



**Planning Commission Regular Meeting
September 21, 2023 7:00PM
City Hall
102 Butler Street, Saugatuck, MI**

1. Call to Order/Roll Call:

2. Approval of Agenda: (Voice Vote)

3. Approval of Minutes: (Voice Vote)

A. Regular Meeting Minutes – August 17, 2023

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

5. Old Business:

A. Short-Term Rental Task Force – Verbal Update

6. New Business:

A. Proposed Zoning Ordinance Amendments – Restaurants with Outdoor Seating and Expanded Outdoor Dining Areas

B. Waterfront Development Zoning Ordinance Review – Zoning Recommendations

7. Communication:

8. Reports of Officers and Committees:

a. Zoning Administrator Activity Report

9. Public Comment: (Limit 3 minutes)

10. Commissioner Comments:

102 Butler St. ★ PO Box 86 ★ (269) 857-2603 ★ www.SaugatuckCity.com

<p>NOTICE: Join online by visiting: https://us02web.zoom.us/j/2698572603</p> <p>Join by phone by dialing: (312) 626-6799 -or- (646) 518-9805</p> <p>Then enter "Meeting ID": 2698572603</p> <p>Please send questions or comments regarding meeting agenda items prior to meeting to: rcummins@saugatuckcity.com</p>

11. Adjourn (Voice Vote)

***Public Hearing Procedure**

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



Planning Commission Meeting Minutes - *Proposed*

The Planning Commission met for a Regular Committee Meeting, August 17, 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 7:00 p.m.

Present: Chairman Manns, Vice-Chair Broeker, Commission members: Anderson, Bagierek, Gardner, Gaunt, LaChey.

Absent: None.

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 Gaunt, second by Bagierek to approve the agenda as presented for August 17, 2023. Upon voice vote, motion carried unanimously.

3. Approval of Minutes:

Motion by LaChey, second by Anderson to approve the minutes as presented for regular meeting July 20, 2023. Upon voice vote, motion carried unanimously.

4. Public Comment on Agenda Items: None.

5. Old Business:

A. Short-Term Rental Task Force – Verbal Update

Short-Term Rental Taskforce Chairwoman Anderson said that the STR Task Force has had two meetings since the last Planning Commission meeting. The meeting on August 3 focused a lot on discussing the nuisances involved with Short-Term rentals and discussing ways they can address them. Policy changes or other changes to enforcement or policies would help address some of those. Everything from adding trash cans to STR's, that would address the trash issue. Other suggestions were around parking and things of that sort. It seemed like a very fruitful discussion. From the Taskforce perspective and the input that they are getting from the community at the Town Hall as well as surveys, there is broad consensus that they can do a lot better job at addressing some of those issues. Today's meeting went through the survey results, and McKenna presented a recap of the survey that went out and closed on August 7. There is

clearly a split in the community's perspective on STR's. They all knew that there were some differences between residents who live here full time and those who live here part time, again, broad consensus around addressing the nuisance issues. In terms of considering caps, there are more favorable views of that from full time residents. Part time residents can walk through a memo that they prepared, talking about the Tri-Communities Master Plan and how STR's might fit into some of the policies and goals outlined in that plan. They talked about what the objectives were for STR recommendations coming out of the taskforce and are really focused on three, one is preserving the neighborhood feel of a small town and character of the community. Second was supporting their tourism economy, and the third is doing a better job of addressing whether through government enforcement or regulation for some of the nuisance issues. They did discuss whether they should consider caps at all. And if so, where some mixed feelings on whether they should, there is a consensus among the taskforce that they could not have or did not see a reason for a citywide cap, no one expressed that. There will be more consideration or discussion around the possibility of caps in some of the residential neighborhoods. McKenna is going to come back to them at the next meeting in three weeks, with sort of a recap or a draft of their report. This will show what they found in the process, kind of a recap of all of that, laying out the objectives. One part will be around nuisances and enforcement. That is pretty straightforward and then gives some thinking about how they might approach caps, if at all. She did add that they had a significant breakthrough. She said that thanks to their Director of Planning, Ryan Cummins, they are finally getting the data. Based on some work that a resident submitted, looking at all the numbers, and some preliminary work by McKenna, Cummins really got some good data that will help them in their decision-making progress and going forward to be able to maintain that. She thanked Cummins for his help.

