

Zoning Ordinance



Village of
Mackinaw City

Village of Mackinaw City
Emmet & Cheboygan Counties, Michigan
102 South Huron
PO Box 580
Mackinaw City, MI 49701
231-436-5351

Acknowledgements



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Mackinaw City Zoning Map

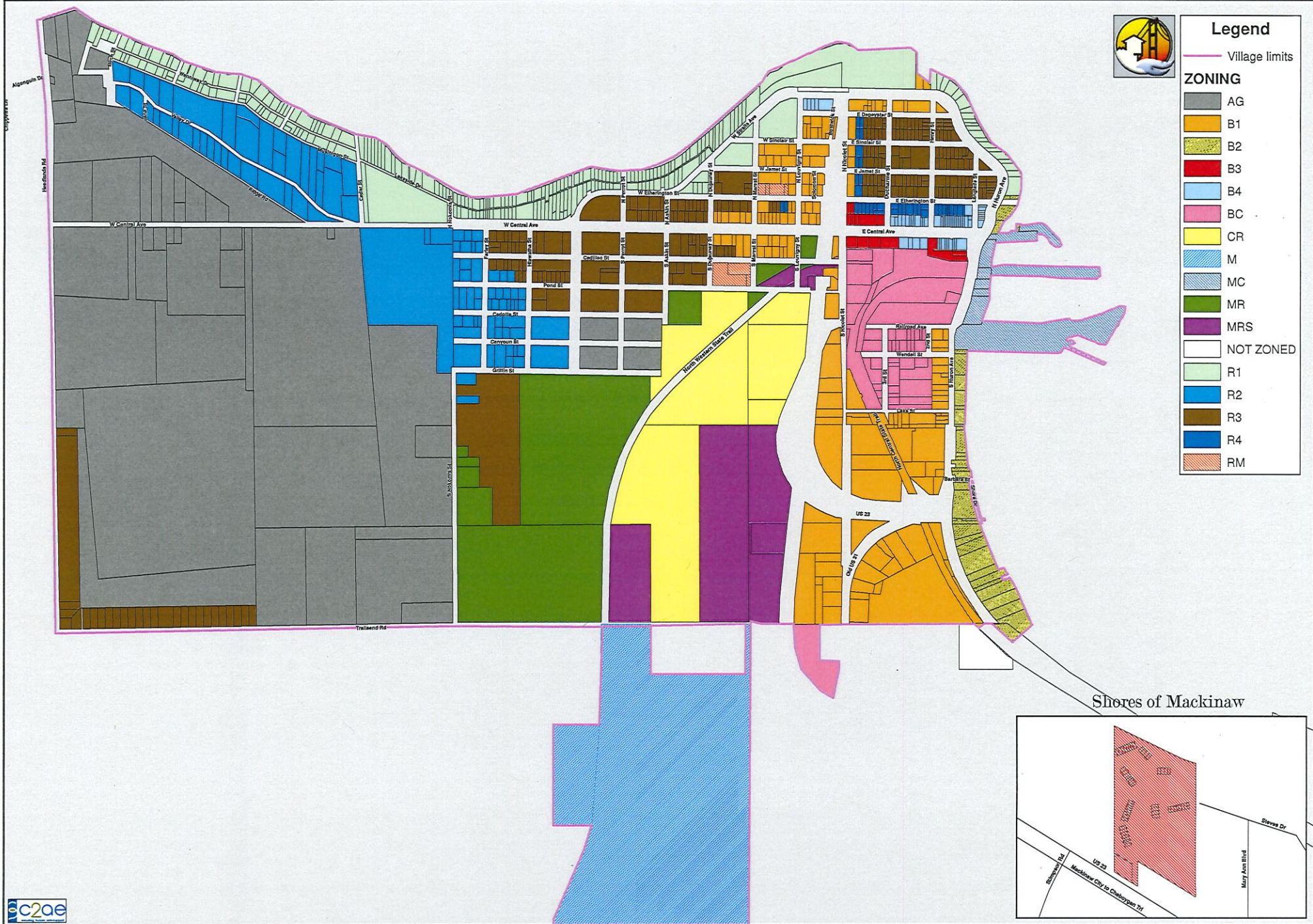


Map updated: April 2018

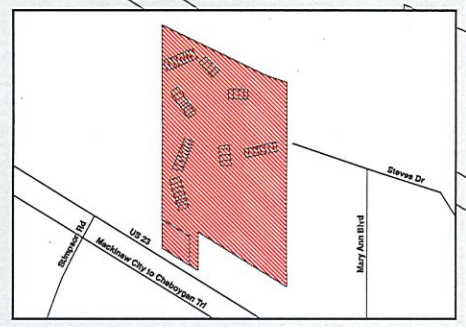


Legend

- Village limits
- ZONING**
- AG
- B1
- B2
- B3
- B4
- BC
- CR
- M
- MC
- MR
- MRS
- NOT ZONED
- R1
- R2
- R3
- R4
- RM



Shores of Mackinaw



Village of Mackinaw City ZONING ORDINANCE

Village of Mackinaw City
Cheboygan & Emmet Counties
Michigan

Adopted: April 5, 2018

Effective: April 20, 2018

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www.discovernortheastmichigan.org

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Department of Transportation

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Article 1

Preamble

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Section 1-101 Enactment and Authority

This Ordinance is enacted pursuant to the [Michigan Zoning Enabling Act, 2006 PA 110, as amended, \(being the, M.C.L. 125.3101 et seq.\)](#). The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this ordinance shall be done pursuant to [Michigan Zoning Enabling Act, 2006 PA 110, as amended, \(being the, M.C.L. 125.3101 et seq.\)](#) hereinafter referred to as the “Zoning Act”.

Section 1-102 Short Title

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

Section 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.

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- 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.

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Section 2-101 Usage

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.

- A. The particular shall control the general.
- B. 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. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- D. 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;
- E. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

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- 3. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- F. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- G. A "person" includes an individual, firm, corporation, a partnership, an unincorporated association of persons such as a club; a limited liability company, or any other similar entity or their agents.
- H. A "lot" includes a plot or parcel,
- I. A "building" includes a structure; a "building" or "structure" includes any part thereof;
- J. The words "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."
- K. 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.
- L. Any words not defined in this ordinance shall be construed as defined in the [Housing Law of Michigan, 1917 PA 167, as amended](#).
- M. Terms not herein defined in this Ordinance or the [Housing Law of Michigan, 1917 PA 167, as amended](#), shall have the meaning customarily assigned to them.

Section 2-102 Definitions

A

ABUTTING. Having property or district line in common; e.g., two lots are abutting if they have property lines in common.

ACCESS. A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway or to a private street.

ACCESSORY BUILDING. A detached subordinate building on the same premises with a principal building, occupied or devoted to an accessory use which is appropriate, supplemental and customarily related to that use at the principal building or premises. Where an accessory structure is attached to a principal structure by a wall, roof, or foundation such accessory structure shall be considered part of the principal structure.

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

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ADJACENT PROPERTY. All lands which adjoin any side or corner of a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements or public utility rights-of-way.

ADULT FOSTER CARE FACILITY. A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include the following:

- A. A nursing home licensed under [Article 17 of the Public Health Code, 1978 PA 368, MCL 333.20101 to 333.22260](#).
- B. A home for the aged licensed under [Article 17 of the Public Health Code, 1978 PA 368, MCL 333.20101 to 333.22260](#).
- C. A hospital licensed under [Article 17 of the Public Health Code, 1978 PA 368, MCL 333.20101 to 333.22260](#).
- D. A hospital for the mentally ill or a facility for the developmentally disabled operated by the department of community health under the [Mental Health Code, 1974 PA 258, MCL 330.1001 to 330.2106](#).
- E. A county infirmary operated by a county department of social services or family independence agency under [Section 55 of the Social Welfare Act, 1939 PA 280, MCL 400.55](#).
- F. A child caring institution, children's camp, foster family home, or foster family group home licensed or approved under the [Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128](#), if the number of residents who become 18 years of age while residing in the institution, camp, or home does not exceed the following:
 - 1. Two, if the total number of residents is 10 or fewer.
 - 2. Three, if the total number of residents is not less than 11 and not more than 14.
 - 3. Four, if the total number of residents is not less than 15 and not more than 20.
 - 4. Five, if the total number of residents is 21 or more.
- G. A foster family home licensed or approved under the [Child Care Organizations Act, 1973 PA 116, MCL 722.111 to 722.128](#), that has a person who is 18 years of age or older placed in the foster family home under section 5(7) of [1973 PA 116, MCL 722.115](#).
- H. An establishment commonly described as an alcohol or a substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

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- I. A facility created by the [Michigan Veterans Facility Act, 1885 PA 152, MCL 36.1 to 36.12](#).
- J. An area excluded from the definition of adult foster care facility under [Section 17\(3\) of the Continuing Care Community Disclosure Act, MCL 554.917](#).

The following additional adult foster care definitions shall apply in the application of this Ordinance.

- A. **ADULT COMMERCIAL DAY CARE FACILITY – LARGE GROUP.** A facility receiving more than twelve (12) adults for care for periods of less than twenty four (24) hours in a day, for more than two (2) weeks in any calendar year. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.
- B. **ADULT COMMERCIAL DAY CARE FACILITY – SMALL GROUP.** A facility in which care or supervision is provided for at least seven (7) but not more than twelve (12) adults for care of periods of less than twenty-four (24) hours in a day. Care for persons related by blood or marriage to a member of the family occupying the dwelling is excluded from this definition.
- C. **ADULT FOSTER CARE FAMILY HOME.** A private residence with the approved capacity to receive six (6) or fewer adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
- D. **ADULT FOSTER CARE SMALL GROUP HOME.** An adult foster care facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
- E. **ADULT FOSTER CARE LARGE GROUP HOME.** A facility with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection in addition to room and board, twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
- F. **ADULT FOSTER CARE CONGREGATE FACILITY.** An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.
- G. **STATE-LICENSED RESIDENTIAL FACILITY.** A structure constructed for residential purposes that is licensed by the state under the [Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737](#), or [1973 PA 116, MCL 722.111 to 722.128](#), and provides residential services for 6 or fewer individuals under 24-hour supervision or care. The licensee is NOT a member of the household nor is an occupant of the residence.

AGGRIEVED PERSON. A person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

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AGRICULTURAL TOURISM BUSINESS. Farms which engage in agriculturally-related tourism operations including but not limited to:

- A. Bakeries selling goods grown primarily on-site
- B. Educational tours, classes, lectures, and seminars
- C. Family-oriented animated barns (haunted houses)
- D. Gift shops for agriculturally-related products, crafts
- E. Historical agricultural exhibits
- F. Organized meeting space (weddings, birthdays, corporate picnics)
- G. Petting farms, animal display, and pony rides
- H. Picnic areas (including rest rooms)
- I. Playgrounds, wagon/sleigh rides, nature trails
- J. Restaurants related to the agricultural use of the site
- K. Seasonal outdoor mazes of agricultural origin
- L. Small-scale entertainment (concert, car show, art fair)

ALLEY. A strip of land over which there is a right of way, public or private, on which generally no dwelling or land uses front, serving as a rear entrance to one or more properties..

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.

ARCHITECTURAL FEATURES. Architectural features of a building shall include cornices, eaves, gutters, sills, lintels, bay windows, chimneys, decorative ornaments, or similar features.

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

ATTACHED. A structure is considered attached to another structure if it is attached by footings, structure, or utilities.

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

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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.

BERM. A constructed mound of earth rising to an elevation above the adjacent ground level of the site where located which contributes to the visual screening of the area behind the berm.

BIOFUEL PRODUCTION FACILITIES.

- A. **BIOFUEL.** Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.
- B. **ETHANOL.** A substance that meets the ASTM international standard in effect on the effective date of this section as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.
- C. **FARM.** The land, plants, animals, buildings, structures, including ponds used for agriculture or aquicultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.
- D. **PROOF GALLON.** That term as defined in 27 CFR 19.907. A gallon of liquid at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof.

BLOCK. The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development or corporate boundary lines of the Village.

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

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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.

BOAT/CANOE/KAYAK LIVERY. Any premise on which boats or floats of any kind are kept for the purpose of renting, leasing, or providing use thereof to persons other than the owners for a charge or fee.

BUFFER STRIP. A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements 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, unless otherwise specified in this Ordinance.

BUILDING INSPECTOR. The officer charged with the administration and enforcement of the building code, or a 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, Cheboygan County, and Emmet County.

BUILDING, PRIMARY. A building in which is conducted the principal use of the premises on which it is situated.

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C

CABIN. Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes.

CABIN COURT. One (1) or more cabins used for seasonal occupancy as dwelling or sleeping quarters for transients or tourists for a fee.

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.

CATERING SERVICE. An establishment providing meals and/or refreshments for off-site consumption for a fee. May be operated in conjunction with a restaurant.

CHILD CARE FACILITY. A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under the [Child Care Organizations Act, 1973 PA 116, as amended, being MCL §§ 722.111 - 722.128](#)), and the associated rules promulgated by the [State Department of Human Services](#). Such organizations shall be further defined as follows.

- A. **FAMILY CHILD CARE HOME.** A state-licensed, owner-occupied private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- B. **GROUP CHILD CARE HOME.** A state-licensed, owner-occupied private residence in which seven (7) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
- C. **CHILD CARE CENTER.** A state-licensed facility, other than a private residence, receiving one (1) or more children for care and supervision for periods less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.

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D. **CHILD CARING INSTITUTION.** A child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the year. An educational program may be provided, but the educational program shall not be the primary purpose of the facility. Child caring institution includes a maternity home for the care of unmarried mothers who are minors and an agency group home that is described as a small child caring institution, owned, leased, or rented by a licensed agency providing care for more than 4 but less than 13 minor children. Child caring institution also includes institutions for developmentally disabled or emotionally disturbed minor children. Child caring institution does not include a hospital, nursing home, or home for the aged licensed under article 17 of the [Public Health Code, 1978 PA 368, MCL 333.20101 to 333.22260](#), a boarding school licensed under [Section 1335 of the Revised School Code, 1976 PA 451, MCL 380.1335](#), a hospital or facility operated by the state or licensed under the [Mental Health Code, 1974 PA 258, MCL 330.1001 to 330.2106](#), or an adult foster care family home or an adult foster care small group home licensed under the [Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737](#), in which a child has been placed under section 5(6).

CHURCH/RELIGIOUS INSTITUTION. A church or religious institution is a building used principally for religious worship, but the word “church” or “religious institution” 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. Multi-use commercial developments which do not meet the standards for Clustered Commercial shall have parking determined by the sum of their individual parking requirements as per [Section 3-124](#).

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:

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- 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 cannot 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.

COMMERCIAL. A business use or activity at a scale greater than a home occupation or cottage industry involving retail or wholesale marketing of goods or services.

COMMON AREAS, USES AND SERVICES. Land areas, facilities and utilities which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development and/or the general public.

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

CONDOMINIUM, SITE (CONDOMINIUM SUBDIVISION). A method of subdivision where the sale and ownership of sites is regulated by [1978 PA 59, as amended \(Condominium Act, being MCL §§ 559.101-559.276\)](#) as opposed to the [1967 PA 288, as amended \(Land Division Act, being MCL 560.101 et. seq.\)](#). Site condominiums are regulated by [Section 17.000 of the Village of Mackinaw City Municipal Code](#).

CONDOMINIUM UNIT. That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed, and can be a fee simple interior space or a parcel of land occupied, or intended to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. Lot shall mean the same as homesite and condominium unit in site condominium developments.

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CONGREGATE SENIOR HOUSING. See *ASSISTED LIVING FACILITY*.

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*.

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.

COTTAGE INDUSTRY. A Home Occupation which, due to the nature of the investment or operation, includes one or more of the following aspects:

- A. requires regular visits by clients or customers;
- B. needs frequent delivery or shipment of goods;
- C. conducts regular operations or stores materials outside of the residence;
- D. employs two or more individuals who reside off premises;
- E. and, has the potential to rapidly increase in size and intensity.

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.

COUNTRY CLUB. A private social and recreation facility providing one or more of the following activities: golf, riding, swimming, indoor and outdoor recreation, and club house for members, their families, and invited guests.

D

DECK. A structure used for outdoor living purposes that may or may not be attached to a building and which protrudes more than eight (8) inches above finished grade.

DENSITY. The number of dwelling units on, or to be developed upon, a net acre of land.

DEVELOPMENT. Means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

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DISTRICT. A portion of the Village of Mackinaw City within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance. "District" as used herein is synonymous with the word "zone", "zoning district", or "overlay district".

DRIVE-THROUGH. An establishment so developed that some portion of its retail or service character is dependent upon providing a driveway approach and staging area specifically designed for motor vehicles so as to serve patrons while in their motor vehicles, rather than within a building or structure, for carry out and consumption or use after the vehicle is removed from the premises.

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, SINGLE FAMILY. A "single-family dwelling" is a detached building designed for or occupied exclusively by one (1) family.

- A. **DWELLING, SINGLE-FAMILY DETACHED.** A building designed exclusively for and occupied exclusively by one (1) family that is separate and distinct from any other dwelling. A single family dwelling that does not share a party wall with any other dwelling is a detached single family dwelling.
- B. **DWELLING, SINGLE-FAMILY ATTACHED.** A dwelling designed for occupancy by one (1) family in a row of at least (3) three such units in which each unit has its own front and rear access to the outside, no unit is located over another, and each unit is separated from any other unit by one or more vertical common fire-resistant walls (also known as a townhouse or rowhouse).

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

DWELLING, MULTIPLE-FAMILY. 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.

E

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.

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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.

EXCAVATION. The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest, except common household gardening and ground care.

F

FAÇADE. The exterior wall of a building exposed to public view.

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

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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.

FARM. The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

FARM MARKET. A place or an area where transactions between a farm market operator and customers take place. This includes roadside stands. It does not necessarily mean a physical structure such as a building and is considered part of a farm operation. At least 50 percent of the products marketed and offered for sale at a farm market (measured as an average over the farm market’s marketing season or up to a five-year timeframe) must be produced on and by the affiliated farm. Farm products may be processed more extensively into a form that adds value and makes them more marketable for direct customer sales in accordance with Michigan laws, and then sold at the affiliated farm market, as long as allowed by local, state and federal regulations. A farm market may operate seasonally or year-round. Farm markets may include marketing activities and services to attract and entertain customers and facilitate retail trade business transactions, when allowed by applicable local, state, and federal regulations.

FARM PRODUCT. Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture.

FENCE, PRIVACY. See [PRIVACY FENCE](#).

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

G

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.

GAS STATION. A gas station shall include gas stations which incorporate a convenience store in the

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business enterprise, gas stations which provide automobile repair services, and gas 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 [Section 3-124](#).

H

HAZARDOUS MATERIALS. Any materials that have been declared to be hazardous by 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](#).

HOME OCCUPATION. An occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood. See Special Use requirements for Home Occupations, [Section 7-103](#).

HOTEL. A “hotel” is a structure 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.

I

IMPERVIOUS SURFACE. Any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces.

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.

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J

JUNK. Any abandoned, discarded, unusable objects or equipment, any object or equipment unused for its originally intended purpose, including, but not limited to, furniture, furniture intended for indoor use which is placed outdoors, stoves, refrigerators, freezers, cans, barrels, implements, parts of motor vehicles, machinery, cloth, rubber, bottles, any metals, boxes, cartons or crates.

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.

K

KENNEL. A kennel is any place or premise where three (3) or more adult dogs, cats, or other domestic pets, more than six (6) months of age, are maintained, boarded, bred, or cared for in return for remuneration, or are kept for the purpose of sale.

L

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 3-118](#).

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.

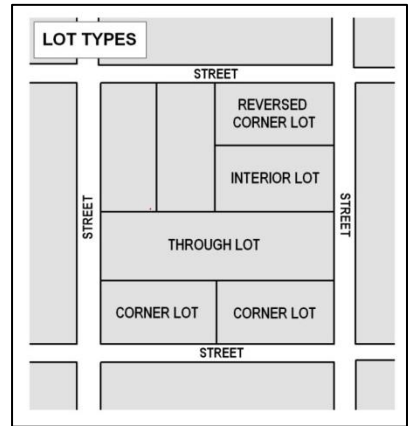
- A. **LOT, CORNER.** A lot whose lot lines form an interior angle of less than one hundred thirty- five (135) degrees at the intersection of two (2) street lines. A lot abutting on a curved street or

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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.

- B. **LOT, INTERIOR.** Any lot other than a corner lot.
- C. **LOT, THROUGH.** Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

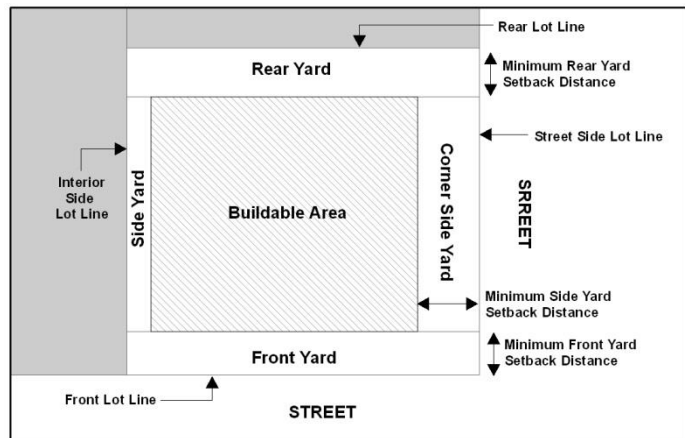


LOT AREA. Area of a lot bounded by lot lines.

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 DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

LOT LINE. A boundary line of a lot.



- A. **LOT LINE, FRONT.** The exterior line or right-of-way of a road on which a lot fronts or abuts. In the case of an interior lot, that line separating said lot from the street or right-of-way. In the case of a through lot, that line separating said lot from either street or right-of-way. In the case of a corner lot, the property owner shall determine which street lot line shall be considered the front lot line.
- B. **LOT LINE, REAR.** Any lot line, other than a front lot line, which is parallel or nearly parallel to the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet (10') long lying farthest from the front lot line and wholly within the lot.
- C. **LOT LINE, SIDE.** Any lot line not a front or rear lot line. A side lot line separating a lot from a street is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

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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.

M

MASTER DEED. The condominium document recording the condominium project as approved by the Village to which is attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project and all other information required by [Section 8 of the Condominium Act](#).

MEDICAL MARIHUANA: The following definitions A through F are related to medical marihuana.

- A. **MEDICAL MARIHUANA:** Marihuana as defined by the [Initiated Law 1 of 2008, as amended \(Michigan Medical Marihuana Act, being MCL 333.26421 et. seq.\)](#) grown, used or transferred for “medical use” as defined by the Act.
- B. **ENCLOSED, LOCKED FACILITY:** That term as defined in [Section 3 of Initiated Law 1 of 2008, as amended \(Michigan Medical Marihuana Act, being MCL 333.26423\)](#).
- C. **MARIHUANA:** A controlled substance as defined in [Section 7106 of the Public Health Code, 1978 PA 368, as amended](#).
- D. **PRIMARY CAREGIVER:** That term defined in [Section 3 of Initiated Law 1 of 2008, as amended \(Michigan Medical Marihuana Act, being MCL 333.26423\)](#) who is at least 21 years old and who has been registered by State Department of Licensing and Regulatory Affairs or any successor agency to assist with a Qualifying Patients’ use of medical marihuana.
- E. **PRIMARY CAREGIVER FACILITY:** A building in which the activities of a Primary Caregiver are conducted.
- F. **QUALIFYING PATIENT:** That term defined in [Section 3 of Initiated Law 1 of 2008, as amended \(Michigan Medical Marihuana Act, being MCL 333.26423\)](#) who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marihuana Act and who has obtained a duly issued registry identification card from the State Department of Licensing and Regulatory Affairs or any successor agency.

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 in definition of [STORY](#)).

MANUFACTURED HOME. A structure transportable in one (1) or more sections which is built on a

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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 but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the [National Mobile Home Construction and Safety Standards Act of 1974, as amended](#). The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development.. Manufactured home does not include a recreational vehicle. All manufactured homes must conform to the [U.S. Department of Housing and Urban Development’s](#) code for mobile homes. Manufactured home includes a doublewide unit.

MANUFACTURED HOUSING COMMUNITY. A parcel or tract of land, under the control of a person upon which three (3) or more manufactured 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 manufactured home, and which is not intended for use as recreation vehicle trailer park.

MINI-STORAGE. Mini-storage buildings are groups of buildings that contain varying sizes of individual compartmentalized and controlled access stalls or lockers for a dead storage of customer’s goods or wares. Customers shall not utilize mini-storage for retail purposes.

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.

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

N

NONCONFORMING 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.

NONCONFORMING 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 of the zoning district in which it is located.

NONCONFORMING 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. Whatever annoys, injures or endangers the safety, health, comfort, or repose of the public, offends public decency, interferes with, obstructs, or renders dangerous any street, highway, or navigable waterway, or in any way renders the public insecure in life or property, is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this Ordinance.

O

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.

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.

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.

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.

OPEN AIR USE AREA. The perimeter immediately surrounding an open air business.

OPEN SPACE. Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal) or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor

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recreational use that will result in the development of impervious surfaces shall not be included as open space.

ORDINARY HIGH WATER LINE. The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On a river or stream, the ordinary high water mark shall be the ten year flood limit line. The ordinary high water mark for Lake Huron and Lake Michigan, set by the [US Army Corp of Engineers](#), is 581.5 feet above mean sea level, per international Great Lake datum of 1985.

OUTDOOR STORAGE. A land area occupied and used for open storage of products, building materials, sand, gravel, stone, lumber, equipment and other supplies.

P

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.

PASSENGER BOAT FERRIES. Any watercraft engaging in the transport of ten (10) or more people for commercial transport.

PATIO. A paved open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, which does not protrude more than eight (8) inches above the finished grade of the property.

PERFORMANCE GUARANTEE. Means a cash deposit, certified check, irrevocable bank letter of credit or a performance or surety bond approved by the Village of Mackinaw City.

PLANNED UNIT DEVELOPMENT (PUD). A use which allows a development to be designed and built as a unit and which is designed to encourage quality land development and site design outside the typical zoning standards through flexible design and use standards and a greater latitude in the mix of uses resulting in more efficient and effective use of the land and infrastructure. A Planned Unit Development provides the Village with increased oversight and guidance in the design process.

PLANNING COMMISSION. The Village of Mackinaw City Planning Commission and shall have all powers granted under authority of the [Michigan Zoning Enabling Act, 2006 PA 110, as amended](#), and as provided in this Ordinance.

PLOT PLAN. The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

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PRACTICAL DIFFICULTY. A situation in which a property owner cannot establish a “minimum practical” legal use of a legal lot or parcel, meeting all of the dimensional standards of the zoning district in which the lot is located. Situations occurring due to the owner’s desire to establish a use greater than the “minimum practical” standard to enhance economic gain greater than associated with the “minimum practical” standard or created by an owner subsequent to the amendment of this Ordinance is not a Practical Difficulty. The Zoning Board of Appeals is responsible for determining Practical Difficulty.

PRINCIPAL 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.

R

RECONSTRUCTION. See [ALTERATIONS](#).

RECREATIONAL EQUIPMENT. Watercraft, boat trailers, snowmobiles and snowmobile trailers, horse trailers, dune buggies, tents and other similar equipment.

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.

RECREATION VEHICLE PARK (RV PARK). A facility for the overnight, short-term or seasonal, but not permanent or year-round parking of travel trailers, recreation vehicles or tents and which can include other recreational facilities.

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.

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RESORT. A parcel of land which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity, and which may or may not contain a small commercial facility such as sporting goods and/or a restaurant.

RESOURCE RECOVERY FACILITY. Machinery, equipment, structures, or any parts or accessories of machinery, equipment, or structures, installed or acquired for the primary purpose of recovering materials or energy from the waste stream. Also called a recycling facility or center.

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.

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- 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.

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.

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.

ROADSIDE STAND. See [FARM MARKET](#).

S

SEASONAL USE. Any use or activity that is not conducted during each month of the year.

SETBACK. 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.

SEXUALLY ORIENTED BUSINESS. A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; and (8) nude model

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studio; (9) similar establishments.

- A. **ADULT ARCADE.** Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- B. **ADULT BOOKSTORE OR ADULT VIDEO STORE.** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:
 - 1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
 - 2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies 25% or more of the floor area or visible inventory within the establishment.

- C. **ADULT CABARET.** A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
 - 1. Persons who appear in a state of nudity;
 - 2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
 - 3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
 - 4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- D. **ADULT MOTEL.** A hotel, motel or similar commercial establishment that:

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1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
 2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. **ADULT MOTION PICTURE THEATER.** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- F. **ADULT THEATER.** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- G. **NUDE MODEL STUDIO.** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- H. **NUDITY OR A STATE OF NUDITY.** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 2. Material as defined in [Section 2 of the Obscene Material Act, 1984 PA 343, as amended \(being MCL 752.362\)](#) of the Michigan Compiled Laws.
 3. Sexually explicit visual material as defined in [Section 3 of Disseminating, Exhibiting, or Displaying Sexually Explicit Matter to Minors 1978 PA 33, as amended \(being MCL 722.673\)](#) of the Michigan Compiled Laws.
- I. **SPECIFIED ANATOMICAL AREAS.** Means and includes any of the following:

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1. Less than completely and opaquely covered:
 - (a) Human genitals;
 - (b) Pubic region;
 - (c) Buttocks
 - (d) Female breast below a point immediately above the top of the areola.
2. Human male genitals in a discernible turgid state even if completely or opaquely covered.

J. **SPECIFIED SEXUAL ACTIVITIES.** Means and includes any of the following:

1. Human genitals in a state of sexual arousal;
2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus; or
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

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.

SHORT TERM RENTAL. Any residential dwelling or unit providing transient accommodations for periods of less than thirty (30) days. Short term rentals are regulated by [Ordinance 163 of 2017](#).

SIGN. A name, identification, description, display (excluding products for sale display in windows), device, structure, or illustration which is affixed to, or painted, or otherwise represented directly or indirectly upon a building, structure or parcel of land, and which directs attention to an object, product, place, activity, person, institution, organization or business.

SITE PLAN. The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

SMALL-SCALE CRAFT MAKING. Encompasses the production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than fifty (50) percent of the structure is devoted to making crafts while the remainder of the structure is devoted to sales.

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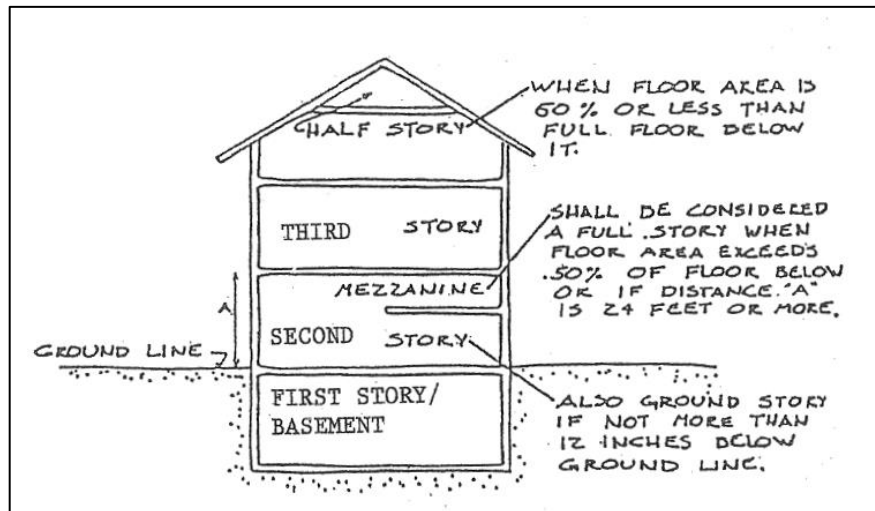
SOLAR ENERGY FACILITY. A facility designed to capture and utilize the energy of the sun to generate electrical power. A solar energy collection facility consists of solar collection devices used to collect solar rays and all associated ancillary and structural devices needed to support and convert/transmit the energy collected. These devices may be either freestanding or attached to a structure and are sized to meet the various user needs and/or utility requirements.

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.

STORAGE. To leave or deposit in a place for preservation or disposal in one or more of the following ways:

- A. **STORAGE-ACCESSORY.** Storage which is accessory to the principal use of the premises.
- B. **STORAGE FACILITY.** A building or property on which storage is carried out as the principal use of the property.

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, PUBLIC OR PRIVATE.**

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

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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.

T

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.

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 MERCHANT. A *PEDDLER* or *VENDOR* as defined by [Ordinance 82 of 2017](#).

- A. **PEDDLER.** Any person, firm, corporation or other entity that offers services, goods, food, wares or merchandise for sale, including by sample or by taking orders for delivery in the future, by going from door to door, place to place, or by passing from house to house.
- B. **VENDOR.** Any person, firm, corporation or other entity that offers services, goods, foods, wares or merchandise for sale, including by public or private auction, on a temporary basis from a fixed location, including, but not limited to, a vehicle or cart, a building or structure, movable stand, tent or shelter. The sale of services, goods, foods, wares or merchandise

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shall be considered temporary until the personal property, or inventory, or both, used for such sale has been assessed for taxes in the Village and such taxes have been timely paid.

V

VARIANCE. A varying or relaxation of the dimensional 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.

W

WIRELESS COMMUNICATIONS. Wireless communications shall mean television and radio towers, as well as any personal wireless service as defined in the [Telecommunications Act of 1996, as amended](#), which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

WIRELESS COMMUNICATIONS EQUIPMENT. The set of equipment and network components used in the provision of wireless communications services, including, but not limited to antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

WIRELESS COMMUNICATION FACILITY. A Wireless Communication Facility is any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure (Attachment Structure).

WIRELESS COMMUNICATIONS SUPPORT STRUCTURE. Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

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.

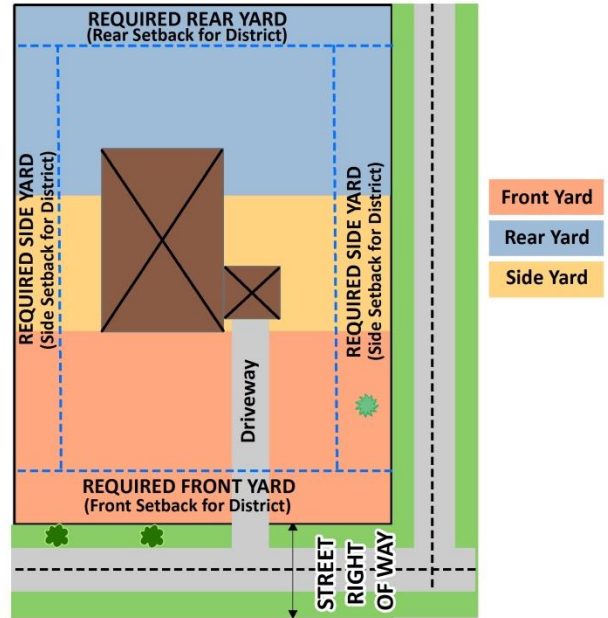
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- C. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy.
- D. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

Y

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 4-105 \(B\)\(3\)](#)).
- 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.

Z

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

ZONING BOARD OF APPEALS. The Village of Mackinaw City Zoning Board of 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.

ZONING PERMIT. A permit, issued by the Zoning Administrator, to allow the use of land for a stated purpose and/or the construction of structures upon a specified parcel of land.

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General Regulations

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Section 3-101 Effects of Zoning

- A. 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.
- B. 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.
- C. 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.
- D. 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.

Section 3-102 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.
- C. Regulations affecting the arrangement of buildings, materials and equipment occupying such land for each of the districts are hereby established as set forth in [Article 4: District Regulations](#).

Section 3-103 Conflicting Regulations: Graphics, Tables, and Text

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Village law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

Section 3-104 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

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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.

Section 3-105 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.

Section 3-106 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. Barrier-Free Modification.

Nothing in this Ordinance shall prevent the modification of a building only as may be necessary to comply with barrier-free requirements and the [Americans with Disabilities Act](#).

C. 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.

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D. 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, unless otherwise provided by this Ordinance. In addition, every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot as herein defined.

