

CITY OF MANISTEE PLANNING COMMISSION

WORKSESSION AGENDA

Thursday, January 18, 2007
7:00 p.m.
Council Chambers, City Hall
70 Maple Street, Manistee, Michigan

I Call to Order.

II Worksession Items:

1. Review Proposed Ordinance Amendments
- 2.
- 3.
4. Misc.

III Adjourn.

All Planning Commission Meetings and Worksessions are open to the Public.

Worksessions are scheduled to allow the Planning Commission the opportunity to discuss in a less formal manner than a regular meeting. No motions or decisions can be made during a worksession.

The Planning Commission does not take public comment during worksessions. The public is not allowed to speak, ask questions, or express opinions on items which are being discussed during the worksession.



PLANNING AND ZONING
COMMUNITY DEVELOPMENT
231.398.2805
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www.ci.manistee.mi.us

MEMORANDUM

TO: Planning Commission
FROM: Denise Blakeslee 
DATE: January 12, 2007
RE: January 18, 2007 Worksession.

Members, we will hold our first Worksession for 2007 on Thursday, January 18th. Please note that the worksession will begin at **7:00 a.m.**

Mr. Rose will not be attending the worksession so I will be filling in as Liaison as well as Recording Secretary, be kind.

We have one item on the Agenda which is to review Proposed Ordinance Amendments. These have been prepared as they would go before City Council. Your packet is divided into three sections as follows:

1. Amendments that were discussed at the Planning Commission Worksession on October 19, 2006.
2. Resulted from the November 20, 2006 Ordinance Re-Write Committee; discussed with the Planning Commission at the December 7, 2006 meeting.
3. Prepared after the Re-Write Committee Meeting on January 10, 2007 (needs Planning Commission review).

Please review your packets and note any questions or concerns you want to discuss at the Worksession. We will also discuss when to schedule a Public Hearing on the Amendments. Due to the number of Amendments we may want to Schedule a Worksession as a Special Meeting to hold the Public Hearing and make recommendations to City Council.

See you Thursday!!

Zoning Ordinance Amendments:

As Discussed by Planning Commission at the 10/19/06 Worksession:

Article 16 - Light Industrial

REMOVE Mine Sand and Gravel as a Special Use

Delete from Special Uses on page 16-1

Delete from Section 1602.J - renumber remainder of list

Delete as SLU on table on page 7-8

Article 17 - General Industrial

Wells, Extraction CHANGE from a Special Use to a Use by Right

Change from Special Use to Use by Right on page 17-1

Delete from Section 1702.I - renumber list

Add to Section 1701.O - at end of list

Change on table from SLU to R on page 7-10

PG 21-9 - Golf Course CHANGE to type 4

PG 21-9 -Nursing and Convalescent Homes CHANGE to Use Type 3

(Additional changes were made during the Ordinance Re-Write Committee Meeting 1/10/07)

PG 21-9

Section 2107 - Use Type 2, Residential and Recreational Commercial

(Remove and Recreational Language from Section and Description)

(Remove Golf Course from Example of Uses)

(Remove Nursing and Convalescent Home from Example of Uses)

PG 21-10

Section 2108 - Use Type 3, Commercial and Office

(add Nursing and Convalescent Home to Example of Uses)

PG 21-11

Section 2109 - Use Type 4, Institutional

(Add Recreational Language to Section and Description)

(add Golf Course to Example of Uses)

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance
Article 16: LI, Light Industrial
REMOVE - Mine, Sand and Gravel as a Special Use in the District

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

1. That Article 16: LI, Light Industrial be amended as follows:

Amend Section 1600 (List of Special Uses) by DELETING:

◆ Mine, Sand and Gravel

Amend Section 1602. Uses Permitted by Special Land Use Permit by DELETING:

J. Mine, Sand and Gravel, subject to Section 1856 (renumber remainder of list)

And make appropriate edits to index and chart provisions as necessary

2. **CONFLICTING ORDINANCES:** that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
3. **EFFECTIVE DATE:** This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor

Dated

ATTEST:

Michelle Wright
City Clerk/Deputy Treasure

Dated

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance
Article 16: LI, Light Industrial
REMOVE - Mine, Sand and Gravel as a Special Use in the District

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

1. That Article 16: LI, Light Industrial be amended as follows:

Amend Section 1600 (List of Special Uses) by DELETING:

◆ Mine, Sand and Gravel

Amend Section 1602. Uses Permitted by Special Land Use Permit by DELETING:

J. Mine, Sand and Gravel, subject to **Section 1856** (renumber remainder of list)

And make appropriate edits to index and chart provisions as necessary

2. **CONFLICTING ORDINANCES:** that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
3. **EFFECTIVE DATE:** This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor

Dated

ATTEST:

Michelle Wright
City Clerk/Deputy Treasure

Dated

**AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,**

To Amend the Manistee City Zoning Ordinance
Article 17: G-I, General Industrial
CHANGE - Wells, Extraction from a Special Use to a Permitted Use in the District

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

1. That Article 17: GI, General Industrial be amended as follows:

Amend Section 1700 (List of Permitted Uses) by ADDING:

◆ Wells, Extraction

Amend Section 1700 (List of Special Uses) by DELETING:

◆ Wells, Extraction

Amend Section 1701. Uses Permitted by Right by ADDING:

O. Wells, Extraction

Amend Section 1702. Special Land Use Permit by DELETING:

I. Wells, Extraction, subject to Section 1891 (renumber remainder of list)

And make appropriate edits to index and chart provisions as necessary

2. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
3. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor

Dated

ATTEST:

Michelle Wright Dated
City Clerk/Deputy Treasure

**AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,**

To Amend the Manistee City Zoning Ordinance - Article 21: Signs

Table 2100-1 Use Types and Sign Standards

Section 2107 - Use Type 2, Residential and Recreational Commercial

(Remove and Recreational Language from Section and Description)

(Remove Golf Course from Example of Uses)

(Remove Nursing and Convalescent Home from Example of Uses)

Section 2108 - Use Type 3, Commercial and Office

(add Nursing and Convalescent Home to Example of Uses)

Section 2109 - Use Type 4, Institutional

(Add Recreational Language to Section and Description)

(add Golf Course to Example of Uses)

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

1. That Article 21 Signs, Section 2107 be amended as follows:

Section 2107	Use Type 2, Residential and Recreational Residential Commercial
Description	Uses of this type include care facilities and small-scale accommodations. as well as outdoor recreation facilities:
Examples of Uses	Adult Foster Care, Bed & Breakfast, Golf Course , Nursing and Convalescent Home, and similar uses in the judgment of the Zoning Administrator

2. That Article 21 Signs, Section 2108 be amended as follows:

Section 2108	Use Type 3, Commercial and Office
Description	Uses of this type include retailing, various personal and professional services, accommodations and high-traffic retail and service facilities.

