City of Manistee Zoning Ordinance

Adopted
February 21, 2006

Effective March 27, 2006
As Amended thru
August 19, 2015

TABLE OF CONTENTS

ARTICLE ONE: TITLE, PURPOSE AND INTENT

100 Short Title ..... Article 1, page 1
101 Purpose and Intent ..... Article 1, page 1
102 City Code ..... Article 1, page 2

ARTICLE TWO: DEFINITIONS AND INTERPRETATION

200 Rules Applying to the Text ..... Article 2, page 1
201 Definitions ..... Article 2, page 1
202 A ..... Article 2, page 1
203 B ..... Article 2, page 3
204 C ..... Article 2, page 5
205 D ..... Article 2, page 7
206 E ..... Article 2, page 8
207 F ..... Article 2, page 9
208 G ..... Article 2, page 10
209 H ..... Article 2, page 11
210 I ..... Article 2, page 11
211 J ..... Article 2, page 12
212 K ..... Article 2, page 12
213 L ..... Article 2, page 13
214 M ..... Article 2, page 13
215 N ..... Article 2, page 14
216 O ..... Article 2, page 15
217 P ..... Article 2, page 16
218 Q ..... Article 2, page 18
219 R ..... Article 2, page 18
220 S ..... Article 2, page 19
221 T ..... Article 2, page 25
222 U ..... Article 2, page 26
223 V ..... Article 2, page 26
224 W ..... Article 2, page 27
225 X ..... Article 2, page 29
226 Y ..... Article 2, page 29
227 Z ..... Article 2, page 29

ARTICLE THREE: DISTRICTS, DIMENSIONAL STANDARDS, USES TABLE AND ZONING MAP

300 Establishment of Districts ..... Article 3, page 1
301 Official Zoning Map ..... Article 3, page 1
302 Application of Regulations ..... Article 3, page 3
303 Zoning District Regulations ..... Article 3, page 3
304 Table of Land Uses ..... Article 3, page 3

ARTICLE FOUR: NONCONFORMITIES

400 Purpose and Intent ..... Article 4, page 1
401 Regulations ..... Article 4, page 1
402 Repairs and Maintenance ..... Article 4, page 2
403 Reconstruction and Replacement ..... Article 4, page 3
404 Completion ..... Article 4, page 3
405 Abandonment ..... Article 4, page 3
406 Historic Buildings ..... Article 4, page 4
407 Change of Ownership or Tenancy ..... Article 4, page 4
408 Nonconforming Special Uses ..... Article 4, page 4

ARTICLE FIVE: GENERAL PROVISIONS

500 Purpose ..... Article 5, page 1
501 Scope ..... Article 5, page 1
502 Uses, Spatial and Physical Requirements ..... Article 5, page 1
503 Performance Standards ..... Article 5, page 3
504 Water Supply and Sewage Facilities ..... Article 5, page 5
505 Water Protection ..... Article 5, page 5
506 RESERVED ..... Article 5, page 6
507 Conditions of Approval ..... Article 5, page 6
508 Fences ..... Article 5, page 7
509 Height ..... Article 5, page 8
510 Access to Public Streets ..... Article 5, page 9
511 Driveways and Curb Cuts ..... Article 5, page 9
512 Private Streets ..... Article 5, page 10
513 Clear Visibility at Corners ..... Article 5, page 11
514 Vehicular Parking Space, Access and Lighting ..... Article 5, page 12
515 Accessory Buildings and Structures ..... Article 5, page 15

516 Accessory Uses ..... Article 5, page 17
517 Temporary Dwellings ..... Article 5, page 18
518 Temporary Storage Structures ..... Article 5, page 18
519 Dwellings ..... Article 5, page 19
520 Hazardous Substance Groundwater Protection ..... Article 5, page 19
521 RESERVED ..... Article 5, page 21
522 Temporary Activity Permits ..... Article 5, page 21
523 Parcel Divisions ..... Article 5, page 22
524 Structures Projecting into Setbacks ..... Article 5, page 24
525 Outdoor Lighting Requirements ..... Article 5, page 24
526 Outdoor Storage ..... Article 5, page 27
527 Essential Services ..... Article 5, page 28
528 Performance Guarantee for Compliance ..... Article 5, page 28
529 RESERVED ..... Article 5, page 28
530 Unclassified Uses ..... Article 5, page 28
531 Landscaping and Screening ..... Article 5, page 29
532 Key Street Segments ..... Article 5, page 30
533 Condominiums ..... Article 5, page 31
534 Community Gardens ..... Article 5, page 33
535 Keeping of Chickens or Ducks ..... Article 5, page 33

ARTICLE SIX: PD- PENINSULA DISTRICT

600 Purpose and Intent ..... Article 7, page 1
601 Uses Permitted by Right ..... Article 7, page 2
602 Uses Permitted by Special Land Use Permit ..... Article 7, page 3
603 Dimensional Standards ..... Article 7, page 4

ARTICLE SEVEN: G-C GOLF COURSE DISTRICT

700 Purpose and Intent ..... Article 7, page 1
701 Uses Permitted by Right ..... Article 7, page 3
702 Uses Permitted by Special Land Use Permit ..... Article 7, page 3
703 Dimensional Standards ..... Article 7, page 3

ARTICLE EIGHT: R-1 LOW DENSITY RESIDENTIAL

800 Purpose and Intent ..... Article 8, page 1
801 RESERVED ..... Article 8, page 3

802 Uses Permitted by Right ..... Article 8, page 3
803 Uses Permitted by Special Land Use Permit ..... Article 8, page 3
804 Dimensional Standards ..... Article 8, page 4
805 Wellhead Protection Overlay ..... Article 8, page 4

ARTICLE NINE: R-2 MEDIUM DENSITY RESIDENTIAL

900 Purpose and Intent ..... Article 9, page 1
901 Uses Permitted by Right ..... Article 9, page 3
902 Uses Permitted by Special Land Use Permit ..... Article 9, page 3
903 Dimensional Standards ..... Article 9, page 4
904 Wellhead Protection Overlay ..... Article 9, page 5

ARTICLE TEN: R-3 HIGH DENSITY RESIDENTIAL DISTRICT

1000 Purpose and Intent ..... Article 10, page 1
1001 Uses Permitted by Right ..... Article 10, page 3
1002 Uses Permitted by Special Land Use Permit ..... Article 10, page 3
1003 Dimensional Standards ..... Article 10, page 4

ARTICLE ELEVEN: R-4 MANUFACTURED HOUSING COMMUNITY DISTRICT

1100 Purpose and Intent ..... Article 11, page 1
1101 Uses Permitted by Right ..... Article 11, page 2
1102 Uses Permitted by Special Land Use Permit ..... Article 11, page 3
1103 Dimensional Standards ..... Article 11, page 3
1104 Manufactured Housing Communities ..... Article 11, page 4

ARTICLE TWELVE: W-F WATERFRONT DISTRICT

1200 Purpose and Intent ..... Article 12, page 1
1201 Uses Permitted by Right ..... Article 12, page 2
1202 Uses Permitted by Special Land Use Permit ..... Article 12, page 3
1203 Dimensional Standards ..... Article 12, page 4

ARTICLE THIRTEEN: C-1 REGIONAL COMMERCIAL DISTRICT

1300 Purpose and Intent ..... Article 13, page 1
1301 Uses Permitted by Right ..... Article 13, page 2
1302 Uses Permitted by Special Land Use Permit ..... Article 13, page 3
1303 Dimensional Standards ..... Article 13, page 4

1304 Site Standards ..... Article 13, page 5
1305 Existing Residential Structures..... Article 13, page 6

ARTICLE FOURTEEN: C-2 NEIGHBORHOOD COMMERCIAL DISTRICT

1400 Purpose and Intent ..... Article 14, page 1
1401 Uses Permitted by Right ..... Article 14, page 2
1402 Uses Permitted by Special Land Use Permit ..... Article 14, page 3
1403 Dimensional Standards ..... Article 14, page 4

ARTICLE FIFTEEN: C-3 CENTRAL BUSINESS DISTRICT

1500 Purpose and Intent ..... Article 15, page 1
1501 Uses Permitted by Right ..... Article 15, page 2
1502 Uses Permitted by Special Land Use Permit ..... Article 15, page 3
1503 Dimensional Standards ..... Article 15, page 4
1504 Upper Story Dwellings ..... Article 15, page 4

ARTICLE SIXTEEN: L-I LIGHT INDUSTRIAL DISTRICT

1600 Purpose and Intent ..... Article 16, page 1
1601 Uses Permitted by Right ..... Article 16, page 2
1602 Uses Permitted by Special Land Use Permit ..... Article 16, page 3
1603 Dimensional Standards ..... Article 16, page 4

ARTICLE SEVENTEEN: G-I GENERAL INDUSTRIAL

1700 Purpose and Intent ..... Article 17, page 1
1701 Uses Permitted by Right ..... Article 17, page 2
1702 Uses Permitted by Special Land Use Permit ..... Article 17, page 3
1703 Dimensional Standards ..... Article 17, page 4
1704 General Industrial Renaissance Zone Standards ..... Article 17, page 4

ARTICLE EIGHTEEN: STANDARDS AND REQUIREMENTS FOR SPECIAL USES

1800 Special Uses ..... Article 18, page 1
1801 Special Use Procedures..... Article 18, page 1
1802 Special Use Review Standards ..... Article 18, page 5
1803 Reserved ..... Article 18, page 7
1804 Accessory Buildings with Footprint
Greater than the Principal Structure ..... Article 18, page 7

1805 Accessory Uses, Related to Uses Permitted ..... Article 18, page 8
1806 Reserved ..... Article 18, page 8
1807 Adaptive Reuse ..... Article 18, page 8
1808 Adult Foster Care Facility ..... Article 18, page 10
1809 Reserved ..... Article 18, page 11
1810 Animal Grooming Facility ..... Article 18, page 11
1811 Automobile Repair Facility ..... Article 18, page 12
1812 Reserved ..... Article 18, page 13
1813 Bed and Breakfast ..... Article 18, page 13
1814 Billboard ..... Article 18, page 14
1815 Reserved ..... Article 18, page 16
1816 Car Wash ..... Article 18, page 16
1817 Cemetery ..... Article 18, page 17
1818 Reserved ..... Article 18, page 18
1819 Communication Tower ..... Article 18, page 18
1820 Contractor's Facility ..... Article 18, page 22
1821 Reserved ..... Article 18, page 23
1822 Convenience Store, with Fuel Pumps ..... Article 18, page 23
1823 Convenience Store, without Fuel Pumps ..... Article 18, page 24
1824 Reserved ..... Article 18, page 25
1825 Day Care, Commercial ..... Article 18, page 25
1826 Day Care, Group ..... Article 18, page 26
1827 Reserved ..... Article 18, page 26
1828 Drive-through Establishment ..... Article 18, page 26
1829 Duplex ..... Article 18, page 27
1830 Reserved ..... Article 18, page 27
1831 Dwelling, Accessory ..... Article 18, page 27
1832 Dwelling, Multiple Unit ..... Article 18, page 28
1833 Reserved ..... Article 18, page 29
1834 Dwelling, Single Unit ..... Article 18, page 29
1835 Eating and Drinking Establishment ..... Article 18, page 29
1836 Reserved ..... Article 18, page 30
1837 Educational Facility ..... Article 18, page 30
1838 Financial Institution ..... Article 18, page 31
1839 Reserved ..... Article 18, page 32
1840 Gallery or Museum ..... Article 18, page 32

1841 Gasoline Station ..... Article 18, page 32
1842 Reserved ..... Article 18, page 33
1843 Golf Course ..... Article 18, page 33
1844 Greenhouse and Nursery ..... Article 18, page 34
1845 Reserved ..... Article 18, page 34
1846 Home Based Business ..... Article 18, page 34
1847 Home Occupation ..... Article 18, page 35
1848 Reserved ..... Article 18, page 37
1849 Hotel ..... Article 18, page 37
1850 Laundry and Dry-Cleaning Establishment ..... Article 18, page 38
1851 Reserved ..... Article 18, page 38
1852 Marina ..... Article 18, page 38
1853 Medical or Dental Office ..... Article 18, page 39
1854 Reserved ..... Article 18, page 40
1855 Mini/Self Storage Facility ..... Article 18, page 40
1856 Mine, Sand, and Gravel ..... Article 18, page 41
1857 Reserved ..... Article 18, page 43
1858 Mixed-Use Development ..... Article 18, page 43
1859 Mortuary ..... Article 18, page 44
1860 Reserved ..... Article 18, page 45
1861 Motel ..... Article 18, page 45
1862 Nursing Home or Convalescent Home ..... Article 18, page 46
1863 Reserved ..... Article 18, page 46
1864 Outdoor Sales Facility ..... Article 18, page 46
1865 Parking Facility ..... Article 18, page 47
1866 Reserved ..... Article 18, page 48
1867 Personal Service Establishment ..... Article 18, page 48
1868 Place of Public Assembly (Large and Small) ..... Article 18, page 48
1869 Reserved ..... Article 18, page 49
1870 Planned Unit Development ..... Article 18, page 50
1871 Power Generation Facility ..... Article 18, page 55
1872 Reserved ..... Article 18, page 57
1873 Processing and Manufacturing ..... Article 18, page 57
1874 Professional Office ..... Article 18, page 58
1875 Reserved ..... Article 18, page 58
1876 Professional Services Establishment ..... Article 18, page 58

1877 Retail Business ..... Article 18, page 59
1878 Reserved ..... Article 18, page 60
1879 Sexually Oriented Business ..... Article 18, page 60
1880 Sports and Recreation Club ..... Article 18, page 62
1881 Reserved ..... Article 18, page 62
1882 Studio for Performing and Graphic Arts ..... Article 18, page 63
1883 Tattoo Parlor ..... Article 18, page 63
1884 Reserved ..... Article 18, page 64
1885 Theater ..... Article 18, page 64
1886 Uses Similar to Uses Permitted as Special Land Uses ..... Article 18, page 64
1887 Reserved ..... Article 18, page 65
1888 Veterinary Clinic ..... Article 18, page 65
1889 Warehouse, Public ..... Article 18, page 66
1890 Reserved ..... Article 18, page 66
1891 Wells, Extraction ..... Article 18, page 66
1892 Windmill (Wind Energy Conversion System) ..... Article 18, page 68

ARTICLE NINETEEN: U.S. 31 CORRIDOR OVERLAY ZONE

1900 Findings ..... Article 19, page 1
1901 Purpose ..... Article 19, page 2
1902 Applicability ..... Article 19, page 3
1903 Additional submittal Information ..... Article 19, page 4
1904 Access Management Standards ..... Article 19, page 5
1905 Modification of Access Standards ..... Article 19, page 7

ARTICLE TWENTY: Repealed by Ord. 07/04 Dated 2/20/07

ARTICLE TWENTY-ONE: SIGNS

2100 Purpose ..... Article 21, page 1
2101 Procedures ..... Article 21, page 1
2102 General Standards ..... Article 21, page 3
2103 Exempt Signs ..... Article 21, page 6
2104 Prohibited Signs ..... Article 21, page 7
2105 Use Types and Sign Standards ..... Article 21, page 8
2106 Use Type 1, Low Intensity and Residential ..... Article 21, page 9
2107 Use Type 2, Commercial and Office ..... Article 21, page 10

2108 Use Type 3, Industrial ..... Article 21, page 12
2109 Reserved ..... Article 21, page 13
2110 Reserved ..... Article 21, page 13
2111 Unclassified Uses, Mixed Uses, and Combinations of Uses ..... Article 21, page 13
2112 Temporary Portable Signs ..... Article 21, page 13

ARTICLE TWENTY-TWO: SITE PLAN REVIEW

2200 Purpose ..... Article 22, page 1
2201 Scope ..... Article 22, page 1
2202 Optional Sketch Plan Review ..... Article 22, page 2
2203 Application Procedure ..... Article 22, page 2
2204 Action on Application and Site Plans ..... Article 22, page 15
2205 Review Criteria ..... Article 22, page 17
2206 Conformity to Approved Site Plans ..... Article 22, page 18
2207 Term of Approval of the Site Plan ..... Article 22, page 18
2208 Amendment to the Site Plan ..... Article 22, page 18
2209 Appeals ..... Article 22, page 19

ARTICLE TWENTY-THREE: RESERVED

ARTICLE TWENTY-FOUR: ADMINISTRATION

2400 Zoning Administrator ..... Article 24, page 1
2401 Duties and Limitations of the Zoning Administrator ..... Article 24, page 1
2402 Land Use Permit ..... Article 24, page 2
2403 Reapplication ..... Article 24, page 3
2404 Rehearing ..... Article 24, page 3

ARTICLE TWENTY-FIVE: ZONING BOARD OF APPEALS

2500 Establishment ..... Article 25, page 1
2501 Membership, Terms of Office ..... Article 25, page 1
2502 Meetings ..... Article 25, page 2
2503 Duties, Rules, Hearings and Decisions or Appeals, Right to
and Grounds of Appeal ..... Article 25, page 2
2504 Time to and Notice of Appeal: Transmission of Record ..... Article 25, page 2
2505 Stay of Proceedings Pending Appeal ..... Article 25, page 3
2506 Hearings and Notices, Right to be Heard, Disposition of Appeals,

Decision Not Final ..... Article 25, page 3
2507 Duties and Powers ..... Article 25, page 3
2508 Performance Guarantee for Compliance ..... Article 25, page 6

ARTICLE TWENTY-SIX: MUNICIPAL CIVIL INFRACTIONS
2600 Municipal Civil Infractions ..... Article 26, page 1
2601 Injunctive Relief ..... Article 26, page 1

ARTICLE TWENTY-SEVEN: FEES, CHARGES, AND ESCROW ACCOUNTS
2700 Fees ..... Article 27, page 1
2701 Applicant Escrow Accounts ..... Article 27, page 1

ARTICLE TWENTY-EIGHT: AMENDMENTS
2800 Amendments ..... Article 28, page 1
2801 Rezoning Agreements ..... Article 28, page 1

ARTICLE TWENTY-NINE: RESERVED

ARTICLE THIRTY: VALIDITY, SEVERABILITY, REPEALER, AND EFFECTIVE DATE
3000 Separability ..... Article 30, page 1
3001 Repealer and Savings ..... Article 30, page 1
3002 Effective Date ..... Article 30, page 1

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 ONE
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 TWO
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 and located on the same parcel as the principal use. [Annotation: the language "and located on the same parcel as the principal use" was added to the definition of "Accessory Use" by amendment 08-01, effective 2/29/08]

ADAPTIVE REUSE: The development of a new use for a building originally designed for a special or specific purpose which has become obsolete. Adaptive Reuse is the redevelopment, including expansion, into uses which might not otherwise be permitted in a Zoning District. Such uses may include residential, retail, office, eating and drinking establishments and service uses. [Annotation: Definition of "Adaptive Reuse" was changed by amendment 08-03, effective 2/29/08]

ADMINISTRATOR: The Manistee City Zoning Administrator as established in **Section 2400** 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 2402** or under the provisions of the Building Code.

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: (see Dwelling, Multiple Unit).

APPEALS BOARD: The Manistee City Board of Appeals, created in **Article 25**.

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.

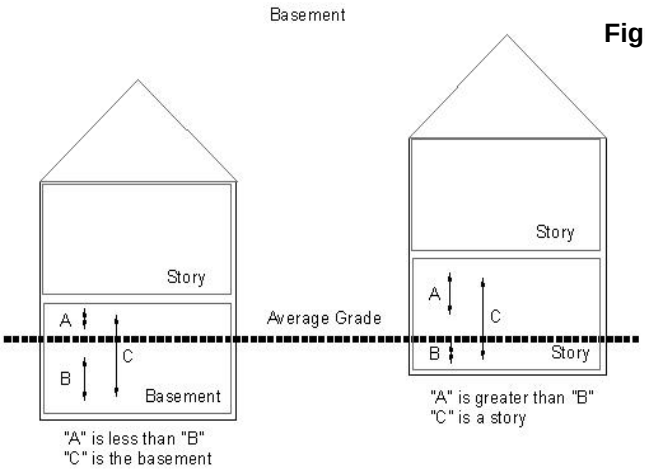


Figure B-1

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.

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.

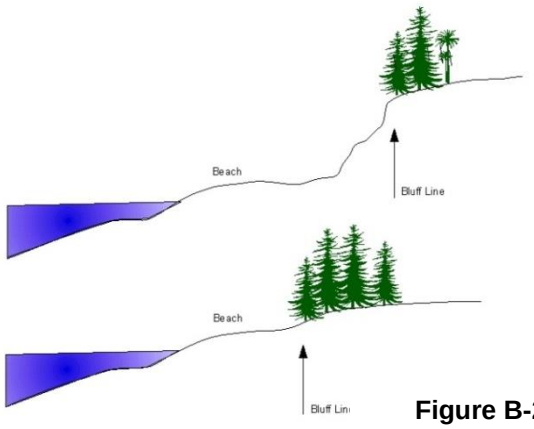


Figure B-2

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 statue.

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.

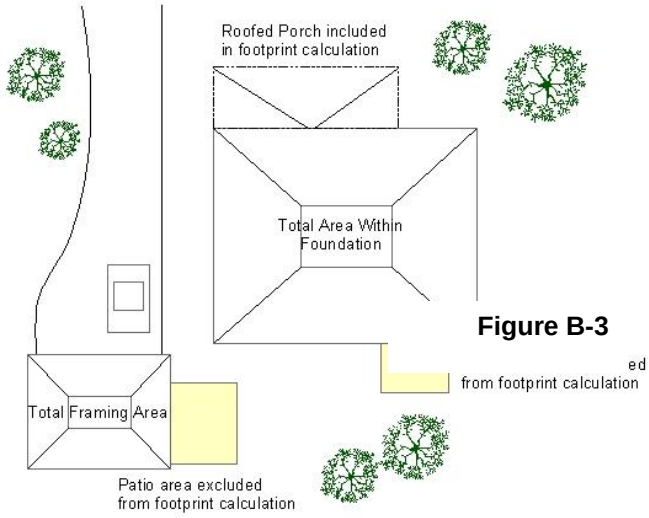


Figure B-3

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 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.

CAR WASH: Any facility or premises or portions thereof used for washing automobiles, including, manual wash facilities, coin washes, and those with automatic and semiautomatic application of cleaner, brushes, rinse water, and forced air and/or heat for drying.

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 33 of 2008, as amended, being Michigan Planning Enabling Act, which has vested with it all the powers and duties of a zoning board pursuant to Public Act 110 of 2006, as amended, being Michigan Zoning Enabling Act. [Annotation section changed to reflect new public acts with Amendments October 2010]

COMMON ELEMENTS: The portions of the condominium project other than the condominium units. [Annotation: Definition of "Common Elements" was changed by amendment Z10-03, effective 10/30/10]

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 thirty-five (35) 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.

COMMUNITY GARDEN: Land used for the cultivation of fruits, vegetables, plants, flowers or herbs by multiple individuals. [Annotation: Definition of "Community Garden" was added by amendment Z11-06, effective 09/25/11]

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.

CONDEMNATION: When referring to property acquisition by a public entity, Condemnation shall mean the exercise of the right of eminent domain as regulated by state statute. When referring to Building or Housing Code enforcement action, Condemnation shall mean an action taken by the Building Official or other authorized official to identify all or part of a property as unfit or unsafe for use. [Annotation: Definition of "Condominium" was deleted by amendment Z10-03, effective 10/30/10]

CONDOMINIUM ACT: The Michigan Condominium Act, Act 59 of the Public Acts of Michigan of 1978, as amended, or successor legislation. [Annotation: Definition of "Condominium Act" was added by amendment Z10-03, effective 10/30/10]

CONDOMINIUM CONVERSION: A condominium project involving one or more pre-existing buildings and proposed to contain two or more condominium units some or all of which were under single ownership before the filing of a notice to taking reservations under Section 71 of the Condominium Act. [Annotation: Definition of "Condominium Conversion" was added by amendment Z10-03, effective 10/30/10]

CONDOMINIUM SUBDIVISION PLAN: The plans, drawings and information prepared for a condominium project as required by Section 66 of the Condominium Act and as required by this ordinance for review and approval of the condominium project. [Annotation: Definition of "Condominium Subdivision Plan" was added by amendment Z10-03, effective 10/30/10]

CONDOMINIUM UNIT: That portion of the condominium project assigned and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. [Annotation: Definition of "Condominium Unit" was added by amendment Z10-03, effective 10/30/10]

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 facility, building, structure, grounds, or portion thereof used to store tools, trucks, equipment, supplies, resources, and materials used by building construction professionals, contractors, and subcontractors. Such facilities typically will include outdoor storage, assembly or staging areas.

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 on-site or off-site consumption.

COUNCIL: The City Council of the City of Manistee.

SECTION 205 D

DAY CARE, COMMERCIAL: A commercial facility which is not a private home and in which at least thirteen (13) 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.

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 building 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 Dwelling, multiple unit.

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, ACCESSORY: A dwelling located in an accessory structure on the same parcel as another, single unit dwelling.

DWELLING, MULTIPLE UNIT: A building which is a dwelling designed for or occupied by three or more families, with separate housekeeping, cooking, and bathroom facilities for each.

DWELLING, SINGLE 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, UPPER STORY ACCESSORY: A dwelling, which is considered an accessory use, located in the same building as the principal commercial use and located on or above the second story of a 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 or for take-out.

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 a preschool, 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: An Environmental Assessment means a summary review of the environmental impacts of a project.

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.

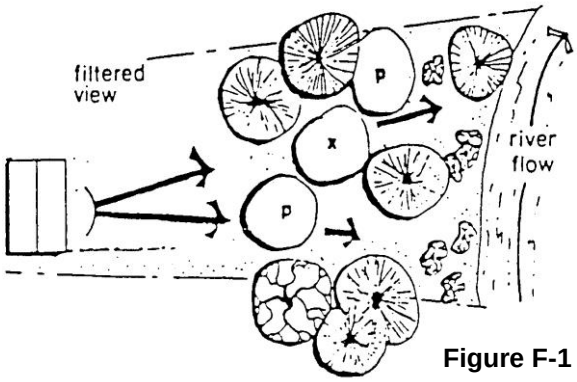


Figure F-1

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.

FUNERAL HOME: See Mortuary.

SECTION 208 G

GALLERY OR MUSEUM: Repositories of objects connected with literature, art, history, culture, or science collected and displayed for the edification, amusement, entertainment, or education of patrons and consumers.

GASOLINE STATION: Any building, structure, or land, or portion thereof, and any associated appurtenances, intended and used for the retail sale, supply, and dispensing of fuels, lubricants and similar products for motor vehicles.

GENERAL COMMON ELEMENTS: Components of the grounds, building, or development collectively owned and available for use by all of the co-owners as defined within the master deed. [Annotation: Definition of "General Common Elements" was added by amendment Z10-03, effective 10/30/10]

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, banquet facility, driving range, practice greens and service buildings. [Annotation: Definition of "Golf Course" was amended when language for "banquet facility: was added by amendment Z10-06, effective 10/30/10]

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 of vegetation 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.)

GREENHOUSE (OR NURSERY): Land, or portion thereof, including a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. A Greenhouse and Nursery may be used to raise flowers, shrubs, and plants for commercial sale or personal enjoyment.

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 deck 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.

HOTEL: 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.

INTERSECTION: The location where two or more roadways cross at grade without a bridge.

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.

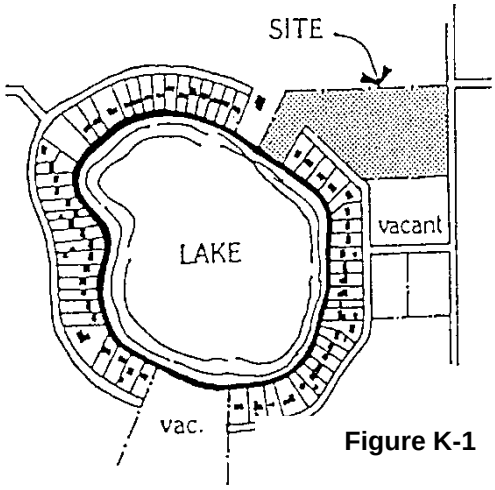


Figure K-1

Source: Planning & Zoning News

KEY STREET SEGMENTS: Key street segments are located throughout the City and are identified on the zoning map. For the purposes of this ordinance the following street segments as described here and as illustrated on the City of Manistee Zoning Map, shall be considered key street segments:

A. US-31, from the northerly City limits to the southerly City limits.
B. Main Street, from the southerly City limits to 13th Street.
C. 13th Street, from Main Street to Vine Street
D. Vine Street, from 13th Street to 8th Street
E. 8th Street, from Vine Street to US-31.
F. Kosciusko Street, from 8th Street to 5th Street
G. 5th Street, from Kosciusko Street to Sibben Street
H. Sibben Street, from 5th Street to 1st Street
I. 1st Street, from Sibben Street to Tamarack Street
J. Cedar Street, from 1st Street to Water Street
K. Water Street, from Cedar Street to Maple Street
L. Maple/Washington Streets, from 4th Street to the northerly City limits
M. Fifth Avenue, from Maple/Washington Streets to Hastings Street.
N. Glocheski Street for its entire length.

SECTION 213 L

LAUNDRY AND DRY CLEANING ESTABLISHMENT: A service business which provides washers and dryers and other facilities for rental use to the general public for cleaning garments, bedclothes, and other household and personal materials and a facility which provides cleaning and dry cleaning services to the general public.

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.

LIMITED COMMON ELEMENTS: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners. [Annotation: Definition of "Limited Common Elements" was added by amendment Z10-03, effective 10/30/10]

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 there under.

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 a communication tower, eating, sleeping, and retail facilities intended primarily for the owners, crews, and guests of boat owners using the marina. [Annotation: Definition of Marina was amended by adding "communication tower" by Amendment Z12-01, effective 6/19/12]

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.

MEDICAL AND DENTAL OFFICE: A facility in which medical, dental, health and related providers maintain offices and may provide services to patients on an out-patient basis.

MINE, SAND AND GRAVEL: A facility, property, or portion thereof designed, constructed, or used for the commercial open pit or subterranean extraction of sand, gravel or minerals. 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 each and which are offered to the public for a fee for the storage of goods.

MIXED USE DEVELOPMENT: A development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

MORTUARY: A facility for the preparation of the deceased for burial or cremation and for visitation and for the conduct of memorial and funeral services.

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: (See Section 654 of the City of Manistee Codified Ordinances)

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 elevation contour line at five hundred eighty one and five tenths (581.5) feet above sea level – International Great Lakes Datum 1985 (IGLD 85). [Annotation: This definition of "Ordinary High Watermark" was changed by amendment 07-05, effective 5/29/07 and Figure O-1 was deleted].

OUTDOOR PLAYSET: A structure erected outside for children to play on and around less than eighteen (18) feet in height. Typical components of an outdoor playset include but are not limited to:

A. Towers. In a playset, a tower is a vertical structure with one or more decks placed at various levels. A deck is essentially a horizontal play surface contained within or attached to a tower.

B. Bridges. Towers may be connected to one another via fixed bridges or chain bridges for children to walk across.

C. Ladders. Rope ladders and fixed ladders are common accessories for playsets.

D. Sandboxes. A sandbox often accompanies an outdoor playset.

E. Slides. Slides may be covered or uncovered.

F. Swings. Swings are usually mounted on a free-standing swingset.

G. Monkey bars. Towers may be connected by monkey bars as well as bridges.

[Annotation: This definition of "Outdoor Playset" was added by amendment Z12-07, effective 10/27/12].

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, or as a commercial venue for performances or professional athletics.

OUTDOOR SALES FACILITY: The display and sales of products and services primarily outside of a building or structure, including vehicles, garden supplies, boats and aircraft, farm equipment, motor homes, burial monuments, manufactured housing, recreational vehicles, 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 with a unique tax identification number, 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, measured at the front yard setback line.

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 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: A parking area used to temporarily store motor vehicles. [Annotation: "Parking Facility" was amended when the language "available to the public, with or without fee," was deleted by Amendment 08-02, effective 2/29/08]

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, health clubs, and similar facilities.

PERVIOUS PAVING: Systems that allow water to pass freely thought interstitial space ingrained throughout the paving matrix, thereby transforming traditionally impervious surfaces such as pervious concrete and asphalt; including interlocking pavers, reinforced gravel, porous concrete, porous asphalt and grass paving. [Annotation: this definition of "Pervious Paving" was added by amendment Z15-05, effective 7/14/15]

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.

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 two thousand (2000) square feet or more in gross floor area, total seating capacity of more than one hundred (100) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future. [Annotation: Language for "Place of Public Assembly, Large" was corrected by amendment 08-06, effective 2/29/08]

PLACE OF PUBLIC ASSEMBLY, SMALL: A place of public assembly shall be considered a small facility if it has either less than two thousand (2,000) square feet in gross floor area or total seating capacity of no more than one hundred (100) in the largest room intended for public assembly. [Annotation: Language for "Place of Public Assembly, Small" was corrected by amendment 08-06, effective 2/29/08]

PLANNED UNIT DEVELOPMENT: A special land use pursuant to **Section 1870** intended to accommodate developments with mixed or varied uses, innovative design features and/or sites with unusual topography or unique settings.

PORCH: Open air roofed structure attached to the exterior of a building forming a covered entrance to the building. [Annotation: This definition of "Porch" was added by amendment Z12-07, effective 10/27/12].

POWER GENERATING FACILITY: A facility designed and used for the production of electrical energy primarily for the purpose of commercial sale of electrical energy to wholesale and retail customers connected to electrical transmission grid. Such facilities may include coal, diesel, fuel oil, natural gas combustion as well as solid waste incinerators.

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.

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, liquors, food and fiber products, minerals and compounds, and such related activities as storage, packaging, shipping and scrapping.

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 printing, legal, engineering, consulting, and other similar services.

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

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

RAIN GARDENS: Landscaped depressions that can be built to any size or shape. Also known as 'bio-retention cells', they are designed to allow water to settle and infiltrate into the soil and may outlet through an underdrain if required by the City Engineer. [Annotation: this definition of "Rain Gardens" was added by amendment Z15-05, effective 7/14/15]

RECREATION VEHICLE: A trailer, self-propelled motor home, truck bed mounted camper and similar vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities

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.

RESEARCH, LABORATORY, AND TESTING: An establishment or other facility for carrying on investigation in the natural, physical or social services, which may include engineering and product development.

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.

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

SECTION 220 S

SAND EXCAVATION - The process of altering the natural (grade) elevation by cutting or filling the earth, or any activity by which sand is dug, quarried, uncovered, removed, displaced, or relocated. [Annotation: Definition of "Sand Excavation" was added by amendment Z10-06, effective 10/30/10]

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 ordinary high water mark. Side, front, rear and waterfront setbacks correspond to the respective yard. [Annotation: The definition of "Setback" was changed by amendment 07-05, effective 5/29/07]

SEXUALLY ORIENTED BUSINESS: Establishments, which include but are not limited to:

A. Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion pictures machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

B. Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for any form of consideration any one or more of the following:

    1. Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or

    2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

    3. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises more than ten (10) percent of the floor area or visible inventory within the establishment.

C. Adult Cabaret: A nightclub, bar, restaurant or similar commercial establishment that regularly features:

1. Persons who appear in a state of semi-nudity or nudity;
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
3. Films, motion pictures, video cassettes or video reproductions, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities of Specified Anatomical Areas; or
4 Persons who engage in lewd, lascivious or erotic dancing or performance that are intended for the sexual interests or titillation of an audience or customers.

D. Adult Motel: A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes or video reproductions, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public road right-of-way that advertises the availability of any of the above.
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

E. Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes or video reproductions, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

F. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Sexual Activities or Specified Anatomical Areas.

G. Escort: A person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform striptease for another person.

H. Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for any form of consideration.

I. Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly

depicted by other persons who pay money or any form of consideration, but does not include an education institution funded, chartered, or recognized by the State of Michigan.

J. Sexual Encounter Center: A commercial establishment that, as one of its principal business purposes, offers for any form of consideration.

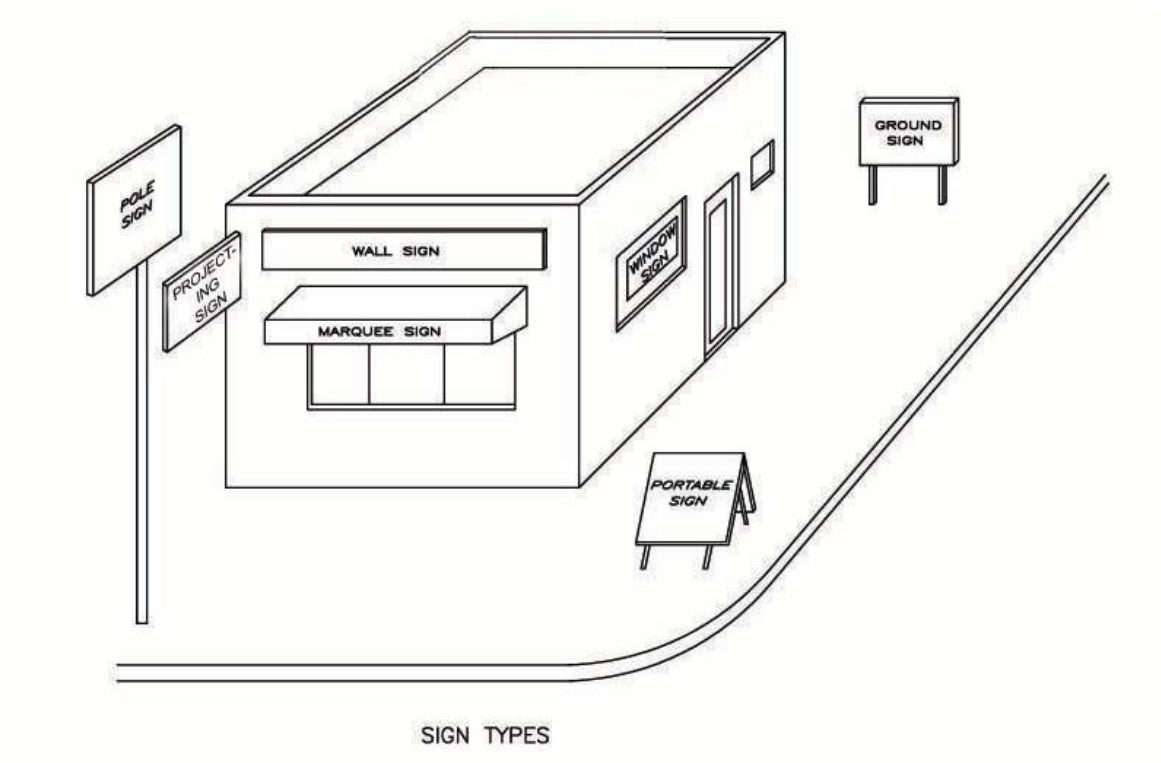
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

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

SHIPPING FACILITY: An area of docks, wharfs, shore stations and related structures and facilities intended to service Great Lakes shipping vessels and the materials loaded and off-loaded from such vessels.

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.

Specific sign types and terms relating to signage content are defined as follows:



A. SIGN, ANIMATED: Any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation.

B. BANNER: Any sign of lightweight fabric or similar material that is mounted to a pole or on a building.

C. BEACON: Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points, including any light with one (1) or more beams which rotate or move.

D. COMMERCIAL MESSAGE: Wording, logos, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, person, or any commercial activity.

E. FLAG: Any fabric, bunting, or banner which contains distinctive colors, patterns, or symbols representing a unit of government (including a local political subdivision, state government, or national government) or non-profit organization.

F. ELECTRONIC MESSAGE BOARD: Any sign display, device or portion thereof with lighted messages that change at intermittent intervals by electronic process or remote control.

G. ELECTRONIC SIGN: A portion of a sign, incorporating electric lights, light emitting diodes (LED's), liquid crystal display (LCD's), or similar elements that enable the display of remotely changeable or automatically changing text or graphics in a stationary display that change no more than once per hour. [Definition of Electronic Sign was amended when language for "Light emitting diodes (LED's) and (LCD') was added by amendment Z10-07, effective 10/30/10]

H. SIGN, FREESTANDING: Any non-movable sign not affixed to a building.

I. SIGN, GROUND: Any freestanding sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.

J. SIGN, IDENTIFICATION: A sign, containing no commercial message, giving the nature, logo, trademark, or other identifying symbol; address; or any combination of the name, symbol, and address of a building, business, development, or establishment on the premises where it is located.

K. SIGN, INCIDENTAL: Any sign indicating a directional message, principally for pedestrian or vehicular traffic, such as, "Telephone," One-Way," "Entrance," and "Exit;" provided, that the sign does not contain a commercial message other than a logo or emblem of the proprietor.

L. SIGN, MARQUEE: Any sign that is mounted, painted, attached to, or in any manner made a part of, an awning, canopy, or marquee that is otherwise permitted by Ordinance. For the purposes of this definition, an awning, canopy, or marquee shall include any fabric, plastic, or structural protective cover over a door, window, entrance, or outdoor service area, including "roofs" over gas station islands.

M. SIGN, NONCONFORMING: Any sign that does not conform to the requirements and standards of this Ordinance.

N. PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a pole, rope, wire, or string, usually in a series, designed to move in the wind.

O. SIGN, OFF-PREMISE: Any sign that directs attention to a business, commodity, services or entertainment conducted, offered or sold at a location other than the premises on which the sign is located.

P. SIGN, POLE: Any sign that is mounted on a freestanding pole or other support so that the bottommost edge of the sign is eight (8) feet or more above grade.

Q. SIGN, POLITICAL: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

R. SIGN, PORTABLE: Any sign that is not permanent, affixed to a building, structure, or the ground, usually intended to be transported easily.

S. SIGN, PROJECTING: Any sign that is wholly or partly dependent upon a building for support, that is attached perpendicularly to said building, and that projects more than twelve (12) inches from such building.

T. SIGN, SUSPENDED: Any sign hanging down from a marquee, awning, canopy, porch, or a horizontal plane surface necessary for the structural soundness of the building out of which it projects that would exist without the sign, that does not project above or beyond said marquee, awning, canopy, porch, or horizontal plane surface.

U. SIGN, TEMPORARY: Any sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time and for one (1) specific event, such as a yard sale.

V. SIGN, WALL: Any sign fastened parallel to or painted on the wall of a building or structure that displays one (1) sign surface or face in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve (12) inches from such building or structure.

W. WINDOW SIGN: Any sign that is painted on, etched on, or bonded to the window glass, or mounted so as to be visible from the exterior of the window. Merchandise normally offered for sale on the parcel and Temporary Signs shall not constitute Window Signs.

SITE CONDOMINIUM: A development in compliance with the Condominium Act containing or designed to contain structures or other improvements and in which each co-owner owns exclusive rights to an area of land on which a structure or structures may be constructed as a site condominium unit. [Annotation: Definition of "Site Condominium" was added by amendment Z10-03, effective 10/30/10]

SITE CONDOMINIUM UNIT: A specific area of land, described in a master deed and established in compliance with the Condominium Act, which is under private ownership and is part of a larger development connected by other site condominium units, limited common elements, and general common elements. . [Annotation: Definition of "Site Condominium Unit" was added by amendment Z10-03, effective 10/30/10]

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 **Article 22** of this Ordinance.

SPECIFIED ANATOMICAL AREAS: The male genitals and/or the vulva or more intimate parts of the female genitals.

SPECIFIED SEXUAL ACTIVITIES: Any of the following:

A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

C. Masturbation, actual or simulated; or,

D. Excretory functions as part of or in connection with any of the activities set forth in A-C above.

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.

STOREFRONT: Tenant or owner occupied space that fronts on a public right-of-way and that occupies all or a portion of a principal building accessed from a main entrance. [Annotation: Definition of "Storefront" was added by amendment Z10-03, effective 10/30/10]

STREET: Any public vehicular way that is:

A. An existing state, county, or locally maintained roadway; or

B. Shown upon an approved plat pursuant to law; or

C. Approved by other official legal action; and

D. Excluding an alley or private street.

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.

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.

SWALE BIOFILTRATION: A shallow drainage way that employs landscaping to stabilize the soil while providing water quality treatment. Designed to remove silt and sediment-associated pollutants before discharging to storm sewers and to reduce volume if soils allow for infiltration. [Annotation: this definition of "Swale Biofiltration" was added by amendment Z15-05, effective 7/14/15]

SWALE, VEGETATED OR ROCK: A densely vegetated or rock lined drainage ways with low-pitched side slopes that detain, evaporate, and/or infiltrate the runoff associated with a storm event. [Annotation: this definition of "Swale, Vegetated or Rock" was added by amendment Z15-05, effective 7/14/15]

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.

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

URGENT CARE FACILITY: A medical care facility open to the public in which professional medical care is provided for injuries and illness.

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.

VEGETATED ROOF: The roof a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. May include roofs vegetated for food production. [Annotation: this definition of "Vegetated Roof" was added by amendment Z15-05, effective 7/14/15]

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.)

Figure V-1

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.

VIEW CORRIDOR: A line-of-sight corridor from a public activity area, such as a pedestrian walkway, outdoor recreation area, outdoor eating/drinking facility, outdoor attraction or similar area to Lake Michigan, Manistee Lake and/or the Manistee River Channel.

SECTION 224 W

WAREHOUSE, PUBLIC: A structure used for storage and repackaging of goods, wares, raw materials, equipment, parts and other materials by the owner or operator on behalf of the owner(s) of such items.

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.[Annotation: The definition of "Waters Edge" was deleted by amendment 07-05, effective 5/29/07]

WELLS, EXTRACTION: Wells installed for the commercial extraction of ground water, crude oil, brine, natural gas, sour gas or similar products. This definition may include any surface or subsurface pumping or processing equipment or facilities.

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.

WHOLESALE FACILITY: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WIND ENERGY CONVERSION SYSTEM, ACCESSORY: A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located. [Annotation: The definition of "Windmill, Accessory" was deleted when the definition of "Wind Energy Conversion System, Accessory" was added by amendment Z11-08, effective 12/28/11]

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.

WIND MONITORING STATION: A tower-mounted or building-mounted anemometer or other similar device intended to measure and report wind speeds and direction.

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 ordinary high water mark 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.

[Annotation: The definition of "Yard" was changed by amendment 07-05, effective 5/29/07]

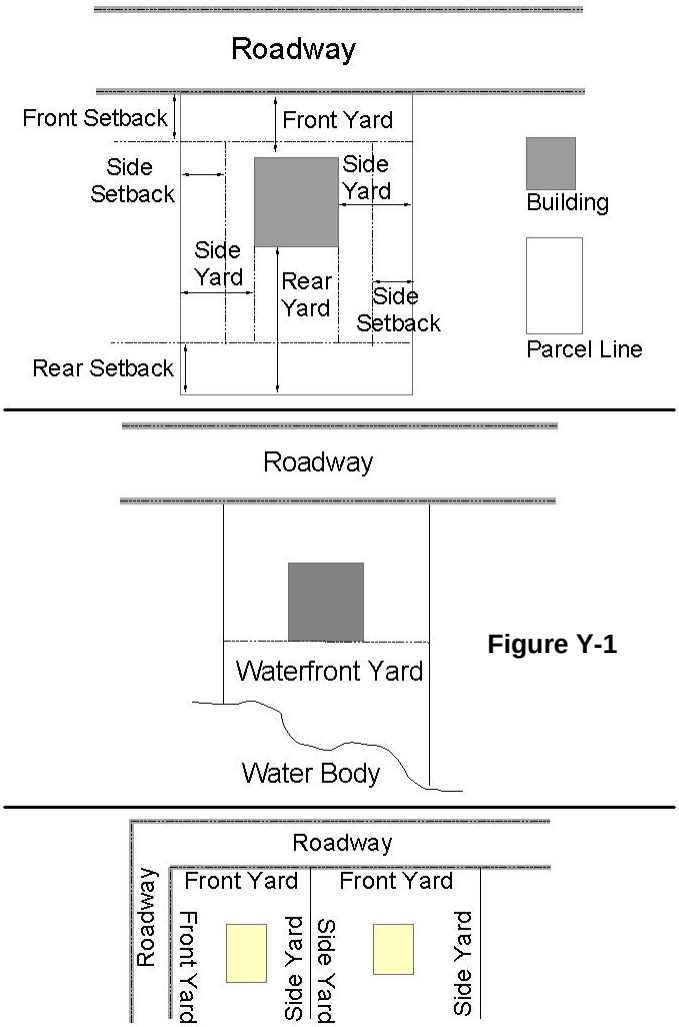


Figure Y-1

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 THREE
DISTRICTS, DIMENSIONAL STANDARDS
USES TABLE AND ZONING MAP

[Annotation: Article Three was renumbered from Article Seven by Ordinance Z10-06 effective 10/30/10]

SECTION 300 ESTABLISHMENT OF DISTRICTS

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

A. Residential districts:

1. G-C Golf Course
2. R-1 Low Density Residential
3 R-2 Medium Density Residential
4. R-3 High Density Residential
5. R-4 Manufactured Housing Community

B. Commercial districts:

1. C-1 Regional Commercial
2. C-2 Neighborhood Business
3. C-3 Central Business District
4. W-F Waterfront District
5. P-D Peninsula District

C. Industrial districts:

1. L-I Light Industrial
2. G-I General Industrial

D. Overlays:

1. Wellhead Protection Overlay
2. Renaissance District
3. U.S. 31 Corridor

[Annotation: Historic Overlay was repealed by Ordinance 07-04 effective 2/20/07]
[Annotation: G-C Golf Course was added by Ordinance Z10-06 effective 10/30/10]
[Annotation: P-D Peninsula District was added by Ordinance Z12-01, effective 6/19/12]

SECTION 301 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 6/19/12 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.

[Annotation: City of Manistee Official Zoning Map Parcels 51-51-211-128-01, 51-51-211-200-01, 51-51-268-701-01 were Re-Zoned from R-2 Medium Density Residential to W-F Waterfront District as part of an Order of the Manistee County Circuit Court by Amendment 07-27, effective 5/29/07]

[Annotation: City of Manistee Official Zoning Map Parcel 51-310-400-01 was Re-Zoned from R-1 Low Density Residential to G-C Golf Course by Amendment Z10-06, effective 10/30/10]

[Annotation: City of Manistee Official Zoning Map was amended by Re-Zoning the W-F Waterfront District south of the Manistee River Channel to P-D Peninsula District by amendment Z12-01, effective 6/19/12]

SECTION 302 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 303 ZONING DISTRICT REGULATIONS

The Schedule of District Regulations set forth as Table 3-1 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.

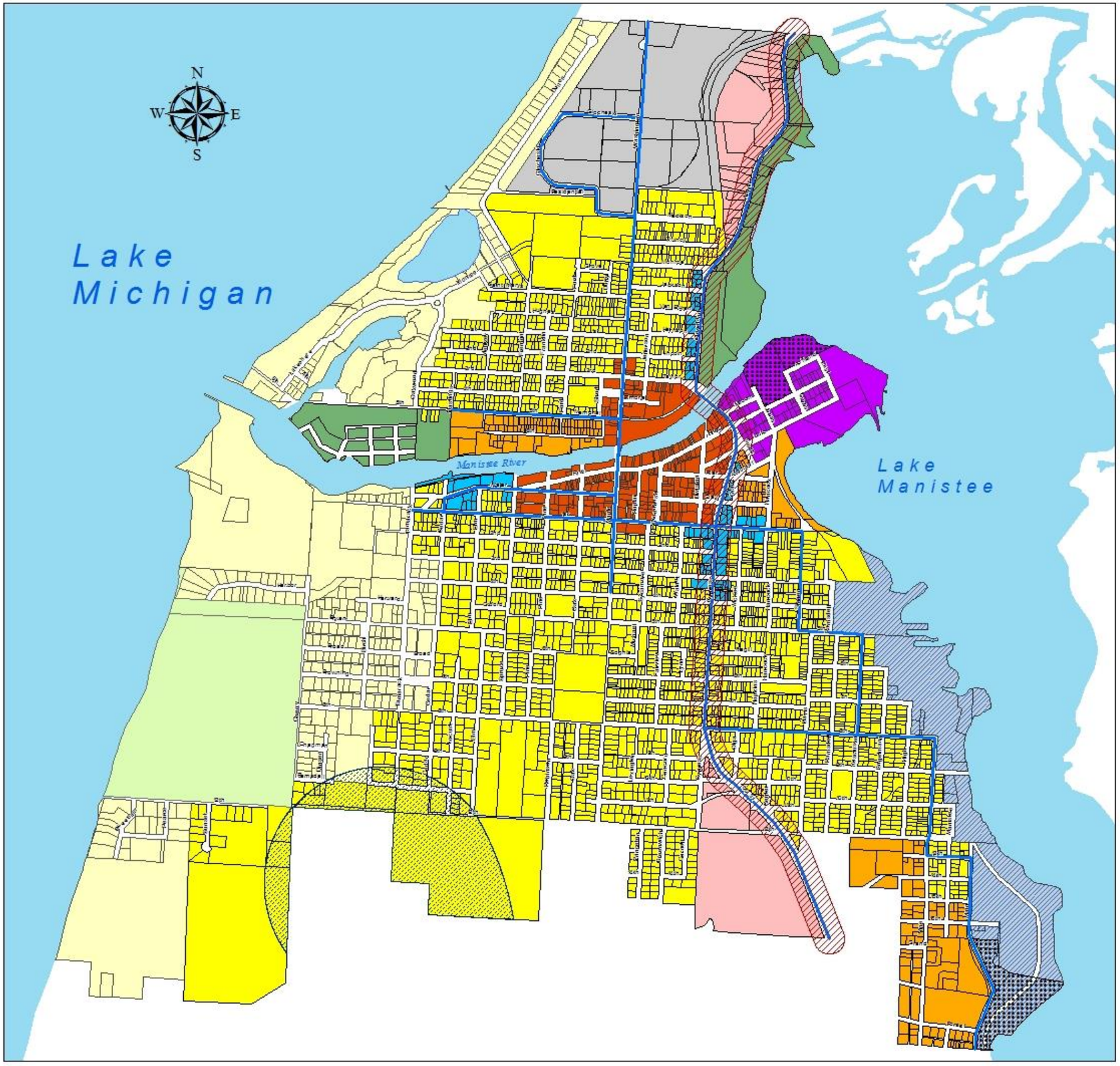
SECTION 304 TABLE OF LAND USES

Table 3-2, 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

Zoning Map

Effective March 27, 2006
Last updated June 19, 2012



Legend

Zoning

- R-1 Low Density Residential
- R-2 Medium Density Residential
- R-3 High Density Residential
- G-C Golf Course
- P-D Peninsula District
- W-F Waterfront
- C-1 Regional Commercial
- C-2 Neighborhood Commercial
- C-3 Central Business District
- L-I Light Industrial
- G-I General Industrial
- Key Street Segments
- US-31 Corridor Overlay
- Renaissance Overlay
- Wellhead Protection Overlay

0 625 1,250 2,500 3,750 5,000 Feet

Back of 3-3

Table 3-1 – City of Manistee Schedule of Regulations

District	*Minimum Lot Dimensions*		*Maximum Lot Coverage*	Minimum Yard Requirements (feet)			Maximum Density	Maximum Height	Minimum Floor Area Per Dwelling and Width
	Area (sq. ft.)	*Width (feet)*	*(%) of gross lot area[h]*	*Front [a]*	*Side*	*Rear/ Waterfront[f]*	*DU/Acre*	*Feet/stories (Principal Bld)*	*(Sq.Ft. & Ft)*
P-D	6,000	60	60%	15	10	10/20	17	35/2½	550/20
G-C	15,000	100	40%	30	10	10/100	4	35/2½	1,500/25
R-1	15,000	100	40%	30	10	10/100	4	35/2½	1,500/25
R-2									
Single Unit	6,000	60		15	10	10/20	8	35/2½	960/20
Duplex or Commercial	10,000	80	40%						
Multi-Unit	10,000[c]	80							
R-3									
Single Unit	6,000	60						35/2½	
Duplex or Commercial	10,000	80	60%	15	10	10/20	17		960/20 (for single family)
Multi-Unit	10,000[c]	80							500/20 (for multi-family)
R-4									
Single Unit	6,000	60	40%	15	10	10/20	8	35/2½	750/20
Duplex or Commercial	10,000	80							
Mfg Hsng	**Per Requirements of Section 1105 and the Rules and Regulations of the Manufactured Housing Commission**								
C-1	20,000[c]	120	60%	30	10[d]	20	17	40/3	500/20
C-2	6,000[c]	60	90%	4	0 or 4[d][e]	10/20	17	35/2½	500/no min. width
C-3	2,500	25	100%	0	0 or 4[d][e]	6/20	(g)	50/4	500/no min. width
W-F									
Single Unit	6,000	60							
Duplex or Commercial	10,000	80	60%	15	10	10/20	17	35/2½	500/20
Multi-Unit	10,000[c]	80							
L-I	12,000	120	70%	25	10[i]	10[i]	N/A	50/4[j]	N/A
G-I	12,000	120	70%	45	10[i]	10/50[i]	N/A	50/4[j]	N/A

Notes:

a. 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 502, G.**

b. For multiple unit buildings in the R-2 district, a minimum of 10,000 square feet shall be provided for the first two units, plus 5,500 square feet for each additional dwelling unit.

c. For multiple unit buildings, a minimum of 10,000 square feet shall be provided for the first two units, 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.

d. A commercial use contiguous to an existing residential use may be required to provide additional buffering

e. A building may be located on one or both side lot lines when both structures are designed to accommo6/19/12 zero-lot line construction. All other structures shall be located a minimum of four (4) feet from the side lot line.

f. This standard shall not apply to walkways,, boat docks, boat slips, boat houses and boat launches. In the C-3 District, the waterfront setback shall be twenty (20) feet, provided the Planning Commission may approve a lesser setback in response to site conditions or surrounding uses and structures.

