

# MANISTEE CITY PLANNING COMMISSION

Meeting of June 4, 2020

Meeting to be held on Zoom Teleconferencing

Time: June 4, 2020 07:00 PM Eastern Time (US and Canada)

## To Participate:

### Via Zoom:

<https://us02web.zoom.us/j/89495467479?pwd=WlJWampSL1R1bW9zVXhTTGsxciQ4dz09>

**Dial:** +1 646 558 8656 US (New York)

Meeting ID: 894 9546 7479

Password: 742688

Please, dial-in at least 10 minutes prior to meeting start time.

## AGENDA

### I Call to Order

Pledge of Allegiance

### II Roll Call

### III Approval of Agenda

At this time the Planning Commission can take action to approve the June 4, 2020 Agenda.

### IV Approval of Minutes

At this time Planning Commission can approve the May 7, 2020 minutes.

### V Public Hearing

No Public Hearing tonight.

### VI Public Comment on Agenda Related items

All comments and handouts from the speaker at the podium will go through the Chair, also there will not be any interaction between the podium and audience. If these rules cannot be followed, the Chair can terminate this portion of the meeting. (Usually a limit of between 3-5 mins to address Planning Commission).

### VII New Business

- Memo regarding direction and updates from City Council.
- Fences
- Patios
- Site Plan Review Committee

## **VIII Old Business**

- Short – term rentals
  - Village of Pentwater
- Amendments to ZO
  - Master list and when to call public hearing.
    - Lower Story Dwelling
  - Dumpsters, Pads, screenings, and enforcement.
- Sign Ordinance (Model Ordinance)

## **IX Public Comments and Communications**

At this time the Chair will ask if there are any public comments.  
(Usually a limit of between 3-5 mins to address Planning Commission).

## **X Correspondence**

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

- Tracey Linderman letter in support of Lower Story Dwelling Amendment.

## **XI Staff Reports**

- 100 square foot or less accessory buildings.

## **XII Members Discussion**

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

## **XIII Adjournment**

**CITY OF MANISTEE PLANNING COMMISSION**  
70 Maple Street  
Manistee, MI 49660

**MEETING MINUTES**  
May 7, 2020

A meeting of the Manistee City Planning Commission was held on Thursday, May 7, 2020 at 7 pm by teleconferencing, Manistee, Michigan.

Meeting was called to order at 7:31 pm by Chair Wittlieff followed by the Pledge of Allegiance.

**ROLL CALL**

Members Present: Bob Slawinski, Michael Szymanski, Pamela Weiner, Marlene McBride, Roger Yoder, Shelly Memberto and Mark Wittlieff

Members Absent: None

Others: Rob Carson (County Planning Director), Mike Szokola (Planner 1/ City Zoning) and Nancy Baker (Recording Secretary)

**APPROVAL OF AGENDA**

Motion by Commissioner Szymanski, second by Commissioner Yoder to approve the May 7, 2020 Agenda as printed.

With a Roll Call vote this motion passed 7 to 0.

Yes: Slawinski, Szymanski, McBride, Yoder, Weiner, Memberto and Wittlieff

No: None

**APPROVAL OF MINUTES**

There were no corrections or additions to the minutes.

Motion by Commissioner Slawinski, seconded by Commissioner Yoder to approve the March 5, 2020 Planning Commission Meeting minutes as presented.

With a Roll Call vote this motion passed 7 to 0.

Yes: Slawinski, Szymanski, McBride, Yoder, Weiner, Memberto and Wittlieff

No: None

**PUBLIC HEARING**

None

## **PUBLIC COMMENT ON AGENDA RELATED ITEMS**

Michael Hills, 94 Charter Court, Harbor Village resident. Harbor Village have been seeking a standard for renting. He resides in a 2-bedroom unit under 1800 sq ft. Units with the same space advertise renting from 8-12 people. He voiced concern this space size is too small for this number of people. He hopes the following issues are addressed: number of people in a certain amount of space, the number of vehicles allowed and the length of time a place can be rented.

Lynda Beaton, 256 Hughes Street, inquired about the timeframe of election sign placement in the city. There is a 30 day in advance understanding however there is no ordinance stating this.

Mike Caputo, 92 Charter Court, Harbor Village resident, agrees with Mr. Hill's comments and supports his views.

