



CITY COUNCIL

MEETING AGENDA

February 21, 2019

Marc D. Tall, Mayor
Ronald J. Beauchamp, Mayor Pro Tem
Ralph B. Blasier, Council Member
Michael R. Sattem, Council Member
Peggy O. Schumann, Council Member

Patrick S. Jordan, City Manager
Phil DeMay, City Clerk
Ralph B. K. Peterson, City Attorney

[City Council Chambers located at: City Hall – 410 Ludington Street – Room C101 – Escanaba MI 49829](#)

The Council has adopted a policy to use a Consent Agenda, when appropriate. All items with an asterisk (*) are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member or citizen so requests, in which event, the item will be removed from the General Order of Business and considered in its normal sequence on the Agenda.

[Regular Meeting](#)

Thursday, February 21, 2019, at 7:00 p.m.

CALL TO ORDER

ROLL CALL

INVOCATION/PLEDGE OF ALLEGIANCE

APPROVAL/CORRECTION(S) TO MINUTES – Regular Meeting – February 7, 2019

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION(S)

BRIEF PUBLIC COMMENT(S)

PUBLIC HEARINGS

1. Public Hearing – Citizen Participation – 2019 / 2020 Fiscal Year Budget Preparation.

Explanation: A public hearing will be conducted to facilitate input from citizens for the City's next fiscal year budget. This is the second of five (5) scheduled public hearings.

2. Public Hearing - Obsolete Properties Rehabilitation District No. 26 – 1601 Ludington Street.

Explanation: The Obsolete Properties Rehabilitation Act (PA 146 of 2000) allows partial exemption of property taxes for a specified period for certain types of property improvements within a specified area. The intent of the legislation is to encourage rehabilitation of underutilized or decaying commercial or commercial/residential properties in certain designated communities such as Escanaba. The first step in the OPRA process was the establishment of a district consisting of one or more eligible properties. In accordance with program requirements, the owner of 1601 Ludington Street has submitted a request that the City establish an OPRA District, which if approved, would allow for an Obsolete Property Rehabilitation exemption in the future.

UNFINISHED BUSINESS

NEW BUSINESS

1. Approval –Three Year Auditing Services Agreement – Controllers Office.

Explanation: Administration is seeking Council approval to retain the Rehmann Group of Traverse City, Michigan, in an amount not exceed \$97,955 for audit services through year-end 2021. This item is included in the current fiscal year budget.

2. First Reading of Ordinance No. 1200, - An Ordinance to Amend Chapter 18 of the Code of Ordinances, and Setting the Date of Thursday, March 7, 2019, for Second Reading, Public Hearing, and Adoption.

Explanation: Administration is requesting the City Council to consider this the first reading of Ordinance No. 1200, An Ordinance to amend Chapter 18 of the Code of Ordinances to Temporarily Prohibit Marihuana Establishments within the City Limits of the City of Escanaba. Additionally, Administration is requesting that the City Council set March 7, 2019, for the second reading, public hearing and adoption of Ordinance No. 1200.

3. (a) First Reading of Ordinance No. 1201 - An Ordinance to Amend Chapter 18, Zoning Ordinance of the City Code of Ordinances, and Setting the Date of Thursday, March 7, 2019, for Second Reading, Public Hearing, and Adoption.

Explanation: Administration is requesting the City Council to consider this the first reading of Ordinance No. 1201 to amend Chapter 18 (Site Plan and Sketch Plan Standards), Zoning Ordinance of the City Code of Ordinances. Additionally, Administration is requesting that the City Council set March 7, 2019, for the second reading, public hearing and adoption of Ordinance No. 1201.

(b) First Reading of Ordinance No. 1202 - An Ordinance to Amend Chapter 19, Zoning Ordinance of the City Code of Ordinances, and Setting the Date of Thursday, March 7, 2019, for Second Reading, Public Hearing, and Adoption.

Explanation: Administration is requesting the City Council to consider this the first reading of Ordinance No. 1202 to amend Chapter 19 (Development Standards), Zoning Ordinance of the City Code of Ordinances. Additionally, Administration is requesting that the City Council set March 7, 2019, for the second reading, public hearing and adoption of Ordinance No. 1202.

APPOINTMENTS

BOARD, COMMISSION, AND COMMITTEE REPORTS

GENERAL PUBLIC COMMENT

ANNOUNCEMENTS

ADJOURNMENT

Respectfully Submitted



**Patrick S. Jordan
City Manager**

**OFFICIAL PROCEEDINGS
CITY COUNCIL
CITY OF ESCANABA, MICHIGAN
Regular Council Meeting
Thursday, February 7, 2019**

The meeting was called to order by the Honorable Mayor Marc D. Tall at 7:03 p.m. in the Council Chambers of City Hall located at 410 Ludington Street.

Present: Mayor Marc D. Tall, Council Members, Ronald J. Beauchamp, Ralph B. Blasier, Michael R. Sattem, and Peggy O'Connell Schumann

Absent: None

Also Present: City Manager Patrick S. Jordan, City Department Heads, media, and members of the public.

City Clerk DeMay led Council in the Pledge of Allegiance.

Sattem moved, Schumann seconded, **CARRIED UNANIMOUSLY**, to approve Regular Meeting minutes from January 17, 2019, Special Meeting Minutes from January 29, 2019, and Special Meeting Minutes from February 4, 2019 as submitted.

ADJUSTMENTS TO THE AGENDA

Patrick Jordan stated that he would like to add an agenda item regarding the Release of Reverted Option by the DNR for the jail property.

Beauchamp moved, Sattem seconded, **CARRIED UNANIMOUSLY**, to approve the Agenda as amended.

CONFLICT OF INTEREST DECLARATION – None

BRIEF PUBLIC COMMENT –

- Matt Sviland, Escanaba resident, discussed a study conducted in Colorado in regard to the impact of the legalization of recreational Marihuana. Mr. Sviland suggested to draft an ordinance to opt out of Marihuana establishments in Escanaba.
- William Gasman, Escanaba resident, discussed his thoughts and concerns with the sale of recreational Marihuana in the city of Escanaba. Mr. Gasman suggested to do the research and become educated in the sale of recreational Marihuana.
- Beth Sviland, Escanaba resident, discussed her thoughts and concerns with the sale of recreational Marihuana in the city of Escanaba. Mrs. Sviland referenced studies that have been conducted to support the ill effects of the sale of

PUBLIC HEARINGS

PH-1 Condemnation Hearing – 1608 North 19th Street.

