



**PLANNING COMMISSION  
REGULAR MEETING AGENDA  
August 9, 2018, at 6:00pm**

*Kel Smyth, Chairperson  
Christine Williams, Vice-Chairperson  
Brian Black, Secretary  
James Hellerman, Deputy Secretary  
Dominic Benetti, Commissioner  
Paul Caswell, Commissioner*

*Richard Clark, Commissioner  
Craig Gierke, Commissioner  
Vacancy  
Blaine DeGrave Community Development  
Ronald Beauchamp, City Council Liaison*

[Escanaba City Hall, Council Chambers, 410 Ludington Street, Escanaba, MI 49829](#)

**Thursday, August 9, 2018 – 6:00pm**

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL/CORRECTION(S) TO MINUTES – Regular Meeting – July 12, 2018**

**APPROVAL/ADJUSTMENTS TO THE AGENDA**

**CONFLICT OF INTEREST DECLARATION**

**UNFINISHED BUSINESS**

- 1. Update on tabled item: Proposed Communications Tower Facility at Ness Field – 1619 18<sup>th</sup> Avenue South**

**PUBLIC HEARING(S) – None**

**NEW BUSINESS**

- 1. Discussion on Amending the Zoning Ordinance to Allow Storage Units in Specified Zoning Districts**
- 2. Discussion on Amending the Zoning Ordinance to Allow Expanded Uses in Light Manufacturing Districts**
- 3. Project Updates:**
  - Zoning Board of Appeals Hearings/Decisions.
  - Delta County Planning Commission Update. The Planning Commission will be updated on the activities at the latest Delta County Planning Commission Meeting.
  - Zoning/Land Use Permit Update.
  - Various.

**GENERAL PUBLIC COMMENT**

**COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS**

**ADJOURNMENT**

The City of Escanaba will provide all necessary, reasonable aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities at the meeting/hearing upon five days notice to the City of Escanaba. Individuals with disabilities requiring auxiliary aids or services should contact the City of Escanaba by writing or calling City Hall at (906) 786-9402.

Respectfully Submitted,

Blaine R. DeGrave, Ex-Officio  
Planning Commission

**PLANNING COMMISSION MEETING  
ESCANABA, MICHIGAN  
July 12, 2018**

A meeting of the Escanaba Planning Commission was held on Thursday, July 12, 2018, at 6:00pm in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

**PRESENT:** Chairperson Kel Smyth, Vice-Chairperson Christine Williams, Deputy Secretary James Hellerman, Commissioners Paul Caswell, Richard Clark, Craig Gierke, and Dominic Benetti

**ALSO PRESENT:** Planning and Zoning Administrator Blaine DeGrave, Confidential Secretary Roxanne Spencer, City Clerk Lisa Glish, Acquisitions Agent for PI Tower & Verizon Peter Schau, and City Council Liaison Ronald Beauchamp

**ABSENT:** Secretary Brian Black

Chairperson Smyth called the meeting to order at 6:00 p.m.

**ROLL CALL**

Confidential Secretary Roxanne Spencer conducted roll call.

**APPROVAL/CORRECTION OF THE APRIL 12, 2018 PLANNING COMMISSION MEETING MINUTES**

A motion was made by Vice Chairperson Williams, seconded by Commissioner Caswell to approve the April 12, 2018 Planning Commission meeting minutes as submitted, with the adjustment of one misspelled word. Ayes were unanimous.

**APPROVAL/ADJUSTMENTS TO THE APRIL 12, 2018 PLANNING COMMISSION REGULAR MEETING AGENDA**

Under New Business Item 1, discussion will take place regarding adjusting the zoning uses in for commercial buildings. Additional discussion will also take place regarding addressing storage units as an allowed use in specified districts under New Business Item 2, moving Project Updates to New Business Item 3. A motion was made by Commissioner Gierke, seconded by Deputy Secretary Hellerman to amend the agenda as stated above. Ayes were unanimous.