Section 3-107 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, nor 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

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application shall so state and be in affidavit form.

Section 3-108 Temporary Buildings and Construction Debris

A. Temporary Buildings during Construction.

Temporary buildings may be utilized during construction for construction offices for a period not to exceed one (1) year. Temporary buildings for use incidental to construction work shall be removed within thirty (30) days after the completion or abandonment of the work. Temporary buildings used for construction offices shall be easily movable and not of a permanent nature. No zoning permit is required.

B. Construction Debris.

All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove a temporary building and/or construction debris within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance.

C. Temporary Building as a Sales or Management Office.

The Zoning Administrator may authorize a certification for a dwelling to be temporarily used as a sales and management office for the sale of homes within a subdivision for a period of one (1) year, provided all of the following requirements are complied with:

1. The house to be used as such office is built upon a lot approved as part of the approved subdivision and is of substantially similar design as those houses to be sold within the subdivision.
2. No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.
3. Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

D. Temporary Buildings for Special Events.

Temporary buildings for special events are approved by the Village Council as part of a special event permit. Standards are determined on a case by case basis.

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Section 3-109 Accessory Buildings

Permanent or temporary accessory structures, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

A. Accessory Buildings on Lot without a Primary Structure.

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 cannot be sold as an individual lot without concurrent provisions for construction of a primary building in accordance with the zoning district of the lot.

B. Attached Accessory Buildings.

Where an accessory structure is attached to a principal structure, such accessory structure shall be considered part of the principal structure and shall be subject to and must conform to all regulations of this Ordinance applicable to principal structure regardless of whether the accessory building was constructed as a detached structure and then later attached to the principal structure.

C. District Regulations for Accessory Buildings.

1. Accessory buildings shall be regulated by district regulations in [Article 4](#).
2. No accessory building shall be erected in any front yard, and no separate accessory building shall be erected on any property line.

D. Nontraditional Storage Facilities.

Truck bodies, school bus bodies, mobile homes, travel trailers, semi-trailers, shipping containers, or other items built and intended for other uses shall not be used as permanent accessory structures. If a nontraditional structure is to be used as a permanent accessory structure, modifications to the exterior of the nontraditional structure shall be required to make the structure aesthetically-consistent with the surrounding neighborhood. The Zoning Administrator shall make the final determination of approval of such modifications.

E. Accessory Structure as a Dwelling.

No detached accessory structure shall be used for dwelling purposes unless otherwise permitted in this Ordinance.

1. **Recreational Vehicle Occupancy.** Overnight camping in a recreation vehicle on a lot in the Village shall be permitted in all residential districts providing that the recreational vehicle shall be occupied for no more than fifteen (15) days within any calendar year. Recreational

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vehicles shall not be hooked up to the Village sewer system. Overnight camping in a recreational vehicle shall only occur on a lot with a principal structure or on a lot which is adjacent to another lot which is under the same ownership and contains a principal structure. Said lots shall not be separated by a public right-of-way. No zoning permit is required for recreational vehicle occupancy in any district.

2. **Storage of Recreational Equipment and Trailers.** Primary building setbacks shall be maintained for the open storage of any recreational vehicle or trailer such as but not limited to: truck camper bodies, snowmobiles, boats, motor homes, camper trailers, travel trailers, all-terrain vehicles, utility trailer, boat trailer, and other similar conveyance, shall be permitted if. No zoning permit is required for recreational vehicle and trailer storage in any district.

Section 3-110 Requirements For All Dwelling Units Outside Of Manufactured Housing Community

A. Minimum Dwelling Unit Width.

The minimum width of any dwelling unit shall be twenty-two (22) feet for at least seventy five (75%) percent of its length.

B. Ingress and Egress.

All dwelling units shall provide a minimum of two (2) separate points of ingress and egress.

C. Steps or Porches for Elevation Differential.

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.

D. Water and Sewer.

All dwelling units shall be connected to a sanitary sewer system and water supply system approved by the Village or applicable County Health Department.

E. Manufactured Homes.

1. Manufactured homes shall be attached to an approved foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements.
2. The wheels, axles and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.

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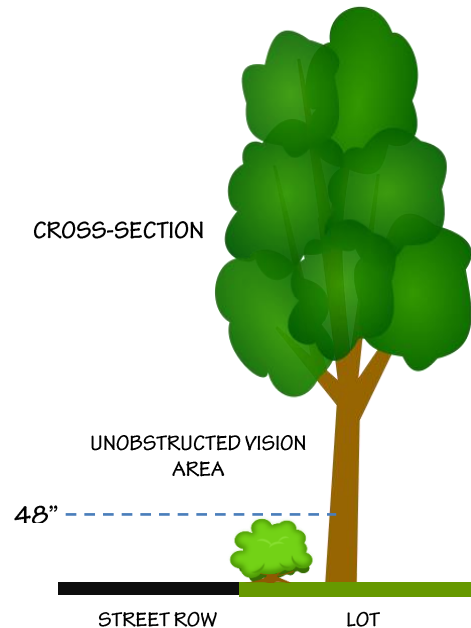
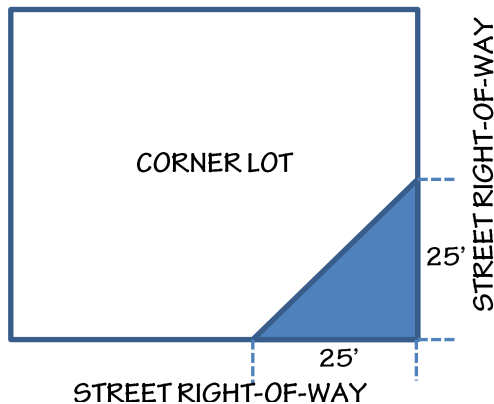
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3. Manufactured homes shall be installed according to the **United States Department of Housing and Urban Development (HUD)** regulations entitled “Manufactured Home Installation Standards”, and the construction of the unit shall comply with the **United States Department of Housing and Urban Development (HUD)** regulations entitled “**Manufactured Home Construction and Safety Standards**”, being **24 CFR part 3280, as amended**.
4. Manufactured homes shall not be attached to each other. Additions, new roofs and accessory buildings may be attached to a manufactured home.
5. No manufactured home shall be located or placed in Mackinaw City without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current HUD rules and regulations and District Health Department regulations.

Section 3-111 Corner and Driveway Clearance

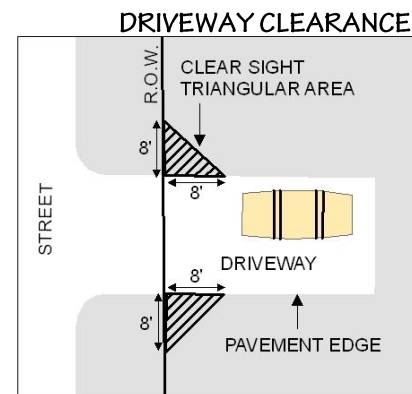
A. Corner Clearance.

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 the triangular area formed by the intersecting street right-of-way lines to a distance of twenty-five (25) feet from their point of intersection and a straight line intersecting them so as to interfere with traffic visibility across the corner.



B. Driveway Clearance.

At intersections of driveways and alleys with streets, no fence, wall, shrubbery, sign or other structure or planting, except deciduous trees, shall be erected or maintained over forty-



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eight (48) inches above the established driveway or alley grade level in the area bounded by the driveway or alley lines and lot lines and a line joining points along the lines eight (8) feet from the point of intersection of the driveway or alley lines and such lot lines.

Section 3-112 Animals, Bees, Livestock & Fowl

No animals, bees, 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 except for farming in the AG Agricultural District.

Section 3-113 Nonconformities

A. Intent.

It is the intent of this Ordinance to permit legal non-conformities to continue until they are removed but not to encourage them. It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures and uses which were lawful before this Ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

B. Continuance of Nonconforming Uses and Structures.

Only nonconforming 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 or unless the alteration is in compliance with [subsection H](#) below.

C. Discontinuance of Nonconforming Uses.

If the nonconforming 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. When determining the intent of the property owner to terminate a nonconforming use, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.

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2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the nonconforming use have been removed.
4. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

D. Restoration and Repair.

1. Such repairs and maintenance work as are required to keep a nonconforming building or structure in a sound condition may be made.
2. In the event that less than fifty (50) percent of any nonconforming building or structure shall be damaged by fire, wind or an Act of God or the public enemy, it may be rebuilt or restored to its previous condition. Such determination of percentage damaged shall be made by either Building Inspector, Zoning Administrator or Village Assessor.
3. In the event that fifty (50) percent or more of any nonconforming building or structure shall be damaged by fire, wind, or an Act of God or the public enemy, it shall only be rebuilt in conformance with this Ordinance.

E. Change of Use.

A nonconforming use may be changed to another nonconforming use if the Zoning Board of Appeals finds 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 nonconforming use to a prior nonconforming use, nor to waive the other provisions of this Ordinance.

F. Nonconforming Due to Reclassification.

The foregoing provisions of this Ordinance shall also apply to buildings, land or uses which hereafter become nonconforming due to any reclassification of districts or any subsequent change in the regulations of this Ordinance.

G. Nonconforming 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

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same ownership will henceforth be required to conform to area requirements of this Ordinance.

H. Extensions of Nonconforming Buildings or Structures.

1. **Alterations to Conforming Portions of Nonconforming Building or Structure.** Alterations to a nonconforming structure are permitted, however no nonconforming structure may be enlarged or altered in a way which increases its nonconformity with the exception of subsection 2 below.
2. **Extension of a Building/Structure with Nonconforming Setback.** 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:
 - a. 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.
 - b. That the extension will not have a significant detrimental effect on nearby properties.
 - c. That the extension will not be contrary to the public health, safety, or welfare or the spirit of the Ordinance.
3. **Moving of Nonconforming Structure.** Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the setback regulations for the district in which it is located after it is moved.

I. Expansion of Nonconforming Use.

No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of *land* than was occupied at the effective date of adoption or amendment of this Ordinance.

J. Change in Tenancy or Ownership.

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land or of structures which does not alter the nonconforming status.

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Section 3-114 Lighting

A. Intent and Purpose.

The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and rights-of-way by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance.

B. Lighting Confined To Site.

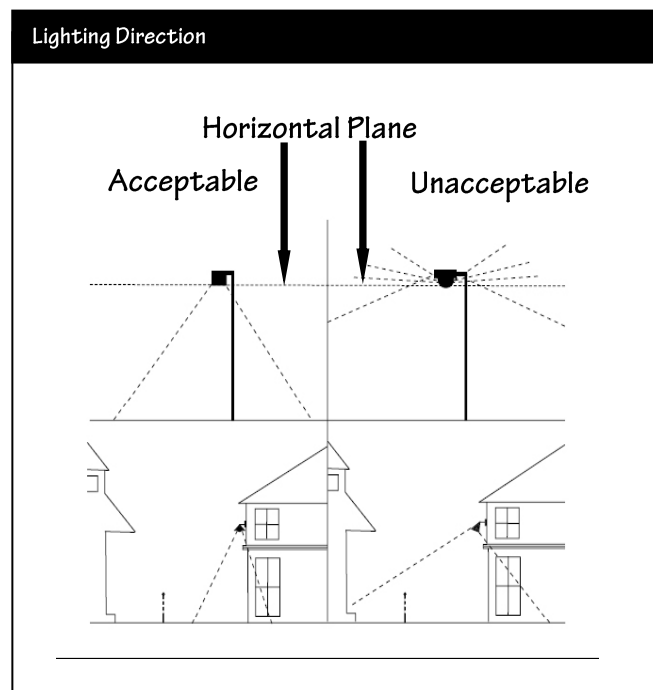
Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.

C. Height of Light Fixtures.

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.

D. Lighting Directed Downward/Shielded.

Except for diffused globe-style walkway lights and the lighting addressed in [subsection E below](#), all outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded and/or louvered to provide a glare-free area beyond the property line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred (100) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.



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E. Upward Directional Lighting.

All lighting used for the external illumination of flags with lights directed in an upward direction so as to feature said flags, shall be placed and shielded so as not to interfere with the vision of persons or traffic on adjacent streets or adjacent property.

F. Moving Lights.

All illumination of any outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe and search lights are not permitted.

G. Interference with Traffic Control Devices.

No colored lights shall be used at any location where it may be confused with or construed as traffic control devices.

H. Gas Stations.

Ceiling lights in gas pump island canopies shall be recessed.

I. Exempted Areas and Types.

The following types of outdoor lighting shall not be covered by this Ordinance:

1. Special seasonal lights such as Christmas decorations.
2. Lights located within the public right-of-way or easement.
3. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.
4. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.
5. Lighting required by the Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administrations, or other applicable federal or state agencies.
6. Lighting for recreational facilities: shall conform to the requirements set forth in the most current edition of the [Illuminating Engineering Society of North America \(IESNA\) RP-6 Recommended Practice for Sports and Recreational Area Lighting](#) and the IESNA Lighting Handbook.

J. ZBA Authority to Interpret Lighting.

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In the event of any controversy as to the adequacy 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 lighting provisions and the purpose herein sought to be accomplished.

Section 3-115 Fences

A. Construction and Maintenance: All Districts.

1. It shall be the responsibility of the property owner to locate the correct property line between lots. A mortgage survey is required and the property shall be staked prior to a permit being issue for a fence.
2. It is unlawful to construct any private fence or barrier within a public right-of-way.
3. Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, or chain link. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets, or other materials not commercially designed for fence construction are prohibited.
4. A solid hedge shall be considered a fence and shall be maintained to comply with all requirements of this Section.
5. Chain link fences shall be constructed of materials specifically designed by fence manufacturers for such use. Fences will have top rails between supporting posts and caps on end or corner posts. No chain link fences shall be located in a front yard.
6. Barbed wire and razor wire fences are prohibited in all zoning districts. However, barbed wire and razor 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 and razor wire strands above the maximum fence height requirements shall not constitute a violation of the maximum fence height requirements.
7. Fence posts shall be placed on the inside of the property line of the owner erecting the fence.
8. The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished and constructed so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
9. Fences shall be maintained by the property owner (or subsequent property owners) that erected the fence to retain their original appearance, shape and configuration. Elements of a fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.

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10. 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 the triangular area formed by the intersecting street right-of-way lines to a distance of twenty-five feet from their point of intersection and a straight line intersecting them so as to interfere with traffic visibility across the corner

B. Location and Height Limitations.

Fences & Walls		
	Residential Districts	Non-Residential Districts
1. Front Yard	a. Fences and walls may be up to four (4) feet high. b. Fences and walls may be set on the front property line. c. Fence and wall gates shall not be designed to open over public property.	a. Fences and walls may be up to four (4) feet high. b. Fences and walls may be set on the front property line. c. Fence and wall gates shall not be designed to open over public property.
2. Rear Yard & Side Yard (including waterfront)	a. Fences and walls may be up to six (6) feet high. b. Fences and walls may be set on the property line.	a. Fences and walls may be up to eight (8) feet high. b. Fences and walls may be set on the property line.

Section 3-116 Screening

A. Screening Requirements for 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.

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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.

B. The Planning Commission may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served with conformance to [Section 3-116](#).

C. ZBA Authority over Screening.

In the event of any controversy as to the adequacy of any proposed or existing screening, the Zoning Board of Appeals shall have the right and is hereby given the authority to interpret and determine the screening provisions and the purpose herein sought to be accomplished.

Section 3-117 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 3-115](#) 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. The container lids shall be closed at all times. No garbage or debris may be stacked on top of or around the container(s).
- D. Outdoor trash containers or dumpsters shall not be in view of the public right-of-way.

Section 3-118 Landscaping

A. Required Landscape Areas.

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.

B. B4 Exception.

Landscape requirements will not affect B4 District, except for those landscape requirements for

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parking lots, according to [Section 3-124 \(R\)](#).

C. Tree/Shrub Requirement.

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.

D. Setbacks and Viewsheds.

No deciduous or evergreen trees or shrubs shall be placed in the required setback or clear area / viewshed 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.

E. Location of Open Space.

All districts identified in [Section 3-118 \(A\)](#) 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.

F. Specific Requirements.

All district developments identified shall meet the following requirements:

1. No landscape area shall be used for parking areas.
2. With the exception of artificial grass, no synthetic plant materials shall be used to fulfill any landscaping requirements.
3. 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.
4. 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. The use of native species is encouraged.
5. Grass or other living plants shall be primary ground cover in required landscaped areas. Both sod planting and seeding is acceptable.
6. Landscaping plans shall be submitted as part of a development site plan review process.
7. Properties which do not provide the minimum twenty-five (25%) percent greenspace, whether they are preexisting conditions or not, cannot expand the ground level footprint of any current or proposed building or structure without providing the necessary twenty-five (25%) percent greenspace.

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8. Minimum sizes at time of installation:
- | | | |
|-----------------------------|-----------|---------------------------------|
| Deciduous Canopy Trees | 2½" | dbh (diameter at breast height) |
| Deciduous Ornamental Trees: | 2" | dbh |
| Evergreen Tree: | 5' | height |
| Narrow Evergreen Trees | 3' | height |
| Deciduous Shrub: | 2' | height |
| Large Evergreen Shrub: | 2' | height |
| Spreading Evergreen Shrub: | 18" – 24" | spread |

9. Installation, Maintenance, and Completion.

- a. The required landscaping shall be planted with permanent living plant materials within thirty (30) days from the date of occupancy or the next appropriate planting season, whichever comes first, and shall thereafter be maintained in presentable condition, and shall be kept free from refuse and debris; provided further that all plant materials shall be continuously maintained in a sound, healthy and vigorous growing condition, and shall be kept free of plant diseases and insect pests. All unhealthy and dead material shall be replaced within six (6) months of receipt of notice from the Village of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply. The Zoning Administrator may extend the time period for planting when seasonal conditions are such that planting cannot be undertaken.
- b. All landscape materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
- c. All plant material shall be planted in a manner so as not to obstruct access to or view of fire hydrants and not interfere with utility lines (above and below ground) and public roadways. Landscape materials shall not constitute a nuisance to neighboring properties.

Section 3-119 On-Site Drainage & Runoff

No premises shall be filled or graded so as to discharge surface runoff onto abutting premises or in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades have priority.

Section 3-120 Stormwater Management

All developments and earth changes subject to review under the requirements of this Ordinance shall be designed, constructed, and maintained to prevent flooding and protect water quality. The particular facilities and measures required on-site shall reflect the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site flooding, water pollution, and erosion; and the size of the site.

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Storm water Management shall comply with the following standards:

- A. The design of storm sewers, detention facilities, and other storm water management facilities shall comply with the standards for green site technology.
- B. Storm water management conveyance, storage and infiltration measures and facilities shall be designed to prevent flood hazards and water pollution related to storm water runoff and soil erosion from the proposed development.
- C. The use of swales and vegetated buffer strips is encouraged in cases where the Planning Commission deems to be safe and otherwise appropriate as a method of storm water conveyance so as to decrease runoff velocity, allow for natural infiltration, allow suspended sediment particles to settle, and to remove pollutants.
- D. Alterations to natural drainage patterns shall not create flooding or water pollution for adjacent or downstream property owners.
- E. Discharge of runoff from any site which may contain oil, grease, toxic chemicals, or other polluting materials is prohibited. If a property owner desires to propose measures to reduce and trap pollutants, the owner must meet the requirements of the [Michigan Department of Environmental Quality](#). Based upon professionally accepted principles, such a proposal shall be submitted and reviewed by the Village, with consultation of appropriate experts.
- F. Drainage systems shall be designed to protect public health and safety and to be visually attractive, taking into consideration viable alternatives.

Section 3-121 Unclassified Uses

When a use is not expressly mentioned in the Zoning Ordinance, the Zoning Administrator shall make an interpretation as to what district or districts should accommodate the use. The decision shall be based on the intent of each district and similar uses allowed in the district. The Zoning Administrator may refer the classification of unclassified uses to the Planning Commission. The decision of the Zoning Administrator or Planning Commission regarding unclassified uses may be appealed to the Zoning Board of Appeals.

Section 3-122 Hazardous Substances & Waste

- A. Dumping of hazardous substances and/or nuclear wastes shall not be allowed within the Village of Mackinaw City, except as permitted by [Radioactive Waste, 1978 PA 113, as amended \(, being MCL 325.491 et. seq.\)](#).
- B. The following provisions apply to persons, businesses or entities that use, generate or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month. All storage and containment facilities shall be designed in conformance with all current USEPA and/or MDEQ standards and applicable sections of the

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Michigan Building Code, as adopted. Stamped engineered drawings certifying that the facilities are in compliance with those standards shall be submitted to the Village as part of the site plan review process.

1. Sites at which hazardous substances and polluting material are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.
2. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
3. General purpose floor drains shall be allowed only if they are connected to a public sanitary sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 3-123 Performance Standards

A. Smoke and Air Contaminants.

It shall be unlawful for any person, firm, or corporation to permit the emission of any smoke or air contaminant in violation of air quality standards adopted by Federal and/or State regulatory authorities

B. Drifted or Blown Material.

Property owners shall take appropriate measures to ensure the prevention of drifting of airborne particles or debris beyond their lot lines. Any such activity shall be promptly abated upon notification by the Village. During times of stockpiling or removal, excavation or grading, those measures, necessary and practical (dampening, etc.), will be taken to minimize the blowing and drifting of material.

C. Odors.

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor. The provisions of this Section are not intended to apply to farming activities.

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1. For new facilities (commercial or industrial), the most recent technologies shall be utilized to reduce odors, as part of or in addition to any conditions included in State and/or Federal regulatory agency air/water quality permit(s). As part of the Zoning Permit review the applicant shall demonstrate that all measures technologically available and financially viable to mitigate the emission of noxious odors will be incorporated into the design of the facility.
2. For existing commercial and industrial facilities, odors resulting from the production process that are within the limits established by State and/or Federal regulatory agencies in approved permits shall not be considered in violation of this ordinance. This does not exempt any business from the responsibility to take all necessary technologically feasible and financially viable measures to reduce such odors, and to comply to with any new standards required as part of a renewed or new State and/or Federal regulatory agency environmental permits.

D. Gases.

The escape or emission of any gas which is injurious or destructive, harmful to person or property, or explosive shall be unlawful and shall be abated.

E. Electrical Disturbance, Electromagnetic, or Radio Frequency Interference.

No use shall create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmission) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

F. Glare and Heat.

Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot line, except during the period of construction of the facilities to be used and occupied.

G. Noise.

The measurement and control of noise shall be regulated by the [Noise Control Ordinance No. 133 \(Section 35-480 – 35-496\) of the Code of Ordinances of Mackinaw City.](#)

H. Vibration.

All machinery shall be so mounted and operated that vibration from sound or noise at any lot line shall not be so intrusive as to interfere with normal daily activities in adjoining land uses. Vibrations resulting from temporary construction activity shall be exempt from the requirements of this section.

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Section 3-124 Parking & Loading Space

A. Purpose.

The purpose of parking regulations is to make the community safe for and accessible by pedestrians, cyclists, and drivers. Equal consideration should be given to pedestrians, cyclists and drivers in the design of all public and private parking areas. Site design should help to reduce the number of conflicts between the parking area users. Public rights-of-way shall be designed to ensure the movement of people safely. Design of parking areas and rights-of-way shall contribute to the walkability of the Village of Mackinaw City.

B. Sidewalks.

1. **Sidewalk along Public Street.** The installation of sidewalks per Village specifications along public streets shall be required for all new construction unless waived by the Planning Commission.
2. **Walkways within Developments.** All developments except for single- and two-family dwellings shall provide clearly defined pedestrian walkways from the public sidewalk to main entrances of the buildings or to the sidewalk fronting the building in the case of a multi-entrance building. Walkways shall be designed to be recognizable to both drivers and pedestrians. Any combination of at least two (2) of the following walkway treatments shall be used:
 - a. Constructing the walk/crosswalk with different materials, such as concrete or brick or other material approved or recognized under The Americans with Disabilities Act (ADA) requirements;
 - b. Placing bollards at sufficient regular intervals to delineate the walk/crosswalk;
 - c. Aligning planting islands to define the walk/crosswalk;
 - d. Raising the walk/crosswalk;
 - e. Painting pavement with walk/crosswalk striping.

Pedestrian travelways shall be physically separate from the parking area except where they cross a vehicle maneuvering lane, in which case the travel way shall be defined with a separate and contrasting material such as the use of a textured concrete or brick paver.

C. Parking Spaces.

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 3-124 A](#), following):

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Table 3-124 A: Parking Space Design

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.

D. Parking in Residential Zones.

1. 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.
2. No commercial parking is allowed in any residential zone.

E. 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.

F. 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 herein.

G. Alleyways as Maneuvering Space.

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

H. Collective Parking and Shared Parking.

1. **Collective Parking.** 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.

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2. **Shared Parking.** 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.

I. Uses Not Specified.

For those uses not specified in this section, the requirements for off-street parking facilities shall be in accordance with the use which the Zoning Administrator considers to be similar in type.

J. 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.

K. Parking Areas in Commercial, Office, and Industrial Districts - Requirements.

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. **Screening Required.** 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 3-116](#) shall control.
2. **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. The required surfacing must be completed prior to occupancy of any structure.

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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. **Parking Space Use.** 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. **Lighting.** 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 3-114](#) shall control.
6. **Site Plan Review.** 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.

L. 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.

M. Table of Parking Requirements.

1. 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.

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2. **B-4 District Exemption.** 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 [Subsection P](#).
3. **Fractional Spaces.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, one additional parking space shall be required.

Table 3-124 B - Parking Requirements

<i>Residential</i>		<i>Number of Minimum Parking Spaces Per Unit Of Measure</i>
1.	One-Family and Two-Family	Two (2) spaces for each dwelling unit.
2.	Multiple-Family	Two (2) spaces for each dwelling unit.
3.	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.	Bed and Breakfast Facility	One (1) space for each sleeping unit.
5.	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.	Employee / Boarding Housing	One (1) space for every three hundred (300) sq. ft. of gross floor area.
<i>Institutional</i>		<i>Number of Minimum Parking Spaces Per Unit Of Measure</i>
7.	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.	Hospitals	One (1) space per six hundred (600) sq. ft. of gross floor space.
9.	Sanitariums, Convents, Children's Homes	One (1) space per six hundred (600) sq. ft. of gross floor space.
10.	Adult Foster Care Facilities	One-half (1/2) space per bed, plus one (1) space for each employee.
11.	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.	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.	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.	Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Racquetball Clubs	One (1) space for each two (2) member families or individuals.

Table 3-124 B - Parking Requirements (continued)

<i>Institutional</i>		<i>Number of Minimum Parking Spaces Per Unit Of Measure</i>
15.	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.	Stadium, Sport Arena, or Similar Place of Outdoor Assembly	One (1) space for each three (3) seats or ten (10) feet of bench.
17.	Theaters and Auditoriums (Indoor)	One (1) space for each four (4) seats, plus one (1) space for each two (2) employees.
18.	Libraries, Museums, and Non-Commercial Art Galleries	One (1) space for each four hundred (400) sq. ft. of gross floor area.
19.	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.
20.	Assisted Living Facility, Convalescent Home	0.75 spaces for each residential unit based on maximum occupancy.
21.	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	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.
<i>Business & Commercial</i>		<i>Number of Minimum Parking Spaces Per Unit Of Measure</i>
22.	Gasoline Filling Stations	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.
23.	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.
24.	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.
25.	Bowling Alleys	Five (5) spaces for each one (1) bowling lane.
26.	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.
27.	Drive-in Establishments	One (1) space for each forty (40) feet of gross floor area, with a minimum of twenty-five (25) parking spaces.

Table 3-124 B - Parking Requirements (continued)

<i>Business & Commercial</i>		<i>Number of Minimum Parking Spaces Per Unit Of Measure</i>
28.	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.
29.	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.
30.	Laundromats and Coin Operated Dry Cleaners	One (1) space for each two (2) washing machines.
31.	Miniature Golf Courses	Three (3) spaces for each one (1) hole, plus one (1) space for each employee.
32.	Mortuary Establishments	One (1) space for each one hundred (100) sq. ft. of gross floor area.
33.	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.
34.	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.
35.	All other open air businesses not covered by specific parking requirements.	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.
36.	Restaurant, Carry-Out	One (1) space for each one hundred (100) sq. ft. of gross floor area.
37.	Retail Stores, Except Those Otherwise Specified Herein	One (1) space for each three hundred (300) sq. ft. of gross floor area.
38.	Clustered Commercial	Four (4) spaces per one thousand (1000) sq. ft. of gross floor area.
39.	Auto Body Shop	One (1) space for each five hundred (500) sq. ft. of gross floor area, plus one (1) space for each employee.
40.	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).

Table 3-124 B - Parking Requirements (continued)

<i>Business & Commercial</i>		<i>Number of Minimum Parking Spaces Per Unit Of Measure</i>
41.	Auto/Truck Sales	One (1) space for each five hundred (500) sq. ft. of gross floor area for automobile sales.
42.	Cocktail Lounges and Taverns	One (1) space for each seventy-five (75) sq. ft. of gross floor area.
43.	Health Spas, Gymnasiums 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.
44.	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.
45.	Employee/Boarding Housing	One (1) space for every three hundred (300) sq. ft. of gross floor area.
46.	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.
<i>Offices</i>		<i>Number of Minimum Parking Spaces Per Unit Of Measure</i>
47.	Banks, Savings and Loan Offices	One (1) space for each two hundred (200) sq. ft. of gross floor area.
48.	Business Offices or Professional Offices except as Indicated in the Following Item.	One (1) space for each four hundred (400) sq. ft. of gross floor area.
49.	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.
<i>Industrial</i>		<i>Number of Minimum Parking Spaces Per Unit Of Measure</i>
50.	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.
51.	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.
52.	Warehousing	One (1) space for every two thousand (2,000) sq. ft. of gross floor area.

N. 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.

O. Multi-level Parking Structures.

All Parking Areas shall accommodate surface parking only; no multi-level parking structure may be permitted.

P. 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.

Q. 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 cannot be eliminated under the guidelines of this section.

R. Landscaping Requirements for Parking Areas.

1. **Parking Lots with 15 or Fewer Spaces.** Parking lots with fifteen (15) or fewer spaces shall require no landscape internal to the parking area.
2. **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.
3. **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.

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4. **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.
5. **Design Standards.** Landscaping requirements for parking lots shall be provided as follows:
 - a. All required landscaping shall be located within the perimeter of the parking area.
 - b. Landscaping shall be dispensed throughout the parking area.
 - c. 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.
6. **Review.** Parking lot landscape designs shall be submitted as part of a development’s site plan review process.
7. 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 3-118](#))

S. 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 gross floor area as follows:

Off-Street Loading & Unloading	
Gross Floor Area	Loading Space Required
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

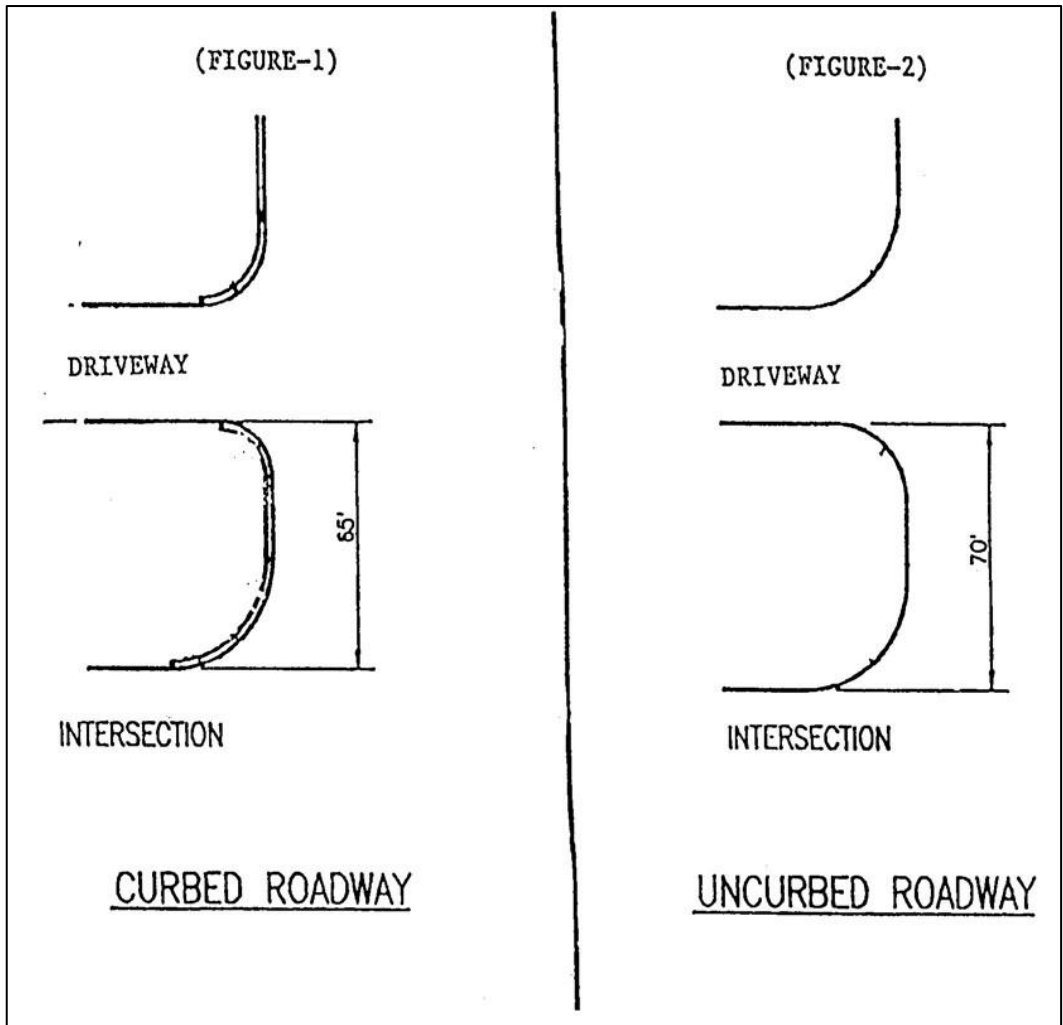
One (1) additional space for each additional one hundred thousand (100,000) square feet or part thereof, provided that:

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.

Section 3-125 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 [Figure 1](#) below).
 - 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 [Figure 2](#) below).
- 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.



Article 4 District Regulations

Sec	Name	Pg	Sec	Name	Pg
4-101	Establishment of Districts	4-1	4-113	B2 Waterfront Business District	4-29
4-102	Zoning Map	4-1	4-114	B3 Gateway Business District	4-33
4-103	Interpretation of District Boundaries	4-2	4-115	BC Business Central District	4-35
4-104	Zoning of Annexed or Vacated Areas	4-2	4-116	B4 Historic Business District	4-39
4-105	Application of Regulations	4-3	4-117	AG Agricultural District	4-42
4-106	R1 Single-Family Residence District	4-5	4-118	MR Manufacturing Research District	4-45
4-107	R2 Single-Family Residence District, Low Density	4-8	4-119	MRS Manufacturing Research Signage District	4-49
4-108	R3 Single and Two Family Residential District	4-11	4-120	MC Marina Commercial District	4-53
4-109	R4 Residential District	4-14	4-121	CR Conservation & Recreation District	4-56
4-110	RM Multiple Family District	4-17	4-122	M - Municipal District	4-59
4-111	RMH Manufactured Housing Community District	4-20	4-123	Table of Permitted and Special Land Uses	4-60
4-112	B1 Business District	4-24			

Section 4-101 Establishment of Districts

Village of Mackinaw City Zoning Districts			
R1	Single-Family Residence District	B3	Gateway Business District
R2	Single-Family Residence District – Low Density	B4	Historic Business District
R3	Single- and Two-Family Residential District	BC	Business Central District
R4	Residential District	CR	Conservation and Recreation District
RM	Multiple Family District	M	Municipal District
RMH	Manufactured Housing Community District	MC	Marina Commercial District
AG	Agricultural District	MR	Manufacturing Research District
B1	Business District	MRS	Manufacturing Research Signage District
B2	Waterfront Business District		

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

Section 4-102 Zoning Map

The areas and boundaries of such districts noted in [Section 4-101](#) are hereby established as shown on a map entitled, [Village of Mackinaw City Zoning Map](#), 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.

