

ARTICLE EIGHTEEN STANDARDS AND REQUIREMENTS FOR SPECIAL USES

SECTION 1800 SPECIAL USES

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

SECTION 1801 SPECIAL USE PROCEDURES

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

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

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

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

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

- f. A letter or signed narrative describing in detail the proposed special use and detailing why the location selected is appropriate.
- g. Applicant's statement of the expected effect of the special use on emergency service requirements, schools, storm water systems, sanitary sewer facilities, automobile and truck circulation patterns, and local traffic volumes.
- h. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be required by this ordinance, by the City Zoning Administrator or the Planning Commission; including, but not limited to, measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties; elevations on all buildings, including accessory buildings; and, an environmental assessment.
- i. A statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in this Article and other standards imposed by this Ordinance affecting the special use under consideration.
- j. Declaration of property ownership, purchase agreement or evidence of agent interest in the parcel that is the subject of the request.

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

2. A complete Site Plan containing all the applicable data required by [Article 22](#), Site Plans.
3. Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing Special Use permit applications as provided in **Section 1802**.
- 4 Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed Special Use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, a traffic impact analysis as required by **Section 2203, E, 2**, an environmental assessment as required by **Section 2203, E, 1**, a market study as required by **Section 2203, E, 3**, or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment. (Note: the Planning Commission may request this additional information after the Public Hearing on the application.) [Annotation: Note was added by amendment 07-12, effective 5/29/07]
5. The Zoning Administrator may, with the approval of the Planning Commission, waive the submission of materials outlined in this Section if such materials are determined to be not applicable to the proposed Special Use or relevant to the consideration of the Planning Commission.

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

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

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

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

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

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

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

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

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

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

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

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

- G. Amendments.** Amendments to Special Use permits shall be handled in the same manner as the initial Special Use permit application. Minor non-substantive changes to a site plan in accordance with **Section 2208** may be made to an existing Special Use permit with the approval of the Zoning Administrator.
- H. Transfers.** Prior to completion of construction related to a special use, the special Use permit, with any and all associated benefits, conditions and required security may be transferred to a new owner only upon the sale or transfer of the property in question and only upon the approval of the Planning Commission. Such approval shall not be unreasonably withheld if the Planning Commission is satisfied that the proposed owner has similar qualifications and capabilities as the approved owner. The responsibility for affecting the transfer shall be the original owner. The original owner, upon transferring the Special Use permit, shall advise the Zoning Administrator of said transfer in order to insure the continued validity of the permit, compliance with security, and other conditions. Following completion of construction and commencement of the special use, the special use permit shall run with the land, subject to **Section 1801, I, 4**, pertaining to abandonment.
- I. Expiration.** A Special Use permit shall be valid for as long as the approved use continues in accordance with the terms and conditions of the approved permit. The Special Use permit will expire on the occurrence of one or more of the following conditions:
1. If replaced or superseded by a subsequent permitted use or Special Use permit.
 2. If the applicant requests the rescinding of the Special Use permit.
 3. If a condition of approval included stipulation to expire the Special Use permit by a certain date.
 4. If the use is abandoned, moved or vacated for a period of one year.
- J. Violations.** Any violation of the terms, conditions or limitations of a Special Use permit shall be cause for revocation or suspension of the permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any Special Use permit. The act to revoke or suspend the permit shall occur after giving notice to the permit holder, specifying the alleged violation(s) and disclosing when a hearing will be held on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the permit shall occur after or at the hearing on the matter. Before revoking or suspending the permit, the Planning Commission shall make a finding that a material violation of the Special Use permit exists. The permit holder shall be given reasonable opportunity to correct the violation(s).

SECTION 1802 SPECIAL USE REVIEW STANDARDS

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

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

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

B. Conditions and Approval Standards. The Planning Commission may establish reasonable conditions of approval for a Special Use permit. The conditions may include, but are not limited to, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Further, the Planning Commission may adopt specific review standards for any proposed Special Use proposed if this **Article 18** does not provide such specific review standards for such use. Any such conditions imposed or specific review standards employed shall:

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

2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

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

SECTION 1803 RESERVED

SECTION 1804 ACCESSORY BUILDINGS WITH FOOTPRINT GREATER THAN THE PRINCIPAL STRUCTURE

A. Definition. An accessory structure, as defined herein, which is a supplementary building on the same parcel as the principal building, or part of the principal building, with a ground floor area or building footprint greater than the ground floor area or building footprint of the principal building on the parcel.

B. Regulations and Conditions.

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

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

SECTION 1805 ACCESSORY USES, RELATED TO USES PERMITTED

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

B. Regulations and Conditions.

1. A determination of whether a proposed accessory Special Use is related to uses permitted shall be made by the Planning Commission upon the recommendation of the Zoning Administrator. In preparing such a recommendation, the Zoning Administrator shall evaluate the proposed use in terms of the potential generation of traffic, congestion, noise, odors, dust, litter, and similar impacts. In addition, the proposed use shall be evaluated to determine the degree to which it may support or conflict with other uses permitted.
2. For purposes of interpreting Accessory Uses Related to Uses Permitted;
 - a. A use may be regarded as incidental or insubstantial if the viability of the principal use is not dependent in any significant way on the accessory use.
 - b. To be commonly associated with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
3. An accessory use shall not generate any effects on neighboring properties, including, but not limited to, noise, parking, traffic, glare, or dust, greater than or more burdensome than such impacts from the main use on the property.
4. Where an Accessory Use Related to Uses Permitted is proposed, and regulations are contained in this Ordinance for said use, those regulations shall be met; provided, the Planning Commission may impose additional conditions on approval, to protect the health, wellbeing, safety, and economy of the City and its residents.

SECTION 1806 RESERVED

SECTION 1807 ADAPTIVE REUSE

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

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

- B. **Statement of Intent:** There are many older buildings throughout the community which have architectural significance or historic significance, but due to their size and or location may no longer be suited for their intended purpose. This Section attempts to provide flexibility in maintaining the viability of these resources to the community.
- C. **Regulations and Conditions:** A building originally designed and constructed for another purpose may be adaptively reused in accordance with the following standards and conditions.
1. The Adaptive Reuse of a building in the C-3 District shall meet the following standards:
 - a. The buildings outside the Manistee Commercial Historic District shall be consistent in scale and exterior materials with nearby existing buildings.
 - b. Prior to application for special land use approval under this Section, proposed exterior modifications of buildings located in the Manistee Commercial Historic District must receive approval from the Historic District Commission for all exterior modifications.
 - c. For buildings fronting on River Street, at least the first 25 feet of depth at street level of the building shall be dedicated to Retail, Eating or Drinking Establishment, or Personal Service Establishment.
 - d. Condominium bylaws and master deeds and/or building leases shall provide a general description of the types of uses proposed to occupy retail, service or office spaces within the building and the procedures to be followed to accommodate changes in the nature of businesses to occupy such spaces. The Planning Commission may consider and rely upon such documents, or if unavailable at the time of application, written descriptions of the proposed content of such documents, in reaching a finding that proposed retail, service or offices uses will be generally compatible with residential uses in the building.
 - e. Parking shall be located at the rear or side of the building or within an enclosed building and shall be appropriately buffered or screened. Required parking shall be provided within two hundred (200) feet of the building. One (1) space shall be provided per dwelling unit.
 - f. The number of dwellings permitted in an adaptive reuse building shall not exceed one dwelling for each 1,500 square feet of floor Area.
 - g. All dwellings shall provide a minimum of five hundred (500) square feet of living space.
 - h. Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.
 2. The Adaptive Reuse of a building in the P-D, R-1, R-2, R-3, W-F, C-1, C-2, Districts shall meet the following standards:

- a. The building shall be consistent in scale and exterior materials with nearby existing buildings.
 - b. Buildings proposed for adaptive reuse may include retail, office, eating and drinking establishments and service uses. Such uses shall be compatible with neighboring uses and offer services to the residents of the immediate neighborhood and/or the general public. Condominium bylaws and master deeds and/or building leases shall provide a general description of the types of uses proposed to occupy retail, service or office spaces within the building and the procedures to be followed to accommodate changes in the nature of businesses to occupy such spaces. The Planning Commission may consider and rely upon such documents, or if unavailable at the time of application, written descriptions of the proposed content of such documents, in reaching a finding that proposed retail, service or offices uses will be generally compatible with residential uses in the building.
 - c. Parking shall comply with the requirements of [Section 514](#). Parking shall be located within two hundred (200) feet of the building.
 - d. All dwellings shall provide a minimum of five hundred (500) square feet of living space.
 - e. Dwellings in the building shall be accessed by a secure entrance dedicated for the exclusive use of building residents and guests.
 - f. The minimum lot size shall be consistent with the District standards for Multiple Unit Dwellings.
 - g. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.
3. Signage shall comply with the requirements of [Article 21](#).

[Annotation: Section 1807 Adaptive Reuse was amended by Ordinance 08-03, effective 2/29/08] [Annotation: PD was added by Amendment Z12-08; effective 10/27/12]

SECTION 1808 ADULT FOSTER CARE FACILITY

- A. **Definition.** A governmental or non-governmental establishment having as its principal function the receiving of adults for foster care. It includes facilities and foster care family homes for adults, who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An Adult Foster Care Small Group Home shall be an adult foster care facility with the approved capacity of more than six (6) not more than twelve (12) adults who shall be provided foster care. An adult foster care large group home shall be an adult foster care facility with the approved capacity of thirteen (13) or more adults who shall be provided foster care. Adult foster care does not include any of the following:
1. Nursing homes and hospitals licensed Article 17 of Act 368 of the Public Acts of 1978, as amended;

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

B. Regulations and Conditions.

1. Adult Foster Care Facilities serving more than six (6) residents shall not be considered a single family dwelling.
2. Adult Foster Care Facilities shall, as a condition of Special Use approval, at all times maintain all valid state and local licenses.
3. An adult foster care facility shall not be located within fifteen hundred (1,500) feet of any other adult foster care facility.
4. All exterior lighting shall be in accordance with [Section 525](#) hereof.
5. A large group home shall front on and be accessed from a key street segment, as defined herein.
6. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
7. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
8. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1809 RESERVED

SECTION 1810 ANIMAL GROOMING FACILITY

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

B. Regulations and Conditions.

1. The applicant shall set forth procedures for managing wastes and no animal wastes, biohazard materials or byproducts shall be buried or incinerated on site.
2. The applicant shall disclose the species and breed of pets to be groomed on the premises and the Planning Commission may condition any special use approval on said

disclosure. The Planning Commission may further establish restrictions on the species and breed to be groomed to those least likely to present a hazard or nuisance in the neighborhood.

3. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.
4. Such facilities shall not incorporate any overnight boarding services.
5. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
6. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
7. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.
8. All exterior lighting shall be in accordance with [Section 525](#) hereof.

SECTION 1811 AUTOMOBILE REPAIR FACILITY

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

B. Regulations and Conditions.

1. Dismantled, wrecked or inoperable vehicles or any vehicle parts or scrap of any kind shall not be kept outdoors where they are visible from any adjoining property or right-of-way. The Planning Commission may require an opaque fence up to eight (8) feet in height and/or an evergreen landscape buffer not less than eight (8) feet in height at time of planting to buffer any vehicles from neighboring uses or passers-by.
2. Not more than two (2) vehicles shall be parked on site for the purpose of selling or renting such vehicles.
3. All exterior lighting shall be in accordance with [Section 525](#) hereof.
4. All equipment including hydraulic hoists, pits, lubrication and repair facilities shall be entirely enclosed within a building. No outdoor storage of merchandise or equipment shall be permitted.
5. All hazardous material storage and handling shall be conducted in accord with [Section 520](#) hereof, and with any applicable State or Federal requirements.
6. All repair and maintenance activities shall be performed entirely within an enclosed building.
7. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.
8. All signs shall be in accordance with [Article 21](#) of this Zoning Ordinance.
9. All parking shall be in accordance with [Section 514](#) of this Zoning Ordinance.

10. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.
11. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]

SECTION 1812 RESERVED

SECTION 1813 BED AND BREAKFAST

- A. Definition.** An owner-occupied residential building wherein up to six (6) rooms or suites are offered, for compensation, as overnight lodging for transient guests and which may provide one or more meals per day for overnight guests only.
- B. Regulations and Conditions.** The applicant shall provide documentation acceptable to the Planning Commission that the proposed use shall meet the following standards:
 1. Basic Standards. It is the intent to establish reasonable standards for Bed and Breakfast establishments to assure that:
 - a. The property is suitable for transient lodging facilities. In this connection, a Bed and Breakfast establishment shall meet the requirements of the City of Manistee Rental Property Code ([Chapter 1482](#) of the City of Manistee Codified Ordinances) and shall be subject to periodic inspections as provided in said code.
 - b. The use is not incompatible with other allowed uses in the vicinity.
 - c. The impact of the establishment is no greater than that of a private home with houseguests.
 - d. A bed and breakfast shall maintain a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor in the immediate vicinity of the sleeping rooms.
 - e. All signs shall be in accordance with [Article 21](#) of this Zoning Ordinance.
 - f. All parking shall be in accordance with [Section 514](#) of this Zoning Ordinance.
 - g. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.
 - h. A Bed and Breakfast establishment shall be regulated under the terms of this Section 1813, and not as a home occupation.
[Annotation: C-2 was added to number of sleeping rooms (6) by Amendment Z10-02, effective 10/30/10]
[Annotation: Item h. which established the number of sleeping rooms in each zoning district was deleted by Amendment Z12-06; effective 10/27/12]
 2. Specific Standards. The following requirements together with any other applicable requirements of this Ordinance shall be complied with:

- a. The minimum lot size shall be consistent with the District minimum for Single Family Dwellings.
- b. Parking; Two (2) for the use of the owner/occupant and one (1) off-street space per rental sleeping room. Parking shall be located within two hundred (200) feet of the building.
- c. The establishment shall have at least two (2) exits to the outdoors.
- d. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.
- e. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes. Provided, however, that carriage houses in existence as of the effective date of this section, and located on the same parcel as a Bed & Breakfast may be utilized for sleeping rooms, in accordance with this Section.
- f. The Bed and Breakfast shall not alter the residential character of the building or structure.
- g. The rental sleeping rooms shall have a minimum size of one hundred-twenty (120) square feet for one (1) or two (2) occupants with an additional fifty (50) square feet for each occupant to a maximum of four (4) occupants per room.
- h. Special Use approval shall not be granted if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
- i. A site plan shall include a floor plan layout of the proposed structure drawn to a scale of not less than 1" = 8' that shows the specific layout of the proposed facility in accord with the provisions of this Zoning Ordinance.
- j. The permit holder shall secure and maintain all required state and local permits.
- k. No conference/meeting room facilities will be permitted.
- l. The Bed and Breakfast shall employ no more than three (3) persons in addition to the owners and their immediate family, including spouses, siblings and children.
- m. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance.
[Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]

SECTION 1814 BILLBOARD

A. Definition. An outdoor sign used as advertising for hire, e.g., on which display space is made available to parties other than the owner or operator of the sign or occupant of the parcel in exchange for a rent, fee, or other consideration. [Annotation: Definition of "Billboard" was amended by Amendment Z17-06, effective 6/16/17]

B. Intent. It is the intent of this **Section 1814** to:

1. Protect the City's distinctive community character and natural landscape
2. Protect scenic resources and view sheds located within the City,
3. Enhance the economic base of the community associated with tourism and the community's overall economic well-being by protecting natural and scenic resources
4. Satisfy the public need for commercial information provided by billboards while promoting aesthetic and balanced use of lands and scenic resources along public rights-of-way in the City

C. Regulations and Conditions.

1. A Billboard may be considered an accessory use under [Section 516](#) hereof if located on a parcel with an existing use. If located on a vacant parcel of land, such parcel shall meet the lot area and width requirements of the C-1 district shall be considered a principal structure on a parcel of land.
2. It is hereby determined that a reasonable number of billboards provide the traveling public and the community with helpful information and a reasonable number of billboards can be important to the economic well-being of local and regional businesses. It is further determined that an excess number of billboards in the community will detract from the aesthetic character and scenic nature of the community and present the traveling public with confusing visual clutter rather than helpful information. The Planning Commission shall not approve a special land use application for a new billboard in the City of Manistee if such approval would result in there being more than ten (10) billboard structures or more than nineteen (19) billboard faces in the City.

