

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, March 5, 2020

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

AGENDA

- I Call to Order**
Pledge of Allegiance
- II Roll Call**
- III Approval of Agenda**
At this time the Planning Commission can take action to approve the March 5, 2020 Agenda.
- IV Approval of Minutes**
At this time Planning Commission can approve the February 6, 2020 meeting Minutes.
At this time Planning Commission can approve the February 20, 2020 Special meeting Minutes.
- V Public Hearing**
No Public Hearing tonight.
- VI Public Comment on Agenda Related items**
All comments and handouts from the speaker at the podium will go through the Chair, also there will not be any interaction between the podium and audience. If these rules cannot be followed, the Chair can terminate this portion of the meeting.
- VII New Business**
 - Home Based Business - 816 Robinson St.
- VIII Old Business**
 - Iron Works Plan Decision
 - Tabernacle Special Use Permit Extension
 - Sign Ordinance DRAFT
- IX Public Comments and Communications**
At this time the Chair will ask if there are any public comments.
- X Correspondence**
At this time the Chair will ask if any correspondence has been received to be read into the record.
- XI Staff Reports**
 - Non-Motorized Trail Plan update
- XII Members Discussion**
At this time the Chair will ask members of the Planning Commission if they have any items they want to discuss.
- XIII Adjournment**

CITY OF MANISTEE PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

February 6, 2020

A meeting of the Manistee City Planning Commission was held on Thursday, February 6, 2020 at 7 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 pm by Chair Wittlieff followed by the Pledge of Allegiance.

ROLL CALL

Members Present: Bob Slawinski, Michael Szymanski, Pamela Weiner, Roger Yoder and Mark Wittlieff

Members Absent: Marlene McBride

Others: Kyle Storey (City Zoning Administrator) and Nancy Baker (Recording Secretary)

APPROVAL OF AGENDA

Mr. Storey amended the agenda under Staff Reports, to move items "Short-Term Rental Ordinance Review/Recommendations" and "Sign Ordinance Update Review" under Old Business.

Motion by Commissioner Szymanski, second by Commissioner Slawinski to approve the February 6, 2020 Agenda as amended.

With a Roll Call vote this motion passed 5 to 0.

Yes: Slawinski, Szymanski, Weiner, Yoder and Wittlieff

No: None

APPROVAL OF MINUTES

There were no corrections or additions to the minutes.

Motion by Commissioner Yoder, seconded by Commissioner Szymanski to approve the January 9, 2020 Planning Commission Meeting minutes as presented.

With a Roll Call vote this motion passed 5 to 0.

Yes: Slawinski, Szymanski, Weiner, Yoder and Wittlieff

No: None

PUBLIC HEARING

None

PUBLIC COMMENT ON AGENDA RELATED ITEMS

None

NEW BUSINESS

Economic Development Presentation

Marc Miller, Economic Development Director Manistee County Chamber of Commerce, stated he along with the Chamber staff will be working on development for the Manistee area. The Chamber receives support from different entities such as local businesses, the City, the County, DDA and the Chamber Board which is comprised of members from local entities. They compiled 6 basic priority areas.

1. Economic development to track growth
2. Talent and work force development
3. Outdoor recreation and tourism
4. Housing
5. Assisting growing entrepreneurs with the necessary skill sets and training
6. Community and business leaders to build a collaborative environment communications and technical communications

Mr. Miller stated as the director he will be the primary point of contact for any new development and new or existing businesses in the county. He will help streamline anyone coming into the area by having them reach out to the Chamber. The Chamber will then reach out to the areas that can assist them through the process to completion.

He listed 5 major ongoing projects:

1. Retention visits: assist a business to allow for expansion, work force training, to meet their goals, to obtain assistance for them from the state or other partners
2. Gateway projects: working with the DDA, City Council, the Tribe etc. to bring developers to the area to help transform River Street
3. West Shore Community College: a transformational project creating educational and economic development assets
4. Manufacturing: generate new ones to the area thereby generating jobs
Manistee is a historical manufacturing area.
5. Recreational Trail: work is being done on mapping trails throughout Manistee County with connections to the bordering larger trail systems, trail segments within the county being completed and then these segments being connected. Trails are known to boost additional tourism and promote the area.

Mr. Miller spoke on other county projects. Mapping work involving a trail around Manistee Lake. Rail relocation around the lake to the manufacturing companies is being discussed. The present rail yard could then be redeveloped into green space opportunities. Many community groups are working on implementing economic development plans.

OLD BUSINESS

Short-Term Rental Ordinance Review/Recommendations

Mr. Storey stated housing issues are a concern for the city. A lack of available long-term housing is a burden. Short-term rental policies are helpful in bringing long-term housing solutions to the community.

Short-Term Rental Ordinance draft review/recommendations by the Planning Commission:

- Section 1 – Purpose; no changes
- Section 2 – Definitions
 - remove “and 50 additional square feet for each additional person”
- Section 3 – Short Term Rental Owner Requirements
 - Stagger permit validly to be initially permitted by different zoning areas within the city
 - Community covenants will be investigated and included, along with which supersedes - the covenant or the ordinance
 - B. Application. 4. Total square footage of rental area to be listed. 11. Research the possible limiting of the number of permits an individual can hold.
- Section 4 – Short Term Rental Regulations Pertaining to Occupants
 - C. Special Events. Investigate the number of people to be allowed for events on the property. Include “events to be within the quiet hours of”
 - D. Capacity Limit. Fire code will be followed with the determination if children are included on the capacity count
 - I. Allowing pets shall be at the homeowners’ discretion. Securing pets still stands
 - J. The Fire Department will be contacted regarding the City rules/regulations
 - L. Notice to Occupants. This is to include emergency services contact information
- Section 5 – Signs
 - Regulations to be more defined: must be of a certain size, printing and other formatting must be uniform, color choices, not to be in road right-of-way
- Section 6 – Violations and Revocation of Certificate
 - A.1. replace “timely matter” with “30 days”
 - Include a statement that is similar to the existing rental property city inspections regulations. **This is to be placed under Section 3, Certificate Required**
- Section 7 – Enforcement Official. The wording will be reviewed and decided by law enforcement and the attorney
- Section 8- Enforcement Procedure. Section 9 - Circuit Court Civil Action. Section 10 – Validity and Section 11- Effective Date will be reviewed by the attorney and law enforcement.

The entire ordinance will be reviewed by the attorney once the PC has completed its review. The capacity of the building inspector will be investigated.

Sign Ordinance Update Review

Mr. Storey stated the Planning Commission was supplied with a copy of the current sign ordinance and a sample of a similar community sign ordinance. There were notable differences between them. Comments:

- ❖ Visual sign samples were included in the sample ordinance which graphically explained the sign regulations
- ❖ Visual sign samples clarified permitted vs. non-permitted signs
- ❖ The sample ordinance significantly covers nonconforming and historical signs

The PC requested the visual signs be combined if they are referenced in several places with 1 graphic defining multiple definitions, include a clause that covers historical sign provisions, include more available sign boxes in the "Types of Sign" on the application and have a temporary/banner/billboard sign reference part.

PUBLIC COMMENTS AND COMMUNICATIONS

Tom Amor, Amor Signs, Manistee resident, presented a copy of a drafted model ordinance to Mr. Storey that was compiled by a group signage research committee. A PFD is available to view online.

Dave Holmer, High Street, has not reviewed the sign ordinance but requested when compiling the revised sign ordinance that the graphics be carefully reviewed that freedom of speech be considered and remove anything political, etc.

Mayor Zielinski thanked everyone for their hard work. He stated the rental subject is important and it deserves the time spent on it to create a well-covered ordinance.

CORRESPONDENCE

None

STAFF REPORTS

Mr. Storey stated the Manistee Lake trail has non-motorized paths with different sidewalk extensions on a work map. The goal is to share this map at the March meeting.

MEMBERS DISCUSSION

Commissioner Yoder requested confirmation regarding the Special Meeting. This meeting is set for February 20, 2020, at 7 pm. Commission Yoder inquired if the rail relocation and the Manistee Lake trail are of the same plan. Mr. Storey stated they are 2 different plans.

Chair Wittlieff stated Ms. Thomas has resigned from the Planning Commission. He extended his gratitude for her work on the Planning Commission.

ADJOURNMENT

Motion by Commissioner Yoder, seconded by Commissioner Szymanski, to adjourn the meeting.

MOTION PASSED UNANIMOUSLY. Meeting adjourned at 8:33 pm.

The next regular meeting of the Planning Commission will be held on March 5, 2020.

MANISTEE PLANNING COMMISSION



Nancy Baker, Recording Secretary

DRAFT



CITY OF MANISTEE PLANNING COMMISSION

SPECIAL MEETING

70 Maple Street
Manistee, MI 49660

MEETING MINUTES

February 20, 2020

A Special Meeting of the Manistee City Planning Commission was held on Thursday, February 20, 2020 at 7 pm in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Meeting was called to order at 7:00 pm by Chair Wittlieff followed by the Pledge of Allegiance.

ROLL CALL

Members Present: Bob Slawinski, Michael Szymanski, Roger Yoder, Pamela Weiner and Mark Wittlieff

Members Absent: Marlene McBride

Others: Kyle Storey (City Zoning Administrator), Mike Szokola (GIS/Planner 1), and Nancy Baker (Recording Secretary)

APPROVAL OF AGENDA

Motion by Commissioner Szymanski, seconded by Commissioner Slawinski to approve the February 20, 2020 agenda as printed.

With a Roll Call vote this motion passed 5 to 0.

Yes: Szymanski, Slawinski, Yoder, Weiner and Wittlieff

No: None

APPROVAL OF MINUTES

Motion by Commissioner Slawinski, seconded by Commissioner Yoder to approve the September 19, 2019 minutes as printed.

With a Roll Call vote this motion passed 5 to 0.

Yes: Szymanski, Slawinski, Yoder, Weiner and Wittlieff

No: None

PUBLIC HEARING

Monroe Cottages

Public hearing was opened at 7:03 pm

Kendra Thompson, Architect, is working with the Oceana County Housing Commission and the Manistee County Council on Aging regarding the Monroe Cottage Senior Housing concept project at the proposed location north of the new Wagoner Senior Center (the old St Mary's Church). The project has received support and approval from the City Council.

Ms. Thompson outlined the 46 unit proposed project:

- ❖ 23 1-bedroom, 830 sq. ft and 23 2-bedroom, 1000 sq. ft. units, all single story
- ❖ Handicap accessibility in each unit: some will be fully built out as accessible with the rest handicap adaptable
- ❖ Certified green community standard
- ❖ Highly energy efficient
- ❖ Each unit will have a 1 car attached garage
- ❖ Fully equipped with washer/dryer, dishwasher, garbage disposal, air conditioner etc.
- ❖ Back deck and front porch
- ❖ Sidewalks for walkable environment to other units and the Wagner Center
- ❖ Landscaping with vegetation to accent the dune area

Maureen Barry, Senior Center, the development offices will be located in the senior center. The unit's location will make it convenient for seniors to get to the center for meals, activities and services that the center provides.

Ross Field, Oceana County Housing Commission, spoke of their other housing partnerships. This is their 4th development. They also do workforce developments. Their mission is to make a positive impact on the communities they work with.

Ms. Thompson stated the senior housing will be important to the community as it will have a "trickle down" effect to the local housing market.

Public hearing was closed at 7:19 pm

PUBLIC COMMENT ON AGENDA RELATED ITEMS

Public comment was opened at 7:19 pm

Kathy Oberlin, resident of Second and Oak Street, asked what the rent will be based on.

Lynda Beaton, 256 Hughes Street, inquired on the permitting for the units. She questioned if each unit will be required a separate electrical etc. permit or is this 1 permit for the whole project. Mr. Szokola stated the permits are through the building permitting agency as well as the permitting fee schedule. Neither the zoning nor the planning department handle building coding issues.

Rose Gorbach, 224 Grove Street, inquired if the cottages were starting by the Duffy Park area and inquired about the gas wells in the area and if building near them is allowed. Mr. Storey explained they will not be at the Duffy Park location and the DPW have approved the location of the Monroe Cottages.

Public comment closed at 7:27 pm

NEW BUSINESS

Monroe Cottages—Senior Living Development

Ms. Thompson responded to the Planning Commission questions.

- This is a tax credit project, non-subsidized housing. It will be open to the general public. An occupant must be 55 and older.
- Rent will be on a sliding scale based on income. Approximate range of 1-bedroom from \$240 - \$1,000 and 2-bedroom from \$250 - \$1,300, approximately 30% of income.
- One Building permit will be applied for the whole project. (This will be done according to county/state code.)
- The project has been approved for the location which is adjacent to the gas well.
- Municipal utilities. The water service will be new for the development and brought in from the northeast corner to the property.
- Sanitation will be connected through the station which has been approved by the city DPW.
- Cottage colors will consist of white trim and detailing with the intent to have each cottage a different color and each unit a different shade of the cottage color (cottage colors with different shades of blue, beige, yellow and gray).
- Snow removal/lawn care will be the responsibility of the management. Garbage will be curbside pickup. This has not been determined if this will be at each drive or a general location for the units.
- Building phase will be done as 1 development. The general contractor will determine the starting point of the units; possibly starting from the back and working forward. The general contractor will do sub-contracting with local contractors.
- The units will NOT be trailer or modular home construction. There may be some panel parts brought in for some of the construction.
- Addressing will be done through the County Planning Department per the addressing ordinance. The name of the road will follow the County Road ordinance.

Mr. Storey read the Monroe Cottage memo. He stated the list of documents that were presented and reviewed for the Planning Commission. The Planning Commission have different options for the proposed development: grant the application as presented, grant the application with stipulations, table the application to request more information to be presented at the March 5th meeting, or deny the application as presented.

The PC wished to include the following stipulations with the proposed development: a variance allowance of the minimum square footage of the units and distance between units.

Motion by Commissioner Szymanski, seconded by Commissioner Slawinski to accept the proposed development as presented with the stated stipulations.

With a Roll Call vote this motion passed 5 to 0.

Yes: Szymanski, Slawinski, Yoder, Weiner and Wittlieff

No: None

Commissioner Szymanski left the meeting at 7:49 pm.

Mr. Storey requested a break. A break occurred from 7:49 to 7:52 pm.

OLD BUSINESS

None

PUBLIC COMMENTS AND COMMUNICATIONS

Maureen Barry, Senior Center, thanked the Planning Commission for their support on the Monroe Cottage project.

CORRESPONDENCE

None

STAFF

Sign Ordinance Update

Mr. Storey stated a draft for the Sign Ordinance is still ongoing. This draft will be presented at the next Planning Commission meeting on March 5, 2020.

Short-Term Rental Update

Mr. Storey stated a draft with the suggestions from the Planning Commission for the Short-Term Rental is still ongoing. This draft will be presented at the next Planning Commission meeting on March 5, 2020.

Schedule Joint Training night (March 12 or March 19)

Mr. Storey inquired if the Planning Commission would like to participate on March 12 or the 19th for the next session of training. It was brought to the attention of Mr. Storey that a new Citizen Master Planner courses for 2020 was released February 20, 2020. Mr. Storey stated he will look into this. The consensus is to hold the next training on Thursday, March 12, 2020 from 5:30-7:30 pm at 395 Third Street, the Planning Department Building in the Planning Department conference room.

MEMBERS DISCUSSION

Commissioner Yoder inquired about the old Washington School area and the housing project that was proposed to be developed at this location. Mr. Storey stated the plans are being amended. If the plans have major amendments, they must present these new plans to the Planning Commission and go through the approval process for these new plans in the same manner as the previous submittal.

Mayor Zielinski asked if the cottages can be purchased. The response was that they can be purchased by the unit renter after 18 years.

ADJOURNMENT

Motion by Commissioner Slawinski, seconded by Commissioner Weiner that the meeting be adjourned.

MOTION PASSED UNANIMOUSLY. Meeting adjourned at 8:00 pm.

MANISTEE PLANNING COMMISSION


Nancy Baker, Recording Secretary

DRAFT



PLANNING DEPARTMENT
Kyle Storey
Zoning Administrator
395 Third St. Manistee, Michigan 49660
(231) 398-3576
Fax (231) 398-3526
kstorey@manisteecountymi.gov

Date: 2/28/2020

To: City of Manistee Planning Commission

From: Kyle Storey – City of Manistee Zoning Administrator

Subject: Home Based Business Application - 816 Robinson St.

Dear Commissioners,

A home-based business application has been applied for at 816 Robinson St. in the City of Manistee. Please see the attached documents including:

- Home-Based Business Ordinance Language
- Minor Home Occupation Application
- Description of Home-Based Business
- Aerial location of Home-Based Business

The applicant will be in attendance to give a presentation to the Planning Commission at the March 5th meeting.

