



**Planning Commission Meeting
July 21, 2022 City Hall
102 Butler Street, Saugatuck, MI
7:00 PM**

- 1. Call to Order/Roll Call:**
- 2. Approval of Agenda:** (*ROLL CALL*)
- 3. Approval of Minutes:** (*ROLL CALL*)
 - A. Regular Meeting Minutes – June 16, 2022
- 4. Public Comments on Agenda Items:** (Limit 3 minutes)
- 5. Old Business:**
- 6. New Business:**
 - A. Public Hearing on Zoning Ordinance Amendments
- 7. Communication:**
- 8. Reports of Officers and Committees:**
- 9. Public Comment:** (Limit 3 minutes)
- 10. Adjourn** (*ROLL CALL*)

NOTICE:
Join online by visiting:
<https://us02web.zoom.us/j/2698572603>

Join by phone by dialing:
**(312) 626-6799 -or-
(646) 518-9805**

Then enter "Meeting ID":
2698572603

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

***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



Minutes Planning Commission Meeting

**June 16, 2022, City Hall
102 Butler Street, Saugatuck, MI
7:00 PM**

Call to Order:

The meeting was called to order by Chairperson Fox at 7:00 p.m.

Attendance:

Present: Crawford, Fox, Gardner, Gaunt, Heriford and Manns.

Absent: Broeker

Others Present: Zoning Administrator Osman.

Approval of agenda:

A motion was made by Gardner, 2nd by Manns to approve the agenda. Motion carried unanimously.

Approval of Minutes:

*A motion was made by Gaunt, 2nd by Heriford to approve the **revised** minutes as presented for April 21, 2022. Motion carried unanimously.*

Public Comment on Agenda Items: None

Old Business: None

New Business:

A. Set public hearing for various amendments to the Zoning Ordinance.

ZA Osman presented the “housekeeping” portion of the Zoning Ordinance she had been working on. It was based on some central topics:

Series: lists of three or more items got corrected punctuation, many, many commas inserted.

Agencies name correction – “Department of Environmental Quality” (DEQ) changed to “Environment, Great Lakes, and Energy” through out document.

Typos: lakeward to lakeward, dotes to dates, our to are, etc.

Remove unregulated items from definitions: Frontage, primary entry.

Clarifications: berming to berms, C-2 Water Street East General Statement.

Simplifications: Gift and specialty shop(s) to retail shop(s).

Updated terms: Land use plan to Master Plan

Eliminate conflict: Definitions in one section do not match definitions in another section.

Eliminate redundancies: (c) Minimum setback shall meet the schedule of regulations for the district.

- (3) Accessory buildings and structures shall not be erected on a lot or parcel prior to the establishment of a principal structure. Where two or more abutting lots are held under one ownership, the owner may erect an accessory building on a lot separate from that on which the principal building is located.
- (4) Accessory buildings and structures shall not occupy any portion of the required setback area.
- (5) Accessory buildings and structures that are portable in nature shall comply with the regulations herein, including the minimum setback requirements for principal buildings specified in the dimension and area regulations for the zoning district in which they are located. This shall include, but not be limited to, buildings and structures constructed on skids and/or frames, and those without attachment to a foundation. All accessory buildings shall be required to obtain a zoning permit prior to installation.
- (6) Accessory buildings and structures that do not fall into any of the categories specified herein shall meet the minimum setback requirements for principal buildings specified in the dimension and area regulations for the zoning district in which they are located.
-

Eliminate subjective conditions: to be in excellent condition and safe and fit for residential use

Eliminate inconsistencies. (2) The district promotes preservation of the rural character of the district and its natural resources. Development of this district will promote single-family residential development to the exclusion of all other uses.

(3) The extension of city infrastructure will be concentrated in this district to ensure planned and controlled development.

(B) Permitted uses:

- (1) Dwelling, single-family detached, with a floor area ratio that does not exceed 0.3:1;
- (2) Dwelling, two-family;
- (3) Essential public services;
- (4) Home occupations; and
- (5) Short-term rental unit.

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

- (1) Home businesses;
- (2) Religious facilities;

Use clarification: PUD is an overlay zone district, not a use.

Suggestion by ZBA member: To require docks not be located in the side yard setbacks for minor waterfront construction, same as major waterfront construction.

Motion by Crawford 2nd by Gaunt to schedule a public hearing for July 21, 2022, to review the “housekeeping” amendments for recommendation to City Council for adoption. Motion carried 6-0.

Reports of Officers and Committees: All of the member expressed pleasure at getting our goals started, beginning with “housekeeping” clean up of the Zoning Ordinance, and suggested that this process continue moving forward.

To that end, a motion was made by Gaunt, 2nd by Manns to request \$25,000 be added to the 22-23 budget for zoning consulting.

Public Comments: None

Adjournment: the meeting was adjourned at 8:45 PM.

Respectfully Submitted,

Jamie Wolters, Saugatuck City Clerk

Planning Commission

July 21, 2022

Series:

AMUSEMENT AND RECREATION SERVICES. A commercial operation that offers rides, games, entertainment, or similar activities to patrons for compensation.

Correct other agencies:

BUILDABLE AREA. The net lot area, less areas subject to flooding, permanent water bodies, watercourses, land encumbered by easements, required setbacks and Michigan Department of Environmental ~~Quality~~ Quality-Great Lakes, and Energy, (EGLE) and Michigan Department of Natural ~~R~~esources regulations.

Typos:

- FOREDUNE. One or more low linear dune ridges that are parallel and adjacent to the shoreline of a lake or river and are rarely greater than 20 feet in height. The ~~lakeward~~lakeward face of a foredune is often gently sloping and may be vegetated with dune grosses and low shrub vegetation or may have an exposed sand face.

Remove unregulated items from definitions

~~—FRONTAGE, PRIMARY ENTRY. The side of the building that houses the main entrance to the business or service.~~

Clarifications:

GREENBELT. A planting strip or buffer strip of a definite width reserved for the placement of shrubs, trees, and/or grasses to serve as an obscuring screen, aesthetic feature and/or buffer strip in carrying out the requirements of the ordinance. In addition to the above features, a GREENBELT may also consist of berming-berms and fencing as approved or required by the city ordinance.

Simplifications and where a comma makes a difference:

HOTEL (INN). A building comprised of attached, furnished, sleeping rooms, containing bathroom facilities, which are accessible by interior hallways, in which transient lodging or boarding are offered to the public for compensation. A hotel may contain a restaurant(s), ~~gift and specialty~~ shop(s), swimming pool, and exercise facilities, lounge(s), and conference rooms(s); provided these uses are clearly accessory to the hotel. A hotel shall not be considered or construed to be a motel, bed and breakfast establishment, multiple- family dwelling, or similar facility.

Updated terms:

~~LAND USE PLAN~~MASTER PLAN. A document containing the approved future development policy and future land use map for the city, together with supporting documentation, as most recently adopted or amended by the Planning Commission pursuant to Public Act 33 of 2008, being M.C.L.A. §§ 125.3801 through 125.3885, as amended.

Eliminate conflicts:

~~SIGN. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trademarks, logos or pictures, or combination thereof, intended to be used to attract attention to or convey information about a person, place, business, firm, profession, association, product or merchandise when placed out of doors in view of the general public. Also, the above when positioned inside in such a way as to be in view of the general public through a window or a door for the purpose of attracting the general public into a business. See §§ 154.140 through 154.1414.~~

SIGN. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trademarks, logos or pictures, or combination thereof, intended to be used to attract attention to or convey information about a person, place, business, firm, profession, or association.

Eliminate redundancies:

- (c) Minimum setback shall meet the schedule of regulations for the district.
- (3) Accessory buildings and structures shall not be erected on a lot or parcel prior to the establishment of a principal structure. Where two or more abutting lots are held under one ownership, the owner may erect an accessory building on a lot separate from that on which the principal building is located.
- (4) Accessory buildings and structures shall not occupy any portion of the required setback area.
- (5) Accessory buildings and structures that are portable in nature shall comply with the regulations herein, including the minimum setback requirements for principal buildings specified in the dimension and area regulations for the zoning district in which they are located. This shall include, but not be limited to, buildings and structures constructed on skids and/or frames, and those without attachment to a foundation. All accessory buildings shall be required to obtain a zoning permit prior to installation.
- (6) Accessory buildings and structures that do not fall into any of the categories specified herein shall meet the minimum setback requirements for principal buildings specified in the dimension and area regulations for the zoning district in which they are located.

Eliminate subjective conditions:

(1) If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced above, and found, on inspection by the Building Inspector or his or her designee, to be in **excellent** condition and safe and fit for residential use;

Inconsistencies:

§ 154.026 R-1 COMMUNITY RESIDENTIAL DISTRICT (CR).

(A) Generally.

(1) This district is designed to protect and promote low density single-family residential uses and development in the city.

(2) The purpose of this district is to preserve the residential character of the district and to provide a mechanism for orderly development in undeveloped areas.

(3) Residential land use is the only use that will be permitted or encouraged in this district.

(B) Permitted uses:

(1) Dwelling, single-family detached, with a floor area ratio that does not exceed 0.3:1;

(2) Essential public services;

(3) Home occupations; and

(4) Short-term rental unit.

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

(1) Home businesses;

(2) Religious facilities;

(3) Rented accessory dwelling units in accordance with § 154.092(J); and

(4) Dwelling, single-family detached, with a floor area ratio that exceeds 0.3:1

Inconsistencies

§ 154.031 R-1 MAPLE STREET DISTRICT (MS).

(A) Generally.

(1) This district will provide for a larger lot single-family residential development and land use. The purpose of the district is to promote single-family residential land use in a low density setting.

(2) The district promotes preservation of the rural character of the district and its natural resources. Development of this district will promote single-family residential development to the exclusion of all other uses.

(3) The extension of city infrastructure will be concentrated in this district to ensure planned and controlled development.

(B) Permitted uses:

- (1) Dwelling, single-family detached, with a floor area ratio that does not exceed 0.3:1;
- (2) Dwelling, two-family;
- (3) Essential public services;
- (4) Home occupations; and
- (5) Short-term rental unit.

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

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

Use clarification:

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

- (1) Marinas/commercial boats;
- (2) Parking facilities;
- (3) Restaurant, where such facilities are designed, constructed, and managed as an integral part of an overall motel or hotel operation;
- ~~(4) Planned unit developments;~~
- (5) Hotels/inns;
- (6) Motels/motor courts;
- (7) Swimming pools, tennis courts or other recreational facilities oriented to the clientele of the motel or hotel;

C-4 zone issues

(3) On sites of five acres or more, where the developer uses the required yard setback area for parking, there shall be minimum building setback from the right-of-way to each street on which the property abuts of at least 35 feet, the front 25 feet of which shall be bermed and landscaped. Where the required yard setback is not used for parking, there shall be minimum building setback from the right-of-way to all streets on which the property abuts of 40 feet, the total of which shall be landscaped. There shall be a minimum building setback from all property lines of 25 feet, and a minimum building setback from all other adjacent use districts of 35 feet. On sites smaller than the five acres, lesser setbacks shall apply as determined by the Planning Commission; and

(4) A minimum-ten-foot-wide landscaped berm or green belt shall separate all non-residential parking areas from residential uses on adjacent properties.

Needs clarification:

- § 154.039 C-2 WATER STREET EAST DISTRICT (WSE).
- (A) Generally, The Water Street East District is designed to preserve the residential flavor of the area while promoting commercial land use and development. The district is designed for an intermediate intensity and density of structures and land use. Commercial development is desired in this district. The district will also promote visual access to the Kalamazoo River and Lake.
- (B) Permitted uses:
 - (1) Essential public services;
 - (2) Retail stores;
 - (3) Domestic business repairs;
 - (4) Personal service establishment;
 - (5) Art gallery;
 - (6) Dwelling, single-family detached;
 - (7) Second- and third-floor apartments;
 - (8) Short-term rental unit on second and third floors; and,
 - (9) Home occupations.
- (C) Special 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) Hotel/inn;
 - (2) Motel/motor court;
 - (3) Motion picture facilities;
 - (4) Amusement and recreation services;
 - (5) Recreational transportation rental facilities;
 - (6) Parking facilities;
 - (7) Restaurant;
 - (8) Domestic business repairs;
 - (9) Business, professional offices; and
 - (10) Bed and breakfast establishment.

Correct errors: (WSS)

(11) Restaurants.

(D) Dimension and area regulations:

(1) Permitted uses and special uses: 5. Community center, 6. Club and fraternal organization, 7. Amusement and recreational services, ~~and~~ 8. Recreational transportation rental facilities, ~~and~~ 11. Restaurants.

Front setback	0 feet
Side setback	10 feet
Rear setback	15 feet
Minimum lot area	6,600 square feet
Minimum lot width	66 feet of street frontage
Maximum lot depth	100 feet
Maximum lot coverage	45%

(2) Special uses: 1. Hotel/inn, 2. Motel/motor court, 3. ~~Motion picture facility~~ Theater, and 4. Marina commercial/private:

Front setback	0 feet
Side setback	10 feet
Rear setback	15 feet
Minimum lot area	13,200 square feet
Minimum lot width	132 feet
Minimum lot depth	100 feet
Maximum lot coverage	45%

Belongs in another section:

§ 154.046 PERMITTED ACCESSORY STRUCTURES AND USES IN ALL RESIDENTIAL DISTRICTS.

(A) Carports, garages, or other buildings not used as a dwelling and customarily incidental to the principal use of the premises.

