

VILLAGE COUNCIL
VILLAGE OF MACKINAW CITY
Cheboygan and Emmet Counties, Michigan

Trustee Paul Michalak supported by Trustee Tom Chastain, moved the adoption of the following:

ORDINANCE NO. 138

**AN ORDINANCE TO AMEND SECTION 4-118 OF THE VILLAGE OF
MACKINAW CITY ZONING ORDINANCE NO 138 TO PROVIDE FOR THE
REVIEW, APPROVAL AND REVOCATION OF SPECIAL USE PERMITS**

The Village of Mackinaw City ordains:

Sec. 1. Amendment of Compiled Code. Section 4-118 of the Village of Mackinaw City Zoning Ordinance (Zoning Ordinance #138) is amended to read as follows:

A. Purpose. Special use permits are required for proposed activities which are essentially compatible with other uses, signs, or activities permitted in a zoning district, but which possess characteristics or location qualities, which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with the standards set forth in this Ordinance.

A site plan in accordance with Section 4-117 is required for submission and approval of all special use permit applications. Only those uses or activities specifically identified in the special use standards (Article XXIII) of this Ordinance require special use permits.

B. Procedures. The following steps shall be taken when considering a proposed special use:

1. A special use permit application shall be filed by the applicant with the Zoning Administrator along with the required site plan, nonrefundable fee, statement with supporting evidence demonstrating how the proposed activity meets the criteria found within the corresponding special use standards, and any other pertinent information upon which the applicant intends to rely for approval.
2. The Zoning Administrator shall review the application for completeness and forward the application, with his/her recommendations, to the Planning Commission for their review and consideration.
3. Section 24-105 shall dictate the public notice procedure for the Planning Commission's public hearing for each special use permit application.
4. After review of the application and public hearing or written comments, if any, the Planning Commission shall approve, approve with conditions, or deny the permit based upon the standards of the special use as set forth in the special use requirements. The Planning Commission's decision on a special use permit application shall be incorporated in a statement of conclusion relative to the special use under consideration. The statement shall specify the basis for the decision and any conditions imposed.

C. Appeal. The decision of the Planning Commission may be appealed according to the procedures outlined in Section 24-104.

D. Permit Revocation. The Village Council may revoke a permit issued under this section if any action or inaction violates a permit condition or a provision of this zoning ordinance, or if factual inaccuracies are discovered in a permit application or any supporting documents.

1. Notification of revocation. The Village Council shall notify the permittee in writing of a permit revocation. Such notice shall be sent by regular first class mail to the address

listed on the permit application and shall be deemed received five (5) business days after mailing.

2. Appeal. Within 10 days of the receipt of a notice of revocation under subsection D (1) above, an aggrieved party may appeal a revocation to the Village Zoning Board of Appeals. The Village Zoning Board of Appeals shall hold a public hearing on timely submitted appeals. Notice of said hearing shall be provided in accordance with Section 24-104. After said hearing, the decision and order of the Village Zoning Board of Appeals shall be final and conclusive.

E. Permit Expiration. Permits issued under this section for which any required work has not started within one year following the date of issue, and permits for which work has been abandoned for a period of six (6) months or more, shall be subject to revocation in accordance with subsection D above.

Sec. 2. Effective Date. This ordinance shall take effect immediately upon its publication in a newspaper circulated within the Village.

Yeas: Pres. R. Heilman, Trustees T. Chastain, R. Glenn, R. Perlick, P. Michalak, B. Mollen

Nays: None

Abstain: None

Absent: Trustee S. Newman

Ordinance declared adopted.

Robert Heilman, Village President

Lana Jaggi, Clerk

CERTIFICATION

As the Clerk of the Village of Mackinaw City, Michigan, I certify this is a true and complete copy of an ordinance adopted at a meeting of the Village Council held on July 16, 2015, with notice provided as required by law.

July 16, 2015

Lana Jaggi, Clerk