

MANISTEE CITY PLANNING COMMISSION  
70 Maple Street, Manistee, Michigan 49660  
Meeting of Thursday, July 1, 2004  
7:00 p.m. - Manistee Middle School - Library, 550 Maple Street

**AGENDA**

- I Roll Call
- II Public Hearing
  - 1.
- III Approval of Minutes
  - Planning Commission Meeting (6/3/04)
- IV New Business
  - 1.
- V Unfinished Business
  - None
- VI Other Communications
  - 1.
- VII Citizen Questions, Concerns and Consideration  
(Public Comment Procedures on the Reverse Side)
- VIII Work/Study Session
  - 1. Zoning Ordinance Re-Write
  - 2.
- IX. Adjournment

## Public Comment Procedures

The City of Manistee Planning Commission welcomes public comment in support of its decision-making process. To assure an orderly, fair and balanced process, the Planning Commission asks that participants at all public hearings and during the Public Comment portion of the meeting observe the following rule of procedure:

1. The Chairperson will recognize each speaker. When a speaker has the floor, he/she is not to be interrupted unless time has expired. Persons speaking without being recognized shall be out of order.
2. Each speaker shall state their name and address for the record and may present written comments for the record.
3. Speakers shall address all comments and questions to the Planning Commission.
4. Unless waived by the Planning Commission for a specific meeting or a specific speaker, public comment shall be limited to five (5) minutes per speaker, one time only. If a group of people wish to be heard on one subject, a spokesperson may be designated who may request that more than five (5) minutes be permitted for the collective comments of the group as presented by that speaker.
5. The Chairperson may request that repetitive comments be limited or abbreviated in the interest of saving time and allowing others to speak.
6. The Chairperson may establish additional rules of procedure for particular hearings as he/she determines appropriate.
7. Normal civil discourse and decorum is expected at all times. Applause, shouting, outbursts, demonstrations, name-calling or other provocative speech or behavior is not helpful to the decision-making process and may result in removal from the hearing or an adjournment.

Thank you for your interest in the work of the City of Manistee Planning Commission and for your cooperation with these rules of procedure.

# **CITY OF MANISTEE PLANNING COMMISSION**

## **WORKSESSION AGENDA**

**Thursday, July 1, 2004 - 6:00 p.m.  
Manistee Middle School Library  
550 Maple Street, Manistee, Michigan**

**I Call to Order.**

**II Worksession Items:**

1. Zoning Ordinance Re-Write
2. Other

**III Adjourn.**

\*\*\*NOTE - The Worksession will be followed by the regularly scheduled Planning Commission Meeting at 7:00 p.m.

# MEMORANDUM

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**TO:** Planning Commissioners

**FROM:** Denise Blakeslee   
Administrative Assistant - Community Development Department

**DATE:** June 25, 2004

**RE:** July 1, 2004 Planning Commission Worksession/Meeting

No requests are on the July 1, 2004 Planning Commission Agenda. Members of the Planning Commission who attended the June 16, 2004 Zoning Ordinance Re-Write Meeting agreed to schedule a worksession at 6:00 p.m. on July 1<sup>st</sup> before the regular Meeting. This will allow Jay an extra hour to continue gathering information for the Zoning Ordinance Re-Write.

The Worksession will begin at 6:00 p.m. with the meeting starting at 7:00 p.m. Once all agenda items are completed we will continue the worksession.

If you are unable to attend, please call me at 723-2558.

:djb

Summary of Meetings with  
Members of the Planning Commission  
and Jay Kilpatrick, Williams & Works  
Zoning Ordinance Re-Write

June 16, 2004  
3:00 p.m. - 5:18 p.m.