## **NEW BUSINESS**

### **Short-term rentals**

Mr. Szokola reviewed the packet items.

The following points were discussed:

- Obtain other areas policies/ordinances, generate a direction for the type of plan desired
- Contact Housing North to assist in the community's needs
- Requiring rental inspections
- Require homeowners to have special rental insurance
- Safety requirements
- Number of people allowed by square footage or number of bedrooms
- Regulating the number of parking
- Rental time allowed-- days, weeks, or months
- Defining maximum occupancy for the location
- Popularity for vacation and business travel is on the rise
- Regulating all properties the same or by an area such as commercial or residential
- Entities such as Harbor Village should follow city regulations or have their own
- The need for a work session
- Inviting stakeholders
- Enforcement
- City responsibility: cost for-- fees, manage or hire a company to oversee the availability and/or maintain the information
- PC responsibility—write the ordinance and present it to the city

The Planning Commission agreed to a conservative draft being written and to move forward with the direction from the Planning Staff.

### **Amendments to ZO**

Mr. Szokola discussed 2 proposed amendments. These will require a public hearing. Short-term rentals could affect what is in existence.

The 1<sup>st</sup> amendment --- C3 District Lower Level Dwelling.

Section 1832. A. and B.3. were reviewed.

The following language could be applied to lower story dwellings as Section 1505 Lower Story Dwellings:

- Section 1504. Upper Story Dwellings language to be repeated under Section 1505 Lower Story Dwellings with the following exception:
  - Remove C. No commercial or office use statement
- add from Section 1832 B.3
  - as Section 1505 F with the last sentence being placed under Section 1505 G
  - add H. Short-term rentals of 3 month or less are not allowed with the option of including requiring property owners reside in the ADU's or Upper or Lower dwellings to reduce likelihood of them becoming Short-term rentals
  - add I. Requiring property owner to reside within the lower story dwelling, per a 5/2/2019 Beckett & Raeder memo
  - to include a Dwelling, Lower Story Accessory definition.

The Planning Commission agreed to the language of Section 1505 Lower Story Dwellings. with the striking of H and I.

The 2<sup>nd</sup> amendment ---- Section 506 Dumpster and enclosures.

Some parcel owners state they are "grandfathered in" and therefore the dumpster and enclosure ordinance does not apply to them.

It is recommended to add to Section 506 Dumpster and Enclosures H, with language that parcel owners must comply to the ordinance within 6 months.

The Planning Commission agreed to adding language to Section 506 Dumpster and Enclosures, H. the need for grandfathered uses to comply to the ordinance and having 6 months to do so.

#### Sign Ordinance (Model Ordinance)

Mr. Szokola stated amendments to the sign ordinance should be developed. A model sign ordinance from the APA and International Sign Association was presented. This can be used as a baseline and starting point.

The discussion points:

- adding a definition section
- divide the city by sections as not all areas need the same regulations
- start with the US corridor area
- hold a work session
- new owners need to bring signs up to regulations
- time limits on owners needing to make sign changes
- state guidelines regarding signs along the corridor
- Commissioners bringing in pictures of signs they like and dislike
- Commissioners to note the city's areas and how these areas should be divided

The Planning Commission agreed to hold a work session to divide the city's areas into sections and to review the model ordinance noting points that will and will not work for the sign ordinance.

**OLD BUSINESS**

None

**PUBLIC COMMENTS AND COMMUNICATIONS**

None

**CORRESPONDENCE**

None

**STAFF REPORTS**

Mr. Carson gave a trail plan update. Staff is finishing the non-motorized lake loop draft. It's important to bring this document information forward, but difficult at the present time. This needs to be provided to the Planning Commission (PC), village and townships surrounding the lake, County Recreation Commission (Rec Comm), City Park & Recreation Commission and the city. A public hearing will allow a presentation of the contents. The plan is to share this draft with the Planning Commission and to make it public to allow for review until meetings can be held mid/late summer for adoption. This can assist in grant writing for things like school systems and safe routes for schools. It will help define the multi-use regional trail route efforts and the non-motorized section of the railroad corridor from the existing Zimmerman pathway to Hill Road and up to the casino. The RR corridor from the casino to Onekama to Chief Lake/Kaleva to Thompsonville connecting to the Betsie Valley Trail has the ability to be worked on along with trail signs. The routes unknown are the Lakeshore and Onekama-Arcadia area. A meeting with the ability to place hard copies of maps and aerials showing public land, rights-of-way, slopes wetlands, stream crossings etc. is needed. The State of Michigan approved the Articles of Corporation for the Friends of SMARTrails. A certified accountant will be obtained to file the IRS long form. The group can then start legal fund raising and apply for grants for trail segments that are in place. MDOT has several proposed projects within the county which could play a role in trail planning and possible bike/sidewalk lanes through the Parkdale area to the hospital.

