/or identifiable complaint of a violation of the Code; and (2) where there is a Code violation, the Zoning Administrator “**shall** follow established procedures to provide notice of the violation and get it corrected (See Exhibit H).”

Code Section 154.171 (N) prohibits the Zoning Administrator from making any change to the Code or alter the terms of the Code while carrying out his enforcement duties under the Code (See Exhibit H).

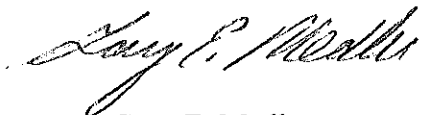
Code Section 154.171 (N) also provides that “(I)t **shall** be the responsibility of the City Council to assure that the Zoning Administrator enforces” the Code provisions (See Exhibit H).

## **Code Violation Complaints**

City Council, Historic District Commission, Interim City Manager and Zoning Administrator received detailed complaints on the Code violations relating to the Playground. All have ignored these complaints despite the Code imposing an absolute obligation to take action as discussed above under “**Code Enforcement.**”

The highlighted word “**shall**” does not permit discretion on the part of City Council or the Zoning Administrator to ignore the Code violations relating to the new Playground installation. Shall requires mandatory affirmative action to shut down this installation and restore the Park to its original status without any playground footprint/foundation or equipment.

Sincerely

A handwritten signature in cursive script, appearing to read "Gary E. Medler".

Gary E. Medler

**EXHIBIT A**

**Code Section 154.024 C-1 City Center Commercial District (CC)**



## § 154.024 C-1 CITY CENTER COMMERCIAL DISTRICT (CC).

### (A) *Generally.*

- (1) This district is designed to promote and preserve the Central Business District character of the city.
- (2) The district permits intense retail and commercial uses.
- (3) Residential uses and business and professional offices are encouraged on the second and third floors of buildings in the district.
- (4) Utilization of existing undeveloped land in the district is encouraged when done in a manner consistent with the character of the district.

### (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 second or third floors;
- (6) Home occupations;
- (7) Short-term rental units on second or third floors; and,
- (8) Business, professional offices on second and third floors only.

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

- (1) Bed and breakfast;
- (2) Hotel/inn;
- (3) Motel/motor court;
- (4) Theater;
- (5) Parking facility;
- (6) Restaurants;
- (7) Rental of accessory dwellings;
- (8) Recreational transportation rental facilities; and
- (9) Brewery, distillery, and winery.

### (D) *Dimension and area regulations.*

(1) Permitted uses and special uses: 4. Theater, 5. Parking facility, 6. Restaurants, 8. Recreational transportation rental facilities, and 9. Brewery, distillery, and winery.

Front setback	0 feet
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Side setback	0 feet*
Rear setback	0 feet*
Minimum lot area	4,356 square feet
Minimum lot width	33 feet of street frontage
Maximum lot coverage	100%*
* Subject to Fire Code Regulations	

(2) Special uses: 1. Bed and breakfast, 2. Hotel/inn, 3. Motel/motor court, and 7. Rental of accessory dwellings.

Front setback	0 feet
Side setback	0 feet*
Rear setback	0 feet*
Minimum lot area	8,712 square feet
Minimum lot width	66 feet
Maximum lot coverage	100%*
* Subject to Fire Code Regulations,	

(Ord. passed 6-24-1996; Am. Ord. 050711, passed - -; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 090824-1, passed 8-24-2009; Am. Ord. 100726-1, passed 7-26-2010; Am. Ord. 101122-1, passed 11-22-2010; Am. Ord. 110214-1, passed 12-14-2011; Am. Ord. 111212-1, passed 12-12-2011; Am. Ord. 140714-1, passed 7-14-2014; Am. Ord. 200622-1, passed 6-22-2020; Am. Ord. 201109-D, passed 11-9-2020)

**EXHIBIT B**

**Chapter 152: Historic District Regulations**



## CHAPTER 152: HISTORIC DISTRICT REGULATIONS

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### Section

- 152.01 Purpose
- 152.02 Definitions
- 152.03 Application and permit required
- 152.04 Creation, modification, and elimination of historic districts
- 152.05 Historic District boundaries
- 152.06 Historic District Commission
- 152.07 Application and review procedure; powers and duties of the Historic District Commission
- 152.08 Deviation from approved plans
- 152.09 Work without a permit
- 152.10 Preservation, moving and demolition of historic resources
- 152.11 Demolition by neglect
- 152.12 Community outreach
- 152.13 Construction
- 152.14 Appeals
- 152.15 Historic preservation; financing
- 152.16 Signs
- 152.17 Fencing
  
- 152.99 Penalty

### § 152.01 PURPOSE.

Historic preservation is declared to be a public purpose, and it is the intent of this chapter to establish procedures as set forth in Public Acts 169 of 1970, being M.C.L.A. §§ 399.201 - 399.215, as amended by Public Act 125 of 1980, being M.C.L.A. §§ 399.203 - 399.205, Public Act 230 of 1986, being M.C.L.A. §§ 399.201 - 399.215, and Public Act 96 of 1992, being M.C.L.A. §§ 399.201 - 399.215, to regulate the construction, addition, moving, excavation and demolition, and exterior alteration and repair of structures or resources within the Historic District in order to:

(A) Safeguard the heritage of the City of Saugatuck by ensuring that the Historic District(s) continue to reflect the architecture, archaeology, engineering, culture, local village/rural character and the contextual aesthetic of the city;

(B) Stabilize and improve property values in each district and surrounding areas;

(C) Foster civic beauty;

(D) Strengthen the local economy; and

(E) Promote the use of historic districts for the education, pleasure and welfare of the citizens of the city, county, state and country.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

## § 152.02 DEFINITIONS.

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

**ADDITION.** A new structure built onto an existing structure.

**ALTERATION.** Work that changes the exterior detail of a resource regardless whether the work changes the resource's basic size or shape.

**CENTER.** The Michigan Historical Center of the Department of History, Arts and Libraries.

**CERTIFICATE OF APPROPRIATENESS.** Written approval of a permit application for work determined to be consistent with the requirements and purposes of this chapter.

**COMMISSION.** An historic district commission created by the City Council pursuant to Public Act 169 of 1970 as amended, being M.C.L.A. §§ 399.201 - 399.215.

**COMMITTEE.** An historic district study committee appointed by the City Council under § 152.04.

**CONSTRUCTION.** The building of a new structure, whether free standing or an addition.

**DEMOLITION.** The razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.

**DEMOLITION BY NEGLECT.** Neglect in maintaining, repairing or securing a resource that results in deterioration of an exterior feature of the resource or loss of structural integrity of the resource.

**DENIAL.** The written rejection of a permit application for work that is determined to be inconsistent with the requirement of this chapter.

**HISTORIC DISTRICT.** An area, or group of areas not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering or culture.

**HISTORIC PRESERVATION.** The identification, evaluation, establishment and protection of resources significant in history, architecture, archaeology, engineering or culture.

**HISTORIC RESOURCE.** A publicly or privately owned building, structure, site, object, feature or open space that contributes significant to the architectural, archaeological, engineering, cultural history, local village/rural character, or the contextual aesthetic of the city, county, state or country.

**NATURAL MATERIALS.** Materials produced or existing by nature.

**NOTICE TO PROCEED.** Written permission to issue a permit for work determined to be consistent with the requirements of this chapter, but which is allowed under one of the exceptions to the application of those guidelines.

**OPEN SPACE.** Undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.

**ORDINARY MAINTENANCE.** To maintain the exterior of a resource in good or sound condition by taking care of ordinary wear and tear. **ORDINARY MAINTENANCE** does not change the external appearance of the resource except through elimination of the usual and expected effects of weathering (e.g. scraping and repainting a house with the same color). **ORDINARY MAINTENANCE** shall not constitute work for purposes of this chapter.

**REPAIR.** To restore the exterior of a decayed or damaged resource to a good or sound condition by replacing a decayed or damaged element or feature (e.g. a window, the siding, a bracket, or door) with one of identical design using either original material or other material as permitted by the Commission. A repair that changes the external appearance of a resource constitutes work for purposes of this chapter.

**RESOURCE.** One or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features or open spaces located within a historic district.

**STANDING COMMITTEE.** A permanent body established by the City Council under Public Act 169 of 1970, as amended, being M.C.L.A. §§ 399.201 - 399.215, to conduct the activities of a historic district study committee on a continuing basis.

**WORK.** Construction, addition, alteration, repair, moving, excavation or demolition.

(Ord. passed 3-27-2000; Am. Ord. passed 4-28-2003; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.03 APPLICATION AND PERMIT REQUIRED.

A permit shall be obtained before any work affecting the exterior appearance of a resource is performed within a historic district. The Building Inspector shall not issue a building permit and no resource in a historic district shall be constructed, moved, excavated or demolished, nor its exterior altered or repaired, nor signs and fences constructed or altered, unless application is made and the applicant has received either a certificate of appropriateness or a notice to proceed from the Commission pursuant to the requirements set forth in this chapter.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.04 CREATION, MODIFICATION, AND ELIMINATION OF HISTORIC DISTRICTS.

(A) *Generally.* The creation, modification, and elimination of historic districts shall be in accordance with Public Act 169 of 1970, as amended, being M.C.L.A. §§ 399.201 - 399.215.

(B) *Creation or modification of historic districts.* The City Council may, by ordinance, establish one or more historic districts or modify the boundaries of an existing historic district. Before creating or modifying a historic district, the City Council shall, by resolution, appoint a Historic District Study Committee. The Committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation and shall contain representation from one or more duly organized local historic preservation organizations.

(1) The Committee shall do all of the following:

(a) Conduct a photographic inventory of resources within each proposed historic district following procedures established or approved by the Center.

(b) Conduct basic research on each proposed historic district and the historic resources located within that district.

(c) Determine the total number of historic and non-historic resources within the proposed historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the



United States Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 C.F.R. part 60, and criteria established or approved by the Center, if any.

