



CITY OF MARINE CITY

Planning Commission Meeting Agenda

Guy Community Center, 260 South Parker Street

Regular Meeting: Monday, February 14, 2022 6:00 PM

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Commissioners Graham Allan, William Beutell, Benjamin Heath, Keith Jenken, Madelyn McCarthy, Joseph Moran; City Commissioner William Klaassen; City Manager Holly Tatman
4. **COMMUNICATIONS**
5. **APPROVE AGENDA**
6. **PUBLIC COMMENT** *Anyone in attendance is welcome to address the Planning Commission. Please state name and limit comments to five (5) minutes.*
7. **APPROVE MINUTES**
 - A. December 13, 2021 Meeting Minutes
8. **UNFINISHED BUSINESS**
 - A. Vacant Storefronts
9. **NEW BUSINESS**
 - A. Planning Commission Annual Report
 - B. Mobile Home Park - 6609 S. Parker Discussion
 - C. Master Plan Updates: Zoning Maps
10. **ADJOURNMENT**

**City of Marine City
Planning Commission Meeting
December 13, 2021**

A regular meeting of the Marine City Planning Commission was held on Monday, December 13, 2021 at 260 South Parker Street, and was called to order by Chairperson Moran at 7:00 pm.

The Pledge of Allegiance was led by Chairperson Moran.

Present: Chairperson Joseph Moran; Commissioners William Beutell, Madelyn McCarthy, Keith Jenken, Graham Allan; City Commissioner William Klaassen; City Manager Holly Tatman; Deputy Clerk Michele Goodrich

Absent: Commissioner Benjamin Heath

Motion by Commissioner Allan, seconded by Commissioner McCarthy, to excuse Commissioner Heath from the meeting. All Ayes. Motion Carried.

Communications

None.

Approve Agenda

Motion by Commissioner Beutell, seconded by Commissioner Jenken, to approve the December 13, 2021 Planning Commission agenda. All Ayes. Motion Carried.

Public Comment

None.

Approve Minutes

Motion by Commissioner McCarthy, seconded by Commissioner Allan, to approve the November 08, 2021 meeting minutes. All Ayes. Motion Carried.

Unfinished Business

Marine City Mini Storage Phase III Site Plan – Beindit Investments

Chairperson Moran identified that bumper blocks were proposed on the western edge of the gravel open storage area however, he could not locate them on the Site Plan.

Applicant Howard stated that all the way to the back of the property, there were three trees and the rest was brush. Additionally, he stated that he would put a fence or bumper blocks up along the western edge to prevent people from going into the retention area.

Chairperson Moran stated that no new landscaping was proposed except in the front yard and the trees along the side of the property line.

Commissioner Allan questioned if Mr. Beindit planned to do anything outside of the carport look. Mr. Beindit responded that the storage was designed to allow for pull-through storage for larger RV's or motorhomes.

Motion by Commissioner Beutell, seconded by Commissioner Jenken, to approve Marine City Mini Storage Phase III Site Plan – Beindit Investments with the addition of bumper blocks and/or a fence along the western edge. All Ayes. Motion Carried.

New Business

None.

Adjournment

Motion by City Commissioner Beutell, seconded by Commissioner Allan, to adjourn at 7:13 pm. All Ayes. Motion Carried.

Respectfully submitted,

Michele E. Goodrich
Deputy Clerk

Kristen Baxter
City Clerk

CHAPTER 15.51. - VACANT AND ABANDONED STRUCTURES

Sections:	
15.51.010	Findings.
15.51.020	Definitions.
15.51.030	Registration.
15.51.040	Registration information.
15.51.050	Registration and administrative fee.
15.51.060	Recovery of fees.
15.51.070	Securing structures.
15.51.080	Right of entry and inspection.
15.51.090	Reuse and occupancy.
15.51.100	Responsibility for violations.
15.51.110	Penalty.
15.51.120	Independent authority.

15.51.010 - Findings.

