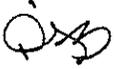


MEMORANDUM

TO: Planning Commissioners

FROM: Denise Blakeslee 
Administrative Assistant - Community Development Department

DATE: October 14, 2004

RE: October Worksession

The October Planning Commission Worksession will be held on **Wednesday, October 20, 2004 at 6:00 p.m.** in the Middle School Library. The change in date allows the members attending Citizen Planner Training to be in attendance.

First we want to welcome the two members of the Downtown Development Authority (DDA), Lee Trucks and David Carlson who asked be included in the Zoning Ordinance Re-write process. They will be receiving packets along with the City Council during this process. We look forward to their input along with the input from Council Members during this process!

We will continue our review of Article V - General Provisions. We left off at the last worksession with Section 508 Fences. Jay has sent us Article I - XI. This draft includes the changes discussed at the last worksession. Our hopes are to review as much of the material as possible and conclude the worksession no later than 9:00 p.m. if not earlier.

In order to expedite this process comments needs to be received during the review period for each article. Jay compiles the information after the worksessions and then incorporates them into the second draft for that article. If you are unable to attend a worksession and have comments/concerns please drop them off at the office prior to the worksession so I can get them to Jay. Late submittals will increase the cost for this project.

If you are unable to attend the meeting **please call** me at 723-2558.

:djb

cc: Mitch Deisch, City Manager
City Council
Lee Trucks
David Carlson

Williams & Works

◆ a tradition of service ◆

◆ Engineers
◆ Planners
◆ Surveyors

MEMORANDUM

TO: Jon Rose, Planning Director
City of Manistee

FROM: Jay Kilpatrick, AICP, PCP 

DATE: October 13, 2004

RE: Zoning Ordinance Articles 1 through 11

Enclosed is the next installment of the revised zoning ordinance, Articles 1 through 11 (with a few reserved sections. There should be sufficient copies for the Planning Commission as well as copies for you and Denise. These articles include:

- ◆ Article I - Title, Purpose and Scope
- ◆ Article II - Definitions
- ◆ Articles III and IV are reserved
- ◆ Article V - General Provisions
- ◆ Article VI is reserved
- ◆ Article VII - Districts, Dimensional Standards, Uses Table and Map (map not yet included)
- ◆ Article VIII - R-1 Low Density Residential
- ◆ Article IX - R-2 Medium Density Residential
- ◆ Article X - R-3 High Density Residential
- ◆ Article XI - Manufactured Housing Community

Note that the Planning Commission reviewed Articles I, II and a part of V at the September 14th meeting, and I have tried to make the revisions we discussed during that meeting. Therefore, it is suggested that you and the Planning Commission review all of this draft, including the portions we

Jon Rose
October 13, 2004
Page 2

have already discussed. Where significant changes have been made or where I have adjusted the content vis-à-vis the current ordinance, I have tried to highlight the text to call attention to it.

As we discussed, at the October 20th work session, I will quickly point out any key changes I made based on our earlier discussion, but we need to spend the bulk of the time on the balance of Article V and beyond.

I will look forward to the work session next week.

Enc.

Draft
10/10/04

CITY OF MANISTEE ZONING ORDINANCE

The City of Manistee Ordains:

An ordinance to establish zoning districts and regulations governing the incorporated City of Manistee, County of Manistee and State of Michigan in accordance with the provisions of Act 207 of the Public Acts of 1921, as amended; to define certain terms used herein; to provide for regulations governing nonconforming uses and structures; to establish a Zoning Board of Appeals and define its duties and powers; to provide for the administration and enforcement of this Ordinance and to provide penalties for the violation of this Ordinance.

ARTICLE I
TITLE, PURPOSE AND INTENT

SECTION 100 SHORT TITLE

This Ordinance shall be known as the "City of Manistee Zoning Ordinance" and will be referred to hereinafter as "this Ordinance."

SECTION 101 PURPOSE AND INTENT

The fundamental purposes of this Ordinance are:

- A. To promote and protect the public health, safety, and general welfare;
- B. To encourage the use of lands and natural resources in accordance with their character and adaptability;
- C. To implement the goals, objectives, and future land use recommendations of the City Comprehensive Development Plan (Master Plan) and to regulate the intensity of land use and parcel areas in a manner compatible with said Plan;
- D. To determine the area of open spaces surrounding buildings and structures necessary to provide adequate light, scenic views and air and to protect the public health;
- E. To protect the character and stability of the recreational, residential, commercial and industrial areas within the City of Manistee and promote the orderly and beneficial development of the City;
- F. To lessen and avoid congestion on the public highways and streets;

- G. To provide for the needs of recreation, residence, commerce, and industry in future growth;
- H. To promote healthful surroundings for family life in residential areas;
- I. To set reasonable standards to which buildings and structures shall conform;
- J. To provide for reasonable uses and forms, buildings, and structures which are compatible with the character of development or the uses, buildings, or structures permitted within specified Districts and to provide for sanitary, safety and protective measures that shall be required for such structures;
- K. To prevent such additions or alterations or remodeling of existing structures in such a way as to avoid the regulations and limitations imposed hereunder;
- L. To reduce the risk of fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards to life and property;
- M. To prevent improper uses of land and the overcrowding of land and undue concentration of buildings and structures so far as is possible and appropriate in each District;
- N. To provide for the completion, restoration, reconstruction, and extension of nonconforming uses;
- O. To create an Appeals Board and to define the powers and duties thereof;
- P. To designate and define the power and duties of the official or officials in charge of the administration and enforcement of this Ordinance;
- Q. To provide for the payment of fees for zoning permits and escrow accounts to support the expense of administration and proper review of applications for zoning permits;
- R. To provide penalties for the violation of this Ordinance;
- S. To provide safety in traffic and vehicular parking;
- T. To accomplish any other purposes contained in Public Act 207 of 1921, as amended.

SECTION 102 CITY CODE

This Ordinance shall be cited in general as Part Twelve, Title Six of the Codified Ordinances of Manistee, Michigan.

ARTICLE II DEFINITIONS AND INTERPRETATION

SECTION 200 RULES APPLYING TO THE TEXT

For the purpose of this Ordinance, certain rules of structure apply to the text. Words used in the present tense include the future tense, and vice versa; and the singular includes the plural, and vice versa, unless the context clearly indicates the contrary. The words "person" and "entity" include a corporation, association, organization, partnership, trust, company, or firm as well as an individual. The words "used" or "occupied" as applied to any land or building include the words "intended, designed, or arranged to be used or occupied." The word "lot" includes the words "plot," "tract," or "parcel." The term "shall" is always mandatory and not discretionary; the word "may" is permissive. Any word or term not interpreted or defined by this Article shall be used with a meaning of common or standard utilization.

SECTION 201 DEFINITIONS

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

SECTION 202 A

ACCESS: A way or means of approach to provide year-round vehicular physical entrance to a property or lakefront area.

ACCESSORY BUILDING: An accessory structure, as defined herein, which is a supplementary building on the same parcel as the principal building, or part of the principal building, occupied by or devoted exclusively to an accessory use.

ACCESSORY STRUCTURE: A structure which is clearly subordinate or incidental to a principal structure or principal use. Accessory structures include, but are not limited to, the following: storage structures, parking lots, loading docks, radio and television antennas, or any part thereof; but shall not include fences and hunting blinds which are clearly not permanent and are easily removed. Under no circumstances shall a septic system and tile field be considered an accessory structure.

ACCESSORY USE: A use naturally and normally incidental to, subordinate to, and devoted exclusively to, the principal use of the land or buildings.

ADMINISTRATOR: The Manistee City Zoning Administrator as established in Section ____ of this Ordinance.

ADULT FOSTER CARE FACILITY: A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults, who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. Adult foster care does not include any of the following:

- A. Nursing homes and hospitals licensed Article 17 of Act 368 of the Public Acts of 1978, as amended;
- B. Hospital for the mentally ill or a facility for the developmentally disabled operated by the department of mental health under Act 258 of the Public Acts of 1974, as amended;
- C. County infirmary operated by a county department of social services under section 55 of Act 280 of the Public Acts of 1939, as amended;
- D. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under Act 116 of the Public Acts of 1973, as amended;
- E. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house which does not provide or offer to provide foster care; and
- F. A veteran's facility created by Act 152 of the Public Acts of 1885, as amended.

ADULT FOSTER CARE SMALL GROUP HOME: An adult foster care facility with the approved capacity of not more than twelve (12) adults who shall be provided foster care.

ADULT FOSTER CARE LARGE GROUP HOME: An adult foster care facility with the approved capacity of more than thirteen (13) adults who shall be provided foster care.

ALLEY: A public way which is not a street, private street, or sidewalk, which provides secondary access to property, generally but not always to the rear of parcels.

ALTERATIONS: Any construction; modification; remodeling; repair; improvement; relocation; or, replacement of a structure, building, dwelling, accessory building, or structure which needs a permit under the provisions of Section ____ or under the provisions of Section ____.

ALTERED: Any change in the location or use of a building, or any change in the supporting members of a building such as bearing walls, columns, beams, posts, girders, and similar components, or any substantial change in the roof or exterior walls.

ANIMAL GROOMING FACILITY: Any property, structure, building, or premise in or on which pets and other domesticated animals are bathed and/or groomed for commercial gain, but excluding any veterinary or clinical services.

APARTMENT BUILDING: A building which is a dwelling designed for or occupied by three or more families, with separate housekeeping, cooking, and bathroom facilities for each. For facilities with fewer units, see Duplex.

APPEALS BOARD: The Manistee City Board of Appeals, created in Article Twelve.

ARBOR: An man-made structure or shelter consisting of a lattice or trellis intended and used as a landscape decorative amenity and used to support vines, floral plants or branches.

ARTICLE: The main divisions of this Ordinance, cited by the words "Article XX." Sections further divide Articles.

ASSEMBLY OPERATION: Buildings, structures and premises used for the combining of parts and raw materials into finished products and/or sub-assembly components for subsequent finishing on or off site and for the packaging, shipping and receiving of such products.

ATTIC: That part of a building that is immediately below and wholly or partly within the roof framing.

AUTOMOBILE REPAIR FACILITY: Any establishment, building, premises, or land where commercial services are furnished involving automobile and truck repair, maintenance, and painting for the general public, and where rental, leasing, storage and salvage operations and parking services are incidental to the principal activities.

SECTION 203 B

BASEMENT: A portion of a building which is not intended to serve as the main living space in a dwelling, duplex or apartment building, and is built below the main floor joists such that it is partially or wholly below average grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

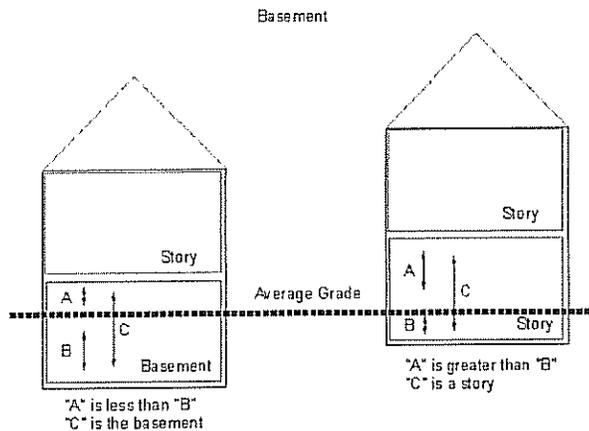


Figure B-1

BED AND BREAKFAST: An owner-occupied residential building wherein up to six (6) rooms or suites are offered, for compensation, as overnight lodging for transient guests and which may provide one or more meals per day for overnight guests only.

BILLBOARD: An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.

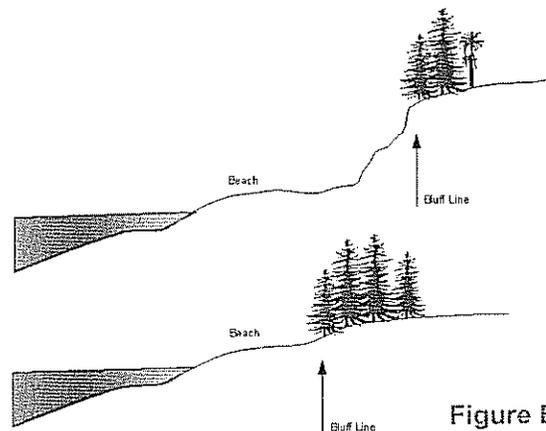


Figure B-2

BLUFF LINE: The line which is the edge or crest of the elevated segment of the shoreline above the beach which normally has a precipitous front declining steeply on the lakeward side. Where there is no precipitous front indicating the bluff line, the line of perennial vegetation may be considered the bluff line.

BOAT: Means every description of water craft used or capable of being used as a means of transportation on water. (reference; vessel definition from the Marine Safety Act P.A. 303 of 1967, as amended, Compiled Laws Annotated, 281.1008).

BOAT LAUNCH: Shall mean and include boat access, within fifty (50) feet of the shore from or incidental to a single private riparian property, public or private road end abutting Manistee Lake, the Manistee River Channel, or Lake Michigan, and/or a public or private access site.

BUFFER AREA: An open landscaped area that is in addition to setback requirements, that may include berms, but that may not include any structures, designed to buffer noise, light, visual, and other nuisances. (See also Vegetation Belt, Greenbelt.)

BUILDABLE AREA: That portion of a parcel contained by the required front, rear and side yards and excluding any wetland, 100-year flood plain, critical dune, high risk erosion area, drainage way, lake or similar natural feature which poses an impediment or hazard to safe construction or use of property. Contour changes to create a buildable area are permissible only if not contrary to this Ordinance, or any other state or federal statute.

BUILDING: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of person, animals, chattel, or property of any kind. Buildings shall include: decks and porches, including steps and trailers, whether mounted or on wheels and situated on private property and used for purposes of a building.

BUILDING AREA (also FOOTPRINT): The total area contained within the exterior foundation or framing area taken on a horizontal plane at the largest floor level of a building or an accessory building exclusive of unroofed porches, terraces, patios and steps, and of awnings and nonpermanent canopies.

BUILDING ENVELOPE: That portion of a parcel contained within the required front, rear, waterfront and side yards, as established by the setback dimensions for the zoning district.

BUILDING LINE: A line extending through the building foundation, or the

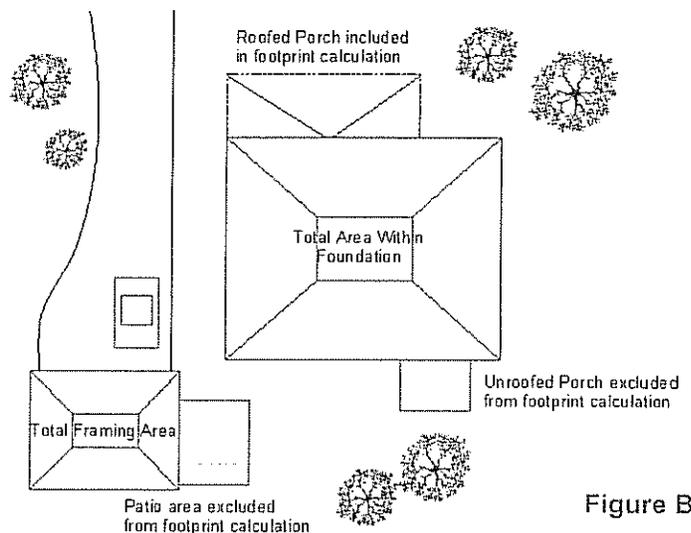


Figure B-3

outermost portion of a cantilevered building and parallel to the nearest parcel boundary.

SECTION 204 C

CAMPGROUND: A use on a parcel or tract of land licensed by the State under the control of a person in which sites are offered for the use of the public or members of an organization either free of charge or for a fee, for the establishment of temporary living quarters for three or more recreational units, which includes trailers, as defined in this Ordinance.

CEMETERY: Any one (1) or a combination of more than one (1) of the following (as per MCL 456.522): a burial ground for earth interment; a mausoleum for crypt entombment; a crematory for the cremation of human remains; and a columbarium for the deposit of cremated remains.

CITY: The City of Manistee, a chartered Michigan municipal corporation.

COMMISSION: The Manistee City Planning Commission created pursuant to Public Act 285 of 1931, as amended, being Municipal Planning Act, which has vested with it all the powers and duties of a zoning board pursuant to Public Act 125 of 1921, as amended, being City or Village Zoning Act.

COMMON OR SHARED DRIVE: A commonly shared driveway way that connects or serves two or more properties.

COMMUNICATION TOWER: A monopole, lattice and/or guyed structure in excess of fourteen (14) feet in height, intended or used to support one or more antennae or other equipment to transmit and/or receive radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals.

COMPREHENSIVE PLAN: The comprehensive, long-range master plan intended to guide growth and development in the City of Manistee which includes recommendations on future land use, economic development, housing, recreation, transportation, open space, and community facilities.

CONDOMINIUM: A building, or group of buildings, or parcel of land in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

CONSERVATION LANDS: Environmentally sensitive areas with characteristics such as steep slopes, wetlands, floodplains, high water tables, forest areas, endangered species habitat, dunes, shoreline, or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance, or character.

