

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
P.O. Box 358
Manistee, Michigan 49660

MEETING OF NOVEMBER 7, 1996

There will be a meeting of the Manistee City Planning Commission to be held on Thursday, October 7, 1996 at 7:00 P.M. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

AGENDA

- I. Roll Call

- II. Matters Pertaining to the General Citizenry:
 - A. Public Hearing:
 - 1.
 - B. Site Plan Reviews:
 - 1. John Minelli - Lot Split & Combination
 - 2. Robert Horvat - Motel Elevations
 - 3. Flag Pole - Douglas First Street Beach
 - 4.
 - C. Questions, Concerns and Consideration of Matters
 - 1.
 - 2.

- III. Business Session:
 - A. Approval of Minutes from Last Meeting (10/17/96)
 - B. Unfinished Business:
 - 5. Abonmarche - Pedestrian/Bike Paths for the City
 - 2.
 - C. Other Communications:
 - 1. City Update
 - 2.
 - D. Reports:
 - 1. D.D.A. Update
 - 2. Zoning Board of Appeals
 - 3. Site Plan Review/Historic Overlay Committees
 - 4. Joint City Review/Ordinance Committee
 - 5. Pre-Manufactured Homes - Adult Foster Care
 - E. New Business:
 - 1. Wellhead Protection
 - 2. Renaissance Zone Amendment
 - 3. Schedule for 1997 Meetings
 - 4. Parks Commission - Master Plan

- IV. Work/Study Session:

- V. Adjournment.

cc: Planning Commission Members
City Council
R. Ben Bifoss, City Manager
Jon Rose, City Code Administrator
Kurt Schindler, County Planner
Manistee News Advocate
Manistee Observer
WMTE Radio
WXYQ Radio
Jeff Mikula, Abonmarche
Dale Picardat, Community Development Officer
Julie Beardslee, Assessor

October 22, 1996

City of Manistee
Mr. John Rose
P. O. Box 358
Manistee, MI. 49635

Dear Mr. Rose,

As per your request, the following is a proposal which would include the sale of lots 3, 4, 13 and 14 Ramsdell/Benedict North Addition to Choices of Manistee County.

The parcel of land encompassing the north 50 feet of lot 10 and lots 11, 12, 13, 14, 15, 16, 1, 2 3 and 4 are now taxed as two parcels I.D.# 51-51-270-715-01 and I.D.# 51-51-270-714-01. We are requesting for your consideration the following changes.

The north 50 feet of lot 10 including lots 11 and 60 feet of lot 12, be taxed as one parcel. (Parcel #1.) This requires that the south 10 feet of lot 13 be included in lot 12 as it was originally platted.

Lots 3, 4, 13 and 14 be taxed as a single parcel (Parcel #2.)

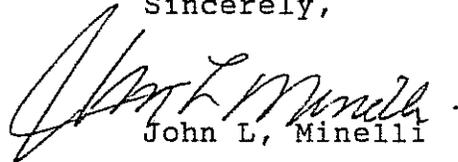
Lots 1, 2, 15 and 16 be taxed as a single parcel (Parcel #3.)

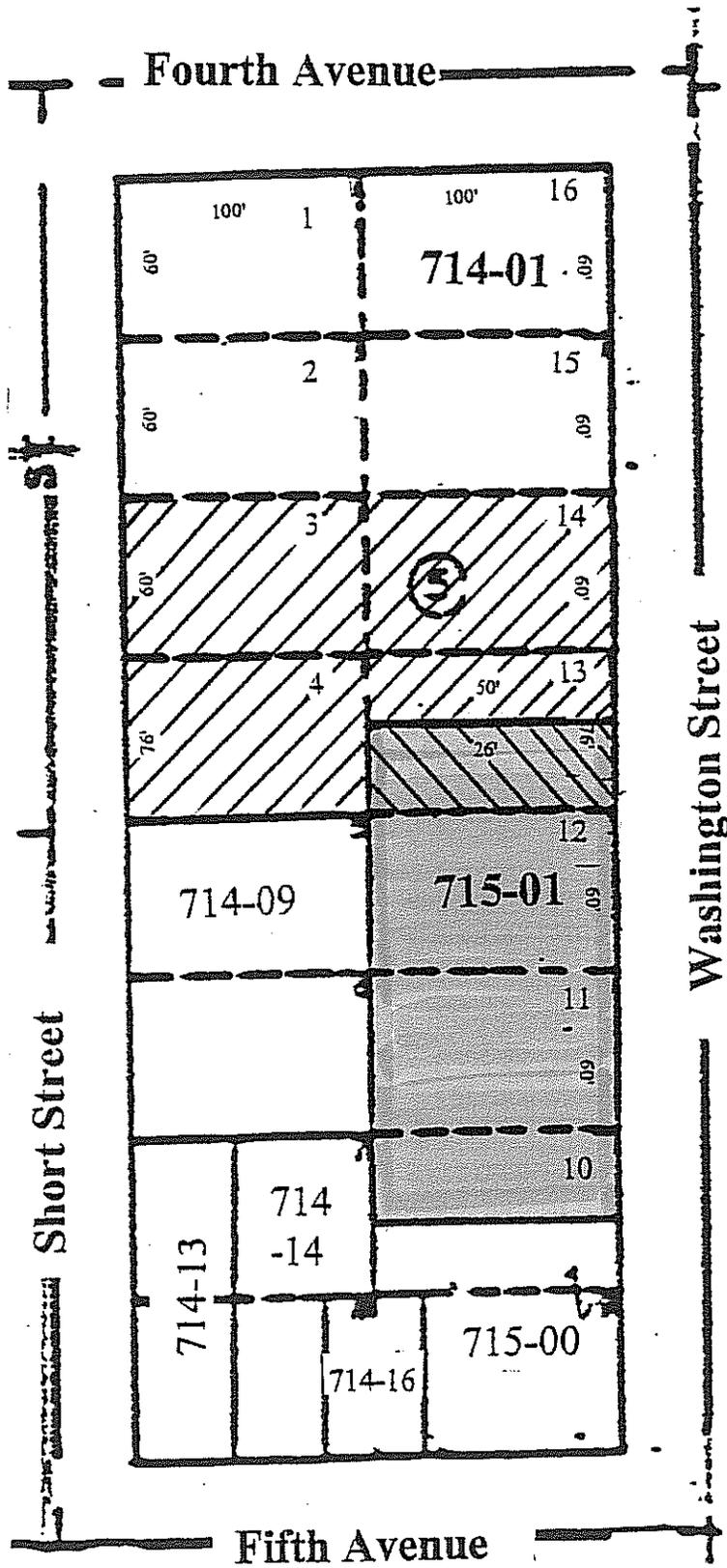
This entire proposal is contingent upon the sale of lots 3, 4, 13 and 14 at which time we will provide the City with the name and address of the new owner.

Parcels 1 and 3 will continue to be billed to John and Mary Minelli, 5505 Indian Trail Rd., Frankfort, Mi. 49635.

Thank you for your consideration and cooperation. Please call me at 616-352-4318 if you have any questions or need additional information.

Sincerely,


John L. Minelli





Manistee County Courthouse • 415 Third Street • Manistee, Michigan 49660

October 16, 1996

Mr. Jon Rose
Enforcement Officer
City of Manistee
70 Maple Street
Manistee, Michigan 49660

Dear Mr. Rose,

Please find a first draft of a Renaissance Zone Amendment to your zoning ordinance. The Renaissance Zone Amendment has been tailored to be adopted as part of your community's zoning ordinance. Also please note on the last page the effective date is tiebarred to the acceptance of Manistee county's Renaissance Zone. In other words, if Manistee county is not chosen as a renaissance zone this amendment does not take effect. This makes it possible for you to adopt the amendment into your zoning ordinance right away, but the effective date will only occur if the community, in fact, is designated as one of Michigan's Renaissance Zones.

Please consider this a first draft; it should be reviewed before adopted. I have the document in a word processor format and will happy to make changes and print a final copy for purposes of adoption. It would be appreciated if this was brought up as soon as possible. Officials from Manistee county will have to meet with Renaissance Zone State Selection Committee November 1, 1996. It would be beneficial for our efforts to be able to say that a number of communities have already made some progress towards the adoption of the zoning amendments. For that reason, I would appreciate being kept informed as to your progress on this effort.

The amending maps for the renaissance zones are reproduced directly from the Renaissance Zone Proposal and should reflect nothing new that your community has not already seen and reviewed.

Manistee County Planning
October 16, 1996
Page 2

If you have any questions please do not hesitate to contact me; if I can be further assistance, please let me know.

Sincerely,



Kurt H. Schindler
County Planning Director

KHS/jn
enc.

October 11, 1996

Introduction

This is prepared by the Renaissance Zone Committee of the Manistee County Planning Commission. This document presents standard, or model, zoning language for areas of Manistee County which are designated as Renaissance Zones pursuant to P.A. 376 of 1996 (being the Michigan Renaissance Zone Act, MCL 125.2681 et. seq.) in Manistee County.

This zoning language includes the option for the Manistee County Economic Development Office to provide a streamlined zoning permit application procedure. It also provides for an accelerated review of special use permits.

This zoning language also includes a list of enterprises which should be considered for inclusion in a designated Renaissance Zone. If the land use is not included in the list, that is intentional, and the land use is not intended to have the tax advantages the Renaissance Zone provides.

