

MANISTEE CITY PLANNING COMMISSION

Special Meeting of Thursday, March 15, 2007

7:00 p.m. -Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I Call to Order

II Roll Call

III Approval of Agenda

At this time the Planing Commission could take action to approve the March 15, 2007 Agenda.

IV Approval of Minutes

At this time Planning Commission could take action to approve the March 1, 2007 Minutes.

V Public Hearing

Proposed Zoning Amendments:

#07-T05 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 2: DEFINITIONS

Section 216 O - CHANGE DEFINITION of "Ordinary High Water Mark"

Section 220 S - CHANGE DEFINITION of "Setback"

Section 224 W - DELETED DEFINITION of "Water's Edge"

Section 226 Y - CHANGE DEFINITION of "Yard"

ARTICLE 5: GENERAL PROVISIONS

Section 502, Uses Spatial and Physical Requirements - Subsection E - CHANGE FROM "water's edge" to "ordinary high watermark"

Section 508 Fences - Subsection A, Item 2 - CLARIFY waterfront setback

ARTICLE 8: R-1 LOW DENSITY RESIDENTIAL DISTRICT

Section 804 Dimensional Standards Subsection 4 - CHANGE from "normal high water line" to "ordinary high water mark"

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T05

#07-T06 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 4: NON-CONFORMITIES

Section 401.A.2 Regulations - ADD "C-1 and C-2" Zoning Districts to Item

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T06

#07-T07 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 5: GENERAL PROVISIONS

Section 505.A Water Protection - DELETE "Decks"

ARTICLE 8: R-1 LOW DENSITY RESIDENTIAL DISTRICT

Section 804.C.4 Dimensional Standards - DELETE "Decks"

ARTICLE 9: R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

Section 903.C.4 Dimensional Standards - DELETE "Decks"

ARTICLE 10: R-3 HIGH DENSITY RESIDENTIAL DISTRICT

Section 1003.C.4 Dimensional Standards - DELETE "Decks"

ARTICLE 11: R-4 MANUFACTURED HOUSING COMMUNITY DISTRICT

Section 1103.C.4 Dimensional Standards - DELETE "Decks"

ARTICLE 12: W-F WATERFRONT DISTRICT

Section 1203.C.4 Dimensional Standards - DELETE "Decks"

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T07

#07-T08 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 5: GENERAL PROVISIONS

Section 502.G Uses, Spatial and Physical Requirements - CHANGE from 40% to 50%

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T08

#07-T09 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 5: GENERAL PROVISIONS

Section 519 Dwellings - ADD Item C. language for roof pitch requirements

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T09

#07-T10 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 16: LI, LIGHT INDUSTRIAL

REMOVE - Mine, Sand and Gravel as a Special Use in the District

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T10

#07-T11 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 17: G-I, GENERAL INDUSTRIAL

CHANGE - Wells, Extraction from a Special Use to a Permitted Use in the District

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T11

#07-T12 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES

Section 1801 Special Use Procedures, Subsection A. (Submission of Application), Subsection B. (Data Required), Subsection C. (Special Use review procedures) - AMEND to expedite the application process and meet the noticing requirements of the Michigan Zoning Enabling Act

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T12

#07-T13 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES

Section 1814 Billboard, Subsection C (Regulations and Conditions), Item 2 - CORRECT number of Billboard faces from "10" to "19" and [annotate how number was established]

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T13

#07-T14 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES

Section 1847 Home Occupation, Item B.1.c Minor Home Occupations - ADD language to allow a 4 sq. ft. sign.

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T13

#07-T15 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES

Section 1870 Planned Unit Development, Subsection D (Dimensional and Use Standards), Subsection E (PUD Application), Subsection F (Procedure) - AMEND to expedite the application process and meet the noticing requirements of the Michigan Zoning Enabling Act

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T15

#07-T16 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 21: SIGNS

Section 2102, General Standards, Subsection A. (Computations), Item 7 (Area of Signs) Sub Items a & b - CLARIFY BY ADDING "principal" building
Section 2108 Use Type 3, Commercial and Office - ADDING "principal" to read...1.5 x principal building width (Cumulative Sign Area of Chart)

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T16

#07-T17 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 21: SIGNS

Section 2102, General Standards, Subsection E (Erection of New Signs Where Legal Nonconforming Signs Exist), Item 2 - AMEND by deleting Site Plan Review and replacing Special Uses

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T17

#07-T18 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 21: SIGNS

Section 2103 Exempt Signs, Item H - ADD "future development site" signs
Section 2103 Exempt Signs, Item J - DELETE size restrictions for Political Signs

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T18

#07-T19 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 21: SIGNS

Section 2107 - Use Type 2, Residential and Recreational Commercial - CHANGE "Recreational" to "Residential Commercial", DELETE "as well as outdoor recreation facilities" from description, DELETE "Golf Course" and "Nursing Convalescent Home" from Example of Uses
Section 2108 - Use Type 3, Commercial and Office - ADD "Nursing Convalescent Home" to Example of Uses
Section 2109 - Use Type 4, Institutional - ADD "Outdoor Recreational" to Section, ADD "As well as outdoor recreation facilities" to description ADD "Golf Courses" to Examples of Uses

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T19

#07-T20 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 22 SITE PLAN REVIEW

Section 2203 Application Procedure , D. Detailed Site Plan - DELETE "Planner", ADD "Surveyor"

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T20

#07-T21 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 25 ZONING BOARD OF APPEALS

2500 Establishment and Section 2501 Membership, Terms of Office - be AMENDED to meet the requirements of the Michigan Zoning Enabling Act (Act 110 of 2006).

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T21

#07-T22 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 28: AMENDMENTS

Section 2800 Amendments and Section 2801 Rezoning Agreements, E. - AMEND to meet the requirements of the Michigan Zoning Enabling Act (Act 110 of 2006).

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T22

#07-T23 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 21 SIGNS

Section 2101, Procedures, Subsection A (Sign Permit Application, Item 8) - CHANGE from "Significant" to "Appropriate"

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T23

#07-T24 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 21 SIGNS

Section 2102 General Standards, Subsection A. (Computations), Item 7, (Area of Signs), Sub Item C - ADD Sub Item C that allows for signage for Riverwalk/ Water front

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T24

#07-T25 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 21 SIGNS

Section 2108 - Use Type 3 - DELETE (Conditions in Chart) limitations for wall signs

At this time the Chair will ask for Public Comments regarding Proposed Zoning Amendment #07-T25

VI New Business

Proposed Zoning Amendments

A Public Hearing was held earlier in the evening to give the public the opportunity speak regarding Proposed Ordinance Amendments.