(d) Prepare a preliminary historic district study committee report that addresses at a minimum all of the following:

1. The charge of the Committee.
2. The composition of the Committee membership.
3. The historic district or districts studied.
4. The boundaries for each proposed historic district in writing and on maps.
5. The history of each proposed historic district.
6. The significance of each district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.

(e) Transmit copies of the preliminary report for review and recommendations to the City Planning Commission, the Center, the Michigan Historical Commission, and to the State Historic Preservation Review Board.

(f) Make copies of the preliminary report available to the public pursuant to subsection (4).

(2) Not less than 60 calendar days after the transmittal of the preliminary report, the Committee shall hold a public hearing in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, being M.C.L.A. §§ 15.261 to 15.275. Public notice of the time, date, and place of the hearing shall be given in the manner required by Public Act 267 of 1976, as amended, being M.C.L.A. §§ 15.261 to 15.275. Written notice shall be mailed by first-class mail not less than 14 calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the city.

(3) After the date of the public hearing, the Committee and the City Council shall have not more than one year, unless otherwise authorized by the City Council, to take the following actions:

(a) The Committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the City Planning Commission to the City Council. If the recommendation is to establish or expand a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.

(b) After receiving a final report that recommends the establishment of a historic district or districts, the City Council, at its discretion, may introduce and pass or reject an ordinance or ordinances. If the City Council passes an ordinance or ordinances establishing one or more historic districts, the City Clerk shall file a copy of the ordinance or those ordinances, including a legal description of the property or properties located within the historic district or districts with the Register of Deeds. If a majority of the property owners within the proposed historic district, as listed on the city tax rolls, have approved the establishment of the historic district pursuant to a written petition or petitions, the City Council shall not pass an ordinance establishing the historic district less than 60 days after presentation of the petition or petitions. A written petition shall not be a prerequisite to the establishing, modifying, or eliminating of a historic district unless the City Council, in its discretion, determines otherwise.

(4) A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, as amended, being M.C.L.A. §§ 15.231 to 15.246.

(C) *Elimination of all or part of a historic district.* If considering elimination of a historic district, a committee shall follow the procedures set forth in division (B) for issuing a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:

- (1) The historic district has lost those physical characteristics that enabled establishment of the district.
- (2) The historic district was not significant in the way previously defined.
- (3) The historic district was established pursuant to defective procedures.

(D) *Historic District Study Committee.* Before establishing additional historic districts or modifying or eliminating an existing historic district, a Historic District Study Committee appointed by the City Council shall comply with the procedures set forth in divisions (B) and (C) and shall consider any previously written committee reports pertinent to the action. To conduct these activities, the city may retain the initial Historic District Study Committee appointed by the City Council under division (B), establish a standing committee, or establish a committee to consider only specific proposed districts and then be dissolved.

(E) *Review of permit applications in proposed historic districts.* Upon receipt of substantial evidence showing the presence of historic architectural, archaeological, engineering, or cultural significance of a proposed historic district, the City Council may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the Commission. The Commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the City Council approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

(F) *Emergency moratorium.* If the City Council determines that pending work will cause irreparable harm to resources located within an established historic district or a proposed historic district, the City Council may, by resolution, declare an emergency moratorium of all such work for a period not to exceed six months. The City Council may extend the emergency moratorium for an additional period not to exceed six months upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

## § 152.05 HISTORIC DISTRICT BOUNDARIES.

The following historic districts are hereby established:

(A) All of that part of the Kalamazoo Plat which lies south of Mary Street, west of Griffith Street and north and east of the Kalamazoo River;

(B) All of those properties located within Flint Assessor's Plat which are southerly and easterly of the Kalamazoo River and south of the south line of Herbert Street and Herbert Street extended to the Kalamazoo River;

(C) Block 1 and Block 2 of Bandle's Addition along with all of those parcels of property lying northerly of a line extending from the southeast corner of Lucy Street to the southeast corner of Elizabeth and Mill Streets;

(D) All of those properties lying between Lake Street and the Kalamazoo River along with the first 132 feet of all parcels of land which lie east of Griffith Street and north and east of Culver Street and Lake Street (the intent is to include both sides of Lake Street and Culver Street); and

(E) All the lands east of the Kalamazoo River and west of Holland and Griffith Streets from Mary Street on the south to Lucy Street on the north; also to include all properties west of Elizabeth Street

and east of Griffith Street and bounded on the north by Mason Street and bounded on the south by Allegan, Lake and Culver Streets.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### **§ 152.06 HISTORIC DISTRICT COMMISSION.**

(A) *Creation.* In order to execute the purposes of this chapter, the Saugatuck Historic District Commission was established on December 14, 1981.

(B) *Membership.* The Commission shall consist of seven members who are residents of the City of Saugatuck, and shall be appointed by the Mayor with approval of the City Council. A majority of the members shall have a clearly demonstrated interest in or knowledge of historic preservation, and, if available, either reside in or own property in the historic district. The Commission shall include a member nominated by a local preservation organization, if available, a licensed architect, registered in the State of Michigan, qualified in the design, rehabilitation and construction of historic structures, if available.

(1) *Terms of office.* Members of this Commission shall serve for terms of three years. The terms of all commissioners commence on the first day of the month established by the City Council as the beginning of member terms, with no more than three member terms commencing in a single calendar year. Members may be reappointed after their terms expire.

(2) *Vacancies.* In the event of a vacancy on the Commission, interim appointments shall be made within 60 days by the Mayor with approval of the City Council to complete the unexpired term of the position.

(C) *Meetings.* All meetings of the Commission shall be open to the public and any person or his or her duly authorized representative shall be entitled to appear and be heard on any matter before the Commission. Meetings of the Commission shall be held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended, being M.C.L.A. §§ 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by Public Act 267 of 1976, as amended, being M.C.L.A. §§ 15.261 to 15.275. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the Commission.

(D) *Records.* The Commission shall keep a record of its resolutions, proceedings, and actions. A writing prepared, owned, used in the possession of or retained by the Commission in the performance of an official function shall be made available to the public in compliance with Public Act 44 of 1976, as amended (Freedom of Information Act), being M.C.L.A. §§ 15.231 - 15.246.

(E) *Rules of procedure.* The Commission shall establish rules of procedure to conduct meetings pursuant to the state statutes and local ordinances. The rules of procedure shall be maintained on file at City Hall.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### **§ 152.07 APPLICATION AND REVIEW PROCEDURE; DUTIES OF THE HISTORIC DISTRICT COMMISSION.**

(A) *Application.* Application for a building permit to construct, alter, repair, move, or demolish any structure or install or alter any signage or fence structure in a historic district shall be made to the Historic District Administrator who shall notify the Commission of the receipt of the application and shall convey the application, supporting plans and documents, and any other pertinent information, to the Commission.

(B) *Supporting documents.* When applying for a building permit under division (A), the applicant shall provide the following supporting documents, where applicable.



- (1) Photographs of the structure and its relationship to adjacent structures.
- (2) A plot plan with the placement of the proposed addition, or location of fencing to be constructed.
- (3) Elevation drawings of the exterior of the structure.
- (4) Samples of all proposed exterior finishes and materials.
- (5) Photographs showing, in detail, the problem areas to be addressed during the proposed repair or alteration.
- (6) A scale drawing of all proposed signage, including design, colors, lettering style, type of illumination (if any), placement or location on the lot or building, and the type of support(s) for the sign(s).
- (7) If an application for signage is made by tenants of a building located within a historic district, the tenants must obtain written permission from the building owner to install or alter the proposed sign(s).

(C) *Review of application by the Commission.* Unless otherwise provided for by this chapter, the Commission shall review applications and plans for the construction, alteration, repair, moving, partial or total demolition of resources and the installation or alteration of signs and fencing in a historic district before a certificate of appropriateness, notice to proceed, or building permit can be granted or issued.

(1) *Exterior features.* The Commission shall review and act upon applications for work affecting the exterior appearance of a resource.

(2) *Interior features.* The Commission shall review and act upon applications for work affecting the interior appearance of a resource only where the work will cause visible change to the exterior appearance of the resource.

(3) *Fences and signs.* The Commission shall review and act upon applications concerning the installation, construction, repair, or alteration of all fences and signs located within a historic district.

(D) *Guidelines.*

(1) In reviewing applications and plans submitted under this chapter, the Commission shall follow U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures as set forth in 36 C.F.R. part 67, as amended. Additional guidelines may be developed and followed if they are equivalent in guidance to the Secretary's standards and guidelines and are approved by the Center. Any additional guidelines must be adopted by the Commission and approved by the City Council. In reviewing applications and plans, the Commission shall also give consideration to:

(a) The historical or architectural significance of the resource and its relationship to the historic value of the surrounding area.

(b) The compatibility of the exterior of the structure and the space around it with the visual or historical context of the surrounding area.

(c) The impact of the exterior of the structure and the space around it on the village/rural character and contextual aesthetic of the city

(d) Other factors which the Commission considers to be pertinent.

(2) In exercising its authority to approve or deny an application under this chapter, the Commission shall exercise its educated judgment on a case-by-case basis in interpreting these guidelines and the following the applicable standards.

(E) *Experts.* The Commission shall have the power to consult with experts, when necessary, to aid in its deliberations.

(F) *Decision.* The Commission shall act within 60 days after the date a complete application is filed, unless an extension is agreed upon in writing by the applicant and the Commission. The Commission shall issue a certificate of appropriateness or a notice to proceed if it approves of the plans submitted to it for review. Failure to act by the Commission within 60 days shall be considered to constitute approval of the application and the Historic District Administrator shall issue a notice to proceed to the Building Inspector.

(G) *Certificate of appropriateness or notice to proceed.*

(1) The Commission shall file with the Historic District Administrator a certificate of appropriateness or notice to proceed if the Commission approves the application. No building permit shall be issued or work begun until the certificate of appropriateness or notice to proceed has been filed.