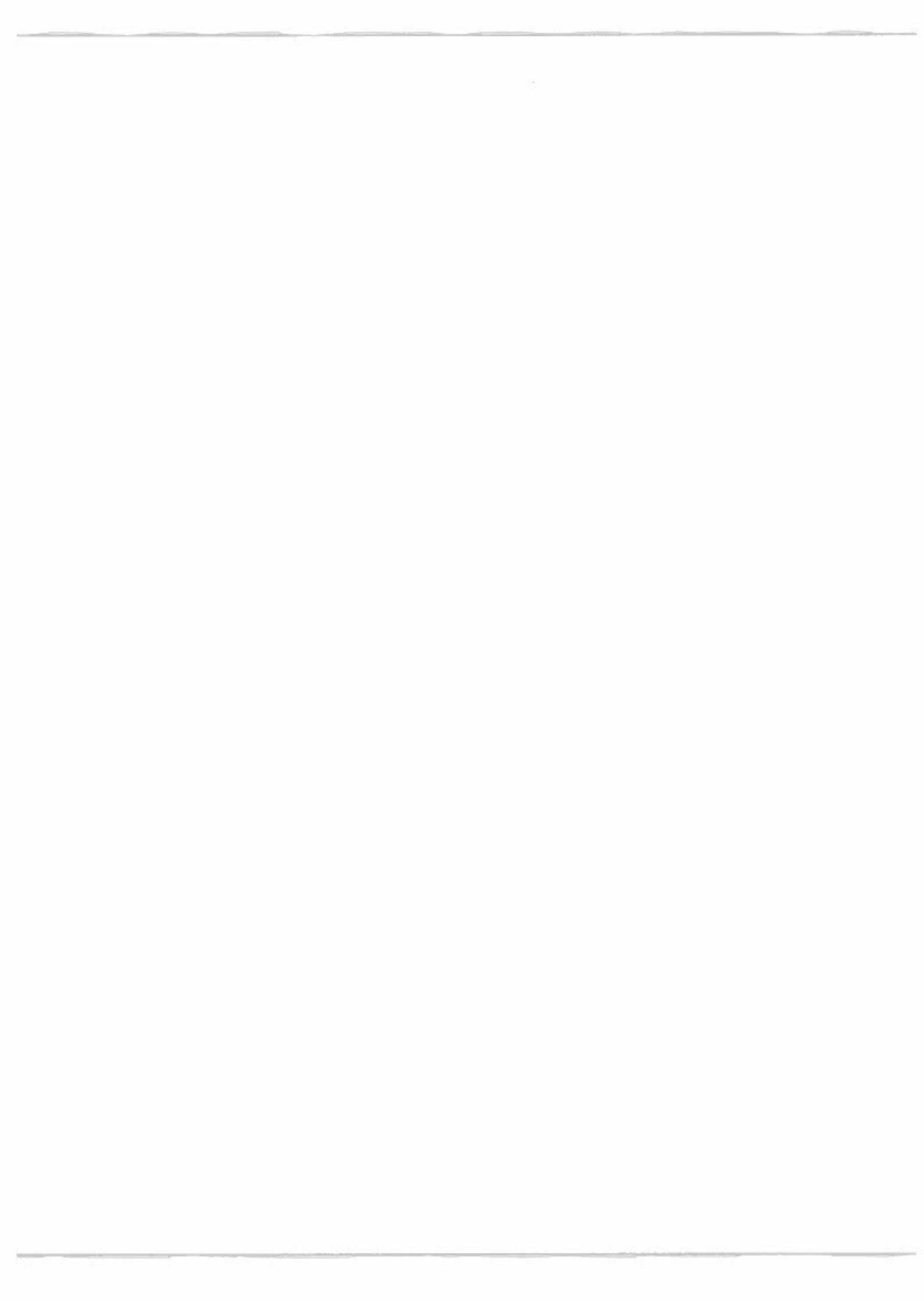
The Planning Commission could take action after deliberation and questions to:

1. Accept the Home-Based Business Application as is
2. Accept the Home-Based Business Application with stipulations
3. Table the Home-Based Business Application and request more information
4. Deny the Home-Based Business Application based on discussed reasoning

Thank you,

A handwritten signature in blue ink, appearing to read 'KStorey'.

Kyle Storey
Manistee County Planner
City of Manistee Zoning Administrator



SECTION 1846 HOME BASED BUSINESS

A. Definition. A business operation carried out for gain from a residential property which operation is clearly subordinate and incidental to the residential nature of the property and which involves business activities generally conducted at other locations.

B. Regulations and Conditions.

1. A Home Based Business shall be treated as a Major Home Occupation subject to the provisions of **Section 18471, B, 2**, and to the following additional standards:

- a. In addition to the occupants of the residence and not more than two nonresident employees, a Home Based Business may employ other persons, provided their work activities are undertaken at locations other than the location of the home occupation.
- b. The applicant shall disclose the nature, size and number of any vehicles or other equipment associated with the Home Based Business and the Planning Commission may establish limits on the outdoor storage and parking of such equipment or vehicles to preserve the essentially residential character of the neighborhood. No outdoor storage of materials or scrap shall be permitted.
- c. The operator of a proposed Home Based Business shall attach an operational plan for the Home Based Business to the application for a zoning permit for the Major Home Occupation. The operational plan shall provide the following information:

- 1) The hours the Home Based Business will operate.
- 2) A description of employee parking and workforce staging plans.
- 3) A site plan in accord with **Article 22**, indicating the location of any storage of vehicles and equipment as well as any employee or customer parking.
- 4) A description of the shipping and delivery requirements of the Home Based Business.
- 5) A description of any material used in the Home Based Business which will be stored on the premises.

2. The Planning Commission shall review the application for a Home Based Business and take action to approve it, if it finds that the proposed Home Based Business shall meet the requirements of this Section and **Section 1847, B, 2**, hereof.
3. Any change or alteration in the nature or activities of a Home Based Business shall be regarded as a new Home Based Business and shall require a new application hereunder.
4. A failure to fulfill the terms of the Home Based Business, the site plan and its attachments shall be grounds for revocation of Planning Commission approval of a Home Based Business.

Section 1847, B, 2

2. **Major Home Occupations.** Home occupations shall receive a zoning permit upon a finding by the Planning Commission that the proposed home occupation shall comply with the following requirements.
 - a. The home occupation(s) shall be conducted entirely within enclosed structures and shall be limited to the personal residence of the person engaging in the home occupation and not more than two approved accessory buildings.
 - b. The home occupation(s) shall be an accessory use to the residential use of the property.
 - 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. [Annotation: This section was amended deleting reference to signage by amendment Z17-06, effective 6/16/17]
 - d. With the exception of material purchased over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, arts and craft supplies or heating fuel, the home occupation(s) shall not involve the:
 - 1) Generation of any hazardous waste as defined in P.A. 64 of 1979, as amended, being the Hazardous Waste Management Act (MCL 229.433 et. seq.), or
 - 2) Use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910.2 (Dept. of Labor Regulations).
 - e. Not more than one (1) automobile associated with the home occupation may be parked on the street at any time. Any other parking shall be on the parcel where the home occupation is taking place and parking for not more than two (2) automobiles may be constructed in addition to the area of the driveway in existence prior to the establishment of the home occupation.
 - f. Only the inhabitants of the residence plus not more than two (2) non-residents shall be employed by the home occupation.
3. Any change or alteration in the nature or activities of a Home Occupation shall be regarded as a new Home Occupation and shall require a new application hereunder.



70 Maple Street, Manistee, MI 49660
www.manisteemi.gov

Minor Home Occupation Application



Planning & Zoning
231.398.2805

The City of Manistee Zoning Ordinance defines a Home Occupation as: *"An activity carried out for gain by a resident and conducted as a customary, secondary, incidental, and accessory use in the resident's dwelling, but not a hobby. Without limiting the foregoing, any dwelling used by an occupant of that dwelling to give instruction in a craft or fine art within the dwelling shall be considered a home occupation."*

Please Print

REGULATIONS AND CONDITIONS:

Minor Home Occupations shall receive a zoning permit upon a finding by the Zoning Administrator that the proposed home occupation shall comply with all of the following requirements.

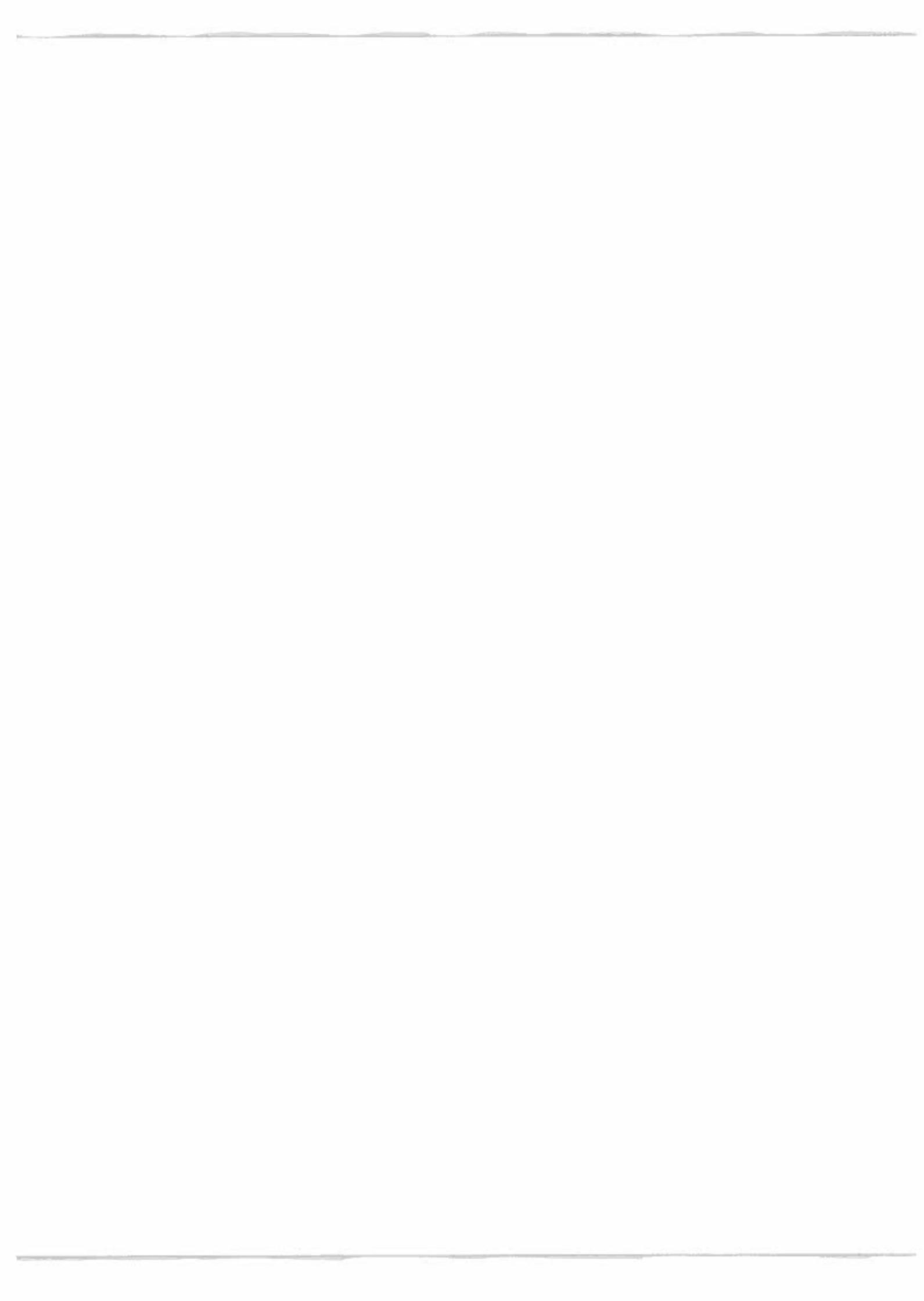
- a. The home occupation(s) shall be conducted entirely within enclosed structures and shall be limited to the personal residence of the person engaging in the home occupation and not more than one approved accessory building.
- b. The home occupation(s) shall be an accessory use to the residential use of the property.
- 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.
- d. With the exception of material purchased over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, arts and craft supplies or heating fuel, the home occupation(s) shall not involve the:
 - 1) Generation of any hazardous waste as defined in P.A. 64 of 1979, as amended, being the Hazardous Waste Management Act (MCL 229.433 et. seq.), or
 - 2) Use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910.2 (Dept. of Labor Regulations).
- e. Not more than one (1) automobile associated with the home occupation may be parked on the street at any time. Any other parking shall be on the parcel where the home occupation is taking place, however, an additional parking area shall not be constructed and the existing driveway prior to the establishment of the home occupation shall be used for other customer parking.
- f. Only the inhabitants of the residence plus not more than one (1) non-resident shall be employed by the home occupation.
- g. No additional rooms or accessory structures may be added to the dwelling to accommodate the home occupation.

Applicant Information

Name of Owner or Lessee: Elana Warsen
 Address: 816 Robinson St. Manistee, MI 49660
 Phone #: ~~734-276~~ | Cell#: 734-276-5899 | e-mail: ejwarsen@gmail.com
 By signing the applicant agrees to the above regulations and conditions for a Minor Home Occupation and to Register the Minor Home Occupation with the City Clerk (Business Registration Application). In the event that the Home Occupation is expanded the applicant will contact the City of Manistee Zoning Administrator to see if a Major Home Occupation Permit is required (requires a Special Use Permit).
 Signature: Elana Warsen Date: 2/22/2020

Office Use Only

Zoning District: _____ Notes: _____
 Signature: _____ Date: _____



Kyle Storey

From: Elana Warsen <ejwarsen@gmail.com>
Sent: Thursday, February 27, 2020 4:27 PM
To: Kyle Storey
Subject: Michigan Worm Works summary for agenda packet

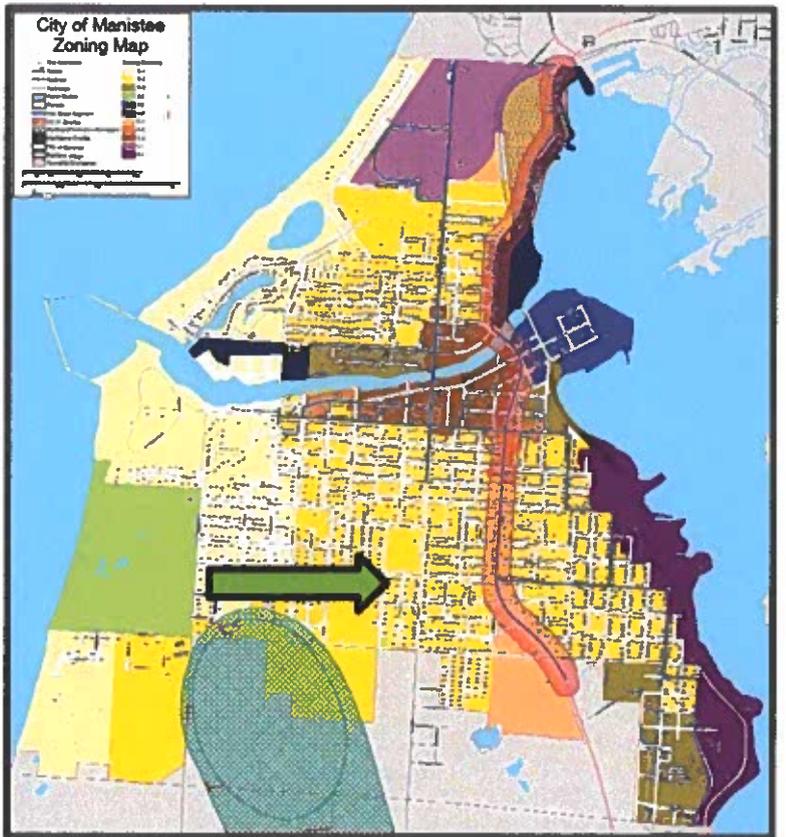
[WARNING: External Message]

Michigan Worm Works, LLC is a family-run composting company serving the Manistee community. We specialize in vermicomposting (composting with earthworms) to turn food scraps, yard waste, and junk mail into a high-quality soil amendment called worm castings (aka worm maure). We believe that communities should feed people, not landfills. One hundred percent of our worm food is rescued from landfills and returned to community gardens, home gardens, farms, and growers in the form of rich, organic worm compost. Spent coffee grounds, bagged fall leaves, and shredded office paper are a few examples of the types of "waste" that our red wiggler worms transform into "black gold".

