

TABLE OF CONTENTS

ZONING ORDINANCE #138

ARTICLE I PREAMBLE	
1-101 Enactment and Authority	1
1-102 Short Title	1
1-103 Purpose in View	1
ARTICLE II DEFINITIONS	
2-101 Usage	2
2-102 Terms and Words Defined	2
Diagram 1—Structural Terminology	17
Diagram 2—Types of Lots	18
Diagram 3—Non-Conforming Structures/Use	19
Diagram 4—Lot Terminology	20
Diagram 5—Yard Requirements	21
ARTICLE III ESTABLISHMENT OF DISTRICTS	
3-101 Establishment of Districts	22
Table 1—Establishment of Districts	22
3-102 Zoning Map	23
3-103 Interpretation of District Boundaries	24
ARTICLE IV GENERAL REGULATIONS	
4-101 Effects of Zoning	25
4-102 Application of Regulations	25
4-103 Schedule of District Regulations	26
4-104 Building Permit Required-Conformance to Zoning	26
4-104(A) Permits after the fact	26
4-105 Certificate of Occupancy Required	26
4-106 Structures	26
4-107 Requirements for Dwelling Units Outside of Mobile Home Parks	27
4-108 Lots	28
4-109 Off-Street Parking and Loading	29
Table 2—Off-Street Parking Spaces Defined	29
Table 3—Parking Requirements	33
4-110 Ingress and Egress Requirements	37
4-111 Landscaping Requirements for On-Premises Parking Areas	39
4-113 General Lighting, Screening Requirements, Fences	39
4-114 Landscape Requirements	40
4-115 Outdoor Trash Containers or Dumpsters	41
4-116 Non-Conformities	41
4-117 Site Plan Review and Approval	43
4-118 Special Use Permit	47
Diagram 6—Parking	49
Diagram 7—Curbed, Uncurbed Roadway	50
ARTICLE V R1-SINGLE FAMILY RESIDENCE DISTRICT	
5-101 Principle Permitted Uses	51
5-102 Permitted Uses Subject to Special Use Permit	52
5-103 Area, Height, Bulk and Placement Requirements	52

ARTICLE VI R2-SINGLE FAMILY RESIDENCE, LOW DENSITY	
6-101 Principle Permitted Uses	53
6-102 Permitted Uses Subject to a Special Use Permit	53
6-104 Area, Height, Bulk and Placement Requirements	54
ARTICLE VII R3-SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT	
7-101 Principle Permitted Uses	55
7-102 Permitted Uses Subject to a Special Use Permit	55
7-103 Area, Height, Bulk, and Placement Requirements	55
ARTICLE VIII R4-RESIDENTIAL DISTRICT	
8-101 Permitted Uses	57
8-102 Principle Permitted Uses	57
8-103 Permitted Uses Subject to a Special Use Permit	57
8-104 Area, Height, Bulk and Placement Requirements	57
ARTICLE IX RM-MULTIPLE FAMILY DISTRICT	
9-101 Principle Permitted Use	59
9-102 Permitted Uses Subject to Special Use Permit	59
9-103 Site Plan Approval	59
9-104 Area, Height, Bulk and Placement Requirements	59
ARTICLE X RMH-MOBILE HOME PART DISTRICT	
10-101 Principle Permitted Use	61
10-102 Standards and Requirements for Mobile Home Parks	61
10-103 Site Plan Review	63
ARTICLE XI B1-BUSINESS DISTRICT	
11-101 Principal Permitted Uses	64
11-102 Permitted Uses Subject to Special Use Permit	64
11-103 Site Plan Approval	64
11-104 Area, Height, Bulk and Placement Requirements	65
ARTICLE XII B2-WATERFRONT BUSINESS DISTRICT	
12-101 Principal Permitted Uses	66
12-102 Permitted Uses Subject to Special Use Permit	66
12-103 Site Plan Approval	68
12-104 Area, Height, Bulk and Placement Requirements	68
ARTICLE XIII B3-GENERAL BUSINESS DISTRICT	
13-101 Principal Permitted Uses	69
13-102 Permitted Uses Subject to a Special Use Permit	69
13-103 Site Plan Review	69
13-104 Area, Height, Bulk and Placement Requirements	69
ARTICLE XIV B4-HISTORIC BUSINESS DISTRICT	
14-101 Principal Permitted Uses	71
14-102 Permitted Uses Subject to a Special Use Permit	71
14-103 Site Plan Review	71
14-104 Area, Height, Bulk and Placement Requirements	71
14-105 Special Development Requirements	72

ARTICLE XV AG-AGRICULTURAL DISTRICT	
15-101 Municipal Permitted Uses	73
15-102 Permitted Uses Subject to Special Use Permit	73
15-103 Site Plan Review	73
15-104 Area, Height, Bulk and Placement Requirements	73
ARTICLE XVI MR-MANUFACTURING RESEARCH	
16-101 Principal Permitted Uses	75
16-102 Permitted Uses Subject to a Special Use Permit	75
16-103 Compliance with County and State Regulations	76
16-104 Site Plan Review	76
16-105 Area, Height, Bulk and Placement Requirements	76
ARTICLE XVII MRS-MANUFACTURING RESEARCH SIGNAGE	
17-101 Principal Permitted Uses	77
17-102 Permitted Uses Subject to a Special Use Permit	77
17-103 Compliance with County and State Regulations	78
17-104 Site Plan Review	78
17-105 Area, Height, Bulk and Placement Requirements	78
ARTICLE XVIII BC-BUSINESS CENTRAL DISTRICT	
18-101 Principal Permitted Uses	79
18-102 Permitted Uses Subject to Special Use Permit	79
18-103 Site Plan Approval	79
18-104 Area, Height, Bulk and Placement Requirements	80
ARTICLE XIX MC-MARINA COMMERCIAL DISTRICT	
19-101 Principle Permitted Uses	81
19-102 Permitted Uses Subject to Special Use Permit	81
19-103 Site Plan Approval	81
19-104 Area, Height, Bulk and Placement Requirements	81
19-105 Architectural Guidelines	82
ARTICLE XX CR-CONSERVATION AND RECREATION	
20-101 Principal Permitted Uses	83
20-102 Permitted Uses Subject to Special Use Permit	83
20-103 Area, Height, Bulk, and Placement Requirements	89
ARTICLE XXI M-MUNICIPAL DISTRICT	
21-101 Purpose	84
ARTICLE XXII SCHEDULE OF REGULATIONS	
22-101 Table 4--Area, Height, Bulk and Placement Requirements	85
22-102 Footnotes to Schedule of Regulations	86
Table 5—Minimum Lot Area per Dwelling Unit	87
Table 6—Lot Requirements	88
ARTICLE XXIII SPECIAL USE STANDARDS	
23-101 Site Design Standards	89
23-102 Planned Unit Developments	89
23-103 Home Occupations	94
23-104 Design Standards and Conditions for Certain Uses	95
23-105 Hotel, Motel, Motor Court	95
23-106 Drive-In Restaurant	95
23-107 Child Care Centers, Nursery School, Day Nurseries	95
23-108 Bowling Alley, Indoor Skating and Similar Uses	96

23-109 Private Open Air Business (Permanent and Temporary)	96
23-110 Car Wash Establishment	97
23-111 Housing for the Elderly	97
23-112 Automobile Disposal and Junkyards	97
23-113 Radio, Television, Cellular Tower and Antennae	98
23-114 Medical or Dental Clinic	98
23-115 Office Developments (Two or More Structures)	98
23-116 Planned Industrial Parks	99
23-117 Dish Antennas or Satellite Receiving Stations	99
23-118 Bed and Breakfast Facilities	100
23-119 Private Stables	100
23-120 Campgrounds, Travel Trailer Parks	100
23-121 Private Clubs and Lodges	102
23-122 Convalescent Homes	102
23-123 Kennels	102
23-124 Hospitals	102
23-125 Gasoline Filling Stations and Public Garages	103
23-126 Marine/Boat Storage and Repair Facilities	104
23-127 Reserved	104
23-128 Passenger Boat Ferries	104
23-129 Charter Boat Operations	104
23-130 Employee/Boarding Housing	104
23-131 Transient Merchants	104
23-132 Wind Turbine Generators Commercial Installations	105
23-133 Assisted Living Facility	106
ARTICLE XXIV ADMINISTRATION AND OPERATION	
24-101 Changes, Amendments	107
24-102 Violation, Enforcement	107
24-103 Board of Appeals	108
24-104 Variance and Appeals	108
24-105 Public Notice	110
24-106 Reserved	111
24-107 Reserved	111
24-108 Administrative Offices	112
24-109 Zoning Permits	112
24-110 Certificate of Occupancy	114
24-111 Interpretation	114
24-112 District Boundaries	115
24-113 Separability	115
24-114 Ordinances Repealed	115
24-115 Descriptions of Rezoned Properties	115

**VILLAGE OF MACKINAW CITY, MICHIGAN
ZONING ORDINANCE
Ord. no. 138**

ARTICLE I. PREAMBLE

Sec. 1-101 ENACTMENT AND AUTHORITY.

This Ordinance is enacted pursuant to P.A. 207 of 1921, as amended, (being the City and Village Zoning Act, M.C.L. 125.581 *et seq.*) The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this ordinance shall be done pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*) hereinafter referred to as the “Zoning Act”.

Sec. 1-102 SHORT TITLE.

This Ordinance shall be commonly known as the “Village of Mackinaw City Zoning Ordinance.”

Sec. 1-103 PURPOSE IN VIEW.

The Village of Mackinaw City Zoning Ordinance is hereby established in accordance with the needs of the Village. The text, map and schedules contained herein shall constitute this Ordinance. Said Ordinance is expressly adopted for the following purposes:

- A. To protect and promote the public health, safety, and general welfare of the Village.
- B. To control and guide the orderly growth and development of the Village in accordance with its Comprehensive Planning Program, and to implement the growth and development goals and policies contained therein, some of which are enumerated as follows:
 - 1. To encourage a wide range of housing opportunities in an orderly manner in the Village from single family to multiple family and congregate housing for the elderly.
 - 2. To ensure that the residential housing environment of the Village is safe, healthful and free of visual blight.
 - 3. To preserve the character and value of certain historic areas and structures.
 - 4. To preserve and enhance the appearance and viability of the Central Business District.
 - 5. To ensure the orderly development and operation of industrial uses.
 - 6. To guard against community impacts which can adversely affect those positive qualities that make up the distinctive character of the Village, and which can adversely affect its social and economic climate.
 - 7. To promote and protect the value of land and buildings, which are appropriate to the various districts established by this Ordinance.
 - 8. To prevent against conflicts among the use of land and buildings.

ARTICLE II. DEFINITIONS

Sec. 2-101 USAGE.

- A. For the purpose of this Ordinance, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted and defined as set forth in this section.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the singular number include the plural; and words used in the plural number include the singular; the word “herein” means this Ordinance; the word “regulation” means the regulations of this Ordinance; and the words “this Ordinance” shall mean “the Ordinance text, tables and maps included herein, as enacted or subsequently amended.”
- C. A “person” includes a corporation, a partnership, and an unincorporated association of persons such as a club; “shall” is always mandatory; a “lot” includes a plot or parcel, a “building” includes a structure; a “building” or “structure” includes any part thereof; “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used for occupied.”
- D. The “Village” is the Village of Mackinaw City in the Counties of Cheboygan and Emmet, State of Michigan; and “Village Council”, “Board of Appeals”, and “Planning Commission” are respectively the Village Council, Board of Appeals, and Planning Commission of the Village of Mackinaw City.
- E. Any words not defined in this ordinance shall be construed as defined in the Housing Law of Michigan, Act 167, Public Acts of 1917, as amended.

Sec. 2-102 TERMS AND WORDS DEFINED.

ACCESSORY BUILDING. An accessory building is a subordinate building situated upon the same lot as the main building the use of which is incidental to the main building.

ACCESSORY USE. An accessory use is a use subordinate and customarily incidental to the main use on a lot.

ALTERATIONS. Any change, addition, or modification in construction of any structure or building to the type of occupancy; and any change in the roof or supporting members of the building or structure, such as bearing walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed.”

ANIMAL. Animal shall mean dog, cat, bird, reptile, mammal, fish or any other non-human creature.

ASSISTED LIVING FACILITY - a residential facility for no less than twenty (20) non-transient, unrelated adults and typically provides 24-hour supervision, assistance, meals, and health care services in a home-like setting. Social and recreational services are often provided. (Amended 9/04)

AUTOMOBILE REPAIR - MAJOR. Any activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body, frame, or fender straightening and repair, overall painting and vehicle rust proofing.

AUTOMOBILE REPAIR - MINOR. Any activity involving minor repairs to motor vehicles and the incidental replacement of parts of such vehicles. A place where either gasoline or any other fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and applied directly into motor vehicles, including sale of accessories, greasing, oiling and minor automotive repair on the premises.

AUTOMOBILE WASH ESTABLISHMENT. A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

BASEMENT OR CELLAR. A portion of the building having more than one-half (1/2) of its height below grade. This portion of the building is considered a story.

BED AND BREAKFAST FACILITY. A bed and breakfast facility is an establishment where the resident owner of a private, single family, detached residential dwelling offers to provide within the dwelling, overnight lodging and breakfast for compensation, utilizing no more than eight (8) sleeping rooms. The use of any structure as a bed and breakfast facility shall be subordinate to the principal use of the structure.

BOARD OF ZONING APPEALS. The Village of Mackinaw City Board of Zoning Appeals, the members of which are the same as the Village Council members and which is authorized as a body to interpret, hear appeals, and grant variances only in accordance with the provisions of this Ordinance.

BOAT, COMMERCIAL. Any vessel used for the purpose of generating revenue, excepting vessels leased or chartered to others for non-revenue generating purposes. Also, any vessel such as, but not limited to a tugboat or freighter used for commercial purposes without regard to the carrying capacity.

BOAT, RECREATIONAL. Any vessel used by the owner or lessee thereof for a non-revenue generating purpose. Also, any vessel used primarily for commercial use or leased, rented, or chartered to another for the latter's non-commercial use. Commercial boats used by six (6) or fewer persons for recreational purposes shall be considered as recreational boats for the purpose of this Ordinance.

BUILDING OR STRUCTURE. A building is an edifice, framed or constructed and designed to stand more or less permanently and covering a space of land for use as a dwelling, store, storehouse, factory, sign, shelter or for some other useful purpose. Building or Structure in this sense includes a wall, fence, monument, parking area, landscape, board fence or similar structure, trailer, tent, or vehicle used as a dwelling; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services.

BUILDING, EXISTING. An “existing” building is any building actually constructed or the construction of which is started previous to the effective date of this Ordinance: Provided, that the construction of any such building continues uninterrupted and is completed within six (6) months from such date. Any building damaged by fire, collapse, or decay to the extent of its full-assessed value as of record at the time of damage shall not be considered an existing building.

BUILDING HEIGHT. Building height is the vertical distance from the average elevation of the curb to the highest point of the structure. In the case of a property fronting several streets, the owner shall designate the street in which the average curb elevation will be determined. Where no curb exists, curb elevation shall be identified as the average street elevation plus six (6) inches.

In no case shall any portion of the structure or any item attached to the structure (excluding antennas used solely by the resident for residential purposes) exceed the maximum permitted height as identified within this ordinance.

BUILDING INSPECTOR. The officer charged with the administration and enforcement of the building code, or his/her duly authorized representative.

BUILDING LINE. A line parallel to the front lot line, and which marks the location of the building.

BUILDING PERMIT. A permit signifying compliance with the provisions of this Ordinance as to use, activity, bulk and density, and with the requirements of all other development codes and ordinances currently in effect in the Village of Mackinaw City and Bureau of Construction Codes of Cheboygan County.

CAMPGROUND. A “campground” means any parcel or tract of land under the control of any person, upon which three or more occupied trailer coaches are harbored, or which offers to the public sites for camping by the use of tents, trailers, tent campers, or other vehicles or temporary living quarters, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of the land by trailer coaches or camping equipment.

CHURCH. A church is a building used principally for religious worship, but the word “church” shall not include or mean an undertaker’s chapel or funeral building.

CLINIC. A building or group of buildings where human patients are admitted, but not lodged overnight for examination and treatment by one (1) or more professional, such as a physician, dentist or the like.

CLUB, LODGE, OR FRATERNITY. An organization of persons for special purposes for the promulgation of sports, arts, science, literature, politics or the like, but not for profit, and without payment of dividends to members. Serving of meals and beverages to members and guests on an infrequent basis is part of the principal activity of a club, lodge, or fraternity. Serving of meals and beverages on a regularly scheduled basis to members and guests is an accessory use to a club, lodge, or fraternity.

CLUSTERED COMMERCIAL – This definition is for the purposes of assigning parking requirements only. All restrictions on use(s) are for purposes of determining eligibility to be considered as clustered commercial for assigning parking requirements only. Other uses not listed here or uses which exceed the ratio of gross floor area as set forth in this section may still be constructed if those uses meet all other requirements of this Zoning Ordinance and other ordinances of the Village of Mackinaw City without being permitted as part of the clustered commercial parking category.

Clustered Commercial is a commercial development located within one contiguous parcel which has a mix of uses which are primarily retail and meets all of the following requirements:

- A. Clustered commercial or shopping centers must be on parcels no smaller than three (3) acres.
- B. Uses which can be included in the clustered commercial category of parking requirements can include only the following: retail, restaurant, museum, tavern, video game arcade, and cinema.
- C. There must be a minimum of five (5) different businesses of the above-permitted uses only.
- D. The maximum distance between any two buildings within the clustered commercial development must be no greater than sixty (60) feet.
- E. The minimum floor area of any business shall be no smaller than five hundred (500) square feet.
- F. The maximum amount of restaurant space which can be included in the clustered commercial category for purposes of parking requirement assignment can not exceed twenty percent (20%) of the gross floor area of the entire development.
- G. Any uses other than those listed above which are permitted in the district and uses which exceed their allotted ratio of gross floor area must be assigned parking according to the parking requirements of that particular category in the parking requirements table.

(Amended 7/02)

CONDOMINIUM. Is the manner in which real property is owned. It is a combination of ownership in a fee simple of interior space plus an undivided ownership in common areas.

CONGREGATE SENIOR HOUSING – see Assisted Living Facility. (Amended 9/04)

CONSTRUCTION. The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction.

CONTINUING CARE RETIREMENT COMMUNITY – see Assisted Living Facility. (Amended 9/04)

CONVALESCENT OR NURSING HOME. A convalescent or nursing home is a home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders wherein seven (7) or more persons are cared for. Said home shall conform and qualify for license under State Law.

CURB LEVEL. (Grade) curb level or grade is the mean level of the established curb in front of the building. Where no curb has been established the Village Engineer shall establish such curb level for the purpose of these regulations.

CUSTOMER SERVICE FLOOR AREA

That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded from this computation of “Customer Service Floor Area”.

Measurement of customer service floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

DAY CARE FACILITY.

- A. Family Day Care Home is a private home where not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours per day.
- B. Group Day Care Home is a private home where more than six (6) but less than twelve (12) minor children are received for care and supervision for periods of less than 24 hours per day.

DRIVEWAY. The area between the street right-of-way and parking area that is utilized for the ingress and egress of vehicles to a lot or a lot servicing a condominium development.

DWELLING. A “dwelling” is any house, building, structure, shelter, or portion thereof, which is designed for, or occupied exclusively as the home, residence, living or sleeping space of one or more human beings, either permanently or transiently.

DWELLING, 1 – FAMILY. A “1-family dwelling” is a detached building designed for or occupied exclusively by one (1) family.

DWELLING, 2 – FAMILY. A “2-family dwelling” is a detached building designed for or occupied exclusively by two (2) families, living independently of each other.

DWELLING, MULTIPLE, CLASS 1. A “multiple class 1 dwelling” is a building used or designed as a more or less permanent residence for three (3) or more families living independently of each other, whether or not equipped with cooking facilities, including apartments, apartment hotels and the like.

DWELLING, MULTIPLE, CLASS 2. “Multiple class 2 dwellings” are dwellings which are occupied as a rule transiently, as the more or less temporary abiding place of individuals who are lodged with or without meals, and in which as a rule the rooms are occupied singly. This class includes hotels, bed and breakfast facilities, lodging houses, boarding houses, rooming houses, and all other dwellings similarly occupied whether specifically enumerated herein or not.
(Amended 9/05)

EMPLOYEE/BOARDING HOUSING. A housing unit for seasonal transient or permanent residency.

ERECTED. The word “erected” includes built, constructed, reconstructed, moved upon; and “erecting” includes any physical operations required for the building or structure on the premises where the building is being constructed, reconstructed, or moved. Excavating, filling, draining, and the like shall be considered a part of erecting.

ESSENTIAL SERVICES. “Essential Services” includes all publicly or privately owned utilities, such as electrical, gas, water, sewer, and communication generation, storage, distribution, collection, supply and disposal systems; municipal police, fire, and road maintenance services; the erection, maintenance, alteration and removal of the foregoing; and all personal property and fixtures including poles, wires, pipes and other accessories reasonably necessary for the furnishing of adequate service by such utility or municipal department.

ESSENTIAL PUBLIC SERVICES. The erection, construction, alteration or maintenance of municipal fire stations and garages, police stations and garages, city offices, post offices, and public works buildings, and such accessory structures as may be necessary in conjunction therewith, and the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions or underground or overhead telephone, cable television, gas, electrical, steam or water transmission, or distribution system, collection, communication, supply or disposal system (including towers, structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, electric substations, telephone substations, gas regulator stations and other similar equipment and accessories in connection therewith) reasonably necessary for the furnishing and adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.

FAMILY.

- A. An individual or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children and servants, together with not more than one additional unrelated person, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit.
- B. A collective number of individuals, not exceeding seven (7) in number, domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single, non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term, or work term, or terms of other similar determinable period.
- C. A family shall not include the leasing or renting of rooms to individuals for a fee as a commercial enterprise or venture where the occupancy is characterized by separate and individualized bathrooms, bedrooms, entrance-ways, or kitchens rather than a typical integrated living unit characterized by the sharing of all common facilities or living areas.

FENCE, PRIVACY. *See PRIVACY FENCE.*

FRONTAGE. The length of the lot line which borders a public road, street, highway, or alley.

GARAGE, AUTOMOTIVE COMMERCIAL. Any premises available to the public and used solely for the storage of automobile or motor-driven vehicles, for remuneration, hire, or sale, where any such vehicles or engines may also be serviced for operation, or repaired, rebuilt or reconstructed.

GARAGE, PRIVATE. A private garage is a building or other structure designed for the housing of automobiles and having capacity for not more than four (4) automobiles.

GARAGE, PUBLIC. A public garage is any building or premises, other than a gasoline filling station, used for the housing or care of more than four (4) automobiles, or where any such automobiles are equipped for operation, repaired or kept for remuneration, hire, or sale.

GASOLINE FILLING STATION. A gasoline filling station shall include gasoline filling stations which incorporate a convenience store in the business enterprise, gasoline filling stations which provide automobile repair services, and gasoline filling stations which incorporate any other business use.

GROSS FLOOR AREA. The sum of the gross horizontal areas of the several floors of the building be measured from the exterior walls or from the centerline of walls separating two (2) buildings. The “floor area” of a building shall also include the basement floor area. In addition any flat roof areas used for outdoor recreation will be counted as an additional story for height purposes. All other activities, which may occur on such roofs, must provide the necessary parking requirements as specified in Article IV, Section 4-109.

HAZARDOUS MATERIALS. Any materials that have been declared to be hazardous to any agency of the State of Michigan or of the United States, including but not limited to toxic materials and metal hydroxides.

HEIGHT, BUILDING OR STRUCTURE. *See BUILDING, HEIGHT.*

HOME FOR THE AGED – see Assisted Living Facility. (Amended 9/04)

HOME OCCUPATION. A home occupation is any occupation or profession carried on by one (1) or more members of a family, residing on the premises. (See special use requirements for Home Occupations, Sec. 23-103.)

HOTEL. A “hotel” is a multiple-dwelling of Class “2” in which persons are lodged for hire and in which there are more than twenty-five (25) sleeping rooms, and may have a public dining room and kitchen facilities for the accommodation of at least twenty-five (25) guests.

INDUSTRY. Any industry or warehousing operation that meets the performance standards of this ordinance; and which does not create excessive off-site noise or pollution and does not make excessive demands on public roads, water and sewage facilities or other community facilities.

INSTITUTIONAL USES. Churches, schools, hospitals, and other similar public or semi-public uses. This excludes nursing homes, convalescent homes, and adult foster care facilities.

JUNK YARD. Any land area including buildings thereon used primarily for the outdoor collecting, storage and abandonment of waste paper, rags, scrap metal or discarded materials which are for sale; or which is used for the outdoor collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition for the sale of parts thereof.

LABORATORY. A place devoted to experimental, routine study or basic study such as testing and analytical operations, and which manufacturing of product or products, except prototypes for testing market, is not performed.

LANDSCAPING. Landscaping shall be an area which is totally covered by grass, wood chips, trees, or vegetation. This shall not include areas covered completely by stones, pavement, or any impervious surfaces, not to include fountain drainage areas or other decorative landscaping. Further landscaping requirements exist for greenspace calculations in Section 4-114.

LOADING BERTH. An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking. A loading space is five hundred twenty-eight (528) square feet in area.

LOT. A plat, plot or parcel of land occupied or designed to be occupied by one (1) building and the accessory buildings or uses customarily incidental to it including such open spaces as are arranged and designed to be used in connection with such buildings. A lot may or may not be the land shown on a duly recorded plat. If more than one (1) lot of record is held in common ownership and said lots are contiguous, undeveloped and substandard in size to the minimum lot size in the zoning district they shall, for the purpose of this ordinance, be held as one (1) lot or as many lots as shall leave no lot substandard.

LOT AREA. Area of a lot bounded by lot lines.

LOT, CORNER. A lot whose lot lines form an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting on a curved street or streets shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than one hundred thirty-five (135) degrees.

LOT COVERAGE. The amount of a lot stated in terms of percentage that is covered by all roofed buildings and/or structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box-type and/or lathe roofs or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, swimming pools or parking area.

LOT LINE. A boundary line of a lot.

LOT LINE, FRONT. The exterior line or right-of-way of a road on which a lot fronts or abuts.

LOT LINE, REAR. Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line.

LOT LINE, SIDE. Any lot line not a front or rear lot line.

LOT OF RECORD. A lot which actually exists in a subdivision plat as shown on the records of the County Registrar of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH. The average distance between side lot lines measured at the building line, on a line parallel to the street and measured at right angles to the side lot lines.

MEZZANINE. An intermediate floor in any story occupying less than one-half (1/2) of the floor area of such story and where such story has a floor to ceiling distance of not more than twenty-four (24) feet. (See Diagram No.1 at the end of this article).

MOBILE HOME. A structure transportable in one (1) or more sections which is built on a chassis and designed to be used with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle (Act 419, Michigan P.A. of 1976). All mobile homes must conform to the U.S. Department of Housing and Urban Development's code for mobile homes. Mobile home includes a doublewide unit.

MOBILE HOME PARK. A parcel or tract of land, under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended or used incidental to the occupancy of a mobile home, and which is not intended for use as recreation vehicle trailer park (Act 419, Michigan P.A. of 1976).

MODULAR. A structure which meets the requirements of the Building Official and Code Administrators (B.O.C.A.) or local building and construction codes, and which is transported in one (1) or more sections on a removable chassis, and is designed to be used on a permanent foundation, when connected to the required utilities, such as plumbing, heating, and electrical systems. Pursuant to B.O.C.A., the characteristics of a modular are:

- A. A minimum three twelfths (3/12) pitched roof of heavy truss construction able to support a "dead-weight" of at least forty (40) pounds, and having roof shingling of five (5) inch exposure.
- B. A heavy deck flooring of wood on two (2) by eight (8) floor joists.
- C. A drain ventilation size of three (3) inches in diameter extending twelve (12) inches above the roof.
- D. Establishment on a poured wall or cement block and mortar foundation.