(2) Any changes or alterations made to the original approved plans shall be submitted to the Commission for approval under § 152.08. Alterations made without the Commission's approval shall be considered work without a permit under § 152.09.

(3) Any work performed under an approved application or part thereof must be completed within one year from the date of approval. Upon the expiration of one year following the date of approval, the application and permit become void and the applicant must reapply for a permit, unless the applicant applies for an extension, which shall be for no longer than one year, and such extension is approved by the Commission.

(4) Issuance of a certificate of appropriateness or notice to proceed does not absolve the applicant from its obligation to comply with the Zoning and Building Code requirements of the city or other applicable local, state or federal requirements.

(H) *Denial of plans.* If the Commission denies plans submitted to it for review, no permit shall be issued or work begun or performed. The Commission shall state its reasons for denying the plans and shall transmit a record of such action and reasons therefore in writing to the Historic District Administrator and to the applicant. The Commission may advise the applicant regarding what work is appropriate under this chapter and the applicant may make modifications to the original plans. The applicant shall have the right to resubmit the application and modified plans to the Commission for approval.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

#### **§ 152.08 DEVIATION FROM APPROVED PLANS.**

(A) If an owner whose plans have received a certificate of appropriateness or notice to proceed wishes to change the approved plans in any way, regardless how minor the changes, the owner shall apply to the Commission for approval of such changes prior to commencing work that incorporates the changes.

(B) If the Commission finds that an owner has proceeded with work that involved a deviation from the original approved plans, without seeking approval under division (A), it shall cause a stop work order to be issued with regard to the portion of the work that involves the change(s).

(1) The owner shall thereafter apply to the Commission for approval of the desired change to the original approved plans.

(2) If the desired changes are not approved, the owner shall dismantle the unapproved work and proceed with the work as originally approved.

(C) If the owner does not or cannot comply with the division (B), the Commission may seek an order from the circuit court allowing the Commission or its agents to enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it complies with the original plans as approved by the Commission. The costs of the work shall be charged to the owner and may be levied by the city as a special assessment against the property.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### **§ 152.09 WORK WITHOUT A PERMIT.**

If the Commission finds that work has begun on a structure or resource for which an application for a permit has not been made, or for which application has been made, but has not yet been approved or denied by the Commission pursuant to this chapter, the Commission shall cause a stop work order to be issued.

(A) The owner shall thereafter apply to the Commission for approval of the work under all applicable sections of this chapter.

(B) If the plans for the work are approved by the Commission with modifications that impact that portion of the work already done, the owner shall dismantle the unapproved portion of the work and proceed with the work as approved.

(C) If the plans for the work are not approved by the Commission, the Commission may require the owner to restore the resource to the condition the resource was in before the inappropriate work was commenced or to modify the work so that it qualifies for a certificate of appropriateness.

(D) If the owner does not comply with the restoration or modification requirement within a reasonable time, the Commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness.

(E) If the owner does not or cannot comply with the order of the court, the Commission may seek an order from the circuit court allowing the Commission or its agents to enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a certificate of appropriateness in accordance with the court's order. The costs of the work shall be charged to the owner, and may be levied by the city as a special assessment against the property.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### **§ 152.10 PRESERVATION, MOVING, AND DEMOLITION OF HISTORIC RESOURCES.**

(A) If the Commission receives an application for work that will adversely affect the exterior of a resource that the Commission considers valuable to the city, state or nation, and the Commission determines that the alteration or loss of that resource will adversely affect the purpose of the this chapter, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.

(B) Work, including moving or demolition of a historic resource located in a historic district, shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Commission to be necessary to substantially improve or correct any of the following conditions:

(1) The resource constitutes a hazard to the safety of the public or the occupants of the structure and if, in the opinion of the Commission, demolition is the only reasonable way to improve or correct this condition.

(2) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and which outweighs the benefit to the public interest and the general welfare of the



citizens of the city derived from the historic, architectural, or contextual significance of the structure.

(3) Retention of the resource would cause undue financial hardship to the owner, provided that any hardship or difficulty claimed by the owner is not self-created or is not the result of a failure to maintain the property in good repair which itself is not the result of financial hardship of the owner. All feasible alternatives to eliminate the financial hardship should have been attempted and exhausted, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district.

(4) Retention of the structure would not be in the interest of the community.

(C) If the Commission receives an application for demolition of a historic resource, the Commission may, because of the complexity of the issues involved and the potential for irretrievable loss to the city occasioned by the demolition of a historic resource, delay a determination on the application for a period of up to 60 days, during which time it may hold a public hearing to gauge public sentiment and interest or work with the applicant to find a method to save or preserve the historic resource.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.11 DEMOLITION BY NEGLECT.

(A) If the Commission finds that a resource within a historic district or a proposed historic district is threatened with demolition by neglect, the Commission shall encourage the owner of the resource to do what is necessary to restore or maintain the exterior of the structure or its structural integrity.

(B) If the Commission or Historic District Administrator finds that a resource within a historic district or proposed historic district is deteriorating to such an extent that it creates a potential hazard to the public safety and welfare, thus raising the possibility of the city issuing a demolition order under Chapter 150 of this title, the Commission shall inform the owner that if work is not undertaken to improve the condition of the building, a demolition order will be issued.

(C) In either situation described in divisions (A) or (B), the Commission shall provide the owner of the resource with information regarding the Michigan historic preservation tax credit and any other funding, of which the Commission is aware, that may be available from either public or private sources.

(D) The Commission may require the owner to repair all conditions contributing to demolition by neglect.

(E) If the owner does not or cannot correct the condition of neglect within a reasonable time, the Commission or its agents may seek and obtain an order from the circuit court allowing the Commission or its agents to enter the property and conduct work necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the city as a special assessment against the property.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.12 COMMUNITY OUTREACH.

The Commission shall be responsible for broadly disseminating information about this chapter and its requirements to the public.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.13 CONSTRUCTION.

Nothing in the chapter shall be construed to prevent ordinary maintenance of any resource, structure, sign, or fence located within a historic district.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.14 APPEALS.

(A) An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board of the Michigan Historical Center of the Department of History, Arts and Libraries. The appeal shall be filed within 60 days after the decision is furnished to the applicant.

(B) A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the circuit court having jurisdiction over the Commission whose decision was appealed to the State Historic Preservation Review Board.

(C) Any citizen or duly organized historic preservation organization in the city, as well as resource property owners, jointly or severally aggrieved by a decision of the Commission, may appeal the decision directly to the circuit court, except that a permit applicant aggrieved by a decision of the Commission may not appeal to the circuit court without first exhausting the right to appeal to the State Historic Preservation Review Board.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.15 HISTORIC PRESERVATION; FINANCING.

(A) *Grants, gifts, and programs.* The City Council may accept state or federal grants for historic preservation purposes, may participate in state and federal programs that benefit historic preservation, and may accept public or private gifts for historic preservation purposes. The City Council may make the Commission, a standing committee, or other agency its duly appointed agent to accept and administer grants, gifts, and program responsibilities.

(B) *Acquisition of historic resources.* If all efforts by the Commission to preserve a resource fail, or if it is determined by the City Council that public ownership is most suitable, the City Council, if it considers the action to be in the public interest, may acquire the resource using public funds, public or private gifts, grants, or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the Commission or standing committee. The Commission is responsible for maintaining publicly owned resources using public funds committed for that use by the City Council. Upon recommendation of the Commission, the City Council may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.16 SIGNS.

(A) *Purpose.* The purpose of this section is to regulate signs and outdoor advertising to ensure that the appearance of signs and outdoor advertising is consistent with, and assists in preserving the character of, the historic district in which the signs or outdoor advertising are located.

(B) *Regulation.* All signs and outdoor advertising within a historic district are subject to the §§ 154.005, 154.140, as amended, and 154.142, in addition to the provisions of this chapter.

(C) *Guidelines.* The Commission may adopt additional guidelines for the approval of signs and outdoor advertising that are equivalent in guidance to the U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures as set forth in 36 C.F.R. part 67, as amended.

(D) *Historic signs.* If the Commission determines that an existing sign is of historic significance, the Commission shall allow such sign to be repaired or restored, regardless whether it would otherwise meet the requirements of this section.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.17 FENCING.

(A) *Approval required.* Applications for fencing located in a historic district shall be submitted to the Commission for approval. Fencing shall be permitted in historic districts contingent upon the appearance and appropriateness of the fencing in relation to nearby structures or resources, and the historic district as a whole.

(B) *Regulation.* All fencing within a historic district is subject to the § 154.143, in addition to the provisions of this chapter.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)

### § 152.99 PENALTY.

(A) Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this chapter or any order of the Building Inspector issued to enforce this chapter, shall be responsible for municipal civil infraction and shall be punished by a civil fine of \$250 for a first violation, \$500 for a second violation, and \$1,000 for a third subsequent violation and shall further be liable for the payment of the costs of prosecution in an amount of not less than \$9 and not more than \$500.

(B) Any person, firm, corporation, trust, partnership or other legal entity which demolishes any structure in a Historic District in violation of this chapter shall be responsible for a municipal civil infraction and shall be punished by a civil fine of \$1,500 for a first violation, \$2,500 for a second violation and \$5,000 for a third or any subsequent violation and shall further be liable for the payment of the costs of prosecution in any amount of not less than \$9 and not more than \$500.

(C) Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of fines for each day.

(D) Any violation of the provisions of this chapter shall constitute a nuisance per se and the foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief which may be ordered by the court as prescribed by the laws of the State of Michigan for the abatement of a city ordinance designated as a municipal civil infraction.