Amendment

A part of the county Renaissance Zone designation application is to have a uniform county-wide zoning approach. What is presented here is that uniform framework. The zoning adopted by each municipality will be modified to fit the codification of that particular zoning ordinance. A municipality may want to modify it further to fit their local needs. This model, or standard, is presented as a starting point.

The model language provided here is written making the following assumptions:

1. The municipality already has site plan review requirements in its zoning ordinance.
2. The municipality already has groundwater protection site plan provisions in its zoning ordinance.
3. The municipality already has the standardized special use permit procedure system in its zoning ordinance.
4. The section numbering system follows the standard system of codification used by the County Planning Department.
5. The municipal zoning has adopted by reference the *Standard Industrial Code* (SIC) classification system of enterprises for purposes of listing land uses and defining those land uses.

The following are the proposed standard/model zoning amendments with some explanation.

AN ORDINANCE TO AMEND IN PART AN
ORDINANCE ENTITLED "MANISTEE CITY ZONING
ORDINANCE" WHICH WAS ADOPTED MAY 1, 1990, AS AMENDED,
TO ADD A RENAISSANCE ZONE INDUSTRIAL DISTRICT, AND
TO ADD A LAKEFRONT RENAISSANCE ZONE INDUSTRIAL DISTRICT

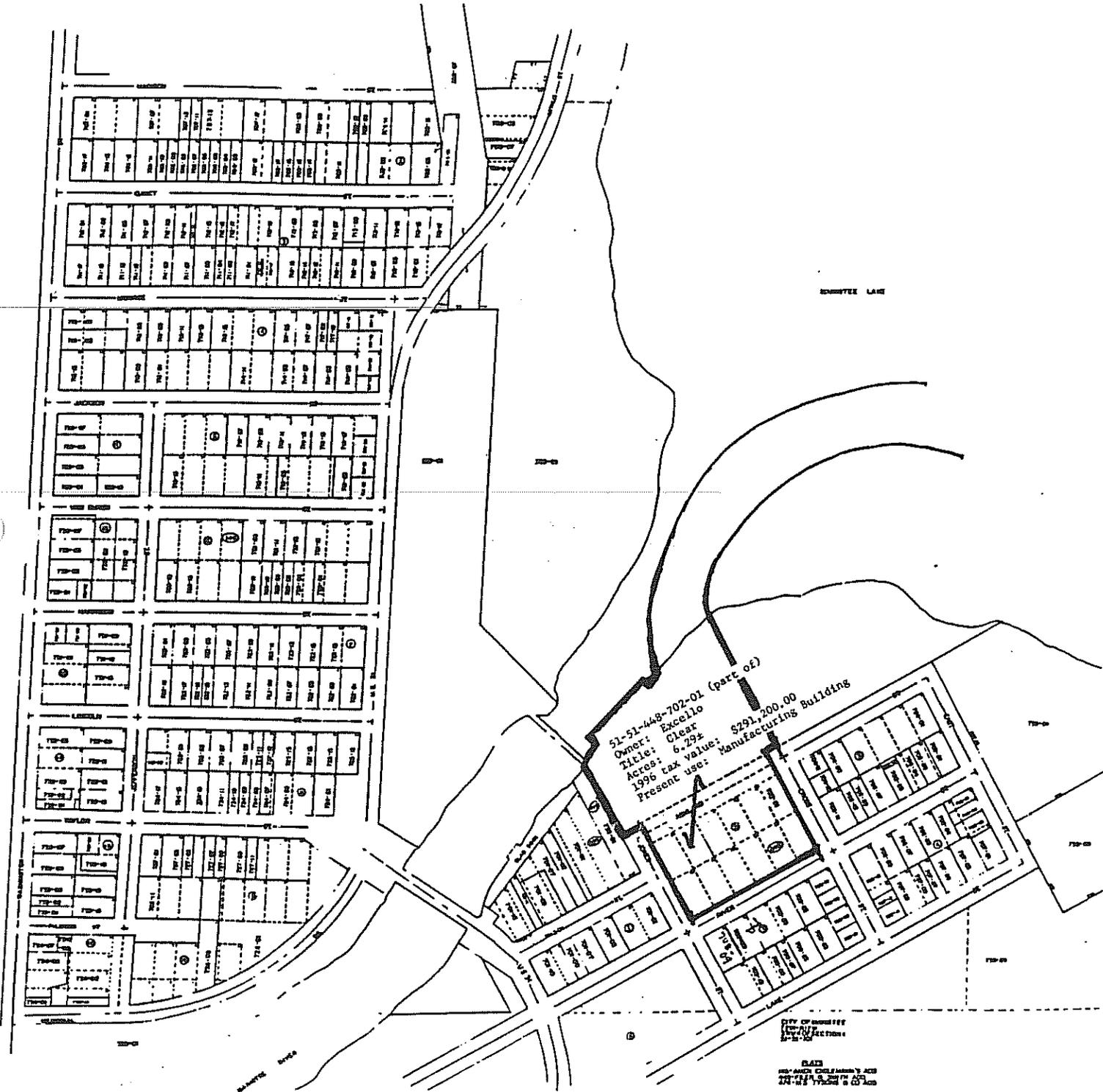
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THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. The Manistee City Zoning Ordinance of May 1, 1990 being Part
Twelve, Title Six of the Codified Ordinances of Manistee,
Michigan (Ordinance) is hereby amended pursuant to Section 1804.
of the zoning ordinance, by changing the Official Zoning Map
established and referenced in Section 1802. and 1803., by adding
one new zoning district, being a Lakefront Renaissance Zone
Industrial District as shown on the amendatory map on page 2 and
3 of this ordinance and adding the two [one] districts to the
list of zoning districts in section 1801 of the zoning ordinance.

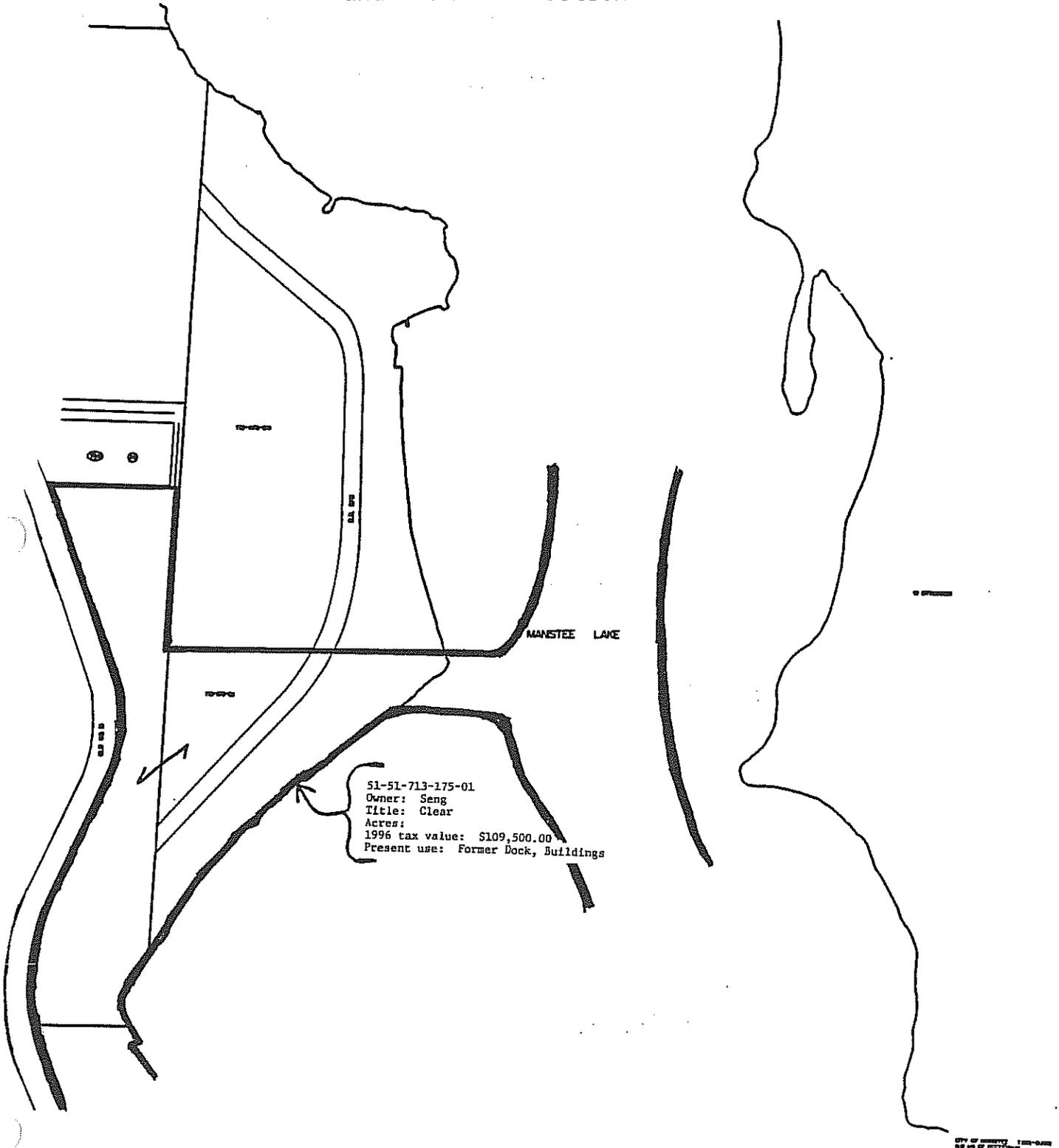
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A
City of Manistee
SW $\frac{1}{4}$ of Section 1 T21N R17W



Manistee County
Renaissance Zone

B
City of Manistee
NW¼ of Section 18 T21N R16W
and Part of Section 13 T21N R17W



2. The Ordinance is hereby amended to add an Article 69 for a Renaissance Zone Lakefront Industrial District, as follows, to wit;

ARTICLE 69: RENAISSANCE ZONE LAKEFRONT INDUSTRIAL DISTRICT

6901. 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 through the Manistee County Economic Development Office; to provide for an accelerated schedule for special use permit review and action; to provide for a zoning district which is the same as the boundaries of the designated Renaissance Zones; 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.

