



**CITY COUNCIL WORKSHOP AGENDA
November 5, 2020 – 4:00 P.M.**

NOTICE:

This public meeting will be held using Zoom video/audio conference technology due to the COVID-19 restrictions currently in place.

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:
citymanager@saugatuckcity.com

1. CALL TO ORDER
2. ATTENDANCE (*ROLL CALL*)
3. AGENDA CHANGES (ADDITIONS/DELETIONS)
4. PUBLIC COMMENT AGENDA ITEMS ONLY (*Limit 3 minutes*) *Select “unmute” mic in the Zoom interface and speak your name to be recognized or press *6 if you are calling in by phone to unmute your phone to speak.*
5. DISCUSSION ITEMS
 - 5.A. Mayor & Mayor Pro Tem Selection Process
 - 5.B. Ordinance Amendment Review—Front Yard Setback
 - 5.C. Ordinance Amendment Review—Fence Height for Corner Lots
 - 5.D. Ordinance Amendment Review—Non-Conforming Structure in Flood Plain
 - 5.E. Ordinance Amendment Review—Update Uses in Commercial Zone Districts
 - 5.F. Correction of Legal Description, Lisa DeSoto
 - 5.G. Sellman Meeting Regarding Band Shell Location & Design
 - 5.H. Election Day Process
6. PUBLIC COMMENT (*Limit 3 minutes*) *Select “unmute” mic in the Zoom interface and speak your name to be recognized or press *6 if you are calling in by phone to unmute your phone to speak.*
7. COUNCIL COMMENTS
8. ADJOURN (*ROLL CALL*)



City Council Workshop Discussion Item

To: Saugatuck City Council
From: Karen Doyle Homan, Interim City Manager
Meeting Date: November 5, 2020
Re: Mayor and Mayor Pro Tem Election Process

DESCRIPTION

SECTION 4.12 ORGANIZATION OF THE COUNCIL, MAYOR AND MAYOR PRO TEM.

The council at its first meeting following each regular city election shall elect one (1) of its members as mayor and one (1) mayor pro tem by an affirmative vote of a majority of its members, and whom shall serve for one (1) year or until their successors are elected. The mayor shall preside at all meetings of the council, shall speak and vote at such meetings as any other council member, shall be recognized as head of the city government for all ceremonial purposes and for purposes of military law, but shall have no administrative duties. The mayor pro tem shall act as mayor during the absence or disability of the mayor.

PROCESS:

- 1.) Mayor opens nominations for office of mayor;
- 2.) Any member may make a nomination (does not need a second); Mayor then asks for other nominations and the process is continued until no further nominations are offered
- 3.) A vote is then held for each nominee in the order nominated (roll call by City Clerk) until a majority of the Council has voted in favor of a particular nominee, at which point the person is announced to be elected as mayor and that election is over;
- 4.) New Mayor assumes chair position;
- 5.) Repeat steps 1 thru 3 for mayor pro tem position.

ITEM #5B



City Council Workshop Discussion Item Report

TO: Saugatuck City Council

FROM: Cindy Osman, Planning and Zoning

MEETING DATE: **Introduction:** October 26, 2020
Discussion: November 5, 2020
Action Date: November 9, 2020

SUBJECT: Introduction of Ordinance amendment to Section 154.035(D) front setback. Chapter 154, Front yard setback - clarification

DESCRIPTION

While processing an application for Zoning Board of Appeals, an error in front yard setbacks was discovered. It was traced back to the time that the PS R-1 zone district was created. It referenced the Manchester Plat and Campbell Street, but the Manchester Plat and Campbell Street are not in the PS R-1 zone district.

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

ORDINANCE NO. _____ -__

**AN ORDINANCE TO AMEND TITLE XV, CHAPTER 154, SECTION 154.035 OF
THE CODE OF THE CITY OF SAUGATUCK**

The City of Saugatuck Ordains:

Section 1. Amendment of Section 154.035. That Section 154.035, Chapter 154, Title XV, of the Code of the City of Saugatuck, entitled “ZONING DISTRICTS AND DISTRICT REGULATIONS; R-1 PENINSULA SOUTH DISTRICT (PS),” is amended to read as follows:

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 development. The District is also intended to promote waterfront residential land uses and enhance and protect the existing character of the District. The District objective is to promote visual access to Kalamazoo Lake and River and preserve the environmental characteristics of the zone. This District is designed to be more restrictive than other residential zones because of its proximity to water and the undeveloped portions of the city.

(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*:

Front setback	25 feet from right-of-way for lots fronting on Park and Perryman <u>and Campbell Streets in the Manchester Plat</u> , or 15 feet from all other platted streets and alleys
Side setback	10 feet*
Rear setback	10 feet*
Minimum lot width	66 feet
Maximum lot coverage	25%
Minimum lot area	8,712 square feet
* Except waterfront yards – see § 154.022 (F)(4) waterfront lots	

Section 2. Effective Date. This Ordinance shall become effective seven (7) days after its publication unless otherwise provided by law.

YEAS: _____

NAYS: _____

ABSENT: _____

ORDINANCE NO. _____ ADOPTED

I, Monica Nagel, the Clerk of the City of Saugatuck, certify that the foregoing is a true and accurate copy of an ordinance adopted at a regular meeting of the City Council of the City of Saugatuck, held on _____, 2020, and noticed in accordance with all legal requirements.

Monica Nagel, Clerk

Introduced: _____

Adopted: _____

Published: _____

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

ORDINANCE NO. _____ -__

**AN ORDINANCE TO AMEND TITLE XV, CHAPTER 154, SECTION 154.035 OF
THE CODE OF THE CITY OF SAUGATUCK**

The City of Saugatuck Ordains:

Section 1. Amendment of Section 154.035. That Section 154.035, Chapter 154, Title XV, of the Code of the City of Saugatuck, entitled “ZONING DISTRICTS AND DISTRICT REGULATIONS; R-1 PENINSULA SOUTH DISTRICT (PS),” is amended to read as follows:

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(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 development. The District is also intended to promote waterfront residential land uses and enhance and protect the existing character of the District. The District objective is to promote visual access to Kalamazoo Lake and River and preserve the environmental characteristics of the zone. This District is designed to be more restrictive than other residential zones because of its proximity to water and the undeveloped portions of the city.