(B) Accessory uses customarily incidental to the principal use of the premises.

(C) State licensed residential facilities, pursuant to M.C.L.A. § 125.3206.

Remove inconsistencies

- (2) **Minor construction.**
- (a) Pier construction shall comply with all appropriate local, state and federal regulations and §§ 154.200 through 154.207 of this chapter.
- (b) Site uses may include:
 - 1. Facilities for the berthing, launching, and handling of recreational boats and commercial boats.
 - 2. **Accessory structures for storage, shower and lavatory facilities and refuse containers. Screening of latter from the roadway shall be required pursuant to the requirements of § 154.142.**
 - 3. **Parking in compliance with § 154.130et seq.**
 - 4. **Recreation facilities such as picnic areas, playgrounds, intended for use by the boating public only.**

Conflicts with other ordinances:

(E) Commercial boats.

~~(1) Commercial boat operations shall meet the requirements of the business license ordinance which require that all transactions are to occur in a structure. A structure is defined as anything constructed or erected, the use of which requires a location on the ground or attached to something having a permanent location on the ground.~~

(2) Off-street parking shall be provided based on one space per two crew members or deckhand and one space per two passenger capacity.

(3) Signage shall be controlled by the sign provisions of this chapter.

(4) Restroom facilities shall be provided based on ~~one for each three through 20 people~~ and ~~County Health Department regulations.~~ the Michigan Plumbing Code.

Reference State Statutes

(2) Interpretation. Upon appeal from a decision of the Zoning Administrator or Planning Commission, to decide any question involving the interpretation of any provision of this chapter including determination of the exact location of any zoning boundary if there is uncertainty with respect thereto and in accordance with Act 110 of 2006 as may be amended from time to time; and

Needs consequences:

(C) Notice. If such a dilapidated or dangerous waterfront structure exists, the Zoning Administrator shall send a notice of the condition to the owner of the premises as is disclosed by the last tax roll of the city at such address as is shown thereon, by certified mail. The notice shall require that the dangerous structure be removed or repaired. Any person who fails, refuses or neglects to repair or remove such a dangerous or dilapidated structure within the time limits above provided for shall be guilty of a violation of this code.

Suggested by ZBA member:

(4) No piers or dock shall be placed within the parcel's required side yard setbacks nor may they be placed within the extension of the required setback into the riparian rights area (one and one-half times the allowed boat length). Boats, boat hoists and spring pilings shall be located within the owners riparian rights area.

Possible motion:

I move to approve/deny that the Planning Commission recommend the amendments as proposed/as modified be adopted. A copy of the red-line changes will be attached to the file.

APARTMENT. A dwelling unit within a building containing other dwelling units or commercial tenant spaces.

ART GALLERY. A retail establishment offering the display, production and/or sale of art.

ATTIC. The unfinished space found directly between a pitched or flat roof and the ceiling of the uppermost finished section of a building.

AUTOMOTIVE SERVICES. A facility for the sale of automotive parts, tools, or accessories and the repair, sale, or rental of motorcycles, passenger vehicles, light duty trucks, or similar motor vehicles.

AVERAGE GRADE. See GRADE, AVERAGE.

BASEMENT. The portion of a building used for living space or storage that is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A BASEMENT shall not be counted as story (see Appendix, Figure 1). A cellar is a basement.

BED AND BREAKFAST ESTABLISHMENT. A residential structure occupied by the owner(s) or resident manager, which has sleeping rooms available for rent by transient people on a short-term basis.

BERM. A mound of earth graded, shaped, and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

BILLIARDS, POOL HALL. A commercial establishment containing pool tables or billiards games available for use for compensation to the establishment owner.

BOAT, COMMERCIAL. Any vessel used for the purpose of generating revenue, excepting vessels leased or chartered to others for non-revenue generating purposes. Also, any vessel, such as, but not limited to a tugboat or freighter, used for commercial purposes without regard to the carrying capacity.

BOAT, RECREATIONAL. Any vessel used by the owner or lessee thereof for a non-revenue generating purpose. Also, any vessel leased, rented, or chartered to another for the latter's non-commercial use.

BOWLING ALLEY. A commercial establishment containing one or more long, narrow lanes or alleys for the game of tenpin or similar game.

BREWERY, DISTILLERY, AND WINERY. The means of producing alcoholic beverages out of fruit, grain, or other products by the means of distillation or fermentation into a consumable product for resale.

BUFFER ZONE. A strip of land reserved for plant material, berms, walls or fencing, or combination thereof, to serve as a visual and/or sound barrier between properties.

BUILDABLE AREA. The net lot area, less areas subject to flooding, permanent water bodies, watercourses, land encumbered by easements, required setbacks and Michigan Department of Environmental [Quality-Great Lakes, and Energy, \(EGLE\)](#) and Michigan Department of Natural [Resources](#) regulations.

BUILDING. Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities.

BUILDING INSPECTOR. An individual appointed by the City Council delegated to administer the Building Code.

excluded from this computation of usable floor area. USABLE FLOOR AREA shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

FOOD AND BEVERAGE SERVICES. The offering of food and beverages as an accessory to a primary use.

FOREDUNE. One or more low linear dune ridges that are parallel and adjacent to the shoreline of a lake or river and are rarely greater than 20 feet in height. The ~~lakeward~~ face of a foredune is often gently sloping and may be vegetated with dune grasses and low shrub vegetation or may have an exposed sand face.

~~FRONTAGE, PRIMARY ENTRY. The side of the building that houses the main entrance to the business or service.~~

GARAGE. A building or structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

GASOLINE SERVICE STATIONS. A premises, or portion, occupied by an establishment engaged primarily in the retail selling of gasoline and lubricating oils directly to ultimate consumers on the premises and not for resale. GASOLINE SERVICE STATIONS may include the retail selling of minor automotive accessories or the performing of minor automotive repair work in the premises for a fee or charge provided such activities are incidental and accessory to the principal retail selling of gasoline and lubricating oils.

GRADE, AVERAGE. The arithmetic average of the lowest and highest natural grade elevations in an area within five feet of the foundation line of a building or structure (see Appendix, Figure 3).

GRADE, FINISHED. The lowest point of elevation between the exterior wall of the structure and a line five feet from the exterior wall of the structure.

GRADE, NATURAL. The elevation of the ground surface in its natural state, before man-made alterations. This is also the finished grade if it is unaltered.

GREENBELT. A planting strip or buffer strip of a definite width reserved for the placement of shrubs, trees, and/or grasses to serve as an obscuring screen, aesthetic feature and/or buffer strip in carrying out the requirements of the ordinance. In addition to the above features, a GREENBELT may also consist of ~~berming berms~~ and fencing as approved or required by the ~~city ordinance~~.

GROSS SITE AREA. The total area of a site including floodplains, wetlands, and waterbodies.

HEDGE. A row of bushes or shrubs used as a fence.

HEIGHT (BUILDING OR STRUCTURE). The vertical distance measured from the average grade to the highest point of flat roofs, to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip and gambrel roofs.

HOME BUSINESS. A home occupation exhibiting a level of impact exceeding the home occupation standards of this chapter due to increased levels of non-resident employees, client trips, identification signage and/or other external factors. A HOME BUSINESS shall meet the home business standards of the ordinance.

HOME OCCUPATION. An occupation customarily conducted in a dwelling unit or accessory building that is a clearly incidental and secondary use of the dwelling and which meets the home occupation standards of the ordinance. Without limiting the foregoing, a

single-family residence used by an occupant of the residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

HOTEL (INN). A building comprised of attached, furnished, sleeping rooms, containing bathroom facilities, which are accessible by interior hallways, in which transient lodging or boarding are offered to the public for compensation. A hotel may contain a restaurant(s), [gift and specialty](#) shop(s), swimming pool, and exercise facilities, lounge(s), and conference rooms(s); provided these uses are clearly accessory to the hotel. A hotel shall not be considered or construed to be a motel, bed and breakfast establishment, multiple-family dwelling, or similar facility.

INDUSTRY (also GENERAL INDUSTRIAL). Commercial, wholesale, warehousing and manufacturing uses and facilities as permitted by this chapter whose external effects (e.g. noise, vibration, odor, fumes, smoke and/or heat and the like) are discernible by normal human senses at or beyond the property lines of the site at which the industrial use is located. The impacts shall not result in appreciable negative impact to surrounding land uses, buildings and structures, and residents.

INDUSTRY, LIGHT. Commercial, wholesale, warehousing and manufacturing uses and facilities as permitted by this chapter whose external effects (e.g. noise, vibration, odor, fumes, smoke, and/or heat and the like) are not discernible by normal human senses beyond the property lines of the site at which the light industrial use is located.

INN. See HOTEL.

[LAND-USE PLAN/MASTER PLAN.](#) A document containing the approved future development policy and future land use map for the city, together with supporting documentation, as most recently adopted or amended by the Planning Commission pursuant to Public Act 33 of 2008, being M.C.L.A. §§ 125.3801 through 125.3885, as amended.

LANDSCAPING. Materials (trees, shrubs, flowers, hardscape and the like) when used to control erosion or improve the yards or surfaces of a parcel.

LITTORAL MATERIAL. Material existing on shore or in the water which is subject to erosion and displacement by wave forces.

LOADING SPACE. An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading or unloading merchandise, materials, or passengers.

LOT. A description of land as identified on a recorded plat, a defined area of land with a legal description and parcel identification number, or a unit within a condominium subdivision.

LOT AREA. The area contained within the lot lines or property boundary including street right-of-way if so included in the property description.

LOT, CORNER. A lot or parcel that has two sides bordering two streets at their point of intersection.

LOT COVERAGE. The area of a lot, stated in terms of a percentage, that is covered by buildings and/or structures located thereon. This shall include all buildings, roofed porches, arbors, breezeways, decks 24 inches above grade or higher, roofed patios, whether open or fully roofed; but shall not include fences, walls, driveways, sidewalks, hedges used as fences, decks less than 24 inches above grade or detached stairways,

ground-floor stairways, wheelchair ramps, patios or in-ground swimming pools. Stairway landings (provided the landing does not exceed the building code minimum area requirement by more than 10%) shall not be considered in determining lot coverage. Lot coverage shall be measured from the wall or foundation of the building or structure.

LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the midpoint between the side lot lines (see Appendix, Figure 5).

LOT, FLAG. A lot or parcel whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property (see Appendix, Figure 7).

LOT FRONTAGE. The length of the front lot line.

LOT, INTERIOR. A lot or parcel other than a corner lot that, with the exception of a through lot, has only one lot line fronting on a street.

LOT LINES. The lines bounding a lot or parcel (see Appendix, Figure 7).

(1) **LOT LINE, FRONT.** The lines separating the parcel from any street right-of-way, private road or other access easement (see Appendix, Figure 7).

(2) **LOT LINE, REAR.** The lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line (see Appendix, Figure 7).

(3) **LOT LINE, SIDE.** Any lot line other than a front or rear lot line, as defined above (see Appendix, Figure 7).

LOT OF RECORD. A tract of land which is part of a subdivision shown on a plat or map or a condominium unit which is part of a condominium project which has been recorded in the Office of the Register of Deeds for Allegan County, Michigan; or a tract of land described by metes and bounds which is the subject of a deed or land contract which is likewise recorded in the Office of the Register of Deeds.

LOT, THROUGH. An interior lot or parcel having frontage on two more or less parallel streets.

LOT, WATERFRONT. A lot or parcel abutting a lake, pond, stream or river.

LOT WIDTH. The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line (see Appendix, Figure 7).

LUMBER YARD. A commercial operation that may mill, cut and store lumber for wholesale or retail use.

MAJOR CONSTRUCTION. All waterfront construction and set forth in §§ 154.205et seq. requiring a major construction permit.

MAJOR RECREATIONAL EQUIPMENT. For the purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, recreational trailers, pick-up campers or coaches (designated to be mounted on automotive vehicles), self-propelled dwellings, tent trailers and the like, and cases ~~of~~ or boxes used for transporting recreational equipment, whether occupied by the equipment or not.

MANUFACTURED HOME. A dwelling unit which is designed for long-term residential use and is wholly or substantially constructed at an off-site location. MANUFACTURED HOME includes mobile homes and modular housing units.

MARINA. A waterfront basin or facility providing secure mooring or berthing of watercraft for use by the general public, and often offering supplies, repair, fuel, parking, toilet facilities and other facilities available to the general public incidental to the berthing and mooring of watercraft. Private yacht clubs offering mooring or berthing facilities, although not necessarily available to the general public, shall be considered a MARINA under this chapter.

MARINA, FULL SERVICE. A dock or docks, marina, waterfront area or a basin with mooring or docking services for boats and yachts. To be considered a full service marina, the marina shall provide at a minimum all of the following on-site services:

- (1) Off-street parking in accordance with § 154.130;
- (2) Electrical supply inspected and approved by a registered code official;
- (3) Potable water distribution inspected and approved by a registered code official;
- (4) Weekly pump out (or more frequently) of grey water and black water appropriately disposed of in accordance with state law;
- (5) Solid waste dumpster with screening in accordance with Chapter 50;
- (6) Working toilet (not portable toilets) and showers for users of the marina; and
- (7) Is open to the general public.

MARINE CONTRACTOR. A commercial operation that provides services commonly associated with boating, docks, and sea walls.

MASTER DEED. The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved by-laws for the condominium subdivision and the condominium subdivision plan.

MINOR CONSTRUCTION. All waterfront construction as set forth in §§ 154.206 et seq. requiring a minor construction permit.