6902. Permitted Uses

Only the following uses shall be permitted, by permit, as specified in section 8401 et. seq. of this Ordinance:

- A. Manufacturing [D: 20-3999]
- B. Transportation and public utilities [E: 40-4971]
- C. Wholesale [F: 50-5199]
- D. Accessory buildings and uses to the above.
- E. A sign, only in accordance with the regulations specified in Section 1060;

provided they meet the following conditions:

- 1. the activity is carried on entirely within an enclosed building ("Activity", as used here, and in Section 6703, does not mean parking, signs, arrival and departure of shipping, other incidental activities which are not permanent in nature and not an adverse impact to neighboring uses);

2. if there is an accessory/work area, it is enclosed by a solid wall; 1
3. if the parcel at question is Manistee Lake frontage, no alteration to the lake shore; 2
4. if the parcel at question is Manistee Lake frontage, the land use is of such a nature that access to lake water for economic advantages (for purposes of, but not limited to, large quantities of cooling or process water, shipping-dockage access, marine, naval or coast guard, railroad access) is an integral part of the site selection for the proposed use. 3
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Permit applications shall include a site plan and a letter confirming that all conditions listed above shall be adhered to and are normally practiced by the very nature of the normal business practices of the proposed use, said letter to specifically address each of the conditions raised in this subsection, to become a part of the application and a part of the conditions of the use permit; and further, if any of the above conditions are not adhered to, the permit shall be void. 13
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6903. Special Uses 22

Only the following uses shall be permitted, by Special Use Permit, as specified in section 8601 et. seq. of this Ordinance. For this zoning district only, section 8607 of this ordinance notwithstanding, the Commission shall act on the Special Use Permit within 30 days of receiving a complete application as determined pursuant to section 8605.: 23
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- A. Manufacturing [D: 20-3999] 29
 - B. Transportation and public utilities [E: 40-4971] 30
 - C. Wholesale [F: 50-5199] 31
- provided the above uses involve; 32
1. An activity outside an enclosed building; 33
 2. an activity not in a work area enclosed by a solid wall; 34
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 3. discharge, treated or untreated, sent to Manistee Lake, if the parcel at question is Manistee Lake frontage; 36
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 4. alteration to the Manistee Lake shoreline if the parcel at question is Manistee Lake frontage. 39
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- D. Planned Unit Development for commercial, marina, dwelling land uses. 41
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 - E. Accessory buildings and uses to the above. 43
 - F. A sign, only in accordance with the regulations specified in Section 1060. 44
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6904. Renaissance Zone Conditions 47

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: 48
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- A. The entrepreneur will make a minimum investment in improvements (building, equipment, etcetera) on land in 51
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the Renaissance Zone.	1
B. 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.	2 3 4 5
C. The business will provide economic base jobs and production, so that a predominance, if not all, of the product is exported outside of Manistee County to avoid competition with secondary (spinoff or ripple effect) enterprises doing business, selling goods and services in Manistee County.	6 7 8 9 10 11 12
6905. Streamlined Permit Review	13
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. For this zoning district only, the director of the Manistee County Economic Development Office may be designated as Manistee City deputy zoning administrator pursuant to section 8201 et. seq. of this Ordinance.	14 15 16 17 18 19 20 21 22 23 24
6906. Regulations and Standards	25
The following regulations shall apply to all Permitted Uses and Special Uses in this District:	26 27
A. Minimum Parcel Area - No building, structure or use shall be established on any parcel less than _____ (15,000) square feet.	28 29 30
B. Buildable Area - Each parcel shall have a minimum of 15,000 square foot buildable area per principle unit, which shall not include:	31 32 33
1. sand dune with slopes greater than 18 percent,	34
2. beach contiguous to a lake or stream,	35
3. wetland,	36
4. area which is not accepted by the Manistee-Mason District Health Department for on-site sewage disposal unless an alternate system of sewage disposal is approved by the Manistee-Mason District Health Department,	37 38 39 40 41
5. high risk erosion area,	42
6. that part of a flood plane where flood waters are expected to have a destructive current,	43 44
7. existing public utility easements,	45
8. existing public rights-of-way,	46
9. water setback areas, and	47
10. slopes over 25 percent.	48
C. Minimum Parcel Width - Parcel width shall be no less than _____ (100) feet and it shall front on a public road.	49 50 51
D. Minimum Setback Requirements:	52

- 1. The following requirements shall apply to every parcel, building, structure or use:
 - a. Front Yard - The minimum front setback shall not be less than _____ (49) feet from the front property line, or _____ (82) [49+33] feet from the centerline of the road, whichever is greater.
 - [Annotation: The setback distance is based on measurements of the distance snow is thrown back from the edge of a county-plowed road by snow plows: an average of fourteen (14) meters (46 feet) and a mean maximum twenty five (25) meters (82 feet) from the centerline of the road.]
 - b. Side Yards - The minimum setback of either side yard shall not be less than _____ (____) feet;
 - c. Rear Yard - The minimum rear setback shall not be less than _____ (____) feet.
 - d. Waterfront Yard: See section 1011 of this Ordinance.
- 2. When a proposed non-residential or non-park use is contiguous to any dwelling, the parcel owner of the proposed use shall establish one of the following buffers on his parcel adjacent to, and along the contiguous boundary of the parcel on which the dwelling is located:
 - a. a buffer area (setback) of fifty (50) feet, or
 - b. a berm four (4) feet, or more high, or
 - c. a solid wall four (4) feet, or more, in height, or
 - d. a proportionately adjusted combination of the above.
- E. No principle building shall be constructed in this District which contains less than _____ (____) square feet of floor area, or is less than _____ (____) feet wide.
- F. No accessory building shall be constructed in this District which contains more than _____ (____) square feet of building area, or is more than _____ (____) feet high but in no case shall be larger than the principal building on the same parcel.
- G. Buffer zone - In any industrial site, all buildings, structures or materials used for industrial purposes shall, when abutting a district of any other kind, be separated by a buffer zone. The buffer zone shall be _____(one hundred (100)) feet wide.
 - 1. A buffer zone shall be measured from the district boundary line. If the district boundary line follows the centerline of a street or right-of-way the buffer zone shall be measured from the right-of-way line inside the lakefront district.
 - 2. A buffer zone shall have no structure, storage of equipment, materials, operations, or be similarly occupied. The buffer zone shall be a landscaped

area designed to separate and protect non-
industrial districts from impacts of industrial
uses in this industrial district.

H. Vegetation belt - A five (5) foot wide vegetation belt
along the Manistee Lake shoreline shall be maintained
with woody plant material for erosion and bank
stabilization, as a buffer to users of the lake and to
create a margin of open space between the water and
land uses wherever shoreline use is not active. As
used here, active shoreline use means improved ship
dockage, pump house, launching facilities, beach.

3. CONFLICTING ORDINANCES: All other ordinances and parts of
ordinances, or amendments thereto, of Manistee City in conflict
with the provisions of this ordinance are hereby repealed.

4. EFFECTIVE DATE: This ordinance amendment shall take effect
after upon publication in the Manistee News Advocate, as provided
by law, or on the same date the Renaissance Zones in Manistee
County take effect by action of the Michigan Legislature,
pursuant to P.A. 376 of 1996 (being the Michigan Renaissance Zone
Act, MCL 125.2696 *et. seq.*), whichever is later.

[C:\WP\TOWNS\RZ.CTY]



Manistee County Courthouse • 415 Third Street • Manistee, Michigan 49660

October 16, 1996

Mr. Jon Rose
Enforcement Officer
City of Manistee
70 Maple Street
Manistee, Michigan 49660

Dear Mr. Rose,

As you are aware, your community has been working with Manistee County for purposes of incorporating wellhead protection into your local zoning ordinance. This letter is to send you a draft of ground water protection zoning amendments. This draft should be reviewed and proof read before it is adopted. I have this document in a word processor format and would be happy to make any changes and print a final copy for purposes of adoption when you are ready.

As you have heard at the October 10, wellhead protection meeting, there are areas around each public water supply well which should receive additional protection of ground water, because that area provides water to the municipal well. The map included in the zoning amendment enclosed is the boundary of the wellhead protection area overlay zone for the water supply wells in your community. The boundary was established through the wellhead delineation process done by Earth Tech. If you have questions concerning this please let me know and I would also appreciate your keeping me apprised of progress on this project.

Sincerely,


Kurt H. Schindler
County Planning Director

KHS/jn
enc.

MEMO

FROM: Kurt H. Schindler, County Planner
DATE: October 11, 1996
TO: Jon Rose and members of City Council, City
Planning Commission
RE: Groundwater protection zoning amendments.

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1. You asked the definition of "Hazardous Substances" be modified to delete subparagraph "A". That is done.

2. You asked the statement of threshold of the volume of hazardous substances (Section 1007.A. and 9407.A.) be modified so that it does not include materials kept in single family homes. To do this, would exempt a home occupation and other businesses located in a single family home, from having to comply with the groundwater protection requirements of your ordinance.