Worm castings can be used in place of synthetic fertilizers to promote plant growth and aid water retention. They are an earth-friendly alternative to chemical fertilizers, which are derived from limited fossil fuel resources and pollute our waterways when washed off of lawns and crops. Worm castings are a preferred soil amendment for cannabis growers, home gardeners, and organic farmers. Worm composting is odor-free and can be done indoors all year long.

Michigan Worm Works sells worm castings by the gallon. We also sell worms and worm composting kits to help aspiring worm workers get started at home. We provide workshops to educate community members about the benefits of composting food waste instead of throwing it in the trash.









PLANNING DEPARTMENT
Kyle Storey
Zoning Administrator
395 Third St. Manistee, Michigan 49660
(231) 398-3576
Fax (231) 398-3526
kstorey@manisteecountymi.gov

Date: 2/28/2020

To: City of Manistee Planning Commission

From: Kyle Storey – City of Manistee Zoning Administrator

Subject: 254 River Street – Special Use Permit Request – Marihuana Grow Facility

Dear Commissioners,

Attached is the completed application for the team that presented on Nov. 7th pertaining to a Marihuana grow facility in the former Iron Works Building at 254 River Street. The following attachments come after this memo:

- Revised Application – Lakeshore Cultivation
- Revised Site Plan – Lakeshore Cultivation

A representative from Lakeshore Cultivation will be at the March 5th meeting to answer any questions the Commission may have towards this project.

The Planning Commission may decide from the following options about this application:

- Approve Special Use Permit as presented
- Approve Special Use Permit based on specific stipulations
- Table Special Use Permit to inquire more information
- Deny Special Use Permit based on specific reasons

Planning Department staff will have recommendations at March 5th meeting. Please contact me at (231) 398-3576 if you have any questions or concerns.

Kyle Storey

Manistee County Planner
City of Manistee Zoning Administrator



**APPLICATION TO CITY OF MANISTEE
PLANNING COMMISSION
FOR SPECIAL USE PERMIT**

(Revised 9/30/19)

TO THE PLANNING COMMISSION OF THE CITY OF MANISTEE:

The applicants hereby submit the enclosed written statement pursuant to Section 1801C. of the City of Manistee Zoning Ordinance, in support of its application for a special use permit:

1. Applicants' Name and Address:

Lakeshore Cultivation, LLC
Attn: Kenneth B. Armour
4660 N. Breton Court, SE
Suite 102
Kentwood, MI 49508
(810) 499-8381

254 River Street, LLC
Attn: Kenneth B. Armour
4660 N. Breton Court, SE
Suite 102
Kentwood, MI 49508
(810) 499-8381

Attorney for Applicants:

David W. Charron
Charron Law
5020 East Beltline, NE, Ste 201B
Grand Rapids, MI 49525
(616) 363-0300

2. Name and Address of Owner of Property:

254 River Street, LLC
Attn: Kenneth B. Armour
4660 N. Breton Court, SE
Suite 102
Kentwood, MI 49508

3. Name, Address, City and Phone
Number of the Individual who
Prepared Plans:

Alta Survey
Patrick Bentley
Spicer Group, Inc.
302 River Street
Manistee, MI 49660
(231) 794-5620

**Interior Drawings and Partial
Landscape Plan**
James Brodi
Create3Architecture
645 Oakleigh Drive
Grand Rapids, MI 49504
(616) 734-9314

**New Interior Renovation and
Site Upgrade (Rear Building/
Lighting/Parking/Refuse Plan)**
Morgan M. Landon, P.E.
2054 Brandon Drive NW
Manistee, MI
(616) 890-9321

The Common Description of the Property:

254 River Drive
Manistee, MI 49660

Parcel No. 5151-448-702-01

5. Legal Description of the Property:

Lots 1 thru 12, Block 2, FILER & SMITHS ADDITION TO VILLAGE OF MANISTEE and part of reservations lying North of North line of Ashland Street, and East of East line of Jones Street, Southerly of Manistee River and Westerly of the center line of Cross Street if extended Northwesterly as Block 2 City of Manistee.

The property is depicted on the ALTA survey of the Spicer Group which was previously distributed to the City.

6. Present and Proposed Land Use.

There are two building structures on the property. The front building (approximately 35,000 sq ft plus mezzanine) is empty except for approximately 1,000 square of space of space which is currently used for the Café 1907 restaurant, operated by Café 1907, LLC. The rear building (approximately 30,000 sq ft) is presently occupied under a lease and currently used for the storage of mineral products extracted from local mines.

The proposed land use is for a Medical Marijuana Facility involving Grower, Processor, Secure Transporter and Safety Compliance licenses authorized and defined under Chapter 866 of the City of Manistee ordinances and the laws of the State of Michigan in the rear building and in a small portion of the front building.

7. Current Zoning: The property is located in the P-D Peninsula District.

8. Narrative Describing in Detail the Proposed Special Use and Why the Location Selected is Appropriate.

Lakeshore Cultivation, LLC has been granted prequalification status by the State of Michigan for a grower, processor, secure transporter and safety compliance license (the "Licenses", **Exhibit 1**). A state operating license for these purposes will not be issued until municipal approval is approved for the use and location of the licensed activities. Lakeshore Cultivation, LLC plans to lease space in the property for such purposes. Other companies may also acquire similar licenses and seek to utilize the space following municipal approval. All state requirements and definitions associated with the Licenses are incorporated by reference, and such requirements and definitions describes and limits the four uses in detail.

The subject buildings are appropriate because they are bordered by other industrial uses and sheltered by the river. The existing buildings are functionally obsolete but may be rehabilitated in a beneficial manner to facilitate the special use. In the process, the special use will create jobs for the local economy. The City has identified this area of River Street for redevelopment with this proposed special use in mind.

This application requests that the rear building (**Exhibit 2** - Morgan M. Landon, P.E.) be approved for the special use, as well as two areas in the front building. The front building areas delineated as Phase I and Phase II on **Exhibit 3** (Create3Architecture). One space is a floor area on the west side of the building. A nine foot wall will be

created to separate it from the rest of the interior of the front building. The other space contains the existing mezzanine area above the floor space, which runs the length of the River Street side of the building. It is approximately 24 feet above the floor level and therefore secure due its height. The 49% footprint limitation for grow facilities will be satisfied. Some of the licensed activities do not involve “grow” activities, but rather administrative tasks which are more similar to typical office uses. Many of the areas in the front building will be used for the non-grow licensed activities.

As other mixed uses are developed for the front building, it is anticipated that the uses authorized by the Special Use Permit will be reduced and possibly eliminated. Unfortunately, the plan to integrate residential and hotel uses into the front building has been delayed. A restrictive covenant was placed upon the property by a former owner and it prevents the use of the structure for residential purposes. It is being removed by negotiation at the present time. Commercial, office and industrial uses are not currently precluded by the restrictive covenant.

If the uses of the front building are undertaken under the Special Use Permit, the areas depicted on Phase I and Phase II will be serviced by a new entrance on the east side of the building, as depicted on **Exhibit 4** (Create 3 Architecture). All parking will use the parking lot adjacent to the rear building and depicted on **Exhibit 2**. The additional parking lot at the corner of Cross and River Street (also depicted on **Exhibit 2**) will not be constructed, unless and until mixed uses are permitted on the property which require additional parking.

Refuse containers will be installed in the parking lot of the rear building, inside the southern fence, immediately to the west of the delivery dock. The dock is in the area delineated on Exhibit 2 as “deliveries”.

9. Statement of the Expected Effect of the Special Use on Emergency Service Requirements.

No effects are anticipated.

10. Statement of the Expected Effect of the Special Use on Schools.

No effects are anticipated.

11. Statement of the Expected Effect of the Special Use on Storm Water Systems.

No effects are anticipated. The building is serviced by an existing storm sewer and any discharges would be limited.

12. Statement of the Expected Effect of the Special Use on Sanitary Sewer Facilities.

No effects are anticipated. The building is serviced by an existing sanitary sewer and any discharges would be limited.

13. Statement of the Expected Effect of the Special Use on Automobile and Truck Circulation Patterns.

No effects are anticipated. The use is situated in an existing industrial area serviced by River Street and Cross Street. Those streets and other connector streets lead to US-31.

14. Statement of the Expected Effect of the Special Use on Local Traffic Volumes.

No effects are anticipated. The special use will not generate significant traffic volume. Only one truck shipment is anticipated weekly. River Street, Cross Street and other connector streets were constructed to handle more significant truck traffic previously associated with the operation of the former steel mill, foundry and natural gas processing center which was located on the site. The existing streets are underutilized public streets and their traffic volume will not be negatively impacted by the proposed use. Truck traffic will only impact River Street and a small segment of Cross Street.

15. Additional Material Information Necessary to Consider the Impact of the Project Upon Adjacent Properties.

A special use permit must be granted under Manistee City Ordinance 866.04 before licenses for a Grower, Processor, Secure Transporter or Safety Compliance may be issued for a Medical Marijuana Facility (the "Licenses").

16. Additional Material Information Necessary to Consider the Impact of the Project on the General Public.

a. *Measures to Control Soil Erosion.*

This request involves the use of the interior of an existing building. There are no external modifications to the building needed for the use and consequently no soil erosion concerns are involved. Consumers Energy has existing soil erosion control measures in place as well as a soil erosion control permit for

the rear of the building. They reconstructed the building's parking lot with this permit. No outside modifications to the property are proposed other than security fencing (**Exhibit 1**) and the erection of a modest entrance to the building from River Street, depicted on the Interior and Landscaping Plan (**Exhibit 4**), if the front building is used for licensed purposes.

b. *Measures to Control Shoreline Protection.*

This request involves the use of an existing building, with no exterior building modifications. The building is away from waterways, and no shoreline protection is required. Consumers Energy has existing soil erosion control measures in place which continue to serve as shoreline protection.

c. *Measures to Control Excessive Noise.*

No excessive noise is expected because this request involves agricultural uses within an existing building, with limited use of mechanical or heavy equipment.

d. *Measures to Control Adverse Impact of Development on Surrounding Properties.*

The use will be undertaken inside an existing building situated on the property, away from the view of surrounding properties. There will be no adverse impact on surrounding properties.

e. *Measures to Control Elevations on All Buildings, Including Accessory Buildings.*

Current site elevations will be maintained.

f. *Environmental Assessment.*

No physical changes to the environment are contemplated and consequently, no environmental assessment is warranted. The uses will be confined to the interior of the subject buildings. No use outside the building is contemplated.

17. Additional Supporting Statements, Evidence, Data, Information and Exhibits That Address the Standards and Requirements for Assessing Special Use Permit Applications as Provided in Section 1802.

None.

1. The Special Use is consistent with the adopted City of Manistee Master Plan;
2. The Special Use is designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and such use will not change the essential character of the area in which it is proposed.
3. The Special Use will not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
4. The Special Use will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facility, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services;
5. The Special Use shall not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community;
6. The Special Use will not involve uses, activities, processes, materials and equipment that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, toxic emissions, fumes, glare or odors.
7. The Special Use will meet the intent and purposes of the zoning ordinance; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.

18. Approximate Date for Commencement of Activities: 180 days after City approval of Special Use Permit and Licensing. Once the site is approved for a special use permit and local permits are issued for the requested purposes, the State of Michigan will issue licenses to Lakeshore Cultivation, LLC for the permitted purposes.

19. Exhibits. This application includes the following exhibits:
ALTA Survey of Premises - Spicer Group (Large copies already provided).
Exhibit 1 Preliminary License Approval from State of Michigan.
Exhibit 2 Rear Building, Lighting, Parking and Refuse Plan
Exhibit 3 Floor Plan of Front Building
Exhibit 4 Interior and Landscaping Plan

20. Truck Traffic Data. The applicant anticipates that one semi-truck delivery per week will occur. The delivery will generally be made during daylight hours, and typically in the middle of the week., to facilitate operations. One waste disposal truck is anticipated to visit the site each week to empty dumpsters located near the delivery loading dock.
21. Refuse Disposal Facilities. A waste disposal area suitable for the placement of two conventional dumpsters on a side by side basis is desired and it will be located immediately to the west of the existing loading dock in the rear of the building (**Exhibit 1**). The dumpsters will be placed on top of an area which is a combination of reinforced concrete and asphalt. The location is not visible from the road and therefore it will not be screened from view. It will be located within the perimeter of security fencing.
22. Security Fencing. Security fencing will be erected around the parking lot and delivery loading docks, as well as a gate mechanism. The fencing will incorporate existing fencing to the extent possible and be at the same height as existing fencing.
23. Sign Setback. No signage is requested. The buildings will continue to be non-descript in character.

This application modifies and supercedes the application previously furnished to the Planning Commission on or about March 21, 2019.

Respectfully submitted,

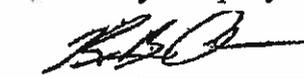
Dated: September 30, 2019

LAKESHORE CULTIVATION, LLC, a
Michigan limited liability company

By: 

Kenneth B. Armour
Its: Member

254 RIVER STREET, LLC, a Michigan
limited liability company

By: 

Kenneth B. Armour
Its: Manager

Exhibit 1



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

VIA US MAIL

Date: March 21, 2019

Addressee: Lakeshore Cultivation MI, LLC

Address: c/o Pollicella & Associates, 4312 E. Grand River
Howell, MI 48843

RE: Prequalification status for your pending application

Dear Applicant:

The Medical Marijuana Licensing Board considered your partial application for prequalification status on March 21, 2019 and determined that you have prequalification status pursuant to the licensing provisions of the Medical Marijuana Facilities Licensing Act (MMFLA) and Administrative Rule 5 (R 333.205). This letter may be provided to a municipality as documentation of your prequalification status. Please note that this is a pending status until all application requirements in Administrative Rule 7 (R 333.207) are completed. A state operating license for a marijuana facility cannot be issued at this stage of the application. During final application review, the board will consider all information relevant to eligibility including information that has been newly acquired or information that is newly apparent since determination of prequalification status.

If you have not already done so, please submit a facility license application (Step 2) for each state operating license for which you wish to apply. You may submit a paper application online through the Accela Citizen Access Portal on the bureau website at www.michigan.gov/bmr or your application may be submitted by mail or in person.

Mailing Address:

Department of Licensing & Regulatory Affairs
Bureau of Marijuana Regulation
Marijuana Facility Licensing
P.O. Box. 30205
Lansing, MI 48909

In Person:

Department of Licensing & Regulatory Affairs
Bureau of Marijuana Regulation
Marijuana Facility Licensing
2407 North Grand River
Lansing, MI 48906

Sincerely,

Andrew Brisbo, Director
Bureau of Marijuana Regulation
Michigan Department of Licensing and Regulatory Affairs

BUREAU OF MARIJUANA REGULATION
2407 NORTH GRAND RIVER • P.O. BOX 30205 • LANSING, MICHIGAN 48909
www.michigan.gov/bmr • 517-284-8599