CONTRACTOR'S FACILITY: A building, structure, or property used to store tools, trucks, motorized equipment, supplies, and materials utilized by construction contractor, subcontractors, and builders.

CONVALESCENT HOME: (See Nursing Home)

CONVENIENCE STORE: Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and freshly prepared foods, such as salads and sandwiches, for off-site consumption.

COUNCIL: The City Council of the City of Manistee.

SECTION 205 D

DAY CARE FACILITY: An establishment or facility, other than a private residence, providing for the care, supervision, and protection for 1 or more preschool or school age children for periods less than 24 hours a day, and where the parents or guardians are not immediately available to the child, including a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The term includes any facility referred to as a day care center, day nursery, nursery school, drop-in center, or parent cooperative pre-school. A group day care does not include a Sunday school, vacation bible school, or religious instructional class operated by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.

DAY CARE FAMILY: A private home in which at least one (1), but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

DAY CARE GROUP: A private home in which at least seven (7), but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

DAY CARE ORGANIZATION: Any governmental or nongovernmental organization having as its principle function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding whether educational instruction may be given, and organizations commonly described as child caring institutions, child placing agencies, children's camps, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, or day care homes.

DENSITY: The number of dwelling units per acre. The maximum density is that number of dwelling units per acre that is allowed based on the total parcel area.

DRIVE THROUGH ESTABLISHMENT OR FACILITY: An establishment that by design, physical facilities, services or by packaging procedures encourages or permits some or all customers to receive services, obtain goods or be entertained while remaining in their vehicles.

DRIVEWAY: A private vehicular roadway providing access to a street or highway from a property.

DRIVEWAY CURB CUT: The opening along a curb line at which point vehicles may enter or leave the street.

DUPLEX: A dwelling designed for or occupied by two families only, with separate housekeeping, cooking, and bathroom facilities for each. For facilities with more than two dwelling units, see Apartment Building.

DWELLING, OR DWELLING UNIT: A structure or building or portion thereof that is used exclusively for human habitation by one (1) family and so designed and arranged as to provide living, sleeping, sanitary, and kitchen accommodations.

DWELLING, MULTIPLE UNIT: (See Apartment Building)

SECTION 206 E

EATING AND DRINKING ESTABLISHMENT: A retail establishment selling food and drink for consumption on the premises, including restaurants, taverns, coffee houses, bakeries, lunch counters, refreshment stands and similar facilities selling prepared foods and drinks for immediate on-site consumption.

EASEMENT: A private irrevocable agreement of record between landowners, public utilities, and/or persons, for a specific purpose such as, but not limited to, utilities, driveways, pipelines, or pedestrian ways.

EDUCATIONAL FACILITY: Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge, including an elementary, middle, or high school, college or university, trade school and the like, whether public or private, that meets state requirements, where applicable.

ENVIRONMENTAL ASSESSMENT: A review or statement of the effect a proposed development or project, and other major actions, may have on the environment, broken down into two phases of analysis. Phase I includes the baseline risk or an analysis of the no action alternative, which is a description distinguishing existing conditions from any new or proposed activity. Phase II includes a statement of the effect the proposed activity will have at different times in the future given occurrence of the proposed activity.

ENVIRONMENTAL IMPACT STATEMENT: A thorough analysis which evaluates the effects a proposed development or project, and other major actions, and alternatives to those developments, projects or actions, may have on the environment and that inventories existing environmental conditions at the project site and the surrounding area, including air and water quality, water supply, hydrology, geology, soil type, topography, vegetation, wildlife, aquatic organisms, ecology, demography, land use, aesthetics, history, and archaeology.

ERECTED or ERECTION: As applied to any building or structure, erected or erection means built, constructed, reconstructed, moved upon, or any physical operation or work on the land which the building or structure is to be built, constructed, reconstructed or moved upon, including excavation, filing, draining or the like.

ESSENTIAL SERVICES: Services and utilities needed for the health, safety, and general welfare of the community, such as underground, surface, or overhead electrical, gas, telephone, stream, water, sewage, and other utilities and the equipment and appurtenances necessary for such systems to furnish an adequate level of service for the City.

SECTION 207 F

FAMILY: An individual or a collective number of individuals living together in one dwelling as a single housekeeping and cooking unit, whose relationship is of a permanent and distinct domestic character. However, this shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, occupants of a counseling house, lodging house or hotel, or organization which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort-seasonal in character or nature.

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.

FILTERED VIEW OF WATER: A vista or view of a river, lake or stream that is partially screened by woody vegetation of sufficient density to buffer development from said water body, to provide for bank stabilization and erosion control, to serve as an aid in filtration of surface runoff, and to provide cover to shade the water. Vegetation need not be so dense as to completely block the view of the water, but shall not include clear cutting.

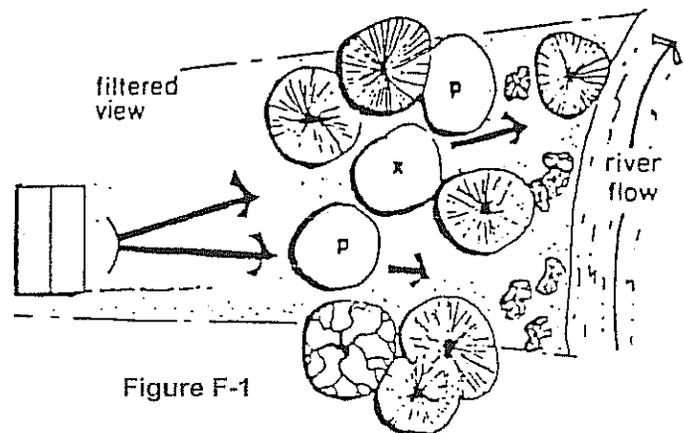


Figure F-1

FINANCIAL INSTITUTION: Commercial establishments such as banks, savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodities exchanges, and insurance agencies.

FLOODPLAIN: That area mapped by the National Flood Insurance Program having a flood elevation that has a one percent (1%) chance of being equaled or exceeded each year, and as determined by the Federal Emergency Management Agency.

FLOOR AREA: The sum of the horizontal area of each story of a building measured from the exterior faces of the exterior walls, but not including basements, unfinished attics, attached garages, breeze ways and enclosed or unenclosed porches, decks or patios.

FOOTPRINT: See Building Area.

SECTION 208 G

GOLF COURSE: A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards such as waterways, which may include such accessory uses as a pro shop, a clubhouse, driving range, practice greens and service buildings.

GRADE: The vertical elevation of the ground.

GRADE, FINISHED: The proposed median grade of a parcel as set forth on the site plan.

GREENBELT: An open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or properties. (See also Buffer Area, Vegetation Belt.)

SECTION 209 H

HAZARDOUS SUBSTANCES: One or more of the following:

- A. A chemical, toxic substance, or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
- B. "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980.
- C. "Hazardous waste" as defined in Article II, Chapter 3, Part 111 of P.A. 451 of 1994, as amended, being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act.
- D. "Petroleum" as defined in Article II, Chapter 8, Part 213 of P.A. 451 of 1994, as amended, being the Leaking Underground Storage Tanks part of the Natural Resources and Environmental Protection Act.

HEIGHT, BUILDING: The vertical distance measured from grade to the highest point of the roof for flat roofs, to the desk line of mansard roofs, and to the highest point for gable, hip and gambrel roofs.

HOBBY: An activity carried out by a person primarily for pleasure and self-entertainment.

HOME-BASED BUSINESS: A business operation carried out for gain from a residential property which operation is clearly subordinate and incidental to the residential nature of the property and which involves business activities generally conducted at other locations.

HOME OCCUPATION: An activity carried out for gain by a resident and conducted as a customary, secondary, incidental, and accessory use in the resident's dwelling, but not a hobby. Without limiting the foregoing, any dwelling used by an occupant of that dwelling to give instruction in a craft or fine art within the dwelling shall be considered a home occupation.

HOSPITAL, OR CLINIC: An establishment providing health services including medical and surgical care, dental care and mental health care on an in-patient or out-patient basis to persons suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions. Such facility may include such accessory uses as laboratories, training facilities, pharmacies, medical offices and training facilities.

HOTELS: A facility offering transient lodging accommodations to the general public and may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

SECTION 210 I

IMPERVIOUS SURFACE: Any material of the built environment that prevents absorption of storm water into the ground, including pavement and rooftops.

SECTION 211 J

JUNK: Any scrap, waste, reclaimable material, or debris, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition or abandoned.

SECTION 212 K

KENNEL: A commercial establishment in which dogs or other domestic animals are housed, groomed, bred, boarded, trained, or sold, for fee or compensation.

KEYHOLE DEVELOPMENT: Keyhole development (also known as "funnel" development) is the use of a waterfront lot as common open space for waterfront access for a larger development located away from the waterfront.

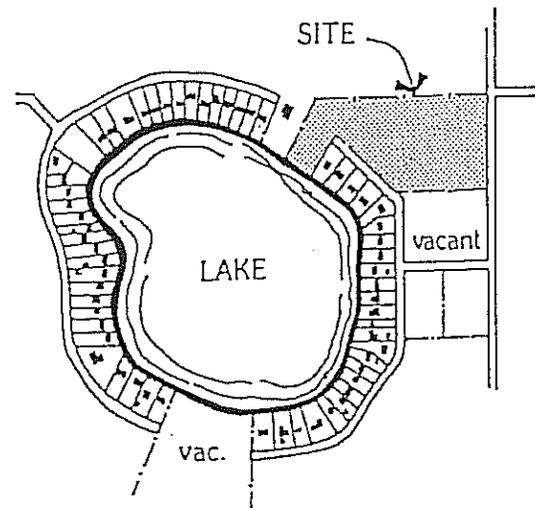


Figure K-1

Source: Flanning & Zoning News

SECTION 213 L

LIVING AREA: The net floor area of a dwelling unit used, or intended to be used, for permanent habitation including, but not limited, to sleeping, cooking, personal sanitation areas, but excluding

storage space in attics, garages, and any below-grade room without a window or door affording egress to the outdoors.

LOT: (See Parcel)

LOT COVERAGE: That portion of a lot that is covered with buildings, expressed as a ratio of the horizontal area measured from the exterior surface of the exterior walls of the ground floor of all principal and accessory buildings on a lot to the total lot area.

SECTION 214 M

MANUFACTURED HOME: A dwelling which is transportable in one or more sections, that is built on a permanent chassis, and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein and is installed by a Michigan Licensed Mobile Home dealer or Michigan Licensed Mobile Home installer as required by Michigan statute, and administrative rules promulgated thereunder.

MANUFACTURED HOUSING COMMUNITY: A use which is a parcel of land under the control of a person upon which three or more manufactured homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incidental to the occupancy of a manufactured home and which is not intended for use as a temporary manufactured home or trailer.

MARINA: A facility, including three (3) or more waterfront boat slips, which provides for the servicing, storing, fueling, berthing, and securing of boats and that may include eating, sleeping, and retail facilities intended primarily for the owners, crews, and guests of boat owners using the marina, provided there are three or more waterfront slips under a single control.

MASTER DEED: A legal instrument under which title to some or all rights of real estate ownership are conveyed and by which a condominium is created and established, including as exhibits and incorporated by reference in the approved bylaws and the condominium subdivision plan.

MAYOR: The chief elected official of the City.

MINING AND MINERAL PROCESSING FACILITY: A facility, property, or portion thereof designed, constructed, or used for the extraction of minerals, including solids, such as coal and ores; liquid, such as crude petroleum or brine; and gases, such as natural gases. This term also includes quarrying, groundwater diversion, soil removal, milling and crushing, and other preparation customarily done as part of a mining activity.

MINI/SELF STORAGE FACILITY: A structure or group of structures divided into storage units, stalls or lockers of no more than five hundred (500) square feet in area and which are offered to the public for a fee on a monthly or yearly basis for the storage of goods.

MOTEL: An establishment providing sleeping accommodations to the general public with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, as distinguished from a boarding house, hotel, lodging house, or an apartment.

SECTION 215 N

NONCONFORMING BUILDING, STRUCTURE: A structure or building lawfully in existence prior to the effective date of this Ordinance which does not conform to the requirements of the Zoning District in which it is situated.

NONCONFORMING LOT: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the applicable zoning district or other zoning regulations.

NONCONFORMING USE: A use of lands or structures lawfully in existence on the effective date of this Ordinance but which does not conform to the regulations of the Zoning District in which it is situated.

NUISANCE: (USE CITY'S GENERAL LAW DEFINITION)

NURSING HOME: A residential care facility providing long-term care for elderly, infirm, terminally-ill, physically, emotionally and/or developmentally disabled persons licensed in accord with Article 17 of Act 368 of 1978, as amended.

SECTION 216 O

OPEN SPACE: Any property or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

ORDINARY HIGH WATERMARK: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent

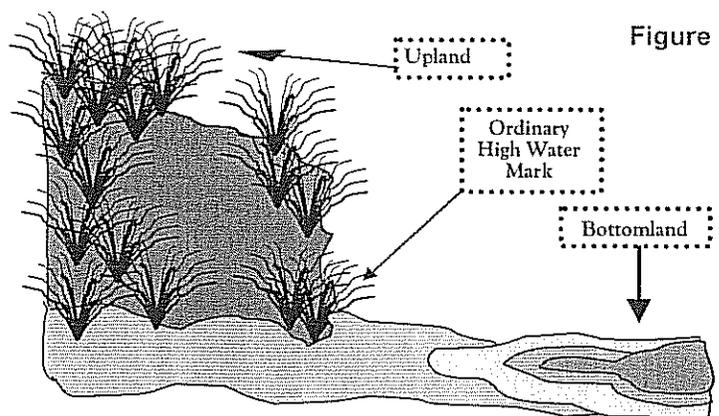


Figure O-1

in the soil itself, the configuration of the surface of the soil and the vegetation.

OUTDOOR RECREATION - PARK: Public or private playgrounds, pocket parks, natural area, ball fields, open space preserves, arboretums, gardens, beaches, and similar uses, but not facilities designed for overnight or camping use.

OUTDOOR SALES FACILITY: The display and sales of products and services primarily outside of a building or structure, including vehicles, garden supplies, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber yards.

SECTION 217 P

PARCEL: An area of land separated from other parcels of land by description on a plat, condominium subdivision plan or by metes and bounds description, recorded in the Manistee County Office of the Register of deeds, and which complies with the dimensional requirements of this Zoning Ordinance.

PARCEL AREA: The area contained within the boundaries of a parcel.

PARCEL MEASUREMENTS: Parcel depth is considered to be the distance between the midpoints of straight lines connecting the foremost points of the front property line and rearmost points of the rear property line. Parcel width is the distance between the side property lines at each side of the parcel. In determining parcel width on odd-shaped parcels, if the parcel abuts a curving street and, as a result, the side property lines are not parallel, the measurement of the width shall be at the front yard setback line. In determining parcel width on other odd-shaped parcels, the average width measured at right angles to its depth, with no fewer than five (5) equally spaced measurements. See Figure P-2.

PARCEL, SUBSTANDARD: A parcel of record or a parcel which is described in a land contract or deed executed and delivered before the designation of a high risk erosion area and which does not have adequate depth to provide the minimum required setback from the bluff line for a permanent structure. The term also means those lots which are legally created after the designation of a high risk erosion area, which have sufficient depth to meet setback requirement for permanent structures, but which subsequently become substandard due to erosion

Figure P-1

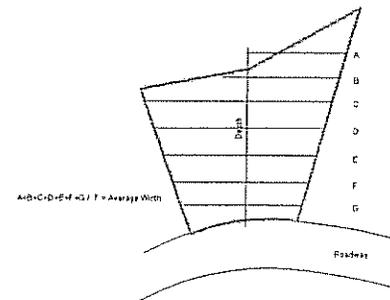
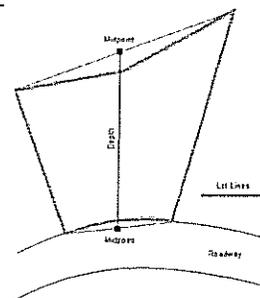
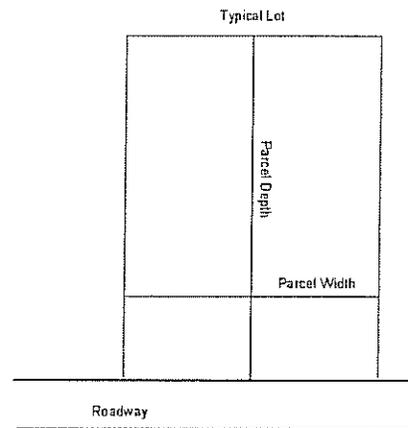


Figure P-2

processes.

PARENT PARCEL: A parcel of record on the effective date of this ordinance amendment, or the "parent parcel" or "parent tract" as defined by the Michigan Land Division Act.

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

PARKING SPACE: One (1) unit of parking area provided for the parking of one automobile or similar motor vehicle.

PERSONAL PROPERTY SALES: Events such as garage sales, yard sales, basement sales or other similar events where personal property is offered for sale on a limited basis.

