

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

December 4, 1996

A Meeting of the Manistee City Planning Commission was held on December 4, 1996 at 7:00 p.m. in City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Richard Franckowiak, Duane Jones, Kristie Harless, John Lakos, Roger Yoder

MEMBERS LATE: Mike Fatke , John Serocki

MEMBERS ABSENT: Tony Slawinski

OTHERS PRESENT: Jon Rose (City Code Administrator)
Denise Mikula (City Office)
Ray Fortier (City Council)
Rob Keast (Manistee News Advocate)
Ben Bifoss (City Manager)
Mark Swanson (Parks Commission)
John Rozga Jr. (Parks Commission)
Shirley Trucks (Parks Commission)
Mike Morin (515 Ninth Street)
Harold "Jack" Watson (804 Elm Street)
Jeff Seng (Seng's Crane & Excavating)
Ed Sadlowski (268 River Street)

Meeting was opened at 7:03 p.m. by Chairman R. Yoder.

PUBLIC HEARING:

Groundwater Protection/Wellhead Protection

Chairman Roger Yoder opened a public hearing at 7:03 p.m. to consider amending the Zoning Ordinance to provide for general groundwater protection throughout the city and specific groundwater protection in the areas of municipal wells. Mr. Yoder asked that Jon Rose give an overview of the amendment. Mr. Rose made a recommendation that a section on septic systems be removed from the proposed amendment since they are not allowed in the City. Mr. Rose answered questions from the Committee and neighboring residents Mike Morin and Jack Watson. This will not impact the use as a residential neighborhood.

Chairman Yoder read a letter from Mrs. Betty Naffie. Mr. Rose Responded to the letter. The public hearing for Wellhead Protection closed at 7:10 p.m.

Renaissance Zone

Chairman Yoder opened a public hearing at 7:10 p.m. for an amendment to the zoning ordinance. The Amendment is to add Section 6901 Renaissance Zone to the Zoning Ordinance. The regulations contained in this section would apply to those properties within the City which are included in the Manistee County Renaissance Zone Application. The areas in question are Boltema Docks (next to Ambar, Inc.) and the old Ex-cell-o plant. Mr. Rose went over the specifics of the ordinance with recommendations for the areas that were left blank. Questions were asked by the Commission, Jeff Seng and Ed Sadlowski. Mr. Rose responded to the questions. There being no further questions, chairman Yoder closed the public hearing at 7:25 p.m.

After a brief recess Chairman Yoder opened up the regular meeting at 7:28 p.m.

Welcome new Member Duane Jones

SITE PLAN REVIEWS:

Jon Rose presented a proposed site plan for Ambar Inc. The proposed plan is for construction of a raw materials building and process building for bromine production. Site Plan Review has been done on the plan and it meets all of the zoning requirements except for height limitation. After review the site plan was approved with the condition that they will need to apply to the Zoning Board of Appeals for a variance to the height limitation. MOTION was made by Lakos, supported by Fatke to approve the site plan. Motion passed unanimously.

CITIZEN QUESTIONS AND CONCERNS:

No questions were asked by citizens in attendance.

MINUTES:

MOTION by Harless, supported by Lakos, that minutes of the November 7, 1996 meeting be approved. Motion passed unanimously.

UNFINISHED BUSINESS:

Groundwater Protection/Wellhead Protection

After discussion the committee agreed that the section on septic will be removed. A recommendation for adoption of the Groundwater Protection/Wellhead Protection amendment to the Zoning Ordinance be made. MOTION by Serocki with a second by Lakos. Motion passed unanimously

Renaissance Zone

The Commission reviewed the document with the blanks filled in as recommended by Rose. After discussion a MOTION was made by Fatke with a Second by Jones that the amendment to the Zoning Ordinance for Renaissance Zone be adopted in the event that the State approve the application. Motion passed unanimously.

Parks Plan

Mark Swanson, Secretary of the Parks Commission discussed the Parks and Recreation Plan 1997 -2001. Mr. Swanson gave the background on the document and the time it took the Parks Commission to prepare. MOTION by Franckowiak, seconded by Lakos. That the Manistee Planning Commission hereby approves and supports the Parks and Recreation Plan 1997 - 2001. Motion passed unanimously.

Meeting Schedule for 1997

A review of the 1997 Meeting Schedule was done at the November 7, 1996 meeting with the July and December meeting being changed to the second Thursday of the month. After review it was discovered that the School Board Meetings are held in the Council Chambers on the second Thursday of the month and the room has already been reserved for their meetings. The Commission discussed an alternative to the second Thursday of the month and decided that the July meeting will be held on July 9, 1997 and the December meeting will be held on December 3, 1997. MOTION by Franckowiak second by Lakos that the meeting schedule be circulated with the appropriate changes. Motion passed unanimously.

CITY UPDATE:

Jon Rose gave an update on the current progress of Riverwalk East. The new Fire Truck has been ordered and is scheduled to be in around June 1997. Interviews for the Building Inspector/Plan Reviewer position have been held with contract negotiations beginning. An Administrative Assistant will be hired to fill part of the vacancy with Dale Picardat's retirement, the field has been narrowed down to twenty candidates which have been sent a questionnaire. This is a three year position with no extensions or renewals and the City hopes to fill the position by mid-January. The permit from the Corps of Engineers for the Bank Stabilization at Douglas First Street Beach has been received, we are waiting for the permit from the DNR. A Bike Path Meeting was held on November 27th Mr. Rose turned over the update to Fatke.

Fatke stated that it was very productive meeting and they have tentatively established a North/South Route and East/West Route keeping the bikes off from Maple Street. This will be a joint effort with the neighboring townships and another meeting is scheduled in January.

Rose spoke of new business that have opened in the City include: Fastenal Co., The Other Place, Humane Society - Christmas Store, Century 21 and Dr. Reines and Dr. Snyder. The Water Department is now using a van for servicing the City.

