

CITY OF MANISTEE PLANNING COMMISSION

WORKSESSION AGENDA

**Thursday, February 17, 2005 - 6:00 p.m.
Manistee Middle School Library
550 Maple Street, Manistee, Michigan**

I Call to Order.

II Worksession Items:

1. Zoning Ordinance Re-Write
 - A. Review Draft Zoning Map.
 - B. Review Table 7-1 Schedule of Regulations
 - C. Review Table 7-2 Table of Land Uses
 - D. Review Waterfront District
2. Other

III Adjourn.

MEMO

TO: Planning Commissioners

FROM: Denise J. Blakeslee 
Administrative Assistant

DATE: February 11, 2005

RE: Worksession

Enclosed is the information that we will review for the Worksession on Thursday, February 17, 2005. The Worksession will begin at 6:00 p.m. in the Middle School Library.

A draft Zoning Map:

Please Review the Districts as they are indicated on the Draft Map. A Waterfront District has been added since our last Worksession.

The Dark Blue Lines indicate Arterial Streets. The reason for Arterial Street designation would be to limit some Special Uses in a district to an Arterial Street.

For example in a Residential District a Doctors Office or Eating Establishment must be located on an Arterial Street to apply for a Special Use Permit. If the property does not front on an Arterial it would not be eligible for a Special Use Permit.

A Bed and Breakfast would not be required to be located on an Arterial Street to apply for a Special Use Permit in a Residential District.

Also review the Arterial Streets to see if there are any questions as to a designation or if you feel there is an error on the map.

Table 7-1 Schedule of Regulations:

Some changes have been made to the Schedule of Regulations. These changes reflect the predominate set-back in the district and avoids creating a lot of non-conformities. The Waterfront Set-backs have been adjusted according to which body of water the district fronts on. We will discuss these changes at the worksession.

Table of Land Uses:

We will again review The Table of Land Uses. Please remember to check the Arterial Street location on the Map. This may allow a Professional Office in the R-2 Residential District where after previous discussions it was not allowed. Jay placed a lower case "a" next the Special Land Uses that would only be allowed on an Arterial Street.

Waterfront District:

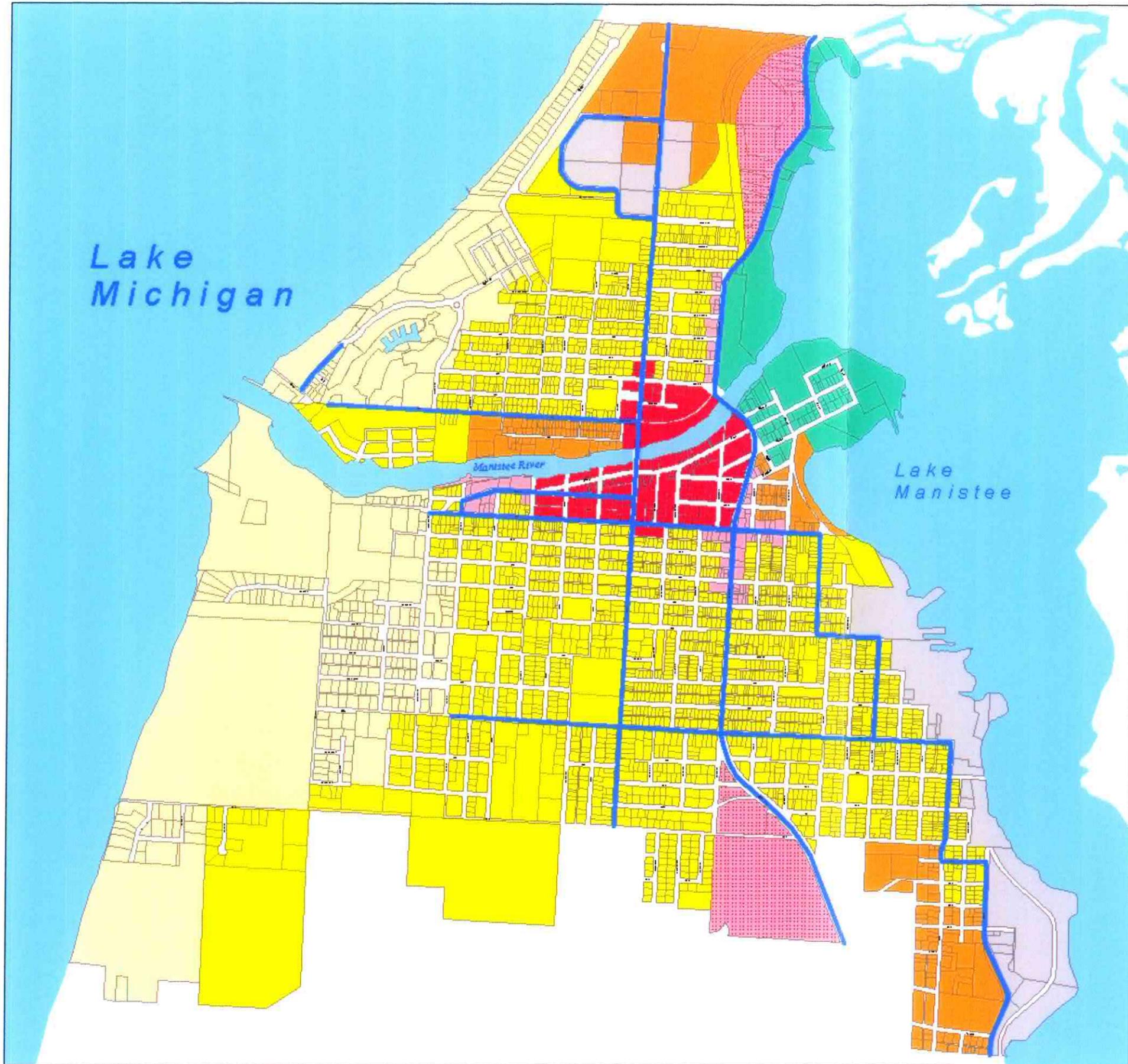
Jay has included draft language for a Waterfront District. The former MUD & C-3 Commercial Districts have received this designation. Because of the uniqueness of these areas having water frontage and the desire to allow mixed uses one more Zoning District was created. Please review the draft language and be ready to make comments during the worksession.

