



MEMORANDUM

The Village of Friendliness – Since 1870

Date: August 1, 2023
To: The City of the Village of Douglas City Council
From: Joe Blair, AICP
Planning & Zoning Administrator
Re: Zoning Text Amendment – Section 26.13(2)(b) – Ground-floor Residential

Background. When the Planning Commission reviewed a proposal for a mixed-use development on Center Street earlier this year, it became apparent that while ground-floor residential is permitted when located adjacent to a residentially zoned parcel on at least one side, the ordinance does not account for the fact that some parcels within commercial districts or PUDs contain residential uses. This specific requirement was referenced in article 26.13 Ground-floor Residential, subsection 2 Site Requirements, part b. *All ground-floor structures used for residential purposes shall be located on property which abuts property zoned R-1, R-2, R-3, R-4 or R-5 on at least one side.*

In a memo to the Planning Commission, Interim Planner Tricia Anderson identified, based on Planning Commission commentary regarding the application for 200 W. Center, items of note for review. This memo read that the Planning Commission should discuss the text regarding section 26.13.2.b and offer their opinions as to whether the text of the section aligns with the intent of the ordinance. The consensus was that the intent may have been for the section to read “abut a residential use” rather than “abut a residentially zoned property”.

At the April 20, 2023 meeting of the City of Douglas’ Planning Commission, the commissioners discussed what they recall from the original intent of the change to the ordinance to require that ground floor residential be adjacent on at least one side to a residentially owned parcel, and given the need in recent times to reduce barriers to affordable and attainable housing in Douglas, the planning Commission agreed that the requirement in the Article 26, Special Land Uses, could simply be removed. The Planning and Zoning Administrator was then asked to draft an amendment to remove

the requirement for ground-floor residential as a Special Land Use in the C-1 district to be adjacent to a residentially zoned parcel on at least one side, and to remove part b of; Section 26.13.2.

Proposed Amendment. The following amendment would simply entail the removal of part b of Section 26.13.2:

Section 26.13 Ground-floor Residential

1. *Locational Requirements: Residential uses shall be permitted on the ground-floor of a structure located in the C-1 District only where such use does not front upon Center Street.*
2. *Site Requirements:*
 - a. *All residential dwelling units on the ground-floor of a structure located within the C-1 District shall be set back a minimum of thirty (30) feet from the Center Street right-of-way to avoid breaking up the continuity of active commercial areas along Center Street.*
 - ~~b. *All ground floor structures used for residential purposes shall be located on property which abuts property zoned R-1, R-2, R-3, R-4 or R-5 on at least one side.*~~
 - c. *The Planning Commission shall make a determination that the regular flow of pedestrian traffic to and from established commercial uses is not likely to be negatively reduced or impeded by the residential use within a ground-floor structure.*
 - d. *Any application for Ground-floor Residential use within the boundaries of the Downtown Development Authority shall be submitted to the DDA Board for recommendation prior to Planning Commission approval.*
 - e. *All standards of Article 10 C-1 Village Center District shall apply to a ground-floor residential use except that the minimum transparency requirements set forth within Section 10.02, D, may be reduced to no less than 30% to insure the safety and privacy of residents.*
(Amended October 19, 2009: Ord. #03-2009)

Procedures. Section 28.02 provides procedures for the review and approval of amendments. The Planning Commission forwarded a favorable recommendation to the City Council on July 13, 2023 meeting.

At the August 7, 2023 meeting, the City Council is tasked with the final approval of the proposed ordinance amendment, and will hold a first reading. The second reading will be held on August 21, 2023. An ordinance to amend the zoning ordinance has been drafted for the City Council's reference in its review of the proposed zoning ordinance

amendment. The Planning and Zoning Administrator's report to the Planning Commission dated July 5th, 2023, is also included for your reference in the Council packet for review of the amendment procedures and analysis of the amendment criteria.

Please feel free to reach out with any questions.

**CITY OF THE VILLAGE OF DOUGLAS
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 06-2023**

**AN ORDINANCE TO AMEND SECTION 26.13.2 (“Ground Floor Residential, Site Requirements”)
TO REMOVE SUBSECTION b) WITHIN THE CITY OF THE VILLAGE OF DOUGLAS ZONING
ORDINANCE**

The City of the Village of Douglas Ordains:

Section 1. AMEND: AN ORDINANCE TO AMEND SECTION 26.13.2 (“Ground Floor Residential, Site Requirements”) TO REMOVE SUBSECTION b)

Section 26.13 – Ground Floor Residential.