The city council determines that the presence of vacant and abandoned structures creates blight. It is recognized that blight lowers property values, leads to deteriorating conditions, undermines the quality of life, affects the public health, safety and general welfare and also results in human injury and criminal activities. It is also determined that vacant and unoccupied structures demand an inordinate amount of city administrative and ordinance enforcement resources. As such, the city council finds the prolonged presence of vacant and abandoned structures to be unacceptable to the citizens of Livonia.

(Ord. 2844, § 1, 2009)

15.51.020 - Definitions.

As used in this chapter:

A. "Abandoned commercial structure" means and includes:

1. Any single tenant building located in a C-1, C-2, C-3, or C-4 zoned district which has been unoccupied by a tenant for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions defined in Section 15.51.020(I)(1) through (11); or
2. Any multi-tenant building located in a C-1, C-2, C-3, or C-4 zoned district which is more than fifty percent (50%) unoccupied for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions defined in Section 15.51.020(I)(1) through (11).

B. "Abandoned office structure" means and includes:

1. Any single tenant building located in an OS or PO zoned district which has been unoccupied by a tenant for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary

2. Any multi-tenant building located in an OS or PO zoned district which is more than fifty percent (50%) unoccupied for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions defined in Section 15.51.020(I)(1) through (11).
- C. "Abandoned industrial structure" means and includes:
1. Any single tenant building located in a ML, M-1, or M-2 zoned district which has been unoccupied by a tenant for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions defined in Section 15.51.020(I)(1) through (11); or
 2. Any multi-tenant building located in a ML, M-1, or M-2 zoned district which is more than fifty percent (50%) unoccupied for a period of ninety (90) consecutive days or which satisfies one (1) of the supplementary conditions defined in Section 15.51.020(I)(1) through (11).
- D. "Abandoned residential structure" means any building which has been used or was intended for use as a residential dwelling, in whole or in part, including an accessory building, which has become vacant or abandoned for a period of at least ninety (90) consecutive days or which also meets at least one (1) of the following conditions:
1. Is open to casual entry or trespass;
 2. Is damaged by fire, flood, weather, or vandalism to an extent which prohibits safe human occupancy;
 3. Is the site of loitering or vagrancy;
 4. Demonstrates a lack of property maintenance and upkeep as evidenced by one or more violations of the city property maintenance code or state construction code;
 5. Is under notice for being in violation of city ordinances;
 6. Has been secured or boarded up for at least twenty-eight (28) days;
 7. Has taxes in arrears to the city for a period of time exceeding three hundred sixty-five (365) days;
 8. Has utilities disconnected or not in use;
 9. Is under a condemnation notice or legal order to vacate;
 10. Is structurally unsound; or
 11. Is a potential hazard or danger to persons.
- E. "Abandoned structure" means and includes an abandoned residential, commercial, office, or industrial structure as defined herein.
- F. "Accessory building" means a subordinate structure on the same premises as the main structure, the use of which would be naturally and normally incidental to that of the main structure, whether the main structure is an abandoned structure or not, such as, but not limited to, a garage, barn or storage shed.
- G. "Owner" means any person with a legal or equitable ownership interest in the structure.
- H. "Secured" means a building which has all points of entry into the structure either:
1. Closed by use of windows and doors which are in proper working order, intact, without holes,

2. Secured by exterior grade plywood in compliance with this chapter.
- I. "Supplementary conditions" shall mean and include the following:
 1. Is open to casual entry or trespass;
 2. Is damaged by fire, flood, weather, or vandalism;
 3. Is the site of loitering or vagrancy;
 4. Demonstrates a lack of property maintenance and upkeep as evidenced by one or more violations of the Property Maintenance Code, Fire Prevention Code, Heating Code, Building Code, or State Construction Code;
 5. Is under notice for being in violation of a city ordinance;
 6. Has been secured or boarded up for at least ninety (90) days;
 7. Has taxes in arrears to the city for more than three hundred sixty-five (365) days;
 8. Has utilities disconnected or not in use;
 9. Is under a condemnation notice or legal order to vacate;
 10. Is structurally unsound; or,
 11. Is a potential hazard or danger to persons.