As Discussed by Ordinance Re-Write Committee at their meeting on November 20, 2006

:

Article 5 - General Provisions

Section 505.A Water Protection

Delete "decks" from first sentence in second paragraph under chart on page 5-4

Article 18 - Special Use Procedures (Subsections A, B, &C)

Section 1801 Special Use Procedures

Add new language - page 18-1

Subsection 1801.A Submission of Application

Delete sentence - page 18-1

Subsection 1801.B Data Required.

Add new language - page 18-1

Item 1 Add sub- item J. - page 18-2

Item 4 Add new language - page 18-2

Subsection 1801.C Special Use review procedure.

Replace Item 1, 2 & 3 with new language - pages 18-2 & 18-3

Article 18 - Special Use Procedures - Section 1870 - Planned Unit Development

Subsection 1870.D Dimensional and Use Standards

Add new language - page 18-50

Subsection 1870.E PUD Application

Add new language - page 18-50 & 18-51

Subsection 1870. F Procedure.

Change language - page 18-52 & 18-53

Article 21 Signs -

Section 2103 Exempt Signs

2103.H - Add language for "future development site" signs - page 21-6

2103.J - Delete "with a maximum area of eight (8) square feet" - page 21-6

Article 22 Site Plan Review

Section 2203.D (Application Procedure - Detailed Site Plan Review)

Delete "Planner" and Add "Surveyor" - page 22-3

Article 25 Zoning Board of Appeals

Section 2500 Establishment and Section 2501 Membership, Terms of Office

Update Section to reflect changes required by the new Zoning Act - Page 25-1

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance
Article 5: General Provisions
DELETE - Decks from Section 505.A Water Protection

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

1. That Article 5: General Provisions - Section 505.A Water Protection be amended by DELETING Decks as follows:

A. Where any building, structure or improvement is proposed for property abutting Manistee Lake, the Manistee River Channel, Lake Michigan or any man-made lake, additional waterfront setbacks shall be provided to offer protection for said water body. Such setbacks shall be increased to the following (see Table 7-1 for a complete schedule of regulations):

District	R-1	R-2	R-3	R-4	C-2	C-3	W-F	LI	GI
Waterfront Yard (feet)	100	20	20	20	20	20	20	N/A	50

Provided, that these increased setback standards shall not apply to walkways, ~~decks~~, boat docks, boat slips, boat houses and boat launches. The increased setback areas shall be designed to provide additional protection for the water bodies.

And make appropriate edits to index and chart provisions as necessary

2. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
3. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor

Dated

ATTEST:

Michelle Wright

Dated

City Clerk/Deputy Treasure

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance
Article 18: Standards and Requirements for Special Uses
AMEND - Section 1801 Special Use Procedures
Subsection A. Submission of Application
Subsection B. Data Required
Subsection C. Special Use review procedures

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

1. That Article 18: Standards and Requirements for Special Uses - Section 1801 Special Use Procedures, (Subsections) A. Submission of Application, B. Data Required, and C. Special Use review procedures be amended as follows:

Section 1801 SPECIAL USE PROCEDURES

A Special Use application shall be submitted and processed according to the following procedures. The applicant is strongly encouraged to take advantage of the Optional Sketch Plan Review, as provided for in Section 2202 prior to the submission of an application:

A. **Submission of Application.** Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee and any applicant escrow payments as required by Section 2701 and in accordance with the schedule of fees adopted by the City Council to cover the costs of processing the application. An application shall be submitted to the Zoning Administrator on a Special Use application form. A Special Use application shall be placed on the agenda of the Planning Commission by the Zoning Administrator within thirty (30) days of the submission of a complete application prepared in accordance with this Zoning Ordinance. An application, which is incomplete or otherwise not in compliance with this Ordinance, shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees and escrow payments paid in full.

B. **Data Required.** For submission to the Planning Commission twelve (12) copies of an application for a Special Use permit shall be presented to the Zoning Administrator and accompanied by the following documents and information.

1. A complete Special Use permit application including the following information:
 - a. Name and address of applicant and owner(s).
 - b. Legal description, property parcel number, and street address of the subject parcel of land.
 - c. Area of the subject parcel of land stated in acres, or if less than one (1) acre, in square feet.
 - d. Present zoning classification of the parcel.
 - e. Present and proposed land use.

- f. A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.
 - g. Applicant's statement of the expected effect of the special use on emergency service requirements, schools, storm water systems, sanitary sewer facilities, automobile and truck circulation patterns, and local traffic volumes.
 - h. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this ordinance, by the City Zoning Administrator or the Planning Commission; including, but not limited to, measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties; elevations on all buildings, including accessory buildings; and, an environmental assessment.
 - i. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in this Article and other standards imposed by this Ordinance affecting the special use under consideration.
 - j. Declaration of property ownership, purchase agreement or evidence of agent interest in the parcel that is the subject of the request.
2. A complete Site Plan containing all the applicable data required by Article 22, Site Plans.
 3. Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing Special Use permit applications as provided in Section 1802.
 4. Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed Special Use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, a traffic impact analysis as required by Section 2203, E, 2, an environmental assessment as required by Section 2203, E, 1, a market study as required by Section 2203, E, 3, or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment. (Note: the Planning Commission may request this additional information after the Public Hearing on the application.)
 5. The Zoning Administrator may, with the approval of the Planning Commission, waive the submission of materials outlined in this Section if such materials are determined to be not applicable to the proposed Special Use or relevant to the consideration of the Planning Commission.
- C. Special Use review procedures. An application for Special Use Approval shall be processed as follows:
1. Planning Commission Work Session. The Zoning Administrator shall forward a copy of the complete application for the Special Use request to the Planning Commission within thirty (30) days of receiving the completed application. At such meeting, the Planning Commission may review the application and question the applicant about the special use. Prior to the public hearing, the Planning Commission shall not render any judgments on the application. If the Planning Commission concurs with the Zoning Administrator that the application is complete, a public hearing shall be scheduled as set forth in this Section.
 1. Zoning Administrator Review. The Zoning Administrator shall review that application to determine that the basic information required for a Special Use application has been provided. Any deficiencies shall be noted and the Applicant advised of the additional information required. Upon determining the adequacy of the application, the Zoning Administrator shall Schedule a Public Hearing within 45 days and forward copy of the application for the Special Use request to the Planning Commission

2. Public Hearing Procedures. Notice of a hearing to consider a Special Use application shall be given by mail or personal delivery to the property owners for which Special Use permit approval is being considered, and all persons to whom real property is assessed within three hundred (300) feet of the subject property, and all persons living in any structures within three hundred (300) feet of the subject property. Notice of the public hearing shall also be published in a newspaper of general circulation in the City of Manistee in accordance with official City procedures. Such notices shall be given not less than five (5) or more than fifteen (15) days of the date of the hearing. Such notice shall include:

- a. Description of the Special Use request;
- b. General description of the property which is the subject of the Special Use application;
- c. The date, time, and location of the Public Hearing on the Special Use application; and,
- d. The time and location for written comments to be received concerning the Special Use application;

2. Public Hearing Procedures. The administrator shall notify the following persons, so the notice is sent not less than 15 days before the date that the application will be considered, and the notices sent to:

- a. The applicant,
- b. The owner of the property, if different
- c. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the City of Manistee or not.
- d. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the City of Manistee or not.
- e. The general public by publication in a newspaper which circulates in the City of Manistee. The notice shall include:

- 1) The Nature of the Special Use Permit being requested.
- 2) The property(ies) for which the request has been made.
- 3) A listing of all existing street addresses within the property(ies) which is (are) subject of the Special Use. (Street addresses do not need to be created and listed if no such addresses currently exists within the property. If there are no street addresses, other means of identification may be used).
- 4) The location where the application documents can be viewed and copied prior to the date the application will be considered.
- 5) The date, time and location of when the public hearing will take place.
- 6) The address where written comments with signature will be directed prior to the consideration.
- 7) For members of the Commission only, a complete copy of the special use permit application and supporting documents in the record.

