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

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

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

3. **Approval of Minutes:** *(Voice Vote)*
   - **A.** Regular Meeting Minutes – December 21, 2023

4. **Guest Speaker:**
   - **a.** Short-Term Rental Experience of Other Communities - City of Charlevoix Zoning Administrator and Enforcement Officer, Jonathan Scheel, and East Bay Charter Township Community Development Fellow, Sam LaSusa. *(Pg. 7)*

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

6. **Old Business:**

7. **New Business:**
   - **A.** 650 Water Street – Public Hearing and Site Plan Review for a proposed restaurant with expanded outdoor dining area and service of alcoholic beverages. *(Pg. 8)*
   - **B.** Short Term Rentals – Review Draft Zoning, Noise and Police-Powers Ordinance Language *(Pg. 45)*
   - **C.** Short Term Rentals – Discussion of Residential Caps and Parking *(Pg. 74)*
   - **D.** 2023 Activity Report *(Pg. 76)*

8. **Communication:**

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:
rcummins@saugatuckcity.com

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

   A. Zoning Administrator Activity Report *(Pg. 79)*

10. **Public Comment:** (Limit 3 minutes)

11. **Commissioner Comments:**

12. **Adjourn** (Voice Vote)

***Public Hearing Procedure**

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

Planning Commission Meeting Minutes ***- Proposed***

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

1. Call to Order/Attendance:

The meeting was called to order by Chair Manns at 7:01 p.m.
Present: Chairman Manns, Commission members: Anderson, Bagierek, Clark, Gaunt, LaChey.
Absent: Commission Member Broeker.
Others Present: Director of Planning, Zoning, and Project Management Ryan Cummins, Deputy Clerk Sara Williams, City Attorney Jacob Witte

2. Approval of Agenda:

Motion by LaChey, second by Bagierek, to approve the agenda as presented for December 21, 2023. Upon voice vote, motion carried 6-0.

3. Approval of Minutes:

Motion by Gaunt, second by Anderson, to approve the minutes as amended for the regular meeting October 19, 2023. Ryan Cummins was removed from being present in the meeting. Corrected spelling error for Holly Engle's name. Upon voice vote, motion carried 6-0.

4. Public Comment on Agenda Items:

- Gary Kemp (1022 Holland): has concerns regarding the police powers terminology and not grandfathering anything based on zoning ordinances.

5. Old Business:

A. Text Amendment – An ordinance to amend Title XV, Chapter 154, of the Code of the City of Saugatuck, to create the C-2 Downtown Waterfront Preservation Zoning District, amend various sections of the ordinance to reflect the implementation recommendations of the City of Saugatuck Waterfront Development Project, and to amend the official Zoning Map to rezone certain lands currently zoned C-2 Water Street South and C-1 Water Street North to the new C-2 Waterfront Preservation District.

The Planning Commission discussed the text amendment, Waterfront Project report and proposed changes, including the following:

1. Change “First-floor apartments not facing Water Street, Culver Street, and Griffith Street” to “First-floor apartments not facing Water Street.”

2. Classify the following uses as permitted uses:

    a. Short-term rental of allowable apartments

    b. Home occupations

    c. Change to any of the following uses when the following is not proposed or required: new buildings or structures, expansion to buildings and structures, new or expanded site development (such as parking, grading, outdoor storage, etc.).

        i. Art galleries

        ii. Business, professional offices

        iii. Upper floor apartments

        iv. Personal service establishments

        v. Retail stores

3. Classify the following uses as special land uses:

    a. Change to any of the following uses when the following is proposed or required: new buildings or structures, expansion to buildings and structures, new or expanded site development (such as parking, grading, outdoor storage, etc.).

        i. Art galleries

        ii. Business, professional offices

        iii. Upper floor apartments

        iv. Personal service establishments

        v. Retail stores

4. Classify short-term rentals in the C-4 Resort district as “permitted” instead of “special”.

5. Change lot coverage in Downtown Waterfront Preservation District South from 45% up to 50%.

Motion by Bagierek, second by LaChey, to recommend to City Council that they approve the zoning ordinance and zoning map with the five total amendments, the four that are listed plus the 50% zone lot coverage modification. The ordinance can be enacted upon as present or with the conditions listed. Upon roll call vote, motion carried 6-0 to approve to send the recommendation to City Council.

6. <u>New Business:</u>

A. Discussion of STR Task Force Recommendations:

The Planning Commission discussed the recommendations. For items there is agreement on, staff will draft zoning and police-power ordinance changes for the Planning Commission review in January.

There was consensus to update the noise ordinance, switch to annual inspections and licensing, set occupancy at two per bedroom and two per floor with a maximum of 12 per dwelling, reduce the local agent/contact distance to 25 miles, require a public registry, assessing fines and a revocation process for violators, requiring two trash cans and recycling bins if

occupancy is six or more, requiring license numbers be listed in online advertising, and developing a good neighbor guide.

The Planning Commission asked for clarification on the Fire Department's insurance recommendation.

The Planning Commission discussed residential caps and parking. There is not consensus on these items, but there is a desire from the majority of commissioners for further review and continued discussions. Some Planning Commissioners asked for future guest speakers to hear about other community experiences.

7. **Communications:**

A. Email from Gerald Stoppel regarding the mural at 431 Butler Street.

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

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

9. **Public Comments:**

- Gary Kemp (1022 Holland St): Concerns regarding STR's, cap issues and the March deadline.
- Ethan Barde (584 Lake Street): Concerns regarding rules and regulations with STR's and the vacation rental industry.

10. **Commission Comments:**

- Holly Anderson: She addressed Mr. Kemp in the audience. She said that on the survey, when you look at people who lived in the residential neighborhoods, actually there was support for caps, you have to scroll down a click or two and the data will be there. She told him she was happy to talk to him offline if he needed any more info.
- Steve Manns: He wanted to assure anyone who is listening in the room or online that as a Planning Commission, they are all committed to making certain that they try to look at this in a way, especially on the caps and any parking, of the impact and understanding the rationale behind it. That is why they will require additional time. No one is making decisions just based upon on where they are right now, because it was inconclusive. They have been asked if they wanted to continue the discussion, and the majority has said that they would like a continuation to look to see if there is additional data that they may be able to learn.

11. **Adjournment:**

Motion by Gaunt, second by LaChey, to approve adjournment of the meeting. Upon voice vote, motion carried unanimously. Chair Manns adjourned at 9:50 pm.

Respectfully Submitted,

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Sara Williams, City Deputy Clerk & DPW Administrative Assistant

Planning Commission Agenda Item Report

FROM: Ryan Cummins, Director of Planning and Zoning

MEETING DATE: January 18, 2024

SUBJECT: Guest Speakers – STR Experiences of Other Communities

DESCRIPTION:

The City's STR Task Force met for several months and finalized its report at the end of September. After discussion on caps, the Task Force stated in its report that "further review and analysis of instituting a cap on the number of rentals may be required. However, for the purpose of the Short-Term Rental Task Force, a consensus from the members was given that no definitive direction on caps was achieved."

During the December 21 Planning Commission meeting, a request was made to invite guest speakers to hear about their community's experiences with caps.

Both Charlevoix and East Bay Charter Township have implemented caps on short-term rentals. City of Charlevoix Zoning Administrator and Enforcement Officer, Jonathan Scheel, and East Bay Charter Township Community Development Fellow, Sam LaSusa, will be at your meeting via Zoom to provide a brief presentation on their implementation of caps, lessons learned, and answer a few questions.

A separate policy discussion report regarding caps and parking has been provided by consulting planner, David Jirousek.

MEMORANDUM

City of Saugatuck Planning Commission

Memo Date:	**January 12, 2024**	**Meeting Date:**	**January 18, 2024**
Request:	**Special Land Use**	**Applicant:**	**Alec & Lindsay Payleitner**
Address:	**650 Water Street**	**Project Name:**	**Payleitner Restaurant**
Parcel:	**03-57-300-029-00**	**Plan Date:**	**December 12, 2023**
Lot Size:	**0.16 acres**	**Zoning District:**	**C-1 Water Street North**
Complete:	**Yes**	**Recommendation:**	**Conditional**
Staff:	**Ryan Cummins**	**Consultant:**	**David M. Jirousek, AICP**

Overview

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

Background

The project involves changing the use of the building to a fast-casual restaurant with outdoor dining options. Ordering is proposed through a walk-up area in the building, and no full table service is proposed. Customers will be able to dine in or place orders for take-out. Tentative hours of operation will be 11 am to 8 pm, seven days a week (seasonally).

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

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

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

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

Review Process and Standards

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

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

Site Plan Standards of Approval

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

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

Comment: The building is in existence, and the site is already developed. The overall existing design is harmonious and compatible with nearby properties and land uses. The

operation is not anticipated to cause external impacts to neighboring property. The project will also be subject to Historic District Commission review.

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

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

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

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

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

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

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

Comment: This standard is not applicable. Sidewalks are present within the adjacent public right-of-way.

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

Comment: This standard is not applicable.

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

Comment: This standard is not applicable.

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

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

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

Comment: Waste containers will be screened by a four-foot fence to the left side of the building.

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

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

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

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

Special Land Use Standards of Approval

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

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

Comment: As stated earlier, the building is already in existence, and the site is already developed. The proposed outdoor dining areas are not anticipated to cause external impacts to neighboring property. The Historic District Commission must approve minor exterior improvements to ensure compatibility with the Historic District.

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

Comment: The use will add to the vibrancy of the downtown area, and the investment will add value to the property. As long as the Historic District Commission approvals are secured, this standard may be met.

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

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

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

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

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

Comment: The outdoor dining areas are not anticipated to affect neighboring property and second-floor dwellings, based on the operation's fast-casual nature and the limited operation hours (8 pm closure). It is anticipated that there will be no additional impact on public health, safety, and welfare, as well as the social and economic well-being of the community.

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

Comment: The plans are subject to fire department approval.

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

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

Comment: The conversion of the building will have a negligible impact on traffic conditions. While parking will be accommodated off-site and throughout the City, customers will primarily walk to the business. However, open parking spaces may be used for take-out customers resulting in faster parking space turnover.

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

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

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

   Comment: The use will add to the vibrancy of the downtown area, and the overall existing design is harmonious and compatible with nearby properties and land uses. As long as Historic District Commission approvals are secured, this standard may be met.

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

    Comment: The operation is not anticipated to cause objectional impacts. The type of business (fast casual) and limited hours of operation will lessen the potential effects of restaurant and alcohol service operations.

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

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

a. *Standards: Expanded Outdoor Dining Areas shall comply with the following supplemental special use standards:*
   i. *The restaurant seeking to utilize the Expanded Outdoor Dining Area shall be in full compliance with this chapter.*

      Comment: The restaurant complies with the zoning ordinance.

ii. *The Expanded Outdoor Dining Area shall not pose any safety or health concerns and shall be consistent with the general character of the surrounding area.*

Comment: The front dining area is an appropriate location. Of note, there is a drop-off at the seawall beyond the five-foot clear area to the right side of the building, where two six-person tables are proposed. The City should assess whether this is a safety concern and if a barrier is necessary to prevent falls.

iii. *The Expanded Outdoor Dining Area shall only be located in the areas of the public property or public right-of-way authorized by the City (the "Permitted Space"). The Expanded Outdoor Dining Area shall not extend past the building frontage of the Applicant's business.*

Comment: The front outdoor dining area is directly in front of the building. However, the side dining area in the Spear Street right-of-way is not directly in front of the building's primary "frontage." However, this building could be considered to have two separate frontages (Water and Spear), and each dining area does not expand beyond its respective frontage.

iv. *The Expanded Outdoor Dining Area shall be aesthetically pleasing and consistent with the general character of the surrounding area. Planters, plants, and organic materials are required parts of the Expanded Outdoor Dining Area.*

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

v. *The Expanded Outdoor Dining Area shall be adequately lit by electrical lighting 24 hours per day. Overhead and underground electrical cords are permitted. Electrical cords may not run along the ground and onto the sidewalk. All llumination shall be appropriately shielded and directed so as to not disturb adjacent uses or vehicular traffic.*

Comment: Additional lighting details must be provided.

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

Comment: Not applicable.

vii. *The Expanded Outdoor Dining Area shall be on a fully improved surface of concrete, paver brick, or other solid material. No carpeting or ground coverings of any kind are permitted.*

Comment: The dining area is proposed on an existing concrete surface.

viii. *The Expanded Outdoor Dining Area shall not interfere with required fire access or any fire department equipment. Fire lanes, fire hydrants, and other fire department connections will not be blocked by the Expanded Outdoor Dining Area.*

Comment: Fire department approval is required.

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

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

x. *The Expanded Outdoor Dining Area shall be arranged to not interfere with pedestrian travel or the opening of car doors, and the Expanded Outdoor Dining Area shall not unreasonably interfere with the flow of pedestrian or vehicular traffic or the use of adjacent parking spaces.*

Comment: The dining area will have no impact on nearby parked vehicles. While one concrete walk will include the front dining area, the primary front sidewalk will remain unaffected.

xi. *For all Expanded Outdoor Dining Areas, a five-foot wide, unobstructed space must be maintained on the sidewalk at all times to prevent pedestrian traffic obstruction.*

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

xii. *Expanded Outdoor Dining Areas occupying public streets or parking spaces shall have a barrier which clearly defines the perimeter of the area to prevent pedestrians from entering or exiting from the street. Barriers must be made of non-flexible materials, including wood, plastic or metal, but excluding concrete or cinder blocks. Flexible materials, such as rope and canvas, are not permitted.*

Comment: Not applicable.

xiii. *Expanded Outdoor Dining Areas within parallel parking spaces shall not extend more than 8 feet from the face of the curb or exceed 40 feet in length.*

Comment: Not applicable.

xiv. *Expanded Outdoor Dining Areas within angled street parking zones shall not extend more than 15 feet from the face of the curb or exceed 40 feet in length.*

Comment: Not applicable.

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

Comment: Not applicable.

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

Comment: The applicant intends to comply with all applicable permit requirements.

xvii. *No Expanded Outdoor Dining Area shall operate between November 1 and April 1 of each year. All items used in the Expanded Outdoor Dining Area shall be removed from the Permitted Space no later than November 10 of each year and may not be reinstalled until March 20 of each year.*

Comment: Ongoing requirement.

xviii. *Expanded Outdoor Dining Areas shall comply with all additional applicable local and county ordinances, applicable State laws, applicable building, electrical, and mechanical codes, COVID limitations, and City policies.*

Comment: Ongoing requirement.

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

Comment: Ongoing requirement.

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

Comment: Ongoing requirement.