You are asked to review your packets and have your notes and concerns ready for the worksession. We are fast approaching Spring when we are scheduled to hold our next open house with the public. Also we are close to exceeding our number of meetings with Jay under our contract.

We want a good user-friendly Zoning Ordinance but need to keep on track and move forward. Your time and dedication to this project is appreciated.

If you are unable to attend the worksession please call.

:djb



City of Manistee

Draft Zoning Map

January 25, 2005

Legend

 Arterial Streets

Parcels

-  R-1 Low Density Residential
-  R-2 Medium Density Residential with services and commercial
-  R-3 High Density Residential
-  C-1 - Regional Commercial
-  C-2 Neighborhood Commercial
-  C-3 Central Business District
-  WF - Waterfront
-  I - Industrial



0 1,000 2,000 4,000 Feet

Williams & Works

549 Ottawa Ave., N.W. Grand Rapids, MI 49503
 Phone (616) 224-1500 Fax (616) 224-1501

Table 7-1 - City of Manistee Schedule of Regulations

District	Minimum Lot Dimensions		Maximum Lot Coverage (%)	Minimum Yard Requirements (feet)			Maximum Density DU/Acre	Maximum Height Feet/stories	Minimum Floor Area Per Dwelling and Width (Sq.Ft. & Ft)
	Area (sq. ft.)	Width (feet)		Front ^(a)	Side	Rear/Waterfront ^(c)			
R-1	18,000	100	40%	30/63	10	10/100	4	35/2½	1,300/20
R-2	10,000	80	40%	15/48	10	10/20	8	35/2½	1,300/20
R-3	6,000	60	60%	15/48	10	10/20	17	35/2½	1,200/20
Single Unit Duplex or Comm.	10,000 ^(b)	80						35/2½	
Multi Unit.	10,000 ^(b)	80						35/2½	
R-4	6,000	60	40%	25/58	10	10	8	35/2½	1,200/20
Single Unit Duplex or Comm.	10,000	80							
Mfg Hsg	Per Requirements of Section 1105 and the Rules and Regulations of the Manufactured Housing Commission								
C-1	20,000 ^(b)	120	60%	30/63	10 ^(e)	20	17	40/3	1,200/20
C-2	6,000 ^(b)	60	90%	15/48	0 or 5 ^{(e)(d)}	10/20	17	35/2½	750/no min. width
C-3	2,500	25	100%	0/33	0 or 5 ^{(e)(d)}	6/20	(0)	50/4	500/no min. width
W-F									
Single Unit Duplex or Comm.	6,000	60	60%	25/58	10	10/25	17	35/2½	1,200/20
Multi Unit.	10,000	80							
	10,000 ^(b)	80							
I									

Notes: a. The figure before the slash (/) refers to the setback dimension in platted areas and the second figure shall be applied in non-platted areas and shall be measured from the road centerline. In areas where the majority of parcels do not meet the setback requirements, the Zoning Administrator may establish a reduced setback requirement in accord with Section 502, F.

- b. For multiple unit buildings, a minimum of 10,000 square feet shall be provided, plus 2,000 square feet for each additional dwelling unit up to twenty (20), plus 2,500 square feet for each additional dwelling unit in excess of 20.
- c. A commercial use contiguous to an existing residential use may be required to provide additional buffering
- d. A building may be located on one or both side lot lines when both structures are designed to accommodate zero-lot line construction. All other structures shall be located a minimum of 4 feet from the side lot line.
- e. This standard shall not apply to walkways, decks, boat docks, boat slips, boat houses and boat launches
- f. Not more than one (1) unit for each 1,500 square feet of building envelope

USES	R-1 Low. Density	R-2 Med. Density	R-3 Hi. Density	R-4 Mfg. Hsing	C-1 Reg'l Com.	C-2 Neigh. Bus.	C-3 Central Bus.	I Industrial	WF Water front
Drive-through Establishment					SLU	SLU	SLU		
Duplex	SLU	R	R	SLU		SLU	SLU		SLU
Dwelling - Multiple Unit		SLUa	SLU	SLU	SLU	SLU	SLU		SLU
Dwelling - Single Unit	R	R	R	SLU		SLU	SLU		SLU
Eating and Drinking Establishment		SLUa	SLUa		R	SLU	R		SLU
Educational Facility	SLUa	SLUa	SLU			SLU		SLU	
Financial Institution			SLUa		R	R	R	R	
Gallery or Museum	SLUa	SLUa	SLUa		R	R	R		R
Gasoline Station					SLU				
Golf Course	SLU								
Greenhouse and Nursery					SLUa			R	
Home Based Business	SLU	SLU	SLU			SLU			SLU
Home Occupation, Minor	R	R	R	R		R	R		R
Home Occupation, Major	SLU	SLU	SLU	SLU		SLU	SLU		SLU
Hotel		SLU	SLU		R		R		SLU
Laundry and Dry Cleaning Establishment					SLU	SLU		R	
Manufactured Housing Community				R					
Marina	SLU	SLU	SLU						
Medical or Dental Office			SLU		R	R	SLU	SLU	SLU
Mini/Self-Storage Facility			SLUa		SLU				
Mine, Sand and Gravel					SLU				
Mixed-Use Development	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU
Mortuary		SLUa	SLUa		SLUa	SLUa			

USES	R-1 Low. Density	R-2 Med. Density	R-3 Hi. Density	R-4 Mfg. Hstg	C-1 Reg'l Com.	C-2 Neigh. Bus.	C-3 Central Bus.	I Industrial	WF Water front
Veterinary Clinic					R	SLU		R	
Warehouse, Public					SLU			R	
Wholesale Facility					R			R	
Wind Energy Conversion System	SLU		SLU					SLU	

ARTICLE XII WATERFRONT DISTRICT

SECTION 1201 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 near on or near the Manistee Lake shoreline. This district is intended to encourage and promote sustainable and environmentally and aesthetically compatible developments that use or compliment the shoreline while promoting expanded use of the shoreline by the public. While the W-F District will host a variety of land uses including, but not limited to, residential, commercial, entertainment and recreational, service and industrial uses, it is expected that an overall pattern of lakeshore residential, commercial and recreational uses will emerge.