Section 4-103 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 E 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.
- G. Where there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown on the Zoning Map, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

Section 4-104 Zoning of Annexed or Vacated Areas

A. Annexed Areas.

Land that is annexed shall be automatically classified as an R-1 District until a Zoning District for said area has been adopted by the Village Council. The Planning Commission shall recommend the appropriate zoning district(s) for such area within three (3) months after the matter is referred to it by the Village Council.

B. Vacated Areas.

Whenever any street, highway or other public right-of-way within the Village of Mackinaw City shall have been vacated by official government action and when such right-of-way lands attach to and

1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
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become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property without further governmental action. In the case of a vacated right-of-way which also served as a district boundary, the centerline of such vacated right-of-way shall remain the boundary line and the lands on either side of said centerline shall become attached to their respective adjoining properties without further governmental action.

Section 4-105 Application of District Regulations

The regulations established within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall be uniform for each class of land, buildings, structure, or uses throughout each district.

No building shall hereafter be erected, altered, or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises is located, except by appeal as described by this Ordinance. Wherever the requirements of this Ordinance are at variance with the requirements of any other adopted regulations, or ordinances, the most restrictive or those imposing the higher standards shall govern. District regulations shall be applied in the following manner.

A. Uses in Districts.

1. **Permitted Uses.** Permitted uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts or are similar to such listed uses.
2. **Special Uses.** Special uses are permitted after review and approval by the Planning Commission only if specifically listed or are similar to such listed uses.

B. Application of Yard Regulations.

1. No part of a yard required for any building for the purposes of compliance with this Ordinance shall be included as a part of a yard or other open space similarly required for another building.
2. All front yard setback lines shall be the minimum perpendicular distance measured from the right-of-way of the road upon which a lot or parcel fronts to the nearest point of the principal structure.
3. 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.
4. All side and rear yard setback lines shall be the minimum perpendicular distance between the nearest point on the side or rear of the structure and the side or rear lot line parallel thereto.

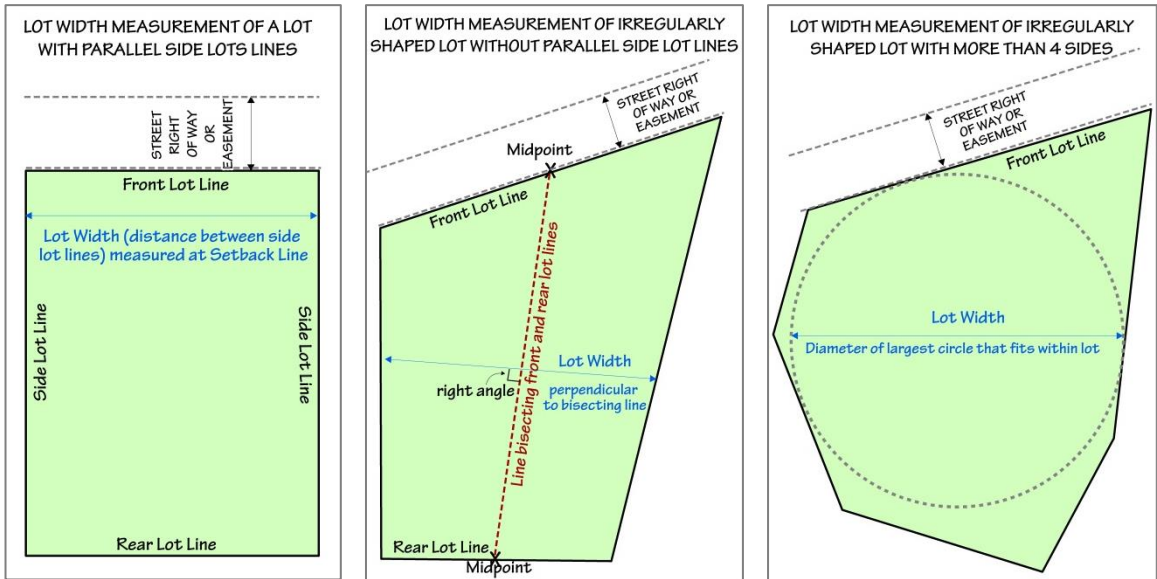
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5. No building, structure, fence, or other permanent improvement shall be permitted to be erected or located within a public right-of-way except for those improvements authorized by the Village.
6. Through Lots. A property owner of a through lot shall designate which yard shall be considered the front yard and rear yard.

C. Lot Width.

The horizontal distance, which is not necessarily parallel to the road rights-of-way, between the side lot lines measured at the front setback line for lots with parallel side lot lines. In the case of lots without parallel side lot lines, the width shall be measured on a line drawn perpendicular to a line that bisects the front and rear lot lines at a point midway between along the front and rear lot lines. In the case of a lot which has more than four (4) sides, the lot width shall be the minimum diameter of the largest circle that fits wholly within the lot. The method used to measure lot width shall be at the discretion of the Zoning Administrator.



D. Application of Height Regulations.

1. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the district in which the building is located.
2. Communications towers (wireless communications equipment and support structures) shall be subject to the regulations set forth in [Section 7-112](#).

Section 4-106 R1 Single-Family Residence District

R1

A. Intent.

This district is intended to provide a medium-density residential environment. This district is found along the lakefront and consists mostly of small lot single-family uses and residentially-related facilities which serve the district residents.

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4-123: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

C. Specific Parcels.

1. 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.
2. 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.

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	R1
ARTS, ENTERTAINMENT, AND RECREATION	
Ballfields §7-133	P*
Museums (Public) §7-133	P*
Nature Parks/Nature Areas (Public) §7-133	P*
Public Parks & Playgrounds §7-133	P*
EDUCATIONAL SERVICES AND RELIGION	
Religious Institutions & Customary Accessory Uses	P
HUMAN CARE AND SOCIAL ASSISTANCE	
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
Child Care Center /Nursery School (not in home) §7-106	S*
State-Licensed Residential Facilities (& Adult Foster Care 6 or less)	P
MISCELLANEOUS AND MIXED USES	
Accessory Buildings & Uses Incidental to Principal Permitted Uses §3-109	P*
Cemeteries	P
Planned Unit Developments, Residential §7-102	S*
Site Condominium Development §7-138	S*
PUBLIC FACILITIES	
Government Offices §7-134	P*
Libraries §7-134	P*
Police/Fire Stations §7-134	P*
Post Office §7-134	P*
RESIDENTIAL USES	
Home Occupations §7-103	S*
Cottage Industries §7-103	S*
Medical Marijuana Primary Caregiver §7-137	P*
Single-Family Dwelling (year round & seasonal)	P
UTILITIES/ENERGY	
Electrical Transformer Stations & Substations	S
Gas Regulator Stations	S

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D. Development Standards.

R1

Lot & Structure Standards	
Minimum Lot Area	7,500 sq ft
Minimum Lot Width	50 ft
Maximum Lot Coverage	35%
Maximum Building Height	3.5 stories or 35 ft
Minimum Building Width	20 ft for single-family detached dwelling units
Minimum Floor Area	800 sq ft (first floor)
Setbacks	
Minimum front yard	25 ft
Minimum side yard	7 ft
Minimum side yard (corner lot)	10 ft (measured from the street side lot line)
Minimum rear yard	15 ft for Non-Waterfront Lots 20 ft for Waterfront Lots
Accessory Buildings	
Location	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 10 ft from the front lot line.
Maximum Number	3
Maximum Height	21 ft
Maximum Ground Floor Area	Garage: 864 sq ft All accessory buildings combined: 1,000 sq ft
Setbacks	Front Yard: Attached Garage: 10' setback. Detached Accessory Buildings: Shall be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance. Side Yard: 7 ft Corner Side Yard: 10 ft Rear Yard: 10 ft
Minimum Distance from Main Building	6 ft
Use	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 Articles 6 and 7 .
Parking	
In all residential districts, the front setback 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. Parking shall comply with regulations in Section 3-124 .	

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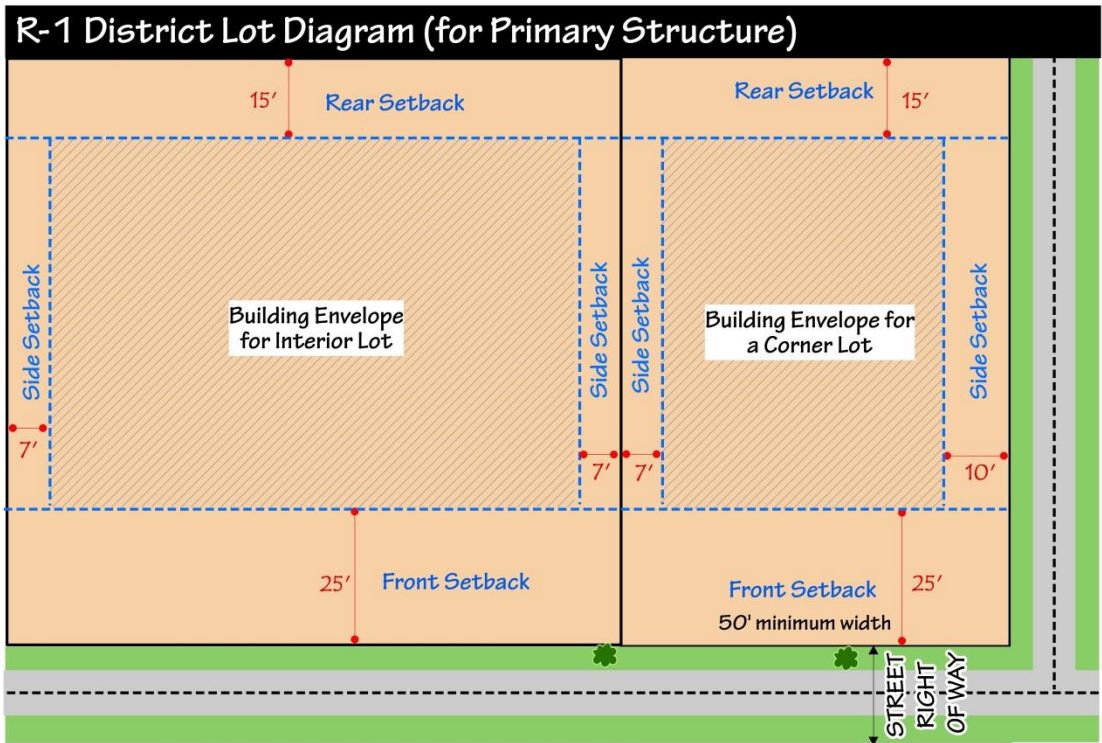


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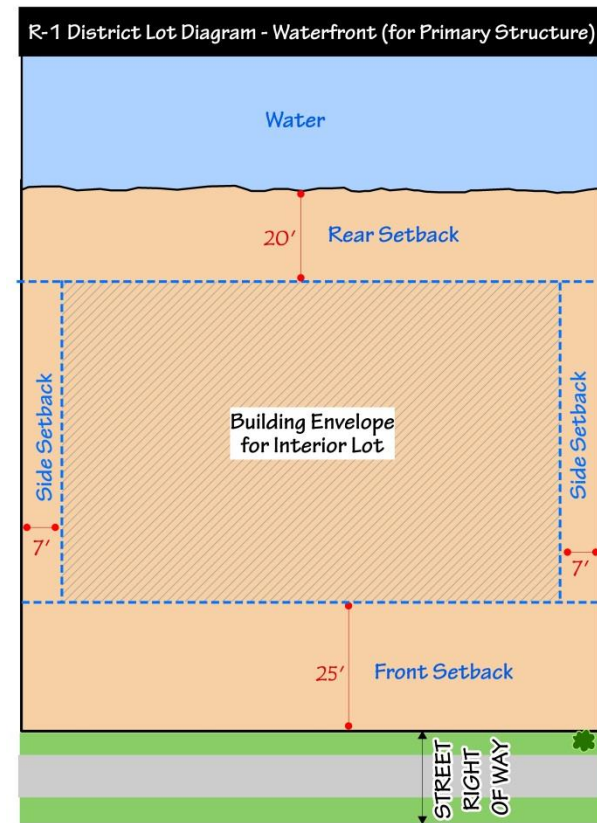


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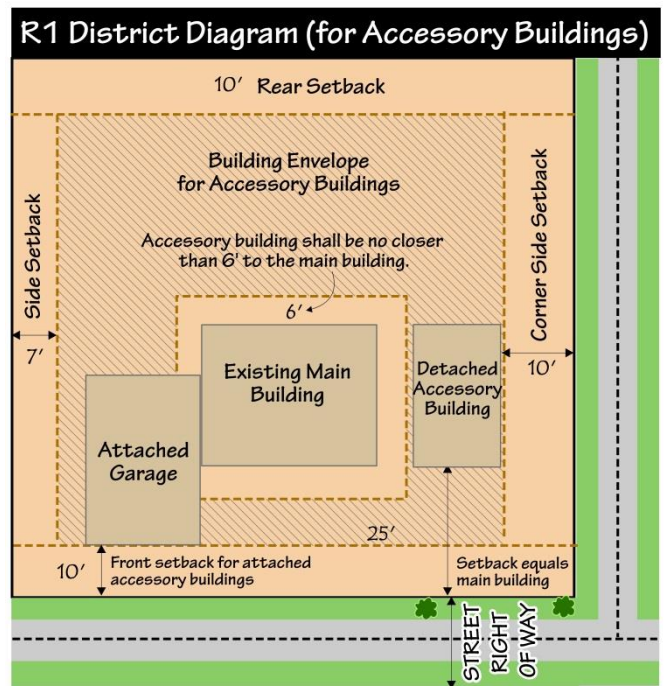


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Section 4-107 R2 Single-Family Residence District, Low Density

R2

A. Intent.

This district is intended to provide a low-density residential environment. This district is found in the central and northwest side of the Village and consists mostly of large lot single-family uses and residentially-related facilities which serve the district residents.

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4-123: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	R2
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
ARTS, ENTERTAINMENT, AND RECREATION	
Ballfields §7-133	P*
Museums (Public) §7-133	P*
Nature Parks/Nature Areas (Public) §7-133	P*
Public Parks & Playgrounds §7-133	P*
EDUCATIONAL SERVICES/RELIGION	
Religious Institutions & Customary Accessory Uses	P
HUMAN CARE AND SOCIAL ASSISTANCE	
Child Care Home, Family (6 or less)	P
Child Care Home, Group (7 -12)	S
Child Care Center /Nursery School (not in home) §7-106	S*
State-Licensed Residential Facilities (& Adult Foster Care 6 or less)	P
MISCELLANEOUS AND MIXED USES	
Accessory Buildings & Uses Incidental to Principal Permitted Uses §3-109	P*
Cemeteries	P
Planned Unit Developments, Residential §7-102	S*
Site Condominium Development §7-138	S*
PUBLIC FACILITIES	
Government Offices §7-134	P*
Libraries §7-134	P*
Police/Fire Stations §7-134	P*
Post Office §7-134	P*
RESIDENTIAL USES	
Home Occupations §7-103	S*
Cottage Industries §7-103	S*
Medical Marihuana Primary Caregiver §7-137	P*
Single-Family Dwelling (year round & seasonal)	P
UTILITIES/ENERGY	
Electrical Transformer Stations & Substations	S
Gas Regulator Stations	S

C. Development Standards.

R2

Lot & Structure Standards	
Minimum Lot Area	15,000 sq ft
Minimum Lot Width	100 ft
Maximum Lot Coverage	40%
Maximum Building Height	3.5 stories or 40 ft
Minimum Building Width	20 ft for single-family detached dwelling units
Minimum Floor Area (first floor)	800 sq ft
Setbacks	
Minimum front yard	20 ft
Minimum side yard	10 ft
Minimum rear yard	20 ft
Accessory Buildings	
Maximum Number	4
Maximum Height	21 ft
Maximum Ground Floor Area	Garage: 864 sq ft All accessory buildings combined: 1,000 sq ft
Setbacks	Front Yard: Attached Garages: 20 ft Detached Accessory Buildings: Shall be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance. Side Yard: 10 ft Rear Yard: 10 ft
Minimum Distance from Main Building	6 ft
Use	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 unless otherwise allowed by this Ordinance.
Parking	
In all residential districts, the front setback 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.	
Parking shall comply with regulations in Section 3-124 .	

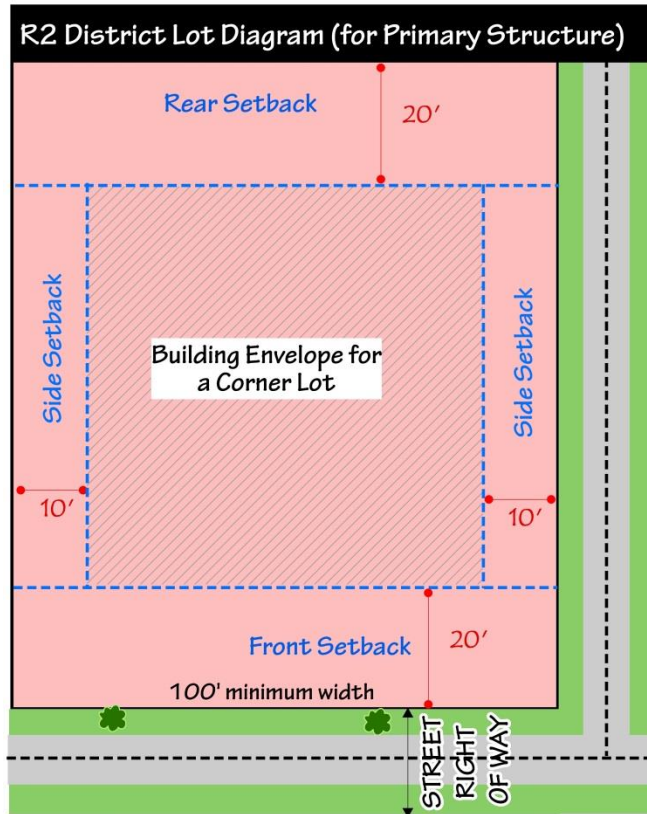


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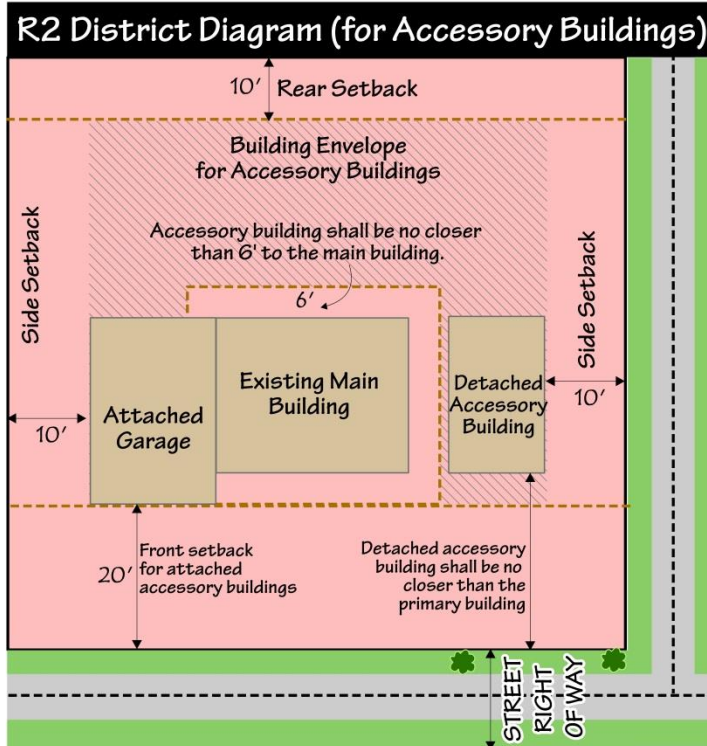


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1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4-108 R3 Single and Two Family Residential District

R3

A. Intent.

This district is intended to provide a medium-density residential environment. This district is found in the north central and northeastern portions of the Village and also in the extreme southwest corner along Trailsend and Wilderness Park Roads and consists mostly of small lot single-family and two-family uses and residentially-related facilities which serve the district residents.

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4-123: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	R3
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Public Parks & Playgrounds</i>	P
EDUCATIONAL SERVICES AND RELIGION	
<i>Public, charter or private schools (elementary through high school)</i>	P
<i>Religious Institutions & Customary Accessory Uses</i>	P
HUMAN CARE AND SOCIAL ASSISTANCE	
<i>Child Care Home, Family (6 or less)</i>	P
<i>Child Care Home, Group (7 -12)</i>	S
<i>State-Licensed Residential Facilities (& Adult Foster Care 6 or less)</i>	P
MISCELLANEOUS AND MIXED USES	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses §3-109</i>	P*
<i>Planned Unit Developments, Residential §7-102</i>	S*
<i>Site Condominium Development §7-138</i>	S*
RESIDENTIAL USES	
<i>Home Occupations §7-103</i>	S*
<i>Cottage Industries §7-103</i>	S*
<i>Medical Marihuana Primary Caregiver §7-137</i>	P*
<i>Single-Family Dwelling (year round & seasonal)</i>	P
<i>Two-Family Dwelling (duplex)</i>	P

C. Development Standards.

R3

Lot & Structure Standards	
Minimum Lot Area	7,500 sq ft
Minimum Lot Width	50 ft
Maximum Lot Coverage	40%
Maximum Building Height	3.5 stories or 35 ft
Minimum Building Width	20 ft for single-family detached dwelling units
Minimum Floor Area (first floor)	Single-Family: 800 sq ft Two-Family: 1,200 sq ft
Setbacks	
Minimum front yard	20 ft
Minimum side yard	7 ft.
Minimum side yard (corner lot)	10 ft (measured from the side street lot line)
Minimum rear yard	20 ft
Accessory Buildings	
Maximum Number	3
Maximum Height	21 ft
Maximum Floor Area	Garage: 864 sq ft All accessory buildings combined: 1,000 sq ft
Setbacks	Front Yard: Attached Garages: 20 ft Detached Accessory Buildings: Shall be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance. Side Yard: 3 ft Rear Yard: 3 ft
Minimum Distance from Main Building	6 ft
Parking	
In all residential districts, the front setback 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.	
Parking shall comply with regulations in Section 3-124 .	

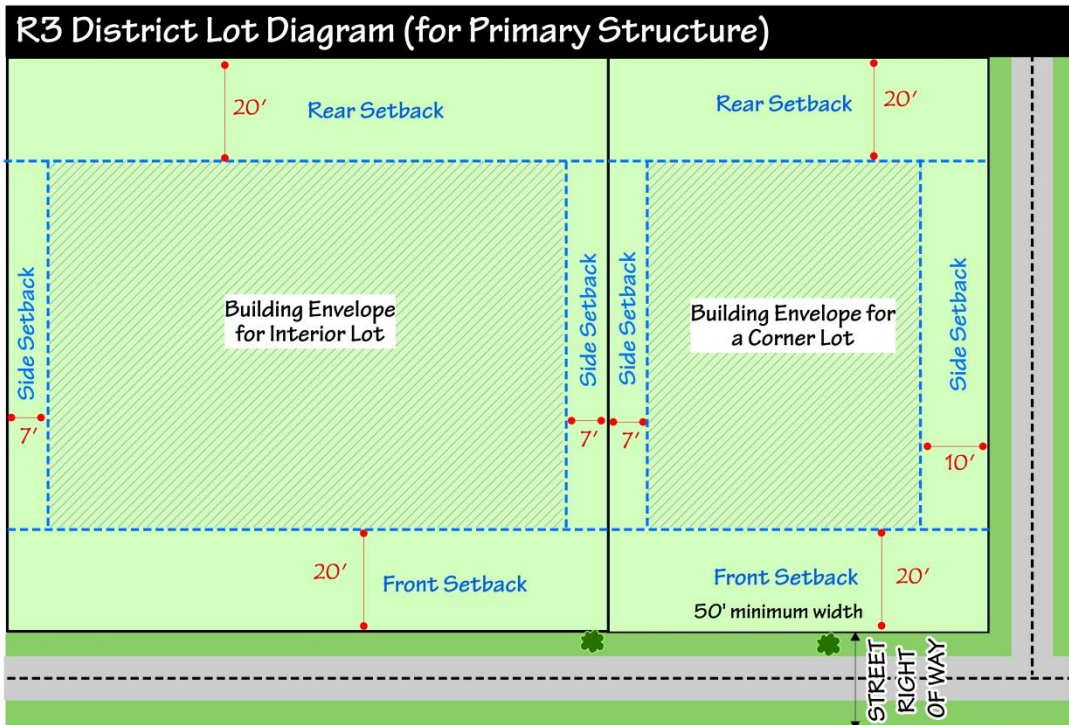


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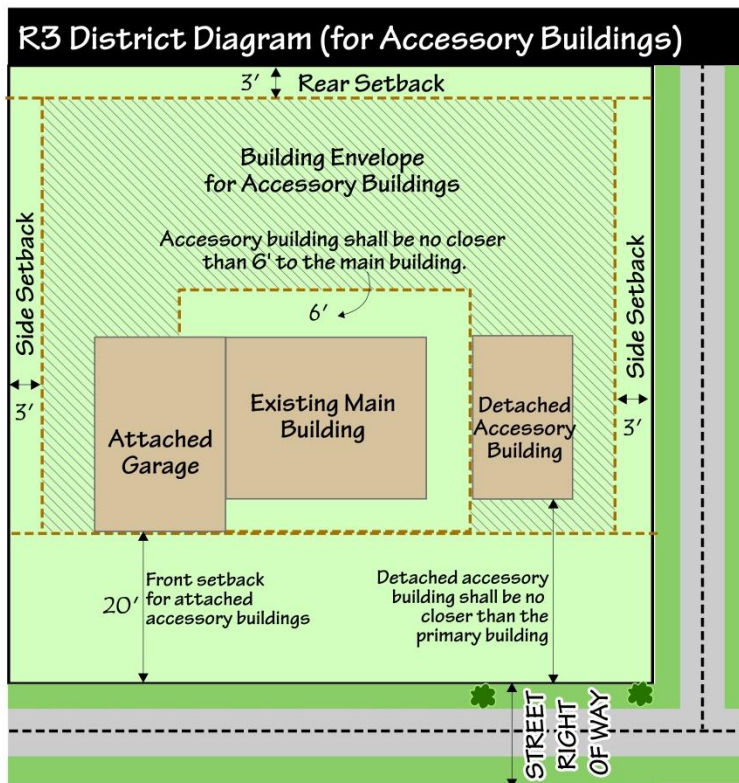


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1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4-109 R4 Residential District

R4

A. Intent.

This district is intended to provide a residential district which serves as a transitional district between residential and the business districts. This medium-density district is found along Nicolet Street and Etherington Street and consists mostly of small lot single- and two-family uses along with Home Occupations and Bed and Breakfast operations.

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4-123: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	R4
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
ACCOMMODATION AND FOOD SERVICES	
<i>Bed & Breakfasts §7-117</i>	S*
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Public Parks & Playgrounds</i>	P
HUMAN CARE AND SOCIAL ASSISTANCE	
<i>Child Care Home, Family (6 or less)</i>	P
<i>Child Care Home, Group (7 -12)</i>	S
<i>State-Licensed Residential Facilities (& Adult Foster Care 6 or less)</i>	P
MISCELLANEOUS AND MIXED USES	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses §3-109</i>	P*
RESIDENTIAL USES	
<i>Home Occupations §7-103</i>	S*
<i>Cottage Industries §7-103</i>	S*
<i>Medical Marijuana Primary Caregiver §7-137</i>	P*
<i>Single-Family Dwelling (year round & seasonal)</i>	P
<i>Two-Family Dwelling (duplex)</i>	P
UTILITIES/ENERGY	
<i>Telephone Exchange Buildings</i>	S

C. Development Standards.

R4

Lot & Structure Standards	
Minimum Lot Area/Unit	7,500 sq ft
Minimum Lot Width	50 ft
Maximum Lot Coverage	40%
Maximum Building Height	3.5 stories or 35 ft
Minimum Building Width	20 ft for single-family detached dwelling units
Minimum Floor Area (first floor)	800 sq ft
Setbacks	
Minimum front yard	15 ft
Minimum side yard	7 ft.
Minimum side yard (corner lot)	10 ft (measured from the side street lot line)
Minimum rear yard	7 ft
Accessory Buildings	
Maximum Number	3
Maximum Height	21 ft
Maximum Floor Area	Garage: 864 sq ft All accessory buildings combined: 1,000 sq ft
Setbacks	Front Yard: Attached Garages: 15 ft Detached Accessory Buildings: Shall be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance. Side Yard: 7 ft Rear Yard: 7 ft
Minimum Distance from Main Building	6 ft
Parking	
In all residential districts, the front setback 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.	
Parking shall comply with regulations in Section 3-124 .	

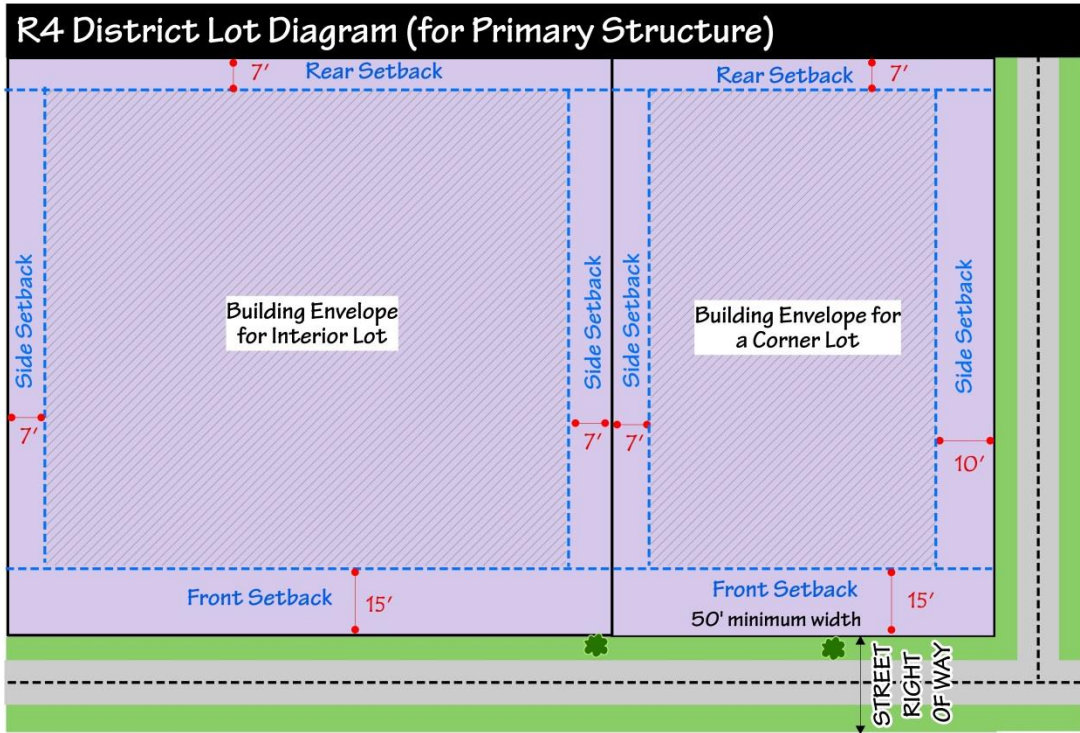


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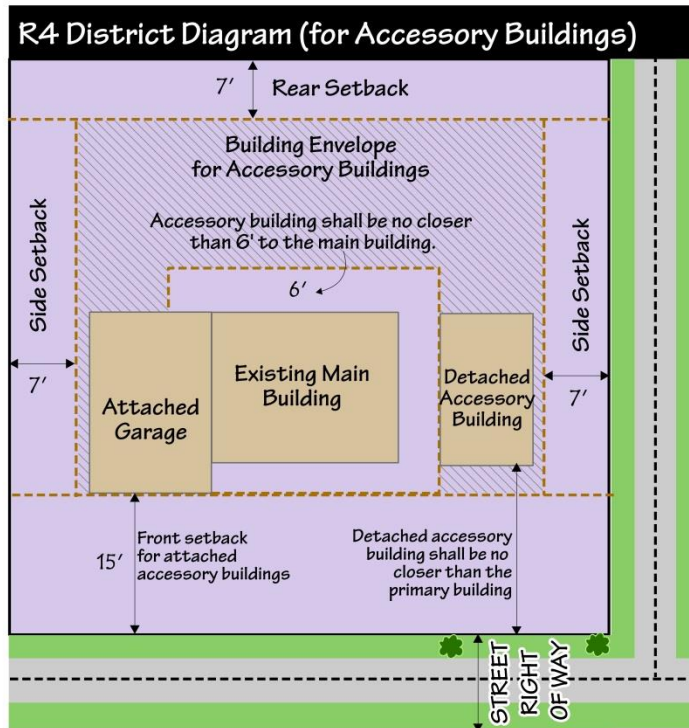


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1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4-110 RM Multiple Family District

RM

A. Intent.

The Multiple-Family Residential District is designed to provide sites for multiple-family dwelling structures, convalescent housing and other housing for the elderly, and other residentially-related uses. This high-density district is found on the interior of the Village adjacent to single-family districts.

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4-123: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	RM
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Private Clubs; Lodges; Fraternal Organizations §7-120</i>	S*
<i>Public Parks & Playgroups</i>	P
EDUCATIONAL SERVICES AND RELIGION	
<i>Religious Institutions & Customary Accessory Uses</i>	P
HUMAN CARE AND SOCIAL ASSISTANCE	
<i>Assisted Living Facility §7-131</i>	S*
<i>Child Care Home, Family (6 or less)</i>	P
<i>Child Care Home, Group (7 -12)</i>	S
<i>Child Care Center /Nursery School (not in home) §7-106</i>	S*
<i>Nursing/Convalescent Home §7-121</i>	S*
<i>State-Licensed Residential Facilities (Adult Foster Care 6 or less)</i>	P
MISCELLANEOUS AND MIXED USES	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses §3-109</i>	P*
<i>Planned Unit Developments, Residential §7-102</i>	S*
<i>Site Condominium Development §7-138</i>	S*
RESIDENTIAL USES	
<i>Medical Marihuana Primary Caregiver §7-137</i>	P*
<i>Multiple-Family Dwelling Units</i>	P
<i>Townhouses; Condominiums (connected)</i>	P

C. Development Standards.

RM

Lot & Structure Standards	
Minimum Lot Area	Type of Dwelling Unit
	Townhouse (Single-Family Attached) 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	
Minimum Lot Width	200 ft
Maximum Lot Coverage	40%
Maximum Building Height	3.5 stories or 35 ft
Minimum Floor Area (first floor)	800 sq ft
Setbacks	
Minimum front yard	40 ft
Minimum side yard	20 ft (total of 2 = 40 ft)
Minimum rear yard	20 ft
Distance between buildings	30 ft on all sides
Parking Lots (bldgs>3 families)	25 ft from all side lot lines
Accessory Buildings	
Maximum Number	-----
Maximum Height	21 ft
Maximum Floor Area	864 sq ft.
Setbacks	Front Yard: Attached Garages: 40 ft Detached Accessory Buildings: Shall be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance. Side Yard: 25 ft Rear Yard: 25 ft
Minimum Distance from Main Building	20 ft
Parking	
In all residential districts, the front setback 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.	
Parking shall comply with regulations in Section 3-124 .	

