



VILLAGE OF SUTTONS BAY

Planning Commission
420 N. Front Street, Suttons Bay, MI 49682

December 14, 2022 at 5:00 pm

Regular Meeting Agenda

For the public wishing to view the meeting using remote attendance, there will also be a Zoom link (which can be found on our website at www.suttonsbayvillage.org). Public participation shall be limited to in-person or via written communication received prior to the meeting.

1. Call to order
2. Roll call and notation of quorum
3. Approval of Agenda
4. Member conflict of interest on any item on the agenda
5. Approval of minutes November 2, 2022 & November 9, 2022
6. Public comment/Written communications (Reserved time for items listed on the agenda). Please limit remarks to no more than three (3) minutes
7. Old Business
 - a. Public Hearing for a Text Amendment to 6-2 Commercial & Industrial Table of Uses-to include small distillery, microbrewery & small winery as permitted uses
 - b. Public Hearing for Daycare/Group Home Language Amendment-Housekeeping Amendment
 - c. Bahle et.al. Amended Conditional Rezone Request-301 S Shore Drive set for public hearing
 - d. Continued Discussion re: Request from Peninsula Housing for Text Amendments to the following Sections in the Mixed- Use District -Set for Public Hearing:
 - 1) Section 5-2 Table of Uses-to allow for Multi-Family Dwellings
 - 2) Section 5-3 Spatial Requirements- to allow for maximum of 3 stories
 - 3) Section 9-7 Multi-Family Development- to allow for up to 18 units per acre
8. New Business
 - e. 2023 Meeting Dates
9. Public comment
10. Reports
 - a. Zoning Administration Report
 - b. ZBA Report
 - c. Village Council Updates
11. Good of the order
12. Announcements: Next Regular Meeting January 11, 2023
13. Adjournment

If you are planning on attending this meeting and are disabled requiring any special assistance, please notify the Village Clerk by calling 231.271.3051 or by email at suttonsbay@suttonsbayvillage.org as soon as possible.



Village of Suttons Bay
Planning Commission Meeting
Minutes of November 2, 2022

The meeting was called to order at 5:00 p.m. by Chairperson Hetler.

Present: Feringa, Hetler, Hylwa, Ostrowski, Pontius, Smith and Suppes

Staff present: Fay, Patmore and Petroskey

Guests: Jill Bahm, Rose Kim and Eric Pietsh of Giffels Webster

Approval of agenda

Hylwa moved, Smith seconded, CARRIED, to approve the agenda as presented.

Ayes: 7, No: 0.

Approval of minutes

Ostrowski moved, Feringa seconded, CARRIED, to approve the October 5, 2022 meeting minutes as submitted. Ayes: 7, No: 0.

2022 Master Plan update

Jill Bahm lead the discussion and will make changes as discussed by Commissioners.

Jill Bahm reviewed the Housing Ready Checklist found in the packet.

Public comment

Larry Mawby thanked the Commissioners for their work on the Master Plan.

Reports

ZBA Report – Smith stated the ZBA denied a request for a variance on S. Shore Drive.

Village Council updates – Suppes stated Village Council held a Special meeting on the report submitted by a consultant regarding Short Term Rentals.

Announcements

A Special Planning Commission meeting will be scheduled for December 7, 2022, at 5:00 p.m. for a continuance of the Master Plan update.

The meeting adjourned at 6:23 p.m.

Meeting minutes submitted by Shar Fay, Clerk.



VILLAGE OF SUTTONS BAY
PLANNING COMMISSION MEETING
MINUTES OF NOVEMBER 9, 2022

The meeting was called at 5:00 p.m. by Chairperson Hetler.

Present: Feringa, Hetler, Ostrowski, Pontius, Smith and Suppes

Absent: Hylwa

Staff present: Fay, Patmore and Kopriva, Planner

Approval of Agenda

Suppes moved, Ostrowski seconded, CARRIED, to approve the agenda as amended, removing agenda item 5., Approval of minutes. Ayes: 6, No: 0.

Request from Drew Lutke for a Text Amendment to 6-2 Commercial & Industrial Table of Uses To include small distillery, microbrewery & small winery as permitted uses – Set for Public Hearing.

Suppes moved, Smith seconded, CARRIED, to schedule a public hearing on the request for a text amendment for the next regular Planning Commission meeting to be held on December 14, 2022. Ayes: 6, No: 0.

Request from Peninsula Housing for Text Amendments to the following Sections in the Mixed – Use District – Set for Public Hearing

Commissioners discussed the requests. It was the consensus of Commissioners to have the Planner do additional research and present options/standards/statements for discussion at the next regular Planning Commission meeting, relative to Section 9-7, #6. The language should be applicable to all districts.

Daycare/Group Home language Amendment – Housekeeping Amendment

Smith moved, Feringa seconded, CARRIED, to schedule a public hearing for the next regular Planning Commission meeting to be held on December 14, 2022, to address the daycare requirements as directed the state. Ayes: 6, No: 0.

2023 Planning Commission budget

Feringa moved, Suppes seconded, CARRIED, to recommend the 2023 Planning Commission budget to Council for approval. Ayes: 6, No: 0.

Smith moved, Ostrowski seconded, CARRIED, to adjourn the meeting.

The meeting adjourned at 5:55 p.m.

Meeting minutes submitted by Shar Fay, Clerk.

STATE OF MICHIGAN
COUNTY OF LEELANAU
VILLAGE OF SUTTONS BAY

Public Hearing Notice

The Village of Suttons Bay Planning Commission will hold a public hearing on December 14, 2022 at 5:00 p.m. at 420 N Front Street, Suttons Bay Michigan to consider the following requests for text amendments:

1) A request from Drew Lutke, for a text Amendment to Article 6-2 Commercial & Industrial Table of Uses to include a small distillery, microbrewery and small winery as permitted uses in that Commercial & Industrial District.

A Housekeeping Amendment reflecting a legislative change to Article 20-Definitions Section 20-12 G:
RESIDENTIAL

2) 1. DAY CARE (CHILDREN)

- a. FAMILY DAY CARE HOME means a private home in which one, but fewer than ~~seven~~ *eight* minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care homes include a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
- b. GROUP DAY CARE HOME means private home in which more than ~~six~~ *seven* but not more than ~~twelve~~ *fourteen* minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

Complete copies of the Application are available at the Village office and can be found on line at suttonsbayvillage.org. Comments regarding this request can be sent in writing to Village of Suttons Bay, PO BOX 395, Suttons Bay MI 49682, or email to suttonsbay@suttonsbayvillage.org

Information regarding the request may be examined by contacting the Office of Planning & Zoning at the Village of Suttons Bay, during regular business hours of 8:00 a.m. – 4:00 p.m., Monday through Thursday, and 8:00 a.m. – Noon on Friday, at 231-271-3051 or by email at suttonsbay@suttonsbayvillage.org.

project memorandum



*Landscape Architecture
Planning, Engineering &
Environmental Services*

Date: December 8, 2022

From: Sara Kopriva, AICP

To: Suttons Bay Planning Commission

RE: Small Distilling, Small Wine Making, and Micro-Brewery Amendment

 initiative

Action: Motion to recommend approval/denial of Lutke Zoning Amendment to add Small distillery, microbrewery & small winery to Section 6-2 to Village Council.