[Annotation: Notes: Item F was changed by amendment 07-07, effective 5/29/07]

g. Not more than one (1) unit for each 1,500 square feet of building envelope

h. In no instance shall the maximum lot coverage exceed the buildable area of a parcel as defined herein.

i. Industrial uses that abut parcels in the R-1, R-2, R-3, R-4, W-F and C-2 districts shall provide an additional fifteen (15) feet of side and/or rear yard setback along property lines abutting such other districts. In the alternative, the Planning Commission may approve a berm, wall, fence or landscaped buffer sufficient in the judgment of the Planning Commission to buffer and screen neighboring properties from industrial impacts.

j. Structures in the L-I and G-I Districts may be erected or altered to a height of sixty (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.

k. This Schedule of Regulations is intended to provide a quick summary of dimensional standards found in this ordinance. Dimensional standards may be modified by the Planning Commission in accord with the Planned Unit Development standards set forth in **Section 1870**. In the event of a conflict between the standards set forth in this Table 7-1 and other sections of this Ordinance, the Zoning Administrator shall determine which requirement shall be applied.

[Annotation: G-C Golf Course was added to Table7-1 by Amendment Z10-06, effective 10/30/10]
[Annotation: P-D Peninsula District was added to Table 7-1 by Amendment Z12-01, effective 6/19/12]
[Annotation: Minimum Lot Dimensions in the P-D Peninsula District was by amendment Z15-05, effective 7/14/15 which removed larger requirements for Duplex or Commercial and Multi-Unit]

Table 3-2, 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 3-2 Uses Permitted by Right and Special Land Use Permit

(R=Use by Right; SLU=Use Permitted as Special Land Use; * Indicates Use Permitted as Special Land Use on Key Street Segment)

USES	P-D Peninsula District	G-C Golf Course	R-1 Low Density	R-2 Med Density	R-3 High Density	R-4 Mfg. Housing	W-F Water-front	C-1 Reg'l Com	C-2 Neigh. Bus	C-3 Central Bus	L-I Light Ind	G-I Gen Ind
Accessory Bldg. with a footprint less than the principal structure	R	R	R	R	R	R	R	R	R	R	R	R
Accessory Bldg. with a footprint greater than the principal structure	SLU	SLU	SLU	SLU	SLU	SLU	SLU	R	SLU	SLU	R	R
Accessory Uses, Related to uses permitted	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU
Adaptive Reuse	SLU		SLU	SLU	SLU		SLU	SLU	SLU	SLU		
Adult Foster Care Facility				SLU	SLU							
Animal Grooming	SLU							R	SLU			
Assembly Operation							SLU				R	R
Automobile Repair Facility								R	SLU		R	
Bed & Breakfast	SLU		SLU	SLU	SLU		SLU		SLU	SLU		
Billboard								SLU				
Car Wash								SLU	SLU			
Cemetery											SLU	
Communication Tower					SLU		SLU	SLU			SLU	
Community Garden	R	R	R	R	R	R	R	R	R	R	R	R
Contractor's Facility	R				SLU			SLU	SLU	SLU	SLU	R
Convenience Store, w/ fuel pumps								SLU	SLU			
Convenience Store, w/o fuel pumps	SLU			SLU*	SLU*		SLU	R	R	R	SLU	

USES	P-D Peninsula District	G-C Golf Course	R-1 Low Density	R-2 Med Density	R-3 High Density	R-4 Mfg. Housing	W-F Water-front	C-1 Reg'l Com	C-2 Neigh. Bus	C-3 Central Bus	L-I Light Ind	G-I Gen Ind
Day Care, Commercial	SLU				SLU		SLU	SLU	SLU		SLU	
Day Care, Group	SLU		SLU	SLU	R	SLU	SLU	SLU	R			
Drive-through Establishment								SLU	SLU	SLU		
Duplex	SLU		SLU	SLU	SLU	SLU	SLU		SLU	SLU		
Dwelling - Accessory				SLU	SLU							
Dwelling – Multiple Unit	SLU			SLU	SLU	SLU	SLU	SLU	SLU	SLU		
Dwelling – Single Unit	R	R	R	R	R	SLU	R		SLU			
Dwelling – Upper Story Accessory										R		
Eating and Drinking Establishment	R	R		SLU*	SLU*		SLU	R	SLU	R	SLU	
Educational Facility				SLU*	SLU*				SLU		SLU	SLU
Financial Institution	SLU				SLU*		SLU*	R	R	R	R	
Gallery or Museum	R		SLU*	SLU*	SLU*		R	R	R	R		
Gasoline Station								SLU				
Golf Course		R										
Greenhouse and Nursery	SLU							SLU*			R	
Home Based Business	SLU		SLU	SLU	SLU		SLU		SLU			
Home Occupation, Minor	R	R	R	R	R	R	R		R	R		
Home Occupation, Major	SLU		SLU	SLU	SLU	SLU	SLU		SLU	SLU		
Hotel	SLU			SLU*	SLU		SLU	R		R	SLU	
Laundry & Dry Cleaning Establishment								SLU	SLU*	SLU	R	
Manufactured Housing Community						R						
Marina	SLU		SLU	SLU	SLU		SLU		SLU	SLU		SLU
Medical or Dental Office				SLU*	SLU*			R	R	R	R	

USES	P-D Peninsula District	G-C Golf Course	R-1 Lo. Density	R-2 Med Density	R-3 High Density	R-4 Mfg. Housing	W-F Water-front	C-1 Reg'l Com	C-2 Neigh. Bus	C-3 Central Bu.	L-I Light Ind	G-I Gen Ind
Mini/Self-Storage Facility					SLU*			SLU			R	R
Mine, Sand and Gravel								SLU				SLU
Mixed-Use Development	R	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU		
Mortuary				SLU*	SLU*			SLU*	SLU*			
Motel							SLU*	R				
Nursing Home or Convalescent Home				SLU*	SLU*			SLU	SLU			
Outdoor Recreation, Park	R	R	R	R	R	R	R	R	R	R	R	R
Outdoor Sales Facility								SLU*	SLU*			
Parking Facility	SLU			SLU*	SLU*		SLU	SLU	SLU	SLU		SLU
Personal Service Establishment	R			SLU	SLU		R	R	R	R		
Place of Public Assembly – Large				SLU*	SLU*		SLU*	SLU*	SLU*	SLU*	SLU*	
Place of Public Assembly – Small	SLU		SLU	SLU*	SLU*		R	R	R	R		
Planned Unit Development	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU
Power Generating Facility												SLU
Processing and Manufacturing											SLU	R
Professional Office	R			SLU*	SLU*		R	R	R	R	R	R
Professional Service Establishment	R			SLU*	SLU*		R	R	R	R	R	R
Research, Testing and Laboratory											R	R
Retail Business	R			SLU*	SLU*		R	R	R	R		
Sand Excavation		R										
Sexually Oriented Business								SLU				
Shipping Facility							R					R
Sports and Recreation Club			SLU				SLU*	R	SLU*	SLU*	SLU*	
Studio for Performing & Graphic Arts	SLU			SLU*	SLU*		SLU	R	R	R		

USES	P-D Peninsula District	G-C Golf Course	R-1 Low Density	R-2 Med Density	R-3 High Density	R-4 Mfg. Housing	W-F Water-front	C-1 Reg'l Com	C-2 Neigh. Bus	C-3 Central Bus	L-I Light Ind	G-I Gen Ind
Subdivision, Plat or Condo. (of permitted uses)	R	R	R	R	R	R	R	R	R	R	R	R
Tattoo Parlor								SLU				
Theater							SLU*	R	SLU*	R	SLU*	
Urgent Care Facility								R				
Uses similar to uses permitted by right or as special land uses	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU	R/SLU
Veterinary Clinic								R	SLU		R	
Warehouse, Public							SLU	SLU			R	R
Wells, Extraction		SLU									SLU	R
Wholesale Facility	R							R			R	
Wind Energy Conversion System					SLU						SLU	SLU
Wind Energy Conversion System, Accessory Subject to Section 515.G	R	R	R	R	R	R	R	R	R	R	R	R

[Annotation: Mine, Sand and Gravel was deleted as a SLU in the L-I Light Industrial by amendment 07-10, effective 5/29/07]
[Annotation: Wells Extraction was changed from a SLU to R in the G-I General Industrial District by amendment 07-11, effective 5/29/07]
[Annotation: Medical or Dental Office was added as a R in the L-I Light Industrial District by amendment 07-79, effective 12/14/07]
[Annotation: Adaptive Ruse was deleted as a SLU in the F-4 Manufactured Housing Community District by amendment 08-03, effective 2/29/08]
[Annotation: Adaptive Ruse was deleted as a SLU in the G-I General Industrial District by amendment 08-03, effective 2/29/08]
[Annotation: Parking Facility, Public was changed to Parking Facility by amendment 08-02, effective 2/29/08]
[Annotation: Parking Facility was added as a SLU* (requires key street frontage) in the R-2 Medium Density Residential District by amendment 08-02, effective 2/29/08]
[Annotation: Parking Facility was added as a SLU* (requires key street frontage) in the R-3 High Density Residential District by amendment 08-02, effective 2/29/08]
[Annotation: Parking Facility was added as a SLU in the C-2 Neighborhood Commercial District by amendment 08-02, effective 2/29/08]
[Annotation: Parking Facility was added as a SLU in the G-I General Industrial District by amendment 08-02, effective 2/29/08]
[Annotation: Windmills, Accessory was added as a R in the L-I Light Industrial District and in the G-I General Industrial District by amendment 08-08, effective 12/11/08]
[Annotation: Duplex was changed from R to SLU in the R-2 Medium Density Residential District, R-3 High Density Residential District and W-F Waterfront District by amendment Z10-01, effective 10/30/10]
[Annotation: Bed & Breakfast was added as a SLU in the C-2 Neighborhood Commercial District by amendment, Z10-02, effective10/30/10]
[Annotation: G-C Golf Course District was added to Table 7-2 Uses Permitted by Right and Special Land Use Permit by amendment Z10-06, effective10/30/10]
[Annotation: Accessory Bldg. ≤ footprint principal structure was added as a R in the G-C Golf Course District by amendment Z10-06, effective10/30/10]
[Annotation: Accessory Bldg. ≥ footprint principal structure was added as a SLU in the G-C Golf Course District by amendment Z10-06, effective10/30/10]

[Annotation: Accessory Uses, Related to uses permitted was added as a R/SLU in the G-C Golf Course District by amendment Z10-06, effective10/30/10]
[Annotation: Dwelling – Single Unit was added as a R in the G-C Golf Course District by amendment Z10-06, effective10/30/10]
[Annotation: Eating and Drinking Establishment was added as a R in the G-C Golf Course District by amendment Z10-06, effective10/30/10]
[Annotation: Golf Course was added as a R in the G-C Golf Course District by amendment Z10-06, effective10/30/10]
[Annotation: Golf Course was deleted as a SLU in the R-1 Low Density District by amendment Z10-06, effective10/30/10]
[Annotation: Home Occupation, Minor was added as a R in the G-C Golf Course District by amendment Z10-06, effective10/30/10]
[Annotation: Mixed Use Development was added as a SLU in the G-C Golf Course District by amendment Z10-06, effective10/30/10]
[Annotation: Outdoor Recreation, Park was added as a R in the G-C Golf Course District by amendment Z10-06, effective10/30/10]
[Annotation: Planned Unit Development was added as a SLU in the G-C Golf Course District by amendment Z10-06, effective10/30/10]
[Annotation: Sand Excavation was added to the List of Uses in Table 7-2by amendment Z10-06, effective10/30/10]
[Annotation: Sand Excavation was added as a R in the G-C Golf Course District by amendment Z10-06, effective10/30/10]
[Annotation: Subdivision, Plat or Condo, (of permitted uses) was added as a R in the G-C Golf Course District by amendment Z10-06, effective10/30/10]
[Annotation: Uses similar to uses permitted by right or as special land uses was added as a R/SLU in the G-C Golf Course District by amendment Z10-06, effective10/30/10]
[Annotation: Wells, Extraction was added as a SLU in the G-C Golf Course District by amendment Z10-06, effective10/30/10]
[Annotation: Community Garden was added as a R in all Zoning Districts by amendment Z11-06, effective 9/25/11]
[Annotation: Windmill, Accessory was replaced with Wind Energy Conversion System, Accessory by Amendment Z11-08, effective 12/28/11 as a R in all Zoning Districts]
[Annotation: P-D Peninsula District was added to Table 7-2 Uses Permitted by Right and Special Land Use Permit by amendment Z12-01, effective 6/19/12]
[Annotation: Accessory Bldg. < footprint principal structure was added as a R in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Accessory Bldg. > footprint principal structure was added as a SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Accessory Uses, Related to uses permitted was added as a R/ SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Adaptive Reuse was added as a SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Bed and Breakfast was added as a SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Community Garden was added as a R in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Convenience Store, w/o fuel pumps was added as a SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Day Care, Commercial was added as a SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Duplex was added as a SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Dwelling – Multiple Unit was added as a SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Dwelling – Single Unit was added as a R in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Eating and Drinking Establishment was added as a SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Financial Institution was added as a SLU* in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Gallery or Museum was added as a R in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Home Based Business was added as a SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Home Occupation, Minor was added as a R in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Home Occupation, Major was added as a SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Hotel was added as a SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Marina was added as a SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Mixed-Use Development was added as a SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Motel was added as a SLU* in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Outdoor Recreation, Park was added as a R in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Parking Facility was added as a SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Personal Service Establishment was added as a R in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]

[Annotation: Place of Public Assembly, Large was added as a SLU* in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Place of Public Assembly, Small was added as a SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Planned Unit Development was added as a SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Professional Office was added as a R in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Professional Service Establishment was added as a R in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Retail Business was added as a R in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Studio for Performing & Graphic Arts was added as a SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Subdivision, Plat or Condo. (of permitted uses) was added as a R in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Theater was added as a SLU* in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Uses similar to uses permitted by right or as a special land uses was added as a R/ SLU in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Wind Energy Conversion System, Accessory was added as a R in the P-D Peninsula District by amendment Z12-01, effective 6/19/12]
[Annotation: Animal Grooming was added as a SLU in the P-D Peninsula District by amendment Z15-04, effective 7/14/15]
[Annotation: Contractors Facility was added as a R in the P-D Peninsula District by amendment Z15-04, effective 7/14/15]
[Annotation: Eating and Drinking Establishment was changed from a SLU to a R in the P-D Peninsula District by amendment Z15-04, effective 7/14/15]
[Annotation: Financial Institution was changed from a SLU* to a SLU in the P-D Peninsula District by amendment Z15-04, effective 7/14/15]
[Annotation: Greenhouse & Nursery was added as a SLU in the P-D Peninsula District by amendment Z15-04, effective 7/14/15]
[Annotation: Mixed Use was changed from a SLU to a R in the P-D Peninsula District by amendment Z15-04, effective 7/14/15]
[Annotation: Motel was deleted as a SLU* in the P-D Peninsula District by amendment Z15-04, effective 7/14/15]
[Annotation: Places of Public Assembly Large was deleted as a SLU* in the P-D Peninsula District by amendment Z15-04, effective 7/14/15]
[Annotation: Theater was deleted as a SLU* in the P-D Peninsula District by amendment Z15-04, effective 7/14/15]
[Annotation: Wholesale Facility was added as a R in the P-D Peninsula District by amendment Z15-04, effective 7/14/15]

ARTICLE FOUR
NONCONFORMITIES

SECTION 400 PURPOSE AND INTENT

Nonconforming lots, structures and uses as defined herein which were lawful before this Ordinance was adopted may continue until they are discontinued, damaged or removed but shall not be encouraged to continue or be duplicated after a period of non-use. These nonconformities are declared by this Ordinance to be incompatible with the buildings and structures and uses of parcels, lots, buildings and structures permitted by this Ordinance. It is further the intent of this Ordinance that such nonconformities shall not be enlarged, expanded or extended except as provided herein nor shall such nonconformities be used as grounds for adding other buildings and structures and uses of parcels, lots, buildings and structures prohibited elsewhere in the same Land Use District.

SECTION 401 REGULATIONS

No nonconforming use of land shall be moved in whole or in part to any other portion of such land, or to a different parcel, not occupied on the effective date or adoption or amendment of this Ordinance, except as provided in this Article Four.

A. A nonconforming structure and use may not be added to, extended, reconstructed, structurally altered, or expanded during its life except for any one or combination of the following and subject to the following restrictions:
   1. Nonconforming Use. If the nature of the nonconformity is a use which is not otherwise allowed in the zoning district, then the use and structures upon which the use is associated shall not be expanded or enlarged in terms of the area devoted to the use, hours of operation or level of service, or any other extension than what exists at the time of adoption of this Ordinance. Under no condition shall the parcel be expanded and the use be expanded to a contiguous parcel.
   2. Nonconforming Dwelling or Retail Use. If the nature of the nonconformity is a use which is a dwelling in the C-1, C-2, C-3, L-I or G-I districts, or a retail business located in the L-I or G-I districts, and such use is not otherwise permitted; then the use and structures associated with it may expand within the standards and regulations applicable to that zoning district as if it were a permitted use. [Annotation: Section 401.A.2 was changed by amendment 07-06, effective 5/29/07]
   3. Nonconforming Developed Parcel. If the nature of the nonconformity is the parcel is too small and already has existing uses and structures; then such structures shall not be expanded more than the lesser of:

a. Fifty (50) percent of the building area occupied by the structure at the time of adoption of this Ordinance, or
b. The Maximum Lot Coverage for the zoning district; and

any such expansion shall comply with all other provisions of this Ordinance. Nothing here is intended to prevent the acquisition of adjacent land to bring the parcel into compliance, or to lessen the nonconformity if the use is permitted in the respective zoning district.

4. Nonconforming Undeveloped Parcel. If the nature of the nonconformity is the parcel is too small, and the parcel is vacant; then a use or structure shall not be permitted unless contiguous land is added to the parcel, to make the parcel large enough, unless:
   a. It is documented by the applicant that sufficient contiguous land cannot be purchased, and
   b. The nonconforming parcel was created by lawful division in full compliance with the zoning ordinance in effect at the time of the division.
5. Nonconforming Structure. If the nature of the nonconformity is the structure is too small; then the use shall not be expanded by more than fifty (50) percent in hours of operation or level of service, or other similar extension than what exists at the time of adoption of this Ordinance. Nothing here is intended to prevent any amount of addition to the size of the structure, if:
   a. The size of the structure is the only nonconformity, and
   b. The addition results in the structure being in full compliance, or as a second choice, closer to compliance.
6. Nonconforming Yards. If the nature of the nonconformity is any portion of the existing structure is located within a portion of the required front, side or rear yard, the structure may be expanded provided the expansion does not increase the degree of the nonconformity by enlarging any portion of the structure in the required yard in the direction of the adjoining property line.

B. Nonconforming Condominium. A nonconforming developed or undeveloped parcel shall not be converted to a condominium, except in conformance with this Ordinance. [Annotation: Item B Nonconforming Condominium was added by Amendment Z10-03, effective 10/30/10]

SECTION 402 REPAIRS AND MAINTENANCE

Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of nonconforming buildings, structures, or part thereof existing at the effective date of this Ordinance, rendered necessary by wear and tear, deterioration or depreciation; nor prevent compliance with the provisions of the Michigan Construction Code, relative to the

maintenance of buildings or structures; provided, however, that the cost of such repair, reinforcement, improvement, rehabilitation or compliance shall not exceed sixty (60) percent of the reproduction value of such building at the time such work is done; and provided, further, there shall be no change of use which would expand the nonconformity of such building at the time such work is done; and provided, further, there shall be no change of use of said building or part thereof.

SECTION 403 RECONSTRUCTION AND REPLACEMENT

A. No nonconforming building or structure damaged by fire, act of God or other causes to the extent that the damage is total (i.e. the insurance coverage, if it existed, would pay the full replacement cost of the structure) shall be repaired or rebuilt, except in conformity with the provisions of this Ordinance.
B. Reconstruction, repair or restoration of the structure shall be completed within one (1) year following the damage and resumption of use shall take place within ninety (90) days of completion. The one (1) year timeframe may be extended by the Zoning Board of Appeals if it finds one of the following conditions to exist:
   1. The delay was not avoidable due to weather;
   2. The delay was a result of an on-going criminal investigation;
   3. The delay was a result of a dispute between the owner and an insurance company concerning what is covered by insurance; and
   4. The delay was a result of property being held in probate.
C When repairing or rebuilding any building which is located in a high risk erosion area, affirmative steps to minimize future erosion damage may be required.

SECTION 404 COMPLETION

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure, the construction of which shall have been diligently prosecuted prior to the passage of this Ordinance or any amendment thereto, and the construction of which shall have been completed within twelve (12) months after said date of adoption or amendment.

SECTION 405 ABANDONMENT

Any building, structure or land that has been used for nonconforming purposes but which has not been occupied by such nonconforming use for one (1) year or more shall not thereafter be used unless it conforms to the provisions of this Ordinance. An extension may be granted by the Zoning Board of Appeals for the following reasons:

ARTICLE FIVE
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, structured 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 as follows on a parcel:

   1. Within the front yard setback:

      a. Those parts of a building which are decks, including steps, handicapped ramps, terraces, patios and awnings but built no closer than three (3) feet from the property line, subject to the provisions of **Section 513** pertaining to clear vision areas.

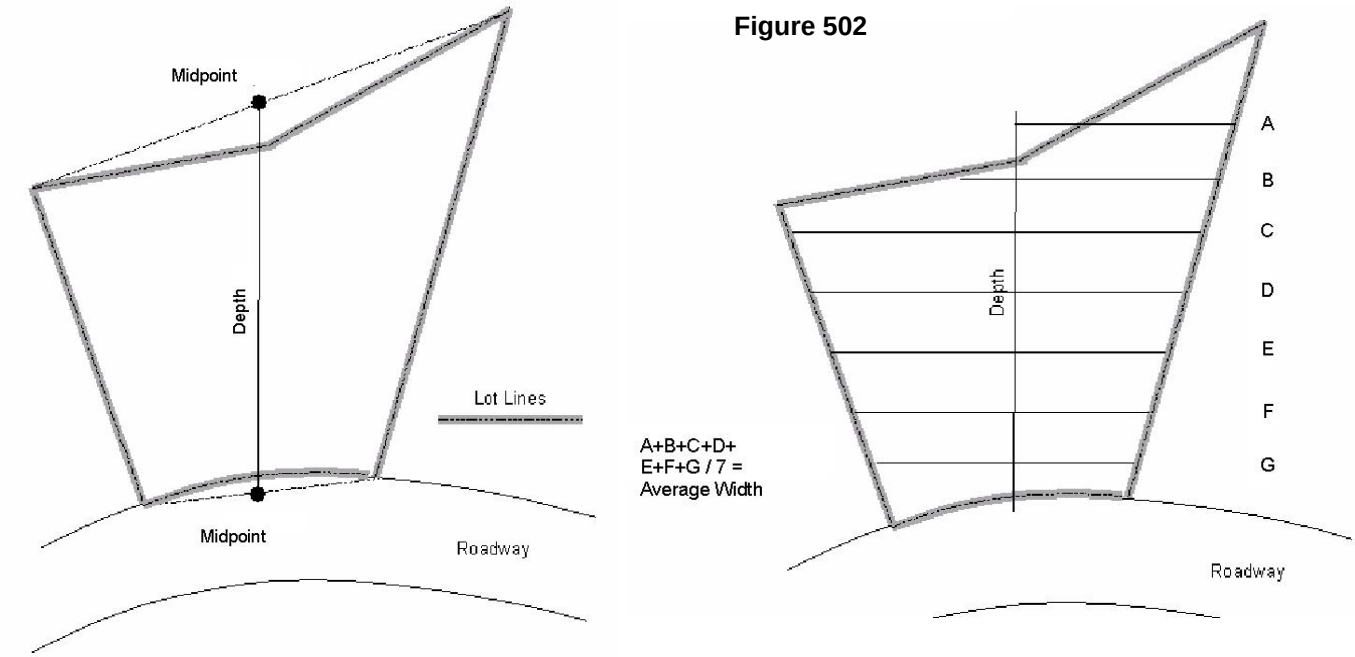
      b. Porches built no closer than three (3) feet from the property line, subject to the provisions of **Section 513** pertaining to clear vision areas. Provided that they cannot be enclosed into living area, permanently screened (creating a screened porch) or glassed (creating a sunroom), the use of screen curtains is permissible.

c. On parcels with steep slopes exterior steps may be located within a required yard when the Zoning Administrator finds that such location is necessary for the practical use of the property.

2. Within the side or rear yard setback:
   a. handicapped ramps, terraces, and patios but built no closer than three (3) feet from the property line
   b. On parcels with steep slopes exterior steps may be located within a required yard when the Zoning Administrator finds that such location is necessary for the practical use of the property.
   c. Outdoor playsets less than 18 feet in height but built no closer than three (3) feet from the property line and will not require a Land Use Permit.
3. Anywhere on a parcel and does not require a Land Use Permit:
   a. Flag poles;
   b. Hydrants;
   c. Arbors, trellises, trees, plants, shrubs, subject to the provisions of **Section 513** pertaining to clear vision areas;
   d. Sidewalks and walkways. [Annotation: Section 502.D was changed by amendment Z12-07, effective 10/27/12]

E. Required setback distances shall be measured perpendicular to and from the property line or edge of right-of-way or ordinary high water mark toward the center of the parcel. For non-platted parcels, where the front lot line is the roadway centerline, setbacks shall be measured from the edge of the right-of-way. Building setback lines shall parallel the parcel line from which they are measured. All measurements of setback distances shall be completed in accordance with **Section 524** hereof. [Annotation: Section 502.E was changed by amendment 07-05, effective 5/29/07]

F. Parcel depth measurements shall be taken from the midpoints of straight lines, one connecting the front property corners and the second connecting the rear property corners. For the purposes of this section, property corners shall be determined by the Zoning Administrator as the points at which the side parcel lines intersect the front and rear lines, regardless of the shape of the property. Parcel width shall be measured at the front yard setback line. Provided that for irregularly-shaped parcels, the Zoning Administrator may determine an average parcel width as the average width measured at right angles to its depth, with no fewer than five (5) equally spaced measurements. See Figure 502.



G. In the event a site plan is submitted for a proposed building or improvement in an area where fifty percent (50%) 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 most common setback of all existing buildings on the same side of the street within the same block. [Annotation: Section 502.G was changed by amendment 07-08, effective 5/29/07]

H. 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 there under.
3. No storm water runoff, which is a result of development site design, or other manmade features, shall be allowed to be directed to neighboring parcels, or shall be allowed to result 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. As an alternative, if in the opinion of the City's consulting engineer, the soils are of a type which will allow for efficient drainage, the use of drywells, infiltration trenches, swales, bio-retention or other best management practices for controlling urban runoff quality may be permitted. Single-family standalone residences are exempt from having to receive permitting and design approval for placement of rain gardens, bio-swales, rain barrels or other stormwater management practice, but all stormwater structures must meet applicable setbacks and other general standards. Methods used may include attached or detached accessory stormwater control features as follows:
   a. Swales: both biofiltration and vegetated/rock swales subject to engineering review.
   b. Rain Gardens may be permitted subject to engineering review.
   c. Rain Barrels or Cisterns are permitted in all districts and require a land use permit.
      1) Underground cisterns or rain barrels are subject to engineering review and constructed in accordance with the State Building Code.
      2) Aboveground rain barrel or cistern systems in excess of 250 gallons must conform to the setbacks for accessory buildings and structures and are subject to engineering review. These systems must be constructed in accordance with the State Building Code. These above ground rain barrels or cistern systems shall be fully enclosed to avoid attracting mosquitos or becoming a hazard.
   d. Vegetated roof systems may be permitted in accordance with the State Building Code.
   e. Other methods of onsite stormwater control may be submitted to the Zoning Administrator and, at their discretion, may be approved, approved subject to engineering review, approved subject to Planning Commission review, or denied.

   [Annotation: Section 503.3 was amended by adding language for green infrastructure options by amendment Z15-05, effective 7/14/15]

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, and 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. Where any building, structure or improvement is proposed for property abutting Manistee Lake, the Manistee River Channel, Lake Michigan or any man-made lake, additional waterfront setbacks shall be provided to offer protection for said water body. Such setbacks shall be increased to the following (see Table 7-1 for a complete schedule of regulations):

B.

District	PD	GC	R-1	R-2	R-3	R-4	C-2	C-3	W-F	L-I	G-I
Waterfront Yard (feet)	20	100	100	20	20	20	20	20	20	N/A	50

Provided, that these increased setback standards shall not apply to walkways, boat docks, boat slips, boat houses and boat launches. The increased setback areas shall be designed to provide additional protection for the water bodies. [Annotation: Section 505.A was changed by amendment 07-07, effective 5/29/07] [Annotation: GC was added by amendment Z10-06, effective 10/30/10] [Annotation: PD was added by amendment Z12-08, effective 10/27/12]

C. A site plan for any improvement proposed for property abutting the Manistee Lake or River Channel shall provide for a filter and buffer landscape strip a minimum of ten (10) feet in width along the edge of the water. Natural shoreline and existing vegetation shall be preserved where appropriate. It shall be the landowner's responsibility to maintain (and establish, if necessary) this vegetation belt in a healthy state.

D. 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.

E. Where buildings and structures are proposed to be located within or adjacent to floodplains and areas of high-risk erosion, techniques shall be implemented to mitigate any impact on water bodies and bluff lines. The mitigation techniques shall also be designed to minimize the economic hardships that individuals and the City may face in the event of property loss due to severe erosion or flooding. The Planning Commission may require an applicant to submit an Environmental Assessment on the condition of the floodplain or the bluff line.

Where a bluff is determined to be eroding or in danger of eroding, structures and buildings shall be setback a minimum of ten (10) feet in addition to the respective minimum waterfront yard setback, from the bluff line; provided, that a minimum of 30 years protection from shore land or bluff erosion is provided by said setback, as determined by the Department of Natural Resources.

F. The City encourages property owners, developers, and others to construct walkways, or to dedicate easements to the City for the eventual construction of walkways, along lands abutting the Manistee Lake or River Channel. Where an easement or walkway will be provided, it shall be illustrated on a site plan and may be located within or on posts or pilings above the ten (10) foot filter and buffer landscape strip required per **Section 505 B**.
   1. The easement or walkway shall be a minimum of ten (10) feet wide and shall be aligned to connect with existing, anticipated, or future walkways on neighboring properties.
   2. A walkway shall be approved by the City Engineer and shall conform to the City of Manistee's sidewalk standards, as promulgated under **Section 1024** of the General Law Ordinances of the City of Manistee.

SECTION 506 RESERVED

SECTION 507 CONDITIONS OF APPROVAL

The Zoning Administrator, Planning Commission, City Council 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 constructed in the waterfront setback. [Annotation: Section 508.2 was changed by amendment 07-05, effective 5/29/07]
3. Fences, other than decorative fences as defined herein, shall not be located in the front setback of any lot in the R-1, R-2, R-3, R-4 or C-2 Districts.

B. Height:

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

C. Design and Type:

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

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:

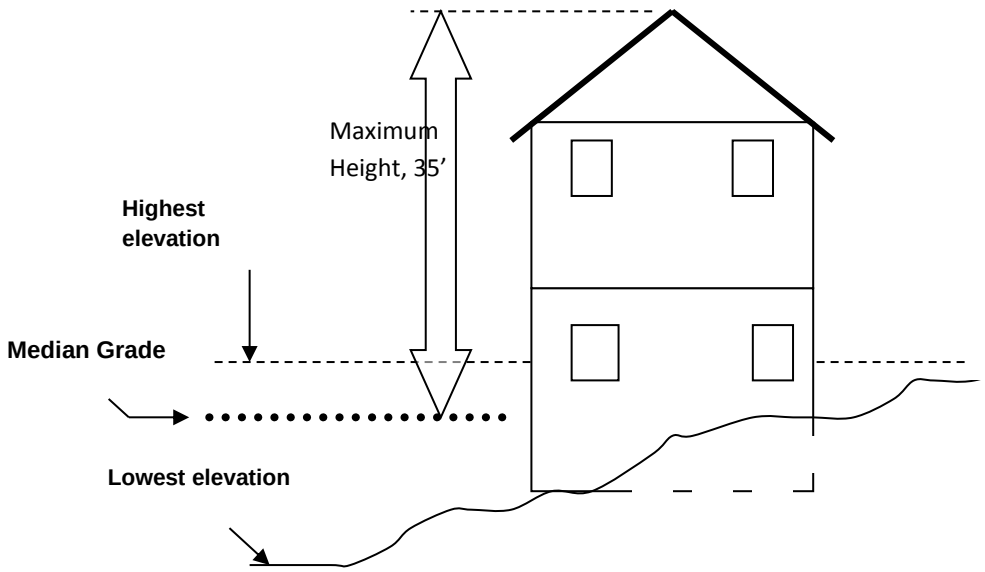


Figure 509

1. Buildings or structures in the C-1 District may be erected or altered to a height of forty (40) feet. Buildings in the C-3 District may be erected or altered to a height of fifty (50) feet.
2. Buildings or structures in the L-I and G-I 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. All such structures shall require the approval of the Fire Chief.

B. 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.

C. 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 P-D, R-4, C-1, C-2, W-F, L-I and G-I Districts, driveway entrances and exits to a property shall comply with the following standards unless superseded by State or Federal statute or rule. [Annotation: PD was added by amendment Z12-08, effective 10/27/12]
   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, measured from the edge of the respective rights-of-way. Provided that, parcels greater than one hundred (100) feet in width, which shall have driveways curb cuts at least sixty (60) feet from an intersection measured at the edge of the public right-of-way.
   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 a local 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. In the G-C, R-1, R-2 and R-3 districts, driveway curb cuts shall be placed at least thirty (30) feet from an intersection. [Annotation: G-C was added by amendment Z-15-04, effective 7/14/15]

C. All driveways in every district shall be located at least three (3) feet from a side yard property line.

D. A driveway curb cut shall not be constructed into a city-owned street unless a driveway is also being constructed. [Annotation: word “unto” was replaced with “into” by amendment Z15-05, effective 7/14/15]

E. 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.

F. All driveways shall be paved with asphalt, concrete, or pervious paving and connect to the public right-of-way. [Annotation: pervious paving was added by amendment Z15-05, effective 7/14/15]

G. 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

Except within a PUD approved in accordance with **Section 1870**, 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

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. Provided, further, that the Planning Commission may, upon the recommendation of the Zoning Administrator, waive or modify such standard within the C-3 and C-2 districts to permit buildings to conform to existing front and side yard patterns in the immediate vicinity.

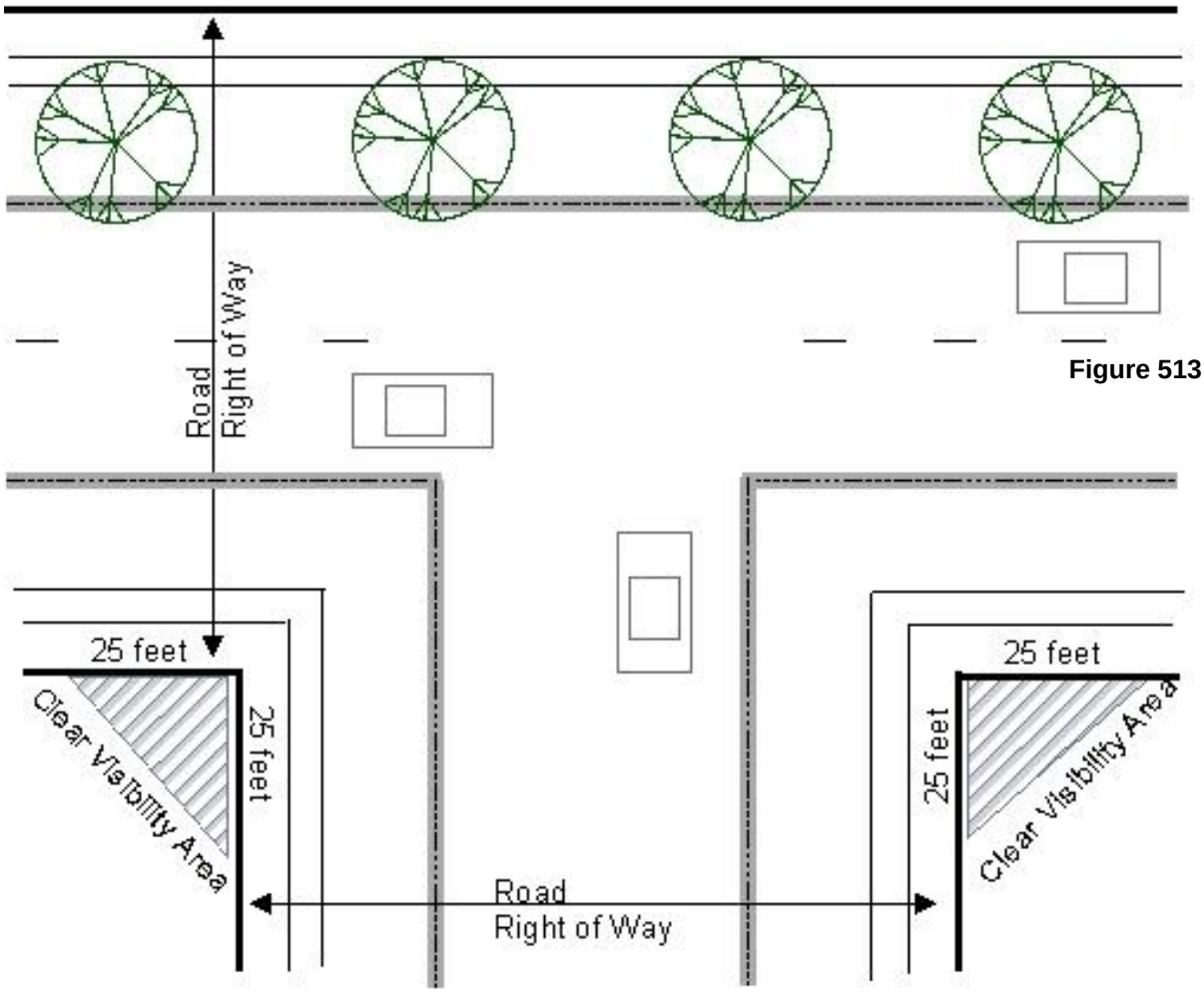


Figure 513

SECTION 514 VEHICULAR PARKING SPACE, ACCESS, BIKE PARKING AND SIDEWALKS

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. All parking areas except for Dwelling Units for Single Family, duplex units and mobile homes; the maximum number of parking spaces shall not exceed 1.5 times the minimum number of required parking spaces

Use	Number of Parking Spaces Per Unit of Measure
Dwellings	Two (2) spaces per Dwelling Unit for Single Family, duplex units and mobile homes. One and a half (1.5) spaces for Multi-Family.
Hotels, Motels, Inns and Transient Lodging Places	One (1) space for each rentable room.
Hospitals, Nursing and Personal Care Facilities	One (1) space for each four beds, and one (1) space for each employee during the time the largest number of employees are present.
Places of public assembly	One (1) space for each four seats of legal capacity.
Medical clinics and medical and dental offices	One (1) space for each 50 square feet of usable floor area in waiting rooms, one (1) space for each examining room, dental chair and similar use area, and (1) space for each employee during the time the largest number of employees are present.
Offices, other than medical or dental clinics	One (1) space for each 250 square feet of office space.
Eating and drinking establishments	One (1) space for each three seats of legal seating capacity.
Retail establishments	One (1) space for each 450 square feet of floor area dedicated to retail activity, exclusive of storage areas.
Industrial and warehouse uses	One (1) space for each employee during the time the largest number of employees are present plus five (5) spaces for visitors.

[Annotation: Section Title was changed from Vehicular Parking Space, Access and Lighting to Vehicular Parking Space, Access, Bike Parking and Sidewalks and Section A was amended by Amendment Z12-04; effective 10/27/12]

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.

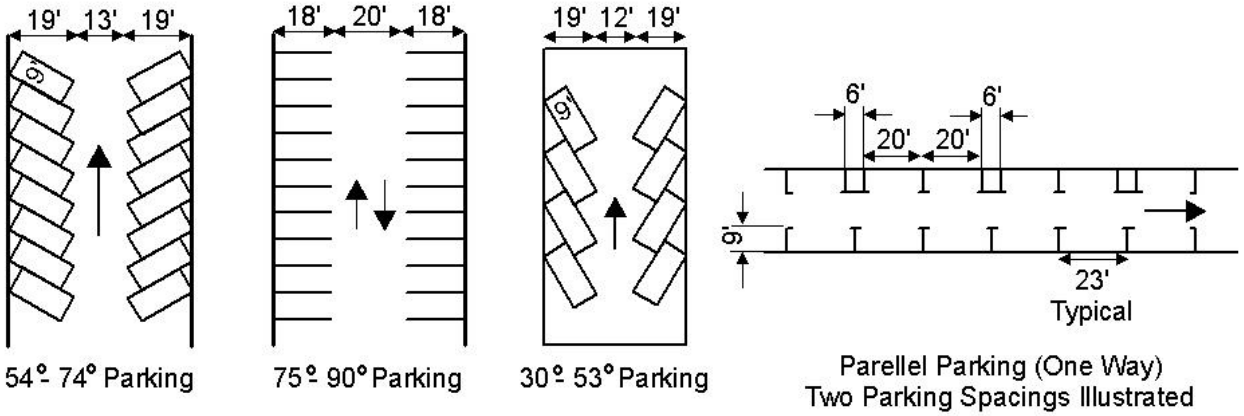
C. The minimum dimensional standards for parking spaces and aisles shall be as follows.

Minimum Parking Space and Maneuvering Lane Standards						
	Lane Width		Parking Space		Total Width of Two Tiers Plus Lane	
Parking	One-way	Two-way	Width (1)	Length(2)	One-way	Two-way
Pattern	(ft)	(ft)	(ft)	(ft)	(ft)	(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



Parking Area Dimensions
(for standard-size vehicles)

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, bituminous material or pervious paving with approved curbing and painted parking lines. [Annotation: Item E was amended by Amendment Z12-04, effective 10/27/12]

[Annotation: Item E was amended by amendment Z15-05, effective 7/14/15]

F. Parking areas with ten (10) or more spaces shall include designated pedestrian walkways through the parking lot in addition to landscaped planting islands and perimeter buffers in accordance with Section 531, in all instances where sufficient space is available. Landscape islands must meet the following size requirements:

1. Landscape islands containing a tree shall be a minimum of 160 square feet and a minimum of nine (9) feet wide.
2. Landscape islands containing a pedestrian pathway shall be a minimum of eleven (11) feet wide, with a pathway of a minimum width of five (5) feet and a minimum of three (3) feet of landscape area on both sides.
3. If landscaped islands are not used for storm water infiltration, the islands must be raised and curbed. [Annotation: Item F was added by amendment Z15-05, effective 7/14/15]

G. For all permitted uses and special uses in the P-D District the parking provisions of this section shall not apply, except hotels, marinas, and places of public assembly. [Annotation: Item G was added by amendment Z15-04, effective 7/14/15]

H. For all permitted uses and special uses in the C-3 District the parking provisions of this section shall not apply, except to hotels, motels, and residential use condominiums. [Annotation: Item F was amended by Amendment Z10-03, effective 10/30/10]

I. 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.

J. Within the C-1, C-2, C-3, and P-D 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. [Annotation: P-D was added by amendment Z15-04, effective 7/14/15]

K. No parking area designed for more than 4 vehicles shall be located closer than five (5) feet from the front property line. [Annotation: Item I was added by Amendment Z12-04, effective 10/27/12]

L. Bike Parking and the installation of a Bike Rack is required for all uses that require Medium Site Plan Review, unless waived in writing by the Zoning Administrator. Bike Parking and the installation of a Bike Rack is required for all uses that require Detailed Site Plan Review unless waived by the Planning Commission. [Annotation: Item J was added by Amendment Z12-04, effective 10/27/12]

M. In all Districts except the L-I and G-I, sidewalks are required and shall be constructed in accordance with the City of Manistee Sidewalk Standards except as follows:
   1. Dwelling, Single Family,
   2. Duplex's if waived by the Planning Commission during the Special Use Permit process,
   3. Accessory Structures, or
   4. Additions or Alterations to existing structures that do not require a Special Use Permit.

   [Annotation: Item K was added by Amendment Z12-04, effective 10/27/12]

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 (for example radio or television antennas, or upper story accessory dwellings).

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. A detached accessory building shall not be located closer than ten (10) feet to the principal structure.

D. An accessory building and structure in the R-1, R-2, R-3 and R-4 Districts shall not be higher than eighteen (18) feet and side walls shall not be higher than twelve (12) 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 L-I and G-I accessory buildings shall not be taller than the principal building. In all Districts except C-1, L-I and G-I, the building area of all accessory buildings shall not exceed the building area of the principal building, except in accord with **Section 1804,** hereof.

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, except as permitted pursuant to **Section 1831,** pertaining to Accessory Dwellings.

G. Accessory Wind Energy System
   1. Design and Installation. - All accessory wind energy conversion systems (ground and roof mounted) shall comply with the building code currently adopted by the City of Manistee. Applications shall be accompanied by engineering drawings of the accessory wind energy conversion system structure including the tower, base, and footings. An engineering analysis of the tower showing compliance with the currently adopted building code and certified by a licensed professional engineer shall also be submitted. The installation of the accessory wind energy conversion system shall meet manufacturer's specifications.

2. Plan Submittal – A Basic Site Plan is required for accessory wind energy conversion systems. The plan must include a drawing showing the rotor clearance from the finished median grade elevation of the site.
3. Height – Accessory wind energy conversion systems shall be measured from the finished median grade elevation of the site as follows:
   a. Accessory wind energy conversion systems in the P-D, G-C, R-1, R-2, R-3, R-4, and W-F District shall not be constructed to a height higher than thirty five (35) feet. [Annotation: PD was added by amendment Z12-08, effective 10/27/12]
   b. Accessory wind energy conversion systems in the C-1 District shall not be constructed to a height higher than forty (40) feet.
   c. Accessory wind energy conversion systems in the C-3, L-I, and G-I shall not be constructed to a height higher than fifty (50) feet.
4. Rotor Clearance - A minimum ten (10) foot clearance from the ground shall be maintained to the vertical blade tip of a Horizontal Axis Wind Turbine and to the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.
5. Guy Wires - The use of Guy wires shall be prohibited.
6. Placement on Parcel - Accessory wind energy conversion systems shall not be located closer to an adjoining parcel than the height of the accessory wind energy conversion system or setback requirements for the zoning district, whichever is greater.
7. Noise – The property owner of an accessory wind energy conversion system shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line or in excess of five decibels above the background noise, whichever is greater, as measured at the nearest property line.
8. Vibration - Accessory wind energy conversion systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel in which it is located.
9. Spacing - Minimum spacing between accessory wind energy conversion systems (on and off site) shall be per the manufacturers specifications. Accessory wind energy conversion systems shall not be located closer than ten (10) feet to the principal structure on the property which it is located.
10. Accessory Equipment - All electrical equipment and battery storage shall be located within a locked panel or building (principal or accessory structure) so as not to be readily accessible. A small sign shall be placed on the panel or building with emergency contact information. Manufacturers Materials Safety Data Sheet (s) for all coolants, lubricants, batteries (acid), etc. shall be provided to the City prior to installation, and updated or amended sheets provide as may be required and a copy must be maintained on site.
11. Reception Interference - Accessory wind energy conversion systems shall not cause interference with television, microwave, navigational or radio reception to neighboring areas.

12. Shadow Flicker - The property owner of an accessory wind energy conversion system shall minimize shadow flicker to any occupied building on nearby properties.
13. Potential Ice Throw - Any potential ice throw or ice shedding from the accessory wind energy conversion system shall not cross the property lines of the site or impinge on any right-of-way or overhead utility line.
14. Visual Impact - All visible components of an accessory wind energy conversion system shall be painted a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.
15. Safety – Accessory wind energy conversion systems shall have an automatic braking system to prevent uncontrolled rotation.
16. Other Regulations - On-site use of Accessory wind energy conversion systems shall comply with all applicable State Construction and Electrical Codes, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, the Michigan Tall Structures Act (P.A. of 1959, as amended), and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
17. Historic District – Prior to the issuance of any permits the City of Manistee Historic District Commissions shall review and approve any proposal to locate an accessory wind energy conversion system within a historic district, approval being subject to the requirements for the Historic District. [Annotation: Wind Energy Conversion System, Accessory replaced Windmill Accessory under Ordinance Amendment Z11-08, effective 12/28/11]

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 the viability of the principal use is not dependent in any significant way on the accessory 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 and upper story dwellings above a commercial or office use, especially in the C-3 district.

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. Membrane-covered framework or metal roofed temporary structures shall be prohibited in all districts.
D. In all districts, except L-I and G-I, a temporary structure shall not exceed one hundred (100) square feet in size.

SECTION 519 DWELLINGS

A. All structures used or proposed to be used as a dwelling as defined herein, shall comply with dwelling standards of this Ordinance and the standards of the State of Michigan and United States Department of Housing and Urban Development, as applicable. All dwellings constructed shall have a minimum square footage and minimum width required in each respective Zoning District.

B. Manufactured Housing. Dwellings located in a Manufactured Housing Community regulated pursuant to Act 96 of the Public Acts of 1997, as amended shall comply with the terms of this Ordinance as applicable and the terms of said Act and the rules promulgated thereunder.

C. Every new Dwelling, Single Unit shall be constructed with 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 rise be less than the manufacturer's recommendation for the shingles on the roof. [Annotation: Section 519.C was added by amendment 07-09, effective 5/29/07]

SECTION 520 HAZARDOUS SUBSTANCE GROUNDWATER PROTECTION

A. Applicability. All businesses and facilities (except fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor) which:

1. use or generate hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less; or
2. store greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less, shall comply with the following groundwater protection requirements.

B. Groundwater Protection Requirements:

1. Groundwater Protection, generally:
   a. The project and related improvements shall be designed to prevent groundwater contamination from hazardous substance discharge to the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater, street slopes, and natural and man-made drainage systems.
   b. Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.
   c. General purpose floor drains and storm drains shall be:
      1) connected to an on-site holding tank (not a septic tank/drain field or a dry well) in accordance with state, county and municipal requirements; or
      2) authorized through a state groundwater discharge permit; or
      3) connected to a storm water system.

d. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.

e. In determining conformance with the standards in this Ordinance, the Administrator or Commission, whichever is applicable, shall take into consideration the publication titled "Small Business Guide to Secondary Containment; Practical Methods for Above-ground Storage and Containment of Hazardous Substances and Polluting Materials" published by the Clinton River Watershed Council, May 1990, and other references.

f. Out-of-service water wells shall be sealed and abandoned in accordance with applicable requirements of the Michigan Department of Public Health and the Manistee-Mason District Health Department.

g. If the site plan includes territory within a Wellhead Protection Overlay Area submit a signed statement providing permission for periodic follow-up groundwater protection inspections by the Administrator, county and state officials.

3. Above-ground Storage

a. Primary containment of hazardous substances shall be product-tight containers which are protected from weather, leakage, accidental damage, and vandalism.

b. Secondary containment for the storage of hazardous substances and polluting materials is required. Secondary containment shall be one of the following, whichever is greatest:

1) sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance; or

2) shall be at least as great as volumes required by state or county regulations; or

3) shall, if not protected from rainfall, contain a minimum of

a) 110 percent of the volume of the largest storage container within the dike of the secondary containment area, plus

b) the volume that is occupied by all other objects within and below the height of the dike of the secondary containment area plus

c) the volume of a 6 inch rainfall.

c. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains which outlet to soils, groundwater, or nearby drains or rivers.

d. Areas and facilities for loading/unloading of hazardous substances and polluting materials, as well as areas where such materials are handled, stored or used, shall be designed and constructed to prevent discharge or runoff to floor drains, rivers, lakes, wetlands, groundwater or soils.

e. State of Michigan and Federal agency requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.

f. Bulk storage of pesticides shall be in accordance with requirements of the Michigan Department of Agriculture.

4. Underground Storage

a. Underground storage tank installation, operation, maintenance, closure and removal shall be in accordance with the requirements of the State Police Fire Marshal Division and the Michigan Department of Natural Resources.

b. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.

SECTION 521 RESERVED

SECTION 522 TEMPORARY ACTIVITY PERMITS

A. The City Council 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 City Council 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 City Council 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 City Council 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 and existing parcels combined shall conform to this Ordinance and the requirements of the Land Division Act, being Act 288 of the Public Acts of 1976, as amended.

B. Divided Lots. Unless expressly approved by the Planning Commission as a part of a Planned Unit Development, no parcel of land shall be divided by a public or private right-of-way or road easement such that any portion of the parcel isolated from the remainder of the parcel by such right-of-way includes less than the minimum area and frontage for the zoning district in which it is located.

   1. Each portion of such divided lot exclusive of the right-of-way or easement, shall either:

      a. Comply with the district requirements for minimum net lot area, road frontage, lot width, width to depth ratio and setback, or

      b. Be considered permanently combined with such other portions of the lot such that the combined portions, exclusive of the area within the right-of-way, are considered one (1) zoning lot to comply with the district requirements for minimum net lot area, road frontage, lot width, width to depth ratio and setback.

   2. Not more than one (1) principal building may be erected on a Divided Lot and the standards of **Section 515** pertaining to Accessory Buildings shall apply to Divided Lots, providing that all required setback standards of this Zoning Ordinance shall be met.

   3. No portion of a Divided Lot, as defined herein, may be sold or otherwise conveyed if the Divided Lot, either prior to or after the conveyance, shall fail to meet the requirements of this Zoning Ordinance pertaining to minimum net lot area, road frontage, lot width, width to depth ratio and setback.

   4. One or more platted lots, any of which do not meet the net lot area and road frontage requirements of this Zoning Ordinance and which are separated from one another by a public or private road right-of-way or road easement and which have common ownership and which have been used historically as one (1) site, shall be considered to be one (1) zoning lot.

   5. One or more platted lots, any of which do not meet the net lot area and road frontage requirements of this Zoning Ordinance and which are separated from one another by a public or private road right-of-way or road easement and which have not been used historically as one (1) site, may become one (1) zoning lot if a copy of a recorded deed incorporating the owner's intent to permanently combine such parcels is provided to the City.

   6. Once a Zoning Lot, as defined herein, is designated and used as such, it shall not be used or developed except in conformance with the requirements of this Zoning Ordinance.

C. Open Space Preservation Development: Within the R-1 District, the owner of property may elect to develop an Open Space Preservation Development in accord with the terms of this subparagraph. A maximum of eighty (80%) percent of the 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 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.

1. Minimum Open Space 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.
2. Determining Maximum Allowable Parcel Divisions: The maximum number of new parcels which may be created within the parent parcel shall be the same number that would be permitted on the site under the provisions of the R-1 district. To determine this density, the applicant shall either:
   a. Submit a conceptual plan of division of the parcel. This conceptual plan shall contain proposed parcels, roads, rights-of-way, areas which are not in the buildable area, and other pertinent features, in compliance with City ordinances and stipulations. This plan must be drawn to scale; or
   b. Multiply the buildable area of the parcel as defined herein, by 85% to account for rights-of-way and divide the result by the minimum parcel area in the R-1 district.
3. Siting Criteria for New Parcels: Creativity and originality in parcel layout shall be encouraged to achieve the best possible relationship between buildable land and open space. The Planning Commission shall evaluate proposals to determine whether the proposed site plan meets the site plan criteria of **Article 22** and the following:
   a. Protection and preservation of beach areas 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.
   b. Maintenance or creation of a significant an upland buffer of natural native species vegetation adjacent to wetlands and surface waters.
   c. Preservation of scenic views and vistas unblocked and uninterrupted, particularly as seen from adjacent roads and surface water.
   d. Protection of wildlife habitat areas of species listed as endangered, threatened or of special local concern.
   e. Protection and preservation of sites of historic, archaeological, or cultural value
   f. Provision of reasonable and contiguous open space areas that are attractive and useful for future residents and the larger community.
   g. Documentation that a homeowners association made up of parcel owners in the development, or a recognized non-profit land conservancy shall own or control the open space. The owner(s) of the open space shall be required to maintain the open

space. In the alternative, the City of Manistee may, but shall in no way be required to, accept title to the open space as an addition to the City's park system.

4. Application and Site Plan Review Process. A pre-application conference shall be held involving the applicant, the site designer, and the Zoning Administrator to discuss the applicant's objectives and how these may be achieved under this Ordinance. 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. All Open Space Preservation Developments shall be processed in accordance with **Article 22** pertaining to Site Plan Review.

SECTION 524 STRUCTURES PROJECTING INTO SETBACKS

No structure 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.
   b. Sign lighting as regulated by **Section 2102, B.**
   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 façade lighting.
e. Residential yard lighting.
f. Other forms of outdoor lighting which in the judgment of the Planning Commission is similar in character, luminosity and/or glare to the foregoing.

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, as illustrated in Figure 525. 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.