At this time the Planning Commission could take action to recommend to City Council the adoption of the proposed zoning amendments.

VII Old Business

VIII Public Comments and Communications concerning Items not on the Agenda

At this time the Chair will ask if there are any public comments.

IX Correspondence

At this time the Chair will ask if any correspondence has been received to be read into the record.

X Staff Reports

At this time the Chair will ask Staff for their report.

XI Members Discussion

At this time the Chair will ask members of the Planning Commission if they have any items they want to discuss.

XII Adjournment



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

MEMORANDUM

TO: Planning Commissioners

FROM: Denise Blakeslee 

DATE: March 8, 2007

RE: March 15, 2007 Public Hearing/Special Meeting

Commissioners, enclosed is your packet for the March 15, 2007 Public Hearing and Special Meeting. We will begin with a Public Hearing for the proposed 21 Zoning Amendments. Each amendment will be addressed individually and the public invited to speak in response to that item.

Copies of the amendments are enclosed in your packets. In addition you will find a copy of a "Draft - Requires Public Hearing (Ordinance 07-T24) which includes conditions for ground mount signs. We discussed the proposed amendment with the City Attorney who has determined that if the proposed language is more restrictive than what was noticed and available for review, re-noticing and a second Public Hearing is required.

This gives the Planning Commission three options.

- ▶ The Planning Commission could approved the original Amendment without conditions. This would allow signage to be constructed on the riverwalk/waterfront, but does not provide for any restrictions for ground mount signs or their illumination.
- ▶ If approved as ordinally written the Planning Commission can direct staff to prepare a Zoning Amendment for the next round of Public Hearings for the conditions.
- ▶ The Planning Commission can wait until the next round of proposed Zoning Amendments to advertise the Amendment with conditions. This would not allow signage on the riverwalk until the next set of amendments are approved by City Council.

We will discuss this when we get to the Business portion of the agenda. If you are unable to attend the meeting please call me at 398-2805.

:djb

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 2: Definitions

Section 216 O

CHANGE DEFINITION of Ordinary High Water Mark

Section 220 S

CHANGE DEFINITION of Setback

Section 224 W

DELETED DEFINITION of Water's Edge

Section 226 Y

CHANGE DEFINITION of Yard

Article 5: General Provisions

Section 502, Uses Spatial and Physical Requirements - Subsection E

CHANGE FROM water's edge to ordinary high watermark

Section 508 Fences - Subsection A, Item 2

CLARIFY waterfront setback

Article 8: R-1 Low Density Residential District

CHANGE from normal high water line to ordinary high water mark

Section 804 Dimensional Standards Subsection 4

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

1. That Article 2: Definitions, Section 216 O (change definition) ORDINARY HIGH WATERMARK be amended as follows:

ORDINARY HIGH WATERMARK: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. The elevation contour line at five hundred eighty one and five tenths (581.5) feet above sea level - International Great Lakes Datum 1985 (IGLD 85).

2. That Article 2: Definitions, Section 220 S (change definition) SETBACK be amended as follows:

SETBACK: The required minimum distance between a building and any lot line. Setbacks are measured by an imaginary line parallel to a property line which is a specified distance toward the center of a parcel from the property lines or water front ordinary high water mark. Side, front, rear and waterfront setbacks correspond to the respective yard.

3. That Article 2: Definitions, Section 224 W (DELETE DEFINITION) of WATERS EDGE.

~~WATER'S EDGE: The elevation contour line at five hundred eighty one and twenty six hundreds (581.26) feet above sea level.~~

4. That Article 2: Definitions, Section 226 Y (change definition) YARD be amended as follows:

YARD: An open space that lies between the building or buildings and the nearest lot line. Front yard means a yard between the front property line, which is adjacent to a road right-of-way, and the nearest building line. Rear yard means a yard between the property line on the opposite side of the parcel from the property line adjacent to a road right-of-way and the rear building line. Side yard means the remaining yard(s) between the front and rear building lines and the side line (s) of the parcel. Waterfront yard means a yard between the water's edge ordinary high water mark and a building line. It may be situated in what would be a side or rear yard if the water body was not present. A parcel may have any combination of yards, so that it may not have a rear yard, it may have two front yards, etc.

5. That Article 5: General Provisions Section 502, Uses Spatial and Physical Requirements - Subsection E, be amended as follows:

SECTION 502 USES, SPATIAL AND PHYSICAL REQUIREMENTS

E. Required setback distances shall be measured perpendicular to and from the property line or edge of right-of-way or water's edge ordinary high water mark toward the center of the parcel. For non-platted parcels, where the front lot line is the roadway centerline, setbacks shall be measured from the edge of the right-of-way. Building setback lines shall parallel the parcel line from which they are measured. All measurements of setback distances shall be completed in accordance with Section 524 hereof.

6. That Article 5: General Provisions Section 508, Fences be amended as follows:

SECTION 508 FENCES

A. Location:

2. Decorative Fences, as defined herein, may be placed in any location on a parcel, provided that on a waterfront lot in the R-1, R-2, R-3 and R-4 Districts, no portion of such fence shall be located closer than forty (40) feet to the waters edge. constructed in the waterfront setback.

7. That Article 8: R-1 Low Density Residential District, Section 804 Dimensional Standards, Subsection 4 be amended as follows:

4. Waterfront Yard: The minimum setback shall not be less than one hundred (100) feet from the ~~normal high water line~~, ordinary high water mark, provided such setback shall not apply to walkways, (decks,) boat docks, boat slips, boat launches and boat houses. Provided, further that the waterfront setback shall not be less than the setbacks required by the Department of Natural Resources in a High Risk Erosion Control area.

And make appropriate edits to index and chart provisions as necessary

8. 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.

9. 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 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-1 or G-1 districts, or a retail business located in the L-1 or G-1 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.

ATTEST:

Michelle Wright Dated
City Clerk/Deputy Treasure

Cynthia A. Fuller, Mayor 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

DELETE - Decks from Section 505.A Water Protection

Article 8: R-1 Low Density Residential District

DELETE - Decks from Section 804.C.4 Dimensional Standards

Article 9: R-2 Medium Density Residential District

DELETE - Decks from Section 903.C.4 Dimensional Standards

Article 10: R-3 High Density Residential District

DELETE - Decks from Section 1003.C.4 Dimensional Standards

Article 11: R-4 Manufactured Housing Community District

DELETE - Decks from Section 1103.C.4 Dimensional Standards

Article 12: W-F Waterfront District

DELETE - Decks from Section 1203.C.4 Dimensional Standards

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	G-I
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.