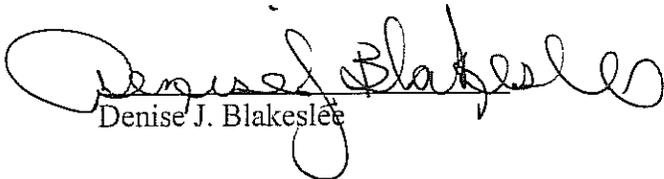
PRESENT: Roger Yoder, Ray Fortier, Jay Kilpatrick, Jon Rose and Denise Blakeslee

Discussion included a list of Zoning Items to review for the Zoning Ordinance Re-Write. Items discussed included:

Accessory Structures (non-conformities), Use of SIC Codes (may eliminate), Appeals Board Members (reviewed section 9607), Blight (develop language that works with Code Regulations), Building Size requirements (clearly define in ordinance), Carriage Houses (sidewall heights, height of building, use as rentals), Construction (Yard Restoration, completion of projects etc. - use letter of credit to enforce), Fences (clear language), Front Yard Set-backs in established neighborhoods, Height Restrictions (define grade), Home Occupations (develop more language and application form), Lot Coverage (develop %), Mobile Homes (must be a permitted use in a district), Noise Ordinance (develop language that works with Code Regulations), Non-conforming structures (ZBA requests), Parking in Right-of-Way (Police Power not Zoning), Recreational Vehicles (where to allow- General Ordinance not Zoning Ordinance), Sand Mining (develop language), Sidewalks (requirements for new developments), Special Uses Permits (Council Action and Payment requirements), View Corridors (CCD & C3 Zoning Districts), Wind Generators/Turbines (develop language), US 31 Greenspace requirements (parking lots), Waterfront Set-back in Historic District (Develop language for different body waters), ZBA Appeals.

Two items will be reviewed at a future time - Open Air Uses and Signs.

Respectfully Submitted

  
Denise J. Blakeslee

Summary of Meetings with  
Members of the Zoning Board of Appeals, Planning Commission  
and Jay Kilpatrick, Williams & Works  
Zoning Ordinance Re-Write

June 16, 2004  
6:00 p.m. - 7:41 p.m.

PRESENT: John Perschbacher, Ray Fortier, Craig Schindlbeck, Bill Kracht, Mark Hoffman, Mark Wittlief, Jay Kilpatrick, Jon Rose and Denise Blakeslee

Mr. Kilpatrick asked members of the Zoning Board of Appeals on any issues they may have. Discussion included Height Requirements, Accessory Structures, Set-backs, Construction Board of Appeals Duties, Common Front Yard Set-back (existing language), Findings of Fact, ZBA Interpretation of the Zoning Ordinance, Separation between primary and accessory structures, development of a freestanding Historic Ordinance (allowing tax credits).

Mr. Kilpatrick spoke of the process the Planning Commission will be following for the Zoning Ordinance Re-Write. Also invited Zoning Board of Appeals members to attend future meetings with the Planning Commission.

Respectfully Submitted

  
Denise J. Blakeslee

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# Williams & Works

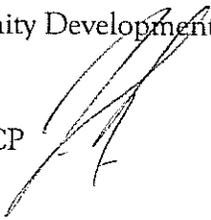
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◆ a tradition of service ◆

◆ Engineers  
◆ Planners  
◆ Surveyors

## MEMORANDUM

TO: Mr. Jon Rose, Community Development Director  
City of Manistee

FROM: Jay Kilpatrick, AICP, PCP 

DATE: June 30, 2004

RE: Ordinance Outline and Sample Form

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Attached is a suggested outline for the proposed new Manistee Zoning Ordinance. At tomorrow's meeting, I hope to discuss this briefly with the Planning Commission and obtain some concurrence from the members and from you and Denise that this will be the framework for the text. Within the outline are some questions and some examples of formats or tables we have used in other communities. It may be helpful to look these over as well, since we intend to work with a form similar to these text.

**Citizen Input.** In our proposal, we suggested that the City conduct an initial public meeting prior to our beginning work on the text. It is time to schedule this meeting. We proposed to conduct it as a "town meeting" with a brief presentation at the beginning and significant discussion about the existing Zoning Ordinance and changes that might be considered. For this to be effective, it will be important that people that are interested in zoning and land use participate. At tomorrow's meeting, I hope to have the Planning Commission provide us with a list of names of people that should be specifically invited to participate.