(Ord. 2977, § 1, 2014; Ord. 2844, § 1, 2009)

15.51.030 - Registration.

Owners of abandoned structures shall register such properties with the city and pay a monthly administration fee as set forth in [Section] 15.51.050. The duty to register an abandoned structure shall not require prior notice to the owner by the city. Registration of an abandoned structure does not preclude the city from taking appropriate actions to secure the property or to issue orders to repair or abate dangerous, hazardous or unlawful conditions or from acting to eliminate an imminent hazard to public health and safety.

(Ord. 2844, § 1, 2009)

15.51.040 - Registration information.

- A. For each abandoned structure each owner shall register with the city and provide the following information on an abandoned structure registration form available from the city:
 1. The address of the abandoned structure;
 2. The legal names of all owners of the property and each owner's date of birth, if applicable;
 3. The complete mailing address of all owners;
 4. Telephone numbers of each owner, including cell phone and mobile phone numbers;
 5. Proof of identification of each owner;
 6. The name, address and telephone number of any local agent or representative authorized by the owner to handle the affairs of the property;

- 8. The estimated length of time the property is expected to remain vacant; and
 - 9. Any plans for restoration, reuse or removal with an accompanying timeline and work schedule.
- B. An owner shall notify the city and file an amended form within seven (7) days of any change in the registration information required by this section.

(Ord. 2844, § 1, 2009)

15.51.050 - Registration and administrative fee.

- A. An owner of an abandoned structure, whether registered or not, shall pay an abandoned structure registration fee and a monthly administrative fee for the time during which such structure remains an abandoned structure. The abandoned structure registration fee and monthly administrative fee shall be the same amount as the inspection department administrative fee established in [Section] 15.56.015A. of the Livonia Code of Ordinances.
- B. Fees under this section shall be established to support the services rendered by the city in the course of its duties related to abandoned structures. Failure to register an abandoned structure or pay the monthly administrative fee shall be cause for penalties to be assessed and are criminal violations of this chapter.
- C. The monthly administrative fee shall be paid so that it is received by the city on or before the seventh day of each month, following each month during which the structure was an abandoned structure for fifteen (15) days or more.
- D. A late fee, in an amount equal to fifty percent (50%) of the inspection department administrative fee rounded up to the next whole dollar amount shall also be payable by an owner of an abandoned structure when the monthly administrative fee is not paid by the due date referenced in [Section] 15.51.050C. of the Livonia Code of Ordinances.

(Ord. 2844, § 1, 2009)

15.51.060 - Recovery of fees.

If all or part of the fees required by this chapter are not paid or are overdue, the city may recover such sums by filing suit against the owner for entry of civil money judgment or any other means available by law. The city shall be entitled to all attorney fees and costs incurred in obtaining a warrant or to obtain a judgment against an owner for any overdue or unpaid fee associated with any abandoned structure.

(Ord. 2844, § 1, 2009)

15.51.070 - Securing structures.

- A. Unless otherwise specified by the building inspection department, a city order to secure an abandoned structure shall be complied with by the owner within seventy-two (72) hours. If the securing has not been completed or does not comply with the requirements for securing the structure under this chapter, the

city may secure the structure and bill the owner of record for all costs incurred, including service fee and administrative costs. The amount so billed shall constitute a personal debt of the owner and may be recovered in the same manner as permitted for the recovery of fees under this chapter.

- B. All points of entry on an abandoned structure that are suitable for animal or human entry shall be secured as follows:
1. Unless otherwise specified by the building inspection department, on all first story and ground accessible points of entry, such shall be secured by use of exterior grade plywood or its equivalent, of at least one-half-inch thickness, cut to the size of the opening and secured by the use of Phillips-headed two-inch-long screws; and
 2. Unless otherwise specified by the building inspection department, on entry points being secured above the first story or were not accessible from ground level, such shall be secured by use of exterior grade plywood or its equivalent of at least one-half-inch thickness, cut to the size of the opening and secured by the use of sixteen (16) penny common nails.