(E) A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this chapter may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

(Ord. passed 3-27-2000; Am. Ord. 080324-1, passed 3-24-2008)



**EXHIBIT C**  
**Code Section 154.048 Historic District Overlay Zone**

**§ 154.048 HISTORIC DISTRICT OVERLAY ZONE.**

- (A) *Generally.* The Historic District Overlay Zone (HDOZ) is designed to recognize the city's officially designated historic areas. The HDOZ represents a supplementary series of developmental requirements which are in addition to the regulations of the zone district(s) underlying the HDOZ.
- (B) *Permitted uses.* Uses classified as such by the underlying zone district.
- (C) *Special land use.* Uses classified as such by the underlying zone district.
- (D) *Dimension and area regulations.* Except as noted under division (E) below, dimension and area regulations shall be as required by the underlying zone district.
- (E) *Special provisions.* The requirements of Chapter 152, of the city code of ordinances, shall apply to all lands, buildings and structures within the HDOZ. In the event of conflict between the regulations of the Zoning Code and Chapter 152, the more stringent requirements shall apply unless there is historic precedent regarding the location of a structure, in which case the Historic District Commission may permit the reconstruction of a structure within a required setback if other zoning regulations can still be met.

(Ord. 02-02, passed 2-11-2002; Am. Ord. 140714-1, passed 7-14-2014)

**EXHIBIT D**  
**Code Section 154.174 Nonconforming Uses, Lots and Structures**

1



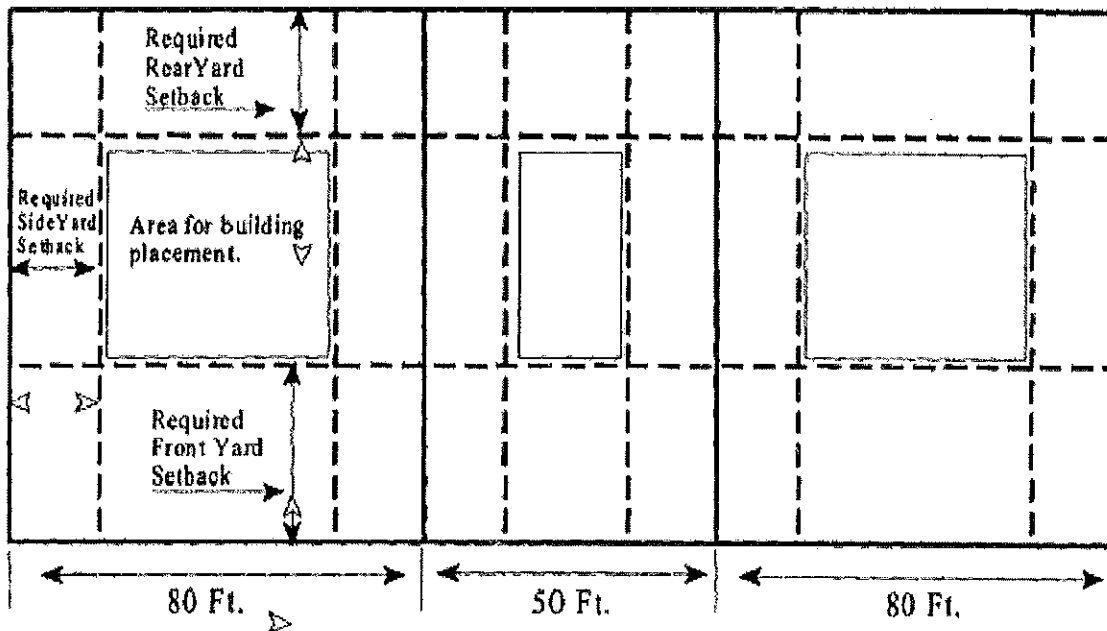
## § 154.174 NONCONFORMING USES, LOTS AND STRUCTURES.

Nonconforming lots, structures and uses, so long as they exist, prevent the full realization of the goals and objectives of the City of Saugatuck Master Plan and the objectives of this chapter. Upon the adoption of this chapter or subsequent amendments, there are lots, structures and uses of land and structures which were lawful prior to the adoption of this chapter, or the relevant amendment thereto, but which are not now in conformance. It is the intent of this chapter to permit these lawful nonconforming lots, structures and uses to continue but, with the exception of nonconforming residential structures, not to encourage their prolonged existence.

### (A) *Nonconforming lots.*

(1) *Existing lot of record.* In any zoning district where an existing lot of record fails to meet the requirements for minimum lot area, minimum lot width or both, of the zoning district in which it is located, the lot may be used for the uses in the zoning district, provided that any structures comply with the required front, side, and rear yard setbacks of the zoning district; provided, however, that the foregoing shall not apply to a nonconforming lot abutted by another lot or lots under the same ownership. The zone district requires a minimum lot width of 80 feet. The undersized lot of 50 feet is a legal nonconforming parcel. The lot may be used to accommodate a permitted building provided all setbacks are complied with. A variance is not required.

### Example: Nonconforming Lot



(2) *Abutting lots of record under single ownership.* In any zoning district, where two or more abutting lots of record in the same ownership do not, when considered individually, meet the requirements for minimum lot area, lot width, or both, of the zoning district in which the lot is located, prior to development any such lots shall be combined and considered as one lot for the purposes of this chapter. Where abutting lots of record which have been combined fail to meet the requirements for minimum lot area, lot width, or both, of the zoning district in which the combined lot is located, the combined lot may be used for uses allowed in the zoning district, provided that the required front, side and rear yard setbacks of the zoning district are complied with.

(B) *Nonconforming uses of land not involving a building or structure.* The lawful use of any land, not involving a building or structure, existing and lawful on the effective date of this chapter, or amendment

thereto, may be continued, even though the use does not conform with the provisions of this chapter, or amendment thereto, subject to the following provisions:

(1) *Enlargement.* A lawful nonconforming use shall not be enlarged, increased or extended to occupy a greater area of land than was occupied on the effective date of this chapter, or amendment thereto;

(2) *Relocation.* A lawful nonconforming use shall not be moved in whole or in part to any other portion of the lot occupied by such use on the effective date of this chapter, or amendment thereto; and

(3) *Cessation.* If the property owner or lessee stipulates that any such nonconforming use of land will be discontinued, or if any such nonconforming use of land ceases or is abandoned for any reason for a period of one year, any subsequent use of the land shall conform to the requirements of this chapter. The occurrence of one or more of the following conditions shall be deemed to constitute an intent on the part of the property owner or lessee to cease, discontinue and/or abandon the nonconforming use:

(a) Utilities, such as water, gas and electricity to the property have been disconnected;

(b) Signs or other indications of the existence of the nonconforming use have been removed;

(c) Equipment or fixtures necessary for the operation of the nonconforming use have been removed;

(d) The property and/or grounds have not been maintained and/or have fallen into disrepair; and

(e) Other actions which, in the opinion of the Zoning Administrator, evidence an intention on the part of the property owner or lessee to abandon the nonconforming use of the land.

(C) *Nonconforming structures.* Use of structures which are existing and lawful on the effective date of this chapter, or amendment thereto, may be continued, even though the structures do not conform with the provisions of this chapter, or amendment thereto, subject to the following provisions.

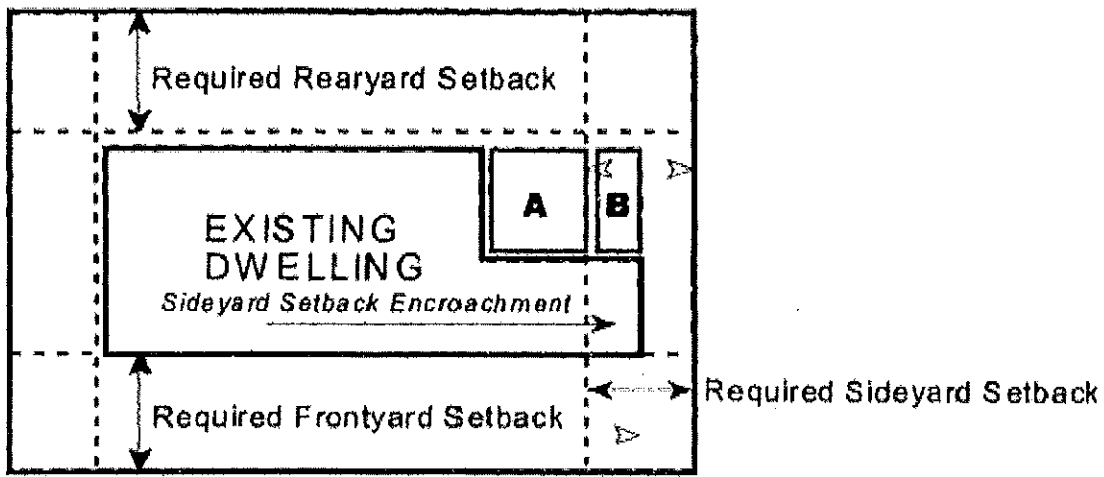
(1) *Enlargement or alteration.*

(a) A lawful nonconforming structure may not be enlarged, expanded or altered in any way which increases its nonconformity with the provisions of this chapter unless otherwise noted within this chapter. The nonconforming structure may be enlarged or altered provided that all such changes are in conformance with all provisions of this chapter at every structural level. All enlargements or alterations shall be subject to review and approval by the Zoning Administrator.

(b) Pursuant to the above, the Zoning Administrator may require the applicant to provide boundary and/or topographic surveys of the existing nonconforming structure and associated site. These surveys shall be sealed by a registered land surveyor registered in the State of Michigan. The topographic survey may be limited to providing dimensional detail on the height of existing structures, unless additional information is required by the Zoning Administrator.

(c) The surveys shall verify that the existing setbacks and height limit of the existing nonconforming structure comply with the setbacks and height standards of the underlying zone district. Further, the survey drawing shall be used to identify the specific area, with dimensions, to be occupied by the expansion or alteration of the nonconforming structure.

#### **Example: Nonconforming Residential Structure**



**A** Proposed addition to be placed within required setbacks.

**B** Proposed addition to be placed outside required setbacks.

The existing dwelling encroaches on a required side yard setback resulting in a nonconforming situation. Proposed addition "A" may be permitted following a residential site plan review by the Planning Commission. However, a variance from the Zoning Board of Appeals would be required for addition "B".