Exhibit 2

Exhibit 3

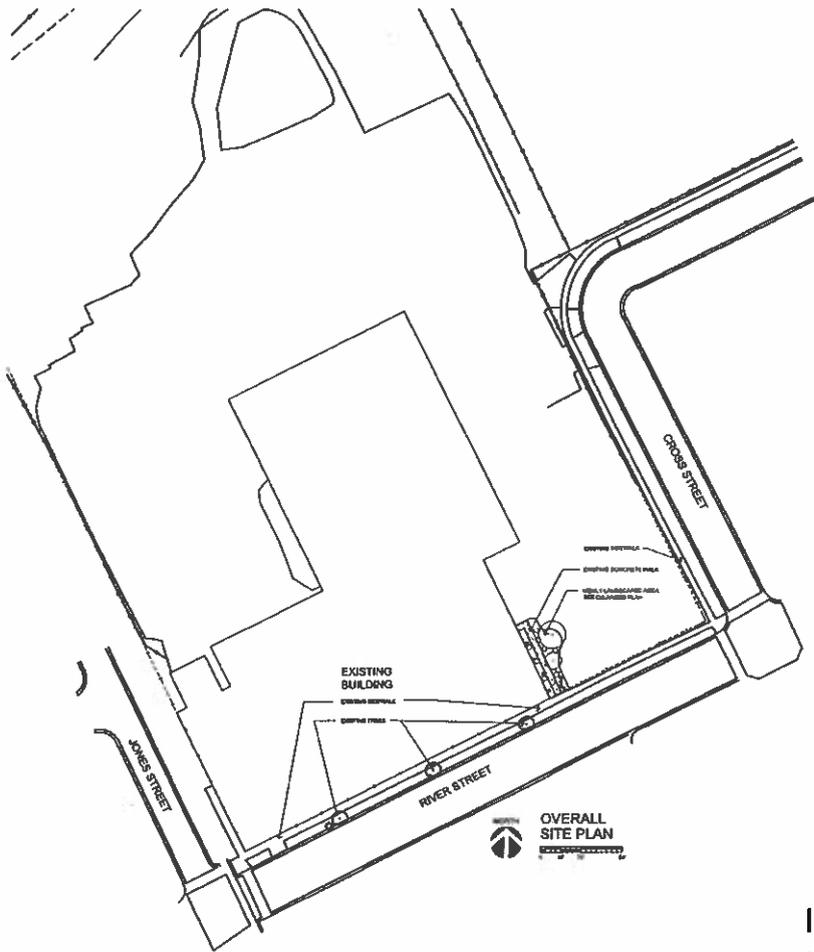


IRON WORKS BUILDING

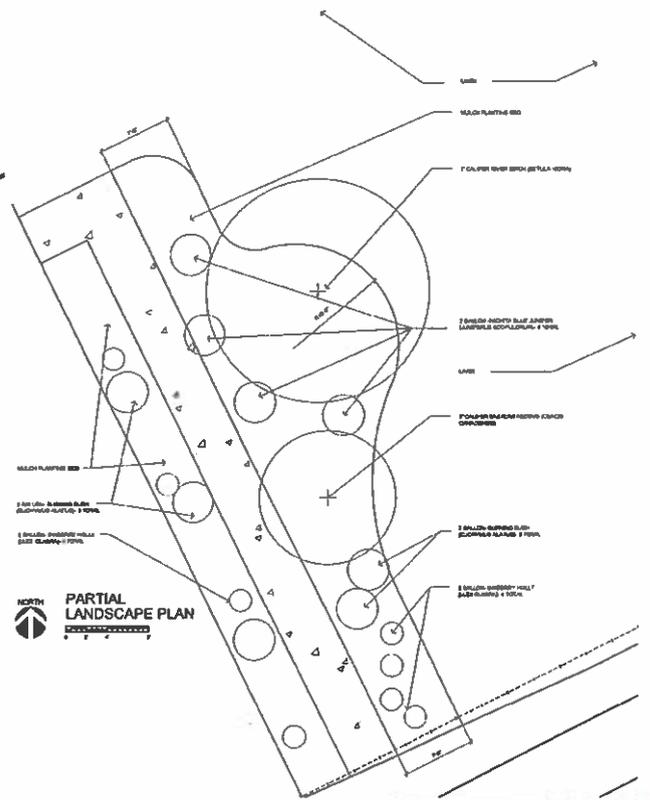
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Exhibit 4



OVERALL SITE PLAN

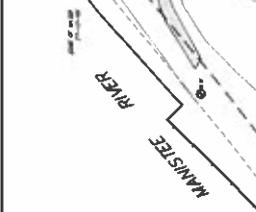
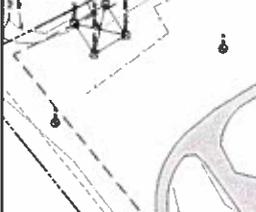
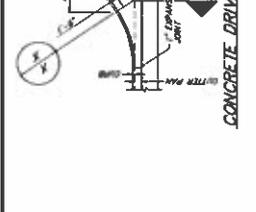
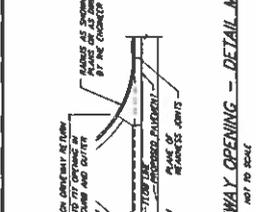
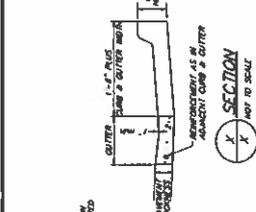
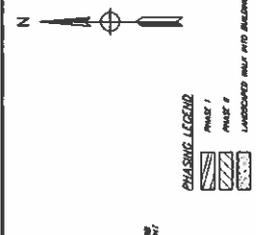
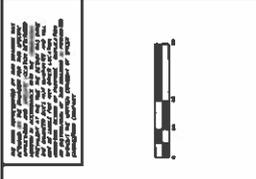


PARTIAL LANDSCAPE PLAN

IRON WORKS BUILDING

08.01.19





TOTAL FACILITY AREA	66806.16 SF
PHASE I AREA USE	46.2 %
PHASE II AREA USE*	20.6 %

*PHASE II SITE PLAN TO COME BEFORE PLANNING COMMISSION IN FUTURE

GENERAL SITE NOTES:
SECURITY CHECKS SHALL BE DETERMINED BY OWNER WITH SECURITY COMPANY
ALL DOORS MUST HAVE CHIMNEY TO BE LOCATED IN GROUND
THE CHIMNEY IS LOCATED 10 FEET FROM BUILDING, ON CORNER OF JACKSON STREET AND CROSS STREET
ANY DOOR MAY BE USED IN FUTURE BY OWNER, NEAR ANY DOOR

CONSTRUCTION NOTES:
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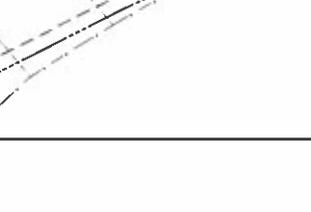
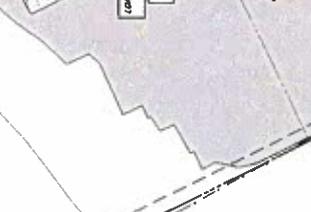
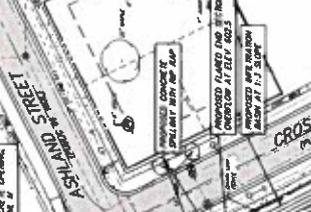
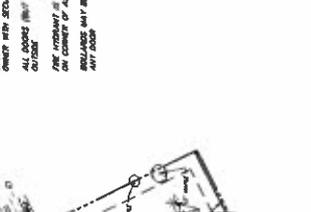
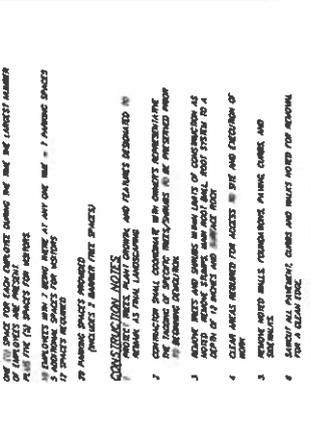
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SYMBOL	MANUFACTURER	MODEL	DESCRIPTION	QUANTITY
1	1	1	CONCRETE SIDEWALK WITH 4" CURB AND GUTTER	1
2	2	2	CONCRETE SIDEWALK WITH 4" CURB AND GUTTER	1

CONCRETE SIDEWALK
NOT TO SCALE

3" CURB
MATCH EXIST. GRADE (TYP.)
CONCRETE SIDEWALK
4" CURB
MATCH EXIST. GRADE (TYP.)
CONCRETE SIDEWALK

CONCRETE SIDEWALK
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CONCRETE SIDEWALK
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MATCH EXIST. GRADE (TYP.)
CONCRETE SIDEWALK

MANISTEE COUNTY

254 RIVER STREET
MANISTEE, MI 49801

SITE PLAN
LAKESHORE CULTIVATION
CITY OF MANISTEE
MANISTEE COUNTY, MICHIGAN

PROJECT NO. 123456789012
SHEET 2 OF 6
DATE: FEBRUARY, 2019
SCALE: 1" = 20'

CONCRETE SIDEWALK
NOT TO SCALE

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PLANNING DEPARTMENT
Kyle Storey
Zoning Administrator
395 Third St. Manistee, Michigan 49660
(231) 398-3576
Fax (231) 398-3526
kstorey@manisteecountymi.gov

Date: 2/28/2020

To: City of Manistee Planning Commission

From: Kyle Storey – City of Manistee Zoning Administrator

Subject: Tabernacle Church Special Use Permit

Dear Commissioners,

The Tabernacle Church is requesting an extension of their latest Special Use Permit as well as a possible amendment. Specifically pertaining to their approved parking lot materials and a timeframe for completion of project. The Special Use Permit will expire on March 20th 2020. Please find the following attachments after this memo including:

- Special Use Permit – Tabernacle Church

The Planning Commission can act on this topic in one of the following ways:

- Approve amendment of site plan and extension of permit for a certain duration of time based on presented specifics
- Deny amendment of site plan though grant an extension for current stipulations for a certain duration of time based on presented specifics
- Deny granting extension and thus revoke Special Use Permit

Representatives for the Tabernacle will be at the March 5th meeting to answer any questions the planning commission may have.

Please reach out if you need any clarification about this issue.

Thank you,

A handwritten signature in blue ink, appearing to read "KStorey", is written over a horizontal line.

Kyle Storey
Manistee County Planner
City of Manistee Zoning Administrator



SPECIAL USE PERMIT

CITY OF MANISTEE
70 Maple Street
Manistee, Michigan 49660

This SPECIAL USE PERMIT, herein after referred to as the permit, is granted pursuant to the authority granted in Article 18: Standards and Requirements for Special Uses, of the Manistee City Zoning Ordinance, effective March 20, 2019.

Name of Permit Holder: **The Tabernacle**
Mailing Address: **P.O. Box 147**
Buckley, MI 49620

Description of Property affected by Special Use Permit: **(Parcels will be combined on 2018 Tax Roll)**

51-448-732-10 - FILER + SMITHS ADD ALL LOT 1 BLK 16 & PT OF RESERVATION COM ON E LI OF HANCOCK ST AT NW COR LOT 1 BLK 16, E TO NE COR LOT 1, S TO SE COR LOT 2, E TO NE COR LOT 3, N 38DEG 15MIN W 377.5 FT, N 32DEG 21MIN W 156.27 FT, N 22DEG 31MIN W 182 FT, TO E LI OF HANCOCK ST, S ALG E LI OF ST TO POB. EXC COM NW COR LOT 6 BLOCK 16, TH N ALG E LN OF LOT 2 66 FT, TH S 89 DEG 37 MIN 48 SEC E 159.92 FT, TH S 66 FT, TH N 89 DEG 37 MIN 48 SEC W 159.92 FT TO POB. 2.05 A*M/L ____ P.ADDR: 77 HANCOCK ST
51-448-729-11 - FILER & SMITHS ADD LOTS 2, 6, 7 & 8 BLOCK 16.ALSO COM NW COR LOT 6 BLOCK 16, TH N ALG E LN OF LOT 2 66 FT, TH S 89 DEG 37 MIN 48 SEC E 159.92 FT, TH S 66 FT, TH N 89 DEG 37 MIN 48 SEC W 159.92 FT TO POB. ____ P.ADDR: 274 & 276 1ST ST.

Description of Special Use Granted, as Permitted in Article #18
Section #1858 Mixed-Use Development (Section 1868 Place of Public Assembly Item B.1. Large Places of Public Assembly, Section 1835 Eating and Drinking Establishment, and Section 1877 Retail Business)

As shown on the site plan prepared by Spicer Group Project NO. 126200SB2018 dated February 2019.

Special Use Permit Application **#PC-2018-01**

Approved by the Planning Commission on March 1, 2018 and Amended by the Planning Commission Site Plan Review Committee on March 4, 2019 (See Exhibit B)

As described in **Attachment A - Resolution to Approve**
Attachment B- March 4, 2019 Site Plan Review Committee
minutes

PERMIT CONDITIONS AND REQUIREMENTS:

This permit is issued, subject to the following conditions and/or requirements as contained in Article 18, Section 1802:

CONDITIONS:

- *The Applicant shall request to combine both parcels 51-448-732-10 & 51-448-729-11 into one parcel.*
- *Any concerns or outstanding items relating to the site plan by the City Engineer, DPW Director or Public Safety shall be address before the Special Use Permit can be issued and an updated set of plans be provided for the files.*
- *Waive parking requirements for Phase I and allow Phase II parking to be completed.*
- *The Applicant amended the March 1, 2018 approved site plan effective March 4, 2019 in the following manner:*
 1. *Change the asphalt paved parking lot and use permeable grass pavers instead;*
 2. *Change the number of parking spaces from 95 with 7 being barrier free to 117 spaces with 5 being barrier free;*
 3. *Eliminate the detention pond;*
 4. *Alter the landscape plan by adding landscaping along the parking lots East edge, including adding 2 trees at the end of the parking lanes, add 5 trees along Hancock Street;*
 5. *Add a new entrance to Hancock Street;*
 6. *Add an emergency vehicle access drive on the North side of the building.*
- *The Special Use Permit as amended is not valid unless the City Council approves the Zoning Ordinance Amendment to Section 514 Parking, Bike Parking, and Sidewalks (E).*

TRANSFER OF PERMIT

This permit is transferable only in accordance with Article 18, Section 1801.H of the ordinance.

EXPIRATION OF PERMIT (as per Article 18 Section 1801.I):

A Special Use permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The Special Use permit will expire on the occurrence of one or more of the following conditions:

1. If replaced or superseded by a subsequent permitted use or Special Use permit.
2. If the applicant requests the rescinding of the Special Use permit.
3. If a condition of approval included stipulation to expire the Special Use permit by a certain date.
4. If the use is abandoned, moved or vacated for a period of one year.

VIOLATIONS OF PERMIT (see Article 18 Section 1801.J):

Any violation of the terms, conditions or limitations of a Special Use permit shall be cause for revocation or suspension of the permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any Special Use permit. The act to revoke or suspend the permit shall occur after giving notice to the permit holder, specifying the alleged violation(s) and disclosing when a hearing will be held on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the permit shall occur after or at the hearing on the matter. Before revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the Special Use permit exists. The permit holder shall be given reasonable opportunity to correct the violation(s).

CERTIFICATION OF PERMIT

The above SPECIAL USE PERMIT was granted by the Manistee City Planning Commission pursuant to the requirements of the Manistee City Zoning Ordinance.

DATE OF APPROVAL: **March 1, 2018 and March 20, 2019**

CITY OF MANISTEE

STATE OF MICHIGAN)
) SS.
COUNTY OF MANISTEE)

Tamara Buswinka Dated
Zoning Administrator

On _____, 2019, before me, a Notary Public in and for said County, personally appeared Tamara Buswinka, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be her free act and deed.

Notary's
Stamp _____
(Notary's name, county, acting in County,
and Date Commission expires)

Notary's Signature

ACKNOWLEDGMENT & RECEIPT OF PERMIT

I the undersigned do hereby certify that I am the person listed above as the special use permit holder or their authorized legal representative. I further certify that I have read understand and agree to comply with all of the requirements and conditions of this permit, as listed above and in the Manistee City Zoning Ordinance.

The Buckley Gospel Tabernacle

STATE OF MICHIGAN)
) SS.
COUNTY OF MANISTEE)

Kit Potter Dated

On _____, 2019, before me, a Notary Public in and for said County, personally Kit Potter, to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be his free act and deed.

Notary's
Stamp _____
(Notary's name, county, acting in County,
and Date Commission expires)

Notary's Signature

Prepared by:
Tamara Buswinka
ZONING ADMINISTRATOR

CITY OF MANISTEE
70 Maple Street
Manistee, MI 49660
231.398.2805

EXHIBIT A

Resolution to Approve

Attachment A

City of Manistee
Planning Commission Resolution to Approve a
Special Use Permit, Case Number PC-2018-01
Special Use Permit for Mixed Use Development that includes
Large Place of Public Assembly with a commercial kitchen (Eating
and Drinking Establishment) and Retail Business
The Tabernacle

At a regularly scheduled meeting of the City of Manistee Planning Commission held on March 1, 2018, the following resolution was adopted to approve a Special Use Permit for Mixed Use Development that includes Large Place of Public Assembly with a commercial kitchen (Eating and Drinking Establishment) and Retail Business as shown on Site Plan prepared by Abonmarche Job#18-003

Planning Commissioner Maureen Barry moved, supported by Planning Commissioner Michael Szymanski, the adoption of the following resolution.