2) Site Requirements:

- a) All residential dwelling units on the ground floor of a structure located within the C-1 District shall be set back a minimum of thirty (30) feet from the Center Street right-of-way to avoid breaking up the continuity of active commercial areas along Center Street.
- ~~b) All ground floor structures used for residential purposes shall be located on property which abuts property zoned R-1, R-2, R-3, R-4 or R-5 on at least one side.~~
- c) The Planning Commission shall make a determination that the regular flow of pedestrian traffic to and from established commercial uses is not likely to be negatively reduced or impeded by the residential use within a ground floor structure.
- d) Any application for Ground Floor Residential use within the boundaries of the Downtown Development Authority shall be submitted to the DDA Board for recommendation prior to Planning Commission approval.

e) All standards of Article 10 C-1 Village Center District shall apply to a ground floor residential use except that the minimum transparency requirements set forth within Section 10.02, D, may be reduced to no less than 30% to insure the safety and privacy of residents.

Section 2: Severability Clause: Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

Section 3: Publication: Within fifteen (15) days of its adoption, a notice of adoption shall be published by the City Clerk in a newspaper of general circulation in the City

Section 4: Effective Date: This Ordinance shall become effective upon 20 days following the publication or summary of publication of this Ordinance.

Ordinance Offered by:

Ordinance Supported by:

Ayes:

Nays:

Abstain:

Absent:

ORDINANCE DECLARED _____ ON THIS 21st DAY OF August, 2023.

Jerome Donovan, Mayor Date

Laura Kasper, City Clerk

Date

Ordinance Adoption Date:

Ordinance Effective Date:

First Reading:

Public Hearing:

Second Reading:

Publication of Notice:

Enactment: (20 days after Publication)

CERTIFICATE

I hereby certify that the foregoing Ordinance was adopted by the City Council of the City of the Village of Douglas at a City Council meeting held on August 21st, 2023 and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the City Charter and the Open Meeting Act, Public Act 267 of 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Laura Kasper, City Clerk



MEMORANDUM

The Village of Friendliness – Since 1870

Date: July 5, 2023
To: Douglas Planning Commission
From: Joe Blair, AICP
Planning & Zoning Administrator
Re: **Zoning Text Amendment – Section 26.13 – Ground-floor Residential**

Background. When the Planning Commission reviewed a proposal for a mixed-use development on Center Street earlier this year, it became apparent that while ground-floor residential is permitted when located adjacent to a residentially zoned parcel on at least one side, the ordinance does not account for the fact that some parcels within commercial districts or PUDs contain residential uses. This specific requirement was referenced in article 26.13 Ground-floor Residential, subsection 2 Site Requirements, part b. *All ground-floor structures used for residential purposes shall be located on property which abuts property zoned R-1, R-2, R-3, R-4 or R-5 on at least one side.*

In a memo to the Planning Commission, Interim Planner Tricia Anderson identified, based on Planning Commission commentary regarding the application for 200 W. Center, items of note for review. This memo read that the Planning Commission should discuss the text regarding section 26.13.2.b and offer their opinions as to whether the text of the section aligns with the intent of the ordinance. The recommendation was made that the intent may have been for the section to read “abut a residential use” rather than “abut a residentially zoned property”.

At the April 20th meeting of the City of Douglas’ Planning Commission, the commissioners commented on this error of intent and directed the Planning and Zoning Administrator to draft a change in the ordinance language to remove the requirement for ground-floor residential in the C-1 district as a special land use to be adjacent to a residentially zoned parcel; Section 26.13.2.b.

Proposed Amendment. The following amendment would simply entail the removal of part b of Section 26.13.2:

Section 26.13 Ground-floor Residential

1. *Locational Requirements: Residential uses shall be permitted on the ground-floor of a structure located in the C-1 District only where such use does not front upon Center Street.*
2. *Site Requirements:*
 - a. *All residential dwelling units on the ground-floor of a structure located within the C-1 District shall be set back a minimum of thirty (30) feet from the Center Street right-of-way to avoid breaking up the continuity of active commercial areas along Center Street.*
 - b. *All ground floor structures used for residential purposes shall be located on property which abuts property zoned R-1, R-2, R-3, R-4 or R-5 on at least one side.*
 - c. *The Planning Commission shall make a determination that the regular flow of pedestrian traffic to and from established commercial uses is not likely to be negatively reduced or impeded by the residential use within a ground-floor structure.*
 - d. *Any application for Ground-floor Residential use within the boundaries of the Downtown Development Authority shall be submitted to the DDA Board for recommendation prior to Planning Commission approval.*
 - e. *All standards of Article 10 C-1 Village Center District shall apply to a ground-floor residential use except that the minimum transparency requirements set forth within Section 10.02, D, may be reduced to no less than 30% to insure the safety and privacy of residents.*
(Amended October 19, 2009: Ord. #03-2009)

Procedures. Section 28.02 provides procedures for the review and approval of amendments. The City Council is the final reviewing authority of any amendment to the Zoning Ordinance. Therefore, the Planning Commission is tasked with making a recommendation, rather than an approval, of the proposed text amendment.

