

City of Marine City PUBLIC NOTICE

Planning Commission Meeting July 13, 2020; 7:00 pm

Planning Commissioners will be meeting in person July 13, 2020 at 7:00 pm at 200 South Parker Street, Marine City. Due to Governor Whitmer's current Executive Orders, groups are limited to no more than ten people. Therefore, publication participation will be available through Zoom.

Join Zoom Meeting

<https://us02web.zoom.us/j/88014035794>

Meeting ID: 880 1403 5794

One tap mobile

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888 788 0099 US Toll-free

Kristen Baxter
City Clerk
July 9, 2020

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CITY OF MARINE CITY

Planning Commission Meeting Agenda

Marine City Fire Hall, 200 South Parker Street

Regular Meeting: Monday, July 13, 2020 7:00 PM

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL:** Commissioners Graham Allan, William Beutell, Keith Jenken, Joseph Moran, Brian Ross; City Commissioner William Klaassen; City Manager Elaine Leven

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. February 10, 2020 Meeting Minutes

8. **UNFINISHED BUSINESS**

- A. Zoning Code Amendments (Chapter 160)
- Nautical Mile District Section 160.124 – Off-Street Parking
 - Nautical Mile District Sections 160.175 – 160.183
 - Front Yard Parking Section 160.214(B)
 - Site Plan Phasing Section 160.300(B)
 - Temporary Signage Section 160.220(B)(6)

9. **NEW BUSINESS**

A. Lot Split – Beindit Investments, LLC

10. **ADJOURNMENT**

**City of Marine City
Planning Commission Meeting
February 10, 2020**

A regular meeting of the Marine City Planning Commission was held on Monday, February 10, 2020 in the Fire Hall, 200 South Parker Street, Marine City, Michigan, and was called to order by Chairperson Moran at 7:00 pm.

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

Present: Chairperson Joseph Moran; Commissioners Graham Allan, Trent Attebury, William Beutell, Brian Ross; City Commissioner William Klaassen; City Manager Elaine Leven, City Clerk Kristen Baxter

Absent: Commissioner Keith Jenken

Communications

Motion by Commissioner Allan, seconded by Commissioner Attebury, to appoint Commissioner Ross as representative to serve on the Land Use Advisory Group for the County Master Plan update. All Ayes. Motion Carried.

Public Comment

No residents addressed the Board.

Approve Agenda

Motion by Commissioner Attebury, seconded by Commissioner Allan, to approve the Agenda with the following amendment:

Move New Business (Items #9-A, B, C) before Unfinished Business (Items 8-A, B)

All Ayes. Motion Carried.

Approve Minutes

Motion by Commissioner Ross, seconded by Commissioner Beutell, to approve the January 13, 2020 meeting minutes. All Ayes. Motion Carried.

New Business

Lot Split – Brian K. Crampton

Motion by Chairperson Moran, seconded by Commissioner Allan, to approve the Site Plan, as presented. All Ayes. Motion Carried.

Site Plan – Infuz Architects

Vince Cataldo of Infuz Architects advised that the proposed 23,247 square foot building would be mixed-use with commercial on the bottom floor and condominium units on the second and third floors.

The Board questioned whether or not the Site Plan was subordinate to the permitted use. A long discussion took place on what the ordinance interpretation was and did it comply with the B-1 ordinance.

City Commissioner Klaassen stated that for definition interpretation, the proper channel was to go to the Zoning Board of Appeals.

Commissioner Attebury suggested updating the language in the ordinance to make sure it covered the intent.

Commissioner Beutell, said he agreed with Commissioner Attebury, and asked for clarification of the ordinance in the future.

Commissioner Allan stated that his interpretation was that the subordinate language was relating to retail and said that the business portion should be the larger part to prevent downtown from becoming overly residential.

Commissioner Klaassen stated that as long as the ground floor was commercial, residential was allowed above it.

Chairperson Moran summarized the conversation and said that the Board had two choices: 1) vote to accept that the subordinate phrase was interpreted that it met the subordinate clause; 2) determine that this was an issue for the Zoning Board of Appeals.

The Board, as a whole, decided that the Site Plan met the permitted use requirements for B-1.

The Board then addressed the letter from Wade Trim dated January 27, 2020:

1) Trash: Applicant stated the building will have a trash shoot with hopper for collection for both residential and commercial. Waste Management will pick up, no dumpster will be used, and they are exploring the use of a trash compactor. This will be managed by a building superintendent.

2) Setbacks: Applicant stated that they will apply to ZBA for variance approval.

3) Easement: DTE has drafted a utility easement, and the applicant has a verbal agreement with the owners of Inn on Water Street and property to the south.

4) Fencing: Owners of adjacent property (Inn on Water Street) agreed to allow applicant to take the fence down.

5) Nautical Theme: Board found the nautical theme elements acceptable.

Motion by Chairperson Moran, seconded by Commissioner Allan, to approve the Site Plan as the Planning Commission agreed it does comply with the B-1 ordinance in that the residential areas are secondary to commercial areas. The builder agreed with contingencies such as rooftop screening, applying to ZBA for variance on setback, obtaining easements from property owners to the south for fence removal and extension of sidewalk. They will submit required condominium documents and plans for proposed storm drainage. All Ayes. Motion Carried.

2019 Planning Commission Annual Report

Motion by Commissioner Allan, seconded by Commissioner Ross, to accept the 2019 Planning Commission Annual Report, with the addition of the Parks Plan. All Ayes. Motion Carried.

Unfinished Business

Zoning Code Amendments (Chapter 160)

Adam Young, Planning Representative from Wade Trim, walked the Board through the proposed amendments for the following ordinances:

- Nautical Mile District Section 160.124 (Off-Street Parking)
- Nautical Mile District Sections 160.175-160.183
- Front Yard Parking Section 160.214 (B)
- Site Plan Phasing Section 160.300
- Temporary Signage Section 160.220 (B)(6)

Revised ordinances, along with an updated zoning map, will be brought back for approval by the Board.

Master Plan Update

A final copy of the subcommittee's recommendation of what pages/concepts of the Coastal Area Development Plan (Nautical Mile District) should be incorporated into the Master Plan was prepared by Commissioner Ross.

Motion by Chairperson Moran, seconded by Commissioner Allan, to approve adopting the recommended pages/concepts into the Master Plan. All Ayes. Motion Carried.

March 9, 2020 Meeting

City Clerk Baxter advised that the fire hall would be set up for the Presidential Primary election for the morning following the meeting date. She asked if the Board could meet on another date. Board members decided that if no applications were turned in for Board approval, the meeting could be postponed.