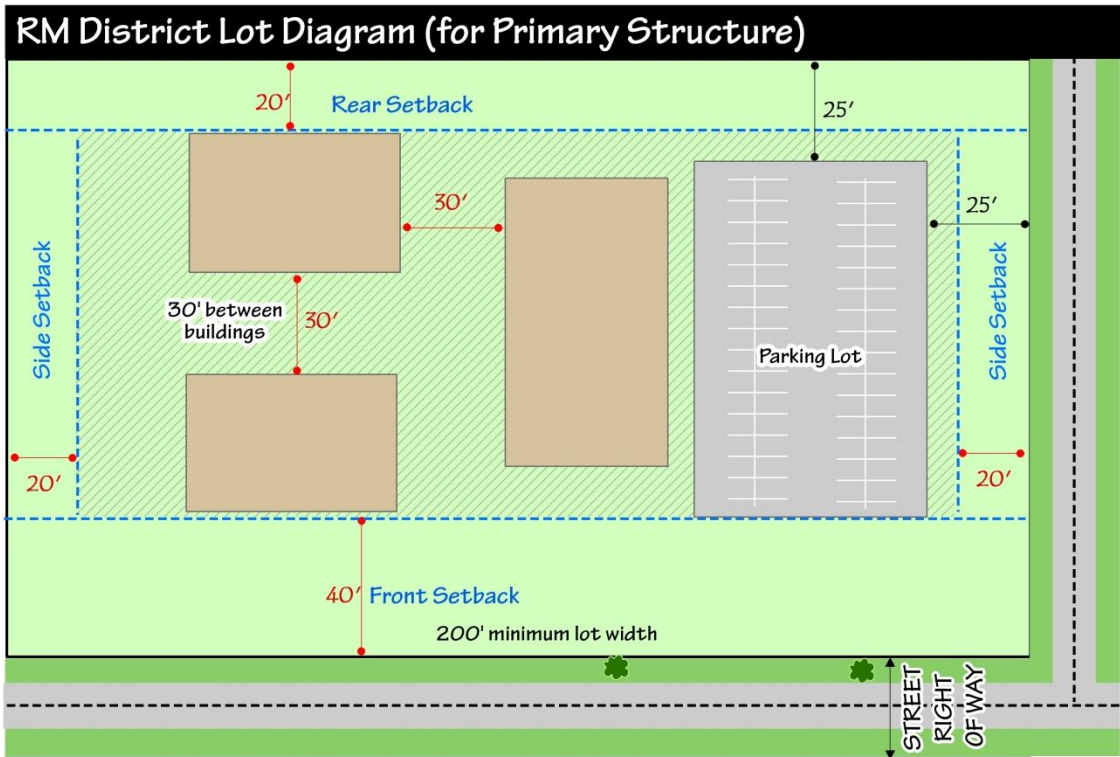


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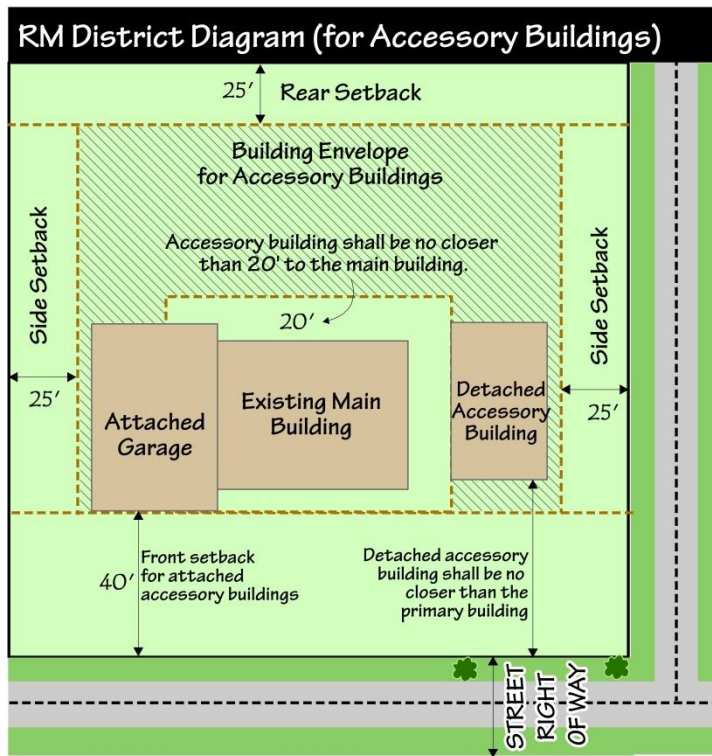


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1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4-111 RMH Manufactured Housing Community District

RMH

A. Intent.

The Manufactured Housing Community District is designed to provide a space for a manufactured housing community development. Land may be rezoned to this district based on a proposed development project.

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4-123: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	RMH
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Public Parks & Playgrounds</i>	P
HUMAN CARE AND SOCIAL ASSISTANCE	
<i>Child Care Home, Family (6 or less)</i>	P
<i>Child Care Home, Group (7 -12)</i>	S
<i>State-Licensed Residential Facilities (& Adult Foster Care 6 or less)</i>	P
MISCELLANEOUS AND MIXED USES	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses §3-109</i>	P*
RESIDENTIAL USES	
<i>Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building) §4-111C</i>	P*
<i>Medical Marijuana Primary Caregiver §7-137</i>	P*

C. Development Standards.

RMH

Lot & Structures Standards (per manufactured home lot)	
Minimum Lot Area/Unit	4,750 sq ft
Minimum Lot Width/Unit	50 ft
Minimum Manufactured Home Size	600 sq ft
Minimum Manufactured Home Outside Dimensions	12 ft in width and 50 ft in length
Setbacks	
Minimum front yard	20 ft (measured from the nearest edge of street pavement to the nearest wall of the manufactured home)
Minimum side yard	The non-entry side of a manufactured 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 manufactured home, side yard requirements shall be met by the provision of larger lots sufficient in width to meet these requirements.
Minimum side yard (corner lot)	Where a manufactured 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.
Minimum rear yard	10 ft
Minimum Number of Lots and Maximum Densities	
Each manufactured home park shall be owned and operated as one (1) entity or on a condominium basis. Each manufactured home park shall contain a minimum of fifty (50) manufactured home lots at first occupancy and may have a maximum of six (6) single wide manufactured homes per gross usable acre or four (4) double wide manufactured homes per gross usable acre.	
Buffer Zones	
All manufactured 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 Planning Commission 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 manufactured home park as effectively as the required landscaping described above. The Planning Commission is hereby empowered to require fencing around a manufactured home park in those cases where it is deemed necessary to protect adjacent properties.	
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.	
Parking	
Parking shall be provided in off-street parking bays with two (2) parking bays for each manufactured 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 manufactured 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 manufactured home lot provided it is a hard surface area containing at least two hundred (200) square feet of area.	
Access from Major Streets	
Each manufactured 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.	

Signs

A maximum of one (1) sign is allowed at each access point to the manufactured 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.

Manufactured Home Sales Prohibited

The business of selling new and/or used manufactured homes as a commercial operation in connection with the operation of a manufactured home park is prohibited. Manufactured homes located on lots within the manufactured 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 manufactured home by a resident of a manufactured home park.

Utilities

All public and private utilities shall be installed underground.

Site Improvement

Each manufactured home shall be provided with a continuous pad of four (4) inch thick concrete running the full length and width of the manufactured home. In lieu of a continuous concrete pad, concrete piers or ribbons may be provided if they run the full length of the manufactured home. Each pad shall be equipped with hurricane anchors or tie down equipment capable of being connected to the manufactured home to secure the home during high winds. Skirting shall be installed along the base of each manufactured home sufficient to hide the undercarriage and supports from view.

Sidewalks

Paved sidewalks shall be provided throughout each manufactured 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 manufactured home sites.

Streets and Parking Areas

All streets and parking areas in a manufactured home park shall be of a paved surface.

Refuse Disposal

Each manufactured home park shall provide an effective system of garbage and rubbish storage, collection, and disposal.

Lighting

Each manufactured 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.

Ground Cover

All exposed ground surfaces in the manufactured home park shall 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) manufactured home sites.

Drainage

An adequate storm drainage system, including necessary storm sewer's drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided.

Storage Areas

Each manufactured 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.

Recreation Vehicle Storage

All manufactured 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 manufactured 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.

1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Recreation Area

Each manufactured 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 manufactured 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 manufactured home.

Community Building

Each manufactured 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 manufactured home park residents. Such a building(s) may also house offices and other facilities that are necessary for the management of a manufactured home park.

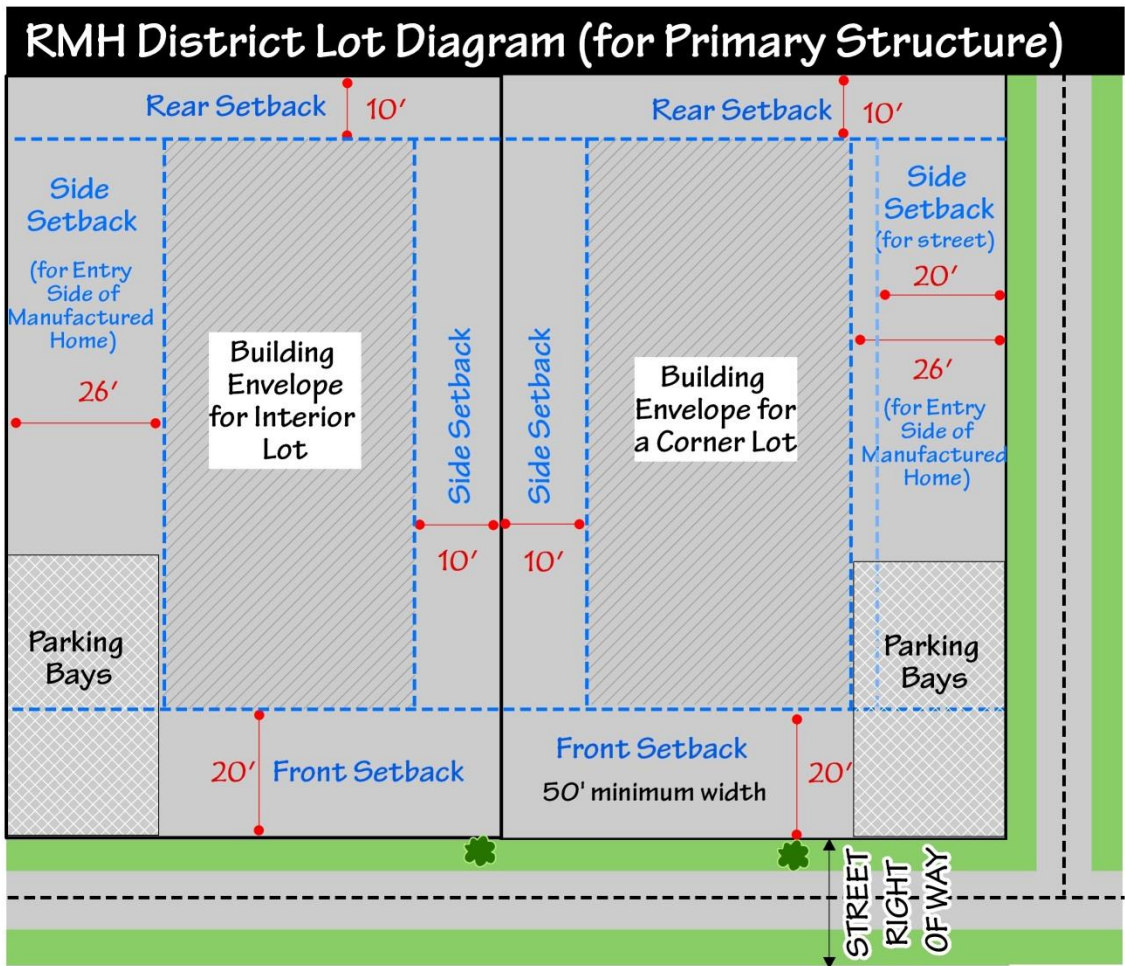


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1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4-112 B1 Business District

B1

A. Intent.

This medium-density district is intended to provide a mix of residential and business uses. This district is found in the north central portion of the Village just west of the Mackinac Bridge and in the southeastern portion of the Village. The district is intended to provide for single- and two-family dwellings, alternative housing options, and a mix of retail uses, offices, and services. In addition, higher intensity uses such as hotels, gas stations, and similar uses are allowed by Special Use Permit.

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4-123: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	B1
ACCOMMODATION AND FOOD SERVICES	
<i>Bakeries & Confectioneries (including candy/fudge shops)</i>	P
<i>Cabin Courts</i>	S
<i>Caterers/Food Service Contractors</i>	P
<i>Coffee Shops</i>	P
<i>Convention Centers/Conference Centers/Banquet Halls</i>	S
<i>Drinking Establishments/Taverns</i>	P
<i>Hotels, Motels, Motor Courts & Resorts (attached or detached units) §7-104</i>	S*
<i>Lodging Units within Other Commercial Establishment (Inns)</i>	P
<i>Microbreweries & Distilleries (serving directly to the public)</i>	P
<i>Restaurants without Drive-Through</i>	P
<i>Restaurants with Drive-Through §7-105</i>	S*
<i>Wineries</i>	P
AGRICULTURE AND FOREST PRODUCTS	
<i>Veterinary Clinic/Animal Hospital</i>	P
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Archery Ranges (& as accessory use), Indoor</i>	P
<i>Art Galleries</i>	P
<i>Art Studios (shall be a Special Use in B1, B2, B3, B4 and BC if using processes that create noise and/or fumes)</i>	P
<i>Bike Shops</i>	P
<i>Bowling Centers §7-107</i>	S*
<i>Canoe/Kayak Liveries</i>	P
<i>Fitness & Recreational Sports (ex: health clubs, gym, swimming pool club) §7-107</i>	S*
<i>Museums (Public)</i>	P
<i>Museums (Private)</i>	P
<i>Nature Parks/Nature Areas (Public)</i>	P
<i>Outdoor Recreation Facilities (commercial: ex – go karts; miniature golf; disc golf) §7-108</i>	P*
<i>Public Parks & Playgrounds</i>	P
<i>Skating Rinks, ice or non-ice (indoor) §7-107</i>	S*
<i>Theaters/Performing Arts Facilities</i>	P
<i>Theaters, Outdoor</i>	P
<i>Tours</i>	P

Mackinaw City Zoning Ordinance

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	B1
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
COMMERCIAL/RETAIL	
<i>Boat and Boating Accessory Sales §7-108</i>	S*
<i>Car Washes §7-109</i>	P*
<i>Clothing & Shoe Stores (including shoe repair)</i>	P
<i>Convenience Stores</i>	P
<i>Dry Cleaning & Laundry Services</i>	P
<i>Electronic & Precision Equipment Repair & Maintenance</i>	P
<i>Electronics & Appliance Stores</i>	P
<i>Financial Institutions</i>	P
<i>Florists</i>	P
<i>Food & Beverage Stores</i>	S
<i>Furniture & Home Furnishings Stores; Antique Stores</i>	P
<i>Gas Stations §7-124</i>	S*
<i>General Merchandise Stores</i>	P
<i>General Rental Centers</i>	S
<i>Hardware Stores</i>	S
<i>Health & Personal Care Stores</i>	P
<i>Health Spa</i>	P
<i>Interior Designers/Showrooms</i>	P
<i>Medical Equipment Sales</i>	P
<i>Medical Laboratories</i>	P
<i>Office Developments §7-114</i>	S*
<i>Office Supply Stores</i>	P
<i>Open Air Businesses §7-108</i>	S*
<i>Open Air Business – Sales/Rental of Cars, Trucks, Motorcycles §7-108</i>	P*

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	B1
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
<i>Personal Services (beauty shops, tailoring)</i>	
<i>P</i>	P
<i>Pet & Pet Care Stores (except Veterinary & Animal Shelters)</i>	
<i>P</i>	P
<i>Pharmacies/Medical & Optical Supplies</i>	
<i>P</i>	P
<i>Professional Offices</i>	
<i>P</i>	P
<i>Resale Shops</i>	
<i>P</i>	P
<i>Studios for dance, physical exercise and music</i>	
<i>P</i>	P
CONSTRUCTION	
<i>Special Trade Contractors Offices (ex: electrical, plumbing, heating – no storage)</i>	
<i>P</i>	P
HUMAN CARE AND SOCIAL ASSISTANCE	
<i>Assisted Living Facility §7-131</i>	
<i>S*</i>	S*
<i>Health Care /Dental /Optical Clinics §7-113</i>	
<i>S*</i>	S*
<i>Hospitals §7-123</i>	
<i>S*</i>	S*
<i>Nursing/Convalescent Home/ Assisted Living Home §7-121</i>	
<i>S*</i>	S*
MISCELLANEOUS AND MIXED USES	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses §3-109</i>	
<i>P*</i>	P*
<i>Mixed Uses (Commercial/Residential in one building)</i>	
<i>P</i>	P
<i>Planned Unit Developments, Commercial §7-102</i>	
<i>S*</i>	S*
PUBLIC FACILITIES	
<i>Auditoriums</i>	
<i>P</i>	P
RESIDENTIAL USES	
<i>Single-Family Dwelling (year round & seasonal)</i>	
<i>P</i>	P
<i>Two-Family Dwelling (duplex)</i>	
<i>P</i>	P
TRANSPORTATION SERVICES /WAREHOUSING /WHOLESALE TRADE/ STORAGE/SHIPPING	
<i>Boat Line Parking Lots (unpaved, temporary) §7-132</i>	
<i>S*</i>	S*
<i>Truck Washes §7-109</i>	
<i>S*</i>	S*

C. Development Standards.

B1

Lot & Structure Standards	
Minimum Lot Area	6,500 sq ft
Minimum Lot Width	50 ft
Maximum Lot Coverage	n/a
Maximum Building Height	4 stories or 45 ft Maximum 30 ft 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. See Map 4-112-A below.
Minimum Building Width	20 ft for single-family detached dwelling units
Minimum Floor Area (first floor)	Single-Family: 800 sq ft Two-Family: 1,200 sq ft All other principal uses: 500 sq ft
Setbacks	
Minimum front yard	10 ft Front yard shall be 20 ft when abutting residentially zoned property.
Minimum side yard	10 ft (total of 2 = 20 ft) Side yard shall be 20 ft when abutting residentially zoned property or a public street right-of-way.
Minimum rear yard	10 ft Rear yard depth shall be 20 ft when abutting residentially zoned property or a public street right-of-way.
Accessory Buildings	
Maximum Height	21 ft
Maximum Floor Area	864 sq ft
Setbacks	Front Yard: Shall be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance. Side Yard: 10 ft (20 ft when abutting residentially zoned property or a public street right of way) Rear Yard: 10 ft (20 ft when abutting residentially zoned property or a public street right of way)
Minimum Distance from Main Building	6 ft
Parking	
Parking shall comply with regulations in Section 3-124 .	

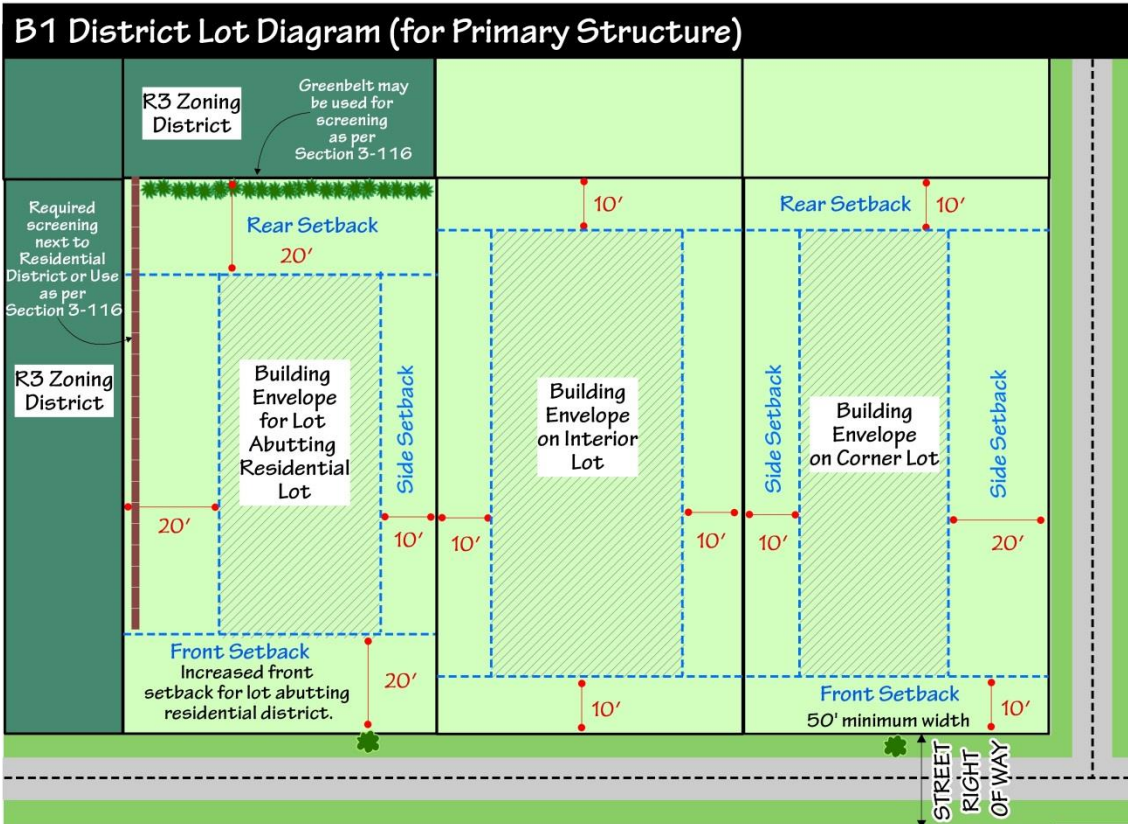


Diagram is not drawn to scale

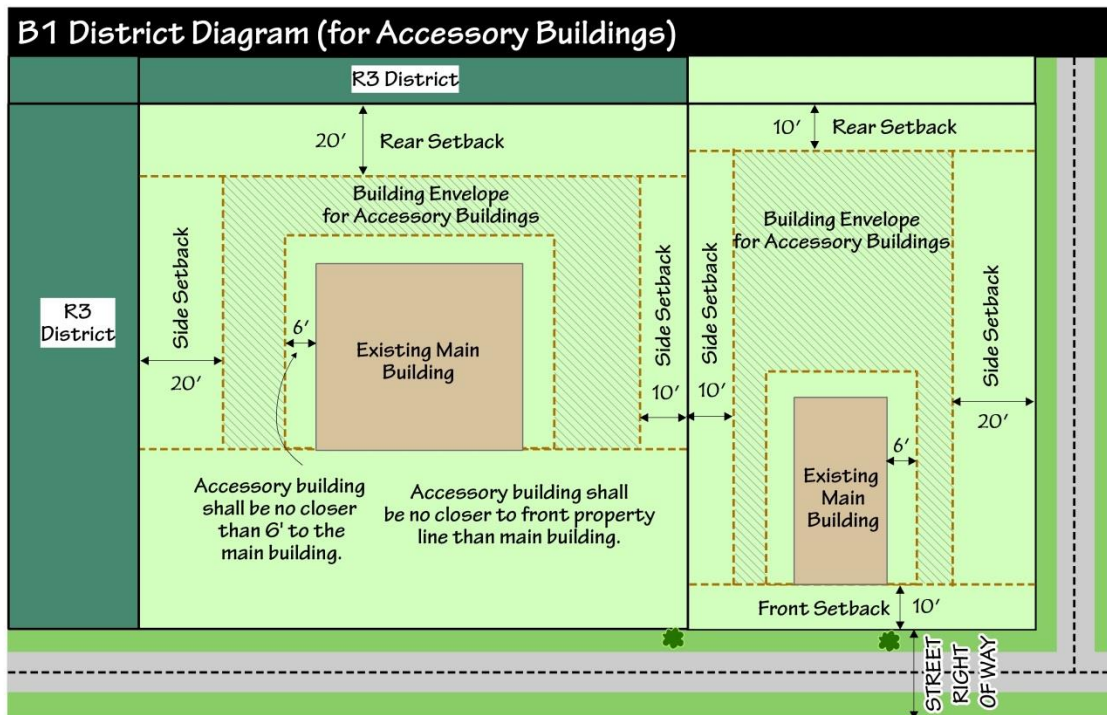


Diagram is not drawn to scale

Map 4-112-A
B-1 District Heights

B1



1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4-113 B2 Waterfront Business District

B2

A. Intent.

This district is intended to provide a mix of business uses and to preserve the viewshed of the water from the roadway. This district is found along the Lake Huron shoreline. The district is intended to provide for various tourism-related uses including food service, museums, and various water-related uses.

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4-123: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

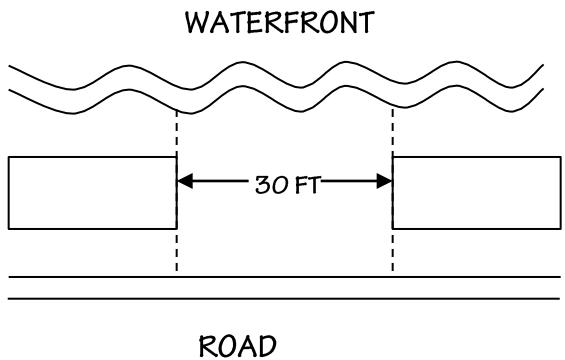
TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	B2
ACCOMMODATION AND FOOD SERVICES	
Bakeries & Confectioneries (including candy/fudge shops)	P
Cabin Courts	S
Caterers/Food Service Contractors	P
Coffee Shops	P
Convention Centers/Conference Centers/Banquet Halls	S
Drinking Establishments/Taverns	P
Hotels, Motels, Motor Courts & Resorts (attached or detached units) §7-104	S*
Lodging Units within Other Commercial Establishment (Inns)	P
Microbreweries & Distilleries (serving directly to the public)	P
Restaurants without Drive-Through	P
Restaurants w/Drive-Through (Drive-In) §7-105	S*
Wineries	P
ARTS, ENTERTAINMENT, AND RECREATION	
Art Galleries	P
Art Studios (shall be a Special Use in B1, B2, B3, B4 and BC if using processes that create noise and/or fumes)	P
Bike Shops	P
Canoe/Kayak Liveries	P
Marinas (Public /private) w/o covered boat docks/slips	P
Museums (Public)	P
Museums (Private)	P
Public Parks & Playgrounds	P
Tours	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	B2
COMMERCIAL/RETAIL	
Clothing & Shoe Stores (including shoe repair)	P
Electronics & Appliance Stores	P
Florists	P
Furniture & Home Furnishings Stores; Antique Stores	P
General Merchandise Stores	P
Hardware Stores	S
Health & Personal Care Stores	P
Interior Designers/Showrooms	P
Open Air Business - Sales/Rental of Recreat. Equip. §7-108	S*
Pawn Shops	P
Sexually Oriented Businesses §7-135	S*
MISCELLANEOUS AND MIXED USES	
Accessory Buildings & Uses Incidental to Principal Permitted Uses §3-109	P*
Planned Unit Developments, Commercial §7-102	S*
RESIDENTIAL USES	
Single-Family Dwelling Units in conjunction with a business) §7-136	P*
TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/ STORAGE/SHIPPING	
Boat Repair & Storage §7-125	S*
Charter Boat Operations (tickets sold only on premises used for docking the vessel) §7-127	P*
Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments	P
Passenger Boat Ferries (tickets sold only on premises used for docking, embarking & disembarking) §7-126	P
Scenic & Sightseeing Transportation/Ground Passenger Transportation	P

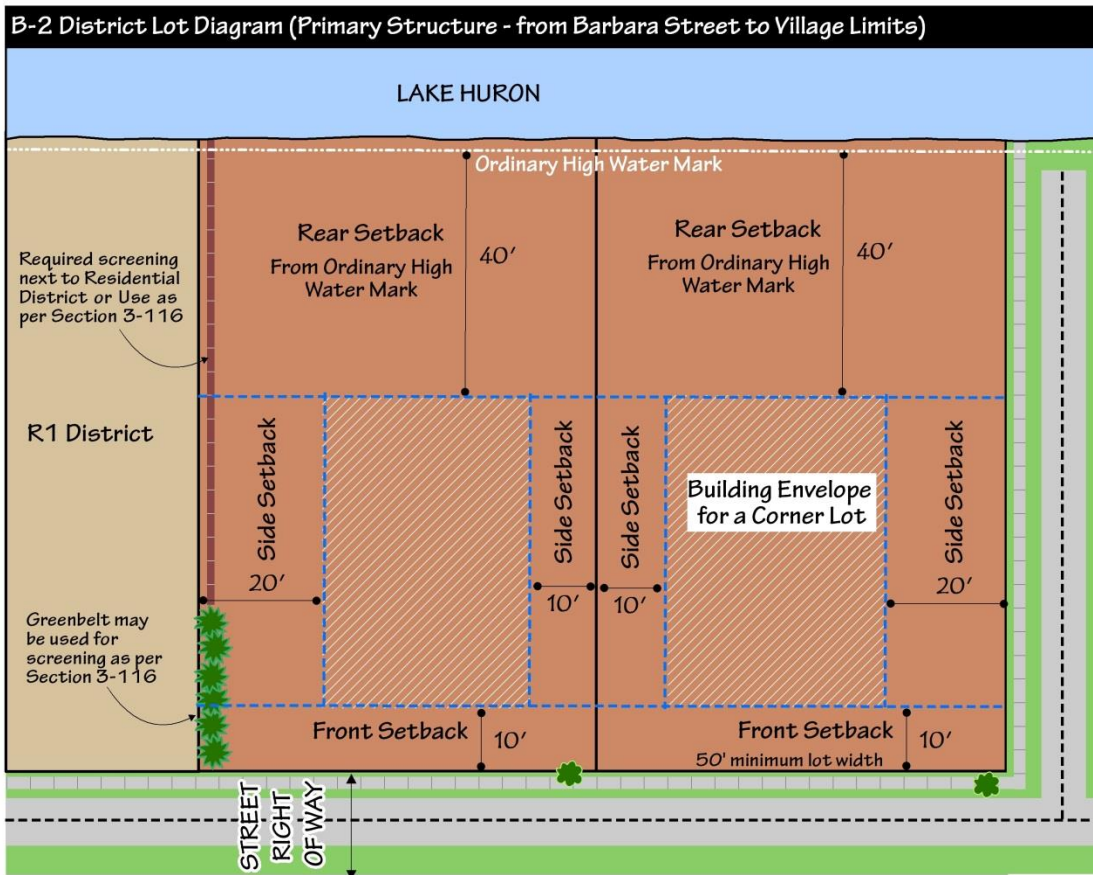
1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

C. Development Standards.

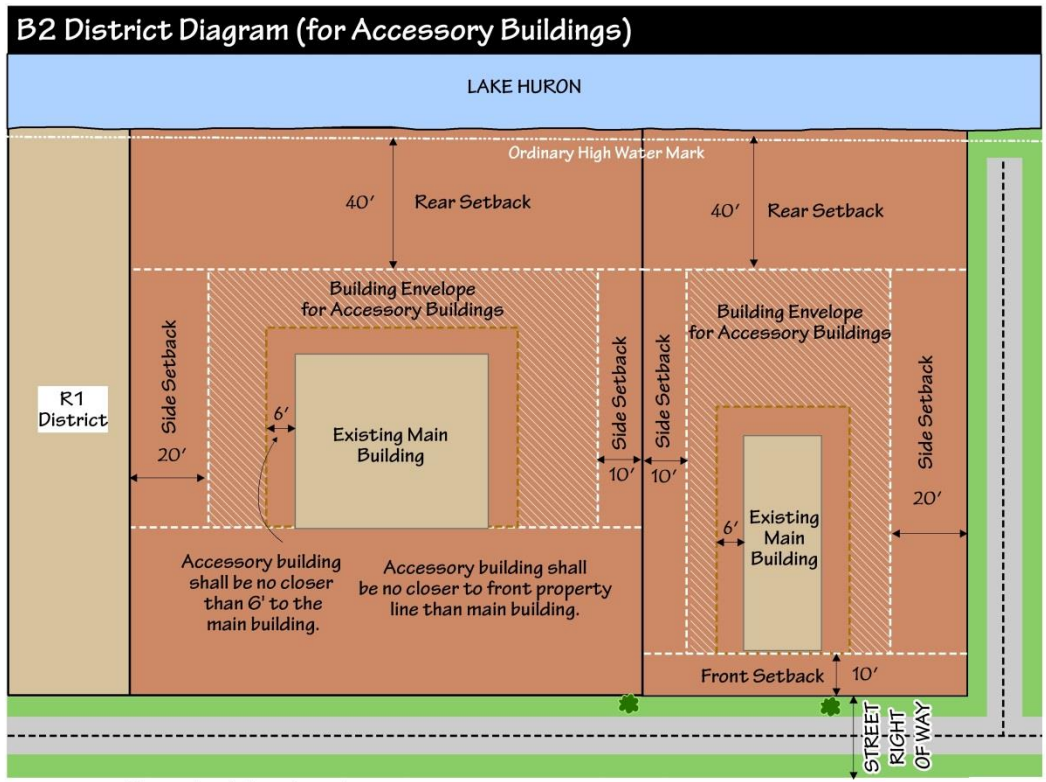
B2

Lot & Structure Standards	
Minimum Lot Area	6,500 sq ft
Minimum Lot Width	50 ft
Maximum Lot Coverage	n/a
Maximum Building Height¹	4 stories or 45 ft
Minimum Floor Area	500 sq ft (principal use)
Maximum Building Length	The maximum length of a building as measured along the portion facing the waterfront or street front shall not exceed 250 feet.
Setbacks	
Minimum front yard	10 ft Minimum front yard depth shall be 20 ft when abutting residentially zoned property. The front yard of all waterfront property in the B2 District shall be that yard which faces the South Huron Avenue public street right-of way.
Minimum side yard	10% of average lot width footage as measured between side property lines, setback to be distributed within each side yard. Side yard shall be no less than 10 ft for each side. Side yard width shall be 20 ft when abutting residentially zoned property or a public street right-of-way.
Minimum rear yard	10 ft Rear yard setback of all waterfront parcels within the B2 District between Barbara Street and the Village limits shall be 40 ft from the ordinary high water mark (581.5 ft International Great Lakes Datum). (See Map 4-113-A below)
Minimum Clear Area/View Shed	Buildings located on the same lot / parcel shall maintain a 30 foot separation between buildings to establish a clear area / view shed between the road front and the waterfront as depicted.  <p>The diagram illustrates a lot situated between a 'ROAD' at the bottom and a 'WATERFRONT' at the top. Two rectangular buildings are shown on the lot. A double-headed arrow between the buildings is labeled '30 FT', indicating the required separation. Vertical dashed lines extend from the corners of the buildings to the waterfront line, showing the clear area between the buildings and the waterfront.</p>

Accessory Buildings	
Maximum Height	21 ft
Maximum Floor Area	864 sq ft
Setbacks	<p>Front Yard: Shall be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance.</p> <p>Side Yard: 10 ft 20 feet when abutting residentially zoned property or a public street right-of-way.</p> <p>Rear Yard: 10 ft 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 (581.5 ft International Great Lakes Datum).</p>
Minimum Distance from Main Building	6 ft
Parking	
Required parking for a development may be placed within 10 ft of the side property line. Parking shall comply with regulations in Section 3-124 .	



1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments



Map 4-113-A: Waterfront Setbacks from Barbara Street to Village limits



1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4-114 B3 Gateway Business District

B3

A. Intent.

This district is intended to serve as a gateway district into historic downtown Mackinaw City and encourages pedestrian traffic. This district is found along Central Avenue. The district is intended to provide a mix of businesses catering to tourists and local residents.