MOBILE HOME. A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. A MOBILE HOME shall not include modular homes, motor homes, recreational vehicles or travel trailers. (See the Mobile Home Commission Act, Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 et seq.)

MOORING BUOY. A floating device secured to the bottom of the waterway by means of a mechanical device or weight used to attach or moor a watercraft.

MOTEL. A commercial enterprise oriented to the public traveling by motor vehicle, with individual sleeping rooms typically exiting directly to the outside, with patron parking located at or near each room exit. A motel may contain an accessory restaurant, ~~gift and specialty~~ shop, lounge, swimming pool, and exercise facilities.

MOTOR COURT. A grouping of single story attached, semi-detached, or detached, furnished rental units each containing a bedroom, bathroom, and closet space, with or without a kitchen, less than 700 square feet in floor area, in which transient, overnight, lodging, or boarding are offered to the public for compensation. A motor court may contain shared amenities (for example, a swimming pool) for renters of the units and their guests but not separate commercial uses (for example, restaurants, ~~gift or~~ retail shops).

MOTOR HOME. A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

MOTEL/MOTOR COURT. A series of attached, semi-detached or detached, furnished, rental units each containing a bedroom, bathroom and closet space in which transient, overnight, lodging or boarding are offered to the public for compensation. The design of a motel is oriented to the public traveling by motor vehicle with individual sleeping rooms typically exiting directly to the outside with patron parking located at or near each room exit. A motel may contain a restaurant, ~~gift and specialty shops~~, lounge and swimming pool and exercise facilities, provided, these are uses clearly accessory to the motel.

MUSEUM. A structure or portion of a structure whose principal use is the preservation and exhibiting of artistic, historical or scientific objects. The structure and operation ~~are~~ [are](#) operated on a not-for-profit basis and the parent organization has obtained a tax exempt status from the Internal Revenue Service.

NONCONFORMING LOT OF RECORD (SUBSTANDARD LOT). A lot lawfully existing at the effective date of this chapter, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

NONCONFORMING STRUCTURE. A structure, or portion thereof, lawfully existing at the effective date of this chapter, or affecting amendment, and which fails to meet the requirements of the zoning district in which it is located.

NONCONFORMING USE. A use lawfully existing in a building or on land at the effective date of this chapter, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

NUISANCE. Shall be held to embrace public nuisance as known in common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the human food or drink unwholesome, are also severally in contemplation of this chapter, nuisances and all such nuisances are hereby declared illegal.

NURSERY, FLOWER, PLANT OR GARDEN SHOP. A commercial operation that sells vegetation and accessory items to the public for retail.

ORDINARY HIGH WATER MARK. The regulatory line established by the U.S. Army Corps of Engineers General Permit for construction on the Kalamazoo River, dated February 5, 1981, shall constitute the ordinary high water mark.

OVERHANG. The distance any moored or berthed watercraft extends into the water beyond an approved dock, pier, finger pier or spring piling location.

PARCEL. A defined area of land with a legal description and parcel identification number.

PARK. An open area intended to be used for passive or active recreation by the public or a private group of individuals.

PARKING AREA, OFF-STREET (PARKING LOT). A land surface or facility providing vehicular parking spaces off of a street along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three or more automobiles or trucks.

PARKING SPACE. Any space used for the off-street parking of motor vehicles.

PATIO. An outdoor leisure living area flush with the earth or elevated with earth and finished with a hard durable surface such as, but not limited to, concrete, brick, or tiles.

PERSONAL SERVICE ESTABLISHMENTS. A building, or portion of a building, occupied by an establishment in which a person, or persons, offers a service directly to the personal needs of consumers normally served on the premises for a fee or charge. The type of specialized aid or assistance provided by a personal service establishment includes but is not limited to the following: beauty and barber services, spa services, dance and yoga classes, and tattoo parlors. PERSONAL SERVICE ESTABLISHMENTS do not include BUSINESS, PROFESSIONAL OFFICES.

PIERS. A platform extending from the shore over water and supported by piles, pillars, columns, or floatation devices used to secure and protect watercraft. The terms PIER and DOCK, as used in this chapter, shall be synonymous.

PLANNED UNIT DEVELOPMENT. A planned unit development (PUD) is designed to accomplish the objectives of this Zoning Code through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area. It is a form of land development comprehensively planned as an entity via a site plan which permits flexibility in building, siting, usable open spaces and the preservation of significant natural features. The development may contain residential, nonresidential or a mixture of land uses as provided by the individual zoning district.

PLAT. A map of a subdivision of land.

PRACTICAL DIFFICULTY. A situation whereby a property owner can establish a “minimum practical” legal use of a legal lot or parcel, meeting all of the dimensional standards of the zoning district which the lot is located. Situations occurring due to the ~~owners~~owner’s desire to establish a use greater than the “minimum practical” standard or to enhance economic gain greater than associated with a “minimum practical” standard or created by an owner subsequent to the adoption ~~date~~date of this chapter is not a practical difficulty.

PRINCIPAL BUILDING. The main building on a lot in which the principal use exists.

PRINCIPAL USE. The main use to which the premises are devoted and the main purpose for which the premises exist.

PRIVATE RECREATION CAMP. A non-commercial camp of charitable, institutional, or philanthropic nature, not open to use by the general public, and which is typically comprised of seasonal overnight lodging facilities and cabins. Such a camp may contain caretaker residences, conference facilities, kitchens and dining halls, meeting rooms, recreation facilities, assembly buildings, places of worship, gardens, an infirmary, and accessory uses and buildings necessary to support the above uses.

PRIVATE ROAD (PRIVATE STREET). A street or drive which provides access to two or more adjacent properties which is constructed and maintained by the owner or owners, which is not dedicated for the general public use.

RECREATION VEHICLE. A vehicle primarily designed and used as a temporary living quarters for recreational, camping or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. (See the Mobile Home Commission Act, Public Act 96 of 1987, being M.C.L.A. §§ 125.2301 et seq., as amended).

RECREATION VEHICLE PARK. All lands and structures which are owned and operated by private individuals, or business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

RECREATIONAL TRANSPORTATION RENTAL FACILITIES. Facility offering the rental of motorized or non-motorized recreational vehicles, such as bicycles, boats, golf carts, or scooters with a maximum speed of 30 miles per hour on level surfaces or calm waters, but not including cars, trucks, motor homes, or similar traditional passenger motor vehicles.

RELIGIOUS FACILITY. A building, or buildings, the primary use of which is regular assembly of persons for religious worship or services, together with non-commercial accessory uses. RELIGIOUS FACILITY shall include churches, synagogues, mosques, ~~and~~ temples, and other religious institutions, when used for purposes of customary religious activities.

SHORT TERM RENTAL OCCUPANCY CERTIFICATE. A certificate from the City of Saugatuck authorizing a property owner to use a dwelling unit as a short-term rental unit.

RESEARCH LABORATORY. A facility for the conduct of scientific research.

RESTAURANT. An establishment in which food or beverages are prepared, served, and consumed either on or off the premises, directly to the public for compensation.

RETAIL STORE. A commercial operation that offers the sale of tangible goods to the general public for compensation.

RIGHT-OF-WAY. A public street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles, including undeveloped platted streets and alleys dedicated to the use of the public.

RIPARIAN RIGHTS. The rights that go with the property along a natural body of water such as a river or a lake. Only the land which abuts a natural body of water has RIPARIAN RIGHTS. A riparian property owner has the right to:

- (1) Access the water abutting the land;
- (2) Install a dock anchored to the bottomland adjacent to the property;
- (3) Anchor a boat on the bottomland adjacent to the property or secure it to the property owners' dock;
- (4) Use water from the lake or stream for domestic purpose; and
- (5) Control any temporarily or periodically exposed bottomland from the waters edge to the high water mark against trespass.

RIPARIAN RIGHTS AREA. The area over the water along a waterfront property when the parcel's side yard lines are extended out to the thread of the river as defined by the State of Michigan law.

ROAD FRONTAGE. The length of the lot line which borders a public road, street, highway, or alley.

SATELLITE DISH ANTENNA. A device incorporating a reflective surface that is solid, open mesh, or bar configured; is in the shape of a shallow dish, parabola, cone or horn. Such a device shall be used to transmit and/or receive television, radio, or other electromagnetic communication signals between terrestrially and/or extra terrestrially-based sources. This definition includes but is not limited to, what are commonly referred to as satellite earth stations, TVRO's (television reception only satellite antennas), and satellite microwave antennas.

SCREENING. The erection or construction of a greenbelt buffer zone, earthen berm, solid wall, or fence for the purpose of obscuring views, limiting noise or objectionable lighting between incompatible land uses or adjacent to a street or highway.

SCREENING, PRIVACY. A sight-obscuring barrier erected adjacent or around including but not limited to a patio, deck, courtyard, swimming pool or outdoor spa/hot tub, designed to screen but not enclose the area behind it or within its confines.

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SETBACK. The area between the lot line and a line of a distance determined within the ordinance in which construction of buildings or structures shall not be permitted unless otherwise permitted by this chapter. In the event a lot is traversed by a public or private road, and the location of the road has not been described by a right-of-way or other such easement description, setback shall be measured from the edge of the improved road surface. For waterfront properties the setback shall be measured to the ordinary high water mark. The setback shall be measured from the front, rear, or side property line to the nearest point of the foundation of a structure, or from the front, rear or side property line to the nearest support post or area directly below a cantilevered floor of a structure.

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

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

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

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

~~SIGN. Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trademarks, logos or pictures, or combination thereof, intended to be used to attract attention to or convey information about a person, place, business, firm, profession, association, product or merchandise when placed out of doors in view of the general public. Also, the above when positioned inside in such a way as to be in view of the general public through a window or a door for the purpose of attracting the general public into a business. See §§ 154.140 through 154.1414.~~

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

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

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

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

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

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

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

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

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

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

TVRO. Television reception only satellite antennas [exceeding three feet in diameter](#).

UNNECESSARY HARDSHIP. A situation whereby a property owner, due to conditions of a lot or parcel cannot use the lot or parcel for any legal use allowed by this Zoning Code, within the district in which the lot is located. Situations occurring due to the owner's desire to establish an alternate use when allowed use options are available or due to situations created by an owner subsequent to the enactment of this chapter shall not be deemed an unnecessary hardship

VARIANCE. A relaxation of certain standards of this Zoning Code by the Zoning Board of Appeals.

VARIANCE, USE. A variance allowing a use within a specific zoning district which is otherwise not allowed in that zone district.

VARIANCE, NON-USE. A variance allowing relaxation of a dimensional or area requirement as specified by the underlying zone district.

VETERINARY HOSPITAL OR CLINIC. A facility offering the medical care and treatment of animals.

WETLANDS. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. WETLANDS generally include swamps, marshes, bogs and similar areas.

YARD. The open space on a lot, with a building, as defined herein. (see Appendix, Figure 7):

(1) **FRONT YARD.** The open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the foundation.

(a) Single-family detached. Each new dwelling unit shall have a minimum finished gross floor area of 600 square feet of floor area;

(b) Single-family attached, including two-family and townhouses. Each new dwelling unit shall have a minimum finished gross floor area of 900 square feet with a minimum of 600 square feet on the ground floor for units of more than one story; and

(c) Multiple-family dwellings.

Gross Floor Area/Unit in Square Feet

Efficiency

375 square feet

One bedroom

600 square feet

Two bedrooms

780 square feet

Three bedrooms

940 square feet

In excess of 3 bedrooms

940 plus 80 square feet for each additional bedroom

(3) Sewage disposal facilities required. Each dwelling unit and principal structure shall be equipped with adequate water-carried sewage disposal facilities to comply with the city sanitary code in effect at the time of the erection or modification of the dwelling unit or principal structure.

(4) Structure to have access. Every principal structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking. Every easement for a private drive, street or road shall be a minimum of 45-33 feet wide.

(5) Principal building. Only one principal building and permitted accessory uses may be erected on any lot of record, except as may be permitted for planned unit development projects, special land uses, or condominium developments

(D) Height limit. In the case of a principal building, the vertical distance measured from the average grade to the highest point of flat roofs, to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs, shall not exceed 28 feet unless otherwise specified in this chapter. In no case shall the overall peak building height be greater than 32 feet when measured from the natural average grade.

(E) Height limit exceptions. The following may be exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

(1) Those purely ornamental in purpose such as belfries, cupolas, domes, and ornamental towers/monuments, provided they do not exceed 40 feet in height above the average grade of the lot or parcel on which the feature will be located;

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(2) Those necessary appurtenances to mechanical or structural functions, such as radio towers, masts and aerials, television antennas, wire transmission structures or other structures where the manufacturing process requires a greater height but do not exceed 100 feet in height;

(3) Public utility structures, but not including communication towers, except upon receipt of a special use permit;

(4) Wind power electrical generating towers shall not exceed 70 feet in height and the distance from the base of the tower to any lot line shall be ten feet more than the height of the tower; and

(5) Church spires and flag poles shall not exceed 50 feet in height.

(F) Lots.

(1) New lots to be buildable. All newly created lots shall have the net buildable area appropriate to the zone district in which it is located and appropriate access to a public or approved private road.

(2) Minimum lot size regulations to be met. No new lot shall be created which does not meet the minimum lot size regulations of this chapter.

(3) Corner lots. On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and the required yard along both lot frontages shall be required front yard. The owner shall elect, and so designate in his or her application for the zoning permit, which of the remaining two required yards shall be the required side yard and which the required rear yard.