PERSONAL SERVICE ESTABLISHMENT: An establishment engaged in providing services involving the care of a person or his or her personal goods or apparel, including linen supply, beauty shops, barbershops, shoe repair, and health clubs.

PHYSICAL REQUIREMENTS: All the requirements of this Ordinance dealing with designated areas for specific physical (tangible) improvements or uses/functions required for an approved use, structure, building and parcel, including but not limited to, placement of accessory structures, improvements within buffer areas, building height, easements, floor area, improvements within a greenbelt, access drives, loading areas, solid waste storage areas, service drives, parking areas, and other requirements.

For the purposes of this paragraph, a capability to meet these standards may be demonstrated by sufficient available land owned by the applicant or an entity associated with the applicant, a building designed to readily accommodate an expansion or a declaration by the applicant of future intent to expand the facility to meet these standards.

PLACE OF PUBLIC ASSEMBLY: Buildings, structures and grounds, including theaters, churches, auditoriums, sports arenas, lecture halls and other similar facilities intended for commercial or non-commercial entertainment, instruction, worship or similar activities involving assembled groups of people numbering thirty (30) or more.

PLACE OF PUBLIC ASSEMBLY, LARGE: A place of public assembly shall be considered a large facility if it has either five thousand (5,000) square feet or more in gross floor area, total seating capacity of more than three hundred (300) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future.

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

PLANNED UNIT DEVELOPMENT: A special land use pursuant to Section ___ intended to accommodate developments with mixed or varied uses, innovative design features and/or sites with unusual topography or unique settings within the community.

PRINCIPAL BUILDING: A building in which is conducted the principal use of the lot on which it is located.

PRINCIPAL USE: The primary or predominant use of any parcel.

PROFESSIONAL OFFICE: The office of a member of a recognized profession maintained for the conduct of that profession.

PROFESSIONAL SERVICE ESTABLISHMENT: An establishment engaged in providing assistance, as opposed to products, to individuals, businesses, industries, governments, and other enterprises, including legal, engineering, consulting, other similar services.

PROPERTY LINE: The outside perimeter of a legally described parcel of land.

PROCESSING AND MANUFACTURING: Establishments engaged in a series of operations, in a continuous and regular action or succession of actions, taking place or carried on in a definite manner associated with chemical or mechanical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

PUBLIC UTILITY: Any person, firm, corporation, municipal department or board fully authorized to furnish, under federal, state, or municipal regulations, electricity, gas, steam, communications, telegraph, transportation, water or sanitary or storm water sewerage facilities to the public.

SECTION 218 Q RESERVED

SECTION 219 R

REQUIRED SPATIAL RELATIONSHIPS: All the requirements of this Ordinance dealing with minimum or maximum size, area or space required for an approved use, structure, building and parcel, including but not limited to, buffer areas, greenbelts, and yards.

RETAIL BUSINESS: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including a jeweler or bakery.

RIGHT-OF-WAY: Land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, railway, electric transmission lines, pipeline, water line, sanitary storm sewer, and other similar essential services, whether public or private, for public purposes.

SECTION 220 S

SECTION: A part of this Ordinance, being the next division under an Article. Sections may be further divided into subsections, and divisions, paragraphs and subparagraphs.

SERVICE DRIVE: A service drive shall be a front or rear interconnection between parcels, and may include the maneuvering lane within a parking lot. A service drive is not a private road.

SETBACK: The required minimum distance between a building and any lot line. Setbacks are measured by an imaginary line parallel to a property line which is a specified distance toward the center of a parcel from the property lines or water front. Side, front, rear and waterfront setbacks correspond to the respective yard.

SEX-ORIENTED BUSINESS: Businesses meeting the following standards:

- A. Any retail trade or service establishment which has more than ten percent (10%) of its business involving the sale, use, participation, and observation of:
1. Anything tangible, including any material which is capable of being used or adapted to arouse shameful or morbid interest in nudity, sex, or excretion, whether through the medium of reading, observation, sound or in any other manner, including but not limited to, anything printed or written, any book, magazine, newspaper, pamphlet, picture, drawing, pictorial representation, motion picture, photograph, video tape, video disk, film, transparency, slide, or any other medium used to electronically produce or reproduce images on a screen, or any mechanical, chemical, or electronic reproduction;
 2. Representations or descriptions of normal or perverted, actual or simulated sexual intercourse, fellatio, cunnilingus, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, or depictions or descriptions of sexual bestiality, sadomasochism, masturbation, or excretory functions;
 3. Representations or descriptions of masturbation, excretory functions, or a lewd exhibition of the genitals.
- B. And meeting all of the following criteria:
1. That the average individual, applying contemporary community standards, would find that the material taken as a whole, appeals to the shameful or morbid interest in nudity, sex, or excretion;
 2. That the material, taken as a whole, lacks serious literary, artistic, political, or scientific value;
 3. That the material depicts or describes sexual conduct in a patently offensive way. "Material" includes undeveloped photographs, molds, printing plates, and other latent representational object notwithstanding that processing or other acts may be required to make its content apparent.

SHARED PARKING: Joint use of a parking area by more than one use or business.

SIGN: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or a product which are visible from any public way and used as an outdoor display to advertise, identify, promote, direct, display, or attract attention.

SITE PLAN: The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and egress; circulation and utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development and legal description pursuant to Section ___ of this Ordinance.

SPORTS AND RECREATION CLUB: A facility designed and equipped for the conduct of sports and leisure-time activities, including aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms, and lockers, whether operated as a business and open to the public for a fee, or operated by a nonprofit organization and open only to bona fide members and guests of such organization, or operated by a governmental agency.

STATE LICENSED RESIDENTIAL FACILITIES: A dwelling located in a structure constructed for residential purposes, licensed by the state, pursuant to Michigan statute for a home for the care of six (6) or fewer senior citizens.

STREET: Any public vehicular way that is:

- A. An existing state, county, or locally maintained roadway;
- B. Shown upon an approved plat pursuant to law;
- C. Approved by other official legal action;
- D. Excluding an alley or private street.

STREET, LOCAL: A street designed primarily to provide vehicular access to abutting property and to carry limited through traffic.

STREET, PRIMARY: A street with traffic signals at important intersections and stop signs at local or secondary streets.

STREET, PRIVATE: A road or street which is part of a recorded subdivision, condominium or land division, and shown as a private road on the plat or site plan, or a road which is not public which services more than one (1) dwelling and/or business.

STREET, SECONDARY: A street that collects traffic from local streets. Secondary streets connect local traffic with primary streets.

STRUCTURE: Anything constructed, erected or placed with a fixed location on the ground or affixed to something having a fixed location on the ground, but not including automobiles, trucks, trailer, hunting blinds, fences, hedges, sidewalks, gardens, and shore stabilization devices.

STRUCTURE, MOVABLE: A structure which is determined to be movable based on a review of the design and size of the structure, a review of the capability of the proposed structure to withstand normal moving stresses, and a site review to determine whether the structure is accessible to moving equipment.

STUDIO FOR PERFORMING AND GRAPHIC ARTS: A facility designed, constructed, or used for instructional, practice or production purposes in graphic and performing arts, including sculpture, painting, music, photography, drama, dance and other similar pursuits.

SWEETENING PLANT: A facility or plant which is designed for the removal of sulfur compounds from natural gas from gas and oil wells.

SECTION 221 T

TATTOO: Any method of placing permanent designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance, by the aide of needles or any other instruments designed to touch or puncture the skin, resulting in either the coloration of the skin, or the production of scars or scarring, other than by branding.

TATTOO PARLOR: An establishment where persons are tattooed for consideration, other than by a licensed medical practitioner or cosmetologist; or any place where tattooing is regularly conducted whether or not it is in exchange for compensation.

TEMPORARY DWELLING: A dwelling established for a limited duration with the intent to discontinue such use upon the expiration of a predetermined time period, but not a manufactured home.

TEMPORARY STORAGE STRUCTURE: A storage structure established for a limited duration with the intent to discontinue such use upon the expiration of a predetermined time period.

THEATER: A building or structure or part thereof devoted to showing motion pictures or for dramatic, dance, musical, or other live performances or lectures.

TOXIC SUBSTANCES: Those poisonous substances which, by physical contact, ingestion or inhalation, could cause damage to humans, animals or aquatic life as set forth on the Toxic Substance Listing, maintained by the U.S. Environmental Protection Agency, and listed on the Critical Materials Register, as created pursuant to the Michigan Water Resources Act, P.A. 245 of 1929, as amended.

TRAILER: A structure that can stand on wheels, be towed, and hauled by another vehicle on a roadway, and used for short-term human occupancy, camping and recreational use, carrying of materials, goods, or objects, or as a temporary office.

SECTION 222 U

USE: The primary or main purpose for which land or a building thereon is designed, arranged or intended to be occupied or used, or for which it is maintained.

USEABLE OPEN SPACE: Any parcel or area of land or water where the actual and intentional use is enjoyment of owners, occupants, and their guests of land adjoining such open space. Useable open space may include active recreational facilities such as swimming pools; play equipment; competitive sports fields and courts; and picnic tables.

SECTION 223 V

VARIANCE: A relaxation of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary or practical difficulty.

VEGETATION BELT: An area which does not have any buildings which is designed to mitigate the movement of nutrients in the ground into a water body by use of woody plant material whose roots are likely to remove nutrients from the soil prior to the nutrients reaching the water body, and for erosion and bank stabilization. (See also Buffer Area, Greenbelt.)

VEHICLE: Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices exclusively moved by human power or used exclusively upon stationary rails or tracks and excepting a manufactured home.

VETERINARY CLINIC: A facility where animals are given medical care and the boarding of animals is limited to short-term care incidental to the clinic use.

SECTION 224 W

WAREHOUSE, PUBLIC: A structure used for storage of customer's goods, wares and vehicles on a rental basis, in which the

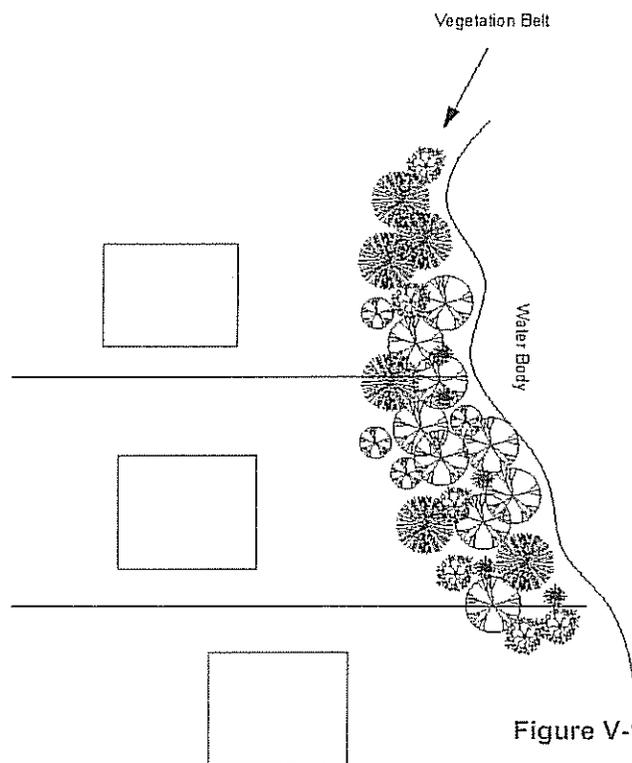


Figure V-1

owner/operator of the facility handles the storage of the goods, wares and vehicles and the owners of the stored items and vehicles will have limited access to their possessions.

WATER BODIES: Surface water, lakes, wetlands, rivers, streams, creeks, brooks, ponds, springs, but not including storm water retention ponds, sediment ponds, or impromptu or uncontrolled collection of storm water.

WATER'S EDGE: The elevation contour line at five hundred eighty one and twenty six hundreds (581.26) feet above sea level.

WETLAND: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation and/or aquatic life, and is classified as forested or non-forested emergent or flats in the Manistee County Land Use/Cover Classification system prepared under the Michigan Resource Inventory Act and characterized by a soil type which is alluvial land, undifferentiated, variably textured flood plain sediments.

WINDMILL (WIND ENERGY CONVERSION SYSTEMS): A windmill or a wind energy conversion system shall mean all, or any combination of the following:

- A. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
- B. A surface area, either variable or fixed, for utilizing the wind for electrical or mechanical power;
- C. A shaft, gearing, belt, or coupling utilized to convey the rotation of the surface areas into a form suitable for driving a generator, alternator, or other mechanical or electricity producing device;
- D. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and,
- E. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

WIRELESS COMMUNICATION ANTENNA: Any mounted device that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies, wireless communication signals, optical, laser or other communication signals; including, but not limited to cellular, PCS, land mobile radio, marine, paging, AM/FM radio antenna, television antenna, satellite dishes, and licensed amateur radio facilities.

WOODY PLANT MATERIAL: Vegetation characterized as having a wooden stem or trunk (as opposed to a fibrous or grass stem).

SECTION 225 X RESERVED

SECTION 226 Y

YARD: An open space that lies between the building or buildings and the nearest lot line. Front yard means a yard between the front property line, which is adjacent to a road right-of-way, and the nearest building line. Rear yard means a yard between the property line on the opposite side of the parcel from the property line adjacent to a road right-of-way and the rear building line. Side yard means the remaining yard(s) between the front and rear building lines and the side line (s) of the parcel. Waterfront yard means a yard between the water's edge and a building line. It may be situated in what would be a side or rear yard if the water body was not present. A parcel may have any combination of yards, so that it may not have a rear yard, it may have two front yards, etc.

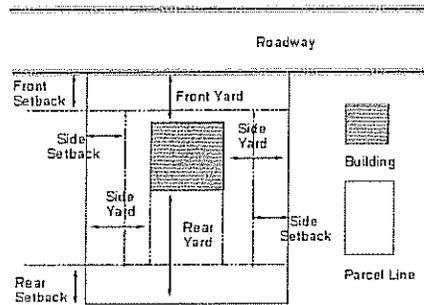
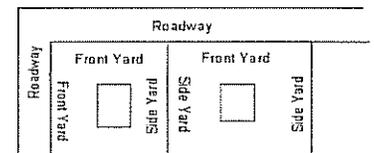
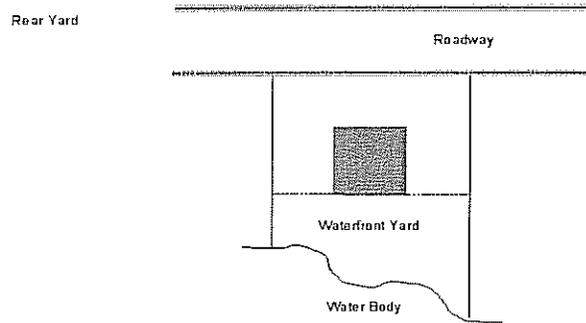


Figure Y-1



SECTION 227 Z

ZONING ADMINISTRATOR: See Administrator

ZONING LOT: Any tract or contiguous tracts of land established by plat, subdivision or otherwise and in the same ownership, whether one or more platted lots or parts of lots, as identified by property tax parcel number in the Manistee County assessment roll.

**ARTICLE III and IV
RESERVED**

ARTICLE V GENERAL PROVISIONS

SECTION 500 PURPOSE

It is the purpose of this Article to set forth regulations that may apply generally in all Zoning Districts to all permitted uses and special uses and to provide detail on how the standards of this Ordinance shall be applied.

SECTION 501 SCOPE

The use of all land and structures and the construction, reconstruction, alteration, repair and moving of all structures within the City of Manistee shall conform with all applicable provisions of this Ordinance unless the nonconformance is a matter of record on the effective date of this Ordinance.

SECTION 502 USES, SPATIAL AND PHYSICAL REQUIREMENTS

- A. Each parcel in the City shall be limited to not more than one (1) principal use; provided that multiple-tenant or multiple-occupant commercial, industrial or mixed-use developments may be regarded as single uses if approved pursuant to the standards of this ordinance.
- B. The continuing maintenance of required spatial relationships and physical requirements of this ordinance for a use, structure, building, and/or parcel shall be the obligation of the owner of the use, structure, building and parcel.
- C. No parcel shall be split, divided or created which does not meet the spatial requirements of this Ordinance, except as may be permitted specifically elsewhere in this Ordinance. No building, structure or use shall be constructed, expanded, renovated or established except in conformance with this Ordinance and the City of Manistee Subdivision Control Ordinance _____.
- D. Required spatial relationships and physical requirements of this ordinance shall apply uniformly within each respective zoning district to all uses, structures, buildings and parcels except that the following may be located anywhere on a parcel:
 1. Those parts of a building which are unroofed porches and decks, including steps, which do not exceed seventy (70) square feet in area, handicapped ramps, terraces, patios and awnings and nonpermanent canopies, but built no closer than three (3) feet from the property line. All roofed porches and decks and those unroofed porches and decks, including steps, which are larger than seventy (70) square feet, will be considered part of the structure and the building area and will be governed by the yard requirements of the Zoning District in which the parcel is located. Provided, however, that 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. Flag poles;
 3. Hydrants;
 4. Arbors, trellises, trees, plants, shrubs, subject to the provisions of Section 513 pertaining to clear vision areas.
 5. Sidewalks, private driveways and walkways.
- E. Required setback distances shall be measured perpendicular to and from the property line or edge of right-of-way or water's edge toward the center of the parcel. Building setback lines shall parallel the parcel line from which they are measured.
- F. In the event a site plan is submitted for a proposed building or improvement in an area where forty percent (40%) or more of the existing buildings on the same side of the street and within the same block do not meet the front yard setback requirements of this ordinance, the Zoning Administrator shall establish the minimum front yard setback for such proposed building or improvement as the average of the actual front yard setback of all existing buildings on the same side of the street within the same block.
- G. Land filling and other contour changes to create a buildable area shall not be undertaken, except in conformance with the requirements of this Ordinance and applicable State and Federal requirements. No person shall undertake any activity such as grading, clearing, cutting and filling, excavating, or tree removal in preparation for a use or structure which requires Site Plan Review and approval until the proposed use or structure is authorized by a Zoning Permit.