Motion by Commissioner Allan, seconded by City Commissioner Klaassen, to postpone March 9, 2020 meeting due to the election, unless application approval was necessary. All Ayes. Motion Carried.

Adjournment

Motion by Commissioner Beutell, seconded by Commissioner Ross, to adjourn at 9:11 pm. All Ayes. Motion Carried.

Respectfully submitted,

Kristen Baxter
City Clerk

Proposed Marine City Zoning Code Amendments

Prepared by Wade Trim Associates, Inc.
July 7, 2020 – DRAFT

Key:

~~Text proposed to be deleted~~

Text proposed to be added

Revised language from previous draft

Wade Trim Commentary explaining selected amendments

Zoning Code Amendments (Chapter 160)
(PC Public Hearing Required for Zoning Change, followed by City Commission Adoption)

Residential Use Language in B-1 District
Chapter 160 – Zoning Code (Section 160.081,(M))

160.081 PRINCIPAL USES PERMITTED (B-1, CENTRAL BUSINESS DISTRICT).

- (M) Residential units **on upper floors above permitted uses on the ground floor.** ~~, provided they are an integral part of the structure containing a permitted use, and the residential use is subordinate to the other permitted use.~~

Off-Street Parking Requirements in Nautical Mile District
Chapter 160 – Zoning Code (Section 160.214,(B))

160.214 OFF-STREET PARKING REQUIREMENTS.

- (B) The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy as hereinafter prescribed.

[No proposed changes to items (1) through (11)]

- (12) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. ~~except that said schedule shall not apply to the erection, alteration or extension of any use or building within the developed business district bounded by Broadway Street on the north, the St. Clair River on the east, Bridge Street and the centerline of same projected easterly to the St. Clair River on the south, and the centerline of Market Street on the west; except as required in division (B)(5) above.~~ Further, In any District where off-street parking areas have been provided through special assessments the

required number of spaces as required hereinafter may be reduced by the Board of Appeals by that number of spaces which can be prorated to the use which was specially assessed. **Lands within the Nautical Mile District shall be subject to the off-street parking requirements of Section 160.180.**

Wade Trim Commentary: Currently, the zoning ordinance does not require any off-street parking to be provided for new development or expansion within the portion of the City "bounded by Broadway Street on the north, St. Clair River on the east, Bridge Street and the centerline of same projected easterly to the St. Clair River on the south, and the centerline of Market Street on the west." This proposed amendment would eliminate this outright exemption. Instead, special off-street parking requirements would apply within the Nautical Mile District – refer to the proposed amendment below, Section 160.180.

Nautical Mile District Chapter 160 – Zoning Code (Sections 160.175 to 160.183)

160.175 INTENT.

- (A) The nautical mile is of special public interest because of its unique location along the St. Clair River as a focal point of community redevelopment activities. The Nautical Mile District (NMD) is intended to encourage the redevelopment of the Nautical Mile in a compatible mixture of housing, recreation, entertainment, commercial, office, cultural, public and hotel uses through the flexible application of land regulatory standards. Such uses may be located in various combinations of mixed-use and single-use development. It is also the intent of the District to encourage a high quality of private development with reasonable public amenities to improve the overall living, working, shopping and recreational environment of the Nautical Mile. The Nautical Mile encompasses property ~~within the DDA District and~~ as designated by the City's Zoning Map. ~~Special district objectives. The Zoning Enabling Act, Public Act 110 of 2006, as amended, allows for the creation of special land development regulations to address problems and needs in specific areas. Accordingly, the Nautical Mile was established to address the special land management and redevelopment needs of the Nautical Mile.~~ **The Nautical Mile District is an overlay district and does not replace or restrict the range of uses allowed in the underlying use district. The overlay district provides additional development options and standards which must be met.**

Wade Trim Commentary: This amendment clarifies that the Nautical Mile District is an overlay district and applies in addition to ("on top of") the underlying district standards.

- (B) The establishment of special development regulations is designed to achieve the following objectives:
- (1) Ensure that development is guided by provisions of the Marine City Master Plan, ~~the Coastal Zone Management Plan, the Downtown Development Plan~~ and other **policy documents, as may be adopted by the City**, supporting the overall redevelopment program of the Nautical Mile;

- (2) Encourage the development of public parks and recreation facilities which recognize and enhance the unique waterfront location, public needs and amenities of Nautical Mile;
- (3) Provide commercial activity which will serve as an attraction draw to the regional trade area and meet the needs of local residents for convenient shopping;
- (4) Ensure that all new construction and renovation is designed and located in a manner which capitalizes upon the unique waterfront environment **and the mid-19th to mid-20th Century charm of the district;**
- (5) Provide for unification of the area through landscaping, signage, lighting and street furniture; and
- (6) Ensure that the location, design, visual appearance and construction of individual buildings and structures is consistent with overall design objectives and redevelopment efforts.
- (7) **Encourage the preservation of historic structures and resources within the district.**

160.176 PRINCIPAL USES PERMITTED.

- (A) **The following land uses are permitted in the Nautical Mile District—NMD. The principal uses specified in the underlying district as well as the principal uses specified in the B-1 Central Business District shall be permitted.**
- ~~(B) The uses shall conform to standards set forth in this chapter and other applicable portions of the City Zoning Ordinance listed below:~~
 - ~~(1) Residential, R-1A, R-1B, R-M Residential; and~~
 - ~~(2) Commercial, B-1 Central Business District.~~

160.177 USES SUBJECT TO SPECIAL CONDITIONS.

- (A) ~~The special condition uses specified in R-1A, R-1B, R-M and B-1 Central Business Districts~~ **The special condition uses specified in the underlying district as well as the special condition uses specified in the B-1 Central Business District shall be permitted,** subject to the conditions imposed by each use and subject further to the review and approval of the Planning Commission.
- (B) The following uses shall not be permitted in this zone:
 - (1) Junkyards and other mobile home parks;
 - (2) Storage or parking or use of moving vans and the like;
 - (3) Outdoor storage or parking of wrecked or partially dismantled vehicles;
 - (4) Drive-in theaters;

- (5) Drive-in restaurants; and
- (6) Automotive wash establishments.

***Wade Trim Commentary:** The Nautical Mile overlay primarily encompasses properties along both sides of Water Street and Broadway Street. Underlying zoning districts include B-1 (Central Business), B-2 (General Business), W-M (Waterfront) and R-M (Multiple Family). This amendment clarifies that the uses allowed within the underlying districts are allowed in the Nautical Mile, in addition to uses allowed within the B-1.*

Please note that the City may consider expanding the limits of the Nautical Mile overlay district, potentially to extend further south along Belle River Avenue to Alger Street. To help facilitate this discussion, we have prepared a Potential Nautical Mile District Expansion Map. The map is included at the end of this packet. We look forward to discussing this further with you and working to revise the map, as appropriate.