Mr. Szokola requested the city administration and city council submit memos to the PC regarding projects occurring within the city and any recommendations/directions for the PC. The PC are only facilitators on city items. Communications between all the entities is important.

**MEMBERS DISCUSSION**

Commissioner Weiner stated Harbor Village has several different associations with each having its own by-laws which none appear to regulate short-term rentals. She recommended consideration be given to invite the heads of these associations to the work session.

Chair Wittlieff inquired about the Gateway Project. Mr. Carson stated this will be done in development phases. More information will be available following a meeting with Mark Miller, Manistee Chamber.

**ADJOURNMENT**

Motion by Commissioner Szymanski, seconded by Commissioner McBride, that the meeting be adjourned.

MOTION PASSED UNANIMOUSLY. Meeting adjourned at 9:27 pm.

The next regular meeting of the Planning Commission will be held on June 4, 2020.

MANISTEE PLANNING COMMISSION

  
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Nancy Baker, Recording Secretary

DRAFT



## City of Manistee Planning Commission

05/11/2020

Thad Taylor  
City Manager  
70 Maple Street  
Manistee, MI 49660

Dear Mr. Taylor,

At the recent City of Manistee Planning Commission meeting the Commission discussed several projects that are taking place throughout the City. Many, if not all the members, felt that they lacked the knowledge to speak to the public about many of these projects taking place. Many Commission members expressed the desire to have a monthly DPW memo sent to the Planning Commission, prior to the held meeting, to allow the members to become abreast of the City's projects. We are aware the City Manager's puts out a weekly report. We would like to receive both reports combined into one report that is sent to the Planning Commission.

The Planning Commission members also expressed the desire to have more formal communication between the City Council and the Planning Commission. The desire to have City Council direct the Planning Commission via formal memo on what projects, ordinances, or amendments they wish the Planning Commission to work towards. This request for transparency would allow the Commission as well as Planning Staff the ability to direct the public towards the proposed memo when challenged as to why an issue, amendment, or ordinance was created, investigated or modified.

To reiterate the Planning Commission is requesting:

- Integrate City Managers weekly update report and DPW report into one report and send that report to the Planning Commission.
- Direction from City Council via official memo of issues, amendments, or ordinances that City Council would like the Planning Commission to work towards.

Sincerely,

Mark Wittlieff  
City of Manistee Planning Commission Chair



## Fences



As of June 16, 2017 the City of Manistee no longer requires permits for fences. While a permit is not needed fences need to be constructed in compliance with the requirements of [Section 508 Fences](#) of the Zoning Ordinance.

Remember the “good side” of the fence must face the neighbor’s property.



Support posts must be placed on the inside

Finished side faces the neighbor’s property



## **SECTION 508            FENCES**

Fences, walls, and decorative fences shall comply with the following regulations and requirements:

### **A. Location:**

1. Fences, walls and decorative fences shall not be located outside or beyond the property or lot lines of the lot upon which said improvement shall be placed.
2. Decorative Fences, as defined herein, may be placed in any location on a parcel, provided that on a waterfront lot in the R-1, R-2, R-3 and R-4 Districts, no portion of such fence shall constructed in the waterfront setback. [Annotation: Section 508.2 was changed by amendment 07-05, effective 5/29/07]
3. Fences, other than decorative fences as defined herein, shall not be located in the front setback of any lot in the R-1, R-2, R-3, R-4 or C-2 Districts.

### **B. Height:**

1. Fences and walls shall not exceed six (6) feet in height in any district, unless such fences are constructed in conformance with the setback restrictions in the district. However, the Planning Commission may approve a greater height in the L-I and G-I Districts if the increased height will better screen a use from the roadway or adjacent residential uses.

