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# City of Manistee Zoning Ordinance

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Article Eight  
R-1 Low Density  
Residential

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As Amended thru  
June 16, 2017

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## ARTICLE EIGHT

### R-1 LOW DENSITY RESIDENTIAL DISTRICT

#### SECTION 800 PURPOSE AND INTENT

It is the intent of this District to establish and protect residential areas consisting primarily of low density; single-family neighborhoods designed and maintained promote an attractive, healthy and stable living environment for families, singles and the elderly. In portions of the district near Lake Michigan, this district is intended to protect the Lake Michigan shoreline environment while enabling sustainable enjoyment of this unique feature of the community.

#### PERMITTED USES\*

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

\*If located outside the Wellhead Protection Overlay

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

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

#### SPECIAL USES

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

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

[Annotation: Gallery or Museum and Places of Public Assembly, Small were deleted as special uses, requires key street frontage by Amendment Z17-04, effective 6/16/17]

**ADDITIONAL STANDARDS**

- ◆ Site Plan requirements subject to [Section 2203](#)
- ◆ Parking, Bike Parking and Sidewalks subject to [Section 514](#)
- ◆ Landscaping requirements subject to [Section 531](#)
- ◆ Signage requirements subject to [Article 21](#)
- ◆ Dumpsters and Enclosures subject to [Section 506](#)
- ◆ Outdoor Lighting requirements, subject to [Section 525](#)

**DISTRICT REGULATIONS <sup>(d)</sup>**

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

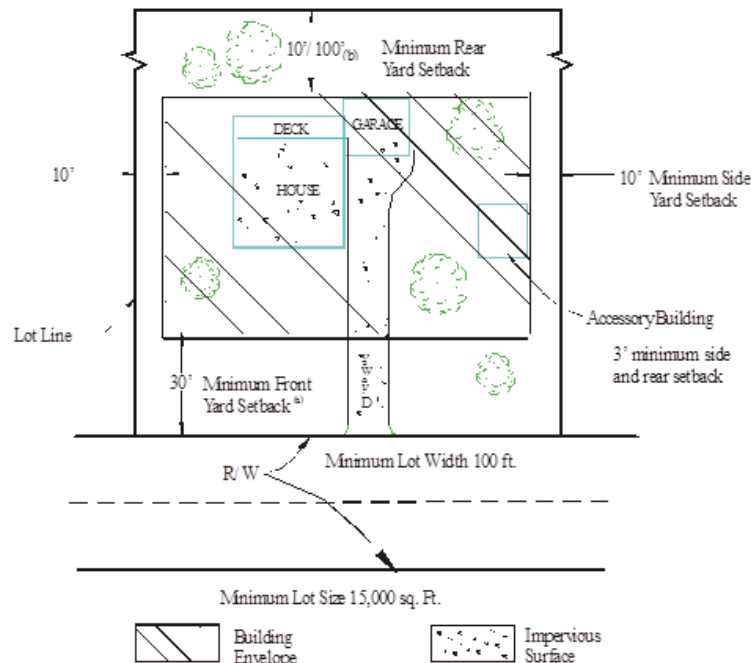
(a) Subject to [Section 502, G](#)

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

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

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

**R-1 DISTRICT**



## **SECTION 801 USES PERMITTED BY RIGHT**

The following uses of buildings and land shall be permitted within the R-1 District subject to the provisions of [Article 22](#), Site Plan Approval.

- A. Accessory building with footprint less than or equal to the footprint of the principal structure
- B. Accessory use to uses permitted by right, subject to [Section 516](#)
- C. Community Garden, subject to [Section 534](#)
- D. Dwelling, Single Unit
- E. Home Occupation, Minor subject to [Section 1847, B, 1](#)
- F. Outdoor Recreation, Park
- G. Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject the Subdivision Control Ordinance
- H. Use similar to uses permitted by right, subject to [Section 530](#)
- I. Wind Energy Conversion System, Accessory, subject to [Section 515.G](#)

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

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

## **SECTION 802 USES PERMITTED BY SPECIAL LAND USE PERMIT**

The following uses of buildings and land may be permitted within the R-1 District, as special land uses subject to the provisions of [Article 18](#), special land use approval.

- A. Accessory building with footprint greater than the footprint of the principal structure, subject to [Section 1804](#)
- B. Accessory use to permitted special use, subject to [Section 1805](#)
- C. Adaptive Reuse, subject to [Section 1807](#)
- D. Bed & Breakfast, subject to [Section 1813](#)
- E. Day Care, Group (7-12 children), subject to [Section 1826](#)
- F. Duplex, subject to [Section 1829](#)
- G. Home Based Business, subject to [Section 1846](#)
- H. Home Occupation, Major subject to [Section 1847.B.2](#)
- I. Marina, subject to [Section 1852](#)
- J. Mixed Use Development, subject to [Section 1858](#)
- K. Planned Unit Development, subject to [Section 1870](#)
- L. Sports and Recreation Club, subject to [Section 1880](#)
- M. Use similar to permitted special use, subject to [Section 1886](#)