The following alternate modifications are offered:

(1) Increase the quantity in the threshold of hazardous substance to about 40 gallons (so a 50 gallon barrel would be subject to the regulation, but two mid size automobile fuel tanks would not. Mrs. Dean said the threshold was intentionally set so barrels were subject to the regulation. The 100 Kg. has become a standard threshold, and also used with 1982 EPA small quantity hazardous waste generators legislation.) The problem is some larger motor vehicles have large fuel tanks, and two such autos could exceed 50 gallons.

If the intent is to exempt motor vehicles, then this alternate may deal with the issue more directly:

(2) Exempt fuel stored in a fuel tank which is part of a motor vehicle for purposes of use by that vehicle's motor. This is also Mrs. Dean's recommendation.

(Note: it is not necessary to specify this exemption in Section 1007.B.2.d. as that paragraph only applies to those activities which are over the threshold in 1007.A., thus no change is made here.)

3. You asked Section 1007.B.1.a. be modified to specifically address "prevent groundwater contamination..." instead of "protect the natural environment...." That is done.

4. You asked to modify Section 1007.B.1.c.(3) to read as follows, "connected to a public sewer storm water system. I do not recommend this. The intent by the consultants (Lillian Dean) is that floor drains are connected to a sanitary sewer system, if permitted by the city. If such a connection is not permitted,

) then Section 1007.B.1.c.(3) should simply be omitted. The suggested alternative for the drain to go into an untreated storm water system is advocating the drainage of hazardous substances directly into surface waters (a violation of Section 1007.B.1.a.) and possibly some other point discharge pollution regulations.

5. You asked Section 9407.B.5. be expanded to precisely spell out the meaning of "contaminated". Mrs. Dean recommends if you want to do this the citation should be to P.A. 307 (as in 307 lists). That is done. However, Mrs. Dean goes on to say use and meaning of "contamination" appears to be moving toward the meaning and lists constructed for the 307 administrative rules. In the future that may or may not be the case (and, frankly it is not real smart to try to second guess the way things like this may go.) If it is not the case, and the city's ordinance is tied to 307, the inconsistency could be difficult at best. This is why the text was left with just "contamination". The city may want to reconsider this (maybe handle the citation as an annotation, rather than ordinance text).

6. You asked Section 9407.B.8. be modified to remove the mandatory advisory review by the County Staff Review Group in cases of development within a wellhead protection overlay zone area. This is not recommended. The county group provides the Task Forces' desired county-wide coordination, including coordination between two neighboring municipalities sharing one wellhead delineation area.

) For example, if a development is proposed in Filer Township, within the recharge area of the City of Manistee's wellfield, the county Staff Review Group provides city representatives the opportunity to review the site plan and to influence the township's decision on this process. The reciprocal can be reasonably expected of the city for other municipality's interests. The language being proposed for deletion is to accomplish this. The omission of the language in Section 9407.B.8. counters the reciprocal cooperative coordination effort being sought for these situations.

Further, the city (nor the township) does not loose any local control. The County Staff Group's written review is advisory, and not binding on the city or township.

[C:\WP\TOWNS\GWWELLHE.CTY]

October 11, 1996; Draft. (codification based on a Jan. 24, 1994 printing of the city ordinance)

AN ORDINANCE TO AMEND IN PART AN
ORDINANCE ENTITLED "MANISTEE CITY ZONING
ORDINANCE" WHICH WAS ADOPTED MAY 1, 1990, AS AMENDED,
TO ADD A DEFINITION OF HAZARDOUS WASTE,
TO AMEND/CHANGE THE ZONING MAP, AND
TO ADD A SECTION ON GROUNDWATER PROTECTION,
TO ADD A WELLHEAD PROTECTION OVERLAY DISTRICT.
TO ADD AN ITEM TO BE INCLUDED IN A ZONING PERMIT APPLICATION,
TO ADD IN ITEM TO BE SHOWN ON ALL SITE PLANS, AND
TO ADD ITEMS TO BE SHOWN ON SITE PLANS
FOR BUSINESSES USING HAZARDOUS MATERIALS.

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

Section 1. That the City of Manistee Zoning Ordinance of May 1, 1
1990, as amended, (Title XV, Chapter 150 of the Manistee Code of 2
Ordinances) is hereby amended to add a definition to Section 503 3
(the section of the zoning ordinance where words are defined), as 4
follows, to wit: 5

HAZARDOUS SUBSTANCES means one or more of the following: 6

A. A chemical or other material which is or may become 7
injurious to the public health, safety, or welfare or 8
to the environment. 9

B. "Hazardous substance" as defined in the comprehensive 10
environmental response, compensation and liability act 11
of 1980, Public Law 96-510, 94 Stat. 2767. 12

C. "Hazardous waste" as defined in Article II Chapter 3 13
Part 111 of P.A. 451 of 1994, as amended, (being the 14
Hazardous Waste Management part of the Natural 15
Resources and Environmental Protection Act, MCL 16
324.45101 et. seq.) 17

[Annotation: MCL 324.45101 et. seq. is formerly P.A. 64 of 1979 (being MCL 299.501 to 299.551, the Hazardous 18
Waste Management Act).] 19

D. "Petroleum" as defined in Article II Chapter 8 Part 213 20
of P.A. 451 of 1994, as amended, (being the Leaking 21
Underground Storage Tanks part of the Natural Resources 22
and Environmental Protection Act, MCL 324.45101 et. 23
seq.) 24

[Annotation: MCL 324.45101 et. seq. is formerly P.A. 478 of 1988 (being MCL 299.831 to 299.850, the Leaking 25
Underground Storage Tank Act).] 26

- 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. 1
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- e. In determining conformance with the standards in this Ordinance, the Administrator or Commission, whichever one 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. 9
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- 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. 19
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- g. If the site plan includes territory within a Wellhead Protection Overlay Zone submit a signed statement providing permission for periodic follow-up groundwater protection inspections by the Administrator, county and state officials. 24
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- 2. Above-ground Storage 30
 - a. Primary containment of hazardous substances shall be product-tight containers which are protected from weather, leakage, accidental damage, and vandalism. 31
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 - 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: 35
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 - (1) sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance, or 39
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 - (2) shall be at least as great as volumes required by state or county regulations, or 43
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 - (3) shall, if not protected from rainfall, contain a minimum of 46
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 - (a) 110 percent of the volume of the largest storage container within the dike of the secondary containment area, plus 48
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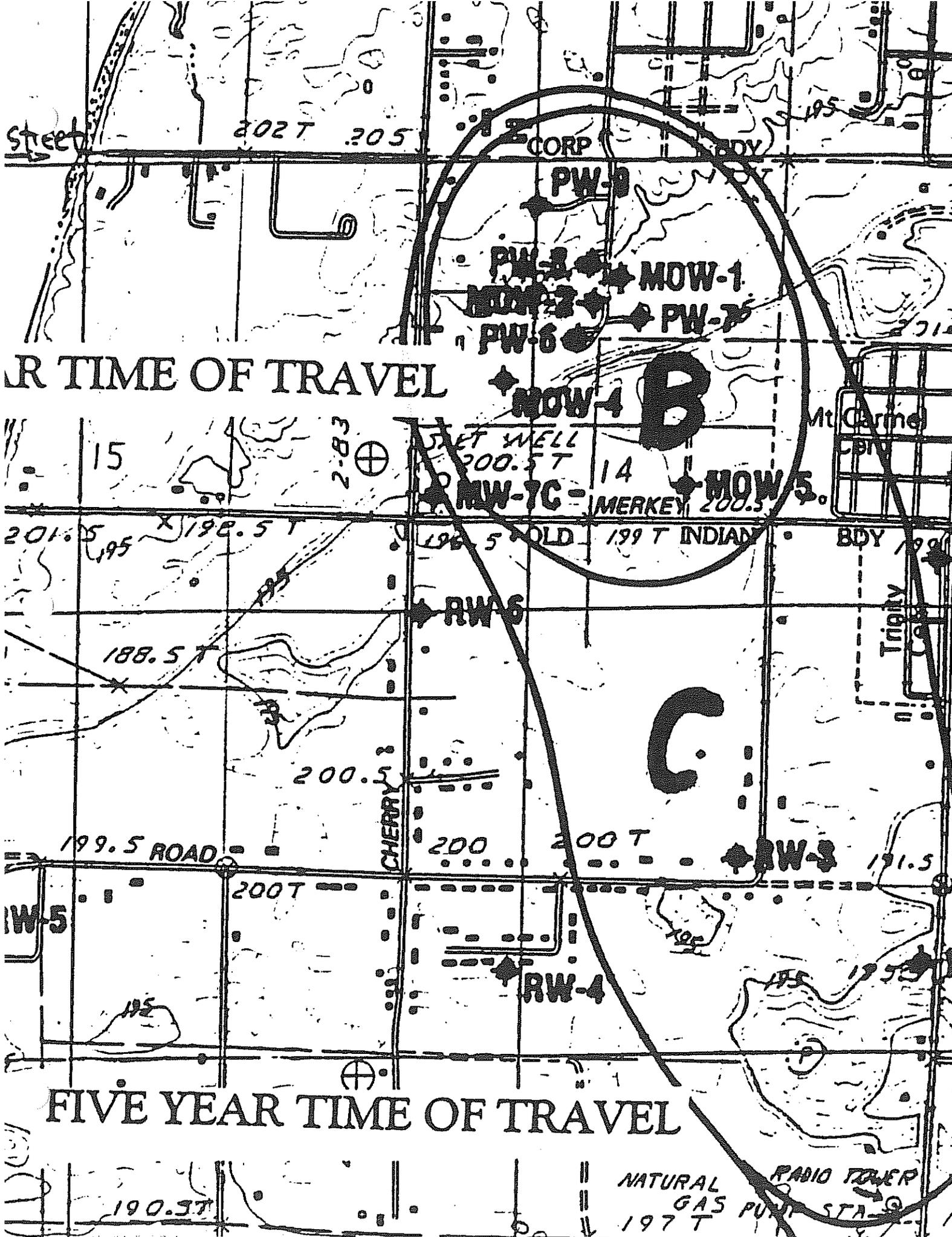
- (b) the volume that is occupied by all other objects within and below the height of the dike of the secondary containment area plus
- (c) the volume of a 6 inch rainfall.
- c. Secondary containment structures such as out buildings, storage rooms, sheds and pole barns shall not have floor drains which 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.
- 3. 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 3. That the City of Manistee Zoning Ordinance of May 1, 1990, as amended, (Title XV, Chapter 150 of Manistee City Code of Ordinances) is hereby amended by adding a new Overlay District to after subsection 1801.F.3.), as follows, to wit:

3. Wellhead Protection Overlay District

Section 4. That the City of Manistee Zoning Ordinance of May 1, 1990, as amended, (Title XV, Chapter 150 of Manistee City Code of Ordinances) is hereby amended, pursuant to Section 1804, by

changing the Official Zoning Map established and referanced in 1
Section 1803, adding a new Overlay District as shown on the 2
amendatory map on page 6 of this Ordinance. 3



ONE YEAR TIME OF TRAVEL

FIVE YEAR TIME OF TRAVEL

NATURAL GAS PUMP STA
RADIO TOWER
197 T

Section 5. That the City of Manistee Zoning Ordinance of May 1, 1
1990, as amended, (Title XV, Chapter 150 of Manistee City Code of 2
Ordinances) is hereby amended by adding a new Article 76, as 3
follows, to wit: 4

ARTICLE 76: WELLHEAD PROTECTION OVERLAY DISTRICT 5

7601. Area Affected 6

Every parcel of land which lies in whole or in part within 7
Wellhead Protection Overlay Zone as depicted on the Official 8
Zoning Map around public Type I water wells is subject to the 9
regulations of this Overlay Zone to the extent the parcel lies 10
within this Overlay Zone. The regulations of this Overlay Zone 11
are in addition to any regulations in the underlying Land Use 12
Districts, however these regulations supercede all conflicting 13
regulations of the underlying Land Use District to the extent of 14
such conflict but no further. 15

7602. Wellhead Protection Zones 16

As shown on the Official Zoning Map, there shall be three 17
concentric sectors within this Overlay Zone: 18

- A. Sector A shall be an area around the water well 19
intended to be protected by this Overlay Zone which 20
shall include entirely within the territory of Filer 21
Charter Township, and not included on the City of 22
Manistee Zoning Map. 23
- B. Sector B shall be the next largest area around the 24
water well, as shown on the Official Zoning Map, 25
intended generally to include, at a minimum, an area 26
necessary for a one year zone of protection for the 27
well. 28
- C. Sector C shall be the remainder of this Overlay Zone 29
outside of Sectors A and B, as shown on the Official 30
Zoning Map, intended generally to include, at a 31
minimum, a ten year zone of protection for the well. 32

7603. Sector A Land Use Prohibitions 33

The underlying zoning district notwithstanding, no person 34
shall use land within sector A for any land use which involves 35
any of the following: 36

- A. Any use listed in Section 7604 of this Ordinance 37
- B. Any use listed in Section 7605 of this Ordinance 38
- C. Any other land use except: 39
 - 1. A water well pump station. 40
 - 2. A water tower. 41
 - 3. Open space area, planted to grass, garden, or 42
other ground cover. 43

4.	A park which is planted to grass and does not include any motorized rides, entertainment, and so on.	1 2 3
7604.	Sector B Land Use Restrictions	4
	The underlying zoning district notwithstanding, no person shall use land within sector A or B for any land use except as provided for here. The list of permitted and special uses allowed in the land use district underlying this overlay district shall remain unchanged in Sector B of this overlay district, except as follows. All uses listed in section 7604.C of this Ordinance shall be prohibited uses or special uses, notwithstanding the provisions of the underlying zoning district.	5 6 7 8 9 10 11 12
A.	The uses listed in section 7604.C of this Ordinance shall be prohibited except when one of the two following conditions exist:	13 14 15
1.	The use is a facility which use or generates hazardous substances:	16 17
a.	in quantities less 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	18 19 20 21 22
b.	stores less than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less,	23 24 25 26 27
	or	28
2.	The business and facilities use, store or generate hazardous substances	29 30
a.	above the amounts established in section 7604.A.1, and	31 32
b.	has an approved permit by a county, state or federal agency with authority to issue such permit for the use of the hazardous substances.	33 34 35 36
B.	If the proposed uses listed in section 7604.C of this Ordinance are not prohibited pursuant to section 7604.A of this Ordinance, then it shall be considered a special use pursuant to Section ? <u>et. seq.</u> of this Ordinance.	37 38 39 40 41
C.	Affected Land Uses:	42
1.	Any use listed in Section 7605 of this Ordinance	43
2.	Dwellings, Duplexes, Apartment buildings which are connected to on-site sewage disposal and include more than one (1) living unit per _____ (____,____) [20,000 suggested minimum] square feet of land area.	44 45 46 47 48
3.	Agricultural Production-Crops, Agricultural Production-Livestock [01-0299] (farm) vehicle maintenance and chemical storage areas; tanks for	49 50 51

	mixing chemicals; power washing; nitrate	1
	contamination due to over fertilizing; pesticide	2
	and herbicide infiltration	3
4.	Lawn care [0782] (threats from pesticides and	4
	containers with residues; improper disposal of	5
	washout water)	6
5.	Any Manufacturing [D: 20-3999] that uses:	7
	(category includes any business which uses	8
	chemical solvents or petroleum-based products)	9
a.	Petroleum and coal products (fossil fuel	10
	storage; solvent storage and use; blending of	11
	materials; outdoor storage piles; large	12
	tanks; bulk storage)	13
b.	Chemicals and allied products, including	14
	paints (chemical storage, use and production;	15
	equipment cleaning; industry has made major	16
	improvements; management and disposal of	17
	hazardous chemicals is the concern)	18
c.	Rubber and miscellaneous plastic products	19
	(raw materials; hazardous substances; machine	20
	shops)	21
d.	Furniture manufacturing and refinishing	22
	(threats due to chemical solvents, oil-based	23
	paints, lacquers, varnishes, etc.)	24
e.	Primary metal industry; fabricated metal	25
	products (threats due to solvents, strong	26
	acid or alkaline solutions, paints, cyanide	27
	solutions, and oils; much variation among	28
	businesses; floor drains; gondolas with	29
	dripping parts; dip tanks; cutting oils;	30
	messy products are a concern)	31
f.	Electronic and other electric equipment,	32
	including metal plating and finishing	33
	(threats due to plating solutions, plating	34
	sludge, solvents and still bottoms;	35
	management and disposal of acids and other	36
	hazardous wastes; floor drains are a concern)	37
g.	Food processing and food products (processing	38
	wastes; caustics from in-line cleaning;	39
	wastewater disposal; brine storage; outdoor	40
	storage of pulp and other organic wastes)	41
h.	Lumber and wood production (chemical	42
	treatment of wood; chemical storage)	43
i.	Apparel and textile products (hazardous	44
	substances; equipment cleaning)	45
j.	Paper and allied products; pulp and paper	46
	manufacturing (materials storage; pulp waste)	47
k.	Printing and publishing (storage and use of	48
	chemicals; equipment cleaning; engraving;	49
	silk screen residues)	50
l.	Leather and leather products (storage and use	51
	of hazardous substances)	52