PERMITTED USES

- ◆ Accessory building with footprint less than or equal to the footprint of the principal structure
- ◆ Accessory use to uses permitted by right.
- ◆ Gallery or Museum
- ◆ Minor Home Occupation subject to Section 520
- ◆ Outdoor Recreation, Park Facility
- ◆ Personal Service Establishment
- ◆ Places of Public Assembly, Small
- ◆ Professional Office
- ◆ Retail Business
- ◆ Subdivision, plat or condo
- ◆ Uses similar to uses permitted by right

SPECIAL USES

- ◆ Accessory building with footprint greater than the footprint 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
- ◆ Day Care, Group
- ◆ Dwelling - Multiple unit
- ◆ Dwelling - Single unit
- ◆ Duplex
- ◆ Eating and Drinking Establishment
- ◆ Home Based Business
- ◆ Hotels and Motels
- ◆ Major Home Occupation
- ◆ Marina
- ◆ Mixed-Use Development
- ◆ Parking Facility
- ◆ Places of Public Assembly, Large
- ◆ Planned Unit Development
- ◆ Processing and Manufacturing
- ◆ Sports and Recreation Club
- ◆ Studio for performing and graphic arts
- ◆ Theater
- ◆ Uses similar to permitted special use

ADDITIONAL STANDARDS

- ◆ Site Plan requirements subject to Section ___ for all uses other than _____.
- ◆ Parking and loading requirements subject to Section ___.
- ◆ Signage requirements subject to Section ___.
- ◆ Lighting requirements subject to Section ___.
- ◆ Landscape and buffering requirements subject to Section ___.

DISTRICT REGULATIONS

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

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

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

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

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

^(e) Provided that this standard shall not apply to walkways, decks, boat docks, boat slips, boat houses and boat launches.

SECTION 1202 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 Twenty, 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. Gallery or Museum

- D. Minor Home Occupation, subject to Section 1831
- E. Outdoor Recreation, Park Facility
- F. Personal Service Establishment
- G. Places of Public Assembly, Small
- H. Professional Office
- I. Retail Business
- J. Subdivision, plat or condo
- K. Uses similar to uses permitted by right

SECTION 1203 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 Eighteen.

- A. Accessory building with footprint greater than the footprint of the principal structure, subject to Section 1803.
- B. Accessory uses to a permitted special use, subject to Section 516.
- C. Adaptive reuse, subject to Section 1805.
- D. Assembly Operation, subject to Section 1848
- E. Communication Tower, subject to Section 1813.
- F. Convenience Store, without fuel pumps, subject to Section 1816.
- G. Day Care, Commercial, subject to Section 1817.
- H. Day Care, Group, subject to Section 1818.
- I. Duplex, subject to Section 1820.
- J. Dwelling, multiple unit, subject to Section 1821.
- K. Dwelling - Single unit, subject to Section 1822.
- L. Eating and Drinking Establishment, subject to Section 1823.
- M. Home Based Business, subject to Section 1830.
- N. Major Home Occupation, subject to Section 1831.
- O. Hotel, subject to Section 1832.
- P. Marina, subject to Section 1834.
- Q. Mixed-Use Development, subject to Section 1838.
- R. Motel, subject to Section 1840.
- S. Parking Facility, subject to Section 1843.

- T. Places of Public Assembly - Large, subject to Section 1846
- U. Planned Unit Development, subject to Section 1847.
- V. Processing and Manufacturing, subject to Section 1848.
- W. Sports and Recreation Club, subject to Section 1852.
- X. Studio for performing and graphic arts, subject to Section 1853.
- Y. Theater, subject to Section 1855.
- Z. Uses similar to permitted special use, subject to Section 1856.
- AA. Warehouse, Public, subject to Section 1858.

SECTION 1204 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, two thousand (2,000) square feet of parcel area shall be provided for each dwelling unit up to twenty (20) and two thousand five hundred (2,500) square feet of parcel area shall be provided for each additional dwelling unit in excess of twenty (20).
- B. Parcel Width - For a single family detached dwelling, the minimum parcel width shall be sixty (60) feet and for all other uses the minimum parcel width shall be eighty (80) feet.
- C. Yard and Setback Requirements - The following requirements shall apply to every parcel, building or structure.
 - 1. Front Yard: The minimum setback shall not be less than twenty-five (25) feet from front property line, or fifty-eight (58) feet from centerline of a street, whichever is greater. In established neighborhoods, where a majority of the buildings do not meet the required front yard setback, the Administrator may establish an alternate setback, pursuant to Section 502, F.
 - 2. Side Yards: The minimum width of either yard shall not be less than ten (10) feet. For accessory buildings, the minimum rear yard and side yard setback shall be three (3) feet;
 - 3. Rear Yard: The minimum setback shall not be less than ten (10) feet. For accessory buildings, the minimum rear yard and side yard setbacks shall be three (3) feet, excepting garages which front on a platted alley. Such garages shall be set back a minimum of twenty (20) feet from the property line on the opposite side of the alley, to provide a minimal turning radius for vehicles, but at no time shall the structure be closer than three (3) feet to the rear property line. The side yard for such garage shall be the same as for other accessory structures, as outlined above.

4. Waterfront Yards: The minimum setback from the ordinary high watermark of Manistee Lake shall be twenty-five (25) feet. Provided that this provision shall not apply to walkways, decks, boat docks, boat slips, boat houses and boat launches.
- D. Building Area: No dwelling shall be constructed in the W-F District which is less than one thousand three hundred (1,200) square feet of building area, or is less than twenty (20) feet wide.
- E. Living Area: No dwelling unit shall be constructed in the W-F District which has less than five hundred (500) square feet of living area.
- E. Lot Coverage: Not more than sixty percent (60%) of the parcel area shall be covered by buildings.

MEMO

TO: Planning Commissioners

FROM: Denise J. Blakeslee 
Administrative Assistant

DATE: February 18, 2005

RE: Specific Standards and Requirements for Special Uses

Good Morning! I want to start by thanking everyone for their input at last nights worksession. It was a long evening but a lot of work was accomplished.

Enclosed is a copy of the notes from the Worksession along with a draft of "Specific Standards and Requirements for Special Uses". We are forwarding this information to you to allow you time to review prior to the Meeting on March 3, 2005.

At this time we have three items on the agenda but will try to begin review of this information if time allows. We will continue our review of this document at the Worksession on March 17, 2005.

Jay will be working on a revised draft map and update the Table of Land Uses from the discussion at last nights worksession. I will forward them to you when they are available.