# Manistee Zoning Ordinance

## Outline

*Draft*

Article One: Title, Purpose and Intent

Article Two: Definitions and Interpretation

Article Three: General Provisions

Article Four: Zoning Districts, Uses Table (see attached sample), Dimensional Table (see attached draft) and Map

Article Five: District Standards (How many districts?) (see attached sample)

Article Six: Off-Street Parking and Loading

Article Seven: Signs

Article Eight: Special Uses (create standards for each listed use)

Article Nine: Planned Unit Developments

Article Ten: Site Plans

Article Eleven: Administration

Article Twelve: Zoning Board of Appeals

Article Thirteen: Municipal Civil Infractions

Article Fourteen: Fees, Charges and Escrow Accounts

Article Fifteen: Validity, Severability, Repealer and Effective Date

Table 4-2, Table of Land Uses summarizes the applicable regulatory standards for the land uses governed under this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this ordinance.

**Sample**

**TABLE OF LAND USES**

**Table 4-2 Uses Permitted by Right and Special Land Use Permit**

(R=Use by Right; SLU=Use Permitted as Special Land Use; \* Indicates districts in which certain uses do not require site plan review)

USES	R-1	R-2	R-3	C-1	C-2	C-3	OC	I-1	I-2	OS
Accessory Bldg. ≤ footprint principal structure	R*	R*	R	R	R*	R	R	R	R	R
Accessory Bldg. > footprint principal structure	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	
Accessory Uses, Rel. to uses permitted by right						R*		R*	R	
Airport									SLU	
Appliance, repair and sales					R	R				
Auditoriums	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU		
Bank				R	R	R	R			
Bed & Breakfast		SLU	SLU	SLU	R		SLU			
Billboards								SLU		
Building, Electrical, Mechanical & Plumbing							SLU	SLU	R	
Camps and Campgrounds										SLU
Car Wash, connected to public sewer						R	SLU	SLU		
Cemeteries	SLU									SLU
Civic Club										
Combinations of Uses				R/SLU	R/SLU	R/SLU	SLU	R/SLU	R/SLU	
Commercial Establishments w/ Drive-Thru				SLU	SLU	SLU	SLU	SLU		
Commercial Recreation, assoc. w/ residential										
Commercial Recreation, skiing, golf										

# Draft

Table \_\_\_ - City of Manistee  
Schedule of Regulations

District	Minimum Lot Dimensions		Maximum Lot Coverage (%)	Minimum Yard Requirements (feet)			Maximum Density DU/Acre	Maximum Height Feet	Minimum Floor Area Per Dwelling and Width (Sq.Ft. & Ft)
	Area (sq. ft.)	Width (feet)		Depth (feet)	Front <sup>(a)</sup>	Side <sup>(a)</sup>			
R-1	18,000	100		30/63	10	10/50	4	30	1,300/20
R-2	18,000	100		30/63	10	10/50	n/a	30	1,300/20
R-3	10,000	100	n/a	30/63	10	10	4-6	30	1,200/20
Apt. Bldg.	10,000	100	n/a	30/63	10	10	17	30	
R-4	6,000	60	n/a	25/58	10	10/50	7-16	30	1,000/20
R-5	5,000	60	n/a	25/58	10	10/50	16	30	800/18
C-1	20,000	120	n/a	30/63 from US-31)	Side Line or 10	20 from US-31)	70	30	n/a
Apt. Bldg.	600/DU								

**R-2**

**Article 5  
District Standards**

**Section 502 Urban Residential District – R-2**

Sample

**SECTION 502 URBAN RESIDENTIAL DISTRICT, R-2**

1. INTENT. The R-2, Urban Residential District is intended for single and two-family houses on individual lots, typically in traditional grid street neighborhoods near the City's central core.

**a. PERMITTED USES**

- ◆ Accessory buildings with floor area less than or equal to the footprint of the principal structure \*
  - ◆ Duplex
  - ◆ Dwelling, detached \*
  - ◆ Government Offices
  - ◆ Home occupation
  - ◆ Public open space
  - ◆ Subdivisions, and condominium subdivisions, clustered or traditional subject to Sections            and the Subdivision Control Ordinance.
  - ◆ Uses similar to uses permitted by right.
- \* Denotes uses that do not require site plan review. All such uses shall, however, be subject to the requirements for the issuance of a Land Use Permit.