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4-123: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

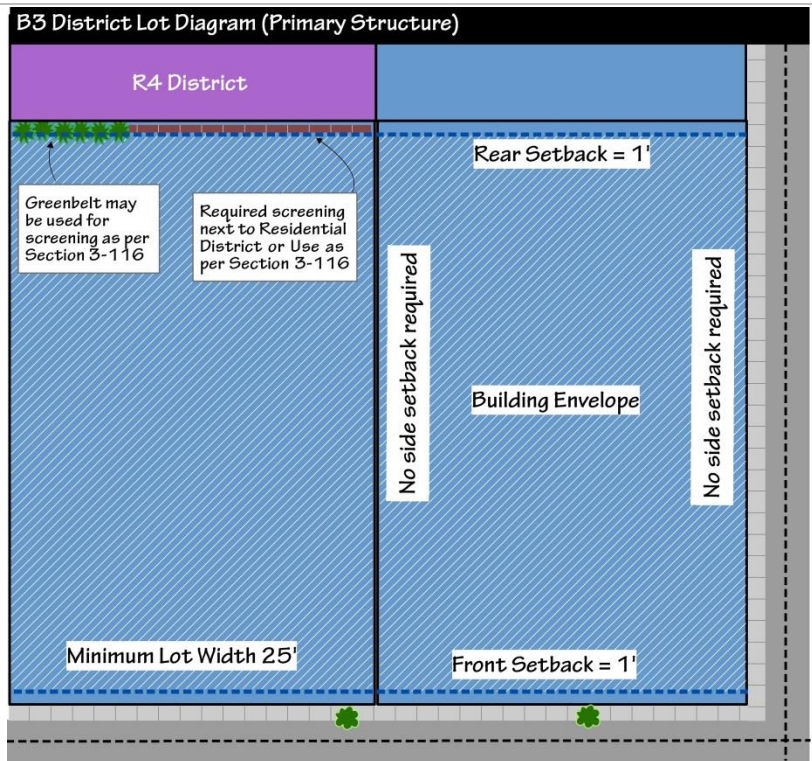
TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	B3
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
ACCOMMODATION AND FOOD SERVICES	
<i>Bakeries & Confectioneries (including candy/fudge shops)</i>	P
<i>Cabin Courts</i>	S
<i>Caterers/Food Service Contractors</i>	P
<i>Coffee Shops</i>	P
<i>Convention Centers/Conference Centers/Banquet Halls</i>	S
<i>Drinking Establishments/Taverns</i>	P
<i>Hotels, Motels, Motor Courts & Resorts (attached or detached units) §7-104</i>	S*
<i>Lodging Units within Other Commercial Establishment (Inns)</i>	P
<i>Microbreweries & Distilleries (serving directly to the public)</i>	P
<i>Restaurants without Drive-Through</i>	P
<i>Restaurants w/ Drive-Through (Drive-In) §7-105</i>	S*
<i>Wineries</i>	P
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Amusement Arcades & Similar Indoor Recreation</i>	P
<i>Art Galleries</i>	P
<i>Art Studios (shall be a Special Use in B1, B2, B3, B4 and BC if using processes that create noise and/or fumes)</i>	P
<i>Bike Shops</i>	P
<i>Billiards Halls</i>	P
<i>Canoe/Kayak Liveries</i>	P
<i>Museums (Public)</i>	P
<i>Museums (Private)</i>	P
<i>Public Parks & Playgrounds</i>	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	B3
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
COMMERCIAL/RETAIL	
<i>Building & Garden Equipment & Supplies Dealers</i>	P
<i>Cash Advance Stores</i>	S
<i>Clothing & Shoe Stores (including shoe repair)</i>	P
<i>Electronics & Appliance Stores</i>	P
<i>Financial Institutions</i>	P
<i>Florists</i>	P
<i>Furniture & Home Furnishings Stores; Antique Stores</i>	P
<i>General Merchandise Stores</i>	P
<i>Hardware Stores</i>	S
<i>Health & Personal Care Stores</i>	P
<i>Health Spa</i>	P
<i>Interior Designers/Showrooms</i>	P
<i>Small-Scale Craft Making</i>	P
<i>Sporting Goods, Hobby, Book & Music Stores</i>	P
MISCELLANEOUS AND MIXED USES	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses §3-109</i>	P*
<i>Mixed Uses (Commercial/Residential in one building)</i>	P
RESIDENTIAL USES	
<i>Single-Family Dwelling Units in conjunction with a business §7-136</i>	P*
TRANSPORTATION SERVICES / WAREHOUSING / WHOLESALE TRADE/ STORAGE/SHIPPING	
<i>Wholesale Businesses combined with Retail (conducted entirely within a building)</i>	P

C. Development Standards.

B3

Lot & Structure Standards	
Minimum Lot Area	-----
Minimum Lot Width	25 ft
Maximum Building Height ¹	4 stories or 45 ft
Minimum Building Dimensions	Minimum building area shall be 1,000 sq ft with a minimum of 600 sq ft for each dwelling unit within the building. Any living quarters attached to a building used for business shall have a minimum floor area of 600 sq ft.
Maximum Lot Coverage	-----
Setbacks	
Minimum front yard	1 ft
Minimum side yard	-----
Minimum rear yard	1 ft
Parking	
Parking shall comply with regulations in Section 3-124 .	



Section 4-115 BC Business Central District

BC

A. Intent.

This medium density mixed-use district is intended to provide a generous mix of retail, service, and residential uses. This district is found south of the downtown area and between the Mackinac Bridge and Lake Huron. Uses provided for include a wide variety of tourism businesses, services which cater to local residents, recreational uses, and a variety of housing options.

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4-123: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	BC
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
ACCOMMODATION AND FOOD SERVICES	
<i>Bakeries & Confectioneries (including candy/fudge shops)</i>	P
<i>Cabin Courts</i>	S
<i>Caterers/Food Service Contractors</i>	P
<i>Coffee Shops</i>	P
<i>Convention Centers/Conference Centers/Banquet Halls</i>	S
<i>Drinking Establishments/Taverns</i>	P
<i>Hotels , Motels, Motor Courts & Resorts (attached or detached units) §7-104</i>	S*
<i>Lodging Units within Other Commercial Establishment (Inns)</i>	P
<i>Microbreweries & Distilleries (serving directly to the public)</i>	P
<i>Restaurants without Drive-Through</i>	P
<i>Wineries</i>	P
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Amusement Arcades & Similar Indoor Recreation</i>	P
<i>Art Galleries</i>	P
<i>Art Studios (shall be a Special Use in B1, B2, B3, B4 and BC if using processes that create noise and/or fumes)</i>	P
<i>Bike Shops</i>	P
<i>Billiards Halls</i>	P
<i>Bowling Centers §7-107</i>	S*
<i>Fitness & Recreational Sports (ex: health clubs, gym, swimming pool club) §7-107</i>	P*
<i>Museums (Public)</i>	P
<i>Museums (Private)</i>	P
<i>Outdoor Recreation Facilities (commercial: ex – go karts; miniature golf; disc golf) §7-108</i>	P*
<i>Public Parks & Playgrounds</i>	P
<i>Skating Rinks, ice or non-ice (indoor) §7-107</i>	S*
<i>Theaters/Performing Arts Facilities</i>	P
<i>Theaters, Outdoor</i>	P

Mackinaw City Zoning Ordinance

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	BC
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
COMMERCIAL/RETAIL	
<i>Clothing & Shoe Stores (including shoe repair)</i>	P
<i>Dry Cleaning & Laundry Services</i>	P
<i>Electronic & Precision Equipment Repair & Maintenance</i>	P
<i>Electronics & Appliance Stores</i>	P
<i>Financial Institutions</i>	P
<i>Florists</i>	P
<i>Food & Beverage Stores</i>	S
<i>Furniture & Home Furnishings Stores; Antique Stores</i>	P
<i>Gas Stations §7-124</i>	S*
<i>General Merchandise Stores</i>	P
<i>Hardware Stores</i>	S
<i>Health & Personal Care Stores</i>	P
<i>Health Spa</i>	P
<i>Interior Designers/Showrooms</i>	P
<i>Medical Equipment Sales</i>	P
<i>Movie Rental Stores</i>	P
<i>Office Developments</i>	S*
<i>Open Air Business - Sales /Rental of Cars, Trucks, Motorcycles §7-108</i>	P*
<i>Open Air Business - Greenhouse, Nursery, Landscaping §7-108</i>	S*
<i>Open Air Business - Sales/Rental of Recreational Equipment §7-108</i>	S*
<i>Personal Services (beauty shops, tailoring)</i>	P
<i>Pet & Pet Care Stores (except Veterinary & Animal Shelters)</i>	P
<i>Photofinishing/Photographers</i>	P
<i>Shopping Center – Multiple Businesses</i>	S
<i>Sporting Goods, Hobby, Book & Music Stores</i>	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	BC
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
HUMAN CARE AND SOCIAL ASSISTANCE	
<i>Health Care /Dental /Optical Clinics §7-113</i>	S*
<i>Hospitals §7-123</i>	S*
MISCELLANEOUS AND MIXED USES	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses §3-109</i>	P*
<i>Mixed Uses (Commercial/Residential in one building)</i>	P
<i>Planned Unit Developments, Commercial §7-102</i>	S*
PUBLIC FACILITIES	
<i>Auditoriums</i>	P
<i>Community Centers (public)</i>	P
<i>Government Offices</i>	P
<i>Libraries</i>	P
<i>Police/Fire Stations</i>	P
<i>Post Office</i>	P
RESIDENTIAL USES	
<i>Single-Family Dwelling (year round & seasonal)</i>	P
<i>Two-Family Dwelling (duplex)</i>	P
TRANSPORTATION SERVICES /WAREHOUSING /WHOLESALE TRADE/ STORAGE/SHIPPING	
<i>Boat Line Parking Lots (unpaved, temporary) §7-132</i>	S*
<i>Boat Repair & Storage §7-125</i>	S*
UTILITIES/ENERGY	
<i>Electrical Transformer Stations & Substations</i>	S

C. Development Standards.

BC

Lot & Structure Standards	
Minimum Lot Area	6,500 sq ft
Minimum Lot Width	50 ft
Maximum Lot Coverage	50%
Maximum Building Height ¹	4 stories of 45 ft
Minimum Building Width	20 ft for single-family detached dwelling units
Minimum Floor Area	Single-Family : 800 sq ft (first floor) Two-Family : 1,200 sq ft (first floor) All other principal Uses: 500 sq ft (first floor)
Setbacks	
Minimum front yard	10 ft Minimum front yard depth shall be 20 ft when abutting residentially zoned property.
Minimum side yard	10 ft (total of 2 = 20 ft) Minimum side yard width shall be 20 ft when abutting residentially zoned property or a public street right-of-way.
Minimum rear yard	10 ft Minimum rear yard depth shall be 20 ft when abutting residentially zoned property or a public street right-of-way.
Accessory Buildings	
Maximum Height	30 ft
Maximum Floor Area	-----
Setbacks	Front Yard: 10 ft. Shall be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance. Setback from front yard shall be 20 ft when abutting residentially zoned property. Side Yard: 10 ft Setback from side yard shall be 20 ft when abutting residentially zoned property or a public street right-of-way. Rear Yard: 10 ft Setback from rear yard shall be 20 ft when abutting residentially zoned property or a public street right-of-way.
Minimum Distance from Main Building	6 ft
Parking	
Parking shall comply with regulations in Section 3-124 .	

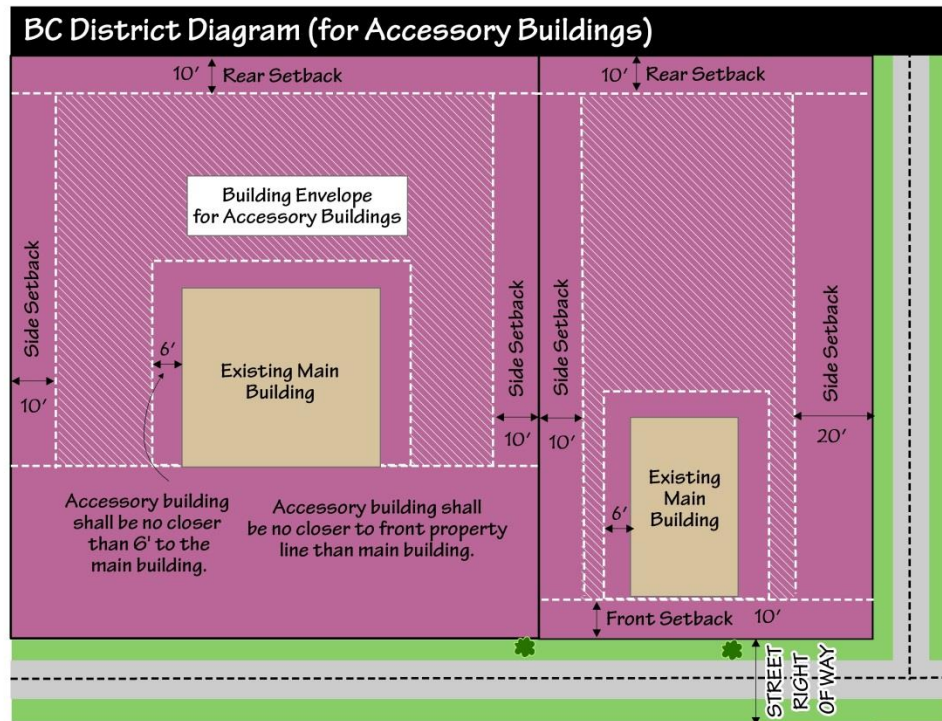
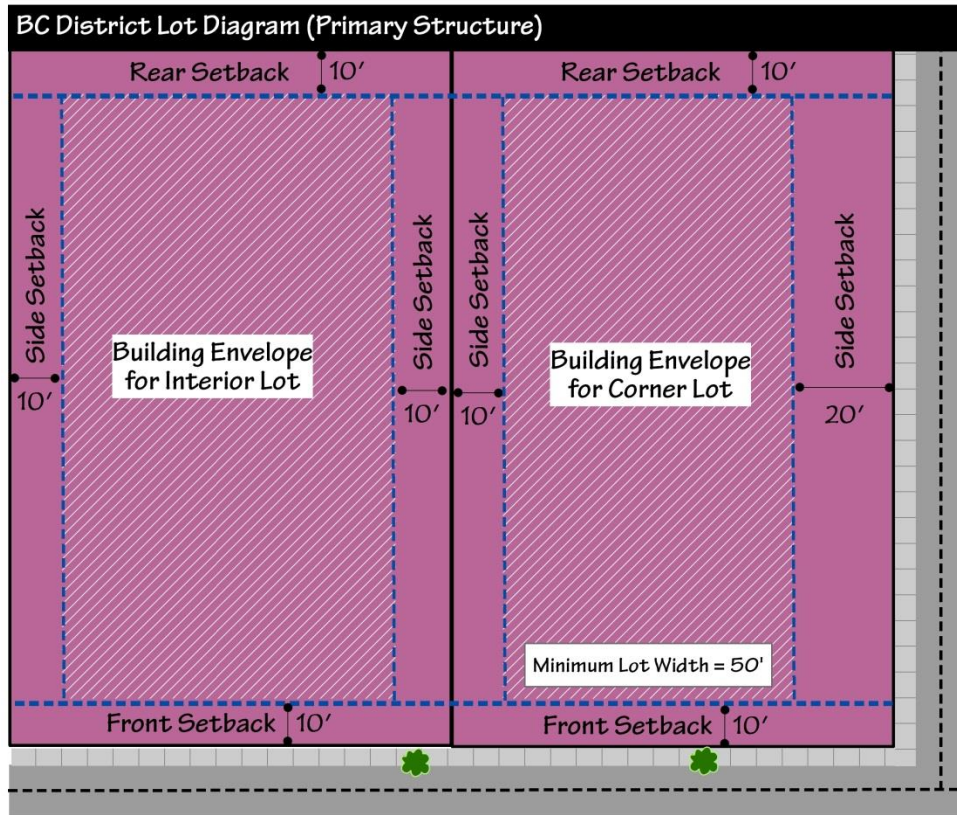


Diagram is not drawn to scale

1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4-116 B4 Historic Business District

B4

A. Intent.

This district is intended to represent historic downtown Mackinaw City and encourages pedestrian traffic. This district is found along Central Avenue just west of the Gateway Business District. The district is intended to provide a mix of retail and food services businesses.

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4-123: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

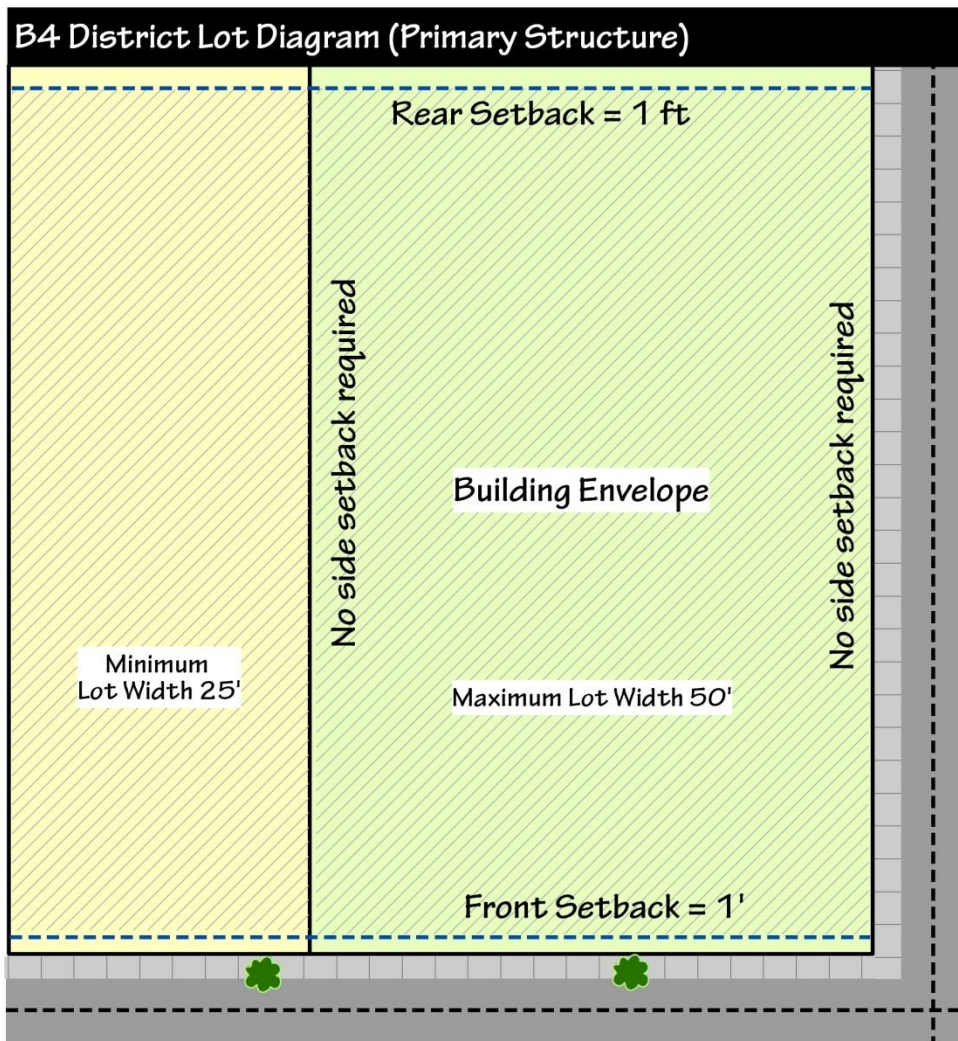
TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	B4
ACCOMMODATION AND FOOD SERVICES	
<i>Bakeries & Confectioneries (including candy/fudge shops)</i>	P
<i>Caterers/Food Service Contractors</i>	P
<i>Coffee Shops</i>	P
<i>Microbreweries & Distilleries (serving directly to the public)</i>	P
<i>Restaurants without Drive-Through</i>	P
<i>Wineries</i>	P
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Amusement Arcades & Similar Indoor Recreation</i>	P
<i>Art Galleries</i>	P
<i>Art Studios (shall be a Special Use in B1, B2, B3, B4 and BC if using processes that create noise and/or fumes)</i>	P
<i>Bike Shops</i>	P
<i>Billiards Halls</i>	P
<i>Public Parks & Playgrounds</i>	P
COMMERCIAL/RETAIL	
<i>Building & Garden Equipment & Supplies Dealers</i>	P
<i>Cash Advance Stores</i>	S
<i>Clothing & Shoe Stores (including shoe repair)</i>	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	B4
<i>Electronics & Appliance Stores</i>	P
<i>Florists</i>	P
<i>Furniture & Home Furnishings Stores; Antique Stores</i>	P
<i>General Merchandise Stores</i>	P
<i>Hardware Stores</i>	S
<i>Health & Personal Care Stores</i>	P
<i>Interior Designers/Showrooms</i>	P
<i>Small-Scale Craft Making</i>	P
<i>Sporting Goods, Hobby, Book & Music Stores</i>	P
MISCELLANEOUS AND MIXED USES	
<i>Accessory Bldg & Uses Incidental to Principal Uses</i> §3-109	P*
<i>Mixed Uses (Commercial/Residential in one building)</i>	P
RESIDENTIAL USES	
<i>Single-Family Dwelling Units in conjunction with a business</i>	P*
TRANSPORTATION SERVICES/ WAREHOUSING /WHOLESALE TRADE/ STORAGE/SHIPPING	
<i>Wholesale Businesses combined with Retail (conducted entirely within a building)</i>	P

C. Development Standards.

B4

Lot & Structure Standards	
Minimum Lot Area	-----
Minimum Lot Width	25 ft
Maximum Lot Width	50 ft
Maximum Building Height¹	45 ft
Allowable Customer Service Floor Area (% of total lot area)	<ol style="list-style-type: none"> 1. All permitted uses except restaurant 2. Restaurant 3. Multiple uses including restaurant
Minimum Building Dimensions (first floor)	800 sq ft
Setbacks	
Minimum front yard	1 ft
Minimum side yard	-----
Minimum rear yard	1 ft
Expansion of Building Total Ground Floor Area	
<p>All lots to be built upon, regardless of intended or existing use, shall 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 cannot be provided on-site. Those lots without the required parking spaces and dumpster enclosure can only expand vertically according to the applicable requirements.</p>	
Parking Requirements for Residential Uses	
<p>Only residential uses and expansion of non-conforming uses shall provide off-street parking as determined by the parking requirements table.</p>	
Front Walls Facing Public Street	
<p>All buildings shall 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.</p> <ol style="list-style-type: none"> 1. 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. 2. 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. 3. 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. 4. No door shall be propped open so as to extend into or across the required front setback. 5. 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. 	



1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4-117 AG Agricultural District

AG

A. Intent.

This district is intended to provide an area for rural uses within the Village. The low-density district is located in the western third of the Village and encourages large lot single-family dwellings, farming and farm-related uses, campgrounds, and limited business and recreational uses.

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4-123: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	AG
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
ACCOMMODATION AND FOOD SERVICES	
<i>Bed & Breakfasts §7-117</i>	S*
<i>Wineries</i>	P
AGRICULTURE AND FOREST PRODUCTS	
<i>Animal Shelter/Kennels §7-122</i>	S*
<i>Agricultural Tourism Businesses (on Farms)</i>	P
<i>Biofuel Production Facilities (on Farms) §7-140</i>	P*S*
<i>Boarding Stables; Riding Arenas</i>	P
<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)</i>	P
<i>Cider Mills</i>	P
<i>Farming</i>	P
<i>Farm Product Sales (Fruit/Vegetable Market)</i>	P
<i>Firewood Sales</i>	P
<i>Game Preserves</i>	P
<i>Grain Elevators</i>	P
<i>Roadside Stand/Farm Market (sale of product grown on premises)</i>	P
<i>Stables (Private) §7-118</i>	S*
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Equipment Rental, Non-Motorized</i>	P
<i>Golf Courses</i>	P
<i>Nature Parks/Nature Areas (Public)</i>	P
<i>Public Parks & Playgrounds</i>	P
<i>RV (Travel Trailer) Parks/Campgrounds §7-119</i>	S*
<i>Zoos & Animal Tours</i>	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	AG
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
COMMERCIAL/RETAIL	
<i>Farm Supply Stores</i>	P
<i>Home Improvement Centers (lumber stored in enclosed structure)</i>	S
<i>Manufactured Home Dealers</i>	S
<i>Open Air Business - Sales of Agricultural/Constr. Equip. §7-108</i>	S*
<i>Open Air Business - Sales – Greenhouse, Nursery, Landscaping §7-108</i>	S*
<i>Transient Merchant (Vendor/Peddler) §7-129</i>	P*
COMMUNICATIONS	
<i>Television/Radio Broadcasting Stations (with tower) §7-112</i>	S*
<i>Wireless Communications Support Structures (cell towers) §7-112</i>	S*
EDUCATIONAL SERVICES AND RELIGION	
<i>Institutions of Higher/Specialized Learning & Trade Schools (public and private)</i>	P
<i>Public, charter or private schools (elementary through high school)</i>	P
MISCELLANEOUS AND MIXED USES	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses §3-109</i>	P*
<i>Cemeteries</i>	P
<i>Planned Unit Developments, Residential §7-102</i>	S*
<i>Site Condominium Development §7-138</i>	S*
RESIDENTIAL USES	
<i>Single-Family Dwelling (year round & seasonal)</i>	P
TRANSPORTATION SERVICES / WAREHOUSING /WHOLESALE TRADE / STORAGE/SHIPPING	
<i>Drone (Unmanned Aerial) Centers</i>	P

1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

AG

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	AG
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
UTILITIES/ENERGY	
<i>Electrical Transformer Stations & Substations</i>	S
<i>Electric Transmission Towers</i>	S
<i>Gas Regulator Stations</i>	S
<i>Solar Energy Facility §7-139</i>	S*

C. Development Standards.

Lot & Structure Standards	
Minimum Lot Area	15,000 sq ft
Minimum Lot Width	100 ft
Maximum Lot Coverage	40%
Maximum Building Height¹	3.5 stories or 35 ft
Minimum Building Width	20 ft for single-family detached dwelling units
Minimum Floor Area (first floor)	800 sq ft
Setbacks	
Minimum front yard	20 ft 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.
Minimum side yard	7 ft 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.
Minimum side yard (corner lot)	10 ft measured from the side street lot line.
Minimum rear yard	20 ft
Accessory Buildings	
Maximum Height	21 ft
Maximum Floor Area	-----
Setbacks	Front Yard: Shall be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance. Attached Garages: 20 ft Side Yard: 7 ft Rear Yard: 10 ft
Minimum Distance from Main Building	6 ft

1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

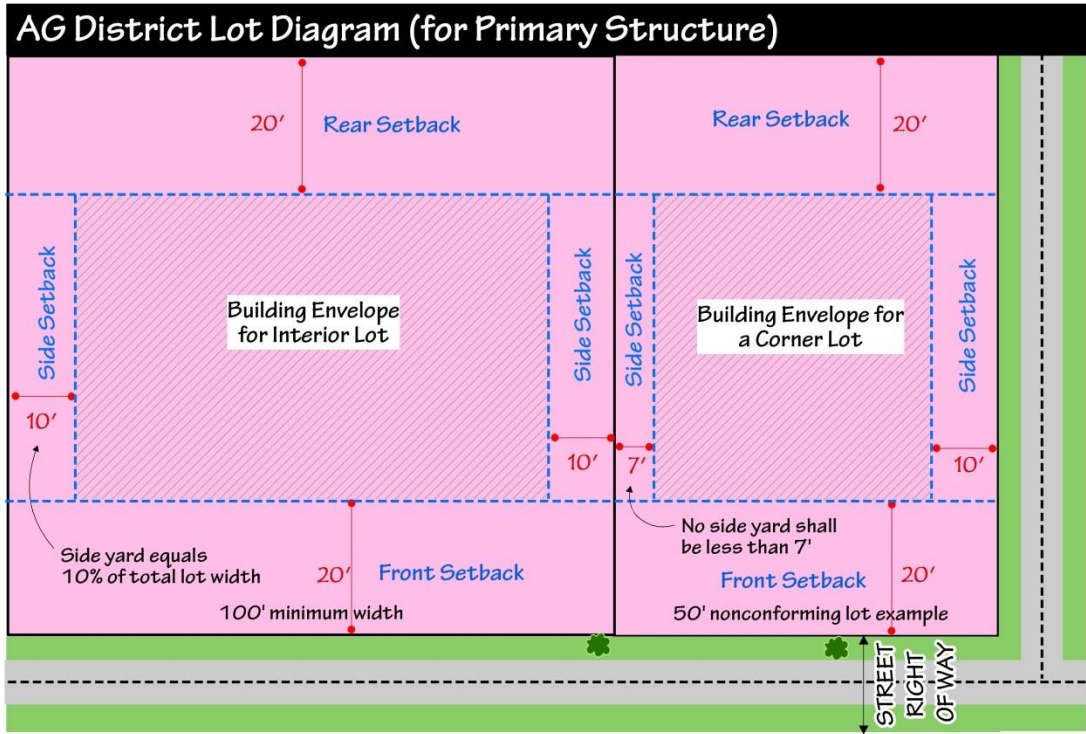


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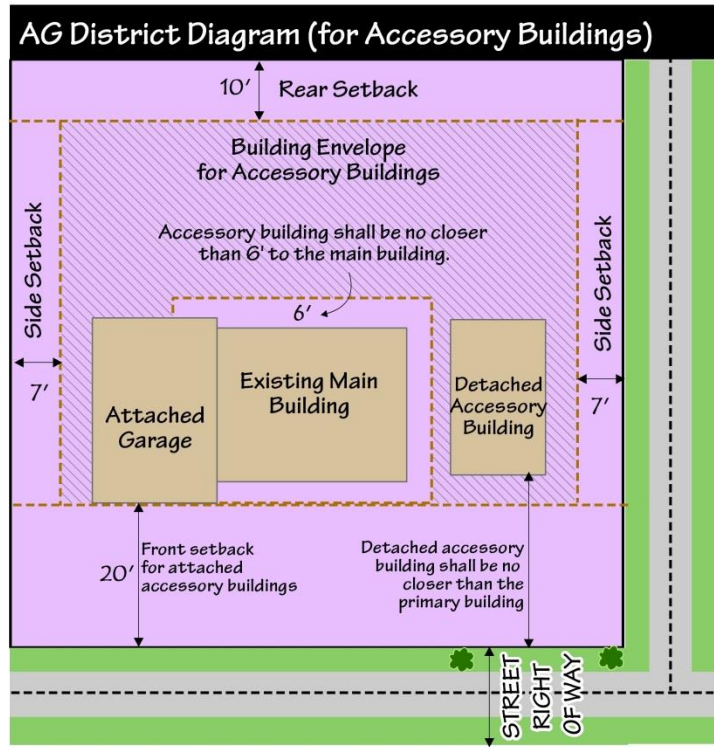


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1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4-118 MR Manufacturing Research District

MR

A. Intent.

This district is intended to provide for select light manufacturing, wholesale, and research uses and is located in the central portion of the Village. In addition, a variety of heavy commercial uses are encouraged.

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4-123: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	MR
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
AGRICULTURE AND FOREST PRODUCTS	
<i>Agricultural products processing and storage (excluding concentrated animal feeding operations)</i>	P
<i>Animal Shelter/Kennels §7-122</i>	P*
<i>Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)</i>	P
<i>Meat Packing Plants</i>	P
<i>Slaughter Houses</i>	P
<i>Veterinary Clinic/Animal Hospital</i>	P
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Art Studios (shall be a Special Use in B1, B2, B3, B4 and BC if using processes that create noise and/or fumes)</i>	P
<i>Public Parks & Playgrounds</i>	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	MR
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
COMMERCIAL/RETAIL	
<i>Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change §7-124</i>	S*
<i>Automobile Towing Businesses</i>	S
<i>Automotive Equipment Rental/Leasing §7-108</i>	S
<i>Car Washes §7-109</i>	S*
<i>Commercial/Industrial Equipment Rental & Leasing</i>	S
<i>Commercial Equipment Repair & Maintenance</i>	S
<i>Crematoriums</i>	S
<i>Extermination & Pest Control Services</i>	S
<i>Funeral Homes & Mortuaries</i>	S
<i>Furniture Refinishing (Upholsterers)</i>	P
<i>Home Improvement Centers (lumber stored in enclosed structure)</i>	S
<i>Small Engine Repair</i>	S
<i>Taxidermy Shops</i>	P
<i>Transient Merchant (Vendor/Peddler) §7-129</i>	P*
CONSTRUCTION	
<i>Lumber/Building Material Storage Yards</i>	S
<i>Special trade contractors w/ outdoor storage of materials (Sand, Gravel, Stone, Lumber) & Contractor's Equipment</i>	S

Mackinaw City Zoning Ordinance

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	MR
MANUFACTURING/INDUSTRIAL/ WASTE MANAGEMENT	
<i>Bakeries (not direct to customer)</i>	P
<i>Central Dry Cleaning Plants & Laundries (not dealing directly with customers)</i>	S
<i>Cold Storage Plants</i>	P
<i>Computer, Electronic, & Appliance Product Mfg</i>	P
<i>Food/beverage processing</i>	P
<i>Food/beverage bottling & packaging</i>	P
<i>Furniture & Related Product Mfg</i>	P
<i>Industrial Parks (planned) §7-115</i>	S*
<i>Junkyards/salvage yards/scrap yards/motor vehicle impoundment and wrecking yards §7-111</i>	S*
<i>Laboratories</i>	P
<i>Leather & Allied Product Mfg</i>	P
<i>Machine Shops</i>	P
<i>Printing or forming of box, carton and cardboard products</i>	P
<i>Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection</i>	P
<i>Research/Design/Experimental Product Development (within a completely enclosed building)</i>	P
<i>Sign Painting & Mfg</i>	P
<i>Solar Panels, Wind Generators, and Alternative Energy Systems Mfg</i>	P
<i>Textile & Apparel Mfg</i>	P
<i>Tin shops or Plumbing Supply Shops</i>	P
<i>Tool & Die Shops</i>	P
<i>Wood Product Mfg (not mills)</i>	P
MISCELLANEOUS AND MIXED USES	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses §3-109</i>	P*

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i> <i>S = Permitted with a Special Use Permit</i> <i>*supplemental development regulations</i>	MR
PUBLIC FACILITIES	
<i>Auditoriums</i>	P
<i>Community Centers (public)</i>	P
<i>Government Offices</i>	P
<i>Libraries</i>	P
<i>Police/Fire Stations</i>	P
<i>Public Works Facilities with Outdoor Storage</i>	P
<i>Water & Wastewater Treatment Plants</i>	P
TRANSPORTATION SERVICES /WAREHOUSING/ WHOLESALE TRADE/ STORAGE/SHIPPING	
<i>Automobile Storage & Parking, Seasonal</i>	P
<i>Boat Line Parking Lots (unpaved, temporary) §7-132</i>	S*
<i>Boat Repair & Storage §7-125</i>	P
<i>Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments</i>	P
<i>Passenger Boat Ferries (tickets sold only on premises used for docking, embarking & disembarking passengers) §7-126</i>	P
<i>Port & Dock Facilities</i>	P
<i>Warehousing & Storage (including mini-storage)</i>	P
<i>Wholesale Businesses (except livestock)</i>	P
UTILITIES/ENERGY	
<i>Electrical Transformer Stations & Substations</i>	P
<i>Electric Transmission Towers</i>	P
<i>Gas Regulator Stations</i>	P
<i>Propane Distributor</i>	S

C. Development Standards.

MR

Lot & Structure Standards	
Minimum Lot Area	30,000 sq ft
Minimum Lot Width	200 ft
Maximum Lot Coverage	50%
Maximum Building Height ¹	4 stories or 40 ft
Minimum Floor Area	-----
Setbacks ²	
Minimum front yard	15 ft, or 30 ft if abutting residentially zoned property
Minimum side yard	15 ft, or 30 ft if abutting residentially zoned property
Minimum rear yard	15 ft, or 30 ft if abutting residentially zoned property
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.	
Accessory Buildings	
Maximum Height	21 ft
Maximum Floor Area	-----
Setbacks	Front Yard: Shall be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance. Side Yard: 40 ft Rear Yard: 40 ft
Minimum Distance from Main Building	6 ft
Parking	
Parking shall comply with regulations in Section 3-124 .	