In addition, Section 28.04 outlines the requirements for holding a public hearing and the proper publication of the public hearing notice which informs the public in a newspaper of general circulation that the Planning Commission will hold a public hearing to consider the amendment on July 13th, 2023.

Analysis of Amendment Criteria. Section 28.06 provides a list of considerations the Planning Commission must keep in mind when reviewing a proposed amendment to the ordinance. The majority of these considerations are not applicable to a text amendment of the Zoning Ordinance and apply mostly to amendments of the zoning map (rezonings), which is an integral part of the Zoning Ordinance. These considerations are as follows:

- a. *What, if any, identifiable conditions related to the application have changed since the existing zoning district was established which justify the proposed amendment?*

The C-1, Village Center district allows for mixed uses to occupy the same building and allows for residential above commercial by right and ground-floor residential as a special land use. One condition that has changed since the existing C-1 district was established and the ordinance was amended to add stipulations for ground-floor residential as a special land use, is the current need for affordable and attainable housing. The current ordinance language which requires the subject parcel to be located adjacent to an existing residential zoned parcel could be viewed as a barrier to the creation of additional housing stock. The ground-floor residential allows less up-front costs associated with the construction of the development, thus, theoretically the ability to keep rental rates lower. When no ground-floor units are proposed within a mixed-use or multifamily development, there is a requirement for an elevator to be provided to comply with ADA standards. The removal of part b of the special land use requirements would remove one barrier to affordability when it comes to housing in the City.

- b. *What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?*

The maps provided below identify the parcels that would be affected by this amendment. If any precedent is set with the approval of the text amendment, it is that the City favors the removal of barriers to potential affordable housing opportunities. Denial of the text amendment may send the message to home seekers and home builders that the City is not concerned with removing these types of barriers.

- c. *What is the impact of the amendment on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?*

All of the C-1 zoned parcels allow for a mix of residential and commercial, however, not all buildings contain both uses. The additional ground-floor residential that could be anticipated as a result of this amendment should not significantly increase the burden on the City to provide adequate services and facilities.

- d. Does the petitioned district change adversely affect environmental conditions, or the rights of a neighboring property owner?*

The change would not adversely affect environmental conditions, nor would it infringe on the rights of neighboring property owners.

- e. Is the class of uses permitted in the district appropriate for the location proposed to be rezoned?*

This standard is not applicable to a text amendment.

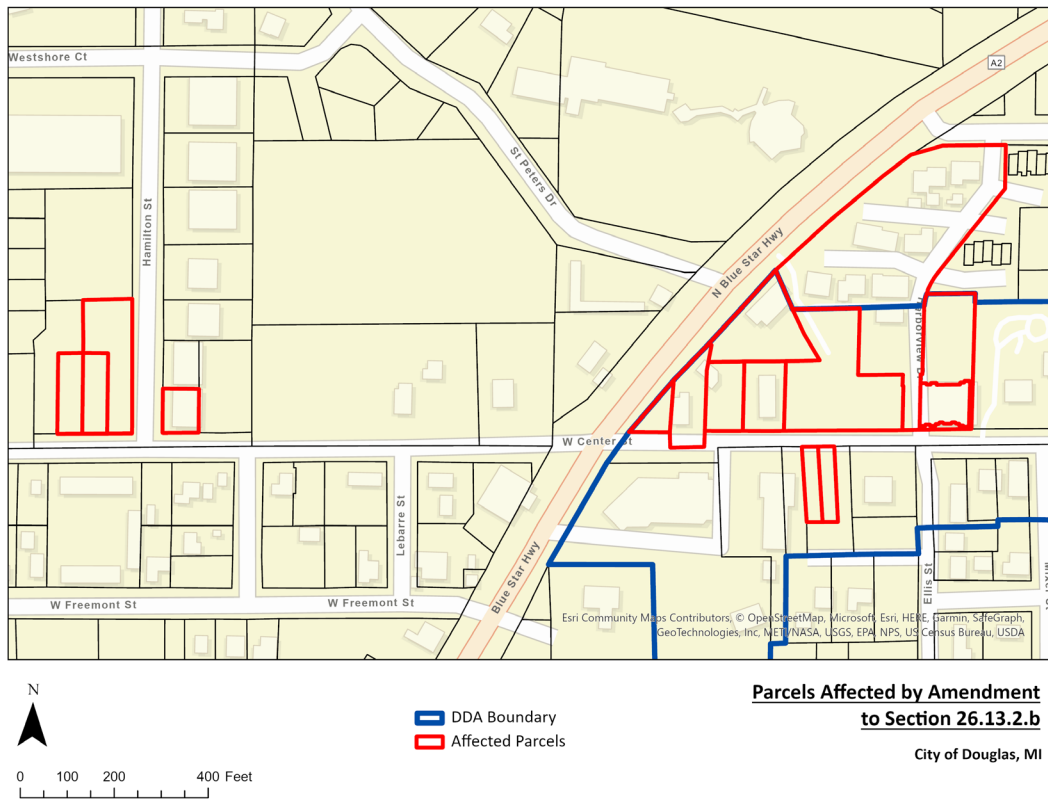
- f. Does the petitioned district change generally comply with the Tri-Community Comprehensive Plan, or a subsequent document that guides land use and development decisions in the City of the Village of Douglas?*