WHEREAS, on February 5, 2018 a request was received from The Tabernacle for a Special Use Permit for Mixed Use Development that includes Large Place of Public Assembly with a commercial kitchen (Eating and Drinking Establishment) and Retail Business, and

WHEREAS, a Mixed Use Development that includes Large Place of Public Assembly with a commercial kitchen (Eating and Drinking Establishment) and Retail Business is provided for as a Special Use in the R3 High Density Residential District that is accessed primarily for a key street segment, and

WHEREAS, First Street is a key street segment, and

WHEREAS, the Planning Commission has provided proper notice and held a public hearing on the proposed development on March 1, 2018, and

WHEREAS, the Planning Commission has received written comment, reviewed the site plan, and has completed review of the application, received input from the Applicant and input received at said public hearing.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- A. RESOLVED, that the Planning Commission has reached the following determination regarding Special Use Permit Standards (Section 1802.A):**
- 1. The Special Use is consistent with the adopted City of Manistee Master Plan.**
 - 2. The Special Use is designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and such use will not change the essential character of the area in which it is proposed.**
 - 3. The Special Use is not hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.**
 - 4. The Special Use is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.**

5. The Special Use does not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
 6. The Special Use does not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, toxic emissions, fumes, glare, or odors.
 7. The Special Use meets the intent and purpose of the Zoning Ordinance; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.
- B. Findings of Fact — Section 1858 Place of Mixed Use of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:**
1. The applicant shall demonstrate how the proposed mixing of uses will reduce traffic generation and provide a substantial amenity for the City of Manistee.
 2. The mixing of uses will be compatible with adjacent land uses, the natural environment, and the capacities of affected public services and facilities, and such use shall be consistent with the public health, safety and welfare of City of Manistee residents. The mixing of uses shall be consistent with the policies set forth in the City of Manistee Comprehensive Plan.
 3. The development shall consolidate and maximize usable open space, wherever possible.
 4. The applicant shall demonstrate that the proposed mixing of uses will not constitute a nuisance to future inhabitants or users of the development, or the City in general.
 5. Off-street parking facilities for such mixed uses may be provided collectively, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use, unless the Planning Commission finds that such requirements are may be modified due to varying hours of operation or other factors.
 6. A proposed Mixed-Use Development shall be designed in such a manner that will lead to compatible, efficient, and attractive uses of property in the City of Manistee, and shall:
 - a. Encourage unique retail, office and residential use alternatives.
 - b. Continue and augment the City's traditional neighborhood patterns.
 - c. Establish neighborhood places that will define and strengthen the community character and supplement the identity of the City.
 - d. Provide for the redevelopment of underutilized sites.
 - e. Facilitate pedestrian oriented development using design options such as sidewalk cafes, rear parking, residential condominiums above small-scale service uses, and enhanced landscape open spaces, squares, and parks.
 7. Vehicular and pedestrian circulation within the development and access to the development shall be safe, convenient, non-congested and well defined. Shared access to parking areas will be required, where appropriate.
 8. A Mixed-Use Development shall not infringe unreasonably on any neighboring uses.
 9. All signs shall be in compliance with the provisions of Article 21 of this Ordinance.

10. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

C. Findings of Fact — Section 1868 Place of Public Assembly Item B. 1. Large Places of Public Assembly of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. A Large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined herein, unless it is located on a parcel of land with a minimum area of five (5) acres.
2. A Large Place of Public Assembly that includes an Eating and Drinking Establishment shall meet the standards of Section 1835, hereof.
3. The Zoning Administrator may require the completion of a traffic impact study under the terms of Section 2203, E, 2 of this Zoning Ordinance.
4. All signs shall be in compliance with the provisions of Article 21 of this Ordinance.
5. All exterior lighting shall be in accordance with Section 525 hereof.
6. All off-street parking shall be in compliance with Section 514 of this Ordinance.
7. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

D. Findings of Fact — Section 1835 Eating and Drinking Establishment of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. Such facilities shall maintain, at all times, all required state and local licenses and permits.
2. Such facilities shall be located and designed such that no objectionable noise in excess of 60 decibels shall be carried onto adjoining property zoned for, or occupied by, residential uses.
3. Such facilities shall be located and designed such that no objectionable odor or fumes shall be carried onto property located in the R-1, R-2 or R-3 districts.
4. All dumpster enclosures shall be in accordance with Section 506 of this Zoning Ordinance. so that any refuse or dumpster shall not be visible from any building, dwelling, adjacent property, or street. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.
5. The Planning Commission may establish reasonable hours of operation for eating and drinking establishments.
6. Within the R-2 and R-3 districts, Eating and Drinking Establishments shall front on and be accessed primarily from a key street segment, as defined herein.
7. All exterior lighting shall be in accordance with Section 525 hereof.
8. All signs shall be in compliance with the provisions of Article 21 of this Ordinance.
9. All parking shall be in compliance with the provisions of Section 514 of this Ordinance.

10. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

E. Findings of Fact — Section 1877 Retail Business of the City of Manistee Zoning Ordinance the Planning Commission has reached the following determinations with respect to the Project:

1. All exterior lighting shall be in accordance with Section 525 hereof.
2. The Planning Commission shall determine whether the proposed retail special use will be essentially compatible with the character of the proposed site and the existing uses in the vicinity. The Planning Commission may require reasonable site improvements to assure the proposed special use is designed to fit into the framework of the existing neighborhood.
3. Site circulation patterns and access locations on the property shall provide for the safe and efficient movement of pedestrians and vehicles and within the R-2 and R-3 districts.
3. A retail business in the R-2 and R-3 districts shall front on and be accessed primarily from a key street segment, as defined herein.
5. Ali dumpster enclosures shall be in accordance with Section 506 of this Zoning Ordinance.
6. The Planning Commission may establish architectural design standards for retail business uses located within the R-2 and R-3 to assure compatibility with the residential character of the vicinity.
7. All signs shall be in compliance with the provisions of Article 21 of this Ordinance.
8. The Planning Commission may establish hours of operation for retail uses consistent with the character of the neighborhood
9. All off-street parking shall be in compliance with Section 514 of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance; provided, the Planning Commission shall retain the right to require additional landscaping and buffering as necessary to preserve the neighborhood.

BE IT FURTHER RESOLVED that the Special Use Permit for Mixed Use Development that includes Large Place of Public Assembly with a commercial kitchen (Eating and Drinking Establishment) and Retail Business shall comply with the following conditions:

1. The Applicant shall request to combine both parcels 51448-732-10 & 51-448-729-11 into one parcel.

Z Any concerns or outstanding items relating to the site plan by the City Engineer, DPW Director or Public Safety shall be address before the Special Use Permit can be issued and an updated set of plans be provided for the files.

3. Waive parking requirements for Phase I and allow Phase II parking to be completed.

CITY OF MANISTEE PLANNING COMMISSION:

AYES: Yoder, McBride, Slawinski, Szymanski, Barry, Wittlieff

ABSTAINING: None

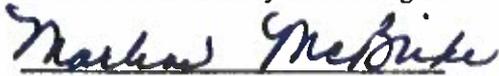
NAYS: None

ABSENT: Taylor

MOTION: Passed

CERTIFICATION:

I, Marlene McBride, Secretary of the City of Manistee Planning Commission certify that the foregoing is a true and complete record of action taken by the Planning Commission at their regular meeting of March 1, 2018.

A handwritten signature in cursive script that reads "Marlene McBride". The signature is written in black ink and is positioned above a horizontal line.

Marlene McBride, Secretary

Site Plan Review
R-3 High Density Residential District

Name of Owner: The Tabernacle				
Address/Parcel Code # 77 Hancock Street 51-448-732-10 / 51-448-729-11 (Vacant)				
Proposed Use: Mixed Use — Large Place of Public Assembly, Eating & Drinking Establishment and Retail				
> = Greater than < = Less than +/- = More or Less than	Requirements	Proposed	Compliance Yes No	
Commercial Minimum Lot Area Minimum Lot Width	10,000 sq. ft. 80 ft.	2.81 Acres +/- 657 feet +/- Hancock St 196 feet First Street	X	
Maximum Building Height	2 h stories, or 35 ft.	2 stories/26 feet	X	
Maximum Lot Coverage		53.7%		
Front Yard Set Back	15 ft.	Existing Building	X	
Rear Yard Set Back:	10 ft.	10 ft to new parking	X	
Parking Requirements: Phase I (150 seats) Phase II +215 seats = 365 seats	38 spaces 92 spaces	1.5 X 57 spaces Exceeds by 38 spaces 95 spaces		X X
<p>Parking Notes: excerpt from Section 514.A ...All parking areas except for Dwelling Units for Single Family, duplex units and mobile homes; <u>the maximum number of parking spaces shall not exceed 1.5 times the minimum number of regulated-egz&lngsp-gæ.</u> Proposed parking will exceed required parking requirements by 38 spaces for phase I, will comply with phase II of the plan. Excerpt from Section 514.F Parking areas with ten (10) or more spaces <u>shall include designated pedestrian walkways</u> through the parking lot <u>in addition to landscaped planting islands</u> and perimeter buffers in accordance with <u>Section 531</u> in all instances where sufficient space is available. Landscape islands must meet the following size requirements: Proposed parking does not include designated pedestrian walkways and the plans do not show landscaping within the islands.</p>				
Signage — subject to Article 21: Building signage not included in site plan			n/a	
Landscaping Requirements — subject to Section 531: Landscaping Plan not included with application reference Section 531 for standards.				X

Outdoor Lighting Requirements — subject to Section 525:	X	
Zoning Review by: Denise Blakeslee, Planning & Zoning Director		
Compliance: Items in red need to be addressed on Site Plan for Zoning Review/compliance Awaiting review from City Engineer, Department of Public Works and Public Safety		
Approval:	Denial:	

EXHIBIT B

Site Plan Review Committee Minutes: Amendment to the Approved Site Plan

Site Plan Review Committee

395 Maple Street
Manistee, MI 49660

Meeting Minutes
March 4, 2019

A meeting of the Site Plan Review Committee (Subcommittee of the City of Manistee Planning Commission) was held on Monday, March 4, 2019 at 3 pm at the Manistee County Planning Building, 395 Third Street, Manistee, Michigan.

Meeting was called to order at 3:00 pm.

Roll Call: Marlene McBride, Michael Szymanski, Roger Yoder

Others: Tamara Buswinka, Planning & Zoning
Nancy Baker, Planning Department

REQUEST INFORMATION

Tabernacle Church, Hancock Street – The Tabernacle Church want to:

1. Change the asphalt paved parking lot and use permeable grass pavers
2. Change the number of parking spaces from 95 with 7 being barrier free to 117 space and 5 being barrier free
3. Eliminate the detention pond
4. Alter the landscape plan by adding landscaping along the parking lots East edge, including adding 2 trees at the end of the parking lanes, add 5 trees along Hancock Street
5. Add a new entrance to Hancock Street
6. Add an emergency vehicle access drive on the North side of the building

The Committee reviewed the request.

MOTION by Michael Szymanski, seconded by Roger Yoder that the Site Plan Review Committee moves to approve the minor changes to the Special Land Use Permit #PC-2018-01 with the following conditions:

1. The City amends the Zoning Ordinance to address the marking of parking spaces.
2. All the DPW and Engineering Review comments cited on Jeffrey Mikula's March 4, 2019 Review Memo are to be completed.
3. All the Fire Chief's concerns or outstanding comments from the original Permit issued on May 11, 2018 shall be addressed.
4. Once approved, updated plans are to be provided to the City of Manistee Zoning Office.
5. The road cut-away on Hancock Street shall be an exit only and shall contain a non-lite *Exit Only* simple signage.
6. The Tabernacle must utilize a system to designate parking spaces to ensure orderly and safe parking of vehicles.

With a voice vote motion passed unanimously.

Meeting adjourned at 3:45 pm

MANISTEE PLANNING COMMISSION

Nancy Baker, Recording Secretary





PLANNING DEPARTMENT
Kyle Storey
Zoning Administrator
395 Third St. Manistee, Michigan 49660
(231) 398-3576
Fax (231) 398-3526
kstorey@manisteecountymi.gov

Date: 2/20/2020

To: City of Manistee Planning Commission

From: Kyle Storey – County Planner/City Zoning Administrator

Subject: Sign Ordinance Amending Language DRAFT Version 2

Dear Commissioners,

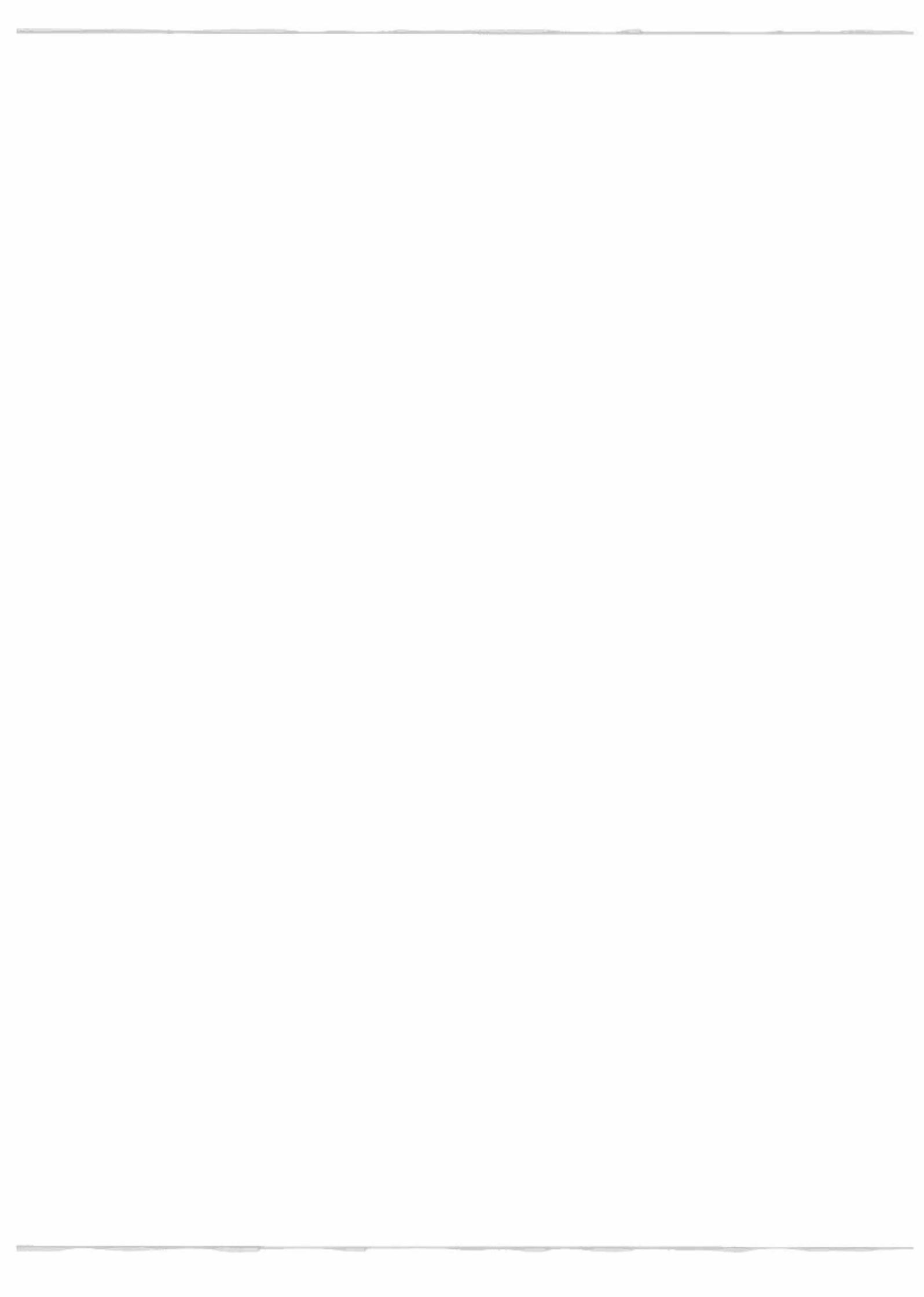
The potential, recommended sign ordinance amendments follow this memo as well as the City's current sign ordinance.

Please review at your convenience and come with any questions, comments, and suggestions to the March 5th, 2020 Planning Commission meeting. Consider both documents, and combining the two into one formal ordinance document, a middle point in tackling the robust complexities of an ordinance of this nature.

Thank you,

A handwritten signature in blue ink, appearing to read "KStorey".

Kyle Storey
Manistee County Planner
City of Manistee Zoning Administrator



ARTICLE TWENTY-ONE SIGNS

[ANNOTATION: Article 21 Signs was repealed and replaced by Amendment Z17-06, effective 6/16/17]

SECTION 2100 PURPOSE

Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the City of Manistee, to improve pedestrian and vehicular safety, and to promote and preserve the general attractiveness of the community. Accordingly, it is the intention of this Ordinance to establish regulations governing the display of signs that will:

- A. Encourage and protect the public health, safety, welfare and convenience;
- B. Enhance the economy and the business and industry of the City by promoting the reasonable, orderly, and effective display of signs, and thereby encourage improved communication with the public;
- C. Restrict signs and lights which overload the public's capacity to receive information, which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision, and which are deemed to detract from the aesthetics of the community; and
- D. Reduce conflict between signs and their illumination and public and private land uses.