Administration requested the condemnation of a residential home and shed located at 1608 North 19th Street, Escanaba Michigan. Administration advised the residential structures are deemed as unsafe, a public nuisance, and unfit for human occupancy.

This being a public hearing, Mayor Tall asked for public comment.

- Jean Stanchina, Escanaba resident, lives next door to the residential home at 1608 North 19th Street. She expressed her concerns of the residence and supports the condemnation of the home.

Hearing no further public comment, Mayor Tall then closed the public hearing.

PH-1 After discussion, Schumann moved, Blasier seconded, to approve the condemnation of a residential home and shed located at 1608 North 19th Street, Escanaba, MI.

Upon a call of the roll, the vote was as follows:

Ayes: Schumann, Blasier, Beauchamp, Sattem, Tall
Nays: None

MOTION CARRIED.

UNFINISHED BUSINESS – None

NEW BUSINESS

NB-1 Council Confirmation of Hiring of Assistant Assessor.

The position of Assistant City Assessor with the City of Escanaba to be offered to Jim McNeil.

NB-1 After discussion Blasier moved, Schumann seconded, **CARRIED UNANIMOUSLY**, to approve position of Assistant City Assessor to Jim McNeil.

NB-2 Discussion - Possible Ordinance Restricting Commercial Marihuana in the City of Escanaba.

City Council discussed a possible ordinance restricting commercial Marihuana in the city.

NB-2 After discussion, Blasier moved, Schumann seconded, to approve to set February 21, 2019, as a first reading on “An Ordinance to amend Chapter 18 of the Code of Ordinances to Temporarily Prohibit Marihuana Establishments within the City Limits of the City of Escanaba.”

Upon a call of the roll, the vote was as follows:

Ayes: Blasier, Schumann, Beauchamp, and Tall

Nays:

Abstain: Sattem

MOTION CARRIED.

NB-3 Approval: Resolution to Waive Penalties for Non-Filing of Property Transfer Affidavits.

Administration sought Council approval of a resolution supporting to waive penalties for non-filing of property transfer affidavits.

Assistant Assessor Jim McNeil suggested to waive penalty for non-filing of property transfer affidavits. This resolution would be for all future PTA’s and it’s not retroactive.

NB-3 “Resolved by Council Member Sattem, seconded by Council Member Schumann; **CARRIED UNANIMOUSLY**, to adopt a resolution to Waive Penalties for Non-Filing of Property Transfer Affidavits under MCL 211.27b;

RESOLUTION

Waive Penalties for Non-Filing of Property Transfer Affidavits under MCL 211.27b

WHEREAS, MCL 211.27a(10) requires the buyer, grantee, or other transferee of the property shall notify the appropriate assessing office in the local unit of government in which the property is located of the transfer of ownership of the property within 45 days of the transfer of ownership, on a form prescribed by the state tax commission that states the parties to the transfer, the date of the transfer, the actual consideration for the transfer, and the property's parcel identification number or legal description and

WHEREAS, MCL 211.27b(1) requires that if the buyer, grantee, or other transferee in the immediately preceding transfer of ownership of property do not notify the appropriate assessing office of the transfer, then penalties as described in MCL 211.27b(1)(c) or (d) are levied and

WHEREAS, MCL 211.27b(5) provides that the governing body of a local tax collecting unit may waive, by resolution, the penalty levied under MCL 211.27b(1)(c) or (d).

NOW THEREFORE BE IT RESOLVED that the City of Escanaba waives the penalty for failure to file the Property Transfer Affidavit following a transfer of ownership pursuant to the local unit's authority contained in MCL 211.27b.

RESOLUTION DECLARED ADOPTED.”

NB-4 Approval – Tree Trimming Bid – Electric Department.

Administration sought Council approval to accept the Tree Trimming bid received from Bugle Contracting of Cornell, MI to conduct the tree trimming services required for the City as written in the RFP, at a cost not to exceed \$25,000. Funds for this project are allotted in the 2018/2019 FY Budget.

NB-4 Beauchamp moved, Sattem seconded, to approved to accept the Tree Trimming bid received from Bugle Contracting of Cornell, MI to conduct the tree trimming services required for the City as written in the RFP, at a cost not to exceed \$25,000.

Upon a call of the roll, the vote was as follows:

Ayes: Beauchamp, Sattem, Schumann, Blasier, Tall
Nays: None

MOTION CARRIED.

NB-5 Setting of Public Hearing - Obsolete Property Rehabilitation District (OPRA) No. 26 -1601 Ludington Street.

The Obsolete Properties Rehabilitation Act (PA 146 of 2000) allows partial exemption of property taxes for a specified period for certain types of property improvements within a specified area. The intent of the legislation is to encourage rehabilitation of underutilized or decaying commercial or commercial/residential properties in certain designated communities such as Escanaba. In accordance with program requirements, the owner of 1601 Ludington Street, has submitted a request that the City establish an OPRA District, which if approved would allow for an Obsolete Property Rehabilitation exemption in the future. Administration is requesting Council schedule a public hearing for February 21, 2019, for the consideration of establishing Obsolete

Rehabilitation District No. 26, in accordance with the requirements of PA 146 of 2000.

NB-5 Schumann moved, Beauchamp seconded, **CARRIED UNANIMOUSLY** to set a public hearing date for February 21, 2019, for the OPRA District No. 26 – 1601 Ludington Street exemption so there is public understanding of the project.

NB-6 RESOLUTION 19-04

Release Of Reverter Option.

NB-6 “Resolved by Council Member Beauchamp, seconded by Council Member Schumann;

RELEASE OF REVERTER OPTION

RESOLVED BY: Escanaba City Council of Delta County, State of Michigan

WHEREAS, Act 451, P.A. 1994, as amended, provides for the conveyance of State-owned tax-reverted lands to municipal units for public purposes, and

WHEREAS, the State of Michigan, Department of Natural Resources, on the 3rd day of September, 1963, conveyed by Public Use Deed and reserved a reversionary interest (see attached), and

WHEREAS, the reversionary interest is under the jurisdiction of the State of Michigan, Department of Natural Resources, and

WHEREAS, the Escanaba City Council desires to have the reversionary interest released so the property can be utilized by the community and tourists as part of a place-making redevelopment project.