[Annotation: for the purposes of establishing this maximum number both permitted billboards and lawfully constructed nonconforming billboards were counted. The billboards that were in place on February 21, 2006 when the Ordinance was adopted were eight (8) on US-31, one (1) on River Street, and one (1) on Fifth Street.]

[Annotation: This section was amended to correct the number of billboards and annotate how the number was established by amendment 07-13, effective 5/29/07]

3. Not more than two (2) billboards may be located per one-quarter linear mile of highway/roadway regardless that such billboards may be located on different sides of the highway. The one-quarter linear mile measurement shall not be limited to the boundaries of the City of Manistee where the road extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures showing only one face visible to traffic proceeding from any given direction on a highway shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face, including billboard structures with tandem (side-by-side) or stacked (one above the other) billboard faces, shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subparagraph 4 below.
4. No billboard shall be located within six hundred sixty (660) feet of another billboard abutting either side of the same highway.
5. No billboard shall be located closer than the required front yard setback from the street right-of-way or a side yard setback from any interior boundary lines of the premises on

which the billboard is located.

6. A site plan shall be submitted illustrating distances and spacing of existing billboards, residential districts and uses, and setbacks.
7. The surface display area (sign face) of any side of a billboard may not exceed two hundred forty (240) square feet and shall be continually maintained in good condition.
8. The height of a billboard shall not exceed thirty-five (35) feet above the natural grade of the ground on which the billboard is established with not less than ten (10) feet of clearance beneath the sign face.
9. No billboard shall be placed on top of, cantilevered or otherwise suspended above the roof of any building.
10. A billboard may be illuminated, provided such illumination is confined to the surface of the sign and is so located as to avoid glare, upward light or reflection onto any portion of an adjacent street or highway, property, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate. A billboard shall not include an Electronic Message Board as defined, but may include an Electronic Sign as defined, provided that the area of such Electronic Sign shall not exceed forty (40) square feet.
11. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
12. A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (PA 106 of 1972, as amended) bordering interstate highway, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

SECTION 1815 RESERVED

SECTION 1816 CAR WASH

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

B. Regulations and Conditions.

1. All such facilities shall be connected to a public sewer system and all wastewater discharge facilities shall be designed and maintained in accordance with the City of Manistee Industrial Pre-Treatment program to properly manage excess loading to the City's wastewater collection and treatment system.

2. All washing activities shall be carried out within a building.
3. No vacuum equipment shall be located closer than one hundred (100) feet from any property line which abuts a property zoned or used for residential purposes.
4. Noise generated on site from any source shall not exceed 60 decibels measured at any property line.
5. Adequate drainage shall be provided, to prevent flooding, freezing of runoff, and environmental damage.
6. Manual and coin Car Washes shall provide adequate space for drying and waxing vehicles.
7. The applicant shall demonstrate to the satisfaction of the Planning Commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking or pedestrian areas on site.
8. The applicant shall demonstrate that no litter and debris will travel off-site. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
9. All parking areas shall comply with the provisions of [Section 514](#) of this Zoning Ordinance.
10. All signs shall comply with [Article 21](#) of this Ordinance.
11. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.
12. All exterior lighting shall be in accordance with [Section 525](#) hereof.
13. A car wash shall front on and be accessed from a key street segment, as defined herein.

SECTION 1817 CEMETERY

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

B. Regulations and Conditions.

1. Cemeteries shall be established in compliance with Public Act 368 of 1978, as amended, Public Act 88 of 1875, as amended, and other applicable state laws.
2. A proposed cemetery that provides a chapel or other enclosure for graveside, interment and committal services shall be appropriately designed to accommodate occasional gatherings, including necessary restroom facilities and utilities.
3. A landscape buffer of ten (10) feet shall be provided where a Cemetery abuts a residentially zoned or used parcel.

4. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
5. A cemetery shall front on and be accessed from a key street segment, as defined herein.
6. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
7. No building shall be located closer than fifty (50) feet from a property line that abuts any residentially used or zoned property.
8. All parking areas shall comply with the provisions of [Section 514](#) of this Zoning Ordinance.
9. All signs shall comply with [Article 21](#) of this Ordinance.

SECTION 1818 RESERVED

SECTION 1819 RESERVED

[Annotation: Communication Tower was DELETED as a Special Use by Amendment Z17-02, effective 6/16/17]

SECTION 1820 CONTRACTOR'S FACILITY

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

B. Regulations and Conditions.

1. Any outdoor storage area shall conform to the yard, setback, and height standards of the zoning district in which it is located. Within the R-3, C-1, C-2 and C-3 districts, no outdoor storage shall be permitted except within yard provided with fencing or other screening satisfactory to the Planning Commission.
2. Uses shall produce no detectable objectionable dust, fumes, or odors at any property line.
3. All travel surfaces shall be paved, as a condition of approval.
4. All exterior lighting shall be in accordance with [Section 525](#) hereof.
5. Cranes, booms or other extensions on equipment, trucks or other vehicles parked on site shall be stored in the lowest possible configuration.
6. There shall be no off-site discharge of storm water except to an approved drainage system in accord with the City's engineering requirements.
7. Noise generated on site from any source shall not exceed 60 decibels measured at any property line.

8. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.
9. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with **Section 520** hereof, and any applicable State or Federal requirements.
10. All signs shall be in accordance with [Article 21](#) of this Zoning Ordinance.
11. All parking shall be in accordance with [Section 514](#) of this Zoning Ordinance.
12. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1821 RESERVED

SECTION 1822 RESERVED

[Annotation: Section 1822 Convenience Store, with Fuel Pumps was deleted by Amendment Z17-04, effective 6/16/17]

SECTION 1823 CONVENIENCE STORE

A. Definition. Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and freshly prepared foods, such as salads and sandwiches and beverages, for on-site or off-site consumption.

B. Regulations and Conditions.

1. The Planning Commission may establish hours of operation for Convenience Stores to protect the character of the land uses in the vicinity.
2. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.
3. Convenience stores located in the R-2 and R-3 districts shall front on and be accessed primarily from a key street segment, as defined herein.
4. All exterior lighting shall be in accordance with [Section 525](#) hereof.
5. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
6. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
7. All parking areas shall comply with the provisions of [Section 514](#) of this Zoning Ordinance.
8. All signs shall comply with [Article 21](#) of this Ordinance.
9. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

[Annotation: "Without Fuel Pumps" deleted from title and Item B.1 by Amendment Z17-04, effective 6/6/17]

SECTION 1824 RESERVED

SECTION 1825 DAY CARE, COMMERCIAL

A. Definition. A commercial facility which is not a private home and in which at least thirteen (13) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian.

B. Regulations and Conditions.

1. All required state and local licensing shall be maintained at all times.
2. All outdoor areas used for care and play area shall have appropriate fencing for the safety of the children. Such fence shall consist of a 6-foot high opaque fence along the area adjoining another residence, and a 4-foot to 6-foot high fence in the rear yard and in the side yard up to the front building line. Play areas abutting a public right-of-way shall be prohibited.
3. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
4. Such facilities shall be located at least 1,500 feet from any one of the following:
 - a. A licensed or pre-existing operating group or commercial day-care home.
 - b. An adult foster care facility.
 - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
 - d. A community correction center resident home halfway house or similar facility under jurisdiction of the County Sheriff or the Department of Corrections.
5. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
6. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.
7. All parking areas shall comply with the provisions of [Section 514](#) of this Zoning Ordinance.
8. Commercial Day Care facilities shall front on and be accessed from a key street segment, as defined herein.
9. All signs shall comply with [Article 21](#) of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1826 DAY CARE, GROUP

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

B. Regulations and Conditions.

1. All required state and local licensing shall be maintained at all times.
2. All outdoor areas used for care and play area shall have appropriate fencing for the safety of the children. Such fence shall consist of a 6-foot high opaque fence along the area adjoining another residence, and a 4-foot to 6-foot high fence in the rear yard and in the side yard up to the front building line. Play areas abutting a public right-of-way shall be prohibited.
3. Such facilities shall be located at least 1,500 feet from any one of the following:
 - a. A licensed or pre-existing operating group or commercial day-care home.
 - b. An adult foster care facility.
 - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people.
 - d. A community correction center resident home halfway house or similar facility under jurisdiction of the Department of Corrections.
4. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding neighborhood.
5. The Planning Commission shall not prohibit evening operations completely, but may establish limitations on hours of operation and/or activities between the hours of 10PM and 6AM.
6. All parking areas shall comply with the provisions of [Section 514](#) of this Zoning Ordinance.
7. All signs shall comply with [Article 21](#) of this Ordinance.
8. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1827 RESERVED

SECTION 1828 DRIVE-THROUGH ESTABLISHMENT

A. Definition. An establishment that by design, physical facilities, services or by packaging procedures encourages or permits some or all customers to receive services or goods while remaining in their vehicles.

B. Regulations and Conditions.

1. All automobile queuing for a drive-through window shall be separated from other on-site traffic patterns.
2. Pedestrian areas shall be clearly marked.
3. The drive-through lane(s) shall be designed to accommodate a full-size passenger vehicle pulling a recreation-vehicle trailer.
4. Stacking areas shall be designed in accordance with [Section 514.K](#) of this Ordinance. [Annotation: Stacking Areas was amended by Amendment Z17-03, adopted 6/16/17]
5. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
6. All exterior lighting shall be in accordance with [Section 525](#) hereof.
7. Any commercial establishment with a drive-through facility which adjoins a property zoned or used for residential purposes shall be effectively screened from view from such property.
8. All parking areas shall comply with the provisions of [Section 514](#) of this Zoning Ordinance.
9. All signs shall comply with [Article 21](#) of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1829 DUPLEX

- A. Definition.** A dwelling designed for or occupied by two families only, with separate housekeeping, cooking, and bathroom facilities for each.
- B. Regulations and Conditions.**
1. In any subdivision or site condominium, the Planning Commission may establish a limit on the number of duplexes within said development.
 2. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
 3. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1830 RESERVED

SECTION 1831 DWELLING, ACCESSORY

- A. Definition.** A dwelling located in an accessory structure on the same parcel as another, single unit dwelling.
- B. Regulations.**
1. Intent. The intent of this Section is to permit the use of accessory buildings as an accessory dwelling unit where such use will not be out of character with the surrounding

neighborhood. In the R-2 and R-3 districts, the Planning Commission may approve the use of an existing accessory structure as a dwelling unit subject to the following requirements.

2. A proposed accessory dwelling shall be located on a parcel with not less than 10,000 square feet in area and not less than 80 feet of width.
3. Such accessory dwellings shall conform to all dimensional, structural and maintenance requirements of this ordinance, the City of Manistee Building Code and the Housing Code.
4. Accessory dwellings shall have a minimum of 400 square feet, and no more than 1,000 square feet of living area.
5. Not more than one (1) accessory dwelling shall be permitted on any one (1) parcel.
6. At least one (1) off-street parking space shall be provided for an accessory dwelling.

SECTION 1832 DWELLING, MULTIPLE UNIT

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

B. Regulations and Conditions.

1. Parking areas intended for the use of residents of Multiple Unit Dwellings shall be located within two hundred (200) feet of the building.
2. Within the R-2 district Multiple Unit Dwellings shall front on and be accessed from a key street segment, as defined herein.
3. In the C-3 District, dwelling units shall not be located on the street level or basement except in those locations where resident privacy can be provided by building design, courtyards, topography or similar design; such as daylight or walkout dwelling units along the riverfront or into a secured and private side or rear yard. Provided, however, that in a mixed-use building fronting on River Street, at least the first 20 feet of depth at street level of the building shall be dedicated to a commercial use. [Annotation: Item 3 was amended by amendment Z17-07, effective 7/28/17]
4. All exterior lighting shall be in accordance with [Section 525](#) hereof.
5. No multiple unit structure shall be located closer than twenty (20) feet from any other multiple unit structure located on the same parcel.
6. Groups of Multiple Unit Dwellings located on one parcel shall have common ownership. For the purposes of this paragraph, a condominium unit shall be considered a single parcel.
7. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
8. Safe pedestrian and vehicular circulation patterns shall be established in group building developments, as determined by the Planning Commission.

9. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
10. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
11. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1833 RESERVED

SECTION 1834 DWELLING, SINGLE UNIT

- A. Definition.** A structure or building is used exclusively for human habitation by one (1) family and so designed and arranged as to provide living, sleeping, sanitary, and kitchen accommodations.
- B. Regulations and Conditions.**
1. Within the C-3 district, new single-unit dwellings shall be prohibited. Provided, however, the Planning Commission may permit as special land uses, Planned Unit Developments which may include including any number of new, single-unit dwellings within any portion of the C-3 district, in accordance with the terms of **Section 1870**, hereof. Provided, further that single unit dwellings in existence at the time of the adoption of this Section shall not be considered non-conforming, but shall be treated as special land uses.
 2. New single dwelling units located in the R-4 and C-2 districts shall incorporate landscaping or other buffers satisfactory to the Planning Commission to screen the dwelling unit from adjoining higher density residential or commercial development.

SECTION 1835 EATING AND DRINKING ESTABLISHMENT

- A. Definition.** A retail establishment selling food and drink for consumption on the premises, including restaurants, taverns, coffee houses, bakeries, lunch counters, refreshment stands and similar facilities selling prepared foods and drinks for immediate on-site consumption or for take-out.
- B. Regulations and Conditions.**
1. Such facilities shall maintain, at all times, all required state and local licenses and permits.
 2. Such facilities shall be located and designed such that no objectionable noise in excess of 60 decibels shall be carried onto adjoining property zoned for, or occupied by, residential uses.
 3. Such facilities shall be located and designed such that no objectionable odor or fumes shall be carried onto property located in the R-1, R-2 or R-3 districts.
 4. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. 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.

[Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]

5. The Planning Commission may establish reasonable hours of operation for eating and drinking establishments.
6. Within the R-2 and R-3 districts, Eating and Drinking Establishments shall front on and be accessed primarily from a key street segment, as defined herein.
7. All exterior lighting shall be in accordance with [Section 525](#) hereof.
8. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
9. All parking shall be in compliance with the provisions of [Section 514](#) of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1836 RESERVED

SECTION 1837 EDUCATIONAL FACILITY

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

B. Regulations and Conditions.

1. An education facility shall have its primary access directly from a paved, all-season road.
2. All outdoor play areas shall be enclosed with a durable fence six (6) feet in height, or four (4) feet in height if adjoining a right-of-way. Provided, however, the Planning Commission may permit chain link or wrought iron fences up to six (6) feet in height adjoining a right-of-way upon a finding that such fences are necessary for the safety of pupils of the facility.
3. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
4. In the R-2 and R-3 districts, an Educational Facility shall front on and be accessed from a key street segment, as defined herein.
5. The Planning Commission may establish standards to limit noise generated by an Educational Facility to no more than 60 decibels at the property line, taking into account the nature of the facility, the surrounding uses and zoning and the probable frequency of objectionable noise levels that may be generated by the use.
6. All exterior lighting shall be in accordance with [Section 525](#) hereof.
7. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.

8. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
9. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.
10. An Educational Facility that incorporates any gymnasium, theater, auditorium, or large meeting space meeting the definition of a Large Place of Public Assembly, it shall also comply with the requirements pertaining to Large Places of Public Assembly, **Section 1868** herein.

SECTION 1838 FINANCIAL INSTITUTION

- A. Definition.** Commercial establishments such as banks, savings and loans, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodities exchanges, and insurance agencies.
- B. Regulations and Conditions.** Financial Institutions proposed within the R-3 District shall be subject to the following requirements.
 1. The minimum parcel area shall be not less than the required minimum parcel area for a single-family dwelling in the district.
 2. A financial institution shall adhere to the dimensional standards of the R-3 District, provided that no side setback is less than fifteen (15) feet.
 3. All parking areas that abut property zoned or used for residential purposes shall be effectively screened with landscaping or an approved fencing and all landscaping and buffering shall be provided in accordance with [Section 531](#) of this Ordinance.
 4. Special land use approval shall not be granted for a financial institution proposed to be located within an existing structure in a residential district if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially. However, any proposed Financial Institution shall be designed to be comparable with existing building heights and uses in the vicinity, and shall be architecturally similar to adjacent homes.
 5. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
 6. All parking shall be in accordance with [Section 514](#) of this Ordinance.
 7. All exterior lighting shall be in accordance with [Section 525](#) hereof.
 8. A Financial Institution shall front on and be accessed from a key street segment, as defined herein.
 9. In the R-3 District, no drive-through facilities or activities shall be permitted. The proposed Financial Institution shall not adversely affect traffic circulation and access in the surrounding area.

SECTION 1839 RESERVED

SECTION 1840 GALLERY OR MUSEUM

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

B. Regulations and Conditions.

1. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.
2. All exterior lighting shall be in accordance with [Section 525](#) hereof.
3. The applicant shall demonstrate that the proposed use does not significantly affect traffic circulation and transportation safety in the area in which it is proposed.
4. A Gallery or Museum shall front on and be accessed from an key street segment, as defined herein, unless the Planning Commission finds that the proposed facility will generate minimal traffic impact within the vicinity.
5. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
6. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
7. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1841 GASOLINE STATION

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

B. Regulations and Conditions.

1. The Planning Commission may establish hours of operation for Gasoline Stations to protect the character of the land uses in the vicinity.
2. A Gasoline Station that includes a Convenience Store shall meet the standards of **Section 1823** hereof.
3. The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by State and federal statutory and regulatory authority.
4. All buildings, pump islands and other facilities shall be located in conformance with the yard and setback requirements of the zoning district.
5. Dismantled, wrecked, or immobile vehicles shall not be permitted to be stored on site.
6. No vehicles shall be parked on site for the purpose of selling or renting such vehicles.

7. All exterior lighting shall be in accordance with [Section 525](#) hereof.
8. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. The site plan shall include measures satisfactory to the Planning Commission to contain blowing dust, trash and debris from leaving the site.
[Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
9. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding uses.
10. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with **Section 520** hereof, and any applicable State or Federal requirements.
11. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
12. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
13. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1842 RESERVED

SECTION 1843 GOLF COURSE

A. Definition. A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards such as waterways, which may include such accessory uses as a pro shop, a clubhouse, banquet facility, driving range, practice greens and service buildings. For the purposes of this Section, a golf course may be fully open to the public, open to the public on a limited basis or a membership-only club.
[Annotation: "banquet facility" was added to definition by Amendment Z10-06, effective 10/30/10]

B. Regulations and Conditions.

1. The design and layout of a golf course shall be configured to prevent stray golf shots from traveling off the site and onto rights-of-way, neighboring properties or lands within the golf course development designed for uses other than the playing of golf.
2. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance, to provide for adequate parking for banquets, weddings, golf tournaments, conferences, etc.
3. Any accessory uses and buildings associated with the Golf Course, and any buildings on the site shall conform to setback and dimensional requirements of the R-1 District.
4. A new golf course development shall include storm water management facilities satisfactory to the City Engineer and/or the Michigan Department of Environmental Quality intended to prevent the runoff of storm water carrying excess concentrations of fertilizer or nutrients from entering natural streams, Lake Michigan, Manistee Lake or the Manistee River Channel.

5. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
6. All exterior lighting shall be in accordance with [Section 525](#) hereof.
7. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
8. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1844 GREENHOUSE AND NURSERY

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

B. Regulations and Conditions.

1. All storage of materials shall take place in an enclosed building, bin or other enclosure satisfactory to the Planning Commission to contain blowing dust and debris.
2. All exterior lighting shall be in accordance with [Section 525](#) hereof.
3. Refuse and waste shall be disposed of in a manner which precludes any odors and fumes from being perceptible at any lot line; and any pesticides, fertilizers, or other chemicals shall be handled in a manner which precludes pollution of the environment and the City's water resources.
4. A Greenhouse or Nursery shall front on and be accessed from a key street segment, as defined herein.
5. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
6. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
7. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
8. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1845 RESERVED

SECTION 1846 HOME BASED BUSINESS

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

B. Regulations and Conditions.

1. A Home Based Business shall be treated as a Major Home Occupation subject to the provisions of **Section 18471, B, 2**, and to the following additional standards:
 - a. In addition to the occupants of the residence and not more than two nonresident employees, a Home Based Business may employ other persons, provided their work activities are undertaken at locations other than the location of the home occupation.
 - b. The applicant shall disclose the nature, size and number of any vehicles or other equipment associated with the Home Based Business and the Planning Commission may establish limits on the outdoor storage and parking of such equipment or vehicles to preserve the essentially residential character of the neighborhood. No outdoor storage of materials or scrap shall be permitted.
 - c. The operator of a proposed Home Based Business shall attach an operational plan for the Home Based Business to the application for a zoning permit for the Major Home Occupation. The operational plan shall provide the following information:
 - 1) The hours the Home Based Business will operate.
 - 2) A description of employee parking and workforce staging plans.
 - 3) A site plan in accord with [Article 22](#), indicating the location of any storage of vehicles and equipment as well as any employee or customer parking.
 - 4) A description of the shipping and delivery requirements of the Home Based Business.
 - 5) A description of any material used in the Home Based Business which will be stored on the premises.
2. The Planning Commission shall review the application for a Home Based Business and take action to approve it, if it finds that the proposed Home Based Business shall meet the requirements of this Section and **Section 1847, B, 2**, hereof.
3. Any change or alteration in the nature or activities of a Home Based Business shall be regarded as a new Home Based Business and shall require a new application hereunder.
4. A failure to fulfill the terms of the Home Based Business, the site plan and its attachments shall be grounds for revocation of Planning Commission approval of a Home Based Business.

SECTION 1847 HOME OCCUPATION

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

B. Regulations and Conditions.

1. **Minor Home Occupations.** Home occupations shall receive a zoning permit upon a finding by the Zoning Administrator that the proposed home occupation shall comply with all of the following requirements.
 - a. The home occupation(s) shall be conducted entirely within enclosed structures and shall be limited to the personal residence of the person engaging in the home occupation and not more than one approved accessory building.
 - b. The home occupation(s) shall be an accessory use to the residential use of the property.
 - c. The activities and carrying on of the home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be aware of the existence of the home occupation. [Annotation: This section was amended to allow a sign by amendment 07-14, effective 5/29/07] [Annotation: This section was amended deleting reference to signage by amendment Z17-06, effective 6/16/17]
 - d. With the exception of material purchased over the counter for household cleaning, lawn care, operation of a photocopier machine, paint, printing, arts and craft supplies or heating fuel, the home occupation(s) shall not involve the:
 - 1) Generation of any hazardous waste as defined in P.A. 64 of 1979, as amended, being the Hazardous Waste Management Act (MCL 229.433 et. seq.), or
 - 2) Use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910.2 (Dept. of Labor Regulations).
 - e. Not more than one (1) automobile associated with the home occupation may be parked on the street at any time. Any other parking shall be on the parcel where the home occupation is taking place, however, an additional parking area shall not be constructed and the existing driveway prior to the establishment of the home occupation shall be used for other customer parking.
 - f. Only the inhabitants of the residence plus not more than one (1) non-resident shall be employed by the home occupation.
 - g. No additional rooms or accessory structures may be added to the dwelling to accommodate the home occupation.
2. **Major Home Occupations.** Home occupations shall receive a zoning permit upon a finding by the Planning Commission that the proposed home occupation shall comply with the following requirements.
 - a. The home occupation(s) shall be conducted entirely within enclosed structures and shall be limited to the personal residence of the person engaging in the home occupation and not more than two approved accessory buildings.
 - b. The home occupation(s) shall be an accessory use to the residential use of the property.
 - c. The activities and carrying on of the home occupation shall be operated in such a manner that other residents of the area, under normal circumstances, would not be

- aware of the existence of the home occupation. [Annotation: This section was amended deleting reference to signage by amendment Z17-06, effective 6/16/17]
- d. With the exception of material purchased over the counter for household cleaning, lawn care, operation of a photocopy machine, paint, printing, arts and craft supplies or heating fuel, the home occupation(s) shall not involve the:
 - 1) Generation of any hazardous waste as defined in P.A. 64 of 1979, as amended, being the Hazardous Waste Management Act (MCL 229.433 et. seq.), or
 - 2) Use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910.2 (Dept. of Labor Regulations).
 - e. Not more than one (1) automobile associated with the home occupation may be parked on the street at any time. Any other parking shall be on the parcel where the home occupation is taking place and parking for not more than two (2) automobiles may be constructed in addition to the area of the driveway in existence prior to the establishment of the home occupation.
 - f. Only the inhabitants of the residence plus not more than two (2) non-residents shall be employed by the home occupation.
3. Any change or alteration in the nature or activities of a Home Occupation shall be regarded as a new Home Occupation and shall require a new application hereunder.

SECTION 1848 RESERVED

SECTION 1849 HOTEL

- A. Definition.** A facility offering transient lodging accommodations to the general public and may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.
- B. Regulations and Conditions.**
- 1. The property shall be suitable for transient lodging facilities with overnight lodgers staying typically not longer than seven (7) nights.
 - 2. A hotel that includes auditorium or public meeting space shall be further regulated under the provisions of Places of Public Assembly, per **Section 1868**.
 - 3. A hotel that includes an eating and drinking establishment shall be further regulated pursuant to **Section 1823**.
 - 4. The use and the impact of the establishment shall be compatible with other allowed uses in the vicinity in terms of parking, traffic, noise, and odors, and shall not adversely impact the subject neighborhood.
 - 5. All exterior lighting shall be in accordance with [Section 525](#) hereof.
 - 6. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05,

effective 6/16/17]

7. Within the R-2 district, a Hotel shall front on and be accessed primarily from a key street segment, as defined herein.
8. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
9. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance, except off-street parking for overnight guests may be located off-site, but not more than two (200) feet from the facility.
10. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.
11. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use permit for a hotel.

SECTION 1850 LAUNDRY AND DRY CLEANING ESTABLISHMENT

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

B. Regulations and Conditions.

1. Pursuant to **Section 520** hereof, all storage tanks or other facilities used to store hazardous, toxic, odorous, explosive or flammable substances shall be equipped with appropriate containment structures or equipment; to prevent any migration of such substances into the groundwater or surface waters of the City; and to prevent said substances from being perceptible outside such containment.
2. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
3. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
4. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
5. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.
6. The Planning Commission may impose hours of operation limitations to protect the character of surrounding uses.
7. A Laundry or dry cleaning facility located in the C-2 district shall front on and be accessed from a key street segment, as defined herein.