### **C. Design and Type:**

1. All fences shall be constructed with the finished side exposed, the support posts placed on the inside, and in a manner which serves to enhance the aesthetic appearance of the neighborhood or surrounding.
2. Decorative fences shall be constructed, by way of illustration, in a style similar to split rail or wrought iron fences. Decorative fences shall be designed to incorporate no more than fifty percent (50%) opaque surface area.
3. Except in the G-I District, no fence shall include barbed or razor wire strands or electrification.

[Annotation: the requirement for a zoning permit was deleted by amendment, Z17-04, effective 6-16-17]

## SECTION 508 FENCES

Fences, walls, and decorative fences shall comply with the following regulations and requirements:

### A. Location:

1. Fences, walls and decorative fences shall not be located outside or beyond the property or lot lines of the lot upon which said improvement shall be placed.
2. Decorative Fences, as defined herein, may be placed in any location on a parcel, provided that on a waterfront lot in the R-1, R-2, R-3 and R-4 Districts, no portion of such fence shall be constructed in the waterfront setback. [Annotation: Section 508.2 was changed by amendment 07-05, effective 5/29/07]
3. Fences, other than decorative fences as defined herein, shall not be located in the front setback of any lot in the R-1, R-2, R-3, R-4 or C-2 Districts.

### B. Height:

1. Fences and walls shall not exceed six (6) feet in height in any district, unless such fences are constructed in conformance with the setback restrictions in the district. However, the Planning Commission may approve a greater height in the L-1 and G-1 Districts if the increased height will better screen a use from the roadway or adjacent residential uses.

### C. Design and Type:

1. All fences shall be constructed with the finished side exposed, the support posts placed on the inside, and in a manner which serves to enhance the aesthetic appearance of the neighborhood or surrounding.
2. Decorative fences shall be constructed, by way of illustration, in a style similar to split rail or wrought iron fences. Decorative fences shall be designed to incorporate no more than fifty percent (50%) opaque surface area.
3. Except in the G-1 District, no fence shall include barbed or razor wire strands or electrification.

[Annotation: the requirement for a zoning permit was deleted by amendment, Z17-04, effective 6/16/17]

### Definitions:

**Fence:** An artificially constructed barrier erected to enclose, screen, or separate parcels or portions of parcels.

**Fence, Decorative:** A fence, no more than four (4) feet in height measured from the grade to the top of the highest horizontal rail and intended primarily as an ornament or accent on a parcel.

**Grade:** The vertical elevation of the ground.

**Grade, Finished:** The proposed median grade of a parcel as set forth on the site plan.



## Planning Commission

May 26, 2020

Planning Commission Members  
70 Maple Street  
Manistee, MI 49660

Mike Szokola  
Manistee County Planner  
395 3<sup>rd</sup> St.  
Manistee, MI 49660  
231.723.6041  
planning@manisteecountymi.gov  
www.manisteemi.gov

Patios and permitting fees

Dear Planning Commission Members,

Often patios are exempt from permitting provided they are at grade, do not exceed the "maximum lot coverage" for the district in which they are built, are not built within setbacks. When reviewing the City of Manistee's Zoning Ordinance, we noticed that patios were not exempt. With the amendments we are bringing forward we felt it was a good time to address this and see if the Commissioners felt that this change fit into the Master Plan?

If a change was to be made, we recommend the following language be added to Article Five: General Provisions, Section 502, subsection D, subsection 3:

- e. Patios, built at grade, built no closer than 3-feet to the property line, not exceeding 200 square feet and not exceeding the Parcels "Maximum Lot Coverage" for the district in which it resides.

If the Planning Commission feels that this change is enforced by the Master Plan than we will add it to the text amendments master list.