3. Planning Commission Action. After the Public Hearing and upon review of the merits of the Special Use permit application, the Planning Commission shall review the application and any reports of City planning personnel, planning or engineering or other consultants. If the Planning Commission determines additional information is needed to reach a decision, the applicant shall furnish all

*requested information in a timely manner. Upon review of all relevant information, the Planning Commission shall ~~and~~ reach a decision to approve, approve with conditions, or deny the application. Such decision shall be reached ~~within sixty (60) days~~ *not later than the second regularly scheduled meeting* following the public hearing on the application, ~~unless~~ *or receipt of any additional information requested.* The applicant and the Planning Commission mutually agree to extend the time allowed for the Planning Commission to reach a decision. *However, the Planning Commission shall render a decision within 30 days of an applicant's written request for a determination whether or not all requested information has been submitted.* The Planning Commission's decision shall be incorporated in a motion containing conclusions reached relative to the proposed Special Use which motion shall provide the basis for the decision and any conditions imposed.*

4. Basis for Action. In arriving at their decision, the Planning Commission shall refer to and be guided by those standards set forth in this Article. If the facts regarding the Special Use do not establish by a preponderance of the evidence that the standards and requirements set forth in this Article can and will be met, the application shall be denied.
5. Attachment of Conditions. Subject to the terms of Section 1802, B, the Planning Commission may prescribe conditions of approval deemed necessary for the protection of the general welfare, individual property rights, and to ensure that the purposes of this Ordinance are met.

NO CHANGES WERE MADE TO THE REMAINDER OF SECTION 1801

And make appropriate edits to index and chart provisions as necessary

2. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
3. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor

Dated

ATTEST:

Michelle Wright

Dated

City Clerk/Deputy Treasure

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance
Article 18: Standards and Requirements for Special Uses
AMEND - Section 1870 Planned Unit Development
Subsection D. Dimensional and Use Standards
Subsection E. PUD Application
Subsection F. Procedure

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

1. That Article 18: Standards and Requirements for Special Uses - Section 1870 Planned Unit Development (Subsections) D. Dimensional and Use Standards, E. PUD Application and F. Procedure be amended as follows:

Section 1870 Planned Unit Development

NO CHANGES WERE MADE TO SUBSECTIONS A.- Definition, B - Statement of Intent,
C - Regulations and Conditions.

D. Dimensional and Use Standards: In acting upon the application, the Planning Commission may alter lot size standards, required facilities, buffers, open space areas, setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules, and miscellaneous regulations, where such regulations or changes are reasonable and consistent with the intent, objectives, and standards set forth in Section 1870, 2. Further, the Planning Commission may also alter residential density limits, providing they are generally compatible with the purpose and intent of the Planned Unit Development Section B of this ordinance, are compatible with adjacent land uses, and do not over burden roadway capacity.

The Planning Commission may authorize principal and other uses not permitted in the district where the land is located, provided that such are consistent with the intent of this section and the standards set forth herein. Dimensional and parking use restrictions of the underlying zoning shall not apply to the area within an approved PUD unless expressly retained in the permit

Any deviations granted under this section which do not conform to the City of Manistee Master Plan shall include written findings of fact justifying the exceptional variance.

E. PUD Application. A planned unit development application shall be submitted to the Site Plan Review Committee (Subcommittee) of the Planning Commission for review, analysis, and recommendation. An application fee is required and shall be non-refundable. The City Council shall by resolution establish the amount of the application fee. All land for which application is made must be owned by or under the control of the applicant, and the parcel must be capable of being planned and developed as one integral unit including any non-contiguous parcels. The application must be signed by

all applicants and must contain the materials described in this Section. Failure of the applicant to provide such requested information in a timely manner may delay the process of review. The following shall accompany a planned unit development special use application, unless waived by the Planning Commission: Site Plan Review Committee (Note: the Planning Commission may request this additional information after the Public Hearing on the application):

(NO CHANGES TO REMAINING PARTS OF SUB SECTION E)

F. Procedure.

1. The Planning Commission work session required by Section 1801, C, 1, shall be held prior to any action by the Planning Commission. Following the work session, the Planning Commission may schedule the application for public hearing:
1. Prior to formal submittal of application, applicant shall meet at least once with the Site Plan Review Committee. When the applicant is ready to submit a formal application to the Planning Commission, it shall be accompanied by written review and recommendation from the Site Plan Review Committee. The Zoning Administrator shall then schedule a public hearing.
2. A public hearing by the Planning Commission shall be held on each planned unit development request properly filed under the terms of this ordinance. Notice of the public hearing shall be given not less than five (5) nor more than fifteen (15) days before the date of the public hearing. Notice shall be published in a newspaper of general circulation in the City and shall be mailed or personally delivered to:
 - a. The owners of the property for which approval is being considered.
 - b. All persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question.
 - c. At least one occupant of each dwelling unit or spatial unit owned or leased by different persons within three hundred (300) feet of the boundary of the property in question. Where a single structure contains more than four (4) dwelling units or other distinct spatial units, notice may be given to the manager or owner of the structure with a request to post the notice at the primary entrance to the structure. Where the name of the occupant is not known, the term "occupant" may be used in making notification.
3. The notice of the public hearing shall contain the following:
 - a. Description of the nature of the planned unit development request.
 - b. Description of the property which is the subject of the planned unit development.
 - c. Time and place of consideration of and public hearing on the planned unit development request.
 - d. When and where written comments will be received concerning the request.
2. A public hearing by the Planning Commission shall be held on each planned unit development request properly filed under the terms of this ordinance. The administrator shall notify the following persons, so the notice is sent not less than 15 days before the date that the application will be considered, and the notices sent to:
 - a. The applicant.
 - b. The owner of the property, if different
 - c. The owners of all real property within 300 feet of the boundary for the property for which

the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the City of Manistee or not.