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Minimum lot area	8,712 square feet
* Except waterfront yards – see § 154.022(F)(4) waterfront lots	

Section 2. Effective Date. This Ordinance shall become effective seven (7) days after its publication unless otherwise provided by law.

YEAS: _____

NAYS: _____

ABSENT: _____

ORDINANCE NO. _____ ADOPTED

I, Erin Wilkinson, the Clerk of the City of Saugatuck, certify that the foregoing is a true and accurate copy of an ordinance adopted at a regular meeting of the City Council of the City of Saugatuck, held on _____, 2020, and noticed in accordance with all legal requirements.

Erin Wilkinson, Clerk

Introduced: _____

Adopted: _____

Published: _____



FROM: Cindy Osman Planning and Zoning

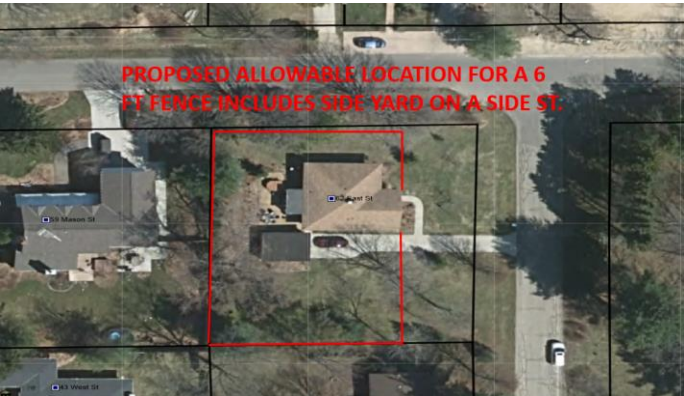
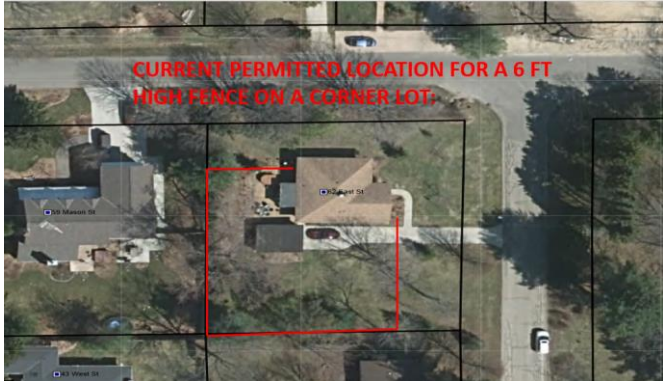
MEETING DATE: Introduction: October 26, 2020
Discussion: November 5, 2020
Action: November 9, 2020

SUBJECT: Introduction of Ordinance amendment to Section 154.005 definitions, 154.143 regarding fence height for corner lots

DESCRIPTION

On an interior lot, a property owner can enclose their entire back yard with a six foot high fence. On a corner lot, a property owner can only enclose a portion of their back yard, because on a corner lot they are defined as having two front yards.

“152.022 (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 . . .”



§ 154.143 FENCING.

(A) *Intent.* The purpose of this section is to promote the public health, safety and welfare by regulating the manner and location of fence installations in the city while preserving the appearance, character and value of the community and its residential neighborhoods and commercial areas.

(B) *Permit required.* The erection, construction or substantial rebuilding of any fence shall require a fence permit. Substantial rebuilding is reconstruction of more than 50% of the structure, a change in height of the structure or a change from existing material. Painting, cleaning, replacement of like materials or other actions commonly considered as general maintenance shall not be defined as "substantial rebuilding".

(C) *Permit process.* Any person desiring to construct, or cause to be constructed, any fence or screen for which a permit is required as defined in this chapter, shall apply to the Zoning Administrator for a permit. A site plan of the proposed fence or screen shall be submitted with the application and shall:

- (1) Be drawn to scale with the scale noted, and the direction North noted;
- (2) Include the name, address and phone number of the person who prepared the drawing;
- (3) Show the locations and proper dimensions of lot lines and street right of way lines. A legal survey may be requested at the discretion of the Zoning Administrator;
- (4) Show the location of the proposed fence or screen in relation to the property lines;
- (5) Show the height the fence throughout; and
- (6) The Zoning Administrator shall review the application with respect to compliance with the requirements of this chapter. If all requirements have been met, a permit will be issued.

(D) *General requirements.*

(1) *Materials.* Fences and screens shall be constructed of steel, iron, wood, masonry or other durable materials. Masonry piers may be substituted for wood posts.

(2) *Construction.* Fences and screens shall be constructed and maintained plumb and true with adequate support and in a safe and sightly manner. Posts or piers shall be spaced not more than eight feet on center.

(3) *Maintenance and repair.* The owner of any fence or screen shall remove or repair a fence that is dangerous, dilapidated or otherwise in violation of this code. Fences and screens shall be maintained to retain their original appearance, shape and configuration. Elements of the fence or screen that are missing, damaged, destroyed or repaired shall be replaced and/or repaired to maintain conformity with the original fence.

(4) *Fire/public hazard.* No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor

which interferes with access by the Fire Department, or which will constitute a hazard to street traffic or pedestrians.

(E) *Fence location and height regulations.*

(1) There shall be a maximum of one fence permitted along a property line, ~~for~~ each property owner. No portion of a fence shall project beyond the owner's property line.