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

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

b. *Application Requirements: In addition to the standards set forth in Section 154.083(B), an application for an Expanded Outdoor Dining Area shall include the*

following:

i. *A site plan.*
ii. *An executed Revocable License Agreement between the City and Applicant.*
iii. *A one-time application fee and annual fee.*
iv. *Current photos of the front of the business, including the curb strip and parking area.*
v. *Description or photos of proposed barriers, tables, or chairs to be used in the Expanded Outdoor Dining Area.*
vi. *Certificate of Insurance, demonstrating general and product liability coverage in the amount of $500,000 per person/$500,000 per incident with the City listed as a named insured.*
vii. *Certificate of umbrella insurance with policy limits of at least $1,000,000, with the City listed as a named insured.*
viii. *Michigan Liquor Control Commission License (if appliable).*
ix. *Health Department Food Service License (if applicable).*
x. *Attestation form from Applicant, indicating that the Outdoor Dining Area will be lit 24 hours per day by both electrical lighting and traffic reflectors.*
xi. *Written approval from the Fire Department for heating equipment (if applicable).*
xii. *Attestation from Applicant that all property taxes, including personal property taxes, are current.*

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

c. *Site Plan.*

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

Service of Alcoholic Beverages Standards (Section 154.092 P)

1. *Any new establishment seeking a license for the sale and consumption of beer, wine, or alcoholic beverages on-premises shall require special land use approval and site plan review in accordance with this division.*
2. *The applicant shall provide a copy of any licensing materials submitted to the Michigan Liquor Control Commission.*
3. *The applicant shall provide a site plan illustrating the proposed location where the alcohol sales would occur, as well as all other locations where on-premises sales presently exist within a one thousand-foot radius of the closest lot lines of the subject site.*
4. *The proposed establishment must promote the city's economic development goals and objectives, and must be consistent with the city's master plan and zoning ordinance.*
5. *Given the character, location, development trends and other aspects of the area in which the proposed use or change in use is requested, the applicant shall demonstrate that the use will:*

rejuvenate an underutilized property or an identifiable area within the city; provide a unique business model, service, product, or function; add to the diversity of the to the city or to an identifiable area within the city; or, that the addition of the use or proposed change in use will be otherwise a benefit or asset to the city or identifiable area.

6. *The applicant must demonstrate that the use or change in use as constructed and operated is compatible with the area in which it will be located, and will not have appreciable negative secondary effects on the area, such as:*
   a. *Vehicular and pedestrian traffic, particularly during late night or early morning hours that might disturb area residents;*
   b. *Noise, odors, or lights that emanate beyond the site's boundaries onto property in the area on which there are residential dwellings;*
   c. *Excessive numbers of persons gathering outside the establishment; or*
   d. *Peak hours of use that add to congestion or other negative effects in the neighborhood.*

Comments: The applicant is aware of local and state permitting requirements and intends to secure approval of the operation. The proposal is a small-scale operation that is consistent with the character of the downtown area. The nature of fast-casual service will reduce alcohol-related concerns, and limited hours of operation will alleviate night-time noise and crowds.

Recommendation

As mentioned earlier, there is a drop-off at the seawall beyond the five-foot clear area to the right side of the building, where two six-person tables are proposed. The City should assess whether this is a safety concern and if a barrier is necessary to prevent falls. Once that is addressed, I recommend approval of the special land use and site plan request contingent upon the following:

1. Provide light fixture specification sheets for review and administrative approval if new exterior lighting will be installed.

2. Provide signage information for administrative sign permit review and approval.

3. Secure all other applicable approvals from City departments, the fire department, and applicable outside agencies.

4. Secure Historic District Commission approval, as applicable.

5. Provide all Expanded Outdoor Dining Area checklist items in accordance with Section 154.092 (O)(2)b (license agreement, fees, certificate of insurance, MLCC license, food service license, lighting attestation, and tax payment attestation).

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

Special Land Use Application

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

LOCATION INFORMATION

Address 650 Water Street Parcel Number 03-57-300-029-00

APPLICANTS INFORMATION

Name Alec + Lindsay Payleitner Address / PO Box PO Box 841

City Saugatuck State MI Zip 49453 Phone 312.480.8161

Interest In Project Business Owners / Operators E-Mail alec@grow-food.com

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

Signature Date 12.15.2023

OWNERS INFORMATION (IF DIFFERENT FROM APPLICANTS)

Name AMK Holdings, LLC. Address / PO Box 6971 N Maple Rd

City Saline State MI Zip 48176 Phone 734-627-7099

E-Mail jack@amkproperties.com

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

Signature Date 12/14/2023

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

Name Dana White Builders Contact Name Dana White

Address / PO Box PO Box 16 City Douglas

State MI Zip 49406 Phone 616.886.7545 Fax

E-Mail danawhitebuilders@gmail.com

License Number 2102193025 Expiration Date 05.31.2026

PROPERTY INFORMATION

Depth 65.25’ Width 169.5’ Size 1 acre Zoning District Water Street North, C-1 Current Use N/A

Check all that apply:

Waterfront X Historic District X Dunes _____ Vacant _____

PROJECT DESCRIPTION (ATTACH MORE SHEETS IF NECESSARY)

TYPE OF BUSINESS: Fast Casual Restaurant

CAPACITY: 49

OPERATORS: Chef Lindsay Payleitner and Alec Payleitner,
formerly owners/operators of GROW Café + Bistro (2016-2023)

HISTORY OF THE SPACE: Previously River Market Deli, it was operating primarily as a retail establishment (including beer, wine, and liquor) for the past 7 years

INDOOR SEATING: Walk-up ordering, communal seating, no full table service

OUTDOOR SEATING: Temporary sidewalk patio set up to the north and east of the building (see site plan)

HOURS OF OPERATION (tentative): April through October, 7 days a week, 11am - 8pm

SERVICE STYLE: Guests will order/pay at a counter, and have their food and drinks prepared to-order and brought to them to enjoy at the communal seating in the 49-seat dining room, outdoor sidewalk patio, or for takeaway.

PACKAGING: All food and drink items will be in compostable disposables. All alcoholic beverages will be in Social District labeled cups.

OFFERINGS: Tex-mex inspired food, soft serve ice cream sundaes, frozen drinks

ALCOHOLIC BEVERAGES: Upon transfer of our existing liquor license, we will offer beer, wine, and cocktails for on-premise consumption and social district takeaway

INTERIOR IMPROVEMENTS (see attached ‘Floor Plan’): Replacement under flooring (concrete), over flooring (epoxy), hood system, two additional ADA restrooms, fire proof ceiling/flooring upgrade

EXTERIOR IMPROVEMENTS: There will be no changes to the footprint of the building, or, with the exception of replacement signage, any changes to the exterior appearance of the building.

Special Land Use Application

SITE PLAN REQUIREMENTS (SECTION 154.061)

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

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

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

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

☒ ☐ ☐ Location and dimensions of all access drives, including driveway dimensions, pavement markings, traffic-control signs or devices, and service drives;

☐ ☐ ☒ Exterior lighting showing area of illumination and indicating the type of fixture to be used.

☐ ☐ ☒ Elevations of proposed buildings drawn to an appropriate scale shall include:

1. Front, side and rear views;
2. Heights at street level, basement floor level, top of main floor, top of building, and if applicable, height above water level; and
3. Exterior materials and colors to be used.

☐ ☐ ☒ Location, if any, of any views from public places to public places across the property;

☐ ☐ ☒ Location, height and type of fencing; and

☒ ☐ ☐ The name and address of the person and firm who drafted the plan, the seal of the professional responsible for the accuracy of the plan (licensed in the state) and the date on which the plan was prepared.

STANDARDS FOR SPECIAL LAND USE APPROVAL (SECTION 154.082)

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

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

Immediately to the west are commercial and private boat slips, to the north is a boat launch; immediately to the south is a similarly styled retail structure. The business will continue its relationship with the slip owners—providing restroom facilities. The retail structure to the south is under the same land ownership and currently un-occupied.

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

This project will provide quick and affordable food. Being just north of the Butler shopping corridor, this destination dining will encourage guests to explore the entirety of the downtown area, Butler street all the way north to the post office, and Water Street.

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

With almost entirely new installations, our kitchen fixtures, bathroom fixtures, and plumbing structures will use modern efficiency measures.

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

There are no intended changes to the use of public services and facilities due to regular business.

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

While this project will not directly affect the public health, safety and welfare of the community, its social and economic impacts will be felt as our guests are compelled to explore the far northern and western reaches of downtown Saugatuck. Our operating hours are well within 'proper' waking hours, as to not disturb resting visitors or residents.

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

The restaurant's kitchen operations will make use of cooking and frying oil. A grease trap will safely dispose of any byproduct. A new fire suppression system in the kitchen hood will mitigate risk of grease fires in the cooking process.

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

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

With ample street frontage and a loading area/service drive to the south of the building, the Fire and Police Departments will have necessary access.

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

There are no intended changes to traffic patterns due to regular business.

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

There are no changes to the exterior of the building, or changes to the impact on the adjacent land and buildings.

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

Our aim is to be a value add not a replacement. The guests of Saugatuck often visit several dining establishments during their stay. Our goal is to simply be a diverse option for one of their meals. The fast-casual nature of our restaurant differentiates from the full-service restaurants in our immediate vicinity. Additionally, our offerings are at a price point and our service of a quickness that will provide, amongst other groups, young families with a takeaway, or fast casual dining alternative.

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

Addressing each nuisance individually: noise - we're operating within normal business hours and not encouraging lengthy stays; fumes - we're installing a new hood system; pollution - N/A; vibration - N/A; litter and refuse - we're providing proper receptacles and encouraging our guests to compost all of our disposables; lights - will be used only for safety purposes and shined only towards the building

Special Land Use Application

STANDARDS FOR SITE PLAN APPROVAL (SECTION 154.063)

Please respond to each of the following questions by explaining how the proposed development will meet the standards for site plan approval:
*Note: Not all questions will apply for all requests.

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

There will be no alterations to the exterior of the building as it relates to the topography, size, type of lot, or adjoining properties.

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

There will be no alterations to the surrounding landscape or vegetation.

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

The two upstairs dwelling units will remain as is with private stairwell entrances to the south of the building. A new 2-hour, fire-resistant, Gypsum ceiling/floor assembly will provide necessary safety and additional sound protection.

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

With ample street frontage and a loading area/service drive to the south of the building, the Fire Department will have necessary access.

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

There are no changes to the current pedestrian circulation system, which currently includes a 5-foot public walkway.

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

There are no changes to the current public ways which includes streets appropriate to the traffic volume they will carry.

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

N/A

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

N/A

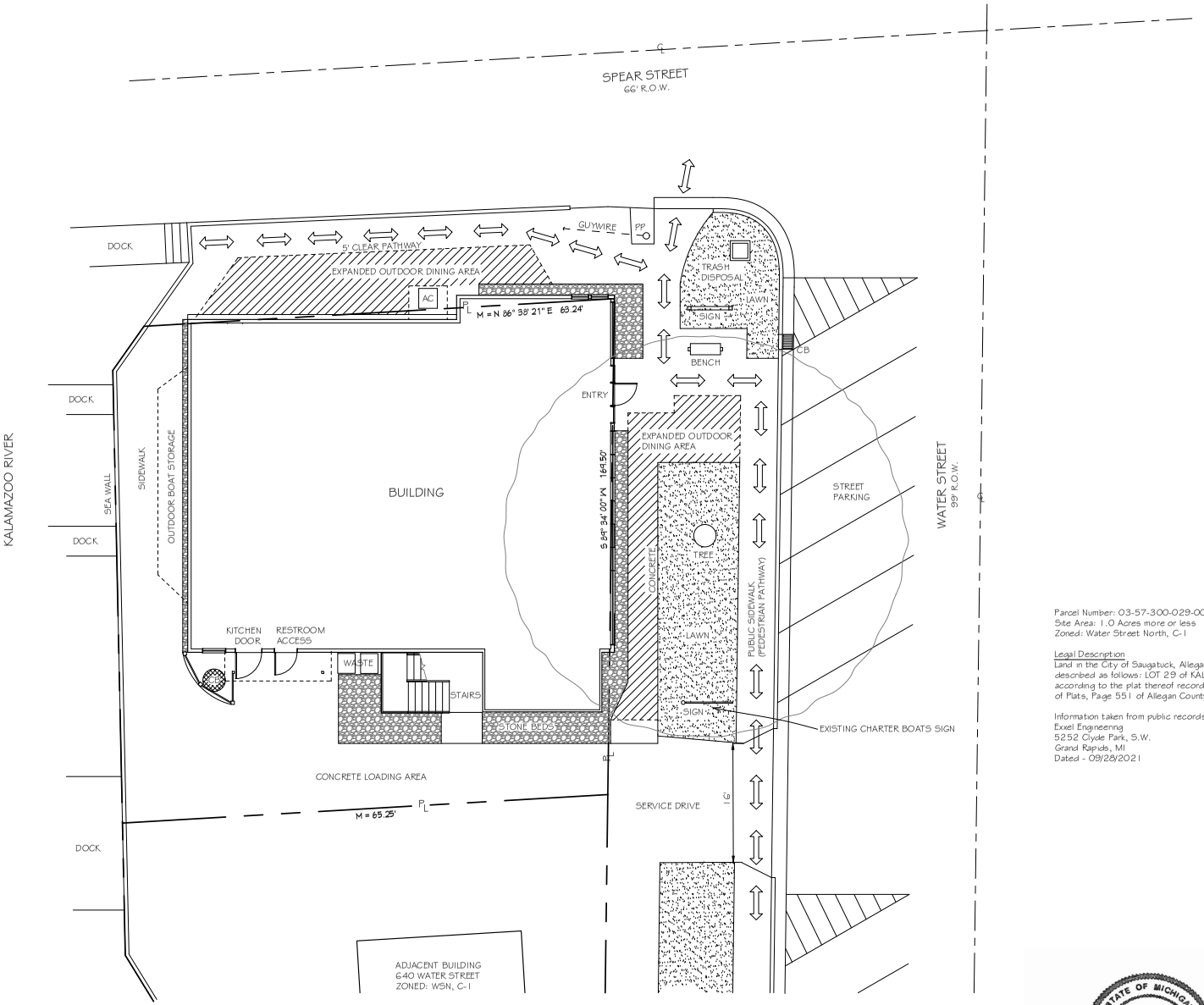
(9) How will all loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by an opaque wall or landscaped screen not less than six feet in height? (See §§ 154.142 through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

There are no loading areas facing public thoroughfares. There is no trash storage visible to residents or facing public thoroughfares.

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

Exterior lighting will face away from the street onto the building, or, in the case of the proposed Extended Outdoor Seating area (24-hour lighting required), onto the seating area—still away from the street.

650 Water Street



SITE PLAN
SCALE: 1" = 10'
0 5' 10'

Parcel Number: 03-57-300-029-00
Site Area: 1.0 Acres more or less
Zoned: Water Street North, C-1

Legal Description
Land in the City of Saugatuck, Allegan County, MI, described as follows: LOT 29 of KALLAMAZOO PLAT, according to the plat thereof recorded IN Liber 111 of Plats, Page 551 of Allegan County Records.

Information taken from public records and survey by:
Exxel Engineering
5252 Clyde Park, S.W.
Grand Rapids, MI
Dated - 09/28/2021

STATE OF MICHIGAN
BRUCE F. STEWART
LANDSCAPE ARCHITECT
NO. 1020
REGISTERED

STUDIO 22 TWO 22
ARCHITECTURE
LANDSCAPE
ARCHITECTURE
460 FREMONT ST. BOX 669
DOUGLAS, MICHIGAN 49406
269 . 455 . 5583
www.studiotwo-arch.com

PAYLEITNER RESTAURANT
650 WATER STREET
SAUGATUCK, MICHIGAN

THE PURPOSE OF THIS DRAWING IS ONLY TO DEPICT GRAPHICALLY THE GENERAL NATURE OF THE WORK.

