

MANISTEE CITY PLANNING COMMISSION

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

WORKSESSION OF OCTOBER 21, 1999

There will be a worksession of the Manistee City Planning Commission to be held on Thursday, October 21, 1999 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

AGENDA

- I. Roll Call
- II. Matters Pertaining to the General Citizenry
 - A.
- III. Worksession
 - A. Manistee Area Public Schools - New High School
 - B. By Laws
 - C. Accessory Structure - Height Variance Requests
 - D. Master Plan
 - E. Other

cc: Planning Commission Members
R. Ben Bifoss, City Manager
Jon Rose, Community Development

MEMORANDUM

TO: Planning Commission Members

FROM: Jon R. Rose 
Community Development

DATE: October 15, 1999

RE: Planning Commission Worksession October 21, 1999

First item on the agenda is Manistee Area Public Schools - New High School. Ed Seng, President of the School Board will speak to the Planning Commission regarding the construction of a new High School. Enclosed are plans of the proposed school.

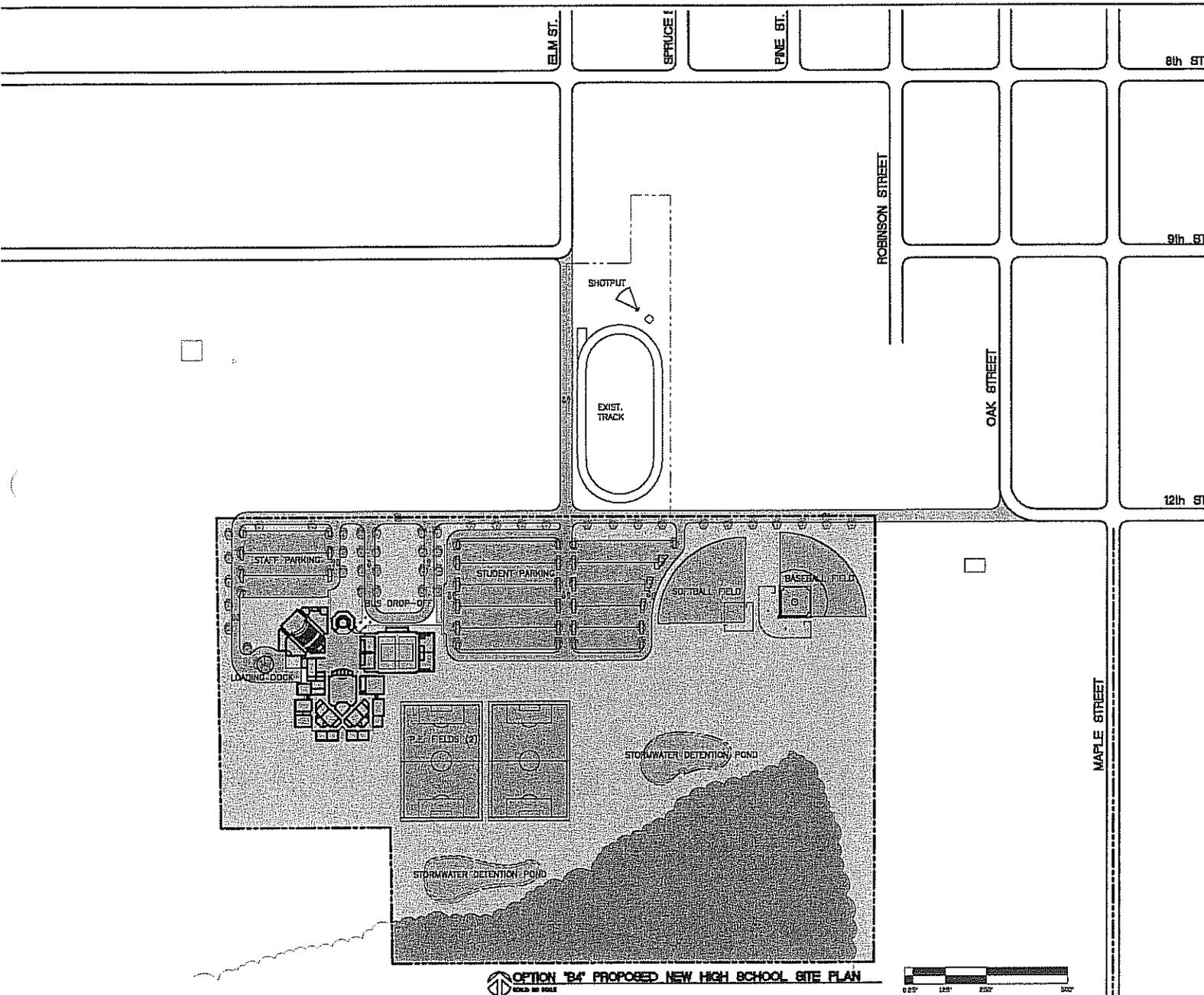
Second is a review the existing By-Laws. Enclosed is a copy for your review, please make a note of any items you feel should be addressed.

