

L a k e M i c h i g a n

SAUGATUCK TOWNSHIP

ZONING ORDINANCE AUDIT

OCTOBER 18, 2022



HORIZON
Community Planning



This report was prepared for
SAUGATUCK TOWNSHIP, MICHIGAN

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I. INTRODUCTION

The Saugatuck Township Zoning Ordinance Audit Report was prepared to provide officials and staff with guidance and recommendations for updating the Township’s land use development regulations. A number of higher-level issues and concerns are noted in this report. As part of the Zoning Ordinance update project, this report addresses policy and procedural issues, as well as other issues and concerns, some of which have been tracked by the Township Planner in a separate itemized list.

The Audit Report is intended to serve as a guide to help build consensus on the extent of necessary changes to achieve the Township’s goals and implement the Tri-Community Master Plan. This report is broken down into the following parts:

- **PART I. INTRODUCTION**
- **PART II. STAKEHOLDER AND ADVISORY COMMITTEE INPUT**
- **PART III. BEST PRACTICES FOR USER-FRIENDLY ORDINANCES**
- **PART IV. LAND USES, ZONING DISTRICTS, AND DEFINITIONS**
- **PART V. DEVELOPMENT PROVISIONS**
- **PART VI. REVIEW PROCEDURES AND ADMINISTRATION**
- **PART VII. CONCLUDING REMARKS**
- **EXHIBIT 1: GENERALIZED LAND USE LIST**
- **EXHIBIT 2: PROPOSED OUTLINE**
- **EXHIBIT 3: STYLE GUIDE**
- **EXHIBIT 4: STYLE GUIDE- ARTICLE TEMPLATE**

As part of the review of the Zoning Ordinance, the following factors were considered, among others:

- Organization, format, and flow of the document from A to Z
- Ensuring readability and identifying opportunities for using tables and graphics
- Recommending concise language and elimination of “legalese”
- Identifying overlap and inconsistencies
- Ensuring predictability of review standards and assessment of processes and procedures
- Identifying the potential to delegate authority
- Reviewing against the provisions of the Michigan Zoning Enabling Act, recent changes to state law, and recent court opinions
- Assessing the effectiveness of implementing the Tri-Community Master Plan
- Providing initial recommendations and directions concerning priority recommendations of the Advisory Committees and Township Planner

As a disclaimer, we must note that our interpretation of the Zoning Ordinance requirements and its processes may be different than what is practiced or understood by Township officials. In some cases where the ordinance is silent, the Township has established rules and procedures to address the absence of guidance. In other cases, the ordinance is not entirely clear, and interpretations may vary. The critical takeaway is that a Zoning Ordinance update is an opportunity to ensure the document allows for consistent interpretations and clear guidance.

On some issues, this report sets a starting point for more detailed conversations that will occur during project Steering Committee meetings over the next few months. Certain issues will require additional research and assessment of best practices used in the State of Michigan and beyond. As such, answers to all questions are not provided, but this report establishes the topics for further discussion.

II. STAKEHOLDER AND ADVISORY COMMITTEE INPUT

Roundtable discussions with individuals identified by Township officials were held to gain a non-governmental perspective of the issues most important to key stakeholders within the community. Additionally, meetings were held with three advisory committees previously tasked with reviewing the Tri-Community Master Plan and corresponding zoning provisions to ensure the plan's implementation. These meetings provided further context concerning the priorities, tasks, and amendments to the Zoning Ordinance, and this input was essential to ensure a common understanding of the committee recommendations. This section identifies and assesses the input from these meetings.

STAKEHOLDERS

Several community stakeholders were invited to attend roundtable discussions regarding planning, development, and zoning issues. Landowners, business owners, community advocates, real estate agents, and developers were represented. Participants valued the Township's natural resources, wildlife, recreational opportunities, rural character, and welcoming and diverse community. The Tri-Community Master Plan was appreciated as a guide for future growth in the area.

Concerns and Challenges

The most significant concerns noted by the stakeholders included coastal erosion, impacts on critical dunes, loss of trees and natural resources, water quality, failing septic systems, and short-term rentals. Meanwhile, as a seasonal community, diversifying options for off-season tourism and activities was noted as a current challenge and a future opportunity. Franchise businesses and truck stops were also a concern, as they were seen as land uses that could impact the current and desired character of the Township.

Affordable and attainable housing options for those employed in the Tri-Community area were also noted as a significant challenge with rising housing costs, and it was recognized that low density rural housing options are not typically affordable. The influx of out-of-state investors and the increase of short-term rentals reducing available dwelling units are driving up home prices. Housing cost was also recognized as a reason for "brain drain" in the community.

It was also noted that land use intensity and housing density must be planned in conjunction with available infrastructure and utilities. The service area for water and sewer will significantly impact where housing diversity may occur.

Opportunities and Focus

Agricultural tourism, live/work buildings, natural resource preservation, mixed-use, accessory dwelling units (ADUs), smaller homes, and neighborhood-scale commercial were acknowledged as opportunities to consider during the project and future planning efforts. Additionally, support for the art community and niche businesses should be considered during planning and zoning conversations, as they make Saugatuck Township unique and special.

The architectural design of newer businesses that were seen as successful could be considered “modern farmhouse” style, and the Township could ensure a high-quality aesthetic. Concerning “rural” character, stakeholders felt that regulation concerning open space, architectural design, landscaping, and building height, among other factors, would help to maintain the desired nature of the Township. It was also recommended that the project assesses the appropriate land uses within each zoning district to ensure that they correspond to the stated intents.

Concerning site planning and processes, it was recommended that the Township clarifies its requirements and expectations to ensure predictability and fairness during Planning Commission review. Additionally, site plan review requirements have been increasing significantly over time, so there may be more opportunities for preliminary reviews and detailed engineering after initial site plan approvals.

Also, some believed there were too many special land use designations, and some smaller scale proposals should be permitted by right. As such, scale should be considered when thresholds for certain reviews are assessed. Further, the ordinance must be clear to ensure that interpretations remain consistent through changes in Township officials over time.

RURAL PRESERVATION AND CHARACTER COMMITTEE

Tree Protection

Tree Protection Zone designations are currently established along Blue Star Highway and I-196. Within 70 feet of the right-of-way, no more than 10 percent of “protected trees” can be removed without Township approval. The committee recommended that additional roads are given the same designation: Old Allegan Road, Riverside Road, Lake Shore Drive, Riverside Drive, 62nd Street from Old Allegan to 134th Avenue, 134th Avenue, and from 62nd to the end of Indian Point. The committee also recommended additional protection of creeks and rivers, timber harvesting permits, clear-cutting and burning restrictions, and tree inventory and reforestation plan.

The Township should be aware of recent case law decisions, and the constitutionality of local protection ordinances may be challenged. According to Emily Palacios, JD, MUP:

While open questions remain about the constitutionality of tree preservation ordinances, it remains clear that decisions made when applying those ordinances are unlikely to be disturbed when communities have well-documented master plans with coherently stated planning goals and policies that are translated into zoning regulations and standards of review and decisions are made with reference to a well-developed record. ¹

Options for additional tree preservation are currently being assessed, and models are being researched. We recommend using Sec. 74-605. - Tree and Woodland Resource Preservation of the Ann Arbor Township Zoning Ordinance as a basis for discussion. The primary concern that must be considered is whether the current recommendations, in addition to the existing regulations, are becoming too

¹ Palacios, Emily. "It's a Tough Time for Tree Ordinances." *Michigan Planner*, January/February 2022, pp. 8-9.

cumbersome, especially as it relates to attainable housing and supporting small and niche businesses. Also, the Township must ensure it has the staff time and expertise necessary to implement and enforce existing and new regulations. However, thresholds for applicability can be assessed to best suit the needs of the Township to meet its tree preservation objectives.

Green Infrastructure and Landscaping

The committee also recommended a comprehensive list of green infrastructure requirements for PUDs. Further, the project will consider how green infrastructure for individual sites or even subdivision plats and site condominium developments can be incorporated. The recommendations deal with land preservation (25%), trail connectivity, public lands access, and low-impact development planning requirements.

Of these requirements, most could apply to all development to a degree, but the open space requirement might be excessive for non-PUD projects, considering the comprehensive existing and proposed tree protection requirements. However, low-impact development practices and green infrastructure will be encouraged and, in many cases, required as part of site planning.

Native trees and vegetation are encouraged by the committee, in addition to the list of prohibited species. Further, the committee recommended plantings around stormwater management features. As a part of this project, we will identify local and state sources to reassess the native species list and refine the prohibited species list. It is currently more common to require a minimum of 50-70% of all plant species to be native to Michigan or cultivars of species native to Michigan. Reasonable planting requirements for stormwater management features will also be assessed, but these are typically focused on retention areas designed to permanently hold water.

Agriculture

Non-commercial/non-farm keeping of chickens for R-1 and R-2 zoned land less than five (5) acres was recommended. Chickens can be regulated by number, type, setbacks, yard placement, and sanitary measures. Reasonable regulation can ensure neighboring properties are not affected.