(Ord. 2844, § 1, 2009)

15.51.080 - Right of entry and inspection.

If the owner has failed to secure a property the city may, after obtaining a warrant, enter to secure the structure or reenter the structure to conduct necessary inspections to ensure compliance with the requirements of this chapter and to determine if there are any emergency or hazardous conditions.

(Ord. 2844, § 1, 2009)

15.51.090 - Reuse and re-occupancy.

- A. Re-Occupancy of Abandoned Residential Structure. No abandoned residential structure shall be re-occupied until it has been inspected and found to be in full compliance with all applicable city and state codes and a final inspection certificate is issued by the city; all fees are paid in full; and all other conditions set forth in this subsection are satisfied.
- B. Special Inspections of Abandoned Residential Structure. In addition to the fees set forth in [Section] 15.51.050 of the Livonia Code of Ordinances, the owner of an abandoned residential structure shall obtain and pay for special inspections as set forth in [Section] 15.56.0201.1. of the Livonia Code of Ordinances, including but not limited to building, electrical, HVAC and plumbing inspections. The owner of an abandoned residential structure shall obtain all necessary permits and pay all related fees in full, for work identified as being necessary during a special inspection. Permits shall be obtained and all fees paid in full for any work previously completed without the requisite permit. Each inspection shall be conducted and approved in accordance with the Livonia Code of Ordinances, state codes, Property Maintenance Code, Fire Prevention Code, and Heating Code.
- C. Certificate of Re-Occupancy for Abandoned Residential Structure. A certificate of re-occupancy shall be issued after all of the following conditions are fully satisfied:

2. All inspections and approvals have been obtained from the director of inspection;
 3. The fee for the final inspection certificate, set forth in [Section] 15.56.020G.3. has been paid in full; and,
 4. All outstanding fees, charges, and monies owed by the owner of the abandoned structure to the City of Livonia have been paid in full.
- D. Re-Occupancy of Abandoned Commercial, Office, or Industrial Structure. The owner of an abandoned commercial, office, or industrial structure shall be required to obtain and pay for special inspections as set forth in [Section] 15.56.030D. of the Livonia Code of Ordinances, including, but not limited to, building, electrical, HVAC and plumbing inspections. The fees set forth in [Section] 15.56.030D. shall be in addition to those fees required by [Section] 15.51.050. The owner of an abandoned commercial, office, or industrial structure shall obtain all necessary permits and pay all related fees in full, for work identified as being necessary during a special inspection. Permits shall be obtained and all fees paid in full for any work previously completed without the requisite permit. Each inspection shall be conducted and approved in accordance with the Livonia Code of Ordinances, state codes, Property Maintenance Code, Fire Prevention Code, and Heating Code.
- E. Certificate of Re-Occupancy for Abandoned Commercial, Office, Or Industrial Structure. A certificate of re-occupancy shall be issued after all of the following conditions are fully satisfied:
1. All fees, including but not limited to late charges and re-inspection fees are paid in full;
 2. All inspections and approvals have been obtained from the director of inspection;
 3. The fee for the final inspection certificate, set forth in 15.56.020(G)(3) has been paid in full; and,
 4. All outstanding fees, charges, and monies owed by the owner of the abandoned structure to the City of Livonia have been paid in full.

(Ord. 2844, § 1, 2009)

15.51.100 - Responsibility for violations.

All nuisance, housing, building and related code violations will be cited and noticed to the owner of record and shall become the owner's responsibility. The owner of any abandoned structure shall be obligated to provide written notice to any prospective purchaser of an abandoned structure of any violations, fees, or obligations imposed by the city regarding that abandoned structure. Failure by an owner to comply with this section shall constitute a violation of this chapter. If the owner sells or otherwise disposes of the property to another party, the new owner shall not be entitled to any extension of time to correct or address such violations as existed at the time of sale, transfer or conveyance of the property.