SECTION 2101 PROCEDURES

- A. Sign Permit Application. The Zoning Administrator may approve sign permit applications. Applications require a fee, as determined by City Council.
 - 1. The Historic District Commission may approve exceptions to this Article 21.
 - 2. The City Council may approve exceptions to this Article 21 for community events.
- B. Inspection and Compliance. The Administrator shall inspect each sign for which a permit is issued. If the sign is in full compliance with this Ordinance the Administrator shall issue a Certificate of Compliance. If the construction is not in full compliance with this Ordinance the Administrator shall give the applicant notice of the deficiencies. If the deficiencies have been corrected upon re-inspection, the Administrator shall issue a certificate of compliance. If the deficiencies are not corrected within thirty (30) days, the permit shall be revoked and the sign shall be removed at the expense of the applicant.
- C. Permit Lapse. A sign permit shall lapse once the purpose of the sign has ended the sign and supporting structure shall be removed within 180 calendar days. A sign whose permit has lapsed shall be removed by the owner within thirty (30) days of receipt of notice to remove from the City.
- D. Permit Assignment. A sign permit shall be assignable to the successor of a business on the same parcel, except where the proposed sign is materially or substantially different in any way to the sign which was permitted. The Administrator shall make this determination.

SECTION 2102 GENERAL STANDARDS

- A. Computations. The following standards shall be met when calculating the area and height of a sign.
1. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display.
 2. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point.
 3. The height of the uppermost portions of pole signs shall not exceed twenty (25) feet. The height of the uppermost portions of ground signs shall not exceed eight (8) feet in all districts except the GI district, where the uppermost portions of such signs shall not exceed twelve (12) feet. The uppermost portions of wall, marquee and projecting signs shall not project higher the roofline of the structure to which it is attached.
 4. Where a sign projects or protrudes over any public or private sidewalk or walkway the bottommost point of the sign structure shall be at least eight (8) feet from said walkway.
Area of Signs (marquee, suspended and wall).
 - a. For properties fronting on US 31 in the G-C, P-D, C-1, C-2, C-3 and W-F districts or properties with a minimum of 10,000 sq. ft. of parcel area that front on a Key Street Segment in the R-2 Zoning District, marquee, suspended and wall 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 or 50 square feet for each storefront, whichever is greater.
 - b. For properties that do not front on US 31 in the P-D, C-1, C-2, C-3 and WF districts or properties with a minimum of 10,000 sq. ft. of parcel area that front on a Key Street Segment in the R-2 and R-3 Zoning Districts, marquee, suspended and wall 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 for each storefront, whichever is greater.
 - c. For properties with water frontage in the R-3 P-D, C-2, C-3 and WF marquee, suspended and wall signs shall be permitted on the water front side 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, for each storefront whichever is greater. Each boat slip will be permitted a sign not to exceed twenty-five (25) square feet.
 - d. Allocation of Signage. Signage may be transferred to a side of the building where signage is not allocated.

- B. Illuminated Signs: Sources of Illumination shall not flash on and off or change color or intensity. Exceptions include:
1. Halo signs, where lighting is behind the lettering and the source of the illumination is not seen by a direct line of sight.
 2. Electronic changeable message displays (any sign that uses electronic means within a display area to cause one message or display to be replaced by another, movable display or video) shall be limited to:
 - a. One contiguous dynamic element on the face of the sign at a time.
 - b. A dynamic element that does not change more than once every 15 minutes, and changes are instantaneous without any special effects.
 - c. Static images and messages.
 - d. Only that brightness that is necessary for clear and adequate visibility.
 - e. Intensity or brilliance that does not impair the vision of a motor vehicle driver.All illuminated signs, including, halo, and electronic changeable message displays, shall be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions, or turns the illumination off during daylight hours. Externally illuminated signs shall be lit by use of a light shining downward onto the sign. The source of the light shall be baffled so it is not visible beyond the property line.
- C. The Historic District Commissions: Signs and the illumination of signs in the Historic District Commission require requires Historic District Commission approval.
- D. Substitution: Sign messages may be changed at any time. Any change of the structure or size of a sign, or structure the sign is mounted on requires approval under this Ordinance for purposes of compliance with this Ordinance.
- E. Setbacks. All signs shall be setback at least four (4) feet from the public right-of-way to the front of the sign structure, provided clear vision can be maintained, pursuant to [Section 513](#).
- F. Billboards. Refer to [Section 1814](#).
- G. Covering. Covering around a pole shall be limited-to a width of not more than thirty (30) percent of the width of the sign face. Signage or copy shall not be permitted on pole coverings.

SECTION 2103 EXEMPT SIGNS

The following signs shall be exempt from regulations in this Article.

- A. Any public notice, traffic control or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- B. Any sign wholly located within a building including window signs. Except signs in the Historic District that require Historic District Commission approval
- C. Flags up to twenty-four (24) square feet in area.

- D. Signs posted by a governmental agency or on their behalf by an authorized contractor.
- E. Portable signs shall be permitted in the R-2, R-3 for properties with a minimum of 10,000 sq. ft. of area that front on a Key Street Segment, G-C, W-F, and C-1 districts subject to a determination by the Zoning Administrator that its placement will not impact safety or visibility for motorists and pedestrians and further limited as follows:
 - 1. 8 square feet per side;
 - 2. One per storefront; and
 - 3. Permitted only during hours of operation of business.
- F. Temporary Signs on the property during construction, maintenance or improvements and relating to construction, maintenance or improvements on the property during the period of time of work.

SECTION 2104 PROHIBITED SIGNS

The following signs shall not be allowed in any district.

- A. Signs which are illegal under State laws or regulations and applicable local ordinances or regulations, and which are not consistent with the standards in this Ordinance.
- B. Signs that are not clean and in good repair, not securely affixed to a supporting structure, and signs that are out of compliance with applicable building and electrical codes.
- C. Off-Premise Signs. Except as provided in [Section 1814](#) of this Ordinance.
- D. Signs that are not official traffic signs that appear to or attempt to regulate, warn, or direct the movement of traffic-
- E. Signs located in, projecting into or overhanging within a public right-of-way or dedicated public easement, except the following:
 - 1. Signs posted by a governmental agency, transit company, public utility, or construction related signs placed by a contractor doing authorized or permitted work within the right-of-way.
 - 2. Projecting, marquee, and suspended signs projecting over a public right-of-way as permitted and regulated in the P-D, C-2 and C-3 districts.
 - 3. Banners that have been approved by the City Council.
- F. Portable signs shall be permitted in the P-D, C-2 and C-3 districts subject to a determination by the Zoning Administrator that said placement will not impact safety or visibility for motorists and pedestrians and provided clear vision can be maintained, pursuant to Section 513 and further limited as follows:
 - 1. 8 square feet per side;
 - 2. One per storefront; and
 - 3. Permitted only during hours of operation of business.

SECTION 2105 SIGN REGULATION TABLE

Zoning Districts	Permitted Sign Types	Max. # of Signs Allowed	Max, Total sign Area Allowed
G-C	Ground	1 (for each 600 feet of frontage)	32 Sq. Ft. (limited to 8 feet in height)
	Marquee, Suspended, Wall	n/a	50 square feet or 1.5 x of principal building width whichever is greater
	Projecting	1	One per storefront no greater than 48 Sq. Ft.
	Portable	1 (no permit needed)	8 Sq. Ft. (only during hours of operation)
R-1, R-2, R-3, & R-4	Ground, Marquee, Projecting, Suspended, Wall	n/a	16 Sq. Ft. (Ground signs limited to 8 feet in height)
Properties with frontage on US 31 or properties with a minimum of 10, 000 sq. ft. of parcel area that front on a Key Street Segment in the R-2 Zoning District			
R-2, P-D, C-1, C-2, C-3, & W-F	Ground, Pole	1	80 Sq. Ft. (Ground signs limited to 8 feet in height)
	Marquee, Suspended, Wall	n/a	50 square feet or 1.5 x of principal building width whichever is greater
	Projecting	1	One per storefront no greater than 48 Sq. Ft.
	Portable	1 (no permit needed)	8 Sq. Ft. (only during hours of operation)
Properties not fronting on US 31 or properties with a minimum of 10, 000 sq. ft. of parcel area that front on a Key Street Segment in the R-2 & R-3 Zoning Districts <i>Internally lit signs are prohibited in the Historic District</i>			
R-2 & R-3, P-D, C-2, C-3, & WF	Ground	1	16 Sq. Ft. (limited to 8 feet in height)
	Marquee, Suspended, Wall	n/a	50 square feet or 1.5 x of principal building width whichever is greater
	Projecting	1	One per storefront no greater than 16 Sq. Ft.
	Portable	1 (no permit needed)	8 Sq. Ft. (only during hours of operation)
Properties with water frontage <i>Lighting of ground mounts signs on the riverwalk is prohibited</i>			
R-3, P-D, C-2, C-3 & W-F	Ground	1	16 Sq. Ft. (limited to 8 feet in height)
	Marquee, Suspended, Wall	n/a	25 Sq. Ft. or .75 x of principal building width Each boat slip will be permitted (1) one sign not to exceed 25 square feet.
	Projecting	1	16 sq. ft.
	Portable	1 (no permit needed)	8 Sq. Ft. (only during hours of operation)
Industrial Properties			
L-I & G-I	Ground	1 (for each 600 feet of frontage)	64 sq. ft. (limited to 12 feet in height)
	Marquee, Suspended, Wall	n/a	64 Sq. Ft. (For parcels on corner lots an additional 64 sq. ft. of signage will be permitted)
	Projecting	1	48 Sq. Ft.

All signs shall be setback at least four (4) feet from the public right-of-way to the front of the sign structure, provided clear vision can be maintained, pursuant to [Section 513](#).

Where a sign projects or protrudes over any public or private sidewalk or walkway the bottommost point of the sign structure shall be at least eight (8) feet from said walkway.



ORDINANCE Z19-13

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 and Interpretations

Amend Article 2 Definitions by Adding: ABANDONED CONFORMING SIGN, ABANDONED NONCONFORMING SIGN, ACCESSORY SIGN, ADDRESS SIGN, ATTENDED SIGN, AWNING, AWNING SIGN, **BANNER**, BILLBOARD, CANOPY, CANOPY SIGN, CHANGEABLE MESSAGE AREA, COMMERCIAL SIGN, COMMUNITY BANNER, COMMUNITY EVENT, COMMUNITY SERVICE SIGN, DIRECTIONAL SIGN, DIRECTORY SIGN, DYNAMIC DISPLAY, EXTERIOR BUSINESS SIGN, EXTERIOR-ILLUMINATED SIGN, FIXED MESSAGE AREA, FLAG, FLASHING SIGN, FREESTANDING OR GROUND SIGN, GRAPHICS, GROUND FLOOR WALL AREA, HEIGHT, HISTORIC SIGN, ILLUMINATED SIGN, INFORMATIONAL SIGN, INTERACTIVE SIGN, INTERNALLY ILLUMINATED SIGN, MANSARD, MARQUEE, **MARQUEE SIGN**, MOTION- OR SOUND-ACTIVATED SIGN WITH SPEAKER BOX, MOTOR VEHICLE SIGN, MOVING SIGN, MURAL, NEON SIGN, NONCOMMERCIAL SIGN, **OFF-PREMISE SIGN**, OPAQUE, OVERHANGING SIGN, PENNANTS, SPINNERS, AND STREAMERS, PERMANENT SIGN, POLITICAL EVENT SIGN, **PORTABLE SIGN**, **PROJECTING NAMEPLATE**, PROMOTIONAL EVENT SIGN, RESIDENTIAL EVENT SIGN, ROOF SIGN, **SANDWICH BOARD SIGN**, SHOPPING CENTER, **SIGN**, SIGN AREA, SIGNABLE AREA, SIGN SUPPORTS OR UPRIGHTS, SUBDIVISION, TEMPORARY SIGN, TRAILED SIGN, UNATTENDED SIGN, WALL SIGN, WARNING SIGN, WINDOW AREA, WINDOW SIGN

Article 21: Signs

Amend by Adding:

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN ORDAINS:

Section 1.

Amend Article 2 Section 202 A by Adding:

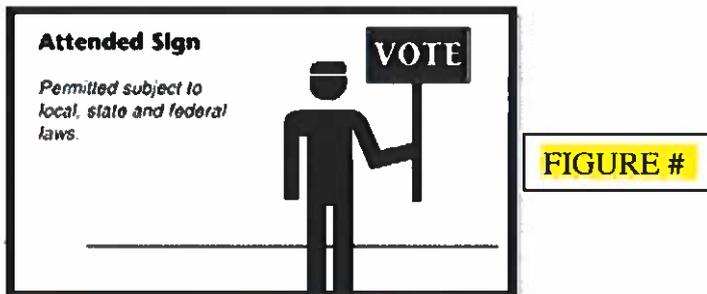
ABANDONED CONFORMING SIGN: A sign pertaining to a business, lessor, owner, product, or activity that has not been available upon the premises where such sign is displayed for a period of one year or longer.

ABANDONED NONCONFORMING SIGN: A sign pertaining to a business, lessor, owner, product, or activity that has not been available upon the premises where such sign is displayed for a period of 90 days or longer.

ACCESSORY SIGN: A sign pertaining to a business, lessor, owner, product, or activity that has not been available upon the premises where such sign is displayed for a period of 90 days or longer.

ADDRESS SIGN: A sign identifying a numerical designation commonly used to indicate the location of a building on a street or right-of-way.

ATTENDED SIGN: A noncommercial sign that is hand held or carried by a person such as a placard, picket, or poster.



AWNING: A fabric-covered, rigid framework shelter attached to a building. Awnings may be fixed or retractable. Marquee awnings are those that are supported by ground posts and extend over the entrance to a building.

AWNING SIGN: A sign that is part of or attached to the surface of an awning.

Amend Article 2 Section 203 B by Adding:

BANNER: A sign printed or displayed upon cloth or other flexible material, excepting national, state, or municipal flags.

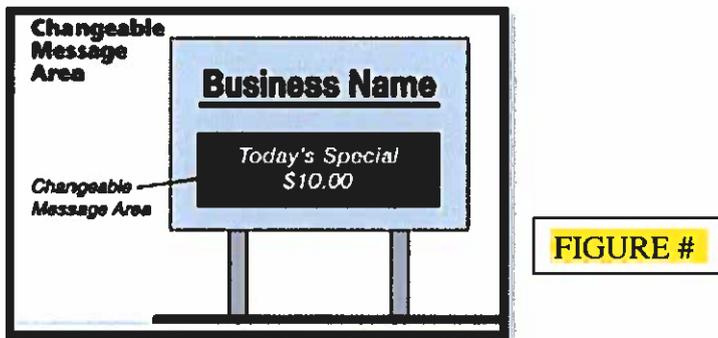
BILLBOARD: An off-premise sign.

Amend Article 2 Section 204 C by Adding:

CANOPY: A horizontal, roof-like shelter or structure, usually attached to a building that may be suspended, cantilevered, or pole-supported.

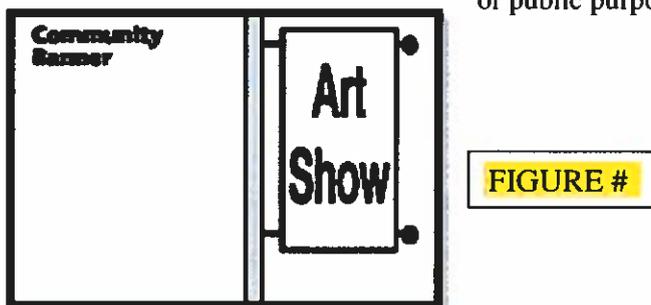
CANOPY SIGN: A sign that is part of or attached to the surface of a canopy.

CHANGEABLE MESSAGE AREA: That portion of a sign that displays characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign. The changeable message area shall be in a subordinate location to the fixed message area and shall not have a white or yellow background. Phosphorescent and the like shall not be permitted.



COMMERCIAL SIGN: Any sign that identifies, advertises, or directs attention to a business or is intended to induce the purchase of goods, property, or services.

COMMUNITY BANNER: A temporary banner erected over a city right-of-way, with approval by the city, identifying an event sponsored by a nonprofit association or corporation for a charitable, educational, or public purpose.



COMMUNITY EVENT: A charitable, educational, or public event.

COMMUNITY SERVICE SIGN: A temporary sign that identifies nonprofit associations or corporations, including service clubs.

Amend Article 2 Section 205 D by Adding:

DIRECTIONAL SIGN: A sign that directs the locations of or route to a use or occupancy.

DIRECTORY SIGN: A sign that displays the names and locations of at least five businesses, as well as the locations of related customer convenience services and facilities.

DYNAMIC DISPLAY: Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically

replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LCD or other monitors, LED lights manipulated through digital input, "digital ink" or any other method or technology that allows the sign face to present a series of images or displays.

Amend Article 2 Section 206 E by Adding:

EXTERIOR BUSINESS SIGN: A sign located outside a building.

EXTERIOR-ILLUMINATED SIGN: A sign that is illuminated by a light source that is outside the face of the sign.