160.178 DEVELOPMENT REVIEW AND SITE PLANS.

- (A) **Site plan review and approval of all development proposals within the Nautical Mile District is required in accordance with the provisions of Section 160.300. ~~Prior to the issuance of a building permit for any multifamily and commercial building to be built or modified, a site plan shall be approved as provided for hereunder. Site plans shall be required for all permitted uses hereunder and all uses subject to special conditions.~~**
- ~~(B) The site plan submission shall contain the following information:~~
 - ~~(1) Existing topography recorded at a minimum contour interval of 2 feet showing all natural features, such as trees, rivers and open areas; all features shall be identified as to which remain and which will be removed or altered. Topography shall extend 50 feet beyond all property lines;~~
 - ~~(2) General soils information;~~
 - ~~(3) Location and size of buffer areas;~~
 - ~~(4) Use and general class of each different type of structure;~~
 - ~~(5) The site plan shall be at a scale of not greater than 1 inch equals 20 feet nor less than 1 inch equals 50 feet;~~
 - ~~(6) The site plan shall show all signage and provisions for pedestrian circulation, both on the site and to and from it;~~
 - ~~(7) Name and address of all property owners, as listed by the City Assessor or the county's Register of Deeds;~~
 - ~~(8) Statement of interest in the property, including conditions for sale or purchase of parcel, such as deed restrictions, reservations of land for other uses or other conditions which may have bearing on the total land development;~~

- (9) ~~Vicinity map of all property within 300 feet of the proposed development, showing streets, zonings and land uses at a scale no greater than 1 inch equals 200 feet;~~
- (10) ~~Elevation drawings of typical proposed structures and improvements, including signs, except for single family detached homes;~~
- (11) ~~Proposed agreements, deed restrictions, bylaws or articles of incorporation which relate to the preservation or maintenance of open space and associations created to preserve and maintain the open space;~~
- (12) ~~Proposed grading shall show 1 foot contour intervals;~~
- (13) ~~All existing vegetation 4 inch caliper and over must be located on the plans;~~
- (14) ~~Total amount of open space required by this chapter;~~
- (15) ~~Total amount of landscape area required by this chapter;~~
- (16) ~~A map showing the drainage area of all land which drains onto or across the site and estimated runoff of the entire drainage area. Show existing runoff and estimated runoff after construction;~~
- (17) ~~Location and dimension of all curb cuts; and~~
- (18) ~~The Zoning Commission may refer requests for special approval land uses or site plans to professional consultants and other public bodies for review and comment.~~

Wade Trim Commentary: This current language is redundant with Section 160.300 of the zoning ordinance and is therefore proposed to be deleted to eliminate any confusion and/or contradictions.

160.179 ARCHITECTURAL STANDARDS AND NAUTICAL MOTIF.

- (A) **New or remodeled buildings within the Nautical Mile District shall be designed in harmony with the guidelines set forth in the Marine City Master Plan or a Nautical Mile District Sub-Area Plan, as may be adopted by the City. Wherever possible, new or remodeled buildings shall incorporate building designs consistent with the nautical theme. The styles should be similar to those design recommendations presented within the Nautical Mile Coastal Zone Plan and within the plans developed by the Downtown Development Authority.**
- (B) ~~In an NMD Nautical Mile District, no exterior portion of any commercial building or structure (including walls, fences, light fixtures, steps, pavement or other appurtenant features) or aboveground utility structures shall be erected, altered, restored, moved or demolished without the review of the Planning Commission prior to the issuance of a building permit.~~
- (B) (C) **Design review shall occur by the City as part of site plan review in accordance with Section 160.300. The review of the Planning Commission shall be advisory to the Building**

Inspector in the issuance of a building permit. The purpose of the Planning Commission design review is to advise on actions which may or may not be compatible with the desirable nautical theme, architectural or cultural aspects of the District. The Planning Commission City may consider Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings, prepared by the U.S. Department of Interior, for reviewing actions within the NMD.

- (C) ~~(D)~~ The provisions of this section shall not be construed to prevent the ordinary maintenance or repair of any exterior feature in an NMD district. Further, the provisions of this section shall not prevent the construction, alteration, restoration or demolition of any feature which the Building Inspector certifies is required because of a threat to public safety.

Wade Trim Commentary: In 1981, the City prepared (not sure if it was officially adopted) a "Nautical Mile Master Plan." This plan contains a variety of recommendations for development along the waterfront, primarily in the form of narratives and "plan-view" concepts. Only one image was included that illustrates desired "architectural details" for buildings. We would suggest that the City consider updating this plan or preparing a new design guidelines plan, as part of the City Master Plan. The above zoning language would require new development to be designed "in harmony with" any design guidelines adopted as part of the City Master Plan.

160.180 OFF-STREET PARKING.

Off street parking facilities shall be provided as specified herein.

- (A) **In recognition of its pedestrian-oriented and mixed-use character, as well as the availability of public parking, the following provisions shall apply to lands within the Nautical Mile District:**
- (1) **Minimum Number of Off-Street Parking Spaces.** A reduction of fifty percent (50%) shall be applied against the minimum number of off-street parking spaces by type as determined by Section 160.214,(B),(12).
 - (2) **Payment in Lieu of Providing Off-Street Parking.** The owner or owners of a new or expanded use may make application to the City for the option of paying a dollar amount established by resolution of the City Commission per required parking space in lieu of providing such required spaces per the requirements set forth in division (A),(1) above. These monies would be paid into a special parking district fund established by the City Commission specifically for the purpose of providing or improving on-street or off-street parking areas to serve uses located within the Nautical Mile District. The timing of parking spaces provided and their location shall be at the sole discretion of the City Commission. The amount paid into the parking fund described above shall not apply against any present or future special assessments levied by the City for parking improvements.
 - a. **Exception Criterion.** The exception authorized by this division (A),(2) may only be granted by the City Commission. Granting of such exception shall be based upon evidence presented by the property owner or owners showing that the reasonable ability to provide any or all of the parking spaces as required in division (A),(1) above does

not exist.