(Ord. 2844, § 1, 2009)

15.51.110 - Penalty.

- A. A person who violates or fails to comply with the requirements of this chapter is guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six (6) months.

days, or both, for each offense.

- B. Each day that an owner of an abandoned or vacant structure fails to comply with the requirements of this chapter shall constitute a separate offense.
- C. In addition to any other penalty provided for in this section, this chapter may be enforced by suit for injunction, action for damages, or any equitable relief appropriate to the enforcement of this chapter.

(Ord. 2844, § 1, 2009)

15.51.120 - Independent authority.

The authority conferred in Chapter 15.51 is separate from and in addition to the authority set forth in Chapter 52 of the Code of Ordinances and may be exercised jointly with or independent of the authority provided for in Chapter 52.

(Ord. 2844, § 1, 2009)

**CITY OF MARINE CITY
PLANNING COMMISSION ANNUAL REPORT: 2021**

1. Membership

Planning Commission Member	Term Expiring
Joseph Moran	6/30/2024
Graham Allan	6/30/2023
William Beutell	6/30/2023
Keith Jenken	6/30/2022
Ben Heath	6/30/2022
Madelyn McCarthy	6/30/2023
William Klaassen	City Commission Representative

2. Meetings *(MPEA requires four meetings annually)*

The Marine City Planning Commission met 10 times. This meets the minimum requirements of the MPEA.

3. Master Plan Review

The Planning Commission held a Public Hearing required for the approval of the Master Plan on 05/10/21 with significant changes including the removal of municipal properties which allowed properties to be sold. The Master Plan was approved by the Planning Commission on 06/14/2021 and forwarded to the City Commission for adoption.

4. Zoning Ordinance Amendments

- Document the section numbers amended and indicate any work in progress
- Review rezoning requests; indicate location, request description, and status
- Identify any zoning ordinance updates to undertake in the upcoming year

The Planning Commission held a Public Hearing on 10/11/2021 to receive comments on the Nautical Mile Zoning Code Amendments; Chapter 160. The Planning Commission approved the revisions to the Nautical Mile Zoning Code Amendments, Chapter 160 and forwarded to the City Commission for adoption 10/11/2021.

5. Development Reviews

Project Type	Location	Description	Status	Recommendation to legislative body	Date of Action
Site Plan Review	74-02-002-2000-110	Proposed mini storage located on 6 acre parcel on King Road; Phase II.	Approved pending approval by Building Official and engineering firm, if necessary.	N/A	5/10/2021
Site Plan Review	6385 King	Procedural formality related to the change in ownership and use. Use facility as place of worship. Parcel zoned B-2, places of worship allowed in B-1.	Approved as presented.	N/A	6/14/2021
Site Plan Review	536 S. Water & 533 S. Market (74-02-475-0209-000) (74-02-475-0210-000)	Request to extend period of acceptance for construction due to unforeseeable delays related to COVID-19.	Approved as presented.	N/A	7/12/2021
Site Plan Review	402 S. Water St.	Façade change to exterior. Façade changes in the Nautical Mile District require Planning Commission approval.	Approved as presented.	N/A	10/21/2021
Site Plan Review	74-02-002-2000-110	Proposed mini storage located on 6 acre parcel on King Road; Phase III.	Approved pending the addition of bumper blocks and/or fencing along the western edge of the property.	N/A	12/13/2021

6. Variances

Variance Type	Location	Description	Status	Recommendation to legislative body	Date of Action
No variance requests	received during 2021.				

7. Actions by legislative body

None.

8. Zoning Map

9. Trainings

Topic/Description		Date
Chairperson Moran discussed MSU Extension Virtual training opportunities.	All Board Members	7/12/2021

10. Joint Meetings

There were no joint meetings

Signatures

Joseph Moran
Chairperson

Date

Kristen Baxter
City Clerk

Date