

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, January 3, 2008
7:00 p.m. - Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I Call to Order

II Roll Call

III Approval of Agenda

At this time the Planning Commission can take action to approve the January 3, 2008 Agenda.

IV Approval of Minutes

At this time Planning Commission can take action to approve the December 6, 2007 meeting Minutes.

V Public Hearing

Proposed Zoning Amendments:

#08-01 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 2: DEFINITIONS

Section 202 A - **CHANGE DEFINITION of Accessory Use**

ARTICLE 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES

Section 1805, Accessory Uses, Related to Uses Permitted - **CHANGE Subsection A. Definition**

At this time the Chair shall open the hearing.

City Staff shall present the proposed amendment

The hearing will be opened for public comments

The hearing will be closed

#08-02 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 2: DEFINITIONS

Section 217 P - **CHANGE DEFINITION of Parking Facility, Public**

ARTICLE 9: R-2 MEDIUM DENSITY RESIDENTIAL

Section 902 Uses Permitted by Special Land Use Permit - **ADD Parking Facility (requires frontage on a key street segment)**

ARTICLE 10: R-3 HIGH DENSITY RESIDENTIAL

Section 1002 Uses Permitted by Special Land Use Permit - **ADD Parking Facility (requires frontage on a key street segment)**

ARTICLE 14: C-2 NEIGHBORHOOD COMMERCIAL DISTRICT

Section 1402 Uses Permitted by Special Land Use Permit- **ADD Parking Facility**

ARTICLE 17: G-I GENERAL INDUSTRIAL DISTRICT

Section 1702 Uses Permitted by Special Land Use Permit - **ADD Parking Facility**

ARTICLE 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES

AMEND Section 1865, Parking Facility, Public

At this time the Chair shall open the hearing.
City Staff shall present the proposed amendment
The hearing will be opened for public comments
The hearing will be closed

#08-03 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 2: DEFINITIONS

Section 202 A, **CHANGE DEFINITION of Adaptive Reuse**

ARTICLE 11: R-4 MANUFACTURED HOUSING COMMUNITY DISTRICT

Section 1102 Uses Permitted by Special Land Use Permit - **DELETE Subsection C. Adaptive Reuse**

ARTICLE 17: G-I GENERAL INDUSTRIAL DISTRICT

Section 1702 Uses Permitted by Special Land Use Permit- **DELETE Subsection B. Adaptive Reuse**

ARTICLE 18: STANDARDS AND REQUIREMENTS FOR SPECIAL USES

AMEND Section 1807, Adaptive Reuse

At this time the Chair shall open the hearing.
City Staff shall present the proposed amendment
The hearing will be opened for public comments
The hearing will be closed

#08-04 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 21: SIGNS

AMEND - Section 2108, Use Type3, Commercial and Office - Relating to Ground Mount Signs

At this time the Chair shall open the hearing.
City Staff shall present the proposed amendment
The hearing will be opened for public comments
The hearing will be closed

#08-05 - To Amend the Manistee City Zoning Ordinance as follows:

ARTICLE 12: WATERFRONT DISTRICT

Section 1200 Purpose and Intent - **AMEND the language to read "...on or near the waterfront."**
in the first sentence

At this time the Chair shall open the hearing.
City Staff shall present the proposed amendment
The hearing will be opened for public comments
The hearing will be closed

#08-06 - To Amend the Manistee City Zoning Ordinance as follows:

Making Corrections to ARTICLE 2: DEFINITIONS

Section 217 P - Place of Public Assembly, Large

Section 217 P - Place of Public Assembly, Small

At this time the Chair shall open the hearing.
City Staff shall present the proposed amendment
The hearing will be opened for public comments
The hearing will be closed

VI New Business

Proposed Zoning Amendments

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

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

Sub-Committee Appointments

According to the By-Laws of the City of Manistee Planning Commission the Chair will appoint members of the Planning Commission to serve on Sub-Committee's of the Planning Commission.

Executive Committee

At this time the Chair will appoint three members of the Planning Commission to serve as the Executive Committee of the Planning Commission (Chair, Vice Chair, Secretary). Members of the Executive Committee review Zoning Ordinance Amendments with the City Council Ordinance Review Committee

Master Plan Review Committee

At this time the Chair will appoint four members of the Planning Commission to serve on the Master Plan Review Committee. Members of this committee will be responsible to keep current with new trends/changes that are going on in the community that could impact the Master Plan.

Ordinance Re-Write Committee

At this time the Chair will appoint four members of the Planning Commission to serve on the Ordinance Re-Write Committee. Members of this committee will assist in reviewing the Zoning Ordinance for areas that need to be changed and/or updated.

Site Plan Review/Subdivision Committee

At this time the Chair will appoint four members of the Planning Commission to serve on the Site Plan Review/Subdivision Committee. Site Plan Review Committee - Available for optional Plan Review of Special uses and uses by Right. Committee Review required for Planned Unit Developments. Subdivision Committee - This committee is required under section 1242.03 of the Code of Ordinances.

Zoning Board of Appeals

At this time the Chair will appoint one member of the Planning Commission to serve on the Zoning Board of Appeals.

By Law Review

According to the By-Laws of the City of Manistee Planning Commission shall annually review their By-Laws at the regularly scheduled meeting in January.

At this time the Planning Commission could take action to make changes to their By-Laws if necessary.

Master Plan Review

Annually the Planning Commission Reviews the Master Plan. The Master Plan Review Committee worked this past year on several sections of the Master Plan. The Planning Commission will discuss the process of proceeding with the Master Plan Review.

VII Old Business

None

VIII Public Comments and Communications

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

IX Correspondence

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

X Staff Reports

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

XI Members Discussion

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

XII Adjournment



PLANNING AND ZONING
COMMUNITY DEVELOPMENT
231.398.2805
FAX 231.723-1546
www.ci.manistee.mi.us

MEMORANDUM

TO: Planning Commissioners
FROM: Denise Blakeslee 
DATE: December 21, 2007
RE: January Meeting

Commissioners, your packets are being mailed early because I will be out of the office until January 2, 2008. Have a wonderful holiday. We have a full agenda as follows:

Public Hearing for Zoning Amendments

We have noticed the Public Hearing for the six proposed Zoning Amendments that we have been working on. Under New Business the Planning Commission can make a recommendation to City Council.