NOW THEREFORE BE IT RESOLVED that the Escanaba City Council is authorized to make application to the State of Michigan, Department of Natural Resources, Real Estate Services for the release of said reversionary interest to said land for a nominal fee as set by the Department of Natural Resources, and

FURTHER BE IT RESOLVED that the Escanaba City Council shall set up necessary procedures and controls to provide for the proper distribution for funds arising from the subsequent sale of the acquired property in conformity with the above mentioned acts.

Upon a call of the roll, the vote was as follows:

Ayes: Beauchamp, Schumann, Blasier, Sattem, Tall
Nays: None

RESOLUTION DECLARED ADOPTED.”

APPOINTMENT(S) TO CITY BOARDS, COMMISSIONS, AND COMMITTEES –

Mayor Tall, with Council consensus, made the following appointments:

Reappointed Glendon Brown and Tim Wilson to the Electrical Advisory Committee, term ending 2022;

Appointed Gary Carlson to the Traffic Safety Advisory Committee, term expiring June 1, 2021;

Appointed Cheryl Ohman to the County Data Board;

Appointed Blaine DeGrave as an Alternate for the CUPPAD Regional Commission.

BOARD, COMMISSION, AND COMMITTEE REPORTS

Council Members reviewed City Board and Commission meetings each attended since the last City Council Meeting.

GENERAL PUBLIC COMMENT

William Gasman, Escanaba resident, had many positive comments regarding his interaction with city Code Enforcement Official Blaine DeGrave. Mr. Gasman was proud of the effort that City of Escanaba provides for the community. Especially evident with the response to the water main break on February 1, 2019.

ANNOUNCEMENTS - None

Hearing no further public comment, the Council adjourned at 8:07 p.m.

Respectfully submitted

Phil DeMay
City Clerk

Approved: _____
Marc D. Tall, Mayor

Excerpt of the minutes of a regular meeting of the Escanaba City Council held on February 21, 2019, at the Council Chambers of City Hall, 410 Ludington Street, Escanaba, Michigan, at 7:00 p.m.

Present: Mayor Marc D. Tall, Council Members, Ronald J. Beauchamp, Ralph B. Blasier, Michael R. Satterm, and Peggy O'Connell Schumann

Absent: None

PH-2 "By Council Member , seconded by Council Member ;

RESOLUTION 19-05

**CITY OF ESCANABA, DELTA COUNTY, MICHIGAN
RESOLUTION TO ESTABLISH
OBSOLETE PROPERTY REHABILITATION DISTRICT NO. 26**

Whereas, Pursuant to P.A. 146 of 2000, the City of Escanaba has the authority to establish "Obsolete Property Rehabilitation Districts" within the City of Escanaba; and

Whereas, Swanee Incorporated, has filed a written request with the clerk of the City of Escanaba requesting the establishment of the Obsolete Property Rehabilitation District for an area in the vicinity of 1601 Ludington Street located in the City of Escanaba hereafter described; and

Whereas, The City Council of the City of Escanaba determined that the district meets the requirements set forth in section 3(1) of PA 146 of 2000; and

Whereas, Written notice has been given by mail to all owners of real property located within the district and to the public by newspaper advertisement in the Daily Press and/or public posting of the hearing on the establishment of the proposed district; and

Whereas, On February 21, 2019, a public hearing was held and all residents and taxpayers of the City of Escanaba were afforded an opportunity to be heard thereon; and

Whereas, The City Council deems it to be in the public interest of the City of Escanaba to establish the Obsolete Property District Rehabilitation as proposed.

Now, Therefore, Be It Resolved by the City Council of the City of Escanaba that the following described parcel(s) of land situated in the City of Escanaba, Delta County, and State of Michigan, to wit:

• Parcel #051-350-2930-333-004; LOTS 1 & 2 OF BLK 7 OF THE S H SELDEN ADDITION

Be and hereby is established an Obsolete Property Rehabilitation District pursuant to the provisions of P.A. 146 of 2000 to be known as Obsolete Property Rehabilitation District No. 26.

The vote was as follows:

Ayes:

Nays:

RESOLUTION DECLARED ADOPTED."

Mission Statement:



Enhancing the enjoyment and livability of our community by providing quality municipal services to our citizens.
The City of Escanaba is an equal opportunity employer and provider.

STATE OF MICHIGAN)
 ss)
COUNTY OF DELTA)

I the undersigned, being duly qualified and acting City Clerk of the City of Escanaba, do hereby certify that the foregoing constitutes a true and complete excerpt of the Escanaba City Council Minutes of the City of Escanaba, County of Delta, Michigan, at a regular City Council Meeting held on February 21, 2019, and that said meeting was conducted and public notice was given pursuant to and in full compliance with the Open Meetings Act, Act 267, Public Acts of Michigan, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Phil DeMay, City Clerk

MEMORANDUM

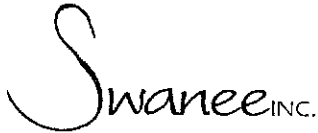
Date: February 6, 2019
To: Patrick S. Jordan, Manager
Phil DeMay, City Clerk
From: James McNeil, Assessing Office
Subject: Agenda Item Request
February 7, 2019 Meeting

Please place the following on the February 7, 2019 council agenda:

Request to set February 21, 2019 as a public hearing date to:

1. Establish Obsolete Properties Rehabilitation District No. 26 for property at 1601 Ludington Street, which includes commercial leasehold space on the ground floor and nine apartments on the upper floor. The building, formerly known as "Richter Brewery", was built in 1900, and is on the National Register of Historic Places. The owner has requested the district and plans to work with a local architect and engineer to reduce the environmental footprint of the building while maintaining the architectural integrity of the building.

The public hearing will allow the establishment of District 26, and allow the property owner to apply for an OPRA exemption later. Attached are copies of background information for this property. Once the district is established, the property owner may begin the rehabilitation process.



1121 Lake Shore Drive

Escanaba, Michigan 49829

(906) 786-3412

February 6, 2019

Patrick Jordan
City of Escanaba
PO Box 948
Escanaba, MI 49829

Dear Patrick,

This letter is to request an Obsolete Properties Rehabilitation District for the properties at 1601 Ludington St., Escanaba, MI be established.