REPORTS:

D.D.A.:

Lakos attended the December 4, 1996 meeting and reported on the Riverwalk progress and told of a lengthy discussion on garbage and trash pickup on River Street.

Site Plan Review/Historic Overlay Committee:

Serocki reported on the December 3, 1996 meeting where they were given a preliminary plan on a change for the front facade of Snyders Shoe Store. Approval of replacement windows for the second story on the front side of Dave's True Value Building and approval of a sandwich sign for Century 21 Port City Realty.

NEW BUSINESS:

M-55 Park:

The Parks Commission had requested that a 173 acre parcel of property be designated for public recreation development. This property is adjacent to the 200 acre parcel that has been included in the Renaissance Zone Application. After discussion a MOTION to table this item until the January meeting was made by Jones seconded by Serocki. At this time John Rozga of the Parks Commission explained why they did not want to wait till the results of the Renaissance Zone were received. After further discussion the MOTION to table the item was again made by Jones with a second by Serocki. Motion passed unanimously.

Resolution for Denis Johnson

The City of Manistee Planning Commission prepared a resolution for former member Denis Johnson for his years of service to the Commission. Mr. Johnson had been a member since 1982 and has served as the Planning Commission Representative to the Zoning Board of Appeals. A letter wishing Denis well and expressing our gratitude for his contribution to the Commission was also prepared.

Review of By-Laws

An annual review of the By-Laws was held. MOTION by Franckowiak second by Lakos that the By-Law be adopted for 1997. Motion passed unanimously.

Election of Officers

At this point the meeting was turned over to Jon Rose to handle the Election of Officers. Rose asked for nominations to the position of Chair. Franckowiak nominated Yoder. There being no further nominations MOTION by Franckowiak with a second by Jones that Roger Yoder be elected Chair for the 1997 year. Motion passed unanimously.

At this point Jon Rose turned the meeting back over to Chairman Yoder.

Chairman Yoder asked for nominations to the position of Vice-Chair. Franckowiak nominated Harless. There were no further nominations. MOTION by Franckowiak second by Jones that Kristie Harless be elected Vice-Chair for the 1997 year. Motion passed unanimously.

Chairman Yoder asked for nominations to the position of Secretary. Yoder explained that the minutes will be taken by City Staff and that this is for the purpose of signing documents. Franckowiak nominated Fatke. There were no further nominations. MOTION by Franckowiak, seconded by Jones that Mike Fatke be elected Secretary for the 1997 year. Motion passed unanimously.

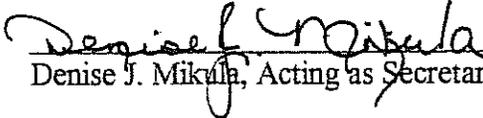
Chairman Yoder then made Committee Appointments (attached).

ADJOURNMENT:

There being no further business, MOTION by Serocki, supported by Franckowiak that the meeting be adjourned. Motion passed unanimously.

The meeting adjourned at 8:27 p.m.

MANISTEE PLANNING COMMISSION


Denise J. Mikula, Acting as Secretary

Attachments: Groundwater Protection/Wellhead Protection
Renaissance Zone
Committee Appointments 1997

December 10, 1996; Draft. (codification based on a Jan. 24, 1994 printing of the city ordinance)

AN ORDINANCE TO AMEND IN PART AN
ORDINANCE ENTITLED "MANISTEE CITY ZONING
ORDINANCE" WHICH WAS ADOPTED MAY 1, 1990, AS AMENDED,
TO ADD A DEFINITION OF HAZARDOUS WASTE,
TO AMEND/CHANGE THE ZONING MAP, AND
TO ADD A SECTION ON GROUNDWATER PROTECTION,
TO ADD A WELLHEAD PROTECTION OVERLAY DISTRICT.
TO ADD AN ITEM TO BE INCLUDED IN A ZONING PERMIT APPLICATION,
TO ADD IN ITEM TO BE SHOWN ON ALL SITE PLANS, AND
TO ADD ITEMS TO BE SHOWN ON SITE PLANS
FOR BUSINESSES USING HAZARDOUS MATERIALS.

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS: 1

Section 1. That the City of Manistee Zoning Ordinance of May 1, 1990, as amended, (Title XV, 2

Chapter 150 of the Manistee Code of Ordinances) is hereby amended to add a definition to 3

Section 503 (the section of the zoning ordinance where words are defined), as follows, to wit: 4

HAZARDOUS SUBSTANCES means one or more of the following: 5

A. A chemical or other material which is or may become injurious to the public health, 6
safety, or welfare or to the environment. 7

B. "Hazardous substance" as defined in the comprehensive environmental response, 8
compensation and liability act of 1980, Public Law 96-510,94 Stat. 2767. 9

C. "Hazardous waste" as defined in Article II Chapter 3 Part 111 of P.A. 451 of 10
1994, as amended, (being the Hazardous Waste Management part of the Natural 11
Resources and Environmental Protection Act, MCL 324.45101 *et. seq.*) 12

[Annotation: MCL 324.45101 *et. seq.* is formerly P.A. 64 of 1979 (being MCL 299.501 to 299.551, the Hazardous Waste Management 13
Act).] 14

D. "Petroleum" as defined in Article II Chapter 8 Part 213 of P.A. 451 of 1994, as 15
amended, (being the Leaking Underground Storage Tanks part of the Natural 16
Resources and Environmental Protection Act, MCL 324.45101 *et. seq.*). 17

[Annotation: MCL 324.45101 *et. seq.* is formerly P.A. 478 of 1988 (being MCL 299.831 to 299.850, the Leaking Underground Storage 18
Tank Act).] 19