SECTION 1851 MARIHUANA FACILITIES

A. Definition. Marihuana Facilities means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana grower, marihuana processor, marihuana

provisioning center, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a “primary caregiver” or “caregiver” as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

B. Regulations and Conditions.

1. A marihuana grower, marihuana processor, marihuana secure transporter, marihuana safety compliance facility, and marihuana provisioning center, in accordance with the provisions of state law, may be permitted through the issuance of a special use permit pursuant to Article 18 Standards and Requirements for Special Uses provided that:
 - a. In the P-D District such uses shall be permitted only as part of a mixed use building or development in which no more than forty-nine percent (49%) of the combined floor area of a building or buildings within the development are utilized and shall be further regulated by the provisions of [Section 1858](#).
 - b. At the time of application for a special use permit the marihuana facility must be licensed by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the State of Michigan.
 - c. The use or facility must be at all times in compliance with [Chapter 866 Medical Marihuana Facilities](#) all other applicable laws and ordinances of the City of Manistee.
 - d. A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana , may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.
2. **Marihuana Growers and Marihuana Processors.** Marihuana growers and marihuana processors shall be subject to the following standards:
 - a. Odor. As used in this subsection, building means the building, or portion thereof, used for marihuana production or marihuana processing.
 - 1) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
 - 2) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter (s) shall be rated for the applicable CFM.
 - 3) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer’s recommendation, or a minimum of once every 365 days, whichever occurs first.
 - 4) Negative air pressure shall be maintained inside the building.
 - 5) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

- 6) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
 - b. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
 - c. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.
 - d. All exterior lighting shall be in accordance with [Section 525](#) hereof.
3. **Marihuana Safety Compliance Facility.** All activities of a marihuana safety compliance facility, including all transfers of marihuana, shall be conducted within the structure and out of public view.
4. **Marihuana Secure Transporter.** A marihuana secure transporter shall be subject to the special regulations and standards applicable to [Section 1889 Warehouse, Public](#) uses in the Ordinance. [Annotation: Section 1851 Marihuana Facilities was added by amendment Z18-03, effective March 2, 2018]
5. **Marihuana Provisioning Center.** Marihuana Provisioning Centers shall be subject to the following standards:
 - a. Hours of Operation: Hours of operation shall be between the hours of 10am and 8pm during any day of the week.
 - b. Patrons/customers/clients: No one under the age of 21 shall be permitted within the establishment/building(s)
 - c. Use/consumption of marihuana products: No use or consumption of marihuana or marihuana products may be conducted within the establishment/building or on the premises.
 - d. Sale of Marihuana and Marihuana products: Marihuana and marihuana products may only be sold within the establishment/building.
 - e. Delivery of Marihuana and Marihuana Products: All deliveries/transfer of Marihuana and Marihuana products must occur within the establishment/building.
 - f. Signage: Refer to the sign standards contained within Article 20: Marihuana Sales Overlay District.
 - g. Parking: All off-street parking shall be in compliance with section 514 of this Ordinance.
 - h. Landscaping: Landscaping and Buffering shall be provided in accordance with Section 531 of this Ordinance.
 - i. Exterior Lighting: All exterior lighting shall be in accordance with section 525 of this Ordinance. [Annotation: Section 1851 Marihuana Provisioning Center was added by amendment Z1-13, effective May 16, 2019]

SECTION 1852 MARIHUANA ESTABLISHMENTS

A. Definition. Marihuana Establishments means an enterprise at a specific location at which a licensee is licensed to operate under the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq., including Marihuana Grower, Marihuana Safety Compliance, Marihuana Processor, Marihuana Microbusiness, Marihuana Retailer or Marihuana Secure Transporter.

B. Regulations and Conditions

1. A marihuana grower, marihuana processor, marihuana safety compliance, marihuana retailer, marihuana microbusiness and marihuana secure transporter may be permitted through the issuance of a special use permit in certain districts pursuant to Article 18 Standards and Requirements for Special Uses provide that:
 - a. In the P-D District marihuana grower, marihuana processor, marihuana safety compliance and marihuana secure transporter shall be permitted only as part of a mixed use building or development in which no more than forty-nine percent (49%) of the combined floor area of a building or buildings within the development are utilized and shall be further regulated by the provisions of Section 1858.
 - b. At the time of application for a special use permit the marihuana establishment must be licensed by the State of Michigan and then must be at all times in compliance with the laws of the State of Michigan including but not limited to the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq.; and all other applicable rules promulgated by the State of Michigan.
 - c. The use of establishment must at all times be in compliance with Chapter 867 Recreational Marihuana Establishments and all other applicable laws and ordinances of the City of Manistee.
 - d. A marihuana establishment, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.
2. Marihuana Growers, Marihuana Processors and Marihuana Microbusinesses:

Marihuana growers, marihuana processors and marihuana microbusinesses shall be subject to the following standards:

 - a. Odor: As used in this subsection, building means the building or portion thereof, used for marihuana production or marihuana processing.
 - 1) The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.

- 2) The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
 - 3) The filtration system shall be maintained in working order and shall be in use. The filters shall be changed upon manufacturer's recommendation, or a minimum of once every 365 days, whichever occurs first.
 - 4) Negative air pressure shall be maintained inside the building.
 - 5) Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
 - 6) An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
 - b. All off-street parking shall be in compliance with Section 514 of this ordinance.
 - c. Landscaping and Buffering shall be provided in accordance with Section 531 of this zoning ordinance.
 - d. All exterior lighting shall be in accordance with Section 525 hereof.
3. Marihuana Safety Compliance Establishment: All activities of a marihuana safety compliance establishment, including all transfers of marihuana, shall be conducted within the structure out of public view.
 4. Marihuana Secure Transporter Establishment: A marihuana secure transporter shall be subject to the special regulations and standards applicable to Section 1889 Warehouse, Public uses in the Ordinance.
 5. Marihuana Retailer and Marihuana Microbusiness with retail uses shall be subject to the following standards:
 - a. Hours of Operation: Hours of operation shall be between the hours of 10am and 8pm during any day of the week.
 - b. Patrons/customers/clients: No one under the age of 21 shall be permitted within the establishment/building(s)
 - c. Use/consumption of marihuana products: No use or consumption of marihuana or marihuana products may be conducted within the establishment/building or on the premises.
 - d. Sale of Marihuana and Marihuana products: Marihuana and marihuana products may only be sold within the establishment/building.

- e. Delivery of Marihuana and Marihuana Products: All deliveries/transfer of Marihuana and Marihuana products must occur within the establishment/building.
- f. Marihuana Microbusiness Growers:
 - i. All grow areas may not be viewable to the public or from publicly accessible areas of the building/establishment.
 - ii. Grow areas are permitted within the same building as retail uses but must be completely separate and separated by lock and key from retail uses.
- g. Signage: Refer to the sign standards contained within Article 20: Marihuana Sales Overlay District.
- h. Parking: All off-street parking shall be in compliance with section 514 of this Ordinance.
- i. Landscaping: Landscaping and Buffering shall be provided in accordance with Section 531 of this Ordinance.
- j. Exterior Lighting: All exterior lighting shall be in accordance with section 525 of this Ordinance. [Annotation: Section 1851 Marihuana Provisioning Center was added by amendment Z1-13, effective May 16 ,2019]

SECTION 1853 MARINA

- A. Definition.** A facility, including three (3) or more waterfront boat slips, which provides for the servicing, storing, fueling, berthing, and securing of boats and that may include a communication tower, eating, sleeping, and retail facilities intended primarily for the owners, crews, and guests of boat owners using the marina. [Annotation: Definition of Marina was amended by adding “communication tower” by Amendment Z12-01, effective 6/19/12]
- B. Regulations and Conditions.**
 - 1. Such facilities shall maintain, at all times, all required state and local licenses and permits.
 - 2. Marinas shall be located only on parcels contiguous to, and with direct access to, navigable water.
 - 3. Marinas shall not interfere with riparian interests or the integrity and quality of the water body.
 - 4. Vehicular ingress and egress to the marina shall be within the riparian owner’s interest area, or written authorization shall be secured from an adjacent property owner granting such access.
 - 5. All Marinas shall be similar in architectural design, scale and character to adjacent structures and activities in the vicinity.
 - 6. The increased use of the water body associated with the marina shall not create congestion, reduce safety, or aggravate existing congestion and safety problems

currently recognized. Marinas shall not constitute any navigational hazards, as determined by the Planning Commission.

7. All Marinas shall provide watercraft sanitary holding tank pump out services, in accordance with Act 451 of 1994 (Part 301 of Inland Lakes and Stream Act).
8. Onshore storage of boats and/or trailers may only be incorporated in a Marina special use approval where the Planning Commission is satisfied that such storage will be effectively screened from view from adjoining properties and rights-of-way.
9. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
10. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance, except that the parking requirement for a Marina shall be 0.33 parking spaces for each boat slip.
11. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.
12. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a Special Use permit for a Marina.

SECTION 1854 MEDICAL OR DENTAL OFFICE

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

B. Regulations and Conditions.

1. Within the R-2 and R-3 districts, a medical or dental office shall not exceed seven thousand (7,000) square feet in gross floor area.
2. As a condition of approval, the Planning Commission may establish hours of operation for the Medical or Dental Office, if in the judgment of the Planning Commission such restrictions are needed to assure the compatibility of the facility with neighboring uses.
3. The exterior of the building shall be compatible with neighboring uses.
4. All exterior lighting shall be in accordance with [Section 525](#) hereof.
5. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. Any disposal of bio hazardous waste shall be in conformance with state and local requirements. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
6. Within the R-2 and R-3 districts, Medical or Dental office shall front on and be accessed primarily from a key street segment, as defined herein.
7. All signs shall be in accordance with [Article 21](#) of this Zoning Ordinance.
8. All parking shall be in accordance with [Section 514](#) of this Zoning Ordinance.
9. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1855 MINI/SELF STORAGE FACILITY

A. Definition. A structure or group of structures divided into storage units, stalls or lockers of no more than five hundred (500) square feet in area each and which are offered to the public for a fee for the storage of goods.

B. Regulations and Conditions.

1. The area of the proposed site shall be at least one (1) acre.
2. The use shall be established and maintained in accordance with all applicable Local, State and Federal laws.
3. All storage shall be inside an enclosed building; no outdoor storage shall be permitted.
4. Within the R-3 district, mini-storage facilities shall front on and be accessed from a key street segment, as defined herein.
5. Each storage unit shall have an individual door to the outdoors and shall be accessible by the owner of the storage items in accordance with hours of operation approved by the Planning Commission. Such hours of operation shall be posted at the entrance to the facility.
6. The storage of perishable, flammable, toxic, or hazardous substances and the use of the facility to store goods or products for commercial or industrial purposes shall be prohibited.
7. No activities except for rental of storage units, and pick-up and deposit of storage shall be permitted.
8. Parking shall be provided as needed for the office uses as provided in [Section 514](#) of this Ordinance.
9. All parking, maneuvering and drive lane areas shall be provided with a paved surface and all drive aisles shall be twenty-five (25) feet in width. The Planning Commission shall approve the circulation pattern within the site, which shall be clearly marked.
10. All exterior lighting shall be in accordance with [Section 525](#) hereof.
11. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
12. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1856 MINE, SAND, AND GRAVEL

A. Definition. A facility, property, or portion thereof designed, constructed, or used for the commercial open pit or subterranean extraction of sand, gravel or minerals. This term also includes quarrying, groundwater diversion, soil removal, milling and crushing, and other preparation customarily done as part of a mining activity.

B. Regulations and Conditions.

1. General Site Plan Requirements: In addition to the regular application for a Special Use and payment of fees, the application shall be accompanied by a General Site Plan. The

plan shall be drawn to a scale of 1" - 100' and said plan shall include the following information:

- a. Name and address of owner(s) of land which removal will take place.
 - b. Name, address and telephone number of person, firm, or corporation who will be conducting the actual removal operation.
 - c. Location, size and legal description of the total site area to be mined.
 - d. A plan for extraction and reclamation for the total project which shall include:
 - 1) Surface overburden and topsoil stripping and stockpiling plans.
 - 2) Provisions for grading, re-vegetation, and stabilization that will prevent soil erosion, sedimentation and public safety problems.
 - 3) A feasible and detailed plan for the re-use of the reclaimed site, consistent with the intent of the zoning district(s) in which the facility is located.
 - e. Surface water drainage provisions and outlets.
 - f. The location and size of any structures
 - g. Approved soil erosion permits. If such permit has not been issued, a copy of the permit application may be appended to the special use application and any approval shall be conditioned upon issuance of such soil erosion permit.
2. Reclamation: All extraction areas shall be reclaimed progressively as they are worked out. Reclaimed sites shall be reasonably natural and inconspicuous and shall be reasonably lacking in hazard. All slopes and banks remaining above water level and below water level to a depth of six (6) feet shall be graded to angles which do not exceed one (1) foot in elevation for each three (3) feet of horizontal surface and they shall be treated to prevent erosion or any other potential deterioration. No more than five (5) acres of the site shall be open at any time.
3. Site Development Requirements:
- a. Setbacks in which no part of the mining operation may take place, except for ingress and egress shall be as follows:
 - 1) Excavation below the existing grade of adjacent roads or property lines shall not take place within twenty-five (25) feet from any adjacent property line or road right-of-way.
 - 2) No machinery will be erected or maintained within one hundred (100) feet of any property or road right-of-way line.
 - b. Fencing: If fencing is deemed a necessary requirement, the Planning Commission shall specify the type, characteristics, and location of the required fencing.
 - c. Interior access roads, parking lots, haul road, loading and unloading areas and stockpiled materials shall be maintained so as to limit the nuisance caused by wind-blown dust.

- d. Hours of operation shall be established by the Planning Commission as part of the special use approval.
 - e. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.
4. Failure to maintain all required State or Federal licenses and/or to develop and maintain a surface mining operation in accord with the terms of the Special Use permit may result in the immediate revocation of said Special Use permit and any and all other sanctions and/or penalties available to the City, County, and/or State.
 5. Evidence of Continuing Use: When activities on or the use of the mining area, or any portion thereof, have ceased for more than one (1) year or when, by examination of the premises or other means, the Zoning Administrator determines a manifestation of intent to abandon the mining area, the Zoning Administrator shall give the operator written notice of their intention to declare the mining area or portion thereof abandoned. Within thirty (30) days following receipt of said notice, the operator shall have the opportunity to rebut the Zoning Administrator's evidence and submit other relevant evidence to the contrary. If the Zoning Administrator finds the operator's evidence of continued use satisfactory, it shall not declare abandonment.
 6. Financial Guarantees: A minimum performance guarantee of \$3,000.00 plus a minimum \$2,000.00 per excavated acre shall be filed with the City Treasurer. The performance guarantee shall be in the form of a letter of credit, a certified check, a cash bond or an insurance policy with the City named as an insured party. The bond shall be returned when all conditions stipulated in the Special Use permit have been met and the Special Use permit revoked prior to its release. There shall be no partial release of the bond.
 7. Issuance of a Special Use Permit: Permits for surface mining shall be issued to the operator. If an operator disposes of his interest in an extraction area prior to final reclamation by sale, lease, assignment, termination of lease, or otherwise, the Planning Commission may release the operator from the duties imposed upon him by this Ordinance, as to the operation, but only if the successor, operator, or property owner assumes the obligations of the former operator with reference to the reclamation activities. At that time the Special Use permit may be transferred.
 8. Permit Expiration: If approval for a Special Use permit is granted by the Planning Commission it shall extend a specific period of time not to exceed five (5) years. Those permits granted for a period exceeding one (1) year shall be inspected a minimum of once a year by the Zoning Administrator to insure compliance with the permit and Ordinance.
 9. Modification of the General Site Plan: The General Site Plan may be modified at any time by mutual consent of the operator and the Planning Commission to adjust to changed conditions, technology, or to correct an oversight. The Planning Commission may require the modification of the General Site Plan when:
 - a) Modification of the plan is necessary so that it will conform to the existing laws.