- b. **Payment Required Prior to Occupancy. A property owner or owners granted the exception of contributing to the parking fund will not receive an occupancy permit until such monies have been paid into such fund in full.**

Wade Trim Commentary: Within the Nautical Mile District, a 50% parking reduction would be established. If a new or expanded use in the Nautical Mile District does not have the ability to provide the required off-street parking at the 50% reduced rate, they would be required to pay into a parking fund established and managed by the City Commission with the purpose of providing or improving public parking within the Nautical Mile District. The fee to be paid for each parking space not provided on-site would be established by the City Commission as part of its fee schedule.

160.181 EXTERIOR LIGHTING.

- (A) The requirement for exterior lighting is intended to protect the security and safety of pedestrians and motorists using public plazas, pedestrian corridors, off-street parking areas and other spaces open to the public located on private property.
- (B) This section is also intended to regulate the spillover of light and glare on operators of motorized and nonmotorized vehicles, pedestrians and land uses in the proximity of the light source.
- (1) Whenever plazas, pedestrian corridors, off-street parking areas and other spaces open to the public are provided on private property, the site plan shall incorporate exterior lighting concepts ~~as set forth in the Marine City Coastal Zone Management Plan and provisions adopted by the Downtown Development Authority;~~ **designed in harmony with the guidelines set forth in the Nautical Mile District Design Guidelines document, as may be adopted by the City Commission.**
- (2) The site plan shall illustrate the location and type of lighting fixtures, amount of illumination provided and direction of illumination;
- (3) Exterior lighting shall provide sufficient illumination to ensure public safety and security; and
- (4) Exterior lighting shall be located and directed in a manner which does not produce a glare which is a nuisance to nearby land uses or a safety hazard to motorized and non-motorized vehicles or pedestrians.

Wade Trim Commentary: If and when Nautical Mile district design guidelines are adopted, this language would require new lighting designs to be in harmony with the guidelines.

160.182 PERMITTED, SPECIAL USE SIGNAGE.

- (A) The requirement for signage is intended to protect public safety, maintain quality in the visual appearance of the Nautical Mile, protect the value and economic stability of adjacent land use and allow for the conduct of competitive commerce. The intent of this section is to

regulate the height, area, number, location and style of signs within the Nautical Mile District. It is also the intent to encourage signs erected in the District to be designed in a nautical concept. **All requirements of Section 160.220 shall apply within the Nautical Mile District, in addition to the requirements of this Section.**

(B) Application of sign requirements:

- (1) No sign may be erected or altered without the issuance of a zoning compliance permit.
- (2) When a site plan is required by this chapter, a scaled drawing illustrating sign details, including design, color, area and height shall be submitted. The location of all signs shall be illustrated on the site plan. Sign details and location shall be considered part of site plan review and approval.
- (3) When a site plan is not required by this chapter, the Building Inspector shall require a zoning compliance permit for signs erected or altered in the Nautical Mile District. The application for the zoning compliance permit shall be accompanied by a scaled drawing illustrating sign details, including design, color, area and height. ~~The Building Inspector shall submit the application and scaled drawing to the Planning Commission for review and approval. The Planning Commission shall follow the same procedure as required for site plan review.~~

(C) General provisions:

- ~~(1) No sign, except those established and maintained by the city, county, state or federal governments, shall be located in, project into or overhang a public right of way or dedicated public easement, except as established in this section.~~
- ~~(2) All directional signs required for the purpose of orientation, when established by the city, county, state or federal government shall be permitted.~~
- ~~(3) Signs used for advertising land or buildings for rent, lease or sale shall be permitted, provided such signs are located on the property intended to be rented, leased or sold. Such signs shall conform to height and area provisions.~~
- ~~(4) The repainting and preventive maintenance of signs shall not be considered an alteration requiring a zoning compliance permit.~~
- (1) **All sign types allowed and regulated in Section 160.220,(B),(4),(b) for the B-1, B-2, W-M and P-1 district shall be allowed within the Nautical Mile District.**
- (2) ~~(5)~~ Projecting signs shall **also** be permitted within the Nautical Mile Overlay District for all structures other than single-family detached dwellings, subject to the following requirements:
 - (a) Projecting signs shall not extend more than 4 feet from the wall of the building, and shall not be closer than 3 feet from the back of curb line.
 - (b) Minimum height. No portion of any sign which extends over the public right-of-way shall be less than 8 feet from the surface below.

- (c) All projecting signs shall be safely and securely attached to structural members of the building by means of metal anchors, bolts or expansion screws. In no case shall any projecting sign be secured with wire, strips of wood or nails. The method of attachment shall be stated on the permit application. All plans for the erection of signs shall be submitted to the Building Inspector for review and approval and shall be further subject to all codes and ordinances of the city.

~~(D) Sign requirements for all structures except single family detached dwellings:~~

- ~~(1) Each structure shall be permitted 1 accessory or monolith sign and 1 of the following additional accessory sign types: Wall mounted, projecting or graphic (on private property). For multiple uses, such as shopping centers, office complexes and mixed-use developments, the Planning Commission may permit 1 wall-mounted, projecting or graphic accessory sign for each individual use within the development.~~
- ~~(2) Structures which abut more than 1 public street shall be permitted 1 additional accessory ground or monolith sign located along such abutting public street.~~

(D) Temporary and portable signs shall be allowed subject to Section 160.220,(B),(6),(b) and (c).

~~(E) Prohibited signs:~~

- ~~(1) Flashing, animated or moving signs, other than those signs which convey noncommercial information, such as time and temperature requiring periodic change;~~
- ~~(2) Exterior spinners, streamers or string lights, except those used for holiday decorations;~~
- ~~(3) Any sign not permanently anchored to the ground or building, except those signs used to temporarily advertise land or buildings for rent, lease or sale; and~~
- ~~(4) Any sign which is not electrically or structurally safe.~~

Wade Trim Commentary: The proposed amendments to this Section would make it consistent with the general regulations for signs throughout the City as outlined in Section 160.220. Any redundant language is unnecessary and therefore is proposed to be deleted. The primary advantage of being within the Nautical Mile overlay is that projecting signs would be permitted (projecting signs are not currently allowed by Section 160.220).

160.183 LANDSCAPING REQUIREMENTS.

- (A) The owner of a parking lot or vehicular use area which abuts a public right-of-way shall install and maintain landscaping between such area and such right-of-way, unless the parking lot or vehicular use area is visually screened by a building or structure or existing landscaping which meets the buffering requirements.