6. New Business:

A. 291, 292, 293, 296, 297, 298, 301 Sugar Hill Ct. – Formal Site Plan Review (Roll Call Vote)

The applicant requests site plan approval for the overall Vine Street Cottages plan. This review is a comprehensive consideration of the project as a whole and a summary of each individual administrative and outside agency approval. The project involves seven (7) individual lots created through the City's land division ordinance and served by a private street.

Land Divisions. Two separate land division applications were approved administratively. Lots 3-6 were approved on May 2, 2023, and lots 1, 2, and 7 were approved on June 14, 2023. During the review of each land division application, all dimensional requirements for lots were confirmed (minimum lot area, minimum lot width, and compliant building envelopes).

Outside Agency Reviews. The 570-foot private street, Sugar Hill Court, was approved on November 14, 2019, and was constructed in 2021. The overall project was reviewed by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) Water Resources Division and the Allegan County Health Department (SESC) prior to construction.

During the land division process, City staff coordinated with the Fire Department regarding the as-built conditions of the street and Fire Code compliance. The Fire Department noted several issues, and the applicant's design engineers worked diligently to satisfy the concerns.

The Fire Department made the following recommendations:

- 1. No occupancy permits will be granted until asphalt paving is completed, inspected, and approved by the Fire District.*
- 2. Lots 3,4,5, and 6 will have fire suppression systems installed in accordance with NFPA 13D*

Buildings. While compliant building envelopes were noted during land division review, a zoning permit will be required for each building. During that review, City staff will confirm compliance with all dimensional and dwelling requirements, including but not limited to setbacks, allowable encroachments, lot coverage, floor area ratio, maximum height, minimum gross floor area, fence locations/height, driveways, accessory buildings, and parking. Further, the zoning permit applicant must secure approvals from all applicable City departments and outside agencies, including EGLE.

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: Single-family developments are allowable and appropriate within the subject R-1 Peninsula West zoning district. The subject project is not anticipated to impact the development potential of abutting properties.

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: Each building envelope is appropriate in relation to the lot size. Areas of disturbance are proposed to be minimized, and each individual building site will be considered against zoning requirements, topography, and other natural constraints.

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

Comment: As a single-family residential development where limits of disturbance must be minimized, the non-disturbed areas will provide adequate visual and sound privacy consistent with the standards and requirements for all dwellings in the City of Saugatuck.

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: As mentioned earlier in this report, Fire Department approval was secured. However, the final as-built conditions must be inspected and confirmed as compliant by the Fire Inspector.

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: Based on the size of the development and the number of lots, sidewalks and pathways are not proposed. The development is not in the vicinity of uses which generate considerable traffic. Rather, it is proposed in a quiet residential area.

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 as there are no existing or planned streets and pedestrian or bicycle pathways in the area.

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

Comment: Sugar Hill Court was previously approved in accordance with City and Fire Department specifications and requirements. However, final as-built conditions must be inspected and confirmed as compliant.

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: Individual building sites will be graded to ensure adequate control of stormwater, and measures will be taken to reduce the potential for erosion and other impacts of runoff. Each site will require EGLE and Soil Erosion and Sedimentation Control permits.

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

Comment: This standard is not applicable to single-family residential developments.

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: Sugar Hill Court is not proposed to incorporate streetlights. Individual building lighting is anticipated to be of a standard residential specification.

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. Building occupancy permits will not be issued for individual lots until the City and Fire Department confirm that the as-built conditions of Sugar Hill Court are compliant.