**CONFLICT OF INTEREST DECLARATIONS**

Vice Chairperson Christine Williams asked for clarification on whether the Commission would be taking action on Public Hearing #1 regarding the Communications Tower. If so, she would have a conflict of interest. If not, she does not have a conflict of interest.

**UNFINISHED BUSINESS**

None.

## PUBLIC HEARINGS

### 1. Public Hearing – Proposed Communications Tower Facility at Ness Field – 1619 18<sup>th</sup> Avenue South.

Planning and Zoning Administrator Blaine DeGrave explained that a Public Hearing was going to be held tonight, but information was just recently brought to his attention by Patti Menard (owner of 1710 18th Avenue South) that highlighted an established ordinance which states that wireless communication towers should not be brought before the Planning Commission as an essential service. He apologized for the initial oversight of this ordinance and asked the item be tabled/postponed for one month.

Chairperson Smyth further explained that the Public Hearing was scheduled and brought to the Commission under Ordinance 1028, but that there is another ordinance that deals specifically with wireless telecommunication facilities, and that any action must be done under that part of the ordinance.

Blaine DeGrave added that the tower was initially going to be presented as an essential service as the City was looking at attaching communications to the tower also to communicate with City vehicles. However, under Section 7-95 (b) (7) – Essential Services and Public Utilities, it states “Wireless telecommunications facilities shall not be considered infrastructure, essential services, or public utilities, as defined or used elsewhere in the city’s ordinance and regulations. Siting for telecommunications facilities is a use of land and subject to the city’s zoning ordinance and all other applicable ordinances and regulations”, which does not give authority to bring the tower before the Planning Commission. He asks for the issue to be tabled and allow for the company to determine its next steps, including the right to ask for a variance through the Board of Appeals. He commented that a representative for the Verizon and PI Tower Development, Peter Schau, is present and available for discussion, but it is not appropriate for the Planning Commission to approve or deny the request.

Chairperson Smyth recommended that a motion be considered first to table the item, then to allow for Peter Schau to speak. Commissioner Caswell asked for a point of clarification that the issue would now go to the Board of Appeals for a variance if the developer requests it, but would not come back to the Planning Commission. Blaine confirmed that statement and noted that the public will still have a voice and would be invited to attend the Board of Appeals meeting.

Commissioner Clark addressed the public attendees giving them information on where to find the applicable ordinance for Wireless Telecommunication Facilities on the City’s website, encouraging them to read and review Section 7-95. On behalf of the Planning Commission, Chairperson Smyth thanked the public attendees for coming and apologized for not being able to notify them in advance of the change due the information being received only in the last few days.

**A motion was made by Vice-Chairperson Williams to table the Public Hearing on the Proposed Communications Tower Facility at Ness Field, seconded by Commissioner Hellerman, and approved with unanimous ayes.**

Chairperson Smyth invited Peter Schau to speak about the tower project. Mr. Schau stated he was present on behalf of the applicants PI Tower Development and Verizon. Regarding the location of the tower, research had indicated that in 2003, the City had approved a different company to build a tower there which was never built, signaling the potential of using that location now for a similar project. Taking into consideration general community concerns such

as aesthetics, a 95' tower was proposed in the recreation field area where other poles similar in height already exist. It is to be a shared tower, allowing companies to use the structure as well, decreasing the potential need for other such towers to be built in the future. Regarding the need for the tower, Mr. Schau explained how cell coverage works and that demand has gone up for wireless service necessitating additional coverage, specifically in the south area of the city where few non-residential areas are available to construct a tower. The floor was opened for questions.

Commissioner Hellerman questioned whether the property in the airport area would be a possible and less controversial location. Mr. Schau responded that being closer to the airport would not be possible due to FAA regulations. Additionally, the designer has indicated that to get the proper coverage, the tower would need to be placed east of M-35.

Margo Phalen, owner of 1719 20<sup>st</sup> Avenue South and 1720 21<sup>st</sup> Avenue South, questioned whether there were any alternative sites planned. Mr. Schau indicated that there were no other possible locations in the target area because it is mostly residential.