Beckett & Raeder, Inc.
535 West William
Suite 101
Ann Arbor, MI 48103

734.663.2622 ph
734.663.6759 fx

www.bria2.com

Petoskey Office
113 Howard Street
Petoskey, MI 49770

231.347.2523 ph
231.347.2524 fx

Traverse City Office
148 East Front Street
Suite 207
Traverse City, MI 49684

231.933.8400 ph
231.944.1709 fx

Grand Rapids Office
5211 Cascade Road SE
Suite 300
Grand Rapids, MI 49546

616.585.1295 ph

Date: November 1, 2022

From: Sara Kopriva, AICP
To: Suttons Bay Planning Commission

RE: Small Distilling, Small Wine Making, and Micro-Brewery Amendment

i
initiative

Action: Motion to schedule a public hearing at the next regular Planning Commission meeting.

The village has received an application for a Zoning Ordinance text amendment changing the regulations to related to brewing, wine making, and distilling establishments. The proposed Zoning Ordinance text amendment would amend Table 6-2, Schedule of Uses, to list micro-brewery, small wine making, and small distillery establishments as a permitted use (P) in the Warehouse/Industrial district.

OVERVIEW

The Village of Suttons Bay currently distinguishes small distillery, small wine making and micro-brewery uses from larger establishments by limiting their production capacity to limits set by Michigan statutes.

The village's respective definitions for small distillery, small wine making and micro-brewery are provided below.

Distillery, Small

Means a facility operated by a distiller duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture spirits within the limits established by the State of Michigan for a Small Distiller.

Wine Making, Small

Means an operation where wine is manufactured and sold at wholesale or retail, duly licensed by the State of Michigan Liquor Control Commission (MLCC) as a Small Wine Maker, which manufactures or bottles wine within the limits established by the State of Michigan for a Small Wine Maker.

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231.944.1709 fx

616.585.1295 ph

www.bria2.com

Micro-Brewery

Means an establishment that bottles ales, beers, meads, and/or similar beverages that is duly licensed by the state of Michigan Liquor Control Commission (MLCC) as a micro brewer and sells to wholesalers, consumers for on-premises consumption and may offer free samples to consumers.

i
initiative

State of Michigan limits annual production for small distilleries to 60,000 gallons of spirits, small wine makers to 50,000 gallons of wine, and micro-breweries to 60,000 gallons of beers.

While the WI district permits larger distillery, wine making and brewery uses, it does not allow smaller such establishments, which have grown in popularity and serve as a restaurant and retail destination within communities.

The Zoning Ordinance text amendments are shown below. Proposed additions below are shown in **underline**.

Proposed Changes in Permitted Uses

6-2 Schedule of Uses

INDUSTRIAL, MANUFACTURING, ASSEMBLY	SB	WI
Brewery		P
Distillery		P
Distillery, small	P	P
Manufacturing, processing and packaging- light		P
Manufacturing, processing and packaging- heavy		SLU
Micro-brewery	P	P
Mini-warehouse		P
Salvage operations		SLU
Warehousing, under 5,000 square feet	P	P
Warehousing, 5,000 to 10,000 square feet	SLU	P
Wholesale and distribution		SLU
Winery	P	P
Winery, small	P	P

Evaluation of Proposed Text Amendment

Below is an evaluation of the proposed Zoning Ordinance amendment based on the criteria for text amendments set forth in Sec. 18-3(C). (Evaluation in *italics*):

1. The proposed text amendment would clarify the intent of the ordinance.
The intent of regulating the location and manner of brewing, winery and distilling establishments is to protect the health, safety and welfare of residents and the effects of the uses on adjacent properties and neighborhoods. The proposed text amendment would better clarify the type of use proposed establishments based on the production limits set by Michigan statutes.
2. The proposed text amendment would correct an error or oversight in the ordinance.
The amendment would correct an error or oversight, by creating specific allowances for smaller brewers, wine makers and distillers based on production limits in all commercial and industrial zoning districts.
3. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
The proposed text amendment is not in response to any State legislation, recent case law or opinions from the Attorney General.
4. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.
The proposed amendment is in compliance with state regulations relating to small distillery, small wine making, and micro-brewery establishments and annual production limits.
5. In the event the amendment will add a use to a district, that use shall be fully consistent with the intent of the district and the character of the range of uses provided for within the district.
The proposed amendment will add uses currently permitted within the district, but with production capacity, that will also serve as retail destinations consistent with the intent and character of the district and its range of uses.



6. The amendment will not create incompatible land uses within a zoning district, or between adjacent districts.

The proposed uses will not create incompatible land uses within the zoning district or adjacent districts.

7. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.

The proposed use is similar to existing uses allowed in the district, no additional reports or studies are required.

8. As applicable, the proposed change shall be consistent with the Village's ability to provide adequate public facilities and services.

It is not anticipated that public facilities and services should be impacted by the proposed change.

9. The proposed change shall be consistent with the Village's desire to protect the public health, safety, and welfare of the community.

The proposed text amendment permits micro-brewing, small wine making, and micro-distilling while limiting the proposed uses to the production limitations by the State of Michigan, which protects public health, safety, and welfare.



Office of Planning and Zoning
420 N Front Street
P O Box 395
Suttons Bay, MI 49682
231-271-3051 or 231-392-5828
zoning@suttonsbayvillage.org

APPLICATION FOR ZONING ORDINANCE TEXT AMENDMENT

This application must be typed or printed in ink and completed in full. An incomplete or improperly prepared application will not be accepted and will result in processing delays.

A. APPLICATION INFORMATION

Name of Applicant: Drew Luthe
Address: 4209 Cedar Run Road, Traverse City 49684
Phone: 616 886 4457 E-mail: Drew@hoplotbrewing.com
Name of Agent: _____

Address: _____
Phone: _____ E-mail: _____
Please specify to whom all communications should be sent: Applicant ☒ Agent ☐

B. PURPOSE OF APPLICATION

Section(s) reference: 6-2 Table of Uses

Please explain why the zoning text amendment is being requested (if additional space is required please attach a separate sheet).

see Attached (1.)

Please provide in detail a draft of the proposed text amendment, including all necessary additions to or deletions from current zoning ordinance text (if additional space is required please attach a separate sheet).

see Attached (2.)

C. SIGNATURE:

[Signature] 10/2/22
Applicant Signature Date

Agent Signature Date

rcvd 10.3.22
pd \$1,000
ch# 17467

Purpose of Application

1. Property was purchased in the Warehouse/Industrial zoning district for the unique opportunities it offers for the continued growth and organization of our business. We are currently licensed by the State of Michigan as a Micro Brewer, Small Wine Maker, and have an approved Small Distiller license pending our final buildout. These licenses offer the same product manufacturing and tasting room permitting options as their larger counterparts (Brewer, Wine Maker, and Distiller, respectively), but differ slightly in that the State of Michigan limits our smaller licensed entities annual production capacities. While the current zoning text permits the 'larger' uses with the maximum annual production potential (Distillery, Winery, Brewery), there is no language to permit those same, but limited annual production potential uses (Small Distillery, Small Winery, Microbrewery). It is also important to note that none of the State defined licenses mentioned here have minimum annual production requirements, only maximum, i.e; a Distiller could manufacture less than a Small Distiller annually, but a Small Distiller will never have the maximum manufacturing limits as its counterpart.
2. Amend Table 6-2 Schedule of Uses: Commercial and Industrial Districts, to include Permitted Use (P) for Small Distillery, Microbrewery, and Small Winery.



Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Constitution Hall – 525 W. Allegan, Lansing, MI 48933
Mailing Address: PO Box 30005, Lansing, MI 48909
Toll Free 866-813-0011 – www.michigan.gov/lcc

Brewer or Micro Brewer Licensing Requirements & General Information

A Brewer license, as defined by MCL 436.1105(14), is issued by the Michigan Liquor Control Commission to a person located in Michigan to manufacture and sell to licensed wholesalers, beer produced at the licensed brewery facility, and to customers for consumption on or off the premises at a tasting room located on its manufacturing premises where it also holds an On-Premises Tasting Room Permit.

A Micro Brewer license, as defined by MCL 436.1109(5), is issued by the Commission to a person located in Michigan to manufacture no more than 60,000 barrels per year and sell to licensed wholesalers, beer produced at the licensed brewery facility, and to customers for consumption on or off the premises at a tasting room located on its manufacturing premises where it also holds an On-Premises Tasting Room Permit. A qualified Micro Brewer licensee that manufactures fewer than 1,000 barrels a year may also self-distribute its beer to retailer licensees.

State of Michigan Definitions

MCL 436.1105(14) "Brewer" means a person located in this state that is licensed to manufacture beer and sell at retail in accordance with section 537 and to licensed wholesalers beer manufactured by the person.

MCL 436.1109(5) "Micro brewer" means a brewer that manufactures in total less than 60,000 barrels of beer per year and that may sell the beer manufactured to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers as provided in section 203a. In determining the 60,000-barrel threshold, all brands and labels of a brewer, whether manufactured in this state or outside this state, must be combined and all facilities for the manufacturing of beer that are owned or controlled by the same person must be treated as a single facility.

Suttons Bay Village Zoning Ordinance Definitions

BREWERY means a facility that brews ales, beers, meads, and/or similar beverages that is operated by a brewer duly licensed by the State of Michigan Liquor Control Commission (MLCC) which manufactures and sells beer to licensed wholesalers or to consumers for on-premises consumption and/or off-premises consumption and may offer free samples to consumers.

MICRO-BREWERY means a facility that brews ales, beers, meads, and/or similar beverages that is duly licensed by the State of Michigan Liquor Control Commission (MLCC) as a micro brewer and sells to wholesalers, consumers for on-premises consumption and/or off-premises consumption and may offer free samples to consumers.



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Wine Maker or Small Wine Maker Licensing Requirements & General Information

A Wine Maker license, as defined by MCL 436.1113(10), is issued by the Michigan Liquor Control Commission to a person located in Michigan to manufacture and sell to licensed wholesalers or self-distribute to retailer licensees, wine produced at the licensed winery facility, and to customers for consumption on or off the premises at a tasting room located on its manufacturing premises where it also holds an On-Premises Tasting Room Permit. A Wine Maker licensee may also sell wine it manufactures at an approved tasting room off the manufacturing premises under an Off-Premises Tasting Room License or Joint Off-Premises Tasting Room License.

A Small Wine Maker license, as defined by MCL 436.1111(12), is issued by the Commission to a person located in Michigan to manufacture no more than 50,000 gallons per year and sell to licensed wholesalers or self-distribute to retailer licensees, wine produced at the licensed winery facility, and to customers for consumption on or off the premises at a tasting room located on its manufacturing premises where it also holds an On-Premises Tasting Room Permit. A Small Wine Maker licensee may also sell wine it manufactures at an approved tasting room off the manufacturing premises under an Off-Premises Tasting Room License or Joint Off-Premises Tasting Room License.

State of Michigan Definitions

MCL 436.1113(10) "Wine maker" means a person licensed by the commission to manufacture wine and to sell that wine to a wholesaler, to a consumer by direct shipment, at retail on the licensed winery premises, to sell that wine to a retailer, and as provided for in section 537.

MCL 436.1111(12) "Small wine maker" means a wine maker manufacturing or bottling not more than 50,000 gallons of wine in 1 calendar year. A small wine maker is not required to bottle wine it manufactures.

Suttons Bay Village Zoning Ordinance Definitions

WINERY means an operation where wine is manufactured and sold at wholesale or retail.

WINERY, SMALL means an operation where wine is manufactured and sold at wholesale or retail, duly licensed by the State of Michigan Liquor Control Commission (MLCC) as a Small Wine Maker, which manufactures or bottles wine within the limits established by the State of Michigan for a Small Wine Maker.



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Toll Free 866-813-0011 – www.michigan.gov/lcc

Distiller or Small Distiller Licensing Requirements & General Information

A Distiller license, also referred to as a Manufacturer of Spirits license, as defined by MCL 436.1107(8), is issued by the Michigan Liquor Control Commission to a person located in Michigan to manufacture spirits produced at the licensed distillery facility, to sell those spirits to the Commission for the sale and distribution through Authorized Distribution Agents (ADAs) to retailer licensees, and to sell its spirits to customers for consumption on or off the premises at a tasting room located on its manufacturing premises where it also holds an On-Premises Tasting Room Permit. A Distiller licensee may also sell spirits it manufactures at an approved tasting room off the manufacturing premises under an Off-Premises Tasting Room License or Joint Off-Premises Tasting Room License.

A Small Distiller license, as defined by MCL 436.1111(11), is issued by the Commission to a person located in Michigan to manufacture no more than 60,000 gallons of spirits per year, to sell those spirits to the Commission for the sale and distribution through Authorized Distribution Agents (ADAs) to retailer licensees, and to sell its spirits to customers for consumption on or off the premises at a tasting room located on its manufacturing premises where it also holds an On-Premises Tasting Room Permit. A Distiller licensee may also sell spirits it manufactures at an approved tasting room off the manufacturing premises under an Off-Premises Tasting Room License or Joint Off-Premises Tasting Room License.

State of Michigan Definitions

MCL 436.1107(8) - "Distiller" means a person licensed to manufacture and sell spirits or alcohol, or both, of any kind.

MCL 436.1111(11) "Small distiller" means a manufacturer of spirits annually manufacturing in this state not more than 60,000 gallons of spirits, of all brands combined.

Suttons Bay Village Zoning Ordinance Definitions

DISTILLERY means a facility operated by a distiller duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture spirits.

DISTILLERY, SMALL means a facility operated by a distiller duly licensed by the State of Michigan Liquor Control Commission (MLCC) to manufacture spirits within the limits established by the State of Michigan for a Small Distiller.

