

**ORDINANCE NO. 1054**

**AN ORDINANCE TO AMEND SECTION 401.4, ZONING MAP OF ORDINANCE NO. 1028, CITY ZONING MAP ORDINANCE, AS CODIFIED UNDER THE CODE OF ORDINANCES.**

THE CITY OF ESCANABA ORDAINS:

**Chapter I**

**Section 101.** The zoning map referred to in Section 401.4 of Ordinance No. 1028 is hereby amended as follows:

101.1 From Residential "A" District to Open Space "O" District, as follows:

That part of the NE ¼ of the SW ¼ of Section 25, Township 39 North, Range 23 West lying south of the south right-of-way line of Hwy US2 & 41 and east of the easterly right-of-way line of Willow Creek Ditch as now established, except the east 5 feet lying north of the north right-of-way line of 1<sup>st</sup> Avenue South.

**Chapter II**

**SAVINGS CLAUSE**

**Section 201.** If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional or unlawful such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or unlawful.

**Chapter III**

**CONFLICTING ORDINANCES**

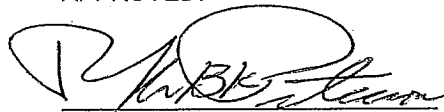
**Section 301.** All ordinances or parts of ordinances or resolutions, heretofore passed or adopted, which may conflict or be inconsistent with the provisions of this ordinance are hereby repealed.

**Chapter IV**

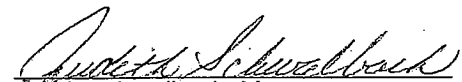
**EFFECTIVE DATE**

**Section 401.** This ordinance shall become effective ten (10) days after the passage and publication.

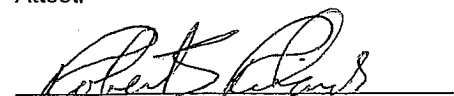
APPROVED:

  
Ralph B.K. Peterson, City Attorney


APPROVED:

  
Judith Schwalbach, Mayor

Attest:

  
Robert S. Richards, CMC  
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a regular meeting held on Thursday the 7<sup>th</sup> day of July, 2005, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on July 13, 2005, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

  
Robert S. Richards, CMC  
City Clerk

**ORDINANCE NO. 1066**

**AN ORDINANCE TO AMEND SECTION 503 USES ALLOWED BY SPECIAL LAND USE PERMIT OF ORDINANCE 1028, ZONING ORDINANCE, AS CODIFIED UNDER THE CODE OF ORDINANCES.**

THE CITY OF ESCANABA ORDAINS:

**CHAPTER I**

CHAPTER 5, RESIDENCE "A" DISTRICTS, SECTION 503 USES ALLOWED BY SPECIAL LAND USE PERMIT IS HEREBY AMENDED BY ADDING THE FOLLOWING LANGUAGE:

**SECTION 503.1. GENERAL, PARAGRAPH M. AUXILIARY DWELLING UNITS:**

M. Auxiliary Dwelling Units subject to the following conditions:

1. Auxiliary Dwelling Unit. An auxiliary dwelling is an additional residential unit providing complete, independent living facilities for no more than two people, including provisions for living, sleeping, eating, cooking and sanitation exclusively for occupancy by immediate family members which are directly related to the primary dwelling unit occupants such as parents, grandparents, children or grandchildren or bonafide caregivers to the primary dwelling unit occupants.
2. Special Land Use Permit. A special land use permit is required to establish an Auxiliary Dwelling Unit.
3. Specific Restrictions/Criteria. In order to qualify for a special land use permit, the use must be conducted on owner-occupied property zoned Residential District "A" and is limited to one auxiliary dwelling unit only.
4. Owner-occupied shall mean a property owner who makes his or her legal residence at the subject property, as evidenced by voter registration, vehicle registration, or similar means, and actually resides at the subject property more than six months out of any given year.
5. The use must be contained in a stick-built or prefabricated structure which conforms to the standards of the Michigan Building Code and be attached to the primary dwelling unit on the property. The auxiliary dwelling unit shall not have a separate address or house number.
6. The number of occupants in the auxiliary dwelling unit is limited to two.
7. The auxiliary dwelling unit must be established in such a way as to minimize its visibility from adjacent streets and properties. The dwelling unit shall not be taller than the allowable building height as defined in Section 508 Building Height of the Zoning Ordinance.
8. The gross square footage of the auxiliary dwelling unit, excluding parking space, shall not exceed one-half the gross square footage of the primary dwelling unit or seven hundred square feet, whichever is less.
9. The auxiliary dwelling unit shall comply with all parking requirements for the primary dwelling unit. Any parking provided for the auxiliary dwelling unit shall be served from the same driveway system that serves the primary dwelling unit.
10. The auxiliary dwelling unit must meet the setback requirements of the primary dwelling unit and shall not cause the lot coverage requirement of the zone to be exceeded.
11. Any auxiliary dwelling unit established in a primary structure shall not contain more than one bathroom, one kitchen, one utility room, two bedrooms, and one living or combination living and dining room.