MOTEL, OR MOTOR HOTEL. A building or a series of attached, semi-detached, or detached rental units providing long term or transient lodging with motor vehicle parking in an area contiguous to the building. No kitchen or cooking facilities are to be provided without the approval by the Village Council with the exception of units for use of the Manager and/or Caretaker.

MOTOR HOME. A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

NON-CONFORMING LOT OF RECORD (SUBSTANDARD LOT). A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the minimum area requirements of the zoning district in which it is located.

NON-CONFORMING STRUCTURE. A structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area, height, bulk, placement requirements (Article XXII, Table 4) of the zoning district in which it is located.

NON-CONFORMING USE. A use lawfully existing in a building or on land at the effective date of this Ordinance, or affecting amendment, and which fails to conform to the use regulations of the zoning district in which it is located.

NUISANCE. The word “nuisance” shall be held to embrace public nuisance as shown at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is over-crowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, seweraged, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this Ordinance, nuisances and all such nuisances are hereby declared illegal.

OPEN AIR BUSINESS LANDSCAPE. The retail sale of trees, shrubbery, plants, flowers, seeds, humus, packaged fertilizers, trellises, lawn furniture, fences, playground equipment, and other home garden supplies and equipment conducted substantially in the open air. (Amd 6/16/11)

OPEN AIR BUSINESS VEHICLE SALES / RENTAL. The outdoor sale or rental of two or more motor vehicles, motorcycles, utility trucks or trailers, boats, motor homes, camping trailers, snowmobiles or construction equipment rental. (Amended 6/16/11)

OPEN AIR BUSINESS RECREATIONAL EQUIPMENT SALES / RENTAL. The outdoor sale or rental of two or more pieces of recreational equipment, including but not limited to bicycles, skate boards, in line skates, jet skis, personal water crafts, segways or any similar recreation equipment. (Amended 6/16/11)

OPEN AIR BUSINESS RECREATION / AMUSEMENT. An outdoor recreation or amusement area, including but not limited to tennis courts, baseball fields, field hockey, soccer fields, batting cages, skating rink, miniature golf course, driving range not affiliated with a golf course, outdoor game area, go-kart track, amusement park, water park, zip line and/or similar recreation/amusement use. (Amended 6/16/11)

OPEN AIR USE AREA. The perimeter immediately surrounding an open air business. (Amended 6/16/11)

PARCEL. A lot described by metes and bounds or described in a recorded plat.

PARKING AREA, OFF STREET. A land surface or facility providing vehicular parking spaces off of a street along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three (3) or more automobiles or trucks.

PLANNING COMMISSION. The “Planning Commission” shall mean the Village of Mackinaw City Planning Commission and shall have all powers granted under authority of the Zoning Act, as amended, and as provided in this Ordinance.

PRINCIPLE USE. The main use to which the premises are devoted and the main purpose for which the premises exist.

PRIVACY FENCE. A fence which blocks visibility for more than four (4) inches of every one (1) foot of the length of the fence.

PUBLIC UTILITY. A public utility is any person, firm, corporation, municipal department or board duly authorized to furnish or furnishing under regulation, to the public, electricity, gas, steam, communication, transportation, drainage or water.

RECONSTRUCTION. *See ALTERATIONS.*

RECREATIONAL VEHICLE. A vehicle primarily designed as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle, (Act 419, Michigan P.A. of 1976, as amended).

REPAIRS. Repairs are the rebuilding or renewal of a part of an existing building for the purpose of maintaining its original type and classification.

RESEARCH AND DEVELOPMENT FACILITY. A research and development facility is any facility that is involved in the inquiry, examination, investigation or experimentation aimed at the discovery and/or interpretation of facts, revision of accepted theories or laws in the light of new facts, or practical application of such new or revised theories of laws and the development thereof. Development may include a limited number of test units of a given product resulting from such research and shall include limited production while a product is being test-marketed which is the interim step between full research and development and ultimate full scale production.

RESTAURANT, BAR/LOUNGE/TAVERN. A structure or part of a structure designed, maintained, and operated primarily for the dispensing of alcoholic beverages. The selling of food and snacks may also be permitted. If the bar/lounge/tavern is part of a larger dining facility, it shall be defined as that part of the structure so designated and/or operated.

RESTAURANT, CARRY-OUT. A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:

- A. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
- B. The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.

RESTAURANT, DRIVE-IN. A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:

- A. Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means which eliminates the need for the customer to exit the motor vehicles.
- B. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.

RESTAURANT, FAST-FOOD. A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or carry-out with consumption off the premises, and whose design or principal method of operation includes both the following characteristics:

- A. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.
- B. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.
- C. Outdoor seating provided for the consumption of foods, frozen desserts, or beverages is permitted and shall be located in a clearly defined area that is included in calculations for gross floor area, customer service area, and for vehicle parking requirements. Outdoor seating shall not be located in any of the required setbacks. (Amended 9/05)

RESTAURANT, STANDARD. A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one (1) or both of the following characteristics:

- A. Customers, normally provided with an individual menu, are served their foods, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- B. A cafeteria-type operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.
- C. Outdoor seating at tables on the premises is permitted and shall be provided in a clearly defined area that is included in gross floor area calculations, customer service area, and for vehicle parking requirements. Outdoor seating shall not be located in any of the required setbacks. (Amended 9/05)

ROAD OR STREET, PRIVATE. An irrevocable easement running with the land to one (1) or more owners of adjacent properties which provides access to those adjacent properties and which is not dedicated for general public use.

ROAD OR STREET, PUBLIC. Any public right-of-way which provides vehicular access to adjacent properties.

SET BACK. Set back is the minimum horizontal distance between the front, back and side lot lines of a building, excluding steps or handicap ramps to the right-of-way.

SHED. A shed is a lightly constructed one (1) or two (2) story building for temporary use during the erection of a permanent building; or a light one (1) story structure attached to, or auxiliary to another building and intended for storage only.

SIGN. The term “sign” shall mean and include every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee sign, awning sign, freestanding sign, hanging sign, changeable letter sign, street sign or clock. It shall include any words, numerals, figures, trademarks, or similar devices, such as are used to indicate an individual firm, commodity, product, profession or business which are visible from any street and used as an outdoor display.

SPECIAL USE PERMIT. A permit for a use that would not be appropriate generally or without restriction throughout the zoning district; but which, if controlled as to the number, area, location or relation to the Village, would not adversely affect the public health, safety, order, comfort, convenience, appearance, prosperity, and general welfare. Such uses shall be permitted when the specific review criteria provided in this Ordinance for them are met.

STORY. The portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it (see Diagram 1 at the end of this Article).

STREET. See *ROAD or STREET.*

STREET, PRIVATE. See *ROAD or STREET, PRIVATE.*

STREET, PUBLIC. See *ROAD or STREET, PUBLIC.*

STRUCTURAL CHANGES OR ALTERATIONS. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial change in the roof.

STRUCTURE. See *BUILDING.*

SUBSTANTIAL CONSTRUCTION. Construction which has completed all foundations, exterior finishes, roofing, and planting of all landscaping elements as indicated on the approved site plan and/or zoning permit.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either 1) before the improvement or repair is started, or 2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling,

floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either 1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or 2) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

SWIMMING POOL. Any structure or container, either above or below grade, located either in part or wholly outside a permanently enclosed and roofed building, designed to hold water to a depth of greater than twelve (12) inches when filled to capacity, intended for immersion of the human body, whether for swimming or wading or both.

TEMPORARY BUILDING OR USE. A structure or use permitted by the Village to exist during periods of construction of the main use or for special events, not to exceed six (6) months. Two (2) extension periods of six (6) months each are allowed.

TOURIST HOMES. A building other than a hotel, motel, rooming house, bed and breakfast where temporary lodging is provided and offered to the public for compensation for not more than seven (7) individuals and open to transient guests. [Amended 11/21/2002]

TOWNHOUSES. A row of three (3) or more attached one-family dwellings, not more than two and one-half (2 1/2) stories in height and for which there is a rear and front entrance to each dwelling. Townhouse shall not be used as a synonym for the term “condominium” which refers to how property or space is owned rather than for a particular housing style.

TRAILER. The term “trailer” includes any trailer coach, motor home, tent camper, demountable camper, or unit designed as a vacation unit for short-term seasonal occupancy, which measures nine (9) feet or less in width, and thirty-five (35) feet or less in length, which is designed to be operated on highways, which is in good running condition and which complies with all requirements of state law for licensing of such vehicles.

TRANSIENT DWELLING UNIT. A dwelling unit will be deemed on a transient basis if, on more than one-half (1/2) of the days in which the unit is occupied on a rental basis during the year, it is occupied by tenant or series of tenants each of whom occupies the unit for less than thirty (30) days. Thus, even units which are rented on a tenancy at will basis may be considered non-transient dwelling units if the tenant in fact remains for less than thirty (30) days. If the dwelling unit is occupied subject to a sublease for any portion of the taxable year, the determination of whether the unit is occupied on a transient basis will be made with respect to the sublessee who occupies the unit and not with respect to the lessee.

TRANSIENT MERCHANT. Transient merchant as used in this Ordinance shall mean any person, firm or corporation engaging temporarily in the retail sale of goods, wares or merchandise, including dealers in prepared foods at any place within the Village of Mackinaw City and who, for purposes of conducting such business, occupies any lot, building, room or structure of any kind. For purposes of this Ordinance, each person, firm or corporation engaged in the retail sale of goods, wares or merchandise including dealers in prepared foods in the Village shall be considered as engaging temporarily in the retail sale thereof until the personal

property or inventory or both used for the retail sale by such a person, firm or corporation has been assessed for taxes in the Village and the Village tax is actually paid thereon.

UNNECESSARY HARDSHIP. A situation whereby a property owner, due to conditions of a lot or parcel cannot use the lot or parcel for any legal use allowed by this Zoning Code within the district in which the lot is located. Situations occurring due to the owner's desire to establish an alternate use, when allowed use options are available or due to situations created by an owner subsequent to the enactment of this chapter shall not be deemed an unnecessary hardship.

VARIANCE. A varying or relaxation of the standards of the zoning ordinance by the Board of Zoning Appeals; and where such variances will not be contrary to the public interest; and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in practical difficulty.

VILLAGE. The "Village" shall mean the Village of Mackinaw City, a municipal corporation of the State of Michigan.

WTG. Shall be the approved form of abbreviation of "Wind Turbine Generator." WTG shall mean a combination of:

- A. A surface area, either variable or fixed, for utilizing the wind for electrical power.
- B. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device.
- C. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy.
- D. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

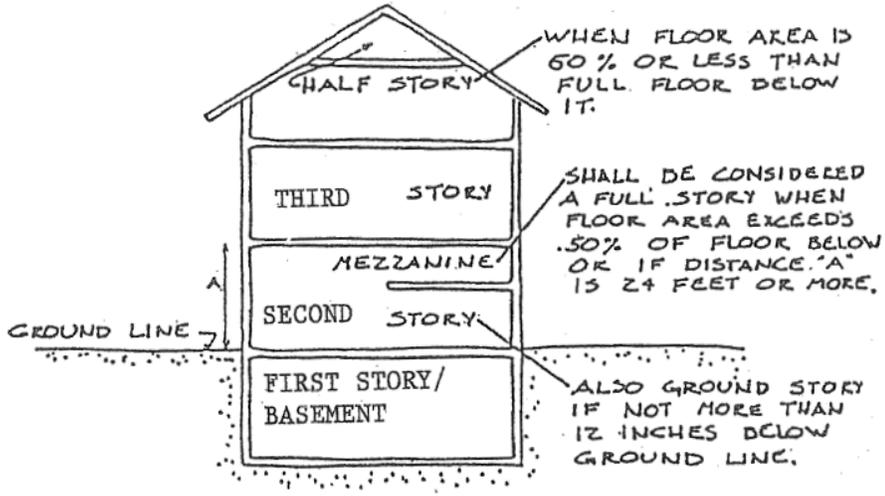
YARD. A yard is an open space, unoccupied and unobstructed from the ground upwards, except as otherwise provided herein, and on the same lot with a building. The measurement of a yard shall be the minimum horizontal distance between the lot line and the building or structure.

- A. **Required Yard.** That portion of any lot on which the erection of a main building is prohibited.
- B. **Front Yard.** A yard on the same lot with a building between the front line of the building and the front lot line and extending from one side lot line to the other side lot line. (For waterfront properties also see Sections 5-101E1 and 22-102H.)
- C. **Rear Yard.** A yard on the same lot with a building between the rear line of the building and the rear lot line and extending from one side lot line to the other side lot line.
- D. **Side Yard.** A yard on the same lot with a building between the side lot line and the nearest sideline of the building and extending from the rear yard to the front yard.

ZONING ADMINISTRATOR. The person appointed by the Village charged with the responsibility of administering and enforcing this Ordinance.

DIAGRAM NO. 1

STRUCTURAL TERMINOLOGY



—STRUCTURAL TERMINOLOGY—

(Rev. 4/99)

DIAGRAM NO. 2

TYPES OF LOTS

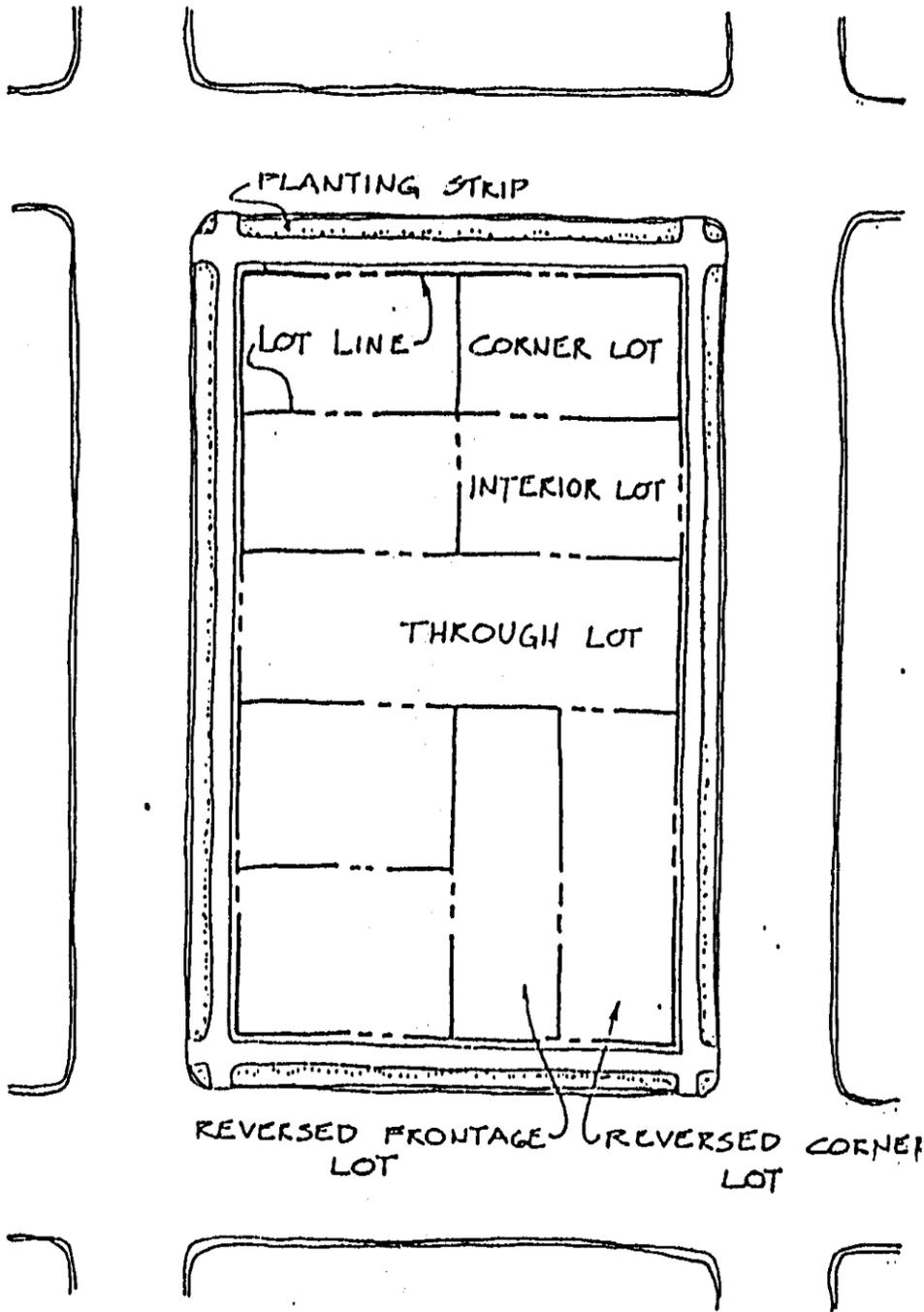
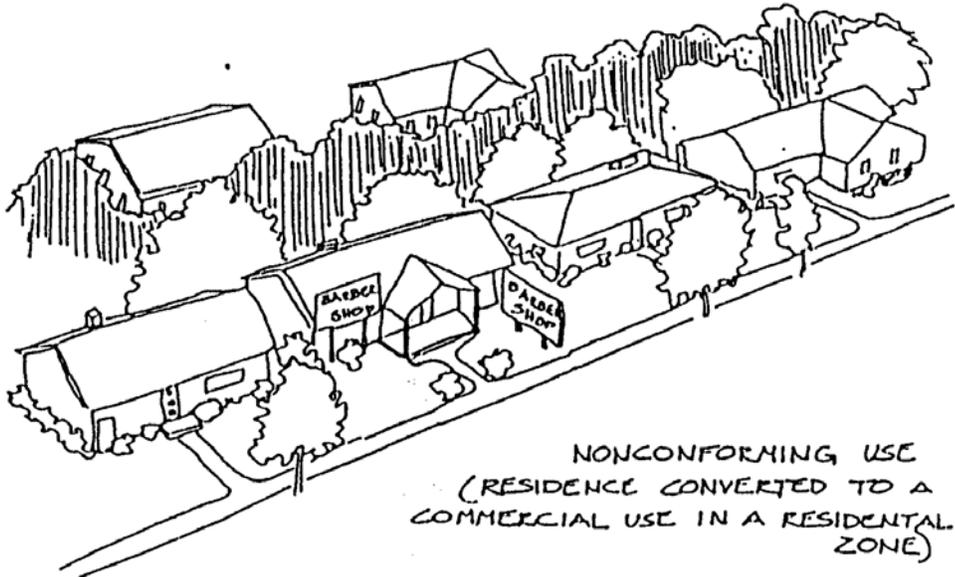
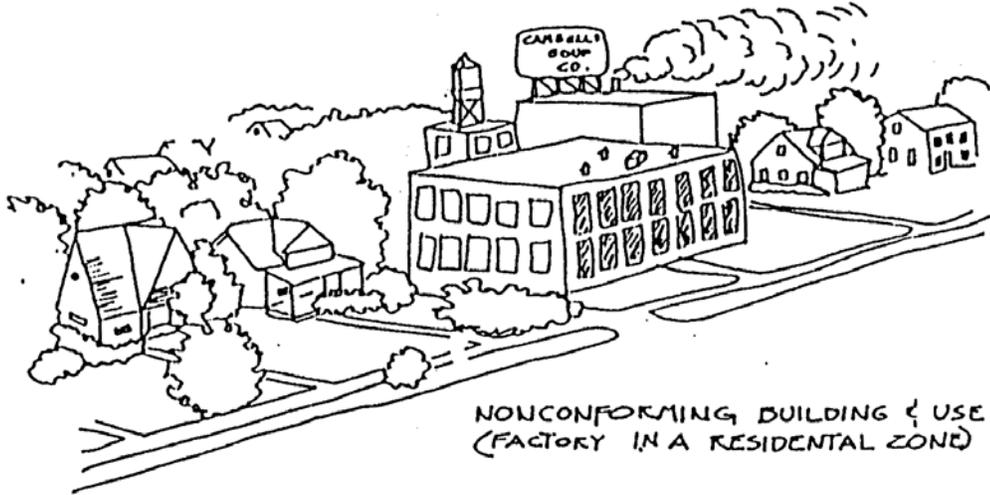


DIAGRAM NO. 3

NON-CONFORMING STRUCTURES & USE



NONCONFORMING USE

WILKINS & WHEATON ENGINEERS/PLANNERS

DIAGRAM NO. 4

LOT TERMINOLOGY

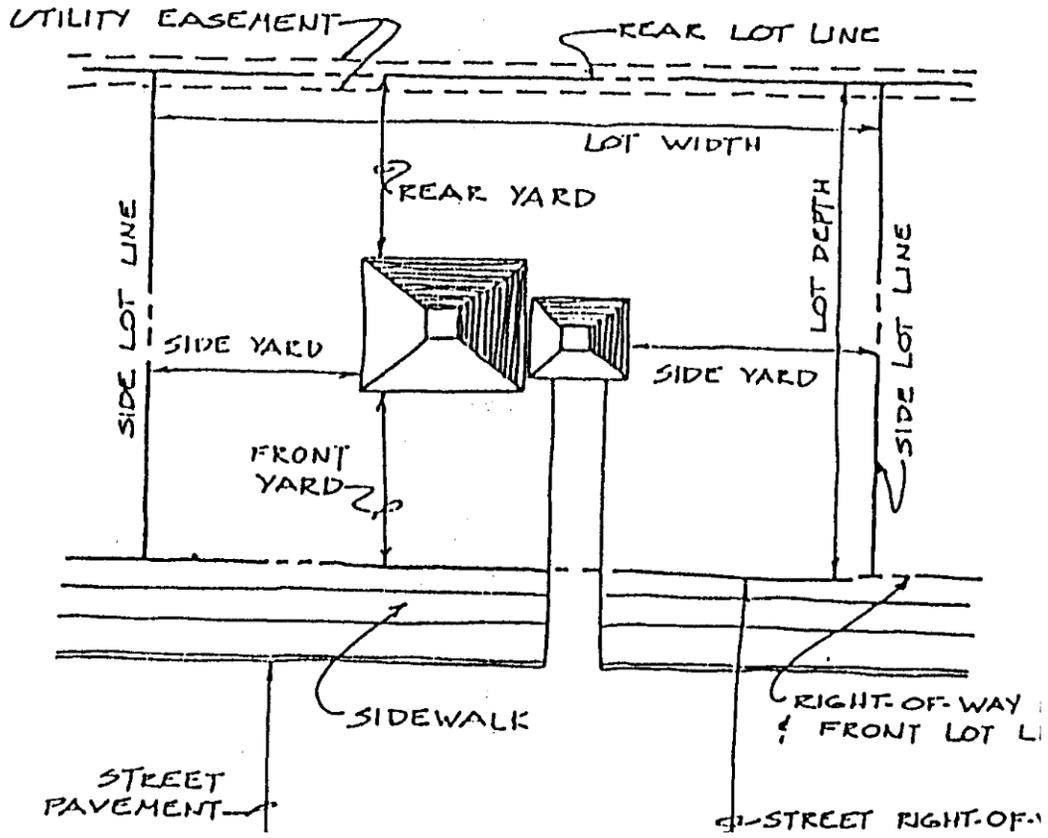
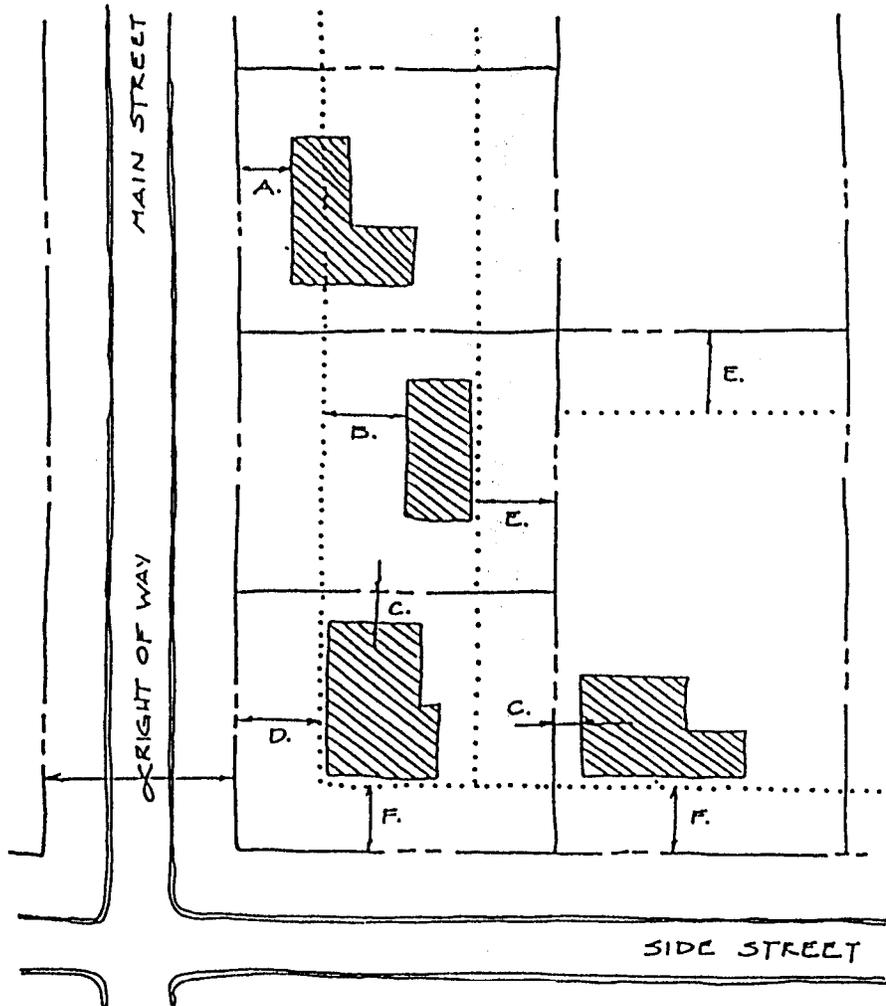


DIAGRAM NO. 5

YARD REQUIREMENTS



- | | |
|-----------------------------|-----------------------------|
| A. DEFICIENT FRONT YARD | REQ'D, ALSO BUILDING |
| B. FRONT YARD IN EXCESS OF | SETBACK LINE. |
| MINIMUM FRONT YARD REQ'D. | E. MINIMUM REAR YARD REQ'D. |
| C. MINIMUM SIDE YARD REQ'D. | F. MINIMUM YARD REQ'D ON |
| D. MINIMUM FRONT YARD | SIDE STREET WITH HOME |
| | FRONTAGE. |

YARD REQUIREMENTS

WILKINS & WHEATON ENGINEERS/PLANNERS

ARTICLE III. ESTABLISHMENT OF DISTRICTS

Sec. 3-101 ESTABLISHMENT OF DISTRICTS.

The Village of Mackinaw City is hereby divided into the following districts:

TABLE NO. 1

R1	Residential District
R2	Residential District – Low Density
R3	Residential District
R4	Residential District
RM	Residential District
RMH	Mobile Home Park District
B1	Business District
B2	Waterfront Business District
B3	General Commercial District
B4	Historic Business District
AG	Agricultural District
MR	Manufacturing Research District
MRS	Manufacturing Research Signage District
CR	Conservation Recreation District
M	Municipal District
BC	Business Central District
MC	Marina Commercial District

Sec. 3-102 ZONING MAP.

The areas and boundaries of such districts noted in Section 3-101 are hereby established to scale as shown on a map entitled, **Zoning Map of the Village of Mackinaw City**, and referred to herein as the “Zoning Map.” Said Zoning Map, together with everything shown thereon, is hereby adopted by reference and declared to be a part of the Ordinance.