- d. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the City of Manistee or not.*
- e. The general public by publication in a newspaper which circulates in the City of Manistee. The notice shall include:*
 - 1) The Nature of the Planned Unit Development being requested.*
 - 2) The property(ies) for which the request has been made.*
 - 3) A listing of all existing street addresses within the property(ies) which is (are) subject of the Planned Unit Development. (Street addresses do not need to be created and listed if no such addresses currently exists within the property. If there are no street addresses, other means of identification may be used).*
 - 4) The location where the application documents can be viewed and copied prior to the date the application will be considered.*
 - 5) The date, time and location of when the public hearing will take place.*
 - 6) The address where written comments with signature will be directed prior to the consideration.*

NO CHANGES WERE MADE TO THE REMAINDER OF SECTION 1870

And make appropriate edits to index and chart provisions as necessary

- 2. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
- 3. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor

Dated

ATTEST:

Michelle Wright

Dated

City Clerk/Deputy Treasure

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance
Article 21: Signs
AMEND - Section 2103 Exempt Signs
Item H
Item J

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

1. That Article 21 Signs - Section 2103 Exempt Signs Item H and Item J be amended as follows:
 - H. For sale, for rent and future development site signs on real property, provided such signs do not exceed six (6) square feet in the R-1, R-2, R-3, R-4, and C-2 districts or sixteen (16) square feet in the C-1, C-3, W-F, LI or G-I districts
 - J. Political election signs with a maximum area of eight (8) square feet, provided such signs shall be temporarily erected not more than four (4) months prior to an election and such signs shall be removed not more than seven (7) days following an election.

NO CHANGES WERE MADE TO THE REMAINING ITEMS IN SECTION 2103

And make appropriate edits to index and chart provisions as necessary

2. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
3. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor

Dated

ATTEST:

Michelle Wright

Dated

City Clerk/Deputy Treasure

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance
Article 22: Site Plan Review
AMEND - Section 2203 Application Procedure
Subsection D - Detailed Site Plan
(Delete Planner - Add Surveyor)

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

1. That Article 22 Site Plan Review - Section 2203 Application Procedure (Subsection) D. Detailed Site Plan be amended as follows:

D. Detailed Site Plan. A detailed site plan shall be required for all uses other than those that may submit a basic site plan. Detailed site plan shall include twelve (12) copies of all required information and twenty-five (25) copies of any documents rendered in color. It shall be prepared by an Engineer, Architect, Landscape Architect or ~~Planner~~ Surveyor licensed to work in Michigan and shall include and illustrate at a minimum the following information:

NO CHANGES WERE MADE TO THE REMAINING ITEMS IN SUBSECTION
D DETAILED SITE PLAN

And make appropriate edits to index and chart provisions as necessary

2. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
3. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor

Dated

ATTEST:

Michelle Wright

Dated

City Clerk/Deputy Treasure

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance
Article 25: Zoning Board of Appeals
AMEND - Section 2500 Establishment
AMEND - Section 2501 Membership, Terms of Office
(Reflects changes under the new Zoning Enabling Act)

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

1. That Article 25 Zoning Board of Appeals - Section 2500 Establishment and Section 2501 Membership, Terms of Office be amended as follows:

SECTION 2500 ESTABLISHMENT

There is hereby established a Zoning Board of Appeals in accordance with ~~Act 207 of the Public Acts of Michigan of 1921, as amended, being the City or Village Zoning Act.~~ Section 601 of the Michigan Zoning Enabling Act (Act 116 of the Public Acts of 2006, as amended). The Zoning Board of Appeals shall perform its duties and exercise its powers as provided by said Act, as amended, and in such a way that the objectives of this Ordinance may be equitably achieved; that there shall be provided a means for competent interpretation and controlled flexibility in the application of this Ordinance; that the health, safety, and welfare of the public be secured; and that substantial justice be secured.

SECTION 2501 MEMBERSHIP, TERMS OF OFFICE

The Zoning Board of Appeals shall consist of five (5) members appointed by the City Council. The first member of such board shall be a member of the Planning Commission, and the Commissioner's term on the board shall be concurrent with his term on the Planning Commission. The Mayor of the City of Manistee with approval of the City Council shall appoint the remaining members of the Board. The members selected shall be representative of the population distribution and of the various interests present in the City. One member may be a member of the City Council. An elected officer of the City shall not serve as Chair of the Zoning Board of Appeals.

The total amount allowed the Zoning Board of Appeals in any one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum may be appropriated annually in advance by the City Council. ~~Members of the Zoning Board of Appeals shall be removable by the City Council for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office. A member of the Zoning Board of Appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify~~

himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office

The term of each member shall be for three (3) years. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. The Mayor and City Council shall seek to stagger the expiration dates of members of the Zoning Board of Appeals so at least one member's term expires each year and to achieve a reasonable degree of continuity of membership from one year to the next. With approval of Council, the Mayor shall appoint at least two (2) alternate members, who shall serve for three (3) years.

And make appropriate edits to index and chart provisions as necessary

2. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
3. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor Dated

ATTEST:

Michelle Wright Dated
City Clerk/Deputy Treasure

As Discussed by Ordinance Re-Write Committee at their meeting on January 10, 2007

Article 4: Non-Conformities

Section 401.A.2 Regulations

Add C-2 and C-3 Zoning Districts to Item

Article 5: General Provisions

Section 502.G Uses, Spatial and Physical Requirements

Change from 40% to 50%

Section 519 Dwellings

Add Item C. - language for roof pitch requirements

Article 18: Standards and Requirements for Special Uses

Section 1847 Home Occupation

Item B.1.c Minor Home Occupations

Add language that would allow a 4 sq. ft. Sign

(Use same language as used in Major Home Occupation)

Article 28: Amendments

Section 2800 Amendments

Reflects changes required under new Zoning Enabling Act

2801 Rezoning Agreements

Subsection E. Notices

Reflects changes required under new Zoning Enabling Act

Also excludes the Zoning Reversion language that created confusion during review.

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance
Article 4: Non-Conformities
AMEND - Section 401.A.2 Regulations
(add C-1 and C-2 Zoning Districts to Item)

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

1. That Article 4 Non-Conformities - Section 401.A.2 Regulations be amended as follows:

SECTION 401 REGULATIONS

2. Nonconforming Dwelling or Retail Use. If the nature of the nonconformity is a use which is a dwelling in the C-1, ~~C-2, C-3~~, L-I or G-I districts, or a retail business located in the L-I or G-I districts, and such use is not otherwise permitted; then the use and structures associated with it may expand within the standards and regulations applicable to that zoning district as if it were a permitted use.

And make appropriate edits to index and chart provisions as necessary

2. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
3. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor

Dated

ATTEST:

Michelle Wright
City Clerk/Deputy Treasure

Dated

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance
Article 5: General Provisions
AMEND - Section 519 Dwellings
add Item C. - language for roof pitch requirements

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

1. That Article 5 General Provisions, Section 519 Dwellings be amended by adding Item C. as follows:

SECTION 519 DWELLINGS

- A. All structures used or proposed to be used as a dwelling as defined herein, shall comply with dwelling standards of this Ordinance and the standards of the State of Michigan and United States Department of Housing and Urban Development, as applicable. All dwellings constructed shall have a minimum square footage and minimum width required in each respective Zoning District.
- B. Manufactured Housing. Dwellings located in a Manufactured Housing Community regulated pursuant to Act 96 of the Public Acts of 1997, as amended shall comply with the terms of this Ordinance as applicable and the terms of said Act and the rules promulgated thereunder.