12. The Special Land Use Permit must be recorded with the Delta County Register of Deeds Office prior to issuance of a final land use permit for the auxiliary dwelling unit, to ensure understanding and compliance with this requirement.

**CHAPTER II  
SAVING CLAUSE**

If any section, subsection, sentence, clause or phrase within the Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.


**CHAPTER III  
CONFLICTING ORDINANCES REPEALING CHAPTER**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

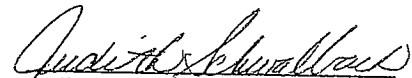
**CHAPTER IV  
EFFECTIVE DATE**

This Ordinance shall be in full force and effective ten (10) days after its passage and publication.

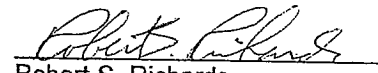
APPROVED:

  
Ralph B.K. Peterson  
City Attorney

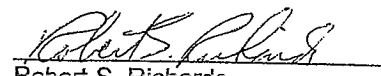
APPROVED:

  
Judith Schwalbach  
Mayor

ATTEST:

  
Robert S. Richards  
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a regular meeting held on Thursday the 5th day of April, 2007, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on April 13, 2007, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

  
Robert S. Richards  
City Clerk

**ORDINANCE NO. 1067**  
**AN ORDINANCE TO AMEND SECTION 401.4, ZONING MAP OF**  
**ORDINANCE NO. 1028, CITY ZONING MAP ORDINANCE,**  
**AS CODIFIED UNDER THE CODE OF ORDINANCES.**

THE CITY OF ESCANABA ORDAINS:

**Chapter I**

**Section 101.** The zoning map referred to in Section 401.4 of Ordinance No. 1028 is hereby amended as follows:

101.1 From Heavy Manufacturing "G" District to Light Manufacturing "F" District, as follows:

Part of the NW ¼ NW ¼ Sec 30 T39N R22W commencing at SW Cor said NW ¼ SW ¼ thence N 89D 24M 40S E 58.42 feet to Ely ROW N Lincoln Rd thence NEly on 1085.06 ft radius curve to the right arc distance 101.12 ft to POB thence N 89D 59M 20S E 294.36 feet thence N 68D 13M 10S E 293.76 feet thence N 0D 04M 50S E 131.51 feet to S ROW 4<sup>th</sup> Ave North thence N 0D 13M E along W ROW North 21<sup>st</sup> St 194.54 feet to SE corner lands described in L228 P535 thence S 89D 35M W 327.15 feet to Ely ROW North Lincoln Road thence SWly 495 feet M/L to POB 4.24 Ac M/L Ac #223

**Chapter II**  
**SAVINGS CLAUSE**

**Section 201.** If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional or unlawful such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or unlawful.

**Chapter III**  
**CONFLICTING ORDINANCES**


**Section 301.** All ordinances or parts of ordinances or resolutions, heretofore passed or adopted, which may conflict or be inconsistent with the provisions of this ordinance are hereby repealed.

**Chapter IV**  
**EFFECTIVE DATE**

**Section 401.** This ordinance shall become effective ten (10) days after the passage and publication.

APPROVED: APPROVED:

  
Ralph B.K. Peterson, City Attorney

  
Judith Schwalbach, Mayor

Date Approved: May 17, 2007  
Date Published: May 23, 2007

Attest:

  
Robert S. Richards, CMC City Clerk

I hereby certify that the above and foregoing ordinance was duly passed and adopted at a meeting of the City Council held on May 17, 2007, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba, on May 23, 2007.

  
Robert S. Richards, CMC City Clerk

ORDINANCE NO. 1089

AN ORDINANCE TO AMEND CHAPTER 3, BOARD OF ZONING APPEALS OF THE  
ZONING ORDINANCE TO CONFORM TO MICHIGAN STATE LAW

THE CITY OF ESCANABA ORDAINS:

CHAPTER I

Section 301.2 is hereby amended to read as follows:

**301.2 Cross References, as amended.**

- A. P.A. 12 of 2008, the Michigan Zoning Enabling Act, as amended.
- B. P.A. 33 of 2008, the Michigan Planning Enabling Act, as amended.

Section 301.3 is hereby amended to read as follows:

**301.3 Establishment of the Board.** The Zoning Board of Appeals is established in accordance with P.A. 12 of 2008, as amended. The Board shall perform its duties and exercise its powers as provided by state law and this Zoning Code such that the intent of this Zoning Code is observed and the health, safety and welfare of the public is secured.

Section 301.5 is hereby amended to read as follows:

**301.5 Time Limit.** An appeal shall only be considered if filed within fifteen (15) days after the cause arises or the appeal shall not be considered. If such an appeal is not made, the decision of the Code Official shall be considered final.