Section 2. That the City of Manistee Zoning Ordinance of May 1, 1990, as amended, (Title XV, Chapter 150 of the Manistee City Code of Ordinances) is hereby amended by adding a new section after section 1011 (so it is 1012) to Article 10 (general provisions), as follows, to wit:

1012. Hazardous Substance Groundwater Protection.

- A. All businesses and facilities (except fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor) which:
 - 1. use or generate hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or
 - 2. stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less,shall comply with the following groundwater protection requirements.
- B. Groundwater Protection requirements:
 - 1. Groundwater Protection, generally:
 - a. The project and related improvements shall be designed to prevent groundwater contamination from hazardous substance discharge to the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater, street slopes, and natural and man-made drainage systems.
 - b. Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.
 - c. General purpose floor drains and storm drains shall be:
 - (1) 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
 - (2) authorized through a state groundwater discharge permit, or
 - (3) connected to a storm water system.
 - d. 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.
 - e. In determining conformance with the standards in this Ordinance, the Administrator or Commission, whichever one is applicable, shall

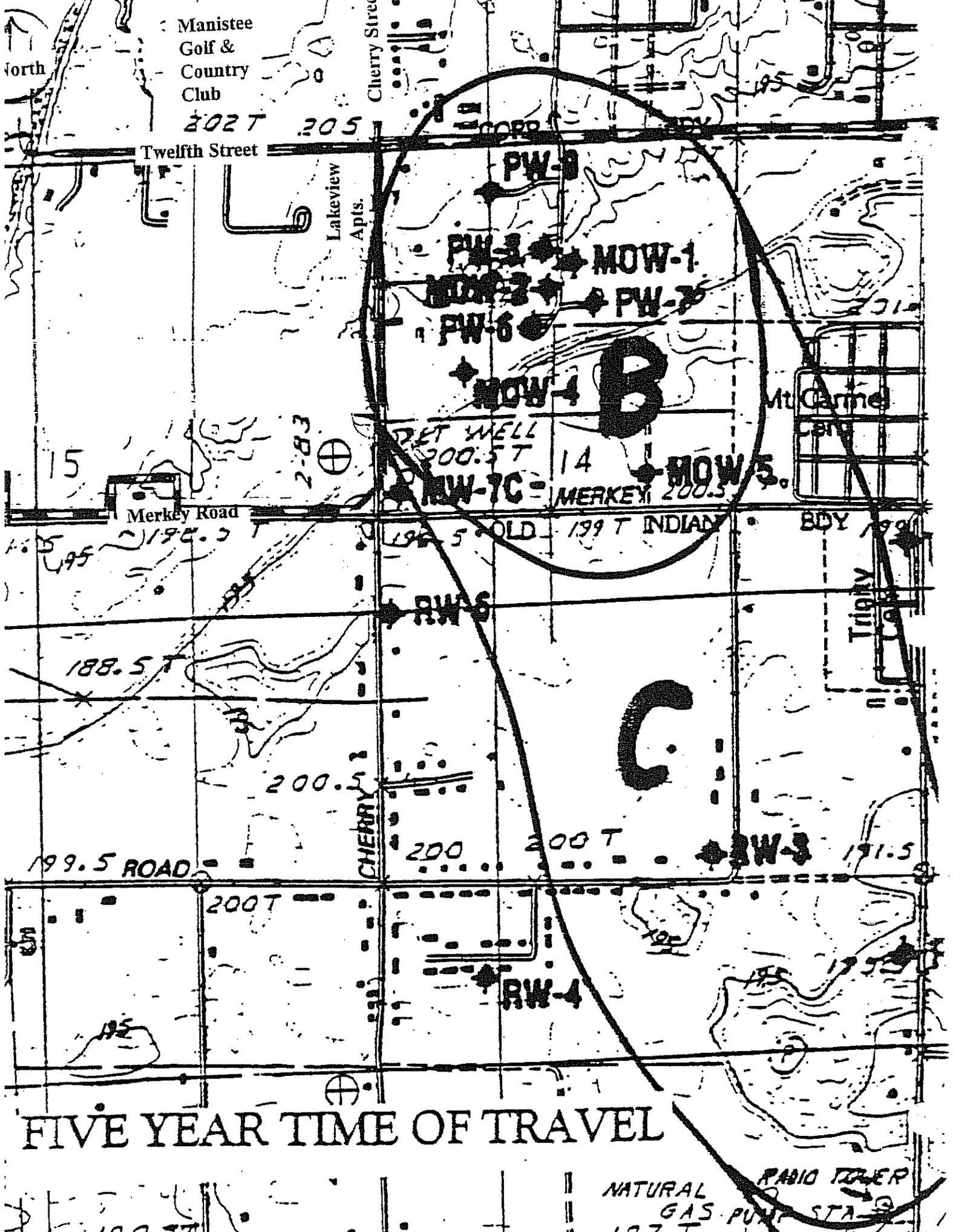
	take into consideration the publication titled "Small Business Guide to Secondary Containment; Practical Methods for Above-ground Storage and Containment of Hazardous Substances and Polluting Materials" published by the Clinton River Watershed Council, May 1990, and other references.	1 2 3 4 5
f.	Out-of-service water wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Public Health and the Manistee-Mason District Health Department.	6 7 8 9
g.	If the site plan includes territory within a Wellhead Protection Overlay Zone submit a signed statement providing permission for periodic follow-up groundwater protection inspections by the Administrator, county and state officials.	10 11 12 13
2.	Above-ground Storage	14
a.	Primary containment of hazardous substances shall be product-tight containers which are protected from weather, leakage, accidental damage, and vandalism.	15 16 17
b.	Secondary containment for the storage of hazardous substances and polluting materials is required. Secondary containment shall be one of the following, whichever is greatest:	18 19 20
	(1) sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, or	21 22 23
	(2) shall be at least as great as volumes required by state or county regulations, or	24 25
	(3) shall, if not protected from rainfall, contain a minimum of	26
	(a) 110 percent of the volume of the largest storage container within the dike of the secondary containment area, plus	27 28 29
	(b) the volume that is occupied by all other objects within and below the height of the dike of the secondary containment area plus	30 31 32
	(c) the volume of a 6 inch rainfall.	33
c.	Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.	34 35 36
d.	Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled, stored or used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.	37 38 39 40 41
e.	State of Michigan and Federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.	42 43 44