This property will be completely rehabilitated according to The Secretary of the Interior's standards for the treatment of historic properties. Like The Lofts on Ludington, The Flats on Ludington will be a premier residential location in Delta County, offering the newest amenities and features in a contemporary setting on Ludington Street in downtown Escanaba. Located at 1601 Ludington Street, the building known to many as the "Richter Brewery" has been listed on the National Register of Historic Places as the Richter Brewing Administration Building. It is our goal to continue to breathe new life into downtown through the renovation and rejuvenation of this historic landmark. We are committed to this community, and with this project, The Flats on Ludington, we'd like to help the community move forward. Through the creation of a new option for living, we hope to meet the needs of current residents, as well as attract the attention of people exploring the area as an option for relocation. The Ludington Street ground floor space of this project is designated as commercial leasehold, guaranteeing at least 7 full time jobs.

The renovation and historic maintenance of this structure is the highest form of recycling. The rehabilitation of historic buildings keeps people in their traditional neighborhoods and downtowns, intensifies the use of existing infrastructure, halts sprawl, keeps construction waste out of Michigan landfills, and is one of the most responsible things one can do to conserve energy. We will also take the lead in recycling and reusing materials from the building to maintain its architectural integrity, as well as minimizing the environmental impact of the development and existence of these flats. We are working with a local architect and engineer to create the most environmentally friendly footprint possible.

- The windows will be replaced with energy efficient thermo-pane units as per National Park Service guidelines.
- The apartment units will feature Energy Star appliances, low flow toilets, water saving shower heads and faucets, and compact florescent light bulbs.

The 9 apartments and commercial leasehold space created with this new project are not only meant to provide a new foundation for living in Escanaba, but it will help to lay the groundwork for future growth in our city and prove to be a testing ground for the latest in sustainable design.

Please contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew D. Sviland', written in a cursive style.

Matthew D. Sviland
President, Swanee, Inc.
swaneeinc@gmail.com

Parcel Number: 051-350-2930-333-004

Jurisdiction: City of Escanaba

County: Delta

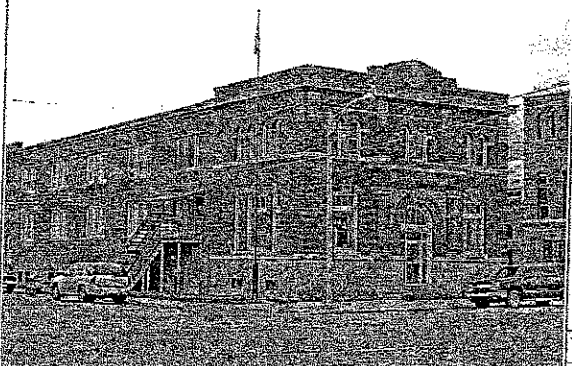
Printed on

02/06/2019

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
MARVIC	BAY DE NOC DEV	170,000	11/07/2002	WD	WD	674/10		0.0

Property Address	Class: COMMERCIAL, 201	Zoning:	Building Permit(s)	Date	Number	Status
1601 LUDINGTON ST	School: Escanaba Schools 21010			11/30/1993	6418	
Owner's Name/Address	P.R.E. 0%	Map #:	2019 Est TCV Tentative			
BAY DE NOC DEV LLC PO BOX 278 ESCANABA MI 49829-0278	X Improved	Vacant	Land Value Estimates for Land Table 20.COM 1			

Tax Description	Public Improvements	Description	Frontage	Depth	Front	Depth	Rate	%Adj.	Reason	Value
LOTS 1 & 2 OF BLK 7 OF THE S H SELDEN ADDITION	X Dirt Road	E LUDINGTON	66.00	140.00	1.0000	1.0000	600	100		39,600
Comments/Influences	X Gravel Road	66 Actual Front Feet, 0.21 Total Acres								39,600
	X Paved Road	Total Est. Land Value =								
	X Storm Sewer	Land Improvement Cost Estimates								
	X Sidewalk	Description	Rate	Size	% Good	Arch	Mult	Cash Value		
	X Water	Commercial Local Cost Land Improvements								
	X Sewer	Description	Rate	Size	% Good	Arch	Mult	Cash Value		
	X Electric	WATER&SEWER	2,500.00	1	94	100		2,350		
	X Gas	Total Estimated Land Improvements True Cash Value =								2,350
	X Curb	Work Description for Permit 6418, Issued 11/30/1993: REMODEL OFFICE								
	X Street Lights									
	X Standard Utilities									
	X Underground Utils.									



Topography of Site	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
X Level	2019	Tentative	Tentative	Tentative			Tentative
Rolling							
Low							
X High	2018	17,000	88,400	105,400			76,390C
Landscaped	2017	16,995	86,017	103,012			74,819C
Swamp	2016	20,394	84,328	104,722			74,152C
Wooded							
Pond							
Waterfront							
Ravine							
Wetland							
Flood Plain							

The Equalizer. Copyright (c) 1999 - 2009.
Licensed To: City of Escanaba, County of Delta, Michigan

Who	When	What
KD	09/14/2018	Data Enter
KD	09/14/2018	Review App
DRN	02/05/2013	Data Enter