Patti Derouin, owner of 1700 21st Avenue South, raised the issue of health dangers of cell towers due to electromagnetic radiation. Peter Schau responded that these types of facilities are highly regulated by the FCC and will be monitored for compliance. Commissioner Clark advised that Congress passed an act in 1996 that prohibits local governments from basing their decisions on health reasons in these types of projects; they may consider criteria such as aesthetics and property values, but cannot take health into consideration because it has already been deemed acceptable by the FCC. Commissioner Hellerman stated that since 2015 the FCC has been re-evaluating their levels because previous tests had possibly been contaminated. He further explained that he has personally researched and taken measures against electromagnetic radiation, but also affirmed that health reasons cannot be a consideration of local government decisions. Commissioner Gierke added that power levels of devices have decreased over time due to improved technology, thereby decreasing radiation emissions.

Dan Phalen, owner of 1719 20<sup>st</sup> Avenue South and 1720 21<sup>st</sup> Avenue South, raised four issues that concern him: 1) property values, 2) aesthetics 3) migratory bird routes, and 4) interference with other air signals such as television reception. Mr. Schau responded as follows: Regarding interference, the FCC regulates all frequencies to reduce or eliminate interference. Since power levels drop off past 10-12 feet, unless you were near antennae at the top of the tower, there should be no interference. Regarding migratory birds, because the project is a federal undertaking and under the FCC licensing, a complete work-up of environmental, historical preservation, and other federal concerns was conducted. It was determined that the height and structure of this type of monopole tower would not be a detriment to migratory birds that other taller towers with guywires might be. Regarding aesthetics, the project was designed to get separation distance. Regarding property values, research has shown that homebuyers want to make sure they have good coverage in their homes.

Matt Snyder, representing the Kenneth Marvic Trust which owns 2108 South 18th Street & 2100 South 18th Street, is concerned with falling property values.

Cheryl Jardis, owner of 1612 18th Avenue South, stated that she disagrees with the notion that the tower would negatively affect property values, adding that other things in the neighborhood such as athletic field lights and increased noise and traffic during athletic events are more problematic to property values than a cell tower. She added that their cell service frequently drops in their home, so she is in support of the tower.

Vice-Chairperson Williams asked if the tower will be lit and if so, with a strobe or continuous light. Mr. Schau responded because of proximity to the airport, the FAA requires it to be lit with a white strobe during the day, and red pulsating at night.

Closing the discussion, Chairperson Smyth re-iterated that the Planning Commission would not be taking any action and that if the applicants wished to proceed, the item would be submitted to the Board of Appeals and the public could raise further questions, concerns, and support at that time.

## **NEW BUSINESS**

### **1. Discussion on Adjusting Zoning Ordinances for Unused Commercial Buildings**

Commissioner Gierke expressed the need to expand allowed uses in certain zoning districts so that more businesses could potentially use current vacant commercial buildings, such as wholesale and warehousing, without significantly impacting neighboring businesses. Expanding the allowed uses in the zoning ordinance would enable City administration to approve these types of projects without having to bring them before the Planning Commission.

Vice-Chairperson Williams commented that other uses for these types of buildings she has encountered include senior housing, libraries, and museums (in addition to previously mentioned light manufacturing uses). Commissioner Gierke added he has seen re-use of commercial buildings as car dealerships.

Vice-Chairperson Williams recommended that any changes should be as broad as possible to allow multiple uses. Commissioner Hellerman noted concern about being too broad as to discourage the initial use of those buildings as retail establishments again in the future.

Commissioner Benetti asked for clarification on whether this was referring only to areas along North Lincoln Road, or also on Ludington Street. Blaine DeGrave clarified that it was in reference to Light Manufacturing districts, wherever they may be located in the City, a majority of which are along North Lincoln Road.

Vice-Chairperson Williams raised the issue of making sure the Commission researches what other communities have done well in this regard, with wording specific to certain styles of buildings, primarily the "big box" structures. Their changes to expand allowable uses have complemented their downtown areas and highway areas. Commissioner Gierke suggested that Blaine DeGrave contact the Michigan Municipal League to find out which communities have been successful in this regard, and then contact those communities. Vice-Chairperson Williams commented that she has a list of some of these successful communities, but that they are not necessarily in Michigan. Chairperson Smyth referenced the article sent out by City Manager Patrick Jordan to the Planning Commission this week regarding work the MML has done in this regard.