Additionally, commercial agricultural tourism opportunities beyond what is recognized by the Right to Farm Act and GAAMPS are desired. These business, entertainment, and recreation opportunities will be assessed for appropriateness in A-1 and A-2 areas, along with regulations to limit potential impacts.

Sustainability

Dark Sky-compliant lighting is recommended for all zoning districts, including residential areas, and lighting recommendations are addressed later in this report. Additionally, the group prioritized a solar ordinance authorizing rooftop and ground-mounted accessory systems and utility-grade commercial systems.

Water Quality

The committee also recommended additional water quality measures, such as buffering, erosion control, and clarifying the requirement regarding the prohibition of excavating canals and channels for increasing water frontage.

ATTAINABLE HOUSING COMMITTEE

Attainable housing measures to implement the Master Plan were assessed and prioritized by the Attainable Housing Committee. As noted by stakeholder participants, the committee also recognized the significant challenge of attainable and affordable housing with rising land and construction costs and the low-density nature of the Township. As a part of the zoning ordinance update, the committee recommended a clear set of definitions related to housing type. Accessory dwelling units, live/work units, and reducing the minimum area of a dwelling were also listed as priorities.

ECONOMIC DEVELOPMENT COMMITTEE

The Economic Development Committee discussed a number of issues that impact businesses and the Township as a whole. Issues regarding parking lot review, design, dimensional standards, and minimum number were discussed. It is clear that the parking provisions in the ordinance must be modernized, and recommendations are included later in this report.

The committee also discussed the Blue Star Highway and development regulations and noted that further planning and assessment were necessary. Further, concern remains on the potential for truck stop development proposals, which is discussed under the Interstate Transportation Overlay District narrative.

Similar to the Rural Preservation and Character Committee, the Economic Development Committee agreed that agricultural tourism and expanded rural business opportunities were priorities to accommodate, in addition to solar installations on farms and agricultural areas, while supporting continued agricultural use.

III. BEST PRACTICES FOR USER-FRIENDLY ORDINANCES

Zoning ordinances can greatly benefit from revisions to include concise language, clear graphics, and a user-friendly format with consolidated tables and exhibits. User-friendly codes typically include the following elements, many of which should be incorporated into the Saugatuck Township Zoning Ordinance Update.

CLEAR OUTLINE, FORMAT, AND STYLE

The flow of the Zoning Ordinance is very disjointed, and in some cases, even sections seem randomly placed throughout the document. Later in this Audit, an outline is included which recommends a logical flow of the Zoning Ordinance from A to Z. A standardized format for each article is recommended, and a “style guide” and template chapter were developed to ensure the consistent use of section numbering, font, outline format, capitalization, bolding, etc.

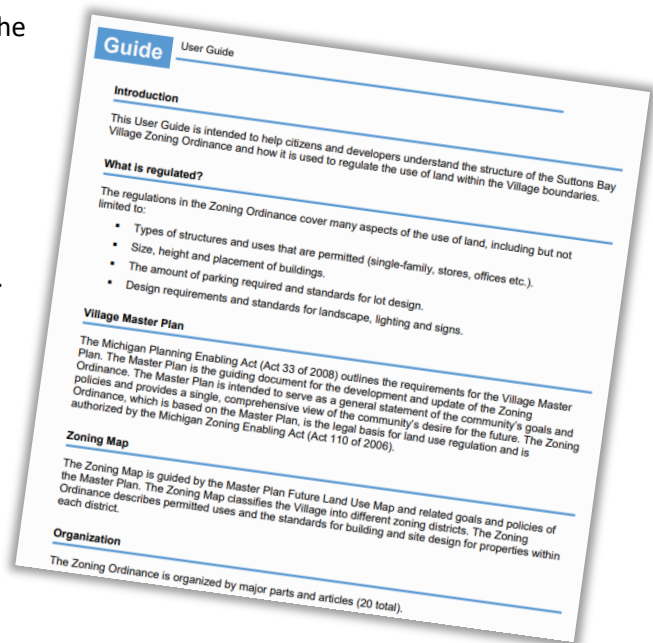
USER GUIDE

Zoning regulations are difficult for the average citizen to understand and navigate. We recommend that the Township include a “user guide” as an attachment to the Zoning Ordinance file. The user guide does not necessarily need to be officially adopted as part of the ordinance, as it may need to be updated from time to time.

While the Township webpage includes helpful information and documents and forms, a more comprehensive guide to development and zoning requirements should be made available. Moreover, the user guide can include process flowcharts and directions on how to apply for approvals required by the ordinance.

The user guide could include a more concise and succinct outline of the Zoning Ordinance with references or links to applicable articles and sections.

- What is zoning?
- How do I use this guide?
- What is my property zoned?
- What can I do on my property?
- What are the processes for development?
- Where do I apply, and who reviews my proposal?



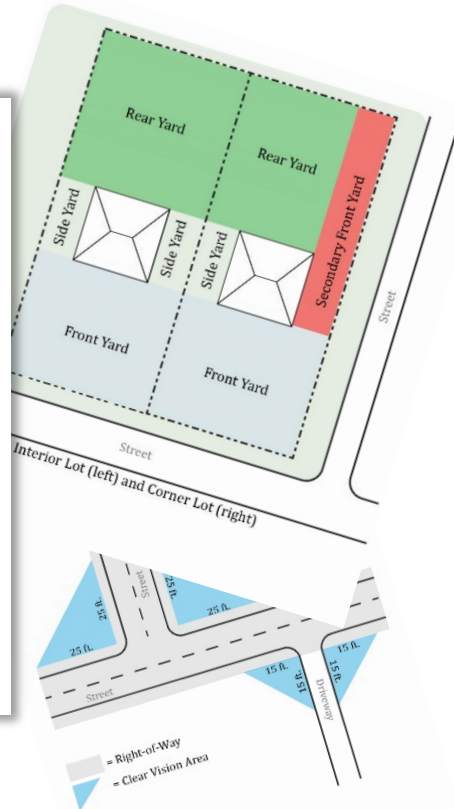
GRAPHICS, TABLES, AND COLOR

Aside from lighting types, are no other graphics in the ordinance. Graphics can help a reader visualize the requirement or definition. Graphics are particularly important for topics such as lot types, blocks, setbacks, yard designations, lot lines, setbacks, landscaping, and building form, placement, and design. Including tables in a zoning ordinance is an effective way to compare zoning districts and to more concisely present the requirements. The current tables included in the Zoning Ordinance are difficult to interpret, include errors, and headings do not carry over to succeeding pages.

Section 3-3 Spatial Requirements

All lots shall meet the minimum area and width requirements of Table 3.3. New lots shall not be created, except in conformance with these requirements. All placement of buildings shall conform to the minimum spatial and dimensional requirements listed in Table 3.3.

Table 3.3 Spatial Requirements: Agricultural and Residential Districts								
Requirement	AG	R-1	R-2	R-3	MHP	OC	AB	
Lots								
Min. Area (s.f.)	Sewer	2 ac	30,000	15,000	1	15 ac	5 ac	40 ac
	Septic	2 ac	30,000	30,000	-	15 ac	5 ac	40 ac
Min. Width (ft.)	Sewer	330	150	75	300	330	330	660
	Septic	330	150	150	300	330	330	660
Max. Lot Coverage		15%	20%	30%	35%	30%	10%	10%
Principal Building Setbacks								
Min. Front (ft.)		60	50	30	35	50	60	75
Min. Least Side (ft.)		50	20	10	50 ⁸	10	50	50
Min. Total Side (ft.)		100	40	25	100	-	-	100
Min. Rear (ft.)		50	50	35	50 ²	10	50	50
Principal Building Size								
Max. Height (ft.)		40 ³	35	35	35	16	40	40
Max. Stories		3	2 ½	2 ½	3	1	3	3
Min. GFA (s.f.)		800	800	800	600	800	800	800
Min. Average GFA (s.f.)		-	-	-	700	-	-	-
Accessory Buildings								
Max. Height (ft.)		25	18	25	15	15	25	40
Max. Stories		1	1	1	1	1	1	1
Accessory Building Setbacks								
Min. Front (ft.)		60	-	-	-	-	60	75
Min. Side (ft.)		5	5	5	5	5	5	50
Min. Rear (ft.)		5	5	5	5	5	5	50
Min. Separation from Principal Building (ft.)		10	10	10	10	10	10	10



The use of color within tables and articles will assist the reader in navigating the Zoning Ordinance and clearly distinguish requirements between differing zoning districts. Further, the colors should reflect those used on the Township's Zoning Map.

CLEAR AND SIMPLIFIED PROCESSES AND AUTHORITIES

Application type and review processes should be clearly itemized in list, table, or flow chart format. Further, a table showing review authorities would assist the reader.