- (B) Where an off-street parking lot or vehicular use area in the NMD zoning district abuts a public right-of-way, screening shall be placed at all locations, excluding sidewalks and driveways, which are between any portion of the right-of-way and the parking lot or vehicular use area visible from the right-of-way as follows:
- (1) A strip of land at least 5 feet in width located between the abutting right-of-way and the parking or vehicular use area exposed to the abutting right-of-way.
 - (2) One tree per 50 feet lineal, or fraction thereof, located between the abutting right-of-way and parking or vehicular use area.
 - (3) A hedge wall, berm, change of grade or any combination of these landscape elements forming a continuous screen at least 3 feet in height. If a wall or fence is used, a minimum average of 1 shrub or vine per 10 lineal feet of wall length shall be provided.
 - (4) Grass or ground cover shall be planted and maintained on all portions of the required landscape strip not occupied by other landscape material or existing vegetation.
 - (5) In cases where the parking areas or vehicular use areas are 50 feet or more from the public right-of-way, and provided that such an area has trees and shrubs which serve to buffer the parking area or vehicular use area, buffering (as required in this section) may be reduced, provided the intent of this section is carried out to the satisfaction of the Building Inspector.

Front Yard Parking
Chapter 160 – Zoning Code (Section 160.214,(B))

160.214 OFF-STREET PARKING REQUIREMENTS.

- (B) The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy as hereinafter prescribed.

[No proposed changes to items (1) and (2)]

- (3) Residential off-street parking spaces shall consist of a permanent hard surface parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. **For the purposes of this section, hard surface shall mean concrete, asphalt, brick, cut stone or similar material and shall not include crushed materials, gravel, wood chips or natural surfacing.** Off-street parking for single-family and two-family dwellings shall further be subject to the following:
- (a) Off street parking shall not be permitted within the front yard, except within such parking strip, parking bay, driveway, garage, or combination thereof. This requirement shall not apply to parking for temporary special events normally associated with the residential use of the property, such as

graduation and holiday parties, **or during City designated snow emergencies.**

- (b) Within the front yard, the total surface area for any parking strip, parking bay, driveway or combination thereof shall not exceed fifty percent (50%) of the total front yard area.

[No proposed changes to items (4) through (12)]

Wade Trim Commentary: *This proposed amendment clarifies what hard surfacing means and provides an exception to the front yard parking prohibition during snow emergencies.*

Site Plan Phasing

Chapter 160 – Zoning Code (Section 160.300,(B))

160.300 SITE PLAN REVIEW REQUIRED IN SPECIFIC DISTRICTS.

- (B) Through the application of the following provisions, the attainment of the Master Plan will be assured and the city will develop in an orderly fashion.

[No proposed changes to items (1) through (6)]

- (7) *Effect of approval.* When an applicant receives final site approval, he or she must develop the site in complete conformity with the approved site plan. The site plan approval shall be valid for a period of 1 year. If the project is not under construction with a building permit at the expiration of the approval time, the site plan approval becomes null and void and the developer shall make a new application for approval. ~~Time extension to site plan approval may be granted by the Planning Commission.~~ **Prior to the date of expiration, the applicant may request and the Planning Commission may approve an extension for a period no longer than 1 year.**

- (8) ***Phasing of development.* The applicant may, at his discretion, divide the proposed development into two (2) or more phases. In such case, the site plan shall clearly indicate the location, the size, and character of each phase. The approval of the first phase shall be valid for a period of 1 year in accordance with division (7) above. At their discretion As part of site plan approval, the Planning Commission may designate the time period for which the approval of any subsequent phases shall be valid, limited to a period no longer than 2 years. Time extensions for site plan phases may be granted by the Planning Commission in accordance with division (7) above.**

- ~~(8)~~ (9) Amendment of approved site plan. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved final site plan. A site plan may be amended upon application and in accordance with the procedure herein for a final site plan. The Zoning Administrator may approve minor changes in an approved final site plan, provided that a revised final site plan drawing (s) be submitted showing such minor changes, for purposes of record.

- (9) (10) Modification of plan during construction. All improvements shall conform to the final site plan. Any changes, which result in a material alteration of the site plan approved by the Planning Commission, shall require resubmittal to the Planning Commission. The Planning Commission, or Zoning Administrator may require the applicant to correct the changes so as to conform to the approved final site plan.

Wade Trim Commentary: This proposed amendment makes it clear that proposed developments can be divided into phases as shown on the site plan. For the first phase, the time period for the validity of the site plan is 1 year. For subsequent phases, the Planning Commission may increase the time period for the validity of the site plan for up to 2 years. Extensions may be requested by the applicant and granted by the Planning Commission for periods no longer than 1 year.

Temporary Signage, including Tear Drop Flags Chapter 160 – Zoning Code (Section 160.220,(B),(6))

160.220 SIGNS.

- (B) It is, therefore, within the health, safety and welfare responsibility of the city that this section is promulgated.
- (6) *Temporary and portable signs.*
- (a) Temporary signs, as defined herein, may be allowed within the R-IA, R-1B, R-M and MHP Districts, provided the following requirements are met. Portable signs, as defined herein, are not allowed within the R-IA, R-1B, R-M and MHP Districts.
1. No more than one (1) temporary sign may be allowed per street frontage. **Up to one (1) additional temporary signs are per street frontage is allowed during any of the below listed certain time periods, as follows:**
 - a. During the time period starting when an election ballot has been certified by the County Clerk and extending 7 days after an election, ~~up to 3 additional signs may be allowed.~~
 - b. During the time period noted on a building permit issued by Marine City allowing for construction activities to occur on the site, ~~1 additional temporary sign per street frontage is allowed.~~
 - c. During the time period where the property is actively listed for sale, ~~1 additional temporary sign per street frontage is allowed.~~
 2. Temporary signs shall not exceed 6 square feet of display area and

4 feet in height.

3. Temporary signs must be safely affixed, properly maintained and not allowed to become unsightly through disrepair or action of the elements.
4. The location of any sign permitted by this section shall not interfere with pedestrian traffic, driver safety, or handicap access.