(4) Waterfront lots. **Notwithstanding** any other provisions of this chapter, all structures on a waterfront lot shall have a setback of 25 feet from the waterfront. The lot line which abuts the street shall be deemed to be the front lot line, and the two remaining yards shall both be required side yards.

(5) Flag lots. Where there is no other way to gain access to undeveloped land due to limited street frontage, new flag lots may be permitted to be used, provided that the flag lot has at least 20 feet of frontage on a public street, that this right-of-way serves only one lot, [or 33 feet if serving more than one lot](#) and that there is at least a distance equivalent to the lot width of a conforming lot between flag lots. The minimum front, side, and rear yard requirements of the district in which a flag lot is located must be met on the portion of the lot excluding the right-of-way. (See Appendix, Figure 7).

(6) Lot division.

(a) No lot or lots in common ownership, and no yard, court, parking area or other space, shall be divided, altered, or reduced to make such area or dimension less than the minimum required by the zone district in which it is located. No lot line adjustments shall be made which create or increase non-conformity with the minimum area or dimensions of the zone district in which it is located.

(b) After a land division is approved by the city, a document accomplishing the division must be filed by the property owner or the property owner's agent with the Allegan County Register of Deeds Office within 90 days of the approval, or the approval will lapse. (~~See Saugatuck City Code § 153.01; land division ordinance for division of non-platted lots.~~)

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(7) More than one nonconforming lot may be considered only one lot. If more than one lot of record is held in common ownership and the lots are contiguous, undeveloped, and substandard in size relative to the required minimum lot size in the zoning district, they shall for the purpose of this chapter, be held as one lot or as many lots as shall leave no lot substandard.

(G) Permitted yard encroachments. Whenever otherwise lawfully permitted the following may be permitted to encroach upon the minimum yard area and setback requirements of this chapter:

- (1) Eaves, cornices, or pilasters a maximum of two feet;
- (2) Approved fences and signs;
- (3) Flower boxes, a maximum of one foot;
- (4) Sidewalks, driveways, parking lots;
- (5) Utility meters or service points;
- (6) Detached stairways on slopes with landings, provided the landing(s) do(es) not exceed the minimum requirement of the building code by more the 10%;
- (7) Rails, cables, stairways, and motorized lifts on steep slopes, extending from ground floor doorways or detached from a structure;
- (8) Front steps less than 36 inches high and ~~wheel chair~~wheelchair ramps;
- (9) Decks not more than 30 inches above the surrounding finished grade at any point are permitted to encroach on required side and rear yards, provided they are not closer than seven feet to any side or rear property line;
- (10) Patios not higher than 12 inches above the surrounding finished grade at any point are permitted to encroach on required side and rear yard setbacks provided they are no closer than 3 feet to any side or rear property line provided there still remains adequate access in the event of an emergency;
- (11) Patios between 12 inches and 30 inches above the surrounding finished grade at any point may encroach on required side and rear yards, provided that they are not closer than seven feet to a side or rear property line provided there still remains adequate access in the event of an emergency;
- (12) Hot tubs, spas, and in ground swimming pools along with their associated or contiguous patios and decks, may encroach into ½ of the required side or rear yard setbacks, but in no case shall be closer than seven feet to any property line. No such structures shall be permitted in the front yard. Waterfront pool enclosure fencing as required by the State Construction Code shall conform with § 154.143(F)(6);
- (13) Driveways and landscaping;
- (14) Arbors, trellises, yard ornaments, statuary, flagpoles;
- (15) Plantings, shrubs, ~~landscaping~~landscaping, and indigenous vegetation;
- (16) Sandboxes, swings, picnic tables, barbecues, and similar accessory recreational equipment;
- (17) Pad-mounted air-conditioning, heating, or ventilating equipment, located in side ~~yards~~yards or rear yards provided that they are no closer than two feet from any side ~~yard lot line~~yard lot line or rear yard lot line;

(18) Uses not specifically itemized, but which are similar in nature to any of the foregoing uses.

(H) Accessory buildings and structures. All new accessory buildings and structures shall conform with all of the following requirements.

(1) Accessory buildings shall not be erected within ten feet of any other building.

(2) Maximum area, maximum lot coverage and minimum setback standards for accessory buildings and structures are as listed below.

(a) Maximum area shall not exceed the ground floor area of the main building.

(b) Maximum lot coverage shall not exceed the lot coverage requirements as shown in district regulations.

(c) Minimum setback shall meet the schedule of regulations for the district.

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(3) Accessory buildings and structures shall not be erected on a lot or parcel prior to the establishment of a principal structure. Where two or more abutting lots are held under one ownership, the owner may erect an accessory building on a lot separate from that on which the principal building is located.

(4) Accessory buildings and structures shall not occupy any portion of the required setback area.

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(5) Accessory buildings and structures that are portable in nature shall comply with the regulations herein, **including the minimum setback requirements** for principal buildings specified in the dimension and area regulations for the zoning district in which they are located. This shall include, but not be limited to, buildings and structures constructed on skids and/or frames, and those without attachment to a foundation. All accessory buildings shall be required to obtain a zoning permit prior to installation.

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(6) Accessory buildings and structures that do not fall into any of the categories specified herein **shall meet the minimum setback requirements** for principal buildings specified in the dimension and area regulations for the zoning district in which they are located.

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(7) Habitation of accessory structures. No accessory building or structure, including, without limitation, a garage or cellar, whether fixed or portable, may be used or occupied as a dwelling unless permitted in accordance with the provisions of divisions (M) or (W).

(I) Parking.

(1) Off-street parking. All buildings located in the city shall provide off-street parking adequate for the use intended, as specified in § 154.135.

(2) Parking, storage or use of major recreational or commercial equipment. No major recreational or commercial equipment shall be parked or stored in any required front yard, provided, however, that the equipment may be parked for not more than 24 hours during loading or unloading. No such equipment shall be used for permanent living or housekeeping purposes when parked or stored in any location not approved for such use.

(J) Regulations applicable to single-family dwellings located outside of manufactured home parks. Any single-family dwelling, whether constructed and erected on a lot or a manufactured home, shall be permitted outside a manufactured home park only if it complies with all of the following requirements:

(1) If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer and/or appropriate inspection agency as meeting

the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or used and certified by the manufacturer and/or appropriate inspection agency as meeting the standards referenced above, and found, on inspection by the Building Inspector or his or her designee, to be in excellent condition and safe and fit for residential use;

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(2) The dwelling unit shall comply with all applicable building, electrical, plumbing, fire, energy and other similar codes which are or may be adopted by the city, provided, however, that where a dwelling unit is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by city codes, then and in such event the more restrictive standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the City Building Inspector;

(3) The dwelling unit and the lot on which the unit is placed shall comply with all restrictions and requirements of this chapter including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, required yards, and maximum building height requirements of the underlying zone district;

(4) If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed;

(5) The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the Building Code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism;

(6) If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturers set-up instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks;

(7) Permanently attached steps or porch areas at least three feet in width shall be provided where there is an elevation difference greater than eight inches between the first floor entry of the dwelling unit and the adjacent grade; and

(8) No basement, cellar, garage or damaged or incomplete structure shall be used as a dwelling.

(K) Home business; purpose. Home businesses are allowed in residential areas of the city as a means for a person or persons to work out of their home with a slightly higher level of intensity than a home occupation but still resulting in a minimal impact on the adjacent properties and the neighborhood and a moderate amount of activity on the premises. A home business may be permitted subject to all of the following.

(1) Unless otherwise provided for the by zone district, home businesses shall be subject to site plan review and approval by the Planning Commission. The adjacent property owners within 300 feet shall be notified of the home business request. The notice shall indicate the nature of the request, the time, date, and place at which the request will

removed by an applicant at the end of an authorized period. The applicant shall similarly sign an affidavit holding the city harmless against any claim for damages if the city were to subsequently use the performance guarantee to remove the temporary structure after its authorized period had expired. The performance guarantee shall be returned when all the terms and conditions of the temporary zoning permit have been met and the temporary use or structure has been removed.

(3) Applications. A written temporary zoning permit application for all temporary buildings, structures, and uses shall contain the following information:

- (a) The applicant's name;
- (b) The location and effective dates of the temporary use;
- (c) Conditions specified by which the permit is issued, such as:
 - 1. Use and placement of signs;
 - 2. Provision of security and safety measures;
 - 3. Control of nuisance factors; and
 - 4. Submission of performance guarantee;

(4) Permits. A temporary zoning permit may be approved, modified, conditioned, or denied by the Zoning Administrator consistent with the standards set forth in this section. The Zoning Administrator may refer the application to the Planning Commission where reasonably warranted.

(5) Conditions of approval.

(a) The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary building, structure, or use will be compatible with existing development.

(b) The building, structure, or use shall not be typically located within a permanent building or structure.

(c) The parcel shall be of sufficient size to adequately accommodate the temporary building, structure, or use.

(d) The location of the temporary building, structure, or use shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary building, structure, or use.

(e) Off-street parking areas are of adequate size for the particular temporary building, structure, or use and properly located, and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.

(f) Signs shall conform to the provisions of this chapter and any other city ordinance regulating signs.

(g) Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.

(h) The Zoning Administrator may impose conditions with the issuance of the permit which are designed to ~~insure~~ensure compliance with the requirements of this chapter. The Zoning Administrator may revoke a permit for nonconformance with the requirements of this section and a permit issued thereunder.

(i) Permits which are renewable shall have an application filed for renewal at least 15 days prior to the expiration date of the current permit, except ~~that those~~ applications for

renewal or extension of a permit for less than 15 days may be applied for no later than three days prior to the expiration date of the current permit.

(6) Revocation. Upon expiration or revocation of a temporary zoning permit for a temporary use, the temporary building, structure, or use shall cease, and all temporary structures, dwellings, or buildings shall be removed from the parcel of land. A temporary zoning permit may be revoked or modified by the Zoning Administrator if any one of the following findings are documented by the Zoning Administrator:

- (a) That material circumstances have changed;
- (b) That the temporary zoning permit was obtained by misrepresentation or fraud;
- (c) That one or more of the conditions of the temporary zoning permit have not been met; or
- (d) That the use is in violation of any statute, ordinance, law, or regulation.

(7) Appeal. An appeal of a decision by the Zoning Administrator relative to denial or revocation of a temporary zoning permit for a temporary building, structure, or use or renewal thereof may be taken to the Zoning Board of Appeals.

(N) Surfacing of parking lots and pedestrian walks. All areas provided for use by commercial or industrial vehicles and all pedestrian walks shall be surfaced with bituminous asphalt, concrete or similar materials as approved by the city and properly drained. See § 154.130.

(O) Refuse containers. Refuse containers shall be screened. Screening shall consist of vegetation or solid fencing. Containers (including the container site and container lids) shall be properly secured and maintained to prevent unauthorized use, to avoid odors, and to prevent infestation by rodents and vermin. Refuse container screening shall be designed and constructed consistent with the character of surrounding development. See § 154.142 and Chapter 152.

(P) Ingress and egress. In all districts, provisions shall be made for safe and efficient ingress and egress to the public streets and highways serving the property without creating undue congestion or interference with normal traffic flow. Pursuant to the above requirement, the city may require an applicant to provide a traffic impact analysis demonstrating compliance with the above standard if the city determines that a proposed project has a reasonable potential of resulting in congestion and/or on unsafe traffic situation. The traffic impact analysis shall be performed by a qualified Traffic Engineer.

(Q) Infrastructure design and construction. The design and construction of all streets, sidewalks, water systems, sanitary systems, storm sewer systems, surface water retention and detention systems, fire protection/suppression systems, and other such infrastructure shall meet or exceed city standards.

(R) Bed and breakfast establishments. Bed and Breakfast Establishments (B&B), as defined by this chapter, are permitted as special land uses in certain districts. In addition to compliance with the special land use standards and provisions, all B&Bs shall meet the following criteria.

(1) Rooms utilized for guest sleeping shall not exceed two occupants per room not including children under the age of 12. Each room for guest sleeping shall contain at least 100 net square feet of room size.

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(2) The B&B facility and operation shall meet all applicable building, health, and related safety codes. All sleeping rooms shall contain a separate smoke detector in proper working order. Each floor of the dwelling shall contain a fire extinguisher in proper working order in conformance with all applicable fire codes.

(3) The guest room charge shall include the preparation and serving of breakfast to overnight guests. No additional breakfast fee shall be charged.

(4) No separate or individual cooking facilities shall be provided for the use of guests, including existing cooking facilities.

(5) The B&B operation may include a wall sign, attached flat against the front face of the dwelling, not to exceed two square feet in area. The sign shall be non-illuminated and designed and constructed consistent with the architectural and aesthetic character of the dwelling to which the sign shall be affixed. In lieu of a wall sign, the Planning Commission may permit a free-standing sign, not to exceed four square feet. (See § 154.141 and Chapter 152).

(6) No guest shall reside on the premises for more ~~that than~~ 14 consecutive days, and not more than 30 days in any one year.

(7) Off-street parking shall be provided as required by the parking regulations of this chapter. See § 154.130.

(8) The use of outdoor yard areas, open decks, pools, and the like shall not result in the production of excessive off-site noise, odor, and other external disturbances. Said determination to be based on the judgement of the Zoning Administrator. Approval of the B&B operation may be conditioned upon the installation of screening, fencing, plantings and/or other such installations and conditions to help ensure compatibility of the B&B operation with the surrounding area.

