



Memorandum

To: Saugatuck Township Planning Commission and Board of Trustees
Date: February 13, 2024
From: David M. Jirousek, AICP
RE: Zoning Ordinance Update- Executive Summary and Major Changes

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.

Purpose and 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.

Major Changes

The following sections describe the content of all 23 articles and summarize the more significant policy and procedural changes incorporated into the proposed Zoning Ordinance update.

Part I Introduction

Article 1: Title and Purpose

Article 1 describes the state statutes that authorize zoning in Michigan and outlines the public purpose/rationale that is the foundation of zoning and the basic legal framework. There are no significant policy changes in this article. However, Section 1.110 D was included to address previously issued permits and approvals and states that they remain valid to the extent the ordinance in effect at the time of approval allowed.

Part II Zoning District Regulation

Article 2: General Requirements and Interpretations

Article 2 outlines the zoning districts established by the ordinance and explains how to interpret the zoning map boundaries and certain use provisions. Two noteworthy additions include:

1. Principal Buildings and Uses. Section 2.40 limits the use of properties to one principal use or building unless certain conditions are satisfied. A “collective” of principal uses or mixed-use project are allowable if planned in an integrative manner.
2. Similar Land Use. The similar land use provision in Section 2.50 addresses land uses that are not specifically referenced in the Zoning Ordinance but share similar characteristics to those that are named and regulated. This allows reasonable discretion to allow or disallow uses not specifically referenced and provides conditions for making the determination.

Article 3: Residential Zoning Districts

Article 3 includes zoning regulations for all residential zoning districts, including allowed uses, dimensional requirements, and building/design requirements, and important references are established. Noteworthy changes include the following:

1. Lakeshore Transitional Residential District. The district abbreviation was changed from R-3B to R-4.

2. Accessory Dwelling Units. Attached and detached accessory dwelling units are allowed in all residential zoning districts (Section 3.30). The principal dwelling or the accessory dwelling unit shall be occupied and used by the owner as their primary, year-round residence.

Accessory Dwelling Unit. An attached or detached dwelling unit that is secondary and subordinate to a principal single-family dwelling that contains an independent living area, including sleeping quarters, bathroom, living area, and kitchen facilities.

3. Specialty Accommodations and Rural Businesses. These uses are classified as special land uses in the A-1 and A-2 zoning districts (Section 3.30).

Rural Business. Commercial uses within agricultural zoning districts in the Township that due to their characteristics are more commonly found in rural areas and are compatible with rural agricultural areas. Rural businesses include retreat centers, banquet and event halls, wineries, art galleries, and "makers" spaces with retail sales.

Specialty Accommodations. Facilities that offer unique and non-traditional lodging experiences beyond standard hotels or motels. Specialty accommodations are often characterized by their distinct features, themes, or settings that provide guests with a more unconventional or personalized experience. Specialty accommodations can encompass various forms of lodging, such as individual treehouses, yurts, recreational vehicles, cabins, glamping sites, or a combination thereof.

4. Multiple-Family Residential (MFR). MFR buildings are limited to the R-1 zoning district but only through the Planned Unit Development review processes and where the development can be served by public water and sewer (Section 3.30).
5. Townhomes. Attached townhomes are limited to the R-1 zoning as a special land use where they can be served by public water and sewer (Section 3.30).
6. Two-Family Residential (TFR). TFR buildings are limited to the A-1, A-2, and R-1 zoning districts (Section 3.30).
7. Residential Building Requirements. Design requirements are included in Section 3.50 for all residential buildings to ensure quality and attractive design (siding materials, garage placement, variety of home models in developments, and architectural articulation).
8. Open Space Development Option. The Zoning Ordinance allows open space developments with at least 50% land preservation to include the same density on the remaining 50% as a conventional development would on the entire property (Section 3.70).