Recommendation:

Based on the findings in this report, all standards of approval have been satisfied. Approval is recommended with the following conditions:

1. Zoning and building permits shall be issued for each site in accordance with the City's standard administrative review procedures and applicable zoning requirements.
2. No occupancy permits will be granted until asphalt paving is completed, inspected, and

approved by the Fire District.

3. Lots 3,4,5, and 6 will have fire suppression systems installed in accordance with NFPA 13D.

Motion by Lachey, second by Bagierek to approve the application for 291,292, 293, 296, 297, 298, 301 Sugar Hill Ct as submitted based upon findings of this report both standards of approval having the satisfied approval being recommended with the following conditions:

- 1. Zoning and building permits shall be issued for each site in accordance with the City's standard administrative review procedures and applicable zoning requirements.*
- 2. No occupancy permits will be granted until asphalt paving is completed, inspected, and approved by the Fire District.*
- 3. Lots 3, 4, 5, & 6 will have fire suppression systems installed in accordance with NFPA 13D.*

A roll call vote was taken:

Yes: Chair Manns, Commissioners Anderson, Bagierek, Gaunt, & LaChey

No: Commissioners Broeker & Gardner

Motion carried 5-2.

B. 248 Culver – Public Hearing and Site Plan Review for a Brewery and Restaurant (Roll call vote)

Public Hearing Information

A. Hearing is called to order by Chair Manns at 8:03 PM.

B. Summary by the Zoning Administrator:

The applicant requests special land use approval for a brewery and restaurant within a portion of the ground floor of an existing building. Additional outdoor dining and service is proposed. 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.

Aside from a small exterior addition (grain cracking room) and a new dumpster enclosure, all production and storage will occur indoors. The existing outdoor dining area will also be incorporated into the brewery and restaurant service area.

C. Presentation by the Applicant:

Wesley Noble was there to present the application on behalf of him and his partner Brooks Twist. Their application is essentially to renovate the former Toulouse

Restaurant. What they envision at 248 Culver St is to produce craft beer also with the intent of applying for a distiller's license, so that they have the option of producing and selling spirit-based beverages there. The idea is to cater equally to the local market as well as the tourist market. Between the two applicants, they have over 25 years of industry experience and would like to utilize their skills and blend in with the local community and will be open year-round to serve the patrons that are essentially already existing in the Saugatuck area. That corner has been a bit vacant for some time and the idea was to revitalize the corner to improve and harmonize the commercial experience for foot traffic and other patrons in the area and help support and sort of facilitate the overall creative experience that Saugatuck has to offer in artistic and creative areas. They believe that by being an alcohol manufacturer and retailer, they have an obligation of community and social obligation to encourage safe and responsible consumption of alcoholic beverages and to comply with the Safe-Serve regulations and focus on the benefits of community, their business decision will be centered around the community and employees of their business come first and in front of other business decisions. This summarizes what their intentions are and why they think they suit the area.

D. Public comment regarding the application:

1. Participants shall identify themselves by name and address.
2. Comments/Questions shall be addressed to the Chair.
3. Comments/Questions shall be limited to three minutes.
 1. Supporting Comments (audience & letters): None.
 2. Opposing Comments (audience & letters): None.
 3. General Comments (audience & letters): None.
 4. Repeat Comment opportunity (Supporting, Opposing, General): None.

E. Public comment portion closed by the Chair at 8:15 pm.

F. Commission deliberation:

The board went into deliberation and discussed the standards for the requested special land use approval for a brewery and restaurant within a portion of the ground floor of an existing building. Additional outdoor dining and service is proposed. The purpose of this memo is to provide a compliance review related to all applicable zoning standards and requirements and to assist the Planning Commission with developing findings related to special land use and site plan standards and specific requirements for the proposed business.

G. Commission action:

Motion by Anderson, second by Gardner to approve the special land use application for Culver Street Brewery. Upon roll call vote, motioned passed unanimously.