Please review the information, take notes and be prepared to discuss at the March meeting and worksession. Thank you again for all of your work on the revision of the Zoning Ordinance.

:djb

cc: City Council
City Manager
DDA Members (Dave Carlson & Lee Trucks)

ARTICLE EIGHTEEN

SPECIFIC 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 Eighteen. 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:

1. **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 ___ 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. A Special Use application shall be placed on the agenda of the Planning Commission by the Zoning Administrator within thirty (30) days of the submission of a complete application prepared in accordance with this Zoning Ordinance. 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.
2. **Data Required.** Ten (10) copies of an application for a Special Use permit shall be presented to the Zoning Administrator and accompanied by the following documents and information.
 - a. A complete Special Use permit application including the following information:
 - 1) Name and address of applicant and owner(s).
 - 2) Legal description, property parcel number, and street address of the subject parcel of land.
 - 3) Area of the subject parcel of land stated in acres, or if less than one (1) acre, in square feet.
 - 4) Present zoning classification of the parcel.
 - 5) Present and proposed land use.
 - 6) A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.

approval is being considered, and all persons to whom real property is assessed within three-hundred (300) feet of the subject property, and all persons living in any structures within three-hundred (300) feet of the subject property. Notice of the public hearing shall also be published in a newspaper of general circulation in the City of Manistee in accordance with official City procedures. Such notices shall be given not less than five (5) or more than fifteen (15) days of the date of the hearing. Such notice shall include:

- 1) Description of the Special Use request;
 - 2) General description of the property which is the subject of the Special Use application;
 - 3) The date, time, and location of the Public Hearing on the Special Use application; and,
 - 4) The time and location for written comments to be received concerning the Special Use application.
- c. **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 and reach a decision to recommend to City Council the approval, approval with conditions, or denial of the application. Such recommendation shall be presented within sixty (60) days following the public hearing on the application, unless the applicant and the Planning Commission mutually agree to extend the time allowed for the Planning Commission to reach a decision. The Planning Commission's recommendation shall be incorporated in a motion containing conclusions reached relative to the proposed Special Use which motion shall provide the basis for the recommendation and any conditions imposed.
- d. **City Council Decision.** Upon receipt of the recommendation of the Planning Commission, the City Council shall consider the application and shall within not more than sixty (60) days either approve the application as submitted, approve the application with the conditions as recommended by the Planning Commission, return the application with the comments to the Planning Commission for further consideration, or deny the application.
- e. **Basis for Action.** In arriving at their decisions, the Planning Commission and the city Council 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 by the application shall be denied.
- f. **Attachment of Conditions.** Subject to the terms of Section 1802, 2, the Planning Commission may recommend and the City Council 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.
4. **Issuance of a Special Use permit.** Upon approval by the City Council, 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

- d. If the use is abandoned, moved or vacated for a period of one year.
10. **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 City Council 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 City Council 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

1. **General Review Standards.** The Planning Commission and City Council, 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 recommend approval of such Special Use 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 and City Council 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:
 - a. The Special Use shall be consistent with the adopted City of Manistee Master Plan.
 - b. 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.
 - c. 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.
 - d. 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 be able to provide adequately for such services.
 - e. 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.
 - f. 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

SECTION 1803 ACCESSORY BUILDINGS WITH FOOTPRINT GREATER THAN THE PRINCIPAL STRUCTURE

1. **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.
2. **Regulations and Conditions.**
 - a. In all zoning districts and 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%).
 - b. In all zoning districts, except the Industrial district, the following standards shall be applied:
 - 1) 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%).
 - 2) 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%).
 - c. 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.
 - d. The floor area limitations of this Section shall be applied cumulatively for all accessory buildings on a parcel.
 - e. Accessory buildings as defined in this Section shall comply with all yard, setback and building height standards of this Zoning Ordinance.

SECTION 1804 ACCESSORY USES, RELATED TO USES PERMITTED

1. **Definition.** Whenever an activity (which may or may not be separately listed as a use in Table 7-2) is conducted in conjunction with another principal 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 proposed activity 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.
2. **Regulations and Conditions.**
 - a. 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

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. At least fifty percent (50%) of the exterior wall facing the street for retail space on the *ground floor* shall consist of glass display windows.
- d. Parking shall be provided at the rear or side of the *building* or within an enclosed building and shall be appropriately buffered or screened. Parking shall be provided within two hundred (200) feet of the building. Two (2) spaces shall be provided per *dwelling*.
- e. The number of dwellings permitted in an adaptive reuse building shall not exceed one dwelling for each 1,500 square feet of building envelope, as defined herein.
- f. All *dwellings* shall provide a minimum of eight hundred (800) square feet of *living space*.
- g. Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.
- h. Signage shall comply with the requirements of Article Nineteen.

SECTION 1806 ADULT FOSTER CARE FACILITY

- 1. **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. 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.

- d. Such facilities shall not incorporate any overnight boarding services.
- e. All signs shall be in compliance with the provisions of Article Nineteen of this Ordinance.
- 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 ____ of this Zoning Ordinance.
- h. All exterior lighting shall be in accordance with Section 525 hereof.

SECTION 1808 AUTOMOBILE REPAIR FACILITY

- 1. **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.
- 2. **Regulations and Conditions.**
 - a. 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.
 - b. No vehicles shall be parked on site for the purpose of selling or renting such vehicles.
 - c. All exterior lighting shall be in accordance with Section 525 hereof.
 - d. 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.
 - e. All repair and maintenance activities shall be performed entirely within an enclosed building.
 - f. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.
 - g. All signs shall be in accordance with Article Nineteen of this Zoning Ordinance.
 - h. All parking shall be in accordance with Section 514 of this Zoning Ordinance.
 - i. Landscaping and Buffering shall be provided in accordance with Section ____ of this Zoning Ordinance.
 - j. 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 1809 BED AND BREAKFAST

- 5) 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.
- 6) The Bed and Breakfast shall not alter the residential character of the building or structure.
- 7) The rental sleeping rooms shall have a minimum size of one hundred-seventy (170) 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.
- 8) ~~The keeping of domestic pets of traveling tourists shall be prohibited.~~
- 9) 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.
- 10) 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.
- 11) The permit holder shall secure and maintain all required state and local permits.
- 12) No conference/meeting room facilities will be permitted.
- 13) 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.
- 14) 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 1810 BILLBOARD