SECTION 503 PERFORMANCE STANDARDS

- A. No parcel, building or structure in any Zoning District shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:
1. No vibration shall be permitted in excess of the applicable City noise regulations (City Code Part Six, Chapter 662: Peace Disturbances) or regulations promulgated by rule thereunder.
 2. No audible noise shall be permitted in excess of City noise regulations (City Code Part Six, Chapter 662: Peace Disturbances) or regulations promulgated by rule thereunder.
 3. No storm water runoff, which is a result of development site design, or other manmade features, shall be allowed to collect which results in water standing on the surface, unless the standing water is a part of a properly managed and maintained storm water retention system, sediment pond; or the standing water is in a naturally occurring wetland or water body.

- B. The Administrator shall enforce this Section and Section 504 by cooperating with and reporting suspected violations to the respective enforcement agency(s) responsible for administration of the statutes, rules or ordinances cited above.

SECTION 504 WATER SUPPLY AND SEWAGE FACILITIES

A structure intended or used for human occupancy shall be connected to a public sewer and water supply or to such private facilities in compliance with the City Code, as amended, or approved by the Manistee-Mason District Health Department.

SECTION 505 WATER PROTECTION

Notwithstanding anything to the contrary contained in this Ordinance, the following provisions shall apply:

- A. Manistee Lake and River Channel Filter and Buffer Landscaping. A site plan for any improvement proposed for property within the Manistee Lake and River Channel Overlay as defined in Section ___ of this Ordinance, shall provide for a filter and buffer landscape strip a minimum of ten (10) feet in width along the edge of the water. Such filter and buffer landscape strip shall consist of native, woody vegetation and trees with a trunk diameter of three (3) inches at breast height, or greater. Such said trees and woody vegetation shall not be removed unless dead or chronically diseased, but may be pruned for a filtered view of the water. It shall be the landowner's responsibility to maintain (and establish, if necessary) this vegetation belt in a healthy state.
- B. No building or structure shall be built, located or constructed within a 100 year flood plain, as may be determined by the Michigan Department of Natural Resources or the Federal Emergency Management Agency, unless constructed according to the Michigan Construction Code, as it applies to construction in flood plains, consistent with criteria set forth in Section 1910 of National Flood Insurance Program Regulations, promulgated under the National Flood Insurance Act of 1968.

SECTION 506 HAZARDOUS SUBSTANCE GROUNDWATER PROTECTION

A zoning permit shall be required for the storage of hazardous substances and any facility storing hazardous substances shall submit a site plan therefore pursuant to Section ___ of this Ordinance and shall demonstrate full compliance with the City of Manistee Groundwater Protection Ordinance and all applicable State and Federal standards.

SECTION 507 CONDITIONS OF APPROVAL

The Zoning Administrator, Planning Commission, and Zoning Board of Appeals may attach reasonable conditions with the approval of special land uses, planned unit developments, site plans, variances, and other discretionary zoning decisions. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity,

to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of this Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

SECTION 508 FENCES

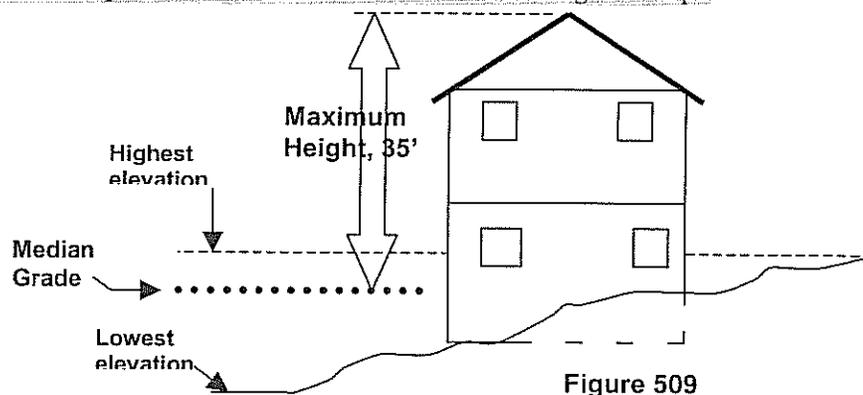
Fences, walls, and decorative fences shall require a zoning permit issued by the Zoning Administrator and shall comply with the following regulations and requirements:

- 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 located closer than forty (40) feet to the waters edge.
- B. Height:
 1. Fences and walls shall not exceed six (6) feet in height in any district. However, the Planning Commission may approve a greater height in a _____ District 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 _____ Districts, no fence shall include barbed or razor wire strands or electrification.

SECTION 509 HEIGHT

- A. Maximum Building Height. No building or structure or part thereof shall be erected or altered to a height exceeding thirty-five (35) feet, as measured from the finished median grade elevation of a site, except as follows:
1. Buildings or structures in the _____ Districts may be erected or altered to a height of forty (40) feet.
 2. Buildings or structures in the _____ Districts may be erected or altered to a height of 60 feet, provided that a fire lane shall be provided within twenty (20) feet of the building or structure. Said fire lane shall be paved and shall have a minimum width of twenty (20) feet.
- C. Measurement. Building height shall be measured from median finished grade elevation to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the highest point for gable, hip and gambrel roofs.
- D. For the purposes of this Section, median grade shall be determined to be the elevation of the crown of the road at the center point of the parcel for all sites where there is less than fifteen (15) feet variation in elevation across the building envelope of the site. For parcels with more than fifteen (15) feet variation across the building envelope, the median grade shall be determined by subtracting the lowest elevation point in elevation within the building envelope from the highest, multiplying the result by 0.667 and adding the product to the elevation of the lowest point.
- D. The requirements of this Section 509 shall not apply to radio, cellular telecommunication and television antenna systems.



SECTION 510 ACCESS TO PUBLIC STREETS

In every Zoning District, every use, building or structure established after the effective date of this Ordinance shall be located on a parcel which abuts a public road or a private road or easement which provides access to a public road, such private road or easement being at least sixty-six (66) feet in width, unless a lesser width was duly established of record prior to the effective date of this

Ordinance or as part of a Planned Unit Development, provided that private easements in all cases shall be at least twenty (20) feet in width.

SECTION 511 DRIVEWAYS AND CURB CUTS

- A. In the _____ Districts only, driveway entrances and exits to a property shall comply with the following standards unless superseded by State or Federal statute or rule.
1. The location of a driveway curb cut to any street shall be a minimum of fifty (50) feet from an intersection of any two streets; except for parcels greater than one hundred (100) feet in width, which shall have driveways curb cuts at least sixty (60) feet from an intersection.
 2. Driveway curb cuts shall be aligned with driveways on the opposite side of the street or offset a minimum distance of thirty (30) feet, measured from centerline to centerline.
 3. Driveways on the same side of the street shall be separated by at least thirty (30) feet, measured from centerline to centerline. Provided, that common or shared drives shall have zero distance between them but shall comply with required distances from intersections and other driveways as set forth in this section.
 4. Exit-only or entrance-only driveways and driveways for dwellings and duplexes, shall be a minimum of ten (10) feet, and no more than twenty (20) feet in width. All other driveways shall be a minimum of twenty (20) feet but no more than thirty five (35) feet in width.
- B. A driveway curb cut shall not be constructed unto a city-owned street unless a driveway is also being constructed.
- C. In those areas without curbs and gutters, the requirements of this section shall apply and be administered as if the curb and gutters were present.
- D. Upon the recommendation of the Zoning Administrator, the Commission may approve a site plan that does not comply the requirements of this section where local conditions make full compliance impossible, providing the distances between the new driveway from street intersections and other driveways is the greatest possible.

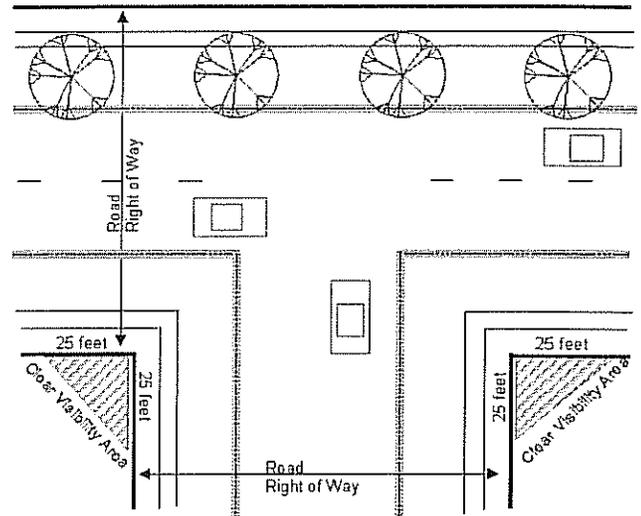
SECTION 512 PRIVATE STREETS

Every private street that provides, or may provide in the future, access to and from a public street for three (3) or more dwelling units or principal buildings on separately owned parcels shall be constructed within a right-of-way not less than sixty-six (66) feet in width and which is established by duly recorded conveyance. Private streets shall be designed and constructed in accordance with the Standards for the Construction of Private Roads of the City of Manistee. A Private Street shall not include driveways to a dwelling and/or business or accessory buildings thereto when the driveway is located on the same parcel of land as the serviced structure; a city street as shown on maps certifying the same to the Michigan Department of Transportation; two-track trails which have been in common use for fifteen (15) or more years and which provide the only access to a parcel of property.

SECTION 513 CLEAR VISIBILITY AT CORNERS

Figure 513

No parking space, fence, hedge, planting, sign, structure, or any other element of the built environment, shall be located, erected or maintained, within a distance of twenty-five (25) feet from a street right-of-way which obstructs safe vision at a street corner. Provided, however, the Zoning Administrator, upon consultation with the City Engineer and/or Chief of Police, may require a greater clear vision area where necessary due to traffic speeds, volumes or the topography of the site.



SECTION 514 VEHICULAR PARKING SPACE, ACCESS AND LIGHTING

A. For each principal building or establishment hereafter erected or altered and located in any Zoning District, including buildings and structures used principally as places of public assembly, there shall be provided and maintained suitable space off the public right-of-way which is adequate for the parking or loading of motor vehicles in the proportions shown below. The parking spaces called for hereunder shall be considered minimum requirements under this Ordinance. Where more than one use exists or is proposed on a parcel, the minimum shall be the sum of the required parking for each use, except where it is demonstrated to the Commission that such provisions would be excessive, in which case shared parking may be permitted.

<u>Use</u>	<u>Number of Parking Spaces Per Unit of Measure</u>
1. Dwellings	Two (2) spaces for each dwelling unit for single family, duplex units and mobile homes, 1½ per dwelling unit for multiple family
2. Hotels, Motels, Inns and Transient Lodging Places	One (1) space for each two units, and one (1) space for each employee.
3. Hospitals, Nursing and Personal Care Facilities	One (1) space for each four beds, and one (1) space for each employee.
4. Places of public assembly	One (1) space for each four seats of legal capacity.
5. Medical clinics and medical and dental offices	One (1) space for each 200 hundred square feet of office space, plus three (3) spaces for each doctor, dentist or other senior medical professional.

- 6. Offices, other than medical or dental clinics One (1) space for each 200 square feet of office space.
- 7. Eating and drinking establishments One (1) space for each three seats of legal seating capacity.
- 8. Retail establishments One (1) space for each 300 square feet of floor area dedicated to retail activity, exclusive of storage areas.
- 9. Industrial and warehouse uses The greater of one (1) space for each 1,000 square feet of floor area, or one space for each employee in the largest shift.

B. In the case of uses or businesses not addressed in paragraph A hereof the required parking shall be determined by the Zoning Administrator, subject to Planning Commission concurrence. The latest edition of the Institute of Traffic Engineers *Parking Generation* shall be consulted in determining a parking requirement for any such use or business.

D. The minimum dimensional standards for parking spaces and aisles shall be as follows.

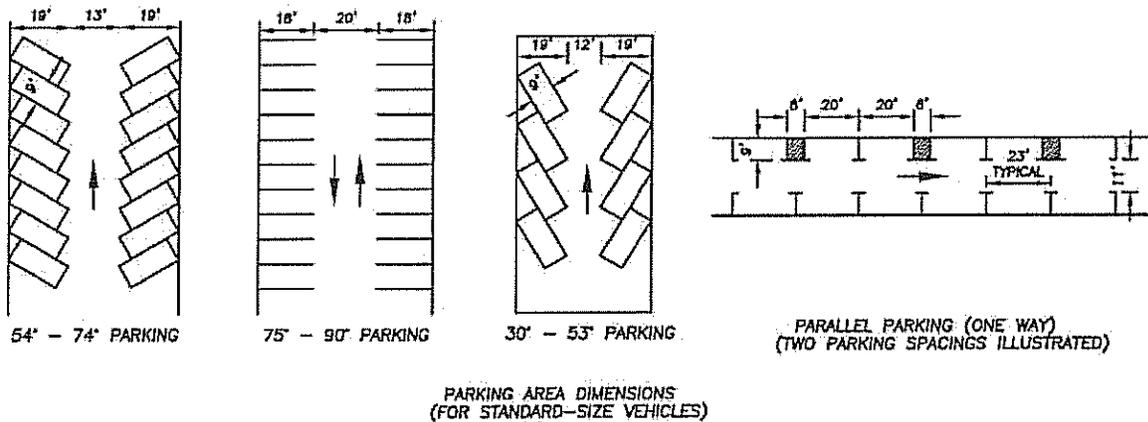
Minimum Parking Space and Maneuvering Lane Standards

Parking Pattern	<u>Lane Width</u>		<u>Parking Space</u>		<u>Total Width of Two Tiers Plus Lane</u>	
	One-way (ft)	Two-way (ft)	Width ⁽¹⁾ (ft)	Length ⁽²⁾ (ft)	One-way (ft)	Two-way (ft)
Parallel	11	18	9	23	40	36
30°-53°	12	18	9	19	50	56
54°-74°	13	19	9	19	51	57
75°-90°	15	20	9	18	51	56

(1) Measured Perpendicular to the space centerline.

(2) Measured along the space centerline.

Figure 514



- D. The approval of the City Engineer shall be obtained for the location of exits and entrances to parking areas and for the design and construction thereof.
- E. Off-street parking areas for all uses requiring City approval shall be paved with concrete or bituminous material with approved curbing and painted parking lines. Parking areas with ten (10) or more spaces shall include landscaped planting islands and perimeter buffers in all instances where sufficient space is available.
- F. For all permitted uses in the _____ District, except hotels, motels, inns, and transient lodging places of six (6) or more units, the parking provisions of this Section shall not apply.
- G. Parking areas required under this Section, and city-owned parking lots, shall not be used for the storage of, camping within, or continuous parking or storage of recreational vehicles, trailers, motor vehicles and junk for more than a twenty-four (24) hour period.
- H. Within the ___ Districts, the Planning Commission may approve shared parking arrangements among various uses when it can be demonstrated that parking in sufficient quantities for all such uses as set forth in this Section shall be available at all times.

SECTION 515 ACCESSORY BUILDINGS AND STRUCTURES

- A. All accessory buildings and structures shall be located in the side yard or rear yard, except when built attached to the principal building.
- B. Accessory buildings shall be located in compliance with the setback requirements of this Ordinance.
- C. An accessory building attached to the principal building of a parcel shall be made structurally a part thereof, and shall comply in all respects with the requirements applicable to the principal building.
- D. An accessory building and structure in the _____ Districts shall not be higher than fourteen (14) feet and side walls shall not be higher than ten (10) feet, unless a higher structure is

approved by the Planning Commission and the Historic District Commission (if applicable) to achieve architectural compatibility with the principal building.

- E. In all Districts except _____ accessory buildings shall not be taller than the principal building. In all Districts except _____, the building area of all accessory buildings shall not exceed the building area of the principal building.
- F. No accessory building shall be used as a dwelling or for temporary or permanent residential or lodging purposes or as sleeping quarters for human beings.