C. Waterfront Development Zoning Ordinance Review – Initial Assessment Report

Planning Consultant Jirousek joined the meeting via Zoom to go over the second of two waterfront regulation assessment reports with the Planning Commission. This included an overview of public input and initial recommendations on the framework for waterfront regulation amendments within the Zoning Ordinance. In this phase, the objective is to gain consensus to direct them on any changes needed to be made to the ordinance. The final zoning language will be drafted for formal review after consideration and discussion by the Planning Commission.

7. **Communications:** None.

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

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

9. **Public Comments:** None.

10. **Commission Comments:** None.

11. **Adjournment:**

Motion by Gaunt, second by Anderson, to approve adjournment of the meeting. Upon voice vote, motion carried unanimously. Chair Manns adjourned at 9:27 pm.

Respectfully Submitted,

Sara Williams, City Deputy Clerk & DPW Administrative Assistant



Planning Commission Agenda Item Report

FROM: Ryan Cummins, Director of Planning and Zoning

MEETING DATE: September 21, 2023

SUBJECT: Zoning Ordinance Amendment – Outdoor Dining

DESCRIPTION:

During the course of the COVID-19 pandemic, the City and many other local governments declared emergencies which allowed measures, including suspending specific ordinance requirements, to reduce the risk and spread of the virus. This included creating flexibility to expand dining outdoors. Part of this flexibility allowed restaurants to expand dining onto sidewalks and into the street.

Following the emergency measures and during a time of unknowns as it related to what would happen with the viral spread, the City Council continued to offer flexibility by adopting an expanded outdoor dining ordinance and policy in February 2022. This allowed for a licensee to temporarily occupy City streets.

The Zoning Ordinance considers expansion of restaurant seating into the right of way (which would include streets) as a special land use. A special land use requires a public hearing and site plan review by the Planning Commission. During the pandemic, because of the emergency and continued need for flexibility, zoning approvals were not required.

In March, staff discussed the following with the City Council:

- Three summers of licensing approvals and expanded outdoor use by establishments downtown has created a hybrid of approvals, as well as likely some confusion on the necessary approvals for outdoor dining.
- Some establishments obtained prior special use permit approval for expanded dining on the sidewalks, received additional expanded dining on sidewalks under temporary licenses issued during 2020-2022, and additionally received licenses for the use of City streets or parking spaces under temporary approvals.
- Others may only have first started expanded outdoor dining areas based on the temporary licenses authorized during 2020-2022, and have no zoning approval.
- As COVID-19 is no longer at high levels of transmission, many communities are now working through how to bring restaurants with expanded outdoor dining into compliance with zoning code requirements.

On March 27, City Council approved continued flexibility and staff discretion for temporary expanded outdoor dining during the 2023 spring/summer/fall tourist season. This included following the same application process for temporary expanded outdoor dining licensing that occurred in 2022. After November 1, 2023 all city codes, including zoning, will have to be followed.

Staff worked with legal counsel over the summer to draft proposed changes to the zoning and other code requirements for outdoor dining so they are aligned.

The following is a summary of the proposed amendments:

- Require every expanded outdoor dining area obtain: 1) a special use permit; 2) site plan review; and 3) a revocable license agreement from the City, regardless of whether the expanded outdoor dining area occupies a sidewalk, right-of-way, or other public property.
- Omits the prior restrictions on signage in expanded outdoor dining areas, but otherwise it incorporates substantially all of the requirements for expanded outdoor dining areas that would have been required by the planning commission's review via existing SUP process, administrative review via the emergency policy, or as part of Council's review in issuing a revocable license pursuant to Section 96.33.
 - Note that the amended SUP section still contains a subsection of outdoor dining areas on restaurant premises, rather than on public property, and these regulations are very basic and largely unchanged from what was previously in the code.
- Allow the expanded outdoor dining area to operate between April 1 and November 1 (consistent with existing regulations) and require all items to be removed no later than November 10 and allow items to be reinstalled no earlier than March 20.
- Require payment of an annual fee for the privilege of using public property (previously a component of the revocable license agreement), which is established by resolution of the Council.
- Allow the SUP to be revoked by the City for failing to comply with the requirements of the zoning ordinance, maintain a valid revocable license agreement, or pay the annual fee. It also notes that it can be terminated as necessary to accommodate public work, the City's use of its public places, or otherwise in the City's discretion.
- Added language noting that if the SUP was terminated for reasons outside the applicant's control, the annual fee would be prorated and refunded.