Regardless of the existence of copies of the zoning map which may be made or published, the official Zoning Map shall be located at the Village Hall and shall be the final authority as to the current zoning status in the Village. No amendment to this Ordinance, which involves a change of a mapped zoning district, shall become effective until such change and entry has been made on the official Zoning Map. The official Zoning Map shall be identified by the signature of the Village President, and attested by the Village Clerk.

Reserved for Zoning Map

Sec. 3-103 INTERPRETATION OF DISTRICT BOUNDARIES.

When uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerline.
- B. Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
- C. Boundaries indicated as approximately following Village boundaries shall be construed to follow Village boundaries.
- D. Boundaries indicated as approximately following property lines, section lines or other lines of a survey shall be construed to follow such chartered lines as of the effective date of this Ordinance, or affecting amendment.
- E. Boundaries indicated as following State Trail lines shall be construed to follow centerline of the State Trail right-of-way.
- F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through F above, the Zoning Administrator shall interpret the district boundaries. Upon appeal, the Board of Zoning Appeals reserves the right to over-ride the interpretation of the Zoning Administrator.

ARTICLE IV. GENERAL REGULATIONS

Sec. 4-101 EFFECTS OF ZONING.

Zoning affects every structure and use. Except as hereinafter specified, no building, structure or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except when in conformity with the regulations herein specified for the zoning district in which it is located.

In case any building or part thereof is issued, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.

If construction on a building is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such building provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within one (1) year from the effective date of this Ordinance, or affecting amendment.

In no case shall any building, structure, sign or site, amenity (i.e. light poles, planter box, flag pole, site furniture, etc.) be allowed to be placed over, under, into or on any public street right-of-way within the corporate limits of the Village of Mackinaw City. Any item that violates this provision will be declared a nuisance and will be required to be vacated, torn down or abated by any legal means and shall not be used or occupied until it has been brought into conformance.

Sec. 4-102 APPLICATION OF REGULATIONS.

The regulations set by this ordinance throughout the Village and within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure, land or use.

- A. All buildings, structures or land may hereafter be used, constructed, altered or occupied, only when in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be altered:
 1. To accommodate or house a greater number of persons or families than permitted by the Zoning District.
 2. To have narrower or smaller rear yards, front yards, or other side yards, other than permitted.
 3. No yard or lot existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Sec. 4-103 SCHEDULE OF DISTRICT REGULATIONS.

Regulations affecting the arrangement of buildings, materials and equipment occupying such land for each of the districts are hereby established as set forth in the **Schedule of Regulations, Article XXII – Table 4.**

Sec. 4-104 BUILDING PERMIT REQUIRED - CONFORMANCE TO ZONING.

In accordance with other Village codes, ordinances and regulations duly adopted by the Village Council, and in accordance with this ordinance, no building shall hereafter be erected, relocated or altered in its exterior or interior dimension or use, and no excavation for any building shall be begun until a building permit has been issued. With respect to this Zoning Ordinance, eligibility for a permit shall be established upon conformance with the provisions contained herein. This shall apply to all new construction and all improvements to existing structures. In the case of detached accessory buildings and structures, a permit is required.

Sec. 4-104 (A) PERMITS AFTER THE FACT.

Any building erected, relocated or altered in its exterior or interior dimension or use, or any construction which requires a permit from the Village which begins without first obtaining the required permit may be issued that permit (and all permits necessary for approval), but this permit (and possibly others) will be considered a permit after-the-fact. An after-the-fact permit form is the same as a standard permit form, but the fee is double the cost of the standard permit fee. This fee doubling applies to all permits and applications necessary for approval of the project. The permits and applications regulated in the zoning ordinance which can be filed as after-the-fact permits include but are not limited to zoning permits, site plans, variances, rezoning, and special use permits. This fee doubling will not apply to the Capital Connection Fees for any water or sewer connections made. Additional engineering may be requested by Village Staff and will be paid in full by the applicant.

The payment of after-the-fact permit fees and approval of an after-the-fact permit does not constitute a remedy for any citation or court action involving such a project. Citations for violating Village Ordinances may also be issued for any project which does not abide by Village Ordinances.

(Amended 12/05)

Sec. 4-105 CERTIFICATE OF OCCUPANCY REQUIRED.

No new principal building or dwelling subject to the provisions of this Ordinance shall be occupied, inhabited or used until a **Certificate of Occupancy** is issued by the Zoning Administrator.

Sec. 4-106 STRUCTURES.

- A. **Restoring Unsafe Buildings.** Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector or the County Health Department. A building or structure condemned by the building official may be restored to safe condition provided change of use or occupancy is not contemplated nor compelled by reason of such reconstruction or restoration; except that if the damage or cost of reconstruction or restoration is equal to or in excess of its State

Equalized value, exclusive of foundations, such structure shall be made to comply in all respects with the requirements for materials and methods of construction of structures hereafter erected.

- B. **Structure to Have Access.** Every principal structure hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be located on lots as to provide safe and convenient access for servicing fire protection, and required off-street parking.
- C. **One Single-Family Structure Per Lot.** No single family detached residential structure shall be erected upon a lot with another single family detached residential structure. In addition, every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined.
- D. **Accessory Building.** (Amended 9/05) No accessory building shall be erected in any required front yard, and no separate accessory building shall be erected on any property line.
 - 1. No accessory building will be permitted to be erected on a lot which does not have a primary building on it. However, in the event that an adjacent lot is owned by the same individual who owns a lot containing a primary building, an exception will be allowed. The adjacent lot which does not contain a primary building but contains an accessory building can not be sold as an individual lot without concurrent provisions for construction of a primary building in accordance with the zoning district of the lot.

Sec. 4-107 REQUIREMENTS FOR ALL DWELLING UNITS OUTSIDE OF MOBILE HOME PARKS.

- A. There shall be a foundation of material approved under the local building code around the entire exterior perimeter of all dwellings or additions thereto. Said foundation shall have a minimum depth of forty-two (42) inches below grade and shall provide a maximum exposed foundation above grade of sixteen (16) inches and a minimum exposed foundation above grade of eight (8) inches.
- B. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling four (4) feet in depth with a vapor barrier consisting of two (2) inches of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The building inspector may allow an alternative building plan to be utilized if consistent with the approved construction code.
- C. All dwelling units shall provide a minimum height between the floor and ceiling of seven and one-half (7 1/2) feet.
- D. All dwelling units shall provide storage areas (either within a basement or in an attic, or in a separate, fully enclosed structure) of not less than fifteen (15) percent of the living area of the dwelling unit, exclusive of storage space for automobiles. Said storage areas shall not be counted in determining whether the dwelling unit complies with the minimum floor area requirements of this Ordinance.

- E. The minimum width of any dwelling unit shall be twenty-two (22) feet for at least seventy five (75%) percent of its length.
- F. All dwelling units shall provide a minimum of two (2) separate points of ingress and egress.
- G. All dwelling units shall provide steps or porch areas, permanently attached to the foundation, where there exists an elevation differential of more than one (1) foot between a door and the surrounding grade.
- H. All dwelling units shall be connected to a sanitary sewer system and water supply system approved by the Village or applicable County Health Department.

Sec. 4-108 LOTS.

- A. **New Lots to Be Buildable.** All newly created lots shall have buildable area. The **net** buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land.
- B. **Minimum Lot Size.** No new lots shall be created which do not meet the minimum lot size regulations of this Ordinance.
- C. **Corner Lots.** On a corner lot, each lot line, which abuts a street, shall be deemed to be a front lot line, and the required yard along both lot frontages shall be a required front yard and therefore must meet the district's front yard setbacks. The owner shall elect, and so designate in the application for permit, which of the remaining two (2) required yards shall be the required side yard and which the required rear yard. Corner lots within the R1, R2, R3 and R4 zoning districts will have one (1) front yard, one (1) rear yard and two (2) side yards and shall be required to meet the district setbacks as indicated within this ordinance. The property owner shall elect and designate the lot's yard configuration at the time of application for permit.
- D. **Lot Division.** The division of a lot as a recorded plat in the Village is prohibited, unless approved following application to the Village Council. The application for lot division shall be filed with the Zoning Administrator and shall state the reasons for the proposed division. The Zoning Administrator shall forward the application and supporting data to the Planning Commission. The Planning Commission shall review the proposed lot division as presented in the application. The Planning Commission shall make recommendations to the Village Council. The Planning Commission shall forward the application and supporting data and recommendation of the Planning Commission to the Village Council. No permit shall be issued, or any building construction commenced, prior to the Village Council's approval of the lot division. No lot in a recorded plat shall be divided into more than four (4) parts and the resulting lot shall not be less in area than permitted by the Zoning Code for the district in which it is located. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and be in affidavit form.

Sec. 4-109 OFF-STREET PARKING AND LOADING.

All buildings located in the Village shall provide off-street parking adequate for the use intended.

The dimension of off-street parking spaces shall be in accordance with the following minimum dimensions (See Table No. 2, following):

TABLE NO. 2

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0° (Parallel parking)	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
30° to 53° (diagonal)	13 ft.	9 ft.	20 ft.	33 ft.	53 ft.
54° to 74° (diagonal)	18 ft.	9 ft.	21 ft.	39 ft.	60 ft.
75° to 90° (diagonal)	25 ft.	9 ft.	18 ft.	43 ft.	61 ft.

- A. **Residential Off-Street Parking.** Parking in residential zones is only permitted as an accessory use or as a transitional use and in no case is it intended that parking or access drives to parking be permitted as a principal use of any residentially zoned lot.

- B. **Non-Residential Off-Street Parking.** Except in parking exempt areas, provisions shall be made for off-street parking for all non-residential buildings or additions to such buildings in all districts. The conversion of an existing residence to any other use shall be deemed to be a new use, which must meet all provisions of this Ordinance.

- C. **Alleyways as Maneuvering Space.** Alleyways, which adjoin off-street parking areas, can be included in measurements made for the required maneuvering space.

- D. **Mixed Occupancies and Uses Not Specified.** In the case of mixed uses, the total requirements for off-street parking areas shall be the sum of the requirements of the various uses computed separately. Collective provision for off-street parking spaces shall not be less than the sum of the requirements for the various uses computed separately. Parking areas for churches, theaters or other uses in which the primary parking demand occurs out of normal store operation hours may be jointly used as shared parking where adequate arrangements are made to ensure that the space is available for each function. Shared parking arrangements must be reviewed by Planning Commission and approved by Village Council.

- E. **Location of Off-Street Parking Facilities.** Off-street parking facilities shall be located as hereafter specified; where a distance is specified it shall be the distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve, as follows:
1. For all residential buildings and for all non-residential buildings in residential zones, required parking shall be provided on the same plot with the building.
 2. For commercial and all non-residential uses in commercial zones, required parking shall be provided on site. Parking spaces to serve a building with any commercial use(s) shall be located no further than three hundred (300) feet from the nearest public entrance of that building.
- F. **Parking Areas in Commercial, Office, and Industrial Districts.** Every parcel of land hereafter established as a public or private parking area in any commercial or industrial district or hereafter enlarged or altered shall be developed and maintained in accordance with the following requirements:
1. Off-street parking area shall be effectively screened on any side which adjoins or faces premises situated in any residential use, zone district or institutional premises, by a screening or evergreen hedge or other material approved by the Planning Commission. Screening provisions in Section 4-115 shall control.
 2. Every such off-street parking area shall be surfaced in accordance with Section 4-109L. The required surfacing must be completed prior to occupancy of any structure.
 3. **Paving Extension.** If landscaping and paving cannot be completed due to weather or time of year, an agreement in the form of a paving extension request, specifying the completion date, shall be signed by the developer, reviewed by Planning Commission, and approved by Village Council. Approval of a paving/landscaping extension request must be made before occupancy of any structure. Paving extension shall be granted for no more than one (1) year, except in the case of drives which empty onto an unpaved public roadway. In such cases, paving extensions may be granted until the adjacent public road is paved. Only one (1) paving extension shall be granted for any building project except campground/travel trailer park uses.
 - a. Campgrounds and travel trailer parks may reapply each year for a paving extension if they provide adequate dust and mud control to eliminate adverse effects on neighboring properties and public roads.
 - b. The approval process for campgrounds and travel trailer parks shall be the same as all paving extension requests.
 4. Required parking spaces must be maintained for the duration of the use requiring the spaces. Required parking spaces may not be used for the storage of equipment, the storage or display of goods, or the storage or repair of inoperable vehicles. Required spaces shall be used exclusively for the temporary parking of passenger vehicles or light

trucks and must be available at all times for the use of residents, customers, and employees of the use requiring the parking spaces.

5. Any lighting in connection with off-street parking shall be so arranged as to reflect the light away from all adjoining residential buildings, zones and streets. Lighting provisions of Section 4-115 shall control.
6. The off-street parking area shall be subject to the approval of the Planning Commission and Village Council through standard Site Plan Review requirements as stated within this Ordinance.
7. All Designated storage areas including garage areas shall be required to provide parking as specified for the primary use.

G. Parking Areas in Residential Zones. No Commercial parking is allowed in any residential zone.

H. Parking and Storage of Unlicensed Vehicles. Automotive vehicles of any kind or type without current license plates shall not be stored within the required yard on any residentially zoned property, unless within an enclosed building.

I. Table of Parking Requirements. The amount of required off-street parking space for new uses or buildings, additions thereto, and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the space so required shall be stated in the application for a permit and shall be irrevocably reserved for such use and/or shall comply with the initial part of this section. If more than one (1) use exists in any business operation, the required parking spaces shall be the sum of the parking spaces required for each use.

All structures in the B-4 district, except those structures or portions thereof which are used for private residence, are exempt from off-street parking requirements. Any existing off-street parking must not be removed and is subject to Article IV, Sec. 4-109 OFF-STREET PARKING AND LOADING, Section O.

J. Required Off-Street Loading Berths. In all districts every building, or part thereof, hereafter erected, which is to be occupied by manufacturing, storage, warehouse, group of stores, or other use similarly requiring the receipt of distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such buildings, in addition to all other parking requirements, off-street loading spaces in relation to floor area as follows:

5,000 to 20,000 square feet - -1 space

20,001 to 50,000 square feet - - 2 spaces

50,001 to 100,000 square feet - - 3 spaces

One (1) additional space for each additional one hundred thousand (100,000) square feet or part thereof, provided that:

1. Each loading space shall be at least twelve (12) feet in width, forty-four (44) feet in length, and have a clearance of fourteen (14) feet above grade.
2. Such space may occupy all or any part of any required yard or court space, except the front yard.

TABLE NO. 3

PARKING REQUIREMENTS

No	TYPE	USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
1.	Residential	One-Family and Two-Family	Two (2) spaces for each dwelling unit
2.	Residential	Multiple-Family	Two (2) spaces for each dwelling unit
3.	Residential	Trailer Park and Mobile Home Courts	Two (2) spaces for each trailer or mobile home site, and one (1) space for each employee of the trailer or mobile home court
4.	Residential	Bed and Breakfast Facility	One (1) space for each sleeping unit
5.	Residential	Senior Citizens Apartments	Three-quarter (3/4) space for each unit when mass transit is provided, one (1) space for each unit when not provided
6.	Residential	Employee / Boarding Housing	One (1) space for every three hundred (300) sq. ft. of gross floor area
7.	Institutional	Churches, Temples or Synagogues	One (1) space for each three (3) seats, maximum seating capacity in the main unit of worship, or one (1) space for each thirty-five (35) sq. ft. of gross floor area
8.	Institutional	Hospitals	One (1) space per six hundred (600) sq. ft. of gross floor space
9.	Institutional	Sanitariums, Convents, Children's Homes	One (1) space per six hundred (600) sq. ft. of gross floor space
10.	Institutional	Adult Foster Care Facilities	One-half (1/2) space per bed, plus one (1) space for each employee
11.	Institutional	Public or Private Elementary and Junior High Schools	One (1) space for each classroom, plus one (1) space for each five (5) fixed seats of any area used for auditorium purposes for each thirty-five (35) sq. ft. of seating area where there are no fixed seats
12.	Institutional	Senior High Schools	One (1) space for each classroom and each other room used by students, plus one (1) space for each ten (10) full-time students in addition to the requirements for auditorium (see No. 17)
13.	Institutional	Private Clubs or Lodge Halls	One (1) space for each three (3) persons allowed within the maximum occupancy load as established by Local, County, or State Fire, Building or Health Codes
14.	Institutional	Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Racquetball Clubs	One (1) space for each two (2) member families or individuals

15.	Institutional	Golf Course Open to the General Public, Except Miniature or "Par 3" Courses	Six (6) spaces for each one (1) golf hole and one (1) space for each employee
16.	Institutional	Stadium, Sport Arena, or Similar Place of Outdoor Assembly	One (1) space for each three (3) seats or ten (10) feet of bench
17.	Institutional	Theaters and Auditoriums (Indoor)	One (1) space for each four (4) seats, plus one (1) space for each two (2) employees
18.	Institutional	Libraries, Museums, and Non-Commercial Art Galleries	One (1) space for each four hundred (400) sq. ft. of gross floor area
19.	Institutional	Day-Care, Pre-School and Nursery Schools	One (1) space for each staff member, plus one (1) space for every five (5) children, or one (1) space for every ten (10) children if adequate drop-off facilities are provided
	Institutional	Assisted Living Facility, Convalescent Home	0.75 spaces for each residential unit based on maximum occupancy (Amended 9/04)
	Institutional	Medical Office Space which serves both residents of an assisted living facility or senior housing or continuing care retirement community <i>and</i> the general public. Does not include medical office space which only serves the general public.	One (1) space per 300 square feet of gross floor area for the first 1600 square feet of medical office space. Any space over 1600 square feet would have parking assessed at the Medical Clinic rate. (amended 9/04)
20.	Business and Commercial	Gasoline Filling Stations As Defined in Section 2-102	Two (2) spaces for each lubrication stall, rack, pit or pump, plus one (1) space for every two hundred (200) sq. ft. of gross floor area devoted to retail sales, plus one (1) space for each employee
21.	Business and Commercial	Auto wash, Auto Reconditioning, Auto Cleaning (interior/exterior)	One (1) space for each one (1) employee, plus one (1) space for each two hundred fifty (250) sq. ft. of gross floor area devoted to reconditioning or cleaning
22.	Business and Commercial	Beauty Parlor or Barber Shop	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair
23.	Business and Commercial	Bowling Alleys	Five (5) spaces for each one (1) bowling lane
24.	Business and Commercial	Dance Halls, Pool or Billiard Parlors, Roller or Ice Rinks, Exhibition Halls and Assembly Halls without Fixed Assets	One (1) space for each three (3) seats, or one (1) space for each four hundred (400) sq. ft. of gross floor area
25.	Business and Commercial	Drive-in Establishments	One (1) space for each forty (40) feet of gross floor area, with a minimum of twenty-five (25) parking spaces

26.	Business and Commercial	Establishments for Sale and Consumption on the Premises of Beverages, Food or Refreshments	One (1) space for each one hundred (100) sq. ft. of gross floor area
27.	Business and Commercial	Furniture and Appliance, Household Equipment, Repair Shop, Showroom or a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and Other Similar Uses	One (1) space for each eight hundred (800) sq. ft. of floor area, occupied in processing or manufacturing
28.	Business and Commercial	Laundromats and Coin Operated Dry Cleaners	One (1) space for each two (2) washing machines
29.	Business and Commercial	Miniature Golf Courses	Three (3) spaces for each one (1) hole, plus one (1) space for each employee
30.	Business and Commercial	Mortuary Establishments	One (1) space for each one hundred (100) sq. ft. of gross floor area
31.	Business and Commercial	Motel, Hotel or other Commercial Lodging Establishments	One and one-tenth (1.10) space for each occupancy unit, plus extra spaces for dining rooms, ballrooms, or meeting rooms based upon maximum occupancy load
32.	Business and Commercial	Motor Vehicles Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms	One (1) space for each four hundred (400) sq. ft. of floor area of sales room
33.	Business and Commercial	All other open air businesses not covered by specific parking requirements. (Amended 6/16/11)	One (1) space per one thousand (1,000) square feet of open air use area. This shall not include area used for the parking lot, required motor vehicle maneuvering space, and other distinct uses. There is a minimum of two (2) parking spaces. (Amended 6/16/11)
34.	Business and Commercial	Restaurant, Carry-Out	One (1) space for each one hundred (100) sq. ft. of gross floor area
35.	Business and Commercial	Retail Stores, Except Those Otherwise Specified Herein	One (1) space for each three hundred (300) sq. ft. of gross floor area
36.	Business and Commercial	Clustered Commercial	Four (4) spaces per one thousand (1000) sq. ft. of gross floor area
37.	Business and Commercial	Auto Body Shop	One (1) space for each five hundred (500) sq. ft. of gross floor area, plus one (1) space for each employee
38.	Business and Commercial (Amended 3/07)	Museum Ship, a water-based museum attraction where the boat or ship is the primary attraction	One (1) space per five hundred (500) sq. ft. of customer service area, including hallways used to tour exhibits or for guided tours of the facility(ies).

38. a	Business and Commercial	Auto/Truck Sales	One (1) space for each five hundred (500) sq. ft. of gross floor area for automobile sales
39.	Business and Commercial	Cocktail Lounges and Taverns	One (1) space for each seventy-five (75) sq. ft. of gross floor area
40.	Business and Commercial	Health Spas, Gymsnasiums and Health Clubs	Ten (10) spaces for each club, gym, or spa, plus one (1) space for each two hundred (200) sq. ft. of gross floor area in excess of one thousand (1,000) gross sq. ft.
41.	Business and Commercial	Charter Boat Operation	One (1) space for every three (3) persons based upon the occupancy rating of each vessel being used, plus one (1) space for each employee
42.	Business and Commercial	Employee / Boarding Housing	One (1) space for every three hundred (300) sq. ft. of gross floor area
	Business and Commercial	Water Park, indoor or outdoor	0.95 square feet of parking area (not including area of ingress/egress space within the setbacks) per 1 square foot of customer service area, with a minimum of 1 parking space per 400 square feet of customer service area.
43.	Offices	Banks, Savings and Loan Offices	One (1) space for each two hundred (200) sq. ft. of gross floor area
44.	Offices	Business Offices of Professional Offices Except as Indicated in the Following Item (No. 45)	One (1) space for each four hundred (400) sq. ft. of gross floor area
45.	Offices	Medical or Dental Clinics, Professional Offices of Doctors, Dentist or Similar Professions	One (1) space for each one hundred-seventy five (175) sq. ft. of gross floor area
46.	Industrial	Light and Limited Industrial Manufacturing	One (1) space for every five hundred (500) sq. ft. of gross floor devoted to manufacturing, plus one (1) space per each three hundred fifty (350) sq. ft. of office, sales or similar space
47.	Industrial	Research and Development	One (1) space for every three hundred-fifty (350) sq. ft. of gross floor area, plus one (1) space per each three hundred-fifty (350) sq. ft. of office sales or similar space
48.	Industrial	Warehousing	One (1) space for every two thousand (2,000) sq. ft. of gross floor area

- K. **Increased Parking, Surfacing.** When the floor area, dwelling units, or other unit of measure employed to determine off-street parking requirements shall be increased, it shall be the duty and obligation of the owner and occupant of such residence, business or other use to provide additional off-street parking space of sufficient area. Such parking space may be on the same lot or lots with the main building. All such parking spaces herein required shall be surfaced as provided in Section 4-109L.
- L. **Surfacing.** All parking areas in commercial zoning districts (including R4, RM, B1, B2, B3, BC, B4, MC, MR, MRS) shall be paved with concrete or bituminous material in accordance with plans approved by the Village Engineer. Such concrete pavement shall be of a minimum thickness of six (6) inches and any bituminous paving shall be of a minimum thickness of two (2) inches, or shall be a triple seal coat and shall be placed upon a base of cinders or gravel of a minimum thickness of four (4) inches. Off-street parking for one and two family dwellings need not be surfaced with concrete or bituminous material. All multi-family housing developments with three (3) or more residential units shall be paved with these same requirements.
- M. **Public or Private Marinas.** Parking for public or private marinas shall be provided at the rate of one point three (1.3) spaces for each boat slip.
- N. **Multi-level Parking Structures.** All Parking Areas shall accommodate surface parking only; no multi-level parking structure may be permitted.
- O. **B-4 District Parking Requirements.** Any area once designated as off-street parking, previously required or otherwise, shall never be changed to any other use or removed unless and until parking facilities of equal capacity are provided elsewhere on the same parcel.
- P. **B3 District Parking Option** – The number of parking spaces required for a parcel and its use in the B3 district may be reduced according to the following guidelines:
1. Parking requirements may be reduced by 1 space for every 2 eligible public parking spaces that are completely within an area directly in front of the parcel on the public street.
 2. The eligible public parking spaces are those which fall within an area along the one nearest, adjacent curb for a width equal to the width of the parcel measured from the property corners with lines drawn at right angles to the curb.
 3. Each eligible public parking space to be counted must fall completely within this area.
 4. The parking required for residential use or hotel use are not eligible for this parking reduction option and can not be eliminated under the guidelines of this section. (amended 3/06)

Sec. 4-110 INGRESS AND EGRESS REQUIREMENTS.

The location and design of driveways for vehicles entering or leaving a site shall be established under the following standards:

- A. All two-way commercial/industrial driveways shall be curbed and paved. Two-way commercial/industrial driveways serving one business shall not exceed a width greater than thirty (30) feet, nor less than twenty-two (22) feet.
- B. All two-way commercial/industrial driveways shall be curbed and paved. Two-way commercial/industrial driveways servicing two (2) or more businesses shall not exceed a width greater than fifty (50) feet, nor less than thirty (35) feet.
- C. All one-way commercial/industrial driveways shall be curbed and paved with a driveway width not to exceed twenty (20) feet, nor smaller than twelve (12) feet in width.
- D. If a driveway is to be located adjacent to an intersection, the following shall apply:
 - 1. If the intersection is curbed, the distance from the edge of the street pavement to the edge of driveway pavement shall not be less than sixty-five (60) feet. (See Diagram 7).
 - 2. If the intersection is uncurbed, the distance from edge of street pavement to edge of driveway pavement shall not be less than seventy (70) feet. (See Diagram 7).
- E. The applicant shall hold the Village harmless against any and all claims for damages arising from his/her negligence or his/her contractor's negligence in operations regarding the driveway and the Planning Commission may require a certificate of general liability insurance to insure claims for damage or personal property.
- F. The driveway shall be designed and constructed so as not to alter or adversely affect the drainage and the stability of the street or its sub-grade. The driveway shall, also, conform to the slope of the street between the edge of the pavement and the edge of the shoulder.

Sec. 4-111 LANDSCAPING REQUIREMENTS FOR ON-PREMISES PARKING AREAS.

- A. **Parking Lots with 15 or Fewer Spaces.** Parking lots with fifteen (15) or fewer spaces shall require no landscape internal to the parking area.
- B. **Parking Lots with 16-100 Spaces.** Parking lots in all districts having sixteen to one hundred (16 to 100) parking spaces shall allocate five (5) percent of the parking area to landscaping.
- C. **Parking Lots Greater than 100 Spaces.** Parking lots in all districts having more than one hundred (100) parking spaces shall allocate eight (8) percent of the parking area to landscaping.
- D. **Required Number of Trees.** One (1) tree shall be required for every ten (10) parking spaces over (fifteen) 15 spaces. In situations where it is impossible to allocate sufficient landscape space to support a tree or where a tree is impractical, Planning Commission may approve the substitution of shrubbery planting areas.
- E. **Design Standards.** Landscaping requirements for parking lots shall be provided as follows:

1. All required landscaping shall be located within the perimeter of the parking area.
2. Landscaping shall be dispensed throughout the parking area.
3. All landscaped areas which abut a parking lot or any landscaped area which is internal to a parking lot shall be protected with curbing material approved by the Zoning Administrator.
(Amended 4/10)

F. **Review.** Parking lot landscape designs shall be submitted as part of a development's site plan review process. (Amended 4/10)

G. Required landscaping areas within parking lots shall be included as part of twenty-five (25) percent landscape requirements as required in the RM, B1, B2, MR, MRS, BC, MC, and CR Districts. (See Section 4-114)

Sec. 4-112 ANIMALS, BEES, LIVESTOCK AND FOWL-USE; SHELTER AND STORAGE.