Sub-Committee Appointments

Chairman Yoder will appoint members of the Planning Commission to serve on Sub-Committee's.

By Law Review

The Planning Commission will perform their annual review of their By-Laws.

Master Plan Review

The Master Plan Sub-Committee has been working on the Master Plan. We will need to discuss the amount of work that has been completed and determine how to proceed.

I have included a copy of the Planning Commission and Zoning Board of Appeals list of action for 2007. Thank you for all of your hard work!!

Lee Trucks has been wonderful in gathering additional information about Vertical Zoning for your review. Copies are enclosed.

See you next year! Please call me if you are unable to attend the meeting.

:djb



PLANNING AND ZONING
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MEMORANDUM

TO: Planning Commissioners

FROM: Denise Blakeslee 

DATE: December 21, 2007

RE: Proposed Zoning Amendments - Planner of Record Review

Commissioners, attached is an e-mail that we received from Jay Kilpatrick regarding the proposed Zoning Amendments. We will need to discuss Jay's comments prior to making a recommendation to City Council under New Business.

Have a wonderful holiday. See you next year!

:djb

Denise Blakeslee

From: Kilpatrick, Jay [Kilpatrick@williams-works.com]
Sent: Thursday, December 13, 2007 4:11 PM
To: Denise Blakeslee
Cc: Wells, Lynee
Subject: RE: Proposed Zoning Amendments

Hi Denise,

There are a couple things we would suggest:

- 08-01:** Looks good
- 08-02:** This will also need to amend Sections 704, Table 7-2, the Uses Table; and Sections 900, 1000, 1400 and 1700 (the Special Uses boxes) to list Parking Facilities.
- 08-03:** Subparagraphs 2 and 3 need to also reference the deletion in the special land uses boxes of Sections 1200 and 1700. Also the appropriate changes will need to be made in Section 704, Table 7-2.

In the statement of purpose, paragraph 1807, B, I'd suggest you replace the term "Chapter" with Section in the second sentence.

Subparagraph C, 1, b, is awkwardly worded. Maybe the following is clearer:

b. Prior to application for special land use approval under this Section, proposed exterior modifications of buildings located in the Manistee Commercial Historic District must receive approval from the Historic District Commission of all exterior modifications.

Also, subparagraph C, 2, g, indicates the minimum lot size must be consistent with the district standards for multiple unit dwellings, but there are no such standards in the R-1 district. You might add the following sentence. "Provided, however, that in the R-1 District, the minimum lot size shall be 10,000 square fee for the first two units, plus 5,500 square fee for each additional dwelling unit." That's the same as R-2.

- 08-04:** Subparagraphs 1 should repeat the entire table with the text you want to amend. As written this would eliminate standards for R-1 through R-4 and LI and GI.

It is not clear why the ** footnote is needed if this amendment adds standards for the waterfront side of parcels. Also, that footnote should probably include standards to define what is meant by "when applicable." Finally, the sentence that follows that footnote probably will not pass muster with your attorney as it is not clear what edits to index and chart provisions are necessary.

The reference in the 4th column to 2102, A, 7, c, appears erroneous as I don't have that section in my ordinance. Perhaps you have amended 2102, A, 7, to add a subsection "c" and its just not in my copy of the ordinance.

- 08-05:** Looks fine
- 08-06:** OK, but if you have not already don so, I would suggest that you canvas the existing uses to

determine whether this change would make any of them nonconforming. I recall some discussion with the PC about particular churches and their seating capacity.

If you would like some additional assistance with this, let us know. Otherwise, I hope this is helpful to you.

Jay Kilpatrick, AICP
Williams & Works, Inc.
549 Ottawa NW
Grand Rapids, MI 49503

616-224-1500
kilpatrick@williams-works.com

From: Denise Blakeslee [mailto:dblakeslee@ci.manistee.mi.us]
Sent: Thursday, December 13, 2007 1:09 PM
To: Wells, Lynee; Kilpatrick, Jay
Subject: Proposed Zoning Amendments

Happy Holidays to my two favorite Planners! Wishing you and your families a Merry Christmas and Happy New Year!

We have been working on a few (6) zoning amendments and our Planning Commission asked that you take a peek at them and make comments if you feel there are any problems. The Public Hearing has been noticed for our January 3rd meeting. And if you find an error or issue that needs correction we will pull it from being forwarded to City Council.

I will be in the office today, next week Wed, Thurs, Fri then off till Jan 2. Jon will be gone after the 19th till sometime in January (his wife is having knee replacement surgery)

Denise

Denise Blakeslee
Planning & Zoning
City of Manistee
P.O. Box 358, 70 Maple Street
Manistee, MI 49660
231.398.2805

12/13/2007

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED “MANISTEE CITY ZONING ORDINANCE”
WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance
Article 2: Definitions
Section 202 A
CHANGE DEFINITION of Accessory Use

Article 18: Standards and Requirements for Special Uses
Section 1805, Accessory Uses, Related to Uses Permitted
CHANGE Subsection A. Definition

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

1. That Article 2: Definitions, Section 202 A (change definition) ACCESSORY USE be amended as follows:

ACCESSORY USE: A use naturally and normally incidental to, and subordinate to, and devoted exclusively to, the principal use of the land or buildings *and located on the same parcel as the principal use.*

2. That Article 18: Standards and Requirements for Special Uses, Section 1805 Accessory Uses, Related to Uses Permitted be amended as follows:

SECTION 1805 ACCESSORY USES, RELATED TO USES PERMITTED

- A. **Definition.** A use naturally and normally incidental to, and subordinate to, and devoted exclusively to, the principal use of the land or buildings *and located on the same parcel as the principal use.*

Remainder of Section remains the same

And make appropriate edits to index and chart provisions as necessary

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance

Article 2: Definitions

Section 217 P

CHANGE DEFINITION of Parking Facility, Public

Article 9: R-2 Medium Density Residential

Section 902 Uses Permitted by Special Land Use Permit

ADD Parking Facility (requires frontage on a key street segment)

Article 10: R-3 High Density Residential

Section 1002 Uses Permitted by Special Land Use Permit

ADD Parking Facility (requires frontage on a key street segment)

Article 14: C-2 Neighborhood Commercial District

Section 1402 Uses Permitted by Special Land Use Permit

ADD Parking Facility

Article 17: G-I General Industrial District

Section 1702 Uses Permitted by Special Land Use Permit

ADD Parking Facility

Article 18: Standards and Requirements for Special Uses

AMEND Section 1865, Parking Facility, Public

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

1. That Article 2: Definitions, Section 217 P (change definition) PARKING FACILITY, PUBLIC be amended as follows:

PARKING FACILITY, PUBLIC : A parking area ~~available to the public, with or without fee,~~ used to temporarily store motor vehicles.