As the proposed zoning ordinance amendments would now require a revocable license agreement with the City as a prerequisite to obtaining an SUP for an expanded outdoor dining area, Section 96.33 of the City Code is no longer necessary. If the zoning ordinance is amended, City Council will be asked to amend the City Code to delete that section.

The Planning Commission should review and discuss any changes it desires to the proposed amendments. Once the Planning Commission is satisfied with the proposed language, a public hearing should be set.

LEGAL REVIEW:

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

SAMPLE MOTIONS:

Motion to set a public hearing on October 19 for zoning ordinance amendments for restaurants with outdoor seating and expanded outdoor dining areas.

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 _____, 2023 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 Zoning Ordinance to provide expanded regulations pertaining to restaurants with outdoor seating and expanded outdoor dining areas occupying public rights-of-way or public sidewalks, to provide flexibility to the restaurants operating within the City and enhance the public's downtown experience, to ensure such uses are conducted in a safe, orderly, and conscientious fashion without unreasonably disrupting or disturbing traffic or pedestrians, to ensure that such uses will not impede City functions, and to protect the public health, safety, and welfare of the residents and visitors of the City of Saugatuck.

CITY OF SAUGATUCK, ALLEGAN COUNTY, ORDAINS:

SECTION 1. AMENDMENT OF SECTION 154.092(O) OF THE CODE. The City of Saugatuck Code of Ordinances, Section 154.092(O), shall be amended to read as follows:

(O) Restaurants with outdoor seating and Expanded Outdoor Dining Areas.

(1) Outdoor Seating on Restaurant Premises. The inclusion of outdoor seating within the premises of an existing restaurant shall be viewed as an expansion of a commercial business and shall comply with the following standards:

- a. Outdoor seating shall be on a fully improved surface of concrete, paver brick, or other solid material.
- b. If alcohol is served, the outdoor seating area shall meet all applicable local, state, and federal regulations.
- c. Any illumination shall be appropriately shielded and directed so as to not disturb adjacent uses.

(2) Expanded Outdoor Dining Areas. 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.
 - 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.
 - 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.
 - 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.
 - v. The Expanded Outdoor Dining Area shall be adequately lit by electrical lighting 24 hours per day. Overhead and underground electrical cords are permitted. Electrical cords may not run along the ground and onto the sidewalk. All illumination shall be appropriately shielded and directed so as to not disturb adjacent uses or vehicular traffic.
 - vi. Expanded Outdoor Dining Areas occupying public streets or parking spaces shall be marked with traffic reflectors to promote visibility for traffic.
 - 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.
 - 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.
 - ix. The Expanded Outdoor Dining Area shall not disrupt street or sidewalk drainage or impound water.
 - 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.

- 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.
 - 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.
 - 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.
 - 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.
 - xv. No tents or enclosures are permitted within the Expanded Outdoor Dining Area.
 - xvi. If alcohol is served, the area shall meet all additional applicable local, state, and federal regulations.
 - 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.
 - 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.
 - xix. The City's Department of Public Works shall be allowed access to the Expanded Outdoor Dining Area for any maintenance purposes.
 - 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.
 - xxi. The Expanded Outdoor Dining Area shall not create a nuisance of any kind.
- b. *Application Requirements*: In addition to the standards set forth in Section 154.083(B), an application for an Expanded Outdoor Dining Area shall include the following:
- i. A site plan.