SECTION 516 ACCESSORY USES

- A. When an activity or use is conducted in conjunction with another principal use and the former use; (1) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (2) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. Uses may be considered accessory to the principal use regardless of whether the accessory use is separately identified in this ordinance as a permitted or special use
- B. Interpretation of Accessory Uses: For purposes of interpreting accessory uses:
 - 1. A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use.
 - 2. To be "commonly associated" with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
 - 3. An accessory use shall not generate any effects on neighboring properties, including, but not limited to, noise, parking, traffic, glare, or dust, greater than or more burdensome than such impacts from the main use on the property.
 - 4. By way of example, and not to limit the application of this section, common accessory uses may include swimming pools or tennis courts associated with and integrally related to a residential subdivision or multi-family development, two or fewer boat slips associated with a residential or commercial development, automated car wash associated with a gasoline station.

SECTION 517 TEMPORARY DWELLINGS

Unoccupied parking or storage of temporary dwellings, recreational vehicles, trailers, etc. on a street or front yard is prohibited for more than forty eight (48) hours at a time. No person shall use or permit the use of any temporary dwelling or trailer as a principal or seasonal dwelling on any site, lot, field, parcel or tract of land, except:

- A. As temporary quarters during the construction and installation of a dwelling conforming to this Ordinance when the following conditions are met:
 - 1. The location of the temporary dwelling or trailer shall comply with all setback requirements of this Ordinance.
 - 2. The use of the temporary dwelling or trailer shall not be contrary to the public health, safety or welfare.
 - 3. The temporary dwelling shall, at all times, have a clear and unoccupied space of seven (7) feet on all sides.
 - 4. The use of the temporary dwelling or trailer shall be limited to six (6) months beginning with the issuance of a permit. The permit may be renewed for not more than six (6) months at a time upon approval of the Administrator for good cause shown.
- B. As part of a campground licensed by the Michigan Department of Public Health.

SECTION 518 TEMPORARY STORAGE STRUCTURES

- A. A temporary storage structure shall not be occupied as a dwelling.
- B. A temporary storage structure shall be located only in the side or rear yard of a property and shall meet the setback requirements of its respective district. The Administrator prior to placement must approve the site for the temporary structure.
- C. In all districts, except Industrial, a temporary structure shall not exceed one hundred (100) square feet in size.

SECTION 519 DWELLINGS

No person shall use, occupy, or permit the use or occupancy of a structure as a dwelling, which does not comply with dwelling standards of this Ordinance, or standards of the State of Michigan and United States Department of Housing and Urban Development, whichever is applicable, within any Zoning District, except in a designated manufactured housing community, and except as hereinafter provided. All dwellings shall comply with the following minimum standards.

- A. All dwellings constructed shall have a minimum square footage and minimum width required in each respective Zoning District.
- B. All dwellings shall comply in all respects with the Michigan State Construction Code, including minimum area and heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan Construction Code, then such federal or state standard or regulation shall apply.
 - 1. Foundations: A dwelling shall be firmly attached to a permanent foundation constructed on site in accordance with said State Construction Code and shall have the same perimeter dimensions of the dwelling, except cantilevers. Manufactured housing shall be installed pursuant to the manufacturer's set-up instructions and shall be secured to the foundation

- by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission or said State Construction Code, whichever is stricter, and with the wheels removed and shall not have any exposed towing mechanism, undercarriage or chassis.
2. Framing, structural components, and insulation shall comply with the said State Construction Code, or in the case of mobile homes, shall comply with the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, as amended, and which bears a HUD seal or certification by a certified inspector signifying inspection and compliance with the same.
 3. The final finish of all dwellings shall comply with the said State Construction Code.
- C. All dwellings shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatuses and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- D. Every dwelling hereinafter erected shall have a roof slope of at least an average of four (4) feet, or greater, vertical rise for each twelve (12) feet of horizontal distance. In no case, however, shall the vertical distance be less than the manufacturer's recommendation for the shingles on the roof. The Planning Commission may waive upon a finding that a lesser roof slope would be compatible architecturally with existing structures in the neighborhood.
- E. All dwellings shall contain only additions or rooms or other areas which are constructed with similar quality workmanship as the original structure. Further, such additions shall include permanent attachment to the principal structure. Such permanent attachment shall not include a bearing load on any manufactured housing.
- F. The foregoing standards shall not apply to manufactured housing located in a licensed manufactured housing community except to the extent required by State or Federal law or otherwise specifically required in this Ordinance pertaining to such communities.

SECTION 520 HOME OCCUPATIONS

- A. Minor Home Occupations. Home occupations shall receive a zoning permit upon a finding by the Zoning Administrator that the proposed home occupation shall comply with all of the following requirements.
1. The home occupation(s) shall be conducted entirely within enclosed structures and shall be limited to the personal residence of the person engaging in the home occupation and not more than one approved accessory building.
 2. The home occupation(s) shall be an accessory use to the residential use of the property.

3. The activities and carrying on of the home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the home occupation. No exterior sign shall be permitted.
 4. With the exception of material purchased over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, arts and craft supplies or heating fuel, the home occupation(s) shall not involve the:
 - a. Generation of any hazardous waste as defined in P.A. 64 of 1979, as amended, being the Hazardous Waste Management Act (MCL 229.433 et. seq.), or
 - b. Use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910.2 (Dept. of Labor Regulations).
 5. Not more than one (1) automobile associated with the home occupation may be parked on the street at any time. Any other parking shall be on the parcel where the home occupation is taking place, however, an additional parking area shall not be constructed and the existing driveway prior to the establishment of the home occupation shall be used for other customer parking.
 6. Only the inhabitants of the residence plus not more than one (1) non-resident shall be employed by the home occupation.
 7. No additional rooms or accessory structures may be added to the dwelling to accommodate the home occupation.
 8. Home occupation shall be a permitted use in the respective Zoning District.
- B. Major Home Occupations. Home occupations shall receive a zoning permit upon a finding by the Planning Commission that the proposed home occupation shall comply with the following requirements.
1. The home occupation(s) shall be conducted entirely within enclosed structures and shall be limited to the personal residence of the person engaging in the home occupation and not more than two approved accessory buildings.
 2. The home occupation(s) shall be an accessory use to the residential use of the property.
 3. The activities and carrying on of the home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the home occupation. One exterior, unlighted wall mounted sign shall be permitted with a total area of not more than six (6) square feet.
 4. With the exception of material purchased over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, arts and craft supplies or heating fuel, the home occupation(s) shall not involve the:
 - a. Generation of any hazardous waste as defined in P.A. 64 of 1979, as amended, being the Hazardous Waste Management Act (MCL 229.433 et. seq.), or

- b. Use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910.2 (Dept. of Labor Regulations).
- 5. Not more than one (1) automobile associated with the home occupation may be parked on the street at any time. Any other parking shall be on the parcel where the home occupation is taking place and parking for not more than two (2) automobiles may be constructed in addition to the area of the driveway in existence prior to the establishment of the home occupation.
- 6. Only the inhabitants of the residence plus not more than two (2) non-resident shall be employed by the home occupation.
- 7. Home occupation shall be a permitted use in the respective Zoning District.
- C. Any change or alteration in the nature or activities of a Home Occupation shall be regarded as a new Home Occupation and shall require a new application hereunder.

SECTION 521 HOME BASED BUSINESSES

A Home Based Business shall be treated as a Major Home Occupation subject to the provisions of Section 520, B, and to the following additional standards:

- A. In addition to the occupants of the residence and not more than two non resident employees, a Home Based Business may employ other persons, provided their work activities are undertaken at locations other than the location of the home occupation.
- B. Any motorized vehicles and equipment used in the Home Based Business shall be stored in an enclosed structure when not in use. No outdoor storage of vehicles, equipment, materials or scrap shall be permitted.
- C. The operator of a proposed Home Based Business shall attach an operational plan for the Home Based Business to the application for a zoning permit for the Major Home Occupation. The operational plan shall provide the following information:
 - 1. The hours the Home Based Business will operate.
 - 2. A description of employee parking and workforce staging plans.
 - 3. A site plan in accord with Section _____, indicating the location of any storage of vehicles and equipment as well as any employee or customer parking.
 - 4. A description of the shipping and delivery requirements of the Home Based Business.
 - 5. A description of any material used in the Home Based Business which will be stored on the premises.
- D. The Planning Commission shall review the application for a Home Based Business and shall approve such application if it finds that the proposed Home Based Business shall meet the requirements of this Section and Section 520, B hereof.

- E. Any change or alteration in the nature or activities of a Home Based Business shall be regarded as a new Home Based Business and shall require a new application hereunder.
- F. A failure to fulfill the terms of the Home Based Business, the site plan and its attachments shall be grounds for revocation of Planning Commission approval of a Home Based Business.

SECTION 522 TEMPORARY ACTIVITY PERMITS

- A. The Planning Commission may issue permits for the temporary use and occupancy of property for uses not otherwise provided for in this Ordinance (carnivals, special events, flea markets, environmental testing devices) and which do not require the erection of any structures requiring foundations or connection to public water or sewer. For the purpose of this section, a temporary activity shall not extend for more than six (6) months in any year. There shall be no minimum duration for a temporary activity. Provided, however, that sales of personal items from a private residence or church, such as garage or yard sales, shall not require a temporary activity permit if such sale does not extend for more than three (3) days in any ninety (90) day period.
- B. The Planning Commission shall issue Temporary Activity Permits in response to a properly completed application, if it finds that such activity shall:
 1. Conform with applicable minimum development standards, including but not limited to setbacks, off-street parking and loading, and signs;
 2. Maintain adequate setbacks between stalls, fixtures and equipment to allow emergency access;
 3. Be compatible with the physical character and the use of nearby properties;
 4. Not adversely impact the public health, safety, and general welfare of the City, its residents and businesses.
 5. The Zoning Board of Appeals shall establish a definite time limit for the existence of any such temporary use which shall not exceed six (6) months.
- C. In accordance with Section 507, the Planning Commission may establish conditions upon the approval of a Temporary Activity permit, including establishment of a definite time limit for the existence of any such temporary use which shall not exceed six (6) months

SECTION 523 PARCEL DIVISIONS

- A. New parcels created shall conform with this Section and the applicable provisions of one of the following development options. The splitting and combining of one adjacent parent parcel with another is allowed, conditioned on both parent parcels not having been split previously under either Development Option listed below. In these cases the resulting reconstituted parent parcels shall be the basis for further allowable land divisions.

This does not comply with statutory open space preservation requirements, because it requires Zoning Admin. Approval for Option 1 and Option 2 is structured as a PUD.

1. Development Option 1, (available only if approved by the Administrator) Country Properties: A maximum of eighty (80%) percent of any parent parcel's buildable area may be divided into new parcels averaging not less than 10,000 square feet in area. The remaining twenty (20%) percent of the parent parcel shall be kept as usable open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means acceptable to the Administrator.
2. Development Option 2, Conservation Planned Unit Development: A maximum of eighty (80%) percent of any parent parcel's buildable area may be divided into new parcels averaging not less than 10,000 square feet in area. The remaining twenty (20%) percent of the parent parcel shall be kept as useable open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means acceptable to the Planning Commission.
 - a. Eligibility: Parent parcels not previously split may be developed per Development Option 2.
 - b. Minimum Conservation Land Requirement: The development density which would normally be realized on the entire parent parcel shall be transferred to the area of the parent parcel which is not the twenty (20%) percent of the parent parcel which shall be kept as usable open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means.
 - c. Determining Maximum Allowable Parcel Divisions: The maximum number of new parcels which may be created within the parent parcel shall be the same number calculated by dividing the total area of the parent parcel which is buildable area by the minimum parcel area required in the respective zoning district. To illustrate this density the applicant to the Administrator shall submit a conceptual plan of division of the parent parcel. This plan shall contain proposed parcels, roads, rights-of-way, areas which are not in the buildable area, and other pertinent features. This plan must be drawn to scale, but does not need to be based on a field survey.
 - d. Siting Criteria for New Parcels: Diversity and originality in parcel layout shall be encouraged to achieve the best possible relationship between Buildable and Conservation Land (per Section A.2.b). The Planning Commission shall evaluate proposals to determine whether the proposed site plan meets the site plan criteria of Section ___ and the following:
 - 1) Protects and preserves all beach contiguous to a lake or stream, wetland, flood plain; existing public utility easements; existing public rights-of-way; waterfront setback areas; slopes over twenty five (25%) percent; and buffer areas around such features from clearing, grading, filling, and construction.
 - 2) Maintains or creates an upland buffer of natural native species vegetation of at least one hundred (100) feet in depth adjacent to wetlands and surface waters.
 - 3) Leaves scenic views and vistas unblocked and uninterrupted, particularly as seen from adjacent roads and surface water.

- 4) Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features or by siting in forested areas.
- 5) Protects wildlife habitat areas of species listed as endangered, threatened or of special local concern.
- 6) Designs around and preserves sites of historic, archaeological, or cultural value, insofar as needed to safeguard the character of the feature.
- 7) Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public streets. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stonewalls, hedgerows, and so on.
- 8) Provides that Conservation Lands (per Section A.2.b) shall be reasonable and contiguous. While Conservation Lands are exempt from the 4 to 1 maximum parcel depth to width ratio, fragmentation of these lands shall as much as practical be minimized so that (except for common greens and playground areas) these areas are not divided into numerous small parcels located in various parts of the development.
- 9) When Conservation Lands (per Section A.2.b) are held in common by surrounding parcel owners the proposed site plan shall:
 - a) Provide for active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby parcels in the buildable area(s).
 - b) Include a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between parcels, activity areas, special features, and contiguous developments.
 - c) Ownership of Conservation Lands (per Section A.2.b) may remain with the owner of the parent parcel, a homeowners association made up of parcel owners in the development, the City, or a recognized non-profit land conservancy.
 - d) Conservation Lands (per Section A.2.b) created pursuant to Development Option 2 may be used for any permitted use allowed in the respective zoning district pursuant if the parcel contains a large enough buildable area and if said use is permitted by the conservation easement and the Open Space Preservation Act (Act 179 of 2001). Such parcels shall be covered by a conservation easement prohibiting the further splitting or development of these lands in the future. Both the City and one of the following shall hold such conservation easement jointly: a homeowners association made up of parcel owners in the development or a recognized non-profit land conservancy.

B. Application and Site Plan Review Process:

1. A pre-application conference between the applicant, the site designer, and the administrator to discuss the applicant's objectives and how these may be achieved under this Ordinance is encouraged for all parcels to be split under provisions of Development Option 1. Engineering, site plans, or surveys, shall not be required for the pre-application conference and shall not be accepted or reviewed at the pre-application conference. If necessary a site visit may be scheduled during the pre-application conference.
2. A pre-application conference between the applicant, the site designer, and the administrator to discuss the applicant's objectives and how these may be achieved under this Ordinance shall be mandatory for all parcels to be split under provisions of Development Option 2. Engineering, site plans, or surveys, shall not be required for the pre-application conference and shall not be accepted or reviewed at the pre-application conference. If necessary a site visit may be scheduled during the pre-application conference.
3. The application shall then be processed under the Special Use Permit, Section ___ et. seq. of this Ordinance, and Planned Unit Development Districts Section ___ et. seq. of this Ordinance. The City shall simultaneously approve the land division splits as part of the review.

SECTION 524 STRUCTURES PROJECTING INTO SETBACKS

No structure, other than fences, shall be placed within the required setback area (required yard). Setbacks shall be measured from the property line, or the ordinary high water mark, to the foundation of the structure (including porches and steps), unless an upper portion of the structure projects beyond the foundation, then the setback shall be measured from the property line to a point which is perpendicular to the furthest most point of the projections, exclusive of any eaves. Further, at no time will the eaves be permitted to extend into the required setback area more than one-third of the required setback.