Section 6-2

Table of Uses

Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of Table 6-2 may be used for the purposes denoted by the following abbreviations:

- A. *Permitted Use (P)*. The use may be established by right on land and/or within buildings in the applicable zoning district, subject to all other applicable provisions of this ordinance.
- B. *Special Land Use (SLU)*. The use is subject to discretionary review by the Planning Commission.
- C. *Specific Conditions*. Indicates requirements or conditions that are applicable to specific uses.

Table 6-2 Schedule of Uses: Commercial and Industrial Districts

Use	GB	WI	Specific Conditions
ACCESSORY USES			
Accessory building	P	P	Section 2-3
Outdoor storage related to a principal use	SLU	P	Section 9-8
Temporary outdoor accessory sales	SLU		Section 9-12
ACCOMMODATIONS, HOSPITALITY, ENTERTAINMENT			
Banquet hall	P		
Ecotourism	P		
Restaurant	P		
Restaurant with microbrewery	P		
Restaurant with outdoor dining	P		Section 9-3
Recreation facility, commercial indoor	P		
Recreation facility, commercial outdoor	P		
INDUSTRIAL, MANUFACTURING, ASSEMBLY			
Brewery	P	P	
Distillery	P	P	
Distillery, small	P	P	
Manufacturing, processing and packaging- light	P	P	
Manufacturing, processing and packaging- heavy	P	SLU	
Micro-brewery	P	P	
Mini-warehouse	P	P	
Salvage operations	P	SLU	
Warehousing, under 5,000 square feet	P	P	
Warehousing, 5,000 to 10,000 square feet	SLU	P	
Wholesale and distribution	P	SLU	
Winery	P	P	
Winery, small	P	P	
INFRASTRUCTURE, TRANSPORTATION, COMMUNICATIONS			
Essential service	P	P	Section 2-8
Infrastructure and utilities- regional	P	SLU	
Parking facility, public or commercial	SLU	P	
Waste management facility	P	SLU	
Wireless communications	P	SLU	Section 9-13
INSTITUTIONAL/CIVIC			
Community oriented cultural facility	P		
Community public safety	P	P	
Meeting facility	P		
Parks, playgrounds, outdoor recreation areas	P		
Recreation facility, community based	P		
School, specialized/training	P	P	
OFFICES AND SERVICES			
Animal services, animal clinic/hospital	P		

Public Act 106 of 2022 (HB 5041) signed by the Governor on June 13, 2022 amended the Child Care Licensing Act to state that a family home provider will be eligible to serve seven (7) children, instead of six (6) , and a group home provider will be eligible to serve fourteen (14), children, instead of twelve (12). The current language referenced in the Village of Suttons Bay Zoning Ordinance is below. The changes to the Act are reflected in bold below.

The Day Care language in the Ordinance is found in the definition section of your Ordinance specifically page 20-20.

RESIDENTIAL

1. DAY CARE (CHILDREN)

- a. **FAMILY DAY CARE HOME** means a private home in which one, but fewer than ~~seven~~ **eight** minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care homes include a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
- b. **GROUP DAY CARE HOME** means private home in which more than ~~six~~ **seven** but not more than ~~twelve~~ **fourteen** minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

The Village planning commission will need a motion to recommend to the Village Council to adopt the proposed changes.

10. **VEHICLE WASH** means a building or portion of a building with machine or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

G. **RESIDENTIAL**

1. **DAY CARE (CHILDREN)**

- a. **FAMILY DAY CARE HOME** means a private home in which one, but fewer than ~~seven~~ **eight** minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care homes include a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
- b. **GROUP DAY CARE HOME** means private home in which more than six ~~seven~~ but not more than ~~twelve~~ **fourteen** minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. A group day care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

2. **DWELLING**

- a. **DWELLING, MULTI-FAMILY** means a structure containing three or more dwelling units on a single lot designed for occupancy by three or more families living independently of one another.
- b. **DWELLING, SINGLE-FAMILY DETACHED** means a freestanding dwelling unit that is physically separate from any other dwelling.
- c. **DWELLING, TWO-FAMILY** means a structure containing two dwelling units on a single lot designed for or used by two families living independently of one another, may also be referred to as a duplex.

3. **FOSTER CARE FACILITY (ADULT)** means facility defined by the Adult Foster Care Facility Licensing Act (PA 218 of 1979) as an establishment providing foster care to adults. Included are foster care facilities, but not family homes, for adults who are aged, mentally ill, developmentally disabled or physically disabled, and who require supervision on an ongoing basis, but who do not require continuous nursing care.

4. **FOSTER CARE HOME (ADULT)**

- a. **ADULT FOSTER CARE FAMILY HOME** means a private residence with an approved capacity of six or fewer adults, where foster care is provided 24 hours per day, five or more days per week, and for two or more consecutive weeks. It is licensed and regulated under the Adult Foster Care Facility Licensing Act, Act No. 218 of 1979, as amended. The person issued the adult foster care family home license is a member of the household and an occupant of the residence.
- b. **ADULT FOSTER CARE SMALL GROUP HOME** means private residence where adults are provided with foster care 24 hours a day, five or more days per week, and for two or more consecutive weeks, with an approved capacity of at least 13, but not more than 20 adults. An adult foster care facility is licensed under the Adult Foster Care Facility Licensing Act, Act No. 218, as amended, and the person issued the adult foster care group home license is a member of the household and an occupant of the residence.

TO: Suttons Bay Village Planning Commission
FROM: Timothy J. Figura
Date: April 15, 2022, Amended 11/3/22
RE: Amended Application for Conditional Rezoning re: 301 S. Shore Dr.

This is a proposal for a conditional rezoning pursuant to section 18-4 of the Village zoning ordinance and as authorized by section 405 of the Michigan Zoning Enabling Act [MCL 125.3405]. The reason for the request and the proposed conditions of such a rezoning are set forth below.

The Problem

This proposal relates to a single parcel in the Village located at 301 S. Shore Dr. The parcel is owned by Lois Bahle, Rich Bahle, Karl Bahle and Chris Bahle, and bears the tax I.D. number 043-828-031-00 (the "Property"). An aerial photo showing the Property is attached, along with a survey in which the Property is marked "Parcel B". The Property is approximately 3.5 acres in size and is bisected by S. Shore Drive. This results in a large wooded area between M22 and S Shore Drive, and an area on the northeast side of S. Shore Dr with water frontage. The Property is classified as "401 Residential Improved" for property tax purposes, with the only improvement being a family home on that waterfront portion that was built in 1954. There are no improvements on the wooded portion of the Property southwest of S. Shore Dr.

The waterfront property has approximately 208 feet of road frontage on S. Shore Dr. and is approximately 79 feet deep to the edge of the road right-of-way, and is approximately 111 feet deep to the center of S. Shore Dr. The portion southwest of S. Shore Dr has 285 feet of road frontage on S. Shore Dr. and is 250 feet deep on the western side and 260 feet deep on the eastern side.

The possible use of the Property is complicated and limited due to current zoning requirements. Although the Property is one parcel, it bears two different zoning classifications; the waterfront portion is zoned Single Family Waterfront Residential (SFWR), and the wooded portion of the parcel which lies southwest of S. Shore Dr. is zoned New Village Residential (NVR). The waterfront portion of the property, though improved with the existing family home, cannot be split from the parent parcel due to requirements of the Land Division Act and policy of the Village. First, the Land Division Act requires that a resulting lot meet the minimum size for its zoning district. Even though the waterfront portion is larger than most neighboring parcels, it does not meet the SFWR zoning district's minimum lot size of 20,000 square feet. Out of 30 nearby parcels zoned SFWR, only 6 conform with the 20,000 square foot minimum area.

