

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
P.O. Box 358
Manistee, Michigan 49660

MEETING OF JULY 11, 1991

There will be a meeting of the Manistee City Planning Commission to be held on Thursday, July 11th, 1991 at 7:15 P.M. in the City Council Chambers in City Hall, 70 Maple Street, Manistee, Michigan.

A G E N D A

- I. Roll Call
- II. Matters Pertaining to the General Citizenry:
 - A. Public Hearing: None
 - B. Site Plan Reviews:
 1. Schwaiger
 2. C-tec
 3. Council on Aging
 4. Reitz Park
 - 5.
 - 6.
 - C. Questions or Concerns of Citizens in Attendance;
 - D. Consideration of Matters.
 - 1.
 - 2.
- III. Business Session:
 - A. Approval of Minutes from Last Meetings (06/06/91 & 06/17/91);
 - B. Unfinished Business:
 1. Sign Ordinance
 2. Master Plan Amendments
 3. Ordinance Amdendments
 - 4.
 - 5.
 - 6.
 - C. Other Communications:
 1. City Update
 - 2.
 - D. Reports:
 1. D.D.A. Update
 2. Zoning Board of Appeals
 3. Site Plan Review/Historic Overlay Committees
 - E. New Business:
 1. Street Vacation
 2. Riverfront Lease
 - 3.
 - 4.
- IV. Work/Study Session:
- V. Adjournment

cc: Planning Commission Members
R. Ben Bifoss, City Manager
Jon Rose, City Code Administrator
Kurt Schindler, County Planner
Manistee News Advocate
Manistee Observer
John Della Pia, DDA/Mayor
Dale Picardat

1. AMEND SECTION 503 - DEFINITION OF WORDS - BUILDING BY DELETING THE WORDS 'ATTACHED' AND 'WITH OR WITHOUT A ROOF' AND 'ADDING 'INCLUDING STEPS', IN REGARDS TO DECKS AND PORCHES.

BUILDING means any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. Buildings shall include: ~~attached decks and porches with or without a roof,~~ including steps; and trailers, whether mounted or on wheels and situated on private property and used for purposes of a building.

2. AMEND SECTION 1008 - BULK REGULATIONS - SUBSECTION B. BY ADDING A PARAGRAPH AS HIGHLIGHTED BELOW

B. Land, once designated as a single parcel and dedicated to a use or improved with a building or structure, shall not be eligible for meeting the minimum area and yard requirements of the Land Use District in which it is located for another use, building or structure if the original parcel is reduced in size or divided into two or more parcels, by any method, unless each parcel, including the original parcel, resulting from such reduction in size or division, shall conform with the minimum area and yard requirements of the Land Use District in which it is located and such reduction in size or division does not violate any other applicable laws or ordinances including, but not limited to, the Manistee County and State of Michigan Subdivision Control Acts.

~~If shall be found that a lot split has occurred contrary to the above requirements, where only the existing building or structure does not meet the yard requirements of the Land Use District in which it is located, then any proposed building or structure on the adjacent, newly created lot shall be required to provide an additional setback equal to the difference between the required and the actual setback measurements for the original structure. All site plans submitted for parcels involved in a lot split SHALL show all structures and buildings that are located on the adjacent property. These provision SHALL NOT be appealable to the Zoning Board of Appeals and SHALL NOT be applicable to any existing lots, which have not been involved in a lot split.~~

3. AMEND SECTION 1008 - BULK REGULATIONS - SUBSECTION C. BY DELETING DECKS AND GAZEBOS AS STRUCTURES PERMITTED IN ANY YARD & BY ADDING A PARAGRAPH CONCERNING DECKS AND PORCHES, AS HIGHLIGHTED BELOW:

C. Setbacks and Yard Requirements - The setback and yard requirements established by this Ordinance shall apply uniformly in each Land Use District to every parcel, building or structure except, notwithstanding any other provision of this Ordinance, that any of the following structures may be located anywhere on any parcel: open and unroofed terraces, patios, flag poles, hydrants, clothes lines, arbors, trellises, recreation equipment, outdoor cooking equipment, sidewalks, private driveways, ~~decks~~, walkways, gazebos, trees, plants, and shrubs.

All unroofed decks and porches, including the steps, which are no larger than seventy (70) square feet in size, are permitted in any yard, however, they can be no closer than three (3) feet to the property line. All roofed decks and porches and those unroofed decks and porches, including the steps, which are larger than seventy (70) square feet, will be considered part of the structure and will be governed by the yard requirements of the Land Use District in which the parcel is located.