Section 11.30 Review Authorities and Application Types

A. **Review Authorities.** Table 11.30 summarizes application types and review authorities under the Zoning Ordinance.

Table 11.30: Review Authorities					
Application Type	Zoning Admin.	Building Official	Planning Commission	Township Board	Zoning Board of Appeals
Zoning Permits	D ¹	--	--	--	A
Minor Site Plan Amendments	D	--	--	--	A
Site Plans & Major Amendments	R	--	R	D	A
Building Permits and Certificates of Occupancy	--	D	--	--	--
Special Land Use	R	--	R	D	--
Planned Unit Development	R	--	R	D	--
Site Condominium	R	--	R	D	A ²
Zoning Map or Text Amendment	R	--	R	D	--
Variances	R ³	--	--	--	D
Other duties assigned to the Zoning Board of Appeals	R ³	--	--	--	D

R= review and recommendation authority; D= decision-making authority; A= appeal authority

CONCISE AND PLAIN LANGUAGE

Requirements and standards should be concise and to the point. Superfluous and repetitive language creates more opportunities for misunderstanding, misinterpretation, contradictions, and easier appeals or legal challenges.

REASONABLE NON-VARIANCE FLEXIBILITY

Certain development requirements, such as parking, landscaping, and lighting, are more commonly drafted with moderate “non-variance” flexibility. However, this is not intended to be a way to circumvent the requirements of the Zoning Ordinance. Rather, it allows the Township to respond to industry trends or creativity to a reasonable extent as long as standards of approval are met.

ENFORCEABILITY

Existing and proposed zoning requirements must be balanced with the Township's ability to administer and enforce the ordinance. In particular, staff time, expense, resources, expertise, and capacity of the Township should be assessed.

PART IV. LAND USES, ZONING DISTRICTS, AND DEFINITIONS

LAND USES

The Zoning Ordinance includes an exhaustive list of specific land uses, but no ordinance can list all potential land uses, and many will inevitably be omitted. Instead of specific land uses, broader land use categories are recommended. Generalizing and grouping specific uses like gift shop, bait and tackle, antique shop, florist, pet shop, hardware store, such as “retail sales,” eliminates the need for an exhaustive list of land uses. The current ordinance lists 135 uses in Section 40-1046, while a preliminary recommended land use list included in Exhibit 1 has less than 90 (approximately 2/3 of the number).

Generalization increases the user-friendliness of an ordinance and allows for easier interpretations. Additionally, each land use should be clearly defined to cover the full spectrum of businesses and uses within the category. We also recommend including a “similar use provision” that would allow the Administrator to classify a use based on standards or to forward that determination to the Planning Commission or Zoning Board of Appeals to decide on the matter.

It should be noted that the Planning Commission may not classify an unmentioned use as a “special land use,” as noted in the commercial districts. The Zoning Enabling Act states that special land uses must be named in the zoning ordinance.

Another opportunity for conflict is listing allowable land uses for each zoning district and then including a separate land use regulation table (40-1046). Any time regulations are replicated, conflict and inconsistency are much more likely. Further, some zoning districts do not include special land uses within their respective sections, yet special land uses are listed for them in the table in Section 10-1046. On the contrary, C-1, C-2, and C-3 have special land uses in both locations. Several land uses are mentioned and regulated in Section 10-1046 but not in the individual zoning district sections. These inconsistencies must be remedied.

AGRICULTURAL AND RESIDENTIAL DISTRICTS

Each of the current zoning districts should be carefully considered during the update process. Unused or limited-use districts could be removed, especially if there is an overlap between allowed uses and dimensional/spatial requirements. Alternatively, a better distinction could be created between districts to reflect their respective intents more accurately.

Agricultural and Residential Districts- General Comparison

District	Uses	Min. Lot Size SFR & TFR	Setbacks (ft.) Fr., Side, Rear	Width
A-1	Single-family, two-family, other non-res	2.5 acres	90/40, 15/10, 50/30 ¹	165 ft.
A-2	Single-family, two-family, other non-res	2.5 acres	50/40, 15/10, 50/30 ¹	150 ft.
R-1	Single-family, two-family, three-family, four-family, five+, and other non-res (comparison only for single- and two-family)	40,000 s.f. ² 30,000 s.f. ³ 20,000 s.f. ⁴	50/40, 15/10, 50/30 ¹	125 ft. ² 100 ft. ³ 100 ft. ⁴
R-2	Single-family, two-family, other non-res	65,000 s.f. ² 40,000 s.f. ³ 30,000 s.f. ⁴	50/40, 15/10, 50/30 ¹	150 ft. ² 125 ft. ³ 100 ft. ⁴
R-3	Single-family, two-family, other non-res	20,000	50/40, 15/10, 50/30 ¹	100 ft.
R-3 B	Single-family, two-family, three-family, and other non-res (comparison only for single- and two-family)	65,000 s.f. ² 40,000 s.f. ³ 30,000 s.f. ⁴	50/40, 15/10, 50/30 ¹	150 ft. ² 125 ft. ³ 100 ft. ⁴

- ^{1.} Front setback varies by road classification, side setback varies by lot width, rear setback varies by lot size
- ^{2.} Metes and bounds divisions/adjustments
- ^{3.} Platted or site condo and not served by water and sewer
- ^{4.} Platted or site condo and served by water and sewer

The overall presentation of dimensional requirements for the Agricultural and Residential zoning districts is unnecessarily complex and confusing. Regulations should be simplified and put in table format for easier interpretation, comparison, and assessment.

Concerning lot size, it is unclear why the convoluted Land Division Act methodology for splits is included for the A-1 district. While it is not known if it matches the Land Division Act or is stricter, the methodology of the Act applies to all land, not just A-1. It seems overcomplicated to include this section in the Zoning Ordinance. Further, a sliding scale for side setbacks does not seem necessary for a district with large minimum lot sizes.

The A-2 district is similar to A-1, aside from the land division methodology. Dimensional requirements and land uses are consistent with each other. There is a Rural Open Space Option allowable in A-2, but it should be noted that the Zoning Enabling Act allows for the Open Space Development Option for all zoning districts if (Section 506 a):

The land is zoned at a density equivalent to 2 or fewer dwelling units per acre or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.

In any case, Open Space Development Option is recommended to be processed as a Planned Unit Development.

COMMERCIAL AND INDUSTRIAL DISTRICTS

Although there are only four commercial and industrial zoning districts, it appears that consolidation or further distinction is necessary.

Commercial and Industrial Districts General Comparison

District	Purpose	Min. Lot Size	Setbacks (ft.) Fr., Side, Rear*	Width/ Frontage
C-1	Focused on tourism and seasonal population	85,000 s.f.	70, 20, 20/50	250 ft.
C-2	Focused on day-to-day local population	65,000 s.f.	70, 20, 20/50	200 ft.
C-3	Regional market, highway services	120,000 s.f.	70, 20, 30/50	300 ft.
I-1	Manufacturing, assembly, fabricating	30,000 s.f.	75, 15, 25	100 ft.

**rear setbacks: when abutting a non-residential district / when abutting a residential district*

Concerning C-1 and C-2, the districts are very similar, aside from the minimum lot size and width. Approximately 80 percent of the uses are regulated in the same manner in both districts. Another five (5) percent are allowed in both districts but permitted in one and a special land use in the other. An additional eight (8) percent are allowed in one district but not the other, but there is no clear reason why. This means that these districts could conceivably both treat 93 percent of the listed uses in the same manner. Further, the distinction between regional or local market focus is also not entirely clear between these districts.

The setbacks and buffers are the same in C-1 and C-2. The minimum lot size in C-1 is approximately two (2) acres, while C-2 is one and a half (1.5) acres. There is no significant difference in minimum lot area and minimum lot width (250 feet vs. 200 feet). Requiring at least one and a half (1.5) acres seems excessive for a small local-serving business, especially compared to 30,000 square feet in I-1.

The C-3 uses appear to be narrowed down significantly from C-1 and C-2 allowable uses, but it also allows for some more intensive uses that are more appropriate for the interchange areas. Requiring almost three (3) acres for certain interchange-appropriate also seems excessive. Most uses in I-1 are generally consistent with the district intent, but some service and retail uses are permitted.

Overall, a clearer distinction is recommended between the commercial districts. If not, consolidation could be considered. Further, if lot sizes are reduced, it does not rule out requiring larger lots for certain more intensive land uses in the specific use requirements section.

As the land use regulation lists and table are combined, the Steering Committee may wish to further assess land use regulation, including the necessity to designate certain uses as special land uses. Special land use provisions are employed to control potentially objectional uses within the various districts. Still, certain uses may not have a serious impact, or the impact may only be perceived.

OVERLAY DISTRICTS

Zoning overlay districts are used to allow flexibility from a base district requirement or incorporate stricter requirements on the base district. Saugatuck Township's overlay districts primarily add more restrictions, except for the Blue Star Mixed Use Residential Commercial Overlay District. The following are comments on some of the overlay districts. Other overlay districts are not mentioned as substantive changes are not necessary (Floodplain Overlay District, Natural River Overlay District, and Groundwater Protection Overlay District)

Mobile Home Overlay District and Mobile Home Park Overlay District

It is unclear if the Mobile Home Overlay District is used, as it does not appear to be mapped. It does not appear to be necessary, as the need for a district to allow narrow mobile homes outside of mobile home parks is not recommended, as stick-built dwellings, modular dwellings, and mobile homes should be held to a consistent standard.

