

**City of Marine City  
Planning Commission Meeting  
May 14, 2018**

A regular meeting of the Marine City Planning Commission was held on Monday, May 14, 2018, in the Fire Hall, 200 South Parker Street, Marine City, Michigan, and was called to order by Chairperson Moran at 7:00pm.

After observing a moment of silence, the Pledge of Allegiance was led by Chairperson Moran.

**Present:** Chairperson Joseph Moran; Commissioners William Beutell, Keith Jenken, Brian Ross; City Commissioner William Klaassen; Building Official Susan Wilburn; City Manager Elaine Leven; Deputy Clerk Elizabeth McDonald

**Absent:** Commissioners Graham Allan & Jacob Bryson

**Also in Attendance:** Adam Young, Wade Trim

Motion by Commissioner Ross, seconded by Commissioner Jenken, to excuse Commissioners Allan and Bryson from the meeting. All Ayes. Motion Carried.

**Communications**

None.

**Public Comment**

No residents addressed the Board.

**Approve Agenda**

Motion by Commissioner Beutell, seconded by City Commissioner Klaassen, to approve the agenda, as presented. All Ayes. Motion Carried.

**Approve Minutes**

Motion by Commissioner Jenken, seconded by City Commissioner Klaassen, to approve the April 9, 2018 meeting minutes of the Planning Commission, as presented. All Ayes. Motion Carried.

## Unfinished Business

### ***Discussion – Zoning Ordinance Text Amendments: Chapter 160***

Adam Young, of Wade Trim, stated that he had been working with City Manager Leven and Building Official Wilburn for approximately a year on amendments to the City Zoning Code and City Code. In order to amend the Zoning Code, the Planning Commission needed to conduct a Public Hearing and recommend the changes to the City Commission for approval. Mr. Young went through all the proposed amendments with the Board and discussed the following:

#### *Commercial Use of Sidewalks/Outdoor Sales and Cafes (Sections 160.082, 160.234 and 160.235)*

- Wade Trim suggested removing the requirement of Special Land Use approval and conducting a Public Hearing in order to have outdoor merchandise.
- Added section 160.234 which allows outdoor displays intended for retail sale or rental within the B-1, B-2, and W-M Districts, as long as the provisions within the Code were followed.
- Added section 160.235 which allows outdoor café service subject to the outlined conditions being met, one of which, was a minimum of five (5) feet of unobstructed pedestrian access on the sidewalk be maintained.

Jim Turner, 361 N. Main Street, questioned whether the outdoor café service section included businesses utilizing wait staff outdoors. He also asked about the overnight storage of outdoor materials and how to obtain approval to have an outdoor café.

Mr. Young responded that businesses could have outdoor service or just outdoor seating, but Health Department regulations needed to be met and Building Official Wilburn had the final approval on any proposed sketch plan. The storage of outdoor materials was at the discretion of the owner.

The Board said that they would like regulations on decorations on the sidewalk addressed within the Code.

Todd May, The Sweet Tooth of Marine City, asked if there was an Ordinance regarding the use of tattered, unkempt flags and signs.

Mr. Young stated that a business could have up to three (3) flags according to the City Sign Ordinance and if they were not maintained, the City had the authority to send a letter to the owner.

*Zoning Map Amendments (Sections 160.020, 160.021 and 160.175)*

- Added the Nautical Mile District within the Ordinance and made it an overlay
- Removed reference to the DDA

*Sign Amendments – Content Neutrality (Reed v. Gilbert) (Section 160.220)*

- The current Ordinance was outdated
- The amendments focused on content neutrality
- Definitions changed
- Added exempt sign section

The Board discussed clear vision regulations and indecent content regarding to signage. It was suggested by business owners present that having a “can and can’t” sign guide would be beneficial.

*Zoning Enabling Act Amendments (Sections 160.005, 160.036, 160.037, 160.052, 160.081, 160.175, 160.236, 160.274, 160.298, 160.301, 160.306, 160.315, 160.317, 160.318 and 160.322)*

- Updated Code to be consistent with the Zoning Enabling Act
- Added definitions
- Added the allowance of adult foster and family daycare homes
- Changed requirements for churches and schools from Special Land Use to Permitted Use
- Added planned development regulations
- Planning Commission had more flexibility with mixed uses
- Changed Public Hearing notification procedures
- Added conditional rezoning procedures
- Included standards to obtain a Variance Request

The Board stated that it should be clarified that applicants applying for a Variance Request needed to demonstrate all five points:

1. The strict enforcement of the provisions of the Zoning Ordinance would cause difficulties and deprive the owner of the property of rights enjoyed by other owners within the same zoning district
2. The conditions and circumstances are unique to the property which are not similarly applicable to other properties in the same zoning district
3. The conditions and circumstances unique to the property were not created by the owner within the effective date of the provisions alleged to adversely affect such property.

4. Why the requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district
5. Why the requested variance will not be contrary to the spirit and intent of this Zoning Ordinance

*Permits for Accessory Buildings and Fences (Sections 160.213 and 160.221)*

- Revised, to state that accessory buildings did not need Zoning Board of Appeals approval as long as they met the requirements
- Needed to change Item H to reference the State of Michigan Building Code
- Added permit requirements for the erection of an obscuring wall or fence

*Site Plan Review Procedures (Section 160.300)*

- Established administrative Site Plan Review process for certain projects
- The Planning Commission could waive the required Site Plan information when the information was determined to be not pertinent to the proposed development

*Process to Allow Unspecified Uses (New Section 160.024)*

- Added unspecified uses chapters

*Home Occupations (Sections 160.005 and 160.037, New Section 160.234)*

- Removed the Special Use request and made it an administrative review process
- Added Use standards

The Board reviewed the City Code amendments and the following were discussed:

*Commercial Use of Sidewalks/Outdoor Sales and Cafes (Section 90.016)*

- Provided exemption of what was allowed

*Parking and Storage of Commercial Vehicles (New Sections 70.080, 70.081 and 70.082)*

- Defined what was allowed

Todd May, The Sweet Tooth of Marine City, requested that the City employees not park along South Water Street as it took away parking spaces from business customers.

*Cutting of Grass (Section 95.46; Section 158.147)*

- Changed the maximum height allowable for vegetation from twelve inches to eight inches.

*Rental Housing Inspections (Sections 15.055 – 155.060)*

- Updated the Rental Housing Inspection regulations

Motion by Commissioner Beutell, seconded by Commissioner Jenken, to set the Public Hearing date for the proposed Zoning Code amendments for Monday, June 11, 2018 at 7:00pm in the Fire Hall (200 S. Parker) and send the recommendations to the City Commission at their Thursday, June 21, 2018 meeting for adoption. All Ayes. Motion Carried.

***Update – Downtown Signage***

Chairperson Moran updated the Board on the status of the downtown signage that went before the City Commission. The City Commission made the following suggestions:

- Recommended changing the name to Business Loop instead of Downtown Loop
- Added additional signage at the intersection of M-29 and Chartier for the plaza
- Parking signs were to have the City logo on them to make them stand out from other regulatory signage

He said the Sub-Committee was currently seeking bids for the signage and possible funding options. They were hoping to have a recommendation for the Thursday, June 7, 2018 City Commission meeting.

No action was taken by the Board at this time.

**New Business**

None

**Adjournment**

Motion by Commissioner Jenken, seconded by Commissioner Beutell, to adjourn at 8:57 pm. All Ayes. Motion Carried.

Respectfully submitted,

*Elizabeth McDonald*

Elizabeth McDonald  
Deputy Clerk

*Kristen Baxter*

Kristen Baxter  
City Clerk