No animals, livestock or fowls, or structures for same, other than common household pets shall be permitted as an accessory for use, shelter or storage in the Village unless the applicant is given a special use permit in the AG Agricultural District.

Sec. 4-113 GENERAL LIGHTING, SCREENING REQUIREMENTS, FENCES.

A. **General Lighting.** All private lights used for the illumination of dwellings or business establishments or for the illumination of business buildings or areas surrounding them, or the illumination or display of merchandise or products of business establishments shall be completely shielded from the view of vehicular traffic using the road or roads abutting such business property. Lighting which is designed to illuminate the premises shall be installed in a manner which will not cast direct or reflected glare on adjacent properties.

1. All lighting on non-residential buildings and structures within one hundred fifty (150) feet of any residentially zoned area shall not exceed twenty (20) feet in height. All other fixtures shall not exceed thirty (30) feet in height. Light fixtures shall be designed to achieve total luminary cutoff

B. **Screening Requirements; Non-Residential Uses Abutting Residentially Used Lots.** Except as otherwise provided in this Zoning Ordinance, all premises used for business, commercial or industrial purposes shall be screened from abutting residential uses. Screening shall be any of the following and shall apply to **side yard and rear yards:**

1. A natural buffer planted with evergreens or shrubbery which maintains their density and screening effect throughout the calendar year, not less than four (4) feet in height at the time of planting and maintained in a neat and attractive manner commensurate with the adjoining residential district.
2. An artificial wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants of adjoining premises, not less

than five (5) feet in height and maintained in a neat and attractive manner, commensurate with the adjoining residential district.

3. For side yard screening, no such wall or fence shall impair safe site distances. If requested, such evaluation shall be made by the Zoning Administrator.

C. Fences.

1. Within the limits of any required side or rear yard no fence or wall shall be higher than six (6) feet.
2. Within the limits of any required front yard no privacy fence shall be higher than four (4) feet.
3. It is unlawful to construct any private fence or barrier within a public right-of-way.
4. In all districts, the frontage for corner lots shall follow the same limitations as provided for residential front yard fencing. In addition, no fence, structure or planting over forty-eight (48) inches in height above the curb line except deciduous trees shall be erected or maintained within twenty-five (25) feet of the corner of the intersecting streets so as to interfere with traffic visibility across the corner.
5. Barbed wire fences are prohibited in all zoning districts. However, barbed wire strands may be used to enclose storage areas or other similar industrial and commercial uses. The strands shall be restricted to the upper most portion of the fence and shall not extend lower than a height of six (6) feet from the nearest ground level and shall be indicated and noted on the zoning permit application. Only barbed wire strands above the maximum fence height requirements shall not constitute a violation of the maximum fence height requirements.
6. In the event of any controversy as to the adequacy of any proposed or existing screening or the creation of any nuisance or annoyance by artificial lighting, the Zoning Board of Appeals shall have the right and is hereby given the authority to interpret and determine the screening and lighting provisions and the purpose herein sought to be accomplished.

Sec. 4-114 LANDSCAPE REQUIREMENTS.

Development occurring within the RM, B1, B2, MR, MRS, BC, MC, and CR Districts shall require a minimum of twenty-five (25) percent of parcel to be landscaped open space, also called greenspace. No area of a lot may be considered greenspace that has a width, length, or diameter dimension of less than two (2) feet. Open space areas shall be landscaped with a minimum of one (1) evergreen tree or shrub for every one thousand (1,000) sq. ft. of lot area, plus a minimum of one (1) deciduous tree or shrub for every two thousand (2,000) sq. ft. of lot area. *No deciduous or evergreen trees or shrubs shall be placed in the required setback or clear area / view shed of the B-2 or MC District. Landscaping in the clear area/ view shed of the B2 and MC District shall consist of ground cover only. All District identified above require a minimum of thirty (30) percent of the required open space to be located between the right-of-way and the building. Buildings on corner lots shall have sixty (60) percent of the required open space between the building and right-of-way. All district developments identified shall meet the following requirements:*

(Amended, 6/08)

- A. No landscape area shall be used for parking areas.
- B. No synthetic plant materials such as artificial grass, shrubs, trees, or flowers shall be used to fulfill any landscaping requirements.

- C. Berms, whenever utilized, shall be designed and landscaped to minimize erosion. Berms adjacent to public right-of-way shall have a slope no greater than three to one (3:1), unless designed as part of a retaining wall.
- D. All landscaping materials shall consist of healthy specimens compatible with local climate, soil characteristics, drainage, and water supply. All plant material shall be reasonably resistant to drought and disease.
- E. Grass or other living plants shall be primary ground cover in required landscaped areas. Both sod planting and seeding is acceptable.
- F. Landscaping plans shall be submitted as part of a development site plan review process.
- G. Properties which do not provide the minimum twenty-five (25%) percent greenspace, whether they are preexisting conditions or not, can not expand the ground level footprint of any *current or proposed* building or structure without providing the necessary twenty-five (25%) percent greenspace. (Amended 3/19/09)
- H. Landscape requirements will not effect B4 District, except for those landscape requirements for parking lots, according to Section 4-112.

Sec. 4-115 OUTDOOR TRASH CONTAINERS OR DUMPSTERS.

Outdoor trash containers or dumpsters shall be required in the RM, B1, B2, B3, B4, BC, CR, and MR Zoning Districts provided that they comply with the following requirements:

- A. Adequate vehicular access shall be provided to such containers for truck pick-up either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings. The placement of the container shall be subject to site plan review.
- B. A solid ornamental screening wall or fence shall be provided around all sides of such containers. An access gate shall also be provided and be of such height as to completely screen said containers. The maximum height of walls, fence or gate shall be no higher than a privacy fence as regulated in Section 4-113 or six (6) feet, whichever is less.
- C. The container or containers, the screening walls, fence and gate shall be maintained in a neat and orderly manner, free from loose rubbish, waste paper and other debris.

Sec. 4-116 NON-CONFORMITIES.

- A. **Continuance of Non-Conforming Uses and Structures.** Only non-conforming uses or structures in existence at the time of passage of this Ordinance or amendments thereof, may be continued, but shall not be extended, added to or altered unless each such extension, alteration or addition is in conformity with the provisions of this Ordinance.
- B. **Discontinuance of Non-Conforming Uses.** If the non-conforming use of any land shall be intentionally terminated for a continuous period of over one (1) year, such use shall not be

re-established and any future use of such land or structure shall be in conformity with this Ordinance.

C. Restoration and Repair.

1. Such repairs and maintenance work as are required to keep a non-conforming building or structure in a sound condition may be made.
2. In the event any non-conforming building or structure shall be damaged by fire, wind or an Act of God or the public enemy, it may be rebuilt or restored provided the cost of restoration thereof shall not exceed the State Equalized Value of such building or structure. Such determination shall be made by either Building Inspector, Zoning Administrator or Village Assessor.
3. In the event any non-conforming building or structure shall be damaged by fire, wind, or an Act of God or the public enemy and the cost of rebuilding or restoration shall equal or exceed the State Equalized Value of such building or structure, the same shall be permitted only with the approval of the Board of Zoning Appeals, which approval shall be granted only upon a finding that such rebuilding or restoration will not substantially extend the probable duration of such non-conforming building or structure.

D. Change of Use. A non-conforming use may be changed to another non-conforming use if the Zoning Board of Appeals find that such a new use would markedly decrease the degree of non-conformance and would enhance the desirability of adjacent conforming uses. This shall not be construed to permit the conversion of a non-conforming use to a prior non-conforming use, nor to waive the other provisions of this Ordinance.

E. Non-Conforming Due to Reclassification. The foregoing provisions of this Ordinance shall also apply to buildings, land or uses which hereafter become non-conforming due to any reclassification of districts or any subsequent change in the regulations of this Ordinance.

F. Non-Conforming Lots of Record (Substandard Lots). In any district, an accessory building may be erected on a lot which fails to meet the district requirements for bulk regulations, provided that said lot existed at the effective date of this Ordinance or any affecting amendment. Such lot must be in separate ownership at the time of application, undeveloped and certified by the applicant as not being contiguous with other lots under the same ownership, and must still meet all yard requirements. Contiguous lots under the same ownership will henceforth be required to conform to area requirements of this Ordinance.

G. Extensions of Non-Conforming Buildings or Structures. Where a nonconforming setback of a building or structure is less than the distance required by this ordinance, such nonconforming building or structure may be extended along the same horizontal or vertical plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced, or the height exceed that required by the district in which the building is located. Such extension shall not take place unless the Zoning board of Appeals finds all of the following to be true:

1. That the extension will not interfere with the use of other properties in the vicinity for the uses for which they have been zoned nor with their use in compliance with all of the provisions of this Ordinance.
2. That the extension will not have a significant detrimental effect on nearby properties.
3. That the extension will not be contrary to the public health, safety, or welfare or the spirit of the Ordinance.

H. **Expansion Of Nonconforming Use.** The expansion of a non-conforming use by not exceeding fifty (50) percent of the existing use as of the effective date of this Ordinance shall be permitted at any time within three years from the effective date of this Ordinance, subject to lawful regulations now or hereafter enacted, where the result will not be to prolong unduly the existence of the use; provided, that such expansion shall be only on property owned at such effective date by the owner of such non-conforming property; Provided, further, such expansion shall only be made if all other requirements of the Articles of this Ordinance governing the area in which such property is presently zoned, including furnishing of off-street parking facilities, are complied with. Non-conforming lots of record (substandard lots) shall not be permitted to be extended, added to or enlarged unless each such action increases the conformity of the lot sizes.

Sec. 4-117 SITE PLAN REVIEW AND APPROVAL.

A. **Purpose.** A site plan review procedure is hereby established for the Village of Mackinaw City. The purpose of a site plan review is to determine compliance with the provisions set forth herein and to promote the orderly development of the Village, the stability of land values and investments in the general welfare, and to help prevent impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to placement and appearance.

The following provisions in this section shall apply to all uses requiring site plan review by this Ordinance, including multiple family developments, mobile home parks, commercial developments, industrial developments, institutional developments, and all uses requiring a special use permit and variances. Approved plans shall regulate the development on the premises, unless modified in the same manner as the plans were originally approved. Variance requests shall be accompanied by three (3) copies of a clearly dimension scaled drawing detailing the nature of the variance request. Variance requests for non-commercial uses need not comply with Sections 4-117C and 4-117D.

Expansion of existing structures less than three hundred (300) sq. ft. and/or parking areas less than ten (10) spaces shall be reviewed as follows:

1. Applicant shall apply for a zoning permit as outlined within Article XXIV, Section 109 of this Ordinance.
2. Plan review shall be conducted by the Zoning Administrator or Community Development Director.
3. Approval or denial shall be based on the provisions as set forth within this ordinance and all amendments.

Expansion of existing structures less than three hundred (300) sq. feet and parking areas less than ten (10) spaces taking place less than five (5) years apart on the same parcel shall be subject to formal Site Plan approval as based on the provisions set forth herein.

B. Submission Requirements. All site plans, as required by this Ordinance, shall be submitted to the Village with enough copies for each Planning Commissioner and Village Trustee. The Village Zoning Administrator shall adhere to the following procedures in the review of the site plan:

1. For variance requests, the site plan shall be reviewed by both the Planning Commission and Zoning Board of Appeals with the decision made by the Zoning Board of Appeals.
2. All other site plan reviews shall use the following procedures:
 - a. Professional review by approved architect or engineer as required by the Zoning Administrator. The cost of review will be passed along to the applicant. No zoning permit will be issued until this fee is paid.
 - b. The Planning Commission shall review the Site Plan at its next regularly scheduled meeting. One (1) copy of the initial draft of the site plan and a property survey by a registered surveyor must be submitted to the Village by the first day of the month in order to be on the Planning Commission's agenda for that regular monthly meeting. If the first day of the month falls on a weekend or holiday, the site plan shall be submitted the next regular business day. The Planning Commission may elect to postpone a decision on a pending Site Plan to the next regularly scheduled meeting if the Site Plan is determined to be incomplete.
 - c. The Planning Commission shall recommend to Village Council for their final decision, with specified changes and/or conditions, or disapprove the applicant's request, using the standards described in Section 4-117E of this Ordinance.
 - d. Conditions or changes stipulated by the Planning Commission shall be recorded in the minutes of the meeting and made available to the applicant in writing. The sealed copy of the approved site plan shall contain the approval date and signature of the Zoning Administrator.
 - e. Of the copies submitted, one (1) shall be retained by the Zoning Administrator's office and one (1) returned to the applicant.

C. The following information shall accompany all site plans submitted for review:

1. A legal description of the property under consideration, including the Property Tax Identification number.

2. A map indicating the gross land area of the development, the present zoning classification thereof and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.
3. The names and addresses of the architect, planner, designer, or engineer responsible for the preparation of the Site Plan.
4. Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration.

D. The following information shall be included on the Site Plan:

1. A scale of not less than one inch equaling forty feet (1" = 40'), if the subject property is less than three (3) acres; and, one inch equaling one hundred feet (1" = 100'), if it is three (3) acres or more.
2. Date, north point and scale.
3. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
4. The placement of all structures on the subject property and abutting properties.
5. The location of each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building areas, distances between structures and lot lines, setback lines, and approximate location of vehicular entrances and loading points.
6. Location and descriptions of all exterior luminaries, including aiming angles. Descriptions should include the glare reduction/control devices and drawings of luminaries and its mounting devices.
7. The location of all existing and proposed drives and parking areas with the number of parking and/or loading spaces provided.
8. All pedestrian walks, malls and open areas.
9. Location and height of all walls, fences and screen planting, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and maintained. (Plant materials shall be chosen and installed in accordance with standards recommended by the County Cooperative Extension Service or American Nursery Association). Landscaping plans are not required in site plan reviews of businesses in the B4 district.
10. The location and right-of-way widths of all abutting streets.
11. Types of surfacing, such as paving, turfing or gravel to be used at the various locations.

12. A ten (10) year storm event study shall be provided for each development based on Michigan Department of Transportation and American Association of State Highway Transportation Officials Standards (MDOT and AASHTO). A grading plan with topographic elevations of the area shall also be provided.
 13. Size and location of proposed sewer and water lines and connections.
 14. The number of proposed units (or multiple family developments).
 15. Significant environmental features such as wetlands, shoreline, streams, wood lots, existing trees and vegetation.
 16. Information as may be required by the Planning Commission and Village Council to assist in the consideration of the proposed development.
 17. Site Plans must contain the registered seal of a professional architect, planner, landscape architect or engineer responsible for the certification of the Site Plan.
- E. In order that building, open space and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise and traffic conditions will result from the development, the Planning Commission shall determine whether the site plan meets the following criteria, unless the Planning Commission determines that one (1) or more of such criteria are inapplicable:
1. The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment.
 2. Pedestrian walkways shall be provided as deemed necessary by the Planning Commission for separating pedestrian and vehicular traffic.
 3. Recreation and open space areas shall be provided in all multiple family residential developments.
 4. The site plan shall indicate compliance with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements, including applicable special use requirements, as set forth in the Village of Mackinaw City Zoning Ordinance, unless otherwise provided.
 5. The requirements for fencing, walks, and other protective barriers shall be complied with as provided in the Zoning Ordinance of the Village of Mackinaw City and as deemed appropriate by the Planning Commission.
 6. Adequate storage space shall be provided for the use therein.
 7. Security measures shall be provided as deemed necessary by the Police Chief for resident protection in all multiple family residential developments.

8. Fire protection measures shall be provided as deemed necessary by the Fire Chief in conformance with all applicable laws of the State of Michigan for the protection of residents and/or occupants of the structures.
- F. The site plan shall be reviewed by the Planning Commission and other appropriate bodies as heretofore designated with a recommendation for its approval or disapproval and any conditions the Planning Commission or other appropriate bodies feel should be imposed.
- G. The Village Council shall have the function and power to approve or disapprove the site plan subject to compliance with such modifications and conditions as may be deemed necessary to carry out the purpose of these regulations and other Ordinances or resolutions of the Village.
- H. The Village Council shall have the function and power to request additional professional review from the Village Attorney, Engineering Consultant and/or Planning Consultant, and the permittee shall be responsible for any and all charges incurred therefor.
- I. The Zoning Permit may be revoked in any case where the conditions of such permit have not been or are not being complied with, in which case the Village Council shall give the permittee notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the Village Council. After conclusion of such review the Village Council may revoke such permit if it feels that a violation in fact exists and has not been remedied prior to such hearing.
- J. All approved Site Plans not under substantial construction or completion shall be valid no longer than one (1) year from the date that the Site Plan is approved by Village Council.
- K. **Site Change.** Any structure, use, or field change added subsequent to the initial site plan approval must be approved by the Village Council after recommendation from the Village Planning Commission. Incidental and minor variations of the approved site plan with the written approval of the Zoning Administrator shall not invalidate prior site plan approval.
- L. **Phased Construction.** Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the inter-relationship of the proposed project to the future stages, including the following:
 1. Relationship and identification of future structures, roadways, drainage, water, and sewer.
 2. Pedestrian and vehicular circulation.
 3. Time schedule for completion of the various phases of the proposed construction.
 4. Temporary facilities or construction of same as required to facilitate the stated development.

Sec. 4-118 SPECIAL USE PERMIT.

- A. **Purpose.** Special use permits are required for proposed activities which are essentially compatible with other uses, sign, 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.

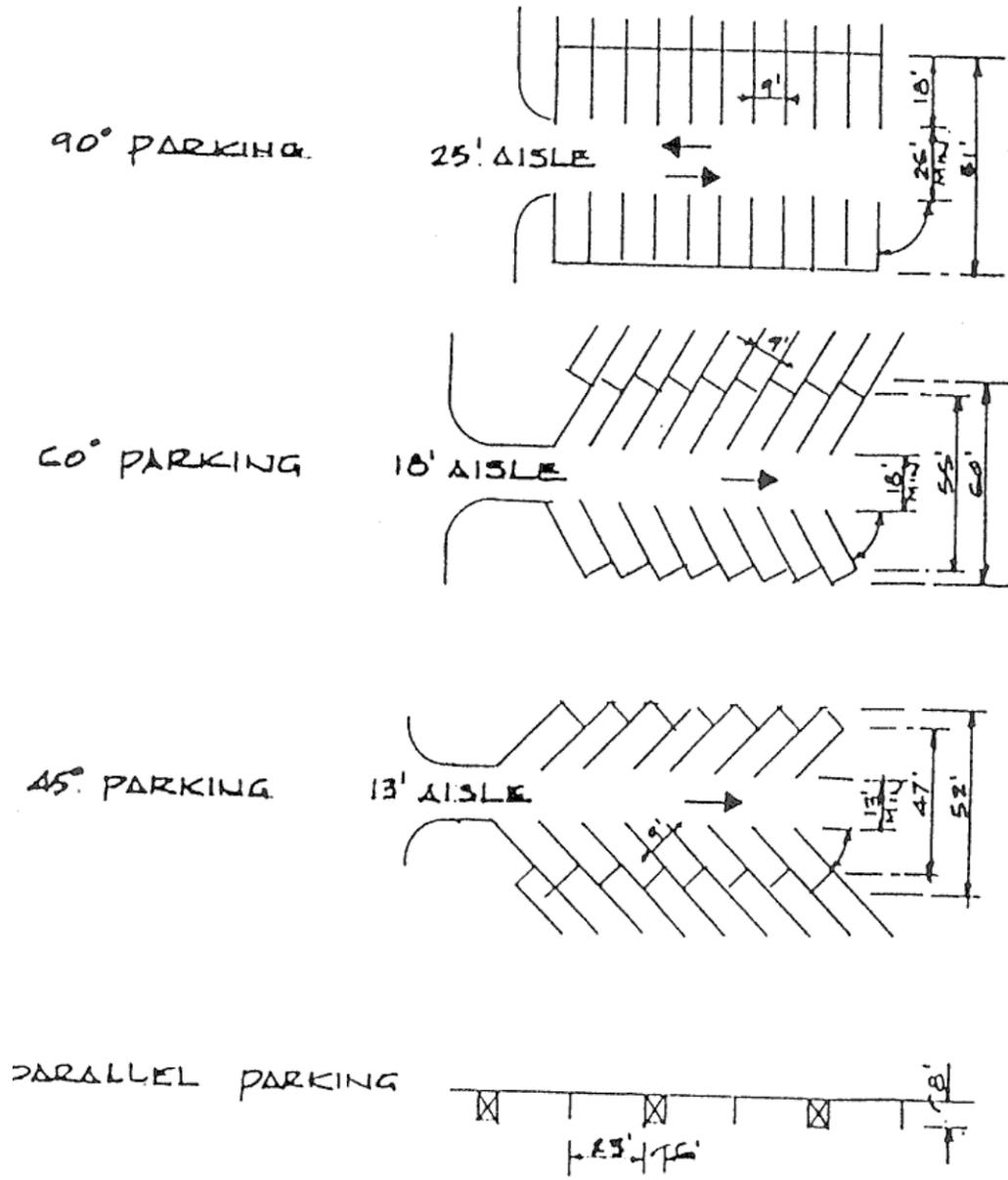
A site plan in accordance with Section 4-119 is required for submission and approval of all special use permit applications. Only those uses or activities specifically identified in the special use districts of this Ordinance require special use permits.

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, fee, statement with supporting evidence to which the proposed activity meets the criteria 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 recommendation, 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 decision on a special use permit application shall be incorporated in a statement of conclusion relative to the special use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

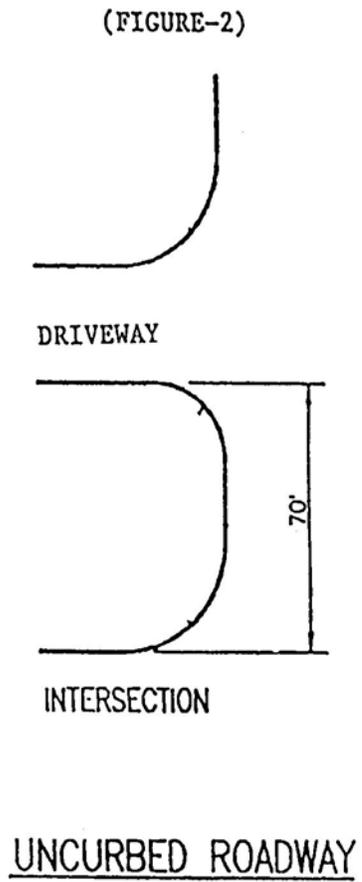
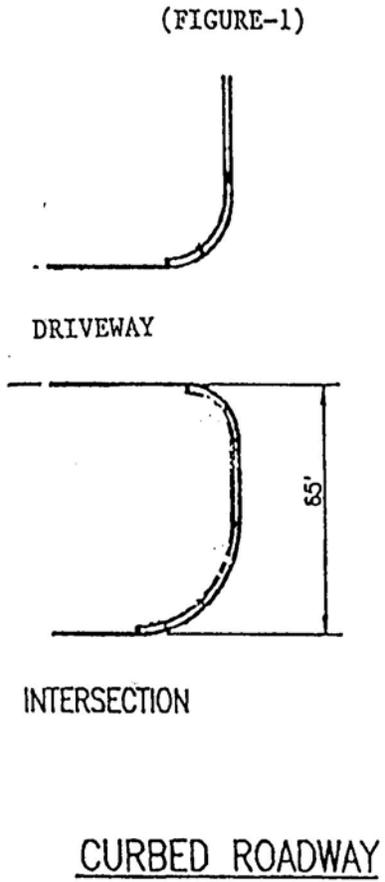
C. **Appeal.** The decision of the Planning Commission may be appealed according to the procedures outlined in Section 24-104.

DIAGRAM NO. 6



This Diagram is included for illustration purposes only and not drawn to scale.

DIAGRAM NO. 7



ARTICLE V. R1 – SINGLE FAMILY RESIDENCE DISTRICT

Sec. 5-101 PRINCIPLE PERMITTED USES.

In the R1 District, no uses shall be permitted unless otherwise provided in this Ordinance except the following:

- A. Single-family detached dwellings.
- B. Churches and other facilities normally incidental thereto.
- C. Publicly owned and operated parks, play fields, museums, libraries and other recreation facilities, provided that any building shall be located not less than twenty (20) feet from any other lot in any residence district.
- D. Municipal, State or Federal administrative or service buildings, provided that such buildings shall be located not less than twenty (20) feet from any other lot in a residence district.
- E. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses provided that:
 1. All waterfront lots shall be considered as having their front yards on the side of the lot adjoining the first street or alley inland from the Straits and parallel to the Straits. Garages and other accessory buildings may be located in the front yard. The [garages and other accessory buildings] shall be located not less than ten (10) feet from the front lot line.
 2. Those portions of lots 12 through 78 of Block A, Village of Mackinaw City, which lie between the Straits of Mackinaw and the first alley or road inland from and approximately parallel to the Straits of Mackinaw shall be considered as entire lots for the purposes of this Ordinance so long as the properties are shown on the tax roll as one (1) tax parcel.

Those properties in Wawatam Beach Resort Grounds Addition, Blocks 1-4 which have contiguous property on the south side of Wenniway Drive may be considered as entire lots for the purpose of this Ordinance so long as the properties are shown on the tax roll as one (1) tax parcel.
 3. **Garages.** Maximum height shall be twenty-one (21) feet. No garage shall be less than ten (10) feet from any front or rear lot line nor within any required side yard, and if located on a corner lot it shall not be less than ten (10) feet from the side street lot line.
 4. **Other Accessory Buildings.** Accessory buildings shall not be less than ten (10) feet from a front or rear lot line, nor within any required side yard, nor less than ten (10) feet from a side street lot line on a corner lot, nor less than six (6) feet from the main building.

5. No accessory uses and buildings when located on the same lot as a permissible use shall be used or occupied for any business, occupation, profession or trade unless permitted under the special use requirements in accordance with Section 23-102.
- F. Off-street parking in accordance with Section 4-109.

Sec. 5-102 PERMITTED USES SUBJECT TO SPECIAL USE PERMIT.

- A. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity, and such use is not injurious to the surrounding neighborhood.
- B. Nursery schools, day nurseries and child care centers (not including dormitories) in accordance with Section 23-107.
- C. Home occupations in accordance with Section 23-103.

Sec. 5-103 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

A. Lot Dimensions.

1. Minimum Lot width: 50 ft.
2. Minimum Lot Area: 7,500 sq. ft.
3. Maximum Lot Coverage: 35%

B. Maximum Building Height.

1. Stories: 3.5
2. Height: 35 ft. (Amended 9/05)

C. Yard Setbacks.

1. Front: 25 ft. (see Sec. 22-102A)
2. Sides: 7 ft. (see Sec. 22-102B)
 - a. Total of 2: - (see Sec. 22-102B)
3. Rear: 15 ft.

D. Minimum Building Dimensions.

1. 1st Floor Area: 800 sq. ft.