2. That Article 9: R-2 Medium Density Residential, Section 902 Uses Permitted by Special Land Use Permit be amended as follows:

U. Parking Facility, subject to Section 1865
(renumber remainder of Section)

3. That Article 10: R-3 High Density Residential, Section 1002 Uses Permitted by Special Land Use Permit be amended as follows:

Y. Parking Facility, subject to Section 1865
(renumber remainder of Section)

4. That Article 14: C-2 Neighborhood Commercial District, Section 1402 Uses Permitted by Special Land Use Permit be amended as follows:

X. Parking Facility, subject to Section 1865
(renumber remainder of Section)

5. That Article 17: G-1 General Industrial District, Section 1702 Uses Permitted by Special Land Use Permit be amended as follows:

F. Parking Facility, subject to Section 1865
(renumber remainder of Section)

6. That Article 18: **Standards and Requirements for Special Uses Section 1865, Parking Facility, Public** be amended as follows:

SECTION 1865 PARKING FACILITY, PUBLIC

A. Definition. A parking area available to the public, with or without fee, used to temporarily store motor vehicles.

B. Regulations and Conditions.

1. A Public Parking Facility shall be designed in accord with the standards of **Section 514** of this Ordinance.
2. Landscaping and Buffering shall be provided pursuant to standards set forth in of **Section 531** of this Zoning Ordinance; provided, that landscaping and buffering shall be provided to screen any **Public** Parking Facility from an adjacent residentially zoned or used parcel.
3. All exterior lighting shall be in accordance with **Section 525** hereof.

4. The applicant shall demonstrate to the Planning Commission the need for the proposed parking facility, and also the sufficiency of the spaces provided to meet the needs of adjacent land uses.
5. A site plan shall be submitted illustrating clearly marked circulation patterns. The City shall retain the right to approve or deny locations of curb cuts, spaces, and drive aisles.
6. Within the R-2, R-3 districts, a Parking Facility shall front on a key street segment, as defined herein.

And make appropriate edits to index and chart provisions as necessary

7. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
8. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor

Dated

ATTEST:

Michelle Wright
City Clerk/Deputy Treasure

Dated

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance

Article 2: Definitions

Section 202 A

CHANGE DEFINITION of Adaptive Reuse

Article 11: R-4 Manufactured Housing Community District

Section 1102 Uses Permitted by Special Land Use Permit

DELETE Subsection C. Adaptive Reuse

Article 17: G-I General Industrial District

Section 1702 Uses Permitted by Special Land Use Permit

DELETE Subsection B. Adaptive Reuse

Article 18: Standards and Requirements for Special Uses

AMEND Section 1807, Adaptive Reuse

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

1. That Article 2: Definitions, Section 202 A (change definition) ADAPTIVE REUSE be amended as follows:

ADAPTIVE REUSE: ~~The development of a new use for an older building or for a building originally designed for a special or specific purpose. Adaptive Use is the redevelopment, including expansion, of an older building into apartments or condominiums, which may include some or all of the ground floor, on-street frontage committed to retail, office and service uses.~~ *The development of a new use for a building originally designed for a special or specific purpose which has become obsolete. Adaptive Reuse is the redevelopment, including expansion, into uses which might not otherwise be permitted in a Zoning District. Such uses may include residential, retail, office, eating and drinking establishments and service uses.*

2. That Article 11: R-4 Manufactured Housing Community District, Section 1202 Uses Permitted by Special Land Use Permit be amended as follows:

~~C. Adaptive Reuse, subject to Section 1807.
(Renumber remainder of Section)~~

3. That Article 17: G-1 General Industrial District, Section 1702 Uses Permitted by Special Land Use Permit be amended as follows:

~~B. Adaptive Reuse, subject to Section 1807.
(Renumber remainder of Section)~~

4. That Article 18: Standards and Requirements for Special Uses, Section 1807 Adaptive Reuse be amended as follows:

SECTION 1807 ADAPTIVE REUSE

~~A. Definition. The development of a new use for an older building or for a building originally designed for a special or specific purpose. Adaptive Use is the redevelopment, including expansion, of an older building into apartments or condominiums, which may include some or all of the ground floor, on-street frontage committed to retail, office and service uses.~~

~~B. Regulations and Conditions: A building originally designed and constructed for another purpose may be reused for multiple family dwellings, in accord with the following standards and conditions:~~

~~1. The exterior of the building shall be designed consistent with the design standards of Article 20, Historic Overlay, if located within said district. Buildings located in the C-3 District, but outside the Historic Overlay, shall be consistent in scale and exterior materials with nearby existing buildings.~~

~~2. Within the C-3 district, the street level of buildings proposed for adaptive reuse will normally be dedicated to retail, office or service uses. Such uses shall be compatible with neighboring uses and offer services to the residents of the immediate neighborhood and/or the general public. Dwelling units should not be located on the street level or basement except in those locations where resident privacy can be provided by building design, courtyards, topography or similar design, such as daylight or walkout dwelling units along the riverfront or into a secured and private side or rear yard. Condominium bylaws and master deeds and/or building leases shall provide a general description of the types of uses proposed to occupy retail, service or office spaces within the building and the procedures to be followed to accommodate changes in the nature of businesses to occupy such spaces. The Planning Commission may consider and rely upon such documents, or if unavailable at the time of application, written descriptions of the proposed content of such documents, in reaching a finding that proposed retail, service or offices uses will be generally compatible with residential uses in the building.~~

~~3. At least fifty percent (50%) of the exterior wall facing the street for retail space on the ground floor shall consist of glass display windows.~~

4. ~~Parking shall be provided at the rear or side of the building or within an enclosed building and shall be appropriately buffered or screened. Parking shall be provided within two hundred (200) feet of the building. Two (2) spaces shall be provided per dwelling.~~
5. ~~The number of dwellings permitted in an adaptive reuse building shall not exceed one dwelling for each 1,500 square feet of building envelope, as defined herein.~~
6. ~~All dwellings shall provide a minimum of five hundred (500) square feet of living space.~~
7. ~~Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.~~
8. ~~Signage shall comply with the requirements of Article 21.~~

A. Definition. The development of a new use for a building originally designed for a special or specific purpose which has become obsolete. Adaptive Reuse is the redevelopment, including expansion, into uses which might not otherwise be permitted in a Zoning District. Such uses may include residential, retail, office, eating and drinking establishments and service uses.