- b) It is found that the previously approved plan is clearly impractical to implement and maintain.
- c) The approved plan is obviously not accomplishing the intent of the Ordinance.

SECTION 1857 RESERVED

SECTION 1858 MIXED-USE DEVELOPMENT

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

B. Regulations and Conditions.

1. The applicant shall demonstrate how the proposed mixing of uses will reduce traffic generation and provide a substantial amenity for the City of Manistee.
2. The mixing of uses will be compatible with adjacent land uses, the natural environment, and the capacities of affected public services and facilities, and such use shall be consistent with the public health, safety and welfare of City of Manistee residents. The mixing of uses shall be consistent with the policies set forth in the City of Manistee Comprehensive Plan.
3. The development shall consolidate and maximize usable open space, wherever possible.
4. The applicant shall demonstrate that the proposed mixing of uses will not constitute a nuisance to future inhabitants or users of the development, or the City in general.
5. Off-street parking facilities for such mixed uses may be provided collectively, provided that the total number of spaces so located together shall not be less than the sum of the separate requirements for each use, unless the Planning Commission finds that such requirements are may be modified due to varying hours of operation or other factors.
6. A proposed Mixed-Use Development shall be designed in such a manner that will lead to compatible, efficient, and attractive uses of property in the City of Manistee, and shall:
 - a. Encourage unique retail, office and residential use alternatives.
 - b. Continue and augment the City's traditional neighborhood patterns.
 - c. Establish neighborhood places that will define and strengthen the community character and supplement the identity of the City.
 - d. Provide for the redevelopment of underutilized sites.
 - e. Facilitate pedestrian oriented development using design options such as sidewalk cafes, rear parking, residential condominiums above small-scale service uses, and enhanced landscape open spaces, squares, and parks.
7. Vehicular and pedestrian circulation within the development and access to the development shall be safe, convenient, non-congested and well defined. Shared access to parking areas will be required, where appropriate.

8. A Mixed-Use Development shall not infringe unreasonably on any neighboring uses.
9. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1859 MORTUARY

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

B. Regulations and Conditions.

1. A proposed Mortuary shall be located on a parcel of land with a minimum area of one-half (1/2) acre. Provided, however, that such facility shall not exceed the maximum lot coverage requirements of this ordinance.
2. A proposed Mortuary with a total combined seating capacity of one hundred (100) or more shall be regarded as a Large Place of Public Assembly and shall meet the standards of **Section 1868**.
 - a. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
3. A mortuary shall front on and be accessed from a key street segment, as defined herein.
4. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
5. No building shall be located closer than fifty (50) feet from a property line that abuts any residentially used or zoned property.
6. Loading and unloading areas used by ambulances, hearses, or other such service vehicles shall be obscured from all residential view with a wall six (6) feet in height. Evergreen landscaping may also be required by the Planning Commission.
 - a. All required federal, state and local licensing and permits shall be maintained at all times.
7. A mortuary that includes a crematorium shall not be located in R-2, R-3 or C-2 districts.
8. All exterior lighting shall be in accordance with [Section 525](#) hereof.
9. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
10. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
11. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1860 RESERVED

SECTION 1861 MOTEL

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

B. Regulations and Conditions.

1. The property shall be suitable for transient lodging facilities with overnight lodgers staying typically not longer than seven (7) nights.
2. A Motel that includes auditorium or public meeting space shall be further regulated under the provisions of Places of Public Assembly, per **Section 1868**, and a Motel that includes an Eating and Drinking Establishment shall be further regulated by the provisions of **Section 1835**.
3. The use and the impact of the establishment shall be compatible with other allowed uses in the vicinity in terms of parking, traffic, noise, design, and odors.
4. All exterior lighting shall be in accordance with [Section 525](#) hereof.
5. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
6. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
7. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
8. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.
9. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use permit for a motel.
10. Within the P-D and W-F district, a Motel shall front on and be accessed primarily from a key street segment, as defined herein.
[Annotation: PD was added by amendment Z-12-08; effective 10/27/12]

SECTION 1862 NURSING HOME OR CONVALESCENT HOME

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

B. Regulations and Conditions.

1. A nursing home proposed to be located within the R-2 district shall not provide care for more than twenty (20) persons.

2. The use shall be established and maintained in accordance with all applicable Local, State and Federal laws. As a condition of Special Use approval, at all times the nursing home shall maintain all valid state and local licenses.
3. A nursing home shall not be located within fifteen hundred (1,500) feet of any other nursing home.
4. All exterior lighting shall be in accordance with [Section 525](#) hereof.
5. A Nursing Home located in the R-2 or R-3 districts shall front on and be accessed from a key street segment, as defined herein.
6. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
7. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
8. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1863 RESERVED

SECTION 1864 OUTDOOR SALES FACILITY

A. Definition. The display and sales of products and services primarily outside of a building or structure, including vehicles, garden supplies, boats and aircraft, farm equipment, motor homes, burial monuments, manufactured housing, recreational vehicles, building and landscape materials, and lumber yards.

B. Regulations and Conditions.

1. An Outdoor Sales Facility shall front on and be accessed from a key street segment, as defined herein.
2. Lot area, lot width, and other dimensional requirements of the zoning district shall be complied with; provided, that no item or items displayed outdoors shall be greater than thirty-five (35) feet in height.
3. All exterior lighting shall be in accordance with [Section 525](#) hereof.
4. The Planning Commission may establish, as a condition of approval, hours of operation for the Outdoor Sales Facility.
5. The Planning Commission may establish, as a condition of approval, buffering mechanisms, including, but not limited to, evergreen landscaping, berms, and fencing; and such conditions may be in addition to the Landscaping and Buffering standards of [Section 531](#) of this Zoning Ordinance to mitigate the visual impact of an Outdoor Sales Facility.
6. The Planning Commission may make reasonable inquiries of the applicant, including, but not limited to, what types of items will be for sale. Certain items, as determined by the Planning Commission, may be restricted for display to rear or side yards and with adequate screening or fencing.

7. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line. Unless specifically approved by the Planning Commission, the use of amplifiers, banners, and other attention gathering devices shall be prohibited. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
8. The outdoor sales area shall be paved, or mechanisms to prevent the creation of dust shall be implemented. The site plan shall include measure satisfactory to the Planning Commission to contain blowing dust, trash and debris on the site.
9. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.

SECTION 1865 PARKING FACILITY

A. Definition. A parking area used to temporarily store motor vehicles.

B. Regulations and Conditions.

1. A Public Parking Facility shall be designed in accord with the standards of [Section 514](#) of this Ordinance.
2. Landscaping and Buffering shall be provided pursuant to standards set forth in of [Section 531](#) of this Zoning Ordinance; provided, that landscaping and buffering shall be provided to screen any Parking Facility from an adjacent residentially zoned or used parcel.
3. All exterior lighting shall be in accordance with [Section 525](#) hereof.
4. The applicant shall demonstrate to the Planning Commission the need for the proposed parking facility, and also the sufficiency of the spaces provided to meet the needs of adjacent land uses.
5. A site plan shall be submitted illustrating clearly marked circulation patterns. The City shall retain the right to approve or deny locations of curb cuts, spaces, and drive aisles.
6. Within the R-2, R-3 districts, a Parking Facility shall front on a key street segment, as defined herein.

[Annotation: Definition was changed deleting Language “available to the public, with or without fee”, Item #2 had Language “Public” deleted, Item #6 was added by amendment 08-02, effective 2/29/08]

SECTION 1866 RESERVED

SECTION 1867 PERSONAL SERVICE ESTABLISHMENT

A. Definition. An establishment engaged in providing services involving the care of a person or his or her personal goods or apparel, including linen supply, beauty shops, barbershops, shoe repair, health clubs and similar facilities.

B. Regulations and Conditions.

1. Such facilities shall be located, designed or incorporate measures satisfactory to the Planning Commission such that no objectionable noise, odor or fumes shall be carried onto adjoining property located within the R-1, R-2, R-3 or R-4 districts.
2. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
3. As a condition of approval, the Planning Commission establish hours of operation for a Personal Service Establishment, if in the judgment of the Planning Commission such restrictions are needed to assure the compatibility of the facility with neighboring uses.
4. The exterior of the building shall be compatible with, and similar to, neighboring uses.
5. All exterior lighting shall be in accordance with [Section 525](#) hereof.
6. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
7. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
8. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.
9. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use permit for a personal service establishment.

SECTION 1868 PLACE OF PUBLIC ASSEMBLY

A. Definitions.

1. Place of Public Assembly: Buildings, structures and grounds, including theaters, churches, auditoriums, sports arenas, lecture halls and other similar facilities intended for commercial or non-commercial entertainment, instruction, worship or similar activities involving assembled groups of people numbering thirty (30) or more.
2. Place of Public Assembly, Large: A place of public assembly shall be considered a large facility if it has either two thousand (2000) square feet or more in gross floor area, total seating capacity of more than one hundred (100) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future.
3. Place of Public Assembly, Small: A place of public assembly shall be considered a small facility if it has either less than two thousand (2,000) square feet in gross floor area or total seating capacity of no more than one hundred (100) in the largest room intended for public assembly.

B. Regulations and Conditions.

1. Large Places of Public Assembly.
 - a. A Large Place of Public Assembly shall front on and be accessed primarily from a key street segment, as defined herein, unless it is located on a parcel of land with a minimum area of five (5) acres. [Annotation: The language “unless it is located on a parcel of land with a minimum area of five (5) acres was added by amendment Z11-09, effective 1/28/12]
[Annotation: on May 9, 2013 the Zoning Board of Appeals interpreted the Zoning Ordinance and determined

- since a Large Place of Public Assembly which is located on a parcel of land with a minimum area of five (5) acres does not need to front on or be accessed primarily from a key street segment, if that Large Place of Public Assembly were to include an Eating and Drinking Establishment as an accessory use, and is located in the R-2 or R-3 districts, it would not need to front on or be accessed from a key street segment.]
- b. A Large Place of Public Assembly that includes an Eating and Drinking Establishment shall meet the standards of **Section 1835**, hereof.
 - c. The Zoning Administrator may require the completion of a traffic impact study under the terms of **Section 2203, E, 2** of this Zoning Ordinance.
 - d. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
 - e. All exterior lighting shall be in accordance with [Section 525](#) hereof.
 - f. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
 - g. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.
2. Small Places of Public Assembly
- a. A Small Place of Public Assembly located in the R-1 and R-2 districts shall front on and be accessed primarily from a key street segment, as defined herein.
 - b. A Small Place of Public Assembly that includes an Eating and Drinking Establishment shall meet the standards of [Section 1835](#), hereof.
 - c. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
 - e. All exterior lighting shall be in accordance with [Section 525](#) hereof.
 - f. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
 - g. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1869 RESERVED

SECTION 1870 PLANNED UNIT DEVELOPMENT

- A. Definition.** A special land use intended to accommodate developments with mixed or varied uses, innovative design features and/or sites with unusual topography or unique settings.
- B. Statement of Intent.** It is the purpose of this section to permit flexibility in the regulation of land development, and to encourage innovation and variety in land use and design of projects. The basic provisions concerning Planned Unit Development are the subdivision, development, and use of land as an integral unit, combining more than one primary land use and which may provide for single-family residential, multi-family residential, education, business, commercial, recreation, park and common use areas, which are compatible with one another and provide for efficient use of land. The objectives of these Planned Unit Development standards shall be:
1. To permit flexibility in the regulation of land development.

2. To encourage innovation in land use and variety in design, layout, and type of structures constructed.
3. To achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities.
4. To encourage useful open space, and to provide improved housing, employment, and shopping opportunities particularly suited to the needs of the residents of the State and City.
5. To encourage the innovative use, re-use, and improvement of existing sites and buildings.

C. Regulations and Conditions: In its establishment and authorization as a special use, in addition to the foregoing provision, the following procedures, standards and conditions shall be observed. Where the Planning Commission determines it is necessary to allow a more flexible and innovative development to occur it may recommend that the terms of the Manistee Zoning Ordinance and Subdivision Regulations be adjusted in accordance with the provisions of this Section. Planned Unit Developments shall meet the following general standards:

1. The use shall be compatible with adjacent land use, the natural environment, and the capacities of affected public services and facilities, and that such use is consistent with the public health, safety and welfare of the residents of the City of Manistee and the benefits of the development shall not be achievable under any single zoning classification.
2. The use shall be consistent with the City of Manistee Master Plan and the Future Land Use Map.
3. The use and development shall be warranted by the design and additional amenities made possible with and incorporated by the development proposal.
4. The development shall consolidate and maximize usable open space.
5. Landscaping shall be provided to insure that proposed uses will be adequately buffered from one another and from surrounding public and private property and to create a pleasant pedestrian scale outdoor environment.
6. Vehicular and pedestrian circulation, allowing safe, convenient, non-congested and well-defined circulation within and access to the development shall be provided.
7. Existing important natural, historical and architectural features within the development shall be preserved.

D. Dimensional and Use Standards: In acting upon the application, the Planning Commission may alter lot size standards, required facilities, buffers, open space areas, setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules, and miscellaneous regulations, where such regulations or changes are reasonable and consistent with the intent, objectives, and standards set forth in **Section 1870, 2**. Further, the Planning Commission may also alter residential density limits, providing they are

generally compatible with the purpose and intent of the Planned Unit Development Section B of this ordinance, are compatible with adjacent land uses, and do not over burden roadway capacity.