*** Information herein deemed reliable but not guaranteed***

Desc. of Bldg/Section: OFFICES Calculator Occupancy: Office Buildings		<<<<< Calculator Cost Computations >>>>>				
Class: C Floor Area: 11,040 Gross Bldg Area: 11,040 Stories Above Grd: 2 Average Sty Hght : 10 Bsmnt Wall Hght : 8		Construction Cost			Class: C Quality: Average Stories: 2 Story Height: 10 Overall Building Height: 22 Perimeter: 356	
Depr. Table : 2% Effective Age : 52 Physical %Good: 40 Func. %Good : 75 Economic %Good: 75		High	Above Ave.	X Ave.	Low	Base Rate for Upper Floors = 97.28 Storage Basement, Base Rate for Basement = 31.07 (Basement Fireproofing Rate = 0.00)
1900 Year Built Remodeled		** ** Calculator Cost Data ** ** Quality: Average Heat#1: Hot Water, Baseboard/Radiato 100 Heat#2: Hot Water, Baseboard/Radiato 0% Ave. SqFt/Story: 5520 Ave. Perimeter: 356 Has Elevators:			(10) Heating system: Hot Water, Baseboard/Radiators Cost/SqFt: 19.92 100% Bsmnt Heating system: No Heating or Cooling Cost/SqFt: 0.00 Adjusted Square Foot Cost for Upper Floors = 117.20 Adjusted Square Foot Cost for Basement = 31.07	
22 Overall Bldg Height		*** Basement Info *** Area: 5520 Perimeter: 356 Type: Storage (No Rates) Heat: No Heating or Cooling			Total Floor Area: 11,040 Basement Area: 5,520 Base Cost New of Upper Floors = 1,293,888 Base Cost New of Basement = 171,506	
Comments:		* Mezzanine Info * Area #1: Type #1: Office (No Rates) Area #2: Type #2: Office (No Rates)			ECF (20 - COM 1, 25 - COM 2, 30 - IND/COM, 10 - ACREAGE)0.685 => TCV of Bldg: 1 = Replacement Cost/Floor Area= 132.73 Est. TCV/Floor Area= 15.34	
Area: Type: Average		* Sprinkler Info *			Reproduction/Replacement Cost = 1,465,394 Total Depreciated Cost = 247,285	
(1) Excavation/Site Prep: X Excavation (in cubic feet)		(7) Interior: X Frame, Offices Buildings, Class C,D,S			(11) Electric and Lighting: X Typical, Office Buildings Class	
(2) Foundation: Footings		(8) Plumbing:			(39) Miscellaneous:	
X Poured Conc Brick/Stone Block X Class C, Bearing Walls		Many Above Ave. Average Typical Few None			Outlets: Fixtures:	
(3) Frame: X Bearing Walls, Masonry supports on		Total Fixtures 3-Piece Baths 2-Piece Baths Shower Stalls Toilets Urinals Wash Bowls Water Heaters Wash Fountains Water Softeners			X Few Average Many Unfinished Typical X Few Average Many Unfinished Typical	
(4) Floor Structure: X Concrete, Precast Joists, wood she		X Typical, Office Buildings			Flex Conduit Rigid Conduit Armored Cable Non-Metalic Bus Duct Incandescent Fluorescent Mercury Sodium Vapor Transformer	
(5) Floor Cover: X Asphalt Tile		(9) Sprinklers:			(40) Exterior Wall:	
(6) Ceiling: X Gypsum Board, Taped and Painted		(10) Heating and Cooling:			Thickness Bsmnt Insul.	
		X Gas Oil Coal Stoker Hand Fired Boiler			(13) Roof Structure: Slope=0 X Wood Joists, Wood or Composition	
		X Hot Water, Baseboard or Radiator			(14) Roof Cover: X Built-Up Composite	

*** Information herein deemed reliable but not guaranteed***

SKETCH/AREA TABLE ADDENDUM

Parcel No 051-350-2930-333-004

File No 1601LUDS-LAND

Property Address 1601 LUDINGTON ST

City ESCANABA

County Delta

State MI

Zip 49829

Owner BAY DE NOC DEV LLC

Appraiser Name

Drawn Date 9-18-18

Modified By

1601 LUDINGTON STREET - SITE

Due W 66.28'

Subject Site
9279.2sf
LOTS 1 & 2 BLK 7
S H SELDEN ADD

Due S 140'

Due N 140'

SOUTH 16TH STREET

Due E 66.28'

Scale: 1" = 30'

Subject Site

Beginning at a point of the Tract described by Metes and Bounds as follows:

THENCE Due South, a distance of 140.00 Feet;

THENCE Due East, a distance of 66.28 Feet;

THENCE Due North, a distance of 140.00 Feet;

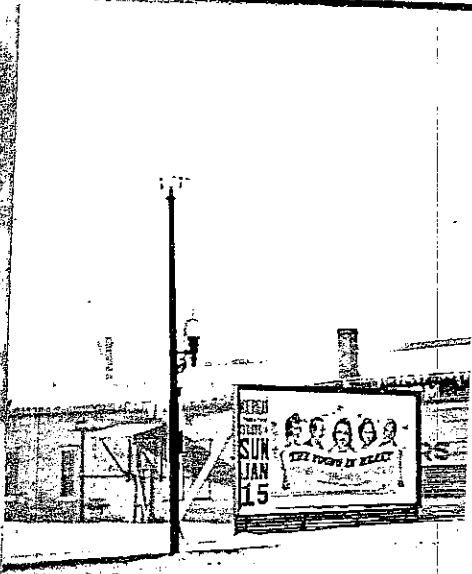
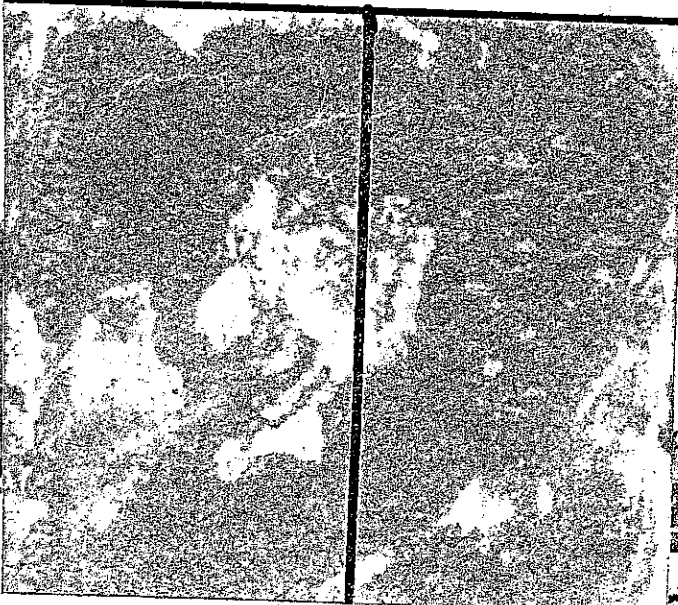
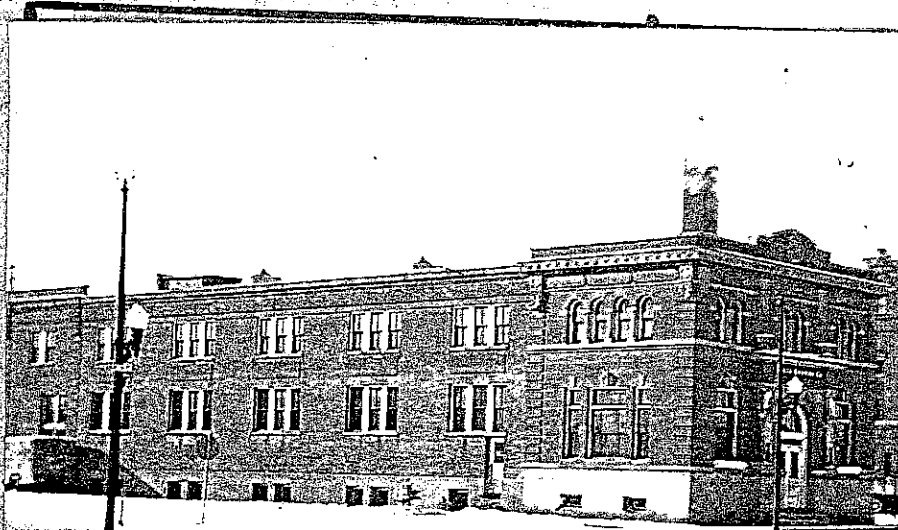
THENCE Due West, a distance of 66.28 Feet to point of beginning;