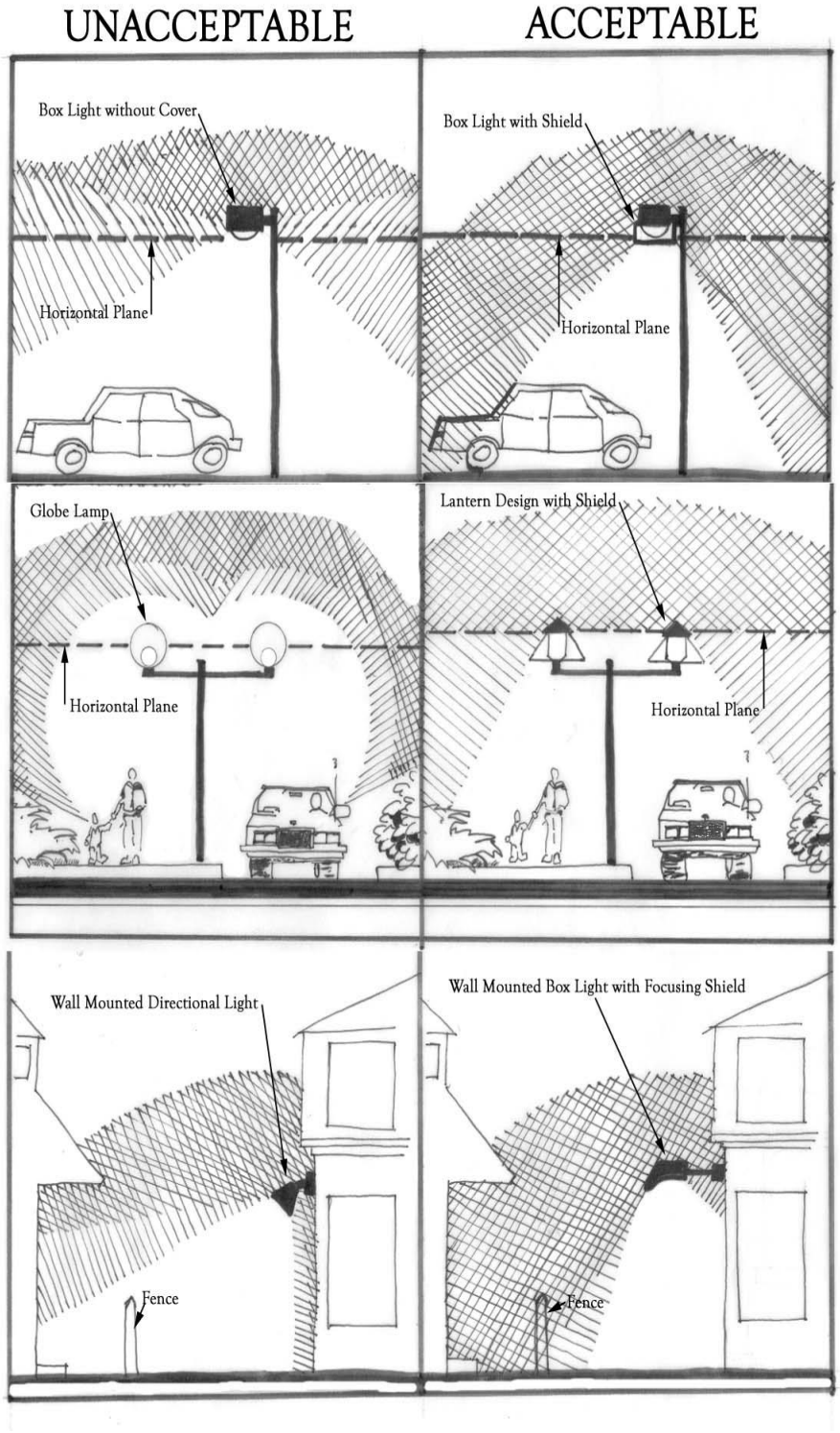

UNACCEPTABLE
ACCEPTABLE
Box Light without Cover
Horizontal Plane
Box Light with Shield
Horizontal Plane
Globe Lamp
Horizontal Plane
Lantern Design with Shield
Horizontal Plane
Wall Mounted Directional Light
Fence
Wall Mounted Box Light with Focusing Shield
Fence

Figure 525

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 for a person on foot.
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 the City of Manistee Nuisance Ordinance (Chapter 654 of the City of Manistee Codified Ordinances) 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 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 not 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 evergreen plantings or other year-round screening not less than six (6) feet high. Fencing or walls shall not be more than eight (8) feet high and shall be 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:

1. Fences and walls shall be constructed of durable materials such as wood planks, brick, cement block, or structural resin intended to remain in good condition in the northern Michigan climate. Sheet metal, chainlink, chainlink with woven screening and other similar materials that may be subject to rusting, weathering or deflection under severe weather conditions shall not be permitted.
2. All fencing materials shall be located in accord with the terms of this ordinance and completely on the property of the owner. The Planning Commission may require that sufficient area be set aside on the outside of the fencing to permit maintenance of the fencing from the owner's property.

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 RESERVED

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 and the approval standards that should be used to evaluate the proposed use. 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.

SECTION 531 LANDSCAPING AND SCREENING

Whenever a greenbelt, buffer area or vegetation belt is required under the terms of this ordinance, it shall be established in accord with the terms of this Section within six (6) months from the date of issuance of a certificate of occupancy, unless the Planning Commission in any conditions of approval provide for another timeframe for completion.

A. A landscape plan required under the terms of this ordinance shall be prepared and submitted in conjunction with a site plan. Such landscape plan shall be prepared by a Licensed Landscape Architect, professional engineer or by a qualified landscape designer. Such landscape plan shall provide, to the greatest extent possible, for the preservation and protection of existing natural features on the site. [Annotation: word “Registered” was changed to “Licensed” by amendment Z15-05, effective 7/14/15]

B. The landscape plan shall include an inventory of existing trees, wood lots, streams, lakes, wetlands, view sheds and other natural features of the site and detail on the measures proposed to preserve and protect such features. All existing trees having five (5) inches or greater diameter at breast height shall be identified by common or botanical name. Trees proposed to remain, to be transplanted or to be removed shall be so designated. A cluster of trees standing in close proximity (5 feet or closer) may be designated as a "stand" of trees, and the predominant species, estimated number, and average size shall be indicated.

C. All proposed planting areas for grass, trees, shrubbery and other green space shall be illustrated in the landscape plan. Such illustration shall include the species proposed, the number of plantings, the size of such plantings including the caliber and height, irrigation measures proposed and related information.

D. The location and nature of lighting, signs, utility fixtures, earth changes, streetscape and any other matter that may affect the appearance of the site shall be illustrated on the landscape plan or site plan.

E. Not less than thirty percent (30%) of the proposed landscaped area shall consist of woody vegetation, including trees and shrubbery. Landscaped open space shall not include driveways and parking areas. To the greatest extent possible, existing trees over five inches (5") diameter at breast height, shall be retained and protected. Areas of a site plan intended for stormwater detention or retention shall only be included in such required

minimum landscaped area if formally landscaped with shrubbery and turf and contoured such that no fencing shall be required.

F. The area between the edge of the street pavement and property line, with the exception of paved driveways and parking areas permitted by this ordinance, shall be used exclusively for the planting and growing of trees, shrubs, lawns, rain gardens and other landscaping designed, planted and maintained to serve as a healthy and attractive amenity on the site. [Annotation: "rain gardens" was added to item F by amendment Z15-05, effective 7/14/15]

G. In the event a proposed development includes uses more intense in terms of noise, lighting, traffic, residential density or similar impacts than an existing adjoining use, the Planning Commission may require provision for plantings or other aesthetic screening to mitigate and lessen the potential impact on such adjoining land use.

H. The applicant shall replace any trees, shrubbery or other plantings that fail to become established and remain viable for a period of two (2) years following completion of all construction on the site. In accordance with **Section 2204, H**, the City shall require an irrevocable bank letter of credit, certified check or cash in an amount as determined by the City which shall be sufficient to assure the establishment of a viable landscaped area. In the event any of the landscaped materials do not become established and the applicant shall fail to provide a viable replacement, the City shall utilize such bond, irrevocable bank letter of credit or cash to install replacement landscaping materials. After two years of demonstrated viability of all landscape materials, the remaining balance, if any, of such bond, irrevocable bank letter of credit or cash shall be returned to the applicant.

I. All landscaped areas required pursuant to this section shall be equipped with a watering system capable of providing sufficient water to maintain plants in a healthy condition. Irrigation systems shall be maintained in good working order.

SECTION 532 KEY STREET SEGMENTS

Key street segments are located throughout the City and are identified on the zoning map. Key street segments tend to include a mix of land uses, and, due to traffic patterns, are appropriate locations for certain uses within a zoning district. If a property fronts on a key street segment, certain uses shall be permitted as Special Land Uses that are not otherwise permitted in other locations throughout the zoning district boundaries. For the purposes of this ordinance the following street segments as described here and as illustrated on the City of Manistee Zoning Map, shall be considered key street segments:

A. US-31, from the northerly City limits to the southerly City limits

B. Main Street, from the southerly City limits to 13th Street

C. 13th Street, from Main Street to Vine Street

D. Vine Street, from 13th Street to 8th Street

E. 8th Street, from Vine Street to US-31

F. Kosciusko Street, from 8th Street to 5th Street

G. 5th Street, from Kosciusko Street to Sibben Street
H. Sibben Street, from 5th Street to 1st Street
I. 1st Street, from Sibben Street to Tamarack Street
J. Cedar Street, from 1st Street to Water Street
K. Water Street, from Cedar Street to Maple Street
L. Maple/Washington Streets, from 4th Street to the northerly City limits
M. Fifth Avenue, from Maple/Washington Streets to Hastings Street
N. Glocheski Street for its entire length

SECTION 533 CONDOMINIUMS

A. Purpose. This section further regulates condominiums, whether for residential use or non-residential use.
B. Site Condominium development as defined herein shall be regulated per the standards set forth in the Subdivision Control Ordinance and the Condominium Act. A condominium unit which is, or which is proposed to be a parcel as defined herein, shall meet the requirements of this ordinance pertaining to lot or parcel area, width, and the required yards.
C. **Section 523** A and B shall apply to parcel divisions resulting from condominium development projects.
D. Submittal of a Condominium Plan. A condominium plan shall be submitted for review and approval in accordance with the site plan review and approval process of **Section 2200-2209.** Such plan shall include the documents and information required by Section 66 of the Condominium Act, and the following information to the extent not included in such Act:
   1. The information required for a detailed site plan review under **Article 22** of this Ordinance.
   2. A narrative describing the overall objectives of the condominium development.
   3. Existing building footprint for Condominium Conversion.
   4. Area and volume of each proposed condominium unit, including dimensions of living areas.
   5. Common elements (including general and limited).
   6. Location and dimensions of each building, lot, and total development.
   7. The condominium plan shall depict a building envelope around each building so as to demonstrate compliance with the minimum lot area requirement, the minimum lot width requirement, and the minimum building setback requirements of the district in which the condominium is located.
   8. Approval or tentative approval of the proposed design and location of the entrance to the condominium from the City Engineer and/or Michigan Department of Transportation, if applicable.

9. The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
10. Such other information as the Planning Commission may reasonably request in their review of the proposed condominium development. Unless requested by the Planning Commission, the proposed master deed and condominium bylaws need not necessarily be submitted with the application.

E. Standards for Approval. To receive approval, a condominium development plan shall satisfy the following requirements.

1. The plan shall satisfy the standards and requirements for detailed site plan approval pursuant to **Article 22** of this Ordinance.
2. The proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the proposed project, shall comply with the Condominium Act and other applicable laws, ordinances or regulations.
3. Unless modified pursuant to **Section 1870** hereof, the condominium development shall comply with all applicable provisions of this Ordinance, including without limitation, density, minimum living area of units, lot coverage, building height, lot area, lot width and yard size requirements with respect to each of the buildings in which the condominium is located.
4. If a condominium development is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the City of Manistee.
5. The City may require the condominium development to include pedestrian sidewalks at specific locations; street lighting at intersections or otherwise within the street rights-of-way; and greenbelts or other landscaping in order to obscure the view of other types of land uses that may be near or adjacent to the condominium, such as commercial or industrial uses, highways, railroads and the like.
6. The condominium development shall be connected to public water and public sanitary sewer facilities.

F. Compliance with City Ordinances: Condominium development shall meet the standards of the applicable zoning district, as well as all other standards in the City of Manistee Zoning Ordinance, and other applicable Local, State or Federal Laws.

G. Expandable or Convertible Condominium Conversions. Approval of a final condominium plan shall not constitute approval of expandable or convertible portions of a condominium conversion project unless the expandable or convertible areas are specifically reviewed and approved by the Planning Commission in compliance with the procedures, standards and requirements of this section.

H. Review of Condominium Master Deed and Bylaws. An approved condominium plan shall be incorporated by reference in the master deed for the condominium. The Master Deed shall

be subject to the approval of the City Attorney, consistent with this section and any conditions of approval of the condominium. A copy of the master deed as recorded with the County Register of Deeds shall be provided to the City. [Annotation: Section 533 Condominiums was added by Amendment Z10-03, effective 10/30/10]

SECTION 534 COMMUNITY GARDENS

Community Gardens shall consist of land used for the cultivation of fruits, vegetables, plants, flowers or herbs by multiple individuals.

A. Community Gardens shall be permitted in all Zoning Districts.
   1. A Community Garden shall be considered an accessory use under **Section 516** hereof if located on a parcel with an existing use.
   2. A Community Garden shall be considered a principal use if located on a vacant parcel of land.
B. The following structures shall be permitted when utilized with a community garden and when otherwise in compliance with this ordinance.
   1. One (1) Storage Building not larger than 100 square feet (permit required).
   2. One (1) Greenhouse not larger than 100 square feet and covered with glass, plastic or fiberglass in which plants are cultivated (permit required).
   3. Raised/accessible planting beds, compost or waste bins.
   4. Fences that comply with **Section 508.**
   5. One ground mount sign not to exceed four (4) square feet.
C. Reclamation Standards. In the event the community garden is discontinued for a period of more than one year, all buildings and structures shall be removed and the site shall be restored with grass or other acceptable methods of landscaping. [Annotation: Section 534 Community Garden was added by Amendment Z11-06, effective 9/25/11]

SECTION 535 KEEPING OF CHICKENS OR DUCKS

The keeping of Chickens or Ducks is permitted in the R-1, R-2 and R-3 Districts if conforming to Section 606 Animals of the General Law Ordinances of the City of Manistee. [Annotation: Section 535 Keeping of Chickens or Ducks was added by Amendment Z15-08, effective 8/19/15]

City of Manistee Zoning Ordinance

Article Six
P-D Peninsula District

Effective March 27, 2006
As Amended thru
July 14, 2015

[Annotation: Article Six P-D Peninsula District was added by Amendment Z12-01, effective 6/19/12]

ARTICLE SIX
P-D PENINSULA DISTRICT

SECTION 600 PURPOSE AND INTENT

It is the intent of this District to establish a mixed-use district incorporating a variety of recreational, residential, business or service uses on or near the Waterfront. This district is intended to encourage and promote sustainable, environmentally and aesthetically compatible developments that use or compliment the shoreline while promoting expanded use of the shoreline by the public. The District is intended to host a variety of land uses including, but not limited to, residential, commercial, entertainment and recreational, service, and mixed use. [Annotation: "and mixed use" was added to Section 600 by amendment Z15-04, effective 7/14/15]

PERMITTED USES

- Accessory building with footprint less than or equal to the footprint of the principal structure
- Accessory use to uses permitted by right.
- Community Garden, subject to **Section 534**
- Contractors Facility
- Dwelling, Single unit
- Eating and Drinking Establishment
- Gallery or Museum
- Home Occupation, Minor subject to **Section 1847, B, 1**
- Mixed Use Development
- Outdoor Recreation, Park
- Personal Service Establishment
- Professional Office
- Professional Service Establishment
- Retail Business
- Subdivision and condominium subdivision consisting of permitted uses, clustered or traditional subject to the Subdivision Control Ordinance.
- Uses similar to uses permitted by right, subject to **Section 530**
- Wholesale Facility
- Wind Energy Conversion System, Accessory, subject to **Section 515.G**

[Annotation: Contractors Facility and Wholesale Facility were added as a permitted use by amendment Z15-04, effective 7/14/15]
[Annotation: Eating and Drinking Establishment and Mixed Use Development were changed from a Special use to permitted use by amendment Z15-04, effective 7/14/15]

SPECIAL USES

- Accessory building with footprint greater than the footprint of the principal structure
- Accessory uses to a permitted Special Use
- Adaptive Reuse
- Animal Grooming
- Bed & Breakfast
- Convenience Store, w/o fuel pumps
- Day Care, Commercial and Group
- Duplex
- Dwelling – Multiple unit
- Financial Institution
- Greenhouse and Nursery
- Home Based Business
- Home Occupation, Major
- Hotels
- Marina
- Parking Facility, Public
- Place of Public Assembly Small
- Planned Unit Development
- Studio for performing and graphic arts
- Uses similar to permitted special use

[Annotation: Animal Grooming and Greenhouse and Nursery were added as a special use by amendment Z15-04, effective 7/14/15]

[Annotation: Financial Institution was changed from a SLU* to a SLU by amendment Z15-04, effective 7/14/15]

[Annotation: Motel, Places of Public Assembly Large and Theater were was deleted as a SLU* by amendment Z15-04, effective 7/14/15]

* Requires Key Street Frontage

ADDITIONAL STANDARDS

- Site Plan requirements subject to **Section 2203**
- Vehicular Parking Space, Access and Lighting requirements subject to **Section 514**
- Landscaping requirements subject to **Section 531**
- Signage requirements subject to **Article 21**
- Outdoor Lighting requirements, subject to **Section 525**
- U.S. 31 Corridor Overlay District requirements, subject to **Article 19**

DISTRICT REGULATIONS [a]

Minimum Lot Area:	6,000 sq. ft.	**Minimum Lot Width:**	60 ft.
Maximum Dwelling Units/Acre	17	**Max. Building Height**	2½ stories, or 35'
Minimum Building Setbacks		**Maximum Lot Coverage**	60%
Front[b]	15 ft.	**Minimum Living Area**	500 sq. ft.
Side	10 ft. (each side)	**Minimum Dwelling Width**	20 ft.
Rear [c]	10 ft.	**Accessory Building Minimum Setbacks:**	
Waterfront	20 ft.[d]	Side	3 ft.
		Rear	3 ft.[c]

[a] Except as may be permitted pursuant to **Section 1870**, Planned Unit Development.

[b] Subject to **Section 502, G**

[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.

[d] Provided that this standard shall not apply to walkways, boat docks, boat slips, boat houses and boat launches.

[Annotation: Parcel area requirements for Duplex or Commercial and Multi-Units were deleted by amendment Z15-05, effective 7/14/15]

SECTION 601 USES PERMITTED BY RIGHT

The following uses of buildings and land shall be permitted within the Peninsula District subject to the provisions of **Article 22**, Site Plan.

A. Accessory building with footprint less than or equal to the footprint of the principal structure
B. Accessory use to uses permitted by right, subject to **Section 516**
C. Community Garden, subject to **Section 534**
D. Contractors Facility
E. Dwelling, single unit
F. Eating and Drinking Establishment
G. Gallery or Museum
H. Home Occupation, Minor, subject to **Section 1847, B, 1**

I. Mixed Use Development
J. Outdoor Recreation, Park
K. Personal Service Establishment
L. Professional Office
M. Professional Service Establishment
N. Retail Business
O. Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to the Subdivision Control Ordinance
P. Uses similar to uses permitted by right, subject to **Section 530**
Q. Wholesale Facility
R. Wind Energy Conversion System, Accessory, subject to **Section 515.G**

[Annotation: Contractors Facility and Wholesale Facility were added as a permitted use by amendment Z15-04, effective 7/14/15]

[Annotation: Eating and Drinking Establishment and Mixed Use Development were changed from a Special use to permitted use by amendment Z15-04, effective 7/14/15]

SECTION 602 USES PERMITTED BY SPECIAL LAND USE PERMIT

The following uses of buildings and land may be permitted within the Peninsula District, as special land uses subject to the provisions of **Article 18**, special land use approval.

A. Accessory building with footprint greater than the footprint of the principal structure, subject to **Section 1804**
B. Accessory uses to a permitted special use, subject to **Section 1805**
C. Adaptive reuse, subject to **Section 1807**
D. Animal Grooming, subject to **Section 1810**
E. Bed and Breakfast, subject to **Section 1813**
F. Convenience Store, without fuel pumps, subject to **Section 1823**
G. Day Care, Commercial, subject to **Section 1825**
H. Day Care, Group, subject to **Section 1826**
I. Duplex, subject to **Section 1829**
J. Dwelling, multiple unit, subject to **Section 1832**
K. Financial Institution, subject to **Section 1838**
L. Greenhouse and Nursery, subject to **Section 1844**
M. Home Based Business, subject to **Section 1846**
N. Home Occupation, Major, subject to **Section 1847**
O. Hotel, subject to **Section 1849**
P. Marina, subject to **Section 1852**
Q. Parking Facility, Public, subject to **Section 1865**
R. Place of Public Assembly, Small, subject to **Section 1868**

S. Planned Unit Development, subject to **Section 1870**

T. Studio for performing and graphic arts, subject to **Section 1882**

U. Uses similar to permitted special use, subject to **Section 1886**

[Annotation: Animal Grooming and Greenhouse and Nursery were added as a special use by amendment Z15-04, effective 7/14/15]
[Annotation: Financial Institution was changed from a SLU that required frontage on a key street segment* to a Special Use by amendment Z15-04, effective 7/14/15]
[Annotation: Section 603 Uses permitted by Special Land Use Permit, Requires Frontage on a Key Street Segment as deleted from Article 6 P-D and the uses Motel, Places of Public Assembly Large and Theater were was deleted as uses in the P-D by amendment Z15-04, effective 7/14/15 resulting in renumbering the remaining sections]

SECTION 603 DIMENSIONAL STANDARDS

Within the Peninsula 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. [Annotation: Parcel area requirements for Duplex or Commercial and Multi-Units were deleted by amendment Z15-05, effective 7/14/15]

B. Parcel Width – For all uses the minimum parcel width shall be sixty (60) feet. [Annotation: Parcel Width requirements for Duplex or Commercial and Multi-Units were deleted by amendment Z15-05, effective 7/14/15]

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 fifteen (15) feet from front property line. 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, G.**

   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 Yards: The minimum setback from the ordinary high watermark of Manistee Lake shall be twenty (20) feet. Provided that this provision shall not apply to walkways, boat docks, boat slips, boat houses and boat launches.

D. Dwelling Width: No dwelling shall be constructed in the P-D District which is less than twenty (20) feet wide.

E. Living Area: No dwelling unit shall be constructed in the P-D District which has less than five hundred (500) square feet of living area.

F. Lot Coverage: Not more than sixty percent (60%) of the parcel area shall be covered by buildings.

G. Height: The maximum height of principal buildings in the P-D District shall be the lesser of thirty-five (35) feet or two and one-half (2½) stories. The maximum height of accessory buildings shall be eighteen (18) feet with side walls not to exceed twelve (12) feet in height.

[Annotation: On December 31, 2014 the Renaissance Zone expired, Section 605 Peninsula District Renaissance Zone Standards was deleted by Amendment Z15-04, effective 7/14/15]

City of Manistee Zoning Ordinance

Article Seven
G-C Golf Course District

Effective March 27, 2006
As Amended thru
December 28, 2011

[Annotation: Article 7 added by Amendment Z10-06, effective 10/30/10]

ARTICLE SEVEN
G-C GOLF COURSE DISTRICT

SECTION 700 PURPOSE AND INTENT

It is the intent of this District is to provide for and regulate development in association with a Golf Course. The G-C District is intended to maintain and enhance open space, promote recreational opportunities and provide for a variety of residential housing developed with the natural and scenic elements of the property.

PERMITTED USES

- Accessory building with footprint less than or equal to the footprint of the principal structure.
- Accessory use to uses permitted by right
- Community Garden subject **to Section 534**
- Dwelling, Single Unit
- Eating and Drinking Establishment
- Golf Course
- Home Occupation, Minor subject to **Section 1847, B,1**
- Outdoor Recreation, Park
- Sand Excavation
- Subdivision and condominium subdivision consisting of permitted uses, clustered, or traditional subject to the Subdivision Control Ordinance.
- Use similar to uses permitted by right, subject to **Section 530**
- Wind Energy Conversion system, Accessory, subject to **Section 515.G**

[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]

[Annotation: Wind Energy Conversion System, Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/11]

SPECIAL USES

- Accessory building with footprint greater than the footprint of the principal structure
- Mixed-Use Development
- Planned Unit Development
- Wells, Extraction

ADDITIONAL STANDARDS

- Site Plan requirements subject to **Section 2203**
- Vehicular Parking Space, Access and Lighting requirements subject to **Section 514**
- Landscaping requirements subject to **Section 531**
- Signage requirements subject to **Article 21**
- Outdoor Lighting requirements, subject to **Section 525**

DISTRICT REGULATIONS [d]

Minimum Lot Area:	15,000 sq. ft.	**Minimum Lot Width**	100 ft.
Maximum Dwelling Units/Acre	4	**Maximum Building Height**	2½ stories, or 35'
Minimum Building Setbacks		**Maximum Lot Coverage**	40%
Front[a]	30 ft.	**Minimum Living Area**	1,500 sq. ft.
Side	10 ft. (each side)	**Minimum Dwelling Width**	25 ft.
Rear	10 ft.	**Accessory Building Minimum Setbacks:**	
Waterfront	100 ft. [b]	Side	3 ft.
		Rear	3 ft.[c]

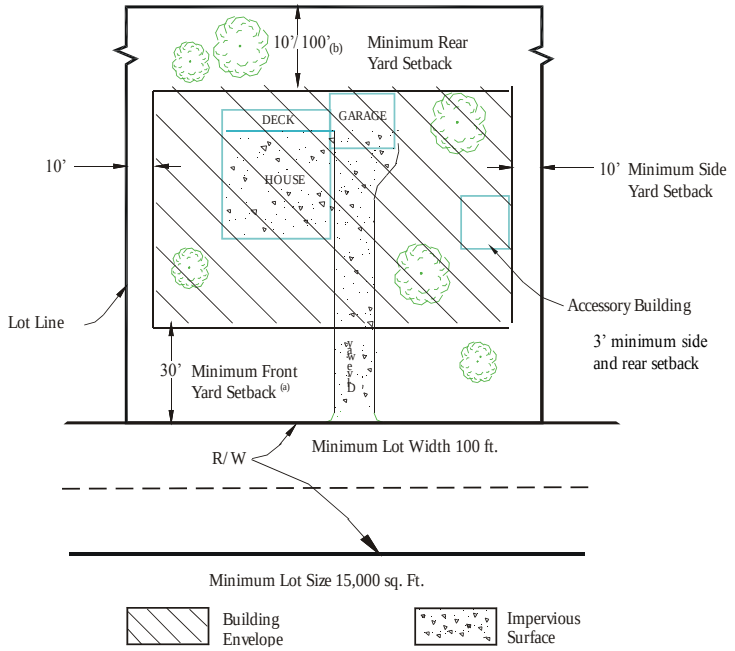
[a] Subject to **Section 502, G**

[b] As measured from the ordinary high water mark, except where a greater distance is required by the Department of Natural Resources.

[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.

[d] Except as may be permitted pursuant to **Section 1870**, Planned Unit Development.

G-C DISTRICT



SECTION 701 USES PERMITTED BY RIGHT

The following uses of buildings and land shall be permitted within the G-C District subject to the provisions of **Article 22,** 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. Community Garden, subject to **Section 534**
D. Dwelling, Single Unit
E. Eating and Drinking Establishment
F. Golf Course
G. Home Occupation, Minor subject to **Section 1847, B,1**
H. Outdoor Recreation, Park
I. Sand Excavation
J. Subdivision and condominium subdivision consisting of permitted uses, clustered, or traditional subject to the Subdivision Control Ordinance.
K. Use similar to uses permitted by right, subject to **Section 530**
L. Wind Energy Conversion System, Accessory, subject to **Section 515.G**

[Annotation: Community Garden added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Wind Energy Conversion System, Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/11]

SECTION 702 USES PERMIITED BY SPECIAL LAND USE PERMIT

The following uses of buildings and land may be permitted within the G-C District, as special land uses subject to the provisions of **Article 18**, Special Land Use Approval.

A. Accessory building with footprint greater than the footprint of the principal structure, subject to **Section 1804**.
B. Mixed-Use Development, subject to **Section 1858**
C. Planned Unit Development, subject to **Section 1870**
D. Wells, Extraction, subject to **Section 1891**

SECTION 703 DIMENSIONAL STANDARDS

Within the G-C District, the following dimensional standards shall apply:

A. Parcel Area - No building or structure shall be established on any parcel less than fifteen thousand (15,000) 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. 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, G.**

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 one hundred (100) feet from the ordinary high water mark, provided such setback shall not apply to walkways, boat docks, boat slips, boat launches and boat houses. Provided, further that the waterfront setback shall not be less than the setbacks required by the Department of Natural Resources and Environment in a High Risk Erosion Control area.
5. Dwelling Width: No dwelling shall be constructed in the R-1 District which is less than twenty-five (25) feet wide.
6. Living Area: No dwelling unit shall be constructed in the R-1 District which has less than fifteen hundred (1,500) square feet of living area.
7. Lot Coverage: Not more than forty percent (40%) of the parcel area shall be covered by buildings.
8. Height: The maximum height of principal buildings in the R-1 district shall be the lesser of thirty-five (35) feet or two and one-half (2½) stories. The maximum height of accessory buildings shall be eighteen (18) feet with side walls not to exceed twelve (12) feet in height.

City of Manistee Zoning Ordinance

Article Eight
R-1 Low Density Residential

Effective March 27, 2006
As Amended thru
December 28, 2011

ARTICLE EIGHT
R-1 – LOW DENSITY RESIDENTIAL DISTRICT

SECTION 800 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.

PERMITTED USES*

- Accessory building with footprint less than or equal to the footprint of the principal structure
- Accessory use to uses permitted by right.
- Community Garden, subject to **Section 534**
- Dwelling, Single Unit
- Home Occupation, Minor subject to **Section 1847**, **B, 1**
- Outdoor Recreation, Park
- Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to the Subdivision Control Ordinance.
- Use similar to uses permitted by right, subject to **Section 530**
- Wind Energy Conversion System, Accessory, subject to **Section 515**.**G**

*If located outside the Wellhead Protection Overlay

[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]

[Annotation: Wind Energy Conversion System, Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/11]

SPECIAL USES

- Accessory building with footprint greater than the footprint of the principal structure
- Accessory use to permitted special use
- Adaptive Reuse
- Bed & Breakfast
- Day Care, Group (7-12 children)
- Duplex
- Home Based Business
- Home Occupation, Major
- Marina
- Mixed Use Development
- Planned Unit Development
- Sports and Recreation Club
- Use similar to permitted special use

[Annotation: Golf Course deleted as a Special Use by Amendment Z10-06, effective 10/30/10]

SPECIAL USES
Requires Key Street Frontage

- Gallery or Museum
- Places of Public Assembly, Small

ADDITIONAL STANDARDS

- Site Plan requirements subject to **Section 2203**
- Vehicular Parking Space, Access and Lighting requirements subject to **Section 514**
- Landscaping requirements subject to **Section 531**
- Signage requirements subject to **Article 21**
- Outdoor Lighting requirements, subject to **Section 525**

DISTRICT REGULATIONS [d]

Minimum Lot Area:	15,000 sq. ft.	**Minimum Lot Width**	100 ft.
Maximum Dwelling Units/Acre	4	**Maximum Building Height**	2½ stories, or 35'
Minimum Building Setbacks		**Maximum Lot Coverage**	40%
Front[a]	30 ft.	**Minimum Living Area**	1,500 sq. ft.
Side	10 ft. (each side)	**Minimum Dwelling Width**	25 ft.
Rear	10 ft.	**Accessory Building Minimum Setbacks:**	
Waterfront	100 ft. [b]	Side	3 ft.
		Rear	3 ft.[c]

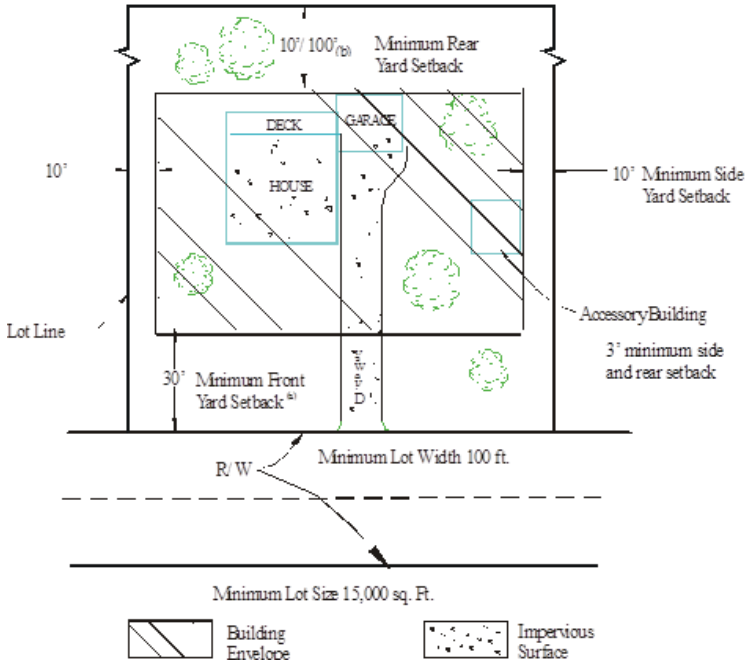
(a) Subject to **Section 502, G**

(b) As measured from the ordinary high water mark, except where a greater distance is required by the Department of Natural Resources.

(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.

(d) Except as may be permitted pursuant to **Section 1870**, Planned Unit Development.

R-1 DISTRICT



SECTION 801 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 22,** 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, subject to **Section 516**
C. Community Garden, subject to **Section 534**
D. Dwelling, Single Unit
E. Home Occupation, Minor subject to **Section 1847, B, 1**
F. Outdoor Recreation, Park
G. Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject the Subdivision Control Ordinance
H. Use similar to uses permitted by right, subject to **Section 530**
I. Wind Energy Conversion System, Accessory, subject to **Section 515.G**

[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Wind Energy Conversion System, Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/11]

SECTION 802 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 18**, special land use approval.

A. Accessory building with footprint greater than the footprint of the principal structure, subject to **Section 1804**
B. Accessory use to permitted special use, subject to **Section 1805**
C. Adaptive Reuse, subject to **Section 1807**
D. Bed & Breakfast, subject to **Section 1813**
E. Day Care, Group (7-12 children), subject to **Section 1826**
F. Duplex, subject to **Section 1829**
G. Gallery or Museum, subject to **Section 1840** – ***Requires Key Street Frontage***
H. Home Based Business, subject to **Section 1846**
I. Home Occupation, Major subject to **Section 1847.B.2**
J. Marina, subject to **Section 1852**
K. Mixed Use Development, subject to **Section 1858**
L. Place of Public Assembly, Small subject to **Section 1868** – ***Requires Key Street Frontage***
M. Planned Unit Development, subject to **Section 1870**
N. Sports and Recreation Club, subject to **Section 1880**
O. Use similar to permitted special use, subject to **Section 1886**

[Annotation: Golf Course was deleted as a Special Use by Amendment Z10-06, effective 10/30/10]

SECTION 803 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 fifteen thousand (15,000) 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. 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, G.**
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 one hundred (100) feet from the ordinary high water mark, provided such setback shall not apply to walkways, boat docks, boat slips, boat launches and boat houses. Provided, further that the waterfront setback shall not be less than the setbacks required by the Department of Natural Resources in a High Risk Erosion Control area. [Annotation: Section 804.4 was changed by amendments 07-05 and 07-07, effective 5/29/07]
5. Dwelling Width: No dwelling shall be constructed in the R-1 District which is less than twenty-five (25) feet wide.
6. Living Area: No dwelling unit shall be constructed in the R-1 District which has less than fifteen hundred (1,500) square feet of living area.
7. Lot Coverage: Not more than forty percent (40%) of the parcel area shall be covered by buildings.
8. Height: The maximum height of principal buildings in the R-1 district shall be the lesser of thirty-five (35) feet or two and one-half (2½) stories. The maximum height of accessory buildings shall be eighteen (18) feet with side walls not to exceed twelve (12) feet in height.

SECTION 804 WELLHEAD PROTECTION OVERLAY

A. Applicability. Every parcel of land which lies in whole or in part within Wellhead Protection Overlay as depicted on the Official Zoning Map around public Type I water wells is subject to the regulations of this Section. The regulations of this Section are in addition to any regulations in the underlying zoning district, provided that in the event of a conflict between the regulations of this section and those of the underlying zoning district, the requirements of this Section shall prevail.

B. Land Use Restrictions.

1. Special Land Uses. Except as provided in Subparagraph 2 of this section, and the provisions of **Section 802** notwithstanding, all uses permitted in the R-1 Zoning District and located within the Wellhead Protection Overlay shall be treated as Special Land Uses with review and approval subject to the provisions of **Article 18** and **Section 520**, hereof.

2. Prohibited Uses. Within the Wellhead Protection Overlay, any land use that uses, generates or stores a minimum threshold quantity of any hazardous substance as defined herein and which has not received and maintained in good standing a bona fide permit for the use, generation and/or storage of such substance, shall be prohibited. For the purpose of this subparagraph, a minimum threshold quantity of hazardous substances shall mean

   a. For the use or generation of hazardous substances: Quantities of at least one hundred (100) kilograms (approximately two hundred twenty (220) pounds), or ninety-five (95) liters (approximately 25.1 gallons), whichever is less, per month; or

   b. For the storage of hazardous substances: Quantities of at least one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety-five (95) liters (approximately 25.1 gallons), whichever is less, routinely stored on site.

C. Conflicting Federal or State Regulations. The regulations of this Overlay Zone are not intended to conflict with any law or administrative regulation, on groundwater protection, of the United States, the State of Michigan or any agencies thereof.

D. Nonconforming Land Uses. If a land use prohibited pursuant to Paragraph B, 2 of this **Section 804** legally existed within this Wellhead Protection Overlay on January 31, 1997, and has continued in use since that date, then;

1. Such nonconforming use of land shall not be moved in whole or in part to any other portion of such land, added to, extended, reconstructed, structurally altered or expanded during its life, **Article 4** Nonconformities notwithstanding.

2. Nothing herein shall prevent the completion of structures for a land use which shall have been diligently prosecuted prior to the passage of this section.

3. Nothing herein shall prevent the normal repair, reinforcement, rehabilitation of a structure.

City of Manistee Zoning Ordinance

Article Nine
R-2 Medium Density Residential

Effective March 27, 2006
As Amended thru
December 28, 2011

ARTICLE NINE
R-2 – MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 900 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.
- Community Garden, subject to **Section 534**
- Dwelling, Single Unit
- Home Occupation, Minor subject to **Section 1847**, **B, 1**
- Outdoor Recreation, Park
- Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to the Subdivision Control Ordinance.
- Use similar to uses permitted by right, subject to **Section 530**
- Wind Energy Conversion System, Accessory, subject to **Section 515**.**G**

*If located outside the Wellhead Protection Overlay

[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Wind Energy Conversion System, Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/11]

SPECIAL USES

- Accessory building with footprint greater than the footprint of the principal structure
- Accessory use to permitted special use
- Adaptive Reuse
- Adult Foster Care Facility
- Bed & Breakfast
- Day Care, Group (7-12 children)
- Duplex
- Dwelling, Accessory

SPECIAL USES Cont'd

- Dwelling, Multiple Unit
- Home Based Business
- Home Occupation, Major
- Marina
- Mixed-Use Development
- Personal Service Establishment
- Planned Unit Development
- Use similar to permitted special use

[Annotation: Duplex changed from Permitted use to Special Use by Amendment Z10-01, effective 10/30/10]

SPECIAL USES
Requires Key Street Frontage

- Convenience Store, w/o fuel pumps
- Eating and Drinking Establishment
- Education Facility
- Gallery or Museum
- Hotel
- Medical or Dental Office
- Mortuary
- Nursing Home or Convalescent Home
- Parking Facility
- Places of Public Assembly, Large & Small
- Professional Office
- Professional Service Establishment
- Retail Business
- Studio for Performing and Graphic Arts

ADDITIONAL STANDARDS

- Site Plan requirements subject to **Section 2203**
- Vehicular Parking Space, Access and Lighting requirements subject to **Section 514**
- Landscaping requirements subject to **Section 531**
- Signage requirements subject to **Article 21**
- Outdoor Lighting requirements, subject to **Section 525**
- U.S. 31 Corridor Overlay District requirements, subject to **Article 19**

DISTRICT REGULATIONS [d]

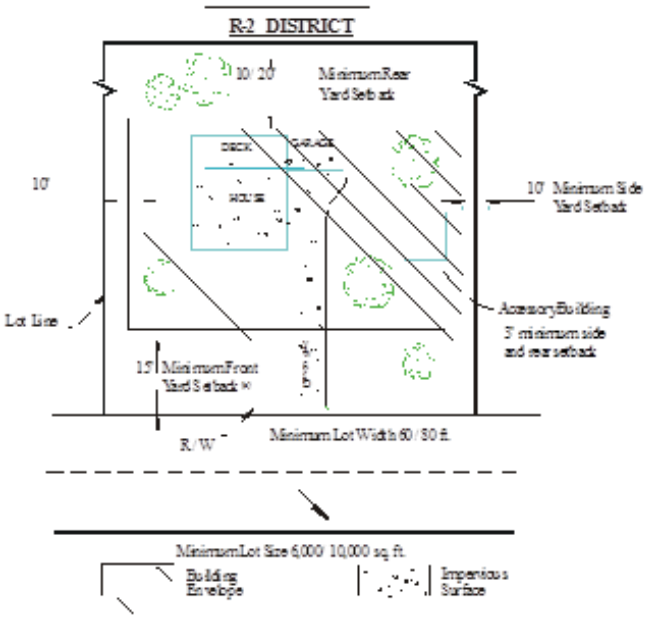
Minimum Lot Area:		**Minimum Lot Width:**	
Single Unit	6,000 sq. ft.		60 ft.
Duplex, or Commercial Use	10,000 sq. ft.		80 ft.
Multiple Unit [b]	10,000 sq. ft. min.		80 ft.
Maximum Dwelling Units/Acre	8	**Maximum Building Height**	2½ stories, or 35'
Minimum Building Setbacks		**Maximum Lot Coverage**	40%
Front[a]	15 ft.	**Minimum Living Area**	960 sq. ft.
Side	10 ft. (each side)	**Minimum Dwelling Width**	20 ft.
Rear	10 ft.	**Accessory Building Minimum Setbacks:**	
Waterfront	20 feet	Side	3 ft.
		Rear	3 ft.[c]

(a) Subject to **Section 502, G**

(b) For multiple unit buildings in the R-2 district, a minimum of 10,000 square feet shall be provided for the first two units, plus 5,500 square feet for each additional dwelling unit.

(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.

(d) Except as may be permitted pursuant to **Section 1870,** Planned Unit Development.



SECTION 901 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 22,** 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, subject to **Section 516**
C. Community Garden, subject to **Section 534**
D. Dwelling, Single Unit
E. Home Occupation, Minor subject to **Section 1847, B, 1**
F. Outdoor Recreation, Park
G. Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to the **Subdivision Control Ordinance**
H. Use similar to uses permitted by right, subject to **Section 530**
I. Wind Energy Conversion System, Accessory, subject to **Section 515.G**

[Annotation: Duplex changed from Use by Right to Special Use by Amendment Z10-01, effective10/30/10]
[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Wind Energy Conversion System Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/11]

SECTION 902 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 18**, special land use approval.

A. Accessory building with footprint greater than the footprint of the principal structure, subject to **Section 1804**
B. Accessory use to permitted special use, subject to **Section 1805**
C. Adaptive Reuse, subject to **Section 1807**
D. Adult Foster Care Facility, subject to **Section 1808**
E. Bed & Breakfast, subject to **Section 1813**
F. Convenience Store, without fuel pumps, subject to **Section 1823** – ***Requires Key Street Frontage***
G. Day Care, Group (7-12 children), subject to **Section 1826**
H. Duplex, subject to **Section 1829**
I. Dwelling, Accessory, subject to **Section 1831**
J. Dwelling, Multiple Unit, subject to **Section 1832**
K. Eating and Drinking Establishment, subject to **Section 1835** – ***Requires Key Street Frontage***
L. Education Facility, subject to **Section 1837** – ***Requires Key Street Frontage***
M. Gallery or Museum, subject to **Section 1840** – ***Requires Key Street Frontage***
N. Home Based Business, subject to **Section 1846**
O. Home Occupation, Major subject to **Section 1847**

P. Hotel, subject to **Section 1849** – ***Requires Key Street Frontage***

Q. Marina, subject to **Section 1852**

R. Medical or Dental Office, subject to **Section 1853** – ***Requires Key Street Frontage***

S. Mixed-Use Development, subject to **Section 1858**

T. Mortuary, subject to **Section 1859** – ***Requires Key Street Frontage***

U. Nursing Home or Convalescent Home, subject to **Section 1862** – ***Requires Key Street Frontage***

V. Parking Facility, subject to **Section 1865** – ***Requires Key Street Frontage***

W. Personal Service Establishment, subject to **Section 1867**

X. Places of Public Assembly, Large and Small, subject to **Section 1868** – ***Requires Key Street Frontage***

Y. Planned Unit Development, subject to **Section 1870**

Z. Professional Office, subject to **Section 1874** – ***Requires Key Street Frontage***

AA. Professional Service Establishment, subject to **Section 1876** – ***Requires Key Street Frontage***

BB. Retail Business, subject to **Section 1877** – ***Requires Key Street Frontage***

CC. Studio for Performing and Graphic Arts, subject to **Section 1882** – ***Requires Key Street Frontage***

DD. Use similar to permitted special use, subject to **Section 1886**

[Annotation: Parking Facility added to Uses Permitted by Special Use Permit by amendment 08-02, effective 2/29/08]
[Annotation: Duplex changed from Use by Right to Special Use by Amendment Z10-01, effective10/30/10]

SECTION 903 DIMENSIONAL STANDARDS.

Within the R-2 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. For multiple unit buildings in the R-2 district, a minimum of 10,000 square feet shall be provided for the first two units, plus 5,500 square feet for each additional dwelling unit.

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 fifteen (15) feet from front property line. 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, G.**

   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 be not less than twenty (20) feet, provided such setback shall not apply to walkways, boat docks, boat slips, boat launches and boat houses. [Annotation: Section 903.C.4 changed by amendment 07-07, effective 5/29/07]
5. Dwelling Width: No dwelling shall be constructed in the R-2 District which is less than twenty (20) feet wide.
6. Living Area: No dwelling unit shall be constructed in the R-2 District which has less than nine hundred sixty (960) square feet of living area.
7. Lot Coverage: Not more than forty percent (40%) of the parcel area shall be covered by buildings.
8. Height: The maximum height of principal buildings in the R-2 district shall be the lesser of thirty-five (35) feet or two and one-half (2½) stories. The maximum height of accessory buildings shall be eighteen (18) feet with side walls not to exceed twelve (12) feet in height.

SECTION 904 WELLHEAD PROTECTION OVERLAY

A. Applicability. Every parcel of land which lies in whole or in part within Wellhead Protection Overlay as depicted on the Official Zoning Map around public Type I water wells is subject to the regulations of this Section. The regulations of this Section are in addition to any regulations in the underlying zoning district, provided that in the event of a conflict between the regulations of this section and those of the underlying zoning district, the requirements of this Section shall prevail.

B. Land Use Restrictions.

1. Special Land Uses. Except as provided in Subparagraph 2 of this section, and the provisions of **Section 901** notwithstanding, all uses permitted in the R-2 Zoning District and located within the Wellhead Protection Overlay shall be treated as Special Land Uses with review and approval subject to the provisions of **Article 18** and **Section 520**, hereof.
2. Prohibited Uses. Within the Wellhead Protection Overlay, any land use that uses, generates or stores a minimum threshold quantity of any hazardous substance as defined herein and which has not received and maintained in good standing a bona fide permit for the use, generation and/or storage of such substance, shall be prohibited. For the purpose of this subparagraph, a minimum threshold quantity of hazardous substances shall mean
   a. For the use or generation of hazardous substances: Quantities of at least one hundred (100) kilograms (approximately two hundred twenty (220) pounds), or ninety-five (95) liters (approximately 25.1 gallons), whichever is less, per month; or

b. For the storage of hazardous substances: Quantities of at least one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety-five (95) liters (approximately 25.1 gallons), whichever is less, routinely stored on site.

C. Conflicting Federal or State Regulations. The regulations of this Overlay Zone are not intended to conflict with any law or administrative regulation, on groundwater protection, of the United States, the State of Michigan or any agencies thereof.

D. Nonconforming Land Uses. If a land use prohibited pursuant to Paragraph B, 2 of this **Section 904** legally existed within this Wellhead Protection Overlay on January 31, 1997, and has continued in use since that date, then;

1. Such nonconforming use of land shall not be moved in whole or in part to any other portion of such land, added to, extended, reconstructed, structurally altered or expanded during its life, **Article 4** Nonconformities notwithstanding.
2. Nothing herein shall prevent the completion of structures for a land use which shall have been diligently prosecuted prior to the passage of this section.
3. Nothing herein shall prevent the normal repair, reinforcement, rehabilitation of a structure.

City of Manistee Zoning Ordinance

Article Ten
R-3 High Density Residential

Effective March 27, 2006
As Amended thru
December 28, 2011

ARTICLE TEN
R-3 – HIGH DENSITY RESIDENTIAL DISTRICT

SECTION 1000 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.
- Community Garden, subject to **Section 534**
- Day Care, Group (7-12 children)
- Dwelling, Single Unit
- Home Occupation, Minor subject to **Section 1847, B, 1**
- Outdoor Recreation, Park
- Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to the Subdivision Control Ordinance.
- Use similar to uses permitted by right, subject to **Section 530**
- Wind Energy Conversion System, Accessory, subject to **Section 515.G**

[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Wind Energy Conversion System, Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/11]

SPECIAL USES

- Accessory building with footprint greater than the footprint of the principal structure
- Accessory use to permitted special use
- Adaptive Reuse
- Adult Foster Care Facility
- Bed & Breakfast
- Communication Tower
- Contractor's Facility
- Day Care, Commercial
- Duplex
- Dwelling, Accessory
- Dwelling, Multiple Unit
- Home Based Business

SPECIAL USES (cont'd)

- Home Occupation, Major
- Hotel
- Marina
- Mixed-Use Development
- Personal Service Establishment
- Planned Unit Development
- Use similar to permitted special use
- Wind Energy Conversion Systems

[Annotation: Duplex changed from Permitted use to Special Use by Amendment Z10-01, effective 10/30/10]

SPECIAL USES
Requires Key Street Frontage

- Convenience Store, without fuel pumps
- Eating and Drinking Establishment
- Education Facility
- Financial Institution
- Gallery or Museum
- Medical or Dental Office
- Mini/Self-Storage Facility
- Mortuary
- Nursing Home or Convalescent Home
- Parking Facility
- Places of Public Assembly, Large & Small
- Professional Office
- Professional Service Establishment
- Retail Business
- Studio for Performing and Graphic Arts

ADDITIONAL STANDARDS

- Site Plan requirements subject to **Section 2203**
- Vehicular Parking Space, Access and Lighting requirements subject to **Section 514**
- Landscaping requirements subject to **Section 531**
- Signage requirements subject to **Article 21**
- Outdoor Lighting requirements, subject to **Section 525**
- U.S. 31 Corridor Overlay District requirements, subject to **Article 19**

DISTRICT REGULATIONS [b]

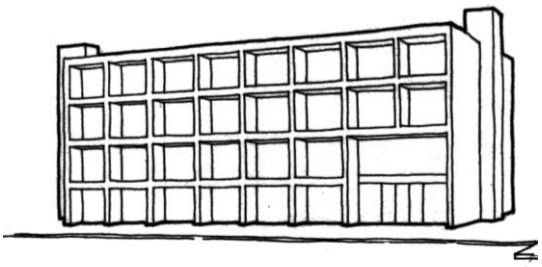
Minimum Lot Area:		**Minimum Lot Width:**	
Single Unit	6,000 sq. ft.		60 ft.
Duplex, or Commercial Use	10,000 sq. ft.		80 ft.
Multiple Unit [a]	10,000 sq. ft. min.		80 ft.
Maximum Dwelling Units/Acre	17	**Max. Building Height**	2½ stories, or 35’
Minimum Building Setbacks		**Maximum Lot Coverage**	60%
Front[c]	15 ft.	**Minimum Living Area (Single-family)**	960 sq. ft.
Side	10 ft. (each side)	**Minimum Living Area (Multi-family)**	500 sq. ft.
Rear [d]	10 ft.	**Minimum Dwelling Width**	20 ft.
Waterfront	20 ft.	**Accessory Building Minimum Setbacks:**	
		Side	3 ft.
		Rear	3 ft.

[a] For multiple unit buildings, a minimum of 10,000 square feet shall be provided for the first two units, 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.

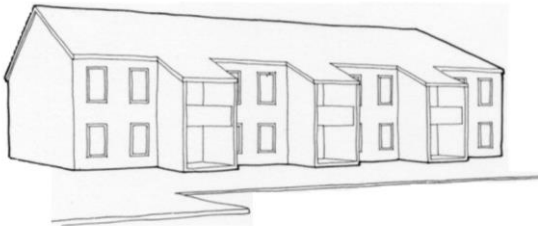
[b] Except as may be permitted pursuant to **Section 1870**, Planned Unit Development.

[c] Subject to Section **502**, **G**

[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.



Mid-Rise Multiple Unit



Garden Apartment Multiple Unit

Townhouse Multiple Unit

SECTION 1001 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 22**, 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, subject to **Section 516**
C. Community Garden, subject to **Section 534**
D. Day Care, Group for 7 to 12 children
E. Dwelling, Single Unit
F. Home Occupation, Minor, subject to **Section 1847, B, 1.**
G. Outdoor Recreation, Park
H. Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to the Subdivision Control Ordinance.
I. Use similar to uses permitted by right, subject to **Section 530**
J. Wind Energy Conversion System, Accessory, subject to **Section 515.G.**

[Annotation: Duplex changed from Use by Right to Special Use by Amendment Z10-01, effective10/30/10]
[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Wind Energy Conversion System, Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/11]

SECTION 1002 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 18**, special land use approval.

A. Accessory building with footprint greater than the footprint of the principal structure, subject to **Section 1804**
B. Accessory use to permitted special use, subject to **Section 1805**
C. Adaptive Reuse, subject to **Section 1807**
D. Adult Foster Care Facility, subject to **Section 1808**
E. Bed & Breakfast, subject to **Section 1813**
F. Communication Tower, subject to **Section 1819**
G. Contractor's Facility, subject to **Section 1820**
H. Convenience Store, without fuel pumps, subject to **Section 1823** – ***Requires Key Street Frontage***
I. Day Care, Commercial, subject to **Section 1825**
J. Duplex, subject to **Section 1829**
K. Dwelling, Accessory, subject to **Section 1831**
L. Dwelling, Multiple Unit, subject to **Section 1832**
M. Eating and Drinking Establishment, subject to **Section 1835** – ***Requires Key Street Frontage***
N. Education Facility, subject to **Section 1837** – ***Requires Key Street Frontage***

O. Financial Institution, subject to **Section 1838** – ***Requires Key Street Frontage***

P. Gallery or Museum, subject to **Section 1840** – ***Requires Key Street Frontage***

Q. Home Based Business, subject to **Section 1846**

R. Home Occupation, Major, subject to **Section 1847**

S. Hotel, subject to **Section 1849**

T. Marina, subject to **Section 1852**

U. Medical or Dental Office, subject to **Section 1853** – ***Requires Key Street Frontage***

V. Mini/Self-Storage Facility, subject to **Section 1855** – ***Requires Key Street Frontage***

W. Mixed-Use Development, subject to **Section 1858**

X. Mortuary, subject to **Section 1859** – ***Requires Key Street Frontage***

Y. Nursing Home or Convalescent Home, subject to **Section 1862** – ***Requires Key Street Frontage***

Z. Parking Facility, subject to **Section 1865** – ***Requires Key Street Frontage***

AA. Personal Service Establishment, subject to **Section 1867**

BB. Places of Public Assembly, Large & Small, subject to **Section 1868** – ***Requires Key Street Frontage***

CC. Planned Unit Development, subject to **Section 1870**

DD. Professional Office, subject to **Section 1874** – ***Requires Key Street Frontage***

EE. Professional Service Establishment, subject to **Section 1876** – ***Requires Key Street Frontage***

FF. Retail Business, subject to **Section 1877** – ***Requires Key Street Frontage***

GG. Studio for Performing and Graphic Arts, subject to **Section 1882** – ***Requires Key Street Frontage***

HH. Use similar to permitted special use, subject to **Section 1886**

II. Wind Energy Conversion System, subject to **Section 1892**

[Annotation: Parking Facility added to Uses Permitted by Special Use Permit by amendment 08-02, effective 2/29/08]
[Annotation: Duplex changed from Use by Right to Special Use by Amendment Z10-01, effective10/30/10]

SECTION 1003 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. For multiple unit buildings, in addition to a ten thousand (10,000) square feet in minimum parcel area for the first two units, 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 fifteen (15) feet from front property line. 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, G.**
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 be not less than twenty (20) feet, provided such setback shall not apply to walkways, boat docks, boat slips, boat launches and boat houses. [Annotation: Section 1003.C.4 changed by amendment 07-07, effective 5/29/07]

D. Dwelling Width: No dwelling shall be constructed in the R-3 District which 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 for multiple family, and nine hundred sixty (960) square feet for single family.

F. Lot Coverage: Not more than sixty percent (60%) of the parcel area shall be covered by buildings.

G. Height: The maximum height of principal buildings in the R-3 district shall be the lesser of thirty-five (35) feet or two and one-half (2½) stories. The maximum height of accessory buildings shall be eighteen (18) feet with side walls not to exceed twelve (12) feet in height.

City of Manistee Zoning Ordinance

Article Eleven
R-4 Manufactured Housing Community District

Effective March 27, 2006
As Amended thru
December 28, 2011

ARTICLE ELEVEN
R-4 – MANUFACTURED HOUSING COMMUNITY DISTRICT

SECTION 1100 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.
- Community Garden, subject to **Section 534**
- Home Occupation, Minor subject to **Section 1847, B, 1.**
- Manufactured Housing Community, Subject to **Section 1104**.
- Outdoor Recreation, Park
- Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to the Subdivision Control Ordinance.
- Use similar to uses permitted by right, subject to **Section 530**
- Wind Energy Conversion System, Accessory, subject to **Section 515.G**

[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Wind Energy Conversion System, Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/11]

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, Multiple Unit
- Dwelling, Single Unit
- Home Occupation, Major
- Mixed Use Development
- Planned Unit Development
- Use similar to permitted special use

[Annotation: Adaptive Reuse was Deleted as a Special Use by amendment 08-03, effective 2/29/08]

ADDITIONAL STANDARDS FOR ALL USES OTHER THAN MANUFACTURED HOUSING COMMUNITIES

- Site Plan requirements subject to **Section 2203**
- Vehicular Parking Space, Access and Lighting requirements subject to **Section 514.**
- Landscaping requirements subject to **Section 531**
- Signage requirements subject to **Article 21**
- Outdoor Lighting requirements, subject to **Section 525**
- U.S. 31 Corridor Overlay District requirements, subject to **Article 19**

DISTRICT REGULATIONS FOR ALL USES OTHER THAN MANUFACTURED HOUSING COMMUNITIES [d]

Minimum Lot Area:		**Minimum Lot Width:**	
Single Unit	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	8	**Max. Building Height**	2½ stories, or 35’
Minimum Building Setbacks		**Maximum Lot Coverage**	40%
Front[b]	15 ft.	**Minimum Living Area**	750 sq. ft.
Side	10 ft. (each side)	**Minimum Dwelling Width**	20 ft.
Rear [c]	10 ft.	**Accessory Building Minimum Setbacks:**	
Waterfront	20 ft.	Side	3 ft.
		Rear	3 ft.[c]

[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] Subject to **Section 502, G**.