E. Accessory Buildings, Detached Garages. (amended 10/06)

1. Maximum height: 21 ft.
2. Side Yard setback: 7 ft.
3. Rear Yard setback: 10 ft.
4. Front Yard (Non Lakefront) 25 ft.
Front Yard (Lakefront) 10 ft.
5. Maximum floor area: Maximum combined floor area of all accessory buildings: 2,000 square feet or 108 percent of the first-floor area of the primary residential building, whichever is smaller.”
6. Minimum distance from main bldg.: 6 ft.
7. Front Yard setback: Must be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance.
8. Maximum floor area for any single accessory building: 1,000 square feet
9. Maximum Number of Accessory Buildings: 3

ARTICLE VI. R2 - SINGLE FAMILY RESIDENCE, LOW DENSITY

Sec. 6-101 PRINCIPLE PERMITTED USES.

In the R2 District, no use shall be permitted unless otherwise provided in this Ordinance except the following:

- A. Single-family detached dwellings.
- B. Churches and other facilities normally incidental thereto.
- C. Publicly owned and operated parks, play fields, museums, libraries and other recreation facilities, provided that any building shall be located not less than twenty (20) feet from any other lot in any residential district.
- D. Municipal, State or Federal administrative or service buildings, provided that such buildings shall be located not less than twenty (20) feet from any other lot in a residence district.
- E. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses, provided that:
 - 1. Other accessory uses and buildings when located on the same lot as a permissible use shall not be used or occupied for any business, occupation, profession, trade or dwelling purposes.
- F. Off-street parking in accordance with the requirements of Section 4-109.

Sec. 6-102 PERMITTED USES SUBJECT TO A SPECIAL USE PERMIT.

- A. Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations, but not including storage yards.
- B. Nursery schools, day nurseries and child care centers (not including dormitories) in accordance with the requirements of Section 23-107.
- C. Home occupations in accordance with Section 23-103.

Sec. 6-103 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

Area, Height, Bulk, and Placement requirements unless otherwise specified are as provided in Article XXII, Section 22-101, Table No. 4 “Schedule of Regulations”.

Sec. 6-104 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

A. Lot dimensions.

1. Minimum Lot width: 100 ft.
2. Minimum Lot Area: 15,000 sq. ft.
3. Maximum Lot Coverage: 40%

B. Maximum Building Height.

1. Stories: 3.5
2. Height: 40 ft.

C. Yard Setbacks.

1. Front: 20 ft. (See Sec. 22-102A)
2. Sides: 10 ft. (See Sec. 22-102B)
 - a. Total of 2: - (See Sec. 22-102B)
3. Rear: 20 ft.

D. Minimum Building Dimensions

1. First Floor Area: 800 sq. ft.

E. Accessory Buildings, Detached Garages

1. Maximum height: 21 ft.
2. Side Yard setback: 10 ft.
3. Rear Yard setback: 10 ft.
4. Front Yard setback: 20 ft.
5. Maximum floor area: Maximum combined floor area of all accessory buildings: 2,000 square feet.
6. Minimum distance from main bldg.: 6 ft.
7. Maximum floor area for any single accessory building: 1,000 square feet.
8. Maximum Number of Accessory Buildings: 4
(amended 10/06)

ARTICLE VII. R3 - SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

Sec. 7-101 PRINCIPLE PERMITTED USES.

In the R3 Residential District, no uses shall be permitted unless otherwise specifically provided for in this Ordinance, except for the following uses:

A. Principal Uses and Building

1. Single family dwelling.
2. Two (2) family dwelling.
3. Public or Parochial school.
4. Public park
5. Churches.
6. Accessory buildings and uses customarily incidental to the above principle permitted uses.
7. Off-street parking and loading requirements in accordance with Section 4-109.

Sec. 7-102 PERMITTED USES SUBJECT TO A SPECIAL USE PERMIT.

- A. Home occupations in accordance with Section 23-103.

Sec. 7-103 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

A. Lot Dimensions

1. Minimum Lot width: 50 ft.
2. Minimum Lot Area: 7,500 sq. ft.
3. Maximum Lot Coverage: 40%

B. Maximum Building Height

1. Stories: 3.5
2. Height: 35 ft.

C. Yard Setbacks

- 1. Front: 20 ft. (See Sec. 22-102A)
- 2. Sides: 7 ft. (See Sec. 22-102B)
 - a. Total of 2: - (See Sec. 22-102B)
- 3. Rear: 20 ft.

D. Minimum Building Dimensions

- 1st Floor Area (Single Family): 800 sq. ft.
- 1st Floor Area (Two Family): 1,200 sq. ft.

E. Accessory Buildings, Detached Garages

- 1. Maximum height: 21 ft.
- 2. Side Yard setback: 3 ft.
- 3. Rear Yard setback: 3 ft.
- 4. Front Yard setback: Must be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance.
- 5. Maximum combined floor area of all accessory buildings: 1,000 square feet or 108 percent of the first-floor area of the primary residential building, whichever is smaller.
- 6. Minimum distance from main bldg.: 6 ft.
- 7. Maximum floor area for any single accessory building: 864 square feet.
- 8. Maximum Number of Accessory Buildings: 3
(amended 10/06)

ARTICLE VIII. R4 - RESIDENTIAL DISTRICT

Sec. 8-101 PERMITTED USES.

In the R4 District, no uses shall be permitted unless otherwise provided in this Ordinance, except the following:

Sec. 8-102 PRINCIPLE PERMITTED USES.

- A. Single Family Dwellings.
- B. Duplexes.
- C. Accessory buildings and uses customarily incidental to the uses on the property.
- D. Off street parking and loading requirements in accordance with Section 4-109.

Sec. 8-103 PERMITTED USES SUBJECT TO A SPECIAL USE PERMIT.

- A. Home Occupations in accordance with Section 23-103.
- B. Bed and Breakfast facilities in accordance with Section 23-118.

Sec. 8-104 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

A. Lot Dimensions

- 1. Minimum Lot width: 50 ft.
- 2. Minimum Area: 7,500 ft.
- 3. Maximum Coverage: 40%

B. Maximum Building Height

- 1. Stories: 3.5
- 2. Height: 35 ft.

C. Yard Setbacks

- 1. Front: 15 ft. (See Sec. 22-102A)
- 2. Sides: 7 ft. (See Sec. 22-102B)
 - a. Total of 2: - (See Sec. 22-102B)

3. Rear: 7 ft.

D. Minimum Building Dimensions

- a. 1st Floor Area: 800 sq. ft.

E. Accessory Buildings, Detached Garages

1. Maximum height: 21 ft.
2. Side Yard setback: 7 ft.
3. Rear Yard setback: 7 ft.
4. Front Yard setback: Must be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance.
5. Maximum combined floor area of all accessory buildings: 1,000 square feet or 108 percent of the first-floor area of the primary residential building, whichever is smaller.
6. Minimum distance from main bldg.: 6 ft.
7. Maximum floor area for any single accessory building: 864 square feet.
8. Maximum Number of Accessory Buildings: 3

(Amended 10/06)

ARTICLE IX. RM - MULTIPLE FAMILY DISTRICT

Sec. 9-101 PRINCIPLE PERMITTED USES.

In the RM District, no use shall be permitted unless otherwise provided in this Ordinance, except for the following:

- A. Multiple Dwelling Class 1
- B. Apartments.
- C. Townhouses.
- D. Churches.
- E. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- F. Off-street parking and landing requirements in accordance with Section 4-109.

Sec. 9-102 PERMITTED USES SUBJECT TO SPECIAL USE PERMIT.

- A. Nursery Schools subject to Section 23-107.
- B. Public utility buildings.
- C. Private clubs and lodges subject to Section 23-121.
- D. Convalescent and nursing homes subject to Section 23-122.
- E. Housing for the elderly in accordance with Section 23-111.

Sec. 9-103 SITE PLAN APPROVAL.

For permitted use and use subject to a special use permit, a site plan shall be submitted in accordance with Section 4-117.

Sec. 9-104 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

- A. Lot Dimensions
 - 1. Minimum Lot width: 200 ft.
 - 2. Minimum Lot Area: - (See Sec. 22-102C)
 - 3. Maximum Lot Coverage: 40%
- B. Maximum Building Height
 - 1. Stories: 3.5
 - 2. Height: 35 ft.
- C. Yard Setbacks
 - 1. Front: 40 ft. (See Sec. 22-102A)
 - 2. Sides: 20 ft.
 - a. Total of 2: 40 ft.
 - 3. Rear: 20 ft.
 - 4. Distance between buildings 30 ft. all sides
 - 5. Parking lots: (bldgs >3 families) 25 ft. all sides

D. Minimum Building Dimensions

1. Dwelling Unit Floor Area: 800 sq. ft.

E. Accessory Buildings, Detached Garages

1. Maximum height: 21 ft.
2. Side Yard setback: 25 ft.
3. Side setback: (bldgs >3 families) 25 ft.
4. Rear Yard setback: 25 ft.
5. Side setback: (bldgs >3 families) 25 ft.
6. Front Yard setback: Must be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance.
7. Maximum floor area: 864 ft.
8. Minimum distance from main bldg.: 20 ft.

ARTICLE X. RMH - MOBILE HOME PARK DISTRICT

Sec. 10-101 PRINCIPLE PERMITTED USES.

In the RMH District no building shall be erected or land used, except as otherwise provided for specifically in this Ordinance, for other than the following specified uses:

- A. Mobile homes located in a mobile home park.
- B. Mobile home parks, pursuant to Sec. 10-102.
- C. Accessory buildings and uses.

Sec. 10-102 STANDARDS AND REQUIREMENTS FOR MOBILE HOME PARKS.

- A. Mobile home parks, when they are in conformance with all state regulations governing mobile home parks, including the Trailer Coach Park Act of 1959, as amended, and this Ordinance. All mobile home parks shall be in accordance with the following standards and requirements:
 - 1. **Minimum Area and Maximum Densities.** Each mobile home park shall be owned and operated as one (1) entity or on a condominium basis. Each mobile home park shall contain a minimum of fifty (50) mobile home lots at first occupancy and may have a maximum of six (6) single wide mobile homes per gross usable acre or four (4) double wide mobile homes per gross usable acre.
 - 2. **Buffer Zones.** All mobile home parks shall provide and maintain as a minimum, a fifty (50) foot landscaped setback from any street right-of-way line that borders the park and a forty (40) foot landscaped buffer zone where the park boundary is adjacent to neighboring properties. The Board of Appeals may recommend that an additional landscape setback be provided. The landscaping shall consist of deciduous or evergreen trees or shrubs which are a minimum of five (5) feet in height. Such trees shall be spaced so they provide a continuous screen from adjacent properties. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above. The Board of Appeals is hereby empowered to require fencing around a mobile home park in those cases where it is deemed necessary to protect adjacent properties.
 - 3. **Minimum Lot Area.** Each mobile home lot shall have 1) a minimum lot area of four thousand seven hundred fifty (4,750) square feet; and 2) a minimum width of fifty (50) feet at the building setback line.
 - 4. **Minimum Mobile Home Size.** No mobile home in any mobile home park shall contain less than six hundred (600) square feet of living area nor have outside dimensions of less than twelve (12) feet in width and fifty (50) feet in length.
 - 5. **Yard Requirements.** The front yard of each mobile home lot shall be no less than twenty (20) feet as measured from the nearest edge of the street pavement to the nearest wall of the mobile home. The rear yard of each lot shall be no less than ten (10) feet. The non-entry side of a mobile home shall have a side yard of no less than ten (10) feet and the entry side shall have a side yard of no less than twenty-six (26) feet. In the case of a double wide mobile home, side yard requirements shall be met by the provision of larger lots sufficient in width to meet these requirements.

6. **Corner Lots.** Where a mobile home lot is bounded by two (2) streets, the front yard requirement shall be met for each street. No fence, structure, or planting over thirty (30) inches in height shall be located on any corner lot within the required front yards.
7. **Street Requirements.** If two-way traffic is to be accommodated, the street pavement width shall be no less than twenty-two (22) feet. If only one-way traffic is to be accommodated, the street pavement width shall be no less than twenty (20) feet.
8. **Parking.** Parking shall be provided in off-street parking bays with two (2) parking bays for each mobile home. Each parking bay shall be no less than two hundred (200) square feet in area. Each parking bay shall be conveniently located in relation to the mobile home for which it is provided. In addition to the two (2) required off-street parking bays, one (1) additional parking space is permitted on the mobile home lot provided it is a hard surface area containing at least two hundred (200) square feet of area.
9. **Access from Major Streets.** Each mobile home park shall have a minimum of two (2) access streets and provide a continuous route of travel throughout the park. No ingress or egress shall be provided via local streets.
10. **Signs.** A maximum of one (1) identification sign is allowed at each access point to the mobile home park. Each such sign shall not exceed thirty (30) square feet in area and shall not be illuminated by any source other than a continuous indirect white light. In those cases where signs are intended to be read from both sides, the combined total area of both sides when combined shall not exceed thirty (30) square feet.
11. **Mobile Home Sales Prohibited.** The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home park is prohibited. Mobile homes located on lots within the mobile home park may be sold by the owner or operator of the park provided no more than five (5) are offered for sale at any one (1) time. This section shall not prohibit the sale of a new or used mobile home by a resident of a mobile home park.
12. **Underground Utilities.** All public and private utilities shall be installed underground.
13. **Site Improvement.** Each mobile home shall be provided with a continuous pad of four (4) inch thick concrete running the full length and width of the mobile home. In lieu of a continuous concrete pad, concrete piers or ribbons may be provided if they run the full length of the mobile home. Each pad shall be equipped with hurricane anchors or tie down equipment capable of being connected to the mobile home to secure the home during high winds. Skirting shall be installed along the base of each mobile home sufficient to hide the undercarriage and supports from view.
14. **Sidewalks.** Paved sidewalks shall be provided throughout each mobile home park. Sidewalks shall be: 1) a minimum of four (4) feet in width; 2) raised a minimum of six (6) inches above road grade in front of each site; 3) adjacent to each street; and 4) laid out such that they connect the recreation area, common open spaces and the community building with mobile home sites.
15. **Streets and Parking Areas.** All streets and parking areas in a mobile home park shall be of a paved surface.
16. **Refuse Disposal.** Each mobile home park shall provide an effective system of garbage and rubbish storage, collection, and disposal.
17. **Lighting.** Each mobile home park shall be provided with sufficient lighting to illuminate all parking bays, streets and sidewalks. Lighting fixtures shall be full "cut off" fixtures to prevent light from shining into the sky and across property boundaries.

18. **Ground Cover.** All exposed ground surfaces in the mobile home park must be sodded, seeded or covered with ornamental stone. One (1) shade tree at least ten (10) feet in height when planted shall be provided for each two (2) mobile home sites.
19. **Drainage.** An adequate storm drainage system, including necessary storm sewer's drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided.
20. **Storage Areas.** Each mobile home lot shall be equipped with a storage cabinet of not less than three hundred (300) cubic feet and no more than four hundred (400) cubic feet of storage area, or in lieu thereof, a minimum of three hundred fifty (350) cubic feet of storage area in a central storage building. Said storage cabinet shall be placed or constructed within the required rear or entry side yard.
21. **Recreation Vehicle Storage.** All mobile home parks shall contain a storage area for the storage of campers, trailers, motor homes, boats, snowmobiles and other vehicles ordinarily towed or driven for a special purpose. The storage of these vehicles in the mobile home park is specifically prohibited except in the storage area. The storage area shall be screened by solid type fence five (5) feet in height around its perimeter or by some other screening devices which is approved by the Board of Appeals.
22. **Recreation Area.** Each mobile home park shall include a recreation area or areas equal in size to no less than ten (10) percent of the total gross usable park area. Required setbacks or buffer zones may not be used for the required recreation areas. All recreation areas shall be centrally located, well drained, accessible to all residents of the mobile home park, and improved with playground equipment and other facilities for all age groups. In no case shall any intensive use playground equipment be located closer than fifty (50) feet to any mobile home.
23. **Community Building.** Each mobile home park shall have a community building or buildings to provide the laundry and toilet facilities required by the Trailer Coach Park Act and a below-grade tornado shelter or shelters of sufficient size to provide a safe refuge for all mobile home park residents. Such a building(s) may also house offices and other facilities that are necessary for the management of a mobile home park.

Sec. 10-103 SITE PLAN REVIEW.

For all mobile home park development a site plan shall be submitted in accordance with Section 4-117.

ARTICLE XI. B1 - BUSINESS DISTRICT

Sec. 11-101 PRINCIPAL PERMITTED USES.

In the B1 District, no uses shall be permitted unless otherwise provided in this Ordinance except the following:

- A. Grocery store, including beer, wine and liquor, fruit, vegetable, meat, dairy products, and baked goods.
- B. Confectioneries, delicatessens, restaurants and taverns.
- C. Museums.
- D. Financial institutions.
- E. Laundromat & dry cleaning.
- F. Offices for plumbing, roofing, heating contractors, decorators, upholsterers, and similar establishments.
- G. Funeral parlors and mortuaries.
- H. Shoe repair shop.
- I. Watch, television, and radio repair shops.
- J. Barber and beauty shop.
- K. Professional office, except medical or dental clinics.
- L. Retail shops.
- M. Theaters, assembly halls, concert halls and similar places of assembly.
- N. Public utilities.
- O. Single and two-family dwellings.
- P. Mixed uses i.e., commercial and residential uses combined in one (1) building.
- Q. New and used car sales including outdoor displays of vehicles.
- R. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.
- S. Off-street parking in accordance with the requirements of Section 4-109.
- T. Car Wash.
- U. Health Spa.

Sec. 11-102 PERMITTED USES SUBJECT TO SPECIAL USE PERMIT.

- A. Hotels, motels, and motor court in accordance with Section 23-105.
- B. Medical or Dental Clinics in accordance with Section 23-114.
- C. Office Developments in accordance with Section 23-115.
- D. Hospitals in accordance with Section 23-124.
- E. Bowling Alleys, skating rinks and indoor recreation facilities subject to 23-108.
- F. Gasoline filling stations as defined in Section 2-102 subject to Section 23-125.
- G. Employee/Boarding Housing in accordance with Section 23-130.
- H. Assisted Living Facility in accordance with Section 23-133. (Amended 9/04)
- I. Temporary and Seasonal Unpaved Boat Line Parking. (Amended 4/10)
- J. All open air businesses in accordance with Section 23-109. (Amended 6/16/11)

Sec. 11-103 SITE PLAN APPROVAL.

For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with Section 4-117.

Sec. 11-104 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

A. Lot Dimensions

- 1. Minimum Lot width: 50 ft.
- 2. Minimum Lot Area: 6,500 sq. ft.
- 3. Max. Lot Coverage: -

B. Maximum Building Height

- 1. Stories: 4
- 2. Height: 45 feet (maximum 30 feet for all structures between I-75 and Nicolet Street, which are also north of the I-75 exit #338 to protect viewshed from highway towards the downtown and the water)
(Amended 9/05)

C. Yard Setbacks

- 1. Front: 10 ft. (See Sec. 22-102E)
- 2. Sides: 10 ft. (See Sec. 22-102G)
 - a. Total of 2: 20 ft.
- 3. Rear: 10 ft. (See Sec. 22-102F)

D. Minimum Building Dimensions

- 1. 1st Floor Area (single family): 800 sq. ft.
- 2. 1st Floor Area (two family): 1,200 sq. ft.
- 3. Principle Use 1st Floor Area: 500 sq. ft. (Amended 6/03)

E. Accessory Buildings, Detached Garages

- 1. Maximum height: 30 ft.
- 2. Side Yard setback: 10 ft. (See Sec. 22-102G)
- 3. Rear Yard setback: 10 ft. (See Sec. 22-102F)
- 4. Front Yard setback: Must be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance.
- 5. Maximum floor area: 864 sq. ft.
- 6. Minimum distance from main bldg.: 6 ft.

ARTICLE XII. B2 - WATERFRONT BUSINESS DISTRICT

Sec. 12-101 PRINCIPAL PERMITTED USES.

In the B2 District, no uses shall be permitted, unless otherwise provided in this Ordinance, except the following:

- A. Retail shops.
- B. Restaurants, taverns, not including drive-in restaurants.
- C. Publicly owned buildings.
- D. Museums.
- E. Passenger boat ferries, except that ferry tickets shall be sold only on the premises actually used for docking ferries, embarking and disembarking passengers.
- F. Charter boat operations except that tickets shall be sold only on the premises actually used for docking the vessel.
- G. Marinas, public and private.
- H. Public utilities.
- I. Off-street parking lots.
- J. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- K. Off-street parking and loading in accordance with the requirements of Section 4-109.

Sec. 12-102 PERMITTED USES SUBJECT TO SPECIAL USE PERMIT.

- A. Drive-in restaurants subject to Section 23-106.
- B. Open Air Business Recreational Equipment Sales/Rental only in accordance with Section 23-109. (Amended 6/16/11)
- C. Boat repair and storage facilities.
- D. Hotels, Motels, and Motor Courts subject to 23-105.
- E. Single family dwellings when they are located within but separate from the primary business and when intended for the use or occupancy of the proprietor or owner of the business on the same or adjacent lots.
- F. Commercial and service establishments of an "Adult" nature as listed and defined herein and subject to the following conditions:
 - 1. In order to prevent such undesirable concentration of such uses, the following uses and activities shall not be located within two thousand (2,000) feet of two (2) other such uses nor within one thousand (1,000) feet of any residentially zoned district as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed following specified uses and activities and between such uses and the adjoining residentially zoned district.
 - a. Adult book store.
 - b. Adult motion picture theater.
 - c. Adult mini motion picture theater.
 - d. Adult smoking or sexual paraphernalia store.
 - e. Host or hostess establishments offering socialization with a host or hostess for consideration.
 - f. Pool or billiard hall.
 - g. Pawnshop.

- h. Tavern or cabaret providing live or projected entertainment where intoxicating liquors may or may not be sold for consumption on the premises. “Projected entertainment” shall not include standard television reception.
 - i. Sauna, hot tub or other similar health or body improvement or enjoyment enterprises.
 - j. Any combination of the foregoing.
2. For the purpose of interpreting the application of the foregoing limitations on certain business locations, the following terms or designations shall have the following meanings:
- a. **Adult bookstore.** An establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as hereinafter defined, or an establishment with a segment or section devoted to the sale or display of such material.
 - b. **Adult motion picture theater.** An enclosure with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing relating to “specified sexual activities” or “specified anatomical areas” as hereinafter defined for observation by patrons therein.
 - c. **Adult mini motion picture theater.** An enclosure with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”, as hereinafter defined for observation by patrons therein.
 - d. **Adult smoking or sexual paraphernalia store.** An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug-related substances.
 - e. **Pool or billiard hall.** An establishment having a substantial or significant portion of its space devoted to the game of pool, billiards, bumper pool, ping pong, darts, dice, cards or similar activities.
 - f. **Host or hostess establishment.** Establishments or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.
 - g. **Pawnshop.** An establishment where merchandise is left as security for a loan of money and abandoned if repayment of the loan has not been made within a specified period.
 - h. **Secondhand store.** An establishment where used merchandise is offered for sale as a principal portion of the business of the establishment.
 - i. **Specified anatomical areas.**
 - i. Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.

- ii. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Sec. 12-103 SITE PLAN APPROVAL.

For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with Section 4-117.

Sec. 12-104 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

A. Lot Dimensions

- 1. Minimum Lot Width: 50 ft.
- 2. Minimum Lot Area: 6,500 sq. ft.
- 3. Maximum Lot Coverage: -

B. Maximum Building Height

- 1. Stories: 4
- 2. Height: 45 ft.

C. Yard Setbacks

- 1. Front: 10 feet (See Sec. 22-102E)
- 2. Sides: 10% of average lot width footage as measured between side property lines, setback to be distributed within each side yard. (See Sec. 22-102G)
 - a. Minimum each side: 10 feet
 - b. Required parking for a development may be placed within 10 feet of the side property line.
- 3. Rear: 10 feet (See Sec. 22-102K)
(Amended 6/08)

D. Minimum Building Dimensions

- a. Principle Use 1st Floor Area: 500 sq. ft. (Amended: 6/03)

E. Accessory Buildings, Detached Garages

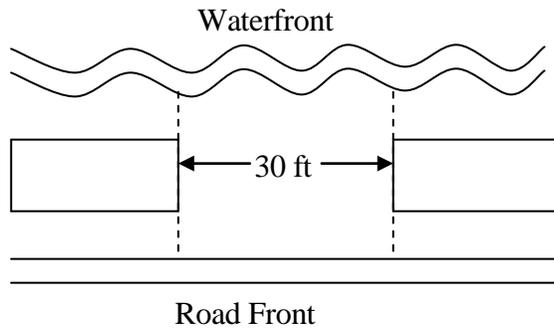
- 1. Maximum height: 21 ft.
- 2. Side Yard setback: 10 ft. (See Sec. 22-102G)
- 3. Rear Yard setback: 10 ft. (See Sec. 22-102K)
- 4. Front Yard setback: Must be no closer to front property line than existing or proposed primary structure.
- 5. Maximum floor area: 864 sq. ft.
- 6. Minimum distance from main bldg.: 6 ft.

F. Maximum Building Length

1. The maximum length of a building as measured along the portion facing the waterfront or street front shall not exceed 250 feet.

G. Minimum Clear Area / View Shed

1. Buildings located on the same lot / parcel must maintain a 30 foot separation between buildings to establish a clear area / view shed between the road front and the waterfront as depicted:



(Amended, 6/08)

ARTICLE XIII. B3 – GATEWAY BUSINESS DISTRICT

Sec. 13-101 PRINCIPAL PERMITTED USES.

In the B3 Business District, no uses shall be permitted unless otherwise provided in this Ordinance, except the following:

- A. Retail shops.
- B. Personal service establishments, including health spas.
- C. Financial institutions.
- D. Restaurants and taverns, not including drive-in restaurants.
- E. General and professional offices, not including medical and dental clinics.
- F. Museums and art galleries.
- G. Bakeries, employing no more than five (5) persons, exclusive of retail sales personnel.
- H. Arcades and similar indoor entertainment.
- I. Custom craft shops in conjunction with retail use.
- J. Combined retail-wholesale business when conducted entirely within a building.
- K. Publicly owned building.
- L. Grocery store, including beer, wine and liquor, fruit, vegetable, meat, dairy products, and baked goods.
- M. Barber and Beauty Shop.

Sec. 13-102 PERMITTED USES SUBJECT TO A SPECIAL USE PERMIT.

- A. Drive-in restaurants subject to Section 23-106.
- B. Any living quarters attached to a building used for business purposes provided that:
 1. The living quarters shall not have less than six hundred (600) sq. ft.
 2. Minimum number of parking spaces shall be two (2) each per dwelling unit.
 3. Parking must be within five hundred (500) feet of the building, unless determined to be adequate distance by Village Staff.
 4. All parking areas and drives shall be paved.
- C. Hotels, motels, and motor court in accordance with Section 23-105.
- D. Open Air Business Recreational Equipment Sales/Rental only in accordance with Section 23-109. (Amended 6/16/11)

Sec. 13-103 SITE PLAN REVIEW.

For all Permitted Uses and uses subject to a special use permit, a site plan shall be submitted in accordance with Section 4-117.

Sec. 13-104 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

- A. **Lot Dimensions**
 1. Minimum Lot width: 25 feet
 2. Minimum Lot Area: -
 3. Maximum Lot Coverage: -
- B. **Maximum Building Height**
 1. Stories: 4
 2. Height: 45 ft.
- C. **Yard Setbacks**
 1. Front: 1 ft.
 2. Sides: -
 - a. Total of 2: -

3. Rear:

1 ft.

D. Minimum Building Dimensions

1.

(See Sec. 22-102I, 22-102J)

(amended 3/06)

ARTICLE XIV B4 - HISTORIC BUSINESS DISTRICT

Sec. 14-101 PRINCIPAL PERMITTED USES.