***Wade Trim Commentary:** For residential districts, this proposed amendment would limit the total allowed temporary signs per street frontage to 1, except for certain time periods (elections, for-sale, under construction) during which an additional temporary sign is allowed.*

- (b) Temporary signs, as defined herein, may be allowed within the B-1, B-2, W-M, P-1, I-1 and I-2 Districts, provided the following requirements are met:
 1. No more than **one (1) ground-affixed** temporary sign **and one (1) building-affixed temporary sign** may be allowed per street frontage. **Up to one (1) additional ground-affixed or building-affixed** temporary signs ~~are per street frontage is~~ allowed during **any of the below listed** ~~certain~~ time periods, ~~as follows:~~
 - a. During the time period starting when an election ballot has been certified by the County Clerk and extending 7 days after an election, ~~up to 3 additional temporary signs may be allowed.~~
 - b. During the time period noted on a building permit issued by Marine City allowing for construction activities to occur on the site, ~~1 additional temporary sign per street frontage is allowed.~~
 - c. During the time period where the property is actively listed for sale, ~~1 additional temporary sign per street frontage is allowed.~~
 2. Temporary signs **affixed to the ground** shall not exceed ~~9~~ **16** square feet of display area and ~~4~~ **10** feet in height. **Temporary signs affixed to a building shall not exceed 20 square feet of display area nor more than 10 feet in any single dimension.**
 3. Temporary signs must be safely affixed, properly maintained and not allowed to become unsightly through disrepair or action of the elements.
 4. The location of any sign permitted by this section shall not

interfere with pedestrian traffic, driver safety, or handicap access.

5. ~~Additional requirements for specific temporary sign types: The following specific sign types shall require permit approval by the Zoning Administrator for specified time periods which, in total, do not exceed 60 days in any one calendar year:~~
- a. ~~Banners, provided they are affixed to a building wall, over a permanent sign, or by other means necessary so long as the banner is stationary and safely supported. In no case shall more than 1 banner sign be allowed per street frontage.~~
 - b. ~~Balloon signs, provided no more than 1 balloon sign shall be allowed per street frontage.~~
 - e. ~~Tear drop flags, provided they do not exceed 12 feet in height measured from grade. In no case shall more than 1 tear drop flag be allowed per street frontage.~~
 - d. ~~At any given time, no more than 1 of the above temporary sign types is allowed on a single premises.~~

Wade Trim Commentary: *For commercial and industrial districts, this amendment is intended to accomplish the following:*

- *Limit the total allowed temporary signs per street frontage to 1 ground-affixed sign and 1 building-affixed sign, except for certain time periods (elections, for-sale or under construction) during which an additional temporary sign (ground-affixed or building-affixed) is allowed.*
- *Allow for tear drop flags, provided they not exceed 16 square feet in area and 10 feet in height. Our research has found that 8' x 2' is a typical dimension for a small tear drop flag.*
- *Eliminate the need to secure permits for temporary signs.*
- *Eliminate time restrictions for temporary signs. (However, they would need to be removed if not properly maintained.*

- (c) Portable signs, as defined herein, may be allowed within the B-1, B-2, W-M, P-1, I-1 and I-2 Districts, provided the following requirements are met:
 - 1. Such signs may be located outside for display only during regular business hours.
 - 2. No more than 1 portable sign may be allowed per street frontage.
 - 3. Portable signs shall not exceed 9 square feet of display area and 4 feet in height.

4. Portable signs must be properly maintained and not allowed to become unsightly through disrepair or action of the elements.
5. The location of portable signs shall not interfere with pedestrian traffic, driver safety, or handicap access.

City of
Marine City

Potential Nautical Mile District Expansion

July 7, 2020 DRAFT



Proposed Nautical Mile District Expansion

Existing Nautical Mile District Limits

Existing Zoning Districts

- R-1A One-Family Residential
- R-1B One-Family Residential
- R-M Multiple-Family Residential
- B-1 Central Business District
- B-2 General Business District
- W-M Waterfront Recreation and Marina
- I-1 Light Industrial
- I-2 Heavy Industrial
- MHP Mobile Home Park
- P-1 Vehicular Parking





City of Marine City
Building Department
303 S. Water St.
Marine City, MI 48039
(810) 765-9011
buildingdepartment@marinecity-mi.org

RECEIVED
JUN 01 2020
City of Marine City

Lot Split Application

Fee: \$100.00

(Additional fees may be assessed by City Planning)

Cash Receiving Code: Planning

This application will not be processed until all required information is provided. An application fee of \$100.00 is due upon submittal of this application – additional fees may be assessed by City Planning and/or Engineering Consultants. Applicant will reimburse the City of Marine City for all Planning Consultant fees before being placed on the Planning Commission agenda.

Property Owner/Business Name: Beindit Investments, LLC

Owner Phone: 810-420-0753 Owner Email: preferredglass1@yahoo.com

Property Owner Address: 6215 King Road, Marine City MI 48039

Applicant Name (if different from above): n/a

Applicant Phone: n/a Applicant Email: n/a

Applicant Address: n/a

All lots to be created shall comply with Marine City Zoning Ordinance requirements for the zoning district in which they are located. Variances may be required if the lot(s) fall under the requirements of Marine City Ordinances. There is no guarantee that variances if requested will be granted.

Address of Property Requesting to be Split: vacant King Road

Parcel ID: 74-02-002-2000-100 Current Zoning: I-1 light Industrial

- | | | |
|---------------------------------|-----------------------|----------------------|
| R1-A One Family Residential | B-1 Central Business | I-1 Light Industrial |
| R1-B One Family Residential | B-2 General Business | I-2 Heavy Industrial |
| R-M Multiple Family Residential | W-M Waterfront/Marina | MHP Mobile Home Park |
| P Parking | | |

Legal Description: N 12 A OF E 1/2 OF SE 1/4 OF NE 1/4 SECTION 2 T3N R16E 12 A

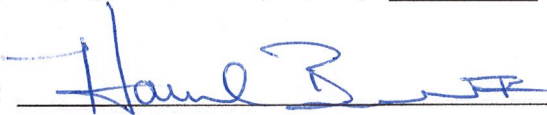
Proposed Legal Description of Each Parcel after Split: see attached

Reason and Justification of Split: business

Required Documents

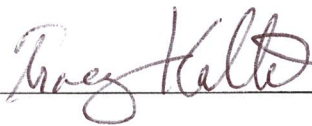
Applicant must provide 15 copies of scaled plans (not less than 1" = 50') prepared by a registered land surveyor or civil engineer showing the following information, in addition to a Certificate of Survey of Proposed Split:

- North arrow, date and scale
- The subject property, including dimensions of all existing and proposed property lines
- Location of all existing structures on site and within 50' of the property line
- Dimensions between existing structures and the property lines
- Existing and proposed easements proposed easements unknown at this time
- n/a Existing and proposed roads
- n/a Approximate locations of wetlands, floodplains, and other natural features which limit the planning of roads and structures
- Legal description of all resulting parcels
- Dimensioned limits within which principal buildings and accessory structures shall be confined on each parcel
- All required front, rear and side yard setbacks resulting from the requested split
- Future road right-of-way
- n/a Existing and proposed utilities, including the location of all existing and proposed easements
- n/a Existing and proposed sanitary sewer, storm drain, and water mains
- n/a Existing sidewalks
- n/a Fire hydrants existing and proposed
- Documentation showing legal owner of property see attached