[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.

[d] Except as may be permitted pursuant to **Section 1870,** Planned Unit Development.

SECTION 1101 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 22**, 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, subject to **Section 516**

C. Community Garden, subject to **Section 534**

D. Home Occupation, Minor, subject to **Section 1847, B, 1**

E. Manufactured Housing Community, subject to **Section 1104**
F. Outdoor Recreation, Park
G. Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to the Subdivision Control Ordinance
H. Use similar to uses permitted by right, subject to **Section 530**
I. Wind Energy Conversion System, Accessory, subject to **Section 515.G**

[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Wind Energy Conversion System, Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/11]

SECTION 1102 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 18**, special land use approval.

A. Accessory building with footprint greater than the footprint of the principal structure, subject to **Section 1804**
B. Accessory use to permitted special use, subject to **Section 1805**
C. Day Care, Group for 7 to 12 children, subject to **Section 1826**
D. Duplex, subject to **Section 1829**
E. Dwelling, Multiple Unit, subject to **Section 1832**
F. Dwelling, Single Unit, subject to **Section 1834**
G. Home Occupation, Major, subject to **Section 1847**
H. Mixed Use Development, subject to **Section 1858**
I. Planned Unit Development, subject to **Section 1870**
J. Use similar to permitted special use, subject to **Section 1886**

[Annotation: Adaptive Reuse was Deleted as a Special Use by amendment 08-03, effective 2/29/08]

SECTION 1103 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, multiple unit or commercial structure shall be established on any parcel less than ten thousand (10,000) square feet in area. For multiple unit buildings, in addition to a 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 fifteen (15) feet from front property line. 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, G.**
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 be not less than twenty (20) feet, provided such setback shall not apply to walkways, boat docks, boat slips, boat launches and boat houses. [Annotation: Section 1103.C.4 changed by amendment 07-07, effective 5/29/07]

D. Dwelling Width: No dwelling shall be constructed in the R-4 District which 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.

F. Lot Coverage: Not more than forty percent (40%) of the parcel area shall be covered by buildings.

G. Height: The maximum height of principal buildings in the R-4 district shall be the lesser of thirty-five (35) feet or two and one-half (2½) stories. The maximum height of accessory buildings shall be eighteen (18) feet with side walls not to exceed twelve (12) feet in height.

SECTION 1104 MANUFACTURED HOUSING COMMUNITIES

The R-4 Manufactured Housing Community District is intended to provide for the location and regulation of manufactured housing communities. It is intended that manufactured housing communities be provided with necessary community services in a setting that provides a high quality of life for residents and residential development standards consistent with all other residential districts in the City of Manistee. This district shall be located in areas where it will be compatible with adjacent land uses. It is further the intent of this district to prohibit office, business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development, or continued use, of the land for manufactured housing communities in the district. Determining the appropriate location for a manufactured housing community is a uniquely challenging task and may have a crucial impact on adjacent and surrounding land uses. A manufactured housing community contains specific site conditions unlike other types of residential development. Sites with an abundance of natural features such as forested areas, wetlands, and steep slopes and sites without the road and utility infrastructure to

support a high density living environment are not found to be suitable for the development of a manufactured housing community. In light of these parameters, the City has elected to allow this zoning district to "float" placing the responsibility for the site analysis on the applicant for the placement of the district. The City and residents shall rely on the Manistee Master Plan to determine future use and to judge and evaluate rezoning requests. 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. Rezoning. Applications to amend this Zoning Ordinance to establish a Manufactured Housing Community district shall be processed in accord with **Article 28** hereof and shall be evaluated in accordance with the following standards:
   1. Consistency with the Manistee Master Plan by location within the Medium or High Density Residential future land use designations.
   2. Availability of public water and wastewater service.
   3. Absence of significant areas of mature hardwood forests, significant areas of regulated wetlands and/or significant areas of slopes in excess of 10% on the proposed site.
   4. Location on a key street segment, as defined herein.
   5. Location within not more than one-half (½) mile of commercial land uses and community services such as schools and churches.

B. 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 12 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.

C. Review Process. The Planning Commission shall review the submitted preliminary plan and render a decision to approve, approve with conditions or deny the preliminary plan. The Planning Commission shall approve the 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 Planning Commission 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 review and approval.

D. 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.

E. 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).

F. Site Size: The minimum site size for a manufactured housing community shall be fifteen (15) acres.

City of Manistee Zoning Ordinance

Article Twelve
W-F Waterfront District

Effective March 27, 2006
As Amended thru
July 14, 2015

ARTICLE TWELVE
W-F -- WATERFRONT DISTRICT

SECTION 1200 PURPOSE AND INTENT

It is the intent of this District to establish a mixed-use district incorporating a variety of recreational, residential, business or service uses on or near the Waterfront. This district is intended to encourage and promote sustainable, environmentally and aesthetically compatible developments that use or compliment the shoreline while promoting expanded use of the shoreline by the public. The W-F District is intended to host a variety of land uses including, but not limited to, residential, commercial, entertainment and recreational, service and industrial uses. [Annotation: The Language "Waterfront" was added, while the Language "Manistee Lake shoreline" was deleted by amendment 08-05, effective 2/29/08]

PERMITTED USES

- Accessory building with footprint less than or equal to the footprint of the principal structure
- Accessory use to uses permitted by right.
- Community Garden, subject to **Section 534**
- Dwelling, Single unit
- Gallery or Museum
- Home Occupation, Minor subject to **Section 1847**, **B, 1**
- Outdoor Recreation, Park
- Personal Service Establishment
- Places of Public Assembly, Small
- Professional Office
- Professional Service Establishment
- Retail Business
- Shipping Facility
- Subdivision and condominium subdivision consisting of permitted uses, clustered or traditional subject to the Subdivision Control Ordinance.
- Uses similar to uses permitted by right, subject to **Section 530**
- Wind Energy Conversion System, Accessory, subject to **Section 515**.**G**

[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Wind Energy Conversion System, Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/11]

SPECIAL USES

- Accessory building with footprint greater than the foot print of the principal structure
- Accessory uses to a permitted Special Use
- Adaptive Reuse
- Assembly Operation
- Bed & Breakfast
- Communication Tower
- Convenience Store, w/o fuel pumps
- Day Care, Commercial and Group
- Duplex
- Dwelling – Multiple unit
- Eating and Drinking Establishment
- Home Based Business
- Home Occupation, Major
- Hotels
- Marina
- Mixed-Use Development
- Parking Facility, Public
- Planned Unit Development
- Studio for performing and graphic arts
- Uses similar to permitted special use
- Warehouse, Public

[Annotation: Duplex was changed from a Use by Right to a Special Use by Amendment Z10-01, effective 10/30/10]

SPECIAL USES
Requires Key Street Frontage

- Financial Institution
- Motels
- Places of Public Assembly, Large
- Sports and Recreation Club
- Theater

ADDITIONAL STANDARDS

- Site Plan requirements subject to **Section 2203**
- Vehicular Parking Space, Access and Lighting requirements subject to **Section 514**
- Landscaping requirements subject to **Section 531**
- Signage requirements subject to **Article 21**
- Outdoor Lighting requirements, subject to **Section 525**
- U.S. 31 Corridor Overlay District requirements, subject to **Article 19**

DISTRICT REGULATIONS [b]

Minimum Lot Area:		**Minimum Lot Width:**	
Single Unit	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’
Minimum Building Setbacks		**Maximum Lot Coverage**	60%
Front[c]	15 ft.	**Minimum Living Area**	500 sq. ft.
Side	10 ft. (each side)	**Minimum Dwelling Width**	20 ft.
Rear [d]	10 ft.	**Accessory Building Minimum Setbacks:**	
Waterfront	20 ft.[e]	Side	3 ft.
		Rear	3 ft.[d]

[a] For multiple unit buildings, a minimum of 10,000 square feet shall be provided for the first two units, 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 1870**, Planned Unit Development.

[c] Subject to **Section 502, G**

[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.

[e] Provided that this standard shall not apply to walkways, boat docks, boat slips, boat houses and boat launches.

SECTION 1201 USES PERMITTED BY RIGHT

The following uses of buildings and land shall be permitted within the W-F District subject to the provisions of **Article 22**, Site Plan.

A. Accessory building with footprint less than or equal to the footprint of the principal structure

B. Accessory use to uses permitted by right, subject to **Section 516**

C. Community Garden, subject to **Section 534**

D. Dwelling, single unit
E. Gallery or Museum
F. Home Occupation, Minor, subject to **Section 1847**, **B, 1**
G. Outdoor Recreation, Park
H. Personal Service Establishment
I. Places of Public Assembly, Small
J. Professional Office
K. Professional Service Establishment
L. Retail Business
M. Shipping Facility
N. Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to the Subdivision Control Ordinance
O. Uses similar to uses permitted by right, subject to **Section 530**
P. Wind Energy Conversion System, Accessory, subject to **Section 515.G**

[Annotation: Duplex was changed from a Use by Right to a Special Use by Amendment Z10-01, effective 1030/10]
[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Wind Energy Conversion System, Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/11]

SECTION 1202 USES PERMITTED BY SPECIAL LAND USE PERMIT

The following uses of buildings and land may be permitted within the W-F District, as special land uses subject to the provisions of **Article 18**, special land use approval.

A. Accessory building with footprint greater than the footprint of the principal structure, subject to **Section 1804**
B. Accessory uses to a permitted special use, subject to **Section 1805**
C. Adaptive reuse, subject to **Section 1807**
D. Assembly Operation, subject to **Section 1873**
E. Communication Tower, subject to **Section 1819**
F. Convenience Store, without fuel pumps, subject to **Section 1823**
G. Day Care, Commercial, subject to **Section 1825**
H. Day Care, Group, subject to **Section 1826**
I. Duplex, subject to **Section 1829**
J. Dwelling, multiple unit, subject to **Section 1832**
K. Eating and Drinking Establishment, subject to **Section 1835**
L. Financial Institution, subject to **Section 1838** – ***Requires Key Street Frontage***
M. Home Based Business, subject to **Section 1846**
N. Home Occupation, Major, subject to **Section 1847**
O. Hotel, subject to **Section 1849**

P. Marina, subject to **Section 1852**
Q. Mixed-Use Development, subject to **Section 1858**
R. Motel, subject to **Section 1861** – ***Requires Key Street Frontage***
S. Parking Facility, Public, subject to **Section 1865**
T. Places of Public Assembly, Large, subject to **Section 1868** – ***Requires Key Street Frontage***
U. Planned Unit Development, subject to **Section 1870**
V. Sports and Recreation Club, subject to **Section 1880** – ***Requires Key Street Frontage***
W. Studio for performing and graphic arts, subject to **Section 1882**
X. Theater, subject to **Section 1885** – ***Requires Key Street Frontage***
Y. Uses similar to permitted special use, subject to **Section 1886**
Z. Warehouse, Public, subject to **Section 1889**

[Annotation: Duplex was changed from a Use by Right to a Special Use by Amendment Z10-01, effective 10/30/10]

SECTION 1203 DIMENSIONAL STANDARDS

Within the W-F 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 for the first two units, 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 fifteen (15) feet from front property line. 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, G.**
    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 Yards: The minimum setback from the ordinary high watermark of Manistee Lake shall be twenty (20) feet. Provided that this provision shall not apply to walkways, boat docks, boat slips, boat houses and boat launches.

[Annotation: Section 1203.C.4 changed by amendment 07-07, effective 5/29/07]

D. Dwelling Width: No dwelling shall be constructed in the W-F District which is less than twenty (20) feet wide.

E. Living Area: No dwelling unit shall be constructed in the W-F District which has less than five hundred (500) square feet of living area.

F. Lot Coverage: Not more than sixty percent (60%) of the parcel area shall be covered by buildings.

G. Height: The maximum height of principal buildings in the W-F District shall be the lesser of thirty-five (35) feet or two and one-half (2½) stories. The maximum height of accessory buildings shall be eighteen (18) feet with side walls not to exceed twelve (12) feet in height.

[Annotation: On December 31, 2014 the Renaissance Zone expired, Section 1204 Waterfront Renaissance Zone Standards was deleted by Amendment Z15-04, effective 7/14/15]

City of Manistee Zoning Ordinance

Article Thirteen
C-1 Regional Commercial District

Effective March 27, 2006
As Amended thru
December 28, 2011

ARTICLE THIRTEEN
C-1 – REGIONAL COMMERCIAL DISTRICT

SECTION 1300 PURPOSE AND INTENT

It is the intent of this District to provide areas for commercial uses intended to serve the larger community and the traveling public in the vicinity of highway U.S.-31 and to promote the economic development of the City in conformity with the Manistee City Master Plan, while establishing standards for curb cut location, pedestrian facilities, parking and shared parking, loading/unloading area, landscaping, and building form intended to mitigate the negative impacts of lineal development along highway U.S.-31; and potential conflicts with nearby residential districts.

PERMITTED USES

- Accessory buildings
- Accessory uses related to uses permitted by right
- Animal Grooming
- Automobile Repair Facility
- Community Garden, subject to **Section 534**
- Convenience Store w/o fuel pumps
- Eating and Drinking Establishment
- Financial Institution
- Gallery or Museum
- Hotel
- Medical or Dental Office
- Motel
- Outdoor Recreation, Park
- Personal Service Establishment
- Place of Public Assembly, Small
- Professional Office
- Professional Service Establishment
- Retail Business
- Sports and Recreation Club
- Studio for Performing and Graphic Arts
- Subdivision, Plat or Condo (permitted uses)
- Theater
- Urgent Care Facility
- Uses similar to uses permitted by right, subject to **Section 530**
- Veterinary Clinic
- Wholesale Facility
- Wind Energy Conversion System, Accessory, subject to **Section 515**.**G**

[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Wind Energy Conversion System, Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/11]

SPECIAL USES

- Accessory uses related to special uses
- Adaptive Reuse
- Billboard
- Car Wash
- Communication Tower
- Contractor's Facility
- Convenience Store w/ fuel pumps
- Day Care, Commercial or Group
- Drive-through Establishment
- Dwelling – Multiple Unit
- Gasoline Station
- Laundry and Dry Cleaning Establishment
- Mini/Self Storage Facility
- Mine, Sand and Gravel
- Mixed Use Development
- Nursing or Convalescent Home
- Parking Facility, Public
- Planned Unit Development
- Sexually Oriented Business
- Tattoo Parlor
- Uses similar to permitted special uses
- Warehouse, Public

[Annotation: Duplex changed from Permitted use to Special Use by Amendment Z10-01, effective 10/30/10]

SPECIAL USES
Requires Key Street Frontage

- Greenhouse or Nursery
- Mortuary
- Outdoor Sales Facility
- Places of Public Assembly, Large

ADDITIONAL STANDARDS

- Site Plan requirements subject to **Section 2203**
- Vehicular Parking Space, Access and Lighting requirements subject to **Section 514**
- Landscaping requirements subject to **Section 531**
- Signage requirements subject to **Article 21**
- Outdoor Lighting requirements, subject to **Section 525**
- U.S. 31 Corridor Overlay District requirements, subject to **Article 19**

DISTRICT REGULATIONS [b]

Minimum Lot Area:	20,000 sq. ft.[a]	**Minimum Lot Width:**	120 ft.
Maximum Dwelling Units/Acre	17	**Max. Building Height**	3 stories, or 40'[b]
Minimum Building Setbacks		**Maximum Lot Coverage**	60%
Front[c]	30 ft.	**Minimum Living Area**	500 sq. ft.
Side[d]	10 ft. (each side)	**Minimum Dwelling Width**	20 ft.
Rear[d]	20 ft.		

[a] For multiple unit buildings, a minimum of 10,000 square feet shall be provided for the first two units, 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 1870**, Planned Unit Development.

[c] Subject to **Section 502, G.**

[d] When a proposed commercial use is contiguous to an existing single-unit or duplex dwelling, the Planning Commission may require and additional buffer consisting of a fifty (50) foot side and/or rear setback, a four (4) foot high landscaped berm or solid fence up to six (6) feet in height, or any combination thereof.

SECTION 1301 USES PERMITTED BY RIGHT

The following uses of buildings and land shall be permitted within the C-1 District subject to the provisions of **Article 22**, Site Plan Approval.

A. Accessory buildings, regardless of floor area.
B. Accessory uses related to uses permitted by right, subject to **Section 516**
C. Animal Grooming
D. Automobile Repair Facility
E. Community Garden, subject to **Section 534**
F. Convenience Store without fuel pumps
G. Eating and Drinking Establishment
H. Financial Institution
I. Gallery or Museum
J. Hotel

K. Medical or Dental Office
L. Motel
M. Outdoor Recreation, Park
N. Personal Service Establishment
O. Place of Public Assembly, Small
P. Professional Office
Q. Professional Service Establishment
R. Retail Business
S. Sports and Recreation Club
T. Studio for Performing and Graphic Arts
U. Subdivision, Plat or Condo (of permitted uses)
V. Theater
W. Urgent Care Facility
X. Uses similar to uses permitted by right, subject to **Section 530**
Y. Veterinary Clinic
Z. Wind Energy Conversion System, subject to **Section 515**.G
AA. Wholesale Facility

[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Wind Energy Conversion System, Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/22]

SECTION 1302 USES PERMITTED BY SPECIAL LAND USE PERMIT

The following uses of buildings and land may be permitted within the C-1 District, as special land uses subject to the provisions of **Article 18**, special land use approval.

A. Accessory uses related to special uses, subject to **Section 1805**
B. Adaptive Reuse, subject to **Section 1807**
C. Billboard, subject to **Section 1814**
D. Car Wash, subject to **Section 1816**
E. Communication Tower, subject to **Section 1819**
F. Contractor's Facility, subject to **Section 1820**
G. Convenience Store with fuel pumps, subject to **Section 1822**
H. Day Care, Commercial, subject to **Section 1825**
I. Day Care, Group, subject to **Section 1826**
J. Drive-through Establishment, subject to **Section 1828**
K. Dwelling – Multiple Unit, subject to **Section 1832**
L. Gasoline Station, subject to **Section 1841**
M. Greenhouse or Nursery, subject to **Section 1844** – ***Requires Key Street Frontage***
N. Laundry and Dry Cleaning Establishment, subject to **Section 1850**
O. Mini/Self Storage, subject to **Section 1855**

P. Mine, Sand and Gravel, subject to **Section 1856**

Q. Mixed Use Development, subject to **Section 1858**

R. Mortuary, subject to **Section 1859** – ***Requires Key Street Frontage***

S. Nursing or Convalescent Home, subject to **Section 1862**

T. Outdoor Sales Facility, subject to **Section 1864** – ***Requires Key Street Frontage***

U. Parking Facility, Public, subject to **Section 1865**

V. Places of Public Assembly, Large, subject to **Section 1868** – ***Requires Key Street Frontage***

W. Planned Unit Development, subject to **Section 1870**

X. Sexually Oriented Business, subject to **Section 1879**

Y. Tattoo Parlor, subject to **Section 1883**

Z. Uses similar to permitted special uses, subject to **Section 1886**

AA. Warehouse, Public, subject to **Section 1889**

SECTION 1303 DIMENSIONAL STANDARDS

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

A. Parcel Area – No building or structure shall be established on any parcel less than twenty thousand (20,000) square feet in area. Provided that for multiple unit buildings, in addition to ten thousand (10,000) square feet in minimum parcel area for the first two units, 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 all uses the minimum parcel width shall be one hundred twenty (120) 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 thirty (30) feet from front property line.
   2. Side Yards: Except as provided in subparagraph 4 below, the minimum width of either side yard shall not be less than ten (10) feet.
   3. Rear Yard: Except as provided in subparagraph 4 below, the minimum rear setback shall twenty (20) feet.
   4. When a proposed commercial use is contiguous to an existing single-unit or duplex dwelling, the Planning Commission may require and additional buffer consisting of a fifty (50) foot side and/or rear setback, a four (4) foot high landscaped berm or solid fence up to six (6) feet in height, or any combination thereof.

E. Building Height. Except as a part of a Planned Unit Development, no structure in the C-1 District shall exceed three (3) stories in height or forty (40) feet in height.

F. Living Area: No dwelling unit shall be constructed in the C-1 District which has less than five hundred (500) square feet of living area.

G. Dwelling Width: No dwelling shall be constructed in the C-1 District which is less than twenty (20) feet wide.

H. Lot Coverage: Not more than sixty percent (60%) of the parcel area shall be covered by buildings.

SECTION 1304 SITE STANDARDS

A. In addition to Site Plan requirements set forth in **Article 22** of this Ordinance, a site plan in the C-1 District for a commercial enterprise with frontage on highway U.S.-31 shall also meet the following requirements:

   1. Existing drives and curb cuts onto U.S.-31 shall comply with the requirements of **Article 19, US-31 Corridor Overlay.**

   2. Parking shall not be allowed within the front yard setback.

   3. Loading and solid waste storage areas shall be located in the side or rear of the commercial establishment.

   4. Solid waste container(s) shall be screened from all four (4) sides with an opaque fence or wall with a gate(s) at least as high as the tallest solid waste container. The fence, wall, and/or gate shall be constructed of material compatible with the architectural materials used in the site.

   5. The location of the solid waste container(s) shall be adjacent to a building, unless specifically waived by the Commission.

   6. Loading/unloading docks and areas (including solid waste containers) shall be situated so that trucks loading and unloading do not park in parking lot areas.

B. Yards median, and all grounds areas shall be maintained and shall meet the following standards:

   1. The front yard setback area:

      a. The required front yard shall consist of a landscaped lawn and shrub area. The Commission may require manicured lawn covered berm, fences, walls, and other screening and the same shall be provided and maintained as a condition of the establishment and continued maintenance of any use to which they are appurtenant.

      b. The City may require walkways for pedestrian and non-motorized vehicles.

   2. All utilities (electric, gas, water, sewer, cable television, and other similar services) shall be located underground. This requirement applies to service to individual commercial establishments and to any utilities necessary to travel between the rear wall of the principle commercial establishment building and the centerline of highway U.S.-31. All utility pad fixtures, meters, shall be shown on the site plan and integrated with the architectural and landscape elements of the site plan.

   3. All exterior lights shall be arranged and installed in accordance with **Section 525.**

   4. All service drives, driveways, parking areas, sidewalks, shall be paved with concrete, bituminous asphalt or other similar material.

   5. Landscaping of the yard and grounds area of the parcel shall meet the following standards:

      a. All open yard and grounds areas in front and on the sides and the rear 20 feet (closest to the building) of the parcel shall be maintained as manicured lawn, and/or formal garden.

b. The owner shall be responsible for maintenance of all landscaping. Plant materials (including grass) shall be kept in a healthy growing condition and free from refuse and debris, except for continuous watering during periods of water shortage or drought.

c. The site plan shall identify existing vegetation on the site and indicate whether such existing vegetation will be preserved or replaced upon construction.

C. All buildings, fences, walls, gates, shall meet the following architectural standards:

1. No building exterior (whether front, side, or rear) will consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. Nothing in this section shall prevent using different building exterior materials or design which would be acceptable as representative of good architectural design and does not involve use of inferior materials on sides which face adjoining property and thus might adversely impact existing or future development.

2. The building shall be constructed and finished in such a manner that its color and appearance will be aesthetically complimentary to the other buildings in the area. It shall be subject to prior site plan and construction approval by the Planning Commission.

3. Mechanical equipment, whether ground-level or rooftop, shall be shielded and screened from public view and designed to be perceived as an integral part of the building.

4. For all commercial establishments, servicing or processing shall be conducted within completely enclosed buildings, except for off-road parking, loading, unloading, and open air uses specifically approved by the Commission.

D. In addition to any requirements of Manistee City Subdivision Ordinance, a division of a parcel of land, in or outside of an existing subdivision, which results in one or more parcels which do not have public highway U.S.-31 frontage, shall be required to have an approved access to a public highway U.S.-31 prior to the division of the parcel or issuing a zoning permit.

SECTION 1305 EXISTING RESIDENTIAL STRUCTURES

A dwelling or duplex which exists prior to the effective date of this Article may continue as a non-conforming use pursuant to **Article 4, Section 401, A, 2** of this Ordinance.

City of Manistee Zoning Ordinance

Article Fourteen
C-2 Neighborhood Commercial District

Effective March 27, 2006
As Amended thru
December 28, 2011

ARTICLE FOURTEEN
C-2 – NEIGHBORHOOD COMMERCIAL DISTRICT

SECTION 1400 PURPOSE AND INTENT

It is the intent of this District to provide areas for commercial and mixed uses intended to serve nearby residential neighborhood and the larger Manistee community, while establishing standards to manage traffic and parking, operational impacts, parking and shared parking, loading/unloading area, landscaping, and building form intended to complement existing commercial nodes and surrounding residential uses.

PERMITTED USES

- Accessory buildings with floor area less than or equal to the footprint of the principal structure
- Accessory uses related to uses permitted by right
- Community Garden, subject to **Section 534**
- Convenience Store w/o fuel pumps
- Day Care, Group
- Financial Institution
- Gallery or Museum
- Home Occupation, Minor, subject to **Section 1847, B, 1**
- Medical or Dental Office
- Outdoor Recreation, Park
- Personal Service Establishment
- Place of Public Assembly, Small
- Professional Office
- Professional Service Establishment
- Retail Business
- Studio for Performing and Graphic Arts
- Subdivision, Plat or Condo (of permitted uses)
- Uses similar to uses permitted by right subject to **Section 530**
- Wind Energy Conversion System, Accessory, subject to **Section 515.G**

[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Wind Energy Conversion System, Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/11]

SPECIAL USES

- Accessory buildings with floor area greater than the footprint of the principal structure
- Accessory uses related to special uses
- Adaptive Reuse
- Animal Grooming
- Automobile Repair Facility

Special Uses Cont'd

- Bed & Breakfast
- Car Wash
- Contractor's Facility
- Convenience Store w/ fuel pumps
- Day Care, Commercial
- Drive Thru Establishment
- Duplex
- Dwelling – Multiple unit
- Dwelling – Single Unit
- Eating and Drinking Establishment
- Educational Facility
- Home Based Business
- Home Occupation, Major
- Marina
- Mixed-Use Development
- Nursing Home or Convalescent Home
- Planned Unit Development
- Uses similar to permitted special uses
- Veterinary Clinic

[Annotation: Parking Facility was added as a Special Use by amendment 08-02, effective 2/29/08]
[Annotation: Bed & Breakfast was added as a Special Use by Amendment Z10-02, effective 10/30/10]

SPECIAL USES
Requires Key Street Frontage

- Laundry and Dry Cleaning Establishment
- Mortuary
- Outdoor Sales Facility
- Parking Facility
- Place of Public Assembly, Large
- Sports and Recreation Club
- Theater

ADDITIONAL STANDARDS

- Site Plan requirements subject to **Section 2203**
- Vehicular Parking Space, Access and Lighting requirements subject to **Section 514**
- Landscaping requirements subject to **Section 531**
- Signage requirements subject to **Article 21**
- Outdoor Lighting requirements, subject to **Section 525**
- U.S. 31 Corridor Overlay District requirements, subject to **Article 19**

DISTRICT REGULATIONS [b]

Minimum Lot Area:	6,000 sq. ft.[a]	**Minimum Lot Width:**	60 ft.
Maximum Dwelling Units/Acre	17	**Max. Building Height**	2½ stories, or 35'
Minimum Building Setbacks		**Maximum Lot Coverage**	90%
Front[c]	4 ft.	**Minimum Living Area**	500 sq. ft.
Side[d] [e]	0 or 4 ft. (each side)		
Rear[e]	10 ft.		
Waterfront	20 ft.		

[a] For multiple unit buildings, a minimum of 10,000 square feet shall be provided for the first two units, 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 1870**, Planned Unit Development.

[c] Subject to **Section 502**, **G**

[d] The Planning Commission may approve the location of a building in the C-2 district on one or both side lot lines when both the proposed structure and the adjoining structure are designed to accommodate zero-lot line construction.

[e] When a proposed commercial use is contiguous to an existing single-unit or duplex dwelling, the Planning Commission may require an additional buffer consisting of a twenty-five (25) foot side and/or rear setback, a four (4) foot high landscaped berm or solid fence up to six (6) feet in height, or any combination thereof.

SECTION 1401 USES PERMITTED BY RIGHT

The following uses of buildings and land shall be permitted within the C-2 District subject to the provisions of **Article 22**, Site Plan Approval.

A. Accessory buildings with floor area less than or equal to the footprint of the principal structure

B. Accessory uses related to uses permitted by right, subject to **Section 516**

C. Community Garden, subject to **Section 534**

D. Convenience Store without fuel pumps

E. Day Care, Group

F. Financial Institution
G. Gallery or Museum
H. Home Occupation, Minor, Subject to **Section 1847,** **B, 1.**
I. Medical or Dental Office
J. Outdoor Recreation, Park
K. Personal Service Establishment
L. Place of Public Assembly, Small
M. Professional Office
N. Professional Service Establishment
O. Retail Business
P. Studio for Performing and Graphic Arts
Q. Subdivision, Plat or Condo (of permitted uses)
R. Uses similar to uses permitted by right, subject to **Section 530**
S. Wind Energy Conversion System, Accessory, subject to **Section 515.G**

[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Wind Energy Conversion System, Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/11]

SECTION 1402 USES PERMITTED BY SPECIAL LAND USE PERMIT

The following uses of buildings and land may be permitted within the C-2 District, as special land uses subject to the provisions of **Article 18**, special land use approval.

A. Accessory buildings with floor area greater than the footprint of the principal structure, subject to **Section 1804**
B. Accessory uses related to special uses, subject to **Section 1805**
C. Adaptive Reuse, subject to **Section 1807**
D. Animal Grooming, subject to **Section 1810**
E. Automobile Repair Facility, subject to **Section 1811**
F. Bed & Breakfast, subject to **Section 1813**
G. Car Wash, subject to **Section 1816**
H. Contractor's Facility, subject to **Section 1820**
I. Convenience store with fuel pumps, subject to **Section 1822**
J. Day Care, Commercial, subject to **Section 1825**
K. Drive-through Establishment, subject to **Section 1828**
L. Duplex, subject to **Section 1829**
M. Dwelling, multiple unit, subject to **Section 1832**
N. Dwelling, single unit, subject to **Section 1834**
O. Eating and Drinking Establishment, , subject to **Section 1835**
P. Educational Facility, subject to **Section 1837**

Q. Home Based Business, subject to **Section 1846**

R. Home Occupation, Major, subject to **Section 1847**

S. Laundry and Dry Cleaning Establishment, subject to **Section 1850** – ***Requires Key Street Frontage***

T. Marina, subject to **Section 1852**

U. Mixed Use Development, subject to **Section 1858**

V. Mortuary, subject to **Section 1859** – ***Requires Key Street Frontage***

W. Nursing or Convalescent Home, subject to **Section 1862**

X. Outdoor Sales Facility, subject to **Section 1864** – ***Requires Key Street Frontage***

Y. Parking Facility; Subject to **Section 1865** – ***Requires Key Street Frontage***

Z. Place of Public Assembly, Large, subject to **Section 1868** – ***Requires Key Street Frontage***

AA. Planned Unit Development, subject to **Section 1870**

BB. Sports and Recreation Club, subject to **Section 1880** – ***Requires Key Street Frontage***

CC. Theater, subject to **Section 1885** – ***Requires Key Street Frontage***

BB. Uses similar to permitted special uses, subject to **Section 1886**

CC. Veterinary Clinic, subject to **Section 1888**

[Annotation: Parking Facility was added to Uses Permitted by Special Land Use Permit by amendment 08-02, effective 2/29/08]
[Annotation: Bed & Breakfast was added as a Special Use by Amendment Z10-02, effective 10/30/10]

SECTION 1403 DIMENSIONAL STANDARDS

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

A. Parcel Area – No building or structure shall be established on any parcel less than six thousand (6,000) square feet in area. Provided that for multiple unit buildings, in addition to ten thousand (10,000) square feet in minimum parcel area provided for the first two units, 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 all uses the minimum parcel width shall be sixty (60) 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 four (4) feet from front property line, subject to **Section 502, G**.

   2. Side Yards: Except as provided in subparagraph 4 below, the minimum width of either side yard shall not be less than four (4) feet. Provided, however, that the Planning Commission may approve the location of a building in the C-2 district on one or both side lot lines when both the proposed structure and the adjoining structure are designed to accommodate zero-lot line construction.

   3. Rear Yard: Except as provided in subparagraph 4 below, the minimum rear setback shall ten (10) feet.

4. Waterfront yard: For properties abutting the Manistee River Channel, the minimum setback from the ordinary high watermark shall be twenty (20) feet; provided however, that such setback shall not apply to docks, boat launching ramps, and riverwalks.
5. When a proposed commercial use is contiguous to an existing single-unit or duplex dwelling, the Planning Commission may require and additional buffer consisting of a fifty (50) foot side and/or rear setback, a four (4) foot high landscaped berm or solid fence up to six (6) feet in height, or any combination thereof.

D. Building Height. Except as a part of a Planned Unit Development, no structure in the C-2 District shall exceed two and one-half (2½) stories in height or thirty-five (35) feet in height.

E. Living Area: No dwelling unit shall be constructed in the C-2 District which has less than five hundred (500) square feet of living area.

F. Lot Coverage: Not more than ninety percent (90%) of the parcel area shall be covered by buildings.

City of Manistee Zoning Ordinance

Article Fifteen
C-3 Central Business District

Effective March 27, 2006
As Amended thru
December 28, 2011

ARTICLE FIFTEEN
C-3 – CENTRAL BUSINESS DISTRICT

SECTION 1500 PURPOSE AND INTENT

It is the intent of this District to protect and strengthen the commercial core of the City of Manistee as a regional and specialty shopping, service and entertainment area; to encourage a broad range of compatible retail, service, entertainment and residential uses formed vibrant, walkable and attractive districts in concert with the objectives of the Master Plan and Downtown Development Authority Plan; while establishing standards to manage traffic and parking, operational impacts, parking and shared parking, loading/unloading area, landscaping, and building form intended to complement existing commercial uses and surrounding residential neighborhoods.

PERMITTED USES

- Accessory buildings with floor area less than or equal to the footprint of the principal structure
- Accessory uses related to uses permitted by right
- Community Garden, subject to **Section 534**
- Convenience Store w/o fuel pumps
- Dwelling, Upper Story Accessory, subject to **Section 1504**
- Eating and Drinking Establishment
- Financial Institution
- Gallery or Museum
- Home Occupation, Minor, subject to **Section 1847, B, 1.**
- Hotel
- Medical or Dental Office
- Outdoor Recreation, Park
- Personal Service Establishment
- Place of Public Assembly, Small
- Professional Office
- Professional Service Establishment
- Retail Business
- Studio for Performing and Graphic Arts
- Subdivision, Plat or Condo (of permitted uses)
- Theater
- Uses similar to uses permitted by right, subject to **Section 530**
- Wind Energy Conversion System, Accessory subject to **Section 515.G**

[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]

[Annotation: Wind Energy Conversion System, Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/11]

SPECIAL USES

- Accessory buildings with floor area greater than the footprint of the principal structure
- Accessory uses related to special uses
- Adaptive Reuse
- Bed & Breakfast
- Contractor's Facility
- Drive-through Establishment
- Duplex
- Dwelling, Multiple unit
- Home Occupation, Major
- Laundry and Dry Cleaning Establishment
- Marina
- Mixed Use Development
- Parking Facility, Public
- Planned Unit Development
- Uses similar to permitted special uses

SPECIAL USES
Requires Key Street Frontage

- Place of Public Assembly, Large
- Sports and Recreation Club

ADDITIONAL STANDARDS

- Site Plan requirements subject to **Section 2203**, except for upper story dwellings, which are subject to **Section 2201, A**
- Vehicular Parking Space, Access and Lighting requirements subject to **Section 514**
- Landscaping requirements subject to **Section 531**
- Signage requirements subject to **Article 21**
- Outdoor Lighting requirements, subject to **Section 525**
- U.S. 31 Corridor Overlay District requirements, subject to **Article 19**

DISTRICT REGULATIONS [b]

Minimum Lot Area:	2,500 sq. ft.	**Minimum Lot Width:**	25 ft.
Maximum Dwelling Units/Acre [a]		**Max. Building Height**	4 stories, or 50'
Minimum Building Setbacks		**Maximum Lot Coverage**	100%
Front[c]	0 ft.	**Waterfront Yard**	20 ft
Side[d] [e]	0 or 4 ft. (each side)	**Minimum Living Area**	500 sq. ft.
Rear[e]	6 ft.		

[a] Not more than three units per each fifteen hundred (1,500) square feet of building envelope

[b] Except as may be permitted pursuant to **Section 1870**, Planned Unit Development.

[c] Subject to **Section 502, G**

[d] Where a building is not proposed to be sited on the side lot line, a minimum yard of four (4) feet shall be provided.

[e] When a proposed commercial use is contiguous to a parcel in the R-1, R-2 or R-3 districts, the Planning Commission may require and additional buffer consisting of a ten (10) foot side and/or rear setback, a four (4) foot high landscaped berm or solid fence up to six (6) feet in height, or any combination thereof.

SECTION 1501 USES PERMITTED BY RIGHT

The following uses of buildings and land shall be permitted within the C-3 District subject to the provisions of **Article 22**, Site Plan Approval.

A. Accessory buildings with floor area less than or equal to the footprint of the principal structure
B. Accessory uses related to uses permitted by right, subject to **Section 516**
C. Community Garden, subject to **Section 534**
D. Convenience Store, without fuel pumps.
E. Dwelling, Upper Story Accessory subject to **Section 1504**
F. Eating and Drinking Establishment
G. Financial Institution

H. Gallery or Museum
I. Home Occupation, Minor subject to **Section 1847, B, 1**
J. Hotel
K. Medical or Dental Office
L. Outdoor Recreation, Park
M. Personal Service Establishment
N. Place of Public Assembly, Small
O. Professional Office
P. Professional Service Establishment
Q. Retail Business
R. Studio for Performing and Graphic Arts
S. Subdivision, Plat or Condo (of permitted uses)
T. Theater
U. Uses similar to uses permitted by right, subject to **Section 530**
V. Wind Energy Conversion System, Accessory, subject to **Section 515.G**

[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Wind Energy Conversion System, Accessory was added as a Permitted Use by Amendment Z11-08, effective 12/28/11]

SECTION 1502 USES PERMITTED BY SPECIAL LAND USE PERMIT

The following uses of buildings and land may be permitted within the C-3 District, as special land uses subject to the provisions of **Article 18**, special land use approval.

A. Accessory buildings with floor area greater than the footprint of the principal structure, subject to **Section 1804**
B. Accessory uses related to special uses, subject to **Section 1805**
C. Adaptive Reuse, subject to **Section 1807**
D. Bed & Breakfast, subject to **Section 1813**
E. Contractor's Facility, subject to **Section 1820**
F. Drive-through Establishment, subject to **Section 1828**
G. Duplex, subject to **Section 1829**
H. Dwelling, Multiple Unit, subject to **Section 1832**
I. Home Occupation, Major, subject to **Section 1847**
J. Laundry and Dry Cleaning Establishment, subject to **Section 1850**
K. Marina, subject to **Section 1852**
L. Mixed Use Development, subject to **Section 1858**
M. Parking Facility, Public, subject to **Section 1865**
N. Place of Public Assembly, Large, subject to **Section 1868** – ***Requires Key Street Frontage***
O. Planned Unit Development, subject to **Section 1870**

P. Sports and Recreation Club, subject to **Section 1880** – ***Requires Key Street Frontage***

Q. Uses similar to permitted special uses, subject to **Section 1886**

SECTION 1503 DIMENSIONAL STANDARDS

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

A. Parcel Area – No building or structure shall be established on any parcel less than two thousand, five hundred (2,500) square feet in area.

B. Parcel Width – For all uses the minimum parcel width shall be twenty-five (25) feet.

C. Yard and Setback Requirements - The following requirements shall apply to every parcel, building or structure.

1. Front Yard: The minimum setback shall be 0 feet.
2. Side Yards: Except as provided in subparagraph 5 below, the minimum width of either side yard shall 0 feet. Where a building is not proposed to be sited on the side lot line, a minimum yard of four (4) feet shall be provided.
3. Rear Yard: Except as provided in subparagraph 5 below, the minimum rear setback shall six (6) feet.
4. Waterfront yard: For properties abutting the Manistee River Channel, the minimum setback from the ordinary high watermark shall be twenty (20) feet; provided however, that such setback shall not apply to docks, boat launching ramps, and riverwalks.
5. When a proposed commercial use is contiguous to an parcel in the R-1, R-2 or R-3 districts, the Planning Commission may require and additional buffer consisting of a ten (10) foot side and/or rear setback, a four (4) foot high landscaped berm or solid fence up to six (6) feet in height, or any combination thereof.

D. Building Height. Except as a part of a Planned Unit Development, no structure in the C-3 District shall exceed the lesser of four (4) stories or fifty (50) feet in height.

E. Living Area: No dwelling unit shall be constructed in the C-3 District which has less than five hundred (500) square feet of living area.

F. Lot Coverage: Up to 100% of the parcel area may be covered by buildings.

SECTION 1504 UPPER STORY DWELLINGS

A. Upper story dwellings are permitted in existing structures within the C-3 district. New structures proposing upper story dwellings shall be governed as a mixed use.

B. Upper story dwellings shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.

C. No commercial or office use shall be located on the same floor as a residential use.

D. No dwelling unit shall exceed a maximum of two (2) bedrooms.

E. Each dwelling unit shall have a minimum floor area of five hundred (500) square feet.

F. A basic site plan shall be required and reviewed by the Zoning Administrator per **Section 2201, A**.

City of Manistee Zoning Ordinance

Article Sixteen
L-I Light Industrial District

Effective March 27, 2006
As Amended thru
December 28, 2011

ARTICLE SIXTEEN
L-I -- LIGHT INDUSTRIAL

SECTION 1600 PURPOSE AND INTENT

It is the intent of this District to protect adjacent residential areas from the negative effects of the Industrial District by using this District as a transition by providing a buffer while allowing industries which traditionally do not cause excessive noise, vibration, odors, visual blight, pollution, use hazardous processes; and to be compatible with the City's Master Plan.

PERMITTED USES

- Accessory buildings
- Accessory uses related to uses permitted by right
- Assembly Operation
- Automobile Repair Facility
- Community Garden, subject to **Section 534**
- Financial Institution
- Greenhouse and Nursery
- Laundry and Dry Cleaning Establishment
- Medical or Dental Office
- Mini/Self-Storage Facility
- Outdoor Recreation, Park
- Professional Office
- Professional Service Establishment
- Research, Testing and Laboratory
- Subdivision, Plat or Condo (of permitted uses)
- Uses similar to uses permitted by right, subject to **Section 530**
- Veterinary Clinic
- Warehouse, Public
- Wind Energy Conversion System, Accessory, subject to **Section 515.G**
- Wholesale Facility

[Annotation: Medical or Dental Office was added to Uses Permitted by Right by amendment 07-29, effective 12/14/07]
[Annotation: Windmill, Accessory was added to Uses Permitted by Right by amendment 08-08, effective 12/11/08]
[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Windmill Accessory was replaced with Wind Energy Conversion System, Accessory by Amendment Z11-08, effective 12/28/11]

SPECIAL USES

- Accessory uses related to special uses
- Cemetery
- Communication Tower
- Contractor's Facility
- Convenience Store, w/o fuel pumps
- Day Care, Commercial
- Eating and Drinking Establishment
- Educational Facility
- Hotel
- Mine, Sand and Gravel
- Planned Unit Development
- Processing and Manufacturing
- Uses similar to permitted special uses
- Wells, Extraction
- Wind Energy Conversion System

SPECIAL USES
Requires Key Street Frontage

- Place of Public Assembly, Large
- Sports and Recreation Club
- Theater

ADDITIONAL STANDARDS

- Site Plan requirements subject to **Section 2203**
- Vehicular Parking Space, Access and Lighting requirements subject to **Section 514**
- Landscaping requirements subject to **Section 531**
- Signage requirements subject to **Article 21**
- Outdoor Lighting requirements, subject to **Section 525**

DISTRICT REGULATIONS [a]

Minimum Lot Area:	12,000 sq. ft.	**Minimum Lot Width:**	120 ft.
Max. Building Height:	4 stories, or 50'	**Maximum Lot Coverage**	70%
Minimum Building Setbacks		**Minimum Building Floor Area**	4,000 sq. ft.
Front[b]	25 ft.		
Side[c]	10 ft. (each side)		
Rear[c]	10 ft.		

[a] Except as may be permitted pursuant to **Section 1870**, Planned Unit Development.

[b] Subject to **Section 502**, **G**

[c] When a proposed industrial use is contiguous to an existing single-unit or duplex dwelling, the Planning Commission may require and additional buffer consisting of a twenty-five (25) foot side and/or rear setback, a four (4) foot high landscaped berm or solid fence up to six (4) feet in height, or any combination thereof.

SECTION 1601 USES PERMITTED BY RIGHT

The following uses of buildings and land shall be permitted within the L-I District subject to the provisions of **Article 22**, Site Plan Approval.

A. Accessory buildings regardless of floor area
B. Accessory uses related to uses permitted by right, subject to **Section 516**
C. Assembly Operation
D. Automobile Repair Facility
E. Community Garden, subject to **Section 534**
F. Financial Institution
G. Greenhouse and Nursery
H. Laundry or Dry-Cleaning Establishment
I. Medical or Dental Office
J. Mini/Self-Storage Facility
K. Outdoor Recreation, Park

L. Professional Office
M. Professional Service Establishment
N. Research, Testing and Laboratory
O. Subdivision, plat or condominium of permitted uses
P. Uses similar to Uses Permitted by Right, subject to **Section 530**
Q. Veterinary Clinic
R. Warehouse, Public
S. Wholesale Facility
T. Wind Energy Conversion Systems, Accessory, subject to **Section 515.G**

[Annotation: Medical or Dental Office was added to Uses Permitted by Right by amendment 07-29, effective 12/14/07]
[Annotation: Windmill, Accessory was added to Uses Permitted by Right by amendment 08-08, effective 12/11/08]
[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Windmill Accessory was replaced with Wind Energy Conversion System, Accessory by Amendment Z11-08, effective 12/28/11]

SECTION 1602 USES PERMITTED BY SPECIAL LAND USE PERMIT

The following uses of buildings and land may be permitted within the L-I District, as special land uses subject to the provisions of **Article 18**, special land use approval.

A. Accessory uses related to special uses, subject to **Section 1805**
B. Cemetery, subject to **Section 1817**
C. Communication Tower, subject to **Section 1819**
D. Contractor's Facility, subject to **Section 1820**
E. Convenience Store, without fuel pumps, subject to **Section 1823**
F. Day Care, Commercial, subject to **Section 1825**
G. Eating and Drinking Establishment, subject to **Section 1835**
H. Educational Facility, subject to **Section 1837**
I. Hotel, subject to **Section 1849**
J. Mine, Sand and Gravel, subject to **Section 1856**
K. Place of Public Assembly, Large, subject to **Section 1868** – ***Requires Key Street Frontage***
L. Planned Unit Development, subject to **Section 1870**
M. Processing and Manufacturing, subject to **Section 1873**
N. Sports and Recreation Club, subject to **Section 1880** – ***Requires Key Street Frontage***
O. Theater, subject to **Section 1885** – ***Requires Key Street Frontage***
P. Uses similar to Uses Permitted by Special Land Use, subject to **Section 1886**
Q. Wells, Extraction, subject to **Section 1891**
R. Wind Energy Conversion System, subject to **Section 1892**

SECTION 1603 DIMENSIONAL STANDARDS

Within the L-I District, the following dimensional standards shall apply:

A. Parcel Area – No building or structure shall be established on any parcel less than twelve thousand (12,000) square feet in area.

B. Parcel Width – For all uses the minimum parcel width shall be one hundred twenty (120) 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.
   2. Side Yards: The minimum width of either yard shall not be less than ten (10) feet.
   3. Rear: The minimum rear setback shall not be less than ten (10) feet.
   4. When a proposed nonresidential use is contiguous to an existing single-unit or duplex dwelling, the Planning Commission may require an additional buffer consisting of a fifty (50) foot side and/or rear setback, a four (4) foot high landscaped berm or solid fence up to four (4) feet in height, or any combination thereof.

D. Building Height. Except as a part of a Planned Unit Development and as set forth below, no structure in the L-I District shall exceed two and four (4) stories in height or fifty (50) feet in height. Buildings or structures in the GI Districts may be erected or altered to a height of sixty 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. All such structures shall require the approval of the Fire Chief.

E. Area: No principle structure shall be constructed in the District which is less than four thousand (4,000) square feet of building area, and is less than twenty feet wide.

F. Lot Coverage: Not more than seventy percent (70%) of the parcel area shall be covered by buildings.

City of Manistee Zoning Ordinance

Article Seventeen
G-I General Industrial District

Effective March 27, 2006
As Amended thru
December 28, 2011

ARTICLE SEVENTEEN
G-I GENERAL INDUSTRIAL

SECTION 1700 PURPOSE AND INTENT

It is the intent of this District to protect adjacent residential areas from the negative effects of the General Industrial District while allowing industries which traditionally heavier and more intense in the nature of their uses; to provide protection to Manistee Lake including its water quality, to protect its shoreline from erosion or instability or other negative effects; and to be compatible with the City's Master Plan.

PERMITTED USES

- Accessory buildings
- Accessory uses related to uses permitted by right
- Assembly Operation
- Community Garden, subject to **Section 534**
- Contractor's Facility
- Mini/Self-Storage Facility
- Outdoor Recreation, Park
- Processing and Manufacturing
- Professional Office
- Professional Service Establishment
- Research, Laboratory and Testing
- Shipping Facility
- Subdivision, Plat or Condo (of permitted uses)
- Uses similar to Uses Permitted by Right, subject to **Section 530**
- Warehouse, Public
- Wells, Extraction
- Windmills, Accessory, subject to **Section 515**.G

[Annotation: Wells, Extraction were changed from a Special Use to a Permitted Use by Amendment 07-11, effective 5/29/07]
[Annotation: Windmills, Accessory was added to Uses Permitted by Right by amendment 08-08, effective 12/11/08]
[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Windmill Accessory was replaced with Wind Energy Conversion System, Accessory by Amendment Z11-08, effective 12/28/11]

SPECIAL USES

- Accessory uses related to special uses
- Educational Facility
- Marina
- Mine, Sand and Gravel
- Parking Facility
- Planned Unit Development
- Power Generating Facility
- Uses similar to Used Permitted by Special Land Use, subject to **Section 530**
- Wind Energy Conversion System

[Annotation: Adaptive Reuse was Deleted as a Special Use by amendment 08-03, effective 2/29/08]
[Annotation: Parking Facility was added to Uses Permitted by Special Land Use Permit by amendment 08-02, effective February 29, 2008]

ADDITIONAL STANDARDS

- Site Plan requirements subject to **Section 2203**
- Vehicular Parking Space, Access and Lighting requirements subject to **Section 514**
- Landscaping requirements subject to **Section 531**
- Signage requirements subject to **Article 21**
- Outdoor Lighting requirements, subject to **Section 525**

DISTRICT REGULATIONS [a]

Minimum Lot Area:	12,000 sq. ft.	**Minimum Lot Width:**	120 ft.
Max. Building Height:	4 stories, or 50'[e]	**Maximum Lot Coverage**	70%

Minimum Building Setbacks

Front[b]	45 ft.
Side[c] [d]	10 ft. (each side)
Rear[d]	10 ft.
Waterfront	50 ft.

[a] Except as may be permitted pursuant to **Section 1870**, Planned Unit Development.

[b] Or 78 feet from the centerline of the street, whichever is greater and subject to **Section 502, G**

[c] The Planning Commission may approve the location of a building in the G-I district on one or both side lot lines when both the proposed structure and the adjoining structure are designed to accommodate zero-lot line construction.

[d] When a proposed industrial use is contiguous to an existing single-unit or duplex dwelling, the Planning Commission may require and additional buffer consisting of a twenty-five (25) foot side and/or rear setback, a four (4) foot high landscaped berm or solid fence up to four (4) feet in height, or any combination thereof.

[e] Subject to **Section 1703, E**

SECTION 1701 USES PERMITTED BY RIGHT

The following uses of buildings and land shall be permitted within the G-I District subject to the provisions of **Article 22**, Site Plan Approval.

A. Accessory buildings, regardless of floor area
B. Accessory uses related to uses permitted by right, subject to **Section 516**
C. Assembly Operations
D. Community Garden, subject to **Section 534**
E. Contractor's Facility
F. Mini/Self-Storage Facility
G. Outdoor Recreation, Park
H. Processing and Manufacturing

I. Professional Office
J. Professional Service Establishment
K. Research, Laboratory and Testing
L. Shipping Facility
M. Subdivision, plat or condominium of permitted uses.
N. Uses similar to Uses Permitted by Right, subject to **Section 530**
O. Warehouse, Public
P. Wells, Extraction
Q. Wind Energy Conversion Systems, Accessory, subject to **Section 515.G**

[Annotation: Wells, Extraction were changed from a Special Use to a Permitted Use by Amendment 07-11, effective 5/29/07]
[Annotation: Windmills, Accessory was added to a Uses Permitted by Right by amendment 08-08, effective 12/11/08]
[Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]
[Annotation: Windmill Accessory was replaced with Wind Energy Conversion System, Accessory by Amendment Z11-08, effective 12/28/11]

SECTION 1702 USES PERMITTED BY SPECIAL LAND USE PERMIT

The following uses of buildings and land may be permitted within the G-I District, as special land uses subject to the provisions of **Article 18**, Special Use approval.

A. Accessory uses related to special uses, subject to **Section 1805**
B. Educational Facility, subject to **Section 1837**
C. Marina, subject to **Section 1852**
D. Mine, Sand and Gravel, subject to **Section 1856**
E. Parking Facility, Subject to **Section 1865**
F. Planned Unit Development, subject to **Section 1870**
G. Power Generating Facility, subject to **Section 1871**
H. Uses similar to Uses Permitted by Special Land Use, subject to **Section 1886**
I. Wind Energy Conversion System, subject to **Section 1892**

Annotation: Wells, Extraction were changed from a Special Use to a Permitted Use by Amendment 07-11, effective 5/29/07]
[Annotation: Adaptive Reuse was Deleted as a Special Use by amendment 08-03, effective 2/29/08]
[Annotation: Parking Facility was added to Uses Permitted by Special Land Use Permit by amendment 08-02, effective 2/29/08]

SECTION 1703 DIMENSIONAL STANDARDS

Within the G-I District, the following dimensional standards shall apply:

A. Parcel Area – No building or structure shall be established on any parcel less than twelve thousand (12,000) square feet in area.
B. Parcel Width – For all uses the minimum parcel width shall be one hundred twenty (120) 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 four (45) feet from front property line.
2. Side Yards: The minimum width of either side yard shall not be less than ten (10) feet.
3. Rear Yard: Except as provided in subparagraph 4 below, the minimum rear setback shall not be less than ten (10) feet.
4. Waterfront yard: For properties abutting the Manistee Lake and/or the Manistee River Channel, the minimum setback from the ordinary high watermark shall be fifty (50) feet; provided however, that such setback shall not apply to docks, wharves, boat launching ramps, and riverwalks.
5. When a proposed commercial use is contiguous to an existing single-unit or duplex dwelling, the Planning Commission may require and additional buffer consisting of a twenty-five (25) foot side and/or rear setback, a four (4) foot high landscaped berm or solid fence up to four (4) feet in height, or any combination thereof.

D. Building Height. Except as a part of a Planned Unit Development and as set forth below, no structure in the G-I District shall exceed two and four (4) stories in height or fifty (50) feet in height. Buildings or structures in the G-I 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. All such structures shall require the approval of the Fire Chief.

E. Area: No principle structure shall be constructed in the District which is less than four thousand (4,000) square feet of building area, and is less than twenty feet wide.

F. Lot Coverage: Not more than seventy percent (70%) of the parcel area shall be covered by buildings.

SECTION 1704 GENERAL INDUSTRIAL RENAISSANCE ZONE STANDARDS

A. Purpose. It is the intent of this district to provide for industrial development in certain parts of Manistee City, which have been designated by the Michigan Legislature as Renaissance Zones, pursuant to P.A. 376 of 1996 (being the Michigan Renaissance Zone Act, MCL 125.2681 *et. seq.*); to provide for alternative permit processing in cooperation with the Manistee County Economic Development Office; to provide for an accelerated schedule for special use permit review and action; to provide protection to Manistee Lake, its water quality, to protect its shoreline from erosion or instability, to minimize the disturbance of heavy metals which may be on the lake bottom; to recognize, encourage and maintain a higher proportion of industries in the central and southern portion of the lake near railroad and shipping access that does not adversely affect the area; to prioritize the use of certain lakefront property on Manistee Lake for industrial businesses which require the use of the lake and require being in the proximity of the lake, (conversely, it is the intent of this district to encourage the development of businesses which do not need proximity to Manistee Lake to be located in those other landward areas); while at the same time to be consistent with the provisions of Manistee City Master Plan, the Manistee Lake Management Plan of 1982,

the Manistee County Land Use Plan and the Manistee County Economic Development Strategy.

