

**NOTICE OF PUBLIC MEETING  
COUNCIL CHAMBERS-VILLAGE HALL**

102 South Huron Avenue  
231-436-5351

7:00 P.M.

December 10, 2015

**AGENDA-REGULAR MEETING  
MACKINAW CITY PLANNING COMMISSION**

- I. Call to Order/Welcome
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Minutes from October 22, 2015
- V. Public Comment
- VI. New Business
  1. Review Draft Amendment to Zoning Ordinance, section 24-104
    - A. Impose a time limit on appeals to the Zoning Board of Appeals
  2. Planning Commission 2016 Calendar-Draft
  3. 2016 Planning Commission Proposed Annual Work Program-Draft
  4. 2015 Annual Planning Commission Report for Village Council -Draft
- VII. Old Business
- VIII. Commissioner Comments
- IX. Commissioner Calendar
  1. January 28, 2016- Regular Meeting
- X. Adjournment

All communication, petitions, additions, etc. must be in the office of the Village Secretary by 12 o'clock noon on the Monday preceding the second and fourth Thursday of every month to be on the Agenda

**UNAPPROVED**  
**MINUTES REGULAR PLANNING COMMISSION MEETING**  
**MACKINAW CITY**

7:00 P.M.

October 22, 2015

**I. CALL TO ORDER/WELCOME**

Planning Commission Chair Rosada Mann was present and called the meeting to order.

**II ROLL CALL**

Commissioners Present: Ronald Dye, Earl Taylor, Matt Cooley, Paul Allers, Mitch Montgomery. Absent Mary Clark.  
Also present-Interim Zoning Director Fred Thompson, Jr. and recording secretary Lana Jaggi

**III. PLEDGE OF ALLEGIANCE**

**IV. APPROVAL OF MINUTES**

Motion Taylor support Allers to approve the minutes of the regular meeting of September 24, 2015 with correction of training date. Voice Vote, motion carried unanimously.

**V. PUBLIC COMMENTS:**

John Lemanski-resident, newly appointed planning commissioner  
Ron Wallin-resident, thanked Chair Mann for her "exemplary service" to the planning commission  
Joann Leal-resident, echoed Mr. Wallin's statements regarding Chair Mann

**VI. NEW BUSINESS:**

**A. Election of Officers**  
Chair Mann opened the floor for nominations.

Dye nominated Paul Allers as Chair, Mann seconded.  
Motion Taylor seconded Dye to elect Paul Allers as Chair of Planning Commission.  
Roll call: Yeas-Montgomery, Allers, Mann, Taylor, Dye, Cooley. Absent -Clark.  
Motion carried.

Mann nominated Ron Dye for Vice Chair, Allers seconded.  
Motion Mann seconded Allers to elect Ron Dye as Vice Chair of Planning Commission. Roll call: Yeas- Allers, Mann, Taylor, Dye, Cooley, Montgomery.  
Absent -Clark. Motion carried.

Taylor nominated Matt Cooley for Secretary, Mann seconded.  
Motion Taylor seconded Mann to elect Matt Cooley as Secretary of Planning Commission. Roll call: Yeas-Mann, Taylor, Dye, Cooley, Montgomery, Allers.  
Absent -Clark. Motion carried.

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**VII. OLD BUSINESS:**

**A. Training Date**

November 12, 2015 -will hold Regular meeting at 7:00 PM (Regular due to holiday)  
Training by Ken Lane will immediately follow for approximately two hours.

**VIII. COMMISSIONER COMMENTS:**

Chair Mann read letter of resignation aloud from Mary Clark. Chair Mann also thanked the board for their time and said it has been a privilege to serve with them.

**IX. COMMISSIONER CALENDAR**

1. November 12, 2015 Regular Meeting

**X. ADJOURNMENT: 7:20 PM**

Respectfully submitted;

Rosada Mann; Chairperson

Lana Jaggi, Recording Secretary

Please note:

Included in your packet is a draft amendment to the Zoning Ordinance. As it reads now, no time limitations are placed on the appeal of a decision made by the Zoning Administrator. This amendment would set a 21 day period for appeals. The new wording is red and underlined with red strikeout words being removed.

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

Trustee \_\_\_\_\_ supported by Trustee \_\_\_\_\_, moved the adoption of the following Ordinance:

**ORDINANCE NO. 138**

**AN ORDINANCE TO AMEND SECTION 24-104 OF THE VILLAGE OF MACKINAW CITY ZONING ORDINANCE TO PROVIDE A TIME LIMIT FOR THE SUBMISSION OF APPEALS TO THE ZONING BOARD OF APPEALS**

The Village of Mackinaw City ordains:

Sec. 1. Amendment of Compiled Code. Section 24-104 of the Village of Mackinaw City Zoning Ordinance (Zoning Ordinance #138) is amended to read as follows:

**Sec. 24-104. Variances and Appeals.**

A. A demand for a zoning appeal ~~shall be is~~ received by the zoning administrator on a form provided by the Village Clerk. Appeals can be filed by:

1. a person aggrieved, or
2. an officer, department, board, or bureau of the state or local unit of government.

B. The Appeals Board shall have the authority to hear appeals concerning:

1. All questions that arise in the administration of the zoning ordinance, including interpretation of the zoning map.
2. All administrative orders, requirements, decision or determination made by an administrative official or body charged with enforcement of the zoning ordinance.
3. All decisions of the zoning administrator.
4. All decisions concerning site plan review.
5. All decisions of the planning commission concerning special use permits.