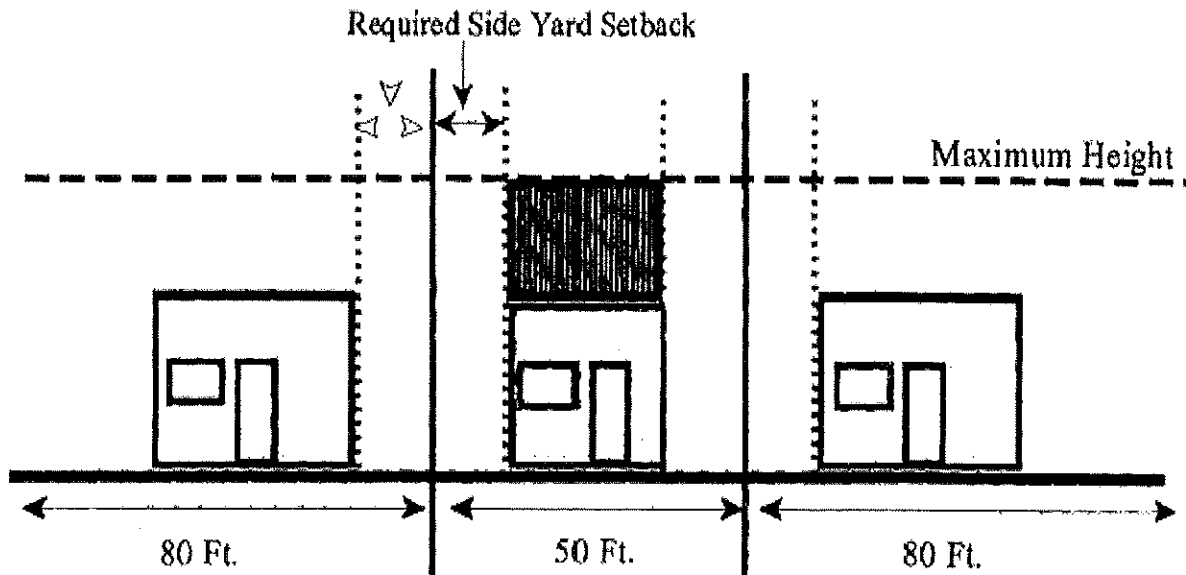
(2) *Non-use (dimensional) variance.* Such variances may be authorized by the Zoning Board of Appeals for enlargement or alterations of nonconforming structures that increase any nonconformity(ies) under the provisions of §§ 154.150 through 154.157.

(3) *ZBA conditions pursuant to enlargement/alteration.* In authorizing a variance to enlarge or alter a lawful nonconforming structure, the Zoning Board of Appeals may impose conditions necessitated by the request including, but not limited to: additional site landscaping; site buffers; fencing; facade design requirements, building materials and building color changes; additional off-street parking and vehicular circulation modifications; signage; exterior lighting; and related building and site design modifications and conditions.

#### **Example: Structural Alteration on a Nonconforming Lot**

The zone district requires a minimum lot width of 80 feet. The undersized lot of 50 feet is a legal nonconforming parcel. The lot may be used to accommodate a permitted building provided all setbacks are complied with. In the following example, the undersized lot meets all building setbacks. The applicant wishes to increase the height of the structure. He or she may do so provided the upper story remains within all setbacks and height limits. A variance is not required.





(4) *Damage and reconstruction.*

(a) *Nonconforming structure.* In the event that any lawful, nonconforming, structure shall be damaged or destroyed by fire, wind, accident, act of God, or other similar means or manner, or threatened by flood, reconstruction, restoration, and/or raising shall be permitted by right, unless such destruction or damage was due to the intentional or reckless act or actions of an owner of the property. A structure to be reconstructed or restored shall be located within the original dimensions at every structural level, and/or within the original gross finished floor area, including decks and patios, with the exception that no portion of the structure shall be reconstructed within, or so as to encroach on, a public right-of-way or public easement. In addition, a structure to be reconstructed, restored, or raised within a designated special flood hazard area shall be located within the original dimensions at every structural level, and/or within the original gross finished floor area, including decks and patios, and shall further conform to the State Construction Code. Any reconstruction shall be subject to compliance with the provisions of this chapter, and any expansion shall be in full conformance with the requirements of the zoning district.

(b) *Building permit required.* Any reconstruction or restoration authorized pursuant to this division shall require the issuance of a building permit within 12 months of the occurrence of the damage.

(c) *Special flood hazard area.* For purposes of this division, threatened by flood shall mean that the structure is located in the special flood hazard area as designated in the current Flood Insurance Rate Map (FIRM) and the lowest floor level is less than one foot above the Base Flood Elevation (BFE) as designated in the FIRM. In addition, a structure that is threatened by flood shall not be raised more than three feet above the BFE.

(5) *Decrease of nonconformity and re-establishment.* If a lawful nonconforming structure is altered or modified so as to eliminate, remove or lessen any or all of its nonconforming characteristics, then those nonconforming characteristics shall not be later re-established or increased.

(D) *Nonconforming use of structure.* The lawful use of any structure existing and lawful on the effective date of this chapter, or amendment thereto, may be continued, even though the use does not conform with the provisions of this chapter, or amendment thereto, subject to the following provisions:

(1) *Extending use within a structure.* Any lawful nonconforming use may be extended throughout any internal parts of a building which were manifestly arranged or designed for such use at the effective date of this chapter, or amendment thereto, but no such use shall be extended to occupy any

portion of a building which was not manifestly arranged or designed for the use at the effective date of this chapter, or amendment thereto, nor shall the use be extended to occupy any land or air space outside the building.

(2) *Alteration of structure possessing a nonconforming use.* No existing structure devoted to a lawful nonconforming use shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located.

(3) *Reconstruction of structure occupied by a nonconforming use.* If a structure which conforms with the provisions of this chapter, but which is occupied by a lawful nonconforming use, is damaged by any means or in any manner to the extent that the value of reconstruction or restoration exceeds one-half the value of the structure prior to the damaging occurrence, as determined by the most recent city assessment of the value of the structure, excluding the value of the land, for purposes of taxation, the structure may be reconstructed or restored only if its use conforms with the provisions of this chapter.

(4) *Re-establishment of nonconforming use.* If a lawful nonconforming use of any structure is terminated and replaced by a permitted use, the nonconforming use shall not be later re-established.

(5) *Cessation.* If the property owner or lessee stipulates that a lawful nonconforming use of a structure or structure and land in combination will be discontinued, or if any such nonconforming use of a structure, or structure and land in combination, ceases for any reason for a period of more than 12 months, any subsequent use of the structure shall conform to regulations of the zoning district in which it is located. The occurrence of one or more of the following conditions shall be deemed to evidence an intent on the part of the property owner or lessee to cease, discontinue and/or abandon the nonconforming use:

- (a) Utilities, such as water, gas and electricity to the property have been disconnected;
- (b) Signs or other indications of the existence of the nonconforming use have been removed;
- (c) Equipment or fixtures necessary for the operation of the nonconforming use have been removed;
- (d) The property, buildings and/or grounds have not been maintained and/or have fallen into disrepair; and/or
- (e) Other actions which, in the opinion of the Zoning Administrator, constitute an intention on the part of the property owner or lessee to abandon the nonconforming use of the structure or structure and land in combination.

(6) *Removal of nonconforming use status after removal or destruction of building.* Where lawful nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming use status of the land.

(7) *Change in use (substitution).*

(a) A lawful nonconforming use of a structure may be changed to another nonconforming use only if functionally similar to the previous non-conforming use. Application for a change in use shall require approval of the Zoning Board of Appeals. The Board may approve the change only if it complies with all of the following standards:

1. The proposed use does not increase the degree of nonconformity existing prior to the change of use. Pursuant to this standard, the proposed use shall not create, or result in, impacts which are considered more objectionable than the use to be replaced. These impacts shall include, but are not limited to, increased traffic, truck deliveries, parking requirements, hours of operation,

noise, vibration, odors, litter, outside storage, pedestrian movement, off-site drainage and other factors.

2. No structural alteration of the existing structure will be required to accommodate the new use, unless the alteration will bring the structure into greater conformity with the underlying zone district standards.

(b) In approving a change in use, the Board may require reasonable conditions in order to decrease the impact on adjoining properties. These conditions may include, but are not limited to, buffers, landscaping, off-street parking, access controls, hours of operation and other such conditions to reduce any negative impact.

(E) *Basic repairs and maintenance.*

(1) *Basic repairs and maintenance.* On any structure devoted in whole or in part to any lawful nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, mechanical equipment or plumbing to an extent not exceeding 20% of the current replacement value of the structure as based on the records of the City Assessor, provided that the structure is not enlarged, extended, moved or structurally altered unless otherwise provided for by this chapter.

(2) *Safety improvements.* Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public health, upon order of the official.

(F) *Structures under construction.* Any structure on which actual construction was lawfully begun prior to the effective date of this chapter, or amendment thereto, but which, under this chapter or amendment thereto, is classified as nonconforming, shall be considered existing and legally nonconforming pursuant to construction purposes and the intended use. Nothing in this chapter shall be deemed to require any change in the plans, construction or use of the structure. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to reconstruction the demolition or removal shall be deemed actual construction.

(G) *Nonconforming special land uses.*

(1) There were uses which were permitted by right under Ord. 80-133 which are not permitted uses under this chapter. Those existing uses which were permitted uses and are listed as special land uses in this chapter shall not be considered nonconforming uses.

(2) Those uses, or parts of uses, which existed as permitted uses under Ord. 80-133 and are listed as special land uses in this chapter, shall be considered to be approved existing special land uses with the configuration shown on a site plan drawn to reflect how the uses existed at the time of adoption of this chapter. Parts of uses which are nonconforming immediately prior to the adoption of this chapter shall continue to be nonconforming under this chapter.