Regarding mobile home parks, the Mobile Home Park Overlay District regulates allowable locations. However, municipalities must petition the Manufactured Housing Commission to adopt zoning requirements more stringent than the established administrative rules of the commission, which is not recommended as part of this project. Section 7(1) of the Mobile Home Commission Act states:

[A] local government that proposes a standard related to mobile home parks or seasonal mobile home parks, or related to mobile homes located within a mobile home park or a seasonal mobile home park, that is higher than the standard provided in this act or the code, or that proposes a standard related to the business, sales, and service practices of mobile home dealers, or the business of mobile home installers and repairers, that is higher than the standard provided in this act or the code, shall file the proposed standard with the commission . . . The commission shall review and approve the proposed standard unless the standard is unreasonable, arbitrary, or not in the public interest. If the commission does not approve or disapprove the proposed standard within 60 days after it is filed with the commission, the standard shall be considered approved unless the local government grants the commission additional time to consider the standard. After the proposed standard is approved, the local government may adopt the standard by ordinance. The ordinance shall relate to a specific section of the code. MCL 125.2307(1)

Blue Star Highway Mixed Use Residential/Commercial Overlay District

This overlay district allows for underlying properties to be developed as mixed-use residential/commercial PUDs. This district does not seem necessary, as overlay district designation is typically not a qualification requirement for a PUD. Further, the underlying districts along Blue Star Highway may allow for mixed-used by-right or special land use as part of the Zoning Ordinance update project.

Blue Star Highway recommendations include:

- Mixed-use development with walkable attributes
- Lighter-intensity businesses with less auto-oriented uses
- Development compatible with surrounding residential neighborhoods
- A diverse mix of housing opportunities at varying densities

Interstate Transportation Overlay District

Applying an overlay district to a portion of C-3 zoned property in a targeted location is an effective method for controlling the exact location of particular land uses, in this case, truck stops and adult uses. We may find that this overlay district is supplemented or used for other land uses. However, municipalities must be cautious of the potential for exclusionary zoning challenges if a land use is completely prohibited in an area where the use could otherwise reasonably be established (see Section 207 of the Zoning Enabling Act).

A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a local unit of government in the presence of a demonstrated need for that land use within either that local unit of government or the surrounding area within the state, unless a location within the local unit of government does not exist where the use may be appropriately located or the use is unlawful.

Critical Dune Area

The Critical Dune Area is included as an overlay district in the zoning map legend, and approximate boundaries are mapped. It is unclear why the Critical Dune Area is not included as an overlay district within the zoning ordinance, as it falls under the R-3B zoning district. It is also unclear if it is only applied within R-3B or as an overlay for all underlying districts.

DEFINITIONS

A comprehensive and clear set of definitions is essential for a modern and user-friendly zoning ordinance. Earlier, we recommended a new set of generalized land use categories, and every single land use must be defined. Additionally, many other definitions must be updated or included. For the Zoning Administrator, definitions are vital for preparing determinations and properly interpreting and enforcing the ordinance. The proposed outline in Exhibit 1 separates general definitions from land use definitions so that land uses can be consolidated for easier review and interpretation.

- All definitions should be consolidated in a separate article, as some are scattered through the ordinance (i.e. farm labor, groundwater protection, outdoor lighting, adult businesses, water access and docks, condominiums, wireless communication, and wind energy).

- Many definitions related to how something is measured or designated are not clear and should be updated with more commonly used methods (setback, basement, lot width, lot depth, yards, floor area).
- Some definitions are antiquated and no longer used in zoning practice.
- Certain definitions can be generalized under broader terms (i.e. hotel, motel, and inn; or rooming house, boarding house, and tourist house), unless there is a specific need to regulate the uses separately.
- Certain definitions are repetitive (i.e. building setback vs. setback, min. required vs. required depth of yard, substandard lot vs. nonconforming lot).
- Housing definitions need to be updated and expanded.
- Definitions within definitions need to be separated out (i.e. truck stop within automobile service station).
- There is no need to “see another definition” if the term is not used in the ordinance.
- Certain definitions should be checked against state statutes or re-titled (i.e. adult foster care, day care home, manufactured homes, farm, and farm operation, etc.)
- Certain definitions should be divided into sub-terms (i.e. “restaurant”- sit down, drive-in, and drive-through; or “pet services”- boarding, grooming, training, and day care).
- Several standard sign definitions are missing (freestanding, ground, pole, wall, incidental, interior site, sandwich board, awning, canopy, projecting, government/public, etc.).
- The distinction between sign types by communicative message should be removed to ensure consistency with case law (Reed vs. Gilbert AZ).
- In all cases, no regulation should be included within definitions unless making a distinction by a specific characteristic.

PART V. DEVELOPMENT PROVISIONS

SPECIFIC USE REQUIREMENTS

Throughout the zoning ordinance, various requirements for permitted uses are listed in different sections. One consolidated article is recommended in which specific conditions applicable to individual uses would be contained. Regardless of whether a land use is permitted by-right or as a special land use, restructuring to consolidate these individual requirements in one place will create a more user-friendly and streamlined ordinance.

Most of the specific use requirements fall within Article VIII. The majority of these requirements were effective in 1987, with little change in 35 years. Certain uses, such as landfills and oil and gas wells, are now exempt from zoning regulations. The Township's authority over mineral extraction is also significantly limited. Many of these requirements are antiquated, arbitrary, and may not serve a legitimate public purpose. However, specific use requirements are essential to regulate the unique operations and characteristics of specified land uses.

BUILDING REQUIREMENTS

Residential, commercial, and industrial architectural requirements should be reviewed and modernized as appropriate. Guidelines and local sources are referenced, but zoning ordinances must include requirements, and guidelines outside of zoning cannot be enforced in Michigan.

The level of subjectivity is also concerning. The current use of vague, imprecise language is based on a "we'll know it when we see it" approach. An applicant has no reasonable expectation of approval because the rules and regulations are not clearly stated; requirements are not specific and uniform; and subjective review standards potentially lead to inconsistent treatment of each applicant. This is especially evident in the following excerpts:

- *Building materials and colors shall be related and **harmonious** with the rural character of the township.*
- *[Building entrances] shall provide unity of scale, texture, and color, and they shall **provide a sense of place.***
- *All facades of a building...shall have a **pleasing** and residential scale...*

With more specificity, waiver authority should also be considered. Waiver authority is not intended to circumvent the ordinance or allow a lesser-quality project. For instance, waivers or deviations could be considered if:

- The proposed architectural design and/or building material is equal or superior to these requirements as it relates to achieving the character desired by the ordinance,

- the proposed architectural design and/or building material better fits the character of the area than when it strictly conforms to the requirements of the ordinance,
- the deviation has no significant visual impact or distinction from the public right-of-way or adjacent properties, and/or,
- the applicant demonstrates that conformance with the requirements is impractical due to complexity, but that shall not by itself be the reason for granting a deviation.

PARKING

Parking requirements in the Zoning Ordinance should be updated to lessen the impact of larger paved areas that add to existing stormwater runoff. The Township should adjust required parking ratios and allow for parking reduction and deferment. Many codes require “over-parking” when in many cases, it is not needed. To reduce parking under the minimum, an applicant could provide a parking study or industry standards demonstrating that the proposed number of spaces would be more appropriate based on the actual number of employees, the expected level of customer traffic, or actual counts at a similar establishment.

Concerning dimensional requirements, parking spaces should be allowed at nine (9) feet in width, and drive lane widths should also be included. Loading area dimensional requirements should also be clarified. Graphics may assist with demonstrating the requirements. Some allowance may also be appropriate for alternative parking surfaces (i.e. gravel in rural areas).

In Michigan and nationwide, communities are seeing the beginning of a slow shift from traditional internal combustion vehicles to electric vehicles (EVs) and hybrids. With this shift, changes to existing and future infrastructure of private residences, residential and commercial developments, and public facilities will be needed to accommodate advances in technology. Regulation could range from acknowledging and allowing EV charging stations to accommodate the increasing number of EVs; encouraging, incentivizing, and preparing for EV charging stations; or requiring EV charging stations or readiness in new and altered parking lots. While the committee felt that this issue may not be a present priority, acknowledging and allowing EV charging stations would be a straightforward first step.

LANDSCAPING AND THE ENVIRONMENT

The overall landscaping requirements are thorough and encourage the preservation of existing qualifying vegetation. The buffering requirement is unique because it does not relate to abutting zoning, which is typically the norm (thicker buffer when commercial abuts residential zoning). It is recommended that the qualification standards for existing trees to count as buffer credits be clarified, for instance, a specific caliper size and evergreen height. For areas within Tree Protection Zones (TPZ), credits would be anticipated as preservation is required.