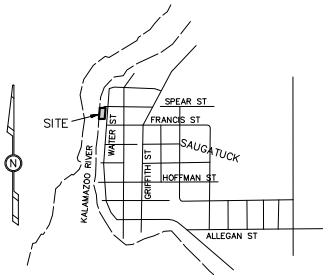
MARK	DATE	DESCRIPTION

DRAWN: BFS
CHECKED: BFS
DATE: 12/13/2023
PROJECT # 23022

COPY RIGHT
2023 NOT PUBLISHED
ALL RIGHTS RESERVED

SITE PLAN

1 of 1



LOCATION MAP

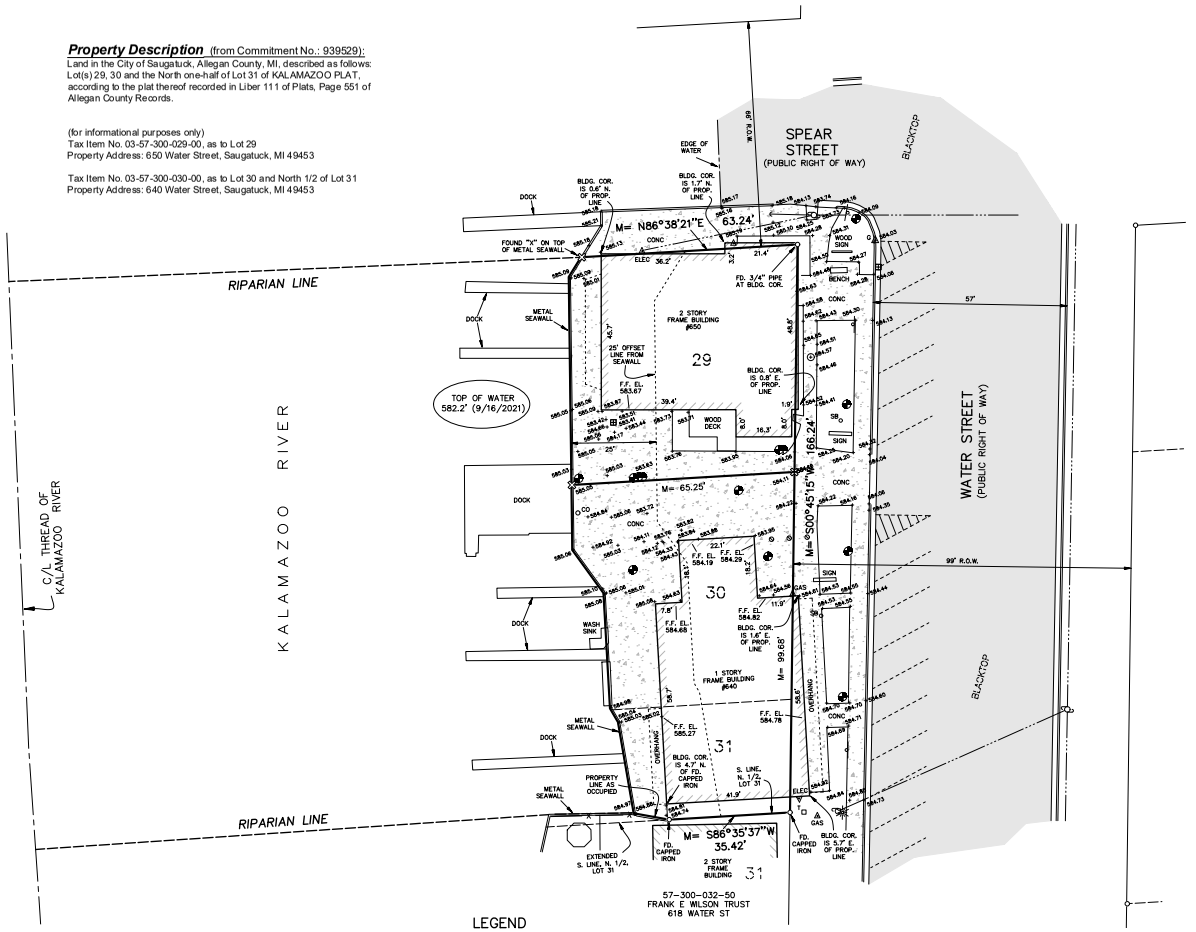
Property Description (from Commitment No.: 939529):
Land in the City of Saugatuck, Allegan County, MI, described as follows: Lot(s) 29, 30 and the North one-half of Lot 31 of KALAMAZOO PLAT, according to the plat thereof recorded in Liber 111 of Plats, Page 551 of Allegan County Records.

(for informational purposes only)
Tax Item No. 03-57-300-029-00, as to Lot 29
Property Address: 650 Water Street, Saugatuck, MI 49453

Tax Item No. 03-57-300-030-00, as to Lot 30 and North 1/2 of Lot 31
Property Address: 640 Water Street, Saugatuck, MI 49453

Notes:
1. Description of record and recorded easement information shown hereon is based on First American Title Insurance Company, Commitment No. 939529, with a commitment date of July 21, 2021. There were no recorded easements listed in this commitment.
2. The bearings shown hereon are assumed, based on the West line of Water Street as S00°45'15"W
3. This property contains 0.23 acres, more or less.
4. The dimensions of the structures shown hereon are based on exterior building measurements at ground level.
5. Utility structures visible on the ground surface have been located and shown per actual measurements. Lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted.
6. The boundary along the Kalamazoo River is subject to change due to natural causes and may or may not represent the actual location of the limit of title.
7. This property lies within Special Flood Hazard Area Zone A2 (areas of 100-year flood; base flood elevations and flood hazard factors determined), as identified on Flood Insurance Rate Map Community Panel No. 260305 0001 C, dated February 1, 1980, published by the U.S. Department of Housing and Urban Development, Federal Insurance Administration.
8. The centerline for the Kalamazoo River as shown hereon are based on photographic images of the Kalamazoo River.
9. The riparian lines as shown hereon are drawn perpendicular to the centerline of the Kalamazoo River to the point of intersection of the property line and shoreline.
10. In our professional opinion, the equitable proportionment of the riparian rights to the sub-aqueous lands adjoining the parcels would be depicted as shown hereon. However, in a court of law, the final determination of the riparian line may differ.

Elevation Notes:
1. Elevations shown hereon are based on the National Geodetic Vertical Datum of 1929 (NGVD 29) per GPS observation using MDOT CORS.
2. Flood Insurance Rate Map Community Panel No. 260305 0001 C shows the Special Flood Hazard Area Zone A2 at an elevation of 584. This elevation is referenced to the National Geodetic Vertical Datum of 1929 (NGVD 29).



LEGEND

- ○ = IRON STAKE FOUND
- ● = IRON STAKE SET
- ⊠ = FOUND "X"
- ◕ = MONITORING WELL
- ←UD = UTILITY POLE & GUY WIRE
- ✳ = LIGHT POLE
- ⊸ = SIGN
- ⊙ = BOLLARD
- SB○ = STOP BOX
- ⊞ = CATCH BASIN
- ○ = MANHOLE
- CO○ = CLEAN OUT
- T□ = TELEPHONE BOX
- G△ = BURIED GAS LINE MARKER
- —x—x— = FENCE LINE
- ——— = OVERHEAD WIRES
- M = MEASURED DIMENSION

SURVEYOR'S CERTIFICATE
WE HEREBY CERTIFY to:

3520 36th Street Property, LLC
First American Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 4, 7a, 8 and 13 of Table A thereof. The field work was completed on September 16, 2021.

Date of Map: September 28, 2021

PRELIMINARY

Gerhard J. Verzon P.S. 40105191

0' 10' 20'
SCALE: 1" = 20'

PRELIMINARY

ALTA/NSPS LAND TITLE SURVEY
RE: 640 & 650 WATER STREET, SAUGATUCK, MI
FOR: 3520 36th STREET PROPERTY, LLC
ATTN: DJ VANDERSLIK
4720 52nd STREET SE
GRAND RAPIDS, MI 49512
PART OF THE NW 1/4, SECTION 9, T3N, R16W, CITY OF SAUGATUCK, ALLEGAN COUNTY, MICHIGAN

exxel engineering, inc.
planners • engineers • surveyors
5252 Clyde Park, S.W. • Grand Rapids, MI 49509
Phone: (616) 531-3660 www.exxelengineering.com

DATE	REVISION	BY

DRAWN BY: BAB
APPROVED BY: .
FILE NO.: 5211791
PROJ. ENG.: .
PROJ. SURV.: KJV
DATE: 09/28/2021
SHEET 1 of 1

P:\Projects\2021\211791\Drawings\211791.dwg - ALTA-1sht

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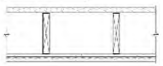
GA FILE NO. FC 5710	PROPRIETARY*	2 HOUR FIRE

WOOD FLOOR, WOOD JOISTS, GYPSUM WALLBOARD, RESILIENT CHANNELS

Base layer ⅝" proprietary type X gypsum wallboard applied at right angles to 2 x 10 wood joists 16" o.c. with 8d cement coated nails, 2½" long, 0.113 shank, ⁹⁄₁₆" heads, 7" o.c. Resilient channel 24" o.c. applied at right angles to wood framing through base layer with 1⅝" long screws. Double channel installed at face layer end joints. **Face** layer ⅝" proprietary type X gypsum wallboard applied at right angles to resilient furring channels with 1" Type S screws 12" o.c. Wood joists supporting ³⁵⁄₃₂" plywood subfloor and ¹⁹⁄₃₂" plywood finish floor applied at right angles to joists with joints staggered. Consult gypsum board manufacturer for other flooring options.

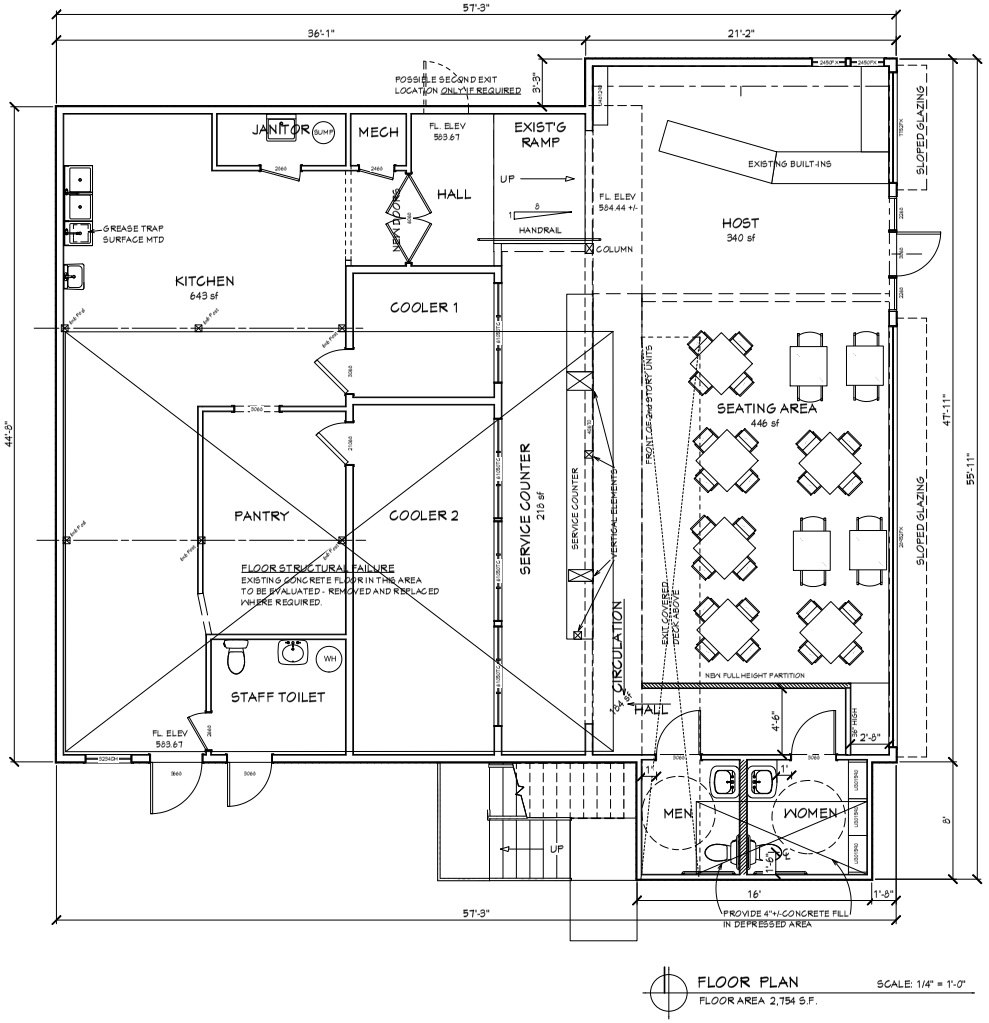


Approx. Ceiling Weight: 6 psf
Fire Test: UL R1319-114, 7-21-67, UL Design L511

PROPRIETARY GYPSUM BOARD

American Gypsum Company LLC	-	⅝" FireBloc® Type C
CertainTeed Gypsum Inc.	-	⅝" ProRoc® Type C Gypsum Panels
Georgia-Pacific Gypsum LLC	-	⅝" ToughRock® Fireguard C™
Lafarge North America Inc.	-	⅝" Firecheck® Type C
National Gypsum Company	-	⅝" Gold Bond® Brand FIRE-SHIELD C™ Gypsum Board
PABCO Gypsum	-	⅝" FLAME CURB® Super 'C'™
Temple-Inland	-	⅝" TG-C
United States Gypsum Company	-	⅝" SHEETROCK® Brand FIRECODE® C Core Gypsum Panels

1 / A-1 TWO HOUR CEILING/FLOOR ASSEMBLY



FLOOR PLAN SCALE: 1/4" = 1'-0"
FLOOR AREA 2,754 S.F.

GENERAL NOTES

2015 MICHIGAN BUILDING CODE
TWO STORY, WOOD FRAMED
CONSTRUCTION **TYPE V B**
NO FIRE SUPPRESSION
OCCUPANCY:
GROUND FLOOR 2,754 sf **USE GROUP B**
SMALL RESTAURANT (MAX SEATING 49)
2nd FLOOR 1,782 sf RESIDENTIAL **GROUP R-1**
TWO SHORT TERM RENTAL UNITS
REQUIRED **2 HOUR FIRE SEPARATION** BETWEEN OCCUPANCIES PER TABLE 508.4
GROUND FLOOR USE GROUP B:

KITCHEN/SERVICE BAR		861 sf /200 = 5
STORAGE		552 sf /300 = 2
STAFF TLT	82 sf	
NEW BF TLTs	128 sf	
HALL/RAMP	241 sf	
HOST	340 sf	
CIRCULATION/HALL	184 sf	
		975 sf /100 = 10
SEATING AREA(Shown 32)		446 sf /15 = 30

TOTAL OCCUPANT LOAD **47**

PLUMBING FACILITIES
2018 MICHIGAN PLUMBING CODE
PER TABLE 403.1

PROGRESS PRINT
12/07/2023

STUDIO TWO
ARCHITECTURE
LANDSCAPE ARCHITECTURE
460 FREMONT ST, BOX 669
DOUGLAS, MICHIGAN 49406
269 . 455 . 5583
www.studiotwo-arch.com

ALTERATIONS TO
PAYLEITNER SUITE
650 WATER STREET
SAUGATUCK, MICHIGAN 49453

THE PURPOSE OF THIS DRAWING IS ONLY TO DIRECT GRAPHICALLY THE GENERAL NATURE OF THE WORK

MARK	DATE	DESCRIPTION

DRAWN: BFS
CHECKED: BDW
DATE: 12/06/2023
PROJECT #23022

2021 STUDIO TWO, LLC IS IT PUBLISHED
ALL RIGHTS RESERVED

1 OF 2
A-1

ADDENDUM 1 - SERVICE OF ALCOHOLIC BEVERAGES STANDARDS

Note from applicant: We are in the process of transferring our Class C liquor license from 302 Culver Street to 650 Water Street. We understand that until this is final (see 154.092 (P)(1) below), we will be unable to serve alcohol at our establishment. We anticipate that all of this will be finalized well in advance of our projected opening date. We also ask that the MLCC materials not hinder the approval of our Special Land Use application.

