

NOTICE OF ADOPTION

The City of Wyandotte Zoning Ordinance has been amended as follows:

**AN ORDINANCE ENTITLED
AN ORDINANCE TO AMEND THE CITY OF WYANDOTTE
ZONING ORDINANCE TO AMEND
CERTAIN PORTIONS OF
ARTICLE XXII SPECIAL LAND USES
SECTION 2201 – GENERAL PROVISIONS
AMENDING SECTION H – REVOKE SPECIAL LAND USE**

CITY OF WYANDOTTE, WAYNE COUNTY, MICHIGAN ORDAINS:

Section 1. Purpose and Intent

It is determined necessary for the health, safety and welfare of the City to adopt this article regulating the location and operations of Outdoor Cafes Uses.

Section 2. Amendment to Section 2201 “GENERAL PROVISIONS” by amending Paragraph H of Article XXII “Special Land Uses”, shall read as follows:

H. Revoke special land use. A special land use may be revoked by the planning commission under the following procedures:

1. Mail notice of the proposed action to revoke the special land use to the owner/operator of the business and outdoor café at least 10 calendar days prior to the hearing.
2. Provide with the notice the reasons for the proposed action.
3. Provide with the notice the date, time and place of the hearing for the proposed action.
4. Include in the notice a statement that the owner/operator may present evidence and testimony and question any witness at the hearing.
5. At the hearing, the city engineer’s office or planner will present to the planning commission any witnesses, reports, documents and recommendations concerning the proposed revocation of the special land use.

Criteria for revocation.

The planning commission may revoke a special land use upon a determination by the commission that, based upon a preponderance of evidence presented at the public hearing, any of the following exists:

1. Violation of any of the restrictions of the special land use set forth in the city ordinance or in any conditions set by the city when it approved the special land use.
2. Maintenance of a nuisance upon the premises, including, but not limited to, any of the following:
 - a. Existing violations of building, zoning, health, fire or regulatory codes.
 - b. A pattern of patron conduct upon or in the neighborhood of the licensed establishment including outdoor café which is in violation of the law or disturbs the peace, order and tranquility of the neighborhood.
 - c. Failure to maintain the grounds and exterior of the licensed establishment (including outdoor café), including litter, debris, refuse blowing, or being deposited on adjoining properties.
 - d. Entertainment without a required permit or entertainment which disturbs the peace, order and tranquility of the neighborhood.

- e. Any advertising, promotion or activity which by its nature causes, creates or contributes to disorder, disobedience to rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed establishment (including outdoor café).
- f. Any condition of default in the payment of any tax, fee, charge, water bill, special assessment or other debt to the city or any unpaid judgment payable to the city.
- g. Any misrepresentation of any information in any application or hearing for the grant or renewal of any special land use (including outdoor café).

Section 3. Reservation of Rights.

Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy or any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be so invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 5. Conflicting Ordinances.

Conflicting Ordinances. All prior existing ordinances adopted by the City of Wyandotte inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 6. Effective

This Ordinance shall take effect along with the notice of adoption in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption and shall take effect fifteen (15) days after its adoption or seven (7) days after publication, whichever is later. The notice of adoption shall include the text of the amendment, the effective date of the Ordinance and the place and time where a copy of the Ordinance may be purchased and inspected.

Motion unanimously carried.

CERTIFICATION

We, the undersigned, Joseph R. Peterson and Lawrence S. Stec, respectively, the Mayor and City Clerk of the City of Wyandotte, do hereby certify that the foregoing Ordinance was duly passed by the City Council of the City of Wyandotte, at a regular session on Monday, the 10th day of October, 2016.

Joseph R. Peterson, Mayor
Lawrence S. Stec, City Clerk

The effective date of this Ordinance is October 25th, 2016. A copy of this Ordinance may be purchased or inspected at the City of Wyandotte Clerk's Office, 3200 Biddle Avenue, Wyandotte, Michigan, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Publication Date: October 19, 2016