1. **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.
2. **Regulations and Conditions.**
 - a. A Billboard shall be considered a principal structure on a parcel of land.
 - b. 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

1. **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.
2. **Regulations and Conditions.**
 - a. All such facilities shall be connected to a public sewer system.
 - b. All washing activities shall be carried out within a building.
 - c. 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.
 - d. Noise generated on site from any source shall not exceed 40 decibels measured at any property line.
 - e. Adequate drainage shall be provided, to prevent flooding, freezing of runoff, and environmental damage.
 - f. Manual and coin Car Washes shall provide adequate space for drying and waxing vehicles.
 - g. 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.
 - h. 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.
 - i. All parking areas shall comply with the provisions of Section 514 of this Zoning Ordinance.
 - j. All signs shall comply with Article Nineteen of this Ordinance.
 - k. Landscaping and Buffering shall be provided in accordance with Section ___ of this Zoning Ordinance.
 - l. All exterior lighting shall be in accordance with Section 525 hereof.
 - m. A car wash shall front on and be accessed from a major or arterial street, as defined herein.

SECTION 1812 CEMETERY

1. **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.
2. **Regulations and Conditions.**
 - a. 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.

than construction of additional single-use towers.

- e. Locate them on City-owned water towers where feasible and to the satisfaction of the City Council.
 - f. Locate them, to the extent possible, in areas where the adverse impact on the community is minimal.
 - g. 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.
 - h. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
 - i. Consider the public health and safety of personal wireless service facilities.
 - j. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
 - k. 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.
3. **Administratively Approved Uses.** The following uses may be approved by the Zoning Administrator after conducting an administrative review:
- a. **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:
 - 1) The antenna does not extend more than ten (10) feet above the highest point of the structure;
 - 2) The antenna complies with all applicable FCC and FAA regulations;
 - 3) The equipment building for such co-located equipment can be incorporated into an existing structure or cabinet, and
 - 4) The antenna complies with all applicable building codes.
 - b. **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.
4. **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 Twenty.

8. **General Provisions.** Construction of Communication Towers including their accessory equipment are allowed in the City of Manistee subject to the following provisions:
- a. 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.
 - b. 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 1813, 6, d, 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.
 - c. 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.
 - d. The tower and/or antenna shall be painted or screened so as to blend into the background.
 - e. The service building shall be aesthetically and architecturally compatible with buildings within three hundred feet of the property on which it is located.
 - f. All connecting wires from towers to accessory buildings and all electrical and other service wires to the facility shall be underground.
 - g. 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.
 - h. All exterior lighting shall be in accordance with Section 525 hereof.
 - i. The City may require landscape screening of the service building and fencing.
 - j. Strobe lights shall not be allowed except as required by FAA.
 - k. 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.
 - l. 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."

2. **Regulations and Conditions.**

- a. Any outdoor storage area shall conform to the yard, setback, and height standards of the zoning district in which it is located.
- b. Uses shall produce no detectable objectionable dust, fumes, or odors at any property line.
- c. All travel surfaces shall be paved or otherwise perpetually treated to control dust, as a condition of approval.
- d. All exterior lighting shall be in accordance with Section 525 hereof.
- e. Cranes, booms or other extensions on equipment, trucks or other vehicles parked on site shall be stored in the lowest possible configuration.
- f. There shall be no off-site discharge of storm water except to an approved drainage system in accord with the City's engineering requirements.
- g. Noise generated on site from any source shall not exceed 40 decibels measured at any property line.
- h. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.
- i. All signs shall be in accordance with Article Nineteen of this Zoning Ordinance.
- j. All parking shall be in accordance with Section 514 of this Zoning Ordinance.
- k. Landscaping and Buffering shall be provided in accordance with Section ___ of this Zoning Ordinance.

SECTION 1815 CONVENIENCE STORE, WITH FUEL PUMPS

1. **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.

2. **Regulations and Conditions.**

- a. 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.
- b. The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by State and federal statutory and regulatory authority.
- c. All buildings, pump islands and other facilities shall be located in conformance with the yard and setback requirements of the zoning district.
- d. Dismantled, wrecked, or immobile vehicles shall not be permitted and the site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.

1. **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.
2. **Regulations and Conditions.**
 - a. All required state and local licensing shall be maintained at all times.
 - b. 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.
 - c. 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.
 - d. Such facilities shall be located at least 1,500 feet from any one of the following:
 - 1) A licensed or pre-existing operating group or commercial day-care home.
 - 2) An adult foster care facility.
 - 3) A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
 - 4) A community correction center resident home halfway house or similar facility under jurisdiction of the County Sheriff or the Department of Corrections.
 - e. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
 - f. 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.
 - g. All parking areas shall comply with the provisions of Section 514 of this Zoning Ordinance.
 - h. Commercial Day Care facilities shall front on and be accessed from a major or arterial street, as defined herein.
 - i. All signs shall comply with Article Nineteen of this Ordinance.
 - j. Landscaping and Buffering shall be provided in accordance with Section ___ of this Zoning Ordinance.

SECTION 1818 DAY CARE, GROUP

1. **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

- c. The drive-through lane(s) shall be designed to accommodate a full-size passenger vehicle pulling a recreation-vehicle trailer.
- d. 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.
- e. 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.
- e. All exterior lighting shall be in accordance with Section 525 hereof.
- f. 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.
- g. All parking areas shall comply with the provisions of Section 514 of this Zoning Ordinance.
- h. All signs shall comply with Article Nineteen of this Ordinance.
- i. Landscaping and Buffering shall be provided in accordance with Section ___ of this Zoning Ordinance.

SECTION 1820 DUPLEX

- 1. **Definition.** A structure including two dwellings, each with separate housekeeping, cooking, and bathroom facilities for each. For facilities with more than two dwelling units, see Dwelling, Multiple Unit.
- 2. **Regulations and Conditions.**
 - a. A Duplex shall have an exterior appearance similar to a single unit dwelling, as determined by the Planning Commission.
 - b. In any subdivision or site condominium, the Planning Commission may recommend and the City Council may establish a limit on the number of duplexes within said development.
 - c. All off-street parking shall be in compliance with Section 514 of this Ordinance.
 - d. Landscaping and Buffering shall be provided in accordance with Section ___ of this Zoning Ordinance.