2. That Article 8: R-1 Low Density Residential - Section 804.C.4 Dimensional Standards be amended by DELETING Decks as follows:

4. Waterfront Yard: The minimum setback shall not be less than one hundred (100) feet from the normal high water line, provided such setback shall not apply to walkways, ~~decks~~, boat docks, boat slips, boat launches and boat houses. Provided, further that the waterfront setback shall not be less than the setbacks required by the Department of Natural Resources in a High Risk Erosion Control area.

3. That Article 9: R-2 Medium Density Residential - Section 903.C.4 Dimensional Standards be amended by DELETING Decks as follows:

4. Waterfront Yard: The minimum setback shall be not less than twenty (20) feet, provided such setback shall not apply to walkways, ~~decks~~, boat docks, boat slips, boat launches and boat houses.

4. That Article 10: R-3 High Density Residential - Section 1003.C.4 Dimensional Standards be amended by DELETING Decks as follows:

4. Waterfront Yard: The minimum setback shall be not less than twenty (20) feet, provided such setback shall not apply to walkways, ~~decks~~, boat docks, boat slips, boat launches and boat houses.

5. That Article 11: R-4 Manufactured Housing Community District - Section 1103.C.4 Dimensional Standards be amended by DELETING Decks as follows:

4. Waterfront Yard: The minimum setback shall be not less than twenty (20) feet, provided such setback shall not apply to walkways, ~~decks~~, boat docks, boat slips, boat launches and boat houses.

6. That Article 12: W-F Waterfront District - Section 1203.C.4 Dimensional Standards be amended by DELETING Decks as follows:

4. Waterfront Yards: The minimum setback from the ordinary high watermark of Manistee Lake shall be twenty (20) feet. Provided that this provision shall not apply to walkways, ~~decks~~, boat docks, boat slips, boat houses and boat launches.

And make appropriate edits to index and chart provisions as necessary

7. ~~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.

8. ~~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 5: General Provisions
AMEND - Section 502.G Uses, Spatial and Physical Requirements
(Change from 40% to 50%)

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

1. That Article 5 General Provisions, Section 502.G Uses, Spatial and Physical Requirements be amended as follows:

SECTION 502 USES, SPATIAL AND PHYSICAL REQUIREMENTS

G. In the event a site plan is submitted for a proposed building or improvement in an area where forty percent (40%) ~~fifty percent (50%)~~ or more of the existing buildings on the same side of the street and within the same block do not meet the front yard setback requirements of this ordinance, the Zoning Administrator shall establish the minimum front yard setback for such proposed building or improvement as the most common setback of all existing buildings on the same side of the street within the same block.

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 16: L-I, 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
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 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 exist 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 of 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 1814 Billboard
Subsection C Regulations and Conditions.
Item 2

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

1. That Article 18: Standards and Requirements for Special Uses - Section 1814 Billboard, Subsection C. Regulations and Conditions, Item 2 be amended as follows:

Section 1814.C.2 BILLBOARDS

2. It is hereby determined that a reasonable number of billboards provide the traveling public and the community with helpful information and a reasonable number of billboards can be important to the economic well-being of local and regional businesses. It is further determined that an excess number of billboards in the community will detract from the aesthetic character and scenic nature of the community and present the traveling public with confusing visual clutter rather than helpful information. The Planning Commission shall not approve a special land use application for a new billboard in the City of Manistee if such approval would result in there being more than ten (10) billboard structures, ~~(eight (8) on US 31, one (1) on River Street, and one (1) on Fifth Street) or more than ten (10) billboard faces in the City. For the purposes of this paragraph, both permitted billboards and lawfully constructed nonconforming billboards shall be counted. For the purposes of this paragraph, both permitted billboards and lawfully constructed nonconforming billboards shall be counted.~~ or more than nineteen (19) billboard faces in the City.

[Annotation: For the purposes of establishing this maximum number, both permitted billboards and lawfully constructed nonconforming billboards were counted. The billboards that were in place on February 21, 2006 when the Ordinance was adopted were eight (8) on US 31, one (1) on River Street, and one (1) on Fifth Street.]

NO CHANGES WERE MADE TO THE REMAINDER OF SECTION 1814

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

DRAFT

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 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 2102, General Standards
Subsection A. Computations
Item 7, Area of Signs
Sub Items a & b
AMEND -Chart (Cumulative Sign Area)
Section 2108 Use Type 3, Commercial and Office

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

1. That Article 21 Signs - Section 2102 General Standards, Subsection A. Computations, Item 7, Area of Signs, Sub Items a & b be amended as follows:
 7. Area of Signs (wall, window, marquee, electronic).
 - a. For Use Type 3, as provided in Section 2108, in the C-1, C-2, C-3 and W-F districts when fronting US-31, wall, window, marquee, and/or electronic signs shall be permitted and the maximum cumulative sign area permitted expressed in square feet shall be not more than 1.5 times the principal building width, measured from corner to corner, facing the public right-of-way.
 1. The maximum width of any wall sign shall not exceed ninety (90) percent of the width of the wall to which the sign is attached and shall not project higher than the roofline of the structure to which it is attached.
 2. For buildings located on corner lots where two or more sides of the building face a public right-of-way, maximum permitted cumulative sign area may be determined for each building side that faces the road right-of-way provided that all such sign area shall only be allowed to the building side for which it is based.
 - b. For Use Type 3, as provided in Section 2108, in the C-1, C-2, C-3 and WF districts that do not front US-31, wall, ground, projecting, window and marquee signs shall be permitted and the maximum cumulative sign area permitted expressed in square feet shall not be more than 1.5 times the principal building width, measured from corner to corner, facing the public right-of-way, or fifty (50) square feet, which ever is greater.
 1. The maximum width of any wall sign shall not exceed ninety (90) percent of the width of the wall to which the sign is attached and shall not project higher than the roofline of the structure to which it is attached.
 2. For buildings located on corner lots where two or more sides of the building face a public right-of-way, maximum permitted cumulative sign area may be determined for each building side that faces the road right-of-way provided that all such sign area shall only be

allowed to the building side for which it is based.

3. Projecting signs shall be limited to one per parcel and no greater than sixteen (16) square feet in area.

2. Amend Section 2018 Use Type 3, Commercial and Office (Cumulative Sign Area) by adding the word principal. Would read "1.5 x of principal building width...."