The Planning Commission may authorize principal and other uses not permitted in the district where the land is located, provided that such are consistent with the intent of this section and the standards set forth herein. Dimensional and parking use restrictions of the underlying zoning shall not apply to the area within an approved PUD unless expressly retained in the permit.

Any deviations granted under this section which do not conform to the City of Manistee Master Plan shall include written findings of fact justifying the exceptional variance.

[Annotation: The last paragraph was added by amendment 07-15, effective 5/29/07]

E. PUD Application. A planned unit development application shall be submitted to the Site Plan Review Committee (Subcommittee) of the Planning Commission for review, analysis, and recommendation. An application fee is required and shall be non-refundable. The City Council shall by resolution establish the amount of the application fee. All land for which application is made must be owned by or under the control of the applicant, and the parcel must be capable of being planned and developed as one integral unit including any non-contiguous parcels. The application must be signed by all applicants and must contain the materials described in this Section. Failure of the applicant to provide such requested information in a timely manner may delay the process of review. The following shall accompany a planned unit development special use application, unless waived by the Site Plan Review Committee (Note: the Planning Commission may request this additional information after the Public Hearing on the application: [Annotation: The paragraph was changed to provide review by the Site Plan Review Committee to expedite the application process by amendment 07-15, effective 5/29/07]

1. A detailed narrative description of the applicant's intent and objectives (physical, social, and environmental).
2. A certified boundary survey and legal description of the property.
3. A statement of present ownership of all land contained in the PUD.
4. Population profile for the development.
5. Proposed financing.
6. Development staging.
7. Estimated impact of the proposed development on roads, schools, and utilities, including water and sewer, fire protection and emergency services.
8. Waste emissions and methods of handling smoke, dust, noise, odors, liquid and solid wastes, and vibrations, if applicable.
9. Market and economic feasibility.
10. Such other information pertinent to the development or use.
11. Twelve (12) copies of a Preliminary Site Plan, that includes all the requirements of

Article 22 plus:

- a. A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer, a certified boundary survey and legal description of the property.
- b. Property parcel number (from the Assessment Roll of the City).
- c. Existing and proposed topography of the site at two (2) foot contour intervals, its relationship to adjoining land, and proposed changes in topography.
- d. Illustration of existing natural and man-made features, existing land use and zoning for the entire site and surrounding area within one hundred (100) feet.
- e. All water features; springs, streams and creeks, lakes and ponds, wetlands, and flood plains.
- f. Proposed setbacks from property lines and building separations distances.
- g. Locations, heights and sizes of existing and proposed structures and other important features.
- h. A rendering of the exterior elevation of the proposed buildings and structures, on-site parking, sidewalks, and travel lanes.
- i. A land use tabulation summary shall be provided indicating types of uses, acreage for each land use, number of units, densities and land use intensities.
- j. The percentage of land covered by buildings, parking and landscape open space, or preserved open space.
- k. Dwelling unit density where pertinent.
- l. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
- m. Curb-cuts, driving lanes, parking, and loading areas.
- n. Location and type of drainage, sanitary sewers, storm sewers, and other facilities.
- o. Location and nature of fences, landscaping and screening. The proposed landscape massing, open spaces and their intended use, active and passive recreation facilities pursuant to the landscaping and buffering standards of [Section 531](#).
- p. Signage characteristics and on-site illumination.
- q. The location of all existing trees having five (5) inches or greater diameter at breast height, identified by common or botanical name. Trees proposed to remain, to be transplanted or to be removed shall be so designated. Cluster of trees standing in closed proximity (3-5 feet or closer) may be designated as a "stand" of trees, and the predominant species, estimated number and average size shall be indicated.
- r. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public, as may be requested by the Planning Commission.

F. Procedure.

1. Prior to formal submittal of application, applicant shall meet at least once with the Site Plan Review Committee. When the applicant is ready to submit a formal application to the Planning Commission, it shall be accompanied with written review and recommendation from the Site Plan Review Committee. The Zoning Administrator shall then schedule a public hearing. [Annotation: The last paragraph was changed by amendment 07-15, effective 5/29/07]
2. A public hearing by the Planning Commission shall be held on each planned unit development request properly filed under the terms of this ordinance. The administrator shall notify the following persons not less than 15 days before the date that the application will be considered:
 - a. The applicant.
 - b. The owner of the property, if different
 - c. The owners of all real property within 300 feet of the boundary for the property for which the approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the City of Manistee or not.
 - d. Occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the City of Manistee or not.
 - e. The general public by publication in a newspaper which circulates in the City of Manistee. The notice shall include:
 - 1) The Nature of the Planned Unit Development being requested.
 - 2) The property(ies) for which the request has been made.
 - 3) A listing of all existing street addresses within the property(ies) which is (are) subject of the Planned Unit Development. (Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used).
 - 4) The location where the application documents can be viewed and copied prior to the date the application will be considered.
 - 5) The date, time and location of when the public hearing will take place.
 - 6) The address where written comments with signature will be directed prior to the consideration.

[Annotation: This section was changed to comply with the requirements of the Michigan Zoning Enabling Act by amendment 07-15, effective 5/29/07]

G. Decisions.

1. If the Planning Commission determines that the PUD application is consistent with the intent of this Section and with the other standards and requirements herein contained, it shall adopt a resolution approving the proposed PUD in accordance with the

application and material submitted, or approving the proposed PUD in accordance with the application and material submitted and subject to any conditions that the Planning Commission believes are necessary to carry out the intent and standards of this ordinance. Such conditions of approval shall:

- a. Be designed to protect natural resources, the health, safety and welfare of the community, including those who will use the proposed development,
 - b. Be related to the valid exercise of the police power and purposes which are affected by the proposed PUD, and
 - c. Be necessary to meet the intent and purpose of this Ordinance, the standards established for planned unit development and be necessary to assure compliance with this Ordinance.
2. If the Planning Commission determines that the PUD application is not consistent with the intent of this Section, it shall adopt a resolution denying the application.
 3. In either event, the decision of the Planning Commission shall recite the findings of fact and the reasons upon which it is based.

H. Effect. After approval of a PUD, the land to which it pertains shall be developed and used in its entirety only as authorized and described in the order approving the PUD or only as authorized by the provisions of this Ordinance which would apply if the PUD order had not been issued.

I. Phased PUD. Each phase of a PUD shall be planned, developed, and approved to exist as a complete development able to stand on its own in the event subsequent phases are not implemented.

J. Amendments. An order approving a PUD may be amended as follows:

1. Minor amendments. Minor amendments are those which will have no foreseeable effect beyond the property boundary such as minor changes in the location of buildings, the alignment of utilities, and the alignment of interior roadways and parking areas. Minor amendments for good cause may be authorized by the Zoning Administrator provided no such changes shall increase the size or height of structures, reduce the efficiency or number of public facilities serving the PUD, reduce usable open space, alter the land uses proposed, or encroach on natural features proposed by the plan to be protected.
2. Major amendments. Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be reviewed and authorized by the Planning Commission according to the procedures authorized by this section for approval of a planned unit development.

K. Termination. The PUD order shall expire two years from date of final approval if the applicant has not commenced substantial construction and is not diligently proceeding to completion. Upon written request stating the reasons therefore, the Planning Commission may extend the time for commencement of construction. An approved PUD may be rescinded at any time by the Planning Commission for violation of the order by the

applicant, its successors, agents or assigns after notice to the current owners and occupiers of the PUD area and after a hearing on the violation. Upon termination of an approved PUD the zoning requirements shall revert to the current requirements for the zoning district designated for the property prior to the order.

- L. Ordinance Amendment.** A planned unit development approval shall not be considered an ordinance amendment or a rezoning of the property.

SECTION 1871 POWER GENERATING FACILITY

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

Regulations and Conditions.

1. A proposal to establish a Power Generating Facility shall not be approved unless the Planning Commission reaches a finding, based on objectively verified evidence, that all processes to be used in the handling of fuel material, the combustion of fuels, the disposal of any byproduct, the handling of cooling water, the transmission of electrical energy, the handling of process chemicals and liquids, the maintenance of equipment and all processes and procedures associated with the facility shall be the most advanced such systems in terms of the following criteria:
 - a. Potential environmental impacts on air, surface water, ground water, soils, and natural features, shall be minimized or fully mitigated,
 - b. Potential community impacts on nearby land uses, public infrastructure and the economic vitality of the community shall be demonstrated to be either neutral or positive,
 - c. Potential impacts on the health of residents of the City of Manistee and surrounding communities and on plant and wildlife communities in the vicinity shall be negligible,
 - d. Potential safety impacts on the residents of the City of Manistee and surrounding communities and employees of the facility shall be fully and adequately addressed.
2. The applicant shall fully disclose
 - a. The nature and quantity of all fuels, chemicals, hazardous materials to be used or stored on site and all uses and activities shall at all times comply with **Section 520** hereof.
 - b. All operating and procedural details of the proposed facility including, but not limited to, equipment specifications, maintenance schedules, capital replacement schedules and plans for eventual decommissioning of the facility.
 - c. The chemical constituents of all emissions to the air, groundwater and surface waters.

- d. The organizational, capital and operating financial structure for the proposed facility including resumes of officers, all members of the board of directors and key technical staff assisting in the development.
 - e. The proposed phasing of the project including any change in ownership of the facility during development or following start-up.
 - f. All required federal, state and local permits needed for facility operation, the procedures for permit application, the standards for review and approval, the specific agencies responsible for permit review and the status of all such permit applications.
3. An application for a Power Generating Facility shall include an environmental assessment in accord with the requirements of the City of Manistee as established by the Zoning Administrator.
 4. Wastewater discharges to the City of Manistee municipal wastewater system shall conform to the requirements of the City's industrial pre-treatment program. No toxic or hazardous materials shall be discharged to groundwater or surface waters. No process or cooling waters shall be discharged to Manistee Lake or the Manistee River Channel if the average temperature of such process or cooling water exceeds the natural and seasonally adjusted temperature of the receiving body of water by more than five degrees (5°) Fahrenheit.
 5. All manufacturing and processing activities shall take place inside a fully enclosed building or structure. Outdoor storage shall be permitted but shall be buffered with a wall of evergreens, or 6-foot tall fencing designed to be compatible with the surrounding neighborhood.
 6. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.
 7. All local, county, state, and federal laws, statutory, and regulatory requirements shall be met at all times. Any failure to comply with any federal or state licensing or permitting requirement shall be grounds for the revocation of any special use permitted issued pursuant to this section.
 8. In addition to the provisions of [Section 531](#), the Planning Commission may require additional open space and landscape buffer screening the proposed special use from adjacent property.
 9. All exterior lighting shall be in accordance with [Section 525](#) hereof.
 10. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
 11. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.

SECTION 1872 RESERVED

SECTION 1873 PROCESSING AND MANUFACTURING

A. Definition. Establishments engaged in a series of operations, in a continuous and regular action or succession of actions, taking place or carried on in a definite manner associated with chemical or mechanical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, liquors, food and fiber products, minerals and compounds, and such related activities as storage, packaging, shipping and scrapping.

B. Regulations and Conditions.

1. The applicant shall disclose the nature and quantity of all chemicals, hazardous materials to be used or stored on site and all uses and activities shall at all times comply with [Section 520](#) hereof.
2. Wastewater discharges to the City of Manistee municipal wastewater system shall conform to the requirements of the City's industrial pre-treatment program. No toxic or hazardous materials shall be discharged to groundwater or surface waters.
3. Within one hundred (100) feet of a R-1, R-2, or R-3 district, all manufacturing and processing activities shall take place inside a fully enclosed building or structure. Outdoor storage shall be permitted but shall be buffered with a wall of evergreens, or 6-foot tall fencing designed to be compatible with the surrounding neighborhood.
4. All local, county, state, and federal laws, statutory, and regulatory requirements shall be met at all times. Any failure to comply with any federal or state licensing or permitting requirement shall be grounds for the revocation of any special use permitted issued pursuant to this section.
5. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.
6. In addition to the provisions of [Section 531](#), the Planning Commission may require additional open space and landscape buffer screening the proposed special use from adjacent property.
7. All exterior lighting shall be in accordance with [Section 525](#) hereof.
8. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
9. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.

SECTION 1874 PROFESSIONAL OFFICE

A. Definition. The office of a member of a recognized profession maintained for the conduct of that profession.

B. Regulations and Conditions. Professional offices proposed within the R-2 and R-3 districts shall be subject to the following requirements.

1. The minimum parcel area shall be not less than the required minimum parcel area for a single-family dwelling in the R-2 and R-3 Districts and a professional office shall front on and be accessed primarily from a key street segment, as defined herein.

2. An office building shall be setback not less than 15 feet from any adjoining property zoned or used for residential purposes.
3. All parking areas that abut property zoned or used for residential purposes shall be effectively screened with landscaping or an approved fencing and all landscaping and buffering shall be provided in accordance with [Section 531](#) of this Ordinance.
4. Special land use approval shall not be granted for an office building proposed to be located within an existing structure in a residential district if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
5. All exterior lighting shall be in accordance with [Section 525](#) hereof.
6. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
7. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
8. All parking shall be in accordance with [Section 514](#) of this Ordinance.

SECTION 1875 RESERVED

SECTION 1876 PROFESSIONAL SERVICE ESTABLISHMENT

- A Definition.** An establishment engaged in providing assistance, as opposed to products, to individuals, businesses, industries, governments, and other enterprises, including printing, legal, engineering, consulting, and other similar services.
- B. Regulations and Conditions.** Professional service establishments may be permitted as special land uses in the R-2 and R-3 districts, subject to the following requirements.
1. The minimum parcel area shall be not less than the required minimum parcel area for a single-family dwelling in the district and within the R-2 and R-3 districts, a professional service establishment shall front on and be accessed primarily from a key street segment, as defined herein.
 2. A building containing a professional service establishment shall be setback not less than 15 feet from any adjoining property zoned or used for residential purposes, unless within the C-3 district.
 3. All parking areas that abut property zoned or used for residential purposes shall be effectively screened with landscaping or an approved fencing and all landscaping and buffering shall be provided in accordance with [Section 531](#) of this Ordinance.
 4. Special land use approval shall not be granted for a professional service establishment proposed to be located within an existing structure in a residential district if the essential character of the lot or structure in terms of traffic generation or appearance will be changed substantially.
 5. All exterior lighting shall be in accordance with [Section 525](#) hereof.

6. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
7. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
8. All parking shall be in accordance with [Section 514](#) of this Ordinance.