- f. Bulk storage of pesticides shall be in accordance with requirements of the Michigan Department of Agriculture. 1
2
- 3. Underground Storage 3
 - a. Underground storage tank installation, operation, maintenance, closure and removal shall be in accordance with the requirements of the State Police Fire Marshal Division and the Michigan Department of Natural Resources. 4
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6
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 - b. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture. 8
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Section 3. That the City of Manistee Zoning Ordinance of May 1, 1990, as amended, (Title XV, Chapter 150 of Manistee City Code of Ordinances) is hereby amended by adding a new Overlay District to after subsection 1801.E.2.), as follows, to wit: 11
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- 3. Wellhead Protection Overlay District 14

Section 4. That the City of Manistee Zoning Ordinance of May 1, 1990, as amended, (Title XV, Chapter 150 of Manistee City Code of Ordinances) is hereby amended, pursuant to Section 1804, by changing the Official Zoning Map established and referenced in Section 1803, adding a new Overlay District as shown on the amendatory map on page 6 of this Ordinance. 15
16
17
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Manistee
Golf &
Country
Club

North

Twelfth Street

Cherry Street

Lakeview
Apts.

PW-9

PW-8

MOW-1

MOW-3

PW-7

PW-6

MOW-4

B

Mt Carmel
Cen

DET WELL

200.5 T

14

MOW-5

RW-7C

MERKEY 200.5

Merkey Road

199.5

OLD 199 T INDIAN

BDY 199

RW-6

Triary
Cen

C

200.5

200

200 T

RW-3

191.5

199.5 ROAD

CHERRY

200 T

RW-4

FIVE YEAR TIME OF TRAVEL

NATURAL
GAS PUMP STA
107 T

RADIO TOWER

Section 5. That the City of Manistee Zoning Ordinance of May 1, 1990, as amended, (Title XV, Chapter 150 of Manistee City Code of Ordinances) is hereby amended by adding a new Article 76, as follows, to wit:

ARTICLE 76: WELLHEAD PROTECTION OVERLAY DISTRICT

7601. Area Affected

Every parcel of land which lies in whole or in part within Wellhead Protection Overlay Zone as depicted on the Official Zoning Map around public Type I water wells is subject to the regulations of this Overlay Zone to the extent the parcel lies within this Overlay Zone. The regulations of this Overlay Zone are in addition to any regulations in the underlying Land Use Districts, however these regulations supercede all conflicting regulations of the underlying Land Use District to the extent of such conflict but no further.

7602. Wellhead Protection Zones

As shown on the Official Zoning Map, there shall be three concentric sectors within this Overlay Zone:

- A. Sector A shall be an area around the water well intended to be protected by this Overlay Zone which lies entirely within the territory of Filer Charter Township, and is not included on the City of Manistee Zoning Map.
- B. Sector B shall be the next largest area around the water well, as shown on the Official Zoning Map, intended generally to include, at a minimum, an area necessary for a one year zone of protection for the well.
- C. Sector C shall be the remainder of this Overlay Zone outside of Sectors A and B, as shown on the Official Zoning Map, intended generally to include, at a minimum, a ten year zone of protection for the well. This Sector lies entirely within the territory of Filer Charter Township, and is not included on the City of Manistee Zoning Map.

7603. Sector A Land Use Prohibitions

The underlying zoning district notwithstanding, no person shall use land within sector A for any land use which involves any of the following:

- A. Any use listed in Section 7604 of this Ordinance
- B. Any use listed in Section 7605 of this Ordinance
- C. Any other land use except:
 - 1. A water well pump station.
 - 2. A water tower.
 - 3. Open space area, planted to grass, garden, or other ground cover.
 - 4. A park which is planted to grass and does not include any motorized rides, entertainment, and so on.

7604. Sector B Land Use Restrictions

The underlying zoning district notwithstanding, no person shall use land within sector A or B for any land use except as provided for here. The list of permitted and special uses allowed in the land use district underlying this overlay district shall remain unchanged in Sector B of this overlay district, except as follows. All uses listed in section 7604.C of this Ordinance shall be prohibited uses or special uses, notwithstanding the provisions of the underlying zoning district.

A. The uses listed in section 7604.C of this Ordinance shall be prohibited except when one of the two following conditions exist:

1. The use is a facility which use or generates hazardous substances:
 - a. in quantities less than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or
 - b. stores less than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less,
- or
2. The business and facilities use, store or generate hazardous substances
 - a. above the amounts established in section 7604.A.1, and
 - b. has an approved permit by a county, state or federal agency with authority to issue such permit for the use of the hazardous substances.

B. If the proposed uses listed in section 7604.C of this Ordinance are not prohibited pursuant to section 7604.A of this Ordinance, then it shall be considered a special use pursuant to Section 8601 *et. seq.* of this Ordinance.