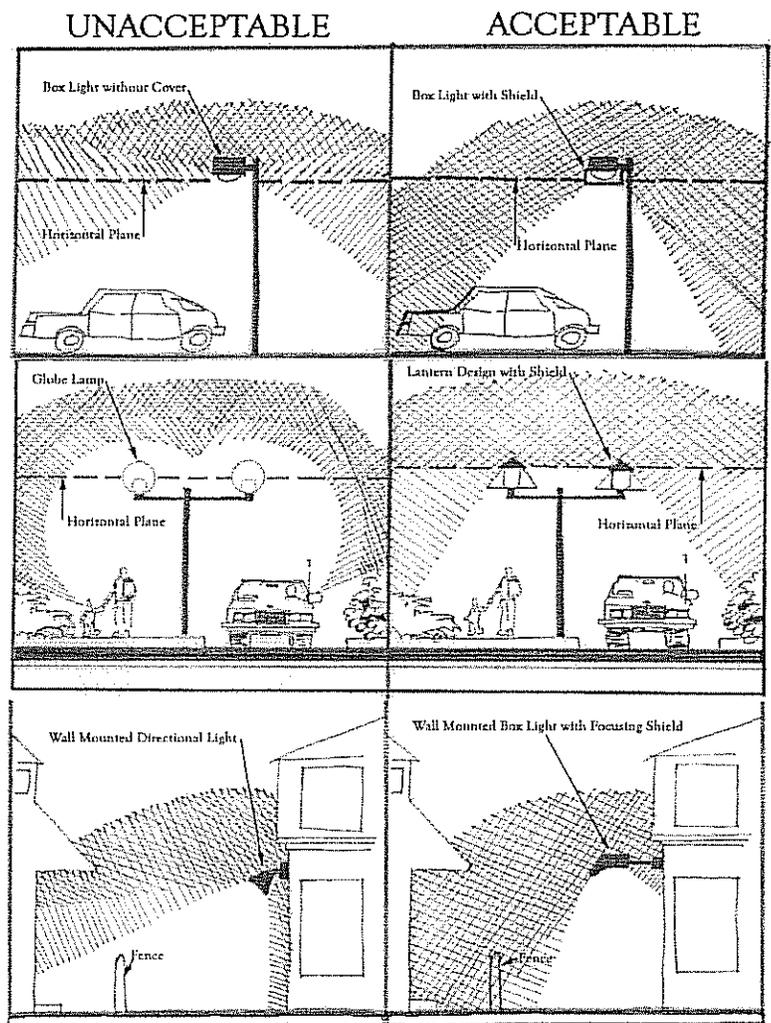
SECTION 525 OUTDOOR LIGHTING REQUIREMENTS

- A. Intent and Purpose: To maintain safe nighttime driver performance on public roadways, by minimizing both brightly lighted surfaces and lighting glare, to preserve the restful quality of nighttime, by eliminating intrusive, artificial light and lighting that unnecessarily contributes to "sky glow", and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plan or plot plans submitted for approval under the terms of this Zoning Ordinance.
- B. General Provisions:
 1. Exempted areas and types. The following types of outdoor lighting shall not be covered by this Ordinance:

- a. Residential decorative lighting such as porch lights, low level lawn lights, and special seasonal light such as for Christmas decorating, and residential yard lights whether building mounted or pole mounted.
 - b. Sign lighting as regulated by Section ____.
 - c. Lighting associated with detached single family housing.
2. Regulated Lighting. The following types of lighting shall be regulated by this Ordinance:
- a. Parking lot lighting and site lighting for commercial, industrial and institutional developments.
 - b. Multiple Family Developments parking lot lighting and site lighting.
 - c. Publicly and privately owned roadway lighting.
 - d. Building facade lighting.
 - e. Other forms of outdoor lighting which, in the judgment of the Planning Commission is similar in character, luminosity and/or glare to the foregoing.

Figure 525

3. Standards: Lighting shall be designed and constructed in such as manner to:
- a. Ensure that direct or directly reflected light is confined to the development site.
 - b. Lamps and luminaries shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way, or the light source is not directly visible from beyond the boundary of the site.
 - c. The light from any illuminated source shall be designed so that the light intensity or brightness at any property line shall not exceed one (1) foot candle.



- d. Lighting fixtures shall have one hundred percent (100%) cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane. No light fixture shall be mounted higher than twenty (20) feet above the average grade of the site, except for approved outdoor recreation area lighting.
- e. Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling, glare guards or lenses to meet the requirements of this section.
- f. There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Beacon and search lights are not permitted.
- g. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

SECTION 526 OUTDOOR STORAGE

A. Residential Districts.

1. Within the R-1, R-2, R-3 and R-4 Districts, the outdoor storage or parking of trucks of more than one and one-half (1½) tons or trailers of any kind shall be permitted only in accordance with this Section. The storage or parking of trucks of more than one and one-half (1½) tons, truck trailers, recreational vehicles and boats shall be prohibited in any front yard in all districts, except as accessory to a use permitted by right or by special land use permit.
2. The outdoor storage of recreational vehicles and boats units shall be regarded as a permitted accessory use in the R-1, R-2, R-3 and R-4 Districts, if such storage conforms to the provisions of this section.
3. Such outdoor storage may be permitted within the rear yard or in one (1) side yard, provided all stored material is placed no closer than three (3) feet from a side lot line or five (5) feet from a rear lot line and provided that such storage does not prevent clear access between the front and rear yards of the parcel.
4. Such storage shall not be permitted in any front yard, except that trucks of more than one and one-half (1½) ton, recreational vehicles or boats and trailers may be stored in a driveway within a front yard for a period of not more than twenty-one (21) consecutive days.
5. The open storage of disassembled or component parts for any vehicle of any type shall be deemed a nuisance in accord with Section _____ and shall be prohibited at all times.
6. Recreational vehicles shall not be used for lodging or housekeeping purposes, except as otherwise authorized by permit.

7. Any recreational vehicle or boat stored out of doors shall be the property of the resident, except that one (1) such authorized unit may be the property of a non-resident.
 8. No recreational vehicle or recreational unit shall be parked or stored on any roadway or road right-of-way, except in accord with Section ___ of the City of Manistee Parking Ordinances.
- B. Commercial and Industrial Districts. Yards for storage of heavy machinery, supplies and materials generally used by road builders, earth movers, and construction contractors, or unused motor vehicles, trailers or boats, or parts thereof, which may or may not be wholly owned by the property owner, shall be only located in areas approved by the Planning Commission. Such storage yards shall be entirely enclosed with a solid fence not less than six (6) feet high and not more than eight (8) feet high constructed and maintained in such suitable manner in accordance with this Zoning Ordinance. In approving or disapproving such a fence to screen outdoor storage, the following standards shall be applied:

SECTION 527 ESSENTIAL SERVICES

The Planning Commission shall have the power to permit the use of lands and the erection and use of buildings and facilities for an essential service in any district. The Planning Commission may further authorize buildings in connection with an essential service to be constructed to a height or of a building area greater than permitted in the district upon a finding that such use, height and area is reasonably necessary for the public convenience and service.

SECTION 528 PERFORMANCE GUARANTEE FOR COMPLIANCE

In authorizing any variance, or in granting any conditional, temporary or special land use approval permits, the Planning Commission and the Zoning Board of Appeals may require that a performance guarantee be furnished to insure compliance with the requirements, specifications and conditions imposed with any such approval to insure continued compliance with any conditions of approval and/or the proper discontinuance of a temporary use by a stipulated time. Such performance guarantee may be in the form of a cash deposit, certified check, or irrevocable bank letter of credit, at the discretion of the Planning Commission or Zoning Board of Appeals.

SECTION 529 CONDOMINIUM SUBDIVISIONS

SECTION 530 UNCLASSIFIED USES

The Planning Commission may find that a land use, while not specifically classified in this ordinance as a permitted or special land use, may be sufficiently similar to uses listed as permitted by right or as special uses. In that event, such unclassified uses may be reviewed and treated as similar classified uses within the district. In reaching such a finding, the Zoning Administrator shall first evaluate the proposed use in terms of the potential generation of traffic, congestion, noise, odors, dust, litter and similar impacts. In addition, the proposed use shall be evaluated to

determine the degree to which it may support or conflict with the intent of the district and other permitted and special land uses. If the Zoning Administrator determines that such use is similar to the uses permitted by special use permit, a report outlining the determination shall be provided to the Planning Commission with a recommendation to consider such use as sufficiently similar to permitted or special land uses within the district. Where a proposed use of land or use of building is not contemplated or specified by this Ordinance or where the Zoning Administrator has a question as to the appropriateness of a use which, although permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not contemplated or specified by this Ordinance, or that it involves features which were not contemplated or specified herein, such use shall be prohibited.

ARTICLE VI - RESERVED

ARTICLE VII
DISTRICTS, DIMENSIONAL STANDARDS
USES TABLE AND ZONING MAP

SECTION 701. ESTABLISHMENT OF DISTRICTS

The City is hereby divided into the following Zoning Districts as shown on the Official Zoning Map:

A. Residential districts:

1. R-1 Low Density Residential
2. R-2 Moderate Density Residential
3. R-3 High Density Residential
4. R-4 Manufactured Housing Community

B. Commercial districts:

1. C-1 Neighborhood Commercial
2. C-2 Central Business
3. C-3 Regional Commercial

C. Industrial districts:

1. I-1 Light Industrial
2. I-2 Lakefront Industrial

D. Overlay districts:

1. High Risk Erosion Overlay
2. Wellhead Protection Overlay
3. Lakefront Overlay

SECTION 702. OFFICIAL ZONING MAP

- A. For the purposes of this Ordinance the Zoning Districts as provided in this Ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of Manistee City", a copy of which accompanies this Ordinance and which, with all explanatory matter thereon, is hereby incorporated into and made a part of this Ordinance by reference.
- B. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Manistee City", together with the effective date of this Ordinance, or any amendments thereto.
- C. If, in accordance with the procedures of this Ordinance and Michigan law a change is made in a Land Use District boundary, such change shall be made by or under the direction of the Mayor promptly after the amendment authorizing such change shall have been adopted and published.
- D. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the

Manistee City Hall shall be the final authority as to the current zoning status of any land, parcel, lot, Zoning District, use, building or structure in the City.

- E. In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Council may by resolution authorize the transcribing and drawing of a duplicate official zoning map which shall supersede the prior Official Zoning Map. The duplicate Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The duplicate Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Manistee City duplicated on _____, which replaces and supersedes the Official Zoning Map which was adopted on _____"
- F. Where uncertainty exists as to the boundaries of Land Use Districts as shown on the Official Zoning Map, the following rules of interpretation shall apply:
1. A boundary indicated as approximately following the centerline of a highway, street, alley or easement shall be construed as following such line.
 2. A boundary indicated as approximately following a recorded parcel line or a property line shall be construed as following such line.
 3. A boundary indicated as approximately following the corporate boundary line of the city shall be construed as following such line.
 4. A boundary indicated as following a railroad line shall be construed as being the centerline of the railroad right of way.
 5. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
 6. A boundary indicated as following the centerline of a water body shall be construed as following such centerline at the time of interpretation.
 7. A boundary indicated as parallel to, or an extension of, a feature indicated in subsections 1 through 6 above shall be so construed.
 8. A distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
 9. Where a physical or cultural feature existing on the ground is at variance with that shown on the Official Zoning Map, or in any other circumstance not covered by subsections 1 through 8 above, or question in interpreting subsections 1 through 8 above, the Zoning Board of Appeals shall interpret the Zoning District boundary.

Insert revised zoning map

SECTION 703. APPLICATION OF REGULATIONS

The regulations established by this Ordinance within each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land or building, dwellings and structures throughout each Zoning District.

SECTION 704. ZONING DISTRICT REGULATIONS

The Schedule of District Regulations set forth as Table 7-1 provides an overview of the dimensional requirements of this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for a precise reference to the specific language of this ordinance.

SECTION 705. TABLE OF LAND USES

Table 7-2, Table of Land Uses summarizes the applicable regulatory standards for the land uses governed under this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this ordinance.

**Table 7-2 - City of Manistee
Schedule of Regulations**

District	Minimum Lot Dimensions		Maximum Lot Coverage (%)	Minimum Yard Requirements (feet)			Maximum Density DU/Acre	Maximum Height Feet/stories	Minimum Floor Area Per Dwelling and Width (Sq. Ft. & Ft)
	Area (sq. ft.)	Width (feet)		Front ^(a)	Side	Rear			
R-1	18,000	100	40%	30/63	10	10/50	4	35/2½	1,300/20
R-2	10,000	80	40%	30/63	10	10/50	n/a	35/2½	1,300/20
R-3	6,000	60	60%	25/58	10	10	17	35/2½	1,200/20
R-4	10,000 ^(b)	80	40%	25/58	10	10	8	35/2½	1,200/20

Notes: a. The figure before the slash (/) refers to the setback dimension in platted areas and the second figure shall be applied in non-platted areas and shall be measured from the road centerline. In areas where the majority of parcels do not meet the setback requirements, the Zoning Administrator may establish a reduced setback requirement in accord with Section ____.

b. For multiple unit buildings, a minimum of 10,000 square feet shall be provided, plus 2,000 square feet for each additional dwelling unit up to twenty (20), plus 2,500 square feet for each additional dwelling unit in excess of 20.

Table 7-2, Table of Land Uses summarizes the applicable regulatory standards for the land uses governed under this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for careful reference to the specific language of this ordinance.

CITY OF MANISTEE - Table of Land Uses

Table 7-2 Uses Permitted by Right and Special Land Use Permit

(R=Use by Right; SLU=Use Permitted as Special Land Use; * Indicates districts in which certain uses do not require site plan review)

USES	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	I-2
Accessory Bldg. ≤ footprint principal structure	R	R	R	R					
Accessory Bldg. > footprint principal structure	SLU	SLU	SLU	SLU					
Accessory Uses, Rel. to uses permitted	R/SLU	R/SLU	R/SLU	R/SLU					
Adult Foster Care Facility		SLU	SLU						
Animal Grooming									
Assembly Operation									
Auto Repair Service									
Bed & Breakfast		SLU	SLU						
Billboard									
Cemetery									
Contractor's Facility									
Convenience Store, w/ fuel pumps			SLU						
Convenience Store, w/o fuel pumps		SLU	R						
Day Care, Commercial			SLU						
Day Care, Group	SLU	SLU	R	SLU					
Drive-through Establishment									
Duplex	SLU	R	R	SLU					
Dwelling - Multiple Unit		SLU	SLU						

USES	R-1	R-2	R-3	R-4	C-1	C-2	C-3	L-1	L-2
Dwelling - Single Unit	R	R	R	SLU					
Eating and Drinking Establishment			SLU						
Educational Facility	SLU	SLU	SLU						
Financial Institution									
Gallery or Museum									
Gasoline Station			SLU						
Golf Course	SLU								
Greenhouse and Nursery									
Home Based Business	SLU	SLU	SLU						
Home Occupation, Minor	R	R	R	R					
Home Occupation, Major	SLU	SLU	SLU	SLU					
Hospital or Clinic			SLU						
Hotel		SLU	SLU						
Kennel	SLU								
Laundry and Dry Cleaning Establishment									
Manufactured Housing Community				R					
Marina	SLU								
Medical or Dental Office									
Mini/Self-Storage Facility									
Mining and Mineral Processing Facility									
Mixed-Use Development	SLU	SLU	SLU	SLU					
Mortuary		SLU	SLU						
Motel									
Nursing Home or Convalescent Home		SLU	R						

USES	R-1	R-2	R-3	R-4	C-1	C-2	C-3	I-1	I-2
Outdoor Recreation, Park Facility	R	R	R	R					
Outdoor Sales Facility									
Parking Facility, Public									
Personal Service Establishment		SLU	SLU						
Place of Public Assembly - Large	SLU	SLU	SLU						
Place of Public Assembly - Small	R	R	R						
Planned Unit Development	SLU	SLU	SLU	SLU					
Processing and Manufacturing Facility									
Professional Office		SLU	SLU						
Professional Service Establishment									
Research, Testing and Laboratory Facility									
Retail Business		SLU	SLU						
Sex-Oriented Business									
Sports and Recreation Club	SLU								
Studio for Performing and Graphic Arts		SLU	SLU						
Subdivision, Plat or Condo. (of permitted uses)	R	R	R	R					
Sweetening Plant									
Tattoo Parlor									
Theater									
Uses similar to uses permitted by right or as special land uses	R/SLU	R/SLU	R/SLU	R/SLU					
Veterinary Clinic		SLU	SLU	SLU					
Warehouse, Public									
Wind Energy Conversion System									

ARTICLE VIII
R-1 – LOW DENSITY RESIDENTIAL DISTRICT

SECTION 801 PURPOSE AND INTENT

It is the intent of this District to establish and protect residential areas consisting primarily of low density, single-family neighborhoods designed and maintained promote an attractive, healthy and stable living environment for families, singles and the elderly. In portions of the district near Lake Michigan, this district is intended to protect the Lake Michigan shoreline environment while enabling sustainable enjoyment of this unique feature of the community. In portions of the district not served by public water and wastewater services, this district is intended to enable very low density residential development served with sustainable on-site systems.

PERMITTED USES

- ◆ Accessory building with footprint less than or equal to the footprint of the principal structure
- ◆ Accessory use to uses permitted by right.
- ◆ Dwelling, detached single family
- ◆ Minor Home Occupation subject to Section 520
- ◆ Outdoor Recreation, Park
- ◆ Small Place of Public Assembly
- ◆ Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to Sections 522 and the Subdivision Control Ordinance.
- ◆ Use similar to uses permitted by right, subject to Section 530

SPECIAL USES

- ◆ Accessory building with footprint greater than the footprint of the principal structure
- ◆ Accessory use to permitted special use
- ◆ Duplex
- ◆ Group Day Care (7-12 children)
- ◆ Education Facility
- ◆ Golf Course
- ◆ Home Based Business
- ◆ Kennel
- ◆ Major Home Occupation
- ◆ Marina
- ◆ Mixed Use Development
- ◆ Large Place of Public Assembly
- ◆ Planned Unit Development
- ◆ Sports and Recreation Club
- ◆ Use similar to permitted special use

ADDITIONAL STANDARDS

- ◆ Site Plan requirements subject to Section ____ for all uses other than _____
- ◆ Parking and Loading requirements subject to Section 514.
- ◆ Signage requirements subject to Section ____
- ◆ Lighting requirements, subject to Section 525
- ◆ Landscaping and Buffering requirements, subject to Section ____.