**b. SPECIAL LAND USES**

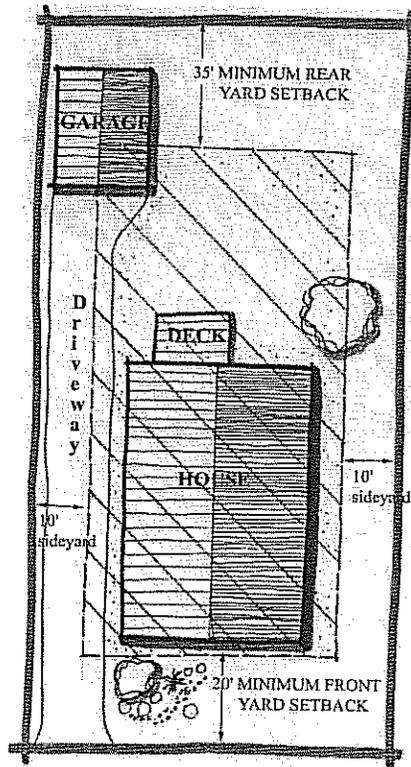
- ◆ Accessory buildings with floor area greater than the footprint of the principal structure
- ◆ Auditoriums
- ◆ Bed & Breakfast
- ◆ Group Day Care (7-12 children)
- ◆ Education Institution
- ◆ Foster Care, Adult (7 -12)
- ◆ Nursing Home
- ◆ Planned Unit Developments, subject to Section

**c. ADDITIONAL STANDARDS**

- ◆ Site Plan requirements subject to Section            for all uses other than accessory buildings with floor area less than or equal to the footprint of the principal structure, detached single family dwellings and home occupations.
- ◆ Parking and Loading requirements subject to Article
- ◆ Signage requirements subject to
- ◆ Lighting requirements, subject to Section
- ◆ Landscaping and Buffering requirements, subject to Section           .

### d. DISTRICT REGULATIONS

Minimum Lot Area:	8,000 sq. ft	Minimum Lot Width	65 ft.
Maximum Dwelling Units/Acre	10	Maximum Building Height	3 stories, or 40'
Minimum Building Setbacks <sup>(a)</sup>		Maximum Lot Coverage	50%
Front	25 ft.	Minimum Floor Area	800 sq. ft
Side	7 ft. (each side)	Minimum Living Space Dimensions	N/A
Rear	25		



2. USES PERMITTED BY RIGHT. A building or parcel within the R-2 district shall be used for the following purposes only:
  - a. Accessory buildings provided the area of the footprint of the accessory building is less than or equal to that of the principal structure on the parcel. Such uses shall not require site plan review.
  - b. Duplex
  - c. Detached single family dwellings. Such uses shall not require site plan review.

- d. Government Offices
  - e. Home occupations; conforming to Section 502.1.
  - f. Public open space.
  - g. Subdivisions (Plats), subject to the Subdivision Control Ordinance, and Condominium Subdivisions subject to Section 502.2 and Cluster Subdivision, subject to the provisions of Section 502.3.
  - h. Uses similar to uses permitted by right in the R-2 district.
3. SPECIAL LAND USES and ACTIVITIES ELIGIBLE for APPROVAL CONSIDERATION in accord with the provisions of Article 5 of this Zoning Ordinance and subject to the requirements of Section 502.4 Site Plan Review.
- a. Accessory buildings where the area of the footprint of the accessory building is greater than that of the principal structure on the parcel, subject to the provisions of Section 502.5.
  - b. Auditoriums, subject to Section 805.
  - c. Bed & Breakfast
  - d. Group day care for 7 to 12 children, subject to Section 502.6.
  - e. Education Institution, subject to Section 502.7
  - f. Foster Care, Adult for 7 to 12 adults, subject of Section 502.8.
  - g. Nursing homes, subject to Section 502.9.
  - h. Planned unit developments, subject to Section 502.10
4. DIMENSIONAL STANDARDS. Yard, structure height, lot area, minimum gross living area and minimum living space dimensions, and lot width shall conform to the requirements of Article 5, Section 502, 1, d.