And make appropriate edits to index and chart provisions as necessary

3. 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.
4. 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 21: Signs
AMEND - Section 2102, General Standards
Subsection E. Erection of New Signs Where Legal Nonconforming Signs Exist
Item 2

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

1. That Article 21 Signs - Section 2102 General Standards, Subsection E. Erection of New Signs Where Legal Nonconforming Signs Exist, Item 2 be amended as follows:

E. Erection of New Signs Where Legal Nonconforming Signs Exist

2. When a use or parcel including a nonconforming sign is subject to the requirements of ~~Site Plan Review under Article 22, Standards and Requirements for Special Uses under Article 18~~ all signs and sign structures shall be brought into compliance with this Article 21 as a condition of the approval of ~~such site plan the Special 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

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, L-I or G-I districts. ~~Future development Site Signs are only permitted after zoning approval is in place.~~
- 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 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.

Examples of Uses Animal Grooming, Auto Repair Facility, Car Wash, Convenience Store with or w/out fuel pumps, Commercial Day Care, Eating and Drinking Establishments, Galleries and Museums, Gasoline Stations, , Greenhouses and Nurseries, Group Day Care, Financial Institutions, Hotels, Laundry and Dry Cleaner, Marinas, Medical and Dental Offices, Mini/Self-storage, Mortuaries, Motels, ~~Nursing and Convalescent Home~~, Outdoor Recreation and Park Facilities, Outdoor Sales Facility, Personal Service Establishments, Professional Offices, Professional Service Establishments, Public Parking Facility, Retail Businesses, Sports and Recreation Clubs, Studios for Performing and Graphic Arts, Theaters, Veterinary Clinics, Wholesale Facilities and similar uses in the judgment of the Zoning Administrator

3. That Article 21 Signs, Section 2109 be amended as follows:

Section 2109 Use Type 4, Institutional ~~and Outdoor Recreational~~

Description Uses of this type include public and quasi-public facilities with varying traffic demand, ~~as well as outdoor recreation facilities.~~

Examples of Uses Cemetery, Education Facility, ~~Golf Courses~~, Places of Public Assembly, Civic and Government Buildings, and similar uses in the judgment of the Zoning Administrator

And make appropriate edits to index and chart provisions as necessary.

4. 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.

5. 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 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 misteasance, 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
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 Rezoning request and the offer of conditions.
 - 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 Name of the Rezoning request and the offer of conditions.
 - 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

DRAFT

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 2101, Procedures
Subsection A. Sign Permit Application
Item 8 (Revise language)

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

1. That Article 21 Signs - Section 2101 Procedures, Subsection A. Sign Permit Application, Item 8 be amended as follows:
 8. The Historic District Commission and City Council may approve exceptions to this Article 21 for historically ~~significant~~ appropriate signage or community events, respectively.

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
Section 2102, General Standards
Subsection A. Computations
Item 7, Area of Signs
ADD Sub Items c

Section 2108 Use Type 3, Commercial and Office
ADD Signage for Riverwalk/Water front

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

1. That Article 21 Signs - Section 2102 General Standards, Subsection A. Computations, Item 7, Area of Signs, be amended by ADDING Sub Item c as follows:
 - c. For Use Type 3, as provided in Section 2108, in the C-2, C-3 and WF districts with water frontage, wall, ground, projecting, window and marquee signs shall be permitted and the maximum cumulative sign area permitted expressed in square feet shall not be more than .75 times the principal building width, measured from corner to corner, facing the public right-of-way, or twenty-five (25) square feet, whichever is greater.
 1. The maximum width of any wall sign shall not exceed ninety (90) percent of the width of the wall to which the sign is attached and shall not project higher than the roofline of the structure to which it is attached.
 2. Projecting signs shall be limited to one per parcel and no greater than sixteen (16) square feet in area.
2. Amend Section 2108 Use Type 3, Commercial and Office by a section to the chart that read as follows:

Zoning Districts	Permitted Sign Types	No. Signs Permitted	Cumulative Sign Area	Lighting	Conditions
C2, C-3 & WF	Wall, Ground, Projecting*, Window, Marquee	n/a	.75 x of principal building width per Section 2102,A,7,c	External	

And make appropriate edits to index and chart provisions as necessary

3. 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.
4. 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 21: Signs
Section 2108 Use Type 3, Commercial and Office
DELETE from Conditions limitations for wall signs**

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

1. That Article 21 Signs - Section 2108 Use Type 3, Commercial and Office 2 by amending the chart as follows:

Zoning Districts	Permitted Sign Types	No. Signs Permitted	Cumulative Sign Area	Lighting	Conditions
C-1, C-2, C-3 & W-F (not fronting US-31)	Wall, Ground, Projecting*, Window, Marquee	n/a	1.5 x of principal building width per Section 2102, A, 7, b	Either	No single sign shall be greater than thirty-two (32) square feet, except in the C-3 district when the property is within the Manistee Historic Commercial District, <u>a wall sign shall be no greater than fifty (50) square feet in area.</u> Ground mount signs shall be limited to one per parcel. Internally lit signs shall be prohibited in the Manistee Historic Commercial District.

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
Section 2102, General Standards
Subsection A. Computations
Item 7, Area of Signs
ADD Sub Items c

Section 2108 Use Type 3, Commercial and Office
ADD Signage for Riverwalk/Water front

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

1. That Article 21 Signs - Section 2102 General Standards, Subsection A. Computations, Item 7, Area of Signs, be amended by ADDING Sub Item c as follows:

c. For Use Type 3, as provided in Section 2108, in the C-2, C-3 and WF districts with water frontage, wall, ground, projecting, window and marquee signs shall be permitted and the maximum cumulative sign area permitted expressed in square feet shall not be more than .75 times the principal building width, measured from corner to corner, facing the public right-of-way, or twenty-five (25) square feet, whichever is greater.

1. The maximum width of any wall sign shall not exceed ninety (90) percent of the width of the wall to which the sign is attached and shall not project higher than the roofline of the structure to which it is attached.
2. Projecting signs shall be limited to one per parcel and no greater than sixteen (16) square feet in area.

2. Amend Section 2108 Use Type 3, Commercial and Office by a section to the chart that read as follows:

Zoning Districts	Permitted Sign Types	No. Signs Permitted	Cumulative Sign Area	Lighting	Conditions
C2, C-3 & WF	Wall, Ground, Projecting*, Window, Marquee	n/a	.75 x of principal building width per Section 2102,A,7,c	External	Ground Mount Signs will be limited to one per parcel on the riverwalk and no greater than sixteen (16) square feet in area. Lighting of Ground Mount signs on the riverwalk shall be prohibited.