DISTRICT REGULATIONS

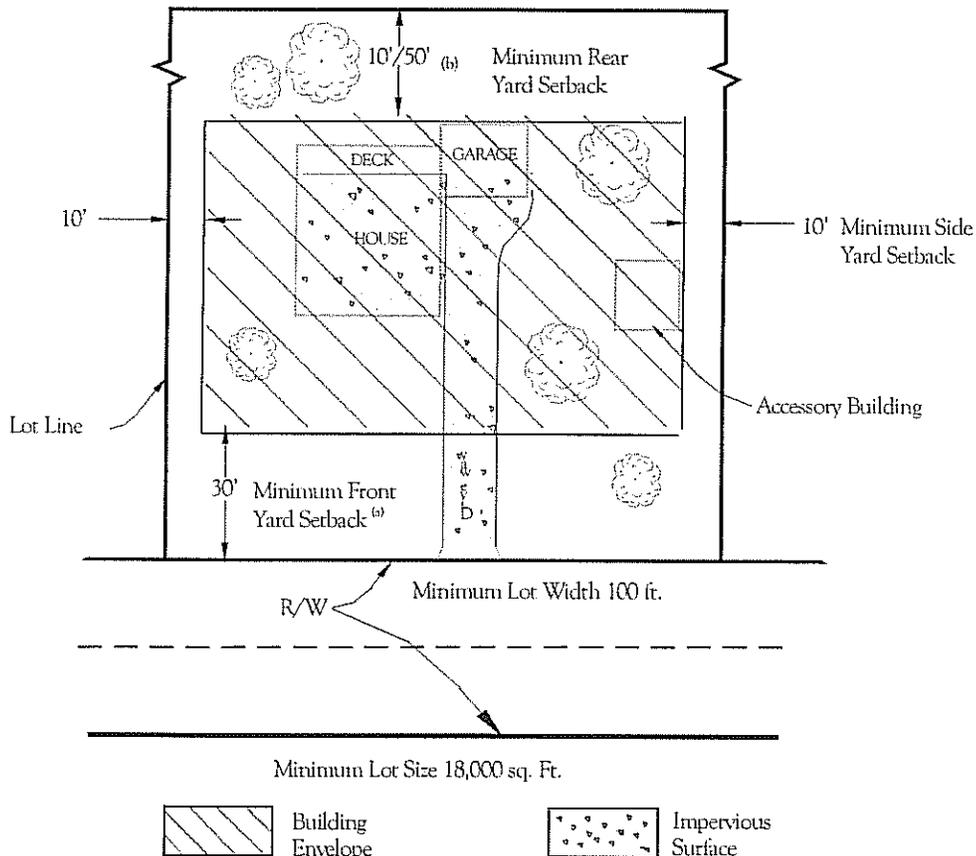
<p>Minimum Lot Area: 18,000 sq. ft</p> <p>W/O community water and sewer 40,000 sq. ft</p> <p>Maximum Dwelling Units/Acre 4</p> <p>W/O community water and sewer 1</p> <p>Minimum Building Setbacks</p> <p>Front^(a) 30 ft.</p> <p>Side 10 ft. (each side)</p> <p>Rear 10 ft.</p> <p>Waterfront 50 ft. ^(b)</p>	<p>Minimum Lot Width 100 ft.</p> <p>W/O community water and sewer 150 ft.</p> <p>Maximum Building Height 2½ stories, or 35'</p> <p>W/O community water and sewer 1</p> <p>Maximum Lot Coverage 40%</p> <p>Minimum Building Area 1,300 sq. ft.</p> <p>Minimum Dwelling Width 20 ft.</p> <p>Accessory Building Minimum Setbacks:</p> <p>Side 3 ft.</p> <p>Rear 3 ft. ^(c)</p>
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^(a) Or 63 feet from the centerline of the street, whichever is greater and subject to Section 502, F

^(b) As measured from the ordinary high water mark, except where a greater distance is required by Section ____, High Risk Erosion Control.

^(c) Provided that garages fronting on platted alleys shall be set back the greater of 3 feet from the rear property line or 20 feet from property line on the opposite side of the alley.

R-1 DISTRICT



SECTION 802 USES PERMITTED BY RIGHT

The following uses of buildings and land shall be permitted within the R-1 District subject to the provisions of Article ____, Site Plan Approval.

- A. Accessory building with footprint less than or equal to the footprint of the principal structure
- B. Accessory use to uses permitted by right.
- C. Dwelling, detached single family
- D. Minor Home Occupation subject to Section 520
- E. Outdoor Recreation, Park
- F. Small Place of Public Assembly
- G. Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to Sections 522 and the Subdivision Control Ordinance.
- H. Use similar to uses permitted by right, subject to Section 530

SECTION 803 USES PERMITTED BY SPECIAL LAND USE PERMIT

The following uses of buildings and land may be permitted within the R-1 District, as special land uses subject to the provisions of Article ____, special land use approval.

- A. Accessory building with footprint greater than the footprint of the principal structure, subject to Section ____.
- B. Accessory use to permitted special use, subject to Section ____.
- C. Duplex, subject to Section ____.
- D. Group Day Care (7-12 children), subject to Section ____.
- E. Education Facility, subject to Section ____.
- F. Golf Course, subject to Section ____.
- G. Home Based Business, subject to Section 521.
- H. Kennel, subject to Section ____.
- I. Major Home Occupation, subject to Section 520.
- J. Marina, subject to Section ____.
- K. Mixed Use Development, subject to Section ____.
- L. Large Place of Public Assembly, subject to Section ____.
- M. Planned Unit Development, subject to Section ____.
- N. Sports and Recreation Club, subject to Section ____.

O. Use similar to permitted special use, subject to Section 530.

SECTION 804 DIMENSIONAL STANDARDS.

Within the R-1 District, the following dimensional standards shall apply:

- A. Parcel Area - No building or structure shall be established on any parcel less than eighteen thousand (18,000) square feet in area.
- B. Parcel Width - The minimum parcel width shall be one hundred (100) feet and it shall front on a public street.
- C. Yard and Setback Requirements - The following requirements shall apply to every parcel, building or structure.
 1. Front Yard: The minimum setback shall not be less than thirty (30) feet from front property line, or sixty-three (63) feet from centerline of a street, whichever is greater. In established neighborhoods, where a majority of the buildings do not meet the required front yard setback, the Administrator may establish an alternate setback, pursuant to Section 502, F.
 2. Side Yards: The minimum width of either yard shall not be less than ten (10) feet. For accessory buildings, the minimum rear yard and side yard setback shall be three (3) feet;
 3. Rear Yard: The minimum setback shall not be less than ten (10) feet. For accessory buildings, the minimum rear yard and side yard setbacks shall be three (3) feet, excepting garages which front on a platted alley. Such garages shall be set back a minimum of twenty (20) feet from the property line on the opposite side of the alley, to provide a minimal turning radius for vehicles, but at no time shall the structure be closer than three (3) feet to the rear property line. The side yard for such garage shall be the same as for other accessory structures, as outlined above.
 4. Waterfront Yard: The minimum setback shall not be less than fifty (50) feet from the normal high water line, or the setbacks required in Section ____, High Risk Erosion Control, whichever is farther landward.
 5. Building Area: No dwelling shall be constructed in the R-1 District which is less than one thousand three hundred (1,300) square feet of building area, or is less than twenty (20) feet wide.
 6. Living Area: No dwelling unit shall be constructed in the R-1 District which has less than one thousand (1,000) square feet of living area.
 7. Lot Coverage: Not more than forty percent (40%) of the parcel area shall be covered by buildings.

ARTICLE IX

R-2 – MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 901 PURPOSE AND INTENT

It is the intent of this District to establish and protect residential areas consisting primarily of medium density, single-family neighborhoods and multi-family communities designed and maintained promote an attractive, walkable, healthy and stable living environment for families, singles and the elderly. The R-2 District, while primarily residential in character, will incorporate some retail and personal service land uses to enhance and strengthen neighborhood life and promote a cohesive and complete community. All portions of the R-2 District shall be served with public water and wastewater services.

PERMITTED USES

- ◆ Accessory building with footprint less than or equal to the footprint of the principal structure
- ◆ Accessory use to uses permitted by right.
- ◆ Duplex
- ◆ Dwelling, detached single family
- ◆ Minor Home Occupation subject to Section 520
- ◆ Outdoor Recreation, Park
- ◆ Small Place of Public Assembly
- ◆ Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to Sections 522 and the Subdivision Control Ordinance.
- ◆ Use similar to uses permitted by right, subject to Section 530

SPECIAL USES

- ◆ Accessory building with footprint greater than the footprint of the principal structure
- ◆ Accessory use to permitted special use
- ◆ Adult Foster Care Facility
- ◆ Bed & Breakfast

SPECIAL USES (cont'd)

- ◆ Convenience Store, w/o fuel pumps
- ◆ Dwelling, Multiple Unit
- ◆ Group Day Care (7-12 children)
- ◆ Education Facility
- ◆ Golf Course
- ◆ Home Based Business
- ◆ Hotel
- ◆ Kennel
- ◆ Large Place of Public Assembly
- ◆ Major Home Occupation
- ◆ Mixed Use Development
- ◆ Mortuary
- ◆ Nursing Home or Convalescent Home
- ◆ Personal Service Establishment
- ◆ Planned Unit Development
- ◆ Professional Office
- ◆ Retail Business
- ◆ Studio for Performing and Graphic Arts
- ◆ Use similar to permitted special use
- ◆ Veterinary Clinic

ADDITIONAL STANDARDS

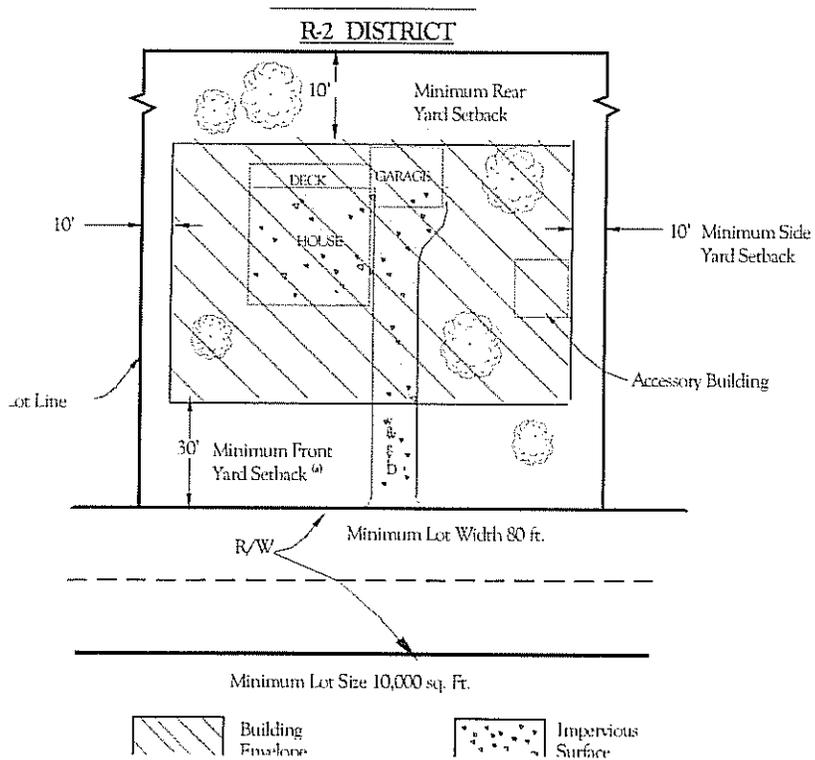
- ◆ Site Plan requirements subject to Section ___ for all uses other than _____
- ◆ Parking and Loading requirements subject to Section 514.
- ◆ Signage requirements subject to Section ___
- ◆ Lighting requirements, subject to Section 525
- ◆ Landscaping and Buffering requirements, subject to Section ___.

DISTRICT REGULATIONS

Minimum Lot Area:	10,000 sq. ft	Minimum Lot Width	80 ft.
Maximum Dwelling Units/Acre	8	Maximum Building Height	2½ stories, or 35'
Minimum Building Setbacks		Maximum Lot Coverage	40%
Front ^(a)	30 ft.	Minimum Building Area	1,300 sq. ft.
Side	10 ft. (each side)	Minimum Dwelling Width	20 ft.
Rear	10 ft.	Accessory Building Minimum Setbacks:	
		Side	3 ft.
		Rear	3 ft. ^(b)

^(a) Or 63 feet from the centerline of the street, whichever is greater and subject to Section 502, F

^(b) Provided that garages fronting on platted alleys shall be set back the greater of 3 feet from the rear property line or 20 feet from property line on the opposite side of the alley.



SECTION 902 USES PERMITTED BY RIGHT

The following uses of buildings and land shall be permitted within the R-2 District subject to the provisions of Article ____, Site Plan Approval.

- A. Accessory building with footprint less than or equal to the footprint of the principal structure
- B. Accessory use to uses permitted by right.
- C. Duplex
- D. Dwelling, detached single family
- E. Minor Home Occupation subject to Section 520
- F. Outdoor Recreation, Park
- G. Small Place of Public Assembly
- H. Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to Sections 522 and the Subdivision Control Ordinance.
- I. Use similar to uses permitted by right, subject to Section 530

SECTION 903 USES PERMITTED BY SPECIAL LAND USE PERMIT

The following uses of buildings and land may be permitted within the R-2 District, as special land uses subject to the provisions of Article ____, special land use approval.

- A. Accessory building with footprint greater than the footprint of the principal structure, subject to Section ____.
- B. Accessory use to permitted special use, subject to Section ____.
- C. Adult Foster Care, subject to Section ____.
- D. Bed & Breakfast, subject to Section ____.
- E. Convenience Store, without fuel pumps, subject to Section ____.
- F. Dwelling, Multiple Unit, subject to Section ____.
- G. Group Day Care (7-12 children), subject to Section ____.
- H. Education Facility, subject to Section ____.
- I. Golf Course, subject to Section ____.
- J. Home Based Business, subject to Section 521.
- K. Hotel, subject to Section ____.
- L. Kennel, subject to Section ____.
- M. Large Place of Public Assembly, subject to Section ____.
- N. Major Home Occupation, subject to Section 520.

- O. Mixed Use Development, subject to Section ____.
- P. Mortuary, subject to Section ____.
- Q. Nursing Home or Convalescent Home, subject to Section ____.
- R. Personal Service Establishment, subject to Section ____.
- S. Planned Unit Development, subject to Section ____.
- T. Professional Office, subject to Section ____.
- U. Retail Business, subject to Section ____.
- V. Studio for Performing and Graphic Arts, subject to Section ____.
- W. Use similar to permitted special use, subject to Section 530.
- X. Veterinary Clinic, subject to Section ____.

SECTION 904 DIMENSIONAL STANDARDS.

Within the R-2 District, the following dimensional standards shall apply:

- A. Parcel Area - No building or structure shall be established on any parcel less than ten thousand (10,000) square feet in area.
- B. Parcel Width - The minimum parcel width shall be eighty (80) feet and it shall front on a public street.
- C. Yard and Setback Requirements - The following requirements shall apply to every parcel, building or structure.
 1. Front Yard: The minimum setback shall not be less than thirty (30) feet from front property line, or sixty-three (63) feet from centerline of a street, whichever is greater. In established neighborhoods, where a majority of the buildings do not meet the required front yard setback, the Administrator may establish an alternate setback, pursuant to Section 502, F.
 2. Side Yards: The minimum width of either yard shall not be less than ten (10) feet. For accessory buildings, the minimum rear yard and side yard setback shall be three (3) feet;
 3. Rear Yard: The minimum setback shall not be less than ten (10) feet. For accessory buildings, the minimum rear yard and side yard setbacks shall be three (3) feet, excepting garages which front on a platted alley. Such garages shall be set back a minimum of twenty (20) feet from the property line on the opposite side of the alley, to provide a minimal turning radius for vehicles, but at no time shall the structure be closer than three (3) feet to the rear property line. The side yard for such garage shall be the same as for other accessory structures, as outlined above.

4. Building Area: No dwelling shall be constructed in the R-2 District which is less than one thousand three hundred (1,300) square feet of building area, or is less than twenty (20) feet wide.
5. Living Area: No dwelling unit shall be constructed in the R-2 District which has less than seven hundred fifty (750) square feet of living area.
6. Lot Coverage: Not more than forty percent (40%) of the parcel area shall be covered by buildings.

ARTICLE X

R-3 – HIGH DENSITY RESIDENTIAL DISTRICT

SECTION 1001 PURPOSE AND INTENT

It is the intent of this District to establish and protect urban residential areas consisting primarily of one and two-family, and multi-family communities designed and maintained promote an attractive, walkable, healthy and convenient living environment primarily for singles, couples, the elderly and seasonal residents. The R-3 District, will incorporate convenience retail and services as well as dining and entertainment for residents and visitors. All portions of the R-3 District shall be served with public water and wastewater services.