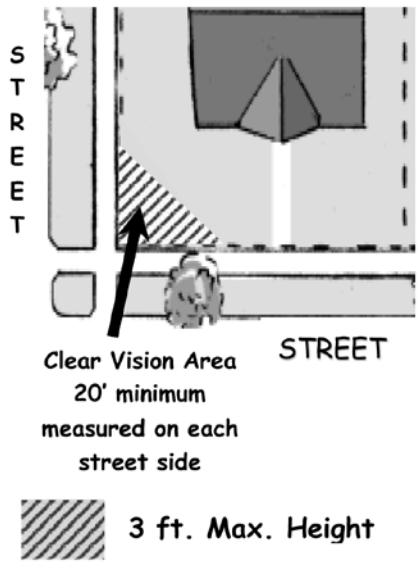
(2) When erecting a new fence next to an existing fence, the maintenance of the area between the fences shall be the responsibility of the person erecting the new fence. Fence panels shall be raised sufficiently above grade to allow for maintenance of the area between the fences.

(3) The decorative side of the fence (the one that reveals to the least extent the support members of the fence) shall be located so that it is facing toward the adjacent properties and toward the street on a corner lot.

(4) Fences located within a rear or side yard shall not exceed six feet in height measured from the surface of the ground, unless as part of an approved site plan, in which case the Planning Commission may approve fences up to ten feet in height.

(5) Fences located within a front yard setback shall not exceed three feet in height measured from the surface of the ground and shall not be located within one foot of the public right of way or sidewalk and shall not prevent clear vision of an intersection or a driveway.

(6) For corner lots, fences located within a side yard abutting a side street shall not exceed six feet in height measured from the surface of the ground. All fences in the side yard on a side street shall be located at least one foot from the public right of way or sidewalk and shall not prevent clear vision of an intersection or a driveway. Clear vision at an intersection means that no fence higher than three feet measured from the surface of the ground shall be placed within 20 feet of an intersection as illustrated below.



(7) -No fence may be located in the public right-of-way, including but not limited to the area between the sidewalk and the street.

(8) For purposes of this subsection, for a corner lot the widest lot dimension along a street line shall be deemed to be a side yard on a side street.

(F) *Additional fence requirements.*

(1) *Barrier fences.* Fences containing barbed wire, electric charges or sharp materials at the top of the fence are prohibited unless needed to protect the public safety and approved by the Planning Commission.

(2) *Temporary construction fences.* Temporary construction fences and fences for protection around excavations shall comply with all requirements of the State Construction Code. The fences shall not be in place for a period of more than one year without special approval from the Zoning Administrator.

(3) *Hedges.* A hedge used as a fence or screen shall be considered a fence for the purposes of this chapter.

(4) *Masonry walls.* A masonry wall used as a fence or screen shall be considered a fence for the purposes of this chapter. Masonry walls shall be constructed to facilitate maintenance. Drainage patterns shall not be modified so as to endanger adjacent property. The outer face of the wall (those facing adjacent property owners or streets) shall be made of clay, brick, stone, split face or cut concrete block, or other similar decorative material.

(5) *Privacy screening.* See § [154.142](#).

(6) *Waterfront.* Fences located within 25 feet of the shore of any lake, river or stream shall not be greater than four feet in height and shall be wrought iron, open

mesh, chain link, lattice, slatted or similar type fencing provided that a minimum ratio of six parts open space to one part solid material is maintained.

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

ORDINANCE NO. _____ -__

**AN ORDINANCE TO AMEND TITLE XV, CHAPTER 154, SECTION 154.143 OF
THE CODE OF THE CITY OF SAUGATUCK**

The City of Saugatuck Ordains:

Section 1. Amendment of Section 154.143. That Section 154.143, Chapter 154, Title XV, of the Code of the City of Saugatuck, entitled "SIGNS, SCREENING AND FENCES; FENCING," is amended to read as follows:

§ 154.143 FENCING.

(A) *Intent.* The purpose of this section is to promote the public health, safety and welfare by regulating the manner and location of fence installations in the city while preserving the appearance, character and value of the community and its residential neighborhoods and commercial areas.

(B) *Permit required.* The erection, construction or substantial rebuilding of any fence shall require a fence permit. Substantial rebuilding is reconstruction of more than 50% of the structure, a change in height of the structure or a change from existing material. Painting, cleaning, replacement of like materials or other actions commonly considered as general maintenance shall not be defined as "substantial rebuilding".

(C) *Permit process.* Any person desiring to construct, or cause to be constructed, any fence or screen for which a permit is required as defined in this chapter, shall apply to the Zoning Administrator for a permit. A site plan of the proposed fence or screen shall be submitted with the application and shall:

- (1) Be drawn to scale with the scale noted, and the direction North noted;
- (2) Include the name, address and phone number of the person who prepared the drawing;
- (3) Show the locations and proper dimensions of lot lines and street right of way lines. A legal survey may be requested at the discretion of the Zoning Administrator;
- (4) Show the location of the proposed fence or screen in relation to the property lines;
- (5) Show the height the fence throughout; and
- (6) The Zoning Administrator shall review the application with respect to compliance with the requirements of this chapter. If all requirements have been met, a permit will be issued.

(D) *General requirements.*

(1) *Materials.* Fences and screens shall be constructed of steel, iron, wood, masonry or other durable materials. Masonry piers may be substituted for wood posts.

(2) *Construction.* Fences and screens shall be constructed and maintained plumb and true with adequate support and in a safe and sightly manner. Posts or piers shall be spaced not more than eight feet on center.

(3) *Maintenance and repair.* The owner of any fence or screen shall remove or repair a fence that is dangerous, dilapidated or otherwise in violation of this code. Fences and screens shall be maintained to retain their original appearance, shape and configuration. Elements of the fence or screen that are missing, damaged, destroyed or repaired shall be replaced and/or repaired to maintain conformity with the original fence.

(4) *Fire/public hazard.* No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which interferes with access by the Fire Department, or which will constitute a hazard to street traffic or pedestrians.

(E) *Fence location and height regulations.*

(1) There shall be a maximum of one fence permitted along a property line for each property owner. No portion of a fence shall project beyond the owner's property line.

