



VILLAGE OF SUTTONS BAY

Via Remote Access

Village Planning Commission

420 Front Street, Suttons Bay

March 9, 2022 at 5:00 pm

Agenda

Due to continuing concerns about COVID-19 transmission, there will also be a Zoom link (which can be found on our website at www.suttonsbayvillage.org) for remote attendance for those members of the public wishing to participate. Members of the public participating in person will be required to wear a mask.

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 -February 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. Accessory Dwelling Units-Discussion
8. New Business
9. Public comment
10. Reports
 - a. Zoning Administration Report
 - b. ZBA Report
 - c. Village Council Updates
11. Good of the order
12. Announcements: The next meeting date is April 13, 2022
13. Adjournment



VILLAGE OF SUTTONS BAY
420 N FRONT ST, SUTTONS BAY, MI 49682
PLANNING COMMISSION
MEETING MINUTES OF FEBRUARY 9, 2022

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

Present: Hylwa, Pontius, Smith and Suppes

Absent: Feringa, Hetler and Ostrowski

Staff present: Fay and Kopriva

Approval of Agenda

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

Ayes: 4, No: 0.

Approval of Minutes

Hylwa moved, Suppes seconded, CARRIED, to approve the January 12, 2022, Planning Commission meeting minutes as presented. Ayes: 4, No: 0.

Public Comment/Written communications

Written communications received from Baldwin and Elmore and can be found in this meeting packet.

Public Hearing, on Premise/Off Premise Tasting Room definitions and permitted areas of use

The public hearing opened at 5:03 p.m. Public comments in support were received from Hunttons and Verterra Wineries. The public hearing closed at 5:05 p.m.

Pontius moved, Suppes seconded, CARRIED, to amend the Zoning Ordinance and add tasting room language, specifically definitions for both on-premise and off-premise tasting rooms, and to allow the use as a permitted use in the commercial zoning districts, CB, NG, SG, as found in the meeting packet. Ayes: 4, No: 0.

Public Comment

Richard Baldwin requested Planning Commissioners discuss the possibility of amending the Zoning Ordinance regarding Accessory Dwelling Units (ADU's).

Fred and Elmore also would like the Zoning Ordinance amended to remove the owner-occupied restriction regarding ADU's.

Lois Bahle stated the Housing Action checklist suggests developing ADU's, which are part of the toolbox.

Michelle Baldwin stated the \$1,000 application fee to amend the Zoning Ordinance language regarding ADU's was a stumbling block unless it is known that there was a good possibility for approval.

Reports

The Zoning Administrator Report was submitted by Couturier and can be found in this meeting packet.

Suppes gave a Village Council update stating Pontius presented the container bathroom proposal to Committee of the Whole, who then referred it to the appropriate Committee for further discussion. In addition, Suppes informed Commissioners that a mass gathering application has been received from the Leelanau Rowing Club.

Good of the order

It was the consensus of Commissioners to place an ADU discussion on the next meeting agenda.

The meeting adjourned at 5:23 p.m.

Meeting minutes submitted by Shar Fay, Village Clerk.

To: Village of Suttons Bay Planning Commission
From: Sara Kopriva, AICP
Date: March 4, 2022

RE: Accessory Dwelling Units (ADUs)

At the February meeting the Planning Commission received public comment regarding amending the Zoning Ordinance related to Accessory Dwelling Units (ADUs). The Planning Commission agreed to put it on the March agenda to have a discussion about the topic. Since this is the first time that the PC will be discussing the topic, I have included the sections on the Ordinance that deal with ADUs. ADUs are allowed in all the residential zoning districts, except WC, and the mixed use districts, except CB, with the same requirements of Section 9-2.

Public comment was related to requiring the property to be owner occupied. Currently Section 9-2 (C) requires that the property owner live in one of the dwellings on the property where an ADU exists.

Following discussion, the PC will need to decide if this is something that they would like to discuss further through an amendment, need more information, or not take any action at this time.

division or partition of land into parcels more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be considered a subdivision for purposes of this code; or

- B. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures, and the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance.

TEMPORARY STRUCTURE means a structure erected for a period of time not to exceed eighteen months for such use as construction offices or storage buildings at a construction site.