- ii. An executed Revocable License Agreement between the City and Applicant.
 - iii. A one-time application fee and annual fee.
 - iv. Current photos of the front of the business, including the curb strip and parking area.
 - v. Description or photos of proposed barriers, tables, or chairs to be used in the Expanded Outdoor Dining Area.
 - vi. Certificate of Insurance, demonstrating general and product liability coverage in the amount of \$500,000 per person/\$500,000 per incident with the City listed as a named insured.
 - vii. Certificate of umbrella insurance with policy limits of at least \$1,000,000, with the City listed as a named insured.
 - viii. Michigan Liquor Control Commission License (if applicable).
 - ix. Health Department Food Service License (if applicable).
 - x. Attestation form from Applicant, indicating that the Outdoor Dining Area will be lit 24 hours per day by both electrical lighting and traffic reflectors.
 - xi. Written approval from the Fire Department for heating equipment (if applicable).
 - xii. Attestation from Applicant that all property taxes, including personal property taxes, are current.
- c. *Site Plan*: In addition to the requirements of Section 154.061, a site plan must include both a bird's eye view map and street level view map of the Expanded Outdoor Dining Area, each depicting in detail the seating layout of the Expanded Outdoor Dining Area, location of trash container and sanitation station; indication/location of any manhole covers within the Permitted Space; barriers used to separate diners from the right-of-way; heating equipment (if applicable); any and all lighting; location of planters, plants, and organic materials; location of any fire hydrants, lanes, or other fire department connections; location of any handicapped parking spaces; and other related facilities or appurtenances.
- d. *Annual Fee*: Recognizing that Expanded Outdoor Dining Areas occupy public property, the Applicant for a special land use permit for an Expanded Outdoor Dining Area shall pay a fee for each month the Applicant wishes to operate an Expanded Outdoor Dining Area (the "Annual Fee"). Such payment shall be assessed on a yearly basis and constitutes payment for the number of months the Applicant wishes to operate in the City between April 1 and November 30. Payment shall be made at the time of application, as well as by March 1 of each year, and shall be in an amount established by the City Council.

- e. *Revocation of Special Use Permit:* The City may revoke any approved special use permit for an Expanded Outdoor Dining Area if no Revocable License Agreement is in effect, the Applicant fails to pay its Annual Fee, the Applicant fails to comply with any requirements of this section, or for any other reason, including but not limited to, the City’s need or desire to use the Permitted Space for parking infrastructure, utilities, or other City needs, as determined in the City’s sole discretion. If a special use permit for an Expanded Outdoor Dining Area is revoked for reasons completely beyond the Applicant’s control, the City shall refund some or all of Applicant’s Annual Fee to account for the months Applicant will be unable to operate.

SECTION 2. 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 3. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4. EFFECTIVE DATE: This Ordinance shall take effect seven 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.

Scott Dean
City of Saugatuck, Mayor

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 _____, _____ 2023, 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 _____, 2023.
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 _____, 2023.

ATTESTED:

Jamie Wolters
City of Saugatuck, Clerk

Memorandum

To: City of Saugatuck Planning Commission
Date: September 15, 2023
From: David M. Jirousek, AICP
RE: Waterfront Regulation Report #3- Zoning Recommendations

Overview

The objective of the September meeting is to achieve a final consensus on the use of zoning districts and amendments to dimensional, parking, and land use requirements. While I anticipate additional edits and suggestions during the drafting phase, we should agree on the overall framework. After our upcoming conversation, I plan to prepare formal zoning text for consideration in October, with November as a target for the public hearing.

Water Street East (C-2 WSE)

The newest recommendation is based on the final thoughts of our conversation in August. For simplicity, I agree that it makes sense for the Water Street North (C-1 WSN) area east of Water Street to absorb into C-2 WSE. Seven parcels would be involved in this recommended rezoning (Figure 1).