B. Renaissance Zone Conditions**.** Any permitted or special uses in this district shall meet the following conditions to be able to apply for a zoning permit under this ordinance:
   1. The entrepreneur will make a minimum investment in improvements (building, equipment, etcetera) on land in the Renaissance Zone.
   2. The business enterprise will, as much as possible, result in new employment in Manistee County with a minimum commitment for new hires at a minimum wage of $7.50 per hour.

C. Streamlined Permit Review. Because one of the primary purposes of this district is to accommodate industrial economic development through Michigan's Renaissance Zone program both permitted use and Special Use permits may be applied for on behalf of a client by the Manistee County Economic Development Office as a means to reduce paperwork, streamline the permit process for potential economic development in Manistee County.

ARTICLE EIGHTEEN
STANDARDS AND REQUIREMENTS FOR SPECIAL USES

SECTION 1800 SPECIAL USES

A Special Use is a use that is permitted within a specified zone district after meeting specific requirements listed in this **Article 18**. Such uses may not be appropriate in all circumstances, but with certain restrictions or conditions can be made compatible in others. It is the purpose of this Article to name, describe, and list any additional requirements for each individual conditional land use. Due to the nature of the use, Special Uses require special consideration in relation to the welfare of adjacent properties and to the community as a whole.

SECTION 1801 SPECIAL USE PROCEDURES

A Special Use application shall be submitted and processed according to the following procedures. The applicant is strongly encouraged to take advantage of the Optional Sketch Plan Review, as provided for in Section 2202 prior to the submission of an application:

[Annotation: The language to encourage the applicant to use the Optional Sketch Plan Review was added by amendment 07-12, effective 5/29/07]

A. Submission of Application. Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee and any applicant escrow payments as required by **Section 2701** and in accordance with the schedule of fees adopted by the City Council to cover the costs of processing the application. An application shall be submitted to the Zoning Administrator on a Special Use application form. An application, which is incomplete or otherwise not in compliance with this Ordinance, shall be returned to the applicant. No application shall be processed until properly prepared and submitted and all required fees and escrow payments paid in full. [Annotation: Language was deleted that required applications to be placed on an agenda for Planning Commission by amendment 07-12, effective 5/29/07]

B. Data Required. For submission to the Planning Commission Twelve (12) copies of an application for a Special Use permit shall be presented to the Zoning Administrator and accompanied by the following documents and information. [Annotation: The language for submission to the Planning Commission was added by amendment 07-12, effective 5/29/07]

1. A complete Special Use permit application including the following information:
   a. Name and address of applicant and owner(s).
   b. Legal description, property parcel number, and street address of the subject parcel of land.
   c. Area of the subject parcel of land stated in acres, or if less than one (1) acre, in square feet.
   d. Present zoning classification of the parcel.
   e. Present and proposed land use.

f. A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.

g. Applicant's statement of the expected effect of the special use on emergency service requirements, schools, storm water systems, sanitary sewer facilities, automobile and truck circulation patterns, and local traffic volumes.

h. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this ordinance, by the City Zoning Administrator or the Planning Commission; including, but not limited to, measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties; elevations on all buildings, including accessory buildings; and, an environmental assessment.

i. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in this Article and other standards imposed by this Ordinance affecting the special use under consideration.

j. Declaration of property ownership, purchase agreement or evidence of agent interest in the parcel that is the subject of the request.

[Annotation: Item J was added by amendment 07-12, effective 5/29/07]

2. A complete Site Plan containing all the applicable data required by **Article 22,** Site Plans.

3. Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing Special Use permit applications as provided in **Section 1802**.

4 Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed Special Use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, a traffic impact analysis as required by **Section 2203, E, 2**, an environmental assessment as required by **Section 2203, E, 1**, a market study as required by **Section 2203, E, 3,** or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment. (Note: the Planning Commission may request this additional information after the Public Hearing on the application.) [Annotation: Note was added by amendment 07-12, effective 5/29/07]

5. The Zoning Administrator may, with the approval of the Planning Commission, waive the submission of materials outlined in this Section if such materials are determined to be not applicable to the proposed Special Use or relevant to the consideration of the Planning Commission.

C. Special Use review procedures. An application for Special Use Approval shall be processed as follows:

1. Zoning Administrator Review. The Zoning Administrator shall review the application to determine that the basic information required for a Special Use application has been

provided. Any deficiencies shall be noted and the Applicant advised of the additional information required. Upon determining the adequacy of the application, the Zoning Administrator shall schedule a Public Hearing within 45 days and forward copy of the application for the Special Use request to the Planning Commission. [Annotation: This section was amended to expedite the application process by amendment 07-12, effective 5/29/07]

2. Public Hearing Procedures. The administrator shall notify the following persons, so the notice is sent not less than 15 days before the date that the application will be considered, and the notices sent to:
   a. The applicant.
   b. The owner of the property, if different
   c. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the City of Manistee or not.
   d. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the City of Manistee or not.
   e. The general public by publication in a newspaper which circulates in the City of Manistee. The notice shall include:
      1) The Nature of the Special Use Permit being requested.
      2) The property(ies) for which the request has been made.
      3) A listing of all existing street addresses within the property(ies) which is (are) subject of the Special Use. (Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used).
      4) The location where the application documents can be viewed and copied prior to the date the application will be considered.
      5) The date, time and location the public hearing will take place.
      6) The address where written comments with signature will be directed prior to the consideration.
      7) For members of the Commission only, a complete copy of the special use permit application and supporting documents in the record.

[Annotation: This section was amended to comply with the noticing requirements of the Michigan Zoning Enabling Act by amendment 07-12, effective 5/29/07]

3. Planning Commission Action. After the Public Hearing and upon review of the merits of the Special Use permit application, the Planning Commission shall review the application and any reports of City planning personnel, planning or engineering or other consultants. If the Planning Commission determines additional information is needed to reach a decision, the applicant shall furnish all required information in a timely manner. Upon review of all relevant information, the Planning Commission shall reach a decision

to approve, approve with conditions, or deny the application. Such decision shall be reached not later than the second regularly scheduled meeting following the public hearing on the application or receipt of any additional information requested unless the applicant and the Planning Commission mutually agree to extend the time allowed for the Planning Commission to reach a decision. However, the Planning Commission shall render a decision within 30 days of an applicant's written request for a determination whether or not all requested information has been submitted. The Planning Commission's decision shall be incorporated in a motion containing conclusions reached relative to the proposed Special Use which motion shall provide the basis for the decision and any conditions imposed. [Annotation: This section was amended to clarify the time allotted to make a determination by the Planning Commission by amendment 07-12, effective 5/29/07]

4. Basis for Action. In arriving at their decision, the Planning Commission shall refer to and be guided by those standards set forth in this Article. If the facts regarding the Special Use do not establish by a preponderance of the evidence that the standards and requirements set forth in this Article can and will be met, the application shall be denied.
5. Attachment of Conditions. Subject to the terms of **Section 1802, B**, the Planning Commission may prescribe conditions of approval deemed necessary for the protection of the general welfare, individual property rights, and to ensure that the purposes of this Ordinance are met.

D. Issuance of a Special Use permit. Upon approval by the Planning Commission, the Zoning Administrator shall issue the Special Use permit. It shall be the responsibility of the Zoning Administrator to monitor compliance with the terms, conditions and restrictions of any Special Use permit and take any enforcement action necessary in the event of a violation of the Special Use permit.

E. Appeals. No decision or condition related to a Special Use application shall appealed to the Zoning Board of Appeals. An appeal of a Special Use decision or condition may be taken to Circuit Court.

F. Duration of Approval. The Special Use permit shall become effective upon Planning Commission approval.

1. The Zoning Administrator or Building Official shall not issue a Building Permit and Land Use Permit until approval of such Special Use permit and the satisfaction of any conditions pertaining to such approval.
2. Until a building permit has been granted pursuant to the Special Use permit, there shall be no construction or excavation of said land, nor there any use of the land in anticipation of the Special Use unless such use is incorporated in the conditions of approval adopted by the Planning Commission.
3. Land subject to a Special Use permit may not be used or occupied for such special use until after a certificate of occupancy has been issued pursuant to the provisions of this Ordinance, or the approval of the Zoning Administrator has been granted for uses not subject to the requirements for a certificate of occupancy.

G. Amendments. Amendments to Special Use permits shall be handled in the same manner as the initial Special Use permit application. Minor non-substantive changes to a site plan in accordance with **Section 2208** may be made to an existing Special Use permit with the approval of the Zoning Administrator.

H. Transfers. Prior to completion of construction related to a special use, the special Use permit, with any and all associated benefits, conditions and required security may be transferred to a new owner only upon the sale or transfer of the property in question and only upon the approval of the Planning Commission. Such approval shall not be unreasonably withheld if the Planning Commission is satisfied that the proposed owner has similar qualifications and capabilities as the approved owner. The responsibility for affecting the transfer shall be the original owner. The original owner, upon transferring the Special Use permit, shall advise the Zoning Administrator of said transfer in order to insure the continued validity of the permit, compliance with security, and other conditions. Following completion of construction and commencement of the special use, the special use permit shall run with the land, subject to **Section 1801, I, 4,** pertaining to abandonment.

I. Expiration. A Special Use permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The Special Use permit will expire on the occurrence of one or more of the following conditions:

1. If replaced or superseded by a subsequent permitted use or Special Use permit.
2. If the applicant requests the rescinding of the Special Use permit.
3. If a condition of approval included stipulation to expire the Special Use permit by a certain date.
4. If the use is abandoned, moved or vacated for a period of one year.

J. Violations. Any violation of the terms, conditions or limitations of a Special Use permit shall be cause for revocation or suspension of the permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any Special Use permit. The act to revoke or suspend the permit shall occur after giving notice to the permit holder, specifying the alleged violation(s) and disclosing when a hearing will be held on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the permit shall occur after or at the hearing on the matter. Before revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the Special Use permit exists. The permit holder shall be given reasonable opportunity to correct the violation(s).

SECTION 1802 SPECIAL USE REVIEW STANDARDS

A. General Review Standards. The Planning Commission, before acting on a Special Use permit application, shall employ and be guided by standards which shall be consistent with and promote the intent and purpose of this Zoning Ordinance, and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use.

The Planning Commission shall review each application and take action to approve a special use application only if it finds that such Special Use meets each of the following standards, together with any and all Special Use standards reflected for the zoning district, and any and all applicable specific review standards found in this Article. The Planning Commission shall find adequate evidence that each use at its proposed location will be consistent with the public health, safety, and welfare of the City and shall comply with the following standards:

1. The Special Use shall be consistent with the adopted City of Manistee Master Plan.
2. The Special Use shall be designed, constructed, operated and maintained to be consistent with the existing or intended character of the general vicinity and such use will not change the essential character of the area in which it is proposed.
3. The Special Use shall not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
4. The Special Use shall be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools; or persons or agencies responsible for the establishment of the proposed use shall provide adequately for such services.
5. The Special Use shall not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
6. The Special Use shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, toxic emissions, fumes, glare, or odors.
7. The Special Use shall meet the intent and purpose of the Zoning Ordinance; be related to the standards established in the Ordinance for the land use or activity under consideration; and will be in compliance with these standards.

B. Conditions and Approval Standards. The Planning Commission may establish reasonable conditions of approval for a Special Use permit. The conditions may include, but are not limited to, conditions 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. Further, the Planning Commission may adopt specific review standards for any proposed Special Use proposed if this **Article 18** does not provide such specific review standards for such use. Any such conditions imposed or specific review standards employed shall:

1. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic wellbeing of those who will use the land use or activity under consideration, residents and land owners in the vicinity of the proposed land use or activity, and the community as a whole.

2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the 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.

C. Specific Review Standards. In addition to the general review standards set forth in **Section 1802, A**, of this Zoning Ordinance, the Planning Commission shall apply the specific review standards set forth in this **Article 18** for each named Special Use. In the event this **Article 18** does not set forth specific review standards for the Special Use under consideration, pursuant to **Section 530**, the Zoning Administrator may propose, and the Planning Commission may incorporate specific review standards for such use. Provided, however, that any such standards adopted and any such conditions applied shall conform with the requirements of **Section 1802, B**, herein.

SECTION 1803 RESERVED

SECTION 1804 ACCESSORY BUILDINGS WITH FOOTPRINT GREATER THAN THE PRINCIPAL STRUCTURE

A. Definition. 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, with a ground floor area or building footprint greater than the ground floor area or building footprint of the principal building on the parcel.

B. Regulations and Conditions.

1. In all zoning districts on parcels of less than one (1) acre, the floor area of an accessory building as defined in this Section shall not exceed the ground floor area or building footprint of the principal building by more than fifty percent (50%).
2. In all zoning districts, except the Industrial district, the following standards shall be applied:
   a. On parcels of more than one (1) acre, but less than five (5) acres, the floor area of an accessory building as defined in this Section shall not exceed the ground floor area or building footprint of the principal building by more than one hundred percent (100%).
   b. On parcels of five (5) acres, or more, the floor area of an accessory building as defined in this Section shall not exceed the ground floor area or building footprint of the principal building by more than two hundred percent (200%).
3. Only within the Industrial district on parcels larger than one (1) acre, the ground floor area or footprint of accessory buildings may exceed the area of the principal building without limitation, providing all other provisions of this Zoning Ordinance are met.

4. The floor area limitations of this Section shall be applied cumulatively for all accessory buildings on a parcel.
5. Accessory buildings as defined in this Section shall comply with all yard, setback and building height standards of this Zoning Ordinance.

SECTION 1805 ACCESSORY USES, RELATED TO USES PERMITTED

A. Definition. A use naturally and normally incidental to, and subordinate to, and devoted exclusively to, the principal use of the land or buildings and located on the same parcel as the principal use. [Annotation: Language was added "and located on the same parcel as the principal use" by amendment 08-01, effective 2/29/08]

B. Regulations and Conditions.

1. A determination of whether a proposed accessory Special Use is related to uses permitted shall be made by the Planning Commission upon the recommendation of the Zoning Administrator. In preparing such a recommendation, the Zoning Administrator shall 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 other uses permitted.
2. For purposes of interpreting Accessory Uses Related to Uses Permitted;
   a. A use may be regarded as incidental or insubstantial if the viability of the principal use is not dependent in any significant way on the accessory use.
   b. 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. Where an Accessory Use Related to Uses Permitted is proposed, and regulations are contained in this Ordinance for said use, those regulations shall be met; provided, the Planning Commission may impose additional conditions on approval, to protect the health, wellbeing, safety, and economy of the City and its residents.

SECTION 1806 RESERVED

SECTION 1807 ADAPTIVE REUSE

A. **Definition.** The development of a new use for a building originally designed for a special or specific purpose which has become obsolete. Adaptive Reuse is the redevelopment, including expansion, into uses which might not otherwise be permitted in a Zoning District.

Such uses may include residential, retail, office, eating and drinking establishments and service uses.

B. **Statement of Intent:** There are many older buildings throughout the community which have architectural significance or historic significance, but due to their size and or location may no longer be suited for their intended purpose. This Section attempts to provide flexibility in maintaining the viability of these resources to the community.

C. **Regulations and Conditions:** A building originally designed and constructed for another purpose may be adaptively reused in accordance with the following standards and conditions.

1. The Adaptive Reuse of a building in the C-3 District shall meet the following standards:
   a. The buildings outside the Manistee Commercial Historic District shall be consistent in scale and exterior materials with nearby existing buildings.
   b. Prior to application for special land use approval under this Section, proposed exterior modifications of buildings located in the Manistee Commercial Historic District must receive approval from the Historic District Commission for all exterior modifications.
   c. For buildings fronting on River Street, at least the first 25 feet of depth at street level of the building shall be dedicated to Retail, Eating or Drinking Establishment, or Personal Service Establishment.
   d. Condominium bylaws and master deeds and/or building leases shall provide a general description of the types of uses proposed to occupy retail, service or office spaces within the building and the procedures to be followed to accommodate changes in the nature of businesses to occupy such spaces. The Planning Commission may consider and rely upon such documents, or if unavailable at the time of application, written descriptions of the proposed content of such documents, in reaching a finding that proposed retail, service or offices uses will be generally compatible with residential uses in the building.
   e. Parking shall be located at the rear or side of the building or within an enclosed building and shall be appropriately buffered or screened. Required parking shall be provided within two hundred (200) feet of the building. One (1) space shall be provided per dwelling unit.
   f. The number of dwellings permitted in an adaptive reuse building shall not exceed one dwelling for each 1,500 square feet of floor Area.
   g. All dwellings shall provide a minimum of five hundred (500) square feet of living space.
   h. Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.
2. The Adaptive Reuse of a building in the P-D, R-1, R-2, R-3, W-F, C-1, C-2, Districts shall meet the following standards:

a. The building shall be consistent in scale and exterior materials with nearby existing buildings.

b. Buildings proposed for adaptive reuse may include retail, office, eating and drinking establishments and service uses. Such uses shall be compatible with neighboring uses and offer services to the residents of the immediate neighborhood and/or the general public. Condominium bylaws and master deeds and/or building leases shall provide a general description of the types of uses proposed to occupy retail, service or office spaces within the building and the procedures to be followed to accommodate changes in the nature of businesses to occupy such spaces. The Planning Commission may consider and rely upon such documents, or if unavailable at the time of application, written descriptions of the proposed content of such documents, in reaching a finding that proposed retail, service or offices uses will be generally compatible with residential uses in the building.

c. Parking shall comply with the requirements of Section 514. Parking shall be located within two hundred (200) feet of the building.

d. All dwellings shall provide a minimum of five hundred (500) square feet of living space.

e. Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.

f. The minimum lot size shall be consistent with the District standards for Multiple Unit Dwellings.

g. Landscaping and Buffering shall be provided in accordance with Section 531 of this Zoning Ordinance.

3. Signage shall comply with the requirements of Article 21.

[Annotation: Section 1807 Adaptive Reuse was amended by Ordinance 08-03, effective 2/29/08] [Annotation: PD was added by Amendment Z12-08; effective 10/27/12]

SECTION 1808 ADULT FOSTER CARE FACILITY

A. **Definition.** 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. An Adult Foster Care Small Group Home shall be an adult foster care facility with the approved capacity of more than six (6) not more than twelve (12) adults who shall be provided foster care. An adult foster care large group home shall be an adult foster care facility with the approved capacity of thirteen (13) or more adults who shall be provided foster care. Adult foster care does not include any of the following:

1. Nursing homes and hospitals licensed Article 17 of Act 368 of the Public Acts of 1978, as amended;

a. 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;
b. County infirmary operated by a county department of social services under section 55 of Act 280 of the Public Acts of 1939, as amended;
c. 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;
d. 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
e. A veteran's facility created by Act 152 of the Public Acts of 1885, as amended.

B. Regulations and Conditions.

1. Adult Foster Care Facilities serving more than six (6) residents shall not be considered a single family dwelling.
2. Adult Foster Care Facilities shall, as a condition of Special Use approval, at all times maintain all valid state and local licenses.
3. An adult foster care facility shall not be located within fifteen hundred (1,500) feet of any other adult foster care facility.
4. All exterior lighting shall be in accordance with **Section 525** hereof.
5. A large group home shall front on and be accessed from a key street segment, as defined herein.
6. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
7. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
8. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1809 RESERVED

SECTION 1810 ANIMAL GROOMING FACILITY

A. Definition. 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.

B. Regulations and Conditions.

1. The applicant shall set forth procedures for managing wastes and no animal wastes, biohazard materials or byproducts shall be buried or incinerated on site.
2. The applicant shall disclose the species and breed of pets to be groomed on the premises and the Planning Commission may condition any special use approval on said

disclosure. The Planning Commission may further establish restrictions on the species and breed to be groomed to those least likely to present a hazard or nuisance in the neighborhood.

3. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.
4. Such facilities shall not incorporate any overnight boarding services.
5. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
6. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
7. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.
8. All exterior lighting shall be in accordance with **Section 525** hereof.

SECTION 1811 AUTOMOBILE REPAIR FACILITY

A. Definition. 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.

B. Regulations and Conditions.

1. Dismantled, wrecked or inoperable vehicles or any vehicle parts or scrap of any kind shall not be kept outdoors where they are visible from any adjoining property or right-of-way. The Planning Commission may require an opaque fence up to eight (8) feet in height and/or an evergreen landscape buffer not less than eight (8) feet in height at time of planting to buffer any vehicles from neighboring uses or passers-by.
2. Not more than two (2) vehicles shall be parked on site for the purpose of selling or renting such vehicles.
3. All exterior lighting shall be in accordance with **Section 525** hereof.
4. All equipment including hydraulic hoists, pits, lubrication and repair facilities shall be entirely enclosed within a building. No outdoor storage of merchandise or equipment shall be permitted.
5. All hazardous material storage and handling shall be conducted in accord with **Section 520** hereof, and with any applicable State or Federal requirements.
6. All repair and maintenance activities shall be performed entirely within an enclosed building.
7. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.
8. All signs shall be in accordance with **Article 21** of this Zoning Ordinance.
9. All parking shall be in accordance with **Section 514** of this Zoning Ordinance.

10. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.
11. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.

SECTION 1812 RESERVED

SECTION 1813 BED AND BREAKFAST

A. Definition. 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.

B. Regulations and Conditions. The applicant shall provide documentation acceptable to the Planning Commission that the proposed use shall meet the following standards:

1. Basic Standards. It is the intent to establish reasonable standards for Bed and Breakfast establishments to assure that:
   a. The property is suitable for transient lodging facilities. In this connection, a Bed and Breakfast establishment shall meet the requirements of the City of Manistee Rental Property Code (Section 1428 of the City of Manistee Codified Ordinances) and shall be subject to periodic inspections as provided in said code.
   b. The use is not incompatible with other allowed uses in the vicinity.
   c. The impact of the establishment is no greater than that of a private home with houseguests.
   d. A bed and breakfast shall maintain a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor in the immediate vicinity of the sleeping rooms.
   e. All signs shall be in accordance with **Article 21** of this Zoning Ordinance.
   f. All parking shall be in accordance with **Section 514** of this Zoning Ordinance.
   g. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.
   h. A Bed and Breakfast establishment shall be regulated under the terms of this Section 1813, and not as a home occupation.

   [Annotation: C-2 was added to number of sleeping rooms (6) by Amendment Z10-02, effective 10/30/10]
   [Annotation: Item h. which established the number of sleeping rooms in each zoning district was deleted by Amendment Z12-06; effective 10/27/12]
2. Specific Standards. The following requirements together with any other applicable requirements of this Ordinance shall be complied with:
   a. The minimum lot size shall be consistent with the District minimum for Single Family Dwellings.

b. Parking; Two (2) for the use of the owner/occupant and one (1) off-street space per rental sleeping room. Parking shall be located within two hundred (200) feet of the building.
c. The establishment shall have at least two (2) exits to the outdoors.
d. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
e. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes. Provided, however, that carriage houses in existence as of the effective date of this section, and located on the same parcel as a Bed & Breakfast may be utilized for sleeping rooms, in accordance with this Section.
f. The Bed and Breakfast shall not alter the residential character of the building or structure.
g. The rental sleeping rooms shall have a minimum size of one hundred-twenty (120) square feet for one (1) or two (2) occupants with an additional fifty (50) square feet for each occupant to a maximum of four (4) occupants per room.
h. Special Use approval shall not be granted if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
i. A site plan shall include a floor plan layout of the proposed structure drawn to a scale of not less than 1” = 8’ that shows the specific layout of the proposed facility in accord with the provisions of this Zoning Ordinance.
j. The permit holder shall secure and maintain all required state and local permits.
k. No conference/meeting room facilities will be permitted.
l. The Bed and Breakfast shall employ no more than three (3) persons in addition to the owners and their immediate family, including spouses, siblings and children.
m. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.

SECTION 1814 BILLBOARD

A. Definition. 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.

B. Intent. It is the intent of this **Section 1814** to:

1. Protect the City’s distinctive community character and natural landscape
2. Protect scenic resources and view sheds located within the City,
3. Enhance the economic base of the community associated with tourism and the community’s overall economic well-being by protecting natural and scenic resources
4. Satisfy the public need for commercial information provided by billboards while

promoting aesthetic and balanced use of lands and scenic resources along public rights-of-way in the City

C. Regulations and Conditions.

1. A Billboard may be considered an accessory use under **Section 516** hereof if located on a parcel with an existing use. If located on a vacant parcel of land, such parcel shall meet the lot area and width requirements of the C-1 district shall be considered a principal structure on a parcel of land.
2. It is hereby determined that a reasonable number of billboards provide the traveling public and the community with helpful information and a reasonable number of billboards can be important to the economic well-being of local and regional businesses. It is further determined that an excess number of billboards in the community will detract from the aesthetic character and scenic nature of the community and present the traveling public with confusing visual clutter rather than helpful information. The Planning Commission shall not approve a special land use application for a new billboard in the City of Manistee if such approval would result in there being more than ten (10) billboard structures or more than nineteen (19) billboard faces in the City.

   [Annotation: for the purposes of establishing this maximum number both permitted billboards and lawfully constructed nonconforming billboards were counted. The billboards that were in place on February 21, 2006 when the Ordinance was adopted were eight (8) on US-31, one (1) on River Street, and one (1) on Fifth Street.]

   [Annotation: This section was amended to correct the number of billboards and annotate how the number was established by amendment 07-13, effective 5/29/07]
3. Not more than two (2) billboards may be located per one-quarter linear mile of highway/roadway regardless that such billboards may be located on different sides of the highway. The one-quarter linear mile measurement shall not be limited to the boundaries of the City of Manistee where the road extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures showing only one face visible to traffic proceeding from any given direction on a highway shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face, including billboard structures with tandem (side-by-side) or stacked (one above the other) billboard faces, shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subparagraph 4 below.
4. No billboard shall be located within six hundred sixty (660) feet of another billboard abutting either side of the same highway.
5. No billboard shall be located closer than the required front yard setback from the street right-of-way or a side yard setback from any interior boundary lines of the premises on which the billboard is located.
6. A site plan shall be submitted illustrating distances and spacing of existing billboards, residential districts and uses, and setbacks.
7. The surface display area (sign face) of any side of a billboard may not exceed two hundred forty (240) square feet and shall be continually maintained in good condition.

8. The height of a billboard shall not exceed thirty-five (35) feet above the natural grade of the ground on which the billboard is established with not less than ten (10) feet of clearance beneath the sign face.
9. No billboard shall be placed on top of, cantilevered or otherwise suspended above the roof of any building.
10. A billboard may be illuminated, provided such illumination is confined to the surface of the sign and is so located as to avoid glare, upward light or reflection onto any portion of an adjacent street or highway, property, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate. A billboard shall not include an Electronic Message Board as defined, but may include an Electronic Sign as defined, provided that the area of such Electronic Sign shall not exceed forty (40) square feet.
11. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
12. A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (PA 106 of 1972, as amended) bordering interstate highway, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

SECTION 1815 RESERVED

SECTION 1816 CAR WASH

A. Definition. Any facility or premises or portions thereof used for washing automobiles, including, manual wash facilities, coin washes, and those with automatic and semiautomatic application of cleaner, brushes, rinse water, and forced air and/or heat for drying.

B. Regulations and Conditions.

1. All such facilities shall be connected to a public sewer system and all wastewater discharge facilities shall be designed and maintained in accordance with the City of Manistee Industrial Pre-Treatment program to properly manage excess loading to the City's wastewater collection and treatment system.
2. All washing activities shall be carried out within a building.
3. No vacuum equipment shall be located closer than one hundred (100) feet from any property line which abuts a property zoned or used for residential purposes.
4. Noise generated on site from any source shall not exceed 60 decibels measured at any property line.

5. Adequate drainage shall be provided, to prevent flooding, freezing of runoff, and environmental damage.
6. Manual and coin Car Washes shall provide adequate space for drying and waxing vehicles.
7. The applicant shall demonstrate to the satisfaction of the Planning Commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking or pedestrian areas on site.
8. The applicant shall demonstrate that no litter and debris will travel off-site. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
9. All parking areas shall comply with the provisions of **Section 514** of this Zoning Ordinance.
10. All signs shall comply with **Article 21** of this Ordinance.
11. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.
12. All exterior lighting shall be in accordance with **Section 525** hereof.
13. A car wash shall front on and be accessed from a key street segment, as defined herein.

SECTION 1817 CEMETERY

A. Definition. 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.

B. Regulations and Conditions.

1. Cemeteries shall be established in compliance with Public Act 368 of 1978, as amended, Public Act 88 of 1875, as amended, and other applicable state laws.
2. A proposed cemetery that provides a chapel or other enclosure for graveside, internment and committal services shall be appropriately designed to accommodate occasional gatherings, including necessary restroom facilities and utilities.
3. A landscape buffer of ten (10) feet shall be provided where a Cemetery abuts a residentially zoned or used parcel.
4. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
5. A cemetery shall front on and be accessed from a key street segment, as defined herein.

6. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
7. No building shall be located closer than fifty (50) feet from a property line that abuts any residentially used or zoned property.
8. All parking areas shall comply with the provisions of **Section 514** of this Zoning Ordinance.
9. All signs shall comply with **Article 21** of this Ordinance.

SECTION 1818 RESERVED

SECTION 1819 COMMUNICATION TOWER

A. Definition. A monopole, lattice and/or guyed structure in excess of thirty-five (35) 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.

B. Purpose and Intent. The Telecommunications Act of 1996 as amended on February 6, 1996 sets forth provisions concerning placement, location and construction of towers and related facilities for communication. The purpose of this section is to establish general guidelines for the siting of Communication Towers, which include antenna structures. In order that such towers not cause visual pollution or create a safety hazard or reduce property values on adjacent properties, reasonable regulations for the location, use of existing structures (e.g., water towers, school and church steeples, tall buildings), design of structures and towers, is appropriate. Communication Towers are specifically determined to NOT be essential services nor to be public utilities as such terms are used in this Ordinance. The intent of these provisions is to encourage users of towers to:

1. Protect land uses from potential adverse impacts of towers.
2. Place the location of new towers in non-residential-zoned areas.
3. Minimize the total number of towers throughout the community.
4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.
5. Locate them on City-owned water towers where feasible and to the satisfaction of the City Council.
6. Locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
7. Configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.

8. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
9. Consider the public health and safety of personal wireless service facilities.
10. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
11. In furtherance of these goals, the City of Manistee shall give due consideration to natural features, the Manistee River and its resources, the City of Manistee Master Plan, zoning map, existing land uses, and other characteristics and policies of the City in approving sites for the location of towers and antennas. It is not the intent to regulate ham radio antennae under this section.

C. Administratively Approved Uses. The following uses may be approved by the Zoning Administrator after conducting an administrative review:

1. Antennas on Existing Structures: Compact platform-type, omni directional, or singular-type antenna which is not attached to a new communication tower may be approved by the Zoning Administrator as a co-location or as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure, provided:
   a. The antenna does not extend more than ten (10) feet above the highest point of the structure;
   b. The antenna complies with all applicable FCC and FAA regulations;
   c. The equipment building for such co-located equipment can be incorporated into an existing structure or cabinet, and
   d. The antenna complies with all applicable building codes.
2. Microcell Networks: Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

D. Antenna Placement on City Owned Facilities. Communication Towers may be installed on City of Manistee-owned water towers or other facilities, and their accessory equipment and shelters may be installed on City of Manistee-owned property, in any zoning district, with a lease approved by the City Council, and subject to the requirements of the Site Plan Review provisions of **Article 22**.

E. Review Provisions and Zoning Districts Allowed. Except as provided in paragraphs C and D hereof, Communication Towers and their accessory equipment and shelters shall be considered a Special Use.

F. Additional Information Required for Review. In addition to the requirements of **Section 1802, 2** and **Article 22,** Communication Tower applications shall include:

1. Name and address of the proposed operator of the site.
2. Name and address, including phone number of the person responsible for determining feasibility of co-location as provided in this section.

3. Preliminary design of all proposed structures, including elevations and renderings showing the proposed facility from four vantage points located not less than 200 feet nor more than 500 feet from the proposed tower location.
4. Registered Engineer's certification of the design and safety of the proposed tower to withstand winds of 85 miles per hour. Such certification shall set forth the fall zone area for the proposed tower. If such fall zone area is less than that of a circle whose radius is equivalent to the height of the proposed tower, such certification shall provide structural calculations and detail sufficient to demonstrate the accuracy of such lesser fall zone area determination. Such certification shall be provided by an engineer licensed to practice in Michigan.
5. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
6. A notarized statement signed by the applicant indicating the number and type of additional antennae the proposed tower will accommodate through co-location.
7. Each applicant shall provide an inventory of existing towers, tall structures, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of Manistee, or within one mile of the border thereof, including specific information about the location, height, and design of each tower or tall structure. The Zoning Administrator may share such information with other applicants applying for approvals under this ordinance or other organizations seeking to locate antennas within the City, provided, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
8. The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known. The applicant shall also demonstrate the reasons such existing towers or tall structures cannot be used in lieu of the proposed communication tower.

G. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna.

H. General Provisions. Construction of Communication Towers including their accessory equipment are allowed in the City of Manistee subject to the following provisions:

1. A Communication Tower shall be considered a principal use and shall be placed on parcels (whether the land is owned or leased by the tower owner) which have an area no less than the minimum parcel area and width for the district.
2. All setbacks for the zoning district shall be met and in addition, no tower shall be placed closer to any property line than the radius of the certified fall zone as provided in **Section 1819, F, 4,** hereof, and in no case less than 200 feet from any residence or 200

feet from a zoning district which does not permit Communication Towers as a Special Use.

3. All proposed towers of more than thirty-five (35) feet in height shall be submitted to the Michigan Aeronautics Commission and FAA for review and approval prior to approval by the City of Manistee. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
4. The tower and/or antenna shall be painted or screened so as to blend into the background.
5. The service building shall be aesthetically and architecturally compatible with buildings within three hundred feet of the property on which it is located.
6. All connecting wires from towers to accessory buildings and all electrical and other service wires to the facility shall be underground.
7. Monopole tower design is preferred. If the applicant proposes to use a guyed or lattice tower, the applicant shall demonstrate why a monopole design cannot be used.
8. All exterior lighting shall be in accordance with **Section 525** hereof.
9. The City may require landscape screening of the service building and fencing.
10. Strobe lights shall not be allowed except as required by FAA.
11. The City Planning Commission may, at its sole discretion, require that the tower be camouflaged to resemble a tree, steeple, clock tower, or otherwise be made to be less obtrusive.
12. Signs; No signs shall be allowed on an antenna or tower, except for one sign of not more than two (2) square feet, listing the name, address and contact telephone number of the operator and not more than two (2) signs not to exceed two (2) square feet signaling “danger” or “no trespassing.”
13. Towers shall be enclosed by a locked gate and security fencing at least 6 feet in height, and shall be equipped with an appropriate anti-climbing device.
14. Applicant shall certify its intent to lease excess space on the proposed tower for co-located antennae of other operators. Such certification shall include a commitment to respond to any requests for information from another potential shared use applicant; to negotiate in good faith and allow for leased shared use if an applicant demonstrates

that it is technically practicable, and; to make no more than a reasonable charge for a shared use lease.

15. Notwithstanding the provisions of this section, the maximum height for a Communication Tower in the City of Manistee shall be two hundred (200) feet.
16. Separation distances between proposed and pre-existing towers are as follows: monopole over 35 feet in height - 1,500 feet; lattice and guyed towers - 5,000 feet.

I. Removal of Abandoned Antennas and Towers. A Communication Tower that is unused for a period of twelve (12) months shall be removed. The applicant or owner is responsible for the removal of an unused tower. Failure to do so shall be sufficient cause for the City to remove the structure pursuant to Section 650.04.6 of the Anti-Blight Ordinance (Section 650 of the City of Manistee Codified Ordinances.

J. Bonds. The owner of a Communications Tower; including equipment/accessory buildings, shall post a bond with the City of Manistee in an amount to cover the reasonable estimated costs and expenses of dismantling and removing the communication tower. In the event that the same is abandoned, and the owner fails to dismantle and/or remove the same within 180 days. Said bond shall be with a reputable insurance or guarantee company. The amount of the bond shall be established by the Planning Commission, and may be adjusted from time to time to reflect changing costs and expenses of dismantling and removing the facility.

K. Nonconforming Uses.

1. Pre-existing towers that do not meet the requirements of this section shall be allowed to continue in use as they presently exist. Routine maintenance shall be permitted on such preexisting towers. New construction, other than routine maintenance on a pre-existing tower shall comply with the requirements of this ordinance. Modifications to height and type of construction of pre-existing towers shall not be permitted, except in conformance with this Section.
2. Rebuilding Damaged or Destroyed Nonconforming Towers. Nonconforming towers that are damaged or destroyed may not be rebuilt except in conformance with the requirements of this Section.

SECTION 1820 CONTRACTOR'S FACILITY

A. Definition. A facility, building, structure, grounds, or portion thereof used to store tools, trucks, equipment, supplies, resources, and materials used by building construction professionals, contractors, and subcontractors. Such facilities typically will include outdoor storage, assembly or staging areas.

B. Regulations and Conditions.

1. Any outdoor storage area shall conform to the yard, setback, and height standards of the zoning district in which it is located. Within the R-3, C-1, C-2 and C-3 districts, no

outdoor storage shall be permitted except within yard provided with fencing or other screening satisfactory to the Planning Commission.

2. Uses shall produce no detectable objectionable dust, fumes, or odors at any property line.
3. All travel surfaces shall be paved, as a condition of approval.
4. All exterior lighting shall be in accordance with **Section 525** hereof.
5. Cranes, booms or other extensions on equipment, trucks or other vehicles parked on site shall be stored in the lowest possible configuration.
6. There shall be no off-site discharge of storm water except to an approved drainage system in accord with the City's engineering requirements.
7. Noise generated on site from any source shall not exceed 60 decibels measured at any property line.
8. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.
9. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with **Section 520** hereof, and any applicable State or Federal requirements.
10. All signs shall be in accordance with **Article 21** of this Zoning Ordinance.
11. All parking shall be in accordance with **Section 514** of this Zoning Ordinance.
12. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1821 RESERVED

SECTION 1822 CONVENIENCE STORE, WITH FUEL PUMPS

A. Definition. Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and freshly prepared foods, such as salads and sandwiches, and beverages for on-site or off-site consumption; which also has fuel pumps, intended and used for the retail sale, supply, and dispensing of fuels for motor vehicles.

B. Regulations and Conditions.

1. The Planning Commission may establish hours of operation for Convenience Stores with Fuel Pumps to protect the character of the land uses in the vicinity.
2. The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by State and federal statutory and regulatory authority.
3. All buildings, pump islands and other facilities shall be located in conformance with the yard and setback requirements of the zoning district.

4. Dismantled, wrecked, or immobile vehicles shall not be permitted to be stored on site. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.
5. No vehicles shall be parked on site for the purpose of selling or renting such vehicles.
6. All exterior lighting shall be in accordance with **Section 525** hereof.
7. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate, and shall not be visible from lot lines.
9. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
10. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
11. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
12. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1823 CONVENIENCE STORE, WITHOUT FUEL PUMPS

A. Definition. Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and freshly prepared foods, such as salads and sandwiches and beverages, for on-site or off-site consumption.

B. Regulations and Conditions.

1. The Planning Commission may establish hours of operation for Convenience Stores without Fuel Pumps to protect the character of the land uses in the vicinity.
2. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.
3. Convenience stores located in the R-2 and R-3 districts shall front on and be accessed primarily from a key street segment, as defined herein.
4. All exterior lighting shall be in accordance with **Section 525** hereof.
5. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate, and shall not be visible from lot lines.
6. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
7. All parking areas shall comply with the provisions of **Section 514** of this Zoning Ordinance.
8. All signs shall comply with **Article 21** of this Ordinance.
9. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1824 RESERVED

SECTION 1825 DAY CARE, COMMERCIAL

A. Definition. A commercial facility which is not a private home and in which at least thirteen (13) 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.

B. Regulations and Conditions.

1. All required state and local licensing shall be maintained at all times.
2. All outdoor areas used for care and play area shall have appropriate fencing for the safety of the children. Such fence shall consist of a 6-foot high opaque fence along the area adjoining another residence, and a 4-foot to 6-foot high fence in the rear yard and in the side yard up to the front building line. Play areas abutting a public right-of-way shall be prohibited.
3. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from any lot line.
4. Such facilities shall be located at least 1,500 feet from any one of the following:
   a. A licensed or pre-existing operating group or commercial day-care home.
   b. An adult foster care facility.
   c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
   d. A community correction center resident home halfway house or similar facility under jurisdiction of the County Sheriff or the Department of Corrections.
5. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
6. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.
7. All parking areas shall comply with the provisions of **Section 514** of this Zoning Ordinance.
8. Commercial Day Care facilities shall front on and be accessed from a key street segment, as defined herein.
9. All signs shall comply with **Article 21** of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1826 DAY CARE, GROUP

A. Definition. 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.

B. Regulations and Conditions.

1. All required state and local licensing shall be maintained at all times.
2. All outdoor areas used for care and play area shall have appropriate fencing for the safety of the children. Such fence shall consist of a 6-foot high opaque fence along the area adjoining another residence, and a 4-foot to 6-foot high fence in the rear yard and in the side yard up to the front building line. Play areas abutting a public right-of-way shall be prohibited.
3. Such facilities shall be located at least 1,500 feet from any one of the following:
   a. A licensed or pre-existing operating group or commercial day-care home.
   b. An adult foster care facility.
   c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
   d. A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.
4. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
5. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.
6. All parking areas shall comply with the provisions of **Section 514** of this Zoning Ordinance.
7. All signs shall comply with **Article 21** of this Ordinance.
8. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1827 RESERVED

SECTION 1828 DRIVE-THROUGH ESTABLISHMENT

A. Definition. An establishment that by design, physical facilities, services or by packaging procedures encourages or permits some or all customers to receive services or goods while remaining in their vehicles.

B. Regulations and Conditions.

1. All automobile queuing for a drive-through window shall be separated from other on-site traffic patterns.
2. Pedestrian areas shall be clearly marked.

3. The drive-through lane(s) shall be designed to accommodate a full-size passenger vehicle pulling a recreation-vehicle trailer.
4. The applicant shall demonstrate to the satisfaction of the Planning Commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking or pedestrian areas on site.
5. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from any lot line.
6. All exterior lighting shall be in accordance with **Section 525** hereof.
7. Any commercial establishment with a drive-through facility which adjoins a property zoned or used for residential purposes shall be effectively screened from view from such property.
8. All parking areas shall comply with the provisions of **Section 514** of this Zoning Ordinance.
9. All signs shall comply with **Article 21** of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1829 DUPLEX

A. Definition. A dwelling designed for or occupied by two families only, with separate housekeeping, cooking, and bathroom facilities for each.

B. Regulations and Conditions.

1. In any subdivision or site condominium, the Planning Commission may establish a limit on the number of duplexes within said development.
2. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
3. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1830 RESERVED

SECTION 1831 DWELLING, ACCESSORY

A. Definition. A dwelling located in an accessory structure on the same parcel as another, single unit dwelling.

B. Regulations.

1. Intent. The intent of this Section is to permit the use of accessory buildings as an accessory dwelling unit where such use will not be out of character with the surrounding neighborhood. In the R-2 and R-3 districts, the Planning Commission may approve the

use of an existing accessory structure as a dwelling unit subject to the following requirements.

2. A proposed accessory dwelling shall be located on a parcel with not less than 10,000 square feet in area and not less than 80 feet of width.
3. Such accessory dwellings shall conform to all dimensional, structural and maintenance requirements of this ordinance, the City of Manistee Building Code and the Housing Code.
4. Accessory dwellings shall have a minimum of 400 square feet, and no more than 1,000 square feet of living area.
5. Not more than one (1) accessory dwelling shall be permitted on any one (1) parcel.
6. At least one (1) off-street parking space shall be provided for an accessory dwelling.

SECTION 1832 DWELLING, MULTIPLE UNIT

A. Definition. A building which is a dwelling designed for or occupied by three or more families, with separate housekeeping, cooking, and bathroom facilities for each.

B. Regulations and Conditions.

1. Parking areas intended for the use of residents of Multiple Unit Dwellings shall be located within two hundred (200) feet of the building.
2. Within the R-2 district Multiple Unit Dwellings shall front on and be accessed from a key street segment, as defined herein.
3. In the C-3 District, dwelling units shall not be located on the street level or basement except in those locations where resident privacy can be provided by building design, courtyards, topography or similar design; such as daylight or walkout dwelling units along the riverfront or into a secured and private side or rear yard. Provided, however, that in a mixed-use building located in C-2 or C-3 Districts, the street level of a Multiple Unit Dwelling structure shall be dedicated to retail, commercial or office uses for a depth of not less than twenty (20) feet from the street.
4. All exterior lighting shall be in accordance with **Section 525** hereof.
5. No multiple unit structure shall be located closer than twenty (20) feet from any other multiple unit structure located on the same parcel.
6. Groups of Multiple Unit Dwellings located on one parcel shall have common ownership. For the purposes of this paragraph, a condominium unit shall be considered a single parcel.
7. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate, so that any refuse or dumpster shall not be visible from any building, dwelling, adjacent property, or street.
8. Safe pedestrian and vehicular circulation patterns shall be established in group building developments, as determined by the Planning Commission.

9. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
10. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
11. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1833 RESERVED

SECTION 1834 DWELLING, SINGLE UNIT

A. Definition. A structure or building is used exclusively for human habitation by one (1) family and so designed and arranged as to provide living, sleeping, sanitary, and kitchen accommodations.

B. Regulations and Conditions.

1. Within the C-3 district, new single-unit dwellings shall be prohibited. Provided, however, the Planning Commission may permit as special land uses, Planned Unit Developments which may include including any number of new, single-unit dwellings within any portion of the C-3 district, in accordance with the terms of **Section 1870**, hereof. Provided, further that single unit dwellings in existence at the time of the adoption of this Section shall not be considered non-conforming, but shall be treated as special land uses.
2. New single dwelling units located in the R-4 and C-2 districts shall incorporate landscaping or other buffers satisfactory to the Planning Commission to screen the dwelling unit from adjoining higher density residential or commercial development.

SECTION 1835 EATING AND DRINKING ESTABLISHMENT

A. Definition. 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 or for take-out.

B. Regulations and Conditions.

1. Such facilities shall maintain, at all times, all required state and local licenses and permits.
2. Such facilities shall be located and designed such that no objectionable noise in excess of 60 decibels shall be carried onto adjoining property zoned for, or occupied by, residential uses.
3. Such facilities shall be located and designed such that no objectionable odor or fumes shall be carried onto property located in the R-1, R-2 or R-3 districts.
4. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate, so that any refuse or dumpster shall not be visible from

any building, dwelling, adjacent property, or street. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.

5. The Planning Commission may establish reasonable hours of operation for eating and drinking establishments.
6. Within the R-2 and R-3 districts, Eating and Drinking Establishments shall front on and be accessed primarily from a key street segment, as defined herein.
7. All exterior lighting shall be in accordance with **Section 525** hereof.
8. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
9. All parking shall be in compliance with the provisions of **Section 514** of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1836 RESERVED

SECTION 1837 EDUCATIONAL FACILITY

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

B. Regulations and Conditions.

1. An education facility shall have its primary access directly from a paved, all-season road.
2. All outdoor play areas shall be enclosed with a durable fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way. Provided, however, the Planning Commission may permit chain link or wrought iron fences up to six (6) feet in height adjoining a right-of-way upon a finding that such fences are necessary for the safety of pupils of the facility.
3. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
4. In the R-2 and R-3 districts, an Educational Facility shall front on and be accessed from a key street segment, as defined herein.
5. The Planning Commission may establish standards to limit noise generated by an Educational Facility to no more than 60 decibels at the property line, taking into account the nature of the facility, the surrounding uses and zoning and the probable frequency of objectionable noise levels that may be generated by the use.
6. All exterior lighting shall be in accordance with **Section 525** hereof.
7. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.

8. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
9. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.
10. An Educational Facility that incorporates any gymnasium, theater, auditorium, or large meeting space meeting the definition of a Large Place of Public Assembly, it shall also comply with the requirements pertaining to Large Places of Public Assembly, **Section 1868** herein.

SECTION 1838 FINANCIAL INSTITUTION

A. Definition. 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.

B. Regulations and Conditions. Financial Institutions proposed within the R-3 District shall be subject to the following requirements.

1. The minimum parcel area shall be not less than the required minimum parcel area for a single-family dwelling in the district.
2. A financial institution shall adhere to the dimensional standards of the R-3 District, provided that no side setback is less than fifteen (15) feet.
3. All parking areas that abut property zoned or used for residential purposes shall be effectively screened with landscaping or an approved fencing and all landscaping and buffering shall be provided in accordance with **Section 531** of this Ordinance.
4. Special land use approval shall not be granted for a financial institution proposed to be located within an existing structure in a residential district if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially. However, any proposed Financial Institution shall be designed to be comparable with existing building heights and uses in the vicinity, and shall be architecturally similar to adjacent homes.
5. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
6. All parking shall be in accordance with **Section 514** of this Ordinance.
7. All exterior lighting shall be in accordance with **Section 525** hereof.
8. A Financial Institution shall front on and be accessed from a key street segment, as defined herein.
9. In the R-3 District, no drive-through facilities or activities shall be permitted. The proposed Financial Institution shall not adversely affect traffic circulation and access in the surrounding area.

SECTION 1839 RESERVED

SECTION 1840 GALLERY OR MUSEUM

A. Definition. Repositories of objects connected with literature, art, history, culture, or science collected and displayed for the edification, amusement, entertainment, or education of patrons and consumers.

B. Regulations and Conditions.

1. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.
2. All exterior lighting shall be in accordance with **Section 525** hereof.
3. The applicant shall demonstrate that the proposed use does not significantly affect traffic circulation and transportation safety in the area in which it is proposed.
4. A Gallery or Museum shall front on and be accessed from an key street segment, as defined herein, unless the Planning Commission finds that the proposed facility will generate minimal traffic impact within the vicinity.
5. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
6. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
7. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1841 GASOLINE STATION

A. Definition. Any building, structure, or land, or portion thereof, and any associated appurtenances, intended and used for the retail sale, supply, and dispensing of fuels, lubricants and similar products for motor vehicles.

B. Regulations and Conditions.

1. The Planning Commission may establish hours of operation for Gasoline Stations to protect the character of the land uses in the vicinity.
2. The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by State and federal statutory and regulatory authority.
3. All buildings, pump islands and other facilities shall be located in conformance with the yard and setback requirements of the zoning district.
4. Dismantled, wrecked, or immobile vehicles stored shall not be kept outdoors shall be completely screened from any adjoining parcel or right-of-way.
5. No vehicles shall be parked on site for the purpose of selling or renting such vehicles.
6. All exterior lighting shall be in accordance with **Section 525** hereof.
7. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate, and shall not be visible from any lot line. The site plan shall include measures satisfactory to the Planning Commission to contain blowing dust, trash and debris from leaving the site.

8. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding uses.
9. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with **Section 520** hereof, and any applicable State or Federal requirements.
10. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
11. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
12. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1842 RESERVED

SECTION 1843 GOLF COURSE

A. Definition. 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, banquet facility, driving range, practice greens and service buildings. For the purposes of this Section, a golf course may be fully open to the public, open to the public on a limited basis or a membership-only club. [Annotation: "banquet facility" was added to definition by Amendment Z10-06, effective 10/30/10]

B. Regulations and Conditions.

1. The design and layout of a golf course shall be configured to prevent stray golf shots from traveling off the site and onto rights-of-way, neighboring properties or lands within the golf course development designed for uses other than the playing of golf.
2. All off-street parking shall be in compliance with **Section 514** of this Ordinance, to provide for adequate parking for banquets, weddings, golf tournaments, conferences, etc.
3. Any accessory uses and buildings associated with the Golf Course, and any buildings on the site shall conform to setback and dimensional requirements of the R-1 District.
4. A new golf course development shall include storm water management facilities satisfactory to the City Engineer and/or the Michigan Department of Environmental Quality intended to prevent the runoff of storm water carrying excess concentrations of fertilizer or nutrients from entering natural streams, Lake Michigan, Manistee Lake or the Manistee River Channel.
5. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
6. All exterior lighting shall be in accordance with **Section 525** hereof.
7. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
8. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1844 GREENHOUSE AND NURSERY

A. Definition. Land, or portion thereof, including a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment. A Greenhouse and Nursery may be used to raise flowers, shrubs, and plants for commercial sale or personal enjoyment.

B. Regulations and Conditions.

1. All storage of materials shall take place in an enclosed building, bin or other enclosure satisfactory to the Planning Commission to contain blowing dust and debris.
2. All exterior lighting shall be in accordance with **Section 525** hereof.
3. Refuse and waste shall be disposed of in a manner which precludes any odors and fumes from being perceptible at any lot line; and any pesticides, fertilizers, or other chemicals shall be handled in a manner which precludes pollution of the environment and the City's water resources.
4. A Greenhouse or Nursery shall front on and be accessed from a key street segment, as defined herein.
5. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
6. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
7. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
8. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1845 RESERVED

SECTION 1846 HOME BASED BUSINESS

A. Definition. 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.

B. Regulations and Conditions.

1. A Home Based Business shall be treated as a Major Home Occupation subject to the provisions of **Section 18471, B, 2**, and to the following additional standards:
   a. In addition to the occupants of the residence and not more than two nonresident 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. The applicant shall disclose the nature, size and number of any vehicles or other equipment associated with the Home Based Business and the Planning Commission may establish limits on the outdoor storage and parking of such equipment or vehicles to preserve the essentially residential character of the neighborhood. No outdoor storage of 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 **Article 22**, 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.

2. The Planning Commission shall review the application for a Home Based Business and take action to approve it, if it finds that the proposed Home Based Business shall meet the requirements of this Section and **Section 1847, B, 2**, hereof.

3. 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.

4. 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 1847 HOME OCCUPATION

A. Definition. 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.

B. Regulations and Conditions.

1. **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.

a. 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.

b. The home occupation(s) shall be an accessory use to the residential use of the property.

c. 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 four (4) square feet. [Annotation: This section was amended to allow a sign by amendment 07-14, effective 5/29/07]

d. 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:

   1) 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

   2) 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).

e. 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.

f. Only the inhabitants of the residence plus not more than one (1) non-resident shall be employed by the home occupation.

g. No additional rooms or accessory structures may be added to the dwelling to accommodate the home occupation.

2. **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.

   a. 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.

   b. The home occupation(s) shall be an accessory use to the residential use of the property.

   c. 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 four (4) square feet.

   d. 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:

1) 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
2) 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).

e. 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.

f. Only the inhabitants of the residence plus not more than two (2) non-residents shall be employed by the home occupation.

3. 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 1848 RESERVED

SECTION 1849 HOTEL

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

B. Regulations and Conditions.

1. The property shall be suitable for transient lodging facilities with overnight lodgers staying typically not longer than seven (7) nights.
2. A hotel that includes auditorium or public meeting space shall be further regulated under the provisions of Places of Public Assembly, per **Section 1868**.
3. A hotel that includes an eating and drinking establishment shall be further regulated pursuant to **Section 1823.**
4. The use and the impact of the establishment shall be compatible with other allowed uses in the vicinity in terms of parking, traffic, noise, and odors, and shall not adversely impact the subject neighborhood.
5. All exterior lighting shall be in accordance with **Section 525** hereof.
6. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
7. Within the R-2 district, a Hotel shall front on and be accessed primarily from a key street segment, as defined herein.
8. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.

9. All off-street parking shall be in compliance with **Section 514** of this Ordinance, except off-street parking for overnight guests may be located off-site, but not more than two (200) feet from the facility.
10. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.
11. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use permit for a hotel.

SECTION 1850 LAUNDRY AND DRY CLEANING ESTABLISHMENT

A. Definition. A service business which provides washers and dryers and other facilities for rental use to the general public for cleaning garments, bedclothes, and other household and personal materials and a facility which provides cleaning and dry cleaning services to the general public.

B. Regulations and Conditions.

1. Pursuant to **Section 520** hereof, all storage tanks or other facilities used to store hazardous, toxic, odorous, explosive or flammable substances shall be equipped with appropriate containment structures or equipment; to prevent any migration of such substances into the groundwater or surface waters of the City; and to prevent said substances from being perceptible outside such containment.
2. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
3. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
4. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
5. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.
6. The Planning Commission may impose hours of operation limitations to protect the character of surrounding uses.
7. A Laundry or dry cleaning facility located in the C-2 district shall front on and be accessed from a key street segment, as defined herein.

SECTION 1851 RESERVED

SECTION 1852 MARINA

A. Definition. 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 a communication tower, eating, sleeping, and retail facilities intended primarily for the owners, crews, and guests of boat owners using the marina. [Annotation: Definition of Marina was amended by adding "communication tower" by Amendment Z12-01, effective 6/19/12]

B. Regulations and Conditions.

1. Such facilities shall maintain, at all times, all required state and local licenses and permits.
2. Marinas shall be located only on parcels contiguous to, and with direct access to, navigable water.
3. Marinas shall not interfere with riparian interests or the integrity and quality of the water body.
4. Vehicular ingress and egress to the marina shall be within the riparian owner's interest area, or written authorization shall be secured from an adjacent property owner granting such access.
5. All Marinas shall be similar in architectural design, scale and character to adjacent structures and activities in the vicinity.
6. The increased use of the water body associated with the marina shall not create congestion, reduce safety, or aggravate existing congestion and safety problems currently recognized. Marinas shall not constitute any navigational hazards, as determined by the Planning Commission.
7. All Marinas shall provide watercraft sanitary holding tank pump out services, in accordance with Act 451 of 1994 (Part 301 of Inland Lakes and Stream Act).
8. Onshore storage of boats and/or trailers may only be incorporated in a Marina special use approval where the Planning Commission is satisfied that such storage will be effectively screened from view from adjoining properties and rights-of-way.
9. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
10. All off-street parking shall be in compliance with **Section 514** of this Ordinance, except that the parking requirement for a Marina shall be 0.33 parking spaces for each boat slip.
11. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.
12. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a Special Use permit for a Marina.