154.092 - Design Standards For Selected Special Land Uses
(P) Service of alcoholic beverages standards.

(1) Any new establishment seeking a license for the sale and consumption of beer, wine, or alcoholic beverages on-premises shall require special land use approval and site plan review in accordance with this division.
This addendum is part of a Special Land Use Application.

(2) The applicant shall provide a copy of any licensing materials submitted to the Michigan Liquor Control Commission.
While irrelevant until the transfer is complete, we've attached our MLCC License #415954

(3) The applicant shall provide a site plan illustrating the proposed location where the alcohol sales would occur, as well as all other locations where on-premises sales presently exist within a one thousand-foot radius of the closest lot lines of the subject site.
Attached: 'Alcohol Sale Map'

(4) The proposed establishment must promote the city's economic development goals and objectives, and must be consistent with the city's master plan and zoning ordinance.
See Special Land Use Application

(5) Given the character, location, development trends and other aspects of the area in which the proposed use or change in use is requested, the applicant shall demonstrate that the use will: rejuvenate an underutilized property or an identifiable area within the city; provide a unique business model, service, product, or function; add to the diversity of the to the city or to an identifiable area within the city; or, that the addition of the use or proposed change in use will be otherwise a benefit or asset to the city or identifiable area.
In rejuvenating the former River Market Deli space, we're brining structural improvements to a waterfront building, and offering a business unique in: it's commitment to chef-driven food in a fast-casual service environment; the opportunity to promote the city's social district; it's focus on sustainable business practices including the use of all compostable disposables; the continuation of our company's mission to provide excellent wages in a gratuity-free environment. We're additionally proud of our track record as successful restaurant operators, community activists, and champions of our town.

(6) The applicant must demonstrate that the use or change in use as constructed and operated is compatible with the area in which it will be located, and will not have appreciable negative secondary effects on the area, such as:

(a) Vehicular and pedestrian traffic, particularly during late night or early morning hours that might disturb area residents;
Tentative hours of operation are: 11am - 8pm

(b) Noise, odors, or lights that emanate beyond the site's boundaries onto property in the area on which there are residential dwellings;
Noise issues will be mitigated by the hours of operation. Odors are unexpected. All lights are for safety purposes and will only face toward the building.

(c) Excessive numbers of persons gathering outside the establishment; or
This project is a fast-casual restaurant, not a 'bar' or 'tavern'. Lingering guests are not expected or encouraged.

(d) Peak hours of use that add to congestion or other negative effects in the neighborhood.
This project is a fast-casual restaurant with a speed of service and a mobile clientele that will prevent congestion in the neighborhood.

STATE OF MICHIGAN - LIQUOR CONTROL COMMISSION

Department of Licensing and Regulatory Affairs

This is to certify that a License is hereby granted to the person(s) named with the stipulation that the licensee is in compliance with Commission Rule R 436.1003, which states that a licensee shall comply with all state and local building, plumbing, zoning sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcement officials who have jurisdiction over the licensee. Issuance of this license by the Michigan Liquor Control Commission does not waive this requirement. The licensee must obtain all other required state and local licenses, permits, and approvals for this business before using this license for the sale of alcoholic liquor on the licensed premises.

This License is granted in accordance with the provisions of Act 58 of the Public Acts of 1998 and shall continue in force for the period designated unless suspended, revoked, or declared null and void by the Michigan Liquor Control Commission. Failure to comply with all laws and rules may result in the revocation of this license.

THIS LICENSE SUPERSEDES ANY AND ALL OTHER LICENSES ISSUED PRIOR TO MAY 12, 2023

BUSINESS ID: 260405 FILE NUMBER:
GROW ESTATE LLC
D/B/A GROW-A SAUGATUCK DINER

302 & 322 CULVER ST, STE A
SAUGATUCK, MI 49453

ALLEGAN COUNTY
G-31
SAUGATUCK CITY

LICENSE #	LICENSE:	ACT:
L-000406465	Specially Designated Merchant	N/A
L-000415954	Class C	N/A

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

PERMIT
Sunday Sales (AM), Entertainment, Catering, Outdoor Service Area(1), Sunday Sales (PM), Social District, Outdoor Service Area(2), Additional Bar(1)

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

LIQUOR CONTROL COMMISSION

LICENSEE(S) SIGNATURE(S)

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

2023
2024

ALCOHOL SALE MAP

FOR 650 WATER STREET, SAUGATUCK, MI

Establishments within 1,000 ft.

- ★ Proposed Location
- 1 Retro Boat Rentals
- 2 The Barge
- 3 Wick's Park Bar & Grille
- 4 Mermaid Bar & Grill
- 5 Mitten Brewing Company

NORTH

ADDENDUM 2 - OUTDOOR SEATING AREAS

Excerpt from a letter from Ryan Cummins to all businesses on 12/11/23:
"The letter further advised that throughout the summer, City staff would be working with our legal counsel to make sure zoning and other code requirements for outdoor dining are aligned, and after November 1, 2023, all city codes, including zoning, will have to be followed"

With this Special Land Use application, we intend to fulfill the zoning aspect of this 3-tiered approval process. Per the aforementioned letter, the length of approval is 'continuous', 'runs with land unless revoked' and 'will not need further approval unless changes are made.'

Excerpt from an email to the applicants from Ryan Cummins on 12/8/23:
"As we discussed, 650 Water Street is currently subject to a moratorium, but the moratorium doesn't apply if there aren't exterior site improvements. Today, Alec explained that the plans for the expanded outdoor dining will involve temporary furniture, and no permanent exterior site improvements are planned such as barriers, new patios, etc. The moratorium applies to permanent exterior site improvements; therefore, the City would accept an application for a restaurant with expanded outdoor dining as you described it this morning.

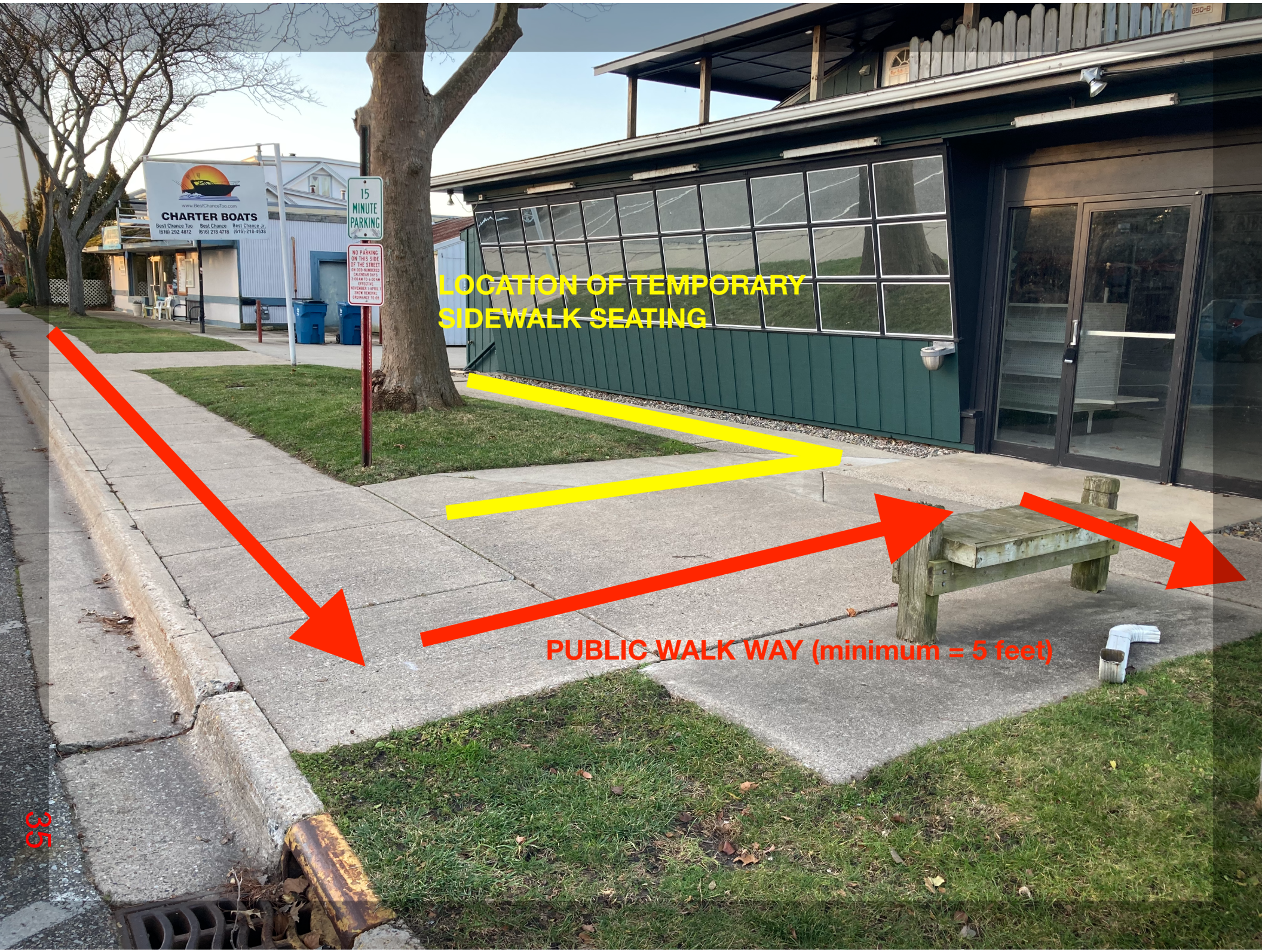
As we discussed, the expanded outdoor dining area will have to meet the attached zoning regulations. Any requested use of public space will require a license from the City Council. Once we receive your request, we can get that scheduled with them.

Any changes that impact the exterior appearance, including adding outdoor dining areas, will require Historic District approval."

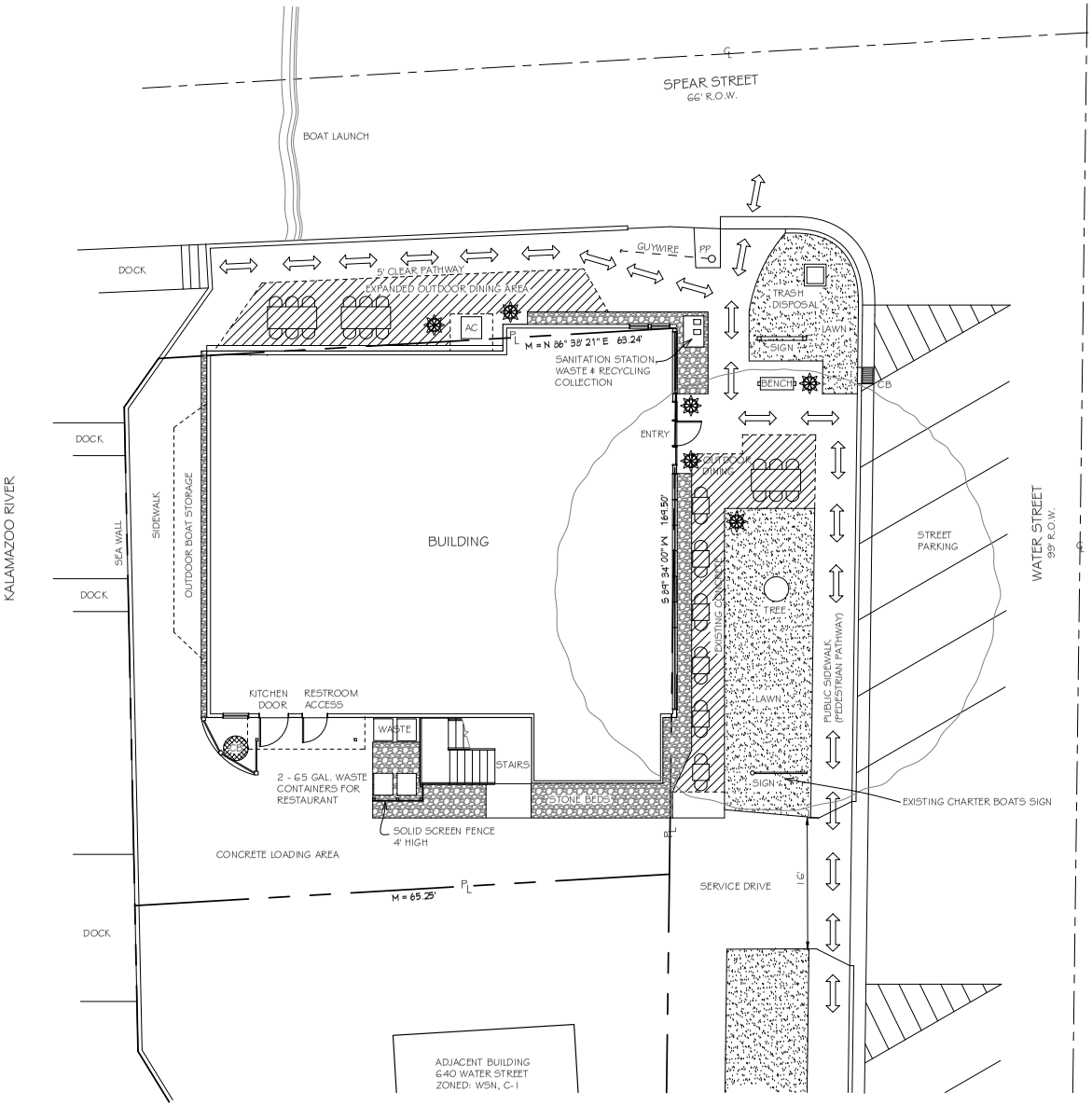
To fulfill the second and third tiers of the approval process outlined in the 12/11/23 all-business letter (mentioned above), our intention is to complete the Historic District application in time for the January 4th meeting, and the City Council license approval as scheduling permits.

RELEVANT ATTACHMENTS:
-The site plan (part of this Special Land Use Application) clearly delineates where the proposed outdoor seating would be (to the north and to the east of the building).

-Additionally, we've provided photographs of the outside of the building to show where the proposed outdoor seating would be (to the north and to the east of the building).


CHARTER BOATS
Best Chance Too (616) 292 4812
Best Chance (616) 218 4718
Best Chance Jr. (616) 218-4638
15 MINUTE PARKING
NO PARKING ON THIS SIDE OF THE STREET
LOCATION OF TEMPORARY SIDEWALK SEATING
PUBLIC WALK WAY (minimum = 5 feet)

WARNING
UNDER GROUND WATER TRANSMISSION LINE
BEFORE DIGGING OR TRENCHING
CALL 616-857-2709
KALAMAZOO LAKE SEWER & WATER AUTHORITY
LOCATION OF TEMPORARY
SIDEWALK SEATING
ON PUBLIC PROPERTY



SITE PLAN
SCALE: 1" = 10'
0 5' 10'

LEGEND

63" x 32" - 6 SEAT TABLE
3 TOTAL = 18 SEATS

24" x 24" - 2 SEAT TABLE
6 TOTAL = 12 SEATS

20' DIA. PLANTER
6 TOTAL

NOTES

OUTDOOR SEATING AREAS WILL UTILIZE EXISTING PAVED AREAS.