Commissioner Clark asked if there was anything the Planning Commission does policy-wise to more pro-actively promote filling vacant buildings in light manufacturing districts. Blaine DeGrave responded that there are programs in place for promoting usage in the downtown area, but it does not extend areas outside of downtown. Commissioner Clark asked if CUPPAD is possible source of assistance and Blaine DeGrave agreed that it would be. Commissioner Benetti asked if there were façade-type programs available for areas outside of downtown. Blaine DeGrave said there are not any to his knowledge.

Chairperson Smyth asked Blaine DeGrave to check with MML and CUPPAD to research the issue and make it an agenda item for the next meeting. Commissioner Gierke commented that the Commission should take time to research and deliberate the issue well.

## **2. Discussion on Including Storage Units as Allowed Uses**

Commissioner Hellerman explained that a case recently came to his attention regarding a proposed use of a storage unit to be built in a residential zone. Upon researching, he found that storage units are not mentioned specifically in any section of the ordinance, but with the increasing use of them should be addressed.

Blaine DeGrave stated that currently storage units would not be an allowed use by right in any zoning district and would have to be brought before the Planning Commission as a special land use permit on a case-by-case basis and would require a public hearing. He agrees that more specific language regarding storage units would be helpful in determining which in which districts they would be allowed and which they would not.

Commissioner Hellerman asked if it were requested to place storage units in a non-allowed district, would they then be able to ask for a variance. Blaine DeGrave noted that variances are very difficult to get, since it is required to show hardship, not simply financial benefit. He doesn't recommend that storage units be allowed in Residential A districts, but possibly in multi-family Residential C districts by way of special land use permit.

Vice-Chairperson Williams asked about the proper procedure to make an amendment. Blaine DeGrave believes that a proposal for wording would be presented to the Planning Commission and discussed. The Planning Commission would make a recommendation to the City Council. The City Council would make a final determination.

Commissioner Hellerman volunteered to write a proposal for discussion at the next Planning Commission meeting.

## **3. Project Updates**

- a. **Zoning Board of Appeals Hearings/Decisions:** Blaine DeGrave stated there was nothing new to report.
- b. **Delta County Planning Commission Update:** Vice-Chairperson Williams reported that the Commission is recommending that the Delta County Master Plan be updated and that they will be working with CUPPAD to do so.
- c. **Zoning/Land Use Permit Update:** Blaine DeGrave updated the Planning Commission with the following information:

# **ZONING PERMITS REPORT**

**January 01, 2018 thru July 12, 2018**

4	NEW RESIDENTIAL HOME	\$ 1,282,000
10	RESIDENTIAL REMODEL	\$ 189,789

2	NEW COMMERCIAL	\$ 1,735,000
3	COMMERCIAL REMODEL	\$ 260,000
1	CHANGE OF USE	\$ -
1	HOME OCCUPATION	\$ -
1	LAND USE PERMIT	\$ -
3	DEMOLITION PERMIT	\$ 21,200
<b>25</b>	<b>TOTAL</b>	<b>\$ 3,487,989</b>

- d. **Various:** Commissioner Gierke asked about the status of a property project at the corner of 8<sup>th</sup> Avenue South and South 10<sup>th</sup> Street that has been ongoing for a long period of time. Blaine DeGrave stated he will talk to the owner about his proposed timeline.

Vice-Chairperson Williams asked if there was any update on the MDOT park-and-ride project. Blaine DeGrave does not have any new information. Commissioner Caswell addressed Craig Woerpel who indicated that an alternative location at Meijer had been accepted.

#### **GENERAL PUBLIC COMMENT**

None.

#### **COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS**

None.

#### **ADJOURNMENT**

**A motion was made by Vice-Chairperson Williams, seconded by Commissioner Caswell, to adjourn the meeting. Ayes were unanimous.**

The meeting adjourned at 7:05 p.m.