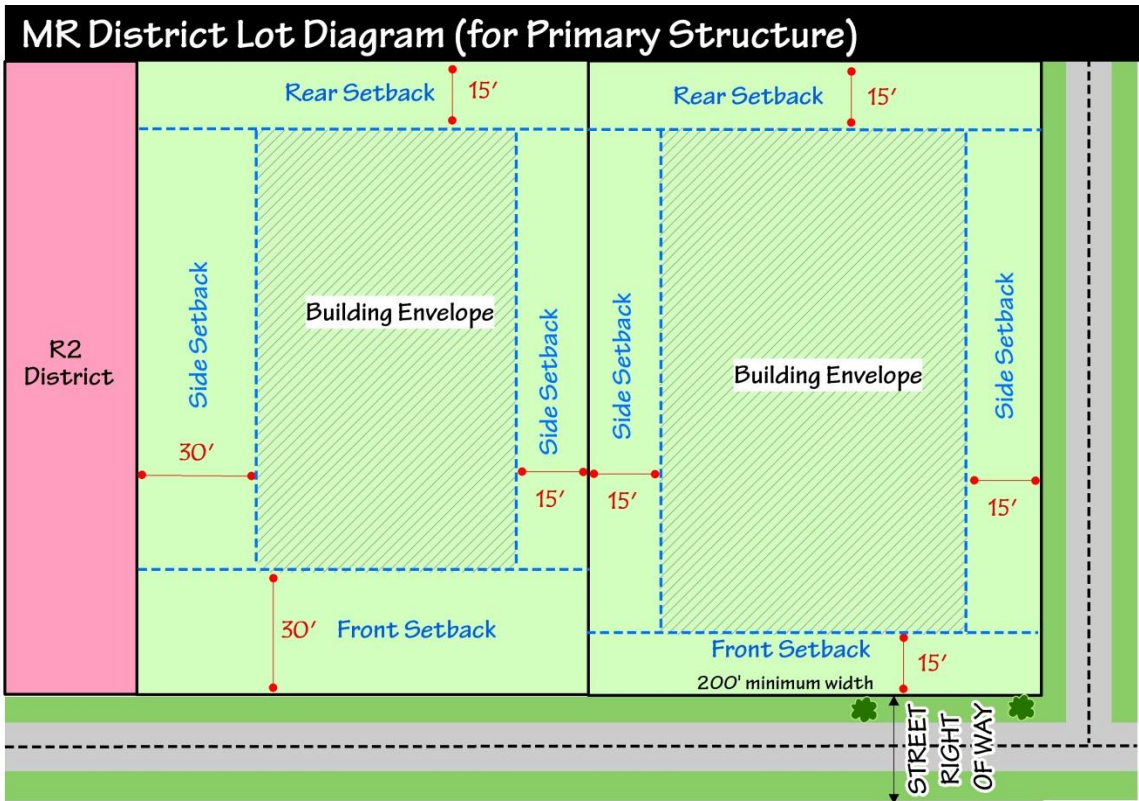


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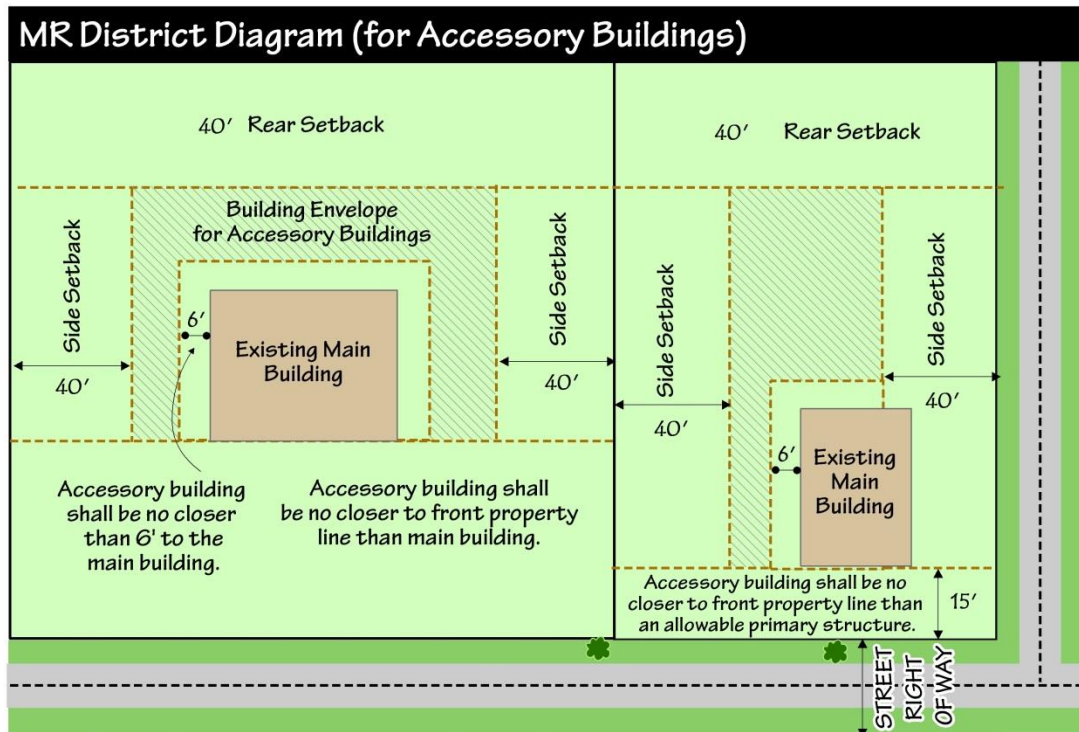


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1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4-119 MRS Manufacturing Research Signage District

MRS

A. Intent.

This larger-lot district is intended to provide for select light manufacturing, wholesale, and research uses and is located in the south central portion of the Village. In addition, a variety of heavy commercial uses and select recreational uses are encouraged.

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4-123: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	MRS
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
AGRICULTURE/FOREST PRODUCTS	
<i>Agricultural products processing and storage (excluding concentrated animal feeding operations)</i>	P
<i>Animal Shelter/Kennels</i>	P
<i>Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)</i>	P
<i>Meat Packing Plants</i>	P
<i>Slaughter Houses</i>	P
<i>Veterinary Clinic/Animal Hospital</i>	P
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Amusement Arcades & Similar Indoor Recreation</i>	P
<i>Art Studios (shall be a Special Use in B1, B2, B3, B4 and BC if using processes that create noise and/or fumes)</i>	P
<i>Fitness & Recreational Sports (ex: health clubs, gym, swimming pool club)</i>	P
<i>Public Parks & Playgrounds</i>	P

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	MRS
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
COMMERCIAL/RETAIL	
<i>Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change §7-124</i>	S*
<i>Automotive Equipment Rental/Leasing §7-108</i>	S
<i>Automobile Towing Businesses</i>	S
<i>Car Washes §7-109</i>	S*
<i>Commercial/Industrial Equipment Rental & Leasing</i>	S
<i>Commercial Equipment Repair & Maintenance</i>	S
<i>Crematoriums</i>	S
<i>Furniture Refinishing (Upholsterers)</i>	P
<i>Home Improvement Centers (lumber stored in enclosed structure)</i>	S
<i>Printing/Binding/Publishing of Print Material</i>	S
<i>Professional Cleaning Services</i>	S
<i>Taxidermy Shops</i>	P
<i>Transient Merchant (Vendor/Peddler) §7-129</i>	P*

1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Mackinaw City Zoning Ordinance

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	MRS
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
MANUFACTURING/INDUSTRIAL/ /WASTE MANAGEMENT	
<i>Bakeries (not direct to customer)</i>	P
<i>Central Dry Cleaning Plants & Laundries (not dealing directly with customers)</i>	S
<i>Cold Storage Plants</i>	P
<i>Computer, Electronic, & Appliance Product Mfg</i>	P
<i>Food/beverage processing</i>	P
<i>Food/beverage bottling & packaging</i>	P
<i>Furniture & Related Product Mfg</i>	P
<i>Industrial Parks (planned) §7-115</i>	S*
<i>Junkyards/salvage yards/scrap yards/motor vehicle impoundment and wrecking yards §7-111</i>	S*
<i>Laboratories</i>	P
<i>Leather & Allied Product Mfg</i>	P
<i>Machine Shops</i>	P
<i>Printing or forming of box, carton and cardboard products</i>	P
<i>Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection</i>	P
<i>Research/Design/Experimental Product Development (within a completely enclosed building)</i>	P
<i>Sign Painting & Mfg</i>	P
<i>Solar Panels, Wind Generators, and Alternative Energy Systems Mfg</i>	P
<i>Textile & Apparel Mfg</i>	P
<i>Tin shops or Plumbing Supply Shops</i>	P
<i>Tool & Die Shops</i>	P
<i>Wood Product Mfg (not mills)</i>	P
MISCELLANEOUS AND MIXED USES	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses §3-109</i>	P*

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	MRS
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
PUBLIC FACILITIES	
<i>Auditoriums</i>	P
<i>Community Centers (public)</i>	P
<i>Government Offices</i>	P
<i>Libraries</i>	P
<i>Police/Fire Stations</i>	P
<i>Public Works Facilities with Outdoor Storage</i>	P
<i>Water & Wastewater Treatment Plants</i>	P
TRANSPORTATION SERVICES/ WAREHOUSING/ WHOLESALE TRADE/ STORAGE/SHIPPING	
<i>Automobile Storage & Parking, Seasonal</i>	P
<i>Boat Repair & Storage §7-125</i>	P
<i>Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments</i>	P
<i>Passenger Boat Ferries (tickets sold only on premises used for docking, embarking & disembarking passengers) §7-126</i>	P
<i>Port & Dock Facilities</i>	P
<i>Warehousing & Storage (including mini-storage)</i>	P
<i>Wholesale Businesses (except livestock)</i>	P
UTILITIES/ENERGY	
<i>Electrical Transformer Stations & Substations</i>	P
<i>Electric Transmission Towers</i>	P
<i>Gas Regulator Stations</i>	P
<i>Propane Distributor</i>	S

C. Development Standards.

MRS

Lot & Structure Standards	
Minimum Lot Area/Unit	30,000 sq ft
Minimum Lot Width	200 ft
Maximum Lot Coverage	50%
Maximum Building Height ¹	4 stories or 40 ft
Minimum Floor Area	-----
Setbacks ²	
Minimum front yard	40 ft
Minimum side yard	40 ft (total of 2 = 80 ft)
Minimum rear yard	40 ft
² 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.	
Accessory Buildings	
Maximum Height	21 ft
Maximum Floor Area	-----
Setbacks	Front Yard: Shall be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance. Side Yard: 40 ft Rear Yard: 40 ft
Minimum Distance from Main Building	6 ft
Parking	
Parking shall comply with regulations in Section 3-124 .	

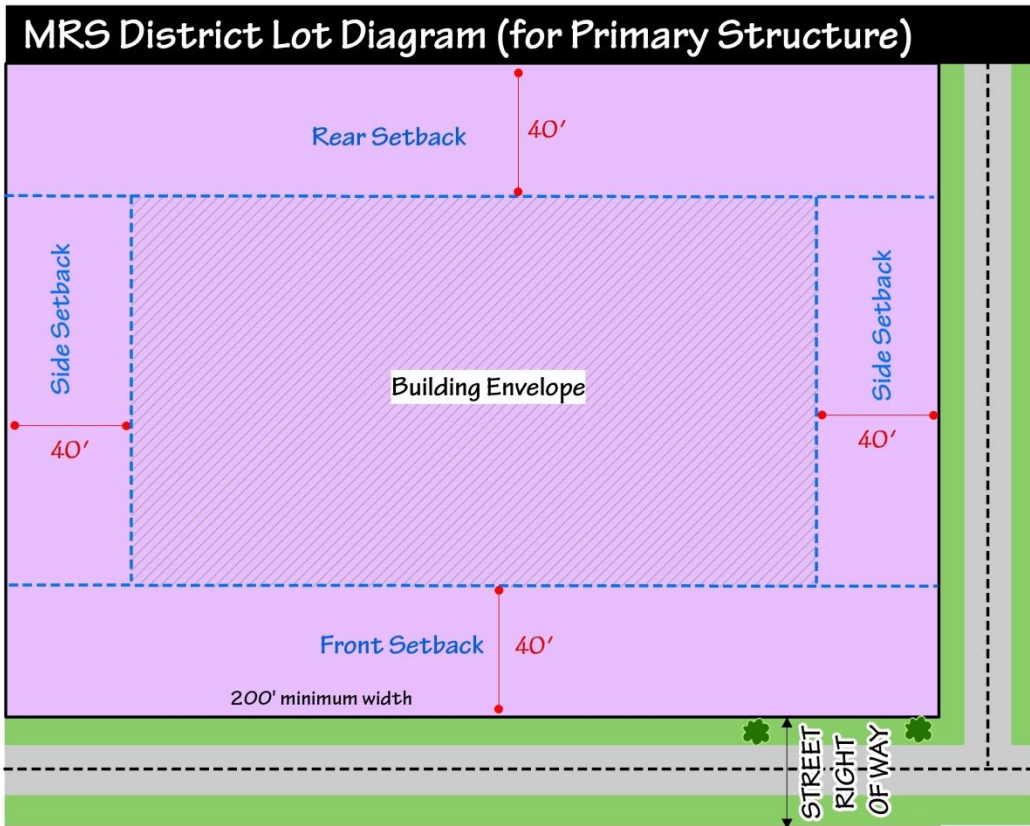


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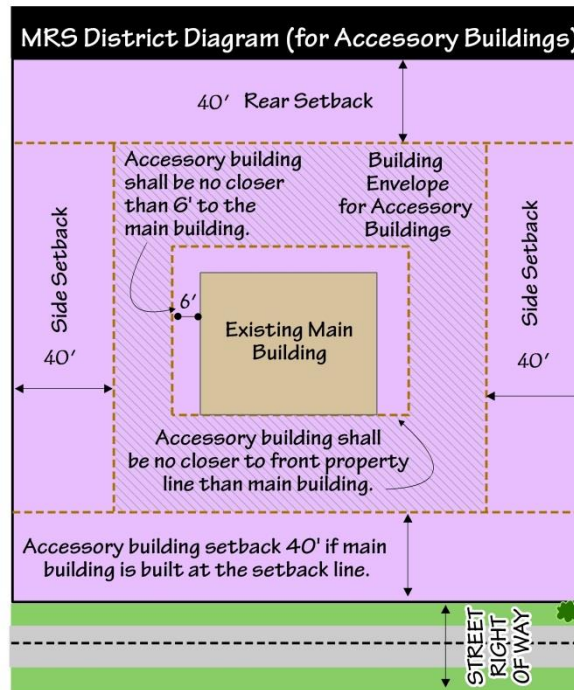


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1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4-120 MC Marina Commercial District

MC

A. Intent.

This district is intended to provide for recreational uses such as waterfront parks, marinas, and museums. The district encompasses the dock/pier area of the Village along Lake Huron.

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4-123: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	MC
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Canoe/Kayak Liveries</i>	P
<i>Equipment Rental, Non-Motorized</i>	P
<i>Marinas (Public /private) w/o covered boat docks/slips</i>	P
<i>Museums (Public)</i>	P
<i>Museums (Private)</i>	P
<i>Outdoor Performance Facilities</i>	P
<i>Public Parks & Playgrounds</i>	P
MISCELLANEOUS AND MIXED USES	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses §3-109</i>	P*
<i>Planned Unit Developments, Commercial §7-102</i>	S*

C. Development Standards.

Lot & Structure Standards	
Minimum Lot Area	10,000 sq ft
Minimum Lot Width	100 ft
Maximum Lot Coverage	50%
Maximum Building Height¹	3.5 stories or 30 ft
Minimum Floor Area (first floor)	500 sq ft (principal use)
Setbacks	
Minimum front yard	10 ft The front yard of all waterfront property in the MC District shall be that yard which faces the South Huron Avenue public street right-of way.
Minimum side yard	10 ft
Minimum rear yard	10 ft

Accessory Buildings

Maximum Height	21 ft
Maximum Floor Area	864 sq ft
Setbacks	<p>Front Yard: Shall be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance.</p> <p>Side Yard: 10 ft</p> <p>Rear Yard: 10 ft</p>
Minimum Distance from Main Building	6 ft

Parking

Parking shall comply with regulations in [Section 3-124](#).

Architectural Guidelines

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 features which 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.

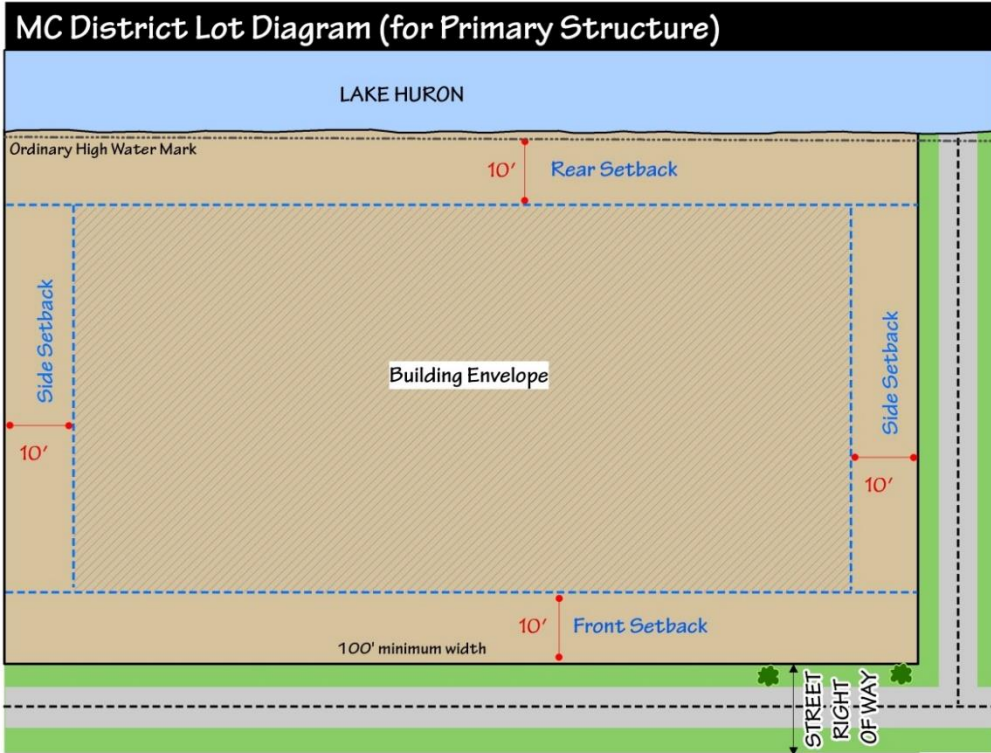


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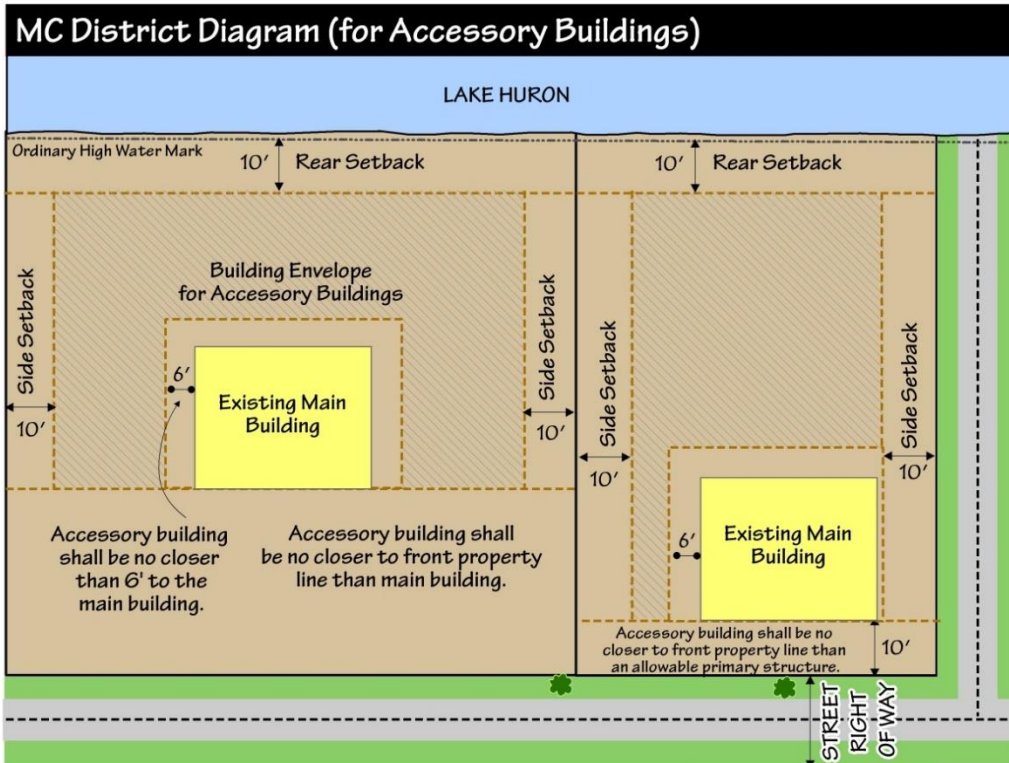


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1 Preamble	2 Definitions	3 General Regulations	4 District Regulations	5 Plot Plan & Site Plan Review
6 Special Land Uses	7 Supplemental Regulations	8 Zoning Board of Appeals	9 Administration & Enforcement	10 Adoption & Amendments

Section 4-121 CR Conservation & Recreation District

CR

A. Intent.

This low density district is intended to provide for larger lot single-family dwellings, open air businesses, and outdoor recreational uses. It is located in the central portion of the village along the North Western State Trail.

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4-123: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	CR
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
AGRICULTURE AND FOREST PRODUCTS	
<i>Roadside Stand/Farm Market (sale of product grown on premises)</i>	P
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Archery Ranges (& as accessory use), Outdoor</i>	P
<i>Ballfields</i>	P
<i>Nature Parks/Nature Areas (Public)</i>	P
<i>Public Parks & Playgrounds</i>	P
<i>RV (Travel Trailer) Parks/Campgrounds §7-119</i>	S*
<i>Sportsmen's Association</i>	P
COMMERCIAL/RETAIL	
<i>Open Air Businesses §7-108</i>	S*
MISCELLANEOUS AND MIXED USES	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses §3-109</i>	P*
<i>Planned Unit Developments, Commercial §7-102</i>	S*
RESIDENTIAL USES	
<i>Home Occupations §7-103</i>	S*
<i>Cottage Industries §7-103</i>	S*
<i>Single-Family Dwelling (year round & seasonal)</i>	P

C. Development Standards.

CR

Lot & Structure Standards	
Minimum Lot Area	15,000 sq ft
Minimum Lot Width	100 ft
Minimum Lot Depth	150 ft
Maximum Lot Coverage	25%
Maximum Building Height ¹	3.5 stories or 35 ft
Minimum Floor Area (first floor)	800 sq ft
Setbacks	
Minimum front yard	30 ft
Minimum side yard	15 ft
Minimum rear yard	25 ft
Accessory Buildings	
Maximum Height	21 ft
Maximum Floor Area	864 sq ft
Setbacks	<p>Front Yard: Shall be no closer to front property line than an allowable or existing primary structure, whichever is the greater distance.</p> <p>Side Yard: 15 ft</p> <p>Rear Yard: 20 ft</p>
Minimum Distance from Main Building	10 ft
Parking	
Parking shall comply with regulations in Section 3-124 .	

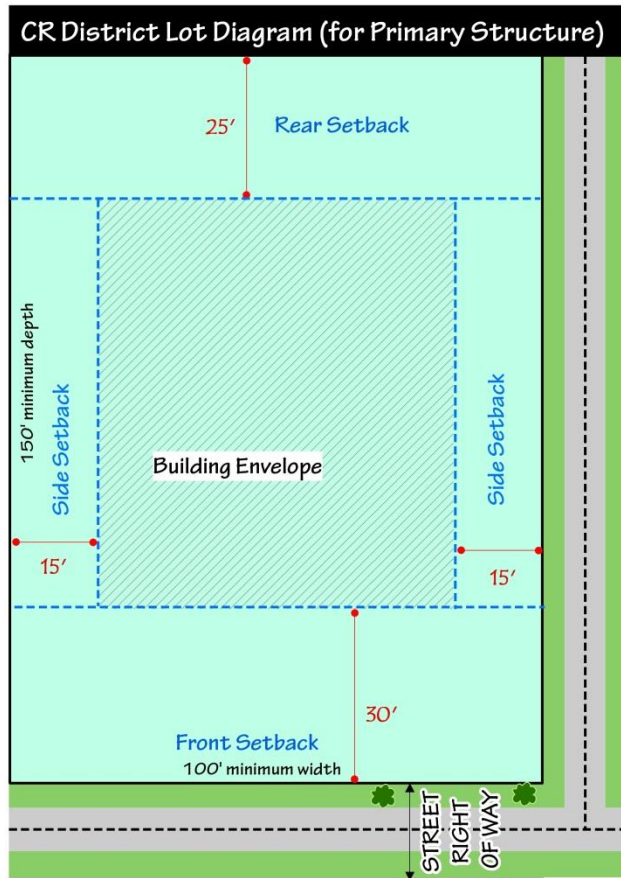


Diagram is not drawn to scale

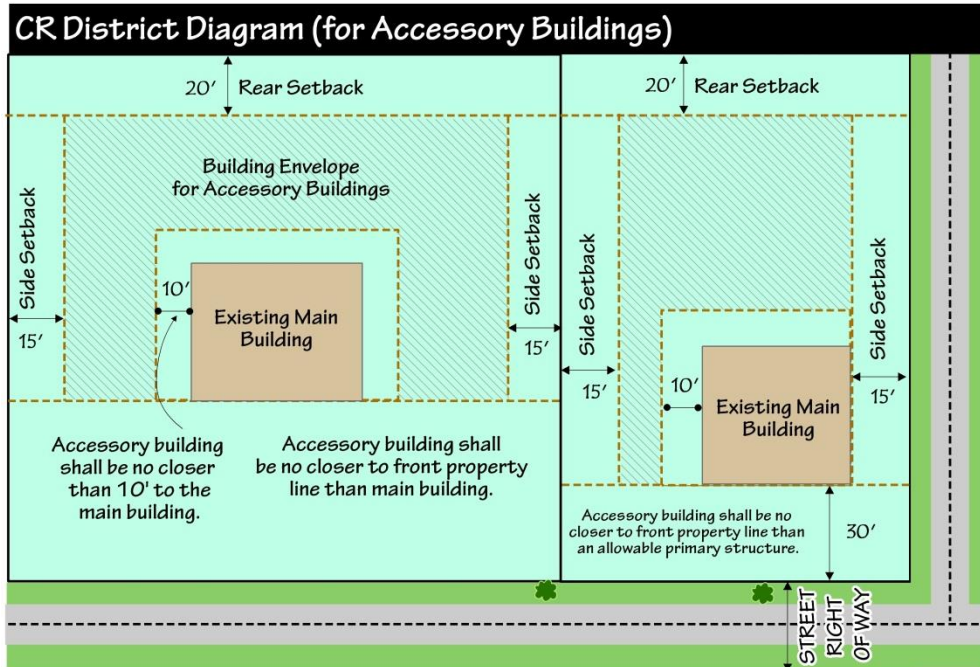


Diagram is not drawn to scale

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Section 4-122 M - Municipal District



A. Intent.

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.

B. Uses Permitted by Right & Special Land Uses.

Permitted and Special Land Uses shall be limited to those listed in [Section 4-123: Table of Permitted and Special Land Uses](#) and shall be subject to all applicable provisions of [Article 5: Plot Plan & Site Plan Review](#), [Article 6: Special Land Uses](#), and [Article 7: Supplemental Regulations](#).

TABLE OF PERMITTED USES & SPECIAL LAND USES	
<i>P = Permitted by right</i>	M
<i>S = Permitted with a Special Use Permit</i>	
<i>*supplemental development regulations</i>	
ARTS, ENTERTAINMENT, AND RECREATION	
<i>Public Parks & Playgrounds</i>	P
MANUFACTURING/INDUSTRIAL /WASTE MANAGEMENT	
<i>Ceramic Products using Gas- or Electrically-Fired Kilns, and or Glass Products Mfg</i>	S
MISCELLANEOUS AND MIXED USES	
<i>Accessory Buildings & Uses Incidental to Principal Permitted Uses §3-109</i>	P*
UTILITIES/ENERGY	
<i>Wind Energy Facilities and Anemometer Towers (Commercial) §7-130</i>	S*

Section 4-123 Table of Permitted and Special Land Uses

TABLE OF PERMITTED USES & SPECIAL LAND USES																	
<i>P = Permitted by right</i>	R1	R2	R3	R4	RM	RHM	B1	B2	B3	B4	BC	AG	CR	M	MC	MR	MRS
<i>S = Permitted with a Special Use Permit</i>																	
<i>*supplemental development regulations</i>																	
ACCOMMODATION AND FOOD SERVICES																	
<i>Bakeries & Confectioneries (including candy/fudge shops)</i>							P	P	P	P	P						
<i>Bed & Breakfasts §7-117</i>				S*								S*					
<i>Cabin Courts</i>							S	S	S		S						
<i>Caterers/Food Service Contractors</i>							P	P	P	P	P						
<i>Coffee Shops</i>							P	P	P	P	P						
<i>Convention Centers/Conference Centers/Banquet Halls</i>							S	S	S		S						
<i>Drinking Establishments/Taverns</i>							P	P	P		P						
<i>Hotels, Motels, Motor Courts & Resorts (attached or detached units) §7-104</i>							S*	S*	S*		S*						
<i>Lodging Units within Other Commercial Establishment (Inns)</i>							P	P	P		P						
<i>Microbreweries & Distilleries (serving directly to the public)</i>							P	P	P	P	P						
<i>Restaurants without Drive-Through</i>							P	P	P	P	P						
<i>Restaurants with Drive-Through (Drive-In/Eat in Car) §7-105</i>							S*	S*	S*								
<i>Wineries</i>							P	P	P	P	P	P					

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TABLE OF PERMITTED USES & SPECIAL LAND USES																	
<i>P = Permitted by right</i>																	
<i>S = Permitted with a Special Use Permit</i>																	
<i>*supplemental development regulations</i>																	
	R1	R2	R3	R4	RM	RHM	B1	B2	B3	B4	BC	AG	CR	M	MC	MR	MRS
AGRICULTURE AND FOREST PRODUCTS																	
<i>Agricultural products processing and storage (excluding concentrated animal feeding operations)</i>																P	P
<i>Animal Shelter/Kennels §7-122</i>												S*				p*	p*
<i>Agricultural Tourism Businesses (on Farms)</i>												P					
<i>Biofuel Production Facilities on Farms §7-140</i>												P*S*					
<i>Boarding Stables; Riding Arenas</i>												P					
<i>Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)</i>												P					
<i>Cider Mills</i>												P					
<i>Farming</i>												P					
<i>Farm Product Sales (Fruit/Vegetable Market)</i>												P					
<i>Firewood Sales</i>												P					
<i>Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)</i>																P	P
<i>Game Preserves</i>												P					
<i>Grain Elevators</i>												P					
<i>Meat Packing Plants</i>																P	P
<i>Roadside Stand/Farm Market (sale of product grown on premises)</i>												P	P				
<i>Slaughter Houses</i>																P	P
<i>Stables (Private) §7-118</i>												S*					
<i>Veterinary Clinic/Animal Hospital</i>							P									P	P

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<i>P = Permitted by right</i>																	
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<i>*supplemental development regulations</i>																	
ARTS, ENTERTAINMENT, AND RECREATION	R1	R2	R3	R4	RM	RHM	B1	B2	B3	B4	BC	AG	CR	M	MC	MR	MRS
Amusement Arcades & Similar Indoor Recreation									P	P	P						P
Archery Ranges (& as accessory use), Outdoor													P				
Archery Ranges (& as accessory use), Indoor							P										
Art Galleries							P	P	P	P	P						
Art Studios (shall be a Special Use in B1, B2, B3, B4 and BC if using processes that create noise and/or fumes)							P	P	P	P	P					P	P
Ballfields §7-133	P*	P*											P				
Bike Shops							P	P	P	P	P						
Billiards Halls									P	P	P						
Bowling Centers §7-107							S*				S*						
Canoe/Kayak Liveries							P	P	P						P		
Equipment Rental, Non-Motorized												P			P		
Fitness & Recreational Sports (ex: health clubs, gym, swimming pool club) §7-107							S*				P*						P
Golf Courses												P					
Marinas (Public /private) w/o covered boat docks/slips								P							P		
Museums (Public) §7-133	P*	P*					P	P	P		P				P		
Museums (Private)							P	P	P		P				P		
Nature Parks/Nature Areas (Public) §7-133	P*	P*					P					P	P				
Outdoor Performance Facilities															P		
Open Air Business – Recreation/Amusement (commercial: ex – go karts; mini golf; disc golf) §7-108							P*				P*						
Private Clubs; Lodges; Fraternal Organizations §7-120					S*												
Public Parks & Playgrounds §7-133	P*	P*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
RV (Travel Trailer) Parks/Campgrounds §7-119												S*	S*				
Skating Rinks, ice or non-ice (indoor) §7-107							S*				S*						
Sportsmen’s Association													P				
Theaters/Performing Arts Facilities							P				P						
Theaters, Outdoor							P				P						
Tours							P	P									
Zoos & Animal Tours												P					

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<i>S = Permitted with a Special Use Permit</i>																	
<i>*supplemental development regulations</i>																	
COMMERCIAL/RETAIL																	
Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change §7-124																S*	S*
Automotive Equipment Rental/Leasing §7-108																S*	S*
Automobile Towing Businesses																S	S
Boat and Boating Accessory Sales §7-108							S*										
Building & Garden Equipment & Supplies Dealers									P	P							
Car Washes §7-109							P*									S*	S*
Cash Advance Stores									S	S							
Clothing & Shoe Stores (including shoe repair)							P	P	P	P	P						
Commercial/Industrial Equipment Rental & Leasing																S	S
Commercial Equipment Repair & Maintenance																S	S
Convenience Stores							P										
Crematoriums																S	S
Dry Cleaning & Laundry Services							P				P						
Electronic & Precision Equipment Repair & Maintenance							P				P						
Electronics & Appliance Stores							P	P	P	P	P						
Extermination & Pest Control Services																S	
Farm Supply Stores												P					
Financial Institutions							P		P		P						
Florists							P	P	P	P	P						
Food & Beverage Stores							S				S						
Funeral Homes & Mortuaries																S	

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	R1	R2	R3	R4	RM	RHM	B1	B2	B3	B4	BC	AG	CR	M	MC	MR	MRS
COMMERCIAL/RETAIL																	
<i>Furniture & Home Furnishings Stores; Antique Stores</i>							P	P	P	P	P						
<i>Furniture Refinishing (Upholsterers)</i>																P	P
<i>Gas Stations §7-124</i>							S*				S*						
<i>General Merchandise Stores</i>							P	P	P	P	P						
<i>General Rental Centers</i>							S										
<i>Hardware Stores</i>							S	S	S	S	S						
<i>Health & Personal Care Stores</i>							P	P	P	P	P						
<i>Health Spa</i>							P		P		P						
<i>Home Improvement Centers (lumber stored in enclosed structure)</i>												S				S	S
<i>Interior Designers/Showrooms</i>							P	P	P	P	P						
<i>Manufactured Home Dealers</i>												S					
<i>Medical Equipment Sales</i>							P				P						
<i>Medical Laboratories</i>							P										
<i>Movie Rental Stores</i>											P						
<i>Office Developments §7-114</i>							S*				S*						
<i>Office Supply Stores</i>							P										
<i>Open Air Businesses §7-108</i>							S*						S*				
<i>Open Air Business – Sales/Rental of Agricultural/Constr. Equip. §7-108</i>												S					
<i>Open Air Business – Sales/Rental of Cars, Trucks, Motorcycles §7-108</i>							P*				P						
<i>Open Air Business - Greenhouse, Nursery, Landscaping §7-108</i>											S*	S*					
<i>Open Air Business - Sales/Rental of Recreational Equipment §7-108</i>								S*			S*						
<i>Pawn Shops</i>								P									
<i>Personal Services (beauty shops, tailoring)</i>							P				P						
<i>Pet & Pet Care Stores (except Vet. & Animal Shelters)</i>							P				P						