Said tract containing 0.21 acres (9279.20 sf) of land, more or less.

Perimeter = 412.56 Feet

No significant error of closure.

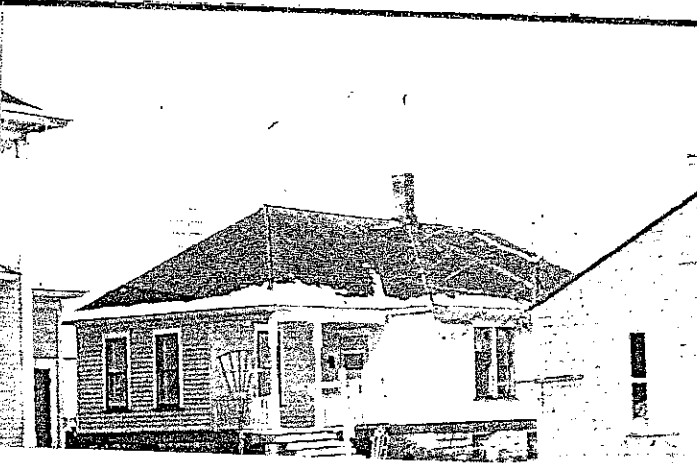
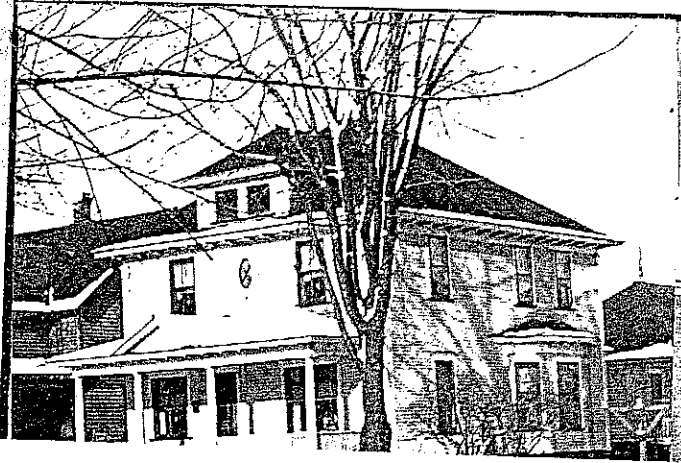
BUILDING



2983 253

~~3983~~ 2983

2984



Obsolete Property Rehabilitation Act Exemption

P.A. 146 of 2000, as amended

Overview

A means to encourage the rehabilitation of obsolete property and to increase commercial/residential housing available in downtowns or other areas characterized by underused or functionally obsolete properties.

OPRA provides property tax exemptions for commercial and commercial housing properties that are rehabilitated and meet the requirements of the Act. The property must be located in a qualified local unit, such as the City of Escanaba and be located in an established Obsolete Property Rehabilitation District. Properties must meet eligibility requirements including a statement of obsolescence by the local assessor. Exemptions are approved for a term of 1-12 years as determined by the local unit of government. The property taxes for the rehabilitated property are based on the previous year's (prior to rehabilitation) taxable value. The taxable value is frozen for the duration of the exemption. Additionally, the State Treasurer may approve reductions of half of the school operating and state education taxes for a period not to exceed 6 years for 25 applications annually. Applications are filed, reviewed and approved by the local unit of government, but are also subject to review at the State level by the Property Services Division. **Exemptions are not effective until approved by the State.**

Functional obsolescence as defined by the state includes inadequate electrical, heating and plumbing. Oversized or undersized rooms, poor layouts and traffic flow problems, etc.

Functionally Obsolete: means that the property is unable to be used to adequately perform the function for which it was intended due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or super adequacies in design, or other similar factors that affect the property itself or the property's relationship with other surrounding property.

Antiquated plumbing, heating, and electrical fixtures and connections or spaces that are not conducive to the use of modern equipment and technologies or spaces broken up by poorly planned wall dividers that may have been functional 50 or 100 years ago are examples of deficiencies which could qualify a building. Super adequacies include excessive ceiling height, excessive size, etc. The OPRA legislation requires a statement of obsolescence from a Level III or Level IV certified assessor using this criteria.

Once in the program there will now be three tax bills for the same property. 1) the tax bill on the land taxed at full millage, 2) the taxable value on the building is frozen at the pre-improvement level at full millage, and 3) the tax bill on the improvement which only taxes the School Operating (1.8 mills) and State Education Tax (6 mills) which could be reduced by ½ by the State Treasurer.