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Kel Smyth, Chairperson  
Escanaba Planning Commission

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Blaine DeGrave, Planning and Zoning Admin  
City of Escanaba

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Christine Williams, Vice-Chairperson  
Escanaba Planning Commission

N. B. #1

P.C.

8-9-18

**Proposed changes to zoning to accommodate rental storage units**

Add under Section 703.1 General- ***Rental Storage Unit Building***.

This would put it under a requirement of a special use land permit. Also worth discussion is whether we want special requirements or maybe a description of intent of adding this for future Planning Commissioners to better understand?

Add ***803.2 Rental Storage Unit Building would require a special land use permit.***

This would essentially make it the same as above. Also above discussion would be relevant to this.

Move and re label B to C under 903.1 General

Make B under 903.1 General- ***B Rental Storage Unit Building***.

Perhaps just add this to the end of 903.1 General A?

Add to 1002.1 General- ***EE Rental Storage Unit Building***.

This section already allows cold storage and other similar uses.

The rest of the zoning classes are covered either by similar buildings or special use as listed.

Of course these are just ideas and are open to all and any input.

James Hellermann

Escanaba Planning Commissioner



- (7) Motor vehicle sales.
- (8) Motor vehicle fleet storage.
- (9) Nursing home.
- (10) Private club.
- (11) Repair or testing of internal combustion engines.
- (12) Restaurant.
- (13) Tavern.
- (14) Veterinary clinic or animal hospital.
- (15) Similar types of businesses. The above list is not exclusive.

Q. Bed and Breakfast Establishment. Bed and Breakfast Establishment subject to the following conditions:

- 1. Not more than one (1) establishment is permitted within any fifteen hundred (1,500) foot radius of each other.
- 2. The minimum size of a one-family residential dwelling for a Bed and Breakfast Establishment is two thousand (2,000) square feet of normal residential space, exclusive of garages and storage sheds.
- 3. All applicants for a bed and Breakfast Establishment license must demonstrate that the proposed establishment will comply with Escanaba's Bed and Breakfast Establishment ordinance.

R. Adult Foster Care Facilities. Adult Foster Care (state licensed residential facility as defined by MCLA 125.5836; MSA 5.2933(27)).

**SECTION 703  
USES ALLOWED BY SPECIAL LAND USE PERMIT**



**703.1. General.** The following uses of land and building, together with accessory uses, are allowed in the Residence "C" District if a special land use permit is issued according to the standards of this Chapter:

- A. Essential service buildings; B. Group daycare homes; C. Temporary of dwelling units; and D. Community building or club, except where the principal activity thereof is a service customarily carried on as a business.

**SECTION 704  
ACCESSORY USES PERMITTED IN A RESIDENCE C DISTRICT –  
WHEN LOCATED ON THE SAME LOT AS THE PRINCIPAL USE**

**704.1. Allowed Uses.** Uses customarily incident to any of the permitted uses and located on the same lot therewith, provided all area and yard requirements are met.

**SECTION 705  
SETBACKS**

**705.1. Front Yard Requirement.** In a Residence C District there shall be a front yard on every lot.

**705.1.1. Front Yard.** Every front yard shall be at least twenty-five (25) feet or thirty-five percent (35%) of the depth of the lot (whichever is least restrictive) as measured at

**CHAPTER 8  
RESIDENTIAL PLANNED-UNIT DEVELOPMENT DISTRICT (C-2)**

**SECTION 801  
GENERAL**

**801.1. Purpose.** The purpose of the Planned-Unit Development District is to provide the greater flexibility in development of land; encourage a variety in the development pattern of the community; encourage developers to use a creative approach in land development; conserve natural land features; facilitate a desirable aesthetic and efficient use of open space; create public and private common open spaces and flexibility and variety in the location of improvements on lots with diversity of the use of land.