PERMITTED USES

- ◆ Accessory building with footprint less than or equal to the footprint of the principal structure
- ◆ Accessory use to uses permitted by right.
- ◆ Convenience Store, w/o fuel pumps
- ◆ Group Day Care (7-12 children)
- ◆ Duplex
- ◆ Dwelling, detached single family
- ◆ Minor Home Occupation subject to Section 520
- ◆ Nursing Home or Convalescent Home
- ◆ Outdoor Recreation, Park
- ◆ Small Place of Public Assembly
- ◆ Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to Sections 522 and the Subdivision Control Ordinance.
- ◆ Use similar to uses permitted by right, subject to Section 530

SPECIAL USES

- ◆ Accessory building with footprint greater than the footprint of the principal structure
- ◆ Accessory use to permitted special use
- ◆ Adult Foster Care Facility

SPECIAL USES (cont'd)

- ◆ Bed & Breakfast
- ◆ Convenience Store, with fuel pumps
- ◆ Dwelling, Multiple Unit
- ◆ Day Care, Commercial (13+ children)
- ◆ Eating and Drinking Establishment
- ◆ Education Facility
- ◆ Gasoline Station
- ◆ Home Based Business
- ◆ Hospital or Clinic
- ◆ Hotel
- ◆ Large Place of Public Assembly
- ◆ Major Home Occupation
- ◆ Mixed Use Development
- ◆ Mortuary
- ◆ Nursing Home or Convalescent Home
- ◆ Personal Service Establishment
- ◆ Planned Unit Development
- ◆ Professional Office
- ◆ Retail Business
- ◆ Studio for Performing and Graphic Arts
- ◆ Use similar to permitted special use
- ◆ Veterinary Clinic

ADDITIONAL STANDARDS

- ◆ Site Plan requirements subject to Section ___ for all uses other than _____
- ◆ Parking and Loading requirements subject to Section 514.
- ◆ Signage requirements subject to Section ___
- ◆ Lighting requirements, subject to Section 525
- ◆ Landscaping and Buffering requirements, subject to Section ___.

DISTRICT REGULATIONS

Minimum Lot Area:		Minimum Lot Width:	
Single Family Detached	6,000 sq. ft.	60 ft.	
Duplex, or Commercial Use	10,000 sq. ft.	80 ft.	
Multiple Unit ^(a)	10,000 sq. ft. min.	80 ft.	
Maximum Dwelling Units/Acre	17	Max. Building Height	2½ stories, or 35' ^(b)
Minimum Building Setbacks		Maximum Lot Coverage	60%
Front ^(c)	25 ft.	Minimum Building Area	1,200 sq. ft.
Side	10 ft. (each side)	Minimum Dwelling Width	20 ft.
Rear ^(d)	10 ft.	Accessory Building Minimum Setbacks:	
		Side	3 ft.
		Rear	3 ft. ^(b)

^(a) For multiple unit buildings, a minimum of 10,000 square feet shall be provided, plus 2,000 square feet for each additional dwelling unit up to twenty (20), plus 2,500 square feet for each additional dwelling unit in excess of 20.

^(b) Except as may be permitted pursuant to Section _____, Planned Unit Development.

^(c) Or 58 feet from the centerline of the street, whichever is greater and subject to Section 502, F

^(d) Provided that garages fronting on platted alleys shall be set back the greater of 3 feet from the rear property line or 20 feet from property line on the opposite side of the alley.

Insert R-3 Graphic

SECTION 1002 USES PERMITTED BY RIGHT

The following uses of buildings and land shall be permitted within the R-3 District subject to the provisions of Article ____, Site Plan Approval.

- A. Accessory building with footprint less than or equal to the footprint of the principal structure
- B. Accessory use to uses permitted by right.
- C. Convenience Store without fuel pumps
- D. Day Care, Group for 7 to 12 children
- E. Duplex
- F. Dwelling, detached single family
- G. Minor Home Occupation subject to Section 520
- H. Nursing Home or Convalescent Home
- I. Outdoor Recreation, Park
- J. Small Place of Public Assembly
- K. Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to Sections 522 and the Subdivision Control Ordinance.
- L. Use similar to uses permitted by right, subject to Section 530

SECTION 1003 USES PERMITTED BY SPECIAL LAND USE PERMIT

The following uses of buildings and land may be permitted within the R-3 District, as special land uses subject to the provisions of Article ____, special land use approval.

- A. Accessory building with footprint greater than the footprint of the principal structure, subject to Section ____.
- B. Accessory use to permitted special use, subject to Section ____.
- C. Adult Foster Care, subject to Section ____.
- D. Bed & Breakfast, subject to Section ____.
- E. Convenience Store, with fuel pumps, subject to Section ____.
- F. Dwelling, Multiple Unit, subject to Section ____.
- G. Day Care, Commercial for more than 12 children, subject to Section ____.
- H. Eating and Drinking Establishment, subject to Section ____.
- I. Education Facility, subject to Section ____.
- J. Gasoline Station, subject to Section ____.
- K. Home Based Business, subject to Section 521.

- L. Hotel, subject to Section ____.
- M. Large Place of Public Assembly, subject to Section ____.
- N. Major Home Occupation, subject to Section 520.
- O. Mixed Use Development, subject to Section ____.
- P. Mortuary, subject to Section ____.
- Q. Nursing Home or Convalescent Home, subject to Section ____.
- R. Personal Service Establishment, subject to Section ____.
- S. Planned Unit Development, subject to Section ____.
- T. Professional Office, subject to Section ____.
- U. Retail Business, subject to Section ____.
- V. Studio for Performing and Graphic Arts, subject to Section ____.
- W. Use similar to permitted special use, subject to Section 530.
- X. Veterinary Clinic, subject to Section ____.

SECTION 1004 DIMENSIONAL STANDARDS.

Within the R-3 District, the following dimensional standards shall apply:

- A. Parcel Area - No single family dwelling building or structure shall be established on any parcel less than six thousand (6,000) square feet in area. No duplex, multiple unit or commercial structure shall be established on any parcel less than ten thousand (10,000) square feet in area. Provided that for multiple unit buildings, in addition to ten thousand (10,000) square feet in minimum parcel area, two thousand (2,000) square feet of parcel area shall be provided for each dwelling unit up to twenty (20) and two thousand five hundred (2,500) square feet of parcel area shall be provided for each additional dwelling unit in excess of twenty (20).
- B. Parcel Width - For a single family detached dwelling, the minimum parcel width shall be sixty (60) feet and for all other uses the minimum parcel width shall be eighty (80) feet.
- C. Yard and Setback Requirements - The following requirements shall apply to every parcel, building or structure.
 - 1. Front Yard: The minimum setback shall not be less than twenty-five (25) feet from front property line, or fifty-eight (58) feet from centerline of a street, whichever is greater. In established neighborhoods, where a majority of the buildings do not meet the required front yard setback, the Administrator may establish an alternate setback, pursuant to Section 502, F.
 - 2. Side Yards: The minimum width of either yard shall not be less than ten (10) feet. For accessory buildings, the minimum rear yard and side yard setback shall be three (3) feet;

3. Rear Yard: The minimum setback shall not be less than ten (10) feet. For accessory buildings, the minimum rear yard and side yard setbacks shall be three (3) feet, excepting garages which front on a platted alley. Such garages shall be set back a minimum of twenty (20) feet from the property line on the opposite side of the alley, to provide a minimal turning radius for vehicles, but at no time shall the structure be closer than three (3) feet to the rear property line. The side yard for such garage shall be the same as for other accessory structures, as outlined above.
- D. Dwelling Area: No dwelling shall be constructed in the R-3 District which is less than one thousand three hundred (1,200) square feet of building area, or is less than twenty (20) feet wide.
- E. Living Area: No dwelling unit shall be constructed in the R-3 District which has less than five hundred (500) square feet of living area.
- E. Lot Coverage: Not more than sixty percent (60%) of the parcel area shall be covered by buildings.

ARTICLE XI
R-4 – MANUFACTURED HOUSING COMMUNITY DISTRICT

SECTION 1101 PURPOSE AND INTENT

It is the intent of this District to establish a locale to accommodate manufactured housing communities as regulated by the Michigan Mobile Home Commission Act, Act 96 of the Public Acts of 1987, as amended, and the rules and regulations of the Manufactured Housing Commission.

PERMITTED USES

- ◆ Accessory building with footprint less than or equal to the footprint of the principal structure
- ◆ Accessory use to uses permitted by right.
- ◆ Minor Home Occupation subject to Section 520
- ◆ Manufactured Housing Commission, Subject to Section 1105.
- ◆ Outdoor Recreation, Park
- ◆ Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to Sections 522 and the Subdivision Control Ordinance.
- ◆ Use similar to uses permitted by right, subject to Section 530

SPECIAL USES

- ◆ Accessory building with footprint greater than the footprint of the principal structure
- ◆ Accessory use to permitted special use
- ◆ Day Care, Group (7-12 children)
- ◆ Duplex
- ◆ Dwelling, Single Unit
- ◆ Major Home Occupation
- ◆ Mixed Use Development
- ◆ Planned Unit Development
- ◆ Use similar to permitted special use

ADDITIONAL STANDARDS FOR ALL USES OTHER THAN MANUFACTURED HOUSING COMMUNITIES

- ◆ Site Plan requirements subject to Section ___ for all uses other than _____
- ◆ Parking and Loading requirements subject to Section 514.
- ◆ Signage requirements subject to Section ____
- ◆ Lighting requirements, subject to Section 525
- ◆ Landscaping and Buffering requirements, subject to Section ____.

DISTRICT REGULATIONS FOR ALL USES OTHER THAN MANUFACTURED HOUSING COMMUNITIES

Minimum Lot Area:		Minimum Lot Width:	
Single Family Detached	6,000 sq. ft.		60 ft.
Duplex, or Commercial Use	10,000 sq. ft.		80 ft.
Maximum Dwelling Units/Acre	8	Max. Building Height	2½ stories, or 35'
Minimum Building Setbacks		Maximum Lot Coverage	40%
Front ^(a)	25 ft.	Minimum Building Area	1,200 sq. ft.
Side	10 ft. (each side)	Minimum Dwelling Width	20 ft.
Rear ^(b)	10 ft.	Accessory Building Minimum Setbacks:	
		Side	3 ft.
		Rear	3 ft. ^(b)

^(a) Or 58 feet from the centerline of the street, whichever is greater and subject to Section 502, F

^(b) Provided that garages fronting on platted alleys shall be set back the greater of 3 feet from the rear property line or 20 feet from property line on the opposite side of the alley.

SECTION 1102 USES PERMITTED BY RIGHT

The following uses of buildings and land shall be permitted within the R-4 District subject to the provisions of Article _____, Site Plan Approval.

- A. Accessory building with footprint less than or equal to the footprint of the principal structure
- B. Accessory use to uses permitted by right.
- C. Manufactured Housing Community, subject to Section 1105.
- D. Minor Home Occupation subject to Section 520
- E. Outdoor Recreation, Park
- F. Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to Sections 522 and the Subdivision Control Ordinance.
- G. Use similar to uses permitted by right, subject to Section 530

SECTION 1103 USES PERMITTED BY SPECIAL LAND USE PERMIT

The following uses of buildings and land may be permitted within the R-4 District, as special land uses subject to the provisions of Article ____, special land use approval.

- A. Accessory building with footprint greater than the footprint of the principal structure, subject to Section ____.
- B. Day Care, Group for 7 to 12 children, subject to Section ____.
- C. Duplex, subject to Section ____.

- D. Dwelling, Single Unit, subject to Section ____.
- E. Major Home Occupation, subject to Section 520.
- F. Mixed Use Development, subject to Section ____.
- G. Planned Unit Development, subject to Section ____.
- H. Use similar to permitted special use, subject to Section 530.

SECTION 1104 DIMENSIONAL STANDARDS.

Within the R-4 District, the following dimensional standards shall apply to all uses, other than Manufactured Housing Communities:

- A. Parcel Area - No single family dwelling building or structure shall be established on any parcel less than six thousand (6,000) square feet in area. No duplex or commercial structure shall be established on any parcel less than ten thousand (10,000) square feet in area.
- B. Parcel Width - For a single family detached dwelling, the minimum parcel width shall be sixty (60) feet and for all other uses the minimum parcel width shall be eighty (80) feet.
- C. Yard and Setback Requirements - The following requirements shall apply to every parcel, building or structure.
 - 1. Front Yard: The minimum setback shall not be less than twenty-five (25) feet from front property line, or fifty-eight (58) feet from centerline of a street, whichever is greater. In established neighborhoods, where a majority of the buildings do not meet the required front yard setback, the Administrator may establish an alternate setback, pursuant to Section 502, F.
 - 2. Side Yards: The minimum width of either yard shall not be less than ten (10) feet. For accessory buildings, the minimum rear yard and side yard setback shall be three (3) feet;
 - 3. Rear Yard: The minimum setback shall not be less than ten (10) feet. For accessory buildings, the minimum rear yard and side yard setbacks shall be three (3) feet, excepting garages which front on a platted alley. Such garages shall be set back a minimum of twenty (20) feet from the property line on the opposite side of the alley, to provide a minimal turning radius for vehicles, but at no time shall the structure be closer than three (3) feet to the rear property line. The side yard for such garage shall be the same as for other accessory structures, as outlined above.
- D. Building Area: No dwelling shall be constructed in the R-4 District which is less than one thousand three hundred (1,200) square feet of building area, or is less than twenty (20) feet wide.
- E. Living Area: No dwelling unit shall be constructed in the R-4 District which has less than seven hundred fifty (750) square feet of living area.
- E. Lot Coverage: Not more than forty percent (40%) of the parcel area shall be covered by buildings.

SECTION 1105 MANUFACTURED HOUSING COMMUNITIES

Within the R-4 District, manufactured housing communities shall be governed by this Section, by the requirements of the Act 96 of the Public Acts of 1987, as amended and the standards set forth in the Rules and Regulations promulgated by the Manufactured Housing Commission, including Part 9, Community Construction. The intent of this Section is to provide for manufactured home development, of long-term duration of stay in areas which are developed in a manner which takes into account such special characteristics as locational needs, site layout and design, demand upon community services, and the relationship to and effect upon surrounding uses of land, and conformance to the City of Manistee Master Plan. All manufactured home developments shall comply with the applicable requirements of Public Act 96 of 1987, as amended. The controlling standards in this Section are not designed to generally exclude mobile homes of persons who engage in any aspect pertaining to the business of mobile homes or mobile home parks.

A. Application Procedures. Pursuant to Section 11 of Act 96 of the Public Acts of 1987, as amended, and the rules promulgated thereunder, an application for the extension, alteration, or construction of a manufactured home development shall be accompanied by a preliminary plan of the proposed development and all permanent buildings indicating the proposed methods of compliance with these requirements. Said application, fees and preliminary plan shall meet the following requirements:

1. An application form shall be completed and fees paid in accordance with the fee schedule (as amended from time to time by resolution of the City Council) and ___ copies of the preliminary plan shall be submitted to the Zoning Administrator for distribution to the Planning Commission.
2. The preliminary plan need not include detailed construction plans, but shall include the following materials:
 - a. The applicant's name, address and telephone number and the property owner's name, address and telephone number, if different than that of the applicant.
 - b. Notation of all federal, state and local permits required.
 - c. The location of the project including the permanent parcel number(s) of the property upon which the project is proposed to be located.
 - d. The layout of the project including an illustration of the internal roadway system proposed and typical homesite layout.
 - e. The general design of the proposed project including the proposed location and design of signs, trash receptacles, light fixtures and any accessory structures, open lands and recreation areas and accessory uses.
 - f. The location, spacing, type and size of proposed plant materials.
 - g. A general description of the proposed project including the number of homesites proposed, the anticipated phasing of project development and an indication of the

number of homesites to be rented and the number to be sold, if any.

- B. Review Process. The Planning Commission shall review the submitted preliminary plan and communicate its recommendation for approval, approval with conditions or modifications, or denial of the preliminary plan to the City Council. The Planning Commission shall approve and recommend to the City Council preliminary plan upon a finding that the proposed use will not, upon the facts known at the time of the submission of the site plan, cause undue hardship, or create unsafe or hazardous health or safety conditions to the general public. Not more than sixty (60) days following the receipt by the City of a complete application for preliminary plan approval, the City Council shall approve, approve with conditions or modifications, or deny an application and preliminary plan pursuant to the Mobile Home Commission Act, the rules promulgated thereunder and this ordinance.

Upon approval of the preliminary plan, the Zoning Administrator shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the City's files, one (1) copy shall be forwarded to the Zoning Administrator for issuance of a Zoning Permit, and one (1) copy shall be returned to the applicant. Construction shall commence within five (5) years after the date of issuance of a construction permit by the Michigan Department of Consumer and Industry Services unless an extension has been granted by said Department. Amendments to the approved preliminary plan must be submitted to the Planning Commission for recommendation to the City Council for review and approval.

- C. Noncompliance. Any substantial noncompliance with the approved preliminary plan shall be reported to the Manufactured Housing Division of the Department of Consumer and Industry Services for remedy along with all pertaining evidence.
- D. Site Development Requirements. The site development requirements of the Manufactured Housing Commission, together with any other applicable requirements of the State of Michigan, Act 96 of 1987, as amended, shall be complied with. No manufactured housing community shall be maintained, operated, or conducted without an annual license from the Michigan Department of Consumer and Industry Services. An inspection of construction may be performed at any appropriate time, pursuant to 1987 PA 96, as amended (the Mobile Home Commission Act).
- E. Site Size: The minimum site size for a manufactured housing community shall be fifteen (15) acres.