Property Owner Signature:  Date: 5/27/2020

Applicant Signature (if different from owner): n/a Date: _____

Office Use Only

Building Official Approval Date:  6-09-2020

Planning Commission Approval Date: _____

City Commission Approval Date: _____

STATE OF
MICHIGAN
St Clair County
January 17, 2020
Receipt # 64364



**REAL ESTATE
TRANSFER TAX**
\$82.50 - CO
\$562.50 - ST
Stamp # 50737

Jay De Boyer Register Of Deeds
St Clair County, Michigan

Rec \$26.00
Renon \$4.05
Tax Crt \$0.00

Recorded
January 17, 2020 11:27:13 AM
Liber 5142 Page 891-892
Receipt # 64364 LG R2020001581



Seal



Liber 5142 Page 891

WARRANTY DEED

74-19683746-STC

KNOW ALL PERSONS BY THESE PRESENTS: That The Keith H. Smith Revocable Living Trust dated July 27, 2007, as amended, ("Grantor")

the address of which is: 33410 Picciola Dr., Fruitland, FL 34731

convey(s) and warrant(s) to: Beindit Investments, LLC, a Michigan Limited Liability Company, ("Grantee")

the address of which is: 6215 King Road, Marine City, MI 48039

the following described premises situated in the City of Marine City, County of St. Clair, State of Michigan, to wit

The north 12 acres of the east 1/2 of the southeast 1/4 of the northeast 1/4 of section 2, town 3 north, range 16 east.

also known as Property Address: Vacant King Rd., Marine City, MI 48039
Parcel ID No.: 74-02-002-2000-100

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

The Grantor grants to the Grantee the right to make All division(s) under Section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967, as amended.

together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, for the sum of Seventy Five Thousand and 00/100 Dollars (**\$75,000.00**).

Subject to existing building and use restrictions and easements and rights of way of record.

Jan January 14 2020
This is to certify that there are no tax liens or taxes on this property and that the taxes are paid for FIVE YEARS previous to the date of this instrument. This certification does not include taxes, if any now in the process of being levied by the City, Village or Township Treasurer.
ST. CLAIR COUNTY TREASURER
Deanna Stewart

When Recorded return to:
Howard B. Beindit IV

Send Subsequent Tax Bills To:
Grantee

Drafted By:
Keith H. Smith, Trustee
33410 Picciola Dr.
Fruitland, FL 34731
Assisted by: ATA National Title Group, LLC

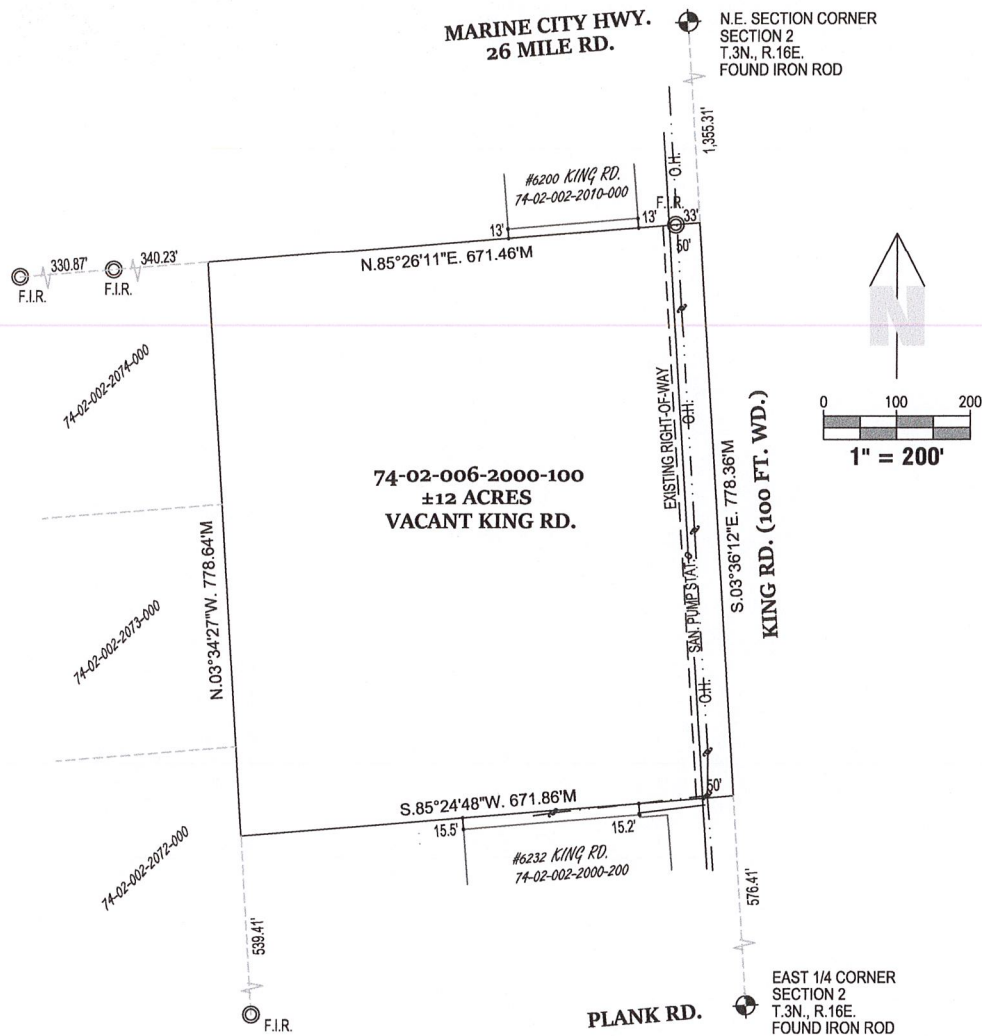
6215 King Road
Marine City, MI 48039

ATA National Title Group
36800 Gratiot Avenue
Clinton Twp., MI 48035

643135

EXISTING PARCEL


THE NORTH 12 ACRES OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWN 3 NORTH, RANGE 16 EAST,
CITY OF MARINE CITY, ST. CLAIR COUNTY, MICHIGAN.



PREPARED FOR: BEINDIT INVESTMENTS, LLC

ADDRESS: 6215 KING RD, MARINE CITY, MI 48039

"I HEREBY CERTIFY THAT I HAVE SURVEYED THE PARCEL(S) OF LAND DESCRIBED AND DELINEATED HEREON; THAT SAID SURVEY WAS PERFORMED WITH REASONABLE CARE AND THE POSITIONAL ERROR OF THE SURVEY IS WITHIN EXPECTED MARGINS FOR A PARCEL OF THIS SIZE BY THE PROFESSIONAL SURVEYING COMMUNITY."