The waterfront portion, then, cannot be separated unless land from the southwest wooded portion of the lot were included. The establishment of South Shore Drive effectively split the parcel in two and is a condition that was not the fault of the property owners. Despite this, past communications with the Village indicate that new lots would not be approved if they include land on both sides of the public right-of-way; this prevents the waterfront portion from becoming a compliant lot.

On November 1, 2019 Bahle's petitioned the Planning Commission to Amend the SFWR language regarding the Spatial Requirements with the PC declined to do. Our desire was to find a way that the problems encountered by the Bahles with the Property could be addressed without amending the established spatial requirements of the SFWR district. After reviewing the zoning ordinance and Section 405 of the Michigan Zoning Enabling Act (MZEA) [MCL 125.3405], it appears to us that it would be desirable and fair to conditionally rezone the waterfront part of this parcel to New Village Residential (NVR) with certain changes in the Spatial Requirements. This could be accomplished by way of a conditional rezoning pursuant to Section 18-4 of the zoning ordinance and Section 405 of the MZEA. If that were done, no other text amendment of the zoning ordinance would be necessary. While there is no dimension in the NVR district for a setback from the water, we suggest a limitation on distance from the waterfront to no greater than an average of the 2 adjacent developed setbacks.

Such a change would be in harmony with the 2011 Suttons Bay Community Joint Master Plan. The Master Plan indicates that the parcel's future uses to be "Shoreline Residential" and "Mixed Use South"

Conditional Rezoning

To those of you who are unfamiliar with conditional rezoning, it is a process authorized by the Michigan Zoning Enabling Act and Section 18-4 of the Suttons Bay Village Zoning Ordinance by which a property is rezoned pursuant to an agreement between the zoning jurisdiction and a property owner by which the property owner is permitted to use a lot where the use complies with the requirements of a different zoning district than the one assigned to it by the zoning ordinance. It is called conditional rezoning because the zoning jurisdiction establishes the conditions under which the lot may be used in compliance with the requirements of the rezoned district as opposed to the current zoning district. If the property owner fails to comply with the conditions established in the agreement by the Village, the property automatically reverts to its original zoning as a matter of law.

The conditional rezoning process begins with the property owner offering to impose use and development restrictions on the property as a condition for the rezoning [Section 18-4(B) Village Zoning Ordinance]. The Bahles hereby propose to have such a rezoning conditioned on

the Property being developed solely for single family detached residential purposes, and with the other conditions detailed below.

In that regard, the Bahles propose that the waterfront portion of Parcel 043-828-031-00 be Conditionally rezoned to New Village Residential. **All discussion of land divisions in this application is speculative; the applicant does not believe or expect that an accepted conditional rezoning application would confer rights to a land division.**

Granting a conditional rezoning of the Property to NVR would allow the Bahles to split the waterfront portion of the Property which they are unable to do under the SFWR zoning classification. It would enable the Bahles to develop these waterfront lots in the same manner as nearly all lots also zoned SFWR are already developed. It should not be considered a dramatic shift in development ability as all of the lots on the southwest side of S. Shore Drive adjacent to the Property are zoned NVR.

Why this Proposal Makes Good Planning and Zoning Sense

The Property parcel was in existence prior to the 1991 village zoning ordinance. Our research indicates that under the 1991 zoning ordinance the parcel was zoned MDR (Medium Density Residential District). Due to events outside of the property owners' control, this property cannot be split to create development lots that would match the Village's goal of responsible, reasonably sized structures.

If a future land division were granted, any resulting lot(s) would comply to the applicable setbacks in the NVR district. Since the NVR district does not have a Waterfront setback, we propose a setback equal to the average setback of the two adjacent built structures. Under the applicant's current measurements, this would result in a waterfront setback of roughly 55 feet.

Proposal

We are asking that the portions of the Property currently zoned as SFWR be conditionally rezoned to NVR. In order to protect the best interests of the public and community, this rezoning would be subject to the following voluntarily offered conditions:

1. Lake Michigan Setback equal to the average setback of the two adjacent built structures.
2. The Conditional Rezoning would be abandoned if a land division is not completed within 10 (ten) years.
3. Above conditions would be included as deed restrictions if a land division is completed.

Date: 12.8.2022

From: Sara Kopriva, AICP

To: Suttons Bay Planning Commission

RE: Peninsula Housing Zoning Ordinance Text Amendments

i
initiative

Action:

Amendment to Add Multi-Family to South Gateway:

Motion to recommend to approve/deny Peninsula Housing Zoning Amendment to section 5-2 of the Suttons Bay Zoning Ordinance to Village Council.

Amendment to amend stories allowed:

Motion to recommend to approve/deny Peninsula Housing Zoning Amendment to section 5-3 of the Suttons Bay Zoning Ordinance to Village Council.

Amendment to change requirements for multi-family dwellings:

Motion to recommend to approve/deny Peninsula Housing Zoning Amendment to section 9-7 of the Suttons Bay Zoning Ordinance to Village Council.

At the November Planning Commission meeting, there was a request to look into protection of wetlands and sensitive lands. Upon further review of the existing zoning ordinance, section 2-6 appears to provide protection for all wetlands within the village. Section 2-6 attached. This is what the Planning Commission was looking for as it provides protection in all zoning districts. The Planning Commission will need to determine if the regulations in this section of the ordinance provides the appropriate protection to the environmentally sensitive areas in the South Gateway in relation to multiple family dwellings.

Beckett & Raeder, Inc.
535 West William
Suite 101
Ann Arbor, MI 48103

734.663.2622 ph
734.663.6759 fx

Petoskey Office
113 Howard Street
Petoskey, MI 49770

231.347.2523 ph
231.347.2524 fx

Traverse City Office
148 East Front Street
Suite 207
Traverse City, MI 49684

231.933.8400 ph
231.944.1709 fx

Grand Rapids Office
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Suite 300
Grand Rapids, MI 49546

616.585.1295 ph

8. As-Built Drawings. The applicant, at their expense, shall provide the Village with a set of "as-built" drawings bearing a certificate and statement from a registered engineer certifying that the private street has been completed in accordance with the requirements of the permit upon completion.

G. *Inspections and Compliance.*

1. Inspections. Upon completion of construction of the private street or shared driveway, the Village shall inspect the completed construction to determine if it complies with the approved plans, specifications, permit, and this ordinance. A final compliance approval shall be granted if all requirements are met.
2. Noncompliance. If the completed private driveway or street does not satisfy the requirements of the permit or this ordinance, the applicant shall be notified of the noncompliance in writing and shall be given a reasonable period of time to correct the deficiencies. Failure to correct the deficiencies within the time provided shall constitute a violation of this ordinance.