Low-impact development requirements and considerations were also noted as a priority of the Rural Preservation and Character Committee. As a part of this project, we will also assess buffers on other surface water features, preservation of natural flow pathways on development sites, consideration of wildlife corridors, and lot coverage maximums.

LIGHTING

Lighting requirements appear to ensure secure and safe developments and minimize light pollution. While lighting levels may be assessed against present-day standards, the Township should also consider limiting color temperature to 4,000 or even 3,000 Kelvin and include fixture height specifications. Newer and clearer graphics are also recommended.

SIGNS

Sign regulations are included within each zoning district section as well as in the general requirements (billboards). A consolidated sign article is recommended with regulatory tables. Content-based regulation must also be addressed.

After the 2015 U.S. Supreme Court decision of *Reed v. the Town of Gilbert (AZ)*, sign regulations can no longer make distinctions between sign types based on content. In *Reed*, Justice Thomas found that the temporary sign distinctions in Gilbert were “...plainly content-based and thus subject to strict scrutiny. The distinctions- between political signs, temporary directional signs, and ideological signs- depended entirely on the communicative content of the sign.” The critical point is that content-based regulation of speech is determined to be unconstitutional, especially for non-commercial signs.

In general, the decision embraced content-neutral ordinances, which limit sign regulations to reasonably regulate time, place, and manner of signs, including but not limited to: size, number, building materials, illumination, spacing, electronic displays, moving parts, and portability. A simple fix to address this issue is to “standardize” temporary yard sign regulation, meaning that signs related to elections, real estate, and construction should be regulated in the same manner. In general, content-based definitions and regulations should also be deleted or revised.

PRIVATE STREETS AND SHARED COMMERCIAL DRIVES

The private street requirements are comprehensive and have been updated in recent years. However, shared commercial driveways should also be considered in the zoning ordinance update.

PART VI. REVIEW PROCEDURES AND ADMINISTRATION

SITE PLAN REVIEW

Site plan review is typical for all non-residential principal land uses and multi-family development. However, applicability is not clear for commercial and industrial uses that are not incorporated as PUDs or special land uses. Further, the zoning ordinance requires a public hearing, which is not recommended or appropriate for uses that are permitted by-right (only for PUDs and special land uses).

It also appears that the threshold for “major” amendments is quite low, which would require additional Planning Commission review for insignificant plan changes. The square footage and parking space thresholds for major amendment review by the Planning Commission should be doubled or tripled.

Site plans are also subject to 21 standards of approval, with few considered to be objective. Many of the “standards” are a repetition of development requirements elsewhere in the zoning ordinance. Site plan review is more appropriately an objective, non-discretionary review. If a proposal complies, it should be approved. Removal of subjectivity from the decision-making process is recommended by lessening the number of standards and revising them to a “compliance checklist.” With this said, PUDs and special land uses should be subject to more discretionary and subjective review standards, but that occurs during preliminary reviews.

Concerning the Township being subject to its own zoning regulations, two published Michigan Court of Appeals opinions have noted that municipalities are not subject to their zoning and land use regulations when projects serve a government function (*Morrison v City of East Lansing*, 255 Mich App 505; 660 NW2d 395 -2003 and *Mainster v West Bloomfield Twp*, 68 Mich App 319; 242 NW2d 570 - 1976) However, it is not uncommon to run projects through approval processes anyway, with the municipality as the applicant.

SPECIAL LAND USE REVIEW

Site plan review is inherently tied to special land use review. However, it is common for zoning ordinances to allow for the submittal of a “preliminary” site plan to be reviewed and approved with the special land use request and a “final” site plan to be submitted later in the process. Preliminary reviews would determine compliance with all measurable dimensional requirements and would allow the Planning Commission to assess the potential impacts of special land uses on a case-by-case basis. If approved, the applicant would be allowed to move forward to a final site plan stage, where technical details and designs would be required.

This section should recognize the two-step special land use review option as a formal practice and include an abbreviated submittal checklist for preliminary site plans. Lastly, the special land use section should clearly outline special land use term and validity of approval, compliance, revocation, and thresholds for amendment review (major and minor).

PLANNED UNIT DEVELOPMENT REVIEW

Planned Unit Developments (PUDs) are typically processed as zoning map amendments or special land uses with associated plans and details. Because zoning modifications occur, it is more common for the legislative body to have final review authority of a preliminary plan required during a PUD rezoning (if applicable). Typically, a rezoning process allows for a greater level of collaboration and certainty during PUD reviews.

NONCONFORMITIES

The nonconformity section should clearly state the distinctions between nonconforming uses (uses that are not permitted in the district), nonconforming buildings/structures (those that do not comply with dimensional/spatial requirements), nonconforming lots (lots that do not comply with area, width, frontage and dimensional requirements), and nonconforming sites (sites that do not comply with development requirements- parking, landscaping, lighting, etc.). These topics should be considered separately, and rules may vary regarding the continuance of the nonconforming situation and situations that trigger compliance.

VII. CONCLUDING REMARKS

Like many communities nationwide, the Saugatuck Township needs a complete restatement and rewrite of the Zoning Ordinance. In some technical audits, we provide tables showing detailed comments on a section-by-section basis. In those cases, the ordinances can be updated using existing frameworks. However, while certain sections of the Zoning Ordinance are sound, the entire document must be substantially revised and reformatted to properly implement the Master Plan and to provide the desired control and quality and attractive development that the community desires.

While we anticipate that not every recommendation will be accepted, we hope this document allows for valuable conversations on development-related matters during the update project.

EXHIBIT 1. GENERALIZED LAND USE LIST

The following list is an example of the generalized land use approach. Land uses are subject to change as the ordinance is developed and input is received. Additional specificity may be required for land uses of concern.

ACCESSORY USES

- Accessory building, non-residential
- Accessory building, residential
- Accessory dwelling unit
- Accessory solar energy system
- Antennas
- Day care home
- Drive-through service
- Home occupation or business
- Outdoor display and sales, permanent
- Outdoor display and sales, temporary
- Outdoor storage and container storage, accessory

ACCOMMODATIONS, HOSPITALITY, AND ENTERTAINMENT

- Banquet or meeting hall
- Bed and breakfast
- Recreational vehicle park
- Commercial indoor recreation facility
- Commercial outdoor recreation facility
- Drive-in theater
- Golf course
- Hotel or motel
- Indoor theater or playhouse
- Restaurant
- Restaurant with drive-in service
- Restaurant with drive-through service
- Tavern

AGRICULTURAL

- Farm
- Farm market or farm stand
- Stables, Commercial
- Stables, Private

CIVIC AND INSTITUTIONAL

- Cemetery
- Community oriented cultural facility
- Community-based recreational facility
- Government facility

Public park or preserve
Public use
Place of worship
School- college or university
School- K-12
School- specialized training
School- truck driving

INDUSTRIAL, INFRASTRUCTURE, AND TRANSPORTATION

Brewery, winery, distillery
Crematorium
Dry cleaning plant
Essential public services and utilities without buildings
Essential public services and utilities, with buildings
Helicopter landing pad
Marina
Manufacturing, processing, and packaging- heavy
Manufacturing, processing, and packaging- light
Outdoor storage and container storage, principal
Recycling and material recovery facility
Salvage yard, junkyard, and impound facility
Self-storage facility- indoor and outdoor
Solar energy- utility-Scale
Truck stop
Truck terminal
Truck wash
Warehousing and distribution
Waste Management
Wholesaling and distribution
Wind energy conversion system
Wireless telecommunications facility

OFFICES AND SERVICES

Child day care center
Contractor facility
Funeral home or mortuary
General offices and services
Hospital
Pet and animal Services
Temporary office
Vehicle repair, major
Vehicle repair, minor
Vehicle gas station
Vehicle wash

RESIDENTIAL

Adult foster care

Boarding house

Dwelling

- Single-family
- Two-family
- Townhome or attached housing
- Multiple-Family

Live/work

Manufactured home community

Mixed-use residential

Nursing home

RETAIL AND OTHER SALES AND RENTAL

Construction and landscape supply, outdoor

Greenhouse and nursery

Propane gas sales

Retail sales

Vehicle, boat, and equipment sales and rental

OTHER USES

Sexually oriented business

Similar land use

Temporary land use

EXHIBIT 2. PROPOSED OUTLINE

The following outline is our recommendation for the overall organization and format of the new Zoning Ordinance. The outline is subject to change as the ordinance is developed and input is received.

User Guide

Section A	What is zoning?
Section B	How do I use this guide?
Section C	What is my property zoned?
Section D	What can I do on my property?
Section E	What are the processes for development?
Section F	Where do I apply and who reviews my proposal?