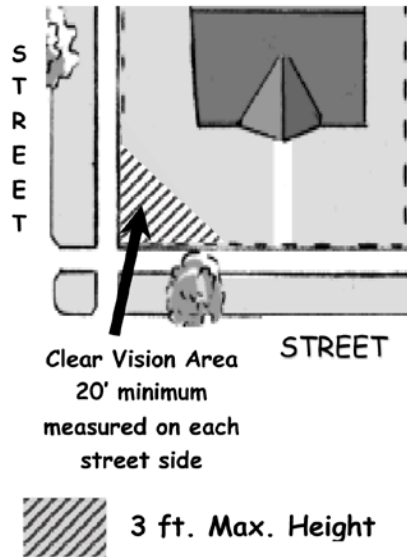
(2) When erecting a new fence next to an existing fence, the maintenance of the area between the fences shall be the responsibility of the person erecting the new fence. Fence panels shall be raised sufficiently above grade to allow for maintenance of the area between the fences.

(3) The decorative side of the fence (the one that reveals to the least extent the support members of the fence) shall be located so that it is facing toward the adjacent properties and toward the street on a corner lot.

(4) Fences located within a rear or side yard shall not exceed six feet in height measured from the surface of the ground, unless as part of an approved site plan, in which case the Planning Commission may approve fences up to ten feet in height.

(5) Fences located within a front yard setback shall not exceed three feet in height measured from the surface of the ground and shall not be located within one foot of the public right of way or sidewalk and shall not prevent clear vision of an intersection or a driveway.

(6) For corner lots, fences located within a side yard abutting a side street shall not exceed six feet in height measured from the surface of the ground. All fences in the side yard on a side street shall be located at least one foot from the public right of way or sidewalk and shall not prevent clear vision of an intersection or a driveway. Clear vision at an intersection means that no fence higher than three feet measured from the surface of the ground shall be placed within 20 feet of an intersection as illustrated below.



(7) No fence may be located in the public right-of-way, including but not limited to the area between the sidewalk and the street.

(8) For purposes of this subsection, for a corner lot the widest lot dimension along a street line shall be deemed to be a side yard on a side street.

(F) *Additional fence requirements.*

(1) *Barrier fences.* Fences containing barbed wire, electric charges or sharp materials at the top of the fence are prohibited unless needed to protect the public safety and approved by the Planning Commission.

(2) *Temporary construction fences.* Temporary construction fences and fences for protection around excavations shall comply with all requirements of the State Construction Code. The fences shall not be in place for a period of more than one year without special approval from the Zoning Administrator.

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(5) *Privacy screening.* See § [154.142](#).

(6) *Waterfront.* Fences located within 25 feet of the shore of any lake, river or stream shall not be greater than four feet in height and shall be wrought iron, open mesh, chain link, lattice, slatted or similar type fencing provided that a minimum ratio of six parts open space to one part solid material is maintained.

Section 2. Effective Date. This Ordinance shall become effective seven (7) days after its publication unless otherwise provided by law.

YEAS: _____

NAYS: _____

ABSENT: _____

ORDINANCE NO. _____ ADOPTED

I, Erin Wilkinson, the Clerk of the City of Saugatuck, certify that the foregoing is a true and accurate copy of an ordinance adopted at a regular meeting of the City Council of the City of Saugatuck, held on _____, 2020, and noticed in accordance with all legal requirements.

Erin Wilkinson, Clerk

Introduced: _____

Adopted: _____

Published: _____

ITEM #5D



FROM: Cindy Osman Planning and Zoning

MEETING DATE: **Introduction:** October 26, 2020
Discussion: November 5, 2020
Action Date: November 9, 2020

SUBJECT: Introduction of Ordinance amendment to Section 154.174(C)
regarding lifting a non-conforming structure out of the flood plain

DESCRIPTION

Recent high water events have created some problems for existing structures that are in the areas of special flood hazard (commonly known as flood plain). Section R322 of the Michigan residential code requires that all new and substantially improved structures be elevated out of the established flood plain. Substantially improved means that the cost of the improvements is 50% or more than the assessed value of the structure. Repairs to flood damaged structures can easily exceed this amount.

The intent of this amendment to give structures threatened by flooding the same non-conforming rights as structures damaged or destroyed by fire or wind or other calamities, to rebuild on the same footprint.

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

ORDINANCE NO. _____ -__

**AN ORDINANCE TO AMEND TITLE XV, CHAPTER 154, SECTION 154.174(C)
OF THE CODE OF THE CITY OF SAUGATUCK**

The City of Saugatuck Ordains:

Section 1. Amendment of Subsection 154.174(C). That Subsection 154.174(C), Chapter 154, Title XV, of the Code of the City of Saugatuck, entitled “NONCONFORMING USES, LOTS AND STRUCTURES; NONCONFORMING STRUCTURES,” is amended to read as follows:

§ 154.174(C)

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

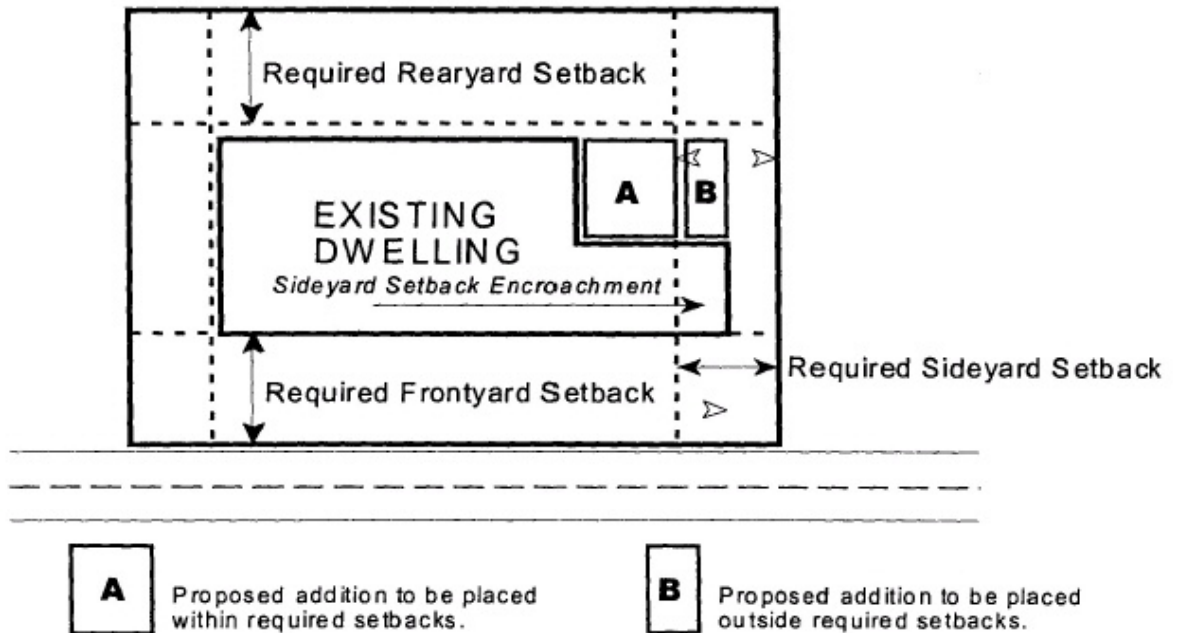
(1) *Enlargement or alteration*.