Third is to discuss changes to Section 1070. Location of Accessory Buildings and Structures and Section 1042. Height. Almost ½ of the residential requests for zoning variances are for an increase in the height of an accessory structure. Copies of the Sections are enclosed.

Last is Master Plan. We will discuss the workshop that was held in September to decide how to proceed with the updating of the Master Plan.

We will see you at the Worksession!!

JRR:djm



OPTION 'B4' PROPOSED NEW HIGH SCHOOL SITE PLAN
SCALE: AS SHOWN



MANISTEE CITY PLANNING COMMISSION

BY-LAWS and RULES OF PROCEDURE

The following by-laws and rules of procedure are hereby adopted by the Planning Commission to facilitate the performance of its duties as outlined in Act 285, P.A. of 1931, as amended (being M.C.L. 125.34, Municipal Planning).

Section 1.0 Officers:

- 1.1 Selection: At the regular meeting in December of each year, the Planning Commission shall select from its membership a Chairman, Vice Chairman and Secretary. All officers are eligible for reelection.
- 1.2 Tenure: The officers shall take office at the start of the next regular meeting following their selection and shall hold office for a term of one year, or until their successors are selected and assume office.

Section 2.0 Officers' Duties:

2.1 Chairman: The Chairman shall:

- A. Preside at all meetings,
- B. Appoint committees,
- C. Periodically meet with Planning Department Staff,
- D. Appoint an acting Secretary for a meeting at which the Secretary is absent, and
- E. Perform such other duties as may be ordered or authorized by the Planning Commission.

2.2 Vice Chairman: The Vice-Chairman shall:

- A. Act in the full capacity of the Chairman in the absence of the Chairman, and
- B. In the event the office of the Chairman becomes vacant, shall succeed to the office of Chairman for the unexpired term. The Planning Commission shall select a successor to the office of Vice-Chairman from its membership for the unexpired term.

2.3 Secretary: The Secretary shall:

- A. Execute documents in the name of the Planning Commission,
- B. Be responsible for the minutes of each meeting and shall have them spread in suitable volumes.
- C. Be responsible for copies of the minutes being distributed to each member of the Planning Commission prior to the next meeting of the Planning Commission,
- D. Be responsible for all communications, petitions and reports addressed to the Planning Commission,
- E. Keep attendance records and shall notify the City Council whenever any member of the Planning Commission is absent from three consecutive regularly scheduled

- meetings so the City Council can take further action pursuant to Section 3.2 of these rules of procedure and by law, and
- F. Perform such other duties as the Planning Commission may determine.
 - G. Maintain an accounting of funds budgeted to the Planning Commission.