SECTION 1853 MEDICAL OR DENTAL OFFICE

A. Definition. A facility in which medical, dental, health and related providers maintain offices and may provide services to patients on an out-patient basis.

B. Regulations and Conditions.

1. Within the R-2 and R-3 districts, a medical or dental office shall not exceed seven thousand (7,000) square feet in gross floor area.

2. As a condition of approval, the Planning Commission may establish hours of operation for the Medical or Dental Office, if in the judgment of the Planning Commission such restrictions are needed to assure the compatibility of the facility with neighboring uses.
3. The exterior of the building shall be compatible with neighboring uses.
4. All exterior lighting shall be in accordance with **Section 525** hereof.
5. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines. Any disposal of bio hazardous waste shall be in conformance with state and local requirements.
6. Within the R-2 and R-3 districts, Medical or Dental office shall front on and be accessed primarily from a key street segment, as defined herein.
7 All signs shall be in accordance with **Article 21** of this Zoning Ordinance.
8. All parking shall be in accordance with **Section 514** of this Zoning Ordinance.
9. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1854 RESERVED

SECTION 1855 MINI/SELF STORAGE FACILITY

A. Definition. A structure or group of structures divided into storage units, stalls or lockers of no more than five hundred (500) square feet in area each and which are offered to the public for a fee for the storage of goods.

B. Regulations and Conditions.

1. The area of the proposed site shall be at least one (1) acre.
2. The use shall be established and maintained in accordance with all applicable Local, State and Federal laws.
3. All storage shall be inside an enclosed building; no outdoor storage shall be permitted.
4. Within the R-3 district, mini-storage facilities shall front on and be accessed from a key street segment, as defined herein.
5. Each storage unit shall have an individual door to the outdoors and shall be accessible by the owner of the storage items in accordance with hours of operation approved by the Planning Commission. Such hours of operation shall be posted at the entrance to the facility.
6. The storage of perishable, flammable, toxic, or hazardous substances and the use of the facility to store goods or products for commercial or industrial purposes shall be prohibited.
7. No activities except for rental of storage units, and pick-up and deposit of storage shall be permitted.

8. Parking shall be provided as needed for the office uses as provided in **Section 514** of this Ordinance.
9. All parking, maneuvering and drive lane areas shall be provided with a paved surface and all drive aisles shall be twenty-five (25) feet in width. The Planning Commission shall approve the circulation pattern within the site, which shall be clearly marked.
10. All exterior lighting shall be in accordance with **Section 525** hereof.
11. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
12. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1856 MINE, SAND, AND GRAVEL

A. Definition. A facility, property, or portion thereof designed, constructed, or used for the commercial open pit or subterranean extraction of sand, gravel or minerals. This term also includes quarrying, groundwater diversion, soil removal, milling and crushing, and other preparation customarily done as part of a mining activity.

B. Regulations and Conditions.

1. General Site Plan Requirements: In addition to the regular application for a Special Use and payment of fees, the application shall be accompanied by a General Site Plan. The plan shall be drawn to a scale of 1" - 100' and said plan shall include the following information:
   a. Name and address of owner(s) of land which removal will take place.
   b. Name, address and telephone number of person, firm, or corporation who will be conducting the actual removal operation.
   c. Location, size and legal description of the total site area to be mined.
   d. A plan for extraction and reclamation for the total project which shall include:
      1) Surface overburden and topsoil stripping and stockpiling plans.
      2) Provisions for grading, re-vegetation, and stabilization that will prevent soil erosion, sedimentation and public safety problems.
      3) A feasible and detailed plan for the re-use of the reclaimed site, consistent with the intent of the zoning district(s) in which the facility is located.
   e. Surface water drainage provisions and outlets.
   f. The location and size of any structures
   g. Approved soil erosion permits. If such permit has not been issued, a copy of the permit application may be appended to the special use application and any approval shall be conditioned upon issuance of such soil erosion permit.
2. Reclamation: All extraction areas shall be reclaimed progressively as they are worked out. Reclaimed sites shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All slopes and banks remaining above water level and

below water level to a depth of six (6) feet shall be graded to angles which do not exceed one (1) foot in elevation for each three (3) feet of horizontal surface and they shall be treated to prevent erosion or any other potential deterioration. No more than five (5) acres of the site shall be open at any time.

3. Site Development Requirements:
   a. Setbacks in which no part of the mining operation may take place, except for ingress and egress shall be as follows:
      1) Excavation below the existing grade of adjacent roads or property lines shall not take place within twenty-five (25) feet from any adjacent property line or road right-of-way.
      2) No machinery will be erected or maintained within one hundred (100) feet of any property or road right-of-way line.
   b. Fencing: If fencing is deemed a necessary requirement, the Planning Commission shall specify the type, characteristics, and location of the required fencing.
   c. Interior access roads, parking lots, haul road, loading and unloading areas and stockpiled materials shall be maintained so as to limit the nuisance caused by wind-blown dust.
   d. Hours of operation shall be established by the Planning Commission as part of the special use approval.
   e. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.
4. Failure to maintain all required State or Federal licenses and/or to develop and maintain a surface mining operation in accord with the terms of the Special Use permit may result in the immediate revocation of said Special Use permit and any and all other sanctions and/or penalties available to the City, County, and/or State.
5. Evidence of Continuing Use: When activities on or the use of the mining area, or any portion thereof, have ceased for more than one (1) year or when, by examination of the premises or other means, the Zoning Administrator determines a manifestation of intent to abandon the mining area, the Zoning Administrator shall give the operator written notice of their intention to declare the mining area or portion thereof abandoned. Within thirty (30) days following receipt of said notice, the operator shall have the opportunity to rebut the Zoning Administrator's evidence and submit other relevant evidence to the contrary. If the Zoning Administrator finds the operator's evidence of continued use satisfactory, it shall not declare abandonment.
6. Financial Guarantees: A minimum performance guarantee of $3,000.00 plus a minimum $2,000.00 per excavated acre shall be filed with the City Treasurer. The performance guarantee shall be in the form of a letter of credit, a certified check, a cash bond or an insurance policy with the City named as an insured party. The bond shall be returned when all conditions stipulated in the Special Use permit have been met and the Special Use permit revoked prior to its release. There shall be no partial release of the bond.

7. Issuance of a Special Use Permit: Permits for surface mining shall be issued to the operator. If an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Planning Commission may release the operator from the duties imposed upon him by this Ordinance, as to the operation, but only if the successor, operator, or property owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Special Use permit may be transferred.
8. Permit Expiration: If approval for a Special Use permit is granted by the Planning Commission it shall extend a specific period of time not to exceed five (5) years. Those permits granted for a period exceeding one (1) year shall be inspected a minimum of once a year by the Zoning Administrator to insure compliance with the permit and Ordinance.
9. Modification of the General Site Plan: The General Site Plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology, or to correct an oversight. The Planning Commission may require the modification of the General Site Plan when:
   a) Modification of the plan is necessary so that it will conform to the existing laws.
   b) It is found that the previously approved plan is clearly impractical to implement and maintain.
   c) The approved plan is obviously not accomplishing the intent of the Ordinance.

SECTION 1857 RESERVED

SECTION 1858 MIXED-USE DEVELOPMENT

A. Definition. A development of a tract of land, building, or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

B. Regulations and Conditions.

1. The applicant shall demonstrate how the proposed mixing of uses will reduce traffic generation and provide a substantial amenity for the City of Manistee.
2. The mixing of uses will be compatible with adjacent land uses, the natural environment, and the capacities of affected public services and facilities, and such use shall be consistent with the public health, safety and welfare of City of Manistee residents. The mixing of uses shall be consistent with the policies set forth in the City of Manistee Comprehensive Plan.
3. The development shall consolidate and maximize usable open space, wherever possible.
4. The applicant shall demonstrate that the proposed mixing of uses will not constitute a nuisance to future inhabitants or users of the development, or the City in general.

5. Off-street parking facilities for such mixed uses may be provided collectively, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use, unless the Planning Commission finds that such requirements are may be modified due to varying hours of operation or other factors.
6. A proposed Mixed-Use Development shall be designed in such a manner that will lead to compatible, efficient, and attractive uses of property in the City of Manistee, and shall:
   a. Encourage unique retail, office and residential use alternatives.
   b. Continue and augment the City's traditional neighborhood patterns.
   c. Establish neighborhood places that will define and strengthen the community character and supplement the identity of the City.
   d. Provide for the redevelopment of underutilized sites.
   e. Facilitate pedestrian oriented development using design options such as sidewalk cafes, rear parking, residential condominiums above small-scale service uses, and enhanced landscape open spaces, squares, and parks.
7. Vehicular and pedestrian circulation within the development and access to the development shall be safe, convenient, non-congested and well defined. Shared access to parking areas will be required, where appropriate.
8. A Mixed-Use Development shall not infringe unreasonably on any neighboring uses.
9. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1859 MORTUARY

A. Definition. A facility for the preparation of the deceased for burial or cremation and for visitation and for the conduct of memorial and funeral services.

B. Regulations and Conditions.

1. A proposed Mortuary shall be located on a parcel of land with a minimum area of one-half (1/2) acre. Provided, however, that such facility shall not exceed the maximum lot coverage requirements of this ordinance.
2. A proposed Mortuary with a total combined seating capacity of one hundred (100) or more shall be regarded as a Large Place of Public Assembly and shall meet the standards of **Section 1868**.

   a. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
3. A mortuary shall front on and be accessed from a key street segment, as defined herein.

4. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
5. No building shall be located closer than fifty (50) feet from a property line that abuts any residentially used or zoned property.
6. Loading and unloading areas used by ambulances, hearses, or other such service vehicles shall be obscured from all residential view with a wall six (6) feet in height. Evergreen landscaping may also be required by the Planning Commission.
   a. All required federal, state and local licensing and permits shall be maintained at all times.
7. A mortuary that includes a crematorium shall not be located in R-2, R-3 or C-2 districts.
8. All exterior lighting shall be in accordance with **Section 525** hereof.
9. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
10. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
11. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1860 RESERVED

SECTION 1861 MOTEL

A. Definition. 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.

B. Regulations and Conditions.

1. The property shall be suitable for transient lodging facilities with overnight lodgers staying typically not longer than seven (7) nights.
2. A Motel that includes auditorium or public meeting space shall be further regulated under the provisions of Places of Public Assembly, per **Section 1868,** and a Motel that includes an Eating and Drinking Establishment shall be further regulated by the provisions of **Section 1835.**
3. The use and the impact of the establishment shall be compatible with other allowed uses in the vicinity in terms of parking, traffic, noise, design, and odors.
4. All exterior lighting shall be in accordance with **Section 525** hereof.
5. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
6. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
7. All off-street parking shall be in compliance with **Section 514** of this Ordinance.

8. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.
9. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use permit for a motel.
10. Within the P-D and W-F district, a Motel shall front on and be accessed primarily from a key street segment, as defined herein.
    [Annotation: PD was added by amendment Z-12-08; effective 10/27/12]

SECTION 1862 NURSING HOME OR CONVALESCENT HOME

A. Definition. 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.

B. Regulations and Conditions.

1. A nursing home proposed to be located within the R-2 district shall not provide care for more than twenty (20) persons.
2. The use shall be established and maintained in accordance with all applicable Local, State and Federal laws. As a condition of Special Use approval, at all times the nursing home shall maintain all valid state and local licenses.
3. A nursing home shall not be located within fifteen hundred (1,500) feet of any other nursing home.
4. All exterior lighting shall be in accordance with **Section 525** hereof.
5. A Nursing Home located in the R-2 or R-3 districts shall front on and be accessed from a key street segment, as defined herein.
6. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
7. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
8. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1863 RESERVED

SECTION 1864 OUTDOOR SALES FACILITY

A. Definition. The display and sales of products and services primarily outside of a building or structure, including vehicles, garden supplies, boats and aircraft, farm equipment, motor homes, burial monuments, manufactured housing, recreational vehicles, building and landscape materials, and lumber yards.

B. Regulations and Conditions.

1. An Outdoor Sales Facility shall front on and be accessed from a key street segment, as defined herein.

2. Lot area, lot width, and other dimensional requirements of the zoning district shall be complied with; provided, that no item or items displayed outdoors shall be greater than thirty-five (35) feet in height.
3. All exterior lighting shall be in accordance with **Section 525** hereof.
4. The Planning Commission may establish, as a condition of approval, hours of operation for the Outdoor Sales Facility.
5. The Planning Commission may establish, as a condition of approval, buffering mechanisms, including, but not limited to, evergreen landscaping, berms, and fencing; and such conditions may be in addition to the Landscaping and Buffering standards of **Section 531** of this Zoning Ordinance to mitigate the visual impact of an Outdoor Sales Facility.
6. The Planning Commission may make reasonable inquiries of the applicant, including, but not limited to, what types of items will be for sale. Certain items, as determined by the Planning Commission, may be restricted for display to rear or side yards and with adequate screening or fencing.
7. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line. Unless specifically approved by the Planning Commission, the use of amplifiers, banners, and other attention gathering devices shall be prohibited. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
8. The outdoor sales area shall be paved, or mechanisms to prevent the creation of dust shall be implemented. The site plan shall include measure satisfactory to the Planning Commission to contain blowing dust, trash and debris on the site.
9. All off-street parking shall be in compliance with **Section 514** of this Ordinance.

SECTION 1865 PARKING FACILITY

A. Definition. A parking area used to temporarily store motor vehicles.

B. Regulations and Conditions.

1. A Public Parking Facility shall be designed in accord with the standards of **Section 514** of this Ordinance.
2. Landscaping and Buffering shall be provided pursuant to standards set forth in of **Section 531** of this Zoning Ordinance; provided, that landscaping and buffering shall be provided to screen any Parking Facility from an adjacent residentially zoned or used parcel.
3. All exterior lighting shall be in accordance with **Section 525** hereof.
4. The applicant shall demonstrate to the Planning Commission the need for the proposed parking facility, and also the sufficiency of the spaces provided to meet the needs of adjacent land uses.

5. A site plan shall be submitted illustrating clearly marked circulation patterns. The City shall retain the right to approve or deny locations of curb cuts, spaces, and drive aisles.
6. Within the R-2, R-3 districts, a Parking Facility shall front on a key street segment, as defined herein.

[Annotation: Definition was changed deleting Language "available to the public, with or without fee", Item #2 had Language "Public" deleted, Item #6 was added by amendment 08-02, effective 2/29/08]

SECTION 1866 RESERVED

SECTION 1867 PERSONAL SERVICE ESTABLISHMENT

A. Definition. 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, health clubs and similar facilities.

B. Regulations and Conditions.

1. Such facilities shall be located, designed or incorporate measures satisfactory to the Planning Commission such that no objectionable noise, odor or fumes shall be carried onto adjoining property located within the R-1, R-2, R-3 or R-4 districts.
2. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate, and shall not be visible from any lot line.
3. As a condition of approval, the Planning Commission establish hours of operation for a Personal Service Establishment, if in the judgment of the Planning Commission such restrictions are needed to assure the compatibility of the facility with neighboring uses.
4. The exterior of the building shall be compatible with, and similar to, neighboring uses.
5. All exterior lighting shall be in accordance with **Section 525** hereof.
6. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
7. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
8. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.
9. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use permit for a personal service establishment.

SECTION 1868 PLACE OF PUBLIC ASSEMBLY

A. Definitions.

1. 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.

2. Place of Public Assembly, Large: A place of public assembly shall be considered a large facility if it has either two thousand (2000) square feet or more in gross floor area, total seating capacity of more than one hundred (100) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future.
3. Place of Public Assembly, Small: A place of public assembly shall be considered a small facility if it has either less than two thousand (2,000) square feet in gross floor area or total seating capacity of no more than one hundred (100) in the largest room intended for public assembly.

B. Regulations and Conditions.

1. Large Places of Public Assembly.
   a. A Large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined herein, unless it is located on a parcel of land with a minimum area of five (5) acres. [Annotation: The language "unless it is located on a parcel of land with a minimum area of five (5) acres was added by amendment Z11-09, effective 1/28/12]

      [Annotation: on May 9, 2013 the Zoning Board of Appeals interpreted the Zoning Ordinance and determined since a Large Place of Public Assembly which is located on a parcel of land with a minimum area of five (5) acres does not need to front on or be accessed primarily from a key street segment, if that Large Place of Public Assembly were to include an Eating and Drinking Establishment as an accessory use, and is located in the R-2 or R-3 districts, it would not need to front on or be accessed from a key street segment.]
   b. A Large Place of Public Assembly that includes an Eating and Drinking Establishment shall meet the standards of **Section 1835**, hereof.
   c. The Zoning Administrator may require the completion of a traffic impact study under the terms of **Section 2203, E, 2** of this Zoning Ordinance.
   d. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
   e. All exterior lighting shall be in accordance with **Section 525** hereof.
   f. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
   g. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.
2. Small Places of Public Assembly
   a. A Small Place of Public Assembly located in the R-1 and R-2 districts shall front on and be accessed primarily from a key street segment, as defined herein.
   b. A Small Place of Public Assembly that includes an Eating and Drinking Establishment shall meet the standards of **Section 1823**, hereof.
   c. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
   e. All exterior lighting shall be in accordance with **Section 525** hereof.
   f. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
   g. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1869 RESERVED

SECTION 1870 PLANNED UNIT DEVELOPMENT

A. Definition. A special land use intended to accommodate developments with mixed or varied uses, innovative design features and/or sites with unusual topography or unique settings.

B. Statement of Intent. It is the purpose of this section to permit flexibility in the regulation of land development, and to encourage innovation and variety in land use and design of projects. The basic provisions concerning Planned Unit Development are the subdivision, development, and use of land as an integral unit, combining more than one primary land use and which may provide for single-family residential, multi-family residential, education, business, commercial, recreation, park and common use areas, which are compatible with one another and provide for efficient use of land. The objectives of these Planned Unit Development standards shall be:

1. To permit flexibility in the regulation of land development.
2. To encourage innovation in land use and variety in design, layout, and type of structures constructed.
3. To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities.
4. To encourage useful open space, and to provide improved housing, employment, and shopping opportunities particularly suited to the needs of the residents of the State and City.
5. To encourage the innovative use, re-use, and improvement of existing sites and buildings.

C. Regulations and Conditions: In its establishment and authorization as a special use, in addition to the foregoing provision, the following procedures, standards and conditions shall be observed. Where the Planning Commission determines it is necessary to allow a more flexible and innovative development to occur it may recommend that the terms of the Manistee Zoning Ordinance and Subdivision Regulations be adjusted in accordance with the provisions of this Section. Planned Unit Developments shall meet the following general standards:

1. The use shall be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and that such use is consistent with the public health, safety and welfare of the residents of the City of Manistee and the benefits of the development shall not be achievable under any single zoning classification.
2. The use shall be consistent with the City of Manistee Master Plan and the Future Land Use Map.
3. The use and development shall be warranted by the design and additional amenities

made possible with and incorporated by the development proposal.

4. The development shall consolidate and maximize usable open space.
5. Landscaping shall be provided to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment.
6. Vehicular and pedestrian circulation, allowing safe, convenient, non-congested and well-defined circulation within and access to the development shall be provided.
7. Existing important natural, historical and architectural features within the development shall be preserved.

D. Dimensional and Use Standards: In acting upon the application, the Planning Commission may alter lot size standards, required facilities, buffers, open space areas, setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules, and miscellaneous regulations, where such regulations or changes are reasonable and consistent with the intent, objectives, and standards set forth in **Section 1870, 2**. Further, the Planning Commission may also alter residential density limits, providing they are generally compatible with the purpose and intent of the Planned Unit Development Section B of this ordinance, are compatible with adjacent land uses, and do not over burden roadway capacity.

The Planning Commission may authorize principal and other uses not permitted in the district where the land is located, provided that such are consistent with the intent of this section and the standards set forth herein. Dimensional and parking use restrictions of the underlying zoning shall not apply to the area within an approved PUD unless expressly retained in the permit.

Any deviations granted under this section which do not conform to the City of Manistee Master Plan shall include written findings of fact justifying the exceptional variance.

[Annotation: The last paragraph was added by amendment 07-15, effective 5/29/07]

E. PUD Application. A planned unit development application shall be submitted to the Site Plan Review Committee (Subcommittee) of the Planning Commission for review, analysis, and recommendation. An application fee is required and shall be non-refundable. The City Council shall by resolution establish the amount of the application fee. All land for which application is made must be owned by or under the control of the applicant, and the parcel must be capable of being planned and developed as one integral unit including any non-contiguous parcels. The application must be signed by all applicants and must contain the materials described in this Section. Failure of the applicant to provide such requested information in a timely manner may delay the process of review. The following shall accompany a planned unit development special use application, unless waived by the Site Plan Review Committee (Note: the Planning Commission may request this additional information after the Public Hearing on the application: [Annotation: The paragraph was changed to provide review by the Site Plan Review Committee to expedite the application process by amendment 07-15, effective 5/29/07]

1. A detailed narrative description of the applicant's intent and objectives (physical, social, and environmental).
2. A certified boundary survey and legal description of the property.
3. A statement of present ownership of all land contained in the PUD.
4. Population profile for the development.
5. Proposed financing.
6. Development staging.
7. Estimated impact of the proposed development on roads, schools, and utilities, including water and sewer, fire protection and emergency services.
8. Waste emissions and methods of handling smoke, dust, noise, odors, liquid and solid wastes, and vibrations, if applicable.
9. Market and economic feasibility.
10. Such other information pertinent to the development or use.
11. Twelve (12) copies of a Preliminary Site Plan, that includes all the requirements of **Article 22** plus:
    a. A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer, a certified boundary survey and legal description of the property.
    b. Property parcel number (from the Assessment Roll of the City).
    c. Existing and proposed topography of the site at two (2) foot contour intervals, its relationship to adjoining land, and proposed changes in topography.
    d. Illustration of existing natural and man-made features, existing land use and zoning for the entire site and surrounding area within one hundred (100) feet.
    e. All water features; springs, streams and creeks, lakes and ponds, wetlands, and flood plains.
    f. Proposed setbacks from property lines and building separations distances.
    g. Locations, heights and sizes of existing and proposed structures and other important features.
    h. A rendering of the exterior elevation of the proposed buildings and structures, on-site parking, sidewalks, and travel lanes.
    i. A land use tabulation summary shall be provided indicating types of uses, acreage for each land use, number of units, densities and land use intensities.
    j. The percentage of land covered by buildings, parking and landscape open space, or preserved open space.
    k. Dwelling unit density where pertinent.

l. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.

m. Curb-cuts, driving lanes, parking, and loading areas.

n. Location and type of drainage, sanitary sewers, storm sewers, and other facilities.

o. Location and nature of fences, landscaping and screening. The proposed landscape massing, open spaces and their intended use, active and passive recreation facilities pursuant to the landscaping and buffering standards of **Section 531**.

p. Signage characteristics and on-site illumination.

q. The location of all existing trees having five (5) inches or greater diameter at breast height, identified by common or botanical name. Trees proposed to remain, to be transplanted or to be removed shall be so designated. Cluster of trees standing in closed proximity (3-5 feet or closer) may be designated as a "stand" of trees, and the predominant species, estimated number and average size shall be indicated.

r. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public, as may be requested by the Planning Commission.

F. Procedure.

1. Prior to formal submittal of application, applicant shall meet at least once with the Site Plan Review Committee. When the applicant is ready to submit a formal application to the Planning Commission, it shall be accompanied with written review and recommendation from the Site Plan Review Committee. The Zoning Administrator shall then schedule a public hearing. [Annotation: The last paragraph was changed by amendment 07-15, effective 5/29/07]

2. A public hearing by the Planning Commission shall be held on each planned unit development request properly filed under the terms of this ordinance The administrator shall notify the following persons not less than 15 days before the date that the application will be considered:

   a. The applicant.

   b. The owner of the property, if different

   c. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the City of Manistee or not.

   d. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the City of Manistee or not.

   e. The general public by publication in a newspaper which circulates in the City of Manistee. The notice shall include:

1) The Nature of the Planned Unit Development being requested.
2) The property(ies) for which the request has been made.
3) A listing of all existing street addresses within the property(ies) which is (are) subject of the Planned Unit Development. (Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used).
4) The location where the application documents can be viewed and copied prior to the date the application will be considered.
5) The date, time and location of when the public hearing will take place.
6) The address where written comments with signature will be directed prior to the consideration.

[Annotation: This section was changed to comply with the requirements of the Michigan Zoning Enabling Act by amendment 07-15, effective 5/29/07]

G. Decisions.

1. If the Planning Commission determines that the PUD application is consistent with the intent of this Section and with the other standards and requirements herein contained, it shall adopt a resolution approving the proposed PUD in accordance with the application and material submitted, or approving the proposed PUD in accordance with the application and material submitted and subject to any conditions that the Planning Commission believes are necessary to carry out the intent and standards of this ordinance. Such conditions of approval shall:
   a. Be designed to protect natural resources, the health, safety and welfare of the community, including those who will use the proposed development,
   b. Be related to the valid exercise of the police power and purposes which are affected by the proposed PUD, and
   c. Be necessary to meet the intent and purpose of this Ordinance, the standards established for planned unit development and be necessary to assure compliance with this Ordinance.
2. If the Planning Commission determines that the PUD application is not consistent with the intent of this Section, it shall adopt a resolution denying the application.
3. In either event, the decision of the Planning Commission shall recite the findings of fact and the reasons upon which it is based.

H. Effect. After approval of a PUD, the land to which it pertains shall be developed and used in its entirety only as authorized and described in the order approving the PUD or only as authorized by the provisions of this Ordinance which would apply if the PUD order had not been issued.

I. Phased PUD. Each phase of a PUD shall be planned, developed, and approved to exist as a complete development able to stand on its own in the event subsequent phases are not implemented.

J. Amendments. An order approving a PUD may be amended as follows:

1. Minor amendments. Minor amendments are those which will have no foreseeable effect beyond the property boundary such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways and parking areas. Minor amendments for good cause may be authorized by the Zoning Administrator provided no such changes shall increase the size or height of structures, reduce the efficiency or number of public facilities serving the PUD, reduce usable open space, alter the land uses proposed, or encroach on natural features proposed by the plan to be protected.
2. Major amendments. Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be reviewed and authorized by the Planning Commission according to the procedures authorized by this section for approval of a planned unit development.

K. Termination. The PUD order shall expire two years from date of final approval if the applicant has not commenced substantial construction and is not diligently proceeding to completion. Upon written request stating the reasons therefore, the Planning Commission may extend the time for commencement of construction. An approved PUD may be rescinded at any time by the Planning Commission for violation of the order by the applicant, its successors, agents or assigns after notice to the current owners and occupiers of the PUD area and after a hearing on the violation. Upon termination of an approved PUD the zoning requirements shall revert to the current requirements for the zoning district designated for the property prior to the order.

L. Ordinance Amendment. A planned unit development approval shall not be considered an ordinance amendment or a rezoning of the property.

SECTION 1871 POWER GENERATING FACILITY

A. Definition. A facility designed and used for the production of electrical energy primarily for the purpose of commercial sale of electrical energy to wholesale and retail customers connected to electrical transmission grid. Such facilities may include coal, diesel, fuel oil, natural gas combustion as well as solid waste incinerators.

Regulations and Conditions.

1. A proposal to establish a Power Generating Facility shall not be approved unless the Planning Commission reaches a finding, based on objectively verified evidence, that all processes to be used in the handling of fuel material, the combustion of fuels, the disposal of any byproduct, the handling of cooling water, the transmission of electrical energy, the handling of process chemicals and liquids, the maintenance of equipment and all processes and procedures associated with the facility shall be the most advanced such systems in terms of the following criteria:
   a. Potential environmental impacts on air, surface water, ground water, soils, and natural features, shall be minimized or fully mitigated,

b. Potential community impacts on nearby land uses, public infrastructure and the economic vitality of the community shall be demonstrated to be either neutral or positive,
c. Potential impacts on the health of residents of the City of Manistee and surrounding communities and on plant and wildlife communities in the vicinity shall be negligible,
d. Potential safety impacts on the residents of the City of Manistee and surrounding communities and employees of the facility shall be fully and adequately addressed.

2. The applicant shall fully disclose
   a. The nature and quantity of all fuels, chemicals, hazardous materials to be used or stored on site and all uses and activities shall at all times comply with **Section 520** hereof.
   b. All operating and procedural details of the proposed facility including, but not limited to, equipment specifications, maintenance schedules, capital replacement schedules and plans for eventual decommissioning of the facility.
   c. The chemical constituents of all emissions to the air, groundwater and surface waters.
   d. The organizational, capital and operating financial structure for the proposed facility including resumes of officers, all members of the board of directors and key technical staff assisting in the development.
   e. The proposed phasing of the project including any change in ownership of the facility during development or following start-up.
   f. All required federal, state and local permits needed for facility operation, the procedures for permit application, the standards for review and approval, the specific agencies responsible for permit review and the status of all such permit applications.
3. An application for a Power Generating Facility shall include an environmental assessment in accord with the requirements of the City of Manistee as established by the Zoning Administrator.
4. Wastewater discharges to the City of Manistee municipal wastewater system shall conform to the requirements of the City's industrial pre-treatment program. No toxic or hazardous materials shall be discharged to groundwater or surface waters. No process or cooling waters shall be discharged to Manistee Lake or the Manistee River Channel if the average temperature of such process or cooling water exceeds the natural and seasonally adjusted temperature of the receiving body of water by more than five degrees (5°) Fahrenheit.
5. All manufacturing and processing activities shall take place inside a fully enclosed building or structure. Outdoor storage shall be permitted but shall be buffered with a wall of evergreens, or 6-foot tall fencing designed to be compatible with the surrounding neighborhood.

6. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.
7. All local, county, state, and federal laws, statutory, and regulatory requirements shall be met at all times. Any failure to comply with any federal or state licensing or permitting requirement shall be grounds for the revocation of any special use permitted issued pursuant to this section.
8. In addition to the provisions of **Section 531**, the Planning Commission may require additional open space and landscape buffer screening the proposed special use from adjacent property.
9. All exterior lighting shall be in accordance with **Section 525** hereof.
10. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
11. All off-street parking shall be in compliance with **Section 514** of this Ordinance.

SECTION 1872 RESERVED

SECTION 1873 PROCESSING AND MANUFACTURING

A. Definition. 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, liquors, food and fiber products, minerals and compounds, and such related activities as storage, packaging, shipping and scrapping.

B. Regulations and Conditions.

1. The applicant shall disclose the nature and quantity of all chemicals, hazardous materials to be used or stored on site and all uses and activities shall at all times comply with **Section 520** hereof.
2. Wastewater discharges to the City of Manistee municipal wastewater system shall conform to the requirements of the City's industrial pre-treatment program. No toxic or hazardous materials shall be discharged to groundwater or surface waters.
3. Within one hundred (100) feet of a R-1, R-2, or R-3 district, all manufacturing and processing activities shall take place inside a fully enclosed building or structure. Outdoor storage shall be permitted but shall be buffered with a wall of evergreens, or 6-foot tall fencing designed to be compatible with the surrounding neighborhood.
4. All local, county, state, and federal laws, statutory, and regulatory requirements shall be met at all times. Any failure to comply with any federal or state licensing or permitting requirement shall be grounds for the revocation of any special use permitted issued pursuant to this section.
5. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.

6. In addition to the provisions of **Section 531**, the Planning Commission may require additional open space and landscape buffer screening the proposed special use from adjacent property.
7. All exterior lighting shall be in accordance with **Section 525** hereof.
8. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
9. All off-street parking shall be in compliance with **Section 514** of this Ordinance.

SECTION 1874 PROFESSIONAL OFFICE

A. Definition. The office of a member of a recognized profession maintained for the conduct of that profession.

B. Regulations and Conditions. Professional offices proposed within the R-2 and R-3 districts shall be subject to the following requirements.

1. The minimum parcel area shall be not less than the required minimum parcel area for a single-family dwelling in the R-2 and R-3 Districts and a professional office shall front on and be accessed primarily from a key street segment, as defined herein.
2. An office building shall be setback not less than 15 feet from any adjoining property zoned or used for residential purposes.
3. All parking areas that abut property zoned or used for residential purposes shall be effectively screened with landscaping or an approved fencing and all landscaping and buffering shall be provided in accordance with **Section 531** of this Ordinance.
4. Special land use approval shall not be granted for an office building proposed to be located within an existing structure in a residential district if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
5. All exterior lighting shall be in accordance with **Section 525** hereof.
6. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
7. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
8. All parking shall be in accordance with **Section 514** of this Ordinance.

SECTION 1875 RESERVED

SECTION 1876 PROFESSIONAL SERVICE ESTABLISHMENT

A Definition. An establishment engaged in providing assistance, as opposed to products, to individuals, businesses, industries, governments, and other enterprises, including printing, legal, engineering, consulting, and other similar services.

B. Regulations and Conditions. Professional service establishments may be permitted as special land uses in the R-2 and R-3 districts, subject to the following requirements.

1. The minimum parcel area shall be not less than the required minimum parcel area for a single-family dwelling in the district and within the R-2 and R-3 districts, a professional service establishment shall front on and be accessed primarily from a key street segment, as defined herein.
2. A building containing a professional service establishment shall be setback not less than 15 feet from any adjoining property zoned or used for residential purposes, unless within the C-3 district.
3. All parking areas that abut property zoned or used for residential purposes shall be effectively screened with landscaping or an approved fencing and all landscaping and buffering shall be provided in accordance with **Section 531** of this Ordinance.
4. Special land use approval shall not be granted for a professional service establishment proposed to be located within an existing structure in a residential district if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
5. All exterior lighting shall be in accordance with **Section 525** hereof.
6. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
7. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
8. All parking shall be in accordance with **Section 514** of this Ordinance.

SECTION 1877 RETAIL BUSINESS

A. Definition. 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.

B. Regulations and Conditions.

1. All exterior lighting shall be in accordance with **Section 525** hereof.
2. The Planning Commission shall determine whether the proposed retail special use will be essentially compatible with the character of the proposed site and the existing uses in the vicinity. The Planning Commission may require reasonable site improvements to assure the proposed special use is designed to fit into the framework of the existing neighborhood.
3. Site circulation patterns and access locations on the property shall provide for the safe and efficient movement of pedestrians and vehicles and within the R-2 and R-3 districts.
3. A retail business in the R-2 and R-3 districts shall front on and be accessed primarily from a key street segment, as defined herein.
5. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.

6. The Planning Commission may establish architectural design standards for retail business uses located within the R-2 and R-3 to assure compatibility with the residential character of the vicinity.
7. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
8. The Planning Commission may establish hours of operation for retail uses consistent with the character of the neighborhood
9. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance; provided, the Planning Commission shall retain the right to require additional landscaping and buffering as necessary to preserve the neighborhood.

SECTION 1878 RESERVED

SECTION 1879 SEXUALLY ORIENTED BUSINESS

A. Purpose of Regulation. The purpose and intent of the sections of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the City and to minimize their negative secondary effects. It is recognized that sexually oriented businesses because of their very nature, have serious objectionable operational characteristics, which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented uses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of City residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United Sates Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities that are prohibited by the Ordinances of the City, or state or federal law. If any portion of **Section 1879,** including the definitions appearing in **Article 2** and referenced in **Section 1879,** is found to be invalid or unconstitutional by a court of competent jurisdiction, the City intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law.

B. Definitions. Definitions associated with sexually oriented businesses are found in **Article 2** of this Zoning Ordinance.

C. Regulations and Conditions. Sexually Oriented Businesses shall be subject to the following standards:

1. The proposed Sexually Oriented Business shall not be located within five hundred (500) feet of any residentially zoned property, park, school, child care organization, place of worship or other Sexually Oriented Business. The distance between a proposed Sexually

Oriented Business and any residence, residentially zoned property, park, school, child care organization, place of worship or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed Sexually Oriented Business is intended to be located to the nearest property line of the residence, residentially zoned property, school, child care organization, place of worship, or other Sexually Oriented Business.

2. Entrances to the proposed Sexually Oriented Business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that:
   a. "Persons under the age of eighteen (18) are not permitted to enter the premises," and
   b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
3. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining road right-of-way or a neighboring property.
4. Hours of operation shall be limited to 8:00 A.M. to 11:00 P.M., Mondays through Saturdays.
5. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
6. All signs shall be in accordance with **Article 21** of this Ordinance. Provided, however, that no sign visible from the nearest adjoining road right-of-way or a neighboring property shall display or depict any Specified Anatomical Areas or Specified Sexual Activities
7. All parking shall be in accordance with **Section 514** of this Ordinance. Provided, however that all off-street parking areas shall be illuminated during all hours of operation of the Sexually Oriented Business, and until one hour after the business closes, such that the off-street parking areas are visible from the nearest adjoining road right-of-way.
8. As a condition of approval and continued operation of a Sexually Oriented Business, such business shall acquire and comply with all pertinent federal, state and local requirements governing its operation and licensing.
9. Any booth, room or cubicle available in any Sexually Oriented Business used by patrons for the viewing of any entertainment characterized as showing Specified Anatomical Areas or Specified Sexual Activities shall:
   a. Be constructed in accord with the Michigan Building Code, as amended.
   b. Be unobstructed by any door, lock or other entrance and exit control device.

c. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
d. Be illuminated by a light bulb of wattage not less than sixty (60) watts, and
e. Have no holes or openings, other than doorways, in any side or rear walls.

SECTION 1880 SPORTS AND RECREATION CLUB

A. Definition. 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.

B. Regulations and Conditions. Sports and Recreation Clubs, whether open to the public or by private membership, shall be subject to the following standards:

1. Such facilities shall maintain, at all times, all required state and local licenses and permits.
2. Any such facilities serving alcoholic beverages shall front on and be accessed from a key street segment, as defined herein.
3. Such facilities serving alcoholic beverages and/or food shall also meet the requirements of **Section 1835**, pertaining to Eating and Drinking Establishments.
4. Such facilities that include paint-ball, archery, and/or shooting ranges shall employ effective physical barriers and isolation distances to assure that no projectile shall carry, or be perceptible, beyond the property limit.
5. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.
6. The Planning Commission may require that any or all of the property of a club facility be fenced to contain any debris or materials used or discarded on site and/or to prevent unauthorized access to the grounds.
7. All exterior lighting shall be in accordance with **Section 525** hereof.
8. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
9. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
10. All parking shall be in compliance with the provisions of **Section 514** of this Ordinance.
11. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1881 RESERVED

SECTION 1882 STUDIO FOR PERFORMING AND GRAPHIC ARTS

A. Definition. 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.

B. Regulations and Conditions.

1. The use shall not bring unreasonable amounts of traffic to residential areas.
2. Within the R-2 district, the facility shall be designed to resemble neighboring residential buildings.
3. The applicant shall demonstrate that noise will not be perceptible at any lot line.
4. The Planning Commission may establish hours of operation for a Studio for Performing and Graphic Arts consistent with the character of the neighborhood.
5. A Studio for Performing and Graphic Arts that includes an auditorium or performance space with seating for more than one hundred (100) persons shall meet the requirements of **Section 1868.**
6. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
7. All parking shall be in compliance with the provisions of **Section 514** of this Ordinance.
8. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.
9. Within the R-2 and R-3 districts, a Studio for Performing and Graphic Arts shall front on and be accessed primarily from a key street segment, as defined herein.

SECTION 1883 TATTOO PARLOR

A. Definition. 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.

B. Regulations and Conditions.

1. Tattoo Parlors shall, as a condition of Special Use approval, at all times maintain all valid state and local licenses.
2. A proposed Tattoo Parlor shall not be approved if it is located within one thousand (1,000) feet of any Educational Facility, religious institution, Day Care, or other Tattoo Parlor.
3. Alcoholic beverages shall not be served, offered or consumed at a Tattoo Parlor.
4. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
5. All parking shall be in compliance with the provisions of **Section 514** of this Ordinance.
6. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

7. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
8. Any biohazard materials or byproducts shall be disposed of as required by the Manistee County Health Department, the Michigan Department of Public Health, or other duly appointed authority.

SECTION 1884 RESERVED

SECTION 1885 THEATER

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

B. Regulations and Conditions.

1. If the applicant is proposing a drive-in theater, the applicant shall demonstrate the estimated duration of the proposed Special Use, and what, if any, use is proposed on the site during the day. A drive-in theater:
   a. May include refreshment stands.
   b. Shall include modern restrooms on-site.
   c. Shall not include any amusement rides.
   d. Shall provide buffering mechanisms to prevent projected images from being visible from neighboring properties or rights-of-way.
2. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
3. All exterior lighting shall be in accordance with **Section 525** hereof.
4. A Theater shall front on and be accessed primarily from a key street segment, as defined herein.
5. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
6. All parking shall be in compliance with the provisions of **Section 514** of this Ordinance.
7. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1886 USES SIMILAR TO USES PERMITTED AS SPECIAL LAND USES

A. Definition. Uses that have characteristics similar to specifically cited Special Uses in terms of trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, clientele and other off-site impacts.

B. Regulations and Conditions.

1. The Planning Commission upon the recommendation of the Zoning Administrator shall make a determination of whether a proposed use is similar to one or more uses

permitted by Special Use permit. In preparing such a recommendation, the Zoning Administrator shall 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 other uses in the vicinity.

2. The Planning Commission shall determine whether or not a proposed Special Use is similar to other permitted Special Uses, and may require of the applicant further information to demonstrate such similarity.
3. Upon a finding of such similarity, the Planning Commission may establish any regulations and conditions necessary to protect the health, wellbeing, safety, and economy of the City and its residents.

SECTION 1887 RESERVED

SECTION 1888 VETERINARY CLINIC

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

B. Regulations and Conditions.

1. Animal wastes, biohazard materials or byproducts shall be disposed of as required by the Manistee County Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than once per week. No animal wastes, biohazard materials or byproducts shall be buried or incinerated on site. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use approval for a Veterinary Clinic.
2. Said use shall be located on a parcel not less than one-half (1/2) acre in size, provided all operations and the housing of animals are contained in one or more completely enclosed buildings.
3. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.
4. Any outdoor exercise areas for animals shall be adequately fenced to prevent both escape from and entry into the facility.
5. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
6. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
7. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.
8. All exterior lighting shall be in accordance with **Section 525** hereof.

SECTION 1889 WAREHOUSE, PUBLIC

A. Definition. A structure used for storage and repackaging of goods, wares, raw materials, equipment, parts and other materials by the owner or operator on behalf of the owner(s) of such items.

B. Regulations and Conditions.

1. All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any Public Warehouse.
2. All exterior lighting shall be in accordance with **Section 525** hereof.
3. The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices and all uses and activities on site shall, at all times, comply with **Section 520** hereof.
4. No processing or manufacturing shall take place within a public warehouse.
5. All parking areas and truck maneuvering areas shall be paved or treated to minimize dust and the site plan shall demonstrate provisions to contain blowing dust, trash and debris on the site.
6. No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
7. No trucks, trailers or other equipment shall be stored in the front yard or closer than ten (10) feet to any side or rear lot line.
8. All signs shall be in compliance with the provisions of **Article 21** of this Ordinance.
9. All off-street parking shall be in compliance with **Section 514** of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1890 RESERVED

SECTION 1891 WELLS, EXTRACTION

A. Definition. Wells installed for the commercial extraction of ground water, crude oil, brine, natural gas, sour gas or similar products. This definition may include any surface or subsurface pumping or processing equipment or facilities.

B. Regulations and Conditions. The following standards shall apply to all Extraction Wells.

1. Intent: The activity of drilling and exploring for, producing, processing, transporting and storing oil, gas, brine or other products extracted from subterranean deposits within the City of Manistee involves, or may involve, hazardous and/or toxic substances and practices and the intent of this section is to provide for the protection of citizens,

workers and property from dangerous and nuisance conditions associated with extraction wells.

2. All Extraction Wells shall be established, operated and maintained in conformity with all state and federal statutes and regulations pertaining thereto.
3. No new Extraction Well shall be located nearer than three hundred (300) feet from an adjoining property line, unless such adjoining property shall contain an existing extraction well.
4. A new Extraction Well for the purpose of exploring for or producing oil, natural gas or hydrocarbons shall be considered a principal use, regardless of other activities carried out on the site. Extraction Wells for the purpose of exploring for or producing ground water, brine, salt water or related products, may be considered an accessory use pursuant to **Section 516**, providing such Extraction Wells include facilities for storage, processing, transporting, refining, combining, packing or other activities.
5. An existing Extraction Well located in the L-I or G-I districts may be reworked, deepened or otherwise operated as an existing use without reference to this section, whether it is currently working or not; provided all State and Federal statutes and regulations are fully met.
6. A new Extraction Well site shall be completely fenced to prohibit unauthorized entry at all times.
7. A new Extraction Well shall include measures or controls satisfactory to the Planning Commission to minimize any objectionable dust, fumes, or odors at any property line.
8. All exterior lighting shall be in accordance with **Section 525** hereof.
9. Height limitations set forth in **Sections 1603, E and 1703, E** shall apply to derricks and other drilling equipment, unless specifically waived by the Planning Commission. In considering a request for such a waiver, the Planning Commission may require site improvements, screening, increased setbacks or other measures to mitigate the imposing nature of tall structures.
10. A new Extraction Well shall include measures or controls satisfactory to the City Engineer to prevent any discharge of any hazardous materials to the City of Manistee sanitary sewer system, stormwater system or any natural or man-made stream or lake. There shall be no off-site discharge of storm water except to an approved drainage system in accord with the City's engineering requirements.
11. Noise generated on site from any source shall not exceed 60 decibels measured at any property line.
12. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with **Section 520** hereof, and any applicable State or Federal requirements.
13. All signs shall be in accordance with **Article 21** of this Zoning Ordinance.
14. All parking shall be in accordance with **Section 514** of this Zoning Ordinance.

15. Landscaping and Buffering shall be provided in accordance with **Section 531** of this Zoning Ordinance.

SECTION 1892 WINDMILL (WIND ENERGY CONVERSION SYSTEM)

A. Definition. A Windmill or a Wind Energy Conversion System shall mean all, or any combination of, the following:

1. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;
2. A surface area, either variable or fixed, for utilizing the wind for electrical or mechanical power;
3. 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;
4. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
5. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted, and
6. A Wind Monitoring Station

B. Regulations and Conditions. The following standards shall apply to all Wind Energy Conversion Systems as defined herein except a Wind Monitoring Station.

1. A Windmill or Wind Energy Conversion System shall be located on a parcel at least two and one-half (2-1/2) acres in size.
2. In addition to the special use application, the applicant shall submit an evaluation of the likely impacts of the proposed facility in the following areas:
   a. Noise and vibration at any property line,
   b. Potential impacts on wildlife, including native and migrating birds,
   c. Shadow and glare impacts on adjacent properties, and
   d. Aesthetic impacts of the Windmill on adjoining properties.

3. The applicant shall also submit an appropriately scaled site plan, illustrating the following:
   a. Property lines, dimensions, acreage, and contours with appropriate intervals for site evaluation,
   b. Location and elevation of the proposed Wind Energy Conversion System,
   c. Location and dimensions of all existing structures and uses on the lot within 300 feet of the system,
   d. Height of any structures or trees over thirty-five (35) feet within a five hundred (500) foot radius on-site or off-site of the proposed Wind Energy Conversion System,

e. Surrounding land use and all structures irrespective of height, within five hundred (500) feet of the Wind Energy Conversion System location,
f. Standard drawings of the structural components of the Wind Energy Conversion System, including structures, tower, base, and footings. A registered engineer shall certify drawings and any necessary calculations that the system complies with all applicable local, state, and federal building, structural and electrical codes,
g. Evidence from a qualified individual that the site is feasible for a Wind Energy Conversion System,
h. Certification from a registered engineer or qualified person that the rotor and overspeed control have been designed for the proposed use on the proposed site,
i. That there is a substantial need for the proposed use,
j. Registered Engineer's certification of the design and safety of the proposed tower to withstand winds of eighty-five (85) miles per hour, and
k. Registered Engineer's certification that if the Windmill were to fall, no building or structure – existing or potential – would be damaged.

4. Setbacks.
   a. Wind Energy Conversion Systems shall maintain a minimum setback of two (2) times the total height of the Wind Energy Conversion System from any property line.
   b. Wind Energy Conversion Systems shall maintain a minimum setback of at least five (5) times the Wind Energy Conversion System height from the right-of-way line of any public road or highway.
   c. In all cases the Wind Energy Conversion Systems shall maintain a minimum distance of at least 1.25 times the Wind Energy Conversion Systems height from any habitable structure.
5. Dimensions.
   a. Wind Energy Conversion Systems shall not exceed a total height of one hundred fifty (150) feet unless the parcel on which the Wind Energy Conversion Systems is to be located is ten (10) acres or larger, in which case the maximum total height may be two hundred (200) feet. Such total height shall include both support structure and the highest elevation of the windmill rotor.
   b. In all cases the minimum height of the lowest position of the Wind Energy Conversion System's blade shall be at least thirty (30) feet above the ground.
6. Siting and Design Standards.
   a. Wind Energy Conversion Systems shall not be placed on visually prominent ridgelines.
   b. Wind Energy Conversion Systems shall be designed and placed in such a manner to minimize, to the greatest extent feasible, adverse visual and noise impacts on neighboring areas.

c. Colors and surface treatment of the Wind Energy Conversion Systems and supporting structures shall, to the greatest extent feasible, minimize disruption of the natural characteristics of the site.

d. Wind Energy Conversion Systems shall be equipped with air traffic warning lights, which adequately warn oncoming air traffic without being unreasonably obtrusive to neighboring properties.

7. Safety Measures.

a. Each Wind Energy Conversion System shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.

b. The Planning Commission shall determine the height, color, and type of fencing for Wind Energy Conversion System installation.

c. Appropriate warning signs shall be posted. The Planning Commission shall determine the type and placement of the signs, pursuant to paragraph 11 below.

d. Each Windmill shall be properly grounded to safely sustain natural lightning strikes in conformance with the National Electrical Code.

8. An approved Windmill shall be exempted from height restrictions of the zoning district.

9. Any Windmill facility shall be equipped with anti-climbing devices. Tower climbing apparatus shall not be located within twelve (12) feet of the ground. A locked, protective fence at least six (6) feet high shall enclose a tower capable of being climbed.

10. The Wind Energy Conversion System operator shall maintain a current insurance policy which will cover installation and operation of the Wind Energy Conversion System. The amount of said policy shall be established as a condition of approval. The applicant shall provide documentation or other evidence from the dealer or manufacturer that the Windmill can be successfully operated in the climatic conditions found in the the City of Manistee. The Windmill shall be warranted against any system failures reasonably expected in severe weather operation conditions, as a condition of approval.

11. Wind Energy Conversion Systems shall include no sign or advertising of any kind, except for one sign, not to exceed two (2) square feet posted at the base of the tower, and said sign shall contain the following information:

a. “Warning: high voltage.”

b. Manufacturer’s name.

c. Operator’s name.

d. Emergency phone number.

e. Emergency shutdown procedures.

12. Wind Energy Conversion Systems shall be designed and constructed so as not to cause radio and television interference.

13. If any Wind Energy Conversion System remains non-functional or inoperative for a continuous period of one (1) year, the permittee shall remove said system at their expense. Removal of the system shall mean the entire structure, including foundations, transmission equipment, and fencing, from the property. If removal of towers and appurtenant facilities is required and the permit holder, or successors, fails to remove the towers and appurtenant facilities from the property within 30 days from the date of notification by the Zoning Administrator, the City of Manistee may proceed to remove the towers and appurtenant facilities; in which case, the salvage becomes property of the City; and costs of removing the facilities will remain the burden of the permit holder.

C. A Wind Monitoring Station may be approved by the Planning Commission either as a principal or accessory use in the R-1, R-3 or L-I districts upon the review and approval of a site plan prepared in accord with **Article 22** and upon a finding that the proposed Wind Monitoring Station shall meet the requirements of **Section 1802, A, 1 through 6.**

ARTICLE NINETEEN
U.S. 31 CORRIDOR OVERLAY ZONE

SECTION 1900 FINDINGS

Conditions along U.S. 31 are unique and are changing in Filer and Manistee Township, the City of Manistee and the Little River Band of Ottawa Indians Reservation. A primary function of this state highway is to move traffic through the City of Manistee, Filer Township, Manistee Township, Little River Band of Ottawa Indians Reservation and to points beyond. Studies of motorists traveling along this segment of U.S. 31 indicate, however, that a very high percentage of the traffic has an origin or destination in the city, townships or reservation. Thus, U.S. 31 also has a secondary, but important, function to provide access to adjacent and nearby land uses.

The need for this overlay district is based, in part, on specific studies for U.S. 31 that conclude the road is in need of improved access management. The road's capacity is insufficient to accommodate volumes in the future. Continued development along the corridor will increase traffic volumes and introduce additional conflict points which will further erode traffic operations and increase potential for crashes. Numerous published studies and reports document the positive relationship between well-designed access management systems and traffic operations and safety. Those reports and experiences of other communities demonstrate that implementing standards on the number and placement of access points (driveways and side street intersections) can preserve the capacity of the roadway and reduce the potential for crashes while providing a good business environment. The standards set forth in this Article are based on recommendations published by various national and Michigan transportation agencies that were refined during preparation of the U.S. 31 Corridor Improvement Plan.

The City of Manistee finds that special comprehensive standards are needed along the U.S. 31 corridor based upon the following findings:

A. The combination of roadway design, function (arterial highway), traffic speeds, current and projected traffic volumes, traffic crashes and other characteristics necessitate special access standards.
B. Studies by transportation organizations in Michigan and nationally have found a direct correlation between the number of access points and the number of crashes.
C. The standards of this overlay zone are based upon considerable research and recommendations by the Michigan Department of Transportation ("MDOT").

D. Preservation of roadway capacity through access management protects the substantial public investment in the roadway system and helps avoid the need for costly reconstruction, which disrupts businesses.

SECTION 1901 PURPOSE

The Michigan Department of Transportation has jurisdiction within the highway's right-of-way, while Filer and Manistee Township, Little River Band of Ottawa Indians and the City of Manistee have authority for land use and site plan decisions within individual parcels along the highway. The standards of this overlay district were created to help ensure a collaborative process between the MDOT and the townships, reservation and city on access decisions along U.S. 31 to implement the recommendations of the U.S. 31 Corridor Improvement Plan and other adopted community plans.

Among the specific purposes of this Corridor Overlay Zoning District are to:

A. Preserve the capacity of U.S. 31 by limiting and controlling the number, location and design of access points and requiring alternate means of access through shared driveways, service drives, and access off at cross streets in certain locations.
B. Encourage efficient flow of traffic by minimizing the disruption and conflicts between through traffic and turning movements.
C. Improve safety and reduce the potential for crashes.
D. Avoid the proliferation of unnecessary curb cuts and driveways, and eliminate or reconfigure existing access points that do not conform to the standards herein, when the opportunities arise.
E. Implement the recommendations of the City of Manistee, Filer and Manistee Township Comprehensive Plans and the U.S. 31 Corridor Improvement Plan.
F. Require longer frontages or wider minimum lot widths than are required in other zoning districts to help achieve access management spacing standards.
G. Required coordinated access among adjacent lands where possible.
H. Require demonstration that resultant parcels are accessible through compliance with the access standards herein prior to approval of any land divisions to ensure safe accessibility as required by the Land Division Act.
I. Improve situations where existing development within the corridor area does not conform to the standards and intent of this overlay district.
J. Identify additional submittal information and review procedures required for parcels that front along U.S. 31.
K. Avoid the need for unnecessary and costly reconstruction which disrupts business

operations and traffic flow.

L. Ensure efficient access by emergency vehicles.

M. Improve safety for pedestrians and other non-motorized travelers through reducing the number of conflict points at access crossings.

N. Establish uniform standards to ensure fair and equal application.

O. Provide landowners with reasonable access, though the access may be restricted to a shared driveway or service drive or via a side street, or the number and location of access may not be the arrangement most desired by the landowner or applicant.

P. Promote a more coordinated development review process for the townships, reservation and city with the Michigan Department of Transportation and the Manistee County Road Commission.

SECTION 1902 APPLICABILITY

The standards of this Section shall apply to all lands with frontage along U.S. 31 and illustrated as the U.S. 31 Corridor Overlay Zone on the Zoning Map, or within 200 feet of the U.S. 31 right-of-way.

The regulations herein apply in addition to, and simultaneously with, the other applicable regulations of the zoning ordinance. Permitted and special land uses within the U.S. 31 Corridor Overlay Zone shall be as regulated in the underlying zoning district (as designated on the zoning map), and shall meet all the applicable requirements for that district, with the following additional provisions:

A. The number of access points is the fewest needed to allow motorists reasonable access to the site.

B. Access spacing from intersections and other driveways shall meet the standards within the U.S. 31 overlay zone district, and the guidelines of the City of Manistee Department of Public Works and the recommendations of the U.S. 31 Corridor Improvement Plan as appropriate.

C. Provision has been made to share access with adjacent uses, either now or in the future, including any necessary written shared access and maintenance agreements to be recorded with the County.

D. No building or structure, nor the enlargement of any building or structure, shall be erected unless the Overlay Zone Regulations are met and maintained in connection with such building, structure, or enlargement

E. No land division or subdivision or site condominium project shall be approved within this overlay zoning district unless compliance with the access spacing standards herein is demonstrated.

F. Any change in use on a site that does not meet the access standards of this overlay district, shall be required to submit a site plan for approval by the Planning Commission and submit information to the MDOT to determine if a new access permit is required.

G. For building or parking lot expansions, or changes in use, or site redevelopment that cannot meet the standards of this ordinance due to parcel size or configuration, the Planning Commission shall determine the extent of upgrades to bring the site into greater compliance with the access standards of this overlay district. In making its decision, the Planning Commission shall consider the existing and projected traffic conditions, any sight distance limitations, site topography or natural features, impacts on internal site circulation, recommendations within the U.S. 31 Corridor Improvement Plan, and any recommendations from the MDOT. Required improvements may include removal or rearrangement or redesign of site access points.

H. The standards herein were developed collaboratively between the townships, the reservation, the city and MDOT. Where conflict occurs, the more restrictive regulations shall apply.