B. Statement of Intent: There are many older buildings throughout the community which have architectural significance or historic significance, but due to their size and or location may no longer be suited for their intended purpose. This Chapter attempts to provide flexibility in maintaining the viability of these resources to the community.

C. Regulations and Conditions: A building originally designed and constructed for another purpose may be adaptively reused in accordance with the following standards and conditions.

1. *The Adaptive Reuse of a building in the C-3 District shall meet the following standards:*
 - a. *The buildings outside the Manistee Commercial Historic District shall be consistent in scale and exterior materials with nearby existing buildings.*
 - b. *Buildings located in the Manistee Commercial Historic District must receive approval from the Historic District Commission all exterior modifications prior to application to the Planning Commission.*
 - c. *For buildings fronting on River Street, at least the first 25 feet of depth at street level of the building shall be dedicated to Retail, Eating or Drinking Establishment, or Personal Service Establishment.*
 - d. *Condominium bylaws and master deeds and/or building leases shall provide a general description of the types of uses proposed to occupy retail, service or office spaces within the building and the procedures to be followed to accommodate changes in the nature of businesses to occupy such spaces. The Planning Commission may consider and rely upon such documents, or if unavailable at the time of application, written descriptions of the proposed content of such documents, in reaching a finding that proposed retail, service or offices uses will be generally compatible with residential uses in the building.*
 - e. *Parking shall be located at the rear or side of the building or within an enclosed building and shall be appropriately buffered or screened. Required parking shall be provided within two hundred (200) feet of the building. One (1) space shall be provided per dwelling unit.*

- f. *The number of dwellings permitted in an adaptive reuse building shall not exceed one dwelling for each 1,500 square feet of floor Area.*
 - g. *All dwellings shall provide a minimum of five hundred (500) square feet of living space.*
 - h. *Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.*
2. *The Adaptive Reuse of a building in the R-1, R-2, R-3, W-F, C-1, C-2, Districts shall meet the following standards:*
- a. *The building shall be consistent in scale and exterior materials with nearby existing buildings.*
 - b. *Buildings proposed for adaptive reuse may include retail, office, eating and drinking establishments and service uses. Such uses shall be compatible with neighboring uses and offer services to the residents of the immediate neighborhood and/or the general public. Condominium bylaws and master deeds and/or building leases shall provide a general description of the types of uses proposed to occupy retail, service or office spaces within the building and the procedures to be followed to accommodate changes in the nature of businesses to occupy such spaces. The Planning Commission may consider and rely upon such documents, or if unavailable at the time of application, written descriptions of the proposed content of such documents, in reaching a finding that proposed retail, service or offices uses will be generally compatible with residential uses in the building.*
 - c. *Parking shall comply with the requirements of Section 514. Parking shall be located within two hundred (200) feet of the building.*
 - e. *All dwellings shall provide a minimum of five hundred (500) square feet of living space.*
 - f. *Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.*
 - g. *The minimum lot size shall be consistent with the District standards for Multiple Unit Dwellings.*
 - h. *Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.*
3. *Signage shall comply with the requirements of Article 21.*

And make appropriate edits to index and chart provisions as necessary

- 5. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
- 6. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor

Dated

ATTEST:

Michelle Wright

Dated

City Clerk/Deputy Treasure

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED “MANISTEE CITY ZONING ORDINANCE”
WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance
Article 21: Signs
Section 2108, Use Type3, Commercial and Office

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

1. That Article 21: Signs, Section 2108, Use Type 3, Commercial and Office be amended as follows:

C-1, C-2, C-3 & W-F not fronting on US-31	Wall, Ground**, Projecting*, Window, Marquee	n/a	1.5 x of principal building width per Section 2102,A,7 b	Either	Ground mount signs shall be limited to one per parcel. Internally lit signs shall be prohibited in the Manistee Historic Commercial District.
C-2, C-3 & W-F Waterfront side	Wall, Ground, Projecting*, Window, Marquee	n/a	.75 x of principal building width per Section 2102,A,7,c	External	<i>One ground mount sign will be permitted on the waterfront no greater than sixteen (16) square feet in area. Lighting of ground mount signs on the riverwalk shall be prohibited.</i>

**A second ground mount sign will be allowed no greater than sixteen (16) square feet in area for properties on the waterfront side of the parcel when applicable.

And make appropriate edits to index and chart provisions as necessary

2. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.

3. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor Dated

ATTEST:

Michelle Wright Dated
City Clerk/Deputy Treasure

Proposed Amendment

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 12: Waterfront District
Section 1200 Purpose and Intent

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

1. That Article 12: Waterfront District, Section 1200 Purpose and be amended as follows:

It is the intent of this District to establish a mixed-use district incorporating a variety of recreational, residential, business or service uses on or near the Waterfront. ~~Manistee Lake shoreline.~~ This district is intended to encourage and promote sustainable, environmentally and aesthetically compatible developments that use or compliment the shoreline while promoting expanded use of the shoreline by the public. The W-F District is intended to host a variety of land uses including, but not limited to, residential, commercial, entertainment and recreational, service and industrial uses.

2. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
3. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor

Dated

ATTEST:

Michelle Wright
City Clerk/Deputy Treasure

Dated

AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,

To Amend the Manistee City Zoning Ordinance
Making Corrections to Article 2: Definitions
Section 217 P
Place of Public Assembly, Large
Place of Public Assembly, Small

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

1. That Article 2: Definitions, Section 217 P (correct definition) PLACE OF PUBLIC ASSEMBLY, LARGE be amended as follows:

Current Language

PLACE OF PUBLIC ASSEMBLY, LARGE: A place of public assembly shall be considered a small facility if it has either less than five thousand (5,000) square feet in gross floor area or total seating capacity of no more than three hundred (300) in the largest room intended for public assembly.