Yes, this change follows both the Tri-Community Comprehensive Plan and the Douglas Community Plan in presenting a greater ability to create accessible and affordable housing stock in the Downtown area.

- g. What is the ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located?*

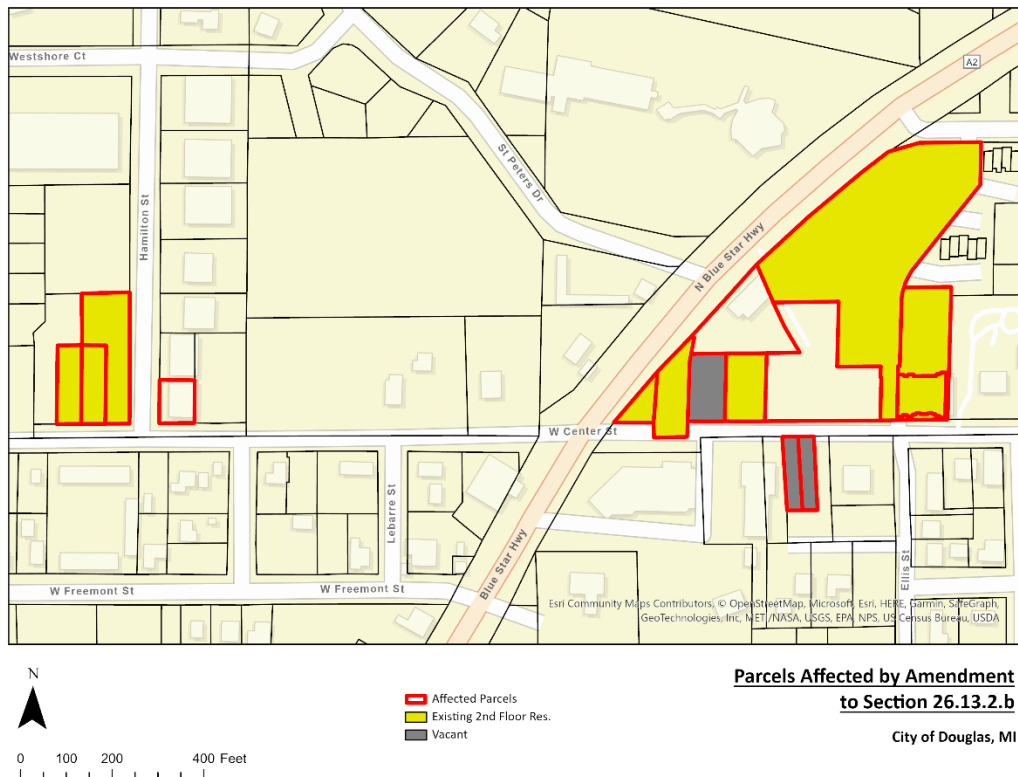
This standard is not applicable to a text amendment.

Implications of the Amendment



Shown above is a map of the parcels that would be affected by the change in Section 26.13.2.b, which would eliminate the need for a parcel zoned R1 - R5 to be immediately adjacent. In total, 15 parcels would be affected, totaling roughly 7.6 acres. Of these 15 parcels, 3 of them - or roughly 0.5 acres - are vacant.

The text amendment, if approved, is not anticipated to produce any negative effects on the surrounding parcels, as all the C-1 zoned parcels are permitted to contain a mix of uses and already do, or are vacant currently, as shown below. The remaining three are (from left to right), a storage building, a realtor's office, and the Saugatuck-Douglas Library.



However, the positive effect would likely be more identifiable. By allowing the affected parcels to construct ground-floor residential, the City would be accomplishing a number of goals:

- Allowing for increased housing stock within the city
- Increased residential presence near the DDA and along Center St.
- Housing that is along walkable corridors
- Accessible housing near the City core

Recommendation: Based on the findings noted in this memorandum, as well as previous discussions with the Planning Commission, we would recommend the Planning Commission provide a favorable recommendation to the City Council to approve the amendment of Section 26.13.2 of the City of Douglas Zoning Ordinance, as proposed.

Please feel free to contact me with any questions or concerns.