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COMMERCIAL/RETAIL																		
Pharmacies/Medical & Optical Supplies							P											
Photofinishing/Photographers											P							
Printing/Binding/Publishing of Print Material																	S	
Professional Cleaning Services																	S	
Professional Offices							P											
Resale Shops							P											
Sexually Oriented Businesses §7-135								S*										
Shopping Center – Multiple Businesses											S							
Small Engine Repair																	S	
Small-Scale Craft Making									P	P								
Sporting Goods, Hobby, Book & Music Stores									P	P	P							
Studios for dance, physical exercise and music							P											
Taxidermy Shops																	P	P
Transient Merchant (Vendor/Peddler) §7-129												p*					p*	p*
COMMUNICATIONS																		
Television/Radio Broadcasting Stations (with tower) §7-112												S*						
Wireless Communications Support Structures (cell towers) §7-112												S*						
CONSTRUCTION																		
Lumber/Building Material Storage Yards																	S	
Special Trade Contractors Offices (ex: electrical, plumbing, heating – no storage)							P											
Special trade contractors w/ outdoor storage of materials (Sand, Gravel, Stone, Lumber) & Contractor's Equipment																	S	

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EDUCATIONAL SERVICES AND RELIGION																	
<i>Institutions of Higher/Specialized Learning & Trade Schools (public and private)</i>												P					
<i>Public, charter or private schools (elementary through high school)</i>			P									P					
<i>Religious Institutions & Customary Accessory Uses</i>	P	P	P		P												
HUMAN CARE AND SOCIAL ASSISTANCE																	
<i>Assisted Living Facility §7-131</i>					S*		S*										
<i>Child Care Home, Family (6 or less)</i>	P	P	P	P	P	P											
<i>Child Care Home, Group (7 -12)</i>	S	S	S	S	S	S											
<i>Child Care Center /Nursery School (not in home) §7-106</i>	S*	S*			S*												
<i>Health Care /Dental /Optical Clinics §7-113</i>							S*				S*						
<i>Hospitals §7-123</i>							S*				S*						
<i>Nursing/Convalescent Home §7-121</i>					S*		S*										
<i>State-Licensed Residential Facilities (& Adult Foster Care 6 or less)</i>	P	P	P	P	P	P											

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	R1	R2	R3	R4	RM	RHM	B1	B2	B3	B4	BC	AG	CR	M	MC	MR	MRS
MANUFACTURING/INDUSTRIAL/WASTE MANAGEMENT																	
<i>Bakeries (not direct to customer)</i>																P	P
<i>Central Dry Cleaning Plants & Laundries (not dealing directly with customers)</i>																S	S
<i>Ceramic Products using Gas- or Electrically-Fired Kilns, and or Glass Products Mfg</i>														S			
<i>Cold Storage Plants</i>																P	P
<i>Computer, Electronic, & Appliance Product Mfg</i>																P	P
<i>Food/beverage processing</i>																P	P
<i>Food/beverage bottling & packaging</i>																P	P
<i>Furniture & Related Product Mfg</i>																P	P
<i>Industrial Parks (planned) §7-115</i>																S*	S*
<i>Junkyards/salvage yards/scrap yards/motor vehicle impoundment and wrecking yards §7-111</i>																S*	S*
<i>Laboratories</i>																P	P
<i>Leather & Allied Product Mfg</i>																P	P
<i>Machine Shops</i>																P	P
<i>Printing or forming of box, carton and cardboard products</i>																P	P
<i>Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection</i>																P	P
<i>Research/Design/Experimental Product Development (within a completely enclosed building)</i>																P	P
<i>Sign Painting & Mfg</i>																P	P
<i>Solar Panels, Wind Generators, and Alternative Energy Systems Mfg</i>																P	P
<i>Textile & Apparel Mfg</i>																P	P
<i>Tin shops or Plumbing Supply Shops</i>																P	P
<i>Tool & Die Shops</i>																P	P
<i>Wood Product Mfg (not mills)</i>																P	P

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MISCELLANEOUS AND MIXED USES																	
<i>Accessory Bldgs & Uses Incidental to Principal §3-109</i>	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
<i>Cemeteries</i>	P	P										P					
<i>Mixed Uses (Commercial/Residential in one building)</i>							P		P	P	P						
<i>Planned Unit Developments, Residential §7-102</i>	S*	S*	S*		S*							S*					
<i>Planned Unit Developments, Commercial §7-102</i>							S*	S*			S*		S*		S*		
<i>Site Condominium Development §7-138</i>	S*	S*	S*		S*							S*					
PUBLIC FACILITIES																	
<i>Auditoriums</i>							P				P					P	P
<i>Community Centers (public)</i>											P					P	P
<i>Government Offices §7-134</i>	P*	P*									P					P	P
<i>Libraries §7-134</i>	P*	P*									P					P	P
<i>Police/Fire Stations §7-134</i>	P*	P*									P					P	P
<i>Post Office §7-134</i>	P*	P*									P						
<i>Public Works Facilities with Outdoor Storage</i>																P	P
<i>Water & Wastewater Treatment Plants</i>																P	P
RESIDENTIAL USES																	
<i>Home Occupations §7-103</i>	S*	S*	S*	S*									S*				
<i>Cottage Industries §7-103</i>	S*	S*	S*	S*									S*				
<i>Single-Family Dwelling Units in conjunction with a business §7-136</i>								P*	P*	P*							
<i>Manufactured Housing Community (with accessory uses such as laundry facilities, office building, and community building) §4-111C</i>						P*											
<i>Medical Marihuana Primary Caregiver §7-137</i>	P*	P*	P*	P*	P*	P*											
<i>Single-Family Dwelling (year round & seasonal)</i>	P	P	P	P			P				P	P	P				
<i>Multiple-Family Dwelling Units</i>					P												
<i>Townhouses; Condominiums (connected)</i>					P												
<i>Two-Family Dwelling (duplex)</i>			P	P			P				P						

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<i>*supplemental development regulations</i>																	
	R1	R2	R3	R4	RM	RHM	B1	B2	B3	B4	BC	AG	CR	M	MC	MR	MRS
TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/ STORAGE/SHIPPING																	
<i>Automobile Storage & Parking, Seasonal</i>							S*									P	P
<i>Boat Line Parking Lots (unpaved, temporary) §7-132</i>							S*				S*					S*	
<i>Boat Repair & Storage §7-125</i>								S*			S*					P	P
<i>Charter Boat Operations (tickets sold only on premises used for docking the vessel) §7-127</i>								P*									
<i>Couriers/Parcel Packing/Shipping/ Delivery Establishments/Mail Order Establishments</i>								P								P	P
<i>Drone (Unmanned Aerial) Centers</i>												P					
<i>Passenger Boat Ferries (tickets sold only on premises used for docking, embarking & disembarking passengers) §7-126</i>								P*								P*	P*
<i>Port & Dock Facilities</i>																P	P
<i>Scenic & Sightseeing Transportation/Ground Passenger Transportation</i>								P									
<i>Truck Washes</i>							S										
<i>Warehousing & Storage (including mini-storage)</i>																P	P
<i>Wholesale Businesses (except livestock)</i>																P	P
<i>Wholesale Businesses combined with Retail (conducted entirely within a building)</i>									P	P							
UTILITIES/ENERGY																	
<i>Electrical Transformer Stations & Substations</i>	S	S									S	S				P	P
<i>Electric Transmission Towers</i>												S				P	P
<i>Gas Regulator Stations</i>	S	S										S				P	P
<i>Propane Distributor</i>																S	S
<i>Solar Energy Facility §7-139</i>												S*					
<i>Telephone Exchange Buildings</i>				S													
<i>Wind Energy Facilities and Anemometer Towers (Commercial) §7-130</i>														S*			

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Article 5

Plot Plan and Site Plan Review

Sec	Name	Pg	Sec	Name	Pg
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5-102	Plot Plans	5-2	5-106	Conformity to Site Plan Required	5-9
5-103	Site Plan Review Procedure	5-3	5-107	Construction Timeline	5-10
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Section 5-101 Purpose and Approval Chart

A plot plan and 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.

Approval Summary Table		
Type of Use	Plan Required	Approving Body (PC = Planning Commission, VC = Village Council)
1. Single-Family Detached Dwellings, Single-Family Attached Dwellings, Two-Family Dwellings (new or expansion)	Plot Plan	Reviewed and approved by Zoning Administrator.
2. Adult Foster Care Family Homes & State Licensed Residential Facilities	Plot Plan	Reviewed and approved by Zoning Administrator.
3. Residential Special Uses	Plot Plan	Reviewed by PC after public hearing required as per §9-107 . If site plan review is required, then approved by the VC after review and Special Use approval by PC.
4. Special Uses (non-residential)	Site Plan	Reviewed by PC. Approved by VC.
5. Parking Lots	Site Plan	Reviewed and approved by Zoning Administrator.
6. Change of Use (if new use requires changes in parking, site plan review by PC/VC is required)	-----	Reviewed and approved by Zoning Administrator.
7. Accessory Structures and Fences	Plot Plan	Reviewed and approved by Zoning Administrator.
8. Essential Services (const. of buildings) ¹	Plot Plan	Reviewed and approved by Zoning Administrator.
9. Commercial Use ¹	Site Plan	Reviewed by PC. Approved by VC.
10. Industrial Use	Site Plan	Reviewed by PC. Approved by VC.
11. Institutional Use	Site Plan	Reviewed by PC. Approved by VC.
12. Expansion of existing structures less than three hundred (300) sq. ft. and/or parking areas less than ten (10) spaces ²	Site Plan	Reviewed and approved by Zoning Administrator.
13. Multiple-family dwelling units	Site Plan	Reviewed by PC. Approved by VC.
14. Planned Unit Developments	Site Plan	Reviewed by PC after public hearing required as per §9-107 . Approved by VC.

¹ Essential services & commercial accessory buildings, both up to 300 ft², are reviewed and approved by the Zoning Administrator. Essential services & commercial accessory buildings 300 ft² and over shall require a full site plan review process.

² If expansion of existing structures less than 300 ft² and/or parking area less than 10 spaces occurs more than two times in five years on one parcel, then full site plan review is required for the third occurrence.

Section 5-102 Plot Plans

A. Plot Plan Requirements.

The Plot Plan, drawn to a scale of not less than one-eighth (1/8) inch to one (1) foot, shall contain the following items. The Zoning Administrator may waive any of the plot plan requirements listed below when he/she finds that those requirements are not applicable or necessary.

1. Legal description of the property.
2. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
3. The shape, location and dimensions of the lot and property lines. When deemed necessary by the Zoning Administrator, a survey may be required.
4. The scale, north arrow, and date.
5. Location of required setbacks of the zoning district.
6. The location, shape, dimensions, and height of all structures (including walls and openings) and impervious surfaces to be erected, altered or moved onto the lot and of any building or other structure already on the lot. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
7. The location and configuration of the lot access and driveway.
8. The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
9. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
10. Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 10%, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
11. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed, as deemed necessary by the Zoning Administrator.

B. Plot Plan Administrative Procedure.

Plot plans are reviewed and approved according to the approval chart in [Section 5-101](#) after

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application has been submitted and applicable fees have been paid. The Zoning Administrator will issue a zoning permit as per [Section 9-102 \(Zoning Permits\)](#).

Section 5-103 Site Plan Review Procedure

All site plans, as required by this Ordinance, shall be submitted to the Village with enough copies for each Planning Commissioner and Village Trustee. **Site plans shall contain the information in Section 5-104.** The Village Zoning Administrator shall adhere to the following procedures in the review of the site plan:

A. Site Plan Reviews shall use the following procedures:

1. **Pre-Application Conference (optional).** The Zoning Administrator, Planning Commission Chair and/or Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process and other Ordinance requirements and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission. The pre-application conference must be requested by the applicant.

Except for Planned Unit Developments, this conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

2. **Copies Submitted.** 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. Two (2) sets of sealed drawings and seven (7) sets of drawings shall be submitted to the Zoning Administrator prior to the scheduled Planning Commission meeting. 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.
3. **Additional Review.**
 - a. **Professional Review.** The Zoning Administrator shall have the authority to request a professional review by an Approved Architect, Engineering Consultant, and/or Planning Consultant. The cost of review will be passed along to the applicant as per [Section 9-105 \(B\)](#). No zoning permit will be issued until this fee is paid.
 - b. **Environmental Impact Assessment.** Village staff may require an Environmental Impact Assessment (EIA), at the expense of the applicant, for any residential, office, commercial or industrial development before forwarding a site plan to the Planning Commission or Village Council for review. The Village may accept an EIA prepared for another public

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agency. The environmental impact assessment should analyze the impact of the proposed development on municipal utility systems, fire, police and school services, solid waste disposal, soils, air, groundwater, drainage, floodplain, wetland and similar water courses, and noise levels which might affect existing land uses or neighborhoods negatively, and other similar factors which may be unique to a specific proposal. The Planning Commission and Village Council shall review the impact assessment to determine if any proposed impacts would result in pollution, impairment or destruction of the environment over the threshold established in the [Michigan Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 17](#), or greater than existing level of service standards applicable to services and facilities provided in Mackinaw City.

- c. **Traffic Study.** Village staff may require a traffic study, at the expense of the applicant, for any residential, office, commercial or industrial development before forwarding a site plan to the Planning Commission or Village Council for review.

4. **Review by Planning Commission.**

- a. The site plan shall be reviewed by the Planning Commission and, at the discretion of the Zoning Administrator, other departments or agencies. The Planning Commission shall issue a recommendation for its approval or disapproval and any conditions the Planning Commission feel should be imposed. 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.
- b. The recommendations of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the recommendation and any condition(s) imposed.

5. **Recommendation to Village Council.** 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 5-105](#) of this Ordinance.

6. **Copies Submitted.** Seven (7) sets of drawings shall be submitted for Village Council review. Said drawings shall contain recommended changes from the Planning Commission review, if necessary.

7. **Village Council Request for Professional Review.** The Village Council shall have the function and power to request initial or additional professional review from the Village Attorney, Engineering Consultant, Planning Consultant, or other professional and the permittee shall be responsible for any and all charges incurred therefor.

8. **Village Council Approval.** 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

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Ordinances or resolutions of the Village. The Village Council may approve a timeline for site improvement, construction, and completion and/or phased construction as a condition of approval as per [Section 5-107](#). The decision of the Village Council shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed. The Village Council may require a performance guarantee pursuant to [Section 9-106](#).

9. **Copies Retained.** Upon approval of the site plan, two (2) copies of the site plan shall be signed and dated by the applicant and Zoning Administrator. One (1) signed and dated site plan shall be provided to the applicant and one (1) copy shall be retained by the Zoning Administrator as part of the permanent zoning file. If required by the Zoning Administrator, a digital copy of the final approved site plan shall be provided by the applicant. In addition, documentation shall be kept on file with the Village stating that both parties have received the final, signed site plan.

Section 5-104 Site Plan Submittal Requirements

The following information shall accompany all site plans submitted for review. The Zoning Administrator may waive any of the site plan requirements listed below when it finds that those requirements are not applicable to the proposed development.

A. Legal Description.

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

B. Land Area and Land Use.

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.

C. Contact Information.

The names and addresses of the architect, planner, designer, or engineer responsible for the preparation of the Site Plan.

D. Exteriors and Elevations.

Drawings or sketches of the exterior and elevations, and/or perspective drawings of the building or structures under consideration.

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

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1. **Scale.** 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. **Dimensions.** The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
4. **Structures.** The placement of all structures on the subject property and abutting properties.
5. **Structures, Use, Lot lines, Setbacks, Circulation.** 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. **Lighting.** 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. **Parking and Loading.** The location of all existing and proposed drives and parking areas with the number of parking and/or loading spaces provided.
8. **Pedestrian Features.** All pedestrian walks, malls and open areas.
9. **Walls, Fences, and Landscaping.** 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. **Abutting Streets.** The location and right-of-way widths of all abutting public or private streets and alleys.
11. **Timeline.** A site construction and improvement timeline that includes specific development benchmarks from the commencement of construction through completion.
12. **Surface Types.** Types of surfacing, such as paving, turfing or gravel to be used at the various locations.
13. **Runoff and Grading.** 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.

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- 14. **Sewer and Water Connections.** Size and location of proposed sewer and water lines and connections.
- 15. **Number of Units.** The number of proposed units (or multiple family developments).
- 16. **Natural Features.** Significant environmental features such as wetlands, shoreline, streams, wood lots, existing trees and vegetation.
- 17. **Other.** Information as may be required by the Planning Commission and Village Council to assist in the consideration of the proposed development.
- 18. **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:
 - a. Relationship and identification of future structures, roadways, drainage, water, and sewer.
 - b. Pedestrian and vehicular circulation.
 - c. Time schedule for completion of the various phases of the proposed construction.
 - d. Temporary facilities or construction of same as required to facilitate the stated development.
- 19. **Professional Seal.** Site Plans must contain the registered seal of a professional architect, planner, landscape architect or engineer responsible for the certification of the Site Plan.
- 20. **Fire Suppression Plan.** A plan for fire suppression shall be submitted to the Fire Chief.

Section 5-105 Site Plan Review Standards

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:

A. Vehicular Circulation.

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. Traffic calming measures are included, where appropriate.

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B. Pedestrian Circulation.

Pedestrian walkways shall be provided as deemed necessary by the Planning Commission for separating pedestrian and vehicular traffic. Pedestrian-scale lighting is included, where appropriate.

C. Recreation and Open Space.

1. Recreation and open space areas shall be provided in all multiple family residential developments.
2. All uses that may occur in required open space areas for all types of development shall be low impact uses that result in systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater.

D. Compliance with District and General Requirements.

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.

E. Fencing and Protective Barriers.

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.

F. Storage.

Adequate storage space shall be provided for the use therein.

G. Security.

Security measures shall be provided as deemed necessary by the Police Chief for resident protection in all multiple family residential developments.

H. Fire Safety.

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. A fire suppression plan shall be submitted to the Fire Chief.

I. Drainage.

1. On-site drainage shall be required. Proposed stormwater management will be reviewed. Appropriate measures shall be taken to ensure that removal of surface waters will not

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adversely affect neighboring properties. Provisions shall be made to accommodate stormwater and to prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.

2. The use of bioretention facilities, rain gardens, filter strips and swales in parking lots, setbacks areas, and common areas is encouraged.

J. Loading and Storage.

All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first floor elevations. The site plan shall provide for adequate storage space for the use therein.

K. Snow Storage.

Proper snow storage areas shall be provided so to not adversely affect neighboring properties, vehicular and pedestrian clear vision, and parking area capacity.

L. Natural Resources.

Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, soils, groundwater and woodlands.

M. Compliance with Other Regulations.

1. Development shall comply with all applicable local, State and Federal rules and regulations. Final site plan approval is contingent upon receipt of all applicable local, State and Federal permits.
2. For developments that could potentially impact threatened or endangered species or sensitive natural features, consultation with the Michigan Department of Environmental Quality may be required.

Section 5-106 Conformity to Site Plan Required

Following approval of a site plan by the Village Council, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed. 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

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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.

Section 5-107 Construction Timeline

- A. The site plan and the site construction and improvement timeline 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.
- B. The Village Council shall have the function and power to approve or disapprove the site plan and/or site construction and improvement timeline 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.
- C. 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 applicant or permittee shall be responsible for any and all charges incurred therefor.
- D. The permittee shall be responsible for maintaining compliance with the requirements of this Section, this Article, and this Ordinance. 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 as 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.
- E. Except where an extension is granted by the Village Council after a recommendation from the Planning Commission due to an unforeseen circumstance which shall not include economic changes or financial hardships, all approved Site Plans not in compliance with the site construction and improvement timeline required by [Section 5-104 \(E\) \(11\)](#) above shall be valid no longer than one (1) year from the date that the site plan is approved by the Village Council.
- F. Any subsequent re-submittal of a site plan due to expiration shall be processed as a new request with new fees.

Section 5-108 Amendment to an Approved Site Plan

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.

A. Site Plan Amendments

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All improvements shall conform to the approved site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any such changes prior to such change being made. The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved site plan. A site plan may be amended upon application and in accordance with the procedure herein for a site plan. The Zoning Administrator may approve minor changes in an approved site plan provided the minor change does not result in a violation of the Ordinance and provided that a revised site plan drawing (s) be submitted showing such minor changes, for purposes of record. Even if determined to be a minor change, the Zoning Administrator may refer changes to the Planning Commission for recommendation to the Village Council for approval.

B. Determination of Minor Changes to a Site Plan

The Zoning Administrator shall consider the following to be a minor change:

1. Changes in floor plans that do not exceed twenty-five (25) percent of the total floor area or five hundred (500) square feet, whichever is less, and which do not alter the character of the use or increase the amount of required parking.
2. Alterations to vertical elevations by up to twenty-five (25) percent.
3. Movement of a building or buildings by no more than ten (10) feet.
4. Reduction of the size of any structure and/or sign.
5. Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
6. Internal re-arrangement of the parking lot which does not affect the number of parking spaces by more than ten (10) percent or alter access locations or design provided the change does not decrease the number of parking spaces required for the use.
7. Relocation of sidewalks and/or refuse storage stations.
8. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
9. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
10. Changes that will preserve the natural features of the site without changing the basic site layout.
11. Change type and design of lighting fixture provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.

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12. Changes required or requested by the Village or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval and provided that such changes conform to the regulations contained in this Ordinance.

C. Revised Site Plan with Minor Changes.

1. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved changes. The revised site plan shall contain a list of all approved changes and a place for the Zoning Administrator to sign and date all approved changes.
2. A fee shall be required for minor site plan changes approved by the Zoning Administrator. Fees for minor changes shall be determined by the currently adopted Fee Schedule.

D. Amendment to Site Plan – Major.

1. For amendments to site plans that do not qualify as a minor amendment or which require Planning Commission and Village Council action, the same application process and fee for site plan review shall apply.
2. If the Zoning Administrator finds that a proposed amendment to a site plan does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that site plan approval has been suspended pending approval of the proposed amendment. The permit holder's notice shall be delivered by mail or in person. When the Village Council (after recommendation from the Planning Commission) has approved the amendment, the Zoning Administrator shall send a written notice to the permit holder that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project provided that each phase is developed in accordance with an approved site plan.

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Article 6 Special Land Uses

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6-103	Special Use Approval Standards	6-2
6-104	Amendment to a Special Land Use	6-3
6-105	Expiration, Abandonment & Revocation of Special Land Use	6-3

Section 6-101 Purpose

Special land 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. The intent of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Land Uses. Special Land Uses shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

Allowed Special Land Uses per district are listed in [Article 4](#) (District Regulations).

Section 6-102 Special Use Application Submittal & Procedure

A. Application and Plan.

A special land use permit application shall be filed by the applicant with the Zoning Administrator along with a plot plan for Residential Special Land Uses in accordance with [Section 5-102](#) and a site plan for Non-Residential Special Land Uses prepared in accordance with [Sections 5-103 through 5-104](#). In addition to the plot plan or site plan, the applicant shall submit the required 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.

B. Review for Completeness.

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.

C. Public Hearing and Notice.

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Section 9-107 shall dictate the public notice procedure for the Planning Commission’s public hearing for each special use permit application.

D. **Planning Commission Review and Decision.**

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.

E. **Special Land Uses that Require Site Plan Review.**

If a Special Land Use requires the submission of a site plan, after the Planning Commission reviews the Special Land Use and the associated site plan, the Village Council shall review and decide upon the site plan in accordance with [Section 5-103 through 5-105](#).

F. **Appeal.**

The decision of the Planning Commission may be appealed to the Zoning Board of Appeals according to the procedures outlined in [Section 8-105](#).

Section 6-103 Special Use Approval Standards

The Planning Commission shall review the proposed Special Use in terms of the site plan review standards stated in [Section 5-105](#), applicable [Supplemental Regulations in Article 7](#) for specified Special Uses, and the following:

A. **General.**

1. The property subject to the application is located in a zoning district in which the proposed Special Land Use is allowed.
2. The proposed use will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan.
3. The proposed use will be consistent with the intent and purposes of this Ordinance.

B. **Compatibility with Adjacent Uses.**

1. The proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.

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2. The proposed use will not be hazardous or disturbing to existing uses or uses reasonably anticipated in the future and shall not disrupt the orderly and proper development of the neighborhood as a whole.
3. The proposed use will be an improvement in relation to property in the immediate vicinity and to the Village as a whole.

C. Public Services.

1. The proposed use will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
2. The proposed use will not create excessive additional public costs and will not be detrimental to the economic welfare of the Village.

D. Impact of Traffic on Street System.

1. The location and design of the proposed use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points.
2. The proposed use shall not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.

Section 6-104 Amendment to a Special Land Use

Amendments to a previously-approved Special Land Use may be approved according to [Section 5-108](#). Amendments to an approved Special Land Use are reviewed and approved by the Planning Commission.

Section 6-105 Expiration, Abandonment & Revocation of Special Land Use

A. Time Limit for Expiration.

The Special Land Use permit shall expire unless the use has begun within one (1) year of approval. Thirty (30) days prior to expiration of an approved Special Land Use permit, an applicant may make application to the Planning Commission for a six (6) month extension of the Special Land Use permit at no fee. The Planning Commission shall grant the requested extension for this additional six (6) months if it finds good cause for the extension.

B. Special Land Use that has been Replaced or Superseded.

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The Special Land Use permit shall expire if replaced or superseded by a subsequent permitted use or Special Land Use permit or if the applicant requests the rescinding of the Special Land Use Permit.

C. Abandonment of Special Land Use.

The Special Land Use permit shall expire if the Special Land Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Land Use, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the Special Land Use have been removed.
4. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.

D. Special Land Use and Transfer or Sale of Property.

A Special Land Use does not expire on transfer or sale of the property unless the use has been determined by the Zoning Administrator to have been abandoned pursuant to [subsection C](#) above. All Special Land Use requirements and conditions shall continue in force upon transfer or sale of the property.

E. Special Land Use Suspension or Revocation.

The Special Land Use 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.

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Section 7-101 Site Design Standards

In addition to the regulations set forth in this Ordinance, the following are specific regulations and design standards for uses marked with an “*” in [Section 4-123 \(Table of Permitted and Special Land Uses\)](#), and shall be the minimum governing requirements for the protection of the public health, safety, and general welfare of the community.

Section 7-102 Planned Unit Developments

A. Purpose.

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 PUDs 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.

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.

1. **Residential PUDs are permitted in the R1, R2, R3, RM, and AG districts.** Building site area and other setback requirements of the residential district shall apply except as modified in [Subsections C.2.c and K](#) of this section. 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.
2. **Permitted Residential Housing Types and Uses.** The following are considered eligible for inclusion in an application:
 - a. **Principal PUD Uses and Structures for Residential PUD's:**
 - (1) Single-family detached homes (excluding mobile homes).
 - (2) Two-family homes.
 - (3) Single-family attached homes (townhouses and condominiums).
 - (4) Multiple family structure (apartments).
 - (5) Day Care Centers.
 - (6) Limited commercial (Retail, grocery, professional office, medical facility only)

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- (7) Community building and meeting hall
- (8) Lodging Houses (with provisions for greater setback distances when PUD abuts existing residential districts). For purposes of this section, a “lodging house” shall mean a single family detached residential dwelling where, for compensation, and by prearrangement for definite periods, lodging or meals, or both, are provided for at least 3 but not more than 5 persons.
- (9) Other comparable uses and structures as approved by the Village Council.

b. Accessory Uses and Amenities.

- (1) Indoor and outdoor recreational facilities.
- (2) Carports.
- (3) On-premise laundry facilities

c. Dwelling Unit Density. Bonuses in net residential density or that area devoted to dwelling units in a PUD development may be 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

D. Commercial PUDs.

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

- 1. **Uses Permitted.** Compatible residential, commercial, and public uses may be combined in commercial PUDs 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 perimeter setback requirements of the residential district shall apply except as modified by this section. When a commercial PUD 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 development parcel to residential uses. The following commercial uses are considered eligible for inclusion in a Commercial PUD application:

a. **Principal PUD Uses and Structures for Commercial PUDs.**

- (1) Retail.
- (2) Museum.
- (3) Theater.
- (4) Restaurant.
- (5) Day Care Centers.
- (6) Office.
- (7) Medical facility.
- (8) Community building and meeting hall
- (9) Hotel
- (10) Other comparable uses and structures as approved by the Village Council.

b. **Accessory Uses and Amenities.**

- (1) Indoor and outdoor recreational facilities.
- (2) Carports.
- (3) On-premise laundry facilities serving only residents of the PUD

E. **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 a combination of common greenspace and outdoor recreational facilities for the residents or users of the area being developed. The greenspace shall be disposed of as required in [Subsection E.2](#) of this section.
2. **Disposition of Greenspace.** The required amount of common greenspace land reserved under a PUD 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 public parks, recreation, and related uses. If ownership of the land within a PUD is held by one individual or entity, including joint ownership by subsidiaries of the same entity, such greenspace shall be dedicated and retained for use as public parks, recreation, and related uses, unless otherwise approved by the Village Council. 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 public 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 site plan.

F. **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:

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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 unless modified according to [Subsection K](#) of this section. Multi-family uses must meet multi-family setbacks as required in [Section 4-110 \(C\)](#).
2. No building or structure shall have a maximum height greater than is allowed in the existing zoning district in which the PUD is proposed, or thirty-five (35) feet, whichever is less. Modifications shall not be granted to this design standard as part of the Planned Unit Development Application.
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 PUD onto a public and private street 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 shall be provided in accordance with [subsection I](#).

G. Facility Site Standards.

The site standards and any special use standards for all uses and structures as provided in this Ordinance, must be fully observed unless waived by the Planning Commission for any (or all) of the permitted PUD uses and structures listed in this section.

H. 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 exempted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed PUD.

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I. Parking.

Off-street parking, loading, and service areas shall be provided in accordance with [Section 3-124](#) of this Ordinance. However, off-street parking and loading areas shall not be permitted within twenty-five (25) feet of any residential use.

J. Other Zoning Standards That May Apply.

The design standards of the [subsection F](#) 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.

K. 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. Therefore, modifications are envisioned by the Village Council and subject to recommendations of the Planning Commission. The Village Council 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 internal setbacks, and/or 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.

L. Pre-application Conference with Planning Commission for Concept Review.

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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 Zoning Administrator in order to discuss initial design concepts and the application of said concepts to the land in question.

M. Public Hearing by Planning Commission.

After submission of a complete and thorough PUD application and site plan as per [Article 5](#) (including completion of a pre-application conference as specified above), the Planning Commission shall hold a public hearing on a proposed PUD application in accordance with [Section 9-107](#) of this Ordinance.

N. Recommendations by Planning Commission.

After the public hearing required by [subsection M](#) above, the Planning Commission shall recommend to the Village Council that the proposed PUD and corresponding site 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 for its consideration.

O. Consideration by Village Council.

After receiving the Planning Commission’s recommendation and the documents referenced above, the Village Council shall approve, approve with conditions, or deny the proposed PUD and corresponding site plan. The basis of such decision shall be made a part of the Village Council’s proceedings.

P. 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 accordance 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.

Q. Supplementary Conditions and Safeguards.

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In approving any PUD, the Village Council may prescribe appropriate conditions and safeguards in conformity with this Ordinance and state law. Violations of such conditions or safeguards, when made a part of the terms under which a proposed PUD and/or site plan is approved, shall be deemed a violation of this Ordinance.

R. Expiration and Extension of Approval Period.

The approval of a site plan for a PUD shall be for a period consistent with the corresponding site construction and improvement timeline, as required by [Article 5](#) of this Ordinance. Notwithstanding the foregoing, if no construction has begun within two (2) years after approval is granted, the approved site plan shall be void. An extension of the time limit or modification of the approved site plan may be approved in accordance with [Article 5](#) of this Ordinance. No zoning amendment passed during the time period granted for the approved site plan shall in any way affect the terms under which approval of the PUD was granted.

S. Amendment to a PUD.

Amendment to a PUD shall be processed according to [Section 5-108](#).

Section 7-103 Home Occupations and Cottage Industries

Home Occupations and Cottage Industries shall be controlled as follows:

A. Employees.

None other than members of the family, shall be engaged in connection with such home occupation at the same time.

B. Use of Structure.

1. **Home Occupation or Cottage Industry in the Primary Dwelling.** The use of the dwelling unit for the Home Occupation or Cottage Industry 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.
2. **Home Occupation or Cottage Industry in a Detached Accessory Building.** Home Occupation or Cottage Industry may be conducted in a detached accessory building. The entire floor area of the accessory building may be utilized for the Home Occupation or Cottage Industry.

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. There shall be no sale of products or services except as are produced on the premises by such Home Occupation or Cottage Industry.

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- E. The Home Occupation or Cottage Industry will not create traffic congestion, parking shortages, or otherwise adversely affect the pedestrian or vehicular circulation of the area.
- F. No equipment or process shall be used in such Home Occupation or Cottage Industry 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 premises. 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.
- G. 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.
- H. A certificate of compliance shall specify the home occupation as to use and size is required.
- I. **Traffic and Parking for a Cottage Industry.**

Traffic and delivery or pickup of goods shall not be disturbing to surrounding properties. Parking requirements shall be decided on a case by case basis. To ensure that a Cottage Industry is compatible with surrounding residential use, the Planning Commission may limit the number of vehicles that may be parked on the Cottage Industry premises during business operations.

J. Hours of Operation.

Hours of operation for Cottage Industries will be stated in the Special use permit.

Section 7-104 Hotel, Motel, Motor Court & Resorts

- 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 apply when adjacent to a residential district as per [Section 3-114](#).
- 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.

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1. **Uses.** Tennis Courts, archery court, shuffleboard court, miniature golf, playground equipment, exercise equipment, bicycle, boat, personal watercraft or devices, sailboards, swimming pools and related activities including indoor water parks, 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 guest 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.

Section 7-105 Drive-In (Drive-Through) 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 3-116](#) shall control where lot lines abut any residential district.

Section 7-106 Child Care Centers, Nursery Schools

- 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 as per [Section 3-116](#).

Section 7-107 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.

Section 7-108 Private Open Air Business (Permanent And Temporary)

A. Open Air Business - Landscaping, Nursery, Greenhouse.

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. At the sole discretion of the Planning Commission, 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, the permittee may be required to furnish a performance guarantee as per [Section 9-106](#).
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 in the BC District and throughout the AG District.

B. Open Air Business - Vehicle Sales/Rental and Agricultural/Construction Equipment Sales.

1. Temporary sales of Christmas trees shall be exempted from open air business standards when conducted in November and December.

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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. At the sole discretion of the Planning Commission, 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, the permittee may be required to furnish a performance guarantee as per [Section 9-106](#).

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 (0.5) acre.

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5. The maximum number of outdoor recreational equipment units displayed for sale or rental shall not exceed fifteen (15) units.
6. At the sole discretion of the Planning Commission, 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, the permittee may be required to furnish a performance guarantee as per [Section 9-106](#).

D. Open Air Business - Recreation/Amusement (including but not limited to Miniature Golf, Tennis Clubs, Sea Planes).

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. At the sole discretion of the Planning Commission, 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, the permittee may be required to furnish a performance guarantee as per [Section 9-106](#).

Section 7-109 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.

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- 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 building/wash units 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.

Section 7-110 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.
- D. Each dwelling unit shall contain at least three hundred fifty (350) square feet of area, not including kitchen and sanitary facilities.
- E. 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 applies to housing for the elderly.

Section 7-111 Automobile Disposal and Junkyards

For this use, the following more restrictive provisions shall take precedence 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

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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.

Section 7-112 Wireless Communications Equipment and Support Structures; Radio & Television Towers

A. Uses Allowed.

- 1. **Collocation - Permitted Use.** Pursuant to [Section 3514 of 2006 PA 110, as amended \(Michigan Zoning Enabling Act, being MCL 125.3101 et.seq.\)](#), collocation of wireless communications equipment is a permitted use of property in the AG District.
- 2. **New Support Structure.**
 - a. Support structures are a Special Land Use in the AG District on Village-owned property and shall be evaluated using the procedures stated in [subsection B](#) below.
 - b. No new support structure 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.

B. Special Land Use Approval Procedure.

An application for Special Land Use approval of wireless communications equipment and support structures described in subsection A (above) shall include all information required by [Section 5-104 \(Site Plan Submittal Requirements\)](#).

- 1. After an application for a special land use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.
- 2. If, before the expiration of the 14-day period under [subsection B.1](#), the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid,

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specifying the amount due, the running of the 14-day period under [subsection B.1](#) is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.