SECTION 1877 RETAIL BUSINESS

A. Definition. An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

B. Regulations and Conditions.

1. All exterior lighting shall be in accordance with [Section 525](#) hereof.
2. The Planning Commission shall determine whether the proposed retail special use will be essentially compatible with the character of the proposed site and the existing uses in the vicinity. The Planning Commission may require reasonable site improvements to assure the proposed special use is designed to fit into the framework of the existing neighborhood.
3. Site circulation patterns and access locations on the property shall provide for the safe and efficient movement of pedestrians and vehicles and within the R-2 and R-3 districts.
6. A retail business in the R-2 and R-3 districts shall front on and be accessed primarily from a key street segment, as defined herein.
5. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance.] [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
6. The Planning Commission may establish architectural design standards for retail business uses located within the R-2 and R-3 to assure compatibility with the residential character of the vicinity.
7. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
8. The Planning Commission may establish hours of operation for retail uses consistent with the character of the neighborhood
9. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance; provided, the Planning Commission shall retain the right to require additional landscaping and buffering as necessary to preserve the neighborhood.

SECTION 1878 RESERVED

SECTION 1879 SEXUALLY ORIENTED BUSINESS

- A. Purpose of Regulation.** The purpose and intent of the sections of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the City and to minimize their negative secondary effects. It is recognized that sexually oriented businesses because of their very nature, have serious objectionable operational characteristics, which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented uses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of City residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities that are prohibited by the Ordinances of the City, or state or federal law. If any portion of **Section 1879**, including the definitions appearing in **Article 2** and referenced in **Section 1879**, is found to be invalid or unconstitutional by a court of competent jurisdiction, the City intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law.
- B. Definitions.** Definitions associated with sexually oriented businesses are found in **Article 2** of this Zoning Ordinance.
- C. Regulations and Conditions.** Sexually Oriented Businesses shall be subject to the following standards:
1. The proposed Sexually Oriented Business shall not be located within five hundred (500) feet of any residentially zoned property, park, school, child care organization, place of worship or other Sexually Oriented Business. The distance between a proposed Sexually Oriented Business and any residence, residentially zoned property, park, school, child care organization, place of worship or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed Sexually Oriented Business is intended to be located to the nearest property line of the residence, residentially zoned property, school, child care organization, place of worship, or other Sexually Oriented Business.
 2. Entrances to the proposed Sexually Oriented Business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that:
 - a. "Persons under the age of eighteen (18) are not permitted to enter the premises,"
and

- b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
3. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining road right-of-way or a neighboring property.
4. Hours of operation shall be limited to 8:00 A.M. to 11:00 P.M., Mondays through Saturdays.
5. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
6. All signs shall be in accordance with [Article 21](#) of this Ordinance. Provided, however, that no sign visible from the nearest adjoining road right-of-way or a neighboring property shall display or depict any Specified Anatomical Areas or Specified Sexual Activities
7. All parking shall be in accordance with [Section 514](#) of this Ordinance. Provided, however that all off-street parking areas shall be illuminated during all hours of operation of the Sexually Oriented Business, and until one hour after the business closes, such that the off-street parking areas are visible from the nearest adjoining road right-of-way.
8. As a condition of approval and continued operation of a Sexually Oriented Business, such business shall acquire and comply with all pertinent federal, state and local requirements governing its operation and licensing.
9. Any booth, room or cubicle available in any Sexually Oriented Business used by patrons for the viewing of any entertainment characterized as showing Specified Anatomical Areas or Specified Sexual Activities shall:
 - a. Be constructed in accord with the Michigan Building Code, as amended.
 - b. Be unobstructed by any door, lock or other entrance and exit control device.
 - c. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
 - d. Be illuminated by a light bulb of wattage not less than sixty (60) watts, and
 - e. Have no holes or openings, other than doorways, in any side or rear walls.

SECTION 1880 SPORTS AND RECREATION CLUB

- A. Definition.** A facility designed and equipped for the conduct of sports and leisure-time activities, including aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms, and lockers, whether operated as a business and open to the public for a fee, or operated by a nonprofit

organization and open only to bona fide members and guests of such organization, or operated by a governmental agency.

B. Regulations and Conditions. Sports and Recreation Clubs, whether open to the public or by private membership, shall be subject to the following standards:

1. Such facilities shall maintain, at all times, all required state and local licenses and permits.
2. Any such facilities serving alcoholic beverages shall front on and be accessed from a key street segment, as defined herein.
3. Such facilities serving alcoholic beverages and/or food shall also meet the requirements of **Section 1835**, pertaining to Eating and Drinking Establishments.
4. Such facilities that include paint-ball, archery, and/or shooting ranges shall employ effective physical barriers and isolation distances to assure that no projectile shall carry, or be perceptible, beyond the property limit.
5. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.
6. The Planning Commission may require that any or all of the property of a club facility be fenced to contain any debris or materials used or discarded on site and/or to prevent unauthorized access to the grounds.
7. All exterior lighting shall be in accordance with [Section 525](#) hereof.
8. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
9. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
10. All parking shall be in compliance with the provisions of [Section 514](#) of this Ordinance.
11. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1881 RESERVED

SECTION 1882 STUDIO FOR PERFORMING AND GRAPHIC ARTS

A. Definition. A facility designed, constructed, or used for instructional, practice or production purposes in graphic and performing arts, including sculpture, painting, music, photography, drama, dance and other similar pursuits.

B. Regulations and Conditions.

1. The use shall not bring unreasonable amounts of traffic to residential areas.
2. Within the R-2 district, the facility shall be designed to resemble neighboring residential buildings.
3. The applicant shall demonstrate that noise will not be perceptible at any lot line.

4. The Planning Commission may establish hours of operation for a Studio for Performing and Graphic Arts consistent with the character of the neighborhood.
5. A Studio for Performing and Graphic Arts that includes an auditorium or performance space with seating for more than one hundred (100) persons shall meet the requirements of **Section 1868**.
6. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
7. All parking shall be in compliance with the provisions of [Section 514](#) of this Ordinance.
8. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.
9. Within the R-2 and R-3 districts, a Studio for Performing and Graphic Arts shall front on and be accessed primarily from a key street segment, as defined herein.

SECTION 1883 TATTOO PARLOR

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

B. Regulations and Conditions.

1. Tattoo Parlors shall, as a condition of Special Use approval, at all times maintain all valid state and local licenses.
2. A proposed Tattoo Parlor shall not be approved if it is located within one thousand (1,000) feet of any Educational Facility, religious institution, Day Care, or other Tattoo Parlor.
3. Alcoholic beverages shall not be served, offered or consumed at a Tattoo Parlor.
4. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
5. All parking shall be in compliance with the provisions of [Section 514](#) of this Ordinance.
6. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.
7. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
8. Any biohazard materials or byproducts shall be disposed of as required by the Manistee County Health Department, the Michigan Department of Public Health, or other duly appointed authority.

SECTION 1884 RESERVED

SECTION 1885 THEATER

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

B. Regulations and Conditions.

1. If the applicant is proposing a drive-in theater, the applicant shall demonstrate the estimated duration of the proposed Special Use, and what, if any, use is proposed on the site during the day. A drive-in theater:
 - a. May include refreshment stands.
 - b. Shall include modern restrooms on-site.
 - c. Shall not include any amusement rides.
 - d. Shall provide buffering mechanisms to prevent projected images from being visible from neighboring properties or rights-of-way.
2. All dumpster enclosures shall be in accordance with [Section 506](#) of this Zoning Ordinance. [Annotation: Changed to reflect Section 506 Dumpsters and Enclosures by Amendment Z17-05, effective 6/16/17]
3. All exterior lighting shall be in accordance with [Section 525](#) hereof.
4. A Theater shall front on and be accessed primarily from a key street segment, as defined herein.
5. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
6. All parking shall be in compliance with the provisions of [Section 514](#) of this Ordinance.
7. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1886 USES SIMILAR TO USES PERMITTED AS SPECIAL LAND USES

A. Definition. Uses that have characteristics similar to specifically cited Special Uses in terms of trip generation and type of traffic, parking and circulation, utility demands, environmental impacts, physical space needs, clientele and other off-site impacts.

B. Regulations and Conditions.

1. The Planning Commission upon the recommendation of the Zoning Administrator shall make a determination of whether a proposed use is similar to one or more uses permitted by Special Use permit. In preparing such a recommendation, the Zoning Administrator shall evaluate the proposed use in terms of the potential generation of traffic, congestion, noise, odors, dust, litter and similar impacts. In addition, the proposed use shall be evaluated to determine the degree to which it may support or conflict with other uses in the vicinity.
2. The Planning Commission shall determine whether or not a proposed Special Use is similar to other permitted Special Uses, and may require of the applicant further information to demonstrate such similarity.

3. Upon a finding of such similarity, the Planning Commission may establish any regulations and conditions necessary to protect the health, wellbeing, safety, and economy of the City and its residents.

SECTION 1887 RESERVED

SECTION 1888 VETERINARY CLINIC

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

B. Regulations and Conditions.

1. Animal wastes, biohazard materials or byproducts shall be disposed of as required by the Manistee County Health Department, the Michigan Department of Public Health, or other duly appointed authority. All other wastes shall be contained in leak-proof and odor proof containers removed not less frequently than once per week. No animal wastes, biohazard materials or byproducts shall be buried or incinerated on site. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a special use approval for a Veterinary Clinic.
2. Said use shall be located on a parcel not less than one-half (1/2) acre in size, provided all operations and the housing of animals are contained in one or more completely enclosed buildings.
3. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of 60 decibels at any property line.
4. Any outdoor exercise areas for animals shall be adequately fenced to prevent both escape from and entry into the facility.
5. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
6. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
7. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.
8. All exterior lighting shall be in accordance with [Section 525](#) hereof.

SECTION 1889 WAREHOUSE, PUBLIC

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

B. Regulations and Conditions.

1. All local, county, state and federal laws, rules and regulations pertaining to the emission of odor, dust, smoke, gas, noise, vibration and the like, shall be met at all times during operation of any Public Warehouse.

2. All exterior lighting shall be in accordance with [Section 525](#) hereof.
3. The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices and all uses and activities on site shall, at all times, comply with **Section 520** hereof.
4. No processing or manufacturing shall take place within a public warehouse.
5. All parking areas and truck maneuvering areas shall be paved or treated to minimize dust and the site plan shall demonstrate provisions to contain blowing dust, trash and debris on the site.
6. No material shall be stored outdoors except within areas effectively screened from view from adjoining properties and rights-of-way.
7. No trucks, trailers or other equipment shall be stored in the front yard or closer than ten (10) feet to any side or rear lot line.
8. All signs shall be in compliance with the provisions of [Article 21](#) of this Ordinance.
9. All off-street parking shall be in compliance with [Section 514](#) of this Ordinance.
10. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1890 RESERVED

SECTION 1891 WELLS, EXTRACTION

- A. Definition.** Wells installed for the commercial extraction of ground water, crude oil, brine, natural gas, sour gas or similar products. This definition may include any surface or subsurface pumping or processing equipment or facilities.
- B. Regulations and Conditions.** The following standards shall apply to all Extraction Wells.
1. Intent: The activity of drilling and exploring for, producing, processing, transporting and storing oil, gas, brine or other products extracted from subterranean deposits within the City of Manistee involves, or may involve, hazardous and/or toxic substances and practices and the intent of this section is to provide for the protection of citizens, workers and property from dangerous and nuisance conditions associated with extraction wells.
 2. All Extraction Wells shall be established, operated and maintained in conformity with all state and federal statutes and regulations pertaining thereto.
 3. No new Extraction Well shall be located nearer than three hundred (300) feet from an adjoining property line, unless such adjoining property shall contain an existing extraction well.
 4. A new Extraction Well for the purpose of exploring for or producing oil, natural gas or hydrocarbons shall be considered a principal use, regardless of other activities carried

out on the site. Extraction Wells for the purpose of exploring for or producing ground water, brine, salt water or related products, may be considered an accessory use pursuant to [Section 516](#), providing such Extraction Wells include facilities for storage, processing, transporting, refining, combining, packing or other activities.

5. An existing Extraction Well located in the L-I or G-I districts may be reworked, deepened or otherwise operated as an existing use without reference to this section, whether it is currently working or not; provided all State and Federal statutes and regulations are fully met.
6. A new Extraction Well site shall be completely fenced to prohibit unauthorized entry at all times.
7. A new Extraction Well shall include measures or controls satisfactory to the Planning Commission to minimize any objectionable dust, fumes, or odors at any property line.
8. All exterior lighting shall be in accordance with [Section 525](#) hereof.
9. Height limitations set forth in **Sections 1603, E and 1703, E** shall apply to derricks and other drilling equipment, unless specifically waived by the Planning Commission. In considering a request for such a waiver, the Planning Commission may require site improvements, screening, increased setbacks or other measures to mitigate the imposing nature of tall structures.
10. A new Extraction Well shall include measures or controls satisfactory to the City Engineer to prevent any discharge of any hazardous materials to the City of Manistee sanitary sewer system, stormwater system or any natural or man-made stream or lake. There shall be no off-site discharge of storm water except to an approved drainage system in accord with the City's engineering requirements.
11. Noise generated on site from any source shall not exceed 60 decibels measured at any property line.
12. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with [Section 520](#) hereof, and any applicable State or Federal requirements.
13. All signs shall be in accordance with [Article 21](#) of this Zoning Ordinance.
14. All parking shall be in accordance with [Section 514](#) of this Zoning Ordinance.
15. Landscaping and Buffering shall be provided in accordance with [Section 531](#) of this Zoning Ordinance.

SECTION 1892 WINDMILL (WIND ENERGY CONVERSION SYSTEM)

A. Definition. A Windmill or a Wind Energy Conversion System shall mean all, or any combination of, the following:

1. A mill or machine operated by wind acting on oblique vanes or sails that radiate from a horizontal shaft;

2. A surface area, either variable or fixed, for utilizing the wind for electrical or mechanical power;
3. A shaft, gearing, belt, or coupling utilized to convey the rotation of the surface areas into a form suitable for driving a generator, alternator, or other mechanical or electricity producing device;
4. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;
5. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted, and
6. A Wind Monitoring Station

B. Regulations and Conditions. The following standards shall apply to all Wind Energy Conversion Systems as defined herein except a Wind Monitoring Station.

