



Memorandum

To: Saugatuck Township Planning Commission and Board of Trustees
Date: November 14, 2023
From: David M. Jirousek, AICP
RE: Zoning Ordinance Update Executive Summary

Overview

The updated Saugatuck Township Zoning Ordinance has been prepared for public review and input after an intensive development and review process. This project aimed to update the Township's land use laws and regulations to implement the Tri-Communities Master Plan and the recommendations of three advisory committees tasked with reviewing the master plan. Along with implementing the rural character, attainable housing, and economic development recommendations of the committees, the objectives were also to create a user-friendly and straightforward set of regulations that would increase the predictability of the development process and development proposals and to ensure quality development that would respect the Township's irreplaceable nature resources and rural character.

Audit and Recommendations

After advisory committee work, Horizon Community Planning was hired to audit the existing zoning regulations. The audit report determined that the Zoning Ordinance does not effectively implement the master plan, does not ensure sensitive development, is not user-friendly, and is inconsistent with State of Michigan statute and case law in several instances. Recommendations from the audit report and advisory committees were incorporated into the new ordinance.

Noteworthy Changes

- Clarified and consolidated land uses
- Included similar land use considerations for when a use is not specifically mentioned
- Adjusted dimensional requirements
- Expanded the open space development option
- Improved/expanded architectural requirements
- Improved specific use requirements
- Removed land use variance authority
- Ensured content-neutral sign requirements
- Revised and clarified private street requirements
- Revised site plan review standards to be consolidated, objective, and non-discretionary
- Revised special land use review standards to be consolidated and include a level of subjectivity and discretionary review authority (no appeal to ZBA)
- Included special land use concept plan review
- Included planned unit development preliminary plan/rezoning and final site plan review

Additionally, through the advisory committee, 71 recommendations were offered and implemented. Committee recommendations involved the following topics:

Attainable Housing Committee

- Clear definitions related to housing
- Mixed-used (residential/commercial) provisions
- Accessory dwelling units (secondary dwelling on a lot)
- Attached housing options, such as townhomes
- Smaller minimum dwelling size

Economic Development Committee

- Parking reassessment (count, design, deferment, and reduction).
- Site plan review thresholds
- Rural business/agritourism
- Electric vehicle charging stations
- Solar energy

Rural Preservation and Character Committee

- Natural resource protection (trees, water, dunes, etc.)
- Dark sky preservation
- Sign regulations
- Development of open space requirements
- Housing density bonuses and incentives
- Low impact development

Content of the Proposed Zoning Ordinance

The Zoning Ordinance is a legal document that regulates the use of land within the Township. Zoning is land use law that intends to protect public health, safety, and welfare; implement the master plan; balance property rights with community goals; ensure reasonable use of property; minimize the impact of development; and ensure compatibility between land uses.

The Zoning Ordinance covers aspects of the built environment, including:

- types of land uses that can be developed (residential, retail, offices etc.);
- size, height, and placement of buildings;
- design standards for developing land, such as landscape, parking, lighting, and streets; and
- review processes, administration, and enforcement.

The proposed Zoning Ordinance overhaul document contains 23 articles organized into the following six parts: Introduction, Zoning District Regulation, Development Provisions, Review Processes and Standards, Administration, and Definitions and Checklists, as described in the following table.

Proposed Zoning Ordinance Content	
Article	Description
Part I Introduction	
Article 1: Title and Purpose	Describes the State statutes that authorize zoning in Michigan; describes the public purpose/rationale that is the foundation of zoning and the basic legal framework.
Part II Zoning District Regulation	
Article 2: General Requirements and Interpretations	An outline of the zoning districts established by the ordinance and an explanation of how to interpret the zoning map boundaries and some use provisions.
Article 3: Residential Zoning Districts	Allowed uses, dimensional requirements, building/design requirements, and important references are established here for all the residential districts.
Article 4: Commercial and Industrial Zoning Districts	Allowed uses, dimensional requirements, building/design requirements, and important references are established here for all the non-residential districts.
Article 6: Overlay Zoning Districts	Description of five overlay zoning districts that add a higher level of review and additional requirements beyond what is required outside of their boundaries to address unique resources, circumstances, or uses.
Article 5: Planned Unit Development	Regulations applicable to the creation of a planned unit development, including basic qualification requirements, allowed uses, standards for open space, modification of requirements, and development incentives. Planned unit development is a collaborative planning process between the Township and a developer to benefit the community.
Part III Development Provisions	
Article 7: General Provisions	Rules that generally apply to all zoning districts or a class of districts, such as all residential or commercial districts, are contained in this article.
Article 8: Specific Use Requirements	Some uses that may potentially have impacts related to traffic, noise, later hours of operation, and similar negative effects are subject to additional requirements and review procedures. These uses and the added requirements are listed in this article.
Article 9: Site Lighting	Standards applicable to site lighting are found in this article, including location, fixture height, light levels, separation from residential properties, and glare. This article embraces Dark Sky Friendly principles.

Article 10: Mobility, Parking, and Access	Rule concerning bicycle and pedestrian accommodation, parking and storage of vehicles, including parking lot design, number of required parking spaces, parking and storage of large trucks or RVs, driveway spacing standards, and requirements for traffic impact studies.
Article 11: Landscaping and the Environment	Requirements for project landscaping, buffers between dissimilar districts, screening, Tree Protection Zones (TPZ), protection of significant trees, and man-made water bodies.
Article 12: Signs	General requirements for site signage and specific sign provisions per land use or zoning district.
Part IV Review Processes and Standards	
Article 13: General Processes	Uniform procedures are established in this article for various applications, including public notification and hearing requirements. It also lists the individual applications and procedures and the individual or body responsible for review and/or approval.
Article 14: Site Plan Review	Outlines the projects that are subject to site plan review, lists the required information to be included on a plan, establishes specific review standards to be met, explains the review procedures, and delegates approval authority based on the complexity of the proposed project.
Article 15: Special Land Use Review	The basis for special land use reviews, review procedures, approval standards, and timing requirements are established here for all special land use requests.
Article 16: Planned Unit Development Review	The application procedure, plan requirements, review authority, decision standards, and amendment procedures are established here for all planned unit development requests.
Article 17: Condominium Review	Review and approval procedures for condominium development are described in this article, along with plan content requirements, maintenance standards, and amendment procedures.
Article 18: Variance Review	Processes, procedures, and review standards for the consideration and granting of variances.
Article 19: Zoning Amendments	This article describes the authority, based on State law, to amend the written provisions of the ordinance or the zoning map. It lists the review process and the standards to be considered in making an amendment decision.

Part V Administration	
Article 20: Administration	The authority, responsibility, and duties of the Zoning Administrator, Planning Commission, Zoning Board of Appeals, and Township Board as they relate to administering and enforcing the provisions of the Zoning Ordinance are described here.
Article 21: Nonconformities	This article recognizes that some developments occurred before zoning existed or that uses were legally established under prior ordinances that have since been amended and no longer allow the established condition. For those reasons, this article defines the rules under which such legally existing conditions are “grandfathered” and may continue. The rules apply to nonconforming uses, lots, structures, and site development.
Part VI Definitions and Checklists	
Article 22: Definitions	This article contains the definitions of terms used throughout the ordinance that typically have specific meanings relative to the zoning regulations. Additionally, to prevent ambiguity, this article defines the specific allowed uses listed in each of the zoning districts.
Article 23: Checklists	Submittal requirements for all applicable review processes.