Section 3.0 Meetings:

- 3.1 Regular Meetings: Meetings of the Planning Commission will be held the First Thursday of every month at 7:00 p.m. in the City Council Chambers at City Hall. When the regular meeting day falls on a legal holiday, or if city wide festivities are planned for that date, the Planning Commission shall select a suitable alternate day in the same month. A meeting of the Planning Commission shall only be canceled due to severe weather or when quorum cannot be present. [Annotation: The meeting time was changed from 7:15 p.m. by amendment on December 10, 1992]
- 3.2 Attendance: If any member of the Planning Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the City Council to remove any member from the Planning Commission for nonperformance of duty or misconduct of office, or both, after a public hearing. In the absence of the Secretary, the appointed acting Secretary shall perform the secretary's reporting function to the City Council.
- 3.3 Special Meetings: Special meetings shall be called at the request of the Chairman, or by three members of the Planning Commission. Notice of special meetings shall be given by the Secretary to the members of the Planning Commission at least 48 hours prior to such meeting and shall state the purpose and time and place of the meeting. The Chairman may designate special meetings for the exclusive purpose of discussion of long range portions of the master plan or for other single issue discussions.
- 3.4 Public: All regular and special meetings, hearings, records and accounts shall be open to the public.
- 3.5 Quorum: Five members shall constitute a quorum for the transaction of business and the taking of official action for all matters except the adoption of a master plan, or any part of a master plan. The affirmative vote of six members shall be necessary for the adoption of a master plan, or any part of a master plan. Whenever a quorum is not present at a meeting, those present may adjourn the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda. No action taken at such a meeting shall be final or official unless and until ratified and confirmed at a subsequent meeting when a quorum is present by acting to approve the minutes of the meeting at which the quorum is not present.
- 3.6 Order of Business: The secretary or his designate shall prepare an agenda for each meeting and the order of business therein shall be as follows:

- A. Call to order and roll call.
- B. Matters pertaining to the general citizenry and citizens present at the meeting, to be heard in the following order:
 - 1. Advertised Public Hearings. The Chairman will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised will be heard first. No action will be taken during a Public Hearing.
 - 2. Site plan reviews.
 - 3. Persons requested or requesting to be heard by the Planning Commission for discussion of a local problem, presentation on an issue.
 - 4. Public Participation.
- C. Housekeeping Business.
 - 1. Approval of minutes.
- D. Unfinished business. Items considered here are to be taken up in the same order considered to be priority by the Commission and/or its staff, with the highest priority taken first.
- E. Other Communications.
- F. Reports
- G. New Business, communications, other.
- H. Work Session
- I. Adjournment.

- 3.7 Motions: Motions shall be restated by the Chairman before a vote is taken.
- 3.8 Voting: Voting shall be by voice or shall be by roll call and each vote recorded in the minutes. Roll call votes shall only be done upon request of a member or by ruling of the Chairman. Members must be present to cast a vote.
- 3.9 Commission Action: Action by the Planning Commission on any matter on which a hearing is held shall not be taken until after the hearing has concluded.
- 3.10 Parliamentary Procedure: Parliamentary Procedure in Commission meetings, when needed, shall be governed by Roberts' Rules of Order.
- 3.11 Conflict of Interest: As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
- A. A commission member issuing, deliberating, voting or reviewing a case concerning himself.
 - B. A commission member issuing, deliberating, voting or reviewing a case concerning work on land owned by himself.

- C. A commission member issuing, deliberating, voting or reviewing a case involving a corporation, company, partnership, or other entity in which he is a part owner, or any other relationship where he may stand to have a financial gain or loss.
- D. A commission member issuing, deliberating, voting or reviewing a case which is an action which results in a pecuniary benefit to himself.
- E. A commission member issuing, deliberating, voting or reviewing a case concerning his spouse, children, step-child, grandchildren, parents, brother, sister, grandparents, parents in-law, grandparents in-law or member of his household.
- F. A commission member issuing, deliberating, voting or reviewing a case where he/she is a member of the Manistee City Planning Commission and
 - 1. is an applicant, or
 - 2. has a direct interest in the permit, or
 - 3. chooses to intervene in a permit application case and is done in such a manner that the commissioner feels, in his/her judgement, that his/her job, scope of duties and/or position may be a risk, pending the outcome of the permitting process. A commission member shall, when he/she has a conflict of interest do the following immediately, upon the first review of the case and determining a conflict exists:
 - a) declare a conflict exists at the beginning of the meeting where the case appears on the agenda, or when the topic brought up so such declaration is recorded in the minutes, and
 - b) refrain from participating in the discussion, site inspection or review of the case, except where specific information has been requested by the commission, and
 - c) refrain from casting a vote on any motion having to do with the case.