C. Affected Land Uses:

1. Any use listed in Section 7605 of this Ordinance
2. Dwellings, Duplexes, Apartment buildings which are connected to on-site sewage disposal.
3. Agricultural Production-Crops, Agricultural Production-Livestock [01-0299] (farm) vehicle maintenance and chemical storage areas; tanks for mixing chemicals; power washing; nitrate contamination due to over fertilizing; pesticide and herbicide infiltration
4. Lawn care [0782] (threats from pesticides and containers with residues; improper disposal of washout water)
5. Any Manufacturing [D: 20-3999] that uses: (category includes any business which uses chemical solvents or petroleum-based products)
 - a. Petroleum and coal products (fossil fuel storage; solvent storage and use; blending of materials; outdoor storage piles; large tanks; bulk storage)
 - b. Chemicals and allied products, including paints (chemical storage, use and production; equipment cleaning; industry has made major improvements; management and disposal of hazardous chemicals is the concern)

c.	Rubber and miscellaneous plastic products (raw materials; hazardous substances; machine shops)	1 2
d.	Furniture manufacturing and refinishing (threats due to chemical solvents, oil-based paints, lacquers, varnishes, etc.)	3 4
e.	Primary metal industry; fabricated metal products (threats due to solvents, strong acid or alkaline solutions, paints, cyanide solutions, and oils; much variation among businesses; floor drains; gondolas with dripping parts; dip tanks; cutting oils; messy products are a concern)	5 6 7 8 9
f.	Electronic and other electric equipment, including metal plating and finishing (threats due to plating solutions, plating sludge, solvents and still bottoms; management and disposal of acids and other hazardous wastes; floor drains are a concern)	10 11 12 13
g.	Food processing and food products (processing wastes; caustics from in-line cleaning; wastewater disposal; brine storage; outdoor storage of pulp and other organic wastes)	14 15 16
h.	Lumber and wood production (chemical treatment of wood; chemical storage)	17 18
i.	Apparel and textile products (hazardous substances; equipment cleaning)	19 20
j.	Paper and allied products; pulp and paper manufacturing (materials storage; pulp waste)	21 22
k.	Printing and publishing (storage and use of chemicals; equipment cleaning; engraving; silk screen residues)	23 24
l.	Leather and leather products (storage and use of hazardous substances)	25 26
m.	Stone, clay and glass products (storage and use of hazardous substances)	27 28
n.	Electronic and other electric equipment (hazardous substances; equipment cleaning; machine shops)	29 30
o.	Other manufacturing or processing which uses chemical solvents, oils, and/or chemicals	31 32
p.	Mining, including iron ore and sand and gravel excavation (spoil disposal; equipment maintenance)	33 34
q.	Oil and gas well drilling and production (threats due to drilling mud, oils, and brine solutions; dehydrating gas condensate)	35 36
6.	Rail Transportation [40] (chemical solvents used in vehicle maintenance, paints, thinners, etc.)	37 38
7.	Local and Interurban Passenger transit [41] (chemical solvents used in vehicle maintenance, paints, thinners, etc.)	39 40
8.	Trucking and Courier services (except. air [421]) (chemical solvents used in vehicle maintenance, paints, thinners, etc.)	41 42
9.	Trucking terminal facilities [423] (chemical solvents used in vehicle maintenance, paints, thinners, etc.)	43 44

10.	Transportation by Air [45] e.g. airports (threats due to chemical solvents used in vehicle and aircraft maintenance and de-icing, etc.)	1 2
11.	Electric Services [491] e.g. electric power generation substations; other electric services (threats due to acids, oil, PCBs, etc.) and fossil fuel power plants (solvents and oils; equipment repair).	3 4 5
12.	Combination Utility Services [493] e.g. electric power generation substations; other electric services (threats due to acids, oil, PCBs, etc.) and fossil fuel power plants (solvents and oils; equipment repair).	6 7 8
13.	Sewerage systems [4952] (wastewater treatment plants and sludge application sites) (Improper septage waste application)	9 10
14.	Refuse Systems [4953] (hazardous waste treatment or disposal, sanitary landfills, recycling facilities, hazardous material recycling, used oil collection sites)	11 12 13
15.	Chemicals and Allied Products [516]; warehouse operations where paints, solvents, or chemicals are blended or mixed prior to distribution or sale (floor drains; septic systems may connect to groundwater)	14 15 16
16.	Petroleum and Petroleum Products [517] (fuel oil tanks; spills and leaks; transfer of product increases potential for spills)	17 18
17.	Paints, Varnishes and supplies [5198]; warehouse operations where paints, solvents, or chemicals are blended or mixed prior to distribution or sale (floor drains; septic systems may connect to groundwater)	19 20 21
18.	Gasoline service stations [554] without vehicle maintenance (spilled fuel runs off to nearby ditch; public drips oil and gasoline; leaking underground tanks)	22 23 24
19.	Disinfecting and pest control services [7342] (pesticides and containers with residues)	25 26
20.	Building Maintenance Services, nec [7349] (small leftover amounts of paints and solvents; improper disposal of hazardous materials; container washout; soaps and rinse water)	27 28 29
21.	Photofinishing laboratories [7384] (chemical use and disposal; should be connected to sewer)	30 31
22.	Miscellaneous repair services [76] (e.g. small engine and electrical equipment repair (solvents; oils; leaks and spills)	32 33
23.	Reupholstery and Furniture Repair [764], including antiques (threats due to chemical solvents, ignitable or oil-based paints, varnishes, shellac, washing on bare ground; some very small businesses)	34 35 36
24.	Golf courses [7922 and 7997] vehicle maintenance and chemical storage areas; tanks for mixing chemicals; power washing; nitrate contamination due to over fertilizing; pesticide and herbicide infiltration	37 38 39
25.	Medical and Dental Laboratories [807] (unused chemicals, solvents, reagents, and hazardous wastes; small labs on septic systems are a concern; should not pour chemicals down the drain)	40 41 42
26.	Research, Development and Testing Services [873] (unused chemicals, solvents, reagents, and hazardous wastes; small labs on septic systems are a	43 44

- concern; should not pour chemicals down the drain) 1
- 27. Home occupations which are auto repair, furniture refinishing, and 2
pesticide applicators. 3
- 28. Municipal and state garages for highway and public works departments 4
(vehicle maintenance and chemical storage areas; underground storage 5
tanks; de-icing salts, including storage and application) 6