(3) An owner of an approved existing special land use permit may obtain from the Commission a certification of site plan reflecting how the use exists at the time of adoption of this chapter with identification of nonconforming parts, if any. In the case of disputes over facts on what existed at the time of adoption of this chapter, aerial photographs, flown in the city by the county or other aerial photographs, flown to the same or greater standards for mapping as the county's photos, taken after the county photos but before the adoption of this chapter, shall be given the greatest weight as evidence to establish a certified site plan. For purposes of this section, the above mentioned photos may be accepted as the site plan for the written special use permit.

(4) When a special use owner applies to amend the approved existing special use for expansion or change, a written special use permit shall be prepared for the entire use and parcel. In review of the



special use permit amendment application for expansion or change, the Commission shall only review and act on the expansion or change portion of the special use permit. If the application for amendment of the special use permit is approved, approved with conditions, denied or denied in part, the action shall not change or alter those parts of the special use that are shown on the approved existing special use permit.

(H) *Purchase and condemnation of nonconforming uses and structures.* Subject to the provisions of state law, the city may acquire by purchase, condemnation or other means private property, or an interest in private property, for the removal of nonconforming uses and structures.

(Ord. 02-02, passed 2-11-2002; Am. Ord. passed 9-8-2003; Am. Ord. 091123-1, passed 11-23-2009; Am. Ord. 111212-1, passed 12-12-2011; Am. Ord. 141208-1, passed 12-8-2014; Am. Ord. 201109-C, passed 11-9-2020)

**EXHIBIT E**  
**Code Section 154.020 Effect of Zoning**

**§ 154.020 EFFECT OF ZONING.**

(A) Zoning affects every structure and use.

(B) Except as hereinafter specified, no building, structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformance with the regulations herein specified for the zoning district in which it is located.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002) Penalty, see § 154.999



**EXHIBIT F**  
**Code Section 154.021 Application of Regulations**

## § 154.021 APPLICATION OF REGULATIONS.

(A) The regulations set by this chapter throughout the city and within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use.

(B) All buildings, structures or land may hereafter be constructed, altered or changed in use or occupancy only when in conformity with all of the regulations herein specified for the district in which it is located.

(C) No building or other structure shall hereafter be altered:

(1) To accommodate or house a greater number of persons or families than permitted by the zoning district; or

(2) To have narrower or smaller rear yards, front yards, side yards, other than permitted.

(D) No yard or lot existing at the time of the passage of this chapter shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002) Penalty, see § 154.999

**EXHIBIT G**  
**Code Section 154.177 Violations**



**§ 154.177 VIOLATIONS.**

(A) Any person, association, partnership, corporation or legal entity that violates disobeys, omits, neglects or refuses to comply with any provision of this chapter, any permit issue pursuant to this chapter, or any condition attached to a zoning permit, special land use permit, planned unit development permit, Zoning Board of Appeals decision or variance or other lawful directives of the Zoning Administrator shall be guilty of a violation of this chapter. Notice of any violations of this chapter shall be given in writing by the Zoning Administrator and shall be served by certified mail or personal service.

(B) A procedure for processing violations shall be established with the assistance of the City Attorney and retained on file with the City Clerk. The Zoning Administrator shall follow the procedure in pursuing all alleged ordinance violations.

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

***Statutory reference:***

*Violations as a nuisance per se, abatement, see M.C.L.A. § 125.3407*

**EXHIBIT H**  
**Code Section 154.170 Enforcement by Zoning Administrator**

## § 154.170 ENFORCEMENT BY ZONING ADMINISTRATOR.

This chapter shall be administered by the Zoning Administrator designated and appointed by the City Council.

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

## § 154.171 DUTIES OF THE ZONING ADMINISTRATOR.

It shall be the responsibility of the Zoning Administrator to enforce the provisions of this chapter and in so doing shall perform the following duties:

(A) *Enforcement.* The Zoning Administrator shall administer and enforce this chapter and shall have the right to enter and inspect periodically all construction sites during the process of the work. He or she shall inspect the construction at least once upon completion of the work to insure compliance with this chapter. A violation of this chapter shall constitute a nuisance per se.

(B) *Binding interpretations.* The Zoning Administrator shall have the authority to render binding interpretations of provisions of this chapter and shall administer the same. An aggrieved party may appeal any interpretation/determination made by the Zoning Administrator in writing to the Zoning Board of Appeals within 21 days of any such determination/interpretation.

(C) *Issue permits.* All applications for zoning permits, special land use permits (including PUD) occupancy permits and variances shall be submitted to the Zoning Administrator, who may issue such permits and certificates of occupancy when all applicable provisions of this chapter have been met and approval has been granted by the proper body or official.

(D) *Revocation of permit.* The Zoning Administrator shall have the authority to revoke any permit issued pursuant to this chapter if the requirements of the permit and the provisions of this chapter are being violated, and in such case shall have the power to issue a stop-work order. An aggrieved party may appeal within 21 days of any such determination/interpretation.

(E) *Assistance of Building Inspector or engineer.* The Zoning Administrator may seek the advice and assistance of the city Building Inspector or such licensed engineer as he or she may designate if he or she feels it necessary to assure compliance with this chapter, and the Building Inspector or licensed engineer shall render such assistance when requested to do so.

(F) *Stop work orders.* Upon notice from the Zoning Administrator that any use being conducted or that any work or construction is being done contrary to the provisions of this chapter, such use or work shall cease immediately. The stop work order shall be in writing and shall be given to the owner of the property involved (as shown on the most recent property tax bill). Any person who shall continue to work on and/or construct a structure, land or building or use it after having been served with a stop work order, except such work as that person is expressly directed by the city to perform to remove a violation, shall be in violation of this chapter.

(G) *Record applications.* The Zoning Administrator shall maintain files of all applications for all the above permits, and for variances and shall keep records of all the permits and variances issued. These shall be filed in the City Administration office and shall be open to the public inspection. Copies shall be furnished at cost upon the request of any person having a proprietary or tenancy interest in the property involved.

(H) *Inspections.* The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this chapter.

(I) *Record nonconforming uses.* The Zoning Administrator shall record all nonconforming uses of land found during inspections existing at the effective date of this chapter for purposes of carrying out the provisions of § 154.174.



(J) *Record of complaints.* The Zoning Administrator shall keep a record of every written and/or identifiable complaint of a violation of any of the provisions of this chapter, and of the action taken consequent to each such complaint, which records shall be public records. The Zoning Administrator is not limited to responding to complaints when it comes to enforcement of this chapter. Anytime there is a violation, the Zoning Administrator shall follow established procedures to provide notice of the violation and get it corrected.

(K) *Occupancy permits.* No structure or use shall be occupied (except for a single-family residence in zones permitting single-family residences), without first receiving an occupancy permit. An occupancy permit shall be issued by the Building Inspector following an inspection that confirms that all requirements of a previously issued zoning permit, if any, or if not, of this chapter have been met.

(L) *Cancellation of zoning permits, special land use permits and variances.*

(1) The Zoning Administrator shall have the power to revoke or cancel any zoning permit in case of failure or neglect to comply with any of the provisions of this chapter, or in case of any false statement or misrepresentation made in the application.

(2) Upon the revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation.

(3) Cancellation of a permit issued for a special land use, planned unit development or variance shall not occur before a hearing by the body which granted the permit.

(4) The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on cancellation of the permit.

(M) *Collect, retain and return performance bonds.* The City Clerk-Treasurer shall collect and retain all performance bonds, as may be required by the requirements of this chapter.

(N) *Limits on authority.* Under no circumstances is the Zoning Administrator permitted to make changes in this chapter, nor to vary the terms of this chapter while carrying out the duties prescribed herein. It shall be the responsibility of the City Council to assure that the Zoning Administrator enforces the provisions of this chapter.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 140714-1, passed 7-14-2014)  
Penalty, see § 154.999.



## City Manager, Planning, Zoning and Project Report

April 8, 2024

### Acting City Manager

#### Roundabout Construction

- Construction of the new roundabout at Blue Star/Old Allegan is scheduled to begin April 8<sup>th</sup> or 9<sup>th</sup>.
- With the expected increase in traffic along Maple Street, the Sheriff's Office will be increasing patrols in the area.

#### Village Square Playground

- Installation of the new playground equipment is planned for April 15-17. Huge thank you to everyone who has signed up to help! There are still a few volunteer slots open for April 17.

#### Blue Star Trail

- The Parks and Public Works Committee had further discussion of the pallet sign design and proposed traffic signal. Plans are being updated based on PPW, DPW Superintendent, and City Engineer feedback. Further discussion is planned for their regular meeting on April 23.
- Grants may cover the pallet sign work and most intersection improvements, but will not cover traffic signal. Costs and review of the recommendations will be forthcoming to Council.
- C2AE is working on scheduling a meeting with the MDOT and DNR grant coordinators to assist with questions related to applying grant matches and accounting.

#### AT&T

- State Historic Preservation Office (SHPO) approvals remain pending. AT&T submitted alternate analysis documentation to SHPO to review. The Pokagon Band of Potawatomi Indians provided comments.
- AT&T's decision on the City's agreement request is pending resolution of SHPO approval.

#### Updated Water/Sewer Agreements

- A framework for an updated water agreement has been prepared and sent to KLSWA for consideration. Still awaiting KLSWA draft of the updated water agreement for further review.

#### Trash/Recycling

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

#### Milfoil Treatment

- Review and discussion of treatment for 2024 is an agenda item for the workshop meeting.

#### Saugatuck Harbor Natural Area

- The plan for the area needs to be updated to access funds.
- Reviewed historical documents related to a past board. Further evaluation is needed to determine whether a board is still required. Awaiting City Clerk location of any further documents.

#### Mt. Baldhead Park

- The City Engineer prepared renderings and cost estimates for new bathrooms, steps, and upper platform.
- The Parks and Public Works Committee is recommending that Council budget funds to replace the bathrooms and upper platform.
- A DNR grant that will be opening soon may be an opportunity to apply for funding to plant further trees north of the stairs.