Section 4.0 Committees:

4.1 Executive Committee:

- A. The Executive Committee shall be a standing committee of the Planning Commission. Its membership shall be the elected officers of the Commission, and they shall hold the same offices in the committee. The Executive Committee may deal with recommendations to the Planning Commission on
 - 1. matters of the Planning Commission Budget;
 - 2. employment of a Planning Director for the Planning Department;
 - 3. overseeing the Director's day-to-day administration of the Planning Department;
 - 4. office and personnel policy; and anything else directed to the Executive Committee by the Planning Commission.
- B. The Executive Committee has limited power to act only on housekeeping matters, budget, office policy, overseeing contracts and personnel when time constraints

require action prior to the next regularly scheduled Planning Commission meeting. Such actions shall be reported at the next regularly scheduled Planning Commission meeting and are subject to the Planning Commission's review and veto.

- 4.2 Ad Hoc Committees: The Planning Commission or Chairman of the Planning Commission may establish and appoint ad hoc committees for special purposes or issues, as deemed necessary. No more than four members of the Planning Commission may serve on an ad hoc committee at any given time.

Committee appointments shall be made at the first regular meeting held in January of each year or at the time the committee is formed. Committees requiring appointments may include, but are not limited to: Site Plan /Historic Overlay District Review Committee, Joint Planning Commission/City Council Review Committee, Ordinance Committee, Zoning Board of Appeals, Manistee County Plat Review Board, DDA Liaison.

- 4.3 Citizen Committees: The Planning Commission, Chairman of the Planning Commission, and/or the Planning Director may establish and appoint citizen committees with the consent of the Planning Commission. Membership can be any number, so long as no more than four members of the Planning Commission serve on a citizen committee at any given time. The purpose of the citizen committee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Planning Commission, to better represent various interest groups.

Section 5.0 Rules of Procedure for All Committees:

- 5.1 Subservient to the Planning Commission: All committees are subservient to the Planning Commission and report their recommendations to the Planning Commission for review and action. A simple majority vote by the Planning Commission can overrule any action of any committee.

- 5.2 Same Principles: The same principles of these Rules of Procedure for the Planning Commission also apply to all committees of the Planning Commission:

- A. Officers of committees are appointed by the Chairman at the time the committee is created or are elected by the committee from its membership at their first meeting. Officers, at a minimum, shall include a chairman and a secretary-vice chairman.

- B. A committee's quorum shall be at least half the total appointed membership of the committee. Only citizen committees can elect to meet without a quorum as provided in section 3.4 of these Rules of Procedure.
- C. Only those appointed members of a committee who are present at the time of a vote shall be eligible to cast a vote.
- D. If any member of a committee is absent from three consecutively scheduled meetings of that committee, than that member shall be considered delinquent. Delinquency shall be grounds for the Planning Commission to remove the member from the committee. The elected committee secretary or acting secretary shall (and the Planning Director may) keep attendance records and notify the Planning Commission of any committee member who has been absent from three consecutively scheduled meetings to the Planning Commission may consider removal of the individual from the committee.
- E. The secretary of the committee shall keep minutes of the committee meetings in the same format as the minutes of the Planning Commission. Minutes shall be filed in the Planning Department.
- F. Committees have reasonable use of Planning Department staff time and assistance and direction for performing the work of the committee.
- G. All committee meetings, records, etc. are open to the public
- H. Citizen committees may form subcommittees from their own membership or with additional citizens when deemed necessary. Subcommittees are subservient to the parent committee. Subcommittees are informal, not requiring quorums, attendance, minutes, public participation, Less than one half the committees' members shall be appointed to a single subcommittee.