C. Every new Dwelling, Single Unit shall be constructed with a roof slope of at least an average of four (4) feet, or greater, vertical rise for each twelve (12) feet of horizontal distance. In no case, however, shall the vertical rise be less than the manufacturer's recommendation for the shingles on the roof.

And make appropriate edits to index and chart provisions as necessary

2. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
3. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor

Dated

ATTEST:

Michelle Wright
City Clerk/Deputy Treasure

Dated

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance
Article 18: Standards and Requirements for Special Uses
AMEND - Section 1847 Home Occupation
Item B.1.c Minor Home Occupations
(to allow a 4 sq. ft. sign)

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

1. That Article 18 Standards and Requirements for Special Uses - Section 1847 Home Occupation, Item B.1.c Minor Home Occupations be amended as follows:
 - c. The activities and carrying on of the home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the home occupation. ~~No exterior sign shall be permitted.~~ *One exterior, unlighted wall mounted sign shall be permitted with a total area of not more than four (4) square feet.*

And make appropriate edits to index and chart provisions as necessary

2. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
3. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor

Dated

ATTEST:

Michelle Wright
City Clerk/Deputy Treasure

Dated

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance
Article 28: Amendments
AMEND - Section 2800 Amendments
AMEND - Section 2801 Rezoning Agreements
Subsection E. Notices
(Reflects changes required under new Zoning Enabling Act)

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

1. That Article 28 Amendments - Section 2800 Amendments and Section 2801 Rezoning Agreements be amended as follows:

SECTION 2800 AMENDMENTS

Any person affected by this Ordinance may submit a petition in writing to the secretary of the Planning Commission requesting that consideration be given to amendments to this Ordinance in the particulars set forth in the petition. ~~The Planning Commission shall hold a meeting to consider said petition in accordance with~~ Section 4 of the City and Village Zoning Act (Act 207 of the Public Acts of 1921, as amended) ~~Section 202 of the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended).~~

SECTION 2801 REZONING AGREEMENTS

E. Notices.

1. ~~Rezoning or zoning reversion of land shall require notice of public hearing. Such notice shall be given not less than fifteen (15) days before the date of the public hearing. Notice shall be published in a newspaper of general circulation in the City and shall be mailed or personally delivered to:~~
 - ~~a. The owners of the property for which approval is being considered.~~
 - ~~b. All persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question.~~
 - ~~c. At least one occupant of each dwelling unit or spatial unit owned or leased by different persons within three hundred (300) feet of the boundary of the property in question. Where a single structure contains more than four (4) dwelling units or other distinct spatial units, notice may be given to the manager or owner of the structure with a request to post the notice at the primary entrance to the structure. Where the name of the occupant is not known, the term "occupant" may be used in making notification.~~
2. The notice of the public hearing shall contain the following:
 - ~~a. Description of the nature of the rezoning request and the offer of conditions.~~
 - ~~b. Description of the property which is the subject of the requested rezoning.~~
 - ~~c. Time and place of consideration of the petition and public hearing on the rezoning request.~~

d. ~~When and where written comments will be received concerning the request.~~

1. Rezoning of land for an individual property of 10 or fewer adjacent properties shall require notice of public hearing. The administrator shall notify the following persons, so the notice is sent not less than 15 days before the date that the application will be considered, and the notices sent to:

- a. The applicant.
- b. The owner of the property, if different
- c. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the City of Manistee or not.
- d. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the City of Manistee or not.
- e. The general public by publication in a newspaper which circulates in the City of Manistee.
The notice shall include:
 - 1) The Nature of the Special Use Permit being requested.
 - 2) The property(ies) for which the request has been made.
 - 3) A listing of all existing street addresses within the property(ies) which is (are) subject of the Special Use. (Street addresses do not need to be created and listed if no such addresses currently exists within the property. If there are no street addresses, other means of identification may be used).
 - 4) The location where the application documents can be viewed and copied prior to the date the application will be considered.
 - 5) The date, time and location of when the public hearing will take place.
 - 6) The address where written comments will be directed prior to the consideration.

2. Rezoning of land for 11 or more adjacent properties shall require notice of public hearing. The administrator shall notify the following persons, so the notice is sent not less than 15 days before the date that the application will be considered and the notices sent to:

- a. The applicant.
- b. The owner of the property, if different.
- c. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the City of Manistee or not.
- d. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the City of Manistee or not.
- e. The general public by publication in a newspaper which circulates in the City of Manistee.
The notice shall include:
 - 1) The Nature of the Special Use Permit being requested.
 - 2) The property(ies) for which the request has been made.
 - 3) The location where the application documents can be viewed and copied prior to the date the application will be considered.
 - 4) The date, time and location of when the public hearing will take place.
 - 5) The address where written comments will be directed prior to the consideration.

And make appropriate edits to index and chart provisions as necessary

2. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
3. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor

Dated

ATTEST:

Michelle Wright
City Clerk/Deputy Treasure

Dated

CITY OF MANISTEE
PLANNING COMMISSION
BY-LAWS AND RULES OF PROCEDURES

1. AUTHORITY

These By-laws and Rules of Procedures are adopted by the Planning Commission of the City of Manistee, County of Manistee, (hereinafter referred to as the Commission) pursuant to Public Act 110 of 2006, as amended, the Michigan Zoning Enabling Act; the City of Manistee Zoning Ordinance, and the Public Act 267 of 1976, as amended, the Open Meetings Act.

2. OFFICERS

2.1 Selection. At the December meeting, the Planning Commission shall elect a chair, vice-chair and secretary who shall serve for the next twelve (12) months and who shall be eligible for re-election. Vacancies in an office of the Commission shall be filled at the next regular meeting of the Commission. The membership shall elect one of its members to fill the vacancy until the next annual election.

2.2 Duties. The chair shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein.

The vice-chair shall act in the capacity of the chair in the absence of the chair or in the event of a vacancy in the office of chair; in which case, the Commission shall select a successor to the office of vice-chair at the earliest practicable time.

The Secretary shall be responsible for execution of documents in the name of the Planning Commission, the preparation of minutes, keeping of pertinent public records, delivering communications, reports, and related items of business of the Commission, issuing notices of public hearings and performing related administrative duties to assure efficient and informed Commission operations. The Secretary may appoint a Recording Secretary to handle the administrative functions of the office. In the event the Secretary is absent, the chair or acting chair shall appoint a temporary secretary for such meeting.