H. *Maintenance and Repairs.*

1. Maintenance Required. Private driveways and streets shall be maintained in a manner that complies with the provisions of this section.
2. Safe and Unimpeded Route. All private driveways and streets shall be continuously maintained at the proper widths and be clear of brush or trees and branches to a height of 14 feet to assure a safe and unimpeded route of travel for motor vehicle traffic, pedestrians and emergency vehicles in all weather conditions.
3. Responsibility. All costs for maintenance and repair of the private driveways and street shall be the responsibility of the benefitting property owners or any property owners' association.

Section 2-5 Dwelling Regulations

No building shall be used for dwelling purposes that does not comply with the requirements of the zoning ordinance, and other Village ordinances. Garages or other accessory buildings, tents, recreational vehicles, basements, partial or temporary structures, whether of fixed or portable construction, shall not be erected, established or moved onto a parcel and used for any living purposes, unless authorized by the Administrator in accordance with this ordinance.

Section 2-6 Environmental Protection

Notwithstanding anything to the contrary contained in this ordinance, the following provisions shall apply:

A. *Water Protection.*

1. Tree Removal. Within 10 feet of the water's edge of tributaries and springs that drain to Lake Michigan, an undisturbed area of vegetation shall be maintained and woody and native herbal species shall not be removed. Trees with a trunk diameter of three (3) inches at breast height, four and a half (4 ½) feet or greater, shall not be removed unless dead or dying. Trees and other woody plant material of a smaller diameter at breast height shall not be removed, except to prune or clear a filtered view of the water body. It shall be the landowner's responsibility to maintain this buffer in a healthy state.

2. Flood Plain. No building or structure shall be built, located or constructed within a 100-year flood plain of any water bodies in any land use area as may be determined by the Michigan Department of Natural Resources (DNR) or Department of Environmental Quality (DEQ).
- B. *Hazardous Substances*. All businesses and facilities which use or generate hazardous substances in quantities greater than 220 pounds per month or 25 gallons per month, whichever is less, or store hazardous substances in quantities greater than 220 pounds per month or 25 gallons per month, whichever is less, shall comply with the groundwater protection requirements of this section. Provided, however, the groundwater protection requirements of this section shall not apply to fuel stored in a fuel tank that is part of the motor vehicle for purposes of use by that vehicle's motor and shall not apply to materials in a five (5) gallon, or smaller, pre-packaged sealed container.
- C. *Groundwater Protection*.
1. Applicability. Projects and related improvements shall be designed to protect water bodies, including lakes, ponds, streams, wetlands, floodplains, groundwater, steep slopes and natural and man-made drainage systems.
 2. Floor Drains. When constructed, general purpose floor drains shall be:
 - a. Connected to an on-site holding tank (not a septic tank/drain field or a dry well) in accordance with state, county and municipal requirements; or
 - b. Authorized through a state groundwater discharge permit; or
 - c. Connected to a public sewer system.
 3. Other Requirements. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.
 4. Out-of-Service Wells. Out-of-service water wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Water Well Construction and Pump Installation Code.
 5. Wellhead Protection Overlay Area. If a building or site plan includes territory within a Wellhead Protection Overlay Area, the applicant shall submit a signed statement providing permission for periodic follow-up groundwater protection inspections by the Administrator, county and state officials.
- D. *Aboveground and Underground Storage*. All tanks shall be permitted by the appropriate state agency and shall be maintained in compliance with all applicable regulations.
- E. *Ridgeline Protection*.
1. Steep Slopes. In areas where slopes are 18 percent or steeper, harvesting of trees shall not occur except in conformance with a forest management plan prepared by, and under the supervision of, a professional forester using Michigan Department of Natural Resources best management practices for forestry.
 2. Horizon Line. At the crest of the hillsides and on hillsides, the following requirements apply:

- a. Prior to clearing a parcel, a tree survey that identifies the number of species of all trees six (6) inches or greater in diameter at breast height, four and a half (4 ½) feet, within the affected area shall be professionally prepared.
 - b. If there are existing trees, then there shall be a sufficient number of mature trees left in place around structures, or trees which have been removed shall be re-established at a rate of two (2) canopy trees for every one (1) tree removed, six (6) inches or greater in diameter at breast height, four and a half (4 ½) feet. New trees shall be at least two and a half (2 ½) inches in diameter at installation measured at four and a half (4 ½) feet.
 - c. The height of structures shall be lower than the surrounding trees left in place or existing.
 - d. Trees shall be preserved within building sites so that views have an appearance of being unbroken from Grand Traverse Bay and roads approaching the Village. This is not intended to prevent the selective trimming for views and removal of diseased or unhealthy trees. Clearcutting of an entire site is prohibited.
3. Steep Hillsides. On slopes over 25 percent as measured by two (2) foot contours, enough natural vegetation shall be retained to ensure long-term soil stabilization and a natural appearance of the hillside. This is not intended to prevent the selective trimming of trees for filtered views.

F. *Replanting.*

1. Requirement. In areas illegally cleared, a landowner shall be required to replant trees of at least 2.5 inches diameter at breast height (DBH), which is measured four and a half (4 ½) feet above the ground.
2. Type and Number. The number of trees required to be replanted shall be based on the projected crown spread of the proposed tree types at maturity. The minimum number of trees required is any combination that results a total area crown spread at maturity equal to the size of the area cleared. Species shall be the same as removed or other consistent with other types in the immediate vicinity, and shall be regionally suitable, non-invasive, hardy, and survivable in Leelanau County.

G. *Wetland Protection*. Within 10 feet of a delineated wetland, an undisturbed area of vegetation shall be maintained and woody and native herbal species shall not be removed. Trees with a trunk diameter of three (3) inches at breast height, four and a half (4 ½) feet or greater, shall not be removed unless dead or dying. Trees and other woody plant material of a smaller diameter at breast height shall not be removed.

H. *Waterfront Greenbelt*.

1. Minimum Depth. A greenbelt a minimum of 25 feet deep will be established and maintained as a condition for new development or redevelopment taking place on waterfront parcels. This strip will be made up of a mixture of low growing shrubs and trees that are well suited for the site. This strip will be located upland from the Lake Michigan Historic High Water Elevation (582.3' IGLD 1985) and no lawn may be maintained between this strip and the water's edge.
2. Required Trees. A minimum of 30 percent of the greenbelt area will be made up of a mature canopy or trees that are well suited for the site and will be at least 40 feet in height at maturity. Trees shall be preserved within the greenbelt so that views from the Grand Traverse Bay have an appearance of being unbroken and to prevent shoreline

erosion. This is not intended to prevent the selective trimming for views and removal of diseased or unhealthy trees, however, clearcutting of the greenbelt is prohibited.

3. Pathway. A single path a maximum of six (6) feet wide is allowed through the greenbelt.
4. Waterfront-Viewing Platforms. One water front viewing platform, a maximum of 10 feet by 12 feet will be allowed per parcel. This platform shall be constructed at ground level and be made up of materials that allow for the free infiltration of water. Larger platforms may be approved by the Planning Commission if the following standards are met:
 - a. The platform will not significantly impact the waterfront greenbelt.
 - b. The platform will not require the removal of significant older-growth trees.
 - c. The platform will not be obtrusive to neighboring property.
5. Docks. One (1) seasonal dock is allowed per parcel within the greenbelt.

