

Notice of Public Hearing
Proposed Zoning Ordinance Amendment

The Manistee City Planning Commission will hold a Public Hearing for proposed changes to the Zoning Ordinance on **Thursday, July 7, 2022, at 7pm** at City Hall (237-398-2803), 70 Maple St., Manistee, MI 49660.

The Hearing is being held to consider the adoption of proposed amendments to the City of Manistee Zoning Ordinance.

Hearing Purpose: Amendment to the City of Manistee Zoning Ordinance as follows:

Z22-03: Storage Sheds

Z22-04: Special Land Use Permit Termination Date

Zoning Amendment **Z22-03 & Z22-04** have been prepared to address Definitions, General Provisions, and Standards and Requirements for Special Uses in the following sections of the Ordinance:

Article 2: DEFINITIONS AND INTERPRETATION

AMEND SECTION 202 A

Amend definition of Accessory Building to not include small storage structures defined as Storage Sheds.

AMEND SECTION 220 S

Add definition of Storage Shed to allow for a small storage structure on parcels that contain a principal building.

Article 5: GENERAL PROVISIONS

Add SECTION 537 STORAGE SHEDS to allow for a small storage structure on parcels containing a principal building.

Article 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES

Amend SECTION 1801, SUBSECTION I: EXPIRATION to allow for a built-in expiration date to special land use approvals if the applicant has not commenced substantial construction and is not diligently proceeding to completion within two years.

Copies of the proposed Amendments are available for review at the Office of the City Clerk, City Hall, 70 Maple St., Manistee, MI, 49660, the Manistee County Planning Department, 395 Third St., Manistee, MI 49660, and on the City's Web Page www.manisteemi.gov. Interested parties are welcome to attend the hearing, or written comments with signature can be submitted to the Manistee County Planning Dept. 395 Third St. Manistee, MI 49660 by the end of business day on the day of the meeting.

Planning Department

June 17, 2022
Planning Commission
70 Maple Street
Manistee, MI 49660

Katie Mehl
Manistee County Planner
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Manistee, MI 49660
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Dear Planning Commission Members,

At the June Planning Commission meeting, discussion was held regarding several proposed amendments to the Zoning Ordinance. This memo details the proposed amendments that are noticed for the public hearing to be held at the July Planning Commission meeting. The proposed amendments are to address storage sheds and a termination date for Special Land Uses (SLU).

The first item to be addressed is the incorporation of language for smaller detached accessory buildings in the residential districts. Currently, the zoning ordinance does not provide regulation for a small accessory building such as a storage shed, and you are only allowed one detached accessory building regardless of the size. The changes to these sections would provide regulation for storage sheds that are less than 144 sq. ft. and less than eight feet at the eave. This would allow for a parcel that contains a principal building to have one (1) storage shed in addition to the accessory building(s) allowed on the parcel.

To address the issue, staff has proposed the following:

Amend Article 2: DEFINITIONS AND INTERPRETATION

Amend SECTION 202 A

- Remove, ACCESSORY STRUCTURE: A structure which is clearly subordinate or incidental to a principal structure or principal use. Accessory structures include, but are not limited to, the following: storage structures, parking lots, loading docks, radio and television antennas, or any part thereof; but shall not include fences and hunting blinds which are clearly not permanent and are easily removed. Under no circumstances shall a septic system and tile field be considered an accessory structure.
- Add, ACCESSORY STRUCTURE: A structure which is clearly subordinate or incidental to a principal structure or principal use. Accessory structures include, but are not limited to, the following: storage structures *of greater than 144 sq ft*, parking lots, loading docks, radio and television antennas, or any part thereof; but shall not include fences and hunting blinds which are clearly not permanent and are easily removed. Under no circumstances shall a septic system and tile field be considered an accessory structure.

Amend SECTION 220 S

- Add, STORAGE SHED: A building or structure of 144 square feet or less and not exceeding a height of eight (8) feet at the eave line.

Amend Article 5: GENERAL PROVISIONS

Add SECTION 537 STORAGE SHEDS

A Storage Shed of 144 square feet or less in area is not classified as an accessory building. The following requirements shall apply:

- A. Storage sheds must be in a side or rear yard and not less than ten (10) feet from any principal building or above grade accessory structures. Such structures may be located on the waterfront, side, or rear yard of the parcel, providing that all mandated setbacks and any other requirements are complied with.
- B. Storage sheds must be secured to the ground using screw-in soil anchors or a minimum of 4X4 inch treated posts 18 inches deep at each corner and well secured to the structure.
- C. In no case shall a storage shed be erected on any parcel lacking a principal building.
- D. All parcels are allowed a maximum of one (1) storage shed.
- E. The lot coverage requirements of the district shall be adhered to.
- F. The storage shed must be compatible in design and appearance with the principal building and adjacent properties (i.e., common siding and roofing material).
- G. Membrane covered storage structures and carports of any type shall not be considered a storage shed.