Section 6.0 Per Diem, Expenses and Mileage:

- 6.1 Mileage and Per Diem shall be paid to members of the Planning Commission at rates established by the City Council from time to time for attendance at Commission meetings and Executive Committee meetings and other authorized meetings or trips to represent the Commission, if those members bill the Commission for the same.
- 6.2 The payment of registration fees and/or the reimbursement for expenses to represent the City at planning related meetings, seminars and workshops must be approved by the Planning Commission in regular session prior to any payments being made by the city, provided budgeted funds are available and if those members bill the Commission for the same.

Section 7.0 Hearings:

- 7.1 Master Plan Hearings: Before the adoption of any part of the Master Plan as defined in Section 8 of P.A. 285 of 1931, as amended (being M.C.L. 128.38, Municipal Planning) or any amendment to the Master Plan, or recommending approval of an amendment to the governing body, the Planning Commission shall hold a public hearing on the matter. Notice of the time and place of the hearing shall be given, not less than 15 days prior to such hearing, by one publication in each newspaper of general circulation.
- 7.2 Special Hearings: Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons, or group representatives most interested.
- 7.3 Notice of Decision: A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of a request for the Planning Commission to study a special problem.

Section 8.0 Matters to be considered by the Planning Commission:

- 8.1 The following matters shall be presented for consideration at a meeting of the Planning Commission:
 - A. All preliminary plans and reports for the physical development of the city, including the general location, character and extent of streets and roads, viaducts, bridges, parks and open spaces; the general location and extent of public utilities and terminals.
 - B. The removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any public right-of-way, grounds, agricultural land, open spaces, buildings or properties.
 - C. The general character, extent and layout of the replanning and redevelopment of blighted districts and slum areas.
 - D. Land subdivision plats.
 - E. All planning reports and plans before publication.
 - F. Capital improvement programs.
 - G. Planning Department and Commission's budget requirements for the fiscal year and requests for appropriations.
 - H. Selection of consultants and determination of basis for compensation and selection of a Planning Director.
 - I. Plans, zoning ordinances, etc. adopted by municipalities.

- J. Such other matters as the Planning Director shall find advisable or essential to receive consideration by the Planning Commission.

Section 9.0 Matters to be acted upon by staff on behalf of the Commission:

- 9.1 The Planning Department Director shall take action or make recommendation in the name of the Planning Commission, in accordance with such plans, policies and procedures as are approved or established by the Planning Commission from time to time. Where there is a serious conflict of interest, public controversy, or uncertainty or doubt as to the plans, policies or procedures approved or established by the Planning Commission, presentation of the matter shall be made at a Planning Commission meeting.

Section 10.0 Site Plan Review and Lot Split and Combination Review Policy:

- 10.1 Submitted site plans shall be reviewed in the following manner:

Basic Site Plans: shall only be subject to review by the city code administrator.

Medium Site Plans:

New Single Family Homes -

subject to review by city code administrator, with his option to refer the plan to the planning commission or site plan review committee.

New Multi-Family Homes -

subject to review by the planning commission.

New Non-Residential Structures -

subject to review by the planning commission.

Additions to Non-Residential Structures -

subject to review by the city code administrator and site plan review committee, with option to refer the plan to planning commission.

Detailed Site Plans: shall only be subject to review by the planning commission and/or Board of Appeals

- 10.2 Plans for Lot Splits and Combinations shall be reviewed, as required in Section 151.07(E) of the Manistee City Subdivision Ordinance, in the following manner:

Plans for the proposed lot split or combination shall be forwarded by the City Code Administrator to the Site Plan Review Committee at a meeting of the committee, for their review. The committee shall review the plan to see that each resulting parcel meets each and every requirement of the City of Manistee Zoning Ordinance for the land use district in which the parcels are located. After reviewing the plan the Committee is authorized to either:

1. Submit recommendations on the plan to the Manistee City Council on behalf of the Planning Commission, or
2. Refer the plan to the full Planning Commission for review and recommendation.