SECTION 1821 DWELLING, MULTIPLE UNIT

- 1. **Definition.** A structure which includes three (3) or more dwellings, each with separate housekeeping, cooking, and bathroom facilities for each.

1. **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.
2. **Regulations and Conditions.**
 - a. Such facilities shall maintain, at all times, all required state and local licenses and permits.
 - b. Such facilities shall be located and designed such that no objectionable noise shall be carried onto adjoining property zoned for, or occupied by, residential uses.
 - c. Such facilities shall be located and designed such that no odor or fumes shall be carried onto adjoining property zoned for, or occupied by, residential uses.
 - d. 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.
 - e. The Planning Commission may recommend and the City Council may establish reasonable hours of operation for eating and drinking establishments.
 - f. Within the R-3 district, Eating and Drinking Establishments shall front on and be accessed primarily from an arterial street, as defined herein.
 - g. All exterior lighting shall be in accordance with Section 525 hereof.
 - h. All signs shall be in compliance with the provisions of Article Nineteen of this Ordinance.
 - i. All parking shall be in compliance with the provisions of Section 514 of this Ordinance.
 - j. Landscaping and Buffering shall be provided in accordance with Section ___ of this Zoning Ordinance.

SECTION 1824 EDUCATIONAL FACILITY

1. **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.
2. **Regulations and Conditions.**
 - a. An education facility shall have its primary access directly from a paved, all-season road.
 - b. 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 recommend and the City Council 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.

- i. A Financial Institution shall front on and be accessed from a major or arterial street, as defined herein.
- j. 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 1826 GALLERY OR MUSEUM

1. **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.
2. **Regulations and Conditions.**
 - a. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.
 - b. All exterior lighting shall be in accordance with Section 525 hereof.
 - c. 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.
 - d. A Gallery or Museum shall front on and be accessed from an arterial street, as defined herein, unless the Planning Commission finds that the proposed facility will generate minimal traffic impact within the vicinity.
 - d. All signs shall be in compliance with the provisions of Article Nineteen of this Ordinance.
 - e. All off-street parking shall be in compliance with Section 514 of this Ordinance.
 - f. Landscaping and Buffering shall be provided in accordance with Section ____ of this Zoning Ordinance.

SECTION 1827 GASOLINE STATION

1. **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.
2. **Regulations and Conditions.**
 - a. The Planning Commission may establish hours of operation for Gasoline Stations to protect the character of the land uses in the vicinity.
 - b. The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by State and federal statutory and regulatory authority.

concentrations of fertilizer or nutrients from entering natural streams, Lake Michigan, Manistee Lake or the Manistee River Channel.

- f. All exterior lighting shall be in accordance with Section 525 hereof.

SECTION 1829 GREENHOUSE AND NURSERY

1. **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 is used to raise flowers, shrubs, and plants for commercial sale or personal enjoyment.
2. **Regulations and Conditions.**
 - a. 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.
 - b. All exterior lighting shall be in accordance with Section 525 hereof.
 - c. 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.
 - d. A Greenhouse or Nursery shall front on and be accessed from a major or arterial street, as defined herein.
 - e. All signs shall be in compliance with the provisions of Article Nineteen of this Ordinance.
 - 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 ___ of this Zoning Ordinance.

SECTION 1830 HOME BASED BUSINESS

1. **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.
2. **Regulations and Conditions.**
 - a. A Home Based Business shall be treated as a Major Home Occupation subject to the provisions of Section 1831, b, and to the following additional standards:
 - 1) In addition to the occupants of the residence and not more than two non resident employees, a Home Based Business may employ other persons, provided their work activities are undertaken at locations other than the location of the home occupation.

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

- i. Landscaping and Buffering shall be provided in accordance with Section ___ of this Zoning Ordinance.
- j. 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 1833

LAUNDRY AND DRY CLEANING ESTABLISHMENT

1. **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.
2. **Regulations and Conditions.**
 - a. 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.
 - b. 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.
 - c. All signs shall be in compliance with the provisions of Article Nineteen of this Ordinance.
 - d. All off-street parking shall be in compliance with Section 514 of this Ordinance.
 - e. Landscaping and Buffering shall be provided in accordance with Section ___ of this Zoning Ordinance.
 - f. The Planning Commission may impose hours of operation limitations to protect the character of surrounding uses.
 - g. A Laundry or dry cleaning facility located in the C-2 district shall front on and be accessed from a major or arterial street, as defined herein.

SECTION 1834 MARINA

1. **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 eating, sleeping, and retail facilities intended primarily for the owners, crews, and guests of boat owners using the marina, provided there are three or more waterfront slips under a single control.
2. **Regulations and Conditions.**
 - a. Such facilities shall maintain, at all times, all required state and local licenses and permits.

- e. 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.
- f. All signs shall be in accordance with Article Nineteen of this Zoning Ordinance.
- g. All parking shall be in accordance with Section 514 of this Zoning Ordinance.
- h. Landscaping and Buffering shall be provided in accordance with Section ___ of this Zoning Ordinance.

SECTION 1836 MINI/SELF STORAGE FACILITY

1. **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 and which are offered to the public for a fee on a monthly or yearly basis for the storage of goods.
2. **Regulations and Conditions.**
 - a. The area of the proposed site shall be at least one (1) acre.
 - b. The use shall be established and maintained in accordance with all applicable Local, State and Federal laws.
 - c. All storage shall be inside an enclosed building; no outdoor storage shall be permitted.
 - d. Within the R-3 district, mini-storage facilities shall front on and be accessed from a major or arterial street, as defined herein.
 - e. Each storage unit shall have an individual door to the outdoors and shall be accessible by the owner of the storage items on an unlimited basis.
 - f. 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.
 - g. No activities except for rental of storage units, and pick-up and deposit of storage shall be permitted.
 - h. Parking shall be provided as needed for the office uses as provided in Section 514 of this Ordinance.
 - i. 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.
 - j. All exterior lighting shall be in accordance with Section 525 hereof.
 - k. All signs shall be in compliance with the provisions of Article Nineteen of this Ordinance.
 - l. Landscaping and Buffering shall be provided in accordance with Section ___ of this Zoning Ordinance.