C. Upon receipt of a demand for appeal, and payment of the nonrefundable application fee which shall be set from time to time by resolution of the Village Council. the zoning administrator will review the demand for appeal to insure it is complete and the fee is paid.

1. If the application is not complete, the administrator will return the application to the applicant with a letter that specifies the additional material required.
2. If the application is complete, the administrator and chairman of the appeals board shall establish a date to hold a hearing on the appeal.

D. An appeal shall be filed with the zoning administrator within 21 days after the date of the decision being appealed. Failure to adhere to this time limit shall constitute a waiver of the right to appeal under this section.

E. The appeal stays all proceedings in furtherance of the action appealed, unless the body or officer from whom the appeal is taken certifies to the zoning board of appeals that by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril of life or property, in which case proceedings may be stayed by a restraining order issued by the zoning board of appeals or a circuit court.

E. The notices shall be given according to Section 24-105 Public Notice.

F. The appeals board shall hold a hearing on a timely and properly submitted ~~the~~ demand for appeal.

1. Representation at Hearing: Upon the hearing, any party or parties may appear in person or by agent or by attorney.

2. Standards for Variance decisions by the appeals board: The appeals board shall base its decision on variances from the strict requirements of this Ordinance so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done based on the following standards:

a. For non-use variances: a non-use variance may be granted by the appeals board in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:

1. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic difficulty.
2. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other non-use requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
4. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

b. For use variances: Under no circumstances shall the appeals board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

G. If the demand for appeal is for a variance the appeals board shall either grant, grant with conditions, or deny the application. The appeals board may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit. A majority vote of the membership of the appeals board is necessary to grant a non-use variance and rule on an interpretation of the Ordinance. ~~A The decision of the~~ appeals board shall be in writing and reflect the reasons for the decision:

1. At a minimum the record of the decision shall include:

- a. Formal determination of the facts,
- b. The conclusions derived from the facts (reasons for the decision,
- c. The decision.

2. Within 8 days of the decision the record of the decision shall be certified and a copy delivered by first class mail to the person demanding the appeal and ~~the~~ administrator, ~~and other parties.~~

H. Any person having an interest affected by such decision shall have a right to appeal to the circuit court within 30 days of the certified decision of the appeals board, as provided by law.

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

Yeas: Trustees \_\_\_\_\_

Nays: Trustees \_\_\_\_\_

Abstain: Trustees \_\_\_\_\_

Absent: Trustees \_\_\_\_\_

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 \_\_\_\_\_, 2016, with notice provided as required by law.

\_\_\_\_\_, 2016

\_\_\_\_\_  
Lana Jaggi, Clerk

**Mackinaw City Planning Commission**

**2016 Calendar**

102 South Huron Avenue  
231-436-5351

January 28, 2016

February 25, 2016

March 24, 2016

April 28, 2016

May 26, 2016

June 23, 2016

July 28, 2016

August 25, 2016

September 22, 2016

October 27, 2016

★ November 10, 2016

★ December 8, 2016

**★ All Meetings begin at 7:00 PM and are located in the Council Chambers at the Village Hall**

**★ All Meetings are the 4<sup>th</sup> Thursday of the month except as noted**

## **2016 Mackinaw City Planning Commission Proposed Annual Work Program**

The Planning Commission is required by statute to submit a proposed work program to its legislative body, the Village Council. The proposed work program should outline current objectives of the Planning Commission both short term (2014) and long term projects. These requirements are associated with PA 33 of 2008 (MPEA) and were requirements of the Municipal Planning Act, PA 284 of 1931.

### **2016 Planning Commission Proposed Objectives:**

1. Site Plan(s)/Special Use Permit(s)/PUD(s) as needed
2. Annual Review of Proposed Infrastructure Physical Improvements in accordance with the Master Plan
3. Zoning Ordinances update(s) as needed in accordance with the Master Plan
4. Work on and review Master Plan Recommendations (Non-zoning related)
5. Review Hike and Bike Plan
6. Update Master Plan as directed by the Village Council

## 2015 Annual Planning Commission Report for Village Council

The Planning Commission is required by statute to submit an annual report to its legislative body, the Village Council. The report includes operations of the Planning Commission, status of planning activities, planning and development recommendations, and major upcoming fiscal needs. These requirements are associated with PA 33 of 2008 (MPEA) and were requirements of the Municipal Planning Act, PA 284 of 1931.

### 2015 Planning Commission Operations:

Summary Status of 2015 Achieved-

- Review Parks and Recreation Funding Plan-Recommend to Council to approve separate Parks and Recreation Board  
Status: by Council ??
- Request from the Estate of Rosalie O'Brien to rezone Parcel # 012-V07-022-031-01 from R-1 to B-2, 503 E. Etherington St.  
Status: Denied
- Request from the Estate of Rosalie O'Brien to abandon a portion of the right of way on the easterly most section of E. Etherington St  
Status: Denied
- Review of 2015-SP-003, Emmet County EMS Building  
Status: For Review Only
- Review of 2014-SP-006, Humbard Dock Construction Timeline Extension  
Status: Approved
- Review of Biere de Mac Brewery, 2015-SP-007  
Status: Approved