The allowable land uses in C-2 WSE are comparable, and rezoning would not create land use nonconformity for the existing restaurant (Ida Red's), parking lot, rental cottage, and office/residential mixed-use building (Mill Pond Realty).

Further, the primary difference between the districts is the required 10-foot side setback in C-2 WSE, which I do not see as a concern if any of these properties were to redevelop, as most are 66 feet in width or greater.

Combine Water Street North and South

For simplicity, I recommend creating a new consolidated "Downtown Waterfront Preservation District" to incorporate all of C-1 WSN and C-2 WSS along the waterfront from Coughlin Park north to Lucy Street. However, a distinction would be made for the requirements north and south of Francis.



Figure 1

Summary of Recommendations

1. **Special Land Use Review (All Districts).** The number of uses designated as special land uses could be expanded to increase the discretionary review authority of the Planning Commission. Several uses currently listed as “permitted” could be reclassified as “special land uses,” such as personal services, galleries, retail stores, and marinas.
2. **C-2 Water Street East.** Absorb C-1 WSN north of Francis to C-2 WSE.
3. **Create a Downtown Waterfront Preservation District.**
 - a. Designate waterfront property from Coughlin Park north to Lucy Street as the Downtown Waterfront Preservation District and create purpose statements to reflect the intent of this project.
 - b. Revise allowable land uses.
 - i. Allow ground-floor residential, but not facing public right-of-way.
 - ii. Prohibit single-family and two-family residential.
 - c. Increase the minimum lot size to $\frac{1}{4}$ acre.
 - d. Create a distinction between requirements north and south of Francis Street.
 - i. North of Francis Street
 1. Maintain maximum lot coverage of 100%.
 2. Increase minimum front setback to 5 feet with a maximum of 20 feet (front “build-to area”).
 3. Increase minimum side setbacks to 10 feet or a minimum of 20 feet total of side setbacks.
 - ii. South of Francis Street
 1. Maintain maximum lot coverage of 45%.
 2. Increase minimum front setback to 20 feet with a maximum of 40 feet (front “build-to area”).
 3. Increase minimum side setbacks to 20 feet or a minimum of 40 feet total of side setbacks.
 - e. Require a minimum of usable outdoor open space or civic area for use by tenants, customers, or clients, or at the discretion of the owner, use by the general public (at least 10%).
 - f. Allow smaller accessory buildings/structures within the 25-foot waterfront setback to accommodate marinas and water access.
 - g. Parking and Garages.
 - i. Adopt minimum setbacks from the public right-of-way (beyond the front building line) and require placement to the side or rear of buildings.

- ii. Maintain the on-site parking waiver. The visual impact of parking lots should also be softened by low walls or vegetative screening.
 - iii. Overhead doors facing the public right-of-way and front-loaded garages should be prohibited.
- 4. **Edit C-4 Resort.** Require a maximum building width of 60% of the lot width.
- 5. **All Districts.**
 - a. Modernize, simplify, and define all land uses in affected districts.
 - b. Maintain current height maximum of 28 feet and define and regulate “half story.”
 - c. Maintain rear waterfront setback of 25 feet.
 - d. Consider roof line variations for larger and wider buildings or defer to HDC on this issue?
- 6. **Voluntary Planned Unit Development (PUD).** Update the PUD provisions of the Zoning Ordinance to allow waivers that incentivize public access and/or views of the waterfront. The waterfront PUD option will also have distinct goals and desired design characteristics to demonstrate recognizable waterfront benefits to the community. The development of incentives to provide waterfront access is an essential aspect of this option.
 - a. Waiver of the minimum rear setback to reduce from 25 feet to 10-15 feet.
 - b. Waiver of minimum side setbacks.
 - c. Waiver of building width maximum.

Exhibit 1: Area of Study