7605. Sector C Land Use Prohibitions 7

The underlying zoning district notwithstanding, no person shall use land within sector A, 8
B or C for any land use except as provided for here. The list of permitted and special uses 9
allowed in the land use district underlying this overlay district shall remain unchanged in Sector C 10
of this overlay district, except as follows. All uses listed in section 7605.C of this Ordinance shall 11
be prohibited uses or special uses, notwithstanding the provisions of the underlying zoning 12
district. 13

- A. The uses listed in section 7605.C of this Ordinance shall be prohibited except when 14
one of the two following conditions exist: 15
 - 1. The use is a facility which use or generates hazardous substances: 16
 - a. in quantities less than one hundred (100) kilograms (approximately 17
two hundred twenty (220) pounds) per month or ninety five (95) 18
liters (approximately twenty five (25) gallons) per month, 19
whichever is less, or 20
 - b. stores less than one hundred (100) kilograms (approximately two 21
hundred twenty (220) pounds) or ninety five (95) liters 22
(approximately twenty five (25) gallons), whichever is less, or 23
 - 2. The business and facilities use, store or generate hazardous substances 24
 - a. above the amounts established in section 7605.A.1, and 25
 - b. has an approved permit by a county, state or federal agency with 26
authority to issue such permit for the use of the hazardous 27
substances. 28
- B. If the proposed uses listed in section 7605.C of this Ordinance are not prohibited 29
pursuant to section 7605.A of this Ordinance, then it shall be considered a special 30
use pursuant to Section 8601 *et. seq.* of this Ordinance. 31
- C. Affected Land Uses: 32
 - 1. Oil and Gas drilling [13] 33
 - 2. Chemicals and Allied Products [28] 34
 - 3. Petroleum and Coal Products [29] 35
 - 4. Metal Services, nec [347] 36
 - 5. Electronic and other equipment [36] 37
 - 6. Scrap and Waste Materials [5093] 38
 - 7. Automotive Dealers & Service Stations [55] EXCEPT: 39
 - a. gasoline service stations [554] 40
 - 8. Laundry, Cleaning & Garment Services [721] 41
 - 9. Auto Repair, Services and Parking [75] 42
 - 10. Other types of facilities that use, store or manufacture hazardous 43

substances	1
7606. Conflicting Federal or State Regulations	2
The regulations of this Overlay Zone are not intended to conflict with any law or administrative regulation, on groundwater protection, of the United States, the State of Michigan or any agencies thereof.	3 4 5
7607. Nonconforming Land Uses in this Overlay Zone	6
If a land use exists within this Overlay Zone on the date this section takes effect which is not permitted within the respective sector of this Overlay Zone then;	7 8
A. Such nonconforming use of land shall not be moved in whole or in part to any other portion of such land, added to, extended, reconstructed, structurally altered or expanded during its life, Section ? [article on nonconformities] notwithstanding.	9 10 11 12
B. Nothing herein shall prevent the completion of structures for a land use which shall have been diligently prosecuted prior to the passage of this section.	13 14
C. Nothing herein shall prevent the normal repair, reinforcement, rehabilitation of a structure.	15 16
<u>Section 6.</u> That the City of Manistee Zoning Ordinance of May 1, 1990, as amended, (Title XV, Chapter 150 of the Manistee City Code of Ordinances) is hereby amended by adding to Section 8402 a subsection 8402.B.7. (the section which lists the information required with a zoning permit application), as follows, to wit;	17 18 19 20
7. A copy of any other necessary permits required prior to a Construction Code Permit or a copy of a written agreement for, or written intent for concurrent approval for those permits.	21 22 23
<u>Section 7.</u> That the City of Manistee Zoning Ordinance of May 1, 1990, as amended, (Title XV, Chapter 150 of the Manistee City Code of Ordinances) is hereby amended to add to Section 9404 a subsection 9404.H. (section listing the basic data required in all site plans), as follows, to wit;	24 25 26
H. Show any changes or modifications required for any applicable regulatory agencies' approvals. (Site plan or design plan changes required after the Commission issues a Special Use Permit shall also be changed in accordance with procedures established in this Ordinance for minor adjustments or amendments to Special Use Permits.)	27 28 29 30 31

Section 8. That the City of Manistee Zoning Ordinance of May 1, 1990, as amended, (Title XV, Chapter 150 of the Manistee City Code of Ordinances) is hereby amended to a new Section after Section 9406 (so it is 9407) (in the article on site plans, following the listing of what is required in a site plan, to list additional material shown on a site plan for groundwater protection), as follows, to wit;

9407. Required data for a site plan involving special groundwater protection provisions.
- A. Applicability of this additional site plan content for groundwater protection: Facilities (except fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor) which:
 - 1. use or generate hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less, or
 - 2. stores greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is lessshall be subject to site plan review requirements.
 - B. In addition to all the data required for a Basic Site Plan, set forth in Section 9404, Medium Site Plan set forth in Section 9405, or a Detailed Site Plan set forth in Section 9406, whichever is applicable; the following shall also be shown in the site plan:
 - 1. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
 - 2. Location of all underground and above ground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.
 - 3. Location of exterior and interior drains, on-site sewage systems, dry wells; catch basins; retention/detention areas; sumps and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
 - 4. Location of all water wells on the site and within 150 feet surrounding the parcel's property boundaries.
 - 5. Delineation of areas on the parcel which are known or suspected to be contaminated (including but not limited to PA 307 of 1982, as amended, (being Michigan Environmental Response Act, MCL 299.601 *et. seq.*); or administrative rules and standards promulgated thereunder), together with a report on the status of site cleanup.