#### Airport Property and Old Landfill

- At the March 20 workshop, Council discussed a potential donor for airport property improvements and a request for evaluation of cross-country trails at the landfill property.
- Based on Council feedback:
  - Staff has scheduled a meeting with the donor to discuss any expectations they may have in making a donation for airport property improvements. Staff also reached out to schedule a meeting with the Outdoor Discovery Center to discuss conservation easement options so Council is aware of the options before approving a proposal. Staff will also evaluate the amount of Public Works time and ongoing maintenance costs that may be needed.
  - Staff and the Township are working to set a meeting to discuss an agreement to conduct due diligence required to install cross country trails at the landfill property.

#### Budget and Capital Improvements

- Staff has continued to meet and discuss a budget proposal for the fiscal year 24/25.
- A draft budget will be presented to the Council during your April 17 workshop meeting. We intend to make this workshop dedicated to budget related items.



## Miscellaneous

- Prepared for and attended Parks and Public Works meeting.
- Attended lunch meeting with State Rep. Andrews.
- Held a Department Head team meeting.

## Planning and Zoning

- Prepared for and attended Zoning Board of Appeals special meeting.
- Prepared for and attended Historic District Commission meeting.
- Continued working on providing various items Granicus needs to set up the address identification solution for the City.
- Updated STR License application.
- Met and talked with several property owners and applicants to answer questions and provide resources.
- Continued follow-up on complaints of code violations throughout the City.
- Completed planning and zoning casework outlined in the attached chart. While serving in dual roles, I plan to provide the detailed list of casework on a monthly basis at the first regular meeting of each month.

## 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. Sent correspondence to owner and agent with final opportunity to comply before City takes further action. Met with agent and talked with owner. Discussed regulations and how the property may be rented. Owners advised they will follow single contract provision.
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. 860 Simonson applied but needs to provide further information. 560 Mill advised they are working on preparing the application and submitting for approval.
405 Park	Enforcement and Deck	Previous enforcement and civil infraction notices for work without permits. Discovered additional work occurred without permit. Issued second zoning violation civil infraction notice. Owner paid fine. Met with owner. Received zoning app to install decks received. Under review.
640 Water	Inquiry	Meeting held to answer zoning questions and discuss options.
254 Francis	New Home	HDC app for new home. HDC tabled until January and requested renderings to assist with evaluating siting and massing. Questions about lot coverage. Answered questions. Zoning app also received. Height noted as concern. Revised elevations and renderings received. Height lowered to be compliant. HDC approved with conditions. Zoning permit issued with conditions to protect mature oak tree. Water-Sewer connection and right of way permit under review.
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. Owner requested modifications. City is agreeable to request. Updated agreement sent for owner to review. Owner has not responded. Sent e-mail asking for response.
100 Park	Lot Line Adjustment	Lot line adjustment application received to adjust lines for three existing parcels. Permit issued.

## Planning and Zoning Casework

650 Water	New Restaurant	SLU and site plan app for a restaurant with an expanded outdoor dining area and service of alcoholic beverages. PC approved with conditions. SLU permit issued with conditions. HDC app received. Approved by HDC with conditions. ZBA app received for setback variances for equipment. ZBA approved variances. HDC review pending. Council approval of encroachment pending.
70 Park	New Single Family Dwelling / Water-Sewer Connections	Zoning app and water-sewer connection app for new single family dwelling. Previous address of 100 Park. Requested revisions to plans based on engineer and planner feedback. Zoning permit issued. Water-Sewer connection permits pending. Need right of way street cut app.
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. PC approved with conditions, including paver requirement along Mary Street. Answered owner questions regarding this and options. Council approved license agreement for seating along Water Street. Payment for street seating pending.
831 Holland	Short Term Rental	Two STR apps. Renewing. Asked for clarification from applicant/owner on whether this is for the single family dwelling and ADU and whether the ADU is being rented under a single contract or separately as online listings suggest. Met with owner. Conducted research. Spoke with legal. Sent documents to legal for review. Discussed with legal. Property is not legally non-conforming. Has single family dwelling with ADU above. Sent property owners decision and options. Owner advised they will be renting entire property under single contract. Sent apps to Fire Department for inspection. Owner has since submitted special land use application to just rent ADU. Scheduled for April PC meeting.
743 Allegan	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Failed. Reinspection fee paid. Pending reinspection.
415 Lake St	Short Term Rental	STR app. Renewing. Owner did not sign making application incomplete. E-mailed agent to have owner sign as required by the ordinance. Owner signed. Sent to Fire Department for inspection. Failed. Reinspection invoice sent.
246 Butler	Enforcement	Complaint about interior and exterior work without permits. Sent interior concerns to MTS. They had building inspector check site and left note. Sent letter regarding exterior work without historic district permit and to apply. Received HDC app for exterior doors and interior work. Request did not include exterior work noted in letter. Application not signed by owner. Use listed is not allowable on first floor fronting the street. Sent correspondence to applicant with concerns and needed information. Applicant revised application and advised they will keep use retail. Scheduled for March HDC meeting. Received a second complaint about broken glass on doors. Advised owner and application. Applicant installed a board over broken glass area pending HDC decision regarding doors.
3388 Blue Star	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Still pending inspection.



## Planning and Zoning Casework

660 Lake	Short Term Rental	STR app. New. Lake Street district. Sent to Fire Department for inspection. Still pending.
582 Campbell	Short Term Rental	STR app. New. ADU is also on property. Peninsula West district. Asked owner about whether he is apply for ADU to be rented and advised of ADU requirements. Owner isn't currently planning on renting ADU but is considering an application. No ADU app received. Sent to Fire Department for home only. Still pending.
990 Ridgeview	Short Term Rental	STR app. New. Maple Street district. Sent to Fire Department for inspection. Still pending.
143 Elizabeth	Short Term Rental	STR app. New. Community Residential district. Sent to Fire Department for inspection. Still pending.
471 Grand	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Still pending.
720 Butler #14	Short Term Rental	STR app. Renewing. Need fee paid. Fee paid. Sent to Fire Department for inspection. Still pending.
132 Mason	Outdoor Seating	Special land use and historic district app for outdoor dining on private property and the street. Scheduled for April HDC and PC meetings.
128 Hoffman	Outdoor Seating	Special land use app for expanded outdoor dining on the street and sidewalk. Scheduled for April PC meeting.
120 Mary	Renovations	Historic District and Zoning app for renovations, conversion of accessory building to pool house, installation of pool and hot tub.
128D Elizabeth St	Short Term Rental	STR License app. Existing STR. Need proof of ownership, address of local agent, and agent signature. Required info provided. Sent to Fire Department for inspection.
383 Dunegrass	Water Connection	Water connection application. Sent to Fire Department and engineer to review.
819 Bridge	Short Term Rental	STR license app. Previous STR. Sent to Fire Department for inspection.
329-339 Culver	Lift Gate	HDC app for barrier lift gate at entrance to parking lot. Need fee paid. Paid. Zoning app also received for same.
650 Campbell	Land Use Determination	Formal request for land use determination. Under review.
594 Campbell	Fence	Zoning permit app for rear yard fence. Need fee paid.
245 Spear	Short Term Rental	STR license app for ADU. New. Community Residential district. SLU approval already obtained. Sent to Fire Department for inspection.
1035 Holland	Short Term Rental	STR license app. Existing STR. Need local agent within 25 miles. Local agent info received. Sent to Fire Department for inspection.
821 Allegan	Short Term Rental	STR license app. Existing STR. Sent to Fire Department for inspection.

## Planning and Zoning Casework

Coral Gables Slip	Inquiry	Question about whether a boat is required to have a STR license. Under review.
322 Culver	Outdoor Seating	SLU and HDC app for street dining. Scheduling for May meetings.
110 Butler	Short Term Rental	STR license app. Under review.
582 Campbell	Inquiry	Meeting request to discuss possible PUD and zoning. Asked for clarification on type of request to set up a meeting.
138 Mason	Inquiry	Meeting with owner to discuss outdoor dining regulations. Answered questions and provided resources.
812 Mason	Short Term Rental	STR certificate app. Renewing. Application returned as new license ordinance in effect.
819 Bridge	Short Term Rental	STR certificate app. Previous STR. Application returned as new license ordinance in effect. Owner requested new license application. Provided.
540 Mason	Short Term Rental	STR certificate app. Renewing. Application returned as new license ordinance in effect.
1005 Elizabeth	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Passed. STR certificate issued.
255 Spear	Short Term Rental	STR app. Renewing. Reviewed history and discussed with owner. Sent to Fire Department for inspection. Passed. STR certificate issued.
100 Park	Complaint	Voicemail with concern about trucks impacting traffic. Returned call. Trucks are now using signage and things are improved. Checked EGLE permit viewer, and permits were issued by EGLE.
229 Francis	Deck	Zoning and HDC app to replace deck and steps in same footprint. Chair agreed admin approval. Permits issued.
842 Lake Unit 2	Short Term Rental	New owner of property with STR certificate. New owner had 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. Owner advised via phone will be provided soon. Local contact provided. Sent to Fire Department for inspection. Passed. STR certificate issued.
842 Lake Unit 6	Short Term Rental	New owner of property with STR certificate. New owner had 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. STR app received from new owner. Did not list contact within 45 miles. Asked for updated local agent. Owner advised via phone will be provided soon. Local contact provided. Sent to Fire Department for inspection. Passed. STR certificate issued.
443 Park	Enforcement	Complaint of a boat cover in right of way. Researched surveys from prior plans and from engineer. Sent to legal for review due to pending litigation. Legal reviewed options with Council. Boat cover now removed and returned to slip.