The second item to be addresses is a termination date for Special Land Uses (SLU). The Zoning Ordinance currently allows for the City to place stipulations on approval times SLU but does not have an automatic expiration date associated with the approval. It is common from looking at surrounding Cities in our region that an automatic expiration date be associated with approval of SLU. The change to the expiration section would put a built-in expiration to SUP that are not completed in a timely manner The Planning Commission could still stipulate a lesser or longer termination date as part of the stipulation for approval.

To address the issue, staff has proposed the following:


Amend Article 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES:

Amend SECTION 1801, SUBSECTION I: EXPIRATION

- Remove, 3. If a condition of approval included stipulation to expire the Special Use permit by a certain date.
- Add, 3. If no date is stipulated the special use permit shall expire two (2) years from date of final approval if the applicant has not commenced substantial construction and is not diligently proceeding to completion. Upon written request by the applicant, stating the reasons therefore, the Planning Commission may extend the time for commencement of construction.

If you have any additional questions or concerns, feel free to contact me.

Regards,



Katie Mehl
Planning and Zoning Administrator
Manistee County

ORDINANCE Z22-03

AN ORDINANCE TO AMEND IN ARTICLE 2 AND ARTICLE 5 OF THE CITY OF MANISTEE ZONING ORDINANCE ENTITLED “MANISTEE CITY ZONING ORDINANCE” WHICH WAS ADOPTED FEBRUARY 21, 2006. THESE AMENDMENTS WOULD PROVIDE FOR THE ALLOWANCE OF SMALL STORAGE STRUCTURE THAT IS NOT CLASSIFIED AS AN ACCESSORY BUILDING ON PARCELS THAT CONTAIN A PRINCIPAL BUILDING AND TO REPEAL ALL ORDINANCES IN CONFLICT THEREWITH

THE CITY OF MANISTEE ORDAINS:

Section 1.:

Amend Article 2: Definitions And Interpretation

“Amend Section 202 A”

- Remove, “ACCESSORY STRUCTURE: A structure which is clearly subordinate or incidental to a principal structure or principal use. Accessory structures include, but are not limited to, the following: storage structures, parking lots, loading docks, radio and television antennas, or any part thereof; but shall not include fences and hunting blinds which are clearly not permanent and are easily removed. Under no circumstances shall a septic system and tile field be considered an accessory structure.”
- Add, “ACCESSORY STRUCTURE: A structure which is clearly subordinate or incidental to a principal structure or principal use. Accessory structures include, but are not limited to, the following: storage structures of greater than 144 sq ft, parking lots, loading docks, radio and television antennas, or any part thereof; but shall not include fences and hunting blinds which are clearly not permanent and are easily removed. Under no circumstances shall a septic system and tile field be considered an accessory structure.”

“Amend Section 220 S”

- Add, “Storage Shed: A building or structure of 144 square feet or less and not exceeding a height of eight (8) feet at the eave line.”

Section 2.:

Amend Article 5: General Provisions

“Add Section 537 Storage Shed”

- Add, “Section 537 Storage Shed

A Storage Shed of 144 square feet or less in area is not classified as an accessory building. The following requirements shall apply:

- A. Storage sheds must be in a side or rear yard and not less than ten (10) feet from any principal building or above grade accessory structures. Such structures may be located on the waterfront, side, or rear yard of the parcel, providing that all mandated setbacks and any other requirements are complied with.
- B. Storage sheds must be secured to the ground using screw-in soil anchors or a minimum of 4X4 inch treated posts 18 inches deep at each corner and well secured to the structure.
- C. In no case shall a storage shed be erected on any parcel lacking a principal building.
- D. All parcels are allowed a maximum of one (1) storage shed.
- E. The lot coverage requirements of the district shall be adhered to.
- F. The storage shed must be compatible in design and appearance with the principal building and adjacent properties (i.e., common siding and roofing material).
- G. Membrane covered storage structures and carports of any type shall not be considered a storage shed.”

Section 3.:
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 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.:
Repealer.

ORDINANCE Z22-04

AN ORDINANCE TO AMEND IN ARTICLE 18 OF THE CITY OF MANISTEE ZONING ORDINANCE ENTITLED “MANISTEE CITY ZONING ORDINANCE” WHICH WAS ADOPTED FEBRUARY 21, 2006. THIS AMENDMENT WOULD PROVIDE FOR A BUILT IN EXPIRATION DATE OF TWO YEARS FOR SPECIAL LAND USE APPROVALS IF NO OTHER EXPIRATION IS STIPULATED AND TO REPEAL ALL ORDINANCES IN CONFLICT THEREWITH

THE CITY OF MANISTEE ORDAINS:

Section 1.:

Amend Article 18: Standards and Requirements For Special Uses:

“Amend SECTION 1801, SUBSECTION I: EXPIRATION”

- Remove, “3. If a condition of approval included stipulation to expire the Special Use permit by a certain date.”
- Add, “3. If no date is stipulated the special use permit shall expire two (2) years from date of final approval if the applicant has not commenced substantial construction and is not diligently proceeding to completion. Upon written request by the applicant, stating the reasons therefore, the Planning Commission may extend the time for commencement of construction.”

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