**801.2. Cross References, as amended.**

- A. Zoning and planning in home rules cities MCLA 117.4I
- B. Regulation of location of trades, buildings and uses by local authorities MCLA 125.581
- C. Regulation of buildings; authority to zone MCLA 125.582
- D. Regulation of congested areas MCLA 125.583
- E. Uses of land or structures not conforming to ordinances; power of legislative bodies; acquisition of property MCLA 125.583a
- F. Planned-Unit Development MCLA 125.584b
- G. Discretionary Decisions MCLA 125.584c

**SECTION 802  
ADOPTION OF PLANNED-UNIT DEVELOPMENT ZONES**

**802.1. General.** Any property may be zoned Planned-Unit Development Zone in accordance with the provisions of this Chapter; provided, that the Planning Commission and the Council adopts the final development plan for such property in accordance with this Chapter, and in which case the City Council shall adopt the final development plan as the zoning on the property.

**SECTION 803  
PERMITTED AND CONDITIONAL USES**

**803.1. General.** The following uses are permitted:

- A. Town Houses, Condominiums, and similar.
- B. Single, double, and multi-family dwelling units.
- C. Public and private nonprofit parks and playgrounds, community centers and recreation facilities.
- D. Common public and private open spaces.
- E. Hiking and riding trails.
- F. Private noncommercial clubs, such as golf, swimming, tennis and country clubs.
- G. Accessory structures and uses.
- H. Garages and storage buildings when part of approved development plans.
- I. Child care centers/nursery schools.

- J. The Planning Commission may authorize principal and other uses not stated provided that such uses are consistent with the intent of this chapter and the standards set forth herein.

**SECTION 804  
DEVELOPMENT STANDARDS**

**804.1. General.** To ensure effective development of the City, the following development standards are adopted as part of Planned-Unit Development ordinance in addition to all other development standards provided for in the other City Codes. In cases of conflict between standards set forth in this Chapter and other parts of the City's Code, the standards provided for in such other code sections shall control unless the Planning Commission and Council shall have granted a variance from said standards in the approval of the Final Plan as provided in this Chapter.

**SECTION 805  
MINIMUM DEVELOPMENT DISTRICT SIZE**

**805.1. General.** Planned-Unit Development Districts shall be established only on parcels of land which are suitable for the proposed development and of sufficient size to be planned and developed in the manner consistent with the purpose of this Chapter.

**SECTION 806  
COMPATIBILITY WITH NEIGHBORHOOD**

**806.1. General.** The development plan and program submitted by the developer as provided in this Chapter shall present an organized arrangement of buildings, service facilities, landscaping, and fencing to insure compatibility with the comprehensive plan and character of the neighborhood. Adequate services normally rendered by the City to its citizens must be available to the proposed development at the time of development. The City will require the developer to provide for the cost of all utilities and services normally rendered to properties that are located with [with-in] the development area. These costs may include the extensions of any normal trunkline or area facility planning as may be part of the City's general comprehensive plan for the extension of the utilities and services which are affected by the proposed Planned-Unit Development area to the extent that they are encompassed within, through or abutting the development area district.

**SECTION 807  
DEVELOPMENT DENSITY**

**807.1. Area.** The maximum allowable area to be occupied by structures shall be limited to thirty-five percent (35%).

**807.2. Residential Density.** The number of dwelling units permitted in any planned residential development shall be determined as follows:

**807.2.1. Net Development Area.** Divide the net development area by the minimum lot area per dwelling unit required of five thousand (5,000) square feet of land per dwelling unit. The net development area shall be determined by subtracting the area set aside for churches, schools, and other non-residential uses from the gross development area, including R.O.W. designated for public street purposes. Drives,

Add  
803.2?  
→

**CHAPTER 9  
LOCAL BUSINESS DISTRICT ("D")**

**SECTION 901  
GENERAL**

**901.1. Purpose.** The Local Business District is for the purpose of accommodating a wide range of retail goods and neighborhood services available to the community. These uses are intended to be developed compactly within a neighborhood and have coordinated access, preferably with limited driveways and shared parking facilities.