Part I: Introduction

ARTICLE 1	TITLE AND PURPOSE
Section 1.10	Title
Section 1.20	Intent and Purpose
Section 1.30	Applicability
Section 1.40	Organization
Section 1.50	Figures and Tables
Section 1.60	Interpretation and Conflict
Section 1.70	Legal Basis
Section 1.80	Validity and Severability
Section 1.90	Repeal of Ordinances and Effective Date

Part II: Zoning District Regulation

ARTICLE 2	GENERAL REQUIREMENTS AND INTERPRETATIONS
Section 2.10	Intent and Purpose
Section 2.20	Established Zoning Districts
Section 2.30	Interpretation of Zoning District Boundaries
Section 2.40	Zoning of Vacated and Annexed Areas
Section 2.50	Principal Buildings and Uses
Section 2.60	Similar Land Uses

ARTICLE 3	RESIDENTIAL ZONING DISTRICTS
Section 3.10	Intent and Purpose
Section 3.20	Zoning District Intent Statements
Section 3.30	Land Use Regulation Table
Section 3.40	Dimensional and Building Requirements (principal and accessory)
Section 3.50	Design Requirements and Building Materials
Section 3.60	Other Requirements

ARTICLE 4 COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Section 4.10	Intent and Purpose
Section 4.20	Zoning District Intent Statements
Section 4.30	Land Use Regulation Table
Section 4.40	Dimensional and Building Requirements (principal and accessory)
Section 4.50	Design Requirements and Building Materials
Section 4.60	Other Requirements

ARTICLE 5 OVERLAY ZONING DISTRICTS

Section 5.10	Intent and Purpose
Section 5.20	Overlay District Zoning District Intent Statements
Section 5.30	Wellhead Protection Overlay District
Section 5.30	Blue Star Highway Mixed Use District
Section 5.30	Interstate Transportation District
Section 5.30	Mobile Home Park Overlay District
Section 5.30	100 Year Flood Plain Overlay District
Section 5.30	Natural River Protection Overlay District
Section 5.30	Critical Dune Area Overlay District

ARTICLE 6 PLANNED UNIT DEVELOPMENT DISTRICT

Section 6.10	Intent and Purpose
Section 6.20	PUD Types
Section 6.30	Qualifying Conditions
Section 6.40	PUD Requirements
Section 6.50	Density
Section 6.60	Open Space
Section 6.70	Previously Approved PUDs and other Special Districts

Part III: Development Provisions

ARTICLE 7 GENERAL PROVISIONS FOR ALL ZONING DISTRICTS

Section 7.10	Intent and Purpose
Section 7.20	Animals
Section 7.30	Antennas and Dishes
Section 7.40	Building Height
Section 7.50	Fences and Walls
Section 7.60	Flags and Flagpoles
Section 7.70	Lot Lines, Setbacks, Yards, and Clear Vision Areas
Section 7.80	Pools
Section 7.90	Street Frontage
Section 7.100	Water and Sewer

ARTICLE 8 SPECIFIC USE REQUIREMENTS

Section 8.10	Intent and Purpose
Section 8.20	Accessory Buildings and Uses
Section 8.30	Accessory Dwelling Unit
Section 8.40	Adult Foster Care Group Home

Section 8.50	Bed and Breakfast
Section 8.60	Drive-In Theater
Section 8.70	Drive-Through Service
Section 8.80	Farm
Section 8.90	Farm Market or Farm Stand
Section 8.100	Golf Course
Section 8.110	Home Occupation or Business
Section 8.120	Live/Work
Section 8.130	Manufactured Home Community
Section 8.140	Manufacturing, Processing, and Packaging, Light
Section 8.150	Marihuana Establishments
Section 8.160	Outdoor Display and Sales- Permanent
Section 8.170	Outdoor Display and Sales- Temporary
Section 8.180	Outdoor Storage, Accessory and Principal
Section 8.190	Place of Worship
Section 8.200	Pet and Animal Services
Section 8.210	Recreational Vehicle Park
Section 8.220	Recycling and Material Recovery Facility
Section 8.230	Salvage Yard, Junkyard, and Impound Facility
Section 8.240	Self-Storage Facility- Indoor and Outdoor
Section 8.250	Sexually Oriented Businesses
Section 8.260	Solar Energy- Utility Scale
Section 8.270	Truck Stop
Section 8.280	Truck Wash
Section 8.290	Vehicle Gas Station
Section 8.300	Vehicle, Boat, and Equipment Sales and Rental
Section 8.310	Vehicle Wash
Section 8.320	Warehousing and Distribution and Truck Terminals
Section 8.330	Wind Energy Conversion System
Section 8.340	Wireless Telecommunication Facility

ARTICLE 9 PARKING, LOADING, ACCESS MANAGEMENT, AND MOBILITY

Section 9.10	Intent and Purpose
Section 9.20	General Requirements and Applicability
Section 9.30	Parking Lot Design and Dimensional Requirements
Section 9.40	Required Off-Street Parking
Section 9.50	Reduction and Deferment
Section 9.60	Shared Parking
Section 9.70	Electric Vehicle Charging Stations
Section 9.80	Loading Zones
Section 9.90	Access Management
Section 9.100	Traffic Impact Study
Section 9.110	Bicycle and Pedestrian Accommodations

ARTICLE 10 LIGHTING

Section 10.10	Intent and Purpose
Section 10.20	General Requirements and Applicability
Section 10.30	Lighting Plans

Section 10.40	Fixtures
Section 10.50	Site Lighting Levels
Section 10.60	Lighting Modifications

ARTICLE 11 LANDSCAPING AND THE ENVIRONMENT

Section 11.10	Intent and Purpose
Section 11.20	General Requirements and Applicability
Section 11.30	Tree Preservation
Section 11.40	Landscape Plan Requirements
Section 11.50	Front Yard Landscaping
Section 11.60	Parking Lot Landscaping
Section 11.70	Buffering
Section 11.80	Screening
Section 11.90	Landscaping Modifications
Section 11.100	Grading, Excavation, Ponds
Section 11.110	Stormwater Management
Section 11.120	Waterfront Access and Docks

ARTICLE 12 SIGNS

Section 10.10	Intent and Purpose
Section 10.20	Sign Permits
Section 10.30	General Requirements
Section 10.40	Exempt Signs
Section 10.50	Prohibited Signs
Section 10.60	Temporary Signs
Section 10.70	Permanent Signs

ARTICLE 13 PRIVATE STREETS AND SHARED COMMERCIAL DRIVES

Section 13.10	Intent and Purpose
Section 13.20	General Requirements and Applicability
Section 13.30	Design Requirements
Section 13.40	Easement and Maintenance Agreements

Part IV: Review Processes and Standards

ARTICLE 14 GENERAL PROCESSES AND REQUIREMENTS

Section 14.10	Intent and Purpose
Section 14.20	Application, Content, Fees, and Completeness
Section 14.30	Review Authorities and Application Types
Section 14.40	Zoning Permits
Section 14.50	Notices for Public Hearings
Section 14.60	Recommendations, Decisions, Records
Section 14.70	Conditions of Approval
Section 14.80	Performance Guarantees

ARTICLE 15 SITE PLAN REVIEW

Section 15.10	Intent and Purpose
Section 15.20	General Requirements
Section 15.30	Review Process (Concept Site Plan and Final Site Plan)
Section 15.40	Site Plan Approval Standards and Low Impact Design
Section 15.50	Term, Validity, and Compliance
Section 15.60	Amendments (Major and Minor)

ARTICLE 16 SPECIAL LAND USE REVIEW

Section 16.10	Intent and Purpose
Section 16.20	General Requirements
Section 16.30	Review Process
Section 16.40	Special Land Use Approval Standards
Section 16.50	Term, Validity, and Compliance
Section 16.60	Amendments (Major and Minor)

ARTICLE 17 PLANNED UNIT DEVELOPMENT REVIEW

Section 17.10	Intent and Purpose
Section 17.20	Review Process
Section 17.30	Preliminary PUD Plan
Section 17.40	Final PUD Plan (reference to site plan review)
Section 17.50	Approval Standards
Section 17.60	Term, Validity, and Compliance
Section 17.70	Amendments (Major and Minor)

ARTICLE 18 CONDOMINIUM REVIEW

Section 18.10	Intent and Purpose
Section 18.20	General Requirements
Section 18.30	Review Process
Section 18.40	Approval Standards
Section 18.50	Term, Validity, and Compliance
Section 18.60	Amendments (Major and Minor)

ARTICLE 19 ZONING MAP AND TEXT AMENDMENT REVIEW

Section 19.10	Intent and Purpose
Section 19.20	Initiation
Section 19.30	Review Process
Section 19.40	Conditional Rezoning
Section 19.50	Approval Standards

Part V: Administration

ARTICLE 20 GENERAL ADMINISTRATION

Section 20.10	Intent and Purpose
Section 20.10	General Responsibilities
Section 20.10	Zoning Administration
Section 20.10	Planning Commission

Section 20.10	Township Board
Section 20.10	Zoning Board of Appeals

ARTICLE 21 INTERPRETATIONS, APPEALS, AND VARIANCES

Section 21.10	Intent and Purpose
Section 21.20	Interpretation (ZA/ZBA)
Section 21.30	Appeal
Section 22.40	Variances

ARTICLE 22 NONCONFORMITIES

Section 22.10	Intent and Purpose
Section 22.20	Nonconforming Uses
Section 22.30	Nonconforming Lots
Section 22.40	Nonconforming Site Development
Section 22.50	Nonconforming Buildings and Structures
Section 22.60	Exceptions

ARTICLE 23 ENFORCEMENT

Section 23.10	Intent and Purpose
Section 23.20	Procedures
Section 23.30	Penalties

Part V: Definitions and Checklists

ARTICLE 24 GENERAL DEFINITIONS

Section 24.10	Construction of Language
Section 24.20	General Definitions

ARTICLE 25 LAND USE DEFINITIONS

Section 25.10	Intent and Purpose
Section 25.20	Accessory Use
Section 25.30	Accommodations, Hospitality, and Entertainment
Section 25.40	Agricultural
Section 25.50	Civic and Institutional
Section 25.60	Industrial, Infrastructure, and Transportation
Section 25.70	Marihuana Establishments
Section 25.80	Offices and Services
Section 25.90	Residential
Section 25.100	Retail and Other Sales and Rental
Section 25.110	Other Uses

ARTICLE 26 CHECKLISTS

Section 26.10	Zoning Permit
Section 26.20	Concept Plan
Section 26.30	Site Plan and Private Street
Section 26.40	Special Land Use
Section 26.50	Rezoning
Section 26.60	Planned Unit Development

EXHIBIT 3. STYLE GUIDE

The following is a guide for the general style of the Zoning Ordinance.