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

[Annotation: Gallery or Museum and Places of Public Assembly, Small were deleted as special uses, requires key street frontage by Amendment Z17-04, effective 6/16/17]

**SECTION 803                    DIMENSIONAL STANDARDS.**

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

- A. Parcel Area - No building or structure shall be established on any parcel less than fifteen thousand (15,000) square feet in area.
- B. Parcel Width - The minimum parcel width shall be one hundred (100) feet and it shall front on a public street.
- C. Yard and Setback Requirements - The following requirements shall apply to every parcel, building or structure.
  - 1. Front Yard: The minimum setback shall not be less than thirty (30) feet from front property line. In established neighborhoods, where a majority of the buildings do not meet the required front yard setback, the Administrator may establish an alternate setback, pursuant to [Section 502, G](#).
  - 2. Side Yards: The minimum width of either yard shall not be less than ten (10) feet. For accessory buildings, the minimum rear yard and side yard setback shall be three (3) feet;
  - 3. Rear Yard: The minimum setback shall not be less than ten (10) feet. For accessory buildings, the minimum rear yard and side yard setbacks shall be three (3) feet, excepting garages which front on a platted alley. Such garages shall be set back a minimum of twenty (20) feet from the property line on the opposite side of the alley, to provide a minimal turning radius for vehicles, but at no time shall the structure be closer than three (3) feet to the rear property line. The side yard for such garage shall be the same as for other accessory structures, as outlined above.
  - 4. Waterfront Yard: The minimum setback shall not be less than one hundred (100) feet from the ordinary high water mark, provided such setback shall not apply to walkways, boat docks, boat slips, boat launches and boat houses. Provided, further that the waterfront setback shall not be less than the setbacks required by the Department of Natural Resources in a High Risk Erosion Control area. [Annotation: Section 804.4 was changed by amendments 07-05 and 07-07, effective 5/29/07]
  - 5. Dwelling Width: No dwelling shall be constructed in the R-1 District which is less than twenty-five (25) feet wide.
  - 6. Living Area: No dwelling unit shall be constructed in the R-1 District which has less than fifteen hundred (1,500) square feet of living area.
  - 7. Lot Coverage: Not more than forty percent (40%) of the parcel area shall be covered by buildings.
  - 8. Height: The maximum height of principal buildings in the R-1 district shall be the lesser of thirty-five (35) feet or two and one-half (2½) stories. The maximum height of accessory buildings shall be eighteen (18) feet with side walls not to exceed twelve (12) feet in height.

**SECTION 804 WELLHEAD PROTECTION OVERLAY**

- A. Applicability. Every parcel of land which lies in whole or in part within Wellhead Protection Overlay as depicted on the Official Zoning Map around public Type I water wells is subject to the regulations of this Section. The regulations of this Section are in addition to any regulations in the underlying zoning district, provided that in the event of a conflict between the regulations of this section and those of the underlying zoning district, the requirements of this Section shall prevail.
- B. Land Use Restrictions.
1. Special Land Uses. Except as provided in Subparagraph 2 of this section, and the provisions of **Section 802** notwithstanding, all uses permitted in the R-1 Zoning District and located within the Wellhead Protection Overlay shall be treated as Special Land Uses with review and approval subject to the provisions of [Article 18](#) and [Section 520](#), hereof.
  2. Prohibited Uses. Within the Wellhead Protection Overlay, any land use that uses, generates or stores a minimum threshold quantity of any hazardous substance as defined herein and which has not received and maintained in good standing a bona fide permit for the use, generation and/or storage of such substance, shall be prohibited. For the purpose of this subparagraph, a minimum threshold quantity of hazardous substances shall mean
    - a. For the use or generation of hazardous substances: Quantities of at least one hundred (100) kilograms (approximately two hundred twenty (220) pounds), or ninety-five (95) liters (approximately 25.1 gallons), whichever is less, per month; or
    - b. For the storage of hazardous substances: Quantities of at least one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety-five (95) liters (approximately 25.1 gallons), whichever is less, routinely stored on site.
- C. Conflicting Federal or State Regulations. The regulations of this Overlay Zone are not intended to conflict with any law or administrative regulation, on groundwater protection, of the United States, the State of Michigan or any agencies thereof.
- D. Nonconforming Land Uses. If a land use prohibited pursuant to Paragraph B, 2 of this **Section 804** legally existed within this Wellhead Protection Overlay on January 31, 1997, and has continued in use since that date, then;
1. Such nonconforming use of land shall not be moved in whole or in part to any other portion of such land, added to, extended, reconstructed, structurally altered or expanded during its life, [Article 4 Nonconformities](#) notwithstanding.
  2. Nothing herein shall prevent the completion of structures for a land use which shall have been diligently prosecuted prior to the passage of this section.
  3. Nothing herein shall prevent the normal repair, reinforcement, rehabilitation of a structure.