Obsolete Property Rehabilitation Act Exemption

P.A. 146 of 2000, as amended

An example of how the OPRA affects property taxes for property with an exemption. Using the 2013 millage rates for the City of Escanaba, the annual rates would be as follows:

The taxable value of the parcel prior to the exemption is \$70,000. Of the total taxable value, assume that \$20,000 is the portion attributable to the land. Assume also that rehabilitation and remodeling result in a total taxable value of \$1,200,000 for the rehabbed property. The tax breakdown would be as follows:

School Oper.	= 18.0000 mills
State Ed Tax	= 6.0000 mills
TOTAL Millage	= 59.8744 mills

Annual Tax Bill	Taxable Value		Millage		Annual Tax Dollars
1) Land	20,000	X	59.8744	=	\$ 1,197
2) Frozen Building TV	50,000	X	59.8744	=	\$ 2,943
3) Non-frozen TV	1,130,000	X	*18.0000	=	\$ 27,120
	1,130,000	X	*6.0000	=	
Total Annual Tax				=	\$ 31,260

<i>Annual Tax Without Exemption</i>	\$ 71,849
<i>Annual Savings</i>	\$ 40,589
<i>Savings Over 12-year term</i>	\$ 487,071

* The State Treasurer can exempt up to 50% of the State Education Tax and the school operating tax for a period of up to 6 years, which would result in additional annual savings of \$13,560 or \$81,360 for the term of the exemption.

The OPRA exemption applies only to existing buildings. Taxable value attributable to increased building size, whether vertical or horizontal, is taxed at the full millage rate.

Additionally, if the rehabbed property is commercial/residential, any portion which qualifies as primary residence would be exempted from the 18 mills of school operating tax, in the same manner as any other homestead.

The entire process is set by statute.

Unlike other exemptions, OPRA exemptions can be transferred to new property owners. The exemption can be transferred to a new owner during or after rehabilitation with the approval of the city council. The process starts at the local assessor's office.

Obsolete Property Rehabilitation Act Exemption

P.A. 146 of 2000, as amended

Definitions Contained In or Referenced In Public Act 146 of 2000

"Commercial housing property" means that portion of real property not occupied by an owner of that real property that is classified as residential real property under section 34c of the general property tax act, 1893 PA 206, MCL 211.34c, is a multiple-unit dwelling, or is a dwelling unit in a multiple-purpose structure, used for residential purposes. Commercial housing property also includes a building or group of contiguous buildings previously used for industrial purposes that will be converted to a multiple-unit dwelling or dwelling unit in a multiple-purpose structure, used for residential purposes.

"Commercial property" means land improvements classified by law for general ad valorem tax purposes as real property including real property assessable as personal property pursuant to sections 8(d) and 14(6) of the general property tax act, 1893 PA 206, MCL 211.8 and MCL 211.14, the primary purpose and use of which is the operation of a commercial business enterprise. Commercial property shall also include facilities related to a commercial business enterprise under the same ownership at that location, including, but not limited to, office, engineering, research and development, warehousing, parts distribution, retail sales, and other commercial activities. Commercial property also includes a building or group of contiguous buildings previously used for industrial purposes that will be converted to the operation of a commercial business enterprise or a multiple-unit dwelling or a dwelling unit in a multiple-purpose structure, used for residential purposes. Commercial property does not include any of the following: Land, Property of a utility

"Facility", except as otherwise provided in this act, means a building or group of contiguous buildings.

"Functionally obsolete" means that the property is unable to be used to adequately perform the function for which it was intended due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or superadequacies in design, or other similar factors that affect the property itself or the property's relationship with other surrounding property. (See MCL 125.2652)

Note: The STC offers the following as examples of functional obsolescence:

- 1) A floor plan which is inappropriate for the highest and best use of the property.
- 2) A heating system which is inadequate for the highest and best use of the property.
- 3) Excessively high or low ceilings for the highest and best use of the property.
- 4) Partition walls which restrict the highest and best use of the property.
- 5) Mechanical systems (e.g. electrical, plumbing, etc) which are inadequate for the highest and best use of the property.

"Obsolete property" means commercial property or commercial housing property, that is 1 or more of the following:

- (i) "Blighted property". Blighted property means property that meets 1 or more of the following criteria:
 - a. Has been declared a nuisance in accordance with a local housing, building, plumbing, fire, or other related code or ordinance.
 - b. Is an attractive nuisance to children because of physical condition, use, or occupancy.

Obsolete Property Rehabilitation Act Exemption

P.A. 146 of 2000, as amended

- c. iii. Is a fire hazard or is otherwise dangerous to the safety of persons or property.
 - d. iv. Has had the utilities, plumbing, heating, or sewerage permanently disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.
 - e. v. Is tax reverted property owned by a qualified local governmental unit, by a county, or by this state. The sale, lease, or transfer of tax reverted property by a qualified local governmental unit, county, or this state after the property's inclusion in a brownfield plan shall not result in the loss to the property of the status as blighted property for purposes of PA 145 of 2000. (MCL 125.2652)
- (ii) A facility as that term is defined below:

"Facility" as defined in PA 451 of 1994 means any area, place, or property where a hazardous substance in excess of the concentrations which satisfy the requirements of section 20120a(1)(a) or (17) or the cleanup criteria for unrestricted residential use under part 213 has been released, deposited, disposed of, or otherwise comes to be located. Facility does not include any area, place, or property at which response activities have been completed which satisfy the cleanup criteria for the residential category provided for in section 20120a(1)(a) and (17) or at which corrective action has been completed under part 213 which satisfies the cleanup criteria for unrestricted residential use. (See MCL 324.20101)

(iii) Functionally obsolete. Please see the definition of "functionally obsolete".

"Obsolete property rehabilitation district" means an area of a qualified local governmental unit established as provided in section 3. Only those properties within the district meeting the definition of "obsolete property" are eligible for an exemption certificate issued pursuant to section 6 of PA 146 of 2000.

"Rehabilitation" means changes to obsolete property OTHER THAN REPLACEMENT that are required to restore or modify the property, together with all appurtenances, to an economically efficient condition. Rehabilitation includes major renovation and modification including, but not necessarily limited to, the improvement of floor loads, correction of deficient or excessive height, new or improved fixed building equipment, including heating, ventilation, and lighting, reducing multistory facilities to 1 or 2 stories, improved structural support including foundations, improved roof structure and cover, floor replacement, improved wall placement, improved exterior and interior appearance of buildings, and other physical changes required to restore or change the obsolete property to an economically efficient condition. **Rehabilitation shall not include improvements aggregating less than 10% of the true cash value of the property at commencement of the rehabilitation of the obsolete property.**

"Rehabilitated facility" means a commercial property or commercial housing property that has undergone rehabilitation or is in the process of being rehabilitated, including rehabilitation that changes the intended use of the building. A rehabilitated facility does not include property that is to be used as a professional sports stadium. A rehabilitated facility does not include property that is to be used as a casino. As used in this subdivision, "casino" means a casino or a parking lot, hotel, motel, or retail store owned or operated by a casino, an affiliate, or an affiliated company, regulated by this state pursuant to the Michigan gaming control and revenue act, the Initiated Law of 1996, MCL 432.201 to 432.226.