Sincerely,

Mike Szokola  
Manistee County Planner

- c. On parcels with steep slopes exterior steps may be located within a required yard when the Zoning Administrator finds that such location is necessary for the practical use of the property.
- 2. Within the side or rear yard setback:
  - a. handicapped ramps, terraces, and patios but built no closer than three (3) feet from the property line
  - b. On parcels with steep slopes exterior steps may be located within a required yard when the Zoning Administrator finds that such location is necessary for the practical use of the property.
  - c. Outdoor playsets less than 18 feet in height but built no closer than three (3) feet from the property line and will not require a Land Use Permit.
- 3. Anywhere on a parcel and does not require a Land Use Permit:
  - a. Flag poles;
  - b. Hydrants;
  - c. Arbors, trellises, trees, plants, shrubs, subject to the provisions of [Section 513](#) pertaining to clear vision areas;
  - d. Sidewalks and walkways. [Annotation: Section 502.D was changed by amendment Z12-07, effective 10/27/12]
- E. Required setback distances shall be measured perpendicular to and from the property line or edge of right-of-way or ordinary high water mark toward the center of the parcel. For non-platted parcels, where the front lot line is the roadway centerline, setbacks shall be measured from the edge of the right-of-way. Building setback lines shall parallel the parcel line from which they are measured. All measurements of setback distances shall be completed in accordance with [Section 524](#) hereof. [Annotation: Section 502.E was changed by amendment 07-05, effective 5/29/07]
- F. Parcel depth measurements shall be taken from the midpoints of straight lines, one connecting the front property corners and the second connecting the rear property corners. For the purposes of this section, property corners shall be determined by the Zoning Administrator as the points at which the side parcel lines intersect the front and rear lines, regardless of the shape of the property. Parcel width shall be measured at the front yard setback line. Provided that for irregularly-shaped parcels, the Zoning Administrator may determine an average parcel width as the average width measured at right angles to its depth, with no fewer than five (5) equally spaced measurements. See Figure 502.



## Planning Commission

May 26, 2020

Planning Commission Members  
70 Maple Street  
Manistee, MI 49660

Mike Szokola  
Manistee County Planner  
395 3<sup>rd</sup> St.  
Manistee, MI 49660  
231.723.6041  
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Dear Planning Commission Members,

We need to make a change to the Zoning Ordinance to identify who the Site Plan Review Committee consists of. In order to conform to the Ready Redevelopment Communities or RRC requirements we must identify who serves on the Site Plan Review Committee. We would like the following definition added to the ZO:

**Site Plan Review Committee:** A committee consisting of representatives from the City Fire Department, Police Department, Planning Department, DPW, and City Manager. The Site Plan Committee can be expanded when needed to include representatives from the City Attorney's office, City DDA, City HDC, City Building Department, Economic Development Office, and other outside agencies.

This would satisfy the RRC's requirement to identify who makes up the site plan review committee. We would like the Planning Commission approval to add it to the master list of text amendments for the City.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Szokola".

Mike Szokola  
Manistee County Planner

**VILLAGE OF PENTWATER  
OCEANA COUNTY, MICHIGAN  
SHORT-TERM RENTAL ORDINANCE  
Ordinance No. 04 of 2019**

AN ORDINANCE PURSUANT TO PUBLIC ACT NO. 3 OF 1895, MCL 67.1, AS AMENDED, TO PERMIT AND REGULATE SHORT TERM RESIDENTIAL RENTALS WITHIN THE VILLAGE OF PENTWATER, TO INSURE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE VILLAGE OF PENTWATER ORDAINS:

**Section 1.** The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Chapter 153, which shall be titled as follows:

**CHAPTER 153: SHORT TERM RENTAL REGULATIONS**

**Section 2.** The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 153.01, which shall provide as follows:

**§ 153.01 Definitions.** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“Bathroom” means a room containing a water closet, a sink, and a bathtub or shower.

“Bedroom” means a separate room or space used or intended to be used for sleeping purposes.

“Camp” or “camping” means the use of a camping unit or similar shelter for overnight accommodations (11:00 p.m. to 7:00 a.m., or a significant portion thereof) or for other temporary living.

“Camping unit” means overnight sleeping accommodations, lodgings, or other accommodations, with or without cooking facilities, including a tent, tent trailer, motorhome, travel trailer, pop-up or truck-mounted trailer, recreational vehicle, camper van, or other shelter used for temporary living.

“Dwelling unit” means a residence, including a condominium, used for residential purposes as a housekeeping unit or a domicile by one or more persons containing cooking, sanitary,

and bedroom facilities.

“Land” means all land areas occupied by real property.

“Occupancy” means the purpose for which a dwelling unit or portion thereof is utilized or occupied.