(9) An existing residential structure may be converted to a bed and breakfast and exterior additions to an existing residential structure for the purpose of providing additional rental rooms shall only be allowed if all of the following conditions are met:

(a) The parcel of property must meet all of the provisions of this chapter for the particular zone in which the proposed bed and breakfast is located; and

(b) All of the special land use permit requirements of this subchapter shall be met.

(S) Reserved.

(T) Reserved.

(U) Reserved.

(V) Short-term rental unit.

(1) The owner of the dwelling unit which is to be rented for any period of less than 30 days, shall obtain a short term rental certificate from the city before the dwelling is rented or used;

(2) The property owner or applicant shall include the following information on the certificate application:

(a) Address of the subject parcel containing the dwelling unit to be rented;

(b) Name and contact information, including e-mail, of the owner of the dwelling unit;

(c) Name and contact information, including e-mail, of the required local representative or the rental agency, within 45 miles of the City of Saugatuck;

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- (d) Proposed maximum occupancy of the dwelling unit;
- (e) Owner's signature stating that the dwelling unit will be operated in conformance with all applicable ordinance requirements; and
- (f) The property owner shall notify the city of any changes to the approved application within 30 days of the date of the change, including change of mailing address, contract information, or rental agency.

(3) The short-term rental unit shall meet all applicable building, health, fire, and related safety codes at all times and shall be inspected by the Saugatuck Township Fire District within 30 days of the submittal of the application. Violations found by the Saugatuck Township Fire District shall be corrected within 15 days of notification from the Fire Inspector. No certificate shall be issued until after the fire inspection has been completed and approved. The property owner or rental agency shall submit a completed safety checklist, designed by the Saugatuck Township Fire District, to the city for the second and third year of each certificate cycle for the certificate to remain in good standing.

(4) Signs shall be subject to the applicable provisions of § 154.141 of this chapter;

(5) The use of outdoor yard areas, open decks, pools, and the like shall not result in the production of excessive off-site noise, odor, other external disturbances, or other nuisances as regulated within the City Code of Ordinances;

(6) In no event shall the owner of the short-term rental unit or their agent rent solely an individual room in the short-term rental unit to a person, family, or other group of persons, nor shall the renter of the dwelling so sublet any room. All dwelling units rented for short term use shall be fully rented under a single contract;

(7) The use of tents, campers, or similar temporary sleeping facilities shall be prohibited;

(8) A short term rental certificate shall be valid for three seasons (~~January 1 through December 31~~) unless there is a change of ownership for the subject parcel;

(9) Occupancy of each dwelling unit shall be limited based on the calculations in the BOCA National Property Maintenance Code as approved in § 150.03; and

(10) All short term rentals shall have a local representative who resides within 45 miles of the outer boundaries of the city. This contact shall have access to the property at all times and shall have working knowledge of the house.

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

(1) Occupancy shall be limited to invited guests;

(2) Rental of an accessory dwelling, separate from a detached single-family dwelling, shall be prohibited without receiving special land use approval from the Planning Commission as authorized in § 154.092(J);

(3) An accessory dwelling unit shall have a minimum of 375 square feet of gross floor area and shall not exceed the lesser of 30% of the gross floor area contained within the detached single-family dwelling unit or 600 square feet of gross 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 finished floor area intended for living, sleeping, bathing, eating, and cooking.

(4) An accessory dwelling, which is not located within the detached single-family residential dwelling, shall not be located between the front door of the detached single-family dwelling and the public right-of-way, unless located above an existing detached accessory structure;

(5) An accessory dwelling shall be subject to all applicable setback and lot coverage requirements of a detached single-family dwelling in the district in which it is located;

(6) An accessory dwelling unit shall only be permitted on a lot where the ~~principle~~principal use is an existing detached single-family dwelling unit;

(7) No more than one accessory dwelling unit is permitted on any lot;

(8) Accessory dwellings shall not be permitted to have independent electric, gas, or water meters from the detached single-family dwelling unit;

(9) An accessory dwelling unit located within a detached single-family dwelling unit shall have a separate entrance from the exterior of the structure and shall not have interior access to the detached single-family dwelling unit;

(10) 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; -and

(11) Accessory dwelling units may be included with the rental of a detached single-family dwelling on the same property if it is done so under a single contract.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. passed 5-10-2004; Am. Ord. 070611-1, passed 6-11-2007; Am. Ord. 090824-1, passed 8-24-2009; Am. Ord. 100726-1, passed 7-26-2010; Am. Ord. 111212-1, passed 12-12-2011; Am. Ord. 140714-1, passed 7-14-2014; Am. Ord. 150427-2, passed 4-27-2015; Am. Ord. 161114-1 passed 11-14-2016; Am. Ord. 161128-2, passed 11-28-2016; Am. Ord. 170213-2, passed 2-13-2017; Am. Ord. 170522-1, passed 5-22-2017; Am. Ord. 181112-1, passed 11-12-2018; Am. Ord. 181226-2, passed 12-26-2018) Penalty, see § 154.999

§ 154.023 LI-1 BLUE STAR DISTRICT (LIND).

(A) Generally.

(1) It is the intent of this district to serve as a transitional zone between the adjacent residential districts and the commercial district in the abutting township.

(2) Properties which abut a residential zone shall utilize adequate screening, green belts, or buffers to minimize the impacts on the residential zone.

(3) This district will allow uses which traditionally do not cause excessive noise, vibration, odors, visual blight, pollution, use hazardous processes, and are not manufacturing or fabricating base industries.

(4) The district will provide business and industry a location in the city which is consistent with the density and area needs which cannot be found in central business district or industrial district.

(B) Permitted uses:

(1) Equipment rental and leasing;

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(A) Generally.

(1) The purpose of the Transitional Residential Zone is to create a buffer zone from the high intensity City Center Commercial Zone to the low intensity Community Residential Zone.

(2) This zone will permit a limited number of mixed uses, but intentions are to promote residential land uses.

(3) As a transitional zone its character shall be reviewed more frequently to assess the needs of the adjoining zones.

(4) This zone is not intended to be static but rather to adjust with the development needs of the community.

(B) Permitted uses:

(1) Dwelling, single-family detached, with a floor area ratio that does not exceed 0.3:1;

(2) Dwelling, two-family;

(3) Essential public services;

(4) Bed and breakfasts;

(5) Home occupations; and

(6) Short-term rental unit.

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

(1) Home businesses;

(2) Rented accessory dwelling units in accordance with § 154.092(J); and

(3) Dwelling, single-family detached, with a floor area ratio that exceeds 0.3:1.

(D) Dimension and area regulations.

Front setback

20 feet

Side setback

7 feet

Rear setback

10 feet

Minimum lot area

8,712 square feet

Minimum lot width

66 feet

Maximum lot coverage

25%*

* Maximum lot coverage in this district may be increased to a maximum of 35% for properties that are below, the required minimum lot area following a hearing and approval by the Zoning Board of Appeals at which time consideration of factors affecting adjoining properties will be reviewed. All other dimension and area regulations shall be met. The following formula shall be used in calculating the allowable lot coverage and shall be

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rounded to the nearest whole percentage: minimum lot area divided by actual lot area multiplied by 25%.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. passed 6-24-2002; Am. Ord. 090824-1, passed 8-24-2009; Am. Ord. 100726-1, passed 7-26-2010; Am. Ord. 140714-1, passed 7-14-2014; Am. Ord. 161114-1, passed 11-14-2016; Am. Ord. 170911-1, passed 9-11-2017)

§ 154.026 R-1 COMMUNITY RESIDENTIAL DISTRICT (CR).

(A) Generally.

(1) This district is designed to protect and promote low density single-family residential uses and development in the city.

(2) The purpose of this district is to preserve the residential character of the district and to provide a mechanism for orderly development in undeveloped areas.

(3) Residential land use is the only use that will be permitted or encouraged in this district.

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(B) Permitted uses:

- (1) Dwelling, single-family detached, with a floor area ratio that does not exceed 0.3:1;
- (2) Essential public services;
- (3) Home occupations; and
- (4) Short-term rental unit.

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

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

(D) Dimension and area regulations.

Front setback	20 feet
Side setback	7 feet
Rear setback	10 feet
Minimum lot area	8,712 square feet
Minimum lot width	66 feet
Maximum lot coverage	30%

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 090824-1, passed 8-24-2009; Am. Ord. 100628-1, passed 6-28-2010; Am. Ord. 100726-1, passed 7-26-2010; Am. Ord. 140714-1, passed 7-14-2014; Am. Ord. 170911-1, passed 9-11-2017)

(c) Because of the unique nature of this type of ownership, definitions specific only to this district (SRP) are found in division (G) below.

(2) As of the date that this district was initiated in 2006, the entire district is located within a designated critical dunes area as well as a high risk erosion area as defined and regulated by the state of Michigan, [Department of Environmental Quality \("DEQ"\) Environment, Great Lakes, and Energy \(EGLE\)](#), under Public Act 451 of 1994, as amended, Parts 323, Shorelands Protection and Management and 353, Sand Dune Protection and Management. Permits from [the DEQ/EGLE](#) are likely required for any activity that might disturb the delicate dunes and shorelands environments.

(B) Permitted uses:

(1) Dwelling, single-family detached: existing, according to the city assessor's records, as of December 31, 2005, together with existing or new accessory buildings within the same share area, subject to § 154.027(A), (D), (E), (F) and (G) below; and

(2) Essential public services.

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

(1) Summer Resort and Park Associations, subject to § 154.092(I).

(a) New summer resort and park associations.

(b) Expansion of an existing summer resort and park association, established under Michigan Public Act 230 of 1897, or any of the related Michigan public acts.

(c) New dwelling, single-family detached: on a "share area" within an existing summer resort and park association, that was vacant, according to the city assessor's records, as of December 31, 2005.

(2) Conversion of an existing summer resort & park association to any other type of ownership, subject to either the platting or condominium requirements of this chapter, and/or the state's Land Division Act.

(3) Religious facilities, including Sunday schools, subject to § 154.092(I).

(4) Swimming pools, tennis courts, or other recreational facilities oriented to the membership of a summer resort and park association and subject to § 154.092(I).

(5) Rented accessory dwelling units in accordance with §154.092(J).

(D) Dimension and area regulations. Recognizing that shareholders in a summer resort and park association do not own "lots" but rather "shares" of the association which correspond to the right to occupy a designated portion of the association's property, the following regulations shall apply:

(1) Street front setback, 25 feet (from the centerline of an existing road/street);

(2) Minimum distance between structures, ten feet;

(3) Water body setback, structures that exceed 676 square feet in area must be located landward of the 50-year high-risk erosion setback line. All other structures must be located at least 40 feet landward from the edge of perennial vegetation ([as defined in the CRC district](#));

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(4) Outer boundary setback: 25 feet from the outer boundary of the summer resort and park association boundary or any common area or dedicated park, beach or similar area within the summer resort and park association;

(5) Maximum building height, as required in § 154.022(D); and

(6) Maximum share area coverage*: 25% of the calculated share area, (see definitions: shares; share area coverage). * Maximum share area coverage in this district may be increased to a maximum of 35% for share areas with areas calculated to be below the average share area as platted, provided all other dimension and area regulations shall be met. The following formula shall be used in calculating the allowable share area coverage and shall be rounded to the nearest whole percentage: Average platted lot for all occupied share areas divided by the individual platted lot area multiplied by 25%.

(E) Special requirements. Any approved construction, uses and activities shall conform to the most restrictive requirements of:

(1) State environmental review. Pursuant to the city's land use plan and the intent of the Peninsula Area Plan, all structures and additions shall conform not only to the regulations of this ordinance, but also to those of Public Act 451 of 1994, Parts 323 and 353 as amended;

(2) Fire safety review. Additions to existing structures shall provide for adequate fire and emergency access as determined by the city's Fire Chief. A formal review and approval by the Fire Chief, in writing, is required for all additions or alterations within ten feet of any unit (platted lot) line or existing structure; and

(3) Design Review Committee. All building and/or zoning permits shall be reviewed and approved by the particular summer resort and park association's design review committee (or its equivalent). The summer resort and park association shall be the applicant for all permits and all applications shall have the signatures of the design review committee of the summer resort and park association.

(F) Procedure. Because of the unusual statutory nature of a summer resort and park association, the fact that the association is the owner of record of all of the properties within such an association, and due to past practice, any proposal shall:

(1) Be submitted only by the association's design review committee and be compared to this Zoning Ordinance;

(2) Be submitted to ~~the DEQEGL~~. Once approvals have been obtained from ~~the DEQEGL~~, the summer resort and park association involved (as the applicant) shall; and

(3) File all zoning and building permit applications with the City Zoning Administrator for final approval. If a site plan submitted to any of the reviewing bodies differs from that approved by another reviewing body, any permit issued in reliance on that submittal shall be null and void.

(G) SRP District definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SHARE(S) and SHARE AREA. A summer resort and park association member's (owner's) "share(s)" or "share area" shall be considered to be similar, for calculations of maximum building size, to a standard subdivision "lot". The recorded summer resort and park association plat shall be used to calculate the share area that corresponds to a

(D) Dimension and area regulations:

Front yard setback	10 feet
Side yard setback	10 feet
Rear yard setback	25 feet
Minimum lot width	66 feet
Minimum lot area	8,712 square feet
Maximum lot coverage	25%

(Ord. passed 6-24-1996; 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. 140714-1, passed 7-14-2014; Am. Ord. 170911-1, passed 9-11-2017; Am. Ord. 180813-1, passed 8-13-2018)

§ 154.031 R-1 MAPLE STREET DISTRICT (MS).