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

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

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

Example: Nonconforming Residential Structure



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

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

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

Example: Structural Alteration on a Nonconforming Lot

The zone district requires a minimum lot width of 80 feet. The undersized lot of 50 feet is a legal nonconforming parcel. The lot may be used to accommodate a permitted building provided all setbacks are complied with. In the following example, the undersized lot meets all building setbacks. The applicant wishes to increase the height of the structure. He or she may do

the Base Flood Elevation (BFE) as designated in the FIRM. In addition, a structure that is threatened by flood shall not be raised more than three feet above the BFE.

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

Section 3. Effective Date. This Ordinance shall become effective seven (7) days after its publication unless otherwise provided by law.

YEAS: _____

NAYS: _____

ABSENT: _____

ORDINANCE NO. _____ ADOPTED

I, Erin Wilkinson, the Clerk of the City of Saugatuck, certify that the foregoing is a true and accurate copy of an ordinance adopted at a regular meeting of the City Council of the City of Saugatuck, held on _____, 2020, and noticed in accordance with all legal requirements.

Erin Wilkinson, Clerk

Introduced: _____

Adopted: _____

Published: _____

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

ORDINANCE NO. _____ -__

**AN ORDINANCE TO AMEND TITLE XV, SECTIONS 154.174(C) OF THE
CODE OF THE CITY OF SAUGATUCK**

The City of Saugatuck Ordains:

Section 1. Amendment of Subsection 154.174(C). That Subsection 154.174(C), Chapter 154, Title XV, of the Code of the City of Saugatuck, entitled “NONCONFORMING USES, LOTS AND STRUCTURES; NONCONFORMING STRUCTURES,” is amended to read as follows:

§ 154.174(C)

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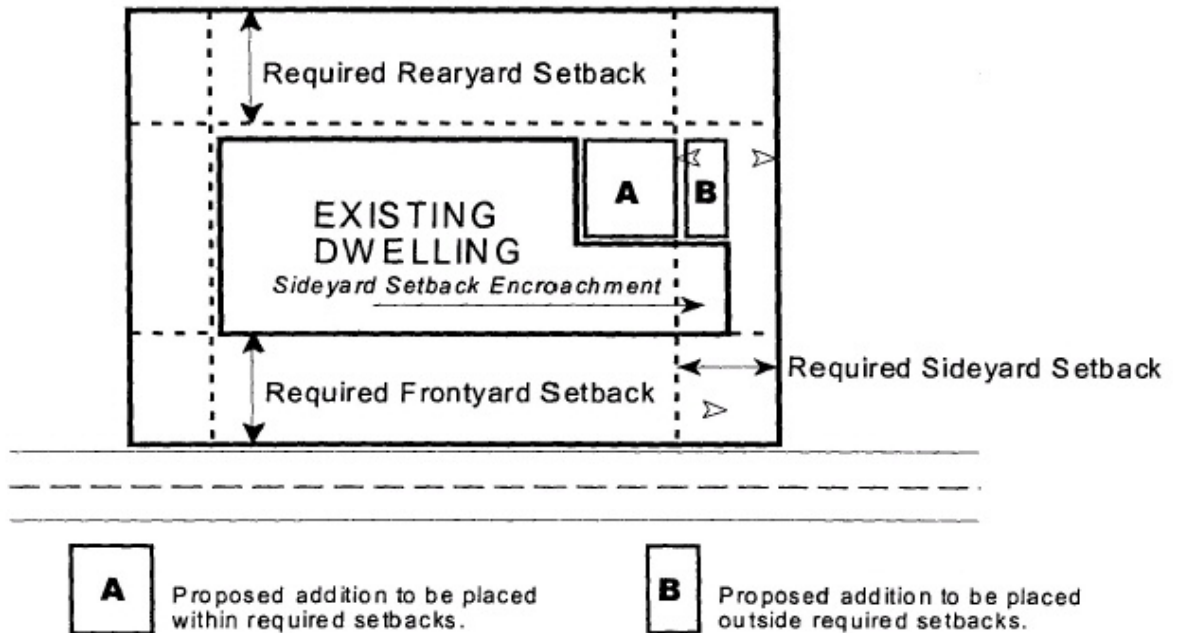
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(b) Pursuant to the above, the Zoning Administrator may require the applicant to provide boundary and/or topographic surveys of the existing nonconforming structure and associated site. These surveys shall be sealed by a registered land surveyor registered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

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Example: Nonconforming Residential Structure