TRAILER (see "Recreational Vehicle")

TREE, CANOPY means a deciduous shade tree.

TREE, EVERGREEN means a tree with foliage that persists and remains green throughout the year.

TREE, ORNAMENTAL means a small deciduous tree grown for its foliage and/or flowers.

Section 20-12 Definitions: U - V

USE

- A. **ACCESSORY USE** means a use naturally and normally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings located on the same lot.
1. **ACCESSORY DWELLING** means an attached or detached dwelling subordinate to the principal single-family dwelling that contains an independent living area, including sleeping quarters, a bathroom, living area and kitchen facilities.
 2. **HOME OCCUPATION** means a use which includes any activity which is clearly secondary to a residential use and carried out for economic gain. It is conducted within a dwelling, carried out by its occupants utilizing equipment typically found in a home and is not evident from the outside.
 3. **PRIMARY CAREGIVER FACILITY** means a building in which the activities of a primary caregiver are conducted.
 4. **TEMPORARY OUTDOOR ACCESSORY SALES** means sales associated with a permanent, principal use of a property, for temporary durations and in temporary locations.
- B. **ACCOMMODATIONS, HOSPITALITY, ENTERTAINMENT**
1. **BANQUET HALL** means a use which provides rental space for such functions as, but not limited to: wedding parties, conferences, service club meetings and other similar gatherings, along with the catering of food services off the premises.
 2. **BED AND BREAKFAST INN** means a house, or portion thereof, where short-term lodging rooms and breakfast and light snacks are provided to overnight guests and where the operator lives on the premises or in adjacent premises.
 3. **ECOTOURISM** means organized, educational and mainly outdoor recreation with or without lodging that invites participants to learn about and promote ecological

Section 9-1 Intent and Purpose

- A. *Applicability.* Specific requirements apply to all of the uses listed in this article. These requirements apply in addition to all of the regulations of the zoning district in which the use is located, as well as all other applicable requirements in this ordinance.
1. Accessory Dwelling
 2. Accessory Cafés, Sales, Outdoor Dining, and Entertainment
 3. Bed and Breakfast
 4. Civic Buildings, Places of Public Assembly, Places of Worship
 5. Home Occupation
 6. Multi-Family Development
 7. Outdoor Storage
 8. Permanent Outdoor Sales
 9. Primary Caregiver Facility
 10. Sexually Oriented Business
 11. Temporary Outdoor Accessory Sales
 12. Wireless Communications
- B. *Special Land Uses.* A use identified in this ordinance as a special land use shall be established only according to the procedures and standards of Article 13. All standards listed in this article, in addition to the general standards for special land uses listed in Section 13-3, shall be met.

Section 9-2 Accessory Dwelling

- A. *Size.* Accessory dwellings in the Central Residential District (CR), Newer Village Residential (NV), Single-Family Waterfront (SFWF), South Gateway (SG), North Gateway (NG), and Bay View (BV) Districts shall not exceed 600 square feet. Accessory dwellings in the Hillside Residential (HR) District shall not exceed 800 square feet.
- B. *Setbacks.* Accessory dwellings are subject to the setback and height requirements for principal buildings within the applicable zoning district.
- C. *Owner-occupancy.* The owner of the parcel where an accessory dwelling exists shall reside on the property.

Section 9-3 Accessory Cafés, Sales, Outdoor Dining, and Entertainment

All business and service activities or uses shall be conducted entirely within a completely enclosed building, except the following uses may occur outdoors.

Section 5-1 Intent and Purpose

- A. *Central Business (CB)*. The CB district protects the traditional, small town character of the downtown and enhances a pedestrian-oriented environment. The district accommodates a mix of retail stores, offices, entertainment, civic spaces, residential uses and related activities that are mutually supporting and serve the needs of the Village. The intent of this district is to encourage a lively social environment and economically viable downtown with a wide variety of uses in a pedestrian oriented and unified setting.
- B. *North Gateway (NG)*. The NG district accommodates a mix of residential and commercial uses while maintaining residential neighborhood design characteristics to the north of the CBD.
- C. *South Gateway (SG)*. The SG district accommodates a mix of residential and commercial uses while maintaining residential neighborhood design characteristics to the south of the CBD.
- D. *Bay View (BV)*. The BV district is a mixed use district intended to accommodate residential use at a variety of densities, civic use, office space and retail, in addition to mixed use buildings.