PROPOSED OUTDOOR SEATING: 30 SEATS

2 - 65 GALLON WASTE CONTAINERS WITH PICKUP 3 TIMES PER WEEK

Parcel Number: 03-57-300-029-00
Site Area: 1.0 Acres more or less
Zoned: Water Street North, C-1

Legal Description
Land in the City of Saugatuck, Allegan County, MI, described as follows: LOT 29 of KALAMAZOO PLAT, according to the plat thereof recorded IN Liber 111 of Plats, Page 551 of Allegan County Records.

Information taken from public records and survey by:
Exxel Engineering
5252 Clyde Park, S.W.
Grand Rapids, MI
Dated - 09/28/2021

STATE OF MICHIGAN
BRUCE F. STEWART
LANDSCAPE ARCHITECT
NO. 1020
REGISTERED

STUDIO 22 TWO 22
ARCHITECTURE
LANDSCAPE
ARCHITECTURE

460 FREMONT ST. BOX 669
DOUGLAS, MICHIGAN 49406
269 . 455 . 5583
www.studiotwo-arch.com

PAYLEITNER RESTAURANT

650 WATER STREET
SAUGATUCK, MICHIGAN

THE PURPOSE OF THIS DRAWING IS ONLY TO DEPICT GRAPHICALLY THE GENERAL NATURE OF THE WORK.

MARK	DATE	DESCRIPTION
	12/22/23	SITE PLAN

DRAWN: BFS
CHECKED: BFS
DATE: 12/13/2023
PROJECT # 23022

COPY RIGHT
2023 NOT PUBLISHED
ALL RIGHTS RESERVED

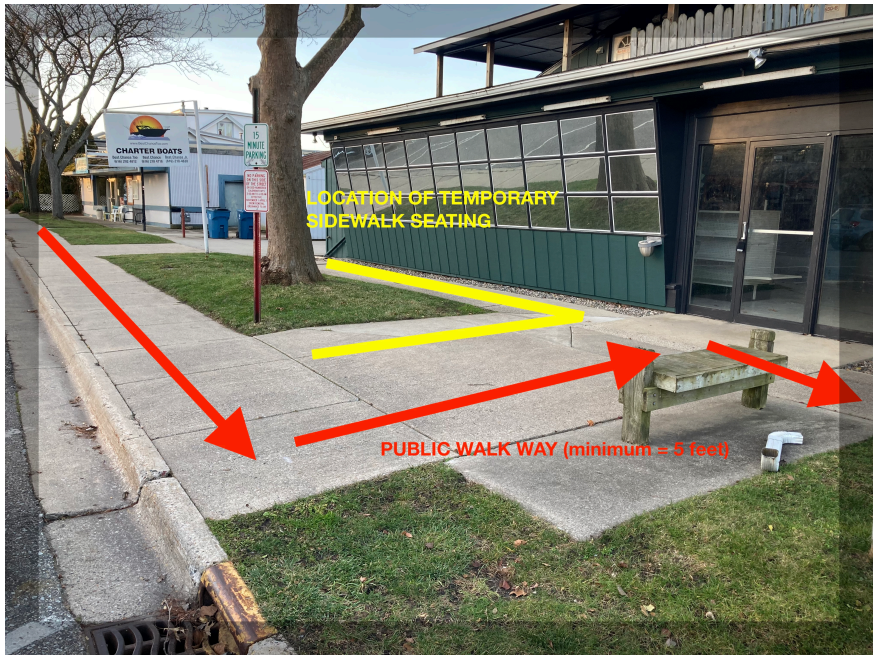
SITE PLAN

1 of 1

650 WATER STREET

Expanded Outdoor Dining Area

Proposed Layout



Front (East) Sidewalk
(30’ x 4’ seating area)
6 x 2-top tables

Entryway
(8’ x 8’ seating area)
1 x 6-top table

Dockside
(24’ x 7’ seating area)
2 x 6-top tables

650 Water Street

Expanded Outdoor Dining Area

Furniture Specs

Page 1 - Chairs

Page 2 - Two-Tops

Page 3 - Six-Tops

Page 4 - Color Selections (TBD)

LANCASTER
TABLE & SEATING

Lancaster Table & Seating Alloy Series Orange Outdoor Arm Chair

#164CMARMORN

Item #: 164CMARMORN Qty: _____

Project: _____

Approval: _____ Date: _____

Features

- Rust-resistant steel construction with e-coat sealant and orange powder coat
- Ample 400 lb. weight capacity
- Reinforced frame with under-seat cross bracing enhances strength and stability
- Designed for use indoors and outdoors
- Stackable with other Lancaster Table & Seating Alloy arm chairs for space-saving storage

Certifications

Fully Assembled Stackable

Technical Data	
Width	21 Inches
Depth	17 1/2 Inches
Height	28 1/2 Inches
Seat Width	14 Inches
Seat Depth	14 Inches
Back Height	12 1/2 Inches
Height Style	Standard Height
Seat Height	18 Inches
Arms	With Arms
Assembled	Fully Assembled

© 2023 LT&S Alloy Series

Lancaster Table & Seating Alloy Series 63" x 32" Orange Standard Height Outdoor Table

#164DA3263ORG

Item #: 164DA3263ORG Qty: _____

Project: _____

Approval: _____ Date: _____

Features

- Designed for use indoors and outdoors
- E-coat sealant and orange powder coat for rust and corrosion resistance
- 63" x 32" rectangular shape and standard height fits a variety of settings
- Durable steel construction is perfect for long-term use
- Easy to assemble and lightweight enough to move around for special events

Certifications

Seating Capacity: 6

Technical Data

Length	63 Inches
Width	31 1/2 Inches
Height	30 3/16 Inches
Height Style	Standard Height
Assembled	Assembly Required
Color	Orange
Features	E-Coat Sealant Powder Coated
Frame Material	Steel
Installation Type	Freestanding

© 2023 LT&S Alloy Series

Lancaster Table & Seating Alloy Series 24" x 24" Orange Standard Height Outdoor Table

#164DA2424ORG

Item #: 164DA2424ORG Qty: _____

Project: _____

Approval: _____ Date: _____

Features

- Designed for use indoors and outdoors
- E-coat sealant and orange powder coat for rust and corrosion resistance
- 24" x 24" square shape and standard height fits a variety of settings
- Durable steel construction is perfect for long-term use
- Easy to assemble and lightweight enough to move around for special events

Certifications

Seating Capacity: 2

Technical Data

Length	23 1/2 Inches
Width	23 1/2 Inches
Height	30 1/8 Inches
Height Style	Standard Height
Assembled	Assembly Required
Color	Orange
Features	E-Coat Sealant Powder Coated
Frame Material	Steel
Installation Type	Freestanding

© 2023 LT&S Alloy Series

COLOR SELECTIONS (TBD)

ADDITIONAL COLOR OPTIONS: Black, White, Distressed Black, Copper, Distressed Copper, Navy, Silver

Planning Commission Agenda Item Report

FROM: Ryan Cummins, Director of Planning and Zoning

MEETING DATE: January 18, 2024

SUBJECT: Review of Draft Short-Term Rental Police-Powers Ordinance, Zoning Amendments, and Updated Noise Ordinance

DESCRIPTION:

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

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

Police-Powers Ordinance for Short-Term Rentals

- An annual license and inspection will be required for each short-term rental.
- Occupancy - Set at two (2) per bedroom, plus an additional two (2) occupants per finished floor but not to exceed a maximum of twelve (12).
- Visitor Maximum - The maximum number of visitors to be equal to the maximum number of occupants multiplied by a factor of 1.5. Visitors permitted only between the hours of 7:00 am and 11:00 pm.
    - While not a Task Force recommendation, staff and some Planning Commissioners raised concern about how maximum sleeping occupancy can be enforced. This will assist. It is also consistent with the "quiet hours" in the existing noise ordinance. The factor can be modified, or the suggested regulation can be removed entirely.
- All advertising will have to reference the license number.
- Still required to comply with zoning.

- Requires providing and posting of the rules and regulations, name of the license holder and/or local agent responsible, that individual's telephone number and email address that they may be reached on a 24-hour basis, notification of the maximum number of overnight occupants, a copy of the City's noise ordinance, notification that an occupant and/or a visitor of an occupant may be cited for a violation and a copy of the Good Neighbor Guide.
    - Note: The Good Neighbor Guide will contain considerations for noise, trash disposal, parking, and maximum occupancy.
- Trash - One (1) outdoor garbage can and one (1) recycling bin required. If occupancy is six (6) or more, at least two (2) outdoor garbage cans and at least one (1) recycling bin. Exposed waste or garbage will be considered a violation.
    - Note: Some discussion occurred on whether two recycling bins should be required. Staff plans on negotiating twice monthly pickup with Republic, but the current contract doesn't expire until October.
- All rooms in a dwelling must be rented under a single contract. No individual renting of rooms or subletting.
- Use of fireworks prohibited by STR occupants and visitors.
- Rental insurance must be maintained.
    - Note: The Fire Department advised "we have had owners within the District, that had a fire at their property and found out after the fact that their standard homeowner's insurance did not cover renting the property, and the loss they incurred was not covered." The recommendation was "an effort to help protect property owners to ensure they have adequate information and proper coverages."
- Registry - By applying for a license, the owner and/or license holder agrees to have their name, contact information, the address of the short-term rental, and contact information for their local agent included in the City's publicly available short-term rental registry.
- Current STR Certificates – Intent to "grandfather" certificates that were issued under the Zoning ordinance until those certificates expire. Once a previously issued short-term rental certificate expires, the certificate-holder must receive a short-term rental license to continue operating at the premises.
- Duty to Address Issues - The license holder and/or local agent will have the duty to remedy a violation, including the noise ordinance, within two hours. If they do not, it would be a violation.
    - Note: This makes it clear that the local agent or license holder has a responsibility to act and respond to concerns. The time limit can be modified if desired.
- A suspension and revocation process is outlined. Any suspension time will occur during primary tourist season.
    - Note: Months can be modified if desired.
- Fraudulent Complaints – Anyone who makes a fraudulent complaint will face their own violation.
- Licenses cannot be transferred.
    - Note: STR certificates do not transfer to new owners either. The language provides much more detail to define a transfer. Depending on whether the Planning Commission desires to recommend residential caps and at what level, transfer of ownership clarity will be important.

Zoning Ordinance Amendments

- Three-year certificate requirements are removed as STRs will now be required to obtain an annual license.
- Zoning will still regulate signage.
- Update accessory dwelling units to clarify who may occupy an ADU and when an accessory dwelling unit can be rented.
    - Note: The current requirements that both an ADU and single-family dwelling be rented under a single contract, or the owner occupy the home and receive special land use approval to rent the ADU separately remain unchanged. Not renting the ADU and single-family home separately also remains unchanged.
- Made language consistent in how an accessory dwelling unit size should be measured.
- Made clear that both an ADU and single-family dwelling, even if rented under a single contract, will still each be required to have their own STR license and inspection if rented 31 days or less.
- Clarified where certain dwellings and apartments can be located in the City Center, Water Street North, Water Street East, and Water Street South zoning districts. Also clarified which may be used for STRs.
    - Note: Some single-family dwellings and first floor apartments exist in these districts, and they do not have frontage on the street. Many are ineligible to be used as STRs as they are not wholly located on the second or third floor. The language changes would still maintain the original intent to ensure that restaurants, retail, etc., were on first floors fronting active "main street" environments.
- Changed the definition of Flood Hazard Area to address a typo.

Noise Ordinance

- Language was modified to be compliant with recent case law and more defensible.
- Time limitations were left unchanged.
    - Note: Some have thought "quiet hours" started at 10p while others believed it was 11p. The existing ordinance states 11p. The Planning Commission may wish to consider changes. For example, the timeframe could be different for weekdays versus Friday or Saturday.

CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN

SHORT-TERM RENTAL LICENSING ORDINANCE
ORDINANCE NO. ____

At a meeting of the City Council of the City of Saugatuck, Allegan County, Michigan, held at the City of Saugatuck Hall on _____, 2024 at _____ p.m., City Council Member _____ moved to adopt the following ordinance, which motion was seconded by City Council Member _____.

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

THE CITY OF SAUGATUCK, ALLEGAN COUNTY, ORDAINS:

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

CHAPTER 99.5: SHORT-TERM RENTALS

§99.51 INTENT AND PURPOSE.

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

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

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

§99.52 APPLICABILITY.

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

§99.53 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§99.54 LICENSE REQUIRED.

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

§99.55 APPLICATION FOR SHORT-TERM RENTAL LICENSE.

(A) *Responsibility*. The owner, either directly or through an authorized agent, shall apply for a short-term rental license through the submission of a short-term rental license application.

(B) *Application information required*. A person seeking a license under this chapter shall submit a complete application, certified as being true, to the enforcing officer. The application shall include documentation and information reasonably required to demonstrate current and continuing compliance with the standards and regulations contained in Section 99.56 and Section 99.57 of this chapter and all of the following information:

(1) The name, address, telephone numbers (home, work, or cell phone), and email address of the owner of the proposed short-term rental. If the proposed short-term rental owner is a corporate entity, the application must identify all current members and their percentage ownership interests in the corporation or other entity. If the proposed short-term rental owner is a trust, the application must identify all beneficiaries and trustees of the trust.

(2) An affidavit signed by the owner of the proposed short-term rental granting authority to the applicant to act on behalf of the owner to request a license under this chapter, if the applicant is not the owner.

(3) The name, address, telephone numbers (home, work, or cell phone), and email address of the applicant, if different than the owner.

(4) The name, address, telephone numbers (home, work, or cell phone), and email address of the local agent.

(5) The address and parcel identification number of the subject parcel containing the dwelling unit of the proposed short-term rental.

(6) Documentation showing the owner's valid tenancy, ownership, or other legal interest in the proposed short-term rental premises, which may include, but is not necessarily limited to, a deed, land contract, or lease agreement. If the owner possesses less than fee ownership in the proposed short-term rental premises, a notarized affidavit from the owner of the premises authorizing the use of the same for a short-term rental must also be included.

(7) A floorplan drawing of the proposed short-term rental that includes the number of bedrooms intended to be occupied as part of the short-term rental.

(8) Proposed occupancy of the dwelling unit, not to exceed the maximum occupancy established by this chapter.

(9) A drawing of the premises on which the short-term rental will be located that includes all buildings on the premises and the location where all parking will be provided.

(10) A signed certification from the owner stating that the dwelling unit will be operated in conformance with all applicable requirements of this chapter.

(14) A rental inspection checklist from the Saugatuck Township Fire District.

(15) Documentation showing that the dwelling unit that is being used as a short-term rental has been insured as a rental dwelling.

(16) The owner shall notify the city of any changes to the approved application

DRAFT

within no later than thirty (30) days of the date of the change, including change of mailing address, contract information, or local agent/rental agency.