2.3 Tenure. The officers shall take office at the first regularly scheduled meeting immediately following their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

3. MEETINGS

- 3.1 Meeting Notice. Notice of all meetings shall be posted at City Hall by December 31st of each year. The notice shall include the date, time and place of the meeting. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meeting act.
- 3.2 Attendance A member may be removed from office by the appointing City Council for neglect of official duty or misconduct in office after being given a written statement for reasons and an opportunity to be heard thereon. Un-excused absences may be reason for removal and three (3) un-excused absences in a row, shall be reported in writing to the City Manager.
- 3.3 Special Meetings. A special meeting may be called by three members of the Planning Commission upon written request to the Secretary or by the Chairperson. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open meeting Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meeting act, and the Secretary or Recording Secretary shall provide notice to commission members by writing, telephone, or e-mail.
- 3.4 Quorum. In order for the Commission to conduct business or take any official actions, a quorum consisting of at least five of the nine members of the Commission shall be present. When a quorum is not present, no official action, except for the closing of the meeting may take place. The members of the commission may discuss matters of interest, but shall take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time and place is announced at the meeting.
- 3.5 Public Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the Acts and Ordinance cited in Section 1. Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure.

1. The Chair of the Planning Commission shall announce that a public hearing will be conducted on a request.
2. The Chair shall read the public hearing announcement as published in the newspaper and give a brief description of the hearing subject and the public notice procedure.
3. The Chair shall announce the following hearing rules:
 - a. The Chair will recognize each speaker. When a speaker has the floor, he/she is not to be interrupted unless time has expired. Persons speaking without being recognized shall be out of order.
 - b. Each speaker shall state their name and address for the record and may present written comments for the record.
 - c. Speakers shall address all comments and questions to the Planning Commission and comments will be limited to the subject matter of the Public Hearing.
 - d. Unless waived by the Planning Commission for a specific meeting or a specific speaker, public comment shall be limited to five (5) minutes per speaker, one time only. If a group of people wish to be heard on one subject, a spokesperson may be designated who may request that more than five (5) minutes be permitted for collective comments of the group as presented by that speaker.
 - e. The Chair may require that repetitive comments be limited or abbreviated in the interest of saving time and allowing others to speak. Everyone shall have an opportunity to speak before someone is allowed to speak a second time.
 - f. The Chair may establish additional rules of procedure for particular hearings as he/she determines appropriate.
 - g. Normal civil discourse and decorum is expected at all times. Applause, shouting, outbursts, demonstrations, name-calling or other provocative speech or behavior may result in removal from the hearing or an adjournment.
4. Once all public comments have been stated, the Chair shall close the hearing. Any voting member of the Planning Commission may initiate a motion to close the hearing.
5. Public Hearings shall be carried out in the following format:
 - a. The Chair shall open the hearing.
 - b. The Applicant shall present any comments and explanation of the case. Applicant's presentation shall not be subject to the five (5) minute limitation.
 - c. The City staff and any consultants serving the City shall present their reports.
 - d. The hearing will be opened for public comment.
 - e. The public comment period will be closed.
 - f. Deliberation and discussion by the Planning Commission.
 - g. Disposition of the case by the Planning Commission.

- 3.6 Motions. Motions shall be restated by the Chair before a vote is taken. The name of the maker and supporter of each motion shall be recorded.
- 3.7 Voting. An affirmative vote of the majority of those members present shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be by voice vote; provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last.
- 3.8 Order of Business. A written agenda for all regular meetings shall be prepared as followed. The order of business shall be:
Call to Order.
Roll Call
Approval of Agenda
Approval of Minutes
Public Hearings
New Business
Old Business
Public Comments and Communications concerning items not on the agenda
Correspondence
Staff Reports
Members discussion
Adjournment
A written agenda for special meeting shall be prepared and followed, however the form as enumerated above shall not be necessary.
- 3.9 Rules of Order. All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure as adopted by City Council for all Boards and Commissions within the City of Manistee.
- 3.10 Agenda Items. For an item to be considered at a regular Planning Commission meeting, it must be submitted to the City Community Development Department no later than the established policy of the City prior to the next scheduled Planning Commission Meeting.

3.11 Conflict of Interest:

1. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. A commission member issuing, deliberating, voting or reviewing a case concerning himself.
 - b. A commission member issuing, deliberating, voting or reviewing a case concerning work on land owned by himself.
 - c. A commission member issuing, deliberating, voting or reviewing a case involving a corporation, company, partnership, or other entity in which he is a part owner, or any other relationship where he may stand to have a financial gain or loss.
 - d. A commission member issuing, deliberating, voting or reviewing a case which is an action which results in a pecuniary benefit to himself.
 - e. A commission member issuing, deliberating, voting or reviewing a case concerning his spouse, children, step-child, grandchildren, parents, brother, sister, grandparents, parents in-law, grandparents in-law or member of his household.
 - f. A commission member may consider the possibility of declaring a conflict of interest if his/her home falls within a notification radius used for a Public Hearing. Because the sending of the notice automatically presumes some degree of interest, this fact should be recognized by declaring a conflict, particularly if a financial impact is likely.
 - g. A commissioner who feels, in his/her judgement that his/her job, scope of duties and/or position may be at risk, pending the outcome of the permitting process.
2. A commission member shall, when he/she has a conflict of interest do the following immediately, upon the first review of the case and determining a conflict exists:
 - a. declare a conflict exists at the beginning of the meeting where the case appears on the agenda, or when the topic brought up so such declaration is recorded in the minutes, and
 - b. refrain from participating in the discussion, site inspection or review of the case, except where specific information has been requested by the commission, and
 - c. refrain from casting a vote on any motion having to do with the case.

4. MINUTES

- 4.1 Preparation. Commission minutes shall be prepared by the Secretary or Recording Secretary of the Commission. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, action and resolutions shall be attached to the minutes.

5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- 5.1 All meetings of the Commission shall be open to the public and held in a place available to the general public.
- 5.2 All deliberations and decision of the Commission shall be made at a meeting open to the public.
- 5.3 A person shall be permitted to address a hearing of the Commission under the rules established in subsection 3.5, and to address the Commission concerning non-hearing matters at the time designated for such comments.
- 5.4 A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.
- 5.5 All records, files, publications, correspondences, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

6. COMMITTEES

- 6.1 Executive Committee. The Executive Committee of the Planning Commission shall consist of the Chair, Vice -Chair and Secretary. The Executive Committee shall be the Joint Ordinance Review Committee.
- 6.2 Ad Hoc Committees. The Planning Commission or Chair of the Planning commission may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. No more than four members of the Planning Commission may serve on an ad hoc committee at any given time. Committee appointments shall be made at the first regular meeting held in January of each year or at the time the committee is formed.
- 6.3 Rules of Procedure. All Sub-committees are subservient to the Planning Commission and report their recommendations to the Planning Commission for review and action and shall be conducted in accordance with generally accepted parliamentary procedure as adopted by City Council for all Boards and Commissions within the City of Manistee.

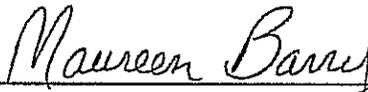
7. ANNUAL REVIEW OF BY-LAWS

The Commission shall annually review their By-Laws at the regularly scheduled meeting in January .