“Occupant” means any individual living or sleeping in a dwelling unit, or having possession of a space within a dwelling unit. “Occupant” does not include guests visiting a dwelling unit between the hours of 8:00 a.m. and 11:00 p.m.

“Operator” means any person who owns or has charge, care or control of a dwelling unit which is offered as a short term rental.

“Owner” means the person or entity that holds legal or equitable title to the dwelling unit (or portion thereof).

“Parcel” means a continuous area or acreage of land under common ownership. “Parcel” includes a single condominium unit.

“Person” means an individual, trustee, personal representative, conservator, receiver, agent, firm, corporation, association, partnership, limited liability company, or other legal entity.

“Short Term Rental” means any dwelling unit, in which the owner does not reside, that is available for use or is used for accommodations or lodging of occupant(s) paying a fee or other consideration for a period of less than thirty (30) consecutive days. This definition does not include lawfully operating bed and breakfast establishments, hotels/motels, employee housing, or campgrounds.

“Short Term Rental Agreement” means a written or unwritten lease, agreement, or license between an owner or operator of a short term rental and an occupant(s) for consideration.

“Sleeping Room” means space, other than a bedroom, used for overnight sleeping purposes.

**Section 2.** The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 153.02, which shall provide as follows:

**§ 153.02 License Required.** No person shall permit, allow, or offer a dwelling unit to be used as a short term rental nor enter into a short term rental agreement concerning a dwelling unit within the Village of Pentwater without first obtaining a license from the Village pursuant to the requirements of this Ordinance.

**Section 3.** The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 153.03, which shall provide as follows:



**§ 153.03 Application and Fee Requirements.** An operator seeking a license under this Ordinance shall submit a complete application to the Village Manager, or his or her designee and pay the required fee, which shall be determined from time to time by resolution of the Village Council. The fee schedule adopted by the Village Council may include an enhanced fee for dwelling units found to have been operating as unlicensed short term rentals in violation of this Ordinance. The application shall include proof of ownership of, or the legal right to rent, a dwelling unit, and all information reasonably necessary for the Village Manager, or their designee, to determine whether the applicable standards for approval have been met. The Village Council may approve the form and content of the application by resolution.

**Section 4.** The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 153.04, which shall provide as follows:

**§ 153.04 Standards for Approval.** The Village Manager or their designee shall approve, or approve with conditions, an application for a short term rental license only upon a finding that the dwelling unit complies with all of the following applicable standards:

**A. Bedrooms and Sleeping Rooms. Maximum Overnight Occupancy.** Maximum overnight occupancy for short term rentals shall be up to a maximum of two (2) persons per sleeping room or bedroom, plus two (2) additional persons per property, up to a maximum of twelve (12) persons, excluding children under three (3) years of age.

**B. Maximum Bedrooms or Sleeping Rooms.** There shall be a maximum of five (5) bedrooms or sleeping rooms.

**C. Per Parcel Limit on Number of Dwelling Units.** Only one dwelling unit shall be used as a short term rental per parcel, except that when a parcel lawfully contains more than one dwelling unit, each separate dwelling unit may be used as short term rental provided that each such dwelling unit is separately licensed under this chapter.

**D. Parking.** There shall be one (1) on-site parking space for a dwelling unit with up to two (2) bedrooms or sleeping rooms and two (2) on-site parking spaces for a three (3) or four (4) bedroom dwelling unit. Larger dwelling units must demonstrate adequate parking with a minimum of three (3) spaces.

**E. No Room Rentals.** In no event shall an individual room in a dwelling unit be rented to a person, family, or other group of persons as short term rental. Nor shall an occupant of a short term rental sublet a portion of a dwelling unit.

**F. Fire Safety and Emergency Access.**

**1. Smoke Alarms.** Smoke detectors/alarms shall be installed in each rental unit. All smoke detectors/alarms shall be UL(Underwriters Laboratories, Inc.) approved, and

shall be installed in accordance with the provisions of the Michigan Residential Code and the household fire warning equipment provisions of the National Fire Protection Association (NFPA) standards Section 72.A. Smoke detectors/alarms shall be installed in the following locations:

(a) In each bedroom or sleeping room.

(b) Outside of each separate sleeping area in the immediate vicinity of the bedrooms.