Section 5-2 Table of Uses

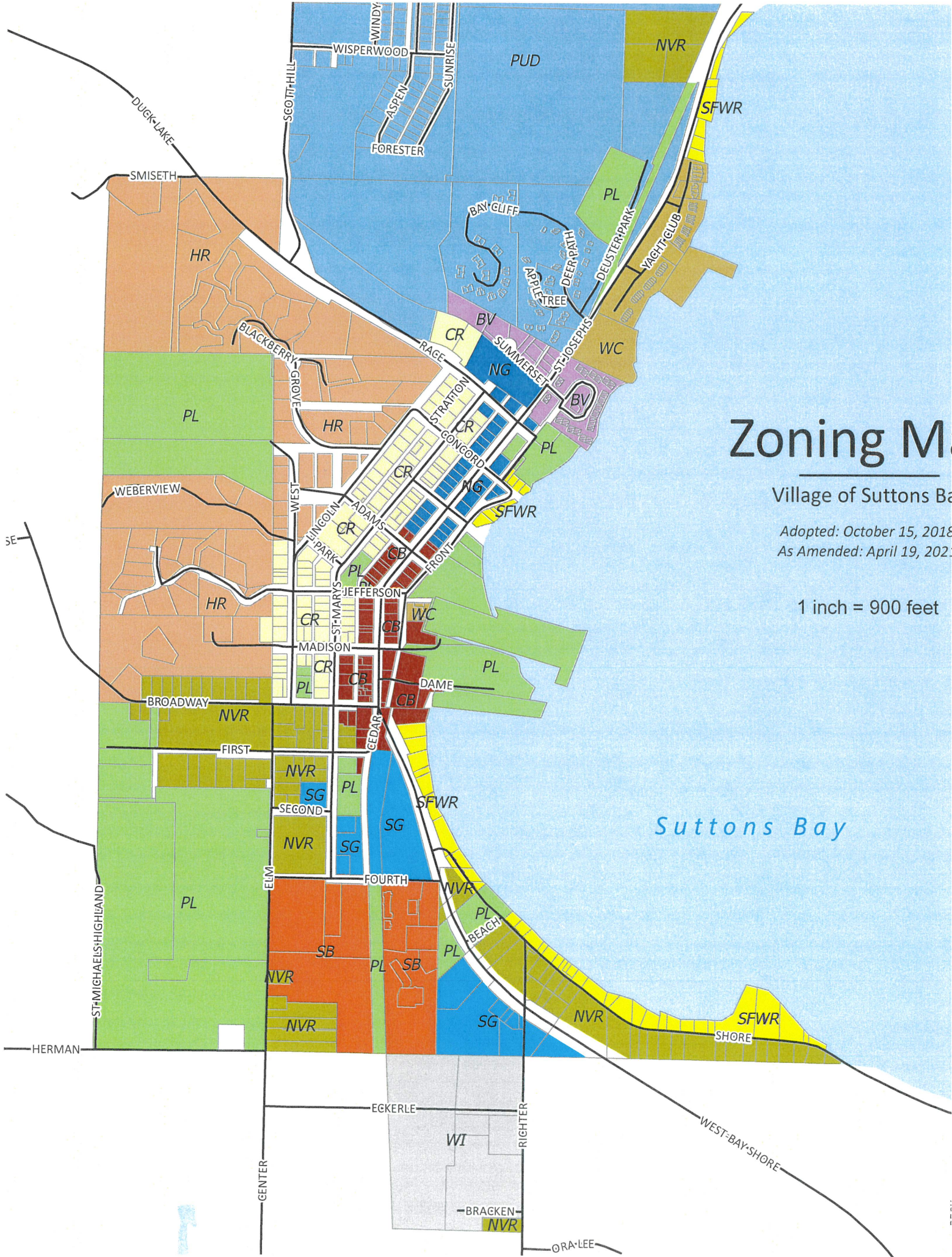
Buildings or land shall not be used and buildings shall not be erected, except for the following specified uses, unless otherwise provided for in this ordinance. Land and/or buildings in the districts indicated at the top of *Table 5-2* may be used for the purposes denoted by the following abbreviations:

- 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 5-2 Schedule of Uses: Mixed Use Districts | | | | | |
|--|-----|-----|-----|-----|---------------------|
| Use | CB | NG | SG | BV | Specific Conditions |
| ACCESSORY | | | | | |
| Accessory dwelling | | P | P | P | Section 9-2 |
| Accessory building | P | P | P | P | Section 2-3 |
| Accessory sidewalk cafés and sales | SLU | SLU | SLU | SLU | Section 9-3 |
| Home occupation | | P | P | P | Section 9-6 |
| Primary caregiver | | P | P | P | Section 9-10 |
| ACCOMMODATIONS, HOSPITALITY, ENTERTAINMENT | | | | | |
| Banquet hall | P | SLU | SLU | P | |
| Bed and breakfast | P | P | P | | Section 9-4 |
| Ecotourism | P | | | P | |
| Hotel/motel | P | | | P | |
| Marina | P | | | P | |
| Off Premise Tasting Room | P | P | P | | |
| On Premise Tasting Room | P | P | P | | |
| Restaurant | P | SLU | SLU | P | |
| Restaurant with micro-brewery, small distillery, or small winery | P | SLU | SLU | P | |

Table 4-2 Schedule of Uses: Residential Districts

| Use | CR | NVR | SFWR | HR | WC | Specific Conditions |
|--|-----------|-----------|-----------|-----------|-----------|---------------------|
| ACCESSORY USES | | | | | | |
| Accessory dwelling | P | P | P | P | | Section 9-2 |
| Accessory building | P | P | P | P | P | Section 2-3 |
| Home occupation | P | P | P | P | | Section 9-6 |
| Primary caregiver facility | P | P | P | P | P | Section 9-10 |
| ACCOMODATIONS, HOSPITALITY, ENTERTAINMENT | | | | | | |
| Bed and breakfast | P | P | P | P | | Section 9-4 |
| INFRASTRUCTURE, TRANSPORTATION, COMMUNICATIONS | | | | | | |
| Essential service | P | P | P | P | P | Section 2-7 |
| INSTITUTIONAL/CIVIC | | | | | | |
| Parks, playgrounds, outdoor recreation areas | P | P | P | P | P | |
| Place of worship | P | P | | | | Section 9-5 |
| School, private | P | P | | | | Section 9-5 |
| RESIDENTIAL | | | | | | |
| Day care (children), family day care home | P | P | P | P | P | |
| Day care (children), group day care home | SLU | SLU | SLU | SLU | SLU | |
| Dwellings, multi-family | | | | | P | Section 9-7 |
| Dwellings, single-family detached | P | P | P | P | P | |
| Dwellings, two-family | | P | | P | | |
| Foster care home (adult), adult foster care family home | P | P | P | P | P | |
| Foster care home (adult), adult foster care small group home | | SLU | | | | |
| Foster care home (adult), adult foster care large group home | | SLU | | | | |
| Foster family home (children), foster family home | P | P | P | P | P | |
| Foster family home (children), foster family group home | | SLU | | | | |
| Home, convalescent or nursing | | P | | | | |
| Housing, independent and assisted living | | P | | | | |
| OTHER | | | | | | |
| Similar uses | SLU/ P | SLU/ P | SLU/ P | SLU/ P | SLU/ P | Section 3-5 |




Zoning Map

Village of Suttons Bay

Adopted: October 15, 2018
As Amended: April 19, 2021

1 inch = 900 feet

| | | | |
|---|-----------------------------|-------------------------------|----------------------------|
|  | | VILLAGE OF SUTTONS BAY | |
| | | ZONING ADMINISTRATOR REPORT | |
| Prepared: | 03/04/2022 | Pages: | 1 of 1 |
| Meeting: | 03/09/2022 | Attachments: | 0 <input type="checkbox"/> |
| Subject: | Zoning Administrator Report | | |

STAFF COMMENT:

As of 03/04/2022 no Land Use Permits Applications have been submitted to the Zoning Administrator.

Staff has been revamping a few permit applications and has created an escrow application for larger projects.

As of this time staff has no complaints that they are working on.

ACTION REQUESTED: NONE