1. Fonts

- a. 18-point Arial font, bold and black, will be used for each article title:

Article 4. Commercial and Industrial Zoning Districts

- b. 13-point Arial font, bold and black will be used for each section title:

Section 4.10 Intent and Purpose

- c. 11-point Calibri grey font will be used for the body of text:

This article outlines the intent and purpose statements for the Commercial and Industrial zoning districts and contains basic information pertaining to the land use, dimensional, and building requirements for properties in Saugatuck Township.

- d. 9-point Arial black font will be used for headers and footers:

Commercial and Industrial Residential Districts

2. Line Spacing and Justification

- a. Single line spacing will be used with 6 pt. separation before and after each paragraph (see example article).
- b. All text will be left-justified.

3. Ordinance and Page Numbering

- a. Articles will be numbered in numerical order, starting with Article 1.
- b. Sections will be numbered in numerical order, starting with "X.10" with "X" signifying the article number.
- c. Each article will have self-contained page numbering, starting with "page X-1" with "X" representing the article number.
- d. Subsections, subparagraphs, and lists will be formatted as follows:

Section X.10

A. Subsection (bold)

1. Subparagraph

a. List

i. Sub-list

4. Capitalization

- a. Words that refer to a formal group or job title will be capitalized (Township Board, Planning Commission, Zoning Board of Appeals, Zoning Administrator, and Building Official).
- b. The names of jurisdictions, streets, and waterbodies will be capitalized.
- c. The words “plan” and “ordinance” will not be capitalized unless at the beginning of a sentence or part of the proper title of a document (Saugatuck Township Master Plan vs. the master plan, Saugatuck Township Zoning Ordinance vs. this ordinance, or General Commercial Zoning District C-1 vs. zoning district).
- d. The words “section” and “article” will only be capitalized when referring to a specific section or article (“this section” vs. “Section 17.20”).

5. Punctuation Marks

- a. Commas. Oxford commas will be used.
- b. Quotation Marks.
 - i. Quotation marks will enclose direct quotations.
 - ii. Quotation marks will be used to indicate that a word is used in a special or abnormal sense.
 - iii. Periods and commas will always be placed inside of closing quotation marks.
 - iv. Semicolons and colons will always be placed outside of closing quotation marks.
 - v. Dashes, exclamation marks, and question marks will be placed inside of quotation marks if they are part of the quotation; otherwise, placed outside of quotation marks.
- b. Semi-Colons.
 - i. Semicolons will link complete thoughts that could otherwise stand alone as separate sentences.
 - ii. Semicolons will separate items in series when one or more of the items has a comma.
- c. Ampersands. Written-out version of signs and symbols will be used in text unless the nature of the text is such that readers would expect to see signs and symbols (planning and zoning vs. planning & zoning, off-street parking and loading vs. off-street parking & loading).
- d. Hyphenation.
 - i. Two or more words that act together to create a new meaning will be hyphenated (single-family, mixed-use, etc.). The word after the hyphen will not be capitalized except where an organization has branded a phrase (Form-Based Code).
 - ii. Hyphens with most prefixes will be avoided (nonconforming).

- e. Numbers.
 - i. Numbers one (1) through nine (9) will be spelled out with the numeric character in parentheses afterwards (except in tables and graphics).
 - ii. Numbers starting with 10 will only use the numeric character.
 - iii. When used at the beginning of a sentence, a number will always be spelled out.
 - iv. Numeric figures for percentages and decimal fractions will be used and “percent” shall be spelled out (except in tables and graphics).
 - v. Numeric figures for dates will be used (November 10, 2023).
 - vi. Feet and inches, including square feet, will be spelled out. Abbreviations in tables will be used (ft., sf., and ac.).

6. Acronyms

- a. When using an acronym, it will be written out the first time in each article with the acronym in parentheses after the words, and then the acronym will be used for the remainder of the section.
- b. Periods between the letters in an acronym will be avoided (US vs. U.S.).
- c. Abbreviations with periods will be typed without spaces between letters and periods (e.g. or i.e.).
- d. Acronyms will be made plural by simply adding a lowercase “s” to the end (ADUs), and apostrophes will not be used unless it is possessive. The same will apply to dates (1990s).

7. Common Inconsistently Spelled Words

- a. Stormwater.
- b. Setback.
- c. Mixed-use.
- d. Nonconforming.
- e. Single-family.
- f. Two-family
- g. Multiple-family.

8. Graphics

- a. A sans-serif font will be used on graphics, as it will be easier to read with varying background elements.
- b. Labels will be capitalized to better distinguish text against varying background elements.
- c. Lot lines will be dashed.
- d. Building format will be generalized with limited architectural features shown, unless for the purpose of demonstrating an architectural style or building requirement.
- e. Plan view will be used unless a side view is necessary.
- f. Colors will be black, grey, light green, and light blue.
- g. Tables will use common zoning district colors as possible. Titles and headings will be bold black or white depending on the background color. All text will be 11-point Calibri, and text in cells will not be bold. Footnotes will be 10-point Calibri.

Table 4.50: Lot and Parcel Requirements				
Requirement	C-1	C-2	C-3	I-1
Min. Lot Area (s.f., unless noted otherwise)	85,000 s.f.	65,000 s.f.	120,000 s.f.	30,000 s.f.

EXHIBIT 4. STYLE GUIDE- ARTICLE TEMPLATE



Article 4. Commercial and Industrial Zoning Districts

Section 4.10 Intent and Purpose

- A. **Introduction.** This article outlines the intent and purpose statements for the Commercial and Industrial zoning districts and contains basic information pertaining to the land use, dimensional, and building requirements for properties in Saugatuck Township.
- B. **Zoning Districts.** Saugatuck Township is divided into the four Commercial and Industrial Zoning Districts outlined in Section 4.20. Additionally, certain lands may be designated within overlay zoning districts, as outlined in Article 5. Each zoning district has unique requirements concerning land use and site development.

Section 4.20 District Intent Statements

- A. **General Commercial (C-1).** This district is established to accommodate businesses desiring to take advantage of the area's seasonal traffic patterns. It provides diverse corridor locations for businesses that cater directly to tourism and peak travel associated with an increased summertime population. The range of Uses allowed in this district includes a variety of compatible tourist and hospitality oriented uses as well as many general business Uses. To ensure the compatibility of Uses within the district, the range of Uses is, however, somewhat restricted when compared to the range allowed in the C-2 local commercial district. All uses shall be controlled by development performance standards to ensure the attractiveness and the character of the community and adjoining properties are not diminished.
- B. **Local Commercial (C-2).** This district is established to provide areas in which the Principal Uses of the land are devoted to businesses serving the day-to-day needs of the local, nontransient population. This district allows a wide range of service and retail uses, but is not designed to support large Commercial operations or those specifically oriented toward the tourist or regional trade. All uses shall be controlled by development performance standards to ensure their attractiveness and the character of the community and adjoining properties are not diminished.
- C. **Interchange Commercial (C-3).** This district is located near the freeway interchanges along major arterials. It is established to provide areas for specialized sales, service and hospitality services that cater to highway travelers and, secondarily, for large site, Special Land Uses such as shopping centers, big box retail stores, and other land intensive Uses that may, under certain conditions, be appropriately located here. All such businesses primarily serve regional markets and are vehicle oriented in terms of their dependence upon high visibility and proximity to automobile traffic. Not intended are smaller scale locally oriented retail and service outlets that are specifically accommodated under the C-1 and C-2 districts. Because these zones are located at the major entrances to the community, all Uses shall be controlled by development and performance standards to ensure that the attractiveness and character of the community and adjoining properties are not diminished.
- D. **Industrial (I-1).** This district is designed to accommodate those manufacturing, assembling and fabricating businesses and related Commercial activities or Uses which are not likely to cause adverse effects or Nuisance to adjoining properties.