(A) Generally.

(1) This district will provide for a larger lot single-family residential development and land use. The purpose of the district is to promote single-family residential land use in a low density setting.

(2) The district promotes preservation of the rural character of the district and its natural resources. Development of this district will promote **single-family residential development to the exclusion of all other uses.**

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(3) The extension of city infrastructure will be concentrated in this district to ensure planned and controlled development.

(B) Permitted uses:

- (1) Dwelling, single-family detached, with a floor area ratio that does not exceed 0.3:1;
- (2) Dwelling, two-family;
- (3) Essential public services;
- (4) Home occupations; and
- (5) Short-term rental unit.

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

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

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(D) Dimension and area regulations:

Front setback	50 feet
Side setback	10 feet

(Ord. passed 6-24-1996; 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. 140714-1, passed 7-14-2014; Am. Ord. 170911-1, passed 9-11-2017; Am. Ord. 210726-A, passed 7-26-2021)

§ 154.033 R-1 PENINSULA NORTH (~~DUNESIDE~~DUNE SIDE) DISTRICT (PN-A).

(A) Generally. The purpose of this District is to preserve and protect residential water front land uses along Kalamazoo Lake and River. The intent of the District shall be to retain the river front residential character of the area and protect the area's natural resources. Small lot development is permitted in coordination with water oriented residential uses.

The ~~Duneside~~Dune side portion of this District (southern end or south of and including parcel number 0357-009-036-00) is a unique area within the city with unique topographic constraints. These regulations are intended to allow accessory structures between the street and the river while retaining the view of the river for all property owners within the District.

(B) Permitted uses.

- (1) Dwelling, single-family detached, with a floor area ratio that does not exceed 0.3:1.
- (2) Essential public services.
- (3) Home occupations; and
- (4) Short-term rental unit.

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

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

(D) Dimension and area regulations. In the event that any lawful nonconforming structure shall be damaged by fire, wind accident, act of God, or other such means or matter, reconstruction or restoration shall be permitted by right under the following conditions: Reconstruction is permitted 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, and all reconstruction or restoration of structures within a flood hazard area shall conform to the State Construction Code. Any expansion shall be in full conformance with the requirements of the zoning district.

Front setbacks

Road front setback

29 feet from centerline on the west (dune) side of Park Street, and 12 feet from centerline on the east (river) side of Park Street

Water front setback

2 feet from the flood hazard elevation line

Side setback

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10 feet*

For lots less than 66 feet wide the side setbacks on each side shall be 10% of the lot width

Rear setback

10 feet*

Minimum lot area

8,712 square feet

Minimum lot width

66 feet

Maximum lot coverage

25%

Maximum building height

28 feet on the west side (dune) of Park Street, and 15 feet on the east side (river) of Park Street

* Except waterfront yards – see “water-front setback” above

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

§ 154.034 R-1 PENINSULA NORTH (RIVERSIDE) DISTRICT (PN-B).

(A) Generally. The purpose of this District is to preserve and protect residential water front land uses along Kalamazoo Lake and River. The intent of the District shall be to retain the river front residential character of the area and protect the area's natural resources. Small lot development is permitted in coordination with water oriented residential uses. The riverside portion of this District (northern end or north of and including parcel number 0357-009-035-00) is a unique area within the city with unique topographic constraints. These regulations are intended to allow principal structures between the street and the river while allowing for accessory structures only on the dune side.

(B) Permitted uses.

- (1) Dwelling, single-family detached, with a floor area ratio that does not exceed 0.3:1.
- (2) Essential public services.
- (3) Home occupations; and
- (4) Short-term rental unit.

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

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

(D) Dimension and area regulations. In the event that any lawful nonconforming structure shall be damaged by fire, wind accident, act of God, or other such means or matter, reconstruction or restoration shall be permitted by right under the following

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conditions: Reconstruction is permitted 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, and all reconstruction or restoration of structures within a flood hazard area shall conform to the State Construction Code. Any expansion shall be in full conformance with the requirements of the Zoning District.

Front setbacks

Road front

Where the street easement is less than 30' wide: 14 feet from centerline on the west side of Park Street and 12 feet from center line on the river side of Park Street

Where the street easement is 30' wide or greater: 33 feet from centerline on the river side and 33 feet from centerline on the west side of Park Street.

Water-front setback

The water-front setback shall be the average setback for any existing subject structure and all similar structures within 300 feet on either side of the subject property side lot line. The maximum setback shall not exceed 25 feet. No structure shall be constructed within the flood hazard area.

"Similar structure" shall mean that only principal structures shall be compared to each other, while all accessory structures shall be compared whether garage, gazebo or deck over 24 inches in height.

Side setback

10 feet*

For lots less than 66 feet wide, the side setbacks shall be 10% of the lot width on each side. Structures less than 3-5 feet from the lot line are subject to higher construction restrictions of the State Building Code.

Rear setback

10 feet*

Minimum lot area

8,712 square feet

Minimum lot width

66 feet

Maximum lot coverage

25%

* Except waterfront yards – see "water-front setback" above

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

§ 154.035 R-1 PENINSULA SOUTH DISTRICT (PS).

(A) Generally. The Peninsula South District is intended to recognize the character of plats that were created prior to 1968 and, as far as possible, allow for reasonable

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development on larger lots is encouraged in this District. Density in this District is intended to be less dense than other residential districts in the city to preserve the stability of the District.

(B) Permitted uses.

- (1) Dwelling, single-family detached, with a floor area ratio that does not exceed 0.3:1;
- (2) Essential public services;
- (3) Home occupations; and
- (4) Short-term rental unit.

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

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

(D) Dimension and area regulations:

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

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

§ 154.037 C-4 RESORT DISTRICT.

(A) Generally.

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

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

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

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

(B) Permitted uses:

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

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

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

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

(2) Single-family dwellings:

- Front setback
15 feet
- Side setback
7 feet* For lots less than 66-feet wide, the side setbacks on each side shall be 10% of the lot width
- Rear setback
10 feet*
- Minimum lot area
8,712 square feet
- Minimum lot width

66 feet

Maximum lot coverage

25%

*Except waterfront yards - see 154.022(F)(4) waterfront lots

(3) On sites of five acres or more, where the developer uses the required yard setback area for parking, there shall be minimum building setback from the right-of-way to each street on which the property abuts of at least 35 feet, the front 25 feet of which shall be bermed and landscaped. Where the required yard setback is not used for parking, there shall be minimum building setback from the right-of-way to all streets on which the property abuts of 40 feet, the total of which shall be landscaped. There shall be a minimum building setback from all property lines of 25 feet, and a minimum building setback from all other adjacent use districts of 35 feet. On sites smaller than the five acres, lesser setbacks shall apply as determined by the Planning Commission; and

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(4) A minimum-ten-foot-wide landscaped berm or green belt shall separate all non-residential parking areas from residential uses on adjacent properties.

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(E) Surfacing of parking lots and pedestrian walks. All areas provided for use by commercial or industrial vehicles and all pedestrian walks shall be surfaced with bituminous asphalt, concrete or similar materials as approved by the city and properly drained. See § 154.130.

(F) Refuse containers. Refuse containers shall be screened. Screening shall consist of vegetation or solid fencing. Containers (including the container site and container lids) shall be properly secured and maintained to prevent unauthorized use, to avoid odors, and to prevent infestation by rodents and vermin. Refuse container screening shall be designed and constructed consistent with the character of surrounding development. See § 154.142 and Chapter 152.

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(G) Ingress and egress. In all districts, provisions shall be made for safe and efficient ingress and egress to the public streets and highways serving the property without creating undue congestion or interference with normal traffic flow. Pursuant to the above requirement, the city may require an applicant to provide a traffic impact analysis demonstrating compliance with the above standard if the city determines that a proposed project has a reasonable potential of resulting in congestion and/or an unsafe traffic situation. The traffic impact analysis shall be performed by a qualified Traffic Engineer.

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

§ 154.038 RESERVED.

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

(A) Generally. The Water Street East District is designed to preserve the residential flavor of the area while promoting commercial land use and development. The district is designed for an intermediate intensity and density of structures and land use. Commercial

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development is desired in this district. The district will also promote visual access to the Kalamazoo River and Lake.

(B) Permitted uses:

- (1) Essential public services;
- (2) Retail stores;
- (3) Domestic business repairs;
- (4) Personal service establishment;
- (5) Art gallery;
- (6) Dwelling, single-family detached;
- (7) Second- and third-floor apartments;
- (8) Short-term rental unit on second and third floors; and,
- (9) Home occupations.

(C) Special 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) Hotel/inn;
- (2) Motel/motor court;
- (3) Motion picture facilities;
- (4) Amusement and recreation services;
- (5) Recreational transportation rental facilities;
- (6) Parking facilities;
- (7) Restaurant;
- (8) Domestic business repairs;
- (9) Business, professional offices; and
- (10) Bed and breakfast establishment.

(D) Dimension and area regulations:

(1) Permitted uses (except as noted) and special uses: 4. Amusement and recreation services and 5. Recreational transportation rental facilities. [7. Restaurant](#)

Front setback	0 feet
Side setbacks	10 feet
Rear setback	10 feet
Minimum lot area	4,356 square feet
Maximum lot coverage	65%

(2) Special uses: 1. Hotel/inn, 2. Motel/motor court, 3. Theater, and 8. Dwelling unit, single-family detached.

Front setback
0 feet

Side setbacks
10 feet
Rear setback
10 feet
Minimum lot area
8,712 square feet
Minimum lot width
66 feet
Maximum lot coverage
65%

*Front setback shall be 10 feet for single- family dwellings.

(Ord. 050711, passed - -; Am. Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 090824-1, passed 8-24-2009; Am. Ord. 101122-1, passed 11-22-2010; Am. Ord. 111212-1, passed 12-12-2011; Am. Ord. 140714-1, passed 7-14-2014; Am. Ord. 150427-1, passed 4-27-2015; Am. Ord. 200622-1; 6-22-2020; Am. Ord. 201109-D, passed 11-9-2020)

§ 154.040 C-1 WATER STREET NORTH DISTRICT (WSN).

(A) Generally. Water Street North District is designed to promote high intensity commercial uses that complement its waterfront setting. This district will promote visual access to the Kalamazoo River and Lake to coordinate with the commercial uses of the district. The purpose of the district is to promote a more intense commercial use and encourage development of similar businesses and land uses in the district.

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(B) Permitted uses:

- (1) Dwelling, single-family detached;
- (2) Dwelling unit, two-family;
- (3) Essential public services;
- (4) Retail stores;
- (5) Personal service establishments;
- (6) Art gallery;
- (7) Marinas/commercial boats;
- (8) Second- and third-floor apartments;
- (9) Charter fishing/tours;
- (10) Home occupations; and
- (11) Short-term rental unit.

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

- (1) Bed and breakfasts;
- (2) Hotel/inn;
- (3) Motel/motor court;

Minimum lot area
8,712 square feet
Minimum lot width
66 feet
Maximum lot coverage
50%
* Subject to Fire Code Regulations

(Ord. 050711, passed - -; Am. Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 090824-1, passed 8-24-2009; Am. Ord. 101122-1, passed 11-22-2010; Am. Ord. 111212-1, passed 12-12-2011; Am. Ord. 140714-1, passed 7-14-2014; Am. Ord. 150427-1, passed 4-27-2015; Am. Ord. 201109-D, passed 11-9-2020)

§ 154.041 C-2 WATER STREET SOUTH DISTRICT (WSS).

(A) Generally. This district will provide an area for waterfront retail and commercial land use. The Water Street South District will provide for a less intense commercial use than the City Center District and promote visual access to the Kalamazoo River. The intent of the district is to coordinate the aspects of a Central Business District with that of waterfront property and blend commercial uses that complement and enhance the waterfront.

(B) Permitted uses:

- (1) Essential public services;
- (2) Retail stores;
- (3) Bed and breakfasts;
- (4) Personal service establishments;
- (5) Art gallery;
- (6) Parks;
- (7) Dwelling, single-family detached;
- (8) Second- and third-floor apartments;
- (9) Home occupations; and
- (10) Short-term rental unit on second or third floors.

(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) Hotel/inn;
- (2) Motel/motor court;
- (3) ~~Motion picture facilities~~Theater;
- (4) Marina commercial/private;
- (5) Community center;
- (6) Club and fraternal organization;
- (7) Amusement and recreational services;
- (8) Recreational transportation rental facilities;

- (9) Amusement arcades;
- (10) Parking facilities; and
- (11) Restaurants.

(D) Dimension and area regulations:

(1) Permitted uses and special uses: 5. Community center, 6. Club and fraternal organization, 7. Amusement and recreational services, ~~and~~ 8. Recreational transportation rental facilities, [and 11. Restaurants.](#)

Front setback	0 feet
Side setback	10 feet
Rear setback	15 feet
Minimum lot area	6,600 square feet
Minimum lot width	66 feet of street frontage
Maximum lot depth	100 feet
Maximum lot coverage	45%

(2) Special uses: 1. Hotel/inn, 2. Motel/motor court, 3. ~~Motion picture facility~~[Theater](#), and 4. Marina commercial/private:

Front setback	0 feet
Side setback	10 feet
Rear setback	15 feet
Minimum lot area	13,200 square feet
Minimum lot width	132 feet
Minimum lot depth	100 feet
Maximum lot coverage	45%

(Ord. 050711, passed - Am. -; Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 090824-1, passed 8-24-2009; Am. Ord. 100510-1, passed 5-10-2010; Am. Ord. 101122-1, passed 11-22-2010; Am. Ord. 111212-1, passed 12-12-2011; Am. Ord. 140714-1, passed 7-14-2014; Am. Ord. 150427-1, passed 4-27-2015; Am. Ord. 200622-1; 6-22-2020; Am. Ord. 201109-D, passed 11-9-2020)

§ 154.042 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT (MR).