9. Dimensional Requirements. Adjustments were made to the minimum area and lot width for certain residential districts, as shown below (red):

Table 3.40 A: Lot, Building, and Siting Requirements for Single- and Two-Family Dwellings						
Requirement	A-1	A-2	R-1	R-2	R-3	R-4
Min. Lot Area without Public Water and Sewer (ac. or s.f.)	Proposed 2.5 ac. Existing 2.5 ac.	Proposed 2.5 ac. Existing 2.5 ac.	Proposed 30,000 s.f. Existing 30,000 s.f.	Proposed 40,000 s.f. Existing 40,000 s.f.	Proposed 30,000 s.f. Existing 20,000 s.f.	Proposed 65,000 s.f. Existing 40,000 s.f.
Min. Lot Area (ac. or s.f.) with Public Water and Sewer (ac. or s.f.)	Proposed 2.5 ac. Existing 2.5 ac.	Proposed 2.5 ac. Existing 2.5 ac.	Proposed 20,000 s.f. Existing 20,000 s.f.	Proposed 30,000 s.f. Existing 30,000 s.f.	Proposed 20,000 s.f. Existing 20,000 s.f.	Proposed 65,000 s.f. Existing 30,000 s.f.
Min. Lot Width without Public Water and Sewer (ft.)	Proposed 165 ft. Existing 165 ft.	Proposed 150 ft. Existing 150 ft.	Proposed 125 ft. Existing 100 ft.	Proposed 125 ft. Existing 125 ft.	Proposed 125 ft. Existing 100 ft.	Proposed 125 ft. Existing 125 ft.
Min. Lot Width (ft.) with Public Water and Sewer (ft.)	Proposed 165 ft. Existing 165 ft.	Proposed 150 ft. Existing 150 ft.	Proposed 100 ft. Existing 100 ft.	Proposed 100 ft. Existing 100 ft.	Proposed 100 ft. Existing 100 ft.	Proposed 100 ft. Existing 100 ft.

Article 4: Commercial and Industrial Zoning Districts

Article 4 includes zoning requirements for non-residential zoning districts, including allowed uses, dimensional requirements, building/design requirements, and important references. Noteworthy changes include the following:

1. District Hierarchy. The C-1 and C-2 districts were switched in Section 4.20 to create a logical hierarchy of commercial zoning district intensities (local, general, interchange).
2. Mixed-Use Residential. All districts allow mixed-use residential (Section 4.30).

Mixed-Use Residential. A dwelling attached to a commercial building on a lower or upper floor.

3. Residential. There is a greater allowance for residential dwellings in non-residential districts (Section 4.30):
 - a. Single-Family Residential: C-1, C-2, and I-1 (east of I-196) are permitted uses
 - b. Two-Family residential: C-1 and C-2 are permitted uses
 - c. Townhouses: C-1, C-2, and C-3 are special land uses
 - d. Multiple-Family Residential: C-3 through the Planned Unit Development process (with public water and sewer)

4. Retail Sales. Retail buildings are limited in size (Section 4.30):
 - a. Up to 5,000 square feet: C-1, C-2, and C-3
 - b. 5,001 to 10,000 square feet: C-3
 - c. Over 10,000 square feet: I-1 (with public water and sewer)
5. Commercial and Industrial Building Requirements. Design requirements are included in Section 4.50 for all non-residential buildings to ensure quality and attractive design (siding materials, amount of windows and doors, and architectural articulation).

Article 5: Overlay Zoning Districts

Article 5 includes a 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. Noteworthy changes include the following:

1. Land Use. Clarification of allowable land uses in all overlay districts.
2. Removal. Removal of the following overlay districts:
 - a. Mobile Home Overlay District and Mobile Home Park Overlay District
 - b. Blue Star Highway Mixed Use Residential/Commercial Overlay District

Article 6 Planned Unit Development

Article 6 includes regulations applicable to the creation of a Planned Unit Development (PUD), including basic qualification requirements, allowed uses, standards for open space, modification of requirements, and development incentives. The PUD process is intended to be a collaborative effort between the Township and a developer to benefit the community.

1. Rezoning to Overlay. This section allows PUDs as “overlays” placed over traditional underlying zoning districts. However, a developer may request modifications to the underlying base district requirements.
2. This article also sets residential dimensional requirements for PUDs incorporating residential dwellings in underlying C-1, C-2, and C-3 zoning districts.

Part III Development Provisions

Article 7: General Provisions

Article 7 includes rules that generally apply to all zoning districts or a class of districts, such as all residential or commercial districts. Noteworthy changes include the following:

1. Prohibition of Increased Water Frontage. Section 7.20 B prohibits increasing the water frontage of Lake Michigan and all inland waterways in the Township.