m.	Stone, clay and glass products (storage and use of hazardous substances)	1
		2
n.	Electronic and other electric equipment (hazardous substances; equipment cleaning; machine shops)	3
		4
		5
o.	Other manufacturing or processing which uses chemical solvents, oils, and/or chemicals	6
		7
p.	Mining, including iron ore and sand and gravel excavation (spoil disposal; equipment maintenance)	8
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		10
q.	Oil and gas well drilling and production (threats due to drilling mud, oils, and brine solutions; dehydrating gas condensate)	11
		12
		13
6.	Rail Transportation [40] (chemical solvents used in vehicle maintenance, paints, thinners, etc.)	14
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7.	Local and Interurban Passenger transit [41] (chemical solvents used in vehicle maintenance, paints, thinners, etc.)	16
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8.	Trucking and Courier services (except. air [421]) (chemical solvents used in vehicle maintenance, paints, thinners, etc.)	19
		20
		21
9.	Trucking terminal facilities [423] (chemical solvents used in vehicle maintenance, paints, thinners, etc.)	22
		23
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10.	Transportation by Air [45] e.g. airports (threats due to chemical solvents used in vehicle and aircraft maintenance and de-icing, etc.)	25
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		27
11.	Electric Services [491] e.g. electric power generation substations; other electric services (threats due to acids, oil, PCBs, etc.) and fossil fuel power plants (solvents and oils; equipment repair).	28
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12.	Combination Utility Services [493] e.g. electric power generation substations; other electric services (threats due to acids, oil, PCBs, etc.) and fossil fuel power plants (solvents and oils; equipment repair).	33
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13.	Sewerage systems [4952] (wastewater treatment plants and sludge application sites) (Improper septage waste application)	38
		39
		40
14.	Refuse Systems [4953] (hazardous waste treatment or disposal, sanitary landfills, recycling facilities, hazardous material recycling, used oil collection sites)	41
		42
		43
		44
15.	Chemicals and Allied Products [516]; warehouse operations where paints, solvents, or chemicals are blended or mixed prior to distribution or sale (floor drains; septic systems may connect to groundwater)	45
		46
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16.	Petroleum and Petroleum Products [517] (fuel oil tanks; spills and leaks; transfer of product increases potential for spills)	50
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17.	Paints, Varnishes and supplies [5198]; warehouse operations where paints, solvents, or chemicals are blended or mixed prior to distribution or sale (floor drains; septic systems may connect to groundwater)	1 2 3 4 5
18.	Gasoline service stations [554] without vehicle maintenance (spilled fuel runs off to nearby ditch; public drips oil and gasoline; leaking underground tanks)	6 7 8 9
19.	Disinfecting and pest control services [7342] (pesticides and containers with residues)	10 11
20.	Building Maintenance Services, nec [7349] (small leftover amounts of paints and solvents; improper disposal of hazardous materials; container washout; soaps and rinse water)	12 13 14 15
21.	Photofinishing laboratories [7384] (chemical use and disposal; should be connected to sewer)	16 17
22.	Miscellaneous repair services [76] (e.g. small engine and electrical equipment repair (solvents; oils; leaks and spills)	18 19 20
23.	Reupholstery and Furniture Repair [764], including antiques (threats due to chemical solvents, ignitable or oil-based paints, varnishes, shellac, washing on bare ground; some very small businesses)	21 22 23 24 25
24.	Golf courses [7922 and 7997] vehicle maintenance and chemical storage areas; tanks for mixing chemicals; power washing; nitrate contamination due to over fertilizing; pesticide and herbicide infiltration	26 27 28 29 30
25.	Medical and Dental Laboratories [807] (unused chemicals, solvents, reagents, and hazardous wastes; small labs on septic systems are a concern; should not pour chemicals down the drain)	31 32 33 34
26.	Research, Development and Testing Services [873] (unused chemicals, solvents, reagents, and hazardous wastes; small labs on septic systems are a concern; should not pour chemicals down the drain)	35 36 37 38 39
27.	Home occupations which are auto repair, furniture refinishing, and pesticide applicators.	40 41
28.	Municipal and state garages for highway and public works departments (vehicle maintenance and chemical storage areas; underground storage tanks; de-icing salts, including storage and application)	42 43 44 45

7605. Sector C Land Use Prohibitions 46
The underlying zoning district notwithstanding, no person shall use land within sector A, B or C for any land use except as provided for here. The list of permitted and special uses allowed in the land use district underlying this overlay district shall remain unchanged in Sector C of this overlay district, 47
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except as follows. All uses listed in section 7605.C of this Ordinance shall be prohibited uses or special uses, not withstanding the provisions of the underlying zoning district.

A. The uses listed in section 7605.C of this Ordinance shall be prohibited except when one of the two following conditions exist:

1. The use is a facility which use or generates hazardous substances:

a. in quantities less 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

b. stores less than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less,

or

2. The business and facilities use, store or generate hazardous substances

a. above the amounts established in section 7605.A.1, and

b. has an approved permit by a county, state or federal agency with authority to issue such permit for the use of the hazardous substances.

B. If the proposed uses listed in section 7605.C of this Ordinance are not prohibited pursuant to section 7605.A of this Ordinance, then it shall be considered a special use pursuant to Section ? et. seq. of this Ordinance.

C. Affected Land Uses:

1. Oil and Gas drilling [13]
2. Chemicals and Allied Products [28]
3. Petroleum and Coal Products [29]
4. Metal Services, nec [347]
5. Electronic and other equipment [36]
6. Scrap and Waste Materials [5093]
7. Automotive Dealers & Service Stations [55] EXCEPT:
 - a. gasoline service stations [554]
8. Laundry, Cleaning & Garment Services [721]
9. Auto Repair, Services and Parking [75]
10. Other types of facilities that use, store or manufacture hazardous substances

7606. 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.

7607. Nonconforming Land Uses in this Overlay Zone 1
If a land use exists within this Overlay Zone on the date 2
this section takes effect which is not permitted within the 3
respective sector of this Overlay Zone then; 4
A. Such nonconforming use of land shall not be moved in 5
whole or in part to any other portion of such land, 6
added to, extended, reconstructed, structurally altered 7
or expanded during its life, Section ? [article on 8
nonconformities] not withstanding. 9
B. Nothing herein shall prevent the completion of 10
structures for a land use which shall have been 11
diligently prosecuted prior to the passage of this 12
section. 13
C. Nothing herein shall prevent the normal repair, 14
reinforcement, rehabilitation of a structure. 15

Section 6. That the City of Manistee Zoning Ordinance of May 1, 16
1990, as amended, (Title XV, Chapter 150 of the Manistee City 17
Code of Ordinances) is hereby amended by adding to Section 8402 a 18
subsection 8402.B.7. (the section which lists the information 19
required with a zoning permit application), as follows, to wit; 20

7. A copy of any other necessary permits required 21
prior to a Construction Code Permit or a copy of a 22
written agreement for, or written intent for 23
concurrent approval for those permits. 24

Section 7. That the City of Manistee Zoning Ordinance of May 1, 25
1990, as amended, (Title XV, Chapter 150 of the Manistee City 26
Code of Ordinances) is hereby amended to add to Section 9404 a 27
subsection 9404.H. (section listing the basic data required in 28
all site plans), as follows, to wit; 29

H. Show any changes or modifications required for any 30
applicable regulatory agencies' approvals. (Site 31
plan or design plan changes required after the 32
Commission issues a Special Use Permit shall also 33
be changed in accordance with procedures 34
established in this Ordinance for minor 35
adjustments or amendments to Special Use Permits.) 36

Section 8. That the City of Manistee Zoning Ordinance of May 1, 1
1990, as amended, (Title XV, Chapter 150 of the Manistee City 2
Code of Ordinances) is hereby amended to a new Section after 3
Section 9406 (so it is 9406½) (in the article on site plans, 4
following the listing of what is required in a site plan, to list 5
additional material shown on a site plan for groundwater 6
protection), as follows, to wit; 7

9407. Required data for a site plan involving special 8
groundwater protection provisions. 9

- A. Applicability of this additional site plan content for 10
groundwater protection: Facilities (except fuel stored 11
in a fuel tank which is part of a motor vehicle for 12
purposes of use by that vehicle's motor) which: 13
1. use or generate hazardous substances in quantities 14
greater than one hundred (100) kilograms 15
(approximately two hundred twenty (220) pounds) 16
per month or ninety five (95) liters 17
(approximately twenty five (25) gallons) per 18
month, whichever is less, or 19
 2. stores greater than one hundred (100) kilograms 20
(approximately two hundred twenty (220) pounds) or 21
ninety five (95) liters (approximately twenty five 22
(25) gallons), whichever is less 23
shall be subject to site plan review requirements. 24
- B. In addition to all the data required for a Basic Site 25
Plan, set forth in Section ?, Medium Site Plan set 26
forth in Section ?, or a Detailed Site Plan set forth 27
in Section ?, whichever is applicable; the following 28
shall also be shown in the site plan: 29
1. Location and size of interior and exterior areas 30
and structures to be used for storage, use, 31
loading/unloading, recycling, or disposal of 32
hazardous substances. 33
 2. Location of all underground and above ground 34
storage tanks for such uses as fuel storage, waste 35
oil holding tanks, chemical storage, hazardous 36
waste storage, collection of contaminated 37
stormwater or wash water, and all similar uses. 38
 3. Location of exterior and interior drains, on-site 39
sewage systems, dry wells; catch basins; 40
retention/detention areas; sumps and other 41
facilities designed to collect, store or transport 42
stormwater or wastewater. The point of discharge 43
for all drains and pipes shall be specified on the 44
site plan. 45

4. Location of all water wells on the site and within 150 feet surrounding the parcel's property boundaries. 1
2
3
5. Delineation of areas on the parcel which are known or suspected to be contaminated (including but not limited to PA 307 of 1982, as amended, (being Michigan Environmental Response Act, MCL 299.601 et. seq.); or administrative rules and standards promulgated thereunder), together with a report on the status of site cleanup. 4
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6. Submission of the "Hazardous Substances Reporting Form for Site Plan Review". 11
12
7. Submission of the "State/County Environmental Permits Checklist". 13
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8. 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 Commission or administrator, which ever is applicable. 15
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Section 9. That the City of Manistee Zoning Ordinance of May 1, 1990, as amended, (Title XV, Chapter 150 of the Manistee City Code of Ordinances) is hereby amended to change and add new wording to Section 9410 (conditions of site plan approval), as follows, to wit;

9410. Conditions of Site Plan Approval

A. A site plan can be approved with conditions necessary to comply fully with the intent of this Ordinance. All conditions shall be shown on the approved site plan and/or shall be in writing.