Corrected Language

PLACE OF PUBLIC ASSEMBLY, LARGE: A place of public assembly shall be considered a large facility if it has either two thousand (2000) square feet or more in gross floor area, total seating capacity of more than one hundred (100) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future.

2. That Article 2: Definitions, Section 217 P (correct definition) PLACE OF PUBLIC ASSEMBLY, SMALL be amended as follows:

Current Language

PLACE OF PUBLIC ASSEMBLY, SMALL: A place of public assembly shall be considered a large facility if it has either two thousand (2,000) square feet or more in gross floor area, total seating capacity of more than one hundred (100) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future.

Corrected Language

PLACE OF PUBLIC ASSEMBLY, SMALL: A place of public assembly shall be considered a small facility if it has either less than two thousand (2,000) square feet in gross floor area or

total seating capacity of no more than one hundred (100) in the largest room intended for public assembly.

3. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
4. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Cynthia A. Fuller, Mayor

Dated

ATTEST:

Michelle Wright
City Clerk/Deputy Treasure

Dated

CITY OF MANISTEE
PLANNING COMMISSION
BY-LAWS AND RULES OF PROCEDURES

1. AUTHORITY

These By-laws and Rules of Procedures are adopted by the Planning Commission of the City of Manistee, County of Manistee, (hereinafter referred to as the Commission) pursuant to Public Act 110 of 2006, as amended, the Michigan Zoning Enabling Act; the City of Manistee Zoning Ordinance, and the Public Act 267 of 1976, as amended, the Open Meetings Act.

2. OFFICERS

2.1 Selection. At the December meeting, the Planning Commission shall elect a chair, vice-chair and secretary who shall serve for the next twelve (12) months and who shall be eligible for re-election. Vacancies in an office of the Commission shall be filled at the next regular meeting of the Commission. The membership shall elect one of its members to fill the vacancy until the next annual election.

2.2 Duties. The chair shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein.

The vice-chair shall act in the capacity of the chair in the absence of the chair or in the event of a vacancy in the office of chair; in which case, the Commission shall select a successor to the office of vice-chair at the earliest practicable time.

The Secretary shall be responsible for execution of documents in the name of the Planning Commission, the preparation of minutes, keeping of pertinent public records, delivering communications, reports, and related items of business of the Commission, issuing notices of public hearings and performing related administrative duties to assure efficient and informed Commission operations. The Secretary may appoint a Recording Secretary to handle the administrative functions of the office. In the event the Secretary is absent, the chair or acting chair shall appoint a temporary secretary for such meeting.

2.3 Tenure. The officers shall take office at the first regularly scheduled meeting immediately following their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

3. MEETINGS

- 3.1 Meeting Notice. Notice of all meetings shall be posted at City Hall by December 31st of each year. The notice shall include the date, time and place of the meeting. Any changes in the date or time of the regular meetings shall be posted and noticed in the same manner as originally established. When a regular meeting date falls on or near a legal holiday, the Commission shall select suitable alternate dates in the same month, in accordance with the Open Meeting act.
- 3.2 Attendance A member may be removed from office by the appointing City Council for neglect of official duty or misconduct in office after being given a written statement for reasons and an opportunity to be heard thereon. Un-excused absences may be reason for removal and three (3) un-excused absences in a row, shall be reported in writing to the City Manager.
- 3.3 Special Meetings. A special meeting may be called by three members of the Planning Commission upon written request to the Secretary or by the Chairperson. The business which the Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open meeting Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meeting act, and the Secretary or Recording Secretary shall provide notice to commission members by writing, telephone, or e-mail.
- 3.4 Quorum. In order for the Commission to conduct business or take any official actions, a quorum consisting of at least five of the nine members of the Commission shall be present. When a quorum is not present, no official action, except for the closing of the meeting may take place. The members of the commission may discuss matters of interest, but shall take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time and place is announced at the meeting.
- 3.5 Public Hearings. Hearings shall be scheduled and due notice given in accordance with the provisions of the Acts and Ordinance cited in Section 1. Public hearings conducted by the Planning Commission shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure.

1. The Chair of the Planning Commission shall announce that a public hearing will be conducted on a request.
2. The Chair shall read the public hearing announcement as published in the newspaper and give a brief description of the hearing subject and the public notice procedure.
3. The Chair shall announce the following hearing rules:
 - a. The Chair 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.
 - b. Each speaker shall state their name and address for the record and may present written comments for the record.
 - c. Speakers shall address all comments and questions to the Planning Commission and comments will be limited to the subject matter of the Public Hearing.
 - d. 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 collective comments of the group as presented by that speaker.
 - e. The Chair may require that repetitive comments be limited or abbreviated in the interest of saving time and allowing others to speak. Everyone shall have an opportunity to speak before someone is allowed to speak a second time.
 - f. The Chair may establish additional rules of procedure for particular hearings as he/she determines appropriate.
 - g. Normal civil discourse and decorum is expected at all times. Applause, shouting, outbursts, demonstrations, name-calling or other provocative speech or behavior may result in removal from the hearing or an adjournment.
4. Once all public comments have been stated, the Chair shall close the hearing. Any voting member of the Planning Commission may initiate a motion to close the hearing.
5. Public Hearings shall be carried out in the following format:
 - a. The Chair shall open the hearing.
 - b. The Applicant shall present any comments and explanation of the case. Applicant's presentation shall not be subject to the five (5) minute limitation.
 - c. The City staff and any consultants serving the City shall present their reports.
 - d. The hearing will be opened for public comment.
 - e. The public comment period will be closed.
 - f. Deliberation and discussion by the Planning Commission.
 - g. Disposition of the case by the Planning Commission.

- 3.6 Motions. Motions shall be restated by the Chair before a vote is taken. The name of the maker and supporter of each motion shall be recorded.
- 3.7 Voting. An affirmative vote of the majority of those members present shall be required for the approval of any requested action or motion placed before the Commission. Voting shall ordinarily be by voice vote; provided however that a roll call vote shall be required if requested by any Commission member or directed by the Chairperson. All members of the Commission including the Chairperson shall vote on all matters, but the Chairperson shall vote last.
- 3.8 Order of Business. A written agenda for all regular meetings shall be prepared as followed. The order of business shall be:
Call to Order.
Roll Call
Approval of Agenda
Approval of Minutes
Public Hearings
New Business
Old Business
Public Comments and Communications concerning items not on the agenda
Correspondence
Staff Reports
Members discussion
Adjournment
A written agenda for special meeting shall be prepared and followed, however the form as enumerated above shall not be necessary.
- 3.9 Rules of Order. All meetings of the Commission shall be conducted in accordance with generally accepted parliamentary procedure as adopted by City Council for all Boards and Commissions within the City of Manistee.
- 3.10 Agenda Items. For an item to be considered at a regular Planning Commission meeting, it must be submitted to the City Community Development Department no later than the established policy of the City prior to the next scheduled Planning Commission Meeting.