(c) On each additional story of the rental unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In rental units with split levels and without an intervening door between the adjacent levels, a smoke detector/alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

**2. Bedroom and Sleeping Room Emergency Window Access.**

(a) Every bedroom and sleeping room have contain a window meeting current fire code and /or building code standards for ingress and egress in an emergency.

(b) No bedroom or sleeping room shall be located in a basement unless the basement contains a doorway open to the outside or contains a window meeting ingress and egress emergency standards.

**3. Fire Extinguishers.** An operable fire extinguisher shall be mounted at an exit door located on every floor level including the basement.

**G. Designated Representative.** The operator shall identify a designated representative as a contact person. The operator shall provide an address and a current 24-hour working phone number of the designated representative to the Village Manager. Said designated representative must be available during the rental period within a one-hour drive of the dwelling unit.

**H. Zoning Compliance.** No person shall be granted a short term rental license unless the dwelling unit is in compliance with the Village of Pentwater Zoning Ordinance. Nothing in this Ordinance shall be construed as excusing compliance with the requirements of the Village of Pentwater Zoning Ordinance.

**I. State Law Compliance.** No person shall be granted a short term rental license unless the dwelling unit is in compliance with the State Building Code, State Mechanical Code, State Plumbing Code, National Electrical Code, and the Michigan Fire Prevention Code.

**J. Certification by Applicant.** As part of the application, the applicant shall certify that the foregoing standards have been met. The Village may deny or revoke a license if the statements or representations made on the application are determined by the Village Manager to be false or materially misleading. The applicant may appeal the Village Manager's decision to the Village Council in the manner provided by § 153.07(C) of this Ordinance.

**Section 5.** The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 153.05, which shall provide as follows:

**§ 153.05 License.**

**A. Duration.** A short term rental license shall be valid for the calendar year such license was obtained (January 1 until December 31).

**B. Transferability.** A short term rental licenses may not be transferred from one dwelling unit to another dwelling unit.

**C. Display.** A short term rental license shall be displayed on the front door of the dwelling unit or in a conspicuous location on the facade or nearby window not more than five (5) feet from the front door as measured from the edge of the door frame.

**D. Maximum Number of Occupants.** The license shall display the maximum number of occupants permitted at a dwelling unit. No person shall allow or permit a dwelling unit to exceed the maximum number of occupants stated on the license. No person shall camp or allow any person to camp on the land upon which a short term rental is located. This prohibition includes the occupation of tents, bivy sacks, campers, trailer coaches, camper trailers, vehicles, recreational vehicles, travel trailers, camping unit, or any other temporary shelter located on the land upon which a short term rental is located pursuant to a permit issued under § 150.21. A person that holds a short term rental license shall not simultaneously hold a permit issued under § 150.21 for the same land.

**E. Designated Representative Information.** The license shall display the contact information for the designated representative of the short-term rental.

**Section 6.** The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 153.06, which shall provide as follows:

**§ 153.06 Nuisance.** A violation of this Ordinance is hereby declared to be a public nuisance per se and is hereby further declared to be offensive to the public health, safety, and welfare. All violations of this Ordinance shall be abated by a court of competent jurisdiction.

**Section 7.** The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 153.07, which shall provide as follows:

**§ 153.07 Violations; Revocation of License.**

**A. Violations as Municipal Civil Infractions.** Any person who violates any provision of this Ordinance shall be responsible for a Class C municipal civil infraction. Each day that a violation occurs constitutes a separate offense. Penalty, see Section 10.99 of the Village of Pentwater Code of Ordinances.

**B. Revocation of License.** The Village may revoke the short term rental license for any dwelling unit which is the site or subject of at least three (3) separate incidents or violations of this Ordinance (occurring on three (3) separate days) within a calendar year resulting in a plea of responsibility (with or without explanation), a plea of guilty, a plea of guilty, a plea of no contest, or a court's determination of responsibility or guilty by the owner, designated representative, or occupant for a violation of one or more of the following:

1. Any provision of the Village of Pentwater Code of Ordinances, including this Ordinance.
2. Any provision of the Village of Pentwater Zoning Ordinance or any permit or approval issued pursuant to the Village of Pentwater Zoning Ordinance.
3. Any provision of the Michigan Construction Code, the Michigan Residential Code, and/or the Michigan Fire Prevention Code.