- 1) Setbacks in which no part of the mining operation may take place, except for ingress and egress shall be as follows:
 - (a) 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.
 - (b) No machinery will be erected or maintained within one hundred (100) feet of any property or road right-of-way line.
- 2) Fencing: If fencing is deemed a necessary requirement, the Planning Commission shall specify the type, characteristics, and location of the required fencing.
- 3) 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.
- 4) Hours of operation shall be limited to Monday through Friday from 7:00 a.m. to 6:00 p.m. and Saturday from 7:00 a.m. to 12:00 p.m.
- 5) No hours of operation on Sundays or the following holidays:
 - (a) New Year's Day - January 1st
 - (b) Memorial Day - Last Monday of May
 - (c) Independence Day - July 4th
 - (d) Labor Day - First Monday in September
 - (e) Thanksgiving Day - Fourth Thursday in November
 - (f) Christmas Day - December 25th
- e. 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.
- f. 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.
- g. 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

- e. 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 and the City Council find that such requirements are may be modified due to varying hours of operation or other factors.
- f. 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:
 - 1) Encourage unique retail, office and residential use alternatives.
 - 2) Continue and augment the City's traditional neighborhood patterns.
 - 3) Establish neighborhood places that will define and strengthen the community character and supplement the identity of the City.
 - 4) Provide for the redevelopment of underutilized sites.
 - 5) 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.
- g. 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.
- h. A Mixed-Use Development shall not infringe unreasonably on any neighboring uses.
- i. All signs shall be in compliance with the provisions of Article Nineteen of this Ordinance.
- j. Landscaping and Buffering shall be provided in accordance with Section ___ of this Zoning Ordinance.

SECTION 1839 **MORTUARY**

- 1. **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.
- 2. **Regulations and Conditions.**
 - a. 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.
 - b. A proposed Mortuary with a total combined seating capacity of three hundred (300) or more shall be regarded as a Large Place of Public Assembly and shall meet the standards of Section 1846.
 - c. 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.

- f. All signs shall be in compliance with the provisions of Article Nineteen of this Ordinance.
- g. All off-street parking shall be in compliance with Section 514 of this Ordinance.
- h. Landscaping and Buffering shall be provided in accordance with Section ___ of this Zoning Ordinance.
- i. 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.

SECTION 1841 NURSING HOME OR CONVALESCENT HOME

- 1. **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.
- 2. **Regulations and Conditions.**
 - a. A nursing home proposed to be located within the R-2 district shall not provide care for more than twenty (20) persons.
 - b. 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.
 - c. A nursing home shall not be located within fifteen hundred (1,500) feet of any other nursing home.
 - d. All exterior lighting shall be in accordance with Section 525 hereof.
 - e. A Nursing Home located in the R-2 or R-3 districts shall front on and be accessed from a major or arterial street, as defined herein.
 - f. All signs shall be in compliance with the provisions of Article Nineteen of this Ordinance.
 - g. All off-street parking shall be in compliance with Section 514 of this Ordinance.
 - h. Landscaping and Buffering shall be provided in accordance with Section ___ of this Zoning Ordinance.

SECTION 1842 OUTDOOR SALES FACILITY

- 1. **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.
- 2. **Regulations and Conditions.**

- d. 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.
- e. 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.

SECTION 1844 PERSONAL SERVICE ESTABLISHMENT

- 1. **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, and similar facilities.
- 2. **Regulations and Conditions.**
 - a. Noise, odors, and any other pertinent nuisance shall not be perceptible at any lot line.
 - b. 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.
 - c. As a condition of approval, the Planning Commission may recommend and the City Council may establish hours of operation for a Personal Service Establishment, if in the judgment of the Planning Commission and City Council such restrictions are needed to assure the compatibility of the facility with neighboring uses.
 - d. The exterior of the building shall be compatible with, and similar to, neighboring uses.
 - e. All exterior lighting shall be in accordance with Section 525 hereof.
 - f. All signs shall be in compliance with the provisions of Article Nineteen of this Ordinance.
 - g. All off-street parking shall be in compliance with Section 514 of this Ordinance.
 - h. Landscaping and Buffering shall be provided in accordance with Section ___ of this Zoning Ordinance.
 - i. 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 1845 RESERVED

SECTION 1846 PLACE OF PUBLIC ASSEMBLY- LARGE

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

3. **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:
 - a. 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.
 - b. The use shall be consistent with the City of Manistee Master Plan and the Future Land Use Map.
 - c. The use and development shall be warranted by the design and additional amenities made possible with and incorporated by the development proposal.
 - d. The development shall consolidate and maximize usable open space.
 - e. 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.
 - f. Vehicular and pedestrian circulation, allowing safe, convenient, non-congested and well-defined circulation within and access to the development shall be provided.
 - g. Existing important natural, historical and architectural features within the development shall be preserved.
4. **Dimensional and Use Standards:** In acting upon the application, the Planning Commission may recommend and the City Council 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 1846, 2. Further, the Planning Commission may recommend and the City Council may also alter residential density limits, providing they do not exceed recommended maximums set forth in the City's Comprehensive Master Plan.

The Planning Commission may recommend and the City Council 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.

5. **PUD Application.** A planned unit development application shall be submitted to 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

- 9) 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.
- 10) The percentage of land covered by buildings, parking and landscape open space, or preserved open space.
- 11) Dwelling unit density where pertinent.
- 12) 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.
- 13) Curb-cuts, driving lanes, parking, and loading areas.
- 14) Location and type of drainage, sanitary sewers, storm sewers, and other facilities.
- 15) 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 ____.
- 16) Signage characteristics and on-site illumination.
- 17) 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.
- 18) 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.

6. Procedure.

- a. The Planning Commission work session required by Section 1801, 3, a, shall be held prior to any action by the Planning Commission. Following the work session, the Planning Commission may recommend to the City Council the approval, approval with conditions or denial of the planned unit development application.
- b. A public hearing by the City Council shall be held on each planned unit development request properly filed under the terms of this ordinance and upon the recommendation of the Planning Commission. Notice of the public hearing shall be given not less than five (5) nor more than fifteen (15) days before the date of the public hearing. Notice shall be published in a newspaper of general circulation in the City and shall be mailed or personally delivered to:
 - 1) The owners of the property for which approval is being considered.
 - 2) All persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question.
 - 3) At least one occupant of each dwelling unit or spatial unit owned or leased by different persons within three hundred (300) feet of the boundary of the property in question.