Amend Article 2 Section 207 F by Adding:

FIXED MESSAGE AREA: That portion of a permitted sign that is used for a permanent message, such as the name of a business or organization, or its principal service or product. (figure xx)



FLAG: An official governmental emblem displayed on fabric or other material generally mounted to a pole.

FLASHING SIGN: Any lighted or electrical sign which gives out light or varying intensities of light in sudden intermittent bursts. Noncommercial, electronic message signs, such as time and temperature signs, are not considered flashing signs for the purposes of this ordinance.

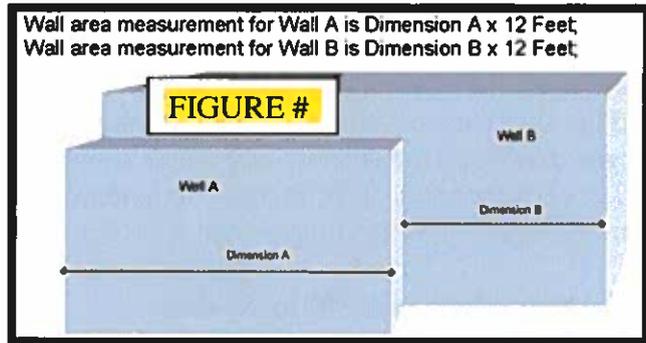
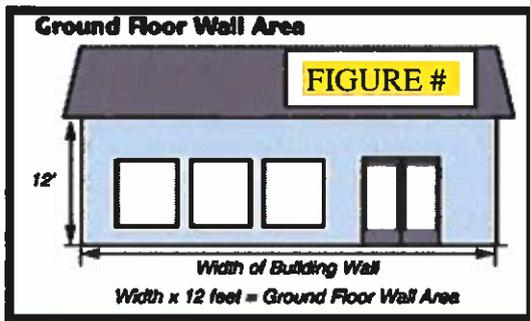
FREESTANDING OR GROUND SIGN: A nonportable sign supported by permanent uprights or supports in the ground, not attached to any building or structure. (figure xx)



Amend Article 2 Section 208 G by Adding:

GRAPHICS: Including, but not limited to, any mosaic, mural, painting, or graphic art technique constructed, molded, painted, etched, or otherwise placed onto a building or structure.

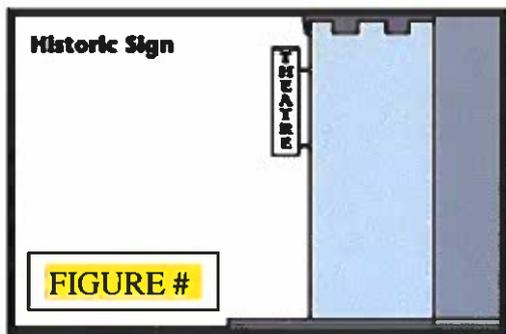
GROUND FLOOR WALL AREA: For purposes of this ordinance, the ground floor wall area is the width of the wall multiplied by an assumed standard ground floor height of 12 feet on the wall that the sign is placed. Only that portion of a wall that is visible in its entirety from the street or parking lot and not blocked by adjacent buildings or differing wall planes can be used in the calculation.



Amend Article 2 Section 209 H by Adding:

HEIGHT: The vertical distance of a sign measured from the average finished grade level within ten feet of the horizontal limits of the sign structure to the top of the sign structure, including any framework.

HISTORIC SIGN: A sign located on a building or site that is determined by the city's planning commission, or its designated sign committee, to be of historic merit and significance and is an integral element to the historic character of the building or site. Particular consideration shall be given to historic signs on buildings or sites that are listed or fall within a district listed on the National Register of Historic Places. (figure xx)



Amend Article 2 Section 210 I by Adding:

ILLUMINATED SIGN: Any sign that has characters, letters, figures, or designs, illuminated by electric lights or luminous tubes as part of the sign.

INFORMATIONAL SIGN: Signs displayed strictly for the direction, safety, or convenience of the public, including signs that identify restrooms, parking area entrances or exits, visitor parking, restricted parking, clearance, freight entrances or the like.

INTERACTIVE SIGN: A sign mounted on a building wall or in a window that is interactive or utilizes touch screens to relay the sign message and are accessed or manipulated from the public right-of-way.

INTERNALLY ILLUMINATED SIGN: A sign that is lighted by a source inside the sign face, behind the sign face, or otherwise backlighting the sign face or message. Only letters, numerals, and logos may be of translucent material to allow internal lighting to reveal the message of the sign. The background shall be opaque. Individual internally illuminated letters, commonly known as channel signs or dimensional lettering, are permitted.

Amend Article 2 Section 214 M by Adding:

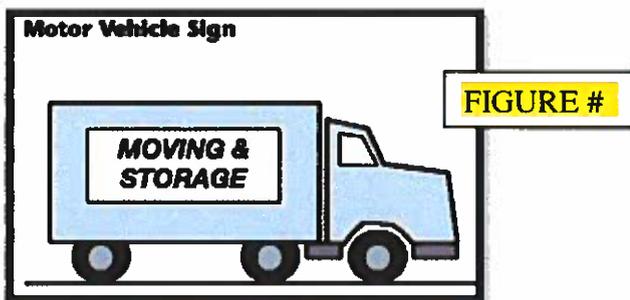
MANSARD: A roof having two slopes with the lower slope much steeper than the upper slope. The lower slope is oriented on a vertical axis and therefore is visible as a part of the building facade. The *mansard cap* is a version of this roof that often is applied to only one facade on the building, particularly one-story commercial structures. *Fascia roofs* and *parapet walls* shall be regulated as a mansard for purposes of this ordinance.

MARQUEE: A specialized, permanent canopy projecting over the entrance of a movie theater.

MARQUEE SIGN: Any sign attached to or made a part of a marquee.

MOTION- OR SOUND-ACTIVATED SIGN WITH SPEAKER BOX: A sign that uses audio-messaging through an exterior speaker box to communicate with pedestrians in the public right-of-way and is either motion- or sound-activated.

MOTOR VEHICLE SIGN: A sign that is on a motor vehicle or trailer. (figure xx)



MOVING SIGN: A sign that physically moves or has the appearance of moving.

MURAL: A work of decorative art applied on or attached to an exterior wall within public view that does not include graphics or text that can be interpreted as containing commercial advertising or other content intended for commercial purposes.

Amend Article 2 Section 215 N by Adding:

NEON SIGN: A sign constructed of thin, visible, molded tubes containing a gas for illumination.

NONCOMMERCIAL SIGN: A sign that is not related to or connected with trade or commerce in general.

NONCONFORMING SIGN: Any sign that does not conform to the requirements of this ordinance.

Amend Article 2 Section 216 O by Adding:

OFF-PREMISE SIGN: Any sign located on property that displays a message pertaining to a business, service, good, or activity that is not located on the same property as the sign. (figure xx)

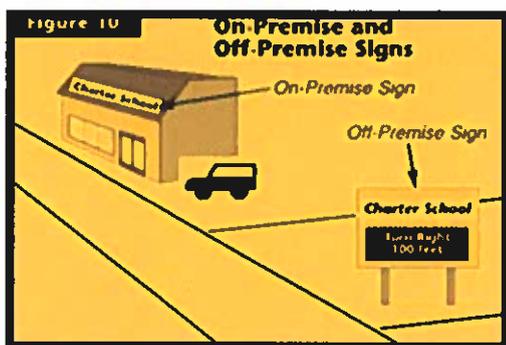


FIGURE #

POLE

ON-PREMISE SIGN: A sign with a message that relates to a business, service, good, activity, or profession lawfully being conducted, sold, or offered on the same premises.

OPAQUE: A level of illumination measured directly on the surface of an interior lit sign that does not exceed three foot candles.

OVERHANGING SIGN: A fixed message sign that is affixed to any part of a building (but not as a marquee), where the sign surface is perpendicular to the building wall, and the sign is oriented toward viewing by vehicular traffic. Such signs are distinguished from projecting nameplates based upon restrictions in size and height, and the type of zoning districts in which they are permitted.

Amend Article 2 Section 217 P by Adding:

PENNANTS, SPINNERS, AND STREAMERS: An article of material mounted to a building or suspended from a rope, wire, or string designed to move with the wind in a free-flying manner. (figure xx)

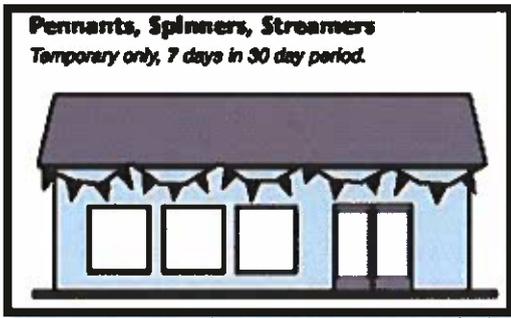


FIGURE #

PERMANENT SIGN: A sign of a durable material anchored or secured to a building, accessory structure, or the ground, that is not temporary and has a vertical sign face.

POLITICAL EVENT SIGN: A temporary, unattended sign pertaining to an official city, school district, county, state, or federal election or referendum, or other sign as defined by law.

PORTABLE SIGN: A sign not permanently affixed, anchored, or secured to the ground or to a structure, including trailered signs, tripods, menu and sandwich board signs.

PROJECTING NAMEPLATE: A fixed message sign typically indicating the name of a residence or business, perpendicular to the building wall, and oriented toward pedestrians in size and location. (figure xx)

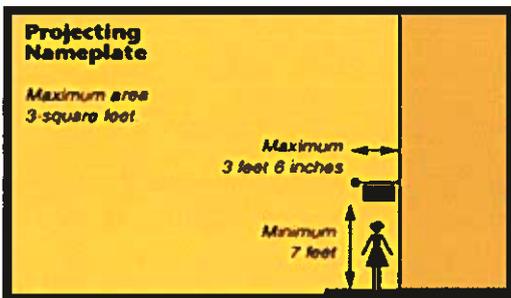


FIGURE #

PROMOTIONAL EVENT SIGN: A temporary, noncommercial, off-premise sign that is temporarily implanted in a yard or curb lawn area for a community event and regulated by Section XXX.X (figure xx)

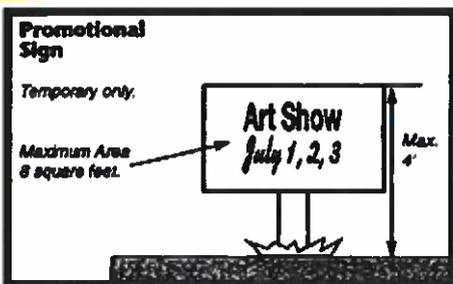
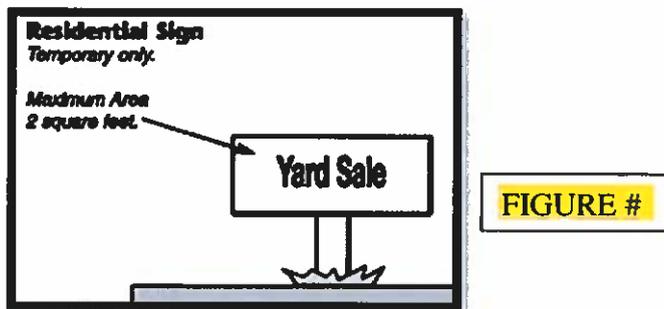


FIGURE #

Amend Article 2 Section 219 R by Adding:

RESIDENTIAL EVENT SIGN: A temporary, noncommercial sign located in a district zoned for residential uses, identifying a permissible event at a residence, such as a garage sale, yard sale, etc. (figure xx)



ROOF SIGN: A sign that is located upon, above, or over the roof of a structure, or in the case of a building with a mansard roof, a sign that is above the deck line of the mansard roof.

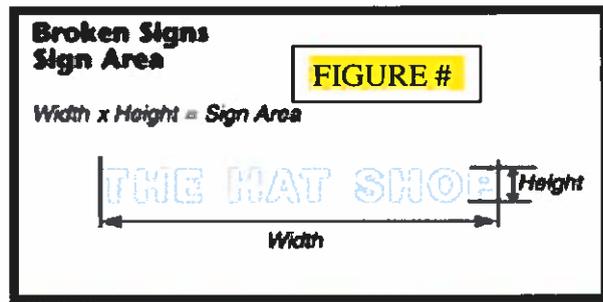
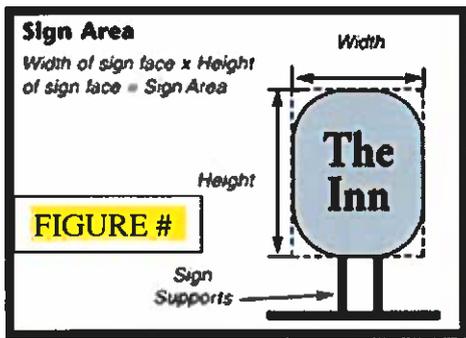
Amend Article 2 Section 220 S by Adding:

SANDWICH BOARD SIGN: A professionally-designed, custom-constructed portable sign, also known as a "tent" sign, that is displayed seasonally and temporarily at a storefront.

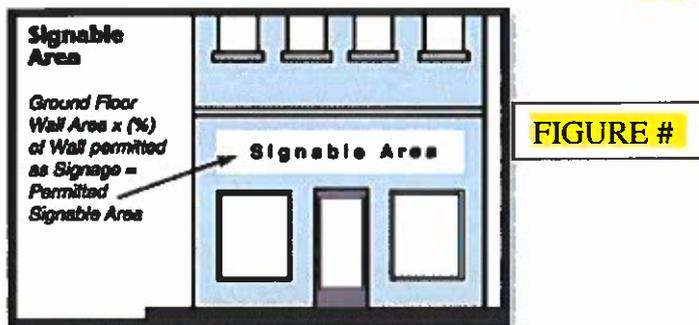
SHOPPING CENTER: A retail/service complex, containing five or more businesses, where buildings are physically connected and the businesses share private access drives and parking.

SIGN: Any writing, pictorial representation, illustration, decoration, emblem, symbol, design, trademark, or figure that is a structure or a part of a structure or is written, printed, painted, projected, constructed, illuminated, or otherwise placed or displayed upon any structure, building, parcel of land, or within three feet of a window interior that attracts attention to the subject thereof or is used as a means of identification, advertisement, announcement, expression, or decoration and that is visible from a street, right-of-way, sidewalk, alley, park, or other public property.

SIGN AREA: The sign area is the maximum height multiplied by the maximum width of the sign components including any frame or other material or color or open spaces or voids forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. That portion of the sign supports or uprights that exceed in surface area 60 percent of the total permitted sign area and is visibly parallel to the sign face shall require approval of the planning commission as part of a special condition sign. Both sides of a sign structure may be used for sign purposes, provided the sides have a 180-degree, back-to-back relationship. In the case of a broken sign (a sign with letters individually mounted to a wall), the total surface area shall be measured by multiplying the horizontal distance between the outer edges of the two furthest letters by the maximum vertical height of any letters in the sign. (figure xx)



SIGNABLE AREA: The permitted sign area for a particular sign type calculated in accordance with the standards and formulas of this ordinance. (figure xx)



SIGN SUPPORTS OR UPRIGHTS: A non-illuminated structure that is used to brace, support, or hold a freestanding sign.

SUBDIVISION: A planned residential development consisting of eight or more single-family homes.

Amend Article 2 Section 221 T by Adding

TEMPORARY SIGN: A sign intended to be displayed for a limited period of time.

TRAILERED SIGN: A sign mounted on a trailer or other wheeled device.

Amend Article 2 Section 222 U by Adding

UNATTENDED SIGN: Any sign that is not handheld or carried by a person. (figure xx)

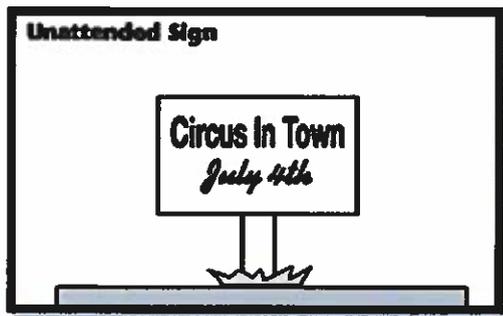


FIGURE #

Amend Article 2 Section 224 W by Adding

WALL SIGN: A sign that is attached, mounted, or painted directly onto a building wall with the sign face parallel to the building wall.