And make appropriate edits to index and chart provisions as necessary

3. 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.
4. 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

**Notice of Public Hearing/Special Meeting
Proposed Zoning Amendments**

The Manistee City Planning Commission will hold a public hearing/Special Meeting for proposed changes to the Zoning Ordinance on Thursday, March 15, 2007 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Copies of the proposed Amendments are available for review at the Office of the City Clerk, City Hall, 70 Maple Street, Manistee, Michigan, the Manistee County Library, 95 Maple Street and on the City's Web Page www.ci.manistee.mi.us

Interested parties are welcome to attend the hearing, or written comments with signature can be submitted to: Jon Rose, Community Development, City of Manistee, P.O. Box 358, Manistee, MI 49660, (231) 398-2805.

List of Proposed Zoning Amendments
by Article: Ordinance #

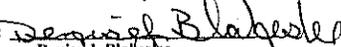
- ARTICLE 2: DEFINITIONS**
- Section 216 O - CHANGE DEFINITION of
ORDINARY HIGH WATER MARK #07-T05
- Section 220 S - CHANGE DEFINITION of
SETBACK #07-T05
- Section 224 W - DELETE DEFINITION of
WATER'S EDGE #07-T05
- Section 226 Y - CHANGE DEFINITION of
YARD #07-T05
- ARTICLE 4: NON-CONFORMITIES**
- Section 401.A.2 Regulations - ADD "C-2 and C-3" Zoning
Districts #07-T06
- ARTICLE 5: GENERAL PROVISIONS**
- Section 502, Uses Spatial and Physical Requirements -
Subsection E - CHANGE FROM "water's edge" to "ordinary
high watermark" #07-T05
- Section 502.G Uses, Spatial and Physical Requirements -
CHANGE from "40%" to "50%" #07-T08
- Section 505.A Water Protection - DELETE
"Decks" #07-T07
- Section 508 Fences - Subsection A, Item 2 - CLARIFY
waterfront setback #07-T05
- Section 519 Dwellings - ADD Item C. (language for roof
pitch requirements) #07-T09
- ARTICLE 8: R-1 LOW DENSITY RESIDENTIAL**
- Section 804 Dimensional Standards Subsection 4 -
CHANGE from "normal high water line" to "ordinary high
water mark" #07-T05
- [and] DELETE - "Decks" #07-T07
- ARTICLE 9: R-2 MEDIUM DENSITY RESIDENTIAL**
- Section 903.C.4 Dimensional Standards - DELETE
"Decks" #07-T07
- ARTICLE 10: R-3 HIGH DENSITY RESIDENTIAL**
- Section 1003.C.4 Dimensional Standards - DELETE
"Decks" #07-T07
- ARTICLE 11: R-4 MANUFACTURED HOUSING
COMMUNITY DISTRICT**
- Section 1103.C.4 Dimensional Standards - DELETE
"Decks" #07-T07
- ARTICLE 12: W-F WATERFRONT DISTRICT**
- 1203.C.4 Dimensional Standards - DELETE
"Decks" #07-T07
- ARTICLE 16 - LIGHT INDUSTRIAL**
- Section 1600 Purpose and Intent (Chart of Special Uses) and
1602 Uses Permitted by Special Land Use - REMOVE -
"Mine, Sand and Gravel" as a Special Use #07-T10
- ARTICLE 17 - GENERAL INDUSTRIAL**
- Section 1700 (Chart of Permitted Uses and Special Uses),
Section 1701 Uses Permitted by Right, Section 1702 Uses
Permitted by Special Land Use - CHANGE - "Wells,
Extraction" from a Special Use to a Permitted Use in the
District #07-T11
- ARTICLE 18: STANDARDS AND REQUIREMENTS
FOR SPECIAL USES**
- Section 1801 **SPECIAL USE PROCEDURES**,
Subsection A (Submission of Application), Subsection B
(Data Required), Subsection C (Special Use review
procedures) - be AMENDED to expedite the application
process and meet the noticing requirements of the Michigan
Zoning Enabling Act. #07-T12
- Section 1814 Billboard, Subsection C Regulations and
Conditions - Item 2 - CORRECT number of Billboard faces
from "10" to "19" and [annotate how number was established]
..... #07-T13

List of Proposed Zoning Amendments
by Article: Ordinance #

- ARTICLE 18: STANDARDS AND REQUIREMENTS
FOR SPECIAL USES**
- Section 1847 Home Occupation, Item B.1.c Minor Home
Occupations - ADD language to allow a 4 sq. ft. Sign #07-T14
- Section 1870 - Planned Unit Development, Subsection D
(Dimensional and Use Standards), Subsection E (PUD
Application), Subsection F (Procedure) - be AMENDED to
expedite the application process and meet the noticing
requirements of the Michigan Zoning Enabling Act (Act 110
of 2006). #07-T15
- ARTICLE 21 SIGNS**
- Section 2101, Procedures, Subsection A (Sign Permit
Application, Item 8 - CHANGE from "Significant" to
"Appropriate" #07-T23
- Section 2102 General Standards, Subsection A.
(Computations), Item 7, (Area of Signs), Sub Items a & b -
CLARIFY BY ADDING "principal" building #07-T16
- Section 2102 General Standards, Subsection A.
(Computations), Item 7, (Area of Signs), Sub Item C - ADD
Sub Item C signage for Riverwalk/ Water front #07-T24
- Section 2102 General Standards, Subsection E. (Erection of
New Signs Where Legal Nonconforming Signs Exist), Item 2
be AMENDED by deleting Site Plan Review and replacing
with Special Uses. #07-T17
- Section 2103 Exempt Signs Item H - ADD "future
development site" signs #07-T18
- Section 2103 Exempt Signs Item J -Political Election signs
DELETE size restriction. #07-T18
- Section 2107, Use Type 2, - CHANGE "Recreational" to
"Residential Commercial", DELETE "as well as outdoor
recreation facilities" from description, DELETE "Golf
Course" and "Nursing Convalescent Home" from Example of
Uses. #07-T19
- Section 2108 - Use Type 3, - ADD "Nursing Convalescent
Home" to Example of Uses, #07-T19
- ADDING "principal" to read...1.5 x of principal building
width (Cumulative Sign Area of chart) #07-T16
- ADDING new section to Chart that allows for signage on
Riverwalk/Water front #07-T24
- DELETING (Conditions in Chart) 50 sq. foot limitation for
wall signs in Historic District #07-T25
- Section 2109 Use Type 4, ADD "Outdoor Recreational" to
Section, ADD "As well as outdoor recreation facilities" to
description ADD "Golf Courses" to Examples of Uses #07-T19
- ARTICLE 22 SITE PLAN REVIEW**
- Section 2203 Application Procedure, D. Detailed Site Plan
- DELETE "Planner" #07-T20
- ADD "Surveyor" #07-T20
- ARTICLE 25 ZONING BOARD OF APPEALS**
- 2500 Establishment and Section 2501 Membership, Terms
of Office - be AMENDED to meet the requirements of the
Michigan Zoning Enabling Act. #07-T21
- ARTICLE 28: AMENDMENTS**
- Section 2800 Amendments and Section 2801 Rezoning
Agreements, E. - be AMENDED to meet the requirements of
the Michigan Zoning Enabling Act. #07-T22