B. Reasonable conditions may include conditions necessary to:

1. 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,

2. protect the natural environment and conserve natural resources and energy, 1
2
3. insure compatibility with adjacent uses of land, and 3
4
4. promote the use of land in a socially and economically desirable manner. 5
6

C. Conditions imposed shall meet all of the following requirements: 7
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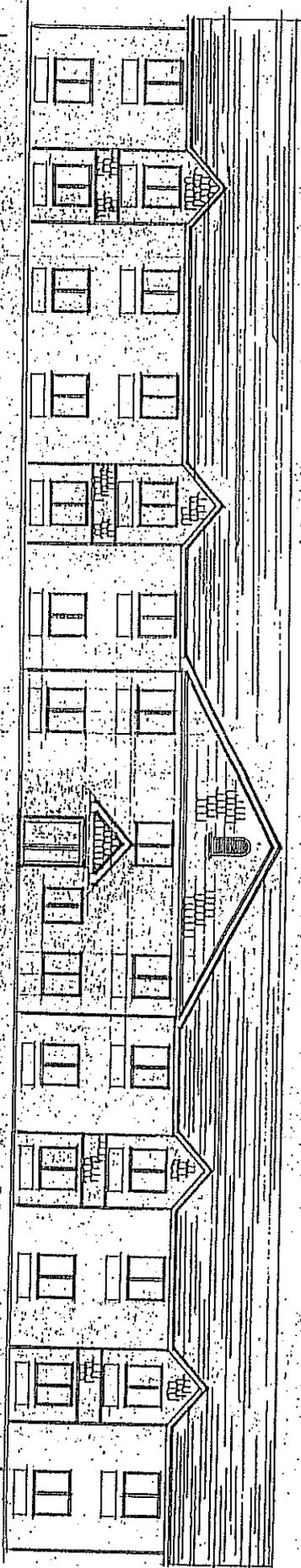
1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole. 9
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2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity. 16
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18
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. 19
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Section 10. RECODIFICATION: That the City of Manistee Zoning Ordinance of May 1, 1990, as amended, (Title XV, Chapter 150 of the Manistee City Code of Ordinances) is hereby amended to recodify the numbering of articles and sections to conform to a standard or model codification scheme established by the Manistee County Planning Department where articles are numbered within groups of ten to associate together similar articles on similar topics, and sections are numbered sequentially with the first two digits being the article number and the next two digits being the sequential section number. 24
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Section 11. CONFLICTING ORDINANCES: All other ordinances and parts of ordinances, or amendments thereto, of Manistee City in conflict with the provisions of this ordinance are hereby repealed. 34
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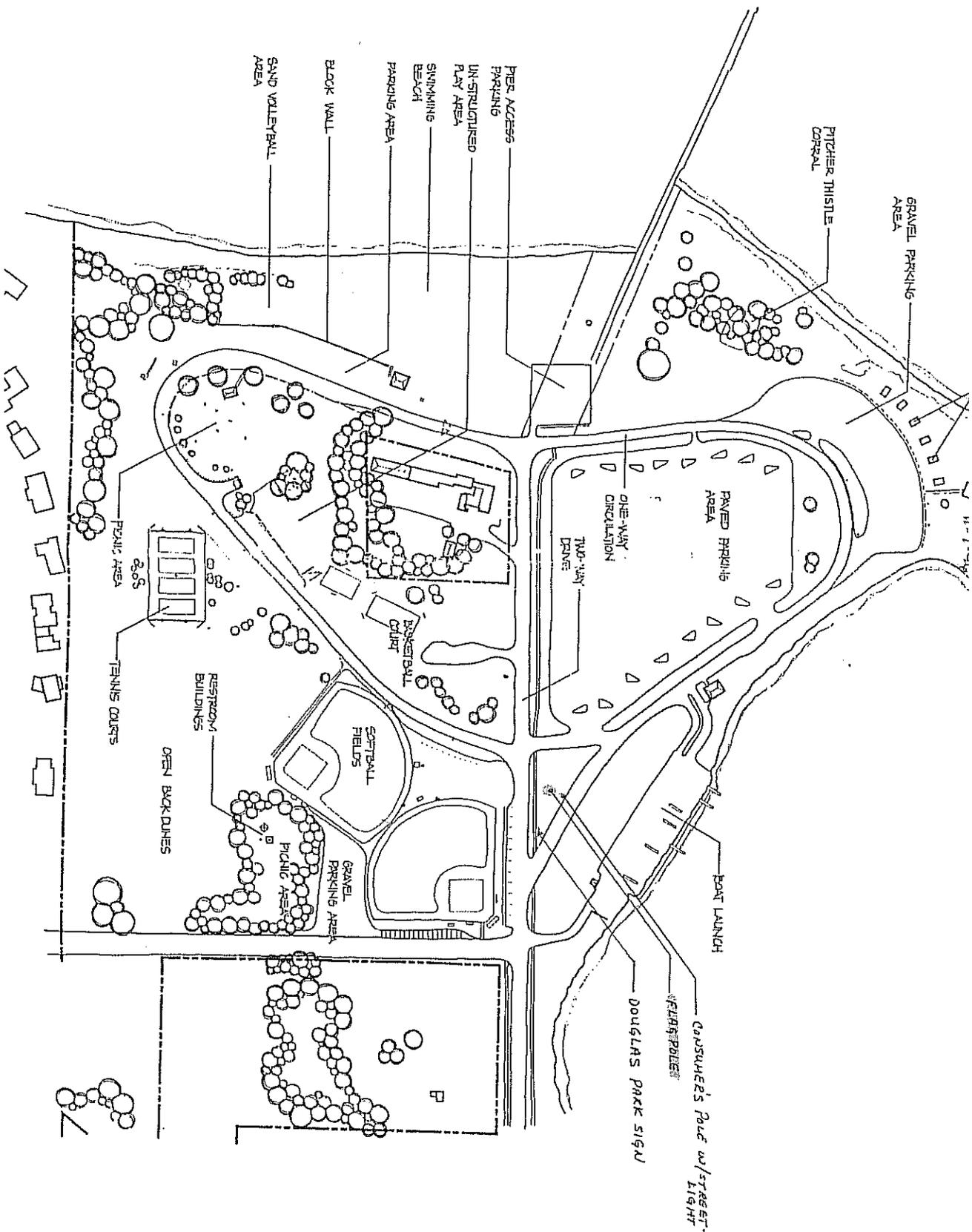
Section 12. EFFECTIVE DATE: This Ordinance shall take effect on 1
_____, upon publication in the Manistee News 2
Advocate. 3

[C:\WP\TOWNS\GWZONE.CTY]