4. AMEND SECTION 2902 - PERMITTED USES - MULTI USE DISTRICT - BY ADDING:

- I. MARINA [4493] including the sale of boats, but subject to the following requirements:
 1. Only if located on parcel which has direct or contiguous access to navigable water;
 2. The facility does not unreasonably affect the public trust or riparian interests;
 3. Ingress and egress are within the riparian owner's interest area or written authorization is secured from the adjacent owner whose riparian or property interest is or may be affected.
 4. The facility is not aesthetically displeasing and conforms to similar structures and activities in the area.
 5. The waterbody upon which the marina is located is not unsafe or hazardous and the increased use attributable to the marina will not create congestion or safety problems or aggravate existing recognized congestion or safety problems.
 6. The facility will provide watercraft sanitary holding tank pumpout services as required under Section 5 of Act 167 of the PA of 1970, as amended, being 323.335 et seq. of the Michigan Compiled Laws.
 7. The facility will provide a minimum of 0.75 off street parking places for each boat slip.
 8. The facility does not constitute a safety or navigational hazard and maintained in good repair.
 9. All plans must be properly prepared and submitted to the City in a timely manner and must be approved by the appropriate city departments and commission(s), and all state and federal permits must also be obtained prior to the start of construction.
 10. Apply for and receive an annual permit from the City, as may be determined by the City Council.

5. AMEND SECTION 2904 D.4 - REGULATIONS & STANDARDS - MULTIPLE USE DISTRICT TO READ AS FOLLOWS, TO WIT:

4. Waterfront yard: The minimum setback shall not be less than one hundred (100) feet from the normal high water line, or the setbacks required in Section 7501 *et seq.*, whichever is farther landward. This subsection shall not apply to boat docks, boat launching ramps and riverwalks.

6. AMEND SECTION 4202 - PERMITTED USES - R-2 RESIDENTIAL DISTRICT - BY ADDING:

G. MARINA [4493] including the sale of boats, but subject to the following requirements:

1. Only if located on parcel which has direct or contiguous access to navigable water;
2. The facility does not unreasonably affect the public trust or riparian interests;
3. Ingress and egress are within the riparian owner's interest area or written authorization is secured from the adjacent owner whose riparian or property interest is or may be affected.
4. The facility is not aesthetically displeasing and conforms to similar structures and activities in the area.
5. The waterbody upon which the marina is located is not unsafe or hazardous and the increased use attributable to the marina will not create congestion or safety problems or aggravate existing recognized congestion or safety problems.
6. The facility will provide watercraft sanitary holding tank pumpout services as required under Section 5 of Act 167 of the PA of 1970, as amended, being 323.335 et seq. of the Michigan Compiled Laws.
7. The facility will provide a minimum of 0.75 off street parking places for each boat slip.
8. The facility does not constitute a safety or navigational hazard and maintained in good repair.
9. There will be no onshore boat storage.
10. All plans must be properly prepared and submitted to the City in a timely manner and must be approved by the appropriate city departments and commission(s), and all state and federal permits must also be obtained prior to the start of construction.
11. Apply for and receive an annual permit from the City, as may be determined by the City Council.

7. AMEND SECTION 4602 - PERMITTED USES - R-4 RESIDENTIAL DISTRICT - BY AMENDING SUBSECTION D. MARINAS, TO READ AS FOLLOWS:

D. MARINA [4493] including the sale of boats, but subject to the following requirements:

1. Only if located on parcel which has direct or contiguous access to navigable water;
2. The facility does not unreasonably affect the public trust or riparian interests;
3. Ingress and egress are within the riparian owner's interest area or written authorization is secured from the adjacent owner whose riparian or property interest is or may be affected.
4. The facility is not aesthetically displeasing and conforms to similar structures and activities in the area.
5. The waterbody upon which the marina is located is not unsafe or hazardous and the increased use attributable to the marina will not create congestion or safety problems or aggravate existing recognized congestion or safety problems.
6. The facility will provide watercraft sanitary holding tank pumpout services as

required under Section 5 of Act 167 of the PA of 1970, as amended, being 323.335 et seq. of the Michigan Compiled Laws.

7. The facility will provide a minimum of 0.75 off street parking places for each boat slip.
8. The facility does not constitute a safety or navigational hazard and maintained in good repair.
9. There will be no onshore boat storage.
10. All plans must be properly prepared and submitted to the City in a timely manner and must be approved by the appropriate city departments and commission(s), and all state and federal permits must also be obtained prior to the start of construction.
11. Apply for and receive an annual permit from the City, as may be determined by the City Council.

R-4 7' water fronted

7. AMEND SECTION 4802 - PERMITTED USES - R-5 RESIDENTIAL DISTRICT - BY ADDING:
 - H. MARINA [4493] including the sale of boats, but subject to the following requirements:
 1. Only if located on parcel which has direct or contiguous access to navigable water;
 2. The facility does not unreasonably affect the public trust or riparian interests;
 3. Ingress and egress are within the riparian owner's interest area or written authorization is secured from the adjacent owner whose riparian or property interest is or may be affected.
 4. The facility is not aesthetically displeasing and conforms to similar structures and activities in the area.
 5. The waterbody upon which the marina is located is not unsafe or hazardous and the increased use attributable to the marina will not create congestion or safety problems or aggravate existing recognized congestion or safety problems.
 6. The facility will provide watercraft sanitary holding tank pumpout services as required under Section 5 of Act 167 of the PA of 1970, as amended, being 323.335 et seq. of the Michigan Compiled Laws.
 7. The facility will provide a minimum of 0.75 off street parking places for each boat slip.
 8. The facility does not constitute a safety or navigational hazard and maintained in good repair.
 9. There will be no onshore boat storage.
 10. All plans must be properly prepared and submitted to the City in a timely manner and must be approved by the appropriate city departments and commission(s), and all state and federal permits must also be obtained prior to the start of construction.
 11. Apply for and receive an annual permit from the City, as may be determined by the City Council.