JOHN R. MONTE
PROFESSIONAL SURVEYOR NO. 50443

DATE: MAY 19, 2020

REV: N/A

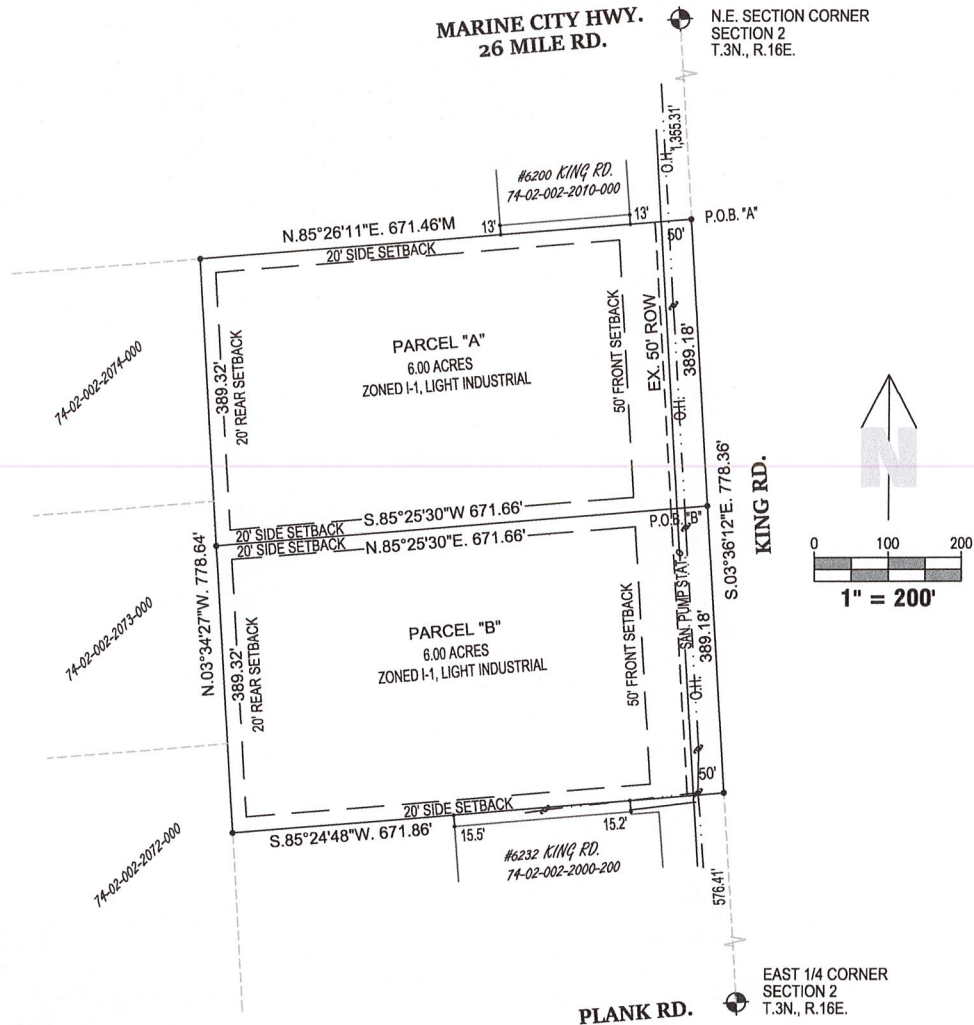
NOTES

A COMPLETE CURRENT TITLE POLICY HAS NOT BEEN FURNISHED, THEREFORE EASEMENTS OR OTHER ENCUMBRANCES MAY NOT BE SHOWN AT THIS TIME.

BEARINGS BASED ON MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, GEOID 2012



PROPOSED PARCELS



PROPOSED PARCEL "A"

THE NORTH 6 ACRES OF THE NORTH 12 ACRES OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWN 3 NORTH, RANGE 16 EAST, CITY OF MARINE CITY, ST. CLAIR COUNTY, MICHIGAN. BEING MORE PARTICULARLY DESCRIBED AS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 2 THENCE S.03°36'12"E. ALONG THE EAST LINE OF SAID SECTION 1355.31 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S.03°36'12"E. 389.18 FEET; THENCE S.85°25'30"W. 671.66 FEET; THENCE N.03°34'27"W. 389.32 FEET; THENCE N.85°26'11"E. 671.46 FEET TO THE POINT OF BEGINNING. CONTAINING 6.00 ACRES, MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS-OF-WAY AND/OR RESTRICTIONS OR RECORD OR OTHERWISE.

PROPOSED PARCEL "B"

THE SOUTH 6 ACRES OF THE NORTH 12 ACRES OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWN 3 NORTH, RANGE 16 EAST, CITY OF MARINE CITY, ST. CLAIR COUNTY, MICHIGAN. BEING MORE PARTICULARLY DESCRIBED AS:
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 2 THENCE S.03°36'12"E. ALONG THE EAST LINE OF SAID SECTION 1744.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S.03°36'12"E. 389.18 FEET; THENCE S.85°24'48"W. 671.86 FEET; THENCE N.03°34'27"W. 389.32 FEET; THENCE N.85°25'30"E. 671.66 FEET TO THE POINT OF BEGINNING. CONTAINING 6.00 ACRES, MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS-OF-WAY AND/OR RESTRICTIONS OR RECORD OR OTHERWISE.



John R. Monte

NOTES

A COMPLETE CURRENT TITLE POLICY HAS NOT BEEN FURNISHED, THEREFORE EASEMENTS OR OTHER ENCUMBRANCES MAY NOT BE SHOWN AT THIS TIME.

BEARINGS BASED ON MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, GEOID 2012

ALL PROPOSED SPLITS ARE SUBJECT TO MUNICIPAL APPROVAL. PREPARATION OF DRAWINGS, PLANS AND/OR DESCRIPTIONS DOES NOT GUARANTEE APPROVAL.

PREPARED FOR: **BEINDIT INVESTMENTS, LLC**
ADDRESS: **6215 KING RD, MARINE CITY, MI 48039**
DATE: **MAY 19, 2020**
REV: **N/A**



City of Marine City
Building Department
303 S. Water St.
Marine City, MI 48039
(810) 765-9011
buildingdepartment@marinecity-mi.org

Workflow for Splitting Property in Marine City