**C. Revocation Procedure.** Upon a determination by the Village Manager that the license of a dwelling unit is subject to revocation pursuant to subsection (B), the Village Manager shall issue a notice to the operator or designated representative that the Village intends to revoke the license by first-class mail to the address listed on the license. The operator or designated representative may within fourteen (14) days from the date the notice was sent request a hearing before the Village Council to show cause as to why the short term rental license should not be revoked. If a hearing is timely requested, the Village Manager or his or her designee shall notify the operator or designated representative of the time and place of the hearing. At the hearing, the operator or designated representative may present evidence that the violations of this Ordinance were due to or caused by extraordinary circumstances. The Village Council may, in its discretion, reverse the determination of the Village Manager to revoke the permit by a majority vote.

**D. Duration of Revocation.** No license shall be issued to an operator or designated representative for a period of thirty-six (36) months following the revocation of a license pursuant to § 153.07(C).

**Section 8.** The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 153.08, which shall provide as follows:

**§ 153.08 Enforcement Officials.** The Village Manager or their designee, Ordinance Enforcement Officer, and any Village police officer are hereby designated as the authorized officials to issue and serve municipal civil infractions directing alleged violators of this Ordinance to appear in court.



I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Pentwater at a regular meeting held on June 10, 2019, and I further certify that public notice of such meeting was given as provided by law.

---

Rande S. Listerman, Village Clerk  
Village of Pentwater

## **City of Manistee Text Amendments, Master List.**

### **Definitions:**

**DWELLING, LOWER STORY ACCESSORY:** A dwelling, which is considered an accessory use, located in the same building as the principal commercial use and located on the lower story of the building.

### **SECTION 1505 LOWER STORY DWELLINGS**

- A. Lower story dwellings are permitted in existing structures within the C-3 district. New structures proposing lower story dwellings shall be governed as a mixed use.
- B. Lower story dwellings shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.
- C. No dwelling unit shall exceed a maximum of two (2) bedrooms.
- D. Each dwelling unit shall have a minimum floor area of five hundred (500) square feet.
- E. A basic site plan shall be required and reviewed by the Zoning Administrator per Section 2201, A.
- F. Dwelling units shall 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.
- G. At least the first 20 feet of depth at street level of the building shall be dedicated to a commercial use.



## Planning Commission

May 26, 2020

Planning Commission Members  
70 Maple Street  
Manistee, MI 49660

Mike Szokola  
Manistee County Planner  
395 3<sup>rd</sup> St.  
Manistee, MI 49660  
231.723.6041  
planning@manisteecountymi.gov  
www.manisteemi.gov

Dear Planning Commission Members,

I spoke with the City Attorney regarding an amendment to the Zoning Ordinance Section 506: Dumpsters and Enclosures. The amendment would for the enforcement on dumpsters not currently meeting the zoning ordinance requirements and property owners who are claiming that they are grandfathered in and do not have to meet the current requirements.

The City Attorney had this to say on the matter:

"...after considering the matter further it is my opinion that the issue of dumpster location, etc. is a regulatory matter not involving a building or structure and would not be subject to a defense of legal, nonconforming use. Consequently, we can proceed with enforcement through the zoning ordinance."

- George Saylor, Attorney, City of Manistee

With the City Attorney's opinion, I feel confident moving forward with enforcement on properties that are found to be violating Section 506.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Szokola".

Mike Szokola  
Manistee County Planner



**Tracey Lindeman  
308 River St  
Manistee, MI 49660**

**May 20, 2020**

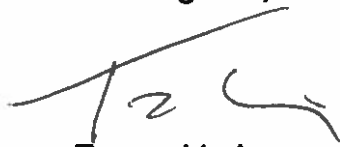
**Zoning Commission  
City of Manistee  
70 Maple St  
Manistee, MI 49660**

**Dear Commissioners,**

**Please reclassify my primary residence, Parcel #5151-452-704-23, located at 308 River Street from Commercial property to Mixed Use property.**

**Thank you for your consideration.**

**Best regards,**

A handwritten signature in black ink, appearing to read 'Tracey Lindeman', with a long horizontal stroke extending to the left.

**Tracey Lindeman**