The B-4 district reflects the unique characteristics of Mackinaw City’s historic downtown. In the B-4 Business District, no uses shall be permitted unless otherwise provided in this Ordinance, except the following:

- A. Retail shops.
- B. Restaurants and taverns, not including drive-in restaurants.
- C. Arcades and similar indoor entertainment.
- D. Custom craft shops.
- E. Bakeries, employing not more than five (5) persons per shift, exclusive of retail sales personnel.
- F. Combined retail-wholesale business when conducted entirely within a building.
- G. Publicly owned building.

Sec. 14-102 PERMITTED USES SUBJECT TO A SPECIAL USE PERMIT.

- A. Any living quarters attached to a building used for business purposes provided that:
 - 1. The living quarters shall not have less than six hundred (600) square feet.
 - 2. Minimum number of parking spaces shall be two (2) each per dwelling unit.
 - 3. Parking must be within four hundred (400) feet of the building with an approved lease agreement for the duration of the residential use.
 - 4. All parking areas and drives shall be paved.

Sec. 14-103 SITE PLAN REVIEW.

For all permitted uses and permitted uses subject to a special use permit, a site plan shall be submitted in accordance with Section 4-117.

Sec. 14-104 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

- A. Allowable Customer Service Floor Area (percent of total lot area)
 - 1. All permitted uses except restaurant 80%
 - 2. Restaurant 50%
 - 3. Multiple uses including restaurant 50% (for entire site)
- B. Lot Dimensions
 - 1. Minimum Lot width: 25 ft.
 - 2. Maximum Lot width: 50 ft.
- C. Maximum Building Height
 - 1. Height 45 ft.
- D. Yard Setbacks
 - 1. Front: 1 ft.
 - 2. Sides (per side): -

3. Rear: 1 ft.

E. Minimum Building Dimensions,

1. 1st Floor Area: 800 sq. ft.

Sec. 14-105 SPECIAL DEVELOPMENT REQUIREMENTS.

- A. **Expansion of Building Total Ground Floor Area.** All lots to be built upon, regardless of intended or existing use, must provide two (2) paved parking spaces for each fifty (50) feet of lot width and one enclosed dumpster area. No building can expand the ground floor area if these can not be provided on-site. Those lots without the required parking spaces and dumpster enclosure can only expand vertically according to the applicable requirements.
- B. **Parking Requirements for Residential Uses.** Only residential uses and expansion of non-conforming uses must provide off-street parking as determined by the parking requirements table.
- C. **Front Walls facing public street.** All buildings must have a wall separating the product(s) sold or displayed within the store from the people walking in the open air or on a public sidewalk.
- a. No part of any building which abuts or has access to a public street may have a doorway or opening wider than 6 feet and 4 inches or taller than 7 feet.
 - b. No building may have more than one such doorway or opening for each distinct business or for each full 25 feet of property width, whichever results in the lesser number of doorways or openings. This property width shall be measured along the property line abutting the public sidewalk.
 - c. Other than a doorway with dimensions as described above and only for means of customer ingress and egress, no part of any wall abutting a public sidewalk shall remain open.
 - d. No door shall be propped open so as to extend into or across the required front setback.
 - e. Doors that are used only for access to garbage rooms and for garbage receptacle access and no customer access will be exempt from the above-listed size restrictions of this section.

(Amended Feb., 2007)

ARTICLE XV. AG - AGRICULTURAL DISTRICT

Sec. 15-101 MUNICIPAL PERMITTED USES.

In the AG District, no uses shall be permitted unless otherwise provided in this Ordinance, except the following:

- A. Single family detached dwellings.
- B. Cemeteries.
- C. Golf courses.
- D. General farming and truck farming.
- E. Transient merchants who operate in the out-of-doors from a stand, tent, trailer or other temporary structure after having first obtained a transient merchant license as declared by Ordinance #83 [20.650].
- F. Roadside stands for sale of produce grown on the premises.
- G. Accessory buildings and uses customarily incidental to the permitted use.
- H. Off-street parking and loading in accordance with Section 4-109.

Sec. 15-102 PERMITTED USES SUBJECT TO SPECIAL USE PERMIT.

- A. Open Air Business Landscape only in accordance with Section 23-109. (Amended 6/11/11)
- B. Radio, television towers subject to Section 23-113.
- C. Private stables subject to Section 23-119.
- D. Campgrounds and travel trailer parks subject to Section 23-120.
- E. Kennels subject to Section 23-123.
- F. Indoor horticultural activities including mushroom plants, greenhouses, poultry farms and other farms of intensive indoor agriculture/horticultural activities.
- G. Bed and Breakfast facilities in accordance with Section 23-118.

Sec. 15-103 SITE PLAN REVIEW.

For all permitted uses subject to a special use permit, a site plan shall be submitted in accordance with Section 4-117.

Sec. 15-104 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

- A. Lot Dimensions
 - 1. Minimum Lot width: 100 ft.
 - 2. Minimum Lot Area: 15,000 sq. ft.
 - 3. Maximum Lot Coverage: 40%
- B. Maximum Building Height
 - 1. Stories: 3.5
 - 2. Height: 35 ft.
- C. Yard Setbacks
 - 1. Front: 20 ft. (See Sec. 22-102A)
 - 2. Sides: 7 ft. (See Sec. 22-102B)
 - a. Total of 2: - (See Sec. 22-102B)
 - 3. Rear: 20 ft.

D. Minimum Building Dimensions

1. 1st Floor Area: 800 sq. ft.

E. Accessory Buildings, Detached Garages

1. Maximum height: 21 ft.
2. Side Yard setback: 7 ft.
3. Rear Yard setback: 10 ft.
4. Front Yard setback: Must be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance.
5. Maximum floor area: -
6. Minimum distance from main bldg.: 6 ft.

ARTICLE XVI. MR - MANUFACTURING RESEARCH

Sec. 16-101 PRINCIPAL PERMITTED USES.

In the MR District, no uses shall be permitted, unless otherwise provided in this Ordinance, except the following:

- A. Wholesale and Warehousing: The sale at wholesale or warehousing of automotive equipment, dry goods and apparel, groceries and related products, raw farm products except livestock, electrical goods, hardware, plumbing, heating equipment and supplies, machinery and equipment, tobacco and tobacco products, paper and paper products, furniture and home furnishing, and any commodity the manufacture of which is permitted in this District, and truck terminals.
- B. Laboratories, research or testing.
- C. Tool and die shops.
- D. Facilities for the printing or forming of box, carton and cardboard products.
- E. Electric transformer stations and substations, electric transmission towers, municipal buildings and uses, gas regulators and municipal utility pumping stations.
- F. Indoor tennis, paddleball, or racquetball courts.
- G. Bakeries.
- H. Cold storage plants.
- I. Bottling works, including milk bottling or distribution station.
- J. Manufacture of food products.
- K. Tin shop or plumbing supply shops.
- L. Coal or building materials storage yards.
- M. Kennels.
- N. Veterinary hospital or clinics.
- O. Contractors' storage yards.
- P. Research laboratories.
- Q. Radio and television towers, except that no commercial radio or television towers shall be erected within five hundred (500) feet of the shoreline of the Straits of Mackinaw.
- R. Port and dock facilities, boat repair and storage, ferry operation, except that ferry tickets shall be sold only on the premises actually used for docking ferries, embarking and disembarking passengers.
- S. Automobile storage and parking.
- T. Transient merchants subject to Section 15-101E.
- U. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- V. Off-street parking in accordance with Section 4-109.

Sec. 16-102 PERMITTED USES SUBJECT TO A SPECIAL USE PERMIT.

- A. Automobile disposal and junk yards subject to Section 23-112.
- B. Planned Industrial Parks subject to Section 23-116.
- C. Central dry cleaning plants and laundries.
- D. Auto and truck painting, varnishing, vulcanizing or rust proofing shops.
- E. Public garage, motor vehicle repair shop, automobile paint and bump shop, or car washing establishments.
- F. Temporary and Seasonal Unpaved Boat Line Parking. (Amended 4/10)

Sec. 16-103 COMPLIANCE WITH COUNTY AND STATE REGULATIONS.

Any use permitted in the MR District must comply with applicable County and State health and pollution laws and federal regulations.

Sec. 16-104 SITE PLAN REVIEW.

For all permitted uses and uses permitted subject to a special use permit, a site plan shall be submitted in accordance with Section 4-117.

Sec. 16-105 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

A. *Lot Dimensions*

- 1. Minimum Lot width: 200 ft.
- 2. Minimum Lot Area: 30,000 sq. ft.
- 3. Maximum Lot Coverage: 50%

B. Maximum Building Height

- 1. Stories: 4
- 2. Height: 40 ft

C. Yard Setbacks

- 1. Front: 15 feet, or 30 feet if abutting residentially zoned property (Amended 09/04)
- 2. Sides: 15 feet, or 30 feet if abutting residentially zoned property (Amended 09/04)
- 3. Rear: 15 feet, or 30 feet if abutting residentially zoned property (Amended 09/04)

D. Minimum Building Dimensions

- 1. 1st Floor Area: -

E. Accessory Buildings, Detached Garages

- 1. Maximum height: 21 ft.
- 2. Side Yard setback: 40 ft.
- 3. Rear Yard setback: 40 ft.
- 4. Front Yard setback: Must be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance.
- 5. Maximum floor area: -
- 6. Minimum distance from main bldg.: 6 ft.

ARTICLE XVII. MRS - MANUFACTURING RESEARCH SIGNAGE

Sec. 17-101 PRINCIPAL PERMITTED USES.

In the MRS District, no uses shall be permitted, unless otherwise provided in this Ordinance, except the following:

- A. Wholesale and Warehousing: The sale at wholesale or warehousing of automotive equipment, dry goods and apparel, groceries and related products, raw farm products except livestock, electrical goods, hardware, plumbing, heating equipment and supplies, machinery and equipment, tobacco and tobacco products, paper and paper products, furniture and home furnishings, and any commodity the manufacture of which is permitted in this District, and truck terminals.
- B. Laboratories, research or testing.
- C. Tool and die shops.
- D. Facilities for the printing or forming of box, carton and cardboard products.
- E. Electric transformer stations and substations, electric transmission towers, municipal buildings and uses, gas regulators and municipal utility pumping stations.
- F. Indoor tennis, paddleball, or racquetball courts.
- G. Bakeries.
- H. Cold storage plants.
- I. Bottling works, including milk bottling or distribution.
- J. Manufacture of food products.
- K. Tin shop or plumbing supply shops.
- L. Coal or building materials storage yards.
- M. Kennels.
- N. Veterinary hospital or clinics.
- O. Contractors' storage yards.
- P. Research laboratories.
- Q. Port and dock facilities, boat repair and storage, ferry operation, except that ferry tickets shall be sold only on the premises actually used for docking ferries, embarking and disembarking passengers.
- R. Automobile storage and parking.
- S. Transient merchants subject to Section 15-101E.
- T. Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- U. Off-street parking in accordance with Section 4-109.
- V. Off-premise billboards as regulated by the Village Sign Ordinance.

Sec. 17-102 PERMITTED USES SUBJECT TO A SPECIAL USE PERMIT.

- A. Automobile disposal and junk yards subject to Section 23-112.
- B. Planned Industrial Parks subject to Section 23-116.
- C. Central dry cleaning plants and laundry.
- D. Auto and truck painting, varnishing, vulcanizing or rust-proofing shops.
- E. Public garage, motor vehicles repair shop, automobile paint and bump shop, or car washing establishments.
- F. Radio and television towers, except that no commercial radio or television towers shall be erected within five hundred (500) feet of the shoreline of the Straits of Mackinaw.

Sec. 17-103 COMPLIANCE WITH COUNTY AND STATE REGULATIONS.

Any use permitted in the MRS District must comply with applicable County and State health and pollution laws and federal regulations.

Sec. 17-104 SITE PLAN REVIEW.

For all permitted uses and uses permitted subject to a special use permit, a site plan shall be submitted in accordance with Section 4-117.

Sec. 17-105 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

A. Lot Dimensions

- 1. Minimum Lot width: 200 ft.
- 2. Minimum Lot Area: 30,000 sq. ft.
- 3. Maximum Lot Coverage: 50%

B. Maximum Building Height

- 1. Stories: 4
- 2. Height: 40 ft.

C. Yard Setbacks

- 1. Front: 40 ft. (See Sec. 22-102M)
- 2. Sides: 40 ft. (See Sec. 22-102M)
 - a. Total of 2: 80 ft. (See Sec. 22-102M)
- 3. Rear: 40 ft. (See Sec. 22-102M)

D. Minimum Building Dimensions

- 1. 1st Floor Area: -

E. Accessory Buildings, Detached Garages

- 1. Maximum height: 21 ft.
- 2. Side Yard setback: 40 ft.
- 3. Rear Yard setback: 40 ft.
- 4. Front Yard setback: Must be no closer to front property line than existing or proposed primary structure.
- 5. Maximum floor area: -
- 6. Minimum distance from main bldg.: 6 ft.

ARTICLE XVIII. BC - BUSINESS CENTRAL DISTRICT

Sec. 18-101 PRINCIPAL PERMITTED USES.

In the BC Business Central District, no uses shall be permitted unless otherwise provided in this Ordinance except the following:

- A. Grocery store, including beer, wine and liquor, fruit, vegetable, meat, dairy products and baked goods.
- B. Confectioneries, delicatessens, restaurants and taverns.
- C. Museums.
- D. Financial Institutions.
- E. Laundromat.
- F. Offices for plumbing, roofing, heating contractors, decorators, upholsterers, and similar establishments.
- G. Funeral parlors and mortuaries.
- H. Shoe repair shop.
- I. Watch, television and radio repair shops.
- J. Barber and beauty shop.
- K. Professional office, except medical or dental clinics.
- L. Retail shops.
- M. Theaters, assembly halls, concert halls and similar places of assembly.
- N. Public utilities.
- O. Single and two-family dwellings.
- P. Mixed uses i.e., commercial and residential uses combined in one (1) building.
- Q. New and used car sales including outdoor displays of vehicles.
- R. Indoor tennis, paddleball, racquet ball courts and health clubs.
- S. Publicly owned buildings.
- T. Arcades and similar indoor entertainment.
- U. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.
- V. Off-street parking in accordance with the requirements of Section 4-109.

Sec. 18-102 PERMITTED USES SUBJECT TO SPECIAL USE PERMIT.

- A. Hotels, motels and motor court in accordance with Section 23-105.
- B. Medical or dental clinics in accordance with Section 23-114.
- C. Office developments in accordance with Section 23-115.
- D. Hospitals in accordance with Section 23-124.
- E. Bowling alleys, skating rinks and indoor recreation facilities subject to 23-108.
- F. Gasoline filling stations as defined in Section 2-102 and subject to Section 23-125.
- G. Open Air Business Recreational Equipment Sales/Rental, Recreation/Amusement, Vehicle Sales/Rental, Landscape only in accordance with Section 23-109. (Amended 6/16/11)
- H. Marine/boat storage and repair facilities and in accordance with Section 23-126.
- I. Employee/Boarding Housing in accordance with Section 23-130.
- J. Temporary and Seasonal Unpaved Boat Line Parking (Amended 4/10)

Sec. 18-103 SITE PLAN APPROVAL.

For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with Section 4-117.

Sec. 18-104 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS.

A. Lot Dimensions

1. Minimum Lot width: 50 ft.
2. Minimum Lot Area: 6,500 sq. ft.
3. Maximum Lot Coverage: 50%

B. Maximum Building Height

1. Stories: 4
2. Height: 45 ft.

C. Yard Setbacks

1. Front: 10 ft. (See Sec. 22-102E)
2. Sides: 10 ft. (See Sec. 22-102G)
 - a. Total of 2: 20 ft.
3. Rear: 10 ft. (See Sec. 22-102F)

D. Minimum Building Dimensions

1. 1st Floor Area (single family): 800 sq. ft.
2. 2nd Floor Area (two family): 1,200 sq. ft.
3. Principle Use 1st Floor Area: 500 sq. ft. (Amended 6/03)

E. Accessory Buildings, Detached Garages

1. Maximum height: 30 ft.
2. Side Yard setback: 10 ft. (See Sec. 22-102G)
3. Rear Yard setback: 10 ft. (See Sec. 22-102F)
4. Front Yard setback: 10 ft. (See Sec. 22-102E)
5. Maximum floor area: -
6. Minimum distance from main bldg.: 6 ft.

ARTICLE XIX. MC - MARINA COMMERCIAL DISTRICT

Sec. 19-101 PRINCIPAL PERMITTED USES.

In the MC Marina Commercial District, no uses shall be permitted unless otherwise provided in this Ordinance except the following:

- A. Museums.
- B. Marinas, public and private (without covered boat docks or slips).
- C. Performance Shells.
- D. Off-street parking and loading in accordance with the requirements of Section 4-109.
- E. Accessory buildings and uses customarily incidental to the above principle uses.

Sec. 19-102 PERMITTED USES SUBJECT TO SPECIAL USE PERMIT.

- A. Charter boat operations according to Section 23-129.
- B. Passenger boat ferries in accordance with Section 23-128. (Amended, 3/07)

Sec. 19-103 SITE PLAN APPROVAL

- A. For permitted uses and uses subject to a Special Use Permit, a Site Plan shall be submitted in accordance with Section 4-117.

Sec. 19-104 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

- A. Lot Dimensions
 - 1. Minimum Lot width: 100 ft.
 - 2. Minimum Lot Area: 10,000 sq. ft.
 - 3. Maximum Lot Coverage: 50%
- B. Maximum Building Height
 - 1. Stories: 3.5
 - 2. Height: 30 ft.
- C. Yard Setbacks
 - 1. Front: 10 ft. (See Sec. 22-102H)
 - 2. Sides: 10 ft.
 - 3. Rear: 10 ft.
- D. Minimum Building Dimensions
 - 1. Principle Use 1st Floor Area: 500 sq. ft. (Amended 6/03)
- E. Accessory Buildings, Detached Garages
 - 1. Maximum height: 21 ft.
 - 2. Side Yard setback: 10 ft.
 - 3. Rear Yard setback: 10 ft.
 - 4. Front Yard setback: Must be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance.
 - 5. Maximum floor area: 864 sq. ft.
 - 6. Minimum distance from main bldg.: 6 ft.

Sec. 19-105 ARCHITECTURAL GUIDELINES

- A. All structural construction within the MC District shall adhere to the following Architectural requirements:
1. The chosen architectural theme or style shall remain uniform throughout the development.
 2. Structures shall be sided with natural finished wood, natural finished stone or brick on all exposed sides.
 3. Roof lines shall be broken by architectural appendaments. Appendaments shall be proportionally sized to break the roof lines into thirds.
 4. Architectural guidelines shall be clearly outlined on project elevation sheets and submitted during the Site Plan Review process.
 5. Planning Commission shall provide final approval for all applications or denial of application stating criteria needed to comply with the ordinance.
 6. No part of any roof shall be less than a 6:12 pitch.

ARTICLE XX. CR - CONSERVATION AND RECREATION

Sec. 20-101 PRINCIPAL PERMITTED USES.

This district is designed to preserve the existing environment by permitting only low density development. The purpose of this district is to provide natural area for the benefit of public recreation and utilization by residents and visitors. In the CR District, no uses shall be permitted unless otherwise provided in this Ordinance, except the following:

- A. Single family detached dwellings.
- B. Roadside stands for sale of produce grown on the premises.
- C. Accessory buildings and uses customarily incidental to the permitted use.
- D. Off-street parking and loading in accordance with Section 4-109.

Sec. 20-102 PERMITTED USES SUBJECT TO SPECIAL USE PERMIT.

- A. Home Occupations subject to Section 23-103.
- B. Open air businesses subject to Section 23-109.
- C. Campgrounds and travel trailer parks subject to Section 23-120.

Sec. 20-103 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS

- A. Lot Dimensions
 - 1. Minimum Lot width: 100 ft.
 - 2. Minimum Lot depth: 150 ft.
 - 3. Minimum Lot Area: 15,000 sq. ft.
 - 4. Maximum Lot Coverage: 25%
- B. Maximum Building Height
 - 1. Stories: 3.5
 - 2. Height: 35 ft.
- C. Yard Setbacks
 - 1. Front: 30 ft.
 - 2. Sides: 15 ft.
 - a. Total of 2 -
 - 3. Rear: 25 ft.
- D. Minimum Building Dimensions
 - 1. 1st Floor Area: 800 sq. ft.
- E. Accessory Buildings, Detached Garages
 - 1. Maximum height: 21 ft.
 - 2. Side Yard setback: 15 ft.
 - 3. Rear Yard setback: 20 ft.
 - 4. Front Yard setback: Must be no closer to front property line than existing or proposed primary structure
 - 5. Maximum floor area: 864 ft.
 - 6. Minimum distance from main bldg.: 10 ft.

ARTICLE XXI. M - MUNICIPAL DISTRICT

Sec. 21-101 PURPOSE.

The Municipal District is to be located on the Village Zoning Map by the Village Council and is reserved exclusively for land, structures and uses related to or owned by federal, state, county, or municipal governmental authorities. Such structures and uses include property of Emmet or Cheboygan Counties and publicly owned facilities of the Village of Mackinaw City for administration and services. Although such governmental structures and uses enjoy legal exemption from local zoning requirements, with the exception of height limitations in the vicinity of any airport, it is expected that such authorities will cooperate with the Planning Commission to encourage the development of standards which will be applicable to and compatible with the general character of the area in which this District is situated and in the best interest of the Village and its residents.

ARTICLE XXII. SCHEDULE OF REGULATIONS

Sec. 22-101 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS.

Note: this is a summary of selected requirements for the zoning districts for convenience. All of the relevant information is in that zoning district's particular Section of this Ordinance.

TABLE NO. 4

Zoning District	Min. Lot Width in Feet	Min. Lot Area in Feet	Max Lot Coverage In %	Maximum		Minimum Yard Setbacks (In Obstructed Feet)				Min. 1st Floor Area	Access. Bldgs.
				Height in Stories	Height In Feet	Front	Sides - 1	Total of 2	Rear		
R1	50	7,500	35	3.5	35	25 (22-102A)	7 (22-102B)	15 (22-102B)	15	800	(Table 6)
R2	100	15,000	40	3.5	40	20 (22-102A)	10 (22-102B)	20 (22-102B)	20	800	(Table 6)
R3	50	7,500	40	3.5	35	20 (22-102A)	7 (22-102B)	20 (22-102B)	20	800 Single Family 1,200 Two Family	(Table 6)
R4	50	7,500	40	3.5	35	15 (22-102A)	7 (22-102B)	7 (22-102B)	7	800	(Table 6)
RM	200	(22-102C)	40	3.5	35	40 (22-102A)	20	40	20	-	(Table 6)
RMH	See Art. X	-	-	-	-	-	-	-	-	-	-
B1	50	6,500	-	4	45 *see Sec. 11-104, B. 2.	10 (22-102E)	10 (22-102G)	20	10 (22-102F)	800 Single Family 1,200 Two Family	(See Sec. 11-104E)
B2	50	6,500	-	4	45	10 (22-102E)	10 (22-102G)	20	10 (22-102K)	-	(See Sec. 12-104E)
B3		-	-	4	45	1	-	-	1	- (22-102I) (22-102J)	(See Sec. 13-104E)
B4	25 Min 50 Max	(14-104)	(14-104)	-	45	1	-	-	1	800	-
AG	100	15,000	40	3.5	35	20 (22-102A)	7 (22-102B)	20 (22-102B)	20	-	-

Zoning District	Min. Lot Width in Feet	Min. Lot Area in Feet	Max Lot Coverage In %	Maximum		Minimum Yard Setbacks				Min. 1st Floor Area	Access. Bldgs.
				Height in Stories	Height In Feet	(In Obstructed Feet)					
						Front	Sides - 1	Total of 2	Rear		
MR	200	30,000	50	4	40	15 (22-102M)	15 (22-102M)	30 (22-102M)	15 (22-102M)	-	-
MRS	200	30,000	50	4	40	40 (22-102M)	40 (22-102M)	80 (22-102M)	40 (22-102M)	-	-
BC	50	6,500	50	4	45	10 (22-102E)	10 (22-102G)	20	10 (22-102F)	800 Single Family 1,200 Two Family	(See Sec. 18-104E)
MC	100	10,000	50	3.5	30	10 (22-102H)	10	20	10	-	(See Sec. 19-104E)
CR	100	15,000	25	3.5	35	30	15	-	25	800	(Table 6)
M	-	-	-	-	-	-	-	-	-	-	-

- No part of any building shall exceed a maximum height of forty-five (45) feet (except as otherwise provided).
- Parking areas, maneuvering lanes and driveways other than for immediate ingress and egress will not be permitted within a minimum yard setback except parking areas in the B2 District shall be permitted within 10 feet of the side yard setbacks. (Amended, 6/08)
- Telephone, gas, electrical and fire suppression equipment shall be permitted within minimum setback areas.
- Decks, covered porches or similar structures greater than five feet by five feet (5' x 5') shall not be permitted within the minimum setback areas.
- Decks, covered porches or similar structures less than five feet by five feet (5' x 5') will only be permitted to provide ingress and egress in the R1, R2, and R3 Districts. All other Districts must meet required setbacks.

Sec. 22-102 FOOTNOTES TO SCHEDULE OF REGULATIONS.

- A. In all residential districts, the required front yard shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant material, fences which are not privacy fences, utility boxes, or vehicle access drives.
- B. The minimum side yard shall be equal to ten (10) percent of the total lot width. No side yard shall be less than seven (7) feet. The minimum side yard width on a corner lot shall be ten (10) feet measured from the side street lot line.
- C. A minimum lot area per housing unit and a minimum lot width at the building line shall be provided for every multi-family building erected, altered or used for any dwelling use permitted in this district in accordance with the following table:

TABLE NO. 5

TYPE OF DWELLING UNIT	MINIMUM LOT AREA PER DWELLING UNIT
Townhouse	4,000 sq. ft.
Multifamily - 3 bedrooms	4,000 sq. ft.
Multifamily - 2 bedrooms	3,500 sq. ft.
Multifamily - 1 bedroom	3,000 sq. ft.

- D. Maximum number of dwelling units per building shall be sixteen (16).
- E. Minimum front yard depth shall be ten (10) feet, except it shall be twenty (20) feet when abutting residentially zoned property.
- F. Minimum rear yard depth shall be ten (10) feet, except it shall be twenty (20) feet when abutting residentially zoned property or a public street right-of-way.
- G. Minimum side yard width shall be ten (10) feet, except it shall be twenty (20) feet when abutting residentially zoned property or a public street right-of-way.
- H. The front yard of all waterfront property in the MC and B2 Districts shall be that yard which faces the South Huron Avenue public street right-of way. (Amended, 6/08)
- I. Minimum building area shall be one thousand (1,000) square feet with a minimum of six hundred (600) square feet for each dwelling unit within the building.
- J. Any living quarters attached to a building used for business shall have a minimum floor area of six hundred (600) square feet.
- K. Rear yard setback of all waterfront parcels within the B2 District between Barbara Street and the Village limits shall be forty (40) feet from the ordinary high water mark (579.8 International Great Lakes Datum) as established by P.A. 247 of 1955.
- L. No part of any building shall exceed a maximum height of thirty (30) feet except that the average height of a marine repair facility shall not exceed thirty-two (32) feet and the maximum building height shall not exceed forty (40) feet for such a facility.
- M. For every one (1) foot in height over twenty-five (25) feet the building shall be set back from the front line at least two (2) additional feet, from the side lot lines at least six (6) additional inches, and from the rear lot line at least one (1) additional foot.
- N. Schedule of Height and Setback for Accessory Buildings.