Section 303.1 is hereby amended to read as follows:

**303.1 General.** The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to all persons to whom any real property within three hundred (300) feet of the premises in question is accessed, and to the occupants of single and two-family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail addressed to the respective owners and tenants at the address given in the latest assessment role, at least fifteen (15) days before the hearing of an appeal. If a tenant's name is not known, the term occupant will be used. Upon the hearing, a party may appear in person or by agent or by attorney. Meetings of the Zoning Board of Appeals shall be held at the call of the Code Official and at such other times as the Board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public. The Board shall follow rules of procedure and keep a public record of its proceedings showing the action of the Board and the vote of each member upon each question considered. The presence of four (4) members shall be necessary to constitute a quorum and a majority vote of the members of the Board shall be necessary to reverse an order, requirement, decision or determination of an administrative official or to decide in favor of the applicant in the case of a variance, exception or interpretation, except that the concurring vote of four (4) of the members shall be necessary to grant a variance from uses of land permitted by this Zoning Code.

Section 304.1.4 is hereby amended to read as follows:

**304.1.4 Notice/Advertisements.** Notice shall be given to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction not less than fifteen (15) days before the date the request will be considered. 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 persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other district spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who

Ordinance No 1089 – continued

shall be requested to post the notice at the primary entrance to the structure. Required notice shall be considered given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. Additionally, one (1) advertisement in a local newspaper of general circulation indicating the nature of the appeal and the date of the hearing will be placed not less than fifteen (15) days before the date the request will be considered. A minor deviation in the notice published in the newspaper or in the time of appearance of such notice in the newspaper shall not affect the validity of the proceedings of the Board unless there is a clear demonstration of prejudice as a result of such minor deviation. A notice under this section shall describe the nature of the request, indicate the property that is the subject of the request, list all existing street addresses within the property, state when and where the request will be considered and indicate when and where written comments will be received concerning the request.

Section 307.1 is hereby amended to read as follows:

**307.1 Circuit Court Review.** A decision of the Zoning Board of Appeals shall be final. However, any party having a substantial interest affected by an order, determination or decision of the Zoning Board of Appeals may appeal to the Circuit Court if such appeal is made to the Court within thirty (30) days after the Zoning Board of Appeals issues its decision in writing, or within twenty-one (21) days after the Zoning Board of Appeals approves its minutes.

**CHAPTER II  
SAVINGS CLAUSE**

If any section, subsection, sentence, clause, or phrase of the within Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

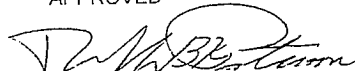
**CHAPTER III  
CONFLICTING ORDINANCES REPEALING CHAPTER**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

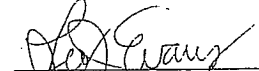
**CHAPTER IV  
EFFECTIVE DATE**

This Ordinance shall be in full force and in effect ten (10) days after its passage and publication.

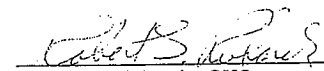
APPROVED

  
\_\_\_\_\_  
Ralph B.K. Peterson  
City Attorney

APPROVED

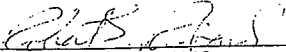
  
\_\_\_\_\_  
Leo Eyrans  
Mayor

ATTEST

  
\_\_\_\_\_  
Robert S. Richards, CMC  
City Clerk

Ordinance No 1089 – continued

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a Regular Meeting held on Thursday the 6th day of November 2008, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on Tuesday, November 11th, 2008, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

  
\_\_\_\_\_  
Robert S. Richards, CMC  
City Clerk

ORDINANCE NO. 1131

AN ORDINANCE TO AMEND ORDINANCE NO. 1028,  
CITY ZONING ORDINANCE BY AMENDING SECTION 702.1 TO ADD  
TRANSITIONAL HOUSING TO PRINCIPAL USES

THE CITY OF ESCANABA ORDAINS:

CHAPTER I

Section 702.1 is hereby amended by adding the following:

- S. Transitional Housing. A Transitional housing which contains self-sufficiency training and human services offices.@

CHAPTER II  
SAVINGS CLAUSE

Section 201. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional or unlawful, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or unlawful.

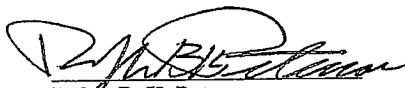
CHAPTER III  
CONFLICTING ORDINANCES

Section 301. All ordinances or parts of ordinances or resolutions, heretofore passed or adopted, which may conflict or be inconsistent with the provisions of this ordinance are hereby repealed.

CHAPTER IV  
EFFECTIVE DATE

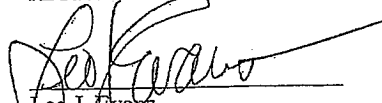
Section 401. This ordinance shall become effective ten (10) days after the passage and publication.

APPROVED:

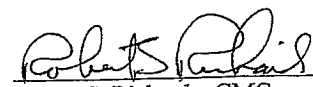
  
Ralph B. K. Peterson  
City Attorney

Date Approved: March 7, 2013  
Date Published: March 13, 2013

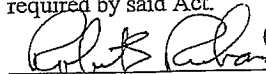
APPROVED:

  
Leo J. Evans  
Mayor

ATTEST:

  
Robert S. Richards, CMC  
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted the City Council of the City of Escanaba, County of Delta, Michigan, at a Regular Meeting held on the day of March, 2013, and was published in the Daily Press, a newspaper of general circulation in the City Escanaba on March 13, 2013, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

  
Robert S. Richards, CMC  
City Clerk