And make appropriate edits to index and chart provisions as necessary

This notice was posted by Denise J. Blakeslee, to comply with Sections 4 & 5 of the Michigan Open Meetings Act (P.A. 267 of 1976) at 4:00 p.m. Tuesday, February 20, 2007 on the bulletin board at the south entrance to City Hall.

Signed: 
Denise J. Blakeslee

Denise Blakeslee

From: Kurt H. Schindler [schindl9@msu.edu]
Sent: Monday, February 12, 2007 3:44 PM
To: Denise Blakeslee
Subject: Re: Rezoning requirements

Dear Denise;

- If the zoning amendment involves less than 11 adjacent properties (§202(3), M.C.L. 125.3202(3)), then send the notice by mail or personal delivery to owners of property(ies) for the land which is the subject of the notice/hearing/amendment (§103(2), M.C.L. 125.3103(2)).
- If the zoning amendment involves less than 11 adjacent properties (§202(3), M.C.L. 125.3202(3)), then send the notice by mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property(ies) which is the subject of the notice/hearing/amendment regardless of whether the owner and property is located in the zoning jurisdiction or not. (§103(2), M.C.L. 125.3103(2)).
- If the zoning amendment involves less than 11 adjacent properties (§202(3), M.C.L. 125.3202(3)), then send the notice by mail or personal delivery to all persons which occupy all structures within 300 feet of the property(ies) which is the subject of the notice/hearing/amendment regardless of whether the structure and occupant is located in the zoning jurisdiction or not. (§103(2), M.C.L. 125.3103(2)).
- If the zoning amendment involves 11 or more adjacent properties, then the above notices are not required.

-----kurt

At 10:01 AM 2/12/2007, you wrote:

Kurt-

It is Monday and I am reading and reading and drawing a blank and hope that you are able to help me.

We are working on our first batch of Ordinance Amendments. They need to be posted and advertised. Before the new Zoning Enabling Act was in place I just placed a notice in the paper when it was for a Zoning District or section of the ordinance. (not individual parcel change)

I have gone through our two smallest districts and they have at least 11 property owners. Now the question!

Is an ad in the paper sufficient or do I need to notice individual property owners?

Thanks!

Denise

2/12/2007

Denise J. Blakeslee
Planning and Zoning
City of Manistee
70 Maple Street, P.O. Box 358
Manistee, MI 49660-0358
231.398-2805
dblakeslee@ci.manistee.mi.us

Kurt H. Schindler, County Extension Director, Wexford County

Land Use & Water Quality Area of Expertise
Michigan State University Extension

Bringing Knowledge to Life

overland: 401 N. Lake Street --Suite 400
Cadillac, Michigan 49601-1891

telephone: 231 779-9480

facsimile: 231 779-9105

e-mail: schindl9@msu.edu

MSU Extension Wexford: <http://www.msue.msu.edu/wexford>

Schindler's Land Use Page: <http://web1.msue.msu.edu/wexford/LU/index.html>

MSUE Land Use AoE: <http://ntweb11a.ais.msu.edu/luaoe/index.asp>

MSU Extension: <http://www.msue.msu.edu/>

Light Ind.



155	001.00	City
155	002.00	Fab Lite, 330 Washington St
155	005.00	City
155	006.00	City
155	007.00	Manistee Benzie Com Mental Health, PO 535
155	008.00	←
155	010.00	Scholle Custom Packaging, 301 W Gloucester Dr
155	012.00	City
155	013.00	City
155	014.00	Oak Grove International, 290 Washington St
155	015.00	City
155	016.00	Maskech Real Estate
155	018.00	Bison Const
101	225.01	Oak Grove
101	225.10	Oak Grove
101	225.20	CEO PR
101	225.25	Robert's Jane Guma
101	225.30	City
101	250.06	David Folkert
101	250.03	Oak Grove
101	250.04	City
101	250.10	Jaguar Bkm LLC
101	250.11	Jaguar Bkm LLC

Gen Ind

12

712-150.01 - Morton

712-150.00 City

712-150.10 City

712-475-01 Consumers

712-475.05 City

712-475.06 Mosher

712-475-10 Owens

712-475.02 C & E

712-475.04 Gen Chem

764-714.11 Roe

764-714.12 MacDonald

764-714.01 Kellicott

713-175.01 Sadler

713-175.06 City

175.10 Seno, Dock & Tank

175-15 | | |

175.20 | | |

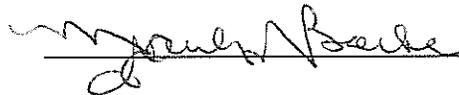
718-205.05 | | |

FEB 23 2007
Notary Public

AFFIDAVIT OF PUBLICATION

State of Michigan
)SS
County of Manistee

Marilyn J. Barker , being duly sworn, deposes and says that he/she is one of the editors, publishers of the Manistee News Advocate , a newspaper printed, published and circulated in said County of Manistee , and that the annexed notice of
MANISTEE CITY PLANNING COMMISSION/
PROPOSED ZONING AMENDMENTS was duly printed and published in said **newspaper** once each week for ONE (1) weeks in succession commencing on the 22nd day of FEBRUARY A.D. 2007 and ending on the 22nd day of FEBRUARY A.D. 2007



Subscribed and sworn to before me, this 22nd
day of FEBRUARY , A.D. 2007



Notary Public Jeanine M. Barber, Manistee County
Acting Manistee County
My Commission Expires March 10, 2012

Notice of Public Hearing/Special Meeting Proposed Zoning Amendments

The Manistee City Planning Commission will hold a Public Hearing/Special Meeting for proposed changes to the **Zoning Ordinance** on **Thursday, March 15, 2007 at 7:00 p.m.** in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