2. Docks. Permits are required for all permanent and seasonal docks, and the measurement of setbacks is clarified in Section 7.20 G.
3. General Requirements. Rules concerning fences, walls, driveways, antennas, flagpoles, pools, and private streets were clarified and adjusted.
4. Measurements and Interpretations. Clear rules for measuring setbacks and designating lot types, yards, and setbacks are outlined in this article.

Article 8: Specific Use Requirements

Article 8 includes specific requirements for uses that may have impacts related to traffic, noise, later hours of operation, and similar negative effects. New regulations are included for numerous uses, including but not limited to animal and pet services, campgrounds/RV parks, golf courses, mineral extraction, mixed-use residential, outdoor storage and sales, outdoor recreation, rural businesses, salvage operations, self-storage, specialty accommodations, vehicle repair, vehicle service stations, and vehicle wash facilities.

Article 9: Site Lighting

Article 9 includes requirements for site lighting, including location, fixture height, color temperature, light levels, separation from residential properties, and cut-off and down-lit fixtures. This article embraces Dark Sky Friendly principles and includes photometric plan requirements.

Although the Township regulated lighting to minimize impact on the night sky, new provisions are more comprehensive. Section 9.60 allows for reasonable lighting modifications based on unique conditions and several considerations for Planning Commission review.

Article 10: Mobility, Parking, and Access

Article 10 includes rules 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.

1. Bicycle and Pedestrian Accommodations. Section 10.20 is more prescriptive concerning the connectivity of existing and proposed off-road multi-use pathways and pedestrian connectivity through and between development sites.
2. Parking Lot Design. In addition to dimension and design requirements, Section 10.40 requires that parking rows within larger lots be broken up by landscape islands and peninsulas to reduce the “heat island effect” of larger swaths of pavement. Rows are limited to 10 spaces before a break is required.
3. Number of Spaces. While many codes are reducing or eliminating minimum parking requirements, current minimums have been maintained in Section 10.50. However, parking counts can be at most 10% beyond the minimum requirements, and the code also allows for shared, reduced, and deferred parking arrangements to minimize parking service areas when not determined to be necessary (Section 10.60).

4. Electric Vehicles. Provisions allowing and encouraging electric vehicle charging stations are included in Section 10.70 to acknowledge the increase in electric vehicles in advancing technologies.
5. Traffic Impact Analysis. Section 10.110 requires a traffic impact study for higher trip-generating land uses, and procedures are included so that the Township can make informed decisions concerning uses that have an increased impact on safe travel conditions of public and private streets.

Article 11: Landscaping and the Environment

Article 11 includes requirements for project landscaping; buffers between dissimilar districts, screening, Tree Protection Zones (TPZ); the protection of significant trees; and design requirements for man-made water bodies. Noteworthy changes include the following:

1. Installation Requirements. Requirements ensure that trees are installed at an appropriate size and height (Section 11.20 B).
2. Prohibited Trees. A list of problematic and invasive trees is included to prohibit species that are not appropriate for Saugatuck Township (Section 11.20 D).
3. Landscape Plans. Detailed requirements are included in Section 11.30, describing what needs to be shown on a landscape plan to ensure that Township officials can confirm compliance.
4. Planting Requirements. To improve aesthetics, maintain rural character, and provide screening between uses, front yard trees (Section 11.40), buffering between certain uses (Section 11.50), riparian buffering (Section 11.60), screening (Section 11.70), and parking lot landscaping (Section 11.80) and required.
5. Tree Protection Zones. Additional roadways have been added to the tree protection zones already in existence in Section 11.90, with major roadways including a 40-foot tree protection zone and secondary roadways requiring a 30-foot tree protection zone.
6. General Tree Protection. The most significant landscaping change includes general tree protection requirements in Section 11.100, which prohibits clear-cutting and the removal of landmark trees. However, replacement and woodland stewardship plans are allowable for the management of forests.
7. Man-Made Lakes. The design of man-made water bodies and the seeding of the perimeters are included in new requirements on this topic in section 11.110.
8. Landscaping Modifications. Section 11.130 allows for reasonable modifications to landscaping and screening requirements under certain circumstances.

Article 12: Signs

Article 12 includes general requirements for site signage and specific sign provisions per land use or zoning district. This article ensures that regulations are content-neutral and consistent with best practices and federal case law.

Part IV Review Processes and Standards

Article 13: General Processes

Article 13 includes uniform procedures for development applications, including public notification and hearing requirements. It also lists the applications and procedures and the individual or body responsible for review and/or approval. The purpose of this article is to avoid repetition within the following articles concerning submittal requirements and processes.