TABLE NO. 6

<i>Applicable District</i>	Maximum Height (in ft.)	Side Yard (in ft.)	Rear Yard (in ft.)	Front Yard (in ft.)	Maximum Floor Area (in sq. ft.)	Min. Distance From Main Bldg. (in ft.) Detached
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R1

Garages	21	7	10	10 lakefront 25 all other	864	6
Other	21	7	10	10	800	6

R2

Garages	21	10	10	20	864	6
Other	21	10	10	20	800	6

R3

Garages	21	3	3	*	864	6
Other	21	3	3	*	800	6

R4

Garages	21	7	7	*	864	6
Other	21	7	7	*	800	6

RM

All	21	25	25	*	864	20
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AG

Garages	21	7	10	*	864	6
Other	35	7	10	*	--	6

CR

Garages	21	15	20	*	864	10
Other	21	15	20	*	864	10

* Must be no closer to front property line than existing or proposed primary structure

ARTICLE XXIII. SPECIAL USE STANDARDS

Sec. 23-101 SITE DESIGN STANDARDS.

In addition to the regulations set forth in Article IV, General Regulations, the following are specific regulations and design standards for uses listed in said article, and shall be the minimum governing requirements for the protection of the public health, safety, and general welfare of the community.

Sec. 23-102 PLANNED UNIT DEVELOPMENTS.

- A. The purpose of the Planned Unit Development (PUD) is to allow design and use flexibility on a given site while at the same time protecting present and future residents and public facilities from the adverse effects of unplanned or unregulated development. This approach allows the applicant to utilize innovative designs and methods to control the effects of development rather than having rigid numerical zoning standards dictate design parameters. The burden of proving a Planned Unit Development is within the parameters and intent of this Ordinance is completely upon the applicant. The Village Planning Commission is to be the judge of whether or not the design contains sufficient safeguards as to make the effects of the development compatible with the intent of this Ordinance. It is the expressed intent of this section to allow such items as setbacks, yards, parking spaces, type of dwelling unit and use to be regulated on an overall impact or gross development basis rather than individually for each lot, use, or structure.
- B. **Types of PUDs.** Compatible residential, commercial, and public uses may be combined in PUD districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Building site area and other setback requirements of the residential district shall apply except as modified in subsections E. and P. of this section.

There are two types of Planned Unit Developments: Commercial and Residential. Each type permits mixed commercial and residential uses but a commercial PUD consists of primarily commercial uses and a residential PUD consists primarily of residential uses.

- C. **Residential PUDs.** Residential PUDs are permitted in the R1, R2, R3, RM, and AG districts. When a residential planned unit development proposes a mixture of residential uses with commercial uses, the Planning Commission may limit the development to not more than ten (10) percent of the tract to commercial uses.
- D. **Permitted Residential Housing Types and Uses.** The following are considered eligible for inclusion in an application:
 - 1. **Principal PUD Uses and Structures for Residential PUD's:**
 - a. Single family detached homes (excluding mobile homes).
 - b. Two family homes.
 - c. Single family attached homes.
 - d. Multiple family structure (apartments).
 - e. Day Care Centers.
 - f. Limited commercial (Retail, grocery, professional office, medical facility only).
 - g. Community building and meeting hall
 - h. Lodging Houses, including Tourist Homes (with provisions for greater setback distances when PUD abuts existing residential districts).

2. Accessory Uses and Amenities.

- a. Indoor and outdoor recreational facilities.
- b. Carports.
- c. On-premise laundry facilities

E. Dwelling Unit Density. Bonuses in net residential density or that area devoted to dwelling units in a PUD development are permitted, provided that additional land is reserved and dedicated for open space as follows:

IF:	Then the density multiplier for determining the maximum number of residential units allowed per acre shall be:
30% of total area devoted to residences is reserved for open space,	1.50 x Conventional family density
35% of total area devoted to residences is reserved for open space,	2.00
40% of total area devoted to residences is reserved for open space,	2.50
45% of total area devoted to residences is reserved for open space,	3.00
50% of total area devoted to residences is reserved for open space,	3.50

F. Commercial PUDs. Commercial PUDs are permitted in the B1, B2, BC, MC, and CR districts.

G. Uses Permitted. Compatible residential, commercial, and public uses may be combined in commercial PUD districts provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Building site area and other setback requirements of the residential district shall apply except as modified in subsection P. of this section.

H. Permitted Commercial Uses. The following are considered eligible for inclusion in a Commercial PUD application:

1. Principal PUD Uses and Structures for Commercial PUDs.

- a. Retail.
- b. Museum.
- c. Theater.
- d. Restaurant.
- e. Day Care Centers.
- f. Office.
- g. Medical facility.
- h. Community building and meeting hall
- i. Hotel (amended 2/06)

2. Accessory Uses and Amenities.

- a. Indoor and outdoor recreational facilities.
- b. Carports.

c. On-premise laundry facilities serving only residents of the PUD

I. Requirements of all PUDs.

1. **Common Greenspace.** A minimum of twenty five (25) percent of the land developed in any planned unit development project shall be reserved for common greenspace and recreational facilities for the residents or users of the area being developed. The greenspace shall be disposed of as required in Sec. 23-102 (J) of this section.
2. **Disposition of Greenspace.** The required amount of common greenspace land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Village and retained as common greenspace for parks, recreation, and related uses. All land dedicated to the Village must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common greenspace dedication to the Village unless such land or right-of-way is usable as a trail, park, or other similar purpose and approved by the Planning Commission.

The responsibility of all greenspaces shall be specified by the developer before approval of the final development plan.

J. Site Design Standards. Unless modified by the Planning Commission in writing at the time of application approval compliance with the following design standards is required to be shown on the site plan:

1. Minimum yard requirements and building setbacks from all exterior property lines shall be comparable to the existing zoning district in which the PUD is proposed in unless modified according to subsection O. of this section. Multi-family uses must meet multi-family setbacks as required in Section 9-104 (C).
2. No building or structure shall have a maximum height greater than forty-five (45) feet. Modifications shall not be granted to this design standard as part of the Planned Unit Development Application. (Amended, 3/07)
3. Minimum spacing between detached buildings shall not be less than the height of the higher building as measured from the lowest first floor elevation.
4. All sensitive natural features such as drainageways, streams, wetlands, lands within the 100-year flood plains, land on slopes of twelve (12%) percent or greater, and stream or river banks, (which by virtue of soil and slope may create highly erodible hazards to the public health and safety) shall remain unencumbered by residential buildings and structures.
5. Access and egress opening from the development onto a public and private road shall be limited to one per five hundred (500) feet. Special provisions shall be made for residential PUDs to connect to existing grid-patterned streets of surrounding neighborhood(s).
6. Planted and maintained landscaped buffer areas of ten (10) feet in width are required along all exterior boundaries of the property to be developed.
7. Drainageways and streams shall be protected by a public easement measured twenty-five (25) feet from the centerline of such drainageways or streams.
8. Off-street parking is required at the rate of two (2) parking spaces per dwelling unit.

- K. **Facility Site Standards.** The site standards for all individual uses and facilities as provided in this Ordinance, must be observed unless waived by the Planning Commission for any (or all) of the specific uses and facilities.
- L. **Utilities.** A planned unit development shall have on-site community water and sewer, telephone and electrical systems provided by the developer, and must be approved by all legal state, county and local agencies (health, conservation, etc.) who are in authority and have jurisdiction. All utilities shall be placed underground. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.
- M. Off-street parking, loading, and service areas shall be provided in accordance with Article IV Sec. 4-109 of this Ordinance. However, off-street parking and loading areas shall not be permitted within twenty five (25) feet of any residential use.
- N. **Other Zoning Standards That May Apply.** The design standards of the PUD District shall apply to all PUD projects. Any PUD project proposing or requiring standards not specifically included in the PUD section, shall be subject to the standards in the zoning ordinance which apply to the particular design element. These include, but are not necessarily limited to, fencing, parking, signing, lighting, greenbelts, and related standards.
- O. **Modification to the Design Standards.** It is declared that the design of any given PUD is strongly influenced by the specific characteristics of each individual site, and that a universal application of adopted design standards may not be in the best interest of the community and/or the applicant. The modifications are authorized by the approving body and subject to recommendations of the Planning Commission. The approving body is therefore granted authority, in specific cases, to modify and/or alter the PUD design standards where it can be demonstrated that a strict application of those standards would not have good or practical purpose, because of one or more of the following:
1. Unusual shape or dimension of the site or to encourage the joint planning of adjacent parcels.
 2. Presence of limiting conditions relating to soils, topography, bedrock, or other natural conditions that would inhibit good design.
 3. The need to respond appropriately to the influence of adjacent land uses, transportation services, or utility needs.
 4. Typical applications of setbacks, lot dimensions within the PUD project may be waived or modified as determined to be appropriate, within the PUD project boundaries.
 5. In granting any modification to the standards for PUD development, it shall be determined that a better PUD plan can be put into place because of the modification, particularly in terms of the PUD's impact on the adjacent non-PUD properties and the community as a whole.
 6. Modifications shall not be granted if they are found to be contrary to the spirit and intent of the zoning ordinance.
 7. Modifications shall not be permitted to the basic standards of dwelling unit density.

- P. **Application and Procedure.** Upon approval by the Planning Commission and the Village Council, a planned unit development district may be applied to any existing district except for B3, R1, and R4. Upon approval of a development plan, the Official Zoning Map shall be annotated for the land area involved so that the district name includes the notation, “PUD”. Planned unit development districts shall be approved by the Planning Commission and the Village Council in the manner provided in subsections R through V of this section.
- Q. **Preapplication Conference with Planning Commission for Concept Review.** Prior to formal application submission for a special use permit for a proposed planned development, the developer/applicant shall be required to make a presentation to the Planning Commission in order to discuss initial design concepts and the application of said concepts to the land in question.
- R. **Public Hearing by Planning Commission.** Within thirty (30) days after submission of a complete and thorough development plan, the Planning Commission shall hold a public hearing in accordance with Section 24-105.
- S. **Recommendation by Planning Commission.** Within a reasonable amount of time after receipt of the development plan, the Planning Commission shall recommend to the Village Council that the development plan be approved as presented, approved with supplementary conditions, or denied. The Planning Commission shall then transmit all papers constituting the record and the recommendations to the Village Council.
- T. **Recommendations by Planning Commission.** Within ninety (90) days after receipt of the development plan, the Planning Commission shall recommend to the Village Council that the development plan be approved as presented, approved with supplementary conditions, or disapproved. The Planning Commission shall then transmit all papers constituting the record and the recommendations to the Village Council.
- U. **Criteria for Planning Commission.** Before making its recommendation, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:
1. Any proposed commercial development can be justified at the locations proposed.
 2. Any exception from the standard district requirements is warranted by the design and other amenities incorporated in the development plan, in accord with the planned unit development and the adopted policy of the Planning Commission and the Village Council.
 3. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
 4. The planned unit development is in general conformance with the land use plan of the Village.
 5. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.
- V. **Supplementary Conditions and Safeguards.** In approving any planned unit development district, the Village Council may prescribe appropriate conditions and

safeguards in conformity with this Ordinance. Violations of such conditions or safeguards, when made a part of the terms under which the development plan is approved, shall be deemed a violation of this Ordinance.

W. Expiration and Extension of Approval Period. The approval of a development plan for a PUD shall be for a period not to exceed two (2) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within two (2) years after approval is granted, the approved development plan shall be void. An extension of the time limit or modification of the approved development plan may be approved if the Planning Commission finds that such extension or modification is not in conflict with the public interest. No zoning amendment passed during the time period granted for the approved development plan shall in any way affect the terms under which approval of the PUD was granted.

Sec. 23-103 HOME OCCUPATIONS.

Home occupations shall be controlled as follows:

- A. None other than members of the family, shall be engaged in connection with such home occupation at the same time.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building, no variation from the residential character of the dwelling, and no visible evidence of the conduct of such home occupation.
- D. No home occupation shall be conducted in any accessory building.
- E. There shall be no sale of products or services except as are produced on the premises by such home occupation.
- F. The home occupation will not create traffic congestion, parking shortages, or otherwise adversely affect the pedestrian or vehicular circulation of the area.
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises if the occupation is conducted in a single-family dwelling. If conducted in other than a single-family dwelling, such nuisance shall not be detectable outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in the line voltage off the premises.
- H. In particular, a home occupation includes, but is not limited to: beauty shop, art studio, dressmaking, teacher, with musical or dancing instruction limited to four (4) to six (6) pupils

at a time; author, artist, musician, one (1) accountant, or similar use; but shall not include animal hospital, automotive repair service, barbershop, restaurant, tearoom, tavern, or similar use.

- I. A certificate of occupancy which shall specify the home occupation as to use and size is required.

Sec. 23-104 DESIGN STANDARDS AND CONDITIONS FOR CERTAIN USES.

The following site facility and design standards with respect to certain uses, herein specified, shall control:

Sec. 23-105 HOTEL, MOTEL, MOTOR COURT

- A. Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets. No more than two (2) driveway openings from a major thoroughfare shall be permitted.
- B. Each unit of commercial occupancy shall contain a minimum of two hundred fifty (250) square feet of gross floor area.
- C. General lighting and screening requirements - where adjacent to a residential district, refer to Section 4-113, which shall apply.
- D. The following uses will be considered as a motel amenity for its guests as long as the following criteria utilized by the hotel, motel, motor court are rigidly enforced. No other uses than those specified herein will be considered as an amenity.
 1. **Uses.** Tennis Courts, archery court, shuffleboard court, miniature golf, playground equipment, exercise equipment, V.C.R. and in-motel tape use, bicycle, boat, personal watercraft or devices, sailboards, swimming pools, snowmobiles, snow skis, coaster wheeled devices, continental breakfasts and electronic game rooms.
 2. **Criteria.**
 - a. Amenities must only be available to registered motel guests.
 - b. Each registered motel agent must occupy a legitimate room, be signed into the guest register and possess an appropriate room key.
 - c. These criteria will only apply from June 1st to October 1st of each year.

Sec. 23-106 DRIVE-IN RESTAURANT.

- A. Driveway openings to the site shall be located at least seventy-five (75) feet from any intersection as measured from the intersecting right-of-way lines to the edge of said driveway.
- B. Screening as required in Section 4-113 shall control where lot lines abut any residential district.

Sec. 23-107 CHILD CARE CENTERS, NURSERY SCHOOL, DAY NURSERIES.

- A. No dormitory facilities permitted on premises.
- B. For each child cared for, there shall be provided, equipped and maintained, on the premises a minimum of one hundred fifty (150) square feet of usable outdoor play area with a minimum total area of five thousand (5,000) square feet per facility.
- C. The outdoor play area shall be fenced in or screened by a heavily planted greenbelt from any abutting residential uses. See Section 4-113, which shall apply.

Sec. 23-108 BOWLING ALLEY, INDOOR SKATING AND SIMILAR USES.

- A. Driveway openings to the site shall be located at least seventy-five (75) feet from any intersection as measured from the intersecting street right-of-way lines to the edge of said driveway.
- B. The main and accessory buildings shall be located a minimum of eighty (80) feet from any residential use.

Sec. 23-109 PRIVATE OPEN AIR BUSINESS (PERMANENT AND TEMPORARY).

(Sec. 23-109, A through D, including subparagraphs, amended in its entirety on 06/16/2011)

A. Open Air Business Landscape:

- 1. Temporary sales of Christmas trees shall be exempted from open air business standards when conducted in November and December.
- 2. Minimum lot area shall be one (1) acre.
- 3. Minimum lot width shall be two hundred (200) feet.
- 4. A landscape plan shall be provided identifying the use of elements such as plantings, berms, fences or walls along the sides and rear of the open air area to control access for safety and security, prevent the blowing of trash or debris if relevant, and to establish an aesthetical perimeter.
- 5. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions, all applicable State regulations, licenses, construction code and/or industry standards, and provide the Village with a letter indemnifying the Village for any amusement or zip line activity.
- 6. Unless specifically waived by the Village Council or as designated by this Ordinance, a building of not less than five hundred (500) square feet of gross floor area shall be constructed on the premises for office use in connection with the subject open air business. For rental businesses, this required gross floor area may be located within a structure which already contains office space for business conducted on the property.
- 7. The Planning Commission may, to insure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open air business use, require the permittee to furnish a Surety Bond executed by a reputable surety company authorized as to do business in the State of Michigan, in the sole discretion of the

Planning Commission, a cash bond in the amount determined by the Commission to be reasonable and necessary to insure compliance hereunder. In fixing the amount of such bond, the Planning Commission shall take into account the size and scope of the proposed open air business use, current prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply by Court Decree, and such other factors and conditions, as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

8. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the District. All loading activity and parking areas shall be provided on the same premises (off-street). The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties or environment.
9. Open Air Business activity shall be limited to the Nicolet Street corridor south of the Central Avenue intersection.

B. Open Air Business Vehicle Sales / Rental:

1. Temporary sales of Christmas trees shall be exempted from open air business standards when conducted in November and December.
2. Minimum lot area shall be one (1) acre.
3. Minimum lot width shall be two hundred (200) feet.
4. A landscape plan shall be provided identifying the use of elements such as plantings, berms, fences or walls along the sides and rear of the open air area to control access for safety and security, prevent the blowing of trash or debris if relevant, and to establish an aesthetical perimeter.
5. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions, all applicable State regulations, licenses, construction code and/or industry standards, and provide the Village with a letter indemnifying the Village for any amusement or zip line activity.
6. Unless specifically waived by the Village Council or as designated by this Ordinance, a building of not less than five hundred (500) square feet of gross floor area shall be constructed on the premises for office use in connection with the subject open air business. For rental businesses, this required gross floor area may be located within a structure which already contains office space for business conducted on the property.

7. The Planning Commission may, to insure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open air business use, require the permittee to furnish a Surety Bond executed by a reputable surety company authorized as to do business in the State of Michigan, in the sole discretion of the Planning Commission, a cash bond in the amount determined by the Commission to be reasonable and necessary to insure compliance hereunder. In fixing the amount of such bond, the Planning Commission shall take into account the size and scope of the proposed open air business use, current prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply by Court Decree, and such other factors and conditions, as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

C. Open Air Business Recreational Equipment Sales / Rental:

1. Temporary sales of Christmas trees shall be exempted from open air business standards when conducted in November and December.
2. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions, all applicable State regulations, licenses, construction code and/or industry standards, and provide the Village with a letter indemnifying the Village for any amusement or zip line activity.
3. Unless specifically waived by the Village Council or as designated by this Ordinance, a building of not less than five hundred (500) square feet of gross floor area shall be constructed on the premises for office use in connection with the subject open air business. For rental businesses, this required gross floor area may be located within a structure which already contains office space for business conducted on the property.
4. Minimum lot area shall be one half (.5) acre.
5. The maximum number of outdoor recreational equipment units displayed for sale or rental shall not exceed fifteen (15) units.

D. Open Air Business Recreation / Amusement:

1. Temporary sales of Christmas trees shall be exempted from open air business standards when conducted in November and December.
2. Minimum lot area shall be one (1) acre.
3. Minimum lot width shall be two hundred (200) feet.

4. A landscape plan shall be provided identifying the use of elements such as plantings, berms, fences or walls along the sides and rear of the open air area to control access for safety and security, prevent the blowing of trash or debris if relevant, and to establish an aesthetical perimeter.
5. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions, all applicable State regulations, licenses, construction code and/or industry standards, and provide the Village with a letter indemnifying the Village for any amusement or zip line activity.
6. Unless specifically waived by the Village Council or as designated by this Ordinance, a building of not less than five hundred (500) square feet of gross floor area shall be constructed on the premises for office use in connection with the subject open air business. For rental businesses, this required gross floor area may be located within a structure which already contains office space for business conducted on the property.
7. The Planning Commission may, to insure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open air business use, require the permittee to furnish a Surety Bond executed by a reputable surety company authorized as to do business in the State of Michigan, in the sole discretion of the Planning Commission, a cash bond in the amount determined by the Commission to be reasonable and necessary to insure compliance hereunder. In fixing the amount of such bond, the Planning Commission shall take into account the size and scope of the proposed open air business use, current prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply by Court Decree, and such other factors and conditions, as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

Sec. 23-110 CAR WASH ESTABLISHMENT.

- A. Minimum lot size shall be twenty thousand (20,000) square feet.
- B. All washing activities must be carried on within a building.
- C. Vacuuming activities may be carried out only in the rear or side yard and at least fifty (50) feet distant from any adjoining residential use.
- D. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking space for vehicles being serviced by the subject facility.
- E. All floor drains from wash areas shall be equipped with sand traps before disposal into the sanitary sewer.

Sec. 23-111 HOUSING FOR THE ELDERLY.

- A. Minimum lot size shall be two (2) acres.
- B. Accessory services in common use may include, but not be limited to, the provision of central dining facilities, indoor and outdoor recreational facilities, lounge areas and workshops.
- C. Each dwelling unit shall contain at least three hundred fifty (350) square feet of area, not including kitchen and sanitary facilities.
- D. Development of site and structures shall be in accordance with U.S. Department of Housing and Development Minimum Property Standards, Multi-family Housing, as it applied to housing for the elderly.

Sec. 23-112 AUTOMOBILE DISPOSAL AND JUNKYARDS.

For this use, the following more restrictive provisions shall take precedent above all other provisions which may relate to setbacks, screening, etc. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less restrictive than those in applicable state statutes, the state requirements shall prevail.

- A. The site shall be a minimum of ten (10) acres in size.
- B. There shall be a required yard setback of at least one hundred (100) feet from any public street and any lot line. All yard setbacks shall be planted with trees, grass and shrubs to minimize the appearance of the installation. Nothing shall be piled, stored or accumulated in any required yard area.
- C. A solid fence or wall at least eight (8) feet in height shall be provided along the setback lines of the entire site in order to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
- D. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.
- E. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting compressing or packaging shall be conducted within a completely enclosed building.
- F. Wherever a side or rear lot line of such use abuts residential use or a residential zoning district, the required yard shall be doubled and shall contain plant material, grass, and structural screens to effectively minimize the appearance of the installation.

Sec. 23-113 RADIO, TELEVISION, CELLULAR TOWER AND ANTENNAE.

- A. The minimum lot size shall be three (3) acres.
- B. The lot shall be so located that at least one property line abuts a major thoroughfare of not less than one hundred twenty (120) feet of right-of-way and the ingress and egress shall be directly upon said thoroughfare.
- C. The setbacks for each tower from adjacent rights-of-way and/or property lines shall be not less than one-half (1/2) times the height of each tower above the ground.
- D. In Residential Districts, such towers shall not exceed forty (40) feet in height.
- E. Unless specifically waived by the Planning Commission, an open air fence between four (4) and six (6) feet in height shall be constructed on the boundary property lines.
- F. No tower shall be erected within five hundred (500) feet of the Straits of Mackinaw or Lake Huron.
- G. No new tower can be constructed unless co-location on another tower in the Village, whether publicly or privately owned, is impossible to provide a similar coverage area.

Sec. 23-114 MEDICAL OR DENTAL CLINIC.

- A. Minimum lot size shall be twenty thousand (20,000) square feet.
- B. Maximum building coverage shall be thirty-five (35) percent.

Sec. 23-115 OFFICE DEVELOPMENTS (TWO OR MORE STRUCTURES).

Site plan approval is required by the Planning Commission. In order to facilitate innovative and attractive design of office uses, office developments shall be subject to the following:

- A. Exterior walls of opposite or adjacent buildings shall be located no closer than one point five (1.5) times the height of the higher building wall, but in no case closer than fifty (50) feet.
- B. Buildings shall be so located and arranged that all structures have access to emergency vehicles.
- C. Maximum lot coverage upon lot shall not exceed sixty (60) percent, including accessory uses and structures (off-street parking, etc.).
- D. The ratio of total floor area to lot area shall not exceed one point zero (1.0).

Sec. 23-116 PLANNED INDUSTRIAL PARKS.

In order to facilitate the growth of employment, to ensure a viable tax base for the Village and to prevent the conflicts of incompatible industrial uses, planned industrial parks are permitted with site plan approval by the Planning Commission in the MR District.

An industrial park is hereby defined as a tract of land laid out in accordance with an overall plan which is designed and equipped to accommodate a cluster of wholesale commercial and industrial activities; providing them with all necessary facilities and services in an attractive, park-like surrounding.

- A. Planned Industrial Parks shall be subject to the following:
 - 1. In addition to a required site plan, all proposed planned industrial parks (public and private) shall first have an overall plan detailing the development concept, the spatial arrangement of site and structures and phased implementation and development, thereof.
 - 2. Exterior walls of adjacent buildings shall be located no closer than one point five (1.5) times the height of the higher building wall, but in no case closer than fifty (50) feet.
 - 3. The floor area of any one building shall not exceed forty-five thousand (45,000) square feet, on one floor.
 - 4. Maximum lot coverage shall not exceed fifty (50) percent, including accessory buildings and structures.
 - 5. The ratio of total floor area to lot area shall not exceed one point zero (1.0).

Sec. 23-117 DISH ANTENNAS OR SATELLITE RECEIVING STATIONS.

- A. Accessory antennas, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:
 - 1. Accessory antennas shall be permitted in all districts as accessory uses provided they are not used for commercial or profit making activities.
 - 2. Where the accessory antenna is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main or principal buildings.
 - 3. An accessory antenna may be erected in any required yard except a front yard, shall not project forward of the rear building line, and shall not be closer than seven (7) feet to any side or rear lot line. Movable antennas shall not revolve closer than seven (7) feet to any side or rear lot line.
 - 4. An accessory antenna shall not exceed one (1) story or fifteen (15) feet in height. The total yard area devoted to an accessory antenna use shall not exceed one hundred (100) square feet of yard area.
 - 5. A corner lot, the side yard of which is substantially a continuation of the front lot line of the lot to its rear, shall be regarded as having two (2) front yards. When an antenna is

located on this type of lot, it shall not project beyond the continued front lot line of the rear lot.

6. In the case of double frontage lots, accessory antennas shall observe front yard requirements on both street frontages whenever there are any principal buildings fronting on said streets in the same block or adjacent blocks.
7. In all cases, an accessory antenna shall be anchored or fastened securely to the building or surface to which it is attached or upon which it rests.

Sec. 23-118 BED AND BREAKFAST FACILITIES.

- A. Minimum lot size shall be not less than seven thousand five hundred (7,500) square feet.
- B. A minimum of three hundred (300) square feet of floor area shall be provided per person based on maximum occupancy.
- C. One (1) on-premise sign shall be permitted not exceeding six (6) square feet in area.
- D. There shall be no separate cooking or other kitchen facilities in any rooms utilized for sleeping.
- E. The maximum stay for any lodging occupant of a bed and breakfast facility shall be fourteen (14) consecutive days.
- F. No bed and breakfast facility shall be permitted at a structure located within five hundred feet of an existing bed and breakfast facility within the AG Agricultural District only.
- G. All bed and breakfast facilities shall provide parking in accordance with Section 4-109 of the Village of Mackinaw City Zoning Ordinance.
- H. All rooms utilized for sleeping in a bed and breakfast facility shall have a separate smoke detector alarm within the room, installed in accordance with the applicable building codes or whichever is more restrictive.
- I. No structure may be used as a bed and breakfast facility without first obtaining the Village Council's approval of a site plan submitted pursuant to Section 4-117.
- J. No structure may be used as a bed and breakfast facility without first obtaining a zoning permit from the Village of Mackinaw City and a building permit as well as any other required permits from the appropriate governmental authority.

Sec. 23-119 PRIVATE STABLES.

- A. For breeding, rearing and housing of horses, mules and similar domestic animals, the minimum lot size shall be ten (10) acres, except that up to two (2) saddle horses or ponies may be housed and reared on lots of five (5) acres or more.
- B. An accessory building used as a stable shall not be located nearer than sixty (60) feet to any property line and not nearer than one hundred (100) feet to any dwelling.
- C. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than sixty (60) feet to any dwelling on adjacent premises.
- D. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

Sec. 23-120 CAMPGROUNDS, TRAVEL TRAILER PARKS.