3.11 Conflict of Interest:

1. 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 may consider the possibility of declaring a conflict of interest if his/her home falls within a notification radius used for a Public Hearing. Because the sending of the notice automatically presumes some degree of interest, this fact should be recognized by declaring a conflict, particularly if a financial impact is likely.
 - g. A commissioner who feels, in his/her judgement that his/her job, scope of duties and/or position may be at risk, pending the outcome of the permitting process.
2. 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.

4. MINUTES

- 4.1 Preparation. Commission minutes shall be prepared by the Secretary or Recording Secretary of the Commission. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, action and resolutions shall be attached to the minutes.

5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- 5.1 All meetings of the Commission shall be open to the public and held in a place available to the general public.
- 5.2 All deliberations and decision of the Commission shall be made at a meeting open to the public.
- 5.3 A person shall be permitted to address a hearing of the Commission under the rules established in subsection 3.5, and to address the Commission concerning non-hearing matters at the time designated for such comments.
- 5.4 A person shall not be excluded from a meeting of the Commission except for breach of the peace, committed at the meeting.
- 5.5 All records, files, publications, correspondences, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

6. COMMITTEES

- 6.1 Executive Committee. The Executive Committee of the Planning Commission shall consist of the Chair, Vice -Chair and Secretary. The Executive Committee shall be the Joint Ordinance Review Committee.
- 6.2 Ad Hoc Committees. The Planning Commission or Chair 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.
- 6.3 Rules of Procedure. All Sub-committees are subservient to the Planning Commission and report their recommendations to the Planning Commission for review and action and shall be conducted in accordance with generally accepted parliamentary procedure as adopted by City Council for all Boards and Commissions within the City of Manistee.

7. ANNUAL REVIEW OF BY-LAWS

The Commission shall annually review their By-Laws at the regularly scheduled meeting in January .

8. AMENDMENTS

These rules may be amended by the Commission by a concurring vote subject to subsection 3.7, during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

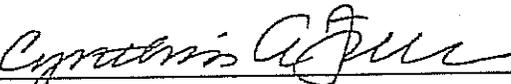
I HEREBY CERTIFY that the above Bylaws were adopted the 7th day of December, 2006.



Maureen Barry, Secretary

Approved by the City of Manistee Council

DECEMBER 19, 2006
Date



Cynthia A. Fuller, Mayor

Denise Blakeslee

From: Lee Trucks [ltrucks@jackpine.com]
Sent: Sunday, December 09, 2007 4:16 PM
To: Denise Blakeslee
Subject: verticle zoning

Here is some info from Colorado.

Subject: Vertical Zoning Survey 2007
 Date: Tue, 27 Feb 2007 10:53:24 -0700
 John Hans Pryor
 Mayor - Town of Telluride

SURVEY: Vertical Zoning
 COLORADO ASSOCIATION OF SKI TOWNS
 February, 2007

Has your jurisdiction given consideration to enacting restrictions on the types of commercial uses allowed on the ground floor of your core commercial areas?
 Aspen has adopted a prohibition on new commercial core ground floor offices. Existing uses were grandfathered. The original reason for the prohibition was the increasing number of real estate offices moving into spaces previously occupied by retail and restaurants. We have not encountered many problems from our action, but we may have closed the door after most of the realtors had already acquired space. A few such spaces have recently returned to retail use.

Crested Butte We did but it was repealed by referendum.
 Dillon Yes
 Jackson There has been talk, but nothing seriously considered.

Mt. Crested Butte Mt. Crested Butte has not taken any action to restrict ground floor usage. We have had a few informal discussions but just informal discussions. Crested Butte has experienced some fun with this topic recently so I hope they reply. Mt. Crested Butte's challenge has been how to support the retail and restaurant experience in Crested Butte while at the same time support our own sales tax needs and provide our guests with a positive memorable experience. Some guests like to just stay up in Mt. Crested Butte and expect retail and restaurants in Mt. Crested Butte.

Mtn. Village Yes.

Park City had concerns about too many offices on the ground floor of Main Street about 3 years ago. We conducted a survey of office space on Main Street and then resurveyed again last year. There was no increase in the amount of offices or square footage attributed to offices, so we decided not to enact any ordinances. Since that time (about a year ago) there have not been any discussions about vertical zoning or any other Main Street restrictions, but I assume it will come up again in a couple of years. Please feel free to call or write if you have any questions.

Silverthorne We have not considered it. No defined commercial core, or downtown area.

Snowmass Village We have put in restrictions on all new development and I assume the council will in the future on major renovations in the commercial core. Please feel free to contact our Community Development Director Chris Conrad at 970-923-3777 for details or call me at 970-618-9566. Chris will know specifics and have documents available.
 Douglas "Merc" Mercatoris

Steamboat Yes. Offices are a conditional use and must go through a review process and before Planning Commission and City Council.

Vail In Vail we have had restrictions on the types uses allowed on the first floor of our commercial cores. Basically we do not allow offices and only allow retail, restaurants, bars etc. The primary concern was and is

that we would have nothing but real estate and other kinds of offices that do not generate sales tax revenues. In my opinion it has been very successful. We do have a very small number of offices that were there and are grandfathered. If you want a copy of the ordinance the TOV could provide. Rod Slifer

Winter Park Winter Park has destination center (DC) zone for lodging, entertainment, retail, etc. oriented to visitors. The DC allows full use of the footprint if commercial is located on the ground floor and only 60% of the footprint if other uses are located on the ground floor. While there has been casual conversation about discouraging proliferation of real estate offices on the ground floor, there are no plans to study or address the issue at this time. Mark Achen

Have you enacted such restrictions and what has been the experience (e.g., benefits or problems)?