List of Proposed Zoning Amendments by Article:.....Ordinance #

ARTICLE 2: DEFINITIONS

- Section 216 O - CHANGE DEFINITION of ORDINARY HIGH WATER MARK.....#07-T05
- Section 220 S - CHANGE DEFINITION of SETBACK.....#07-T05
- Section 224 W - DELETE DEFINITION of WATER'S EDGE.....#07-T05
- Section 226 Y - CHANGE DEFINITION of YARD.....#07-T05

ARTICLE 4: NON-CONFORMITIES

- Section 401.A.2 Regulations - ADD "C-2 and C-3" Zoning Districts.....#07-T06

ARTICLE 5: GENERAL PROVISIONS

- Section 502, Uses Spatial and Physical Requirements - Subsection E - CHANGE FROM "water's edge" to "ordinary high watermark".....#07-T05
- Section 502.G Uses, Spatial and Physical Requirements - CHANGE from "40%" to "50%".....#07-T08
- Section 505.A Water Protection - DELETE "Decks".....#07-T07
- Section 508 Fences - Subsection A, Item 2 - CLARIFY waterfront setback.....#07-T05
- Section 519 Dwellings - ADD Item C. (language for roof pitch requirements).....#07-T09

ARTICLE 8: R-1 LOW DENSITY RESIDENTIAL DISTRICT

- Section 804 Dimensional Standards Subsection 4 - CHANGE from "normal high water line" to "ordinary high water mark".....#07-T05
- [and] DELETE - "Decks".....#07-T07

ARTICLE 9: R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

- Section 903.C.4 Dimensional Standards - DELETE "Decks".....#07-T07

ARTICLE 10: R-3 HIGH DENSITY RESIDENTIAL DISTRICT

- Section 1003.C.4 Dimensional Standards - DELETE "Decks".....#07-T07

ARTICLE 11: R-4 MANUFACTURED HOUSING COMMUNITY DISTRICT

- Section 1103.C.4 Dimensional Standards - DELETE "Decks".....#07-T07

ARTICLE 12: W-F WATERFRONT DISTRICT

- 1203.C.4 Dimensional Standards - DELETE "Decks".....#07-T07

ARTICLE 16 - LIGHT INDUSTRIAL

3

REQUEST FOR PROPOSAL

Proposals will be received by the City of Manistee for Cleaning of Well 9. Specifications for this project may be obtained at the Office of the City Clerk, 425 Maple Street, Manistee Michigan 49660 on and after February 20, 2007. Sealed proposals shall be delivered to the Office of the City Clerk by 11:00am on March 9, 2007. The proposal shall be marked "WELL 9 CLEAN-ING" and shall include the name of the party submitting the proposal. The City of Manistee reserves the right to waive any irregularities in the bidding and the right to reject any and all proposals.

Ed Cole, WWTP Superintendent
City of Manistee

Additional information about the available at www.westshore.edu. The college offers a competitive salary package as well as an exciting, challenging and desired position requirements and desired position requirements. Qualified candidates must provide a copy of unofficial transcripts; and an employment at <http://www.westshore.edu/home>. Materials will begin March 30, 2007 and agreed upon at the time of the offer. application materials to: Director of Manistee Community College, P.O. Box 277, Scotts

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Master Plan Review Committee
Notes from March 13, 2007 Meeting

PRESENT: Maureen Barry, Roger Yoder
OTHERS: Jon Rose and Denise Blakeslee

BEGAN REVIEW OF CHAPTER 4

Staff reviewed chapter and made changes for committee to review at March Meeting. Discussed additional changes to the chapter as follows:

~~Few factors affect a community's overall posture toward growth and development as much as its transportation network. A community's transportation Network has a significant impact on growth and development.~~ Besides providing basic access, the transportation system largely dictates the pattern and intensity of land use and figures prominently in the determination of property values. Moreover, Extensions or other improvements to a city or region's transportation system (or the lack thereof) can also help modulate the pace, form and direction of growth, and is perhaps local government's most direct way of giving shape to the 'built environment'.

While most discussions on the subject of transportation focus on traffic and road systems, the broader view includes other modes such as rail, air, waterborne and non-motorized transportation. In order to function as a 'system' in the true sense, the various transportation modes must be thoughtfully integrated so that transitions between modes can be made smoothly and conveniently.

As a product of the Industrial Age, Manistee owes its very existence to its natural geography and the access provided by its location on the Great Lakes. Once established as a thriving port area, inland rail and a patchwork system of territorial roads connected the City to the larger urban centers of the Upper Midwest. Today, Manistee's complement of transportation facilities includes a deep water port, freight rail, a nearby County airport, and a US highway that bisects the City. As part of a heavily traveled transportation spine connecting the shoreline cities and recreation areas of western Michigan, the highway has been the subject of much debate throughout the years. And while the tonnage shipped via the Great Lakes has dropped in the post World War II era, the deep draught ability of the Manistee River and Lake, and their immediate proximity to downtown attractions, offer the City major advantages to capitalize on the growing Great Lakes cruise trade. ~~In all of West Michigan, only Saugatuck - and perhaps to a lesser extent - Grand Haven offer these same advantages.~~

~~As mentioned in the introduction, Various proposals have been put forth over the years that have sought to address the problems associated with highway traffic being brought directly through the center of the City via US-31. At various times, loop roads, right-of-way relocations, and a major extension of the divided highway that currently terminates in Ludington, have all been proposed. While such proposals will likely help remedy many of the traffic issues facing the City, history has shown that any proposed future highway bypass may meet with vocal resistance from certain quarters. While such proposals may remedy some of the traffic issues facing the City any proposed highway bypass would have to be evaluated to determine both the positive and negative impacts.~~

Generally, the opponents of highway bypass systems typically cite the loss of open space, and the development attraction, or 'sprawl' effects that often follow such projects. Downtown businesses meanwhile may contend that the City's commercial center-of-gravity may shift outward toward the City's periphery causing a general decline in downtown business activity.

While these fears may be valid, proper attention to land use planning and zoning can work to lessen many of the external effects that may otherwise accompany major roadway projects. In all cases, a series of public hearings should be held to afford all concerned citizens the opportunity to weigh-in on any such project, as well as any modifications or amendments to the Master Plan and/or Zoning Ordinance that may be warranted in response to it.