(A) Generally.

(1) This district will provide an area for multi-family residential structures. All parcels in this district will have direct access to either Blue Star Highway or the northern 2,000 feet of Maple Street or the section of North Street between Maple and Blue Star.

(2) The intent is to recognize the legitimate existence of (and need for) apartment buildings and duplex developments, but, to limit the uses to a portion of the city where

adequate highway access, fire protection and public utilities are readily available and to prevent the creation of land use conflicts and nuisances in existing single-family districts.

(B) Permitted uses:

- (1) Dwelling, single-family detached;
- (2) Dwelling, two-family;
- (3) Essential public services;
- (4) Home occupations; and
- (5) Short-term rental unit.

(C) Special land uses. The following uses are subject to review and approval by the Planning Commission according to the provisions of §§ 154.060 through 154.068 and §§ 154.080 through 154.092.

- (1) Dwelling, Multiple Family (more than two attached) including multiple principal structures as an exception to § 154.022(C)(5);
- (2) Bed and breakfasts (in detached single-family dwellings only);
- (3) Home businesses (in detached single-family and two-family dwellings only); and
- (4) Rented accessory dwelling units in accordance with §154.092(J).

(D) Dimension and area regulations for permitted uses:

Front setback	50 feet
Side setback	10 feet
Rear setback	10 feet
Minimum lot width	80 feet
Minimum lot area	15,000 square feet
Maximum lot coverage	25%

(Ord. 040726, passed - - ; Am. Ord. 090824-1, passed 8-24-2009; Am. Ord. 100726-1, passed 7-26-2010; Am. Ord. 140714-1, passed 7-14-2014)

§ 154.043 ZONING MAP.

(A) The areas and boundaries of such districts noted in this subchapter are hereby established to scale as shown on a map entitled zoning map of the city, and referred to herein as the ZONING MAP. The zoning map, together with everything shown thereon, is hereby adopted by reference and declared to be a part of this chapter.

(B) Regardless of the existence of copies of the zoning map which may be made or published, the official zoning map shall be located at the City Hall and shall be the final authority as to the current zoning status in the city. **No amendment to this chapter which involves a change of a mapped zoning district, shall become effective until such change and entry has been made on the official zoning map. The official zoning map shall be identified by the signature of the Mayor, and attested to by the City Clerk.**

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

§ 154.044 INTERPRETATION OF DISTRICT BOUNDARIES.

When uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

(A) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;

(B) Boundaries indicated as approximately following platted lot lines shall be construed to follow the lot lines;

(C) Boundaries indicated as approximately following city boundaries shall be construed to follow city boundaries;

(D) Boundaries indicated as watercourses shall be construed to follow the centerline of the watercourses and in the event of changing watercourses shall be construed as following the changing watercourses;

(E) Boundaries indicated as approximately following property lines or section lines or other lines of a survey shall be construed to follow the property lines as of the effective date of Ord. 80-133;

(F) Boundaries indicated as parallel to, or extensions of features indicated in divisions (A) through (E) of this section shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map; and

(G) Where physical or cultural features existing on the ground are at variance with those shown in the zoning map, or in other circumstances not covered by divisions (A) through (F) of this section, the Zoning Administrator shall interpret the district boundaries. Upon appeal, the Zoning Board of Appeals reserves the right to amend the interpretation of the Zoning Administrator.

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

§ 154.045 AREA NOT INCLUDED WITHIN A CITY DISTRICT.

(A) In every case where property has not been specifically included within a district, including all cases in which property becomes a part of the city subsequent to the effective date of this chapter, the property shall be included within a zone district within one year from the official date of discovery that it was not so included or from the date of annexation.

(B) In the interim, the land shall be treated as land zoned Conservation and Recreation District.

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

§ 154.046 PERMITTED ACCESSORY STRUCTURES AND USES IN ALL RESIDENTIAL DISTRICTS.

(A) Carports, garages, or other buildings not used as a dwelling and customarily incidental to the principal use of the premises.

(B) Accessory uses customarily incidental to the principal use of the premises.

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- (6) Location and dimensions of parking areas, including computations of parking requirements, typical parking space dimensions, including handicapped spaces, and aisle widths;
- (7) Proposed water supply and wastewater systems locations and sizes;
- (8) Proposed finished grades and site drainage patterns, including necessary drainage structure. Where applicable, indicate the location and elevation of the 100-year floodplain;
- (9) Proposed common open spaces and recreational facilities, if applicable;
- (10) Proposed landscaping, including quantity, size at planting and botanical and common names of plant materials;
- (11) Signs, including type, locations and sizes;
- (12) Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic-control signs or devices, and service drives;
- (13) Exterior lighting showing area of illumination and indicating the type of fixture to be used;
- (14) Elevations of proposed buildings drawn to an appropriate scale shall include:
 - (a) Front, side and rear views;
 - (b) Heights at street level, basement floor level, top of main floor, top of building, and if applicable, height above water level; and
 - (c) Location, if any, of any views from public places to public places across the property;
- (15) Location, height, and type of fencing;
- (16) Topographic elevations at two feet intervals; and
- (17) Written statements relative to the effects on the existing traffic capacity of streets, and the proposed development's impact on schools, existing utilities, or natural features. (Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 120326-1, passed 3-26-2012; Am. Ord. 170626-2, passed 6-26-2017)

§ 154.062 STANDARDS FOR ADMINISTRATIVE SITE PLAN REVIEW.

Administrative site plan review shall be conducted by the Zoning Administrator to ensure compliance with the provisions of this chapter 154.
 (Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 170626-2, passed 6-26-2017)

§ 154.063 STANDARDS FOR FORMAL SITE PLAN APPROVAL.

- (C) ~~(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 developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this chapter.
- (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.

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Administrator shall determine whether the proposed amendment constitutes a minor or major amendment.

(B) Minor changes. A minor amendment may be approved by the Zoning Administrator if:

(1) The proposed changes will not affect the basis on which initial approval was granted;

(2) The proposed minor changes will not adversely affect the overall planned unit development in light of the intent and purposes of the development as stated in § 154.060; and

(3) The proposed changes will not affect the character or intensity of use, the general configuration of buildings and uses on the site, vehicular or pedestrian circulation, drainage patterns, or the demand for public services.

(C) Minor changes. Examples of minor changes include, but are not limited to:

(1) Additions or alterations to the landscape plan or landscape materials;

(2) Alterations to the internal parking layout of an off-street lot provided that the total number of spaces or ingress or egress is not reduced; and

(3) Relocation of a trash receptacle.

(D) Major changes.

(1) A major change to an approved site plan includes any change that is not a minor change.

(2) A major change shall comply with the same filing and review procedures of the original approval, including the payment of a fee.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 170626-2, passed 6-26-2017)

§ 154.067 PERFORMANCE GUARANTEES.

Performance guarantees may be required by the Planning Commission to ~~insure~~ensure compliance with site plan conditions pursuant to the requirements of § 154.173.

(Ord. 02-02, passed 2-11-2002; Am. Ord. 170626-2, passed 6-26-2017)

§ 154.068 APPEALS OF FINAL SITE PLANS.

(A) There shall be no right of appeal of a site plan determination to the Zoning Board of Appeals.

(B) An appeal of a decision concerning a site plan shall be to the County Circuit Court.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 170626-2, passed 6-26-2017)

SPECIAL LAND USES

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§ 154.080 PURPOSE.

(A) In order that this chapter be flexible and reasonable, special land uses are provided for and require special land use permits.

(3) Standards for the consideration of special land uses set forth in this subchapter; and

(4) Any other standards in this subchapter related to conditions proposed to be imposed.

(F) Public hearing required. Before a special land use permit is approved a public hearing must be held by the Planning Commission with public notice properly given in accordance with § 154.179 and the Michigan Zoning Enabling Act, Public Act 110 of 2006 as amended.

(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 071008-01, passed 10-8-2007)

Statutory reference:

Statutory requirements, see M.C.L.A. § 125.3504

§ 154.084 DECISION FOLLOWING PUBLIC HEARING.

(A) Following the public hearing, the Planning Commission shall issue a written decision on the application for a special land use permit. The Planning Commission may deny, approve, or approve with conditions, requests for special land use approval. The decision shall include:

(1) Findings of fact. The Planning Commission shall make findings based on the particular facts of the application and the analysis thereof including reference to conformance or nonconformance with specific standards of this chapter. These findings shall be embodied in a statement of conclusions along with the basis for the decision. Among the findings shall be a conclusion that the granting of special land use approval will or will not adversely affect the public interest, health, safety, or welfare of the community;

~~(2) Approval, approval with conditions or denial; and~~

(3) A statement of any conditions imposed.

(B) If approved or approved with conditions, a zoning permit shall be issued by the Zoning Administrator with all the conditions specified by the Planning Commission. One copy shall be given to the applicant. If denied, the applicant shall be given a copy of the Planning Commission denial and reasons therefore.

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

§ 154.085 CONDITIONS.

(A) The Planning Commission may attach conditions to the approval of the special land use which may include conditions necessary to:

(1) Ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use and activity;

(2) Protect the natural environment and conserve natural resources and energy;

(3) ~~insure~~ Ensure compatibility with adjacent uses of land; and

(4) Promote the use of land in a socially and economically desirable manner.

(B) Any conditions imposed shall be recorded in the record of the special land use permit. These conditions shall not be changed except upon ~~the mutual consent of the~~

[Planning Commission and the landowner-the review by the Planning Commission in accordance with Section 154.087.](#)

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

§ 154.086 PERFORMANCE GUARANTEES.

Performance guarantees may be required by the Planning Commission to ensure compliance with special land use conditions pursuant to the requirements of § 154.173.

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

§ 154.087 AMENDMENTS TO SPECIAL LAND USES.

When an application is received to expand or change the use, traffic pattern or similar elements, the application shall be subject to the same procedures followed for an original special land use request. See § 154.066(A) and (B).

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

§ 154.088 LIMITATIONS ON VALIDITY OF PERMIT.

(A) Construction must be initiated under a special land use permit within one year from date of issuance of the permit. Upon receipt of a written request for an extension an extension of up to one year may be granted by the Planning Commission if the Planning Commission feels the nature of the problems preventing project initiation are legitimate, and that the approved site plan adequately represents current conditions on and surrounding the site.

(B) If the project is not initiated within an approved period the special land use is cancelled. Thereafter, the project may proceed only if approved after going through the entire special land use process again, starting with a new application.

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

§ 154.089 NO RIGHT OF APPEAL.

Any other provisions of this chapter notwithstanding, any requirement, decision or determination by the Planning Commission made pursuant to this subchapter shall not be appealable to the Zoning Board of Appeals.

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

§ 154.090 INSPECTION.

At least two site inspections by the Zoning Administrator must be held; one during development or construction and one before uses or structures are occupied. If the development is phased or in stages, then at least one inspection per phase or stage shall be made. The permit holder shall be required to contact the Zoning Administrator and arrange for the final inspection prior to occupancy.

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

§ 154.091 TVRO SPECIAL LAND USE PERMIT/ALLOWABLE ZONES.

screening requirements of § 154.142. Off-street parking in front yard areas shall not be permitted;

(2) In addition to the rental rooms allowed, a hotel/inn shall have a managers quarters consisting of one or more rooms, and which quarters shall have a minimum total square footage of 300 square feet; provided, however, each of the rooms making up the managers quarters shall be at least the minimum size for the particular room as required in the State Construction Code;

(3) Additions to a structure for the purpose of providing additional rental rooms shall not be allowed except on those parcels of property which adjoin or are contiguous to the Center Commercial Zone District. In addition to other criteria, the Planning Commission shall verify that no addition will result in providing less than 1,900 square feet of lot area for each rental room; and

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(4) The following accessory uses may be permitted:

- (a) One house or apartment for the use of the manager or caretaker and his or her family;
- (b) One restaurant and/or coffee shop or cafeteria providing food and drink;
- (c) Amusements and sports facilities for the exclusive use of guests, including:
 - 1. Swimming pool;
 - 2. Children's playground;
 - 3. Tennis and other game courts; and
 - 4. Game or recreation rooms.
- (d) Meeting and/or conference rooms.

(D) Marinas.

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(1) Major construction.

- (a) Pier construction shall comply with all appropriate local, state and federal regulations and §§ 154.200 through 154.207.
- (b) Site uses may include:
 - 1. Facilities for the berthing, launching, handling, or servicing of recreational or commercial boats.
 - 2. Retail businesses which supply products primarily and directly for persons using the facility.
 - 3. Indoor storage in a permanent structure. This area may be used for off-street parking when boats are in the water.
 - 4. Outdoor storage provided that no parking lot shall be occupied by stored boats during the months when boats are normally in the water.
 - 5. Boat fuel stations.
 - 6. Clubs, lounges, restaurants, provided that they meet applicable requirements as if they were being developed separately from a marina.
 - 7. Marine construction and maintenance equipment use and storage.
- (c) Minimum site size shall be 17,424 square feet and minimum road frontage 132 feet.
- (d) Minimum building and fuel station setbacks shall be 20 feet from the roadway.