Section 2-7 Essential Services

- A. *Authorization*. Essential services shall be permitted in all zoning districts as authorized under any franchise or license in effect within the Village, subject to regulation as provided in any law of the State of Michigan or in any ordinance of the Village.
- B. *Intent*. It is the intent of this section to ensure conformity of all structures and uses to the requirements of this ordinance when maintaining conformity is practicable and not in conflict with the specific requirements of such franchise, license, legislation or other Village ordinance. In the absence of such conflict, the Zoning Ordinance shall prevail.
- C. *Review*. The Administrator shall determine that the yard, parking and landscaping (if any) requirements are met, and that all planned facilities are designed to have a minimal impact to surrounding uses.
- D. *Non-Essential Services*. Wireless communication facilities are not considered essential services and shall be subject to the requirements of Section 9-13 Wireless Communications.

Section 2-8 Frontage

Any parcel or lot created after the effective date of this ordinance shall have lawful frontage upon and shall take access from a public road under the jurisdiction of the Leelanau County Road Commission, Michigan Department of Transportation, Suttons Bay Village, or from an approved private street meeting the requirements of Section 2-4.

Section 2-9 Grading and Excavation

- A. *Drainage*.
 1. Slope. Elevations for any building site shall have a grade sloping away from the walls of the building to prevent the ponding of surface water along foundations.
 2. Runoff. No premises shall be filled or graded to discharge surface runoff onto abutting properties in a manner that increases the amount of post-development runoff.

Date: 11.4.2022

From: Sara Kopriva, AICP

To: Suttons Bay Planning Commission

RE: Peninsula Housing Zoning Ordinance Text Amendments



initiative

Action: Motion to schedule a public hearing at the next regular Planning Commission meeting.

The village has received multiple applications from Peninsula Housing for Zoning Ordinance text amendments to allow for multi-family workforce housing within the South Gateway (SG) zoning district.

OVERVIEW

Peninsula Housing seeks to build multi-family workforce housing on a property within the South Gateway (SG) zoning district.

To accommodate the proposed multi-family workforce housing project, the applicant requests the following Zoning Ordinance text amendments:

- Amend Table. 5-2, Schedule of Uses: Mixed Use Districts, to allow Multi-Family housing as a permitted (P) use within the South Gateway (SG) zoning district.
- Amend Table 5-3, Spatial Requirements – Mixed Use Districts, to allow for a minimum of one and one half (1 ½) stories and a maximum of three (3) stories.
- Amend Sec. 9-7 to strike the maximum allowable density of eight (8) units per structure, and maintain an 18 units per acre gross density per site.

Proposed Text Amendment Language

Below is the ordinance language for each of the proposed Zoning Ordinance text amendments. Proposed deletions are shown in **strikethrough** and proposed additions are shown in **underline**.

Beckett & Raeder, Inc.
535 West William
Suite 101
Ann Arbor, MI 48103

734.663.2622 ph
734.663.6759 fx

www.bria2.com

Petoskey Office
113 Howard Street
Petoskey, MI 49770

231.347.2523 ph
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148 East Front Street
Suite 207
Traverse City, MI 49684

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Table 5-2 Schedule of Uses: Mixed Use Districts

Use	CB	NB	SG	BV	Specific Conditions
RESIDENTIAL					
Dwellings, multi-family			P	P	Section 9-7

Section 5-3

Table 5-3 Spatial Requirements- Mixed Use Districts

Zoning District		CB	NG	SG	BV
Minimum Depth (ft.)		120	100	120	
Width (ft.)		25 min.	60 min., 120., max.	60 min., 120., max.	
Minimum Frontage		25	Equal to width	Equal to width	
Front Setback	Front/ Primary Street (ft.)	0 max. ¹	15 min.	15 min.	15 min.
	Front/ Secondary Street (ft.)	0 min., 5 max.	10 min.	15 min.	15 min.
Side Setback	Adjacent Commercial (ft.)	0 min.	10 min.	10 min.	5 min.
	Adjacent Residential (ft.)	10 max.	10 min.	10 min.	5 min.
Rear Setback	Alley (ft.)	0 min.	10 min.	10 min.	10 min.
	Lot (ft.)	10 min.	10 min.	10 min.	20 min.
	Secondary Street (ft.)	0 min., 20 max.	15 min.	15 min.	15 min.
	Lake Michigan(ft.)	50 min.	50 min.	50 min.	50 min.
Height- (ft.) ²	All buildings	15 min., 35 max.	35 max.	35 max.	35 max.

¹ See Section 5-5 B for exceptions.

² Certain projections may exceed 35 feet. See Section 2-11 D.

	Corner lot buildings	20 min.3	35 max.	35 max.	35 max.
Stories- Maximum (number)		1 min., 3 max.	1 ½ min., 2 max.	1 ½ min., 2 ¾ 3 max.	1 ½ min., 2 ½ max.
Building Coverage Maximum (%)		-	40	40	-
Impervious Surface Maximum (%)		-	50	50	-
Front Parking Setback (ft.)		25 min.	-	-	-
Building Frontage Minimum (%)	Primary Street	80	-	-	-
	Side Street	50	-	-	-
	Secondary Street	50	-	-	-

Section 9-7 Multi-Family Development

- A. *Maximum Units.* ~~Eight (8) units per structure~~ Maximum **and** 18 units per acre gross density.
- B. *Open Space.* Open spaces comprising at least 10 percent of the total gross area of the project shall be planned and built as a common area.

Evaluation of Proposed Text Amendment

Below is an evaluation of the proposed Zoning Ordinance amendment based on the criteria for text amendments set forth in Sec. 18-3(C). (Evaluation in *italics*):

- The proposed text amendment would clarify the intent of the ordinance.
The intent of the South Gateway zoning district "accommodates a mix of residential and commercial uses while maintaining residential neighborhood design characteristics to the south of the CBD." The text amendment would accommodate a greater range and mix of residential uses within the SG zoning district.
- The proposed text amendment would correct an error or oversight in the ordinance.
The amendment would not correct an error or oversight.

 initiative

3. The proposed text amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan.
The proposed text amendment is not in response to any State legislation, recent case law or opinions from the Attorney General.

4. The proposed text amendment would promote compliance with changes in other County, State or Federal regulations.
The proposed amendment would not promote compliance with changes in other County, State or Federal regulations.

5. In the event the amendment will add a use to a district, that use shall be fully consistent with the intent of the district and the character of the range of uses provided for within the district.
The SG district "accommodates a mix of residential and commercial uses while maintaining residential neighborhood design characteristics to the south of the CBD." The proposed amendments would accommodate a mix of various residential uses with the inclusion of multi-family housing and allow for greater flexibility in building design for increasing the maximum number of stories in the SG district, as well as a variety of density to support the CBD.

6. The amendment will not create incompatible land uses within a zoning district, or between adjacent districts.
The proposed uses does not appear to create incompatible land uses within the zoning. However, several SG properties appear to be within or adjacent to the village's Conservation Future Land Use Overlay in the Suttons Bay Joint Master Plan, as well as adjacent to several parcels within the Public Lands zoning district. Additional standards to mitigate potential adverse impacts may be appropriate.