**901.2. Cross References, as amended.**


- A. Zoning and planning in home rules cities MCLA 117.41
- B. Regulation of location of trades, buildings and uses by local authorities MCLA 125.581
- C. Regulation of buildings; authority to zone MCLA 125.582
- D. Regulation of congested areas MCLA 125.583
- E. Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property MCLA 125.583a

**SECTION 902  
USES PERMITTED IN A LOCAL BUSINESS DISTRICT**

**902.1. General.** In a Local Business District a building, structure, or premises may be erected or used for one or more of the following specified purposes:

- A. Professional office, studio, barber shop or beauty shop, provided that no mechanical or electrical equipment is used which will create a nuisance to the adjacent neighborhood.
- B. Grocery store.
- C. Bakeries, retail, including manufacturing of goods on premises.
- D. Barber and beauty shops.
- E. Clinics, medical, dental and optical.
- F. Clinics, veterinary.
- G. Dry cleaning and laundry establishments, up to 4500 square feet on a lot.
- H. Florists, retail.
- I. Funeral homes.
- J. Locksmiths and gunsmiths.
- K. Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsman, glass blowers, weavers, silversmiths, and designers of ornamental and precious jewelry.
- L. Real estate office.

**SECTION 903  
USES ALLOWED BY SPECIAL LAND USE PERMIT**

 **903.1. General.** The following uses of land and buildings, together with accessory uses, are allowed in the Local Business District if a special land use permit is issued according to the standards of this ordinance.

- A. Public garages, repair shops, gasoline service stations, and other motor fueling filling stations.
- B. The Planning Commission may authorize principle and other uses not stated in the district where the land is located, provided that such uses are consistent with the neighborhood, intent of this Chapter, and the standards set forth herein.

**SECTION 904  
ACCESSORY USES PERMITTED IN A LOCAL BUSINESS DISTRICT WHEN  
LOCATED ON THE SAME LOT WITH THE PRINCIPAL USE**

**904.1. Accessory Uses.** The following uses are permitted in a Local Business District when located on the same lot with the principal use.

- A. Living quarters of persons employed on the premises, and not rented or otherwise used as a separate dwelling.
- B. Uses customarily incident to any of the permitted uses and located on the same lot therewith.
- C. Private and community garages for the storage of vehicles only.

**SECTION 905  
SETBACKS**

**905.1. Front Yard Requirement.** This front yard lot shall be at least twenty-five (25) feet or thirty-five percent (35%) of the depth of the lot (whichever is least restrictive) as measured at right angles from the front lot line to the nearest part of the principal building located on the lot, provided, however, that on lots located on the same side of the street and between the same consecutive intersecting streets as other lots of which at least fifty percent (50%) are occupied by uses wherein the depths of the front yard are other than that required above, the depth of the front yard shall not be less than the average depth of the front a yards of such occupied lots. In no case are the provisions of this section to require a front yard depth in excess of thirty-five percent (35%) of the average depth of the lot nor less than fifteen (15) feet.

**905.1.1. Principal Use.** When the non-conforming principal use is of a residential nature the requirements of the nearest Residential District shall apply.

**905.2. Side Yard Requirement.** In a Local Business District there shall be two side yards on each lot. The minimum side yard shall be at least ten percent (10%) of the width of the lot, with a total of twenty-five percent (25%) of the width of the lot required for both side yards, provided, however, that no side yard shall be less than four (4) feet in width and that the minimum width of each side lot shall be increased by four (4) feet for each story by which the building exceeds two (2) stories in height.

**905.2.1. Side Yard Width.** The width of a side yard abutting upon a street shall not be less than the minimum front yard depth required on an adjoining interior lot fronting upon such side street but this shall not reduce the buildable width of any lot of record at the time of the passage of this ordinance to less than thirty (30) feet at the ground story level; provided, however, that in no case shall the width of said side yard be less than eight (8) feet.