(C) *Application fee; eligibility*. The application shall be accompanied by an application fee as established and set forth in the City's schedule of fees. This fee schedule shall also establish an "after the fact" fee that must be paid when a short-term rental is operated but without first complying with the procedural requirements of this chapter. This "after the fact" fee is not intended to be a penalty but shall reflect the additional legal and administrative costs incurred by the City as the result of the applicant's failure to initially comply with the requirements of this chapter. In addition, to be eligible for a short-term rental license, applicants must have no outstanding City taxes, permit or inspection fees, escrow deposits, or other amounts due and owing to the City.

(D) *Complete application*. A short-term rental license application shall not be considered accepted until the enforcing officer deems it to be complete. If the enforcing officer determines that all required information was not supplied and/or if the applicant fails to pay the required fee, then the enforcing officer shall send written notification to the applicant of the deficiencies. If the applicant fails to provide all the information required by this chapter and/or fails to pay the required fee within fourteen (14) days after being notified of the deficiencies, then the application shall be deemed incomplete and shall be denied on that basis.

(E) *License*. Once deemed to be complete, if an application complies with all the standards and regulations of this chapter and the required fire inspection certificate has been submitted pursuant to Section 99.56 below, the enforcing officer shall approve the short-term rental license. Each short-term rental license shall be designated with a unique license number.

§99.56 FIRE INSPECTION.

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

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

§99.57 SHORT-TERM RENTAL STANDARDS AND REGULATIONS.

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

(A) *Occupancy*. The maximum occupancy for short-term rentals shall be determined as follows:

(1) The maximum number of occupants shall be two (2) per bedroom, plus an additional two (2) occupants per finished floor as defined herein, but not to exceed a maximum of twelve (12) occupants.

(2) The maximum number of visitors shall be equal to the maximum number of occupants as calculated above multiplied by a factor of 1.5. Visitors are permitted only between the hours of 7:00 am and 11:00 pm.

(B) *Designation of a local agent*. If the owner or license holder does not qualify as, or does not desire to be, a local agent, then the license holder shall designate a local agent and authorize in writing the local agent to act as the license holder's agent for any acts required of the license holder under this chapter. The local agent must reside or maintain a physical place of business within a 25-mile radius of the short-term rental. The local agent shall be knowledgeable about the premises and accountable for responding to the premises 24 hours per day, 7 days per week, 365 days per year.

(C) *Information*. All notification information for the owner, license holder, and local agent shall be kept current and up to date.

(D) *Advertising*. All advertising for the short-term rental shall display the number of the license issued pursuant to this chapter. If a short-term rental license holder within the City chooses to advertise the short-term rental online (for instance, on AirBnB, VRBO, or a similar website) the license holder shall post their short-term rental license number within the listing.

(E) *Water and sewer.* All water and sewer connections and/or systems servicing short-term rentals shall be fully functional and shall meet the minimum applicable requirements imposed by the City, the Kalamazoo Lake Water and Sewer Authority, and/or the

Allegan County Health Department.

(F) *Compliance with zoning; signage*. The short-term rental dwelling unit and premises shall, at all times, fully comply with all applicable requirements of the Saugatuck City Zoning Ordinance, including applicable provisions concerning signs.

(G) *Rules and regulations to be provided to occupants*. The license holder or local agent will provide all occupants of a short-term rental with the following information prior to occupancy and will post such information in a conspicuous place within each short-term rental:

(1) The name of the license holder and/or local agent responsible to perform obligations related to the short-term rental under this chapter, that individual's telephone number(s), and an email address at which that individual may be reached on a 24-hour basis.

(2) Notification of the maximum number of overnight occupants permitted in the short-term rental.

(3) A copy of the City's Noise Ordinance as set forth in Section 94.04 of the City Code, as may be amended from time to time.

(4) A copy of this chapter, as it may be amended from time to time.

(5) Notification that an occupant and/or a visitor of an occupant may be cited for a violation of this chapter, the City's Noise Ordinance as set forth in Section 94.04 of the City Code, in addition to any other citations or remedies available to the City.

(6) A copy of the City's Good Neighbor Guide, which contains considerations for noise, trash disposal, parking, and maximum occupancy.

(H) *Pets*. The occupants and visitors of a short-term rental shall be informed prior to occupancy that all pets must be secured on the premises or on a leash at all times.

(I) *Taxes*. The person who rents a short-term rental shall pay any applicable sales tax and/or required Michigan Use Tax for any stay of thirty-one (31) nights or less.

(J) *Garbage and recycling*. All short-term rentals must provide at least one (1) outdoor garbage can and one (1) recycling bin of sufficient size to service a single-family residential dwelling. If a short-term rental has an occupancy of six (6) or more, at least two (2) outdoor garbage cans and at least one (1) recycling bin shall be provided. All waste generated by a short-term rental, its occupants, and visitors must always be stored in a garbage can or similar trash receptacle, and exposed waste or garbage shall be considered a violation of this chapter. Occupants of the short-term rental shall be

notified prior to occupancy that they are not allowed to leave waste outside of garbage cans or recycling bins.

(K) *Subletting or renting individual rooms*. 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 rooms within a dwelling unit that is rented as a short-term rental shall be fully rented under a single contract.

(L) *Tent, campers, or similar sleeping facilities*. The use of tents, campers, or similar temporary sleeping facilities at a short-term rental premises shall be prohibited.

(M) *Fireworks*. The use of fireworks by short-term rental occupants and visitors shall be prohibited.

(N) *Insurance*. A dwelling unit that is licensed as a short-term rental must, at all times, maintain rental property insurance.

(O) *Short-term rental registry*. By applying for and being issued a short-term rental license from the City, the owner and/or license holder consents to having their name, contact information, the address of the short-term rental, and contact information for their local agent included in the City's publicly available short-term rental registry.

§99.58 DURATION OF LICENSE; RENEWAL.

(A) Except as otherwise provided herein, a license issued under this chapter shall remain in effect for a period of one (1) year from the date it was issued unless it is suspended or revoked by the City.

(B) The license holder or local agent may apply for a renewed license by submitting a renewal application to the enforcing officer no later than thirty (30) days prior to the date that the license is set to expire, along with the license renewal fee established by the City's fee schedule.

(C) All information submitted with the prior application(s) shall be deemed submitted with the application for renewal, except that a new fire inspection must be conducted, and an approved fire inspection certification must be issued each year before license can be renewed. Aside from the renewed fire inspection, the license holder or local agent shall only be required to submit new information with the application for renewal when that application information has changed since the last application was filed with the City.

(D) A renewed license for a short-term rental shall be issued when all of the standards and regulations of this chapter are met.

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

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

(A) It is the express intent of this chapter to "grandfather" short-term rental certificates that were issued under the City's previous regulatory scheme until those certificates expire. Therefore, short-term rentals with certificates issued pursuant to the Saugatuck City Zoning Ordinance prior to the effective date of this chapter may continue to operate until the certificate expires, subject to the requirements in effect at the time the short-term rental certificate was issued.

(B) Once a previously issued short-term rental certificate expires, the certificate-holder must receive a short-term rental license under this chapter to continue operating a short-term rental at the premises.

(C) No short-term rental certificates issued pursuant to the Saugatuck City Zoning Ordinance may be renewed after the effective date of this chapter.

§99.60 DUTY TO REMEDY VIOLATIONS.

(A) *Duty to remedy*. The license holder and/or local agent shall have the duty to remedy any violation of this chapter and the City's Noise Ordinance, as set forth in Section 94.04 of the City Code, by the occupants and visitors of a short-term rental.

(B) *Notification from City*. For any violation of the above, the City may (in addition to other remedies) notify the license holder and/or local agent for the short-term rental of such violation by telephone or return receipt email. The license holder and/or local agent shall be deemed to have received notice of the violation upon being contacted by telephone (including a call or text message, if applicable) or when a return receipt email message is received by the City, whichever is sooner.

(C) *Corrective action*. Upon receiving notice of the violation, the license holder and/or local agent shall ensure that the violation is remedied within two (2) hours of receipt of such notice.

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

§99.61 SUSPENSION AND REVOCATION OF LICENSE.

(A) *Suspension or revocation of license*. The following shall constitute grounds for suspending or revoking a short-term rental license:

(1) A license holder, owner, and/or authorized agent's inclusion of false, incorrect, or misleading information and/or statements on an application for a short-term rental license.

(2) A license holder, owner and/or local agent's failure to comply with the standards and regulations set forth in Section 99.57.

(3) A license holder, owner, and/or local agent's failure to timely remedy a violation of this chapter or the City's Noise Ordinance, as set forth in Section 99.60.

(4) A license holder and/or owner's attempted transfer of a short-term rental license, as defined in Section 99.63.

(B) *Violation notice*. If the enforcing officer has reason to believe that there are grounds to suspend or revoke a short-term rental license, the enforcing officer may, but is not required to, prepare a written notice specifying the alleged grounds for suspension or revocation and the factual basis for this belief. The written notice shall inform the alleged violator of the time, date, and place of the hearing before the City Council, shall be served on the license holder either personally or by certified mail no less than twenty-one (21) days before the hearing.

(C) *Violation hearing*. If such a violation notice is prepared and served, the City Council shall hold a hearing at which time the license holder shall be given an opportunity to show cause why the short-term rental license issued under this chapter should not be suspended or revoked. The City Council's decision shall be in writing and shall specify the factual evidence upon which it is based and shall be final and binding upon the license holder. A copy of the City Council's written decision shall then be provided to the license holder.

(D) *Subsequent violations*. After a short-term rental license has been suspended, any additional violation(s) committed by the license holder and/or local agent within one (1) year of the expiration of the last suspension shall be grounds for a second suspension. If it has been more than two (2) years since the expiration of an initial suspension of a short-term rental license, a subsequent violation shall be deemed to be a first suspension. Upon a determination that a short-term rental license holder has been suspended two (2) or more times and is facing a third suspension, the City Council may permanently revoke the short-term rental license.

(E) *Length and timing of suspensions and/or revocations*. Subject to subsection (F) below, suspensions and revocations shall generally be effective immediately. Provided, however,

if any portion of the suspension time falls outside the primary tourist season of May through September, then the balance of the suspension time shall carry over to the next primary tourist season, with rental activity outside of the primary tourist season remaining prohibited until the suspension expires. Suspensions/revocations shall be for the following periods:

(1) First suspension - three (3) months.
(2) Second suspension - six (6) months.
(3) Revocation - permanent.

(F) *Existing contracts*. Existing short-term rental contracts up to sixty (60) nights beyond the beginning date of any suspension/revocation may be honored by the license holder with approval by the City Council. Those existing contracts beyond sixty (60) nights shall be canceled. The time period approved to honor existing contracts shall be added to the end of any suspension period.

(G) *Fraudulent complaints*. Any person who knowingly files a fraudulent, false, or fictitious complaint about a short-term rental shall be deemed to be in violation of this chapter and may be subject to court enforcement proceedings and the penalties under Section 99.62 of this chapter.

§99.62 VIOLATIONS AND PENALTIES.

(A) Any person who violates any provision of this chapter, including the continued operation of a short-term rental after the license for that short-term rental has been suspended or revoked as provided in this chapter, shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be required to pay a civil fine established by resolution of the City Council along with statutory costs. Each day this chapter is violated shall be considered as a separate violation.

(B) The enforcing officer, deputies of the Allegan County Sheriff's Department, and other persons appointed by the City Council are hereby designated as the authorized City officials to issue municipal civil infraction citations directing alleged violators of this chapter to appear in court.

(C) A violation of this chapter is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety, and welfare.

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

§99.63 TRANSFER OF OWNERSHIP.

(A) *Transfers prohibited*. Short-term rental licenses are non-transferable, and a short-term rental

license issued under this chapter shall become void upon the attempted transfer of a license or transfer of ownership of the dwelling unit for which the license is issued. In the event of an unauthorized transfer, a new short-term rental license must be obtained by the new owner of the dwelling unit from the City before short-term rentals may be resumed in the dwelling unit.

(B) *Transfer defined*. As used in this chapter, a "transfer" of a short-term rental license shall include the following:

(1) Any transfer, sale, change in ownership, or other conveyance of a short-term rental license to a person or entity other than the owner or license holder;

(2) Any transfer, sale, change in ownership, or other conveyance of the premises;

(3) Any transfer, sale, change in ownership, or other conveyance of an interest or membership in the corporate entity which is the owner of the premises or the short-term rental license; or

(4) Any change in the trustee(s), beneficiary, or beneficiaries of the trust which is the owner of the premises or the short-term rental license.

§99.64 ADMINISTRATION AND INTERPRETATION.

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

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

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

SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective immediately at the later to occur of: 1) the effective date of Ordinance No. __; or 2) the date of this Ordinance's publication as required by law.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

_____
Lauren Stanton
City of Saugatuck, Mayor

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CERTIFICATION

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

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CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN

ZONING ORDINANCE AMENDMENT

ORDINANCE NO._____

At a meeting of the City Council of the City of Saugatuck, Allegan County, Michigan, held at the City of Saugatuck Hall on _____, 2024 at _____ p.m., City Council Member _____moved to adopt the following ordinance, which motion was seconded by City Council Member _____.

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

CITY OF SAUGATUCK, ALLEGAN COUNTY, ORDAINS:

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

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

(1) Short-term rentals shall only be permitted in dwelling units that satisfy all the applicable requirements of this chapter.

(2) Signs shall be subject to the applicable provisions of § 154.141 of this Chapter.

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

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

(1) An accessory dwelling unit shall be permitted on a lot where the principal use is an existing single-family detached dwelling.

(2) Occupancy of an accessory dwelling unit permitted by right shall be limited to the following:

a. Owners/occupants of the single-family detached dwelling on the same property.

b. Non-renting invited guests of the owners/occupants of the single-family detached dwelling on the same property, such as family or friends.

c. Renters of the single-family detached dwelling on the same property if both the single-family detached dwelling and accessory dwelling unit are rented under a single contract. Renting both the single-family detached dwelling and the accessory dwelling unit under a single contract does not require a special land use approval. If an accessory dwelling unit is rented in conjunction with a single-family detached dwelling for less than 31 days, each dwelling unit must obtain a short-term rental license pursuant to the City of Saugatuck's Short-Term Rental Ordinance, Chapter 99.5 of the City Code, and shall otherwise adhere to all of this chapter's requirements concerning short-term rentals.

(3) An accessory dwelling unit shall have a minimum of 375 square feet of gross finished floor area and shall not exceed the lesser of 30% of the gross finished floor area contained within the single-family detached dwelling or 600 square feet of gross finished floor area; except, in the CRC zone district when the parcel on which the accessory dwelling unit is located is two or more acres in area, the floor area of an accessory dwelling unit shall not exceed the lesser of 30% of the gross floor area of the principal residence or 1,500 square feet. For purposes of this section, the floor area of an accessory dwelling unit is the total gross finished floor area intended for living, sleeping, bathing, eating and cooking.

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

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

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

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

(8) An accessory dwelling unit attached to a single-family detached dwelling shall have a separate entrance from the exterior of the single-family detached dwelling and shall not have interior access to the single-family detached dwelling.

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(9) A lot with an accessory dwelling unit shall provide one additional parking space on a fully improved surface of concrete, asphalt, or brick, gravel, stone, or other surface approved by the city.

(10) The rental of an accessory dwelling unit independently from the single-family detached dwelling on the same parcel shall be prohibited without receiving special land use approval from the Planning Commission as authorized in § 154.092(J).