8. AMEND SECTION 4804 C.1 - REGULATIONS & STANDARDS - R-5 RESIDENTIAL - BY ADDING THE FOLLOWING SUBSECTION

- d. Waterfront yard: The minimum setback shall not be less than fifty (50) feet for any structure. The Zoning Board of Appeals shall not grant any variance where the resultant setback is less than seven (7) feet. This subsection shall not apply to boat docks, boat launching ramps and riverwalks.

9. AMEND SECTION 5502 - PERMITTED USES - C-3 COMMERCIAL - BY AMENDING B. MARINAS TO READ AS FOLLOWS:

B. MARINA [4493] including the sale of boats, but subject to the following requirements:

1. Only if located on parcel which has direct or contiguous access to navigable water;
2. The facility does not unreasonably affect the public trust or riparian interests;
3. Ingress and egress are within the riparian owner's interest area or written authorization is secured from the adjacent owner whose riparian or property interest is or may be affected;
4. The facility is not aesthetically displeasing and conforms to similar structures and activities in the area;
5. The waterbody upon which the marina is located is not unsafe or hazardous and the increased use attributable to the marina will not create congestion or safety problems or aggravate existing recognized congestion or safety problems;
6. The facility will provide watercraft sanitary holding tank pumpout services as required under Section 5 of Act 167 of the PA of 1970, as amended, being 323.335 et seq. of the Michigan Compiled Laws;
7. The facility will provide a minimum of 0.75 off street parking places for each boat slip;
8. The facility does not constitute a safety or navigational hazard and maintained in good repair;
9. There shall be no onshore boat storage;
10. All plans must be properly prepared and submitted to the City in a timely manner and must be approved by the appropriate city departments and commission(s), and all state and federal permits must also be obtained prior to the start of construction;
11. Apply for and receive an annual permit from the City, as may be determined by the City Council;

10. AMEND SECTION 5504 - REGULATIONS AND STANDARDS - C-3 COMMERCIAL - BY AMENDING SECTION 5504 C.1.d TO READ AS FOLLOWS:

- d. Waterfront yard: ~~Fifty (50) lineal feet from the water's edge of the Manistee Lake shoreline.~~ The minimum setback shall not be less than fifty (50) feet for any structure. The Zoning Board of Appeals shall not grant any variance where the resultant setback is less than seven (7) feet. This subsection shall not apply to boat docks, boat launching ramps and riverwalks.

11.AMEND SECTION 5802 - PERMITTED USES - C-4 COMMERCIAL - ADDING THE FOLLOWING:

- K. MARINA [4493] including the sale of boats, but subject to the following requirements:
1. Only if located on parcel which has direct or contiguous access to navigable water;
 2. The facility does not unreasonably affect the public trust or riparian interests;
 3. Ingress and egress are within the riparian owner's interest area or written authorization is secured from the adjacent owner whose riparian or property interest is or may be affected.
 4. The facility is not aesthetically displeasing and conforms to similar structures and activities in the area.
 5. The waterbody upon which the marina is located is not unsafe or hazardous and the increased use attributable to the marina will not create congestion or safety problems or aggravate existing recognized congestion or safety problems.
 6. The facility will provide watercraft sanitary holding tank pumpout services as required under Section 5 of Act 167 of the PA of 1970, as amended, being 323.335 et seq. of the Michigan Compiled Laws.
 7. The facility does not constitute a safety or navigational hazard and maintained in good repair.
 8. There will be no onshore boat storage.
 9. All plans must be properly prepared and submitted to the City in a timely manner and must be approved by the appropriate city departments and commission(s), and all state and federal permits must also be obtained prior to the start of construction.
 10. Apply for and receive an annual permit from the City, as may be determined by the City Council.

12.AMEND SECTION 5803 - SPECIAL USES - C-4 COMMERCIAL BY DELETING

- B. MARINAS [4493].

13.AMEND SECTION 5804 - REGULATIONS & STANDARDS - C-4 COMMERCIAL BY ADDING A SUBSECTION TO SECTION C., TO WIT:

5. Waterfront yard: The minimum setback shall not be less than fifty (50) feet for any structure. The Zoning Board of Appeals shall not grant any variance where the resultant setback is less than seven (7) feet. This subsection shall not apply to boat docks, boat launching ramps and riverwalks.

14.AMEND SECTION 9404 - SITE PLAN - REQUIRED DATA FOR A BASIC SITE PLAN BY ADDING THE FOLLOWING SUBSECTION, TO WIT:

- G. If the parcel is a result of a lot split resulting after the adoption of this ordinance, then the required site plan shall show all structures that may be located on the adjacent property, as required in Section 1008 B.