3. The Planning Commission shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.

C. Site Development Standards

The following site development standards shall apply to all new wireless support structures in the Village.

1. **Lot.**
 - 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. 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.
 - d. No wireless communications support structure shall be erected within five hundred (500) feet of the Straits of Mackinac or Lake Huron.
2. **Visual Impact.** The application for special approval for the support structure shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
3. **Height and Construction.**
 - a. A wireless support structure shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
 - b. The wireless support structure and any ancillary building housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally

obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.

- c. Wireless support structure shall be monopole construction with no guy wires.
4. **Lighting.**
- a. The applicant shall provide documentation of any lighting to be installed on the wireless support structure. If lighting is required or proposed, the wireless support structure may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
 - b. The color and intensity of lighting required by [Federal Communications Commission \(FCC\)](#), [Federal Aviation Administration \(FAA\)](#) or [Michigan Aeronautics Commission \(MAC\)](#) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
 - c. Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.
5. **Color.** Wireless support structures shall be painted so as to be as unobtrusive as possible. The painting of wireless support structures in alternate bands of color shall be permitted only if specifically required by [Federal Communications Commission \(FCC\)](#), [Federal Aviation Administration \(FAA\)](#) or [Michigan Aeronautics Commission \(MAC\)](#) regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.
6. **Signs.** No signs other than signs required pursuant to federal, state or Village ordinance shall be allowed on an antenna or wireless support structure or site.
7. **Setback Requirements.** 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.
8. **FCC/FAA/Other Regulations.** The applicant shall provide documentation of conformance with any Federal Communications Commission, Federal Aviation Administration, or Michigan Aeronautics Commission regulations. The wireless support structure shall comply with the [Michigan Tall Structures Act 1959 PA 259, as amended, \(being MCL 259.481 et. seq.\)](#).
9. **Removal of Abandoned Wireless Support Structure.** Any wireless support structure that is not in use for a period of twelve (12) consecutive months shall be considered abandoned, and the owner of such wireless support structure shall remove the same within one hundred eighty (180) days of receipt of notice from the Village of such abandonment. In addition to removing the wireless support structure, the owner shall restore the site to its

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original condition. Any foundation shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned wireless support structure within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Village to remove the wireless support structure at the owner's expense. The Planning Commission shall require the applicant to file an irrevocable bond equal to the reasonable cost (including adjustment for inflation) of removing the wireless support structure and attendant accessory structures as a condition of a special use permit given pursuant to this section.

D. Standards for Antenna Co-Location on an Existing Tower or Structure.

1. No antenna or similar sending/receiving devices appended to a wireless support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the wireless support structure thereby jeopardizing the wireless support structure's structural integrity.
2. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.

Section 7-113 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.

Section 7-114 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.).

Section 7-115 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 and MRS District.

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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.

Planned Industrial Parks shall be subject to the following:

- A. 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.
- B. 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.
- C. The floor area of any one building shall not exceed forty-five thousand (45,000) square feet, on one floor.
- D. Maximum lot coverage shall not exceed fifty (50) percent, including accessory buildings and structures.

Section 7-116 Dish Antennas or Satellite Receiving Stations

Accessory antennas, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- A. Accessory antennas shall be permitted in all districts as accessory uses provided they are not used for commercial or profit making activities.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. 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.

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- G. 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.

Section 7-117 Bed and Breakfast Facilities and Short Term Rentals

A. Bed & Breakfast Facilities.

1. Minimum lot size shall be not less than seven thousand five hundred (7,500) square feet.
2. A minimum of three hundred (300) square feet of floor area shall be provided per person based on maximum occupancy.
3. One (1) on-premise sign shall be permitted not exceeding six (6) square feet in area.
4. There shall be no separate cooking or other kitchen facilities in any rooms utilized for sleeping.
5. The maximum stay for any lodging occupant of a bed and breakfast facility shall be fourteen (14) consecutive days.
6. No bed and breakfast facility shall be permitted located within five hundred feet of an existing bed and breakfast facility within the AG Agricultural District only.
7. All bed and breakfast facilities shall provide parking in accordance with [Section 3-124](#) of the Village of Mackinaw City Zoning Ordinance.
8. 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.
9. No structure may be used as a bed and breakfast facility without first obtaining the Village Council’s approval of a plot plan submitted pursuant to [Article 5](#).
10. 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.

B. Short Term Rentals are regulated by [Ordinance 163 of 2017](#).

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Section 7-118 Private Stables, Non-Commercial (for personal use)

- 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.

Section 7-119 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.

E. 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 restroom facilities provided within the camping cabin or on individual camping cabin sites. There shall be no more than one (1) camp cabin per ten (10) campsites.

F. On-Site Residence.

No more than two (2) on-site residence are permitted for the campground’s employee or owner use only. The residences will be considered single family residences.

G. Parking.

Each campground shall provide a paved or 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.

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1. **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.

H. Setbacks.

All campsites shall be a minimum of thirty (30) feet from any abutting properties and rights-of-way. Each camp cabin shall be set back equal to the setbacks of the Agricultural District.

1. **Front Setback:** 20 ft
2. **Side Setback:** 7 ft
3. **Rear Setback:** 20 ft

I. Internal Roadways.

Each travel trailer campsite, lodge, or camping cabin shall have direct access to a paved or 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 G](#).

J. Campground Entrance.

The campground entrance must be paved no less than fifty (50) feet from the edge of the pavement of the public roadway serving the campground.

- K. Fences and greenbelts may be required by the planning commission to protect adjoining property.

Section 7-120 Private Clubs and Lodges

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.

Section 7-121 Convalescent/ Nursing Homes

- A. Minimum lot size shall be three (3) acres.
- B. 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.

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Section 7-122 Kennels and Animal Shelters

- 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.
- C. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than three hundred (300) feet to any dwelling on adjacent premises or nearer than one hundred (100) feet from the property line, whichever is greater.
- D. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with a wall, opaque fence, or an evergreen buffer at least five (5) feet in height.
- E. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

Section 7-123 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.
- C. The ingress and egress for off-street parking facilities for guests and patients shall be directly from said major thoroughfare.
- D. Minimum main and accessory building setback shall be one hundred (100) feet.
- E. 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.
- F. No power plant or laundry shall be located nearer than three hundred (300) feet to any adjacent residential use.

Section 7-124 Gas Stations, Auto Repair, Auto Body/Paint/Interior & Glass/Oil Change

- A. Minimum lot area shall be twenty thousand (20,000) square feet for gas 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 gas stations which do not incorporate a convenience store, an automobile repair facility, nor any other business use.

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- B. Minimum lot width shall be two hundred (200) feet for gas 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 gas stations which do not incorporate a convenience store, an automobile repair facility, nor any other business use.
- C. Gas and auto repair 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.

Section 7-125 Marine/Boat Storage and Repair Facilities

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) foot landscaped berm as well as a thirty (30) foot setback from the berm area to shield vehicular and pedestrian traffic.

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Section 7-126 Passenger Boat Ferries

- A. 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.
- B. Passenger tickets shall only be sold on the premises actually used for docking ferries, embarking or disembarking passengers.

Section 7-127 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.

Section 7-128 Employee/Boarding Housing

Employee housing and boarding housing are regulated by [Ordinance 163 of 2017](#).

Section 7-129 Transient Merchants

Transient merchants are regulated by [Ordinance 82 of 2017](#).

Section 7-130 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 intended to provide electrical energy from wind forces as opposed to fossil fuel combustion (oil, gas, coal).

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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 Municipal District.
2. **Site Plan Review.** All commercial WTG construction must satisfy all of the same Site Plan standards as outlined in [Section 5-105](#)
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.**
 - a. The applicant shall provide documentation of any lighting to be installed on the WTG. If lighting is required or proposed, the WTG may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
 - b. The color and intensity of lighting required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.
 - c. Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.
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.

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Section 7-131 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.

Section 7-132 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 Special Use Permit for temporary unpaved seasonal parking may be issued for a period of no more than five (5). 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 3-124](#) upon expiration of the Special Use Permit. Temporary and Seasonal Unpaved Boat Line Parking facilities with existing Special Use Permits will continue to be regulated under their original Special Use permits.
- 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 3-124 \(R\) Landscape Requirements for Parking Areas](#).
- D. Unpaved parking area, not including landscaping, shall not exceed one (1) acre.

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Section 7-133 Parks, Ballfields, Museums, Libraries, & Recreational Facilities

In R-1 and R-2 Districts, public parks, playgrounds, ballfields, nature parks, nature areas, museums, and libraries shall be located not less than twenty (20) feet from any other lot.

Section 7-134 Government Offices and Other Public Facilities

In R-1 and R-2 Districts, government offices, police/fire stations, post offices, and other publicly-owned facilities shall be located not less than twenty (20) feet from any other lot.

Section 7-135 Sexually-Oriented Businesses

A. Purpose and Findings.

1. In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them are located in near proximity to a residential zone, school or place of worship, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects shall not contribute to the blighting or downgrading of surrounding properties. These special regulations are itemized in this section. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of nearby properties. These controls do not legitimize activities, which are prohibited in other sections of this Ordinance.
2. The Village Council finds that sexually oriented businesses, as a category of commercial uses, are often associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Illegal and unsanitary acts involving nudity, including lewd conduct, masturbation, oral and anal sex, occur at unregulated sexually oriented businesses, including those businesses which provide private or semi-private rooms, booths, or cubicles for viewing films, videos, or live performances.
3. In regulating sexually oriented businesses, it is the purpose of this section to promote the health, safety, and general welfare of the citizens of the Village, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the Village. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and

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- exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.
- B. No sexually oriented business shall be greater than five thousand (5,000) square feet.
- C. No sexually oriented business shall be established on a parcel within one thousand (1,000) feet of any residence, public or private school, church, public park, state-licensed child care facility, or residential zoning district.
- D. 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.
1. Sexually-oriented business.
 2. Pool or billiard hall.
 3. Pawnshop.
 4. 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.
 5. Sauna, hot tub or other similar health or body improvement or enjoyment enterprises.
 6. Any combination of the foregoing.
- E. For the purpose of this section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in [subsection B, C and D](#) above.
- F. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- G. The proposed use must meet all applicable written and duly promulgated standards of the Village and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- H. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.

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- I. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- J. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) “persons under the age of 18 are not permitted to enter the premises”, and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”
- K. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining sidewalk, street, or a neighboring property.
- L. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (Midnight).
- M. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - a. shall be handicap accessible to the extent required by the Americans With Disabilities Act;
 - b. shall be unobstructed by any door, lock, or other entrance and exit control device;
 - c. has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - d. is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
 - e. has no holes or openings in any interior or exterior walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

Section 7-136 Single-Family Dwelling Units in Conjunction with a Business

- A. The living quarters shall not have less than six hundred (600) sq. ft.
- B. Minimum number of parking spaces shall be two (2) each per dwelling unit.
- C. Parking must be within
 1. five hundred (500) feet of the building in B-3, unless determined to be adequate distance by Village Staff.

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2. four hundred (400) feet of the building in B-4, unless determined to be adequate distance by Village Staff.

D. All parking areas and drives shall be paved.

Section 7-137 Medical Marihuana Primary Caregiver

A. Purpose and Intent.

It is the purpose of this section to give effect to the intent of **Initiated Law 1 of 2008, as amended, (Michigan Medical Marihuana Act (the MMMA) being MCL 333.26421 et. seq.)** and not to establish any local program or regulation that would violate or contravene any enforced State or Federal statute. The MMMA authorizes a narrow exception to the general rule and law that the cultivation, distribution and use of marihuana amount to criminal acts. It is the purpose of this Section to establish standards for the application of that narrow exception in the Village of Mackinaw City to enable the legitimate and legally-authorized practice of the Primary Caregiver activity as set forth herein. It is not the intent of this Section to broaden the strict interpretation of the MMMA to apply to activities not explicitly provided for therein nor is it the intent of this Section to encourage or sanction the cultivation, processing, refinement, distribution, transfer or use of marihuana except as permitted by a strict application of the terms of the MMMA and any rules or regulations duly promulgated there under.

B. Findings.

This Section is based on the following findings:

1. The voters of the State of Michigan approved by initiative and referendum the use of marihuana by Qualifying Patients for certain medical conditions and established as a legitimate activity that individuals with appropriate credentials (Primary Caregivers) may assist Qualifying Patients in the use of marihuana under the provisions of the MMMA.
2. Despite the provisions of the MMMA, marihuana remains a controlled substance under Michigan and Federal law and there exists significant potential for abuse and illegal conduct that can threaten the health, safety and welfare of the residents of the Village of Mackinaw City.
3. In other States where medical marihuana is similarly permitted but inadequately regulated, there are indications of significant negative secondary effects surrounding places where marihuana is dispensed, processed or used by groups of people. Such secondary negative effects tend to be exacerbated where multiple marihuana facilities are located and include sale and use of other controlled substances, robberies, assaults, break-ins, vagrancy and depressed property values.

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4. The Village of Mackinaw City finds that it has an obligation to residents and property owners to effectively mitigate potential secondary impacts that could result from the Primary Caregiver activity.

C. Permitted Use.

The activities of a registered Primary Caregiver as defined in the MMMA and further regulated in this Section and a Primary Caregiver Facility as defined in this Ordinance, shall be a permitted home occupation limited to the R-1, R-2, R-3, R-4, RM, and RMH Districts. No zoning permit is required. Standards contained in [subsection D](#) below shall be adhered to.

D. Standards.

1. **Primary Caregiver Facility.** Marihuana shall be cultivated, processed stored and packaged within the Primary Residence only. The marihuana shall be cultivated, processed, stored and packaged in an enclosed, locked and secured building at all times, except when it is being delivered to Qualifying Patients pursuant to [subsection 5](#) hereof. For the purpose of this Section, such facility shall consist of four solid walls and roof and no outdoor cultivation or storage shall be permitted. Such facility shall also be protected with a security system that is monitored continuously and access to the facility by other than the registered Primary Caregiver shall be prohibited. This provision shall not be construed to prevent access by non-registered individuals if accompanied by the registered Primary Caregiver.
2. **Limits on Quantities.** A Primary Caregiver shall not possess more marihuana than 2.5 ounces or 12 marihuana plants for each Qualifying Patient to which he/she is connected.
3. **Combined Operations Prohibited.** No more than one Primary Caregiver shall occupy any zoning lot and combined growing, storage or transfer facilities shall be prohibited.
4. **Isolation Distance.** A Primary Caregiver facility shall be located no closer than three hundred (300) feet from any school, church, child care facility, or park. For the purposes of this paragraph, such distances shall be measured in a straight line from the front door of the Primary Caregiver facility to the school, church, day care facility, park or dwelling.
5. **Dispensing Medical Marihuana.** No medical marihuana shall be dispensed by the Primary Caregiver to Qualifying Patients at the Primary Caregiver facility. The Primary Caregiver shall deliver small quantities, not to exceed 2.5 ounces per Qualifying Patient, for the use of such Qualifying Patient and such delivery shall take place on private property away from public view. Any delivery vehicle used for such purposes shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo.
6. **Prohibited Activities.** All commercial medical marihuana facilities including Provisioning Centers, Growers, Processors, Secure Transporters, and Safety Compliance Facilities as defined in the [Medical Marihuana Facilities Licensing Act, 2016 PA 281, as amended](#), are prohibited.

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Section 7-138 Site Condominiums

A. Intent.

The purpose of this section is to regulate the creation and use of site condominiums within the Village and to promote and protect the health, safety, and general welfare of the public. These regulations and controls shall in no way repeal, annul, or in any way interfere with the provisions and standards of any other state and federal laws and regulations.

B. General Requirements.

1. **Compliance with Federal, State and Local Laws.** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable federal, state, and local laws and ordinances.

2. **Zoning Requirements.** All site condominium projects shall be located within the zoning district that permits the proposed use, and shall comply with all zoning requirements of this Ordinance.

a. For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot and shall comply with all regulations of the zoning district in which it is located.

b. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other principal structure or use.

c. Required yards shall be measured from the boundaries of the site condominium unit.

3. **Site Plan Review.** Prior to recording a plat or master deed, site condominiums shall undergo site plan review and approval by the Planning Commission in accordance with [Article 5](#) of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Village.

a. Application.

(1) An application for site plan approval shall be filed for review as per the requirements of [Article 5](#) of this Ordinance. All procedures and standards of [Article 5](#) shall apply to site condominium projects.

(2) All condominium site plans shall include the information required by [Section 66 of the Condominium Act, 1978 PA 59 as amended, MCL 559.166](#).

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- (3) The application for site plan review shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the County Register of Deeds for review and approval by the Planning Commission.
 - (4) In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common elements and building envelopes, rather than individual buildings and required yards, shall be shown on the site plan.
- b. **Deed Restrictions, Master Deed, By-Laws.**
- (1) The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the Village, including but not limited to preservation and maintenance of drainage, retention ponds, wetlands and other natural areas, and maintenance of landscaping in common areas in the project.
 - (2) Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.
- c. **Performance Guarantees.** As a condition of approval of the site plan, the Planning Commission shall require performance guarantees by the developer in accordance with the provisions of [Section 9-106](#), to ensure completion of improvements shown upon the site plan. Upon fulfillment of all requirements, the developer shall apply to the Village for release of any remaining performance guarantees.
4. **Easements for Utilities.** Road rights-of-way shall be parcels separate from individual residential units or lots. The rights-of-way shall be for roadway purposes, and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character, hereinafter collectively called “public structures” for the purpose of providing public utilities including electric, communications, water, drainage and sewers, and subject to easements to be dedicated to the Village.
5. **Additional Filings Required.** Subsequent to the recording of the deed restrictions and/or master deed and by-laws, and subsequent to the construction of improvements, the developer shall file the following information with the Village Clerk:
- a. Three (3) copies of the as-built site condominium plans.
 - b. Two (2) copies of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.
 - c. Certification from the developer’s engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

Section 7-139 Solar Energy Facilities

A. Reflection/Glare.

Attached, building-integrated or freestanding solar collection devices, or combination of devices, shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. This may be accomplished by both the placement and angle of the collection devices as well as human-made or environmental barriers. Glare intensity is considered an issue if it measures more than 20% of the incident sun intensity. Plans to reduce glare may be required in the initial materials submitted.

B. Impervious Surface/Stormwater.

If more than 8,000 square feet of impervious surface will be located on the site, the application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and stormwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.

C. Screening.

Solar devices shall be screened from view from any public street or residential district by use of a masonry screen wall, evergreen vegetation or other screening of a similar effectiveness and quality, as determined by the Planning Commission.

D. Setbacks.

The setbacks of all solar collection devices and ancillary equipment shall be at least 50 feet from all property lines.

E. Abandonment.

Any Freestanding solar collection site or device which is not used for six (6) months shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Village and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Village and request a three-month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the Village will have the removal and restoration done at the owner/applicant's expense. Removal shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.

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Section 7-141 Biofuel Production Facilities on Farms

- A. In conformance to the [Michigan Zoning Enabling Act](#), the following regulations shall apply to biofuel production facilities:
1. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel is a permitted use of property and is not subject to Special Land Use approval if all of the following requirements are met:
 - a. The biofuel production facility is located on a farm.
 - b. The biofuel production facility is located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the zoning ordinance.
 - c. On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.
 2. Each of the following requires Special Land Use approval under Subsections (3) to (5):
 - a. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel that meets the requirements of Subsection (1)(a) and (b) but that does not meet the requirements of Subsection (1)(c).
 - b. A biofuel production facility with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel that meets the requirements of Subsection (1)(a) and (b).
 3. An application for Special Land Use approval for a biofuel production facility described in Subsection (2) shall include all of the following:
 - a. A site plan including a map of the property and existing and proposed buildings and other facilities.
 - b. A description of the process to be used to produce biofuel.
 - c. The number of gallons of biofuel anticipated to be produced annually.
 - d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
 - e. For an ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States department of the treasury, alcohol and

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tobacco tax and trade bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the [National Environmental Policy Act of 1969, 42 USC 4321 to 4347](#), and the Federal [Water Pollution Control Act, 33 USC 1251 to 1387](#).

- f. Information that demonstrates that the biofuel production facility will comply with the requirements of Subsections (2) and (5).
 - g. Any additional information requested by the Planning Commission or Zoning Administrator.
4. The Village shall hold a hearing on an application for Special Land Use approval under Subsection (2) not more than 60 days after the application is filed.
 5. Special Land Use approval of a biofuel production facility described in Subsection (2) shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:
 - a. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
 - b. The owner or operator of the biofuel production facility provides the Village with proof that all necessary approvals have been obtained from the Department of Environmental Quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - (1) Air pollution emissions.
 - (2) Transportation of biofuel or additional products resulting from biofuel production.
 - (3) Use or reuse of additional products resulting from biofuel production.
 - (4) Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
 - (5) The biofuel production facility includes sufficient storage for both of the following:
 - (6) Raw materials and fuel.
 - (7) Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

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- 6. This Section does not authorize biofuel production facilities that are not located on farms.

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Section 8-101 Creation and Membership

The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in [2006 PA 110, as amended \(Michigan Zoning Enabling Act, being MCL §§125.3601 – 125.3604\)](#) and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done.

A. Village Council as ZBA.

The Village Council of Mackinaw City shall serve as the Zoning Board of Appeals. Any reference in this Ordinance or this Article to the Zoning Board of Appeals shall mean the Village Council of Mackinaw City serving in its capacity as the Zoning Board of Appeals.

B. Alternates.

The Village Council of Mackinaw City may also appoint not more than two (2) alternate members to the Zoning Board of Appeals. The alternate members shall serve for two (2) year terms; provided, however, that for the first appointments one (1) alternate member shall serve a one (1) year term. The alternate members shall be called on a rotating basis to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member or when a regular member has abstained from participating in a case for reasons of conflict of interest. The alternate member appointed to sit as a regular member shall serve in the case until a final decision has been made and shall have the same voting rights as a regular member of the Zoning Board of Appeals.

C. Employees.

An employee or contractor of the Village Council may not serve as a member of the Board of Appeals.

D. Terms of Office.

The terms of office for regular members of the Zoning Board of Appeals shall coincide with his/her term of office on the Village Council.

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E. Officers and Compensation.

The Village President shall serve as the Chairperson of the ZBA and is a voting member of the ZBA. The Village Clerk shall serve as Secretary of the ZBA. Compensation of the appointed members of the Zoning Board of Appeals may be established by the Village Council.

F. Removal of Member.

A member of the Zoning Board of Appeals may be removed by the Village Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 8-102 Meetings and Records

A. Meetings.

All meetings conducted by said Board shall be open to the public. 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:

1. A meeting is to be held as previously determined by the Board.
2. The Clerk is so instructed by the Chairman.
3. The Clerk is so instructed in writing by any other three members of the Board.

The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

B. Quorum.

Four (4) members of the ZBA shall constitute a quorum for the conduct of its business. The Board of Appeals shall not conduct business unless a majority of those Zoning Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.

C. Rules of Procedure.

The Board shall adopt its own Rules of Procedure.

D. Records.

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The Board of Appeals shall keep a record of its proceedings showing:

1. The vote of each member upon each question, or if absent or failing to vote, indicating said fact; and
2. The finding of fact made by the ZBA; and
3. The final ruling of each case.

The ZBA shall file a record of its proceedings in the office of the Village Clerk, which shall be a public record.

Section 8-103 Jurisdiction

A. Powers.

The Zoning Board of Appeals shall have all powers and authority granted by P.A. 110 of 2006, as amended (Michigan Zoning Enabling Act, being MCL 125.3101 et. seq.), together with such other powers and duties as are given to such Board by the provisions of this ordinance, including the following specific powers:

1. **Appeals from a Decision.** The ZBA shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance.
2. **Interpretation.** The ZBA may interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
3. **Variances.** Upon the finding of practical difficulty, the ZBA shall have the authority to grant nonuse variances of the Zoning Ordinance as provided for in [Section 8-104](#).
4. **Special Land Use and PUD.** The ZBA has jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Use approvals or Planned Unit Developments.
5. A variance in the Zoning Ordinance may be applied for and granted under [Section 4 of 1980 PA 87, as amended \(Uniform Condemnation Procedures Act, being MCL 213.54\)](#).

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.

B. Exercise of Powers.

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In exercising the above powers, the ZBA may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the official or body from whom the appeal is taken.

C. No Authority to Change Ordinance.

Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Village Council of Mackinaw City acting in that capacity in the manner provided by law.

Section 8-104 Variance Standards

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. 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:

- A. 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.
- B. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
- C. 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.
- D. 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.
- E. 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.

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Section 8-105 Procedure and Decisions

A. Demand for Appeal.

1. Appeals to the Board of Zoning Appeals may be made by any person aggrieved, or by an officer, department, board, or bureau of the state or local unit of government, by filing a written Demand for Appeal with the Zoning Administrator.
2. Upon receipt of a Demand for Appeal, the Zoning Administrator shall review the demand for appeal for completeness.
 - a. If the application is not complete, the administrator will return the application to the applicant with a letter that specifies the additional material required.
 - b. If the application is complete, the administrator and chairman of the appeals board shall establish a date to hold a hearing on the appeal.
3. Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be filed within thirty (30) days after the date of the Zoning Administrator’s decision.

B. Fee.

A fee as established by the Village Council shall be paid to the Village at the time the petitioner files an application with the Board. The purpose of such fee is to cover the necessary advertisements, mailings, investigations, hearing records and other expense incurred by the Board in connection with the appeal. No fee shall be charged if the Village or any official body of the Village is the moving party. If an applicant requests and receives a postponement of the hearing subsequent to the mailing of notices and advertisement of public hearing, said applicant shall pay the necessary expenses incurred by the Village to re-notice the hearing.

C. Multiple Buildings.

In the event an application is made involving more than one building, the total development may be incorporated in one appeal provided that the subject property is continuous and is not divided by another zoning district.

D. Documents Required.

The applicant shall submit eight (8) copies of surveys, plans and data or other information which is requested by the Zoning Administrator or Chair of the ZBA and which is reasonably necessary.

E. Hearing and Public Notice.

Upon receipt of a Notice of Appeal, the Chair of the Zoning Board of Appeals shall fix a reasonable

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time and date for a Public Hearing, not to exceed thirty (30) days from the date of filing of the Notice of Appeal unless a longer time period is requested by the applicant. Upon determination of the date and time of the Public Hearing, the Village Clerk shall give public notice pursuant to [Section 9-107](#).

F. Stay.

An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or a circuit court.

G. Appearance.

Upon the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.

H. Decision.

1. The Board of Appeals shall render its decision within thirty (30) days of filing of Notice of Appeal unless an extension of time is necessary to review new information pertinent to making the decision, and is agreed upon by the appellant and a majority of members of the ZBA present.
2. The Zoning Board of Appeals 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.
3. The concurring vote of a majority of the membership of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a dimensional variance in the zoning ordinance.
4. **Decision in Writing.** The decision shall be in writing and reflect the reasons for the decision. 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.
5. Within eight (8) days of the decision the record of the decision shall be certified and a copy

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delivered by first class mail to the person demanding the appeal, the administrator, and other parties.

6. **Decision Final.** The decision of the Zoning Board of Appeals shall be final. 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.

I. **Conditions.**

In granting the variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.

J. **Resubmittal.**

No application for the variance which has been denied, wholly or in part, by the Board of Zoning Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the ZBA to be valid.

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Article 9

Administration & Enforcement

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Section 9-101 Zoning Administration

- A. The provisions of this Ordinance shall be administered in accordance with [Michigan Zoning Enabling Act, 2006 PA 110, as amended, \(being the, M.C.L. 125.3101 et seq.\)](#).
- B. 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.
- C. 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.
- D. 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.

Section 9-102 Zoning Permits

A. Permit Required and Submittal Requirements.

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

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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.

1. 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. Submittals requiring Site Plan Review shall conform to the submittal requirements in [Article 5](#).
2. It shall be the duty of all lot owners to have accurately located all corners and boundaries of their properties prior to building thereon.

B. Record of Applications and Plans.

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. Permit to be Issued.

When the plans submitted have been found to conform with the requirements of this Ordinance, the Village shall issue a permit.

D. Notification of Availability of Property for Inspection.

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. Final Inspection.

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. Permit Issued in Violation.

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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. Work not Started.

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. [See Section 5-107 for Construction Timeline.](#)

Section 9-103 Certificate of Zoning Compliance

- 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 Zoning Compliance shall be issued by the Zoning Administrator stating that the building or proposed use of the building or premises complies with all provisions of this Ordinance. Zoning Administrator shall verify compliancy from the Building Department prior to issuing a Certificate of Zoning Compliance.
- B. Certificates of Zoning 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 [subsection E of Section 9-102](#). 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.

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Section 9-104 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.

Section 9-105 Fees

- A. Fees 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.

- B. If the Zoning Administrator, Planning Commission, Village Council or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission, Village Council or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Village Treasurer such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant’s name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit, and review of the application or decision on the appeal is not completed, then the Planning Commission Village Council or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal. Any unexpected funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Village in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or prior to the final decision on an appeal.

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Section 9-106 Performance Guarantee

In connection with the construction of improvements through site plan approval, Special Land Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Village with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Village in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Village Clerk at or before the time the Village issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Village Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;
- B. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Village as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

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Section 9-107 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:

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- 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 [subsection E below](#), 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 on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation shall be given not less than fifteen (15) days before the date the application will be considered for approval.

E. Registration to Receive Notice by Mail.

- 1. **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 [subsection C.1.c above](#), 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.

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- 2. **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.

Section 9-108 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Section 9-109 Violations

A. Nuisance Per Se.

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. Municipal Civil Infraction.

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 municipal civil infraction 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. 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

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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.

Section 9-110 Rehearing Process

A. Rehearing Performed by Planning Commission or ZBA.

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:

1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals findings of fact, which occurred after the public hearing.
3. The Village attorney, by written opinion, states that, in the attorney’s professional opinion, the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

B. Rehearing Procedure.

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

1. **Time Limit.** A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.
2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the

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Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

- 4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 9-111 Action Table

The following table is a summary of basic requirements for various administrative actions under this zoning ordinance. It supplements the preceding text, but is not a substitute for it.

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Type of action	Parties who may initiate action	Body making decision	Public hearing required?	Published notice(s)	Mailed notice to owners & occupants within 300'	Body to which applicant may appeal
Plot plan approval, site plan approval as per §5-101 accessory building, sign or fence permit	Applicant	Zoning Administrator	No	----	----	Zoning Board of Appeals
Site plan approval	Applicant	Step 1: Planning Commission recommends to Village Council.	No	Not required	Not required	Zoning Board of Appeals
		Step 2: Village Council decision.	No	Not required	Not required	Zoning Board of Appeals
Special use permit	Applicant	Planning Commission	Yes	Not less than 15 days	Not less than 15 days	Zoning Board of Appeals
Planned Unit Development	Applicant	Step 1: Planning Commission recommends to Village Council.	Yes	Not less than 15 days	Not less than 15 days	Zoning Board of Appeals
		Step 2: Village Council decision.	No	----	----	
Variance	Applicant	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Interpretation	Applicant or Zoning Administrator	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Appeal from decision	Any aggrieved party	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Amendment (Rezoning or Text Change)	Applicant, Planning Commission	Step 1: Planning Commission recommends to Village Council	Yes	Not less than 15 days	Not less than 15 days	No action until after Village Council decision
		Step 2: Village Council	No	----	----	Subject to protest petition
		Step 3: City Council publishes Notice of Adoption in newspaper (within 15 days after adoption). Rezoning (map amendment) goes into effect on the 8th day after publication.				
Zoning Ordinance Enforcement	Zoning Administrator	----	----	----	----	Zoning Board of Appeals

Article 10

Amendment and Adoption

Sec	Name	Pg	Sec	Name	Pg
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10-102	Amendment Procedure	10-1	10-106	Vested Right	10-7
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Section 10-101 Amendment to this Ordinance

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 [Michigan Zoning Enabling Act, 2006 PA 110, as amended, \(being the, M.C.L. 125.3101 et seq.\)](#).

Section 10-102 Amendment Procedure

The procedure for amending this Ordinance shall be as follows:

A. Application.

An amendment to the official zoning map or text of this Ordinance, except those initiated by the Village Council or Planning Commission, shall be initiated by submission of a letter of request.

Each petition for a text or map amendment 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.

B. Notice of Public Hearing.

The notice of public hearing procedure in [Section 9-107](#) shall be followed.

C. Recommendation to Village Council.

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).

D. Village Council Action.

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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.

E. Publication.

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:

1. A summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the Ordinance.
3. The place and time where a copy of the Ordinance may be purchased or inspected.

F. Protest Petition.

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) percent 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.

Section 10-103 Criteria for Amendment of the Official Zoning Map (Rezoning)

In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission shall and the Village Council may consider the following criteria in making its findings, recommendations, and decision:

- A. Is the proposed use consistent with the goals, objectives and future land use of the currently adopted Master Plan, including any subarea or corridor studies? If conditions have changed since the Master Plan was adopted, is the proposed use consistent with recent development trends in the area?
- B. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
- C. Will there be an adverse physical impact on surrounding properties?

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- D. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- E. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
- F. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
- G. What is the impact on the ability of the Village and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?

Section 10-104 Conditional Rezoning

A. Intent.

It is recognized that there are certain instances where it would be in the best interests of the Village, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with [Section 405 of the Michigan Zoning Enabling Act, 2006 PA 110, as amended](#), by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner’s offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. The owner’s offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the special use permit, variance, or site plan approval for such use or

development is ultimately granted in accordance with the provisions of this Ordinance.

- 6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Village Council provided that, if such withdrawal occurs subsequent to the Planning Commission’s public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review.

The Planning Commission, after a public hearing as set forth in [Section 9-107](#) of this Ordinance and consideration of the factors set forth in [Section 10-103](#) of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. Village Council Review.

After receipt of the Planning Commission’s recommendation, the Village Council shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Village Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Village Council shall, in accordance with [Section 401 of 2006 PA 110](#), refer such amendments to the Planning Commission for a report thereon within a time specified by the Village Council, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. Approval.

- 1. If the Village Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Village Council to accomplish the requested rezoning.
- 2. The Statement of Conditions shall:
 - a. Be in a form recordable with the County Register of Deeds, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Village Council.
 - b. Contain the legal description and tax identification number of the land to which it

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pertains.

- c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Village with the County Register of Deeds.
 - f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The Village Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Village with the County Register of Deeds. The Village Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Village or to any subsequent owner of the land.
 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use.

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Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within twelve (12) months after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Village Council if (1) it is demonstrated to Village Council’s reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Village Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning.

If the approved development and/or use of the rezoned land does not occur within the timeframe specified under **Subsection G** above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Land.

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to **Subsection H** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The Village Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions.

1. During the time period for commencement of an approved development and/or use specified pursuant to **Subsection G** above or during any extension thereof granted by the Village Council, the Village shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. Village Right to Rezone.

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Village from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the **Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended)**.

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L. Failure to Offer Conditions.

The Village shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner’s rights under this Ordinance.

Section 10-105 Severance Clause

Sections and subsections of this Ordinance shall be deemed to be severable, and should any section, paragraph or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building or structure not specifically included in said ruling.

Section 10-106 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

Section 10-107 Repeal and Savings Clause

- A. This Ordinance repeals and replaces any previous Mackinaw City Zoning Ordinance in its entirety.
- B. The repeal of any previous Mackinaw City Zoning Ordinance, as provided, shall not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted. Said Ordinance or Ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

Section 10-108 Enactment and Effective Date

- A. This Ordinance was adopted on April 5, 2018, by the Village Council of Mackinaw City and will be effective on April 20, 2018. The foregoing Zoning Ordinance and Map of Zoning Districts were presented at a public hearing before the Planning Commission on March 22, 2018.
- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Village Council after

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publication of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with [Section 401 of Michigan Zoning Enabling Act, 2006 PA 110, as amended, \(being the, M.C.L. 125.3101 et seq.\)](#).

I hereby certify that the above Ordinance was adopted by the Mackinaw City Village Council at a regular meeting held on April 5, 2018.

Village Clerk

Published: April 10, 2018

Effective Date: April 20, 2018

Affidavit of Publication Required.

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