**CHAPTER 10  
COMMERCIAL DISTRICT ("E")**

**SECTION 1001  
GENERAL PROVISIONS**

**1001.1. Purpose.** The Commercial District is for the purpose of accommodating offices, retail and related services.

**1001.2. Cross References, as amended.**

- A. Zoning and planning in home rules cities MCLA 117.41
- B. Regulation of location of trades, buildings and uses by local authorities MCLA 125.581
- C. Regulation of buildings; authority to zone MCLA 125.582
- D. Regulation of congested areas MCLA 125.583
- E. Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property MCLA 125.583a

**SECTION 1002  
USES PERMITTED IN A COMMERCIAL DISTRICT**

→ **1002.1. General.** In a Commercial District, a building, structure, or premises, may be erected or used for one or more of the following specified purposes:

- A. Office, studio, barber shop, beauty shop.
- B. Retail stores and restaurants.
- C. Wholesale business, storage in bulk of or warehouse for such material as clothing, cotton, drugs, dry goods, feed, food, furniture, hardware, metals, pipe, rubber, shop, supplies, tobacco, wool within an enclosed building.
- D. Bank, financial institution, credit union, theater, moving picture house, recreation building, assembly hall, mortuary, funeral home.
- E. Cold storage plant, ice manufactory, creamery, ice cream manufactory, candy manufactory, bottling works, milk bottling or central distributing station, baking plant, dairy.
- F. Dyeing or dry cleaning plant, laundry.
- G. Ship passenger terminal, bus terminal, taxi stand.
- H. Printing plant, newspaper plant.
- I. Radio and television broadcasting station, telephone exchange, police and fire station.
- J. Community garage.
- K. Hotels, boarding houses, club houses with residential facilities, lodging houses, motels, overnight cabins, and other business of a similar nature, in which shelter or lodging is furnished a relatively transient clientele and a charge is made therefor.
- L. Churches (except on Ludington Street between 2<sup>nd</sup> Street and 22<sup>nd</sup> Street).
- M. Public or parochial schools, colleges, public library, museum, private educational institutions.
- N. Hospital, home dormitory.
- O. Community building, club, or armory.
- P. Amusement, commercial, outdoor.

- Q. Automobiles, truck and utility trailer rental.
- R. Automotive sales and repair.
- S. Car washes.
- T. Boat and ship sales and repair (not exceeding 100 feet in length).
- U. Cultural facilities.
- V. Equipment rental and leasing, within an enclosed building.
- W. Government buildings.
- X. Laboratories, dental, medical and optical.
- Y. Post Offices.
- Z. Restaurants, taverns.
- AA. Studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, wood and leather craftsman, silversmiths, and designers of ornamental and precious jewelry.
- BB. Neighborhood food and beverage service.
- CC. Catalog and mail order houses.
- DD. Funeral Home.

### SECTION 1003 USES ALLOWED BY SPECIAL LAND USE PERMIT

**1003.1. General.** The following uses of land and buildings, together with accessory uses, are allowed in the Commercial District if a special land use permit is issued according to the standards of this chapter:

- A. Churches on Ludington Street between 2<sup>nd</sup> Street and 22<sup>nd</sup> Street.
- B. Public garages, repair shops, gasoline service stations and other motor fuel filling stations.
- C. Public garages, business, public or quasi-public, and commercial vehicle parking.
- D. The Planning Commission may authorize principle and other uses not stated in the district where the land is located, provided that such uses are consistent with the intent of this Chapter and the standards set forth herein.

**1003.2. Sexually Oriented Businesses.** A sexually oriented business may be allowed and shall be known as a regulated use and shall be permitted with the following restrictions:

**1003.2.1. Location.** The use must be located outside a five hundred (500) foot radius of a residential district, a church, school, or daycare center and outside a five hundred (500) foot radius of an officially dedicated park and the regulated use is not located within a fifteen hundred (1500) foot radius of another regulated use. All measurements under this section shall be made in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the regulated use or building containing a regulated use to the nearest property line of the residential district, church, school, daycare center, or park.

**1003.2.2. Minor on Premises.** Persons operating a regulated use shall not permit any person under the age of eighteen to be on the premises of said regulated use either as an employee or as a customer.

**1003.2.3. Hours.** The maximum hours of operation of the regulated use shall be from 8:00 a.m. to 12:00 p.m.