Recently, In 2004 the Michigan Department of Transportation has proposed the preparation of completed an Access Management Study to analyze traffic issues and access management recommendations associated with US -31 as it traverses Filer Township, City of Manistee, and Manistee Township. The purpose of the study is was to determine the types of access management make recommendations that may be employed through the area as a means of improving traffic movement, safety, and efficiency.

ADD LANGUAGE FOR AIR, PORT & RAIL AND THE NEED FOR THEM TO SUSTAIN OUR INDUSTRIAL AREAS. DISCUSS THE RELOCATION OF THE RAILROAD AND THE POSSIBLE USE OF THE PROPERTY FOR NON-MOTORIZED TRANSPORTATION!!

Street System INSERT LANGUAGE FOR MAJOR and LOCAL STREETS

For master planning purposes, streets are often classified in an ordered level according to their function. Manistee has three basic classifications:

1) **Local (Neighborhood) Streets** - local streets represent the first functional level. In Manistee, local streets comprise a majority of the City's street network. Local streets link directly to the residential parcels associated with the City's neighborhoods. Examples of local streets include Lincoln, Pine, Magill, and Ramsdell. Local streets link to collector streets:

Local streets are characterized by two lanes, low speed limits (usually around 25 mph), low traffic volumes, and limited or no through traffic. On-street parking is normally permitted. Traffic control measures are typically limited to stop signs and yield signs.

2) **Collector Streets** - collector streets "gather" the traffic originating from local streets, normally funneling it to minor or major arterial streets. Collector streets represent the second functional level. Examples of collector streets include Washington, Maple, 1st, and Cherry. Collector streets feed traffic to arterial streets. Some collectors, such as Washington and Maple, may also serve as minor arterial streets.

Collector streets are characterized by two lanes, low to moderate speed limits (25 to 35 mph), and moderate traffic volumes. On-street parking may or may not be permitted. In some instances, on-street parking is restricted to one-side only. Traffic control measures may

~~include stop signs, caution lights, and/or full signalization. In some instances, center left-turn lanes and/or right-turn only lanes are provided.~~

~~3) **Arterial Streets** - arterial streets are used to move larger volumes of traffic from one geographic sector of the City to another sector, or through the City. Arterial streets represent the third functional level. Depending on their use, arterial streets are classified as either minor or major. Generally, minor arterial streets move traffic across town, whereas major arterial streets allow traffic to move through town. Examples of arterial streets include Maple, Washington, and River Streets (minor arterial streets), and Cypress (US-31, Manistee's only major arterial).~~

~~Arterial streets are characterized by two to four lanes. Center left-turn lanes are often found at high volume intersections, and in heavily trafficked business locations in which commercial establishments have frontage on the street. Traffic control measures may include caution lights and/or full signalization, turning lanes, and deceleration lanes.~~

Local (Neighborhood) Streets

The vast majority of the City's streets are laid-out in grid fashion, similar to most of Michigan's mature urban communities. This pattern defines the numerous residential blocks that comprise the City's neighborhoods.

~~Prior plans have identified a lack of adequate off-street parking in residential areas as a problem pursuant to snow removal during winter months. A lack of adequate off-street parking in residential areas is an issue during snow removal months. This situation has resulted in the adoption of alternate-side-parking during winter months to allow for snow removal by municipal crews. It has been is recommended that additional parking be provided in residential areas to help alleviate this problem. situation.~~

~~The snow removal issue is one that impacts numerous cities in West Michigan. Most have adopted snow removal parking policies similar to that of Manistee. Given the fact that off street parking opportunities in core residential sectors are very limited, and will likely remain as such over the plan period, it is recommended:~~

- ~~• the City retain the present alternate-side-parking policy.~~
- ~~• the conversion of single-family dwellings to multiple-family use should, as part of the conversion standards (e.g. zoning standards), be predicated on the provision of off-street parking equal to not less than one (1) space per new dwelling unit created. The conversion of single-family dwellings to multiple-family use should be required to provide adequate off street parking.~~

~~An issue of potential significance voiced during preparation of the current plan was that of the increasing levels of vehicular traffic on neighborhood streets. It was indicated that neighborhood streets are commonly used for the movement of cross-town and through traffic. This was identified as especially pronounced over the summer months during which the City's resident base is significantly augmented by seasonal residents, tourists, and other guests.~~

~~The extensive street grid currently in place makes it difficult to control through movement. Closure (e.g. blockage of one end) of select grid segments is possible. However, this method is often met with opposition from nearby residents who dislike the disruption to their historic travel patterns. Blockage of the "looped" street system also creates potential snow removal problems.~~

~~The Plan recommends that the excessive use of neighborhood streets be controlled through the maintenance of low speed limits, signage/signalization as needed, and traffic enforcement. As necessary, speed limit signs should include the notation that limits are "Strictly Enforced".~~

Maple Street and Washington Street

~~Maple Street, located south of the Manistee River Channel, and Washington Street, located north of the channel, function as primary north/south collectors, as well as minor arterial streets. These systems link local neighborhoods with the downtown and to the industrial area on the City's northern end. Maple Street is also used by traffic originating from Filer Township, and other locations to the south, as a means of entry to the City.~~

INCLUDE LANGUAGE FOR THE EXTENSION OF TWELFTH STREET FROM MAPLE TO CHERRY (NEW HIGH SCHOOL). NON-MOTORIZED TRANSPORTATION ROUTES SHOULD BE INCLUDED IN THIS EXTENSION.

ALSO NON-MOTORIZED TRANSPORTATION ROUTES SHOULD BE ADDED ALONG VARIOUS STREETS I.E. FIRST STREET, OLD US 31 TRUCK ROUTE, WASHINGTON STREET, MAPLE STREET ETC.

MISC:

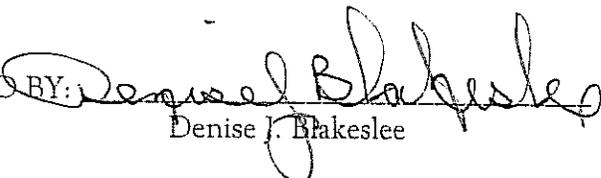
Should Morton's be approached to see if their entrances to their facility could be relocated so that trucks would not need to go through so many areas to access the plant? Such as an entrance on Vine Street and entrance on Fifth Street. This would eliminate having to go through several additional blocks along the route to enter the facility?

NEXT MEETING:

Next meeting will be scheduled after the Planning Commission Meeting on March 15, 2007. Tasks for next meeting will include:

- ▶ Finish review of Chapter 4.
- ▶ Begin review of Chapter 5
- ▶ Begin review of Chapter 6

PREPARED BY:


Denise J. Blakeslee