8. AMENDMENTS

These rules may be amended by the Commission by a concurring vote subject to subsection 3.7, during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

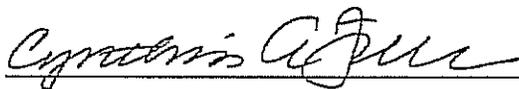
I HEREBY CERTIFY that the above Bylaws were adopted the 7th day of December, 2006.



Maureen Barry, Secretary

Approved by the City of Manistee Council

DECEMBER 19, 2006
Date



Cynthia A. Fuller, Mayor

Ordinance Re-Write Committee
January 10, 2006 - 8:00 a.m.
City Hall, Executive Council Chambers

PRESENT: Harlo Haines, Tony Slawinski

ABSENT: Tamara Buswinka, Ben Bifoss

OTHERS: Denise Blakeslee and Jon Rose

REVIEWED PREVIOUS ORDINANCE AMENDMENTS

Reviewed Ordinance Amendments from the October 19, 2006 Planning Commission Worksession and the November 20, 2006 Ordinance Re-Write Committee Meeting. With a few changes these Amendments will be forwarded to the Planning Commission to review at their January 19, 2007 Worksession.

NEW ITEMS APPROVED FOR ORDINANCE AMENDMENTS

Items reviewed at the meeting that will have Ordinance Amendments prepared and forwarded to the Planning Commission for their review at the January 19, 2007 worksession are as follows:

Article 4: Section 401.A.2 Nonconforming Dwelling or Retail Use.

Draft Language prepared by staff approved by Committee - Add C-2 & C-3 Zoning District

Pg 5-2: Section 502.G Uses, Spatial and Physical Requirements

Draft Language prepared by staff approved by Committee - Change to reflect 50% or more of existing buildings...

Pg 5-13: Section 519 Dwelling

Draft Language discussed and approved by committee changed to include Dwelling, Single Unit - Add item C (New Dwellings, Single Unit required to have a 4-12 roof pitch).

Pg 18-34, 18-35 & 18-36: Home Occupations Minor, Major

Draft Language prepared by committee - Included a 4 sq. ft. Sign for Minor Home Occupations - Use same language as used in Major Home Occupation.

Pg 28-3: Section 2801.E - Rezoning Agreements - Notices

Draft language prepared and approved by committee excludes the Zoning Reversion language that created confusion during last review.

ITEMS FOR NEXT MEETING

Article 5

Should have a new section that indicates how view corridors/public view of view corridors should be addressed.

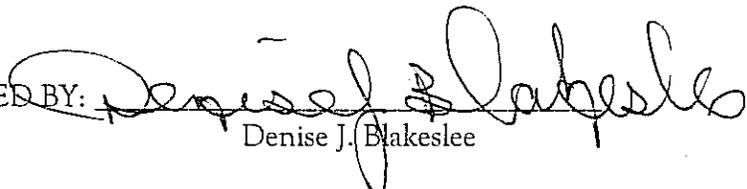
Pg 21-5: Section 2102.E Erection of New Signs were Legal Nonconforming Signs Exist.
1 & 2 should be combined to reflect that any Nonconforming sign must be brought into compliance once a sign permit is required.

Page 21-12: Section 2110 Use Type 5, Industrial
Should the W-F be moved into the Chart with C-1 so that the Industrial Uses can have a larger cumulative sign area?

Where is waterfront setback determined from (waters edge, ordinary high water mark,...)?
Draft to be prepared for committee's review that reflects 581.26 and reference throughout ordinance.

Vertical Zoning - Will contact Lee Trucks coordinate a meeting date/time with committee.

PREPARED BY:



Denise J. Blakeslee

Master Plan Review Committee
Notes from January 16, 2007 Meeting

PRESENT: Maureen Barry, Dave Crockett, Eric Gustad

OTHERS: Jon Rose and Denise Blakeslee

Preface

Change first paragraph to read:

The Master Plan is a *policy* document which sets forth recommendations for the future, generally within a 5 to 10 year time frame. The Plan, used in combination with the City Zoning Ordinance, will assist in guiding future land use development in the City of Manistee. The basic rationale of the Master Plan is outlined in the *Municipal Planning Act (Act 285 of 1931, as amended)* and the related *City Zoning Act (Act 207 of 1921, as amended)* Michigan Zoning Enabling Act (Act 110 of 2006).

Review of Chapter 1

Pg 1-1 & 1-2 - Manistee: Past and Present - Steve Harold will be asked to prepare language for this section of the document.

Pg 1-2 - Beyond the Millennium: This section will be moved after 1997 (Pg 1-4) and updated to reflect the changes that have occurred in the last five years.

Review of Chapter 2

Residential:

- ▶ Pg. 2-1 - First paragraph, second sentence that reads “ *Neighborhoods such as ‘Maxwell Town’ and ‘President’s Village’ contain a rich vocabulary of cottage and bungalow vernacular architecture, and perhaps best exemplify a classic pre 20th Century pattern of land division.* ” will be deleted.
- ▶ Pg. 2-1 - Second Paragraph, first sentence will be changed from: “ *Much of Manistee’s residential development posture is shifting from that of a community heavily oriented to providing homes for industrial employees to being one of West Michigan’s premier resort, retirement, and second home communities.* ”

to read: ~~“Much of Manistee’s residential development from a community that provided homes for industrial employees now includes second homes and homes for retirees.”~~

- ▶ Pg 2-3 - Table 2-1 Existing Land Use Manistee Master Plan - 2002: needs to be updated
- ▶ Pg 2-4 - Second paragraph, first sentence ~~“Over the past decade, approximately 11 acres per year have been developed for residential use.”~~ delete “Over the past decade,”

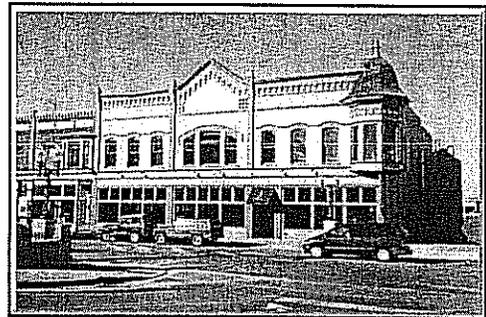
Commercial

- ▶ Pg 2-4 -First paragraph, first sentence delete “As stated earlier,” second sentence *“It is also noted the Existing Land Use Map also identifies the golf course lying between Cherry Street and Lake Michigan as commercial, accounting for a significant portion of the commercial acreage base.”* Typo (second also to be removed). Correct spelling of Maxwell Town to “Maxwelltown”
- ▶ Pg 2-5 - First paragraph, last sentence to be changed and become a new paragraph. Second paragraph to be deleted. Third paragraph to be changed.

With corrections the section will read:

Commercial

~~As stated earlier,~~ The City’s commercial base is principally located in Manistee’s core downtown and along US-31. It is also noted the Existing Land Use Map ~~also~~ identifies the golf course lying between Cherry Street and Lake Michigan as commercial, accounting for a significant portion of the commercial acreage base. A limited number of small commercial nodes are found scattered throughout the City, though predominately located east of US-31. In most cases, these reflect activities which have been in existence for long periods of time such as the neighborhood eateries and pubs of Maxwelltown.