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

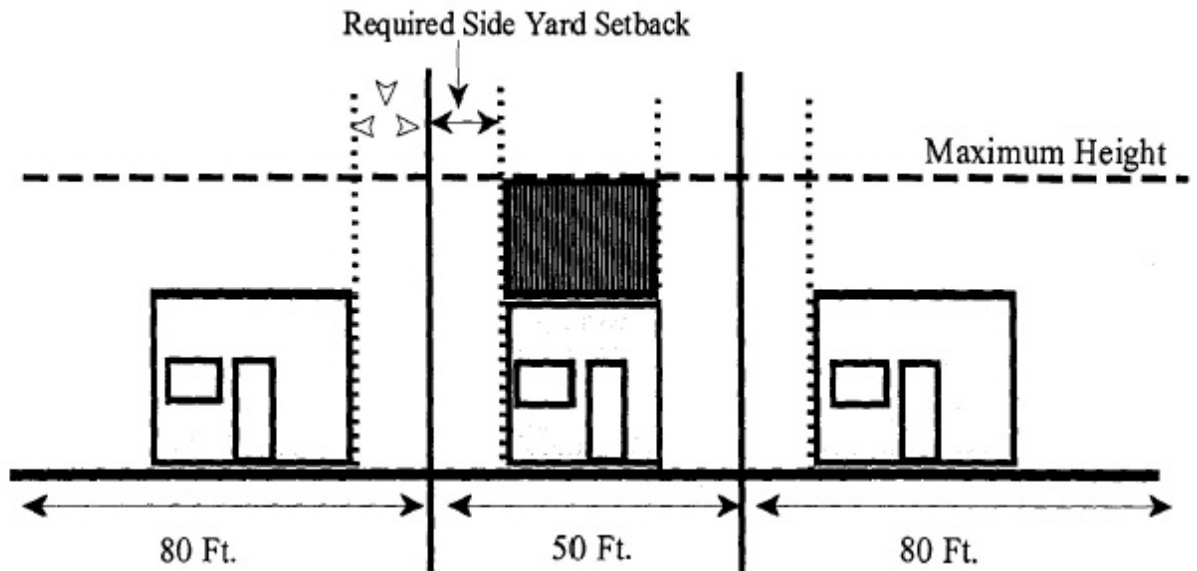
(2) *Non-use (dimensional) variance.* Such variances may be authorized by the Zoning Board of Appeals for enlargement or alterations of nonconforming structures that increase any nonconformity(ies) under the provisions of §§ [154.150](#) through [154.157](#).

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

Example: Structural Alteration on a Nonconforming Lot

The zone district requires a minimum lot width of 80 feet. The undersized lot of 50 feet is a legal nonconforming parcel. The lot may be used to accommodate a permitted building provided all setbacks are complied with. In the following example, the undersized lot meets all building setbacks. The applicant wishes to increase the height of the structure. He or she may do

so provided the upper story remains within all setbacks and height limits. A variance is not required.



(4) *Damage and reconstruction.*

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

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

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

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

Section 2. Effective Date. This Ordinance shall become effective seven (7) days after its publication unless otherwise provided by law.

YEAS: _____

NAYS: _____

ABSENT: _____

ORDINANCE NO. _____ ADOPTED

I, Erin Wilkinson, the Clerk of the City of Saugatuck, certify that the foregoing is a true and accurate copy of an ordinance adopted at a regular meeting of the City Council of the City of Saugatuck, held on _____, 2020, and noticed in accordance with all legal requirements.

Erin Wilkinson, Clerk

Introduced: _____

Adopted: _____

Published: _____

ITEM #5E



FROM: Cindy Osman Planning and Zoning

MEETING DATE: **Introduction:** October 26, 2020
Discussion: November 5, 2020
Action Date: November 9, 2020

SUBJECT: Introduction of Ordinance to amend Sections 154.005, 154.024, 154.039, 154.040, and 154.041 to update uses in the commercial zone districts

DESCRIPTION: To update and modernize the permitted uses in the commercial zone district – the definition of motion picture establishments was updated to include live performances, restaurants require special land use approval across all districts, and some other minor changes as shown in the attached chart.

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

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND TITLE XV, CHAPTER 154, SECTIONS 154.005, 154.024,
154.039, 154.040, AND 154.041 OF THE CODE OF THE CITY OF SAUGATUCK**

The City of Saugatuck Ordains:

Section 1. Amendment of Section 154.005. That Section 154.005, Chapter 154, Title XV, of the Code of the City of Saugatuck, entitled "Land Usage; Zoning Code; Definitions" is amended with respect to the following:

Delete **MOTION PICTURE FACILITY**

Section 2. Amendment of Section 154.024. That Section 154.024, Chapter 154, Title XV, of the Code of the City of Saugatuck, entitled "Land Usage; Zoning Code; C-1 City Center Commercial District (CC)" is amended to read as follows:

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

(A) *Generally.*

(1) This district is designed to promote and preserve the Central Business District character of the city.

(2) The district permits intense retail and commercial uses.

(3) Residential uses and business and professional offices are encouraged on the second and third floors of buildings in the district.

(4) Utilization of existing undeveloped land in the district is encouraged when done in a manner consistent with the character of the district.

(B) *Permitted uses:*

(1) Essential public services;

(2) Retail stores;

~~(3) Domestic and business repairs;~~

~~(43)~~ Personal service establishment;

~~(45)~~ Art gallery;

~~(56)~~ Single-family, two-family, multiple-family dwelling units on second or third floors;

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- (67) Home occupations;
- (78) Short-term rental unit on second or third floors; and,
- (89) Business, Professional Offices on second and third floors only.

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

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

(D) *Dimension and area regulations.*

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

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

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

Front setback	0 feet
Side setback	0 feet*

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

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

Section 3. Amendment of Section 154.039. That Section 154.039, Chapter 154, Title XV, of the Code of the City of Saugatuck, entitled “Land Usage; Zoning Code; C-2 Water Street East District (WSE)” is amended to read as follows:

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;~~
- (34) Personal service establishment;
- (45) Art gallery;
- (56) Dwelling, single-family detached;
- (67) Second ~~and~~ and third-floor apartments; ~~and~~
- (78) Short-term rental unit on second and third floors; ~~and~~ and;
- (8) 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; ~~and~~
- (8) Domestic business repairs;
- (108) Business, Professional Offices; and,-
- (11) 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.

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. ~~Motion picture facilities~~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)

Section 4. Amendment of Section 154.040. That Section 154.040, Chapter 154, Title XV, of the Code of the City of Saugatuck, entitled "Land Usage; Zoning Code; C-1 Water Street North District (WSN)" is amended to read as follows:

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

(A) *Generally.* Water Street North District is designed to promote high intensity commercial uses that ~~compliment~~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.