1. A Windmill or Wind Energy Conversion System shall be located on a parcel at least two and one-half (2-1/2) acres in size.
2. In addition to the special use application, the applicant shall submit an evaluation of the likely impacts of the proposed facility in the following areas:
 - a. Noise and vibration at any property line,
 - b. Potential impacts on wildlife, including native and migrating birds,
 - c. Shadow and glare impacts on adjacent properties, and
 - d. Aesthetic impacts of the Windmill on adjoining properties.
3. The applicant shall also submit an appropriately scaled site plan, illustrating the following:
 - a. Property lines, dimensions, acreage, and contours with appropriate intervals for site evaluation,
 - b. Location and elevation of the proposed Wind Energy Conversion System,
 - c. Location and dimensions of all existing structures and uses on the lot within 300 feet of the system,
 - d. Height of any structures or trees over thirty-five (35) feet within a five hundred (500) foot radius on-site or off-site of the proposed Wind Energy Conversion System,
 - e. Surrounding land use and all structures irrespective of height, within five hundred (500) feet of the Wind Energy Conversion System location,
 - f. Standard drawings of the structural components of the Wind Energy Conversion System, including structures, tower, base, and footings. A registered engineer shall certify drawings and any necessary calculations that the system complies with all applicable local, state, and federal building, structural and electrical codes,
 - g. Evidence from a qualified individual that the site is feasible for a Wind Energy Conversion System,

- h. Certification from a registered engineer or qualified person that the rotor and over speed control have been designed for the proposed use on the proposed site,
 - i. That there is a substantial need for the proposed use,
 - j. Registered Engineer's certification of the design and safety of the proposed tower to withstand winds of eighty-five (85) miles per hour, and
 - k. Registered Engineer's certification that if the Windmill were to fall, no building or structure – existing or potential – would be damaged.
4. Setbacks.
- a. Wind Energy Conversion Systems shall maintain a minimum setback of two (2) times the total height of the Wind Energy Conversion System from any property line.
 - b. Wind Energy Conversion Systems shall maintain a minimum setback of at least five (5) times the Wind Energy Conversion System height from the right-of-way line of any public road or highway.
 - c. In all cases the Wind Energy Conversion Systems shall maintain a minimum distance of at least 1.25 times the Wind Energy Conversion Systems height from any habitable structure.
5. Dimensions.
- a. Wind Energy Conversion Systems shall not exceed a total height of one hundred fifty (150) feet unless the parcel on which the Wind Energy Conversion Systems is to be located is ten (10) acres or larger, in which case the maximum total height may be two hundred (200) feet. Such total height shall include both support structure and the highest elevation of the windmill rotor.
 - b. In all cases the minimum height of the lowest position of the Wind Energy Conversion System's blade shall be at least thirty (30) feet above the ground.
6. Siting and Design Standards.
- a. Wind Energy Conversion Systems shall not be placed on visually prominent ridgelines.
 - b. Wind Energy Conversion Systems shall be designed and placed in such a manner to minimize, to the greatest extent feasible, adverse visual and noise impacts on neighboring areas.
 - c. Colors and surface treatment of the Wind Energy Conversion Systems and supporting structures shall, to the greatest extent feasible, minimize disruption of the natural characteristics of the site.
 - d. Wind Energy Conversion Systems shall be equipped with air traffic warning lights, which adequately warn oncoming air traffic without being unreasonably obtrusive to neighboring properties.
7. Safety Measures.

- a. Each Wind Energy Conversion System shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.
 - b. The Planning Commission shall determine the height, color, and type of fencing for Wind Energy Conversion System installation.
 - c. Appropriate warning signs shall be posted. The Planning Commission shall determine the type and placement of the signs, pursuant to paragraph 11 below.
 - d. Each Windmill shall be properly grounded to safely sustain natural lightning strikes in conformance with the National Electrical Code.
8. An approved Windmill shall be exempted from height restrictions of the zoning district.
 9. Any Windmill facility shall be equipped with anti-climbing devices. Tower climbing apparatus shall not be located within twelve (12) feet of the ground. A locked, protective fence at least six (6) feet high shall enclose a tower capable of being climbed.
 10. The Wind Energy Conversion System operator shall maintain a current insurance policy which will cover installation and operation of the Wind Energy Conversion System. The amount of said policy shall be established as a condition of approval. The applicant shall provide documentation or other evidence from the dealer or manufacturer that the Windmill can be successfully operated in the climatic conditions found in the City of Manistee. The Windmill shall be warranted against any system failures reasonably expected in severe weather operation conditions, as a condition of approval.
 11. Wind Energy Conversion Systems shall include no sign or advertising of any kind, except for one sign, not to exceed two (2) square feet posted at the base of the tower, and said sign shall contain the following information:
 - a. "Warning: high voltage."
 - b. Manufacturer's name.
 - c. Operator's name.
 - d. Emergency phone number.
 - e. Emergency shutdown procedures.
 12. Wind Energy Conversion Systems shall be designed and constructed so as not to cause radio and television interference.
 13. If any Wind Energy Conversion System remains non-functional or inoperative for a continuous period of one (1) year, the permittee shall remove said system at their expense. Removal of the system shall mean the entire structure, including foundations, transmission equipment, and fencing, from the property. If removal of towers and appurtenant facilities is required and the permit holder, or successors, fails to remove the towers and appurtenant facilities from the property within 30 days from the date of notification by the Zoning Administrator, the City of Manistee may proceed to remove the towers and appurtenant facilities; in which case, the salvage becomes property of the City; and costs of removing the facilities will remain the burden of the permit holder.

- C. A Wind Monitoring Station may be approved by the Planning Commission either as a principal or accessory use in the R-1, R-3 or L-I districts upon the review and approval of a site plan prepared in accord with [Article 22](#) and upon a finding that the proposed Wind Monitoring Station shall meet the requirements of **Section 1802, A, 1 through 6**.

SECTION 1893 WIRELESS COMMUNICATION FACILITY

- A. Definition.** Structures or other materials attached directly to the ground in excess of forty-five (45) feet in height which may be utilized in conjunction with other equipment to transmit and/or receive radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals.
- B. Purpose and Intent.** The Telecommunications Act of 1996 as amended on February 6, 1996 sets forth provisions concerning placement, location and construction of towers and related facilities for communication. The purpose of this section is to establish general guidelines for the siting of Wireless Communication Facilities, which include antenna structures. In order that such towers not cause visual pollution or create a safety hazard or reduce property values on adjacent properties, reasonable regulations for the location, use of existing structures (e.g., water towers, school and church steeples, tall buildings), design of structures and towers, is appropriate. Wireless Communication Facilities are specifically determined to NOT be essential services nor to be public utilities as such terms are used in this Ordinance. The intent of these provisions is to encourage users of towers to:
1. Protect land uses from potential adverse impacts of wireless communication facilities.
 2. Place the location of new wireless communication facilities in non-residential-zoned areas.
 3. Minimize the total number of wireless communication facilities throughout the community.
 4. Strongly encourage the joint use of new and existing wireless communication facilities sites as a primary option rather than construction of additional single-use wireless communication facilities.
 5. Locate them on City-owned water towers where feasible and to the satisfaction of the City.
 6. Configure them in a way that minimizes the adverse visual impact of the wireless communication facilities through careful design, siting, landscape screening, and innovative camouflaging techniques.
 7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
 8. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.
 9. 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 wireless communication facilities. It is not the intent to regulate ham radio antennae under this section.

- C. Administratively Approved Uses. The following uses may be approved by the Zoning Administrator after conducting an administrative review:
1. The wireless communications equipment will be located on an existing wireless communications support structure or in an existing equipment compound.
 2. The existing wireless communications support structure or existing equipment compound is in compliance with this ordinance.
 - 3 The proposed collocation will not do any of the following:
 - a) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 - b) Increase the width of the wireless communications support structure by more than the minimum necessary to permit location.
 - c) Increase the area of the existing equipment compound to greater than 2,500 square feet.
 4. The proposed location complies with the terms and conditions of any previously approved wireless communications support structure or equipment compound.
 5. 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 wireless communication facility.
- D. Antenna Placement on City Owned Facilities. Wireless Communication Facilities may be installed on City of Manistee-owned water towers or other facilities, and their accessory equipment and shelters may be installed on City of Manistee-owned property, in any zoning district, with a lease approved by the City Council, and subject to the requirements of the Site Plan Review provisions of [Article 22](#).
- E. Review Provisions and Zoning Districts Allowed. Except as provided in paragraphs C and D hereof, Wireless Communication Facilities and their accessory equipment and shelters shall be considered a Special Use in R-3, W-F, C-1, and L-I Districts.
- F. Additional Information Required for Review. In addition to the requirements of Section 1802.2 and [Article 22](#), Wireless Communication Facilities applications shall include:
1. Name and address of the proposed operator of the site.
 2. Name and address, including phone number of the person responsible for determining feasibility of the location as provided in this section.
 3. Preliminary design of all proposed structures, including elevations and renderings showing the proposed facility from four vantage points located not less than 200 feet nor more than 500 feet from the proposed tower location.
 4. Registered Engineer's certification of the design and safety of the proposed tower to withstand winds of 85 miles per hour. Such certification shall set forth the fall zone area for the proposed tower. If such fall zone area is less than that of a circle whose radius is equivalent to the height of the proposed tower, such certification shall provide structural calculations and detail sufficient to demonstrate the accuracy of such lesser fall zone area determination. Such certification shall be provided by an engineer licensed to practice in Michigan.

5. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 6. A notarized statement signed by the applicant indicating the number and type of additional antennae the proposed tower will accommodate.
 7. Each applicant shall provide an inventory of existing towers, tall structures, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of Manistee, or within one mile of the border thereof, including specific information about the location, height, and design of each tower or tall structure. The Zoning Administrator may share such information with other applicants applying for approvals under this ordinance or other organizations seeking to locate antennas within the City, provided, that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
 8. The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known. The applicant shall also demonstrate the reasons such existing towers or tall structures cannot be used in lieu of the proposed Wireless Communication Facilities.
 9. After an application for a special land use approval is filed with the Zoning Administrator, the Zoning Administrator shall determine whether the application is administratively complete. If, before the expiration of the 14-day period under Section 10, the Zoning Administrator notifies the applicant that the application is not administratively complete, the Zoning Administrator shall specify the information necessary to make the application administratively complete, or notify the applicant that a fee required to accompany the application has not been paid, specifying the amount due. The running of the 14-day period is tolled until the applicant submits to the body or official the specified information or fee amount due. Notice under this section shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the City' actual, reasonable costs to review and process the application or \$1,000.00 whichever is less.
 10. The Commission is responsible for approving special land uses and shall approve or deny the application not more than 90 days after the application is considered to be administratively complete.
- G. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new wireless communication facilities shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Commission that no existing wireless communication facilities, structure or alternative technology can accommodate the applicant's proposed wireless communication facilities.
- H. General Provisions. Construction of Wireless Communication Facilities including their accessory equipment are allowed in the City of Manistee subject to the following provisions:

1. A Wireless Communication Facilities shall be considered a principal use and shall be placed on parcels (whether the land is owned or leased by the tower owner) which have an area no less than the minimum parcel area and width for the district.
2. All setbacks for the zoning district shall be met and in addition, no tower shall be placed closer to any property line than the radius of the certified fall zone as provided in Section 1819, F, 4, hereof, and in no case less than 200 feet from any residence or 200 feet from a zoning district which does not permit Wireless Communication Facilities.
3. All proposed towers of more than forty-five (45) 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 wireless communication facilities. If such standards and regulations are changed, then the owners of the wireless communication facilities governed by this ordinance shall bring such wireless communication facilities 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 wireless communication facilities into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
4. The wireless communication facilities shall be painted or screened so as to blend into the background.
5. The service building shall be aesthetically and architecturally compatible with buildings within three hundred feet of the property on which it is located.
6. All connecting wires from towers to accessory buildings and all electrical and other service wires to the facility shall be underground.
7. Monopole tower design is preferred. If the applicant proposes to use a guyed or lattice tower, the applicant shall demonstrate why a monopole design cannot be used.
8. All exterior lighting shall be in accordance with [Section 525](#) hereof.
9. The Commission may require landscape screening of the service building and fencing.
10. Strobe lights shall not be allowed except as required by FAA.
11. The Commission may, at its sole discretion, require that the tower be camouflaged to resemble a tree, steeple, clock tower, or otherwise be made less obtrusive.
12. Signs; No signs shall be allowed on a wireless communication facilities, except for one sign of not more than two (2) square feet, listing the name, address and contact telephone number of the operator and not more than two (2) signs not to exceed two (2) square feet signaling "danger" or "no trespassing."
13. Towers shall be enclosed by a locked gate and security fencing at least 6 feet in height, and shall be equipped with an appropriate anti-climbing device.
14. Applicant shall certify its intent to lease excess space on the proposed tower for co-located antennae of other operators. Such certification shall include a commitment to respond to any requests for information from another potential shared use applicant; to

negotiate in good faith and allow for leased shared use if an applicant demonstrates that it is technically practicable, and; to make no more than a reasonable charge for a shared use lease.

15. Notwithstanding the provisions of this section, the maximum height for a Wireless Communication Facilities in the City of Manistee shall be two hundred (200) feet.

16. Separation distances between proposed and pre-existing wireless communication facilities are as follows: monopole over 35 feet in height - 1,500 feet; lattice and guyed towers - 5,000 feet.

- I. Removal of Abandoned Antennas and Towers. A Wireless Communication Facilities that is unused for a period of twelve (12) months shall be removed. The owner is responsible for the removal of an unused tower. An unused tower shall be considered Junk pursuant to Section 650.02 of the City of Manistee Codified Ordinances.
- J. Bonds. The owner of a Wireless Communication Facility; including equipment/accessory buildings, shall post a bond with the City of Manistee in an amount to cover the reasonable estimated costs and expenses of dismantling and removing the Wireless Communication Facilities. The amount of the bond shall be established by the Commission, and may be adjusted from time to time to reflect changing costs and expenses of dismantling and removing the facility.
- K. Nonconforming Uses.
 - 1. Pre-existing wireless communication facilities that do not meet the requirements of this section shall be allowed to continue in use as they presently exist. Modifications to height and type of construction of pre-existing wireless communication facilities shall not be permitted, except in conformance with this Section.
 - 2. Rebuilding Damaged or Destroyed Nonconforming wireless communication facilities. Nonconforming wireless communication facilities that are damaged or destroyed may not be rebuilt except in conformance with the requirements of this Section.

[Annotation: Wireless Communication Facility was added as a Special Use by Amendment Z17-02, effective 6/16/17]