- A. Minimum lot size shall be five (5) acres. The lot shall provide direct vehicular access to a public street or road.
- B. The term "lot" shall mean the entire campground or travel trailer park.

- C. The term “campsite” shall mean that space within a campground intended for tents or recreational vehicles.
- D. Any portable dwelling located in said area shall be seasonal in nature and shall not be used for year-round residence. No mobile homes shall be permitted on campground properties. Camp stores to service the campground customers are permitted no larger than one thousand five hundred (1,500) square feet gross floor area.
- E. Each lot shall be provided with at least one (1) public telephone.
- F. **Individual Campsite Dimensions.** No campsite shall be less than one thousand two hundred fifty (1,250) square feet, including the vehicle parking area. Tent-only campsites shall be no less than one thousand five hundred (1,500) square feet. All pull-through campsites must be at least twenty (20) feet wide.
- G. **Lodges.** All-weather structures for lodging of campground guests must be no greater than three thousand two hundred (3,200) square feet. There must be at least one hundred (100) square feet per person, no more than twenty-five (25) people per lodge. Lodges must provide restroom facilities within the lodge for its guests. Lodges must be located at least fifty (50) feet from other campsites and one hundred (100) feet from tent-only campsites. There shall not be two or more other lodges within a one hundred fifty (150) foot radius circle with the center being any part of all lodges. There shall be a minimum of one hundred (100) campsites on a campground before any lodge may be constructed.
- H. **Camping Cabins.** Camping cabins shall have a floor area of no more than three hundred twenty-five (325) square feet. They shall have a maximum occupancy of six (6) persons. There shall be no plumbing or rest room facilities provided within the camping cabin or on individual camping cabin sites. They shall meet the parking, setback, and dimension requirements of a campsite.
- I. No more than one (1) on-site residence is permitted for the campground’s employee or owner use only. This residence will be considered a single family residence.
- J. **Parking.** Each lot shall provide a gravel-surfaced, dust-free vehicle parking area for campsite occupant and guest parking. No parking will be allowed on or in the space provided for an internal street or road.
 - 1. **Campsites.** Space for parking shall be provided equal to a minimum of one and one half (1 1/2) the number of campsites in a campground. No campsite shall be more than four hundred (400) feet from a guest parking space.
 - 2. **Pull-through Campsites.** The parking on a pull-through campsite shall have a gravel surface or concrete wheel pads for recreational vehicles and travel trailers.
 - 3. **Lodges** shall provide gravel-surfaced, dust-free vehicle parking areas at the rate of no less than one and one quarter (1 1/4) parking spaces per one (1) person maximum lodge occupancy. Such parking spaces shall be no more than two hundred (200) feet from the lodge entrance that the parking is to serve.
- K. **Setbacks.** All campsites shall be a minimum of thirty (30) feet from any abutting properties and rights-of-way. Each lodge or camp cabin shall be set back from any right-of-way or abutting properties at least seventy-five (75) feet.
- L. **Density.**
 - 1. There shall be no more than one (1) **campsite** for every ten thousand (10,000) square feet of total lot size.
 - 2. There shall be no more than one (1) **lodge** for every thirty (30) campsites.
 - 3. There shall be no more than one (1) **camp cabin** per ten (10) campsites.
- M. A common use area shall be provided on each lot at a ratio of not less than five hundred (500) square feet of such area per each campsite or camp cabin. This common area shall

be developed by seeding, landscaping, picnic tables, barbecue stands and passive recreation equipment (i.e., swings, horseshoe pits, shuffleboard courts, maintained nature trails, and the like) for the general use of all occupants of the entire lot.

- N. **Internal Roadways.** Each travel trailer campsite, lodge, or camping cabin shall have direct access to a gravel-surfaced, dust-free roadway of at least twenty-two (22) feet in width for two-way traffic (twenty-four (24) feet width if curbed) and twelve (12) feet in width for one-way traffic. Parking shall not be allowed on any roadway. Campsites specifically designated for, and only used for, tent camping need not have direct vehicular access to any street or road, but shall be provided with adequately cleared and marked pedestrian pathway access which originates at a point on a street or road within two hundred (200) feet of the parking area mentioned in paragraph J.
- O. **Campground Entrance.** The campground entrance must be paved no less than seventy-five (75) feet from the edge of the pavement of the public roadway serving the campground.
- P. Fences and greenbelts may be required by the planning commission to protect adjoining property.

Sec. 23-121 PRIVATE CLUBS AND LODGES.

- A. The lot shall be located so as to abut a collector street, secondary thoroughfare, or major thoroughfare with at least one (1) property line.
- B. Retail sales of food and beverages may be permitted to members and guests only and there shall be no externally visible sign of commercial activity.

Sec. 23-122 CONVALESCENT HOMES.

- A. Minimum lot size shall be three (3) acres.
- B. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare or major thoroughfare. The ingress and egress for off-street parking areas for guests and patients shall be directly from said thoroughfare.
- C. The main and accessory building shall be set back at least seventy-five (75) feet from all property lines.
- D. The facility shall be designed to provide a minimum of one thousand five hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.

Sec. 23-123 KENNELS.

- A. All kennels shall be operated in conformance with all applicable County and State regulations, permits being valid no longer than one (1) year.
- B. For dog kennels, the minimum lot size shall be two (2) acres for the first three (3) dogs and an additional one (1) acre for each three (3) additional animals.

Sec. 23-124 HOSPITALS.

- A. Minimum lot area shall be twenty (20) acres.

- B. The lot location shall be such that at least one (1) property line abuts a major thoroughfare. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said major thoroughfare.
- C. Minimum main and accessory building setback shall be one hundred (100) feet.
- D. Ambulance and emergency entrance areas shall be visually screened from the view of adjacent residential uses by a structure or by a masonry wall of six (6) feet or more in height.
- E. No power plant or laundry shall be located nearer than three hundred (300) feet to any adjacent residential use.

Sec. 23-125 GASOLINE FILLING STATIONS AND PUBLIC GARAGES.

- A. Minimum lot area shall be twenty thousand (20,000) square feet for gasoline filling stations which incorporate a convenience store, provide automobile repair service or which incorporate any other business use and fifteen thousand (15,000) square feet for gasoline filling stations which do not incorporate a convenience store, an automobile repair facility, nor any other business use.
- B. Minimum lot width shall be two hundred (200) feet for gasoline filling stations which incorporate a convenience store, or provide automobile repair services or which incorporate any other business use and shall be one hundred fifty (150) feet for gasoline filling stations which do not incorporate a convenience store, an automobile repair facility, nor any other business use.
- C. Gasoline filling stations and public garages shall be located not less than forty (40) feet from any right-of-way line and not less than twenty-five (25) feet from any side or rear lot line abutting residentially used property.
- D. Ingress and egress drives shall not be more than thirty (30) feet.
- E. No more than one (1) curb opening shall be permitted for every fifty (50) feet of frontage (or major fraction thereof) along any street.
- F. No drive or curb opening shall be located nearer than twenty-five (25) feet to any intersection or adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
- G. The entire lot, excluding the area occupied by a building and required landscaping, shall be hard surfaced with concrete or a plant-mixed bituminous material.
- H. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that more vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.
- I. When adjoining residentially used or zoned property, a five (5) foot masonry wall, screened by a continuous hedge row of landscaping, shall be erected and maintained along the interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within twenty-five (25) feet of any right-of-way line, subject to approval by the Village Council.
- J. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five (5) foot masonry wall and shall comply with requirements for location of accessory buildings. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles

for any overnight period shall not exceed more than two vehicles awaiting repairs for each indoor repair stall located within said premises and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five (5) days.

Sec. 23-126 MARINE/BOAT STORAGE AND REPAIR FACILITIES.

- A. All marine/boat storage and repair facilities beginning within two hundred (200) feet Easterly of Nicolet Avenue and South of Central Avenue, must provide a minimum fifty (50) feet landscaped berm as well as a thirty (30) feet setback from the berm area to shield vehicular and pedestrian traffic.

Sec. 23-127 RESERVED

Sec. 23-128 PASSENGER BOAT FERRIES.

- A. Passenger boat ferries shall be defined as any watercraft engaging in the transport of ten (10) or more people for commercial transport.
- B. Passenger ferry boats operating from the State Dock shall be limited to embarking, disembarking and docking boats from the south side and/or east end of the State Dock.
- C. Passenger tickets shall only be sold on the premises actually used for docking ferries, embarking or disembarking passengers.

Sec. 23-129 CHARTER BOAT OPERATIONS

- A. Charter boat operations shall not engage in the commercial transport of ten (10) or more passengers.
- B. Charter boat rental shall only be conducted on the premises actually used for charter boat operations.

Sec. 23-130 EMPLOYEE/BOARDING HOUSING

- A. A minimum of one hundred (100) sq. ft. of floor area must be provided per person with a maximum of seven (7) persons per unit.
- B. One (1) lavatory and water closet for every three (3) persons occupying a unit.
- C. One (1) shower for every four (4) persons occupying a unit.
- D. A unit is defined as a single confined living area not connected by common ingress and egress points to an adjacent living area.

Sec. 23-131 TRANSIENT MERCHANTS.

- A. A temporary zoning permit shall be required for all transient merchants within the Village. This permit is in addition to a transient merchant license required under Ordinance #83 [20.650] of the Ordinances of the Village of Mackinaw City.
 - 1. Transient merchants who operate in the out-of-doors from a stand, tent, trailer, or other temporary structure, shall be located only in districts AG Agricultural, or MR Manufacturing Research.

2. A transient merchant shall not be allowed to locate or operate in any street right-of-way, residentially zoned district within the Village.

Sec. 23-132 WIND TURBINE GENERATORS (WTG), COMMERCIAL INSTALLATIONS.

Wind Turbine Generators for commercial power generation usage may be permitted for location in the Municipal District.

A. **Intent.** To establish Special Use Permit standards for reviewing proposals for commercial Wind Turbine Generators to produce electrical energy in the Municipal District, Wind Turbine Generators (WTG) require treatment as a special use because:

1. WTG's are large structures, projecting up to four hundred (400) feet in height, dominating the skyline in local situations, and multiple units may be constructed in a concentrated area (e.g. wind energy farm).
2. WTG's are a relatively new technology in the Village of Mackinaw City and are intended to provide electrical energy from wind forces as opposed to fossil fuel combustion (oil, gas, coal).
3. WTG's require special sites with favorable wind and land surface conditions not necessarily limited to a zoning district.
4. Wind generators influence the landscape and, therefore, require special consideration to fit into areas where permanent or seasonal housing exists.

B. **Site Standards.**

1. **Permitted Districts.** WTG's are permitted only in the Sewer Plant district.
2. **Site Plan Review.** All commercial WTG construction must satisfy all of the same Site Plan standards as outlined in Section 4-117 which would normally apply to a structure larger than three hundred (300) square feet.
3. **Setbacks.** Setbacks must equal half (1/2) the height of the tower including the height of the blade in its vertical position.
4. **Maximum Noise Level.** The maximum level of noise generated by any WTG shall not exceed sixty (60) decibels as measured on the dB(A) scale, measure at the property line, including downwind. The applicant/owners shall provide certification before and after construction, that the WTG's do not exceed the maximum noise standard.
5. **Lighting of Towers.** Lighting the WTGs shall require the applicant to make application to the Federal Aviation Administration (FAA) to apply for lighting standards that:
 - a. Are of the lowest intensity allowable.
 - b. Avoids strobe lighting or other intermittent white lighting fixtures.
 - c. May be a red top light that does not pulsate or blink.
 - d. Are in compliance with legal minimums per FAA requirements.
6. **Clearance.** The lowest point of the arc created by rotating blades shall be at least twenty (20) feet above ground level at the tower location.
7. **Security.** Towers shall be secured or protected to prohibit access by unauthorized persons and a security fence may be required if determined to be in the best interest of the community.

8. **Minimum Site Area.** The minimum eligible site area shall be twenty (20) acres, but a minimum of five (5) acres of site area is required for each WTG tower proposed within an eligible property.

Sec. 23-133 ASSISTED LIVING FACILITY

- A. The facility shall provide a central dining room, central lounge, community activity areas, and laundry facilities for the benefit of the residents and their guests. The total area of the amenities (not including food preparation and storage areas) shall equal not less than fifty (50) square feet for each dwelling unit. Other services customarily accessory to and incidental to such a use shall be permitted.
 - B. Walkways shall be provided from the main building entrances to all parking areas and to any sidewalks along the adjacent public street. Sidewalks may be required along the public street(s) if not already constructed.
 - C. When located in a residential district the facility shall:
 1. Have a solid ornamental fence on any side which abuts a lot which is residentially zoned or is a residential use. This fence shall separate the buildings, parking and waste disposal from the surrounding property(ies).
 2. Provide a setback of at least 25 feet around all property boundaries, or the required setback in that residential district for a particular yard, whichever is the greater of the setbacks.
- (Amended 11/04)

Sec. 23-134 TEMPORARY AND SEASONAL UNPAVED BOAT LINE PARKING

- A. As used in this Section "Seasonal" means beginning mid June through mid September, also Memorial Day weekend, Labor Day weekend and two other miscellaneous weekends in the spring or fall.
 - B. A Conditional Use Permit for temporary unpaved seasonal parking will be issued for a period of no more than three (3) years. A renewal may be requested by the property owner for two (2) additional periods for a total of nine (9) years. The intent is that the area will be developed into a permanent use or the lot will be developed in accordance with the provisions of Section 4-109 upon expiration of the Special Use Permit.
 - C. Parking areas shall be landscaped along fifty (50%) percent of all public transportation corridors, including roadways, alleys, and trails. Landscaping shall consist of a berm of not less than a height of three (3') feet and not more than a height of five (5') feet as measured from the elevation along the right of way line. Berms shall be landscaped with shrubs and other natural landscape material. The height of shrubbery shall not exceed a height of three (3') feet at maturity. One (1) deciduous tree shall be provided for every fifty (50') feet of lot frontage along the public transportation corridor. Landscaping shall be evenly distributed along the public transportation corridor. A landscape plan shall be provided as part of the site plan. Landscape requirements shall conform to all provisions identified under Section 4-111 Landscape Requirements for parking areas.
 - D. Unpaved parking area, not including landscaping, shall not exceed one (1) acre.
- (Amended 4/10)

ARTICLE XXIV. ADMINISTRATION AND OPERATION

Sec. 24-101 CHANGES, AMENDMENTS.

The Village Council is authorized and empowered to cause this Ordinance, or any portion thereof, to be amended, supplemented or changed in either the district boundaries as illustrated on the zoning map or the regulations herein established, pursuant to the authority of and according to the procedures set forth in the Zoning Act, as amended.

A. The procedure for amending this Ordinance shall be as follows:

1. Each petition shall be submitted to the Village accompanied by a rezoning fee, as listed on the Permit and Application Fee Schedule held by the Village Clerk and Zoning Administrator, and then referred to the Planning Commission at the next regularly scheduled meeting.
2. The procedure for amending the ordinance, whether for rezoning or other zoning ordinance amendments will follow Section 24-105.
3. Following the public hearing, the Planning Commission shall submit a final report to the Village Council, containing a summary of the comments received at the public hearing and its recommendation on the proposed amendment(s).
4. The Village Council may hold additional public hearings on the proposed amendments if it deems such hearings appropriate. Upon receipt of the Planning Commission's final report, the Village Council may adopt the amended ordinance and maps, with or without changes, or refer the proposed amendments to the ordinance and/or maps again to the Planning Commission for further study and report.
5. Upon presentation of a protest petition against such proposed amendment to this Zoning Ordinance to the Village Council, signed by the owners of at least twenty (20) percent of the area of land in the proposed change or twenty (20) of owners of land within an area extending outward one hundred (100) feet from the boundary of the land included in the proposed change, such amendment shall not be passed except by a two-thirds (2/3) vote of all members of the Village Council. All publicly owned lands shall be excluded in calculating the twenty (20) percent land area required.
6. Following adoption of such amendment to this Zoning Ordinance by the Village Council, the Village shall publish one (1) notice of adoption in a newspaper of general circulation in the Village within fifteen (15) days after the date of adoption. The notice shall include the following information:
 - a. A summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
 - b. The effective date of the Ordinance.
 - c. The place and time where a copy of the Ordinance may be purchased or inspected.

(Amended Feb., 2007)

Sec. 24-102 VIOLATION, ENFORCEMENT.

- A. Buildings or structures erected, altered, razed, or converted, or uses carried on in violation of any provision of this Ordinance are declared to be a nuisance per se. The court may order such nuisance abated, and the owner or agent in charge of such building or land or both may be adjudged guilty of maintaining a nuisance.

- B. For any and every violation of the provisions of this Ordinance, the owner, agent, architect, builder, lessee or tenant of the land or building or part thereof where violation has been committed or exists shall be guilty of a misdemeanor and the owner, agent, architect, builder or any person who commits, takes part, or assists in such violation of any of the provisions of this Ordinance, or any person who maintains any building or land in or on which such violation exists, shall be guilty of a civil infraction, and shall be punished by a fine of not more than five hundred (\$500.00) dollars for each offense, or shall be punished by imprisonment in jail for a period not to exceed ninety (90) days. If the owner, lessee, or tenant is an unincorporated association or a non-profit membership corporation, every member of such association or corporation shall be deemed guilty of a civil infraction as herein provided and subject to the penalties herein specified. Each day that a violation is permitted to exist shall constitute a separate offense.
- C. The Village or any interested party may apply to any court of competent jurisdiction to restrain any person, firm or corporation from such disobedience or threatened violation, notwithstanding such disobedience or violation may be punishable by a fine or imprisonment as above provided.

Sec. 24-103 BOARD OF APPEALS.

The Village Council shall function as the Mackinaw City Board of Appeals. The Village Clerk shall serve as Secretary of the Board. All meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings, showing the action taken upon each matter considered. The Village President shall serve as Chairman of the Board and is a voting member of the Board of Appeals.

Meetings of the Board shall be held at such times and places as may be designated by the Clerk. The Clerk is authorized to call such meetings at any time when matters are pending requiring attention by the Board. The Clerk shall call such meetings whenever:

- A. A meeting is to be held as previously determined by the Board.
- B. The Clerk is so instructed by the Chairman.
- C. The Clerk is so instructed in writing by any other three members of the Board. Five (5) members shall constitute a quorum. (November 6, 1980.)

Sec. 24-104 VARIANCE AND APPEALS.

- A. A demand for a zoning appeal is received by the zoning administrator. 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, the 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. 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 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 Zoning Board of Appeals 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. The decision 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 eight 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, the administrator, and other parties.
- H. Any person having an interest affected by such decision shall have a right to appeal to Circuit court within 30 days of the certified decision of the appeals board, as provided by law.

(Amended Feb.,2007)

Sec. 24-105 PUBLIC NOTICE.

24-105.1 Public Notification: All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification.

- A. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the zoning administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Village of Mackinaw City and mailed or delivered as provided in this Section.
- B. Content: All mail, personal and newspaper notices for public hearings shall:
 1. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. 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 such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for a zoning amendment, or rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 3. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
 4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 5. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
- C. Personal and Mailed Notice
 1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a) The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b) Except for a zoning amendment, or rezoning, requests involving eleven (11) or more adjacent properties or an ordinance interpretation request

that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Village of Mackinaw City. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- c) All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to 24-105.2, Registration to Receive Notice by Mail.
 2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The zoning administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

24-105.2 REGISTRATION TO RECEIVE NOTICE BY MAIL:

- A. General: Any neighborhood organization, public utility company, railroad or any other person may register with the zoning administrator to receive written notice of all applications for development approval pursuant to 24-105.1.C.1.c), Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
- B. Requirements: The requesting party must provide zoning administrator information on an official form to ensure notification can be made. All registered persons must re-register annually to continue to receive notification pursuant to this Section.

(Amended Feb., 2007)

24-106 and 24-107 RESERVED FOR FUTURE AMENDMENTS.

Sec. 24-108 ADMINISTRATIVE OFFICES.

- A. To administer and enforce regulations and restrictions hereafter set forth, there is hereby established the office of Zoning Administrator or Community Development Director to be filled by an appointee of the Village President, subject to approval by the Village Council.
- B. The Zoning Administrator or Community Development Director may delegate clerical, filing, and recording work to the clerical employees of the Village. The Zoning Administrator or Community Development Director shall be responsible for the enforcement of all the provisions of the Ordinance, and shall have the authority to enter any premises, at any reasonable time, when necessary, for the purpose of investigating or inspecting any building conditions. It shall be the duty of the Zoning Administrator or Community Development Director to receive and examine all applications for permits required by this Ordinance and to approve or reject such application. He shall collect all special fees established hereby and turn them in daily to the Village Treasurer. He shall make such inspections as are necessary and he shall have authority to revoke a permit as hereinafter provided.
- C. Authority given to any person or board under this Ordinance shall be construed as adding to and not taking from the authority held under any other chapter or ordinance of the Village. The powers and duties contained in this Ordinance shall be construed as separate and distinct from authorities or duties required of any official or board under any other ordinance of the Village, and shall not be construed as conflicting herewith or limiting the scope thereof.

Sec. 24-109 ZONING PERMITS.

- A. Before proceeding with the erection, alteration, repair, moving, or removing of any building, or part thereof, or any type of paving including but not limited to paving a driveway, entrance to a driveway, part of a parking lot, whether paved previously or not, or paving in the right of way for access to private property, or any improvement to a parcel made to increase or improve vehicular access, an owner or his authorized agent shall obtain a permit from the Zoning Administrator or Community Development Director. The applicant for a permit must file with his request a set of plans and written specifications sufficient to clearly and fully indicate the nature of the contemplated work and the kind and quality of materials to be used therein, together with an estimate of the cost. Drawings shall be made to scale not less than one-eighth (1/8) inch to one (1) foot, and shall clearly indicate the size of structural members, walls, and openings, the position of the building on the site with reference to property and street lines and adjacent buildings, and such other information as may be required by this Ordinance or necessary to provide for the enforcement of this regulation. It shall be the duty of all lot owners to have accurately located all corners and boundaries of their properties prior to building thereon. (Amended: 10/06)
- B. A record of such applications and plans shall be maintained by the Village for such periods of time as the Village Council deems necessary.

- C. When the plans submitted have been found to conform with the requirements of this Ordinance, the Village shall issue a permit.
- D. When alterations begin or when the footings of a building have been constructed and before the completion of the foundation walls and also at the time of the completion of the frame and skeleton construction, the owner, contractor or his agent shall notify the Zoning Administrator or Community Development Director in writing in order that the inspection may be made at each of these times.
- E. The Zoning Administrator or Community Development Director shall be given the opportunity to make a final inspection of all buildings and structures after completion, before occupancy begins, upon receiving notice from the owner, contractor or his agent, that said building is ready for final inspection. If such building or alterations comply with the statements in the application, plans, working drawings, and specifications, a certificate of occupancy shall be issued as hereinafter provided.
- F. Whenever it is found that a permit has been issued in violation of this Ordinance, or any other Village Ordinance or State Law, or in consequence of a false state or misrepresentation of condition, or whenever it is found that work is not being performed in accordance with the application, plans and specifications on which the permit is based, the Village shall notify the person to whom the permit was issued to appear at a stated time and place and show cause why the permit shall not be revoked. If after such hearing it shall appear that the permit was improperly obtained or that the work is being improperly done, or if the holder of the permit, or his authorized agent fails to appear at the stated time of the hearing, the Zoning Administrator or Community Development Director shall issue a written order revoking the permit. The posting of a copy of such order upon the premises shall constitute service thereof upon the owner, or the contractor or his agent in charge of the work. No other permit for the same work as the initial permit shall thereafter be issued to any person held to be violating any provision of this Ordinance until all conditions prompting the revocation of the initial permit have been satisfactorily corrected. Failure of the Zoning Administrator or Community Development Director to serve notice of any violation at the time of occurrence shall not relieve the holder of the permit from responsibility for such violation.
- G. Permits for structures on which work has not started within six (6) months following the date of issue, and permits for structures upon which work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect.
- H. Fees shall be charged for the issuing of such zoning permits are listed on the Permit and Application Fee Schedule held by the Village Clerk and Zoning Administrator or Community Development Director. Such amount shall be paid to the Village Clerk when the permit is issued. Fees for permits required by other existing ordinances pertaining to the construction of buildings or signs and the furnishing of miscellaneous service, in

addition to all special fees and contingent deposits as established in other ordinances, are to be paid in full before a permit is issued.

- I. A temporary zoning permit shall be required for any and all transient merchants within the Village pursuant to this section of this Ordinance and Ordinance #83 [20.650] of the Ordinances of the Village of Mackinaw City.

Sec. 24-110 CERTIFICATE OF OCCUPANCY.

- A. No vacant land shall be occupied or used and no building hereafter erected or altered shall be occupied, used or changed in use until a certificate of occupancy or compliance shall be issued by the Zoning Administrator stating that the building or proposed use of the building or premises complies with all of the building and health laws and ordinances including the provisions of this Ordinance.
- B. Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the construction or alteration of such buildings shall have been substantially completed in conformity with the provisions of these regulations and final inspection has as required by sub-section E of Section 24-109. A record of all certificates shall be kept on file by the village and copies shall be issued on request to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for an original certificate applied for coincident with the application for a building permit. For all other certificates or for copies of an original certificate there shall be a charge of one (1) dollar each.
- C. No permit for excavation for or the erection of any building shall be issued before application has been made for certificate of occupancy and compliance.

Sec. 24-111 INTERPRETATION.

In interpreting and applying the provisions of this Ordinance, said provisions shall be deemed to be the minimum requirements adopted for the promotion of the public welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits adopted or issued before or after the enactment of this Ordinance and not in conflict with any of the provisions of this Ordinance. Nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided however, that where this Ordinance imposes a greater restriction upon the use of buildings or requires larger open spaces than are imposed or required by such other ordinances, rules, regulations, or permits, or by easements, covenants, or agreements, then the provisions of this Ordinance shall control.

It is the responsibility of the Zoning Board of Appeals to interpret this Ordinance.

Sec. 24-112 DISTRICT BOUNDARIES.

If uncertainty exists with respect to the boundaries of the various districts described in this Ordinance and as shown on the maps accompanying and made a part of this Ordinance the following rules shall apply:

- A. If a district boundary is a street or alley, the center of said street or alley shall be considered as the boundary.
- B. If the district is described by lots, the boundary of said district shall be the centerline of the street or streets adjacent to said lots.
- C. Where the boundary line is neither a lot, nor a street, but is described only by reference to the map, the boundary line shall be determined by the use of the scale contained on such map.

Sec. 24-113 SEPARABILITY.

If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Sec. 24-114 ORDINANCES REPEALED.

Ordinances Numbers 37, 56, 60, and 61 are hereby repealed.

Sec. 24-115 DESCRIPTIONS OF REZONED PROPERTIES.

Parcel No.	Date	Old Zoning District	New Zoning District
24-42-03-13-200-004, 24-42-03-13-200-007, and portion of 24-42-03-13-200-002	9/2002	MRS	R3
012-V07-054-010-00, 012-V07-054-009-00	8/2003	B1	B3
All of Block 45, Section 12, T39N, R4W	10/2004	B1	B4
24-42-03-13-200-004, 24-42-03-13-200-007, and portion of 24-42-03-13-200-002	10/2004	R3	CR
24-42-03-13-100-003, portion thereof	3/2005	MR	R2
012-V07-002-037-00	9/18/08	Unzoned	B2
012-V07-002-033-00	9/18/08	Unzoned	B2
013-V07-002-039-00	10/16/08	Unzoned	MC
013-V07-002-040-00	10/16/08	Unzoned	MC
42-03-24-100-003	5/07/09	M	MR

(Amended, 5/09)