Obsolete Property Rehabilitation Act Exemption

P.A. 146 of 2000, as amended

City of Escanaba Application Process

These are the steps to follow if you wish to apply for an Obsolete Properties Rehabilitation Exemption (OPRA exemption):

1. **Request in writing** to the city assessor that an Obsolete Properties Rehabilitation District be established for your property. City Council will approve this by resolution. Do not begin structural or cosmetic improvements to the building until after the district is established by City Council. This process may take four to six weeks.
2. **Request that the city assessor inspect** your building to determine if the property qualifies as obsolete property under the legislation. This can be done before council acts on your request for an OPRA district.
3. **Complete the application form and addendum** provided by the city assessor. You **must** include a letter stating that the rehabilitation project could not be completed without the assistance of the exemption (required by statute). Also include cost estimates of your planned projects and approximate completion schedules. Be as specific as possible. The assessor will bring this before Escanaba City Council and a public hearing will be held to consider your exemption. This process will take an additional four to six weeks.
4. **If approved by City Council the assessor will then send** required documents to the State of Michigan for review and approval/disapproval by the State Tax Commission. Please note that the STC must receive the application by October 1st to consider the exemption for the next year's taxes. In order to maintain the necessary timetable, your district request should be started by the end of June with the completed exemption application submitted by the first (1st) Thursday of September. An OPRA exemption granted by the state on or before December 31st of any year will take effect in the following tax year.

NOTE:

An OPRA exemption will result in three separate tax bills for the exempt parcel: 1) land is assessed and taxed normally, 2) the frozen taxable value for all levies 3) "Non-frozen taxable value" means that the increased taxable value resulting from project improvements will be taxed only the School Operating (18 mills) and State Education Tax (6 mills) which may be reduced by ½ by the State Treasurer for up to 6 years:

You must pay property taxes timely. Failure to pay taxes before they become delinquent on March 1st of each year may constitute a reason for revoking the exemption.

A Principal Residence Exemption may apply if you rehabilitate the upper floor(s) of your property into your primary residence.

City of Escanaba
Phone: (906) 786-9402
Email: dnorden@escanaba.org

MEMORANDUM

February 5th, 2019

TO: Patrick Jordan, City Manager
Phil Demay, City Clerk

FROM: Melissa Becotte *MB*

SUBJECT: Auditors

Last year (Fiscal Year 2017/18) represented the end of our contract with our auditors, Rehmann. Accordingly, we need to make provisions for this year's audit. As this is considered a professional service, bids were not required. However, I felt it made sense to use the bid process to gather prices for this service.

We received 5 responses to the RFP. I rated the proposals on a variety of criteria. I also had the Assistant Controller and Accounting Clerk rate the proposals independently. We all had similar results.

I believe that staying with Rehmann out of Traverse City is the best choice for the City of Escanaba at this time. Although they did not have the lowest base price, their quote includes the single audit which we will require in the coming years due to grant funding. The lower bids did not include this in their base price. When adding the additional cost, the fees are much closer. Rehmann is also familiar with the staff and our system.

It is my recommendation that the Council approve a three year audit agreement with Rehmann at the next regularly scheduled City Council meeting (Thursday, February 21st).

Please contact me with any questions or concerns.

CITY OF ESCANABA
RECORD OF BIDS

DATE BIDS OPENED:
DESCRIPTION OF ITEM:

1/29/2019
Request for Auditing Proposals - 2019

NAME OF BIDDER	Proposed Fee Not to Exceed			Estimated Total Hours on Site			Per Hour fee for additional consulting services (if any)
	2019	2020	2021	2019	2020	2021	
Schneider Larche	\$37,500	\$33,500	\$35,000	260-280	220-260	220-260	—
AHP	\$32,950	\$33,500	\$34,050	200	150	150	\$150/hr
							* Does not include single audit
Rehmann	\$32,000	\$32,645	\$33,310	200	200	200	\$200/hr
Gabridge & Co	\$24,705	\$25,200	\$25,700	292	292	292	—
							* \$3,500/single audit
Maner Costersan	\$30,400	\$31,640	\$32,880	150	150	150	
							* \$2,000/program single audit

PRESENT:

Phil Dwyer *Melissa Beckett*

ORDINANCE NO. 1200

AN ORDINANCE TO AMEND CHAPTER 18 OF THE CODE OF ORDINANCES TO TEMPORARILY PROHIBIT MARIHUANA ESTABLISHMENTS WITHIN THE CITY LIMITS OF THE CITY OF ESCANABA

THE CITY OF ESCANABA ORDAINS:

CHAPTER I

Chapter 18 of the Escanaba Code of Ordinances is hereby amended by adding Division 4 to Article VII of Chapter 18 to read as follows:

Section 18-230 Division 4 of Article VII of Chapter 18 of the Code of Ordinances shall be known as Marihuana Establishments Temporarily Prohibited.

Section 18-231 Purpose. The purpose of this ordinance is to exercise the City of Escanaba's authority to temporarily prohibit the establishment or operation of marihuana establishments within the city limits as such facilities are defined in the Michigan Regulation and Taxation of Marihuana Act.

Section 18-232 Prohibition. Pursuant to the Michigan Regulation and Taxation of Marihuana Act, Section 6.1, the City temporarily prohibits the establishment or operation of any and all categories of marihuana establishments within its boundaries.

CHAPTER II
SAVINGS CLAUSE

If any section, subsection, sentence, clause, or phrase of this 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 CLAUSE

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 effect ten (10) days after its passage and publication.

CHAPTER V
SUNSET CLAUSE

Five hundred and forty-seven (547) days after this Ordinance takes first effect, this Ordinance shall lose all force and effect.

APPROVED:

APPROVED:

Ralph B.K. Peterson
City Attorney

Marc D. Tall
Mayor

Ordinance No. 1200

Date Approved: (Month) (Day), 2019