The core downtown offers a variety of specialty retail, office, personal services, restaurants, and related business activity. The downtown is nestled along the Manistee River Channel, surrounded by well-maintained residential neighborhoods. The close proximity of residential development to the downtown, combined with easy access via sidewalks, fosters significant pedestrian travel between the two land uses.

The relationship of well-maintained residential neighborhoods adjacent to the downtown is extremely

important. State and national development trends reveal that core downtowns surrounded by deteriorating neighborhoods often exhibit similar patterns of decline.

The other primary commercial area is the US-31 corridor. Commercial development along the highway includes a wide range of businesses including professional offices, general and speciality retail, tourist services, and related commercial activities. At present, the heaviest concentrations of business development are located near the US-31/Manistee River Channel and north of the channel to the limits of the City. Many of the uses are highly dependent on transient traffic, both local and through traffic. They include such uses as gasoline service stations, convenience stores, fast food restaurants, and motels. To the south, the commercial character of the corridor is periodically broken by segments of mature residential development, such as the area between approximately 3rd and 8th Streets. Within the City, US-31 is generally void of "big box" developments (e.g. K-Mart, etc.). Such developments are located to the south in adjoining Filer Township.

~~Over the years, there has been considerable discussion regarding the construction of a US-31 by-pass around the City of Manistee, east of Manistee Lake, as a means of reducing or eliminating traffic congestion experienced along the highway. At present, average daily traffic counts indicate that US-31, through the City, handles approximately 16,900 vehicles per day. [Note: year 2000 counts provided by the Michigan Department of Transportation indicate 16,100 vehicles per day. The 2000 count was increased by 2.5 percent per year to reflect current estimates. Counts are based on 24 hour, two-way, traffic.] While it is difficult to gauge the impact of a by-pass until a specific route has been selected, it is roughly estimated average daily traffic on US-31, through the City, would initially experience reductions ranging from approximately 20 to 30 percent. These percentages would likely increase during peak travel times. The reduction in traffic could impact the economic viability of existing commercial businesses such as gasoline service stations, convenience stores, fast food restaurants, and other such operations dependent on through movement.~~

~~As previously indicated, strip commercial development along US-31 in the City is accentuated by strip commercial development in Manistee and Filer Townships. Basically, US-31 from entry into Filer Township and north to M-22 in Manistee Township has largely been identified as strip commercial based on existing land use and zoning, as well as the master plans of each township.~~

~~Within the City, US-31 is generally void of "big box" developments. Such developments are located to the south in adjoining Filer Township.~~

~~Basically, US-31 from entry into Filer Township and north to M-22 in Manistee Township has largely been identified as strip commercial based on existing land use and zoning, as well as the master plans of each township."~~

Industrial

Many changes were made to the section. With these changes it will now read:

Industrial development comprises approximately 134 acres of the City's land area and is concentrated along the shores of Manistee Lake. Past planning efforts have by-and-large treated this end of the City as a redevelopment area, and most recently, much ~~some~~ of the lake frontage has been designated as a state Renaissance Zone. Lighter industrial development, ~~on the other hand~~, is located in a planned industrial park settings on the City's ~~far north and northeast sides~~. Northside.

Industrial uses along Manistee Lake are generally classified as "heavy industrial" due to their orientation towards manufacturing, mining, and processing. Historically, the industries along the lake provided significant "blue-and-white collar" job opportunities, with attendant wages and benefits, thereby making Manistee an attractive and well-known employment center. In recent years, ~~the past~~ the area has experienced a decline in heavy manufacturing. ~~None-the-less~~, Existing industries continue to play an important role in the City's economic health and the Master Plan recognizes that function.

~~The emergence of industrial development to the north is rooted in~~ ~~resulted from~~ a decision made by the City during the mid 1970's to develop a modern industrial park. ~~to accommodate anticipated industrial growth. Capitalizing on available grant funds via~~ ~~The City obtained funds from~~ the United States Economic Development Administration, ~~the City obtained financial assistance~~ to construct the "light industrial" park in an area formally used for the mining of sand. For a variety of reasons, including location and market factors, full occupancy of the park has yet to materialize. The industrial area ~~overlooks many of the newer home sites developed in the past several years and offers panoramic vistas of nearby Lake Michigan~~ ~~offers views of Lake Michigan and is adjacent to newer home sites.~~

In recent years, the City refocused its industrial location efforts towards a new Renaissance Industrial Park located in the Renaissance Zone lying northeast of the City, near Eastlake Village. The new park, oriented to light and certain forms of general industrial uses, offers close proximity to both US-31 and M-55, as well as special development incentives. The park contains 200 acres and is fully served by municipal water and sanitary sewer, natural gas, electricity, and fiber optic communication lines. The site is approximately four miles from Manistee Blacker Airport, a commercial airport with ~~daily two flights daily to Chicago Milwaukee and Muskegon.~~

Transportation

Many changes were made to the section. With these changes it will now read:

Transportation refers to the area used for streets, rail road lines, and rail yards. Approximately 496 acres (23% of the total land area) is currently devoted to the transportation network. This percentage is consistent with ~~that of~~ other mature urban cities. A majority of the system is comprised of local streets associated with residential neighborhoods.

As previously detailed, the City is traversed in a north/south fashion by US-31. US-31 is a state ~~trunkline~~ highway designated and designed for the movement of local and transient traffic through

the regional area. Near Ludington, US-31 changes to a limited access highway (freeway), ultimately linking with Interstate 96 and other state and national roadway systems.

Formally known as the Chesapeake and Ohio Railway, Rail service is provided by the CSX Railway Corporation. Marquette Rail, LLC. Rail lines traverse the western and eastern shores of Manistee Lake, linking with the industries located thereon. Rail lines link the industries on the western and eastern shores of Manistee Lake.

Several of the heavy industries along Manistee Lake also possess port (docking) facilities historically used by Great Lake's freighters to transport coal and other products for industrial use.

Refer also to Chapter 4 for additional detail on Transportation.

Parks/Public Lands/Quasi-Public

This section needs to be changed to include more detail on the beaches, parks, lighthouse, pier, river channel. Also remove Quasi-Public and make a new subheading for Service Organizations and their contribution to the community.

Vacant/Undeveloped and Water/Wetlands

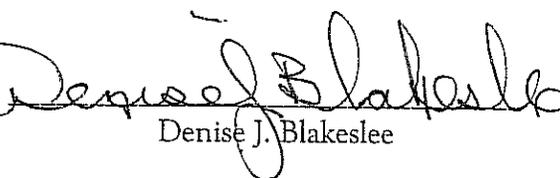
Need to review and update percentages.

The Alignment of Zoning and Land Use

Needs work and table either needs to be eliminated or completely redone.

Members will received the remainder of the Ordinance at the Worksession on January 18th and will schedule their next meeting.

PREPARED BY:


Denise J. Blakeslee