- 6. Submission of the "Hazardous Substances Reporting Form for Site Plan Review". 1
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- 7. Submission of the "State/County Environmental Permits Checklist". 3
- 8. If the area covered by the site plan includes territory within a Wellhead Protection Overlay Zone submit a site plan review report prepared by a Manistee County Groundwater Staff Review Group (c/o Manistee County Planning Department). The site plan review report shall be a written document reporting on a county review of the same site plan prepared for this section. If the area covered by the site plan does not include territory within a Wellhead Protection Overlay Zone a site plan review report prepared by the Manistee County Groundwater Staff Review Group may be submitted at the option of the applicant or may be required at the option of the Commission or administrator, which ever is applicable. 4
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Section 9. That the City of Manistee Zoning Ordinance of May 1, 1990, as amended, (Title XV, Chapter 150 of the Manistee City Code of Ordinances) is hereby amended to change and add new wording to Section 9411 (conditions of site plan approval), as follows, to wit; 14
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9410. Conditions of Site Plan Approval 17

- A. A site plan can be approved with conditions necessary to comply fully with the intent of this Ordinance. All conditions shall be shown on the approved site plan and/or shall be in writing. 18
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- B. Reasonable conditions may include conditions necessary to: 21
 - 1. insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, 22
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 - 2. protect the natural environment and conserve natural resources and energy, 25
 - 3. insure compatibility with adjacent uses of land, and 26
 - 4. promote the use of land in a socially and economically desirable manner. 27
- C. Conditions imposed shall meet all of the following requirements: 28
 - 1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole. 29
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 - 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity. 34
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 - 3. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards. 36
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Section 10. CONFLICTING ORDINANCES: All other ordinances and parts of ordinances, or 1
amendments thereto, of Manistee City in conflict with the provisions of this ordinance are hereby 2
repealed. 3

Section 11. EFFECTIVE DATE: This Ordinance shall take effect on _____, 4
upon publication in the Manistee News Advocate.

AN ORDINANCE TO AMEND IN PART AN
ORDINANCE ENTITLED "MANISTEE CITY ZONING
ORDINANCE" WHICH WAS ADOPTED MAY 1, 1990, AS AMENDED,
TO ADD A RENAISSANCE ZONE INDUSTRIAL DISTRICT, AND
TO ADD A LAKEFRONT RENAISSANCE ZONE INDUSTRIAL DISTRICT

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. The Manistee City Zoning Ordinance of May 1, 1990 being Part Twelve, Title Six of the Codified Ordinances of Manistee, Michigan (Ordinance) is hereby amended pursuant to Section 1804. of the zoning ordinance, by changing the Official Zoning Map established and referenced in Section 1802. and 1803., by adding one new zoning district, being a Lakefront Renaissance Zone Industrial District as shown on the amendatory map on page 2 of 3 of this ordinance and adding the district to the list of zoning districts in section 1801 of the zoning ordinance.

2. The Ordinance is hereby amended to add an Article 69 for a Renaissance Zone Industrial District, as follows, to wit;

ARTICLE 69: RENAISSANCE ZONE LAKEFRONT INDUSTRIAL DISTRICT

6901. Purpose

It is the intent of this district to provide for industrial development in certain parts of Manistee City, which have been designated by the Michigan Legislature as Renaissance Zones, pursuant to P.A. 376 of 1996 (being the Michigan Renaissance Zone Act, MCL 125.2681 *et. seq.*); to provide for alternative permit processing through the Manistee County Economic Development Office; to provide for an accelerated schedule for special use permit review and action; to provide for a zoning district which is the same as the boundaries of the designated Renaissance Zones; to provide protection to Manistee Lake, its water quality, to protect its shoreline from erosion or instability, to minimize the disturbance of heavy metals which may be on the lake bottom; to recognize, encourage and maintain a higher proportion of industries in the central and southern portion of the lake near railroad and shipping access that does not adversely affect the area; to prioritize the use of certain lakefront property on Manistee Lake for industrial businesses which require the use of the lake and require being in the proximity of the lake, (conversely, it is the intent of this district to encourage the development of businesses which do not need proximity to Manistee Lake to be located in those other landward areas); while at the same time to be consistent with the provisions of Manistee City Master Plan, the Manistee Lake Management Plan of 1982, the Manistee County Land Use Plan and the Manistee County Economic Development Strategy.

6902. Permitted Uses

Only the following uses shall be permitted, by permit, as specified in section 8401 *et. seq.* of this Ordinance:

- A. Manufacturing [D: 20-3999]
- B. Transportation and public utilities [E: 40-4971]
- C. Wholesale [F: 50-5199]
- D. Accessory buildings and uses to the above.
- E. A sign, only in accordance with the regulations specified in Section 1060;

provided they meet the following conditions:

1. the activity is carried on entirely within an enclosed building ("Activity", as used here, and in Section 6703, does not mean parking, signs, arrival and departure of shipping, other incidental activities which are not permanent in nature and not an adverse impact to neighboring uses);
2. if there is an accessory/work area, it is enclosed by a solid wall;
3. if the parcel at question is Manistee Lake frontage, no alteration to the lake shore;
4. if the parcel at question is Manistee Lake frontage, the land use is of such a nature that access to lake water for economic advantages (for purposes of,

but not limited to, large quantities of cooling or process water, shipping-dockage access, marine, naval or coast guard, railroad access) is an integral part of the site selection for the proposed use.

Permit applications shall include a site plan and a letter confirming that all conditions listed above shall be adhered to and are normally practiced by the very nature of the normal business practices of the proposed use, said letter to specifically address each of the conditions raised in this sub-section, to become a part of the application and a part of the conditions of the use permit; and further, if any of the above conditions are not adhered to, the permit shall be void.