- a. 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.
 - b. Major amendments. Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be reviewed by the Planning Commission and authorized by the City Council according to the procedures authorized by this section for approval of a planned unit development.
11. **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 City Council 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.
12. **Ordinance Amendment.** A planned unit development approval shall not be considered an ordinance amendment or a rezoning of the property.

SECTION 1848 PROCESSING AND MANUFACTURING FACILITY

1. **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, or liquors.
2. **Regulations and Conditions.**
 - a. The applicant shall disclose the nature and quantity of all chemicals, hazardous materials to be used or stored on site.
 - b. Uses shall be designed to prevent the discharge or emission of hazardous, contaminated, or toxic gases, liquids or particulate matter in any quantity that may be perceptible at lot lines. Provided, however, that 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.

- g. All signs shall be in compliance with the provisions of Article Nineteen of this Ordinance.
- h. All parking shall be in accordance with Section 514 of this Ordinance.

SECTION 1850 RETAIL BUSINESS

1. **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, including a jeweler or bakery.
2. **Regulations and Conditions.**
 - a. All exterior lighting shall be in accordance with Section 525 hereof.
 - b. 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 recommend and the City Council may require reasonable site improvements to assure the proposed special use is designed to fit into the framework of the existing neighborhood.
 - c. Site circulation patterns and access locations on the property shall provide for the safe and efficient movement of pedestrians and vehicles.
 - d. 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.
 - e. All signs shall be in compliance with the provisions of Article Nineteen of this Ordinance.
 - g. The Planning Commission may recommend and the City Council may establish hours of operation for retail uses consistent with the character of the neighborhood
 - g. All off-street parking shall be in compliance with Section 514 of this Ordinance.
 - h. Landscaping and Buffering shall be provided in accordance with Section ___ 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 1851 SEXUALLY ORIENTED BUSINESS

1. **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

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.

- g. 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.
- h. 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:
 - 1) Be constructed in accord with the Michigan Building Code, as amended.
 - 2) Be unobstructed by any door, lock or other entrance and exit control device.
 - 3) 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.
 - 4) Be illuminated by a light bulb of wattage not less than sixty (60) watts, and
 - 5) Have no holes or openings, other than doorways, in any side or rear walls.

SECTION 1852 SPORTS AND RECREATION CLUB

- 1. **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.
- 2. **Regulations and Conditions.** Sports and Recreation Clubs, whether open to the public or by private membership, shall be subject to the following standards:
 - a. Such facilities shall maintain, at all times, all required state and local licenses and permits.
 - b. Any such facilities serving alcoholic beverages shall front on and be accessed from a major or arterial street, as defined herein.
 - c. Such facilities serving alcoholic beverages and/or food shall also meet the requirements of Section 1823, pertaining to Eating and Drinking Establishments.
 - d. 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.
 - e. Such facilities shall be located and designed such that no objectionable noise shall be carried onto adjoining property zoned for, or occupied by residential uses.

1. **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.
2. **Regulations and Conditions.**
 - a. Tattoo Parlors shall, as a condition of Special Use approval, at all times maintain all valid state and local licenses.
 - b. 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.
 - c. Alcoholic beverages shall not be served or offered at a Tattoo Parlor.
 - d. All signs shall be in compliance with the provisions of Article Nineteen of this Ordinance.
 - e. All parking shall be in compliance with the provisions of Section 514 of this Ordinance.
 - f. Landscaping and Buffering shall be provided in accordance with Section ___ of this Zoning Ordinance.

SECTION 1855 THEATER

1. **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.
2. **Regulations and Conditions.**
 - a. 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:
 - 1) May include refreshment stands, pursuant to City Council approval.
 - 2) Shall include modern restrooms on-site.
 - 3) Shall not include any amusement rides.
 - 4) Shall provide buffering mechanisms to prevent projected images from being visible from neighboring properties or rights-of-way.
 - b. 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.
 - c. All exterior lighting shall be in accordance with Section 525 hereof.
 - d. A Theater shall front on and be accessed primarily from a major or arterial street, as defined herein.
 - e. All signs shall be in compliance with the provisions of Article Nineteen of this Ordinance.
 - f. All parking shall be in compliance with the provisions of Section 514 of this Ordinance.

- c. Only small animals (household pets) shall be given medical care on the premises.
- d. There shall be sufficient soundproofing, including, but not limited to, landscape buffering and fencing, to prevent any noise disturbance beyond the property boundaries.
- e. Any outdoor exercise areas for animals shall be adequately fenced to prevent both escape from and entry into the facility.
- f. All signs shall be in compliance with the provisions of Article Nineteen of this Ordinance.
- g. All off-street parking shall be in compliance with Section 514 of this Ordinance.
- h. Landscaping and Buffering shall be provided in accordance with Section ___ of this Zoning Ordinance.
- i. All exterior lighting shall be in accordance with Section 525 hereof.

SECTION 1858 WAREHOUSE, PUBLIC

1. **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.
2. **Regulations and Conditions.**
 - a. 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.
 - b. All exterior lighting shall be in accordance with Section 525 hereof.
 - c. 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.
 - d. No processing or manufacturing shall take place within a public warehouse.
 - e. 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.
 - f. No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
 - g. 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.
 - h. All signs shall be in compliance with the provisions of Article Nineteen of this Ordinance.
 - i. All off-street parking shall be in compliance with Section 514 of this Ordinance.
 - j. Landscaping and Buffering shall be provided in accordance with Section ___ of this Zoning Ordinance.

- 6) 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,
 - 7) Evidence from a qualified individual that the site is feasible for a Wind Energy Conversion System,
 - 8) 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,
 - 9) That there is a substantial need for the proposed use,
 - 10) Registered Engineer's certification of the design and safety of the proposed tower to withstand winds of eighty-five (85) miles per hour, and
 - 11) Registered Engineer's certification that if the Windmill were to fall, no building or structure - existing or potential - would be damaged.
- d. Setbacks.
- 1) 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.
 - 2) 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.
 - 3) 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.
- e. Dimensions.
- 1) 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.
 - 2) 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.
- f. Siting and Design Standards.
- 1) Wind Energy Conversion Systems shall not be placed on visually prominent ridgelines.
 - 2) 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.

- m. 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.