As provided in Section 151.07(E) of the Manistee City Subdivision Ordinance, recommendations of the Site Plan Review Committee and/or of the Planning Commission can be made with or without a public hearing. [Annotation: Section 10.2 added by amendment on December 9, 1993]

Section 11.0 Planning Commission Staff:

- 11.1 Authorization: The Planning Commission staff may consist of a Planning Director and such other personnel as may be authorized by the Planning Commission after the budget for the same is approved by the City Council.
- 11.2 General Responsibility: The Planning Commission Staff is charged with the duty of preparation and administration of such plans as are authorized by the Planning Commission.
- 11.3 Planning Director's Duties: The Planning Director shall be responsible for the professional and administrative work in directing and coordinating the program of the Planning Commission. His work shall be carried on with the widest degree of professional responsibility, subject to the policy determinations of the Planning Commission and administrative policies of the City Council. The Planning Director shall:
 - A. Supervise and review the work of professional, technical and nontechnical employees of the Planning Commission Staff.
 - B. Prepare a proposed annual budget for the Planning Commission and Department to submit to the Planning Commission.
 - C. Be responsible for carrying out the directives of the Planning Commission.
 - D. Work with the chairman of the Planning Commission for formulation of staff policy, subject to approval by the Planning Commission.
 - E. Recommend to the Planning Commission the process to implement plans and policies such as:

1. Zoning and subdivision control.
 2. Programs for capital expenditures.
 3. Other actions by the commission or other government agencies.
- F. Officially present the Planning Commission's recommendations to the City Council.
- G. Officially represent the Planning Commission, its staff, the Planning Department, at planning conferences, interdepartmental meetings, the public and press.
- H. Encourage development in harmony with plans, policies and ordinances, supply information, and promote understanding of planning.
- I. Perform other such duties as are contained in a job description adopted by the Planning Commission.

Section 12.0 Adoption and Repeal:

- 12.1 Upon adoption of these by-laws and rules of procedure, they shall become effective and all previous rules of procedure or bylaws shall be repealed.

Section 13.0 Amendments:

- 13.1 These rules may be amended at any regular meeting of the Planning Commission by a two-thirds (2/3) vote of the total membership of the commission.

Adopted by Manistee City Planning Commission - 1/9/92
Amended by Manistee City Planning Commission - 12/10/92
Amended by Manistee City Planning Commission - 12/9/93

1070. Location of Accessory Buildings and Structures

- A. All *accessory buildings* and *structures* shall be in the *side yard* or *rear yard*, except when built as part of the main *building*.
- B. An *accessory building* attached to the principal *building* of a *parcel* shall be made structurally a part thereof, and shall comply in all respects with the requirements applicable to the principal *building*.
- C. An *accessory building* and *structure*,
 - 1. shall not be higher than fourteen (14) feet tall, and side walls shall not be more than ten (10) feet tall, or
 - 2. in Industrial districts, shall not be higher than seventeen (17) feet tall, and side walls shall not be higher than seventeen (17) feet tall.
- D. No *accessory building* shall be larger than the principal *building*.

1042. Height

No *building* or *structure* or part thereof shall be *erected* or *altered* to a *height* exceeding thirty (30) feet, except as follows:

- A. *Non-dwelling buildings* or *structures* other than *accessory buildings* or *structures*, shall be *erected* or *altered* to a *height* not exceeding the *height* provided for in Section 1070.C of this Ordinance.
- B. *Buildings* or *structures* in the C-4 Commercial and I-2 Lakefront Industrial zoning districts may be *erected* or *altered* to a *height* of 40 feet.
- C. *Buildings* or *structures* in the I-2 Lakefront Industrial zoning district may be *erected* or *altered* to a *height* of 60 feet, provided: a fire lane shall be provide to within 20 feet of the *building* or *structure*. Said fire lane shall be paved and shall have a minimum width of 20 feet.

Any *building* or *structure* or part thereof may be *erected* or *altered* to any *height* if approved by the *Appeals Board*, pursuant to its power to grant variances or the *Commission* in connection with a *Special Use Permit* application approval. This Section does not apply to radio, television antenna systems.

[Annotation: This Section was amended to change the word "may" to "shall", effective April 17, 1992.]
[Annotation: This Section was changed by amendment, effective, March 2, 1999.]