7. The proposed text amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
There is compatibility with the Joint Master Plan and there does not to appear to be any conflict with any other reports, studies, or other documents.

8. As applicable, the proposed change shall be consistent with the Village's ability to provide adequate public facilities and services.

It is not anticipated that public facilities and services should be impacted by the proposed change as proposed overall site density is not affected, and only allowing flexibility for increased density per structure.

9. The proposed change shall be consistent with the Village's desire to protect the public health, safety, and welfare of the community.
The proposed text amendments is consistent with the Village's desire to protect the public health, safety and welfare of the community.



initiative



Office of Planning and Zoning
420 N Front Street
P O Box 395
Suttons Bay, MI 49682
231-271-3051 or 231-392-5828
zoning@suttonsbayvillage.org

APPLICATION FOR ZONING ORDINANCE TEXT AMENDMENT

This application must be typed or printed in ink and completed in full. An incomplete or improperly prepared application will not be accepted and will result in processing delays.

A. APPLICATION INFORMATION

Name of Applicant: Peninsula Housing

Address: PO Box 555, Suttons Bay, MI 49682

Phone: 231-866-0512 E-mail: home@peninsula-housing.org

Name of Agent: Larry Mawby

Address: PO Box 555, Suttons Bay, MI 49682

Phone: 231-866-0512 E-mail: home@peninsula-housing.org

Please specify to whom all communications should be sent: Applicant ☒ Agent ☐

B. PURPOSE OF APPLICATION

Section(s) reference: Section 5-2 Schedule of Uses: Mixed Use Districts [page 5-3]

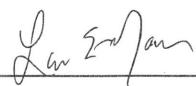
Please explain why the zoning text amendment is being requested (if additional space is required please attach a separate sheet).


Amendment requested to facilitate multi-family affordable workforce housing

Please provide in detail a draft of the proposed text amendment, including all necessary additions to or deletions from current zoning ordinance text (if additional space is required please attach a separate sheet).

Amend to add under Residential Dwellings: Multi-family in SG

C. SIGNATURE:

 9/9/2022
Applicant Signature Date

 9/9/2022
Agent Signature Date



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B. PURPOSE OF APPLICATION

Section(s) reference: Section 5-3 Spatial Requirements: Mixed Use Districts [page 5-4

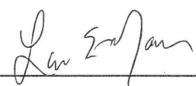
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Amendment requested to facilitate multi-family affordable workforce housing

Please provide in detail a draft of the proposed text amendment, including all necessary additions to or deletions from current zoning ordinance text (if additional space is required please attach a separate sheet).

Amend Stories - Maximum (number) to 1 1/2 min 3 max. in SG

C. SIGNATURE:

 9/9/2022
Applicant Signature Date

 9/9/2022
Agent Signature Date



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Please specify to whom all communications should be sent: Applicant ☒ Agent ☐

B. PURPOSE OF APPLICATION

Section(s) reference: Section 9-7 Multi-Family Development [page 9-5]

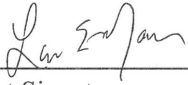
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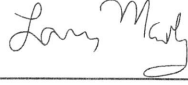
Amendment requested to facilitate multi-family affordable workforce housing

Please provide in detail a draft of the proposed text amendment, including all necessary additions to or deletions from current zoning ordinance text (if additional space is required please attach a separate sheet).

Amend A, which currently reads: A. Maximum Units. Eight (8) units per structure maximum and
18 units per acre gross density.
striking Eight (8) units per structure maximum and
to read: Maximum Units. 18 units per acre gross density.

C. SIGNATURE:


Applicant Signature Date 9/9/2022


Agent Signature Date 9/9/2022

2023 MEETING SCHEDULE

FOR THE

VILLAGE OF SUTTONS BAY

PLANNING COMMISSION		
January	11	5:00 P.M.
February	8	5:00 P.M.
March	8	5:00 P.M.
April	12	5:00 P.M.
May	10	5:00 P.M.
June	14	5:00 P.M.
July	12	5:00 P.M.
August	9	5:00 P.M.
September	13	5:00 P.M.
October	11	5:00 P.M.
November	8	5:00 P.M.
December	13	5:00 P.M.

DDA		
January	18	9:00am
April	12	9:00am
September	13	9:00am
November	15	9:00am
Quarterly		

VILLAGE COUNCIL		
January	*17	5:30 P.M.
February	*21	5:30 P.M.
March	20	5:30 P.M.
April	17	5:30 P.M.
May	15	5:30 P.M.
June	*20	5:30 P.M.
July	17	5:30 P.M.
August	21	5:30 P.M.
September	18	5:30 P.M.
October	16	5:30 P.M.
November	20	5:30 P.M.
December	18	5:30 P.M.
* Tuesday following Holiday		

ZBA		
January	18	5:30 P.M.
February	15	5:30 P.M.
March	15	5:30 P.M.
April	19	5:30 P.M.
May	17	5:30 P.M.
June	21	5:30 P.M.
July	19	5:30 P.M.
August	16	5:30 P.M.
September	20	5:30 P.M.
October	18	5:30 P.M.
November	15	5:30 P.M.
December	20	5:30 P.M.


UTILITY / MARINA		
Monday		
January	3	8:30 a.m.
March	6	8:30 a.m.
April	3	
June	5	8:30 a.m.
August	7	8:30 a.m.
October	2	8:30 a.m.
November	6	8:30 a.m.

GENERAL SERVICE COMMITTEE		
Tuesdays		
January	3	8:30 a.m.
March	7	8:30 a.m.
April	4	
June	6	8:30 a.m.
August	8	8:30 a.m.
October	3	8:30 a.m.
November	7	8:30 a.m.

ADMIN / PERSONNEL		
Wednesdays		
January	4	8:30 a.m.
March	8	8:30 a.m.
April	5	8:30 a.m.
June	7	8:30 a.m.
August	9	8:30 a.m.
October	4	8:30 a.m.
November	8	8:30 a.m.

COMMITTEE OF THE WHOLE- Tuesday		
February	7	8:30 a.m.
May	2	8:30 a.m.
September	5	8:30 a.m.
December	5	8:30 a.m.

ZONING REPORT

		VILLAGE OF SUTTONS BAY ZONING REPORT	
Prepared:	12/09/2022	Pages:	1 of 1
Meeting:	12/14/2022	Attachments:	0 <input type="checkbox"/>
Subject:	Zoning Report		

LAND USE PERMITS ISSUED

		NEW	ADU	ALTERATIONS	ACCES.	FENCE	COMMERCIAL
DATE	TOTAL	HOMES		ADDITIONS	STRUCT.		& SIGNS
Nov. 2022	1	0	0	1	0	0	0
Year To Date	19	0	1	4	1	2	11

LUP 2022-015 422 N. St. Mary's Street – Convert space to bedroom/flex space – no plumbing.

One permit currently under review

STAFF REPORT:

- Review of projects including Bayview PUD and Harbor Heights
- ZBA Application received and under review.
- Several inquiries on zoning requirements and standards

ACTION REQUESTED: NONE