Article 14: Site Plan Review

Article 14 outlines the projects subject to site plan review, lists the required information to be included in 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. Noteworthy changes include the following:

1. **Minor Amendments.** Increased discretion is given to the Zoning Administrator to approve minor amendments to site plans previously approved by the Planning Commission (Section 14.20 B). However, the intent is for this authority only to cover less significant changes under certain thresholds, such as square footage or the number of parking spaces.
2. **Site Plan Approval Standards.** Site plan approval standards are included in Section 14.50, which consists of a general checklist for compliance with various zoning requirements, and these standards are intended to be objective and nondiscretionary.
3. **Low-Impact Development.** Additional review authority is given to the Planning Commission in Section 14.60 to ensure that site development has a lower impact on land and natural resources, so increased attention is given to the preservation of natural areas, protective fencing, connectivity between high-quality natural areas, protection of water bodies, minimization of sight disturbance, and protection of natural flow pathways.

Article 15: Special Land Use Review

Article 15 includes the basis for special land use reviews, review procedures, approval standards, and timing requirements established here for all special land use requests. Noteworthy changes include the following:

1. **Concept Plan Option.** A special land use concept plan review option is provided in Section 15.30 B to allow Township approval of a land use without the applicant submitting full engineering and architectural details. However, all approvals are contingent upon a final site plan review after concept plan approval.
2. **Approval Standards.** Standards that are more subjective and discretionary are included in Section 15.40, which cover a wide variety of issues, such as reflecting the intent of the Zoning Ordinance and Master Plan, compatibility, public services and infrastructure, impact and nuisances, environmental impact, and traffic conditions.

Article 16: Planned Unit Development Review

Article 16 includes an application procedure, plan requirements, review authority, decision standards, and amendment procedures established for all Planned Unit Development (PUD) requests. Noteworthy changes include the following:

1. Process. PUD approval requires the review of a PUD concept plan and rezoning of the property. Section 16.20 D allows the Township to embrace the general concept of the development without final detailed engineering and architectural plans. Zoning modifications are also approved in this step of the process.
2. Final PUD Plan. If the Township Board approves a PUD concept plan and rezoning, a final PUD site plan is required to be approved by the Planning Commission in Section 16.20 F. Acknowledging other review processes, the final PUD site plan can be concurrent with condominium and subdivision reviews.
3. Previously Approved Planned Unit Developments. Section 16.60 acknowledges that several projects in the Township have been previously approved as PUDs. This ordinance requires that if major changes are proposed to these development plans, the development must be processed through the concept plan and rezoning process of this new article.

Article 17: Condominium Review

Article 17 includes review and approval procedures for condominium development, along with plan content requirements, maintenance standards, and amendment procedures. This article does not significantly change current practices.

Article 18: Variance Review

Article 18 includes processes, procedures, and review standards for the consideration and granting of variances. Noteworthy changes include the following:

1. Land Use Variances. There is no longer a provision allowing land use variances, as this practice can allow for land uses that are not consistent with similarly zoned and nearby properties.
2. Variance Standards. Clear standards are included in Section 18.40 to ensure that an applicant demonstrates that a practical difficulty results from strict compliance with the zoning ordinance. These standards ensure that variances are only granted in certain unique circumstances relating to the characteristics of the lot or land.

Article 19: Zoning Amendments

Article 19 describes the authority, based on State law, to amend the written provisions of the ordinance or the Zoning Map. New language outlines the review process and the standards to consider in an amendment decision (Section 19.40). These processes and standards have been included to ensure that the Township is considering best practices when making changes to the Zoning Map or zoning text.

Part V Administration

Article 20: Administration

Article 20 includes 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. No significant changes to the authority or roles of these entities are proposed.

Article 21: Nonconformities

Article 21 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. Similar to the current requirements, this article allows for reasonably expanding nonconforming uses, reconstruction, and changing one nonconforming use to another (Section 21.20).

Part VI Definitions and Checklists

Article 22: Definitions

Article 22 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 land uses allowed in each zoning district.

Article 23: Checklists

Article 23 includes submittal requirements for all applicable review processes. These checklists ensure that all submittals meet a minimum submittal standard for review by the zoning administrator, Planning Commission, and zoning board of appeals.