(e) Shorelines shall be stabilized with an approved suitable material to prevent erosion.

(f) Parking will be determined based upon the provisions of § 154.130et seq., the combination of uses, and the amount and availability of indoor and outdoor storage.

(g) There shall be no above ground storage of gasoline, fuel oil, or other inflammable liquids or gases.

(2) Minor construction.

(a) Pier construction shall comply with all appropriate local, state and federal regulations and §§ 154.200 through 154.207 of this chapter.

(b) Site uses may include:

1. Facilities for the berthing, launching, and handling of recreational boats and commercial boats.

2. Accessory structures for storage, shower and lavatory facilities and refuse containers. Screening of latter from the roadway shall be required pursuant to the requirements of § 154.142.

3. Parking in compliance with § 154.130et seq.

4. Recreation facilities such as picnic areas, playgrounds, intended for use by the boating public only.

(c) Maximum site size shall be 17,423 square feet with a maximum 131 feet of road frontage.

(d) Buildings shall be set back at least 20 feet from the roadway and ten feet from property lines.

(e) Shorelines shall be stabilized with an approved suitable material to prevent erosion.

(f) This district shall not include retail or commercial uses other than the berthing of boats.

(E) Commercial boats.

~~(1) Commercial boat operations shall meet the requirements of the business license ordinance which require that all transactions are to occur in a structure. A structure is defined as anything constructed or erected, the use of which requires a location on the ground or attached to something having a permanent location on the ground.~~

(2) Off-street parking shall be provided based on one space per two crew members or deckhand and one space per two passenger capacity.

(3) Signage shall be controlled by the sign provisions of this chapter.

(4) Restroom facilities shall be provided based on ~~one for each three through 20 people and County Health Department regulations~~ the Michigan Plumbing Code.

(F) Changes in grade.

(1) A special land use permit shall be required for all alterations to the original natural grade in excess of two feet at any point. This shall include the use of any fill materials, removal of any materials other than those resulting from basement excavations and rearrangement of material on the described property.

(2) Prior to the removal, importation or rearrangement of material, the applicant shall submit a survey (topographic) showing existing grades and elevations. A second survey

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Special procedure. The governing board of the summer resort and park association involved, the Michigan Department of Environmental Quality Land and Water Management Division, and the City of Saugatuck Planning Commission shall agree upon a general development plan for the association involved for any undeveloped site/lots/units/areas or expansion of the geographical area of an existing summer resort and park association. Once final approval is given by the City Council, individual units can be constructed or altered upon application by the summer resort and park association's design review committee and approval of; any required permits from the [DEQ/EGLE](#); County Health Department or city sewer and water permits; zoning permits by the city's Zoning Administrator; and building permit(s) from the city's Building Inspector. After a Development Plan has been approved by the Planning Commission under this section of the Zoning Ordinance, the resulting site plan shall be administered the same as a conforming subdivision for development of individual units (lots, parcels).

(1) Allowed uses. Uses within the association shall only include those uses allowed in the SRP zoning district.

(2) Seasonal dwellings allowed. Subject to state law requirements, dwellings may be constructed to a lesser standard provided for in the State Building Code for seasonal use dwellings provided that the association's by-laws limit occupancy to no more than nine months in any calendar year.

(3) No ZBA authority. Authority is hereby denied to the Zoning Board of Appeals ("ZBA") TO GRANT ANY VARIANCE FROM ANY PROVISION OF A SUMMER RESORT AND PARK ASSOCIATION SPECIAL Use Permit. (See also § 154.089).

(4) Maximum density. The overall density of the development shall not exceed three dwelling units per acre.

(5) Maximum area coverage. In any critical dune area, the maximum lot coverage for the entire association shall not exceed 10% for all buildings and structures.

(6) Maximum share area coverage. Each member's share area (or shares) corresponds to a lot as platted in establishing the summer resort and park association. All structures constructed for that member's share area shall not exceed 25% of the area of the corresponding lot.

(7) Plat standards. All summer resort and park associations established, expanded or in which additional development is proposed, after the date of this chapter shall conform to either the state Land Division Act or the state Condominium Act, which ever is both applicable and more stringent.

(8) Road standards. Roads may be built to a lesser standard than might otherwise be required by city ordinance so long as emergency vehicle access is acceptable to and approved by the Fire Chief.

(9) State permits required. Approval procedures shall follow the procedures and requirements for approval of planned unit developments in § 154.115 of this chapter but shall include a preliminary review by [Michigan Department of Environmental Quality/Environment, Great Lakes and Energy](#)-Land and Water Management Division (or successor) district staff with written comments supplied to the Planning Commission at least three weeks prior to the city's public hearing.

(1) Planning Commission determination. The Planning Commission shall make a recommendation to the City Council, based on the requirements and standards of this chapter. The Planning Commission shall recommend approval; approval with conditions; or, denial as follows.

(1) Approval. Upon determination by the Planning Commission that the final site plan for planned unit developments is in compliance with the standards and requirements of this chapter and other applicable ordinance and laws, the Planning Commission shall recommend approval.

(2) Approval with conditions. The Planning Commission may recommend that the City Council impose reasonable conditions with the approval of a planned unit development proposal, to the extent authorized by law, for the following purposes.

(a) To ~~insure~~ ensure that public services and facilities affected by the proposed development will be capable of accommodating increased public service loads caused by the development;

(b) To protect the natural environment and conserve natural resources and energy;

(c) To ~~insure~~ Ensure compatibility with adjacent uses of land;

(d) To promote the use of land in a socially and economically desirable manner;

(e) To protect the public health, safety and welfare of the individuals in the development and those immediately adjacent, and the community as a whole;

(f) To achieve the intent and purpose of this chapter; and

(g) In the event that the planned unit development is approved subject to conditions, such conditions shall become a part of the record of approval, and shall be modified only as provided in § 154.117.

(3) Denial. Upon determination by the Planning Commission that a planned unit development proposal does not comply with the standards and regulations set forth in this chapter, or otherwise would be injurious to the public health, safety, welfare and orderly development of the city, the Planning Commission shall recommend denial.

(4) Preparation of report. The Planning Commission shall prepare and transmit a report to the City Council stating its conclusions and recommendations, the basis for its recommendation, and any recommended conditions relating to an affirmative decision.

(5) Submission of plans for City Council review. After the Planning Commission makes its recommendations, the applicant shall make any required revisions and submit sufficient copies of the revised site plan and supporting materials for City Council review.

(6) Public hearing. Upon receipt of the recommendations of the Planning Commission on the proposed planned unit development plan and application, the City Council shall schedule a public hearing, in accordance with § 154.115 above.

(7) City Council determination. The City Council shall make a determination based on review of the site plan and recommendation of the Planning Commission and the reports and recommendation from the Zoning Administrator, city consultants and other reviewing agencies. Following completion of its review, the City Council shall approve, approve with conditions, or deny a planned unit development proposal in accordance with the guidelines described previously in § 154.113.

(8) Recording of Planning Commission and City Council action. Each action taken with respect to a planned unit development shall be duly recorded in the minutes of the

SIGN, FREESTANDING. A permanent sign which is not attached to a building or any other structure and is set permanently in the ground with posts or base.

(1) PYLON SIGN. A freestanding sign affixed permanently in the ground and supported by a single or double post(s).

(2) MONUMENT SIGN. A freestanding sign affixed directly to a masonry or other base without a support post.

TEMPORARY SIGN. Any sign that is not constructed or intended for long term use or is not permanently attached to a building, window, or structure, including but not limited to banners, pennants, feather flag signs, windfeather signs, real estate signs, garage sale signs, directional signs for special events, or signs to advertise short term sales.

(Ord. 050711, passed - -; Am. Ord. 02-02, passed 2-11-2002; Am. Ord. 090824-1, passed 8-24-2009; Am. Ord. 101122-1, passed 11-22-2010; Am. Ord. 160808-2, passed 8-8-2016)

§ 154.141 SIGN REQUIREMENTS.

(A) Statement of purpose. The purpose of this chapter is to regulate permanent signs in a manner which will permit the identification and/or ~~advertising~~advertising of a business, product, or event while maintaining the protection of the city's appearance and the general welfare of the public.

(B) Regulation of sign requirements. All permanent signs shall be subject to the following regulations to be enforced by the Zoning Administrator, unless otherwise provided in this chapter (see § 154.022(K)(5), § 154.022(L)(4), and Chapter 152). Unless otherwise permitted within this section, no signage shall be displayed within the city. of Saugatuck.

(C) Sign permit procedure. All proposed permanent signs shall be subject to prior approval by the Zoning Administrator. All applications for approval of proposed signs shall indicate size, type, materials, structural supporting devices, and type of illumination (if any). A scale drawing of the proposed sign shall be provided with all applications. If the application is made by the building tenant, the same must have written permission for the proposed sign from the building owner. Sign approval shall be valid for a period of one year. If the approved sign is not installed within that period, a new application must be submitted.

(D) Signs- freestanding. Non-residential uses are permitted to have one freestanding sign per frontage. Said sign shall meet the following requirements:

(1) Total area of all freestanding signs for each lot shall not exceed 0.25 square feet per linear foot of property frontage on a public or private road up to 32 square feet;

(2) Freestanding signs shall not exceed 12 feet in height from the grade of the sidewalk to the upper most point of the sign. If no sidewalk is present, then the measurement shall be taken to the grade of the nearest public or private road;

(3) Freestanding signs shall be located at least five feet from any property line;

(4) Freestanding signs shall be located at least 25 feet from any other freestanding sign;

(5) Freestanding signs shall be placed in a ~~manor~~manner as to not create a traffic vision obstruction; and

(B) Zoning Board of Appeals. Zoning Board of Appeals shall review the appeal and schedule a hearing within a reasonable amount of time of the filing date in accordance with § 154.179. All decisions shall be based upon standards provided in this chapter and according to the authority to clearly interpret the provisions herein. Decisions shall be made within 45 days of the hearing date in accordance with § 154.153 above.
(Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002)

ADMINISTRATION AND ENFORCEMENT

§ 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~~ ensure 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

§ 154.172 APPLICATION PROCEDURES FOR ZONING PERMITS THAT DO NOT REQUIRE SITE PLAN REVIEW.

(A) Prior to construction or physical development of a proposed new use or structure, or the restoration and structural improvement (other than minor repairs) of an existing use or structure, an application for a required zoning permit must be made to the Zoning Administrator on forms supplied by the city.

(B) The data to be supplied by the applicant which shall constitute the application shall include the following, when applicable:

- (1) Names and address of applicant;
- (2) Location, shape, area and dimension of the lot, and of the proposed structure or improvement;
- (3) Description of proposed use and of the building (dwelling, structure, barn, garage and the like) or improvements;
- (4) The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users;
- (5) The yard, open space and parking space dimensions; and
- (6) Proof of ownership of the property.

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

(D) The Zoning Administrator shall review the application for required contents and shall require conformance with zoning district regulations unless a variance is obtained from the Board of Appeals, where provided in this chapter.

(E) Upon determining that the applicable conditions have been met, the Zoning Administrator shall approve the application and issue a zoning permit. One copy of the zoning permit shall be returned to the owner or applicant.

(F) If the application for zoning permit is denied by the Zoning Administrator the reason or cause for denial shall be stated in writing.

(G) A zoning permit shall be valid for 12 months. If not acted upon, a new application shall be completed and submitted for review and determination of conformance with this chapter.

(H) At least one site inspection by the Zoning Administrator must be held during development and before the new use or structure is occupied.

(I) Cancellation of permit shall be as provided for in § 154.171(G) of this subchapter. (Ord. passed 6-24-1996; Am. Ord. 02-02, passed 2-11-2002)

§ 154.173 PERFORMANCE GUARANTEES AND PERFORMANCE BONDING FOR COMPLIANCE.

(A) Generally. In authorizing any zoning permit, special land use permit, condominium subdivision, planned unit development or variance, the body or official which administers the respective request, as designated by this chapter, may require that a performance guarantee or bond be furnished to [insure-ensure](#) compliance with the requirements,

specifications and conditions imposed with the grant of the approval, permit or variance; to ~~insure~~ ensure the discontinuance of a temporary use by a stipulated time; and to provide sufficient resources for the city to complete required improvements or conditions in the event the permit holder does not.

(B) Improvements covered. Improvements that shall be covered by the performance guarantee or bond include, but are not necessarily limited to streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks. The performance guarantee shall meet the following requirements.

(1) Form. The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the City Clerk, which names the property owner as the obligor and the city as the obligee.

(2) Time when required. The performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of performance guarantee submitted, the city shall deposit the funds in an interest bearing account in a financial institution with which the city regularly conducts business.

(3) Amount. The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions. Additional guidelines for establishing the amount of a performance guarantee or bond may be prescribed in the schedule of fees. If none are specified or applicable to the particular use or development, the City Council may by resolution establish a guideline which it deems adequate to deal with the particular problem while ensuring the protection of the city and its inhabitants.

(C) Return of performance guarantee or bond. The Zoning Administrator, upon the written request of the obligor, shall rebate portions of the performance guarantee, with earned interest, upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.

(D) Withholding and partial withholding of performance bond. When all of the required improvements have been completed, the obligor shall send written notice to the City Clerk of completion of the improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Planning Commission and City Council indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

(1) The Planning Commission, or on a PUD, the City Council, shall either approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Planning Commission or the City Council within 30 days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.