6903. Special Uses

Only the following uses shall be permitted, by Special Use Permit, as specified in section 8601 *et. seq.* of this Ordinance. For this zoning district only, section 8607 of this ordinance notwithstanding, the Commission shall act on the Special Use Permit within 30 days of receiving a complete application as determined pursuant to section 8605.:

- A. Manufacturing [D: 20-3999]
- B. Transportation and public utilities [E: 40-4971]
- C. Wholesale [F: 50-5199]
provided the above uses involve;
 - 1. An activity outside an enclosed building;
 - 2. an activity not in a work area enclosed by a solid wall;
 - 3. discharge, treated or untreated, sent to Manistee Lake, if the parcel at question is Manistee Lake frontage;
 - 4. alteration to the Manistee Lake shoreline if the parcel at question is Manistee Lake frontage.
- D. Planned Unit Development for commercial, marina, dwelling land uses.
- E. Accessory buildings and uses to the above.
- F. A sign, only in accordance with the regulations specified in Section 1060.

6904. Renaissance Zone Conditions

Any permitted or special uses in this district shall meet the following conditions to be able to apply for a zoning permit under this ordinance:

- A. The entrepreneur will make a minimum investment in improvements (building, equipment, etcetera) on land in the Renaissance Zone.
- B. The business enterprise will, as much as possible, result in new employment in Manistee County with a minimum commitment for new hires at a minimum wage of \$7.50 per hour.
- C. The business will provide economic base jobs and production, so that a predominance, if not all, of the product is exported outside of Manistee County to avoid competition with secondary (spinoff or ripple effect) enterprises doing business, selling goods and services in Manistee County.

6905. Streamlined Permit Review

Because one of the primary purposes of this district is to accommodate industrial economic development through Michigan's Renaissance Zone program both permitted use and Special Use permits may be applied for on behalf of a client by the Manistee County Economic Development Office as a means to reduce paperwork, streamline the permit process for potential economic development in Manistee County. For this zoning district only, the director of the Manistee County Economic Development Office may be designated as Manistee City deputy zoning administrator pursuant to section 8201 *et. seq.* of this Ordinance.

6906. Regulations and Standards

The following regulations shall apply to all Permitted Uses and Special Uses in this District:

- A. Minimum Parcel Area - No building, structure or use shall be established on any parcel less than fifteen thousand (15,000) square feet.
- B. Buildable Area - Each parcel shall have a minimum of 15,000 square foot buildable area per principle unit, which shall not include:
 - 1. sand dune with slopes greater than 18 percent,
 - 2. beach contiguous to a lake or stream,
 - 3. wetland,
 - 4. area which is not accepted by the Manistee-Mason District Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Manistee-Mason District Health Department,
 - 5. high risk erosion area,
 - 6. that part of a flood plane where flood waters are expected to have a destructive current,
 - 7. existing public utility easements,
 - 8. existing public rights-of-way,
 - 9. water setback areas, and
 - 10. slopes over 25 percent.
- C. Minimum Parcel Width - Parcel width shall be no less than one hundred (100) feet and it shall front on a public road.
- D. Minimum Setback Requirements:
 - 1. The following requirements shall apply to every parcel, building, structure or use:
 - a. Front Yard - The minimum front setback shall not be less than twenty-five (25) feet from the front property line, or fifty-eight (58) [25+33] feet from the centerline of the road, whichever is greater.
 - b. Side Yards - The minimum setback of either side yard shall not be less than ten (10) feet;
 - c. Rear Yard - The minimum rear setback shall not be less than ten (10) feet.
 - d. Waterfront Yard fifty feet (50) from water's edge.

2. When a proposed non-residential or non-park use is contiguous to any dwelling, the parcel owner of the proposed use shall establish one of the following buffers on his parcel adjacent to, and along the contiguous boundary of the parcel on which the dwelling is located:
 - a. a buffer area (setback) of fifty (50) feet, or
 - b. a berm four (4) feet, or more high, or
 - c. a solid wall four (4) feet, or more, in height, or
 - d. a proportionately adjusted combination of the above.
- E. No principle building shall be constructed in this District which is less than twenty feet (20) feet wide.
- F. No accessory building shall be constructed in this District which is more than (30) feet high.
- G. Vegetation belt - A five (5) foot wide vegetation belt along the Manistee Lake shoreline shall be maintained with woody plant material for erosion and bank stabilization, as a buffer to users of the lake and to create a margin of open space between the water and land uses wherever shoreline use is not active. As used here, active shoreline use means improved ship dockage, pump house, launching facilities, beach.

3. CONFLICTING ORDINANCES: All other ordinances and parts of ordinances, or amendments thereto, of Manistee City in conflict with the provisions of this ordinance are hereby repealed.

4. EFFECTIVE DATE: This ordinance amendment shall take effect after upon publication in the Manistee News Advocate, as provided by law, or on the same date the Renaissance Zones in Manistee County take effect by action of the Michigan Legislature, pursuant to P.A. 376 of 1996 (being the Michigan Renaissance Zone Act, MCL 125.2696 *et. seq.*), whichever is later.

**MANISTEE CITY PLANNING COMMISSION
COMMITTEE APPOINTMENTS 1997**

COMMITTEE	1997 APPOINTEES
BIKE TRAILS	Mike Fatke
COUNTY PLAT REVIEW	J. Rose
D.D.A. LIAISON	Kristie Harless John Lakos
GOALS	Richard Franckowiak John Lakos Roger Yoder
HISTORIC OVERLAY/SITE PLAN REVIEW	Kristie Harless John Lakos John Serocki
JOINT CITY REVIEW/ORDINANCE	Mike Fatke Kristie Harless Roger Yoder
MASTER PLAN REVIEW	Kristie Harless Duane Jones Roger Yoder
PRE-MANUFACTURED HOMES & ADULT FOSTER CARE	Richard Franckowiak John Serocki Tony Slawinski
PUBLIC ACCESS NORTH END LAKE MICHIGAN	Mike Fatke Richard Franckowiak Roger Yoder
RIVERWALK EAST	Roger Yoder
ZONING BOARD OF APPEALS	Duane Jones