Crested Butte Our problem was that we did not allow existing businesses to keep their location after ownership changed hands. It was felt to be too strong and heavy handed. We should have allowed current uses to be grandfathered but we were hoping to capture some spaces back after our real estate boom.

Dillon No, We have commercial use zoning on ground level in our MU district but do not specify which type of commercial

Jackson n/a

Mtn. Village Yes. The benefit is that the main areas of our VC are retail in nature and when an existing office/personal service use vacates a first floor plaza space, we are more likely to get a retail use. However, there are various prime locations that have been grandfathered in and do not require special approval. Currently relief to the requirement is reviewed as a variation request. We will most likely be amending our ordinance to allow office/personal service uses fronting on Village Center plazas to be considered as a special use.

Steamboat Real Estate brokers do not like it. We have approved two applications. We have also discussed setting some criteria, such as amount of linear footage allowed per block. If you have not enacted such restrictions, what were the reasons that you decided not to do so?

Crested Butte We are discussing bringing it back again allowing current offices to be grandfathered in.

Dillon In our Town Center we looked at making the real estate and offices move up to the second floor and higher only allowing sales tax generating stores on the ground floor. We could not get a majority of the council to approve of this. Most of those against the issue were concerned about property rights of the building owners.

Jackson Has not been officially discussed.

Lee Trucks

“The law in its majestic equality forbids the rich and the poor alike to sleep under bridges, to beg in the streets, and to steal bread.” (Anatole France, *Le Lys Rouge*)



News: February 9, 2007

<http://www.austinchronicle.com/gyrobase/Issue/story?oid=444406>

Going Vertical

The new VMU zoning could transform your neighborhood – and you'll have 90 days to help decide how

By Katherine Gregor

It's the little details that are vital. Little things make big things happen. – John Wooden

As suggested by Envision Central Texas, if Austin is to remain a sustainable, eco-friendly community as it grows, it must increase central-city density. Yet the prospect of adding more people and cars and high-rises to one's own central neighborhood – even in the noble service of the environment – is often a bitter pill. (Couldn't our one 'hood just donate its fair share of newbies to Round Rock?) But Austin is growing so fast – estimated to add more than 1 million people in the next 20 to 30 years – that the only real growth choice we have is: To sprawl or not to sprawl? In choosing to avoid the ills of sprawl – environmental, economic, social equity, and quality-of-life – Austinites are being asked to accept increased density. The "d" word looks like oodles of people living, working, and public-transporting in the urban core – in your central neighborhood and mine.

Toward that end, city leaders have created a new zoning category, vertical mixed use. If the term makes your eyes glaze, you're not alone. For most folks, zoning code abbreviations like PUD, DMU (and even the alluringly medical CBD-CURE) are alphabet Ambien. But VMU is cool. Think of it this way: Vertical is to well-designed density as horizontal is to ugly sprawl. VMU is the support our city needs to push new projects up, not out – a kind of development Wonderbra.

Now that your heart is racing at the prospect of perky new mixed-use projects sexily arising in neighborhoods near you, let's move on to the particulars.

VMU: What It Is

For new projects, layering several floors of housing (required) and offices/other (optional) atop ground-floor commercial space (shops, businesses, restaurants) is among the "best practices" codified by ordinance in the new citywide design standards that became effective Jan. 13. (That's Article 4 of Subchapter E: Design Standards and Mixed Use, at www.ci.austin.tx.us/development/downloads/final.pdf, for wonks reading along on the Web.) VMU buildings are, in fact, generally subject to all applicable standards established by the design-standards ordinance (unless they earn "relaxed standards"; more on those in a minute). The intent of VMU is to 1)

encourage desirable redevelopment in the central city and 2) encourage each project to pack 'em in by stacking several uses (live, work, play) on one site, like a triple-layer VMU club sandwich. Plus, they guarantee that some affordable housing will be included in each project. If enough projects like this are built, close together, then Austinites will become more likely to walk and use public transit, and – *voilà!* – we become a *real* big city (while keeping the planet cool).

To encourage desirable new projects, VMU zoning offers enticing developer benefits. To earn them, developers must meet specific requirements to make the project conform with Austin's urban vision. These include high-quality building design, meeting-the-street, pedestrian-friendly amenities, and green-building requirements. In addition, 10% of the housing units must be "affordable" (based on area median family income).

To compensate and help pay for all the goodies, civic-minded developers get specific financial incentives. Most valuable, the "relaxed standards" for VMU can allow significantly more condos or apartments on a site (primarily by lifting "minimum site area requirements" that would restrict density). The relaxations also reduce by 60% the parking required by code and add more uses on the ground floor, such as convenience stores and eateries.

In essence, the VMU social contract represents a balancing act between incentives and public benefits. Whether the ordinance, as written, has achieved the right balance (or needs additional tweaking) will become clearer after VMU has been in place for a while. New developer Roy Ross is considering a VMU project on his East Sixth Street property: "I'm from East Austin, born and raised, so I love the idea of it," he said. "Affordable housing – that's fine. But at the end of the day, if there are no profits, no one's going to do it."

Where It's Happening

Ready for another helping of alphabet soup? To define where official VMU projects can be built, the city also established by code a Vertical Mixed Use Overlay District. The VMU-OD generally consists of the frontage properties (commercially zoned) along all of Austin's core transit corridors and future core transit corridors. *Important note: Any developer can do a project that acts and quacks like a VMU, without electing to build it under that zoning. But for our purposes here, a "VMU project" means one officially submitted under VMU zoning, with all the requirements and rewards that apply.*

What is a core transit corridor? These are the 16 major, well-populated, developed roads along which the city most wants to direct growth – and encourage use of public transit. Examples include Anderson (Burnet Road to MoPac), South Congress (Riverside to Stassney), East Sixth (I-35 to Pleasant Valley), and Riverside (Lamar to Pleasant Valley). During neighborhood planning, each neighborhood has been encouraged to plan for increased density along its CTC, as a trade-off for protecting the heart of established neighborhoods. (A complete list of CTCs and future CTCs is included in the succinct, if unofficial, Summary of Vertical Mixed Use & Neighborhood Options, drafted by the Austin Neighborhoods Council's Laura Morrison, also available at www.ancweb.org.)