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

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

(1) A rented accessory dwelling unit shall only be permitted on a parcel that contains a single-family detached dwelling that is occupied and used by the owner as his or her primary, year-round residence. Under no circumstances may a single-family detached dwelling and an accessory dwelling unit on the same parcel be rented to separate parties or under separate contracts.

(2) Accessory dwelling units rented for less than 31 days shall require a short-term rental license pursuant to the City of Saugatuck's Short-Term Rental Ordinance, Chapter 99.5 of the City Code, and shall otherwise adhere to all of this chapter's requirements concerning short-term rentals.

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

(B) Permitted uses:

(1) Essential public services;
(2) Retail stores;
(3) Personal service establishments;
(4) Art galleries;
(5) Single-family, two-family, and multiple-family dwelling units on first or upper floors, except that first-floor dwelling units shall not front the primary street on which the structure is located;
(6) Home occupations;
(7) Short-term rental of allowable dwelling units; and,
(8) Business, professional offices on first or upper floors, except that first-floor offices shall not front the primary street on which the structure is located.

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

(B) Permitted uses:

(1) Essential public services;
(2) Retail stores;
(3) Domestic business repairs;
(4) Personal service establishment;
(5) Art gallery;
(6) Dwelling, single-family detached;
(7) First-floor and upper-floor apartments, except that first-floor apartments shall not front the primary street on which the structure is located;
(8) Short-term rental of allowable dwelling units or apartments; and,
(9) Home occupations.

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

(B) Permitted uses:

(1) Dwelling, single-family detached;
(2) Dwelling unit, two-family;
(3) Essential public services;
(4) Retail stores;
(5) Personal service establishments;
(6) Art gallery;
(7) Marinas/commercial boats;
(8) First-floor and upper-floor apartments, except that first-floor apartments shall not front the primary street on which the structure is located;
(9) Charter fishing/tours;
(10) Home occupations; and
(11) Short-term rental of allowable dwelling units or apartments.

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

(B) Permitted uses:

(1) Essential public services;
(2) Retail stores;
(3) Bed and breakfasts;

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(4) Personal service establishments;
(5) Art gallery;
(6) Parks;
(7) Dwelling, single-family detached;
(8) First-floor and upper-floor apartments, except that first-floor apartments shall not front the primary street on which the structure is located;
(9) Home occupations; and
(10) Short-term rental of allowable dwelling units or apartments.

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

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

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

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

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

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

_____
Lauren Stanton
City of Saugatuck, Mayor

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CERTIFICATION

I hereby certify that:

1. The above is a true copy of an ordinance adopted by the City of Saugatuck at a duly scheduled and noticed meeting of the City Council held on _____, _____ 2024, pursuant to the required statutory procedures.

2. A summary of the above ordinance was duly published in the _____ newspaper, a newspaper that circulates within the City of Saugatuck, on _____, 2024.

3. Within 1 week after such publication, I recorded the above ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the City Council voting, and how each member voted.

4. I filed an attested copy of the above ordinance with the Allegan County Clerk on _____, 2024.

ATTESTED:

_____
Jamie Wolters
City of Saugatuck, Clerk

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CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN

NOTICE OF ADOPTION

ZONING ORDINANCE AMENDMENT

ORDINANCE NO. ___

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

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

Jamie Wolters
City of Saugatuck, Clerk
(269) 857-2603
JWolters@saugatuckcity.com

Publication Date: _____, 2024

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CITY OF SAUGATUCK
ALLEGAN COUNTY, MICHIGAN

AMENDMENT TO NOISE ORDINANCE

ORDINANCE NO. ____

At a meeting of the City Council of the City of Saugatuck, Allegan County, Michigan, held at the City of Saugatuck Hall on _____, 2024 at _____ p.m., City Council Member _____ moved to adopt the following ordinance, which motion was seconded by City Council Member _____.

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

THE CITY OF SAUGATUCK, ALLEGAN COUNTY, ORDAINS:

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

§ 94.04 UNLAWFUL NOISE; EXCEPTIONS.

(A) *Intent and purpose*. The intent and purpose of this section is to promote the public health, safety, and welfare of the residents and visitors of the City by prohibiting noises that would annoy or disturb the quiet, comfort, and repose of a reasonable person of normal sensitivities or disrupt the reasonable conduct of basic human activities.

(B) *Definitions*. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) ***PLAINLY AUDIBLE***. Any sound that can be detected by a person using his or her unaided hearing faculties.

(2) ***NOISE DISTURBANCE***. Any sound that exceeds the maximum permissible sound levels in this section; that endangers or injures the safety or health of humans or animals; unreasonably annoys or disturbs a person of normal sensitivities; disrupts the reasonable conduct of basic human activities such as conversing or sleeping; or endangers or injures real or personal property.

(C) *General regulation*. No person, firm or corporation shall cause, create, or continue, or assist in creating any noise disturbance, or as an owner, lessee, or occupant of the property on which the activity is located, permit the continuation of any noise disturbance. Each noise that continues or is repeated in a 1/2-hour time frame may be considered a separate violation of

this section, subject to additional prosecution and civil penalties.

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

(1) *Animal and bird noises*. The keeping of any animal or bird which, by causing frequent or long continued noise, creates a noise disturbance. Allowing or permitting any dog to bark repeatedly in an area where such barking is plainly audible on the property of another or within a building or dwelling unit other than that upon which it is located, shall be prima facie evidence of a violation.

(2) *Construction noises*. The erection, excavation, demolition, alteration, or repair of any building, and the excavation of streets and highways, in such a manner as to create a noise disturbance, at any time on Sundays, and on other days except between the hours of 7:00 a.m. and 9:00 p.m., unless a permit has been first obtained from the City Manager, which permit shall limit the periods that the activity may continue.

(3) *Sound amplifiers*. Use of any loudspeaker, amplifier, or other instrument or device, whether handheld, stationary or mounted on a vehicle, in such a manner or with such volume as to create a noise disturbance. If such a device is plainly audible on the property of another or within a building or dwelling unit other than that within which the device is located, or if such a device used between the hours of 11:00 p.m. and 7:00 a.m., shall serve as prima facie evidence of a violation of this section.

(4) *Engine exhausts*. The discharge into the open air of the exhaust of any engine or motor vehicle, except through a muffler or other device which effectively prevents loud or explosive noises therefrom, so as create a noise disturbance.

(5) *Vehicle noise*. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling, or similar noise, which creates a noise disturbance. Any such noise that is plainly audible on the property of another or within a building or dwelling unit other than that upon which it is located shall serve as prima facie evidence of a violation of this section.

(6) *Tire Noise*. Intentionally or by the immoderate operation of a motor vehicle to cause tires to screak or screech, so as to create a noise disturbance.

(7) *Blowers*. The discharge into the open air of air from any noise-creating blower or power fan in such a manner as to create a noise disturbance.

(8) *Hawking*. The hawking of goods, merchandise, or newspapers in a loud and boisterous manner so as to create a noise disturbance.

(9) *Horns and signal devices*. The sounding of any horns or signal device on any automobile, motorcycle, bus, or other vehicle, in a manner that creates a noise disturbance, unless necessary to operate said vehicle safely or as required by the

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

(10) *Radios, musical instruments, and music playing devices*. The playing of any radio, television set, speaker, musical instrument, or music playing device in such a manner or with such volume so as to create a noise disturbance. The playing of such a device or in such a manner as to be plainly audible on the property of another or within a building or dwelling unit other than that within which the device is located, or the playing of such a device between the hours of 11:00 p.m. and 7:00 a.m., shall serve as prima facie evidence of a violation of this section.

(11) *Shouting and whistling*. Yelling, shouting, hooting, whistling, speaking loudly, or singing or the making of any other loud noise on the public streets any time so as to create a noise disturbance. The creation of such noises so as to be plainly audible on the property of another or within a building or dwelling unit other than that within which the noise is made, or the creation of such noises between the hours of 11:00 p.m. and 7:00 a.m., shall serve as prima facie evidence of a violation of this section

(12) *Whistles or sirens*. The blowing of any whistle or siren in such a manner as to create a noise disturbance, except to give notice of the time to begin or stop work or as a warning of fire or danger, or for duly authorized tests.

(13) *Fireworks and Explosives*. The ignition, discharge, or detonation of any firework explosive or explosive device, firecracker, shell, consumer firework, or other article whereby the device or article undergoes a rapid chemical reaction with the production of noise, heat and/or violent explosion of gases, except as provided in Section 92.02 of the City Code.

(E) *Exceptions*. None of the terms or prohibitions of Section 94.04(C) shall apply to or be enforced against:

(1) Any government owned or operated police or fire vehicle or any ambulance, while engaged in emergency business.

(2) Excavations or repairs of bridges, streets, or highways by or on behalf of the City or the State of Michigan.

(3) Warning devices emitting sound for warning purposes as authorized by law.

(4) Customary lawn maintenance equipment for residential use, such as lawn mowers, leaf blowers, and chain saws, if the equipment is in good working order, except between the hours of 11:00 p.m. and 7:00 a.m.

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(5) Snow blowers and other snow removal equipment engaged in the removal of snow, if the equipment is in good working order and reasonable precautions are taken to minimize disruptions to the public.

(6) City street and sidewalk maintenance equipment or snow removal equipment and such equipment used by a school or hospital or medical care facility or their agents.

(7) The operation of any equipment used for the control of mosquitoes, when authorized by the City as part of an approved mosquito control program.

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

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

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

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED.

_____
Lauren Stanton
City of Saugatuck, Mayor

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CERTIFICATION

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

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HORIZON
Community Planning

Memorandum

To: City of Saugatuck Planning Commission

Date: January 12, 2024

From: David M. Jirousek, AICP

RE: Short-Term Rental Policy Discussion

Overview

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

Policy Discussions

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

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

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

> *The Task Force discussed placing caps on residential areas of the City to help alleviate the number of rentals in a given geographic area. The Task Force further discussed the potential for extreme challenges on establishing neighborhood districts for cap implementation. Some of the questions posed were as follows:*
>
> - *Would such neighborhood caps be placed block by block?*
> - *Would one side of a street be classified in one neighborhood, with the other side in a separate neighborhood?*

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

Character and Issue Analysis

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

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

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

Conclusion

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

City Council Agenda Item Report

FROM: Ryan Cummins and Planning Commission

MEETING DATE: January 18, 2024

SUBJECT: Planning Commission Activity Report for 2023

DESCRIPTION:

The purpose of this memo is to provide an overview on the activities for the Planning Commission for the 2023 calendar year.

Zoning Permit Activity

Year	2023	2022	2021	2020	2019	2018	2017	2016	2015
Permits*	95	68	75	52	98	107	108	89	77

*Includes permits issued administratively including zoning and sign permits. This does not include short-term rental certificates, historic district permits, street cut permits, water and sewer permits, temporary ROW, or other miscellaneous permits.

Enforcement Activity

Year	2023	2022	2021	2020	2019
Total Cases	86	35	39	19	71

2023 Case Breakdown	
Type of Case	**Total**
Dangerous Structures	1
Garbage Out Day After	12
Historic District	4
Nuisances	4
Streets and Sidewalk	40
Zoning	22

Other	3

Short-Term Rental Activity
90 renewal or new short-term rental certificates were issued this year.

Planning Commission Activity
The Planning Commission met 14 times for regular and special meetings.

Two Planning Commissioners served on the STR Task Force which held 11 meetings.

Public hearings and/or site plan review regarding the following projects and ordinance amendments were held this year:

- Rented accessory dwelling unit at 324 N Maple St.
- Rented accessory dwelling unit at 254 Spear St.
- Rented accessory dwelling unit at 703 Pleasant St.
- Temporary Waterfront Commercial Development and Construction Moratorium.
- Restaurant with alcohol service at 149 Griffith St.
- Single family dwellings at 291, 292, 293, 296, 297, 298, 301 Sugar Hill Ct.
- Restaurant with outdoor dining, brewery, and alcohol service at 248 Culver St.
- Restaurant with expanded outdoor dining at 118 Hoffman St.
- Rezoning from Water Street East to City Center Residential for 120 Mary Street .
- Text amendment for Restaurants with Outdoor Seating and Expanded Outdoor Dining Areas.
- Text amendment to create the Downtown Waterfront Preservation Zoning District, amend various sections of the ordinance to reflect the implementation recommendations of the Waterfront Development Project, and to amend the official Zoning Map to rezone certain lands currently zoned Water Street South and Water Street North to the new Waterfront Preservation District.

2023 Priorities
The Planning Commission set the following priorities for 2023. A summary of the progress is provided for each:

a. Update the Tri-Community Master Plan - Some discussions have occurred with Saugatuck Township and Douglas Planning Commissioners. Staff is evaluating potential grant opportunities.

b. Short-term Rentals
    i. Recommend to City Council that a Task Force be formed. – Completed. Task Force report formally presented to Planning Commission in November.

ii. Recommend to City Council that they enact a moratorium on new STR certificates. – Completed. City Council decision was to not enact a moratorium.

c. Improvement of the Zoning Ordinance
   i. The Planning Commission advised they wish to focus updates to the zoning ordinance to key areas such as:

      1. Waterfront Development – Completed. Several meetings were held to study and evaluate the project area, conduct public engagement, and draft recommendations. The Planning Commission recommended several zoning amendments to City Council. City Council will soon consider the recommendations.

      2. Consolidation of Zoning Districts – Partial progress related to Water Street East and Water Street South. Additional evaluation and study needed for remaining parcels and other zoning districts.

      3. Short-Term Rentals – Work is in progress. The Task Force recommendations were discussed by the Planning Commission and draft ordinance amendment language is being drafted.

d. Fee in Lieu of Parking – No progress.

e. Park Street sidewalks and widening – No progress by Planning Commission. The Parks and Public Works Committee has formed a sub-group to evaluate.

f. Continued Planning Commission Education and Training – Completed and ongoing. Citizen Planner training was completed by new members. Some Planning Commissioners completed site plan review training and attended Zoning Board of Appeals training. The MSU Extensional annual planning and zoning case law update was provided to all Planning Commissioners.

If you should have any questions, please contact me.

Planning, Zoning and Project Report

January 8, 2024

Planning and Zoning

- Prepared for and attended Historic District Commission meeting.
- Prepared for and attended Planning Commission meeting.
    - The Planning Commission recommended zoning ordinance amendments regarding the waterfront preservation project. Should be before Council for review and discussion at January 17 workshop.
- Interviewed Planning Commission candidates with Mayor Stanton and Chair Manns.
- Held a Zoom information session for restaurants regarding expanded outdoor dining for future seasons.
- Facilitated new Council Member orientation. This included a tour of the Department of Public Works, the Fire Department and Kal-Lake Water-Sewer Authority.
- Attended department head team meeting.
- Attended Council Strategic Planning session.
- Met with legal and planning consultant to discuss STR next steps based on Planning Commission feedback.
- Met with Allegan County GIS to go over updates to the zoning map and request updated arial imagery.
- Reviewed and provided feedback on hardscaping in the right of way draft ordinance edits.
    - Planning on Council review and discussion at January 17 workshop.
- Met and talked with property owners and applicants to answer questions and provide resources.
- Continued follow-up on complaints of code violations throughout the City.
- Completed planning and zoning casework as outlined in the chart below.