SECTION 1903 ADDITIONAL SUBMITTAL INFORMATION

In addition to the submittal information required for site plan review in **Article 22**, the following shall be provided with any application for site plan or special land use review. The information listed in items 1-4 below shall be required with any request for a land division.

A. Existing access points. Existing access points within 250 feet on either side of the U.S. 31 frontage, and along both sides of any adjoining roads, shall be shown on the site plan, aerial photographs or on a plan sheet.

B. The applicant shall submit evidence indicating that the sight distance requirements of the Department of Public Works are met.

C. Dimensions between proposed and existing access points (and median cross-overs if applicable in the future).

D. Where shared access is proposed or required, a shared access and maintenance agreement shall be submitted for approval. Once approved, this agreement shall be recorded with the Manistee County Register of Deeds.

E. Dimensions shall be provided for driveways (width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs) and all curb radii within the site.

F. The site plan shall illustrate the route and dimensioned turning movements of any expected truck traffic, tankers, delivery vehicles, waste receptacle vehicles and similar vehicles. The plan should confirm that routing the vehicles will not disrupt operations at the access points nor impede maneuvering or parking within the site.

G. Traffic impact study. Submittal of a traffic impact study may be required for any special land use that would be expected to generate 100 or more vehicle trips during any peak hour, or 1000 or more vehicle trips daily, or where modifications from the generally applicable access spacing standards are requested. The traffic impact study shall be prepared by a firm or individual that is a member of the Institute of Transportation Engineers with demonstrated experience in production of such studies. The methodology and analysis of the study shall be in accordance with accepted principles as described in the handbook "Evaluating Traffic Impact Studies, a Recommended Practice for Michigan," developed by the MDOT and other Michigan transportation agencies. The Department of Public Works may require calculations or micro-scale modeling to illustrate future operations at the access points and nearby intersections and/or to evaluate various access alternatives.

H. Review coordination. The applicant shall provide correspondence that the proposal has been submitted to the MDOT or Manistee County Road Commission (MCRC) for their information. Any correspondence from the MDOT and MCRC shall be considered during the site plan review process. The Township, City or Little River Band of Ottawa Indians may request attendance at coordination meetings with representatives of the applicable road agency. A review of access shall not be requested from the road agency during a land division or site plan review by the City. The approval of a land division or site plan does not negate the responsibility of an applicant to subsequently secure access permits from the road agency.

SECTION 1904 ACCESS MANAGEMENT STANDARDS

Access points (not including driveways that serve a single family home, duplex or essential service facility structure) shall meet the following standards. These standards are based on considerable research in Michigan and nationally, and were prepared concurrent with guidelines promoted by the MDOT.

A. Each lot/parcel shall be permitted one access point. This access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive or frontage road. As noted above, land divisions shall not be permitted that may prevent compliance with the access location standards of this overlay district.

B. An additional driveway may be permitted by the Planning Commission upon finding the conditions 1 and 2, or 3 and 4, below exist. The additional driveway may be required to be along a side street or a shared access with an adjacent site. Approval by the Planning Commission does not release applicant from having to also obtain approval of applicable road agencies, which may or may not approve the request.

1. The site has a frontage of over 660 feet and the spacing standards between access points listed below are met, and
2. The additional access will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future.

   or

3. A traffic impact study, prepared in accordance with accepted practices as described in this chapter, demonstrates the site will generate over 300 trips in a peak hour or 3000 trips daily, or 400 and 4000 respectively if the site has access to a traffic signal, and
4. The traffic study demonstrates the additional driveway will provide improved conditions for the motoring public and will not create negative impacts on through traffic flow.

C. Access points shall be spaced based upon recommendations of the U.S. 31 Corridor Management Plan, the City Engineer and Michigan Department of Transportation.

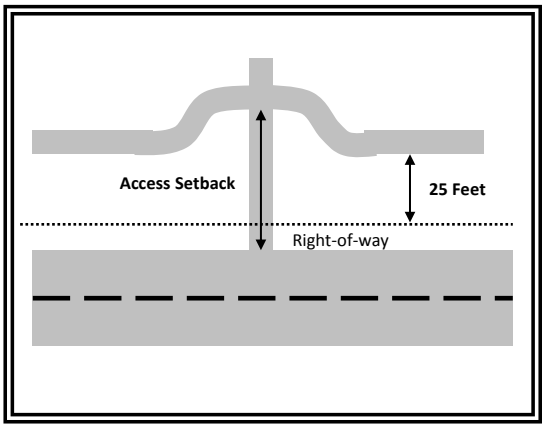
D. Where the subject site adjoins land that may be developed or redeveloped in the future, including adjacent lands or potential outlots, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.

E. Access points along sections of U.S. 31 with an existing or planned median shall be located in consideration of existing or approved median crossovers. A sufficient length for weaving across travel lanes and storage within the median shall be provided, consistent with MDOT published standards. The City supports MDOT policies to limit the number of median crossovers to maintain traffic flow and reduce the potential for accidents. In some cases, existing median cuts may need to be redesigned to meet current design standards.

F. Access points shall be aligned based upon recommendations within the U.S. 31 Corridor Management Plan, the City Engineer and Michigan Department of Transportation.

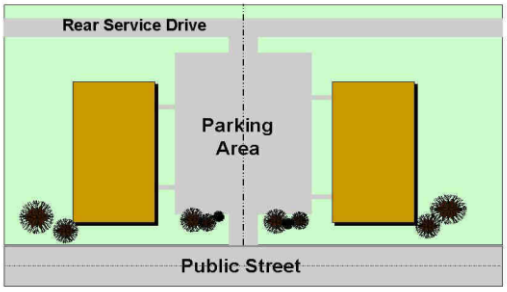
G. Minimum spacing of access points from intersections shall be in accordance with the U.S. 31 Corridor Management Plan and the recommendations of the Michigan Department of Transportation.

H. Where direct access consistent with the various standards above cannot be achieved, access should be via a shared driveway or service drive. In particular, the Planning Commission may require development of frontage roads, or rear service drives where such facilities can provide access to signalized locations, where service drives may minimize the number of driveways, and as a means to ensure that traffic is able to more efficiently and safely ingress and egress.



Frontage roads or service drives shall be constructed in accordance with the following standards:

1. Service drives and frontage roads shall be set back as far as reasonably possible from the intersection of the access driveway with the public street. A minimum of twenty-five (25) feet shall be maintained between the public street right-of-way and the pavement of the frontage road, with a minimum 60 feet of throat depth provided at the access point.
2. The alignment of the service drive can be refined to meet the needs of the site and anticipated traffic conditions, provided the resulting terminus allows the drive to be extended through the adjacent site(s). This may require use of aerial photographs, property line maps, topographic information and other supporting documentation
3. In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. This may require posting of a financial performance guarantee.



Rear Service Drive Design

I. Driveways shall be located to provide safe sight distance, or as determined by the applicable road agency.

J. No driveway shall interfere with municipal facilities such as street lights or traffic signal poles, signs, fire hydrants, cross walks, bus loading zones, utility poles, fire alarm supports, drainage structures, or other necessary street structures. The Zoning Administrator is authorized to order and effect the removal or reconstruction of any driveway which is constructed in conflict with street structures. The cost of reconstructing or relocating any new or proposed such driveways shall be at the expense of the abutting property owner.

SECTION 1905 MODIFICATION OF ACCESS STANDARDS

A. Modification by the Planning Commission. Given the variation in existing physical conditions along the corridors, modifications to the spacing and other standards above may be permitted by the Planning Commission as part of the site plan review process upon a finding that all of the following conditions apply:

1. Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, topography, wetlands, drain or water body, woodlands that will be preserved, existing development, unique site configuration or shape), or existing off-site access points make it impractical to fully comply with the standards.
2. The use involves an access improvement to an existing site or a new use that will generate less traffic than the previous use.
3. The proposed modification is consistent with MDOT guidelines and MDOT staff support the proposed access design.
4. The proposed modification is consistent with the general intent of the standards of this overlay district and the recommendations of the U.S. 31 Corridor Study.
5. If deemed necessary by the Planning Commission, a traffic study by a qualified traffic engineer has been provided that certifies the modification will improve traffic operations and safety along U.S. 31, and is not simply for convenience of the development.
6. The applicant shall demonstrate with dimensioned drawings that such modification shall not create non-compliant access to adjacent lands that may develop or redevelop in the future.
7. Roadway improvements will be made to improve overall traffic operations prior to the project completion or occupancy of the first building.
8. Indirect or shared access is not reasonable due to practical difficulties.
9. Such modification shall be demonstrated to be the minimum necessary.

B. Appeals. The decision of the Planning Commission may be appealed to the Zoning Board of Appeals, in accord with **Section 2209**.

ARTICLE TWENTY
Repealed

(Editorial Note: Article Twenty Historic Overlay was repealed by Ord. 07-04, Dated 02/20/07 and the Historic Overlay Review Committee was Disbanded when the City of Manistee adopted Ordinance 1280 Historic District and Ordinance 257 Historic District Commission.)

ARTICLE TWENTY-ONE
SIGNS

SECTION 2100 PURPOSE

Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the City of Manistee, to improve pedestrian and vehicular safety, and to promote and preserve the general attractiveness of the community. Accordingly, it is the intention of this Ordinance to establish regulations governing the display of signs that will:

A. Encourage and protect the public health, safety, welfare and convenience;

B. Enhance the economy and the business and industry of the City by promoting the reasonable, orderly, and effective display of signs, and thereby encourage improved communication with the public;

C. Restrict signs and lights which overload the public's capacity to receive information, which increase the probability of traffic congestion and accidents by distracting attention or obstructing vision, and which are deemed to detract from the aesthetics of the community; and

D. Reduce conflict between signs and their illumination and public and private land uses.

SECTION 2101 PROCEDURES

A. Sign Permit Application. The Planning Commission or the Zoning Administrator may approve sign permit applications. Where signs are proposed as part of a broader Site Plan, the Planning Commission may review the entire Site Plan, including signage, per **Article 22**. Where proposed signage is not an element of a broader proposed use requiring site plan approval, the Zoning Administrator may waive the submission of certain materials outlined in **Article 22,** if such materials are determined not to be applicable to the proposed sign permit application or relevant to the consideration of the Zoning Administrator for the proposed or modified sign; in which case, materials submitted with a sign permit application, at a minimum, shall include: [Annotation: change from "shall" to may" by Amendment Z10-07, effective 10/30/10]

1. Names and addresses of the owner, applicant and installation contractor (if any).
2. Common street address, property identification number, and official name of business (if a non-residential property) relating to the parcel on which the sign is proposed.
3. A fee, as determined by resolution of the City Council, which may be re-established from time to time.
4. A plan, at a scale determined by the Administrator to be reasonable, illustrating the following elements of the proposed or modified signage:
   a. Sign type, per the definitions in **Section 220**;
   b. Dimensional characteristics, such as height, width, vertical clearances, and area;

c. Colors, materials, appearance, and lighting of the signage;
d. Relationship with buildings or structures;
e. Setbacks from buildings, landscaping, driveways, and rights-of-way; and,
f. Locations of any existing signage in the subject development or on the subject parcel. The site plan shall also include proposed and existing signage not requiring a permit.

5. Within ten (10) business days of receiving an application, the Administrator shall review the application for completeness. If the application is complete, it shall be processed. If the application is incomplete, the Administrator shall advise the applicant of additional elements required for submission to the City.
6. Within ten (10) business days of receiving a complete application, the Administrator shall review the application for compliance with this Ordinance. If the application is compliant, the Administrator shall issue a sign permit to the applicant. If the application is not in compliance, the Administrator shall advise the applicant and reference the applicant to sections of this Ordinance that need to be addressed.
7. The Administrator shall retain the right to forward any sign permit applications to the Planning Commission for their review and approval.
8. The Historic District Commission and City Council may approve exceptions to this **Article 21** for historically appropriate signage or community events, respectively.

   [Annotation: The word appropriate replaced the word significant in this paragraph was changed by amendment 07-23, effective 5/29/07]

B. Inspection and Compliance. The Administrator shall inspect each new or modified sign for which a permit is issued. If the sign is in full compliance with this Ordinance, and if applicable building and electrical inspections have been successfully completed and documented by the inspection agency, the Administrator shall issue a Certificate of Compliance. If the construction is not in full compliance with this Ordinance and applicable codes, the Administrator shall give the applicant notice of the deficiencies and order corrective action. If the deficiencies have been corrected upon re-inspection, the Administrator shall issue a certificate of compliance. If the deficiencies are not corrected within thirty (30) days, the permit shall be revoked and the sign shall be removed at the expense of the applicant.

C. Permit Lapse. A sign permit shall lapse if the business activity on the premises is discontinued for a period of six (6) months, unless the business is a seasonal activity, in which case, the sign permit shall lapse if the business activity is discontinued through one (1) normal business season. A sign whose permit has lapsed shall be removed by the owner within thirty (30) days of receipt of notice to remove from the City. If the event the owner fails to remove a sign in accord with such an order, the sign may be removed by the City, at the owner's expense, without notice or action from the City. The City shall reserve the right to place a lien on the property on which the sign exists to recover any expense associated with sign removal.

D. Permit Assignment. A sign permit shall be assignable to the successor of a business on the same parcel, except where the proposed sign is materially or substantially different in any way to the sign which was permitted. The Administrator shall make this determination.

SECTION 2102 GENERAL STANDARDS

A. Computations. The following standards shall be met when calculating the area and height of a sign.

1. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets Ordinance regulations and is clearly incidental to the sign display itself.
2. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) sign faces are placed back-to-back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty-four (24) inches apart at any point, the sign area shall be computed by the measurements of one (1) of the faces.
3. The height of a sign shall be computed as the distance from the grade of the site (per **Section 509 C)** to the top of the highest attached component of the sign. The Planning Commission may require a professional survey to make this determination. The height of the uppermost portions of pole signs shall not exceed twenty (25) feet in all districts. The height of the uppermost portions of ground signs shall not exceed eight (8) feet in height in all districts except the GI district, where the uppermost portions of such signs shall not exceed twelve (12) feet. The uppermost portions of window, wall, and projecting signs shall not exceed the height limits in the respective districts.
4. Where a projecting sign, awning, canopy, marquee, suspended sign, or similar element projects or protrudes over any public or private sidewalk or walkway, the bottommost point of the sign structure shall be at least eight (8) feet from said walkway, so as to provide adequate space for average height adults to walk underneath the projection or protrusion.
5. The allowed area of all signs on a parcel shall be determined in accord with the standards of this Article.
6. Where a proposed sign appears to meet the definition of more than one (1) sign, the most restrictive requirements and limitations of the defined sign types shall apply.
7. Area of Signs (wall, window, projecting, marquee, electronic). [Annotation: "projecting" added by Amendment Z10-07, effective 10/30/10]

a. For Use Type 2, as provided in Section 2107, in the P-D, C-1, C-2, C-3 and W-F districts when fronting US-31, wall, projecting, window, marquee, and/or electronic signs shall be permitted and the maximum cumulative sign area permitted expressed in square feet shall be not more than 1.5 times the principal building width, measured from corner to corner, facing the public right-of-way or 50 square feet for each storefront, whichever is greater. [Annotation: the word principal was added for clarification purposes by Amendment 07-16, effective 5/29/07] [Annotation: "projecting" signs were added and "storefront" language by Amendment Z-10-07, effective 10/30/10] [Annotation: P-D was added by Amendment Z12-08; effective 10/27/12]
    1. The maximum width of any wall sign shall not exceed ninety (90) percent of the width of the wall to which the sign is attached and shall not project higher than the roofline of the structure to which it is attached.
    2. Projecting signs shall be limited to one per storefront and no greater than forty eight (48) square feet in area. [Annotation: Corner lot language was deleted and projecting sign language was added by Amendment Z10-07, effective10/30/10]

b. For Use Type 2, as provided in Section 2107, in the P-D, C-1, C-2, C-3 and WF districts that do not front US-31, wall, ground, projecting, window and marquee signs shall be permitted and the maximum cumulative sign area permitted expressed in square feet shall not be more than 1.5 times the principal building width, measured from corner to corner, facing the public right-of-way, or fifty (50) square feet for each storefront, whichever is greater. [Annotation: the word principal was added for clarification purposes by Amendment 07-16, effective 5/29/07] [Annotation: "Storefront" language was added by Amendment Z10-07, effective 10/30/10] [Annotation: P-D was added by Amendment Z12-08; effective 10/27/12]
    1. The maximum width of any wall sign shall not exceed ninety (90) percent of the width of the wall to which the sign is attached and shall not project higher than the roofline of the structure to which it is attached.
    2. Projecting signs shall be limited to one per storefront and no greater than sixteen (16) square feet in area. [Annotation: Corner lot language was deleted and projecting sign language was changed from "parcel" to "storefront" by Amendment Z10-07, effective 10/30/10]

c. For Use Type 2, as provided in Section 2107, in the P-D, C-2, C-3 and WF districts with water frontage, wall, ground, projecting, window and marquee signs shall be permitted on the water front side and the maximum cumulative sign area permitted expressed in square feet shall not be more than .75 times the principal building width, measured from corner to corner, facing the public right-of-way, or twenty-five (25) square feet, for each storefront whichever is greater. [Annotation: "storefront" language was added by Amendment Z10-07, effective 10/30/10] [Annotation: P-D was added by Amendment Z12-08; effective 10/27/12]
    1. The maximum width of any wall sign shall not exceed ninety (90) percent of the width of the wall to which the sign is attached and shall not project higher than the roofline of the structure to which it is attached.

2. Projecting signs shall be limited to one per storefront and no greater than sixteen (16) square feet in area. [Annotation: Item C was added by Amendment 07-24, effective 5/29/07] [Annotation: "parcel" was changed to "storefront" by Amendment Z10-07, effective10/30/10]

B. Lighting. No sign shall be lighted externally or internally, except in accordance with the terms of this Article. No sign shall be equipped with lighting that provides illumination in excess of that necessary to render the sign visible and readable, in the judgment of the Zoning Administrator.

1. Internally lit signs shall be continuously maintained to provide neither more or less than the designed degree of illumination and the translucent surface shall be maintained to fully cover all light sources and to present a complete and readable message.
2. All light sources for externally lit signs shall be directed and equipped with lenses, shields or other devices to screen the light source from view from any vantage point located off or above the subject property.
3. For the purposes of this Article, neon and light-emitting diode (LED) signs shall be considered internally lit signs, unless the context specifically states otherwise.

C. Signs for Accessory Uses. Signs advertising accessory uses as regulated by **Section 516** of this Zoning Ordinance, shall meet all requirements of this Article.

D. Continuation of Legal Nonconforming Signs. A legal nonconforming sign may be continued and shall be maintained in good condition, but it shall not be:

1. Converted to another nonconforming sign, or replaced by another nonconforming sign;
2. Expanded or altered so as to increase the degree of nonconformity of the sign;
3. Structurally altered to prolong the life of the sign or to change the size, shape, or type of the sign;
4. Re-established after its discontinuance for six (6) months, or more;
5. Continued in use after cessation or change of the business or activity to which the sign pertains; or
6. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty percent (50%) of the appraised replacement cost, as determined by the Zoning Administrator.

E. Erection of New Signs Where Legal Nonconforming Signs Exist.

1. On lots where an existing on-premises sign exceeds the sign area allowed by this Article, and in that respect is a legal nonconforming sign, no new on-premises sign shall be erected until such existing legal nonconforming on-premises sign is brought into compliance with this Article.
2. When a use or parcel including a nonconforming sign is subject to Standards and Requirements for Special Uses under **Article 18** all signs and sign structures shall be brought into compliance with this Article 21 as a condition of the approval of the Special Use. [Annotation this paragraph changed by Amendment 07-17, effective 5/29/07]

F. Allocation of Signage. Where only one side of the building is allowed signage, signage may be allocated to any side of the building. For buildings where more than one side of the building is allowed signage (i.e. corner lots) signage area may be transferred from one side to an adjoining side of the building were signage is not allocated. [Annotation: "Sign area on Corner Lots" language was changed to "Allocation of Signage" language by Amendment Z10-07, effective 10/30/10]

G. Setbacks. All signs shall be setback at least four (4) feet from the public right-of-way to the front of the sign structure, provided clear vision can be maintained, pursuant to **Section 513**.

H. Billboards. Refer to **Section 1814**.

I. Covering. Covering around a pole or pylon shall be limited in width to a width of not more than thirty (30) percent of the total width of the sign face. Signage or copy shall not be permitted on pole or pylon coverings.

SECTION 2103 EXEMPT SIGNS

The following signs shall be exempt from regulations in this Article.

A. Any public notice, traffic control or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.

B. Any sign wholly located within a building and not visible from outside the building. This does not include window signs.

C. Holiday lights and decorations with no commercial message.

D. Works of art that do not contain a commercial message.

E. Traffic control signs, incidental signs, or menu boards on private properties that do not contain a commercial message, including Stop, Yield, One Way, and similar signs, provided that menu boards shall not exceed twenty (20) square feet in area.

F. Governmental historical designation signs.

G. Flags up to twenty-four (24) square feet in area.

H. For sale and for rent and future development site signs on real property, provided such signs do not exceed six (6) square feet in the R-1, R-2, R-3, R-4, and C-2 districts or sixteen (16) square feet in the P-D, C-1, C-3, W-F, L-I or G-I districts. Future development Site Signs are only permitted after zoning approval is in place. [Annotation: this paragraph changed to include future development site signs by Amendment 07-18, effective 5/29/07] [Annotation: P-D was added by Amendment Z12-08; effective 10/27/12]

I. One sign attached to a building or fence not to exceed two (2) square feet in area displaying such messages as "No Trespassing," "Beware of Dog," etc.

J. Political election signs provided such signs shall be temporarily erected not more than four (4) months prior to an election and such signs shall be removed not more than seven (7) days following an election. [Annotation: Size restrictions for signs were removed by Amendment 07-28, effective 5/29/07]

K. Temporary signs advertising yard sales, items for sale or similar temporary activities, provided such signs are erected on private property where authorized by the owner, are not illuminated, do not to exceed four (4) square feet in area, and are removed within three (3) days of installation. [Annotation: language clarifying signs must be "erected on private property were authorized by the owner" was added changed size from "eight feet (8)" to "four feet (4)" in area removal time changed from "seven (7)" to "three (3)" days of installation by Amendment Z10-07, effective 10/30/10]

L. Construction signage identifying a building project including the names of the developer, financier, and the various professionals and contractors involved. Such signage shall be allowed only during the time in which the development is actually under construction and shall not exceed thirty-two (32) square feet in sign face. Such signage shall not be placed closer than four (4) feet from the edge of the right-of-way and shall not exceed ten (10) feet in height.

M. Government (Building Signage, Wayfinding Signage and Signage for Outdoor Recreation and Park Facilities). [Annotation: Item M. "Government" was added by Amendment Z10-07, effective10/30/10]

N. Community Garden Signs not to exceed four (4) square feet. [Annotation: Community Garden was added as a Permitted Use by Amendment Z11-06, effective 9/25/11]

SECTION 2104 PROHIBITED SIGNS

The following signs shall not be allowed in any district.

A. Signs which are obsolete, that do not relate to existing business or products.

B. Signs which are illegal under State laws or regulations and applicable local ordinances or regulations, and which are not consistent with the standards in this Ordinance.

C. Signs that are not clean and in good repair, and signs that are out of compliance with applicable building and electrical codes.

D. Off-Premise Signs. Except as provided in **Section 1814** of this Ordinance, off-premise signs as defined herein, shall be prohibited in all districts.

E. Signs not securely affixed to a supporting structure.

F. Signs that are not official traffic signs that appear to or attempt to regulate, warn, or direct the movement of traffic, which interfere with or resemble any official traffic sign, signal, or device, and which may obstruct a motorist's vision.

G. Signs located in, projecting into or overhanging within a public right-of-way or dedicated public easement, except the following:

1. Official traffic signs posted by a governmental agency;
2. Public transit signs, including bus stop signs and routing signs, erected by a public transit company;
3. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
4. Projecting, marquee, and suspended signs projecting over a public right-of-way as permitted and regulated in the C-2 and C-3 districts.

5. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the right-of-way.
6. Banners that have been approved by the City Council.
7. Portable "A-frame" signs shall be permitted in the C-2 and C-3 districts subject to a determination by the Zoning Administrator that said placement will not impact safety or visibility for motorists and pedestrians. [Annotation: language was changed to eliminated reference by Amendment Z10-07, effective 10/30/10]

H. Signs that project above the maximum height limitation of the zoning district and signs that extend above the highest point of any building upon which they are affixed.

I. Beacons.

J. Electronic Message Boards and other signs that include flashing, scrolling, blinking or moving lights or parts, and animated signs located such that they may distract drivers.

SECTION 2105 USE TYPES AND SIGN STANDARDS

For the purposes of this Article, the uses permitted by right and as special uses are classified by type as set forth in Table 2100-1. Table 2100-1 provides standards for the regulation of sign type, the number of signs permitted, the cumulative area of signs permitted, the nature of illumination (if any) and any conditions that may apply, by type of use and by zoning district. In the event that other provisions of this ordinance including the Standards of **Article 5** regarding General Provisions or **Article 18** regarding Special Uses, conflict with the requirements of Table 2100-1, the most restrictive standard shall apply. Provided, that the classification of various land uses by type for the purposes of Table 2100-1 shall not override the use requirements and standards set forth for each zoning district.

In the use of Table 2100-1, the Zoning Administrator, Planning Commission and applicants shall first determine the type of use under consideration and then apply the appropriate sign standards for the district in which it will be located.

TABLE 2100-1 USE TYPES AND SIGN STANDARDS

Section 2106 **Use Type 1, Low Intensity and Residential**

Description Uses of this type include dwelling units and associated uses.

Examples of Uses Adult Foster Care, Bed & Breakfast, Dwelling – Single Unit, Dwelling – Multiple Unit, Duplex, Manufactured Housing Community, Home Based Business, Major Home Occupation, and similar uses in the judgment of the Zoning Administrator

Zoning Districts	Permitted Sign Types	Nº. Signs Permitted	Cumulative Sign Area	Lighting	Conditions
G-C	Wall, Ground	1	4 Sq. Ft.	None	
R-1	Wall, Ground	1	4 Sq. Ft.	None	
R-2	Wall, Ground	1	4 Sq. Ft.	None	A multiple unit project or complex shall be permitted one, externally lit 16 square foot sign
R-3	Wall, Ground	1	4 Sq. Ft.	External	A multiple unit project or complex shall be permitted one, externally lit 32 square foot sign
R-4	Wall, Ground	1	4 Sq. Ft.	Either	A multiple unit project or complex or manufactured housing community shall be permitted two, externally or internally lit 32 square foot signs
C-1	Wall, Ground, Projecting*	1	16 Sq. Ft.	Either	A multiple unit project or complex shall be permitted one, externally or internally lit 32 square foot sign
C-2	Wall, Ground, Projecting*	1	16 Sq. Ft.	External	A multiple unit project or complex shall be permitted one, externally lit 16 square foot sign
P-D, C-3 & W-F	Wall, Ground, Projecting*	1	16 Sq. Ft.	External	A multiple unit project or complex shall be permitted one, externally lit 16 square foot sign

* Projecting signs shall be limited to one per parcel and no greater than sixteen (16) square feet in area.

[Annotation: G-C District was added by Amendment Z10-06, effective 10/30/10] [Annotation: "Adult Foster Care" and "Bed &Breakfast" were added to Examples of Uses and Use Type 2 table was deleted (resulted in renumbering of tables) by Amendment Z10-07, effective 10/30/10] [Annotation: P-D was added by Amendment Z12-08; effective 10/27/12]

TABLE 2100-1 USE TYPES AND SIGN STANDARDS

Section 2107 **Use Type 2, Commercial and Office**

Description Uses of this type include retailing, various personal and professional services, accommodations and high-traffic retail and service facilities.

Examples of Uses Animal Grooming, Auto Repair Facility, Car Wash, Cemetery, Convenience Store with or w/ out fuel pumps, Commercial Day Care, Eating and Drinking Establishments, Educational Facility, Financial Institutions, Galleries and Museums, Gasoline Stations, Greenhouses and Nurseries, Golf Course, Group Day Care, Hotels, Laundry and Dry Cleaner, Marinas, Medical and Dental Offices, Mini/Self-storage, Mortuaries, Motels, Nursing and Convalescent Home, Outdoor Sales Facility, Personal Service Establishments, Professional Offices, Professional Service Establishments, Parking Facility, Places of Public Assembly, Retail Businesses, Sports and Recreation Clubs, Studios for Performing and Graphic Arts, Theaters, Veterinary Clinics, Wholesale Facilities and similar uses in the judgment of the Zoning Administrator

Zoning Districts	Permitted Sign Types	Nº. Signs Permitted	Cumulative Sign Area	Lighting	Conditions
G-C	Ground	n/a	32 Sq. Ft.	Either	One ground sign shall be permitted for each 600 feet of frontage
	Window	n/a	Unlimited	Either	No Sign Permit required
	Wall, Projecting, Marquee	n/a	64 Sq. Ft.	Either	
R-1, R-2, R-3 & R-4	Wall, Projecting, Window, Ground, Marquee	n/a	16 Sq. Ft.	Either	
P-D, R-2, C-1, C-2 C-3, & W-F when fronting on US-31	Ground, Pole	1	80 Sq. Ft.	Either	
	Window	n/a	Unlimited	Either	No Sign Permit required
	Portable Sign "A Frame" Sign	1	8 Sq. Ft.	None	No Sign Permit required. One per storefront and only allowed during hours of operation.
	Wall, Projecting Marquee, Electronic Signs	n/a	1.5 x of principal building width per **Section 2102, A,7,a**	Either	Projecting signs limited to one per storefront and no greater than forty eight (48) square feet in area.
P-D, C-1, C-2, & C-3 not fronting on US-31	Window	n/a	Unlimited	Either	Window signs in the Historic District require approval from the Historic District Commission. Internally lit signs are prohibited in the Historic District
	Portable Sign "A Frame" Sign	1	8 Sq. Ft.	None	No Sign Permit required. One per storefront and only allowed during hours of operation.
	Wall, Ground, Projecting, Window, Marquee	n/a	1.5 x of principal building width per Section 2102,A,7 b	Either	Ground mount signs shall be limited to one per parcel. Projecting signs limited to one per storefront and no greater than sixteen (16) square feet in area. Internally lit signs are prohibited in the Manistee Historic Commercial District.

Section 2107	**Use Type 2, Commercial and Office Cont.**				
Zoning Districts	**Permitted Sign Types**	**N^{o}. Signs Permitted**	**Cumulative Sign Area**	**Lighting**	**Conditions**
P-D, C-2, C-3 & W-F Waterfront side	Wall, Ground, Projecting Window, Marquee	n/a	.75 x of principal building width per Section 2102,A,7,c	External	Projecting signs limited to one per storefront and no greater than sixteen (16) square feet in area. One ground mount sign will be permitted on the waterfront no greater than sixteen (16) square feet in area. Lighting of ground mounts signs on the riverwalk shall be prohibited.
W-F Not fronting on US-31	Wall, Ground, Projecting, Window, Marquee	n/a	1.5 x of principal building width per **Section 2102, A,7, b**	Either	Projecting signs limited to one per storefront and no greater than sixteen (16) sq. ft. in area
L-I & G-I	Ground	1	64 sq. ft.	Either	For parcels with more than 600 feet of frontage, one additional ground sign shall be permitted.
	Wall, Projecting, Window, Marquee	n/a	64 Sq. Ft.	Either	For parcels on corner lots an additional 64 sq. ft. of signage will be permitted. No single sign shall exceed 64 sq. ft. in size.

[Annotation: Nursing and Convalescent Home was added to Examples of Uses by Amendment07-19, effective 5/29/07]
[Annotation: the word principal was added for clarification purposes by Amendment 07-16, effective 5/29/07]
Annotation: Sign size restriction Conditions for C-1, C-2, C-3 & W-F not fronting US- 31 were deleted by Amendment 07-25, effective 5/29/07]
[Annotation: Signage for Waterfront side was added by Amendment 07-24, effective 5/29/07]
[Annotation: Conditions for ground mount signs on the waterfront were added by amendment 08-04, effective 2/29/08]
[Annotation: G-C was added by Amendment Z10-06, effective 10/30/10]
[Annotation: Changed from "Section 2108 Use Type 3" to "Section 2107 Use Type 2 "Cemetery; Educational Facility, Golf Course, Places of Public Assembly" was added to Examples of Uses "Outdoor Recreation and Park Facilities" was deleted from Examples of Uses "Public Parking Facility" was changed to "Parking Facility R-1, R-2, R-3, & R-4 were combined to one line "projecting" and "Marquee were added to permitted Sign Types; No. Signs Permitted was changed from "1' to n/a; lighting was changed from "Internal" to "Either"
"R-2" was added to Zoning Districts; "Widow" and "Portable Sign "A-Frame" Sign" language was added to list; Projecting signs limited to 48 sq. ft were added to table for signs "**With** frontage on Use 31' "Widow" and "Portable Sign "A-Frame" Sign" language was added to table for signs "**Not** fronting on Use 31"W-F "Not fronting on US 31" was moved to a separate table keeping all previous requirements except that "one projecting sign will be allowed per storefront" L-I & G-I table language was for "Ground Signs" was added and "Projecting" and "Marquee" signs were added size was increased from "32 sq. ft." to "64 sq. ft. and additional signage was allowed for parcels on corner lots and no sign is to exceed 64 sq. ft. in size by Amendment Z10-07, effective10/30/10]
[Annotation: P-D was added by Amendment Z12-08; effective 10/27/12]
[Annotation: PD was moved to C-1, C-2 & C-3 not fronting on US-31 by amendment Z15-04, effective 7/14/15]

TABLE 2100-1 USE TYPES AND SIGN STANDARDS

Section 2108 **Use Type 3, Industrial**

Description Uses of this type include manufacturing, processing, shipping and transportation facilities.

Examples of Uses Assembly Operation, Contractor's Facility, Mining and Mineral Processing, Processing and Manufacturing, Research, Testing and Laboratories, Public Warehouses, and similar uses in the judgment of the Zoning Administrator

Zoning Districts	Permitted Sign Types	N^{o}. Signs Permitted	Cumulative Sign Area	Lighting	Conditions
G-C, R-1 & R-2	Uses of this type are normally not permitted in the G-C, R-1 or R-2 Districts				
R-3	Wall, Ground, Window	1	16 Sq. Ft.	External	
R-4	Uses of this type are normally not permitted in the R-4 District				
C-1	Wall, Ground	n/a	64 Sq. Ft.	Either	For parcels with more than 600 feet of frontage, one additional ground sign shall be permitted.
C-2 & C-3	Uses of this type are normally not permitted in the C-2 or C-3 Districts				
P-D & W-F	Wall, Window, Ground, Marquee	n/a	64 Sq. Ft.	Either	For parcels with more than 600 feet of frontage, one additional ground sign shall be permitted.
L-I	Ground	1	64 Sq. Ft.	Either	For parcels with more than 600 feet of frontage, one additional ground sign shall be permitted
	Wall, Projecting, Window, Marquee	n/a	64 Sq. Ft.	Either	For parcels on Corner lots an additional 64 sq. ft. of signage will be permitted. No single sign shall exceed 64 Sq. Ft. in size.
G-i	Ground	1	64 sq. ft.	Either	For parcels with more than 600 feet of frontage, one additional Ground sign shall be permitted.
	Wall, Window, Projecting, Marquee	n/a	64 Sq. Ft.	Either	For parcels with more than 200 feet of street frontage an additional 64 Sq. Ft. of signage will be allowed for each 200 feet of frontage.

[Annotation: G-C was added to table by Amendment Z10-06, effective 10/30/10] [Annotation: from "Section 2110 Use Type 5" to "Section 2108 Use Type 3"Assembly Operation added to Examples of UsesL-I and G-I were separated out into their own tables By Amendment Z10-07, effective10/30/10] [Annotation: P-D was added by Amendment Z12-08; effective 10/27/12]

SECTION 2109 RESERVED

SECTION 2110 RESERVED

SECTION 2111 UNCLASSIFIED USES, MIXED USES AND COMBINATIONS OF USES

A. The Zoning Administrator shall be authorized to classify uses not specifically listed in Table 2100-1. In the event of Unclassified Uses, the provisions of **Section 530** shall apply.

B. Combinations of Uses. Signs for combinations of land uses, such as an adaptive re-use project, mixed-use development, planned unit development, subdivisions or similar development form shall be regulated by the following standards.

   1. Parcels with not more than 20,000 square feet of gross land area shall be entitled to one (1) wall, marquee or ground sign, not to exceed 32 square feet in surface area, for each road frontage, or more than one wall, marquee or ground sign, provided the cumulative sign surface area of all signs does not exceed 32 square feet for each road frontage. In the R-1 and R-2 Districts if such signs are illuminated, they shall be externally lit. In all other districts such signs may be either internally or externally lit.

   2. Parcels with more than 20,000 square feet but less than two (2) acres in gross land area shall be entitled to one (1) wall, marquee or ground sign, not to exceed 48 square feet in surface area, for each road frontage, or more than one wall, marquee or ground sign, provided the cumulative sign surface area of all signs does not exceed 48 square feet for each road frontage. Such signs may be either internally or externally lit.

   3. Parcels with more than two (2) acres in gross land area shall be entitled to one (1) wall, marquee or ground sign, not to exceed 64 square feet in surface area, for each road frontage, or more than one wall, marquee or ground sign, provided the cumulative sign surface area of all signs does not exceed 64 square feet for each road frontage. Such signs may be either internally or externally lit.

SECTION 2112 TEMPORARY PORTABLE SIGNS

The Zoning Administrator shall be authorized to permit temporary and portable signs within any district of the City, under the following standards.

A. All signs shall be setback at least four (4) feet from the public right-of-way to the front of the sign structure, provided clear vision can be maintained, pursuant to Section 513. [Annotation this section was changed by Amendment Z10-07, effective 10/30/10]

B. The lights of an internally lit temporary or portable sign proposed to be located in the R-1, R-2 and R-3 districts shall be turned off after 9:00 PM.

C. The maximum surface area of a temporary or portable sign shall not exceed thirty-two (32) square feet.

D. A temporary or portable sign shall not remain in place for more than fourteen (14) days and not more than three (3) temporary or portable sign permits shall be issued for any parcel of land in any given twelve (12) month period.

E. An application for a temporary or portable sign permit shall be filed with the Zoning Administrator on forms to be provided by the Zoning Administrator and shall include the following information:

   1. The name and address of the applicant and the owner of the property on which the proposed sign will be located. The name, address and phone number of the owner of the temporary sign, if different from the property owner.
   2. The purpose of the sign, such as temporary sale, celebration, community announcement, etc.
   3. A description of the proposed sign including its dimensions and illumination as well as any anchoring mechanism proposed to prevent damage in high winds.
   4. A sketch plan of the parcel on which the sign will be located, including the proposed location of the sign with dimensions to rights-of-way lines and existing buildings.
   5. The proposed dates the sign will be displayed.
   6. A temporary or portable sign permit fee as established from time-to-time by the City Council.

F. Upon receipt of a complete application, the Zoning Administrator shall inspect the proposed location for the temporary or portable sign as well as the proposed sign, if available. If the Zoning Administrator finds that the requirements of this section will be met, a temporary or portable sign permit shall be issued.

ARTICLE TWENTY-TWO
SITE PLAN REVIEW

SECTION 2200 PURPOSE

The intent of this section is to provide for consultation and cooperation between the applicant and the Planning Commission in order that the applicant may accomplish his/her objectives in the utilization of land within the regulations of the Ordinance, with minimal adverse effect on the land, shores, roadways, natural features, infrastructure, and on existing and future uses of property in the immediate vicinity, and to insure that a proposed land use or activity is in compliance with this Ordinance. In this connection, a site plan includes the documents and drawings required by the Zoning Ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

SECTION 2201 SCOPE

Every application for a zoning permit shall include a site plan. A zoning permit shall not be issued or otherwise authorized until a site plan, submitted in accordance with this **Article 22**, shall have been reviewed and approved, and any required securities have been received, based on the following submittal requirements:

A. Basic Site Plans shall be required for new dwellings, additions to dwellings, or construction of accessory structures, single family dwellings; accessory structures and additions to existing single family dwellings; and accessory structures and additions to multiple unit dwellings which do not result in an increase in the number of units, the site plan shall be subject to Zoning Administrator review. Site plans shall comply with **Section 2203 C**. [Annotation: "Basic Site Plan" language was changed to specify "accessory structures, single family dwellings; accessory structures and additions to existing single family dwellings; and accessory structures and additions to multiple unit dwellings which do not result in an increase in the number of units" by Amendment Z10-04, effective 10/30/10]

B. Medium Site Plan shall be required for all uses other than those that may submit a basic site plan or require a detailed site plan. Additions and alterations to existing structures will be reviewed by the Zoning Administrator who shall reserve the right to forward it to the Site Plan Review Committee for approval. Medium Site Plans for new construction shall be reviewed by the Site Plan Review Committee who shall reserve the right to forward it to the Planning Commission for approval. Site plans shall comply with **Section 2203D**. [Annotation: "Medium Site Plan" added by Amendment Z10-04, effective 10/30/10]

C. Detailed Site Plans shall be required for all special uses. The site plan shall be subject to Planning Commission review. Detailed Site plans shall comply with **Section 2203 E.** [Annotation "Detailed Site Plan" language amended to reference Special Uses all other language was removed by Amendment Z10-04, effective 10/30/10]

SECTION 2202 OPTIONAL SKETCH PLAN REVIEW

Preliminary sketches of proposed site and development plans may be submitted for review to the Zoning Administrator and/or the Planning Commission or a committee of the Planning Commission, prior to official review and approval. The purpose of such procedure is to allow discussion between an applicant and the Zoning Administrator and/or Planning Commission, to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall, at a minimum, include the following:

A. The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.
B. Legal description, property parcel number, and street address of the subject parcel of land.
C. Sketch plans showing tentative site and development plans, produced on a scaled drawing illustrating existing and proposed structures, parcel boundaries, natural features, and all improvements, easements, streets, and sidewalks.
D. The Planning Commission shall not be bound by any comments or observations made pertaining to a sketch plan.

SECTION 2203 APPLICATION PROCEDURE

Request for site plan review shall be made by filing with the Zoning Administrator the required filing fee and escrow, the application form and either a basic, medium or detailed site plan, together with any special studies required. The Zoning Administrator may waive any site plan submittal requirement upon a finding that the required information is not applicable to the site. The following describes the required submittals. [Annotation: "medium" was added by Amendment Z10-04, effective10/30/10]

A. An application fee and review escrow as determined by resolution of the City Council.
B. One copy of the completed application form for site plan review which shall contain at a minimum the following information (a narrative attachment is recommended in addition to the application form to sufficiently address all of the following items):
    1. Name, address and signature of applicant and property owner
    2. Legal description, property parcel number and street address of the subject parcel of property.
    3. Area of the subject parcel of property stated in acres, or if less than one (1) acre, in square feet.
    4. Present zoning classification on parcel and on adjacent parcels.
    5. Present and proposed land use.

6. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems, automobile and truck circulation patterns and local traffic volume.
7. A description of the proposed development and the land use proposed.

C. Basic Site Plan. A basic site plan shall be required for new dwellings, additions to dwellings, or construction of accessory structures, single family dwellings; accessory structures and additions to existing single family dwellings; and accessory structures and additions to multiple unit dwellings which do not result in an increase in the number of units, the site plan shall be subject to Zoning Administrator review. Basic site plans shall include and illustrate at a minimum the following information: [Annotation: Language was changed to same language as Section 2201 Scope by Amendment Z10-04, effective 10/30/10]

1. A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer, parcel lines and parcel area.
2. The scale of the drawing and north arrow which shall be not less than 1" = 200' nor greater than 1" = 20'.
3. Existing man-made features, including dwellings, fences, landscaping and screening, accessory structures, and similar features; and the heights and floor area of such structures and other important features.
4. Proposed man-made features, including location of dwelling addition and/or accessory structures, fences, landscaping and screening, as applicable; and heights and floor area of such structures and other important features.
5. Setback lines and their dimensions.
6. Location of existing and proposed driveways and curb cuts, if any.
7. Location of existing public and private rights-of-way and easements contiguous to and on the property.
8. Natural features, including trees with a diameter at breast height of three inches or more, water bodies and wetlands, high-risk erosion areas, beach, sand dunes, slopes in excess of 25%, drainage and similar features.
9. Any other information as may be required by the Zoning Administrator to aid in the review of the Site Plan.

D. Medium Site Plan. A medium site plan shall be required for all uses other than those that may submit a basic site plan or require a detailed site plan. Additions and alterations to existing structures will be reviewed by the Zoning Administrator who shall reserve the right to forward it to the Site Plan Review Committee for approval. Medium Site Plans for new construction shall be reviewed by the Site Plan Review Committee who shall reserve the right to forward it to the Planning Commission for approval. A medium site plan shall

include six (6) copies of all required information including any documents rendered in color and a digital PDF of the Site Plan shall be forwarded to the Planning and Zoning Department. Unless specifically waived by the Zoning Administrator the site plan shall be prepared by an Engineer, Architect, Landscape Architect or Surveyor licensed to work in Michigan and shall include and illustrate at a minimum the following information:

1. A scale drawing of the site and proposed development thereon, including the date, name, address and professional seal of the preparer. In no instance shall the scale of the drawing be greater than one inch equals 20 feet nor less than one inch equals 200 feet. One copy shall be submitted in a photo-reduced form on 17" x 11" paper.
2. The scale of the drawing and north arrow.
3. A vicinity map illustrating the property in relation to the surrounding street system.
4. Topography of the site and its relationship to adjoining land illustrated at 2-foot contours and including an area extending 100 feet from the parcel boundary.
5. Existing man-made features, including buildings, fences, landscaping, parking, screening and the locations, heights and footprint of each.
6. Illustration of all proposed improvements and buildings, fences, landscaping, parking and screening, including location, height, footprint of each.
7. Setback lines and their dimensions.
8. Percentage of land covered by buildings and impervious surfaces and that reserved for open space.
9. Dwelling unit density where pertinent; including a density schedule demonstrating number of each dwelling type, if applicable.
10. Project phasing, if applicable.
11. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
12. Curb-cuts, driving lanes, parking and loading areas, including the number of parking spaces and parking calculations; vehicular circulation patterns and features, location and size of all parking spaces and the identification of service lanes and parking.
13. Curb-cuts and driveways on adjacent properties.
14. Location and type of drainage, sanitary sewers, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.

15. Existing and proposed water main, sanitary and storm sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities and any proposed extensions thereof.
16. Proposed changes to the topography of the site illustrated at no greater than two (2) foot contours.
17. Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development.
18. Detail on proposed signage including an illustration of all proposed signs, their surface area, height and nature of illumination, in accordance with **Article 21**.
19. A lighting plan in conformance with **Section 525.**
20. A written and illustrated landscape plan prepared in accord with **Section 531** of this Zoning Ordinance.
21. If the parcel is a result of a parcel division undertaken after the adoption of this Ordinance, the site plan shall illustrate all structures and buildings, drawn to scale located on the previously undivided property.
22. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.
23. Any required approvals, permits, changes or modifications required by any applicable regulatory agency.
24. Special Groundwater Protection. Site Plans for facilities which use or generate hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less; or store greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less; shall be subject to the following additional site plan submittal requirements:
    a. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
    b. Location of all underground and aboveground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.
    c. Location of exterior and interior drains, on-site sewage systems, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.

d. Location of all water wells on the site and within one hundred fifty (150) feet surrounding the parcel's property boundaries.
e. Delineation of areas on the parcel which are known or suspected to be contaminated, together with a report on the status of site cleanup.
f. Submission of the "Hazardous Substances Reporting Form for Site Plan Review."
g. Submission of the "State/County Environmental Permits Checklist."
h. If the area covered by the site plan includes territory within a Wellhead Protection Overlay Zone, submit a site plan review report prepared by a Manistee County Groundwater Staff Review Group (c/o Manistee County Planning Department). The site plan review report shall be a written document reporting on a county review of the same site plan prepared for this section. If the area covered by the site plan does not include territory within a Wellhead Protection Overlay Zone, a site plan review report prepared by the Manistee County Groundwater Staff Review Group may be submitted at the option of the applicant or may be required at the option of the Planning Commission or Zoning Administrator. [Annotation: "Medium Site Plan" added by Amendment Z10-04, effective 10/30/10]

E. Detailed Site Plan. A detailed site plan shall be required for all Special Uses. Detailed site plan shall include fifteen (15) copies of all required information including any documents rendered in color and a digital PDF of the Site Plan shall be forwarded to the Planning and Zoning Department. Unless specifically waived by the Zoning Administrator the site plan shall be prepared by an Engineer, Architect, Landscape Architect or Surveyor licensed to work in Michigan and shall include and illustrate at a minimum the following information: [Annotation: this section was changed by deleting Planner and replacing with Surveyor by Amendment 07-20, effective 5/29/07] [Annotation: Detailed Site Plan Language was changed to same language as Section 2201 Scope by Amendment Z10-04, effective 10/30/10]

1. A scale drawing of the site and proposed development thereon, including the date, name, address and professional seal of the preparer. In no instance shall the scale of the drawing be greater than one inch equals 20 feet nor less than one inch equals 200 feet. One copy shall be submitted in a photo-reduced form on 17" x 11" paper.
2. The scale of the drawing and north arrow.
3. A vicinity map illustrating the property in relation to the surrounding street system.
4. Topography of the site and its relationship to adjoining land illustrated at 2-foot contours and including an area extending 100 feet from the parcel boundary.
5. Existing man-made features, including buildings, fences, landscaping, parking, screening and the locations, heights and footprint of each.
6. Illustration of all proposed improvements and buildings, fences, landscaping, parking and screening, including location, height, footprint of each.

7. Setback lines and their dimensions.
8. Percentage of land covered by buildings and impervious surfaces and that reserved for open space.
9. Dwelling unit density where pertinent; including a density schedule demonstrating number of each dwelling type, if applicable.
10. Project phasing, if applicable.
11. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
12. Curb-cuts, driving lanes, parking and loading areas, including the number of parking spaces and parking calculations; vehicular circulation patterns and features, location and size of all parking spaces and the identification of service lanes and parking.
13. Curb-cuts and driveways on adjacent properties.
14. Location and type of drainage, sanitary sewers, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.
15. Existing and proposed water main, sanitary and storm sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities and any proposed extensions thereof.
16. Proposed changes to the topography of the site illustrated at no greater than two (2) foot contours.
17. Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development.
18. Detail on proposed signage including an illustration of all proposed signs, their surface area, height and nature of illumination, in accordance with **Article 21**.
19. A lighting plan in conformance with **Section 525**.
20. A written and illustrated landscape plan prepared in accord with **Section 531** of this Zoning Ordinance.
21. If the parcel is a result of a parcel division undertaken after the adoption of this Ordinance, the site plan shall illustrate all structures and buildings, drawn to scale located on the previously undivided property.
22. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.

23. Any required approvals, permits, changes or modifications required by any applicable regulatory agency.
24. Special Groundwater Protection. Site Plans for facilities which use or generate hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less; or store greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less; shall be subject to the following additional site plan submittal requirements:
    a. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
    b. Location of all underground and aboveground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.
    c. Location of exterior and interior drains, on-site sewage systems, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
    d. Location of all water wells on the site and within one hundred fifty (150) feet surrounding the parcel's property boundaries.
    e. Delineation of areas on the parcel which are known or suspected to be contaminated, together with a report on the status of site cleanup.
    f. Submission of the "Hazardous Substances Reporting Form for Site Plan Review."
    g. Submission of the "State/County Environmental Permits Checklist."
    h. If the area covered by the site plan includes territory within a Wellhead Protection Overlay Zone, submit a site plan review report prepared by a Manistee County Groundwater Staff Review Group (c/o Manistee County Planning Department). The site plan review report shall be a written document reporting on a county review of the same site plan prepared for this section. If the area covered by the site plan does not include territory within a Wellhead Protection Overlay Zone, a site plan review report prepared by the Manistee County Groundwater Staff Review Group may be submitted at the option of the applicant or may be required at the option of the Planning Commission or Zoning Administrator.

E. Special Studies or Research. For complex site plans and/or for land uses that may generate significant impacts on surrounding land uses or public facilities, the Zoning Administrator or

Planning Commission may require any or all of the following reports or studies as a part of a complete site plan.

1. Environmental Assessment shall be a summary review of the environmental impacts of a project in accordance with the following standards:
   a. The purpose of the Environmental Assessment shall be
      1) to provide relevant information to the Planning Commission on the potential environmental impact of applications for special land use permits for substantial projects that may have an impact on the natural, social and economic environment of the City;
      2) to inject into the developer's planning process consideration of the characteristics of the land and the interests of the community at large, and
      3) to facilitate participation of the citizens of the community in the review of substantial developments.
   b. Guidelines. When required by the Planning Commission or the Zoning Administrator pursuant to this Section, an applicant for a special use permit shall prepare an Environmental Assessment in accordance with these guidelines. An Environmental Assessment is not an Environmental Impact Statement, but rather a summary review of the site in question considering the past and present land uses and the proposed development. The analysis is intended to determine how the proposed development will meet the goals of the community as they are expressed in the Master Plan. The complexity of the Environmental Assessment will depend on the scope of the project and the magnitude of the potential impact. In preparing the Environmental Assessment, judgment should be exercised to keep the form and extent of responses in proportion to the scope of the project. Each answer is to be as brief as practicable, although the Planning Commission may request further elaboration. The Planning Commission or Zoning Administrator may waive elements of these guidelines as either not applicable or previously addressed in other submittals, on a case-by-case basis. All information must be submitted in the following format and shall not merely reference a study or report completed previously, rather whenever possible, the Environmental Assessment report shall incorporate a summary of the findings of such study or report in addition to such cross-references. In addition, any cross-referenced study or report shall be submitted with the Environmental Assessment.
   c. Content. The following material shall be included and/or addressed in the Environmental Assessment, unless specifically waived by the Zoning Administrator or Planning Commission as not applicable:

1) A description of the site in its current condition. This shall indicate any buildings to be preserved and those to be removed along with an indication of what will be done with the demolition debris. This must also include information on:
   a) Flora and fauna (be sure to list any endangered species on-site)
   b) General topography and drainage patterns including any regulated features such as wetlands, high risk erosion areas or other features
   c) Adjacent waterways
   d) Existing wells, approximate depth and use
2) A description of any asbestos abatement proposed for the site. If applicable, this shall include a description of the method to be sure this material does not get into the surrounding area.
3) A description of any existing contamination on-site. This should include a description of the nature of the contamination on-site and what will be done on this project to mitigate or contain it, including the proposed methodology and any state or federal regulatory agency reviews that may apply. If the project includes work that may disturb or displace existing contaminated soils or water, this should include a description of proposed methods to contain and/or dispose of the generated waste.
4) If the proposed project will impact any coastal areas or floodplain or involve riparian work along adjacent waterways, a description of the proposed work and the methodology proposed to protect waterways shall be provided.
5) A description of the existing soils on-site and as to the suitability of these soils for the proposed use.
6) A description of any historical or archeological significance associated with the site. If any such areas are present, this shall include a description of methods to protect and preserve any historic or archeological resources.
7) A description of any emissions from the proposed development as it relates to air quality. If any emissions are proposed, this shall include a description of each constituent and the effects of each constituent to nature and human life.
8) A description of any hazardous materials or waste to be stored on-site. This shall include a description of proposed methods to contain such materials and prevent any migration into adjoining soils or groundwater or into the atmosphere.
9) A description of any storm water or process water discharges from the site. This shall include a characterization of such discharge in terms of the quantity, quality

and chemical constituents and temperature and a description of the possible effects this discharge may have on the receiving waters.

10) If a Federal, State, or local regulatory authority has conducted an Environmental Assessment, Environmental Impact Statement, or a preliminary assessment/site inspection or environmental survey of the site, a brief description of the findings and provide a copy of the report or results.
11) A description of the anticipated noise levels to be generated at all property lines of the proposed use. This shall include a description of measures proposed to mitigate noise.
12) A description of the anticipated traffic to be generated by the proposed use.
13) A description of plans for site restoration after construction.
14) A description of methods to handle sanitary waste for the project both during construction and after completion.
15) A description of how potable water will be provided to the site. If any on-site wells are proposed or any lake-draw systems are proposed for the project, this shall include a description of the type of well or lake draw system, any regulatory requirements that may apply and the status of such regulatory approval.
16) A description of any additional items as needed to relay the potential environmental impacts of the proposed project.

d. The individual preparing the Environmental Assessment must sign and seal (if prepared by a registered engineer, land surveyor, community planner or landscape architect) the submitted document.