As sites for official VMU buildings, CTCs and future CTCs are the most likely suspects. On other roadways, VMU projects potentially can be built (on sites larger than 3 acres) under a conditional-use permit as well. While VMU is allowed on all properties zoned mixed-use, the relaxed standards attractive to developers will kick in for MU sites only upon neighborhood and council approval.

Neighborhood Options: The 90-Day Window

Here's where the average citizen chimes in. While most elements of VMU are set, a few aspects are "subject to neighborhood considerations and recommendations" – meaning that individual neighborhoods can nix them or customize them. (For this right, Austin can largely thank advocacy by Morrison and ANC Vice President Danette Chimenti.) The opportunity to make changes is now, during a one-time process – called opt-in/opt-out – that offers a 90-day window for neighborhood input. A few fine-tuning amendments to the VMU standards are awaiting action by council, probably on Feb. 15. Within a week after that, letters should go out to neighborhood associations, announcing the start of the 90-day period. (A vote on the VMU amendments was bumped from the Feb. 1 council agenda at the last minute because Mr. Design Standards himself, Brewster McCracken, was out of town; real estate attorney Steve Metcalfe said council was unwilling to act without him because, "Brewster's one of only about 10 people in town who really understand all of this.")

Once the clock starts running, residential property owners and neighborhood associations with opinions on whether VMU is desirable in their neighborhoods – and whether it should apply to a specific tract – need to act quickly to make their preferences known. Individuals should work through their neighborhood planning team, if one exists, or their neighborhood association. Anyone concerned about how VMU might change the face of her neighborhood should be sure to speak up, while she can. A property owner considering a VMU project, for example, will want to be sure her site is within the VMU-OD – and that the neighborhood doesn't target it for an opt-out.

Why would a neighborhood want to opt out of VMU incentives? Basically, to discourage new development. Since the intent of VMU is to encourage redevelopment, a neighborhood that prefers no change and no increased density (good luck with that) may look dimly upon VMU. Or concerns may focus on specific tracts of land, which can get either a specific opt-in or opt-out recommendation. (One of the amendments going to council would permit removal of a specific property from the VMU Overlay District.) VMU may be undesirable if the property is best preserved just as it is. For example, if a property has a historic structure on it or a cultural landmark or an iconic business or affordable housing – or just a cool locally owned coffee shop where the neighbors love to hang – then there's no reason for VMU, which could encourage razing the existing structures.

Environmental issues could also bear on a particular property's advantages for redevelopment. The ANC cites such potential concerns as water quality (e.g., additional runoff to creeks) or saving trees. Another concern: displacing local businesses, in cases where a developer might assemble a large VMU project site by purchasing adjacent, smaller properties. While those businesses potentially could relocate into the new ground-floor retail spaces, forced closure during construction and higher lease rates can be huge barriers for a small business.

Conversely, ANC encourages new VMU projects on underloved and underutilized properties or where they can establish new neighborhood shopping, services, and eateries – on tracts such as those already identified in neighborhood plans. If such a tract isn't already in the VMU-OD, the neighborhood can recommend an opt-in for the tract (or a larger area). The opt-out/opt-in powers are just recommendations; however, neighborhood recommendations will go to the Planning Commission for review and then to council for a final decision (supposedly within 45 days after the 90-day window). And again: A neighborhood can't opt out of allowing VMU or mixed-use development *altogether*, in areas where it's permitted. All it can do is reject the "relaxed standards" that make VMU more attractive and profitable for the developer.

Neighborhoods also can have a voice on deepening affordability, for rental units only. A project built under VMU zoning must set aside 10% of living units as affordable housing. For apartments, all 10% must be affordable (for 40 years) for households earning 80% of Austin's median family income. For condos, (for 99 years) 5% of units are reserved for 80% MFI households, and 5% are reserved for 100% MFI households. (According to HUD 2006 regional figures, for a couple with no kids, 80% MFI was \$45,500; for a family of four it was \$56,900.) For rental apartments, representatives of a neighborhood planning area can recommend that the income requirement be set as low as 60%. Spokespeople for the neighborhood around East Cesar Chavez, for example, had expressed an interest in this lower level. But neighborhoods need to be careful. Especially on smaller sites (where developers can gain fewer additional units and other benefits), deeper affordability requirements could make projects financially unfeasible, with the result that no VMU projects may get built at all (see "VMU: Affordable for You?" right). Of course, in some cases, that may be the intent.

With the 90-day window now approaching, it's timely for every Austin neighborhood to hold a town-hall meeting (virtually, at least) on VMU. According to Morrison, areas not in the VMU Overlay District should ask the question: Do we have specific properties in our neighborhood that we'd like to see redeveloped as something better? (Plenty of "ugly Austin" candidates along urban roadways likely come to mind.) If so, recommend the sites for an opt-in. For areas with CTCs and future CTCs, the question becomes: Do we have special places we'd hate to lose to redevelopment? Or areas where the increased traffic, parking, and other impacts of allowing denser housing would create more headaches than VMU is worth?

But for the no-growth crowd, it's important to remember that recommending against VMU incentives could backfire. The guaranteed inclusion of affordable units is important to the community and unlikely in other private developments. George Adams of the city's Urban Design Office reports that people already informed about VMU "appear to be quite deliberative and thoughtful" in considering their opts. "Saying 'no' to VMU is not necessarily going to stop redevelopment from occurring," said Adams, noting that the advantage of encouraging VMU is that "you get more certainty about the quality of projects."

Architect Trey Hailey of Hailey/Johnson Architects has experience on a number of projects "in the VMU spirit" – including Saltillo Lofts, which won an Envision Central Texas award. He likes VMU because, "It's an extra incentive for our clients to do things that are more sensitive in terms of urban design." Several planned projects may get done under VMU, he said, depending on its final form and neighborhood input – particularly on the number of units allowed and levels of affordability required. He notes that the Austin market has shifted in favor of mixed-use projects and that developers and the real estate community are becoming more comfortable with them, even though they're more complex to design and develop.

Said Hailey, "I sincerely think our clients get excited about creating these great places; it's not just a real estate deal." No doubt about it: VMU is sexy. ■

For more info on VMU, see the city's Design Standards and Mixed Use document at www.ci.austin.tx.us/development/downloads/final.pdf or a more accessible summary posted at www.ancweb.org.

After Feb. 15, an online tool to view individual properties in the VMU-OD will be available at www.ci.austin.tx.us/development.