Planning and Zoning Casework		
241 Culver	Enforcement	Evidence previously found that home is being rented without a STR certificate. STR application was reviewed with legal and denied back in March due to not meeting zoning ordinance requirements. Discussed enforcement options with legal. Sent violation letter via e-mail and mail with opportunity to voluntarily cease use as STR within 7 days. Response received from owner's attorney reviewed by legal. City Attorney reviewed and sent response. Worked with legal on second response to owner's attorney. Provided owner with options. Owner's attorney provided update that they were gathering further historical documents but did not provide any. Legal asked owner's attorney for a follow up due to length of time and discovered evidence that additional rental dates are being booked.
560 Mill and 860 Simonson	Enforcement	Enforcement of hardscaping in ROW report back to City Council for further policy direction occurred at September 20 workshop meeting. Work is ongoing in finalizing formal policy and ordinance amendments for Council review/decision. Aiming for January Council meeting.
615 Park St	Structural Improvements	Zoning permit application previously received for exterior wall, deck and foundation work. Some units will also receive interior re-builds due to water damage. Reviewed with legal and consultant. Advised applicants of issues related to substantial improvements in a floodplain, zoning, and current moratorium. Discussed further with applicant. Discussed market value questions with FEMA. Met in person with HOA president and applicant to discuss findings and options. Answered questions from additional independent appraisers. Received independent appraisal. Assessor and I reviewed. Sent questions on the appraisal back to association president. Received and reviewed responses from association. EGLE floodplain permit pending. Association applied for waiver from moratorium. After a public hearing, Council approved waiver. Still awaiting further submittal from owners.
439 Butler	Enforcement/Historic Request	Complaint of mural, signage, and window tint work occurring without permits. Checked site and found mural being painted and freshly painted wall signage. Some rear building windows did appear to be tinted. Sent owner a letter to stop work and apply for required permits . HDC app received for mural, paint touch up to wall sign, and window tint for rear unit. Chair advised full commission review needed. Advised applicant. Chair advised work was still occurring. Talked with applicant who denied any further work but stated scaffolding is still up. HDC approved signage and tint but denied mural request due to painting of unpainted masonry on contributing resources not meeting historic district guidelines. Continued follow up with owner and property manager to develop timeline to remove unapproved mural. Property manager provided details regarding removing during spring (warmer weather needed).

Planning and Zoning Casework Continued		
118 Hoffman	Enforcement	Complaint of structures built without screening or permits. Complainant advised outdoor refrigeration building was built in late winter/early spring. Checked area and discovered two structures built in northwest section of property. Refrigeration unit not permitted by zoning or historic district. Checked with MTS and no building permits. Prior approved plans and survey did not show any structures in the northwest area of the property. Assessing photos confirm this. Previously a mix of retail. Construction began on new restaurant in October 2021. Water Street East zoning changed in November 2020 to make restaurants a SLU instead of permitted use. No special land use or formal site plan approvals. Sent owner letter to apply for permits for recent structures and apply for SLU and formal site plan review for restaurant use. Met with owner and answered questions and provided resources. Owner submitted special land use and HDC application. HDC tabled pending further detail and plans. Planning Commission approved with conditions that other approvals are obtained. Variance application received. Requested as built survey to verify dimensions. Owner withdrew historic district and variance applications as they will now be removing the shed and freezer. Owner advised shed was being removed week of 12/4 but still remains. Sent owner letter to remove both shed and freezer by end of January or further enforcement will occur. Owner advised items will be removed soon.
145 Grant	Variance Request	ZBA application for setback and lot coverage variances for home addition and new garages. ZBA approved variances for home addition but denied variances related to detached garage. Owner submitted a historic district application but withdrew until a later date. Met with owner and answered his questions as he considered next steps. Owner submitted another ZBA application for the detached garage for a lesser lot coverage variance. Scheduled for January ZBA meeting.
350 Mason	Water-Sewer	Water-Sewer replacement app. Requested updated plan of intended connection and plumber section filled out. Info received. Sent to engineer for review. Engineer feedback on connections and stormwater notes provided to applicant. Asked to update plans. Still need fee.
254 Francis	New Home	HDC app for new home. HDC tabled until January and requested renderings to assist with evaluating siting and massing. Questions about lot coverage. Answered questions. Zoning app also received. Height noted as concern. Revised elevations and renderings received. Height lowered to be compliant.
297 Sugar Hill	New Home	Zoning app for new home. Roof encroached further than allowed. Appears to be ADU with internal connection which is not allowed. Advised applicant of concerns and that zoning fees and water-sewer app still needed. Talked with applicant about ADU. Updated plans for eaves received. Still awaiting water-sewer connection app.

Planning and Zoning Casework Continued		
1050 Holland	Enforcement	Curb not restored as stipulated in curb cut permit. Sent contractor and owner e-mail asking for confirmation of the work being scheduled and advising engineer monitoring and inspection will be required. Contractor advised work was turned over to landscaper. Contractor advised he is contacting concrete sub-contractor to schedule. Awaiting a response on a date.
989 Singapore	Enforcement	DPW observed brush and/or leaves in ROW after scheduled pickup dates. DPW to attempt verbal contact. Sent letter to remove within 10 days per previously approved policy. Owner left note advising items were removed. DPW to do follow-up check.
120 Maple	Enforcement	DPW observed brush and/or leaves in ROW after scheduled pickup dates. DPW to attempt verbal contact. Sent letter to remove within 10 days per previously approved policy. DPW to do follow-up check.
708 Mason	Enforcement	DPW observed brush and/or leaves in ROW after scheduled pickup dates. DPW to attempt verbal contact. Sent letter to remove within 10 days per previously approved policy. Owner advised she placed a plant and removed it, but otherwise the leaves and brush are from neighbors that all place items on the corner. Advised the owner the City policy requires brush and leaves to be placed outside ones own property. Advised DPW. DPW to do follow-up check.
160 Takken	Enforcement	DPW observed brush and/or leaves in ROW after scheduled pickup dates. DPW to attempt verbal contact. Sent letter to remove within 10 days per previously approved policy. DPW to do follow-up check.
580 Mason	Enforcement	DPW observed brush and/or leaves in ROW after scheduled pickup dates. DPW to attempt verbal contact. Sent letter to remove within 10 days per previously approved policy. DPW to do follow-up check.
237 B Francis	Enforcement	DPW observed brush and/or leaves in ROW after scheduled pickup dates. DPW to attempt verbal contact. Sent letter to remove within 10 days per previously approved policy. DPW to do follow-up check.
135 Grant	Enforcement	DPW observed brush and/or leaves in ROW after scheduled pickup dates. DPW to attempt verbal contact. Sent letter to remove within 10 days per previously approved policy. Owner left voicemail advising neighbor put items on his property by mistake. Neighbor advised he would move it. Advised DPW. DPW to do follow-up check.
149 Lucy	Enforcement	DPW observed brush and/or leaves in ROW after scheduled pickup dates. DPW to attempt verbal contact. Sent letter to remove within 10 days per previously approved policy. Property caretaker advised items were not in front of their property. DPW to do follow-up check.
836 Newnham	Enforcement	DPW observed brush and/or leaves in ROW after scheduled pickup dates. DPW to attempt verbal contact. Sent letter to remove within 10 days per previously approved policy. DPW to do follow-up check.
561 Main	Enforcement	DPW observed brush and/or leaves in ROW after scheduled pickup dates. DPW to attempt verbal contact. Sent letter to remove within 10 days per previously approved policy. DPW to do follow-up check.

Planning and Zoning Casework Continued		
345 Grand	Enforcement	DPW observed brush and/or leaves in ROW after scheduled pickup dates. DPW to attempt verbal contact. Sent letter to remove within 10 days per previously approved policy. Homeowner left voicemail advising they have no refuse in the public right of way. Advised DPW. DPW to do follow-up check.
558 Hoffman	Enforcement	DPW observed Styrofoam in right of way. Sent letter to remove within 10 days. Owner called. She advised she did not put out any Styrofoam and she checked area and could not locate any. DPW to do follow-up check.
57-850-010-00	Easement	Current owner requested copy of water main easement. Engineer and I unable to locate. Referred to register of deeds. Owner advised they could not locate one. Engineer later advised it appears watermain easement was recorded for Dunegrass Condos to the west, but this one parcel was missed. Dune Ridge had to install water main as part of site condo development. Legal will prepare easement documents to present to current property owners.
520 S Maple	Short Term Rental	STR app. Need further info on local contact and distance. Updated contact received. Sent to Fire Department for inspection.
650 Water	New Restaurant	SLU and site plan app for a restaurant with an expanded outdoor dining area and service of alcoholic beverages. Asked for additional detail on outdoor seating which was provided. Scheduled for January 18 PC meeting.
N/A	Inquiry	Questions about peddle taxis and pub peddle regulations. To be researched.
345 Hoffman	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection. Failed. Sent reinspection invoice.
239 Mary	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection.
547 Butler and 219 Francis	Short Term Rental	STR app for each unit. Renewing. Appears to have been converted to a duplex several years ago. Sent to Fire Department for inspection.
100 Park	Sewer	Questions about water-sewer connection infrastructure for new home. Provided initial engineer feedback and applications. Contractor made request for septic. Engineer not willing to recommend septic as sewer is available and needed construction techniques are common. Contractor has concerns they would not be able to keep at least one lane open to connect to City sewer. Sent to engineer for further feedback. Reviewed engineer feedback and ordinance. Advised contractor sewer connection required. Contractor requested to meet. Advised escrow deposit will be required for further review or meetings. Contractor advised owner willing to pay. Advised escrow deposit is not a guarantee of a recommendation to Council for septic. Meeting scheduled. Awaiting escrow payment.
255 Spear	Short Term Rental	STR app. Renewing. Need separate STR app for ADU. Advised owner. Answered owner questions.
650 Water St	Enforcement	News owners have not applied for STR certificate for existing STR units. E-mailed to advise of requirement to obtain STR certificate. They advised they will submit.

Planning and Zoning Casework Continued		
842 Lake Unit 6	Enforcement	New owner of property with STR certificate. New owner has not applied. Advised new owner of requirement to apply for STR certificate if they wish to operate unit as STR. Asked to advise if no longer an STR.
234 Spear	Enforcement	New owner of property with STR certificate. New owner has not applied. Advised new owner of requirement to apply for STR certificate if they wish to operate unit as STR. Asked to advise if no longer an STR.
842 Lake Unit 2	Enforcement	New owner of property with STR certificate. New owner has not applied. Advised new owner of requirement to apply for STR certificate if they wish to operate unit as STR. Asked to advise if no longer an STR.
615 Park #5	Short Term Rental	STR app. Renewing. Sent to Fire Department for inspection.
146 Butler	Enforcement	Painting contractor sign in right of way. Temporary signs cannot be in right of way. Sent contractor an e-mail to remove. Contractor advised he will remove it.
449 Water	Enforcement	Follow up on minor site plan amendment approval to see if fireplace was moved. Owner advised fireplace was removed. They plan to use two fire pits on "casket rollers". Sent to Fire Department for assessment based on open fires ordinance. Also observed tables and chairs still on sidewalk after expiration of license agreement approval. License only allowed tables and chairs until November 1. Temporary heaters were also on sidewalk without approval. Sent e-mail to owner to remove. Owner advised they will be removed and they have read open fires ordinance.
383 Dunegrass	Inspection	Received a call from someone who has concerns about the temporary power at the construction site. The complainant stated the power line was initially on the ground, but is now on a 2x4 marked with a flag. The complainant stated the power line is still very low to the ground and is concerned that children or others may easily come into contact with it. MTS to check site.
N/A	Inquiry	Question about whether a permit is required to install fence. Answered questions.
395 Dunegrass	Inquiry	Owner requested copy of digital plans. Copy provided. Referred to MTS for plumbing permit.
Various	Shared Information	Sent e-mail and mailed letters to restaurant owners advising of required approvals for expanded outdoor dining for future seasons and inviting them to an info session via Zoom on January 4.
901 Allegan	Enforcement	Erosion from site construction entering city catch basin. DPW sent photo and concerns. Forwarded to Allegan County Environmental Health asking if there is a soil and erosion control permit and advising of concerns. Allegan County confirmed a soil erosion permit is in place and they will follow up on the concerns.
530 Spear	Fence	Fence permit app to install cedar fence along side lot line. Permit issued.
640 Water	Inquiry	Questions about current uses and potential uses if waterfront project changes occur. Answered questions.
N/A	Inquiry	Questions about status of possible STR ordinance changes. Provided update.

Planning and Zoning Casework Continued		
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640 Water	Inquiry	Questions about current uses and potential uses if waterfront project changes occur. Answered questions.
N/A	Inquiry	Questions about status of possible STR ordinance changes. Provided update.

Planning and Zoning Casework Continued		
57-550-004-02	Inquiry	Met with nearby property owner with questions about this parcel and review process for drives or roads. Answered questions and provided resources.
350 Mason	Inquiry	Questions about project and zoning requirements. Answered questions.
183 Park	Street Cut	Street cut application for gas line replacement. Sent to DPW and Engineer to review. Both stated road shall be restored with hot asphalt when available. Stipulation added. Permit issued.
405 Park	Street Cut	Street cut application for gas line replacement. Sent to DPW and Engineer to review. Both stated road shall be restored with hot asphalt when available. Stipulation added. Permit issued.
772 Manchester	Inquiry	Questions about internal modifications for a single family home. Advised zoning permit not needed, but building permits are. Owner will contact MTS.
548 Hoffman	Inquiry	Question about any zoning or historic district permits for new windows. Not in historic district. No zoning permit needed. MTS will issue permit for window opening extension.
312 Hoffman	Sewer Repair	Emergency sewer repair. Engineer reviewed. Provided resources to contractor. Provided apps. Application and fees received. Permit issued. No street cut needed. Engineer advised entirely on the private side of the property line (root intrusion from an open joint in a clay fitting that has been switched out to PVC). Issue repaired.
247 Grand	Short Term Rental	STR app. New STR. Sent to Fire Department for inspection. Passed. STR certificate issued.
125 Elizabeth	Short Term Rental	STR app. New Owner of existing STR. Need property transfer affidavit. Received warranty deed. Sent to Fire Department for inspection. Passed. STR certificate issued.
350 Mason	Unauthorized Burn Complaint	Complainant stopped into City Hall and advised construction materials are being burned. Complainant advised fire is going currently, not contained within anything, and being burned on the ground. Contacted Fire Department. They advised they would send someone over to check.
560 Campbell	Inquiry	Question about permit needed for a temporary storage pod. Advised via return voicemail a temporary zoning permit will be required.
149 Griffith	Sign	Sign app. Replacement of a damaged/destroyed non-confirming sign. Sent to HDC Chair. Chair agreed admin approval. Permit issued. Answered questions regarding temporary signage until new sign arrives.
582 Campbell	Inquiry	Questions about sewer tap fees. Already paid for. Advised street cut would be additional if that was needed. Advised new sewer app would be needed due to permit expiring, but tap fees wouldn't be charged.
129 Griffith Unit 12	Inquiry	Questions about whether STR is registered. Advised it is.
15 Park	Inquiry	Meeting to discuss land division options. Preliminary, no formal plans or application. Provided resources.

Planning and Zoning Casework Continued		
127 Hoffman	Enforcement	Tables and chairs observed on sidewalk after approved date of November 1. E-mailed owner to remove. Chairs removed.