Section 4.30 Commercial and Industrial Land Use Regulation

- A. **Requirements.** Land and buildings shall only be used in accordance with Table 4.30.
1. Permitted Use (P). This use is authorized by-right, subject to all other applicable provisions of this ordinance.
 2. Special Land Use (S). This use is subject to review and permitting in accordance with Article 16 and subject to all other applicable provisions of this ordinance.
 3. Planned Unit Development (PD). This use is only authorized through the Planned Unit Development Overlay (see Articles 6 and 17)
 4. Not Permitted. A cell marked with two dashes (--) indicates that a use is not permitted.
- B. **Other Requirements.** See the referenced section for additional requirements specific to the land use if noted in the far-right column.
- C. **Land Use Definitions.** See Article 25 for definitions of the land use terms in Table 4.30.

Table 4.30: Land Use Regulation					
Use	C-1	C-2	C-3	I-1	Other
Accessory Uses- uses defined in Section 25.20					
Accessory building, non-residential					
Accessory building, residential					
Accessory dwelling unit					
Accessory dwelling unit, commercial apartments					
Accessory solar energy system					
Accessory Amateur radio and antennas					
Day care, adult day care (1-4 adults)					
Day care, family day care home (1-6 children)					
Day care, group day care home (7-12 children)					
Home occupation, major					
Home occupation, minor					
Keeping of animals and bees (non-commercial)					
Outdoor display and sales, permanent					
Outdoor storage, commercial					
Accommodations, Hospitality, and Entertainment- uses defined in Section 25.30					
Banquet or meeting hall					
Bed and breakfast					
Campground or recreational vehicle park					
Commercial indoor recreation facility					
Commercial outdoor recreation facility					
Commercial outdoor recreation, low-intensity					
Golf course					
Hotel or motel					
Indoor theater					
Outdoor theater					

Table 4.30: Land Use Regulation					
Use	C-1	C-2	C-3	I-1	Other
Restaurant					
Restaurant with drive-through					
Restaurant with micro-brewery, small distillery or small winery					
Tavern					
Agricultural- defined in Section 25.40					
Farm and farm operation					
Farm market or roadside stand					
Farm-related business and agritourism					
Stables, commercial					
Stables, private					
Civic and Institutional- defined in Section 25.50					
Cemetery					
Community oriented cultural facility					
Community-based indoor recreational facility					
Government facility					
Public park or preserve					
Place of worship					
School- college or university					
School- private K-12					
School- specialized training					
School- truck driving					
Industrial, Infrastructure, and Transportation- defined in Section 25.60					
Air strip or airport					
Commercial solar energy system					
Crematorium					
Essential public services and utilities without buildings					
Essential public services and utilities, with buildings					
Helicopter landing pad					
Marina					
Manufacturing, processing, and packaging- heavy					
Manufacturing, processing, and packaging- light					
Mineral extraction					
Mini-warehouse/self-storage					
Propane gas sales					
Salvage or impound operation					
Sawmill or planing mill					
Truck terminal					
Warehousing and distribution					
Waste management and recycling					

Table 4.30: Land Use Regulation					
Use	C-1	C-2	C-3	I-1	Other
Wholesaling and distribution					
Wind energy system					
Wireless telecommunications facility					
Marihuana Establishments- defined in Section 25.70					
Marihuana grower					
Marihuana microbusiness					
Marihuana processor					
Marihuana retailer					
Marihuana safety compliance facility					
Marihuana secure transporter					
Offices and Services- defined in Section 25.80					
Animal clinic					
Animal shelter or commercial kennel					
Child day care center					
Contractor facility					
Funeral home or mortuary					
General offices and services					
General offices and services with drive-through service					
Hospital					
Temporary office					
Vehicle repair, major					
Vehicle repair, minor					
Vehicle service station					
Vehicle wash					
Residential- defined in Section 25.90					
Adult foster care family home (1-7 adults)-existing home					
Adult foster care group home (8-20 adults)-existing home					
Boarding house					
Dwelling, single-family					
Dwelling, two-family					
Dwelling, townhome or attached					
Dwelling, multi-family					
Live/work					
Manufactured home community					
Mixed-use residential					
Nursing home					
Retail- defined in Section 25.100					
Bakery					
Construction and landscape supply, outdoor					
Greenhouse and nursery (non-farm)					

Table 4.30: Land Use Regulation					
Use	C-1	C-2	C-3	I-1	Other
Retail sales, up to 2,500 square feet					
Retail sales, over 2,500 square feet					
Vehicle and equipment sales and rental					
Other Uses- defined in Section 25.110					
Mixed-Use					
Sexually oriented business					
Similar land use					
Temporary land use					

Section 4.40 Building and Siting Requirements

- A. **Intent.** This section includes the dimensional requirements for the location and size of buildings.
- B. **Applicability.** All placement of principal and accessory buildings shall conform to the minimum dimensional and sizing requirements listed in Table 4.40.

Table 4.40: Building and Siting Requirements		C-1	C-2	C-3	I-1
Requirement					
Max. Building Height (ft.) ¹					
Max. Building Stories					
Min. Building Height	Pitched Roof				
	Flat Roof				
Max. Building Coverage (%) ²					
Min. Setbacks	Front				
	Street Side				
	Side				
	Rear- adj c&l				
	Rear- adj- res				
	Surface Water Features				
Maximum Structure Height (ft.)					

¹ See Section 7.40 for building height measurement and exceptions.

² See definition for “building coverage” in Section 24.20.

Section 4.50 Lot and Parcel Requirements

- A. **Intent.** This section includes the dimensional requirements for lots and parcels.
- B. **Applicability.** All lots and parcels shall meet the minimum area and width requirements of Table 4.50. Lots and parcels shall not be created or changed in dimension except in conformance with these requirements.

Table 4.50: Lot and Parcel Requirements				
Requirement	C-1	C-2	C-3	I-1
Min. Lot Area (s.f., unless noted otherwise) ³	85,000 s.f.			
Min. Lot Width (ft.) ⁴	250			
Min. frontage and accessibility	All lots and parcels shall have a minimum road frontage on a public road or approved private street that is at least equal to the minimum width required by the applicable zoning district. Cul-de-sac lots or lots on the outside edge of curved streets shall have a minimum of 40 feet of street frontage. Satisfying this frontage requirement is determined to be the minimum necessary accessibility requirement for land divisions.			
Max. Depth to Width ratio ⁵	If under 10 acres in area, a lot or parcel shall not be more than four (4) times deeper than its width.			

³ See definition for “lot area” in Section 24.20.

⁴ See definition for “lot width” in Section 24.20. On waterfront lots, the minimum lot width shall also apply to the waterfront yard measured at the ordinary high water line.

⁵ See Section 24.20 for the definitions of “lot depth” and “lot width” to determine ratio. In cases of exceptional topographic or physical conditions, such as wetlands, waterbodies, steep slopes, and stormwater retention or detention areas, or if a parent parcel is an irregular shape, the Township may approve a greater depth to width ratio as long as the resulting parcel(s) or lot(s) remain compatible with surrounding lands. The Zoning Administrator may approve greater ratios for parcels created through land divisions and the Township Board may approve greater ratios for lots as part of tentative preliminary plat review.

Section 4.60 Other Applicable Development Requirements

In addition to the requirements of this article, the following articles may apply to the development of land and certain uses and activities.

Table 4.60: Other Applicable Development Requirements			
Requirement	Article	Included	Applicability
General Provisions for All Districts	Article 7	General provisions and requirements for certain activities that are not regulated distinctly by zoning districts	Varies
Specific Use Requirements	Article 8	Requirements specific to certain uses	See far right column of Table 4.30.
Parking, Loading, Access Management, and Mobility	Article 9	General parking requirements, minimum number of parking spaces and loading areas, design of parking and loading areas, and other general requirements	All projects that require off-street parking or loading spaces or that require new driveways and curb cuts
Lighting	Article 10	General lighting and light fixture requirements, minimum and maximum levels, and lighting plan requirements	Primarily non-residential and multi-family development, residential lots and parcels to a lesser degree
Landscaping and the Environment	Article 11	General landscaping requirements, landscape plan requirements, front yard landscaping, buffering, parking lot trees, and screening	Non-residential and multi-family site development
Signs	Article 12	General sign requirements and requirements for various sign types	Township-wide, varies by zoning district
Private Streets and Shared Commercial Drives	Article 13	Design, maintenance, and easement requirements	When proposed by applicant or required for frontage

Section 4.70 Review Processes and Procedures

See the following articles and sections for review processes and procedures:

Table 4.70: Review Processes and Procedures	
Requirement	Article
General Processes	Article 14
Site Plan Review	Article 15
Special Land Use	Article 16
Planned Unit Development Review	Article 17
Condominium Review	Article 18
Rezoning	If rezoning is required, Article 19 will apply.
Variance	If variances are required, Section 22.40 will apply

