

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

CHAPTER 1

INTRODUCTION AND GENERAL ELEMENTS

Short Title
Preamble
Purpose
Scope
Validity and Severability
Conflicting Provisions
Easements, Covenants, and Private Agreements
Use Prohibition (Uses Not Listed)
Vested Right
Repeal of Prior Ordinance
Adoption and Effective Date

Short Title

This Ordinance shall be known as the Zoning Ordinance of the city of Cadillac and may be cited as “this Ordinance.”

Preamble

Pursuant to the authority conferred by the Public Acts of the State of Michigan, specifically the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the city by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding the land and undue congestion of population; providing adequate light, air and reasonable access; and facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements; and by other means, all in accordance with an adopted comprehensive plan, the city has ordained this Ordinance.

Purpose

This Ordinance, enacted under the Michigan Zoning Enabling Act, PA 110 of 2006 (as amended), governing the incorporated portions of the city of Cadillac, Wexford County, Michigan, is to regulate and restrict the locations and uses of buildings, structures and land for trade, industry, residence and for public and semipublic or other specified uses; to regulate and limit the height and bulk of buildings, and other structures; to regulate and determine the size of yards, courts and open spaces; to regulate and to limit the density of population; and for such purposes to divide the city into districts and establish the boundaries thereof; to provide for changes in the regulations, restrictions and boundaries of such districts; to define certain terms used in this Ordinance; to provide for enforcement; to establish a Zoning Board of Appeals; and to impose penalties for the violation of this Ordinance. The above is designed to:

Promote compatibility of existing and future land uses.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Increase the safety and security of residential neighborhoods.

Preserve and create a favorable quality of life for residents.

Provide appropriate locations within which the land use needs of residents and commerce may be efficiently accommodated.

Encourage variety in housing type, housing mix, and housing density.

Protect and enhance property values.

Facilitate efficient traffic operations and minimize congestion and accident potential.

Provide for convenient vehicular parking.

Enhance the environment for pedestrian travel and other non-motorized transportation.

Restrict building in floodplain areas as a means of protecting property values.

Protect Lakes Cadillac and Mitchell, the Clam River, wetlands, shoreline areas, and other natural features in recognition of their environmental value and scenic significance.

Encourage preservation and proper maintenance of environmental features through flexible design standards.

Promote clean air and water and access to sunlight.

Promote the city's aesthetic quality, while minimizing blight.

Provide opportunity for parks, recreation, schools, religious institutions, and community facilities.

Provide infrastructure and public services consistent with demand.

Provide reasonable measures to safeguard the city's economic structure.

Create an economically synergistic, walkable, downtown as a placemaking center.

Create an economically vibrant tourism center in the geographic area commonly referred to as Cadillac West.

Provide property owners with a reasonable and economic use of their land.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

Lesson congestion, disorder and infringement of property values, safety and quality of life which are often aggravated due to unregulated development.

Prevent overcrowding of land and undue concentrations of populations.

Eliminate nonconforming uses and structures.

Encourage the redevelopment of those areas of the city experiencing decline.

Maintain the city's Redevelopment Ready Communities (RRC) certification as gained through the Michigan Economic Development Corporation (MEDC) by enacting zoning regulations that help to integrate transparency, predictability and efficiency into Cadillac's daily development and land use practices.

Support and accomplish the objectives of the Downtown Development Authority Tax Increment Finance Plan and the Downtown Business Improvement District Plan.

Support and accomplish the objectives of the Cadillac Master Plan, including amendments and updates thereto.

Scope

No building or structure or part thereof shall be erected, constructed, or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land or part thereof, except in conformity with the provisions of this Ordinance. No yard or open space surrounding any building shall be encroached upon or reduced in any manner, except in conformity with the regulations established for the district in which such building is located, unless otherwise addressed.

Validity and Severability

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof 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 part hereof, other than the part so declared to be unconstitutional or invalid.

Conflicting Provisions

Whenever any section of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, the sections 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, the provisions of such law or ordinance shall govern. In interpreting and applying the sections of this Ordinance, they shall be held to be the minimum or maximum requirements for the promotion of the public safety, health, morals, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the sections of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM

TUESDAY, JUNE 13, 2023

buildings or premises and likewise not in conflict with 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 premises or upon the height of buildings or requires larger open spaces or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this Ordinance shall control.

Easements, Covenants, and Private Agreements

This Ordinance is not intended to repeal, abrogate, or annul any easement, covenant, or private agreement, provided, that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than the easement, covenant, or other private agreement, the provisions of this Ordinance shall govern.

Use Prohibition (Uses Not Listed)

Unless otherwise indicated, uses not listed within a zone district classification of this Ordinance are prohibited within that classification.

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 and 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. Provided, however, if a site plan, subdivision plat, or condominium plan has been submitted for general review under the site plan, subdivision plat review procedure, or condominium review procedure on or before the effective date of this Ordinance, the provisions of this Ordinance shall not apply so far as they are more stringent or require more than the requirements in effect at the time the site plan, subdivision plat, or condominium plan was submitted for general review. All other requirements of this Ordinance shall be in effect and followed from and after the effective date of this Ordinance.

Repeal of Prior Ordinance

The Zoning Ordinance adopted by the city of Cadillac City Council on _____, and all amendments thereto, is hereby repealed insofar as it conflicts with this Ordinance. The repeal of the Ordinance and all amendments does 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.

Adoption and Effective Date

This Ordinance, which specifically includes the Zoning District Map, is hereby ordered to be given immediate effect and be in force from and after the earliest date allowed by law, and this Ordinance is hereby ordered to be published, in the manner provided by law, in the Cadillac Evening News, on _____. This Ordinance was adopted by the City Council of Cadillac by authority of Act 110 of the Public Acts of Michigan, 2006 (as amended) at a meeting thereof duly called and held on _____ and ordered to be published in the manner provided by law.

PRELIMINARY DRAFT ZONING ORDINANCE FOR PUBLIC FORUM
TUESDAY, JUNE 13, 2023

The city of Cadillac Zoning Ordinance, Ordinance adopted _____, and all amendments thereto, and any prior zoning ordinances of the city of Cadillac are hereby repealed effective coincident with the effective date of this Ordinance. The repeal of those ordinances shall not have the effect of releasing or relinquishing any penalty, forfeiture or liability incurred under any prior Ordinance, or any part thereof, and the prior ordinance shall be treated as remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of the penalty, forfeiture, or liability. Conditions which have been attached to land, buildings, structures, and uses resulting from actions under a prior ordinance shall remain in effect unless specifically waived by this Ordinance, or through proper amendment, subject to the requirements of this Ordinance.