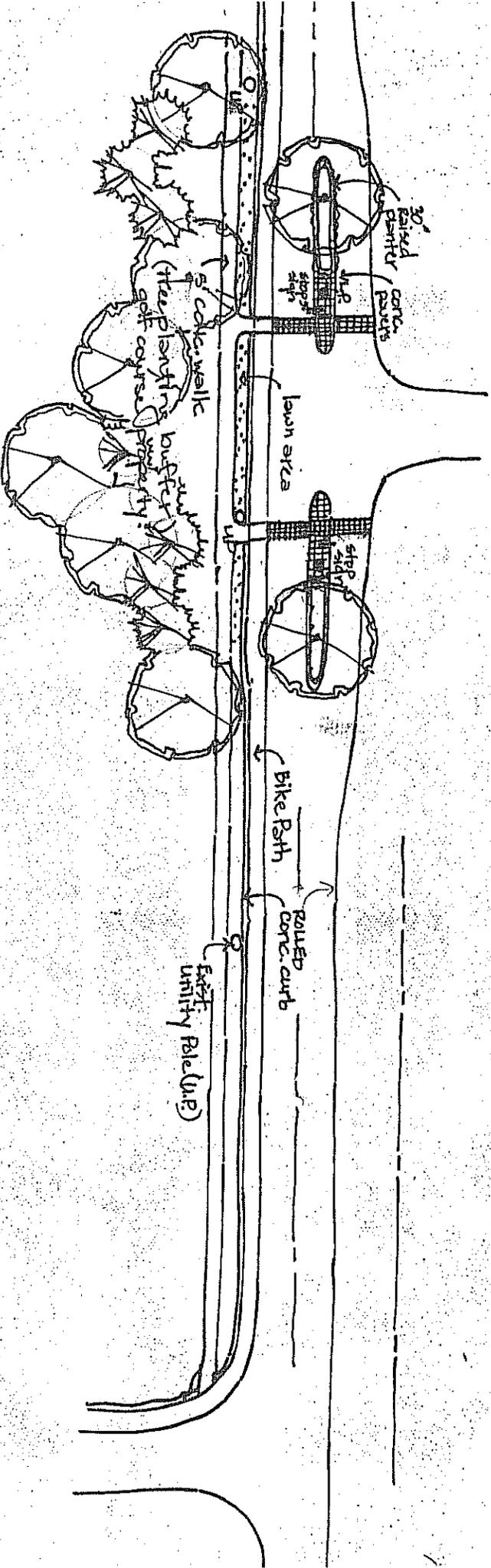


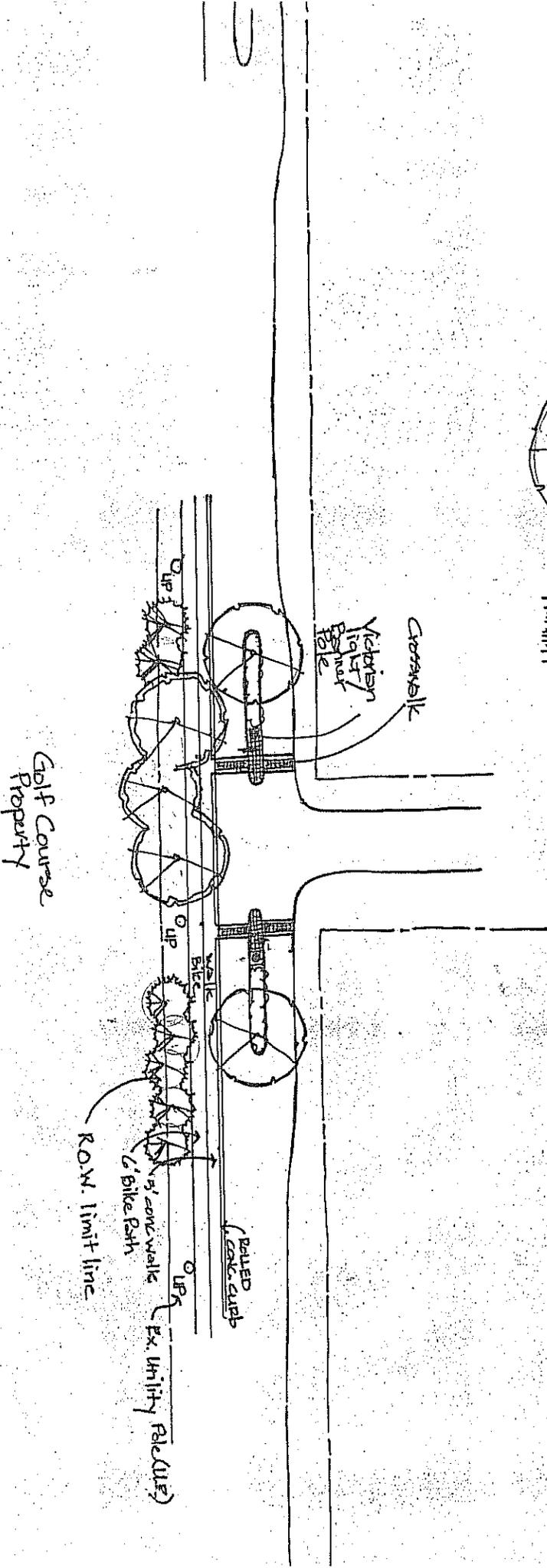
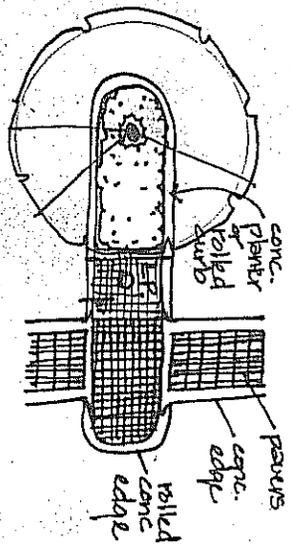
West Elevation
1/2" = 1'-0"

Robert Norout

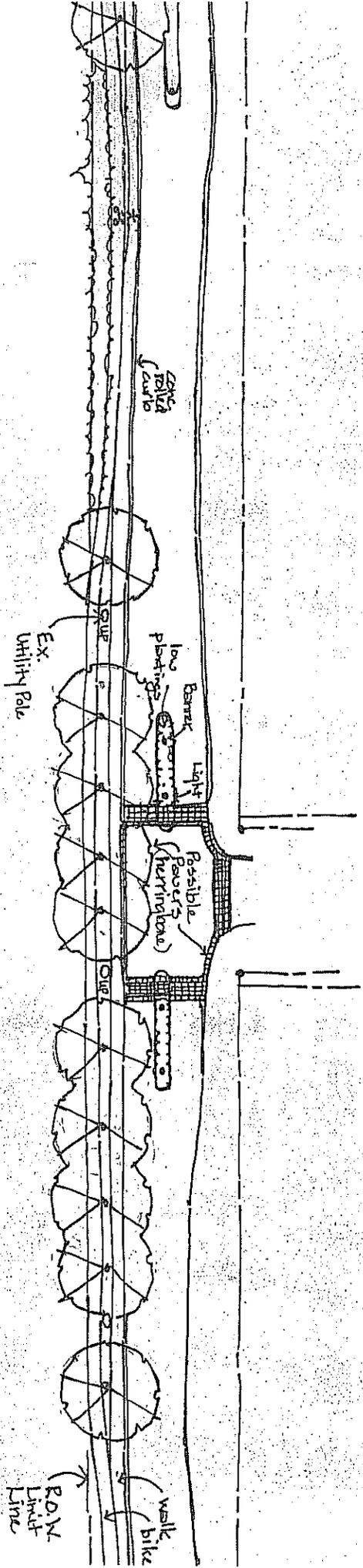


Typical Intersection
Bike Path Adjacent to Street
Scheme #1



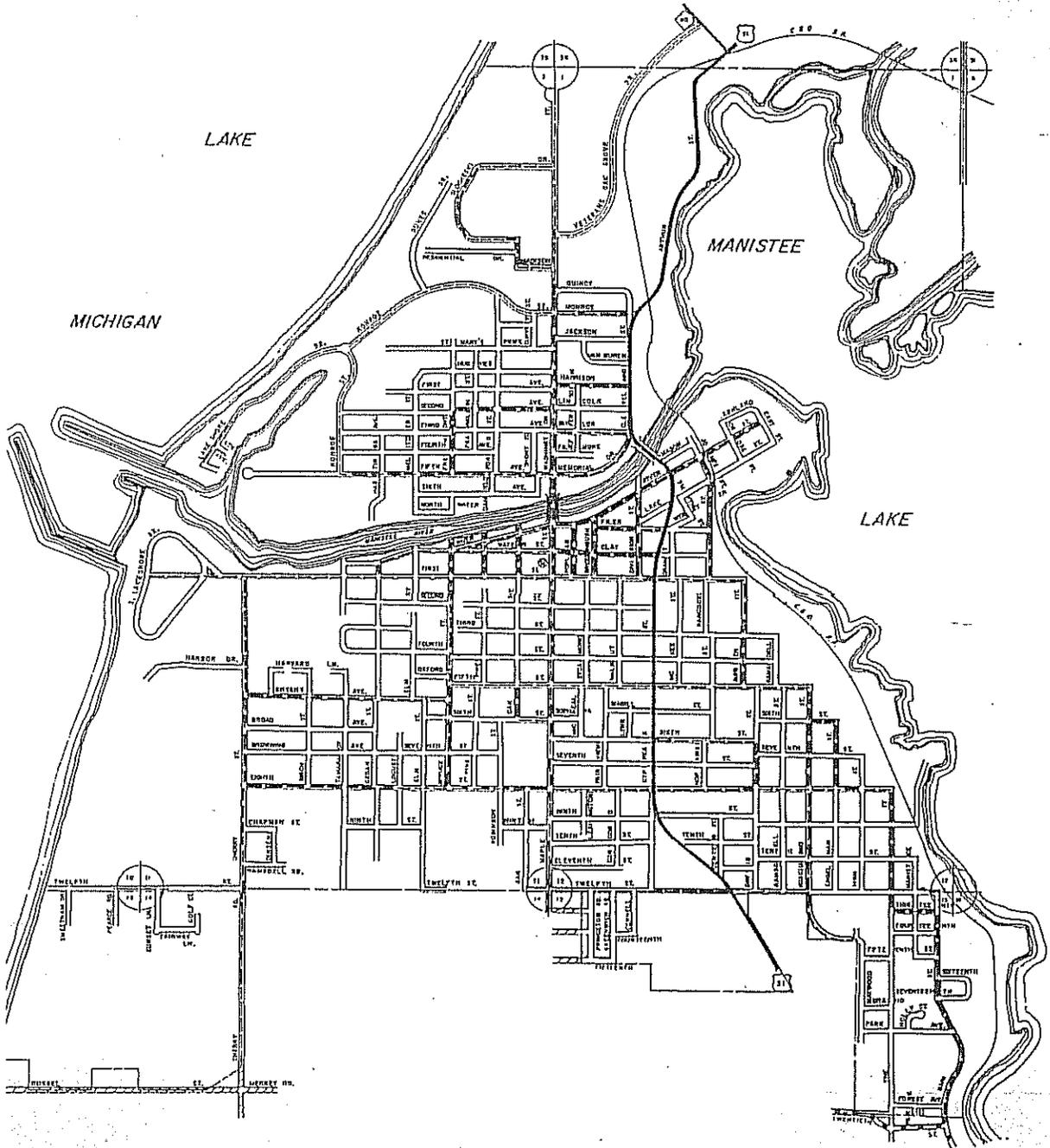


Typical Intersection
Walk Adjacent to Street
Trees Planted Within P.O.W. Limit
Scheme #2



Typical Intersection
 Serpentine Walk & Bike Path
 Scheme # 3

CITY OF
MANISTEE
 MANISTEE COUNTY
 T 21 N - R 16 & 17 W
 POP. 6,734 - 1990 CENSUS
STREET SYSTEMS
 THE MICHIGAN HIGHWAY LAW,
 PUBLIC ACT 51 OF 1951, AS AMENDED



LEGEND

LINE	—————
CITY LIMITS	—————
STREET SYSTEMS	
INKLINE	—————
PRIMARY	—————
LOCAL	—————
STREET	—————
STREET	—————
CITY OR	—————



APPROVED
 18.88 MILES OF MAJOR STREET
 29.89 MILES OF LOCAL STREET
 FOR THE PERIOD
 7-01-95 TO 6-30-96
 BY
Richard M. J...
 CITY CLERK