(B) *Permitted uses:*

- (1) Dwelling, single-family detached;
- (2) Dwelling unit, two-family;
- (3) Essential public services;
- (4) Retail stores;

~~(5) Domestic business repairs;~~

- ~~(56)~~ Personal service establishments;
- ~~(67)~~ Art gallery;
- ~~(78)~~ Marinas/commercial boats;
- ~~(89)~~ Second- and third-floor apartments;
- ~~(940)~~ Charter fishing/tours;
- ~~(104)~~ Home occupations; and
- ~~(112)~~ 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;
- (4) Restaurants;

(5) Home businesses;

(6) Domestic business repairs;

~~(7)~~ Recreational transportation rental facilities; and

~~(8)~~ Parking facilities.

(D) *Dimension and area regulations:*

(1) Permitted non-residential uses and special uses: 4. Restaurants and 6. Recreational transportation rental facilities.

Front setback	0 feet
Side setbacks	0 feet*
Rear setback	0 feet*
Minimum lot	4,560 square feet
Minimum lot width	66 feet
Maximum lot coverage	100%*
* Subject to Fire Code Regulations	

(2) Single-family dwellings, two-family dwellings, and special use: 5. Home businesses.

Front setback	15 feet
Side setbacks	5 feet
Rear setback	10 feet
Minimum lot area	6,600 square feet
Minimum lot width	66 feet
Maximum lot coverage	50%

(3) Special uses: 1. Bed and breakfast, 2. Hotel/inn, and 3. Motel/motor court.

Front setback	0 feet
Side setback	0 feet*
Rear setback	0 feet*
Minimum lot area	8,712 square feet
Minimum lot width	66 feet

Maximum lot coverage	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)

Section 5. Amendment of Section 154.041. That Section 154.041, Chapter 154, Title XV, of the Code of the City of Saugatuck, entitled “Land Usage; Zoning Code; C-2 Water Street South District (WSS)” is amended to read as follows:

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) Domestic and business repairs;~~
- (5) Personal service establishments;
- (6) Art gallery;
- ~~(7) Restaurants;~~
- ~~(78)~~ Parks;
- ~~(89)~~ Dwelling, single-family detached;
- ~~(940)~~ Second- and third-floor apartments;
- ~~(1044)~~ Home occupations; and
- ~~(112)~~ 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;
- (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

- (109) Parking facilities; and
- (110) 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.

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, 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%
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(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)

Section 6. Effective Date. This Ordinance shall become effective seven (7) days after its publication unless otherwise provided by law.

YEAS:

NAYS:

ABSENT:

ORDINANCE NO. _____ ADOPTED

I, Erin Wilkinson, certify that the foregoing is a true and accurate copy of an ordinance adopted at a regular meeting of the City Council of the City of Saugatuck, held on ~~June 22~~ October 26, , 2020, and noticed in accordance with all legal requirements.

Erin Wilkinson, Saugatuck City Clerk

Introduced:

Adopted:

Published:

Current Uses

	CC CI	East C2WSE	North C1WSN	South C2WSS
Essential public services	right	right	right	right
Retail Stores	right	right	right	right
Domestic and Business repairs	right	right	right	right
Personal service establishment	right	right	right	right
Art Gallery	right	right	right	right
Single-family 2 family multiple family dwelling units on 2nd or 3rd floors	right	right	right	right
Home occupations	right	NP	right	right
Short term rentals on 2nd or 3rd floors	right	right	right	right
B&B	SLU	SLU	SLU	right
Hotel/inn	SLU	SLU	SLU	SLU
Motel/motor court	SLU	SLU	SLU	SLU
Parking facility	SLU	SLU	SLU	SLU
Motion picture facility	SLU	SLU	NP	SLU
Restaurants	SLU	right	SLU	right
Rental of ADUs	SLU	NP	NP	NP
Recreational transportation rental facility	SLU	SLU	SLU	SLU
Brewery, distillery, winery	SLU	NP	NP	NP
Business and professional office	2nd 3rd fl	SLU	NP	NP
Clubs and fraternal Organizations	NP	NP	NP	SLU
Community Center	NP	NP	NP	SLU
Amusement arcade	NP	NP	NP	NP
Marinas/commercial boats	NP	NP	right	SLU
single family dwelling detached	NP	right	right	right
Amusement and recreation services	NP	SLU	NP	SLU
Charter Fishing tours	NP	NP	right	NP
Parks	NP	NP	NP	right

Potential Uses

	CC CI	East C2WSE	North C1WSN	South C2WSS
Essential public services	right	right	right	right
Retail Stores	right	right	right	right
Domestic and Business repairs	NP	SLU	SLU	NP
Personal service establishment	right	right	right	right
Art Gallery	right	right	right	right
Single-family 2 family multiple family dwelling units on 2nd or 3rd floors	right	right	right	right
Home occupations	right	right	right	right
Short term rentals on 2nd or 3rd floors	right	right	right	right
B&B	SLU	SLU	SLU	right
Hotel/inn	SLU	SLU	SLU	SLU
Motel/motor court	SLU	SLU	SLU	SLU
Parking facility	SLU	SLU	SLU	SLU
Theater	SLU	SLU	NP	SLU
Restaurants	SLU	SLU	SLU	SLU
Rental of ADUs	SLU	NP	NP	NP
Recreational transportation rental facility	SLU	SLU	SLU	SLU
Brewery, distillery, winery	SLU	NP	NP	NP
Business and professional office	2nd 3rd fl	SLU	NP	NP
Clubs and fraternal Organizations	NP	NP	NP	SLU
Community Center	NP	NP	NP	SLU
Amusement arcade	SLU	SLU	SLU	NP
Marinas/commercial boats	NP	NP	right	SLU
single family dwelling detached	NP	right	right	right
Amusement and recreation services	NP	SLU	NP	SLU
Charter Fishing tours	NP	NP	right	NP
Parks	NP	NP	NP	right

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

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND TITLE XV, CHAPTER 154, SECTIONS 154.005, 154.024,
154.039, 154.040, AND 154.041 OF THE CODE OF THE CITY OF SAUGATUCK**

The City of Saugatuck Ordains:

Section 1. Amendment of Section 154.005. That Section 154.005, Chapter 154, Title XV, of the Code of the City of Saugatuck, entitled “Land Usage; Zoning Code; Definitions” is amended with respect to the following:

Delete **MOTION PICTURE FACILITY**

Section 2. Amendment of Section 154.024. That Section 154.024, Chapter 154, Title XV, of the Code of the City of Saugatuck, entitled “Land Usage; Zoning Code; C-1 City Center Commercial District (CC)” is amended to read as follows:

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

(A) *Generally.*

(1) This district is designed to promote and preserve the Central Business District character of the city.