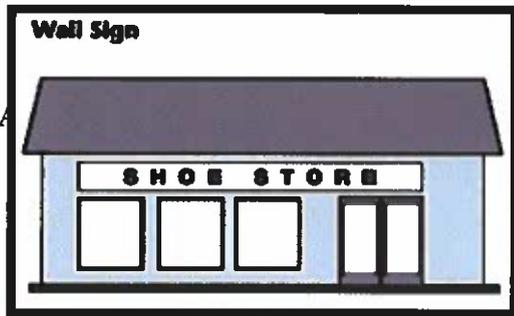


FIGURE #

WARNING SIGN: Any sign that alerts persons to safety hazards or potential violations.

WINDOW AREA: The area of a window as measured by the maximum height and maximum width of the window glass, including glass windows in doors.

WINDOW SIGN: A sign that is either affixed to or within three feet of a door or window interior.

Amend Article 21 Section 2102 General Standards by Adding

A. COMPUTATIONS.

4. a. For properties fronting on US 31 in the G-C, P-D, C-1, C-2, C-3 and W-F districts or properties with a minimum of 10,000 sq. ft. of parcel area that front on a Key Street Segment in the R-2 Zoning District, marquee, suspended and wall 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 or 50 square feet for each storefront, whichever is greater.

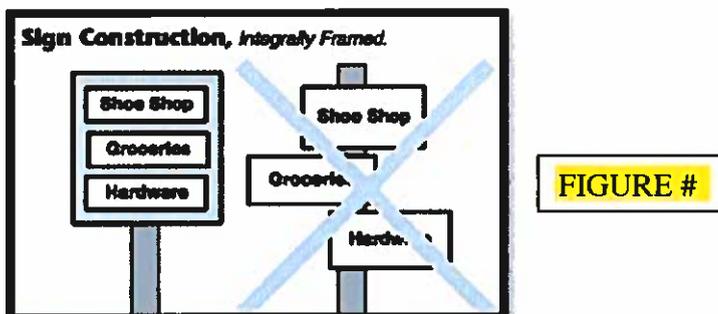
b. For properties that do not front on US 31 in the P-D, C-1, C-2, C-3 and WF districts or properties with a minimum of 10,000 sq. ft. of parcel area that front on a Key Street Segment in the R-2 and R-3 Zoning Districts, marquee, suspended and wall signs shall be permitted and the maximum cumulative 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 for each storefront, whichever is greater.

c. For properties with water frontage in the R-3 P-D, C-2, C-3 and WF marquee, suspended and wall signs shall be permitted on the water front side 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, for each storefront whichever is greater. Each boat slip will be permitted a sign not to exceed twentyfive (25) square feet.

15 % OF GROUND FLOOR WALL AREA ON FRONT FAÇADE
10 % OF GROUND FLOOR WALL AREA ON REAR FAÇADE
10 % OF GROUND FLOOR WALL AREA ON SIDE FAÇADE

H. PREEXISTING NONCONFORMING SIGNS: Any sign that conformed with a sign ordinance in effect at the time said sign was displayed, may be maintained, subject to the provisions herein contained.

I. SIGN CONSTRUCTION AND ASSEMBLY: Projecting nameplates, overhanging signs, and freestanding signs shall have a sign face that is an integrally-framed structure and shall not have multiple, attached separate sign units on the face of the sign supports. The entire sign shall be made of materials that maintain this integral character, rather than an assemblage of different sign types and materials. Changeable message signs shall be an integral part of the face of any freestanding sign. In addition, such message signs shall have a uniform dark background with light-colored lettering and satisfy all other conditions of this ordinance.



J. SIGN INSTALLATION: No sign shall be placed, displayed, or installed upon property without the consent of the property owner. Wall-mounted signs, overhanging signs, and projecting nameplates shall be thoroughly secured to a building by metal anchors, bolts, supports, rods, or braces and shall comply with building code requirements for wind loads, snow loads, and dead loads. Independently-mounted letters, figures, or similar message elements shall be safely and securely attached to the sign face and building wall.

K. SIGN MAINTENANCE: Signs shall be maintained at all times in a clearly legible and safe condition and shall be kept in good repair. Lighting for a sign shall be maintained in working order.

L. ADDRESS SIGN: One address sign shall be placed at the main entrance to each principal structure on any property such that same is plainly legible and visible from the street fronting the property, to assist ambulance, police and fire protection response. (Figure 23) Businesses with rear entrances or service doors or alleys shall display the business address with a prefix "R." Wall-mounted address signs shall not exceed two square feet in surface area, and at least one such sign shall show the numerical address of the premises and shall be visible from the street for which the address applies. Address signs identifying a business shall have a minimum height of six inches.

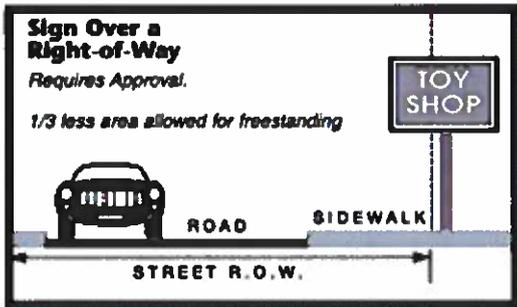


Residential address signs shall have a minimum height of four inches. Address numbers shall have a minimum width of one-half inch and shall be Arabic numbers or English alphabet letters contrasted with their background to enhance visibility; provided, however, that at least one address display shall be numerical. Freestanding address signs may be provided at single-family residences, not to exceed two square feet in area and five feet in height. Commercial, industrial, institutional, and multi-family uses are encouraged to include an address sign or signs on any freestanding sign on the lot as well.

At properties that have three or more principal buildings such as apartment complexes and mixed-use commercial developments, an address-directory sign may be required by the city. The size, height, location and illumination (if any) of the address-directory sign shall be reviewed and approved by the sign committee upon recommendation from city staff.

M. SIGN IN OR OVER A RIGHT-OF-WAY: The placement of any sign that projects more than 30 inches from the building and overhangs a public right-of-way shall be prohibited unless approved by the governmental unit having jurisdiction over that right-of-way and upon satisfaction of all requirements in this ordinance and the city code. Freestanding signs over a right-of-way shall have the sign area permitted reduced by one-third. Signs, awnings, mansards, canopies, or marquees over a public sidewalk may not project more than five feet from the building to which

they are attached and must be a minimum of seven feet, six inches higher than the sidewalk grade, for projections of 42 inches or more. Temporary signs (such as real estate, political event, and residential event signs) shall not be placed in the public right-of-way such as curb lawns.



FIGURE

Q. OBSTRUCTIONS TO ANY DOOR, WINDOW, SIDEWALK, OR FIRE ESCAPE: No sign shall be erected, relocated, or maintained so as to prevent ingress or egress from any door, window, sidewalk, or fire escape.

P. SIGN CONSITUTING A TRAFFIC HAZARD: No sign shall be placed, displayed, or illuminated so as to obstruct or impair driver vision. A sign shall not obstruct the view of any official traffic sign, traffic signal, or traffic marking. Signs that, by reason of their location, shape, size, or color, can be confused with an official traffic sign, signal, or marking, shall not be permitted. Signs which use beacons, spotlights, or searchlights visible from public rights-of-way are prohibited.

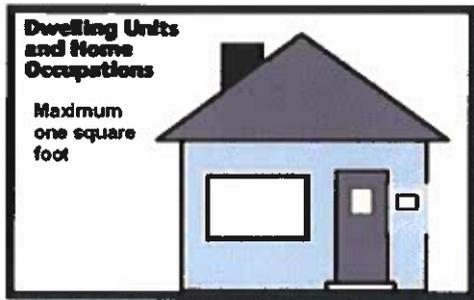


FIGURE

Q. ABANDONED SIGN: Abandoned signs shall be removed in accordance with their status as to conformity. Where such signs are nonconforming in size, or height, or other features, they shall be removed within 90 days. Where the sign is conforming but abandoned they shall be removed after one year. Any abandoned conforming sign or abandoned nonconforming sign or sign structure may be removed by the city at the expense of the property owner.

R. SIGN CONSTITUTING A PUBLIC NUISANCE: If a sign is determined to be a public nuisance, as defined in chapter XX of the City of Manistee Code of Ordinances, it shall be abated in accordance with the procedures provided in said chapter XX.

S. HOME BASED BASES BUSINESS SIGN: Home businesses are allowed a single business identification sign, not exceeding **one square foot**, to be wall-mounted at the entrance.

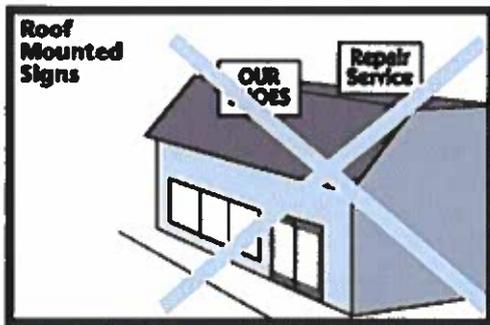


FIGURE

Amend Article 21 Section 2104 Prohibited Signs by Adding

G. Trailered signs that are placed upon or attached to a trailer or other wheeled device for display.

H. Roof-mounted signs.



FIGURE

I. Signs painted, posted, or mounted on trees, rocks, or other natural features, fences, fence posts, light poles, benches, flower boxes, and perimeter or privacy walls, and telephone or utility poles.

J. Any sign or sign structure that the city determines is structurally unsafe.

K. Off-premise signs.

L. Permanent window signs on upper stories of buildings.

Amend Article 21 Section 2105 TO NONFORMING Signs by Adding

A. Nonconforming signs shall be restricted as follows:

1. *Expansion, enlargement, and alteration.* Nonconforming signs shall not be structurally altered so as to prolong the life of the sign, such as to change the shape, size, type, design, or face of the sign. Nonconformities shall not be enlarged, expanded, or extended.
 2. *Reestablishment.* A nonconforming sign shall not be reestablished or displayed after the activity, business, or usage to which it relates has been discontinued for 90 days or longer. A conforming sign shall not be reestablished or displayed after the activity, business, or usage to which it relates has been discontinued for one year.
 3. *Reconstruction.* Should any nonconforming sign or any portion thereof be destroyed by any means, to the extent of 60 percent or more, it shall be reconstructed only in conformity with the provisions of this ordinance.
 4. *Relocation.* Should any sign be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
 5. *Maintenance.* Nonconforming signs may be maintained in their present shape, size, and materials with ordinary repairs so as to remain in a safe condition and to avoid unsightly deterioration.
 6. *Removal.* All signs within the prohibited category shall be removed within 30 days of the effective date of this ordinance.
- B. Relocation of on-site elements.** If the owner of a sign or the premises on which a sign is located changes the location of a building, property line, or sign, or changes the use of a building such that any sign on the premises is rendered nonconforming, such sign shall be made to conform to this ordinance.
- C. Relocation of off-site elements.** No person shall be required to remove a sign that was erected in compliance with this ordinance if said sign becomes nonconforming due to a change occurring after the effective date of this ordinance in the location of buildings or

streets where such change is beyond the control of the owner of the sign and the premises on which the sign is located.

D. *Temporary sign change—Conformity.* The following types of signs shall be removed or altered to conform to this ordinance within 30 days from the effective date of this ordinance:

1. Tripod, sandwich board, and portable signs, and
2. Temporary signs that do not conform to article V of this ordinance.

E. *Condemnation.* Upon approval of city council, pursuant to applicable law, the city may acquire by condemnation an interest in privately-owned nonconforming signs for the purpose of removal of such nonconforming signs to promote the public health, safety, and welfare of the city and its inhabitants. Just compensation, as defined by applicable law, shall be paid any owners for residual value of a nonconforming sign that is condemned pursuant to this section.

Amend Article 21 by Adding SECTION 2106 SIGN REGULATION TABLE

Zoning Districts	Permitted Sign Types	Max. # of Signs Allowed	Max, Total sign Area Allowed
G-C	Ground	1 (for each 600 feet of frontage)	32 Sq. Ft. (limited to 8 feet in height)
	Marquee, Suspended, Wall	n/a	50 square feet or 1.5 x of principal building width whichever is greater
	Projecting	1	One per storefront no greater than 48 Sq. Ft.
	Portable	1 (no permit needed)	8 Sq. Ft. (only during hours of operation)
R-1, R-2, R-3, & R-4	Ground, Marquee, Projecting, Suspended, Wall	n/a	16 Sq. Ft. (Ground signs limited to 8 feet in height)
Properties with frontage on US 31 or properties with a minimum of 10, 000 sq. ft. of parcel area that front on a Key Street Segment in the R-2 Zoning District			
R-2, P-D, C-1, C-2, C-3, & W-F	Ground, Pole	1	80 Sq. Ft. (Ground signs limited to 8 feet in height)
	Marquee, Suspended, Wall	n/a	50 square feet or 1.5 x of principal building width whichever is greater
	Projecting	1	One per storefront no greater than 48 Sq. Ft.
	Portable	1 (no permit needed)	8 Sq. Ft. (only during hours of operation)
Properties not fronting on US 31 or properties with a minimum of 10, 000 sq. ft. of parcel area that front on a Key Street Segment in the R-2 & R-3 Zoning Districts Internally lit signs are prohibited in the Historic District			
R-2 & R-3, P-D, C-2, C-3, & WF	Ground	1	16 Sq. Ft. (limited to 8 feet in height)
	Marquee, Suspended, Wall	n/a	50 square feet or 1.5 x of principal building width whichever is greater
	Projecting	1	One per storefront no greater than 16 Sq. Ft.
	Portable	1 (no permit needed)	8 Sq. Ft. (only during hours of operation)
Properties with water frontage Lighting of ground mounts signs on the riverwalk is prohibited			
R-3, P-D, C-2, C-3 & W-F	Ground	1	16 Sq. Ft. (limited to 8 feet in height)
	Marquee, Suspended, Wall	n/a	25 Sq. Ft. or .75 x of principal building width Each boat slip will be permitted (1) one sign not to exceed 25 square feet.
	Projecting	1	16 sq. ft.
	Portable	1 (no permit needed)	8 Sq. Ft. (only during hours of operation)
Industrial Properties			
L-I & G-I	Ground	1 (for each 600 feet of frontage)	64 sq. ft. (limited to 12 feet in height)
	Marquee, Suspended, Wall	n/a	64 Sq. Ft. (For parcels on corner lots an additional 64 sq. ft. of signage will be permitted)
	Projecting	1	48 Sq. Ft.

15 % OF GROUND FLOOR WALL AREA ON FRONT FAÇADE
10 % OF GROUND FLOOR WALL AREA ON REAR FAÇADE
10 % OF GROUND FLOOR WALL AREA ON SIDE FAÇADE

Section 2. Severability.

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of this ordinance which shall continue in full force and effect.

Section 3. Vested Right.

Nothing in this ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular sign or signs, and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation or protections of public health, safety and welfare.

Section 4. Effective Date; Publication.

This Ordinance shall be effective ten (10) days after its enactment as provided in Section 4-3 of the City of Manistee Charter and seven (7) days after publication, whichever is later. The City Clerk shall cause a copy of this Ordinance to be published in a newspaper circulated in the city of Manistee, stating the date of the enactment and effective date of the Ordinance, a brief notice as to the subject matter of the Ordinance and such other facts as the City Clerk shall deem pertinent. A copy of the Ordinance shall be made available for public use and inspection at the office of the Manistee City Clerk.

Section 5.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MANISTEE,
MANISTEE COUNTY, MICHIGAN, THIS ____ DAY OF _____, 2019.

ENACTMENT DATE: _____

CERTIFICATION

STATE OF MICHIGAN)
) ss.
COUNTY OF MANISTEE)

I, the undersigned, the duly qualified and acting Clerk of City of Manistee, do hereby certify that the foregoing is a true and complete copy of the Ordinance adopted by the Manistee City Council at a regular meeting held on the ___ day of _____, 2019, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, being Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this ___ day of _____, 2020.

Heather Pefley, City Clerk



Master Citizen Planner (MCP) 2020 Live Webinar Series

Questions?
Contact us:
MSU Extension,
Citizen Planner
Coordinator:
(517) 353-6472

Email:
cplanner@msu.edu

*All webinars will be
recorded and sent to
registrants.



This webinar series is designed to offer continuing education for Master Citizen Planners in a convenient online opportunity* and is open to all planning and zoning officials. Webinars are offered from 6:30-7:30 PM on the dates below.

2020 Webinar Topics:

March 19: Planning and Zoning to Cultivate a Flourishing Food System, Brad Neumann, AICP

April 16: Planned Unit Development (PUD): A Unique Land Use Tool, Harmony Gmazel, AICP

May 21: High Water in Michigan: The Role of Shoreline Planning and Regulation, Mary Reilly, AICP

June 25: Building Trust and Making Better Decisions, Lindsey Gardner

July 16: The Local Land Division Ordinance: Should your local unit have one? David S. Rowley, MAAO(3), MCPPE

September 17: Land Use Planning for All Generations, Tyler Augst

To register or find out more:

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