2. Traffic Impact Study. The Zoning Administrator or Planning Commission may require that a traffic impact study completed by qualified professional be prepared as an attachment to a site plan submitted for any development in the City meeting the requirements of this section. The purpose of this section is to set forth the standards to be used by the Zoning Administrator or Planning Commission in requiring the submission of such a traffic impact study, the required minimum content of such a study and the standards and procedures for the review of its findings.

   a. Description. A traffic impact study shall include an analysis of the existing traffic conditions on the roadway network in the vicinity of a proposed project, including any accident history, average speeds, average daily and peak hour traffic volumes and levels of service of all key roadway segments and intersections. The study shall further indicate the effect of a proposed development on adjacent roadways and intersections and indicate the anticipated points of origin, direction and volume of traffic flow to and from the proposed development. The study shall be prepared by

either a registered professional engineer (P.E.) or transportation planner with at least five (5) years of experience preparing traffic impact studies in Michigan. The study shall include a summary of the qualifications and documented experience of the author and specifically describing experience in preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design recommendations, the study shall be prepared or supervised by a registered engineer with a strong background in traffic engineering.

b. Criteria for Requiring a Traffic Impact Study. The Zoning Administrator or Planning Commission may require that a traffic impact study be prepared as an attachment to a site plan for any proposed commercial, industrial, residential or mixed use development which has the potential to significantly increase traffic volumes on the surrounding roadway network. In determining the level of potential impact, the Zoning Administrator or Planning Commission shall consult appropriate planning and engineering texts including, but not limited to, *Trip Generation*, published by the Institute of Transportation Engineers and may seek the counsel of other professionals with experience with developments similar to that proposed. A traffic impact study may be required under this section when, in the judgment of the Zoning Administrator or Planning Commission, the proposed development will result in an increase of either the average daily traffic or the peak hour traffic equal to or greater than ten percent (10%) of the current traffic volume on the adjoining roadway.

c. Required Study Content. In general, a required traffic impact study shall document existing conditions on the existing roadway network including all intersections within one (1) mile of the proposed development including average daily traffic and peak hour volumes in all directions, existing turning movements, levels of service, average traffic speeds and accident history. Existing pedestrian and non-motorized traffic volumes shall also be estimated. The traffic impact study shall project the impact of the proposed development on the roadway network including all intersections within one (1) mile of the proposed development including projected average daily traffic and peak hour volumes in all directions, anticipated turning movements and anticipated levels of service. Anticipated impacts on pedestrian and non-motorized traffic volumes shall also be projected. The following specific elements shall be addressed in a required traffic impact study, unless specifically waived by the Zoning Administrator or Planning Commission:

1) A narrative summary at the beginning of the report, including, but not limited to:
   a) The applicant and project name.
   b) A location map.

c) The size and type of development.

d) Generated traffic volumes based on type and size of land use which are compatible with those listed in the Institute of Transportation Engineers – publication, Trip Generation (current edition).

2) Project phasing identifying the year of development activities per phase and proposed access plan for each phase.

3) A transportation system inventory, which describes the physical, functional and operational characteristics of the study area highway system and, where appropriate, locate transit services. The description should provide, where pertinent, data on:

   a) peak-hour volumes (existing and projected)

   b) number of lanes

   c) cross-section

   d) intersection traffic signals and configuration

   e) traffic signal progression

   f) percentage of heavy trucks

   g) adjacent access point locations

   h) jurisdiction

   i) grades

4) Plan showing proposed roadway per phase for each access. Driveway design and roadway improvements shall meet Michigan Department of Transportation (MDOT) or City of Manistee standards and guides.

5) Capacity analysis shall be performed at each access point. The City's preference is the use of Highway Capacity Software, (HCS 2000), or a later version thereof. Default values shall not be used when actual values are reasonably available or obtainable. The interaction of conflicting traffic movements shall be addressed in the traffic impact study. Any proposed signalized access within one (1) mile of an existing signalized intersection shall be analyzed in coordination with the existing signal timing. A time-space diagram should also be included.

6) A traffic impact study shall include an analysis of conditions with and without the proposed development on the existing system, and with the proposed development for both existing and projected traffic volumes. The traffic volumes for the development shall assume a total build out. The completed analysis shall be summarized in a table showing all the Measures of Effectiveness (MOE) for all of the above conditions.

7) Required operational changes shall be part of the site plan review and any access permit approval process.

d. Evaluation and Criteria. As a general criteria, the existing roadway network and all access points to a proposed development shall be demonstrated to be fully capable of accommodating the increased average and peak hour traffic anticipated. In the event the anticipated level of service on any roadway segment or intersection is shown to decline, the traffic impact study shall present alternative approaches proposed to manage anticipated traffic without such decline.

e. The Zoning Administrator may be provided to the City Engineer, Planner and/or an independent traffic engineer or transportation planner to review and comment on any traffic impact study prepared pursuant to this Section. The cost of any such review shall be borne by the applicant.

3. Market Study. For unique development proposals, projects that may entail some financial expense or risk on the part of the City and/or projects that may, in the judgment of the Planning Commission, fundamentally alter the character of the community, the Planning Commission may require a market study to demonstrate a reasonable expectation that a market exists for a proposed development. Such a study shall be prepared in accord with this Section.

a. Description. A market study shall be a detailed and documented analysis of the existing and projected economic conditions in the community that may impact both the proposed demand for the products or services to be generated on a site and the impact on other potentially competing businesses and services in the community that may result from the proposed development.

b. Content. Unless specifically waived by the Zoning Administrator or Planning Commission, a market study shall include the following elements:

1) An executive summary which outlines the key findings of the study.

2) The background for the study including both project background and the methodology and approach used.

3) An overview of the market area including area demographic information and a description of the transportation and service infrastructure that would serve the proposed development.

4) A trade area delineation describing the likely geographic area that may be influenced by the proposed development along with detail on the methodology used in defining the trade area.

5) A market feasibility analysis that defines the supply of competing facilities existing and planned in the marketplace, the inventory of alternative sources of

supply or services that may compete with the proposed development and the demand for the products and services to be provided by the proposed development. This shall include a supply/demand gap analysis and a description of the ways in which the proposed development may address the gap defined.

6) The credentials of the author(s) of the market study.

c. Evaluation. The Zoning Administrator and Planning Commission shall review the market study to be satisfied that there is a reasonable expectation that the proposed development will meet with economic success without creating excessive dislocations within the existing marketplace.

SECTION 2204 ACTION ON APPLICATION AND SITE PLANS

A. Upon receipt of a submitted application and site plan, the Zoning Administrator shall review the plan to determine its completeness. If the submittal is incomplete, the Zoning Administrator shall provide the applicant with a list of items needed to make the submittal complete.

1. If a basic site plan is found to be complete, the Zoning Administrator shall review the site plan in accordance with Section **2205** and approve or deny the application accordingly.
2. If a medium site plan is found to be complete, the Zoning Administrator or Site Plan Review Committee who shall reserve the right to forward it to the Planning Commission for approval shall review the site plan in accordance with **Section 2205** and approve or deny the application accordingly. [Annotation: Section 2204.A was amended to include language for medium site plans by Amendment Z10-04, effective 10/30/10]

B. If a detailed site plan submittal is complete, the Zoning Administrator shall record the date of receipt and transmit copies thereof to each of the Planning Commissioners; to the Fire Department when necessary; to other area review agencies, such as the City Engineer, County Health Department, Michigan Department of Transportation, retaining at least one (1) copy in the Zoning Administrator's office.

C. A meeting shall be scheduled for a review of the application, plans, and of the recommendation of the Zoning Administrator with regard thereto. Members of the Planning Commission shall be delivered copies of the same prior to the meeting for their preliminary information and study. The meeting shall be held within forty-five (45) days of the date of the receipt of the plans and completed application.

D. The applicant shall be notified of the date, time and place of the meeting on the application not less than three (3) days prior to such date.

E. After conducting a review of the site plan, the Planning Commission shall approve, approve conditionally or reject the site plan, as it pertains to requirements and standards contained in the Zoning Ordinance. Any conditions required by the Planning Commission shall be stated in writing and shown on the site plan, together with the reasons for such conditions, and delivered to the applicant. Decisions by the Planning Commission shall be made within one hundred (100) days of the receipt of the completed application. Any conditions imposed on the application and site plan shall:

1. Be designed to protect natural resources; the health, safety, welfare, and social and economic well being of users of 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.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, and 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.

F. A site plan approved or conditionally approved by the Planning Commission which includes a landscape plan submitted under **Section 531**, may require a performance guarantee pursuant to subparagraph G hereof of this Section. [Annotation: "shall" changed to "may" by Amendment Z10-04, effective 10/30/10]

G. Two copies of the approved site plan, with any conditions shall be maintained as part of the City records for future review and enforcement. One (1) copy shall be returned to the applicant. Each copy shall be signed by the applicant and the Chair of the Planning Commission and dated with the date of approval for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the City records as a part of the site plan and delivered to the applicant for information and direction.

H. To insure compliance with the site plan, Zoning Ordinance, and any conditions, limitations or requirements imposed on the applicant, the Zoning Administrator, upon recommendation and consent of the Planning Commission, may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond in an amount and under conditions permitted by law. Such security shall be deposited with the City Treasurer at the time of permit issuance authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Zoning Administrator may authorize a return of a portion of the deposit in reasonable proportion to the completion of the required improvements. Such security shall not exceed the estimated cost to fulfill the required conditions, limitations established for the site plan.

SECTION 2205 REVIEW CRITERIA

In the process of reviewing a site plan, the Planning Commission or Zoning Administrator shall consider:

A. That there is a proper relationship between the existing streets and highways within the vicinity, and proposed deceleration lanes, service drives, entrance and exit driveways, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conform to any street or access plan adopted by the City or the Michigan Department of Transportation.

B. That the buildings, structures, and entrances thereto proposed to be located upon the premises are so situated and so designed as to minimize adverse effects upon owners and occupants of adjacent properties and the neighborhood.

C. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.

D. That any adverse effect of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or walls, or landscaping.

E. That all provisions of this Ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.

F. That all buildings and structures are accessible to emergency vehicles.

G. That plans for erosion control and storm water discharge has been approved by the appropriate public agency.

H. The relationship to shore and river preservation principles where appropriate.

I. That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to preserve property values and natural resources; and to give reasonable consideration to character of a particular area, its peculiar suitability for particular uses and the general appropriate trend and character of land, building, and population development.

J. That all utility services shall be provided on site in a manner least harmful to surrounding properties, and that all utilities are located underground, as applicable, unless specifically waived by the Zoning Administrator, Planning Commission, or Zoning Board of Appeals.
K. That all applicable local, regional, state and federal statutes are complied with.
L. Projects proposed within three hundred (300) feet of Lake Michigan, Manistee Lake and/or the Manistee River Channel shall be arranged to preserve the maximum possible view corridor from public activity areas to said bodies of water. For the purpose of this Section public activity centers shall include pedestrian walkways, outdoor recreation areas, outdoor eating/drinking facilities, outdoor attractions or amenities (such as fountains, statues, monuments, public benches/seating, and other similar features) which are designed to attract and promote the gathering of the general public on-site.

SECTION 2206 CONFORMITY TO APPROVED SITE PLANS

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Planning Commission. If construction and development does not conform with such approved plans, the approval shall be revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the applicant at the last known address. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation. However, the Planning Commission may, upon proper application, approve an amendment to the site plan pursuant to **Section 2208**.

SECTION 2207 TERM OF APPROVAL OF THE SITE PLAN

Approval of the site plan shall be valid for a period of one (1) year after the date of approval. The Planning Commission may grant extensions if applied for and granted in writing. The reasons for extensions may be the inability to complete the requirements, financial constraints, regulatory approvals or other proven hardship. If a zoning permit has not been obtained and the on-site development actually commenced within said one (1) year, the site plan approval shall become null and void and a site plan approval application shall be required and approved before any construction or earth change is commenced upon the site.

SECTION 2208 AMENDMENT TO THE SITE PLAN

No changes shall be made to an approved site plan prior to or during construction except upon application to the Zoning Administrator according to the following procedures:

A. Minor changes to a Basic Site Plan. The Zoning Administrator may approve minor changes to a basic site plan involving changes in the location of buildings and structures, adjustment of utilities, walkways traffic ways, and parking areas.
B. Minor changes to a Medium Site Plan. The entity that approved the original plan may approve minor changes involving changes in the location of buildings and structures, adjustment of utilities, walkways traffic ways, and parking areas to a medium site plan.
C. Minor Changes to a Detailed Site Plan. Minor changes involving changes in the location of buildings and structures, adjustment of utilities, walkways traffic ways, and parking areas and the construction of accessory buildings or additions to primary structures less than seven hundred (700) square feet in area to a Detailed Site Plan can be approved by the Site Plan Review Committee who shall reserve the right to forward it to the Planning Commission for approval.
D. Major Changes to a Basic Site Plan or Medium Site Plan. Major changes to a Basic Site Plan or Medium Site Plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation of a building, increase in the gross floor area or heights of buildings, a reduction in open space and similar major changes will require a new application.
E. Major changes or Amendments to a Detailed Site Plan. Major changes or Amendments to a Detailed Site Plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation of a building, increase in the gross floor area or heights of buildings, a reduction in open space and similar major changes, shall require approval of the Planning Commission, in the same manner as the original application was submitted, reviewed, and approved. [Annotation: Section 2208 was amended to address changes when Medium Site Plan language was added by Amendment Z10-04, effective 10/30/10]

SECTION 2209 APPEALS

With regard to site plan approval decisions, an appeal may be taken to the Zoning Board of Appeals in the manner as other administration decisions. The concurring vote of a majority of the members of said Board shall be necessary to reverse any decision by the Planning Commission, or to decide in favor of the applicant. The appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the City or State. The Zoning Board of Appeals shall state the grounds of each determination.

ARTICLE TWENTY-THREE
RESERVED

ARTICLE TWENTY-FOUR
ADMINISTRATION

SECTION 2400 ZONING ADMINISTRATOR

A. The City Manager shall designate an individual to serve as the Zoning Administrator to administer and enforce this Ordinance. The Zoning Administrator may delegate duties to such other persons as the City Manager may assign to assist.

B. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature or the violation and ordering the action necessary for correction. He/she shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures or of illegal addition, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance or general law to ensure compliance with or to prevent violation of the provisions of this ordinance.

SECTION 2401 DUTIES AND LIMITATIONS OF THE ZONING ADMINSTRATOR

A. The Zoning Administrator shall have the authority to grant Land Use Permits and to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

B. It shall be unlawful for the Zoning Administrator to approve any plans or issue a Land Use Permit for any excavation or construction or use until such plans have been reviewed in detail and are found to be in compliance with this Ordinance. To this end, the Zoning Administrator shall require that an application for a Land Use Permit for excavation, construction, moving, alteration, or change in type of use or type of occupancy, shall, where required by this Ordinance, be accompanied by a site plan, in accordance with Article 22 hereof.

C. If the proposed excavation, construction, moving or alteration, or use of land as set forth in the application, and site plan, when required, is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue a Land Use Permit. If an application for such permit is not approved, the Zoning Administrator shall state in writing the cause for such disapproval.

D. The Zoning Administrator may, but shall not be required to, accept a preliminary application and an incomplete submittal where a basic clarification is desired prior to proceeding with further technical work; and the Zoning Administrator may on such preliminary submittal take the formal action of tentative denial or tentative approval. Provided, that the applicant shall be advised, in writing, that such tentative denial or approval may be overturned by the Planning Commission.

E. Issuance of a Land Use Permit shall in no case be construed as waiving any provisions of this Ordinance. The Zoning Administrator is under no circumstances permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in this Ordinance to any person making application to excavate, construct, move, alter, or use buildings, structures, or land. The Zoning Administrator is under no circumstance permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his duties.

F. The Zoning Administrator shall not refuse to issue a Land Use Permit when the applicant has complied with all applicable conditions required by this Ordinance. Violations of contracts such as covenants or private agreements which may result upon the granting of said permit are not cause for refusal to issue a permit.

SECTION 2402 LAND USE PERMIT

A. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including an accessory building, or to commence the moving, or structural alteration, including an accessory building, costing more than one-hundred dollars ($100.00) or exceeding one-hundred (100) square feet in floor area, until the Zoning Administrator has issued for such work a Land Use Permit including a certification of his opinion that plans, specifications, and intended use of such structure do in all respects conform to the provisions of this Ordinance.

B. It shall be unlawful to alter the contour of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use, until the Zoning Administrator has issued for such intended use a Land Use Permit.

C. In all cases where a building permit is required, application for a Land Use Permit shall be made coincidentally with the application for a building permit and in all other cases shall be made not less than ten (10) days prior to the time when a new or enlarged use of a building or premises or part thereof is intended to begin. This application shall be made in writing to the Zoning Administrator and shall provide all relevant project information. A record of all such applications shall be kept on file by the Zoning Administrator.

D. Any Land Use Permit issued under the provisions of this Ordinance shall be valid only for a period of one (1) year following the date of issuance thereof. Any project which has not commenced within the one (1) year period will require the re-issuance of extension of the Land Use Permit.

E. When the Zoning Administrator receives an application for a Land Use Permit, which requires a special land use approval, variance, or other approval, he shall so inform the applicant.

F. Before any Land Use Permit shall be issued, an application and inspection fee and any required escrow fees shall be paid. The amount of such fees and escrows shall be fixed by a schedule established by resolution of the City Council.

G. No building or structure or use for which a Land Use Permit has been issued shall be used or occupied until after a final inspection has been performed which indicates that all the provisions of this Ordinance are met with and a Certificate or Occupancy has been issued by the Building Official. The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance.

SECTION 2403 REAPPLICATION

No application for a special land use, Site Plan Review, Planned Unit Development, or variance which has been denied, in whole or in part, by either the Planning Commission or the Zoning Board of Appeals may be resubmitted for a period of twelve (12) months from the date of the denial, except on the grounds of newly discovered evidence.

SECTION 2404 REHEARING

A. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
   1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
   2. There has been a material change in circumstances regarding the Planning Commission's or Zoning Board of Appeals' findings of fact which occurred after the public hearing.
   3. The City Attorney by written opinion states that in the Attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion, pursuant to the following procedure:
   1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
   2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
   3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be

considered. The notice may be served upon the applicant by first class mail at the applicant's last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

C. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

ARTICLE TWENTY-FIVE
ZONING BOARD OF APPEALS

SECTION 2500 ESTABLISHMENT

There is hereby established a Zoning Board of Appeals in accordance with Section 601 of the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended). The Zoning Board of Appeals shall perform its duties and exercise its powers as provided by said Act, as amended, and in such a way that the objectives of this Ordinance may be equitably achieved; that there shall be provided a means for competent interpretation and controlled flexibility in the application of this Ordinance; that the health, safety, and welfare of the public be secured; and that substantial justice be secured. [Annotation: This paragraph was changed to reflect the Michigan Zoning Enabling Act by Amendment 07-21, effective 5/29/07]

SECTION 2501 MEMBERSHIP, TERMS OF OFFICE

The Zoning Board of Appeals shall consist of five (5) members appointed by the City Council. The first member of such board shall be a member of the Planning Commission, and the Commissioner's term on the board shall be concurrent with his term on the Planning Commission. The Mayor of the City of Manistee with approval of the City Council shall appoint the remaining members of the Board. The members selected shall be representative of the population distribution and of the various interests present in the City. One member may be a member of the City Council. An elected officer of the City shall not serve as Chair of the Zoning Board of Appeals.

The total amount allowed the Zoning Board of Appeals in any one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which sum may be appropriated annually in advance by the City Council A member of the Zoning Board of Appeals may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. [Annotation: this paragraph was changed to reflect the requirements for members in the Michigan Zoning Enabling Act by Amendment 07-21, effective 5/29/07]

The term of each member shall be for three (3) years. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. The Mayor and City Council shall seek to stagger the expiration dates of members of the Zoning Board of Appeals so at least one

member's term expires each year and to achieve a reasonable degree of continuity of membership from one year to the next. Council, by a majority of the members serving, may appoint up to two (2) alternate members, who shall serve for three (3) years. [Annotation: The last sentence in this paragraph was changed by Amendment 12-09, effective 1/16/13]

SECTION 2502 MEETINGS

Meetings of the Zoning Board of Appeals shall be held at the call of the Chair and at such other times as the Board in its rules of procedure may specify. The Chair or in his absence, the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings which shall be filed in the office of the City Clerk and shall be a public record. The Board shall not conduct business unless a majority of the members of the Board are present.

SECTION 2503 DUTIES, RULES, HEARING AND DECISIONS OF APPEALS, RIGHT TO AND GROUNDS OF APPEAL

The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the zoning maps, and may fix rules and regulations to govern its procedures. It shall also hear and decide appeals from and review any order, requirements, decision or determination made by the administrative official charged with enforcement of this Ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the City, County, or State. The grounds of every determination shall be stated.

SECTION 2504 TIME TO AND NOTICE OF APPEAL: TRANSMISSION OF RECORD

Such appeal shall be taken within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by the filing with the City Clerk, the Zoning Administrator or other officer from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds thereof together with a fee established by the City Council which shall be paid to the City Clerk at the time the notice of appeal is filed. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken.

SECTION 2505 STAY OF PROCEEDINGS PENDING APPEAL

An appeal shall stay all proceedings in furtherance of the action appealed, except as provided herein. Proceedings shall not be stayed in the event the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that a stay would cause imminent peril to life or property. The Zoning Board of Appeals or the Circuit Court may issue a restraining order to re-institute a stay on application and notice to the officer from whom the appeal is taken with due cause shown.

SECTION 2506 HEARINGS AND NOTICES, RIGHT TO BE HEARD, DISPOSITION OF APPEALS, DECISION NOT FINAL

The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney. The Zoning Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have the power, in passing upon appeals, to vary or modify any of its rules, regulations or provisions so that the spirit of the Ordinance shall be observed, public safety secured, and substantial justice done. The decision of the Zoning Board of Appeals shall not be final, and any person having an interest affected by this Ordinance shall have the right to appeal to the Circuit Court.

SECTION 2507 DUTIES AND POWERS

The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor to make any change in the terms of intent of this Ordinance, but does have power to act on those matters where by statute or this Ordinance provision is made for an administrative review, interpretation, variance or exception as defined therein.

A. Review. The Board shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or the Planning Commission or by any other official in administering or enforcing any provision of this Ordinance. The allegation shall be duly made within thirty (30) days of the date of decision being appealed. The date of decision is presumed to be five (5) days after the literal date of decision.

B. Interpretation. The Zoning Board of Appeals shall have the power to:

1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
2. Determine the precise location of the boundary lines between zoning districts.
3. Classify a use which is not specifically mentioned as part of the use regulations of any zoning district, except as provided herein, so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.

C. Variances. The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **all of the Basic Conditions** and **any one (1) of the Specific Conditions** set forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

1. Basic Conditions. The Board shall find that a variance request meets all of the following conditions.
   a. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
   b. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.
   c. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.
   d. The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.
   e. The requested variance shall relate only to property that is under control of the applicant.
   f. The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.
   g. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.
   h. The requested variance is the minimum variance that will make possible the reasonable use of the land.

2. Special Conditions. When **all** of the foregoing basic conditions can be satisfied, a variance may be granted when any **one** (1) of the following special conditions can be clearly demonstrated:
   a. Where there are practical difficulties which prevent full compliance with the requirements of this Ordinance. Such practical difficulties shall be evaluated in terms of the use of a particular parcel of land. Neither the fact that the appellant could: (a) incur additional costs to achieve full compliance, or (b) receive additional income with less than full compliance shall be determined a practical difficulty for the purposes of this paragraph.
   b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.
   c. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
3. Rules. The following rules shall be applied in the granting of variances:
   a. The Board may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit granted.
   b. Each variance granted under the provisions of this Ordinance shall become null and void unless: The construction authorized by such variance has received a City zoning permit within one (1) year after the granting of the variance; and the occupancy of land, premises, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance, unless an extension of time has been granted by the Zoning Board of Appeals.
   c. No application for a variance which has been denied wholly or in part by the Board shall be re-submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence of changed conditions found, upon inspection by the Board, to be valid. For such newly discovered evidence to be considered, an applicant shall submit a detailed description of such evidence to the Zoning Administrator who shall place it on the agenda of the Zoning Board of Appeals along with a report and recommendation on the nature of such newly discovered evidence and whether it may have been pertinent to the decision of the Zoning Board of Appeals. If the Zoning Board of Appeals determines that the newly discovered evidence would have been pertinent to its decision, it shall direct the Zoning Administrator to accept a new application for the previously denied variance.

An application considered under the terms of this subparagraph shall be considered a new application and shall be subject to all hearing, notice and fee requirements of this Ordinance.

SECTION 2508 PERFORMANCE GUARANTEE FOR COMPLIANCE

In authorizing any variance, or in granting any conditional, temporary or special approval permits, the City Zoning Board of Appeals may require that a performance guarantee be furnished to insure compliance with the requirements, specifications and conditions imposed with the grant of variance or permit and to insure the 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 Zoning Board of Appeals.

ARTICLE TWENTY-SIX
MUNICIPAL CIVIL INFRACTIONS

SECTION 2600 MUNICIPAL CIVIL INFRACTIONS

Any person, corporation or firm who disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Planning Commission, Zoning Board of Appeals or the City Council issued in pursuance of this Ordinance shall be in violation of this Ordinance. Any such violation is hereby declared to be a nuisance, per se. Whoever violates any provision of this Ordinance is guilty of a Civil Infraction in accordance with Section 202.99 of the City of Manistee Codified Ordinances.

SECTION 2601 INJUNCTIVE RELIEF

The penalties provided herein shall not prohibit the City from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

ARTICLE TWENTY-SEVEN
FEES, CHARGES AND ESCROW ACCOUNTS

SECTION 2700 FEES

The City Council shall establish by resolution, fees for occupancy certificates, appeals, application for amendments or special uses, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Community Development Department and may be altered only by resolution of the City Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION 2701 APPLICANT ESCROW ACCOUNTS

If the Planning Commission or Zoning Board of Appeals determines that the basic fees provided under **Section 2700** hereof, will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the City Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the City in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

ARTICLE TWENTY-EIGHT
AMENDMENTS

SECTION 2800 AMENDMENTS

Any person affected by this Ordinance may submit a petition in writing to the secretary of the Planning Commission requesting that consideration be given to amendments to this Ordinance in the particulars set forth in the petition. The Planning Commission shall hold a meeting to consider said petition in accordance Section 202 of the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended). [Annotation: this paragraph was changed to reflect the Michigan Zoning Enabling Act by Amendment 07-22, effective 5/29/07]

SECTION 2801 REZONING AGREEMENTS

A. Any interested property owner may voluntarily offer in writing, and the City may approve, certain uses and/or development of the land or other activities as a condition to a rezoning of the land.

B. Application Procedure.

   1. If the applicant wishes to submit an offer of conditions or restrictions along with a petition to rezone land, the applicant shall do so in writing. Proposed restrictions shall be stated clearly, as determined by the Zoning Administrator. The offer of conditions or restrictions shall be received with the application to rezone the land, except as provided in subparagraph 4 hereof.
   2. The applicant may request a pre-application meeting, in which the Zoning Administrator and other City officials may identify concerns reasonably related to the rezoning request. The City shall not require the applicant to offer conditions or restrictions as a prerequisite for rezoning or shall the presentation of an offer of conditions or restrictions create any obligation on the part of the City to rezone any land.
   3. The City of Manistee shall not add to, alter, or augment the offer of conditions or restrictions.
   4. The offer of conditions or restrictions shall be received in writing with the rezoning application, prior to the Planning Commission public hearing on the rezoning request. Provided, if an offer of conditions is proposed at a Planning Commission public hearing on the rezoning request, the public hearing may be adjourned or recessed to provide the City time to consider the offer; and if an offer of conditions is proposed at a City Council meeting, the rezoning request and such conditions shall be remanded back to the Planning Commission for consideration.
   5. The Planning Commission or City Council may table a request to give residents of the City of Manistee more time to fully understand the offer of conditions.

C. Standards for Approval.

1. When reviewing a rezoning request and an offer of conditions or restrictions, the City may consider, but shall not be limited to; future land use recommendations in the Master Plan; goals and objectives in the Master Plan; the availability and capacity of utilities; potential impact on neighboring land uses and the natural environment; and other concerns related to the general welfare, safety and health of area residents,
2. Offers of conditions or restrictions shall not be approved if such conditions or restrictions would have the effect of departing from the standards of the Zoning Ordinance or other regulations or ordinances promulgated by, or applicable in, the City of Manistee.
3. When considering an offer of conditions or restrictions, the City determine whether the conditions or restrictions offered would address or mitigate impacts that might otherwise be reasonably expected to result from the rezoning request.

D. Expiration of Agreement, Reversion and Extensions.

1. In approving the conditions, the City may establish a time period during which the conditions apply to the land. Except for an extension under subparagraph 3 hereof, if the conditions are not satisfied within the time specified, the land shall revert back to its former zoning classification, per subparagraph 4 hereof.
2. The City shall not add to or alter the approved conditions during the time period specified under subparagraph 1.
3. The time period specified under subparagraph 1 may be extended upon the application of the property owner and approval of the City.
   a. The applicant shall submit in writing a request to the Zoning Administrator, who will forward the written request and his recommendation on the request to the Planning Commission. The written request shall include reasons why the extension is being solicited.
   b. Upon recommendation of the Planning Commission, the City Council may extend the time period specified under subparagraph 1. If the extension is approved, if the conditions are not satisfied within the time specified under the extension, the land shall revert back to its former zoning classification, per subparagraph 4.
4. If the conditions are not satisfied or the restrictions are not established within the specified time period, the Zoning Administrator shall initiate the reversion process, in which the land reverts back to its former zoning classification, in accordance with this paragraph. At a public hearing, the Planning Commission shall establish that the applicant has failed to satisfy the approved conditions, shall state what specific conditions were not met, shall note all comments and reports requested or the absence of such, and shall rezone the land back to its former zoning classification.

E. Coordination and Performance Bonds.

1. Where proposed conditions or restrictions involve public improvements, the applicant shall submit the following to the Planning Commission prior to final approval of the rezoning and offer of conditions:
   a. A construction schedule.
   b. Costs and obligations.
   c. Responsible parties for obtaining permits.
   d. Proof, in writing, that applicable utility or regional agencies or reviewing bodies have reviewed and approved final design of said public improvements.
2. The City may require submission of performance bonds or similar tools as part of the agreement or approval.

F. Notices.

1. Rezoning of land for an individual property of 10 or fewer adjacent properties shall require notice of public hearing. The administrator shall notify the following persons, not less than 15 days before the date that the application will be considered:
   a. The applicant.
   b. The owner of the property, if different.
   c. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the City of Manistee or not.
   d. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the City of Manistee or not.
   e. The general public by publication in a newspaper which circulates in the City of Manistee. The notice shall include:
      1) The Nature of the Rezoning request and the offer of conditions.
      2) The property(ies) for which the request has been made.
      3) A listing of all existing street addresses within the property(ies) which is (are) subject of the Special Use. (Street addresses do not need to be created and listed if no such addresses currently exits within the property. If there are no street addresses, other means of identification may be used).
      4) The location where the application documents can be viewed and copied prior to the date the application will be considered.
      5) The date, time and location of when the public hearing will take place.
      6) The address where written comments will be directed prior to the consideration.

2. Rezoning of land for 11 or more adjacent properties shall require notice of public hearing. The administrator shall notify the following persons not less than 15 days before the date that the application will be considered:
   a. The applicant.
   b. The owner of the property, if different.
   c. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the City of Manistee or not.
   d. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the City of Manistee or not.
   e. The general public by publication in a newspaper which circulates in the City of Manistee. The notice shall include:
      1) The Nature of the Rezoning request and the offer of conditions.
      2) The property(ies) for which the request has been made.
      3) The location where the application documents can be viewed and copied prior to the date the application will be considered.
      4) The date, time and location of when the public hearing will take place.
      5 The address where written comments will be directed prior to the consideration.

[Annotation: This section was changed to meet the noticing requirements of the Michigan Zoning Enabling Act by Amendment 07-22, effective 5/29/07]

***

Amendments to the City of Manistee Zoning Ordinance

The following is a brief synopsis of Ordinance Amendments that were adopted by City Council May 15, 2007 and take effect on May 29, 2007

ORD#

07-05 Provides a definition for "Ordinary High Water Mark" that is consistent throughout the ordinance.

07-06 Provides single family homes in the C-2 & C-3 Zoning District the rights of being a legal non-conformity. Without this language they could not put on an addition or have a home occupation.

07-07 Deleted Decks in the waterfront set-back. A developer interpreted this language as allowing an attached deck on a primary structure being able to encroach into the waterfront set-back. This eliminates the confusion.

07-08 This appeared to be a clerical error that was not caught when the ordinance was adopted.

07-09 This re-instates language that was in the old ordinance requiring for new Dwelling, Single Units to have a minimum 4/12 roof pitch. This is similar to the language we had in the old ordinance but does not effect additions.

07-10 Deletes Mine, Sand and Gravel in the Light Industrial District.

07-11 Changes Wells, Extraction in the General Industrial District from a Special Use to a Use by right.

07-12 Developed to expedite the application process and meet the noticing requirements of the Michigan Zoning Enabling Act.

07-13 Corrects the number of Billboard faces from “10" to “19" and [annotate how number was established].

07-14 Allows a 4 square foot Sign for Minor Home Occupations.

07-15 Developed to expedite the application process and meet the noticing requirements of the Michigan Zoning Enabling Act.

07-16 Developed language for certification purposes. Adds the word “principal” to read...1.5 x principal building width (Cumulative Sign Area of Chart).

07-17 Is less restrictive by deleting Site Plan Review and replacing the language with Special Uses.

07-18 Adds Future Development Site Signs that have received zoning approval to the list of exempt signs. And deletes the size restriction language for political signs.

07-19 Moves Signs for Golf Courses and Nursing and Convalescent Homes to less restrictive table of uses (allows more signage that they originally were allowed).

07-20 Allows a surveyor to prepare a site plan. Removes a “Planner” from the list of people who can prepare a detailed site plan.

07-21 Amends Article 25 Zoning Board of Appeals to reflect changes under the new Michigan Zoning Enabling Act.

07-22 Amends Article 28 Amendments to reflect changes under the new Michigan Zoning Enabling Act.

07-23 Changes the language to give the Historic District Commission more flexibility for signage in the Historic District.

07-24 Allows signage on water front side of properties with water frontage.

07-25 Deletes the size restrictions for wall signs.

07-27 Changes the Official Zoning Map to reflect that parcels #51-51-211-128-01, #51-51-211-200-01 and #51-51-268-701-01 are Re-zoned from R-2 Medium Density Residential to W-F Waterfront as part of an Order of the Manistee County Circuit Court

The following is a brief synopsis of Ordinance Amendments that were adopted by City Council December 4, 2007 and took effect on December 14, 2007 and Amendments that were adopted by City Council on February 19, 2008 and took effect on February 29, 2008.

ORD#

07-29 Adds Medical or Dental Office as a Use by Right in the LI – Light Industrial District.

08-01 Changes the Definition of "Accessory Use" in Section 202 A and Section 1805 Accessory Uses, Related to Uses Permitted

08-02 Changes the Definition of "Parking Facility" in Section 217 P, Adds Parking Facility as a Special Use in the R-2, R-3, C-2 & G-I Zoning Districts and Amends Section 1865 Parking Facility

08-03 Changes the Definition of "Adaptive Reuse" in Section 202.A, Deletes Adaptive Reuse as a Special Use in the R-4 & G-I Zoning Districts and Amends Section 1807 Adaptive Reuse.

08-04 Amends Section 2018, Use Type 3 relating to Ground Mount Signs

08-05 Amends Article 12 Waterfront District, Section 1200 Purpose and Intent AMEND the language to read "...on or near the waterfront." in the first sentence.

08-06 Amend Section 217 P to correct the Definition of "Place of Public Assembly Large" and "Place of Public Assembly, Small".

The following is a brief synopsis of an Ordinance Amendment that was adopted by City Council December 2, 2008 and took effect on December 11, 2008.

ORD#

08-08 Adds the Definition of "Windmill, Accessory" in Section 224 W in Article 2 Definitions.

Adds Section 515.G Windmill, Accessory, to Section 515 Accessory Buildings and Structures to Article 5 General Provisions.

Adds Windmill, Accessory to City of Manistee – Table of Uses; Table 7-2 Uses Permitted by Right and Special Land Use Permit.

Adds Windmill, Accessory to Article 16 LI – Light Industrial, Section 1601 Uses Permitted by Right, Adding item S, changes were made to tables also.

Adds Windmill, Accessory to Article 17 GI – General Industrial, Section 1701 Uses Permitted by Right, Adding item P, changes were made to tables also.

The following is a brief synopsis of an Ordinance Amendment that was adopted by City Council October 19, 2010 and took effect on October 30, 2010

ORD#

Z10-01 Changes Duplex from Permitted Use to Special Use in the R-2, R-3 and W-F Zoning Districts

Changes made to Section 7-2 Uses Permitted by Right and Special Land Use Permit Table

Changes Duplex from Permitted Use to Special Use in the Article 9: R-2 Medium Density Residential Section 900 Purpose and Intent; Deletes Duplex from Section 901 Uses Permitted by Right; Adds Duplex to Section 902 Uses Permitted by Special Land Use Permit

Changes Duplex from Permitted Use to Special Use in the Article 10: R-3 High Density Residential Section 1000 Purpose and Intent; Deletes Duplex from Section 1001 Uses Permitted by Right; Adds Duplex to Section 1002 Uses Permitted by Special Land Use Permit

Changes Duplex from Permitted Use to Special Use in the Article 12: W-F Waterfront District Section 1200 Purpose and Intent; Deletes Duplex from Section 1201 Uses Permitted by Right; Adds Duplex to Section 1202 Uses Permitted by Special Land Use Permit

Z10-02 Adds Bed & Breakfast as a Special Use in the C-2 Neighborhood Commercial Zoning Districts

Change made to Section 7-2 Uses Permitted by Right and Special Land Use Permit Table

Adds Bed & Breakfast as a Special Use in Article 14: C-2 Neighborhood Commercial District Section 1400 Purpose and Intent; Adds Bed & Breakfast to Section 1402 Uses Permitted by Special Land Use Permit

Article 18: Special Uses Section 1813 Bed and breakfast, Item B Purpose and Intent, Item h be amended by adding “Within the ***C-2***, C-3 Districts – 6 sleeping rooms”

Z10-03 Language developed by Planner of Record – Williams and Works for Condominiums

Changes to Article 2 Definitions, Section 204 C: Add definition of Common Elements; add definition of Condominium Unit, add definition of Condominium Act; add definition of Condominium Conversion; add definition of Condominium Subdivision Plan; delete definition of Condominium

Section 208 G – Add definition of General Common Elements

Section 213 L – Add definition of Limited Common Elements

Section 220 S – Add definition of Site Condominium; add definition of Site Condominium Unit

Article 4: Nonconformities, Section 401 Regulations add Item ***B "Nonconforming Condominium. A nonconforming developed or undeveloped parcel shall not be converted to a condominium, except in conformance with this Ordinance."***

Article 5: General Provisions, Section 514 Vehicular Parking Space, Access and Lighting, Item F be amended to read "For all permitted uses and special uses in the C-3 District, the parking provisions ***of this section shall not apply, except to hotels, motels, and residential use condominiums."***

Article 5: General Provisions, add Section 533 Condominiums

Z10-04 Language that provides for a Medium Site Plan Review

Article 5: General Provisions, Section 515 Accessory Buildings and Structures, Item G.6 amended to read: "A medium site plan shall be required and reviewed by the ***Site Plan Review Committee*** per section 2201.B.

Article 22 Site Plan Review, Section 2201 Scope, be amended, Basic Site Plan language amended, Medium Site Plan language added, Detailed Site Plan language amended.

Article 22: Site Plan Review, Section 2203 Application Procedure, be amended by adding "medium".

Article 22: Site Plan Review, Section 2203 Application Procedure Item C, Basic Site Plan language changed to be the same as in Section 2201 Scope.

Article 22: Site Plan Review, Section 2203 Application Procedure Item D, add Medium Site Plan language

Article 22: Site Plan Review, Section 2203 Application Procedure Item E, Detailed Site Plan language changed to be the same as in Section 2201 Scope

Article 22: Site Plan Review, Section 2204 Action on Application and Site Plans, Item A, be amended to include medium site plan

Article 22: Site Plan Review, Section 2204 Action on Application and Site Plans, Item F, be amended change “shall” to “may”

Article 22: Site Plan Review, Section 2208 Amendment to the Site plan, be amended to reflect the addition of a medium site plan.

Z10-06 Established G-C Golf Course District for the Golf Course Property and removed it from the R-1 Low Density Residential District

Article 2: Definitions, Section 208 G definition of Golf Course add banquet facility to definition

Article 2: Definitions, Section S add definition of “Sand Excavation”

MOVED Article 7: Districts, Dimensional Standards, Use Table and Zoning Map to Article 3 and amended as follows:

Changed G-C property from R-1 to G-C

Amended Table 3-1 - added G-C Golf Course to standards to table

Amended Table 3-2 – Added Sand Excavation to list of Uses; deleted G-C as a Special Use in the R-1 District, Added G-C to the list of Districts and added the following Uses: Accessory Bldg. ≤ footprint principal structure - R (Use by Right); Accessory Bldg. > footprint principal structure - SLU (Use Permitted as Special Land Use); Accessory Uses, Related to uses permitted - R/SLU; Dwelling, Single Unit - R; Eating and Drinking Establishment - R; Golf Course - R; Home Occupation, Minor - R; Mixed-Use Development - SLU; Outdoor Recreation, Park - R; Planned Unit Development - SLU; Sand Excavation - R; Subdivision, Plat or Condo. (of permitted uses) - R; Uses similar to uses permitted by right or as Special Land Uses - R/SLU; Wells, Extraction - SLU

Changed Article 7 from: Dimensional Standards, Use Table and Zoning Map to G-C Golf Course District

Article 8: Low Density Residential Deleted Golf Course as a Special Use in Section 800 Purpose and Intent and Section 803 Uses Permitted by Special Land Use

Article 18: Special Uses, Section 1843 Golf Course Amend Definition of Golf Course to include “banquet facility”

Article 21: Signs - amend Section 2106, Use Type 1, Low Intensity Residential by adding G-C to Table of Uses; amend Section 2107, Use Type 2, Residential and Residential Commercial by adding G-C to Table of Uses; amend Section 2108, Use Type 3, Commercial and Office by adding G-C to Table of Uses, ADD Golf Course to Examples of Uses and providing new regulations for G-C District; amend Section 2109, Use Type 4, Institutional and Outdoor Recreation by deleting Golf Course from Examples of Uses; amend Section 2110, Use Type 5, Industrial by adding G-C to Table of Uses

Z10-07 Amend Article 21: Signs – changes include more signage, eliminates references, defines storefront

Article 2 Definitions: amends Section 220 D by adding Definition for Storefront and Section 220 D SIGN amends Definition of Item G Electronic Sign

Article 21: Signs: amend Section 2101 Procedures, Item A; amend Section 2102 General Standards, Item A.7; amend Section 2102 General Standards, Item F, amend Section 2103 Exempt Signs, Item K; add Section 2103 Exempt Signs, Item M; amend Section2 104 Prohibited Signs, Item G.7; amend Section 2106, Use Type 1, Low Intensity and Residential; delete Section 2107, Use Type 2, Residential and Residential Commercial; amend Section 2108, Use Type 3 Commercial and Office; delete Section 2108, Use Type 4, Institutional and Outdoor Recreational; amend Section 2110 Use Type 5, Industrial; amend Section 2112 Temporary Portable Signs, Item A

The following is a brief synopsis of an Ordinance Amendment that was adopted by City Council September 6, 2011 and took effect on September 25, 2011

Z11-06 Amended Ordinance to permit a Community Garden in all Zoning Districts.

Article 2: Definitions & Interpretation - ADD Section 204 C - Community Garden

Article 3: Districts, Dimensional Standards Uses Table and Zoning Map - ADD Table 3-2 Uses Permitted by Right and Special Land Use Permit Community Garden – Use by Right in all Districts

Article 5: General Provisions - ADD - SECTION 534 Community Gardens

Article 7: G-C Golf Course District - Section 700 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 701Uses Permitted by Right - ADD Item C. Community Garden

Article 8: R-1 Low Density Residential - Section 800 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 801Uses Permitted by Right - ADD Item C. Community Garden

Article 9: R-2 Medium Density Residential - Section 900 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 901Uses Permitted by Right - ADD Item C. Community Garden

Article 10: High Density Residential - Section 1000 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 1001Uses Permitted by Right - ADD Item C. Community Garden

Article 11: R-4 Manufactured Housing Community District - Section 1100 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 1101Uses Permitted by Right - ADD Item C. Community Garden

Article 12: W-F Waterfront District - Section 1200 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 1201Uses Permitted by Right - ADD Item C. Community Garden

Article 13: C-1 Regional Commercial District - Section 1300 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 1301Uses Permitted by Right - ADD Item C. Community Garden

Article 14: C-2 Neighborhood Commercial District - Section 1400 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 1401Uses Permitted by Right - ADD Item C. Community Garden

Article 15: C-3 Central Business District - Section 1500 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 1501Uses Permitted by Right - ADD Item C. Community Garden

Article 16: L-I Light Industrial District - Section 1600 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 1601Uses Permitted by Right - ADD Item E. Community Garden

Article 17: G-I General Industrial District - Section 1700 Purpose and Intent Permitted Uses - ADD Community Garden as a Permitted Use; Section 1701Uses Permitted by Right - ADD Item D. Community Garden

Article 21 – Signs - ADD - Section 2103 Exempt Signs, Item N.

The following is a brief synopsis of Ordinance Amendments Z11-08 adopted by City Council on December 20, 2011 and took effect on December 28, 2011.

Article 2: Definitions & Interpretation - AMEND Section 224 W – Wind Energy Conversion System, Accessory

Article 3: Districts, Dimensional Standards Uses Table and Zoning Map - Table 3-2 Uses Permitted by Right and Special Land Use Permit; Amend by CHANGING Windmill, Accessory to Wind Energy Conversion System, Accessory and allowing it as a Use by Right in all Districts

Article 5: General Provisions - SECTION 515 Accessory Buildings and Structures - AMEND Item G; Amend by CHANGING Windmill, Accessory to Wind Energy Conversion System, Accessory

Article 7: G-C Golf Course District - Section 700 Purpose and Intent Permitted Uses - ADD Wind energy conversion system, Accessory as a Permitted Use; and Section 701 Uses Permitted by Right - ADD Item L. Wind Energy Conversion System, Accessory

Article 8: R-1 Low Density Residential - Section 800 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use; and Section 801 Uses Permitted by Right - ADD Item I. Wind Energy Conversion System, Accessory

Article 9: R-2 Medium Density Residential - Section 900 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use; and Section 901 Uses Permitted by Right - ADD Item I. Wind Energy Conversion System, Accessory

Article 10: High Density Residential - Section 1000 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use; and Section 1001 Uses Permitted by Right - ADD Item J. Wind Energy Conversion System, Accessory

Article 11: R-4 Manufactured Housing Community District - Section 1100 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use; and Section 1101 Uses Permitted by Right - ADD Item L. Wind Energy Conversion System, Accessory

Article 12: W-F Waterfront District - Section 1200 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use; and Section 1201 Uses Permitted by Right - ADD Item P. Wind Energy Conversion System, Accessory

Article 13: C-1 Regional Commercial District - Section 1300 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use; and Section 1301 Uses Permitted by Right - ADD Item Z. Wind Energy Conversion System, Accessory

Article 14: C-2 Neighborhood Commercial District - Section 1400 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use; and Section 1401 Uses Permitted by Right - ADD Item S. Wind Energy Conversion System, Accessory

Article 15: C-3 Central Business District - Section 1500 Purpose and Intent Permitted Uses - ADD Wind Energy Conversion System, Accessory as a Permitted Use; and Section 1501 Uses Permitted by Right - ADD Item V. Wind Energy Conversion System, Accessory

Article 16: L-I Light Industrial District - Section 1600 Purpose and Intent – AMEND, Permitted Use by changing Windmill, Accessory to Wind Energy Conversion System, Accessory; and Section 1601 Uses Permitted by Right – AMEND Item T. by changing Windmill, Accessory to Wind Energy Conversion System, Accessory

Article 17: G-I General Industrial District - Section 1700 Purpose and Intent – AMEND, Permitted Use by changing Windmill, Accessory to Wind Energy Conversion System, Accessory; and Section 1701 Uses Permitted by Right – AMEND Item Q. by changing Windmill, Accessory to Wind Energy Conversion System, Accessory

The following is a brief synopsis of Ordinance Amendment Z11-09 adopted by City Council on January 17, 2012 and took effect on January 28, 2012.

As per Zoning Amendment Request from Faith Covenant Church Article 18: Standards and Requirements for Special Uses, Section B. Regulations and Conditions, Item 1. Large Places of Public Assembly, a. was amended to read:

a. A Large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined herein, ***unless it is located on a parcel of land with a minimum area of five (5) acres.***

The following is a brief synopsis of Ordinance Amendment Z12-01 adopted by City Council on June 5, 2012 and took effect on June 19, 2012.

Z12-01 Rezoned the W-F District south of the Manistee River Channel to P-D Peninsula District and amended the definition of Marina to include “Communication Towers” as follows:

Article 2: Definitions and Interpretation Amend Section 214 M – Marina and Article 18 Standards and Requirements for Special Uses Amend Section 1852.A to read:

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 a ***communication tower***, eating, sleeping, and retail facilities intended primarily for the owners, crews, and guests of boat owners using the marina.

Amend Article 3: Districts, Dimensional Standards Uses Table and Zoning Map to include P-D Peninsula District as follows:

ADDED P-D Peninsula District to Section 300.B

AMENDED Official Zoning Map

Amended Table 3-1 – Added P-D Peninsula standards to table

Amended Table 3-2 – Added P-D to the list of Districts and added the following Uses: Accessory bldg. with a footprint less than the principal structure –R, Accessory Bldg. with a footprint greater than the principal structure –SLU, Accessory Uses, Related to uses permitted R/SLU, Adaptive Reuse – SLU, Bed & Breakfast – SLU, Community Garden – R, Convenience Store, w/o fuel pumps SLU, Day Care, Commercial – SLU, Duplex – SLU, Dwelling – Multiple Unit – SLU, Dwelling – Single Unit – R, Eating and Drinking Establishment – SLU, Financial Institution SLU*, Gallery or Museum – R, Home Based Business – SLU, Home Occupation, Minor – R, Home Occupation, Major – SLU, Hotel – SLU, Marina – SLU, Mixed-Use Development – SLU, Motel – SLU*, Outdoor Recreation, Park – R, Parking Facility – SLU, Personal Service Establishment – R, Place of Public Assembly – Large SLU*, Place of Public Assembly – Small - SLU, Planned Unit Development – SLU, Professional Office – R, Professional Service Establishment – R, Retail Business - R, Studio for Performing & Graphic Arts – SLU, Subdivision, Plat or Condo. (of permitted uses) – R, Theater – SLU*, Uses similar to uses permitted by right or as special land uses – R/SLU, Wind Energy Conversion System, Accessory Subject to Section 515.G - R

ADD Article 6: P-D Peninsula District

The following is a brief synopsis of Ordinance Amendment Z12-04 adopted by City Council on October 16, 2012 and took effect on October 27, 2012.

Amends Section 514 Vehicular Parking Space, Access, Bike Parking and Sidewalks. Changes include establishing a maximum number of parking spaces; reduces the number of parking spaces for multi-family units; changes the number of spaces for Hospitals, Nursing and Personal Care Facilities, Medical Clinics and Medical and Dental Offices, and Industrial and Warehouses; requires pedestrian walkways for parking lots with 10 or more spaces; establishes a 5 foot buffer (front property line); establishes Bike Parking for some uses; requires the installation of sidewalks in some districts for certain uses.

The following is a brief synopsis of Ordinance Amendment Z12-06 adopted by City Council on October 16, 2012 and took effect on October 27, 2012.

Amends 1813 Bed and Breakfast by deleting item B.1.h which established the number of sleeping rooms by Zoning District.

The following is a brief synopsis of Ordinance Amendment Z12-07 adopted by City Council on October 16, 2012 and took effect on October 27, 2012.

Amends Article 2 – Definitions and Interpretation, Section O – Add Definition for OUTDOOR PLAYSET

Amends Article 2 – Definitions and Interpretation, Section P – Add Definition for PORCH

Article 5 – General Provisions, Amend Section 502 Uses Spatial and Physical Requirements Item D. (proposed changes included allowing porches and decks to be constructed no closer than 3 feet from the front yard property line while maintaining clear vision areas; Outdoor Playsets are allowed in the side and rear yard no closer than 3 feet to the property line and do not require a permit).

The following is a brief synopsis of Ordinance Amendment Z12-08 adopted by City Council on October 16, 2012 and took effect on October 27, 2012.

Staff discovered in August 2012 that an oversight had occurred that did not carry the PD standards to Sections of Article 5 General Provisions, Article 18 Standards and Requirements for Special Uses and Article 21 Signs in the previous amendment. Ordinance Amendment Z12-08 includes the omitted standards for properties in the PD that were omitted when the district was established.

Article 5: General Provisions, ADD P-D to Section 505 Water Protection, Item B
Article 5: General Provisions, ADD P-D to Section 511 Driveways and Curb Cuts, Item A
Article 5: General Provisions, ADD P-D to Section 515 Accessory Buildings and Structures, Item G.3.a

Article 18: Standards and Requirements for Special Uses, ADD P-D to Section 1807 Adaptive Reuse, Item C.2
Article 18: Standards and Requirements for Special Uses, ADD P-D to Section 1861 Motel, Item B.10

Article 21 – Signs, ADD – P-D to Section 2102.A.7.a
Article 21 – Signs, ADD – P-D to Section 2102.A.7.b
Article 21 – Signs, ADD – P-D to Section 2102.A.7.c
Article 21 – Signs, ADD – P-D to Section 2103.H
Article 21 – Signs, ADD – P-D to Section 2106 Use Type 1, Low Intensity and Residential
Article 21 – Signs, ADD – P-D to Section 2007 Use Type 2, Commercial and Office
Article 21 – Signs, ADD – P-D to Section 2018 Use Type 3, Industrial

Z12-09 – On January 2, 2013 City Council adopted Ordinance Amendment that took effect on January 16, 2013 to Amended Article 25 Zoning Board of Appeals, Amended Section 2501 last sentence of Paragraph 3 which read: *With approval of Council, the Mayor shall appoint at least two (2) alternate members, who shall serve for three (3) years*. to read as follows: *…Council, by a majority vote of the members serving, may appoint up to two (2) alternate members, who shall serve for three (3) years.*

On May 9, 2013 the Zoning Board of Appeals interpreted the Zoning Ordinance and determined since a Large Place of Public Assembly which is located on a parcel of land with a minimum area of five (5) acres does not need to front on or be accessed primarily from a key street segment, if that Large Place of Public Assembly were to include an Eating and Drinking Establishment as an accessory use, and is located in the R-2 or R-3 districts, it would not need to front on or be accessed from a key street segment.

The following is a brief synopsis of Ordinance Amendment Z15-04 adopted by City Council on July 7, 2015 and took effect on July 14, 2015.

Article 3: Districts, Dimensional Standards Uses Table and Zoning Map; amended Table 3-1 City of Manistee Schedule of Regulations- P-D Peninsula District (which removed larger requirements for Duplex or Commercial and Multi-Units) ; amended Table 3-2 Uses Permitted by Right and Special Land Use Permit – PD Peninsula District (Contractors Facility and Wholesale Facility were added as a permitted use, Eating and Drinking Establishment and Mixed Use Development were changed from a special use to permitted use, Animal Grooming and Greenhouse and Nursery were added as a special use, Financial Institution was changed from a special use requiring key street frontage to a special use, Motel, Places of Public Assembly Large and Theater were was deleted as uses in the district.)

Article 5: General Provisions; amended Section 511 Driveways and Curb Cuts, Item B (added G-C); Add new item G to Section 514 Vehicular Parking Space, Access, Bike Parking and Sidewalks; Amended Section 514 Vehicular Parking Space, Access, Bike Parking and Sidewalks, Item I by adding P-D.

Article 6: Peninsula District; AMEND Section 600 Purpose and Intent added “mixed use”, amended Section 601 Uses Permitted by Right(Contractors Facility and Wholesale Facility were added as a permitted use, Eating and Drinking Establishment and Mixed Use Development were changed from a special use to permitted use); amended Section 602 Uses Permitted by Special Land Use (Animal Grooming and Greenhouse and Nursery were added as a special use, Financial Institution was changed from a special use requiring key street frontage to a special use); deleted Section 603 Uses Permitted by Special Land Use Permit, Requires Frontage on a Key Street Segment (Motel, Places of Public Assembly Large and Theater were was deleted as uses in the district); amended Section 604 Dimensional Standards (parcel area and parcel width requirements for duplex or commercial and multi-units were deleted); DELETE Section 605 Peninsula District Renaissance Zone Standards (the Renaissance Zone expired)

Article 12: Waterfront District; deleted Section 1205 Waterfront Renaissance Zone Standards (the Renaissance Zone expired)

Article 21: Signs; Table 2100-1 – Use Types and Sign Standards amended Section 2107 Use Type 2, Commercial and Office (PD was moved to C-1, C-2 & C-3 not fronting on US-31)

The following is a brief synopsis of Ordinance Amendment Z15-05 adopted by City Council on July 7, 2015 and took effect on July 14, 2015 that provides for green infrastructure standards.

Article 2: Definitions and Interpretation: added definition for pervious paving to Section 217 P; added definition for rain gardens to Section 219 R; added definition for swale biofiltration and swale, vegetated or rock to Section 220 S; added definition for vegetated roof to Section 223 V

Article 5: General Provisions; amended Section 503 Performance Standards, Item 3 (adding language for green infrastructure); amended Section 511 Driveway and Curb Cuts, Item D (changed word “unto” to “into”) and Item F (added pervious paving); amended Section 514 Vehicular Parking Space, Access, Bike Parking and Sidewalks, Item E by added pervious paving, moving parking areas with 10 spaces into item F with additional language; amended Section 531 Landscaping and Screening, Item A (changed “registered” to licensed”) and Item F (added rain gardens)

The following is a brief synopsis of Ordinance Amendment Z15-08 adopted by City Council on August 4, 2015 and took effect on August 19, 2015.

Article 5: General Provisions; added Section 535 Keeping of Chickens or Ducks

ARTICLE TWENTY NINE
RESERVED

ARTICLE THIRTY
VALIDITY, SEVERABILITY, REPEALER AND EFFECTIVE DATE

SECTION 3000 SEPARABILITY

If any clause, sentence, sub-sentence, paragraph, section or part of this Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

SECTION 3001 REPEALER AND SAVINGS

A. Repeal of Former Ordinance. The City of Manistee Zoning Ordinance of May 1, 1990, including amendments and additions thereto, are hereby repealed as of the effective date of this Ordinance.

B. Savings Clause. The repeal of the City of Manistee Zoning Ordinance originally adopted May 1, 1990, shall not release any penalty or liability incurred under said Ordinance, and such Ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty or liability.

SECTION 3002 EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days following publication of a notice of adoption in a newspaper of general circulation in the City.