(2) The district permits intense retail and commercial uses.

(3) Residential uses and business and professional offices are encouraged on the second and third floors of buildings in the district.

(4) Utilization of existing undeveloped land in the district is encouraged when done in a manner consistent with the character of the district.

(B) *Permitted uses:*

(1) Essential public services;

(2) Retail stores;

(3) Personal service establishment;

(4) Art gallery;

(5) Single-family, two-family, multiple-family dwelling units on second or third floors;

(6) Home occupations;

- (7) Short-term rental unit on second or third floors; and,
- (8) Business, Professional Offices on second and third floors only.

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

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

(D) *Dimension and area regulations.*

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

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

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

Front setback	0 feet
Side setback	0 feet*
Rear setback	0 feet*
Minimum lot area	8,712 square feet

Minimum lot width	66 feet
Maximum lot coverage	100%*
* Subject to Fire Code Regulations	

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

Section 3. Amendment of Section 154.039. That Section 154.039, Chapter 154, Title XV, of the Code of the City of Saugatuck, entitled “Land Usage; Zoning Code; C-2 Water Street East District (WSE)” is amended to read as follows:

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;
- (3) Personal service establishment;
- (4) Art gallery;
- (5) Dwelling, single-family detached;
- (6) Second- and third-floor apartments;
- (7) Short-term rental unit on second and third floors; and,
- (8) 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.

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)

Section 4. Amendment of Section 154.040. That Section 154.040, Chapter 154, Title XV, of the Code of the City of Saugatuck, entitled “Land Usage; Zoning Code; C-1 Water Street North District (WSN)” is amended to read as follows:

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.

(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;
- (4) Restaurants;
- (5) Home businesses;
- (6) Domestic business repairs;
- (7) Recreational transportation rental facilities; and
- (8) Parking facilities.

(D) *Dimension and area regulations:*

(1) Permitted non-residential uses and special uses: 4. Restaurants and 6. Recreational transportation rental facilities.

Front setback	0 feet
Side setbacks	0 feet*
Rear setback	0 feet*
Minimum lot	4,560 square feet
Minimum lot width	66 feet
Maximum lot coverage	100% *
* Subject to Fire Code Regulations	

(2) Single-family dwellings, two-family dwellings, and special use: 5. Home businesses.

Front setback	15 feet
Side setbacks	5 feet
Rear setback	10 feet
Minimum lot area	6,600 square feet
Minimum lot width	66 feet
Maximum lot coverage	50%

(3) Special uses: 1. Bed and breakfast, 2. Hotel/inn, and 3. Motel/motor court.

Front setback	0 feet
Side setback	0 feet*
Rear setback	0 feet*
Minimum lot area	8,712 square feet
Minimum lot width	66 feet
Maximum lot coverage	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)

Section 5. Amendment of Section 154.041. That Section 154.041, Chapter 154, Title XV, of the Code of the City of Saugatuck, entitled “Land Usage; Zoning Code; C-2 Water Street South District (WSS)” is amended to read as follows:

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;

- (5) Personal service establishments;
- (6) Art gallery;
- (7) Parks;
- (8) Dwelling, single-family detached;
- (9) Second- and third-floor apartments;
- (10) Home occupations; and
- (11) 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;
- (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.

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, 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)

Section 6. Effective Date. This Ordinance shall become effective seven (7) days after its publication unless otherwise provided by law.

YEAS:

NAYS:

ABSENT:

ORDINANCE NO. _____ ADOPTED

I, Cindy Osman, certify that the foregoing is a true and accurate copy of an ordinance adopted at a regular meeting of the City Council of the City of Saugatuck, held on October 26, 2020, and noticed in accordance with all legal requirements.

Erin Wilkinson, Saugatuck City Clerk

Introduced:

Adopted:

Published:



ITEM 5F

FROM: Cindy Osman, Planning and Zoning

MEETING DATE: November 9, 2020

SUBJECT: Correction of legal description for Lisa DeSoto – 870 Park Street

DESCRIPTION: In 1931 legal descriptions were created for two homes (cottages) that are in the middle of what is now the water tower/Mount Baldhead Park. Both properties are using a single easement.

When investigating the potential to get public water services to these homes, it was discovered that one of the houses is not on the property described in its legal description. Ms. DeSoto owns a piece of dirt that her house is not on, and the City owns the piece of dirt where her house is located. **This request for a land swap is to correct an error made almost 90 years ago.** Ms. DeSoto will also get her name on the easement that her family has been using for almost 90 years, the same easement assigned to the neighbor at 876 Park Street. Although the legal descriptions were not correct, the taxes have been assessed and paid, as if they were correct.

The only change is to the legal descriptions, the two houses will be used as they always have been used. The size of the properties to be swapped are identical, there are no proposed additions to the cottage, and the taxes will not be changed.

ITEM #5G



City Council Workshop Discussion Item Report

TO: Saugatuck City Council

FROM: Karen Doyle Homan

MEETING DATE: November 05, 2020

SUBJECT: Meeting with Jim Sellman

Please see the attached meeting notes from the meeting with Jim Sellman on October 27, 2020 regarding the location and design of the bandshell.



ITEM #5H



City Council Workshop Discussion Item Report

TO: Saugatuck City Council
FROM: Karen Doyle Homan
MEETING DATE: November 5, 2020
SUBJECT: Election Report

Staff will update City Council on Election Day Process