## Planning and Zoning Casework

716 Water Unit A	Short Term Rental	STR app. Renewing. Need owner signature and additional fee. Both received. Sent to Fire Department for inspection. Passed. STR certificate issued.
716 Water Unit B	Short Term Rental	STR app. Renewing. Need owner signature and additional fee. Both received. Sent to Fire Department for inspection. Passed. STR certificate issued.
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. Stove installed. Sent to Fire Department for inspection. Passed. STR certificate issued.
716 Water Unit D	Short Term Rental	STR app. Renewing. Need owner signature and additional fee. Both received. Sent to Fire Department for inspection. Passed. STR certificate issued.
247 Butler	Inquiry	Questions about permit for roof replacement. Left voicemail advising historic district permit required.
347 Park	Inquiry	Questions about permits required for tree removal. Left voicemail advising tree removal permits are required if the tree is in the right of way.
642 Lake	Painting	HDC app for repainting wood siding and trim. Sent to Chair. Permit not needed.
10 Park	Inquiry	Questions about land division. Unable to determine without application and further information. Provided application and resources.
183 Park	Inquiry	Questions about zoning related to pergolas. Provided resources.
5 Park	Fence	Zoning app to install fence. Contractor advised property lines are staked. Permit issued.
329 Water	Inquiry	Question about adding an outdoor bar to serve patio area. Provided resources.
421 Water	Short Term Rental	STR certificate app. Application returned as new license ordinance in effect. Provided copy of new application.
128 D Elizabeth	Short Term Rental	STR certificate app. Renewing. Application returned as new license ordinance in effect. Provided copy of new application.
245 Spear	Short Term Rental	STR certificate app. New STR in ADU. Application returned as new license ordinance in effect. Provided copy of new license application.
247 Butler	Roof	HDC app to replace flat roof. Sent to Chair. Chair agreed admin approval. Permit issued. Provided ROW app if dumpsters in ROW will be necessary.
N/A	Inquiry	Various questions about new STR ordinances. Answered questions and provided resources.
880 Holland	Enforcement	Feather flag open sign put out. E-mailed restaurant advising our ordinance does not allow feather flags.



## Planning and Zoning Casework

640 Water	Inquiry	Met with owner representatives to discuss plans. Answered questions and provided resources.
510 Butler	Inquiry	Met with owner and architect to discuss preliminary plans and storm water concerns. Referred stormwater questions to City Engineer. Meeting being scheduled with legal and planner. Provided engineer feedback. Met with planner. Provided feedback to architect as well as potential options.
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. Sent invoice. Paid. Updated water-sewer connection plans received. Engineer reviewed. Provided feedback. EGLE approvals received. Applicant submitted revised plans. ZBA approved variance. Updated plans reviewed by engineer and planner. Permits (zoning, water-sewer, street cut) issued.
120 Elizabeth Unit 1	Short Term Rental	STR app. Existing. New owner. Sent to Fire Department for inspection. Passed. Certificate issued.
120 Mary	Short Term Rental	STR app. New STR. City Center Transitional Residential district. Sent to Fire Department for inspection. Passed. STR certificate issued.
412 Francis	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Passed. STR certificate issued.
441 Frederick St	Short Term Rental	STR app. New STR. Peninsula West district. Sent to Fire Department for inspection. Passed. STR certificate issued.
515 Park Unit 1	Short Term Rental	STR app. New. Resort district. Sent to Fire Department for inspection. Passed. STR certificate issued.
717 Water, #8	Short Term Rental	STR app. New STR. Water Street North district. Asked for proof of ownership. Need fee. Proof provided. Fee provided. Sent to Fire Department for inspection. Passed. STR certificate issued.
345 Hoffman	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Failed. Sent reinspection invoice. Paid. Passed reinspection. STR certificate issued.
931 Holland	Inquiry	Questions about fencing. Answered questions.
311 Water	Outdoor Seating	SLU/Site Plan app and HDC app for outdoor seating area. Scheduled for February HDC and PC meetings. PC and HDC both approved. Council approved license agreement. Owner signed. Permit issued.
888 Holland	Inquiry	Question about STR occupancy. Answered questions.
350 Mason	Stormwater Review	Stormwater plans received. Engineer reviewed and provided comments. Provided comments to applicant. Plans updated. Stormwater plans approved.
1020 Holland	Enforcement	For sale sign in right of way. E-mailed realtor to move to private property. Realtor advised sign will be moved.
1050 Holland	Boring	ROW app to bore and install service line for Frontier. Engineer and DPW reviewed. Payment received. Permit issued.

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140 Taylor	Complaint	Concern about being missed for re-seeding after Fall work. Passed along to DPW and Engineer to follow up.
888 Holland	Inquiry	Requested copy of STR certificate. Copy provided.
615 Park St	Repairs/Improvement	Zoning app for repairs to decking, lower units, and structural improvements. Moratorium now lifted. Appraisal provided showing higher value to where substantial improvement is not a factor for elevation. Owners applied for EGLE approval. EGLE approved work in floodplain. Zoning permit issued.
129 Griffith #3,4,5	Minor Site Plan Amendment	Site plan app for minor amendment to restaurant site plan. Reviewed. Permit issued. Advised applicant of previous PC conditions that would still apply. Provided sign app when signage is designed.
Park/Campbell	Complaint	Concern about real estate sign impacting clear vision distance at corner. Found 10 Park Street is for sale. Caller estimated size and it meets regulations. Caller advised they will contact realtor to request that it be moved. Advised caller to call back if concerns remain.
120 Butler	Roof	HDC app for roof replacement and some siding. Needed clarification on siding and spec sheets. Further details provided. Chair advised full commission review. HDC approved with conditions. Permit issued.
1042 N Maple	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Failed. Sent reinspection invoice. Paid. STR certificate issued.
201 Culver #6	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Passed. STR certificate issued.
133 Mason	Short Term Rental	STR app. Renewing. Passed inspection. STR certificate issued.
1052 Elizabeth	Short Term Rental	STR app. Previous STR. Sent to Fire Department for inspection. Passed. STR certificate issued.
419 St. Joseph	Short Term Rental	STR app. New. Community Residential district. Sent to Fire Department for inspection. Passed. STR certificate issued.
548 Hoffman	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Passed. STR certificate issued.
827 Holland - Unit 1 and 2	Short Term Rental	STR app. Renewing one, one new. Community Residential district. Asked for clarification from applicant/owner on whether there are two units on this property as only one app was received. Owner confirmed two units and submitted additional app. Both apps sent to Fire Department for inspection. Both passed. STR certificates issued.
311 Water #3	Short Term Rental	STR app. Renewing. Owner did not sign making application incomplete. E-mailed agent to have owner sign as required by the ordinance. Owner signed. Sent to Fire Department for inspection. Passed. STR certificate issued.
311 Water #4	Short Term Rental	STR app. Renewing. Owner did not sign making application incomplete. E-mailed agent to have owner sign as required by the ordinance. Owner signed. Sent to Fire Department for inspection. Passed. STR certificate issued.

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313 Water #7	Short Term Rental	STR app. Renewing. Owner did not sign making application incomplete. E-mailed agent to have owner sign as required by the ordinance. Owner signed. Sent to Fire Department for inspection. Passed. STR certificate issued.
313 Water #6	Short Term Rental	STR app. Renewing. Owner did not sign making application incomplete. E-mailed agent to have owner sign as required by the ordinance. Owner signed. Sent to Fire Department for inspection. Passed. STR certificate issued.
748 Holland St Unit A	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Passed. STR certificate issued.
748 Holland St Unit B	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Passed. STR certificate issued.
746 Holland St	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Passed. STR certificate issued.
444 Main St	Short Term Rental	STR app. Renewing. Owner did not sign making application incomplete. E-mailed agent to have owner sign as required by the ordinance. Owner signed. Sent to Fire Department for inspection. Passed. STR certificate issued.
568 Main St	Short Term Rental	STR app. Renewing. Owner did not sign making application incomplete. E-mailed agent to have owner sign as required by the ordinance. Owner signed. Sent to Fire Department for inspection. Passed. STR certificate issued.
787 Lake Ave	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Passed. STR certificate issued.
547 Water #2	Short Term Rental	STR app. Renewing. Owner did not sign making application incomplete. E-mailed agent to have owner sign as required by the ordinance. Owner signed. Sent to Fire Department for inspection. Passed. STR certificate issued.
230 Culver	Entry Structure	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. Spec sheet sent and shared with Fire Department. No concerns. HDC approved with conditions. Sent HDC permit. Advised minor site plan amendment needed for zoning. Shared app.
1044 Holland	STR Certificate Closure	Active STR certificate under prior owner's name. Ownership changed. Closed certificate. New home being constructed.
123 North	STR Certificate Closure	Active STR certificate under prior owner's name. Ownership changed. Closed certificate. Sent current owner letter to apply for STR license if they wish to STR the property.
963 Allegan	STR Certificate Review	Active STR certificate under prior owner's name. New owners properly applied, but prior owners name incorrectly listed. Updated system information so it is correct.



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547 Butler	STR Certificate Review	Active STR certificate under prior owner's name. New owners properly applied, but prior owners name incorrectly listed. Updated system information so it is correct.
241 Culver	Enforcement/Roof	Roof replacement without Historic District permit. Sidewalk closure and dumpster in right of way without permit. Sent letter to apply for permits. Sidewalk opened and dumpster removed. HDC app received. Chair agreed admin approval. HDC permit issued.
592 Campbell	Fence	Zoning permit for rear yard fence replacement. Need fee paid. Fee paid. Permit issued.
650 Water	Right of Way	Temporary Encroachment in ROW permit app for dumpster. Need insurance. Insurance received. DPW no concerns except for it moving for parking space painting. Stipulations added. Permit issued.
435 Water	Inquiry	Request for outdoor seating applications. Provided forms and resources.
842 Lake Unit 3	Short Term Rental	STR app. New. Resort district. Sent to Fire Department for inspection. Paid. Need remainder of fee paid. Fee paid. STR certificate issued.
350 Mason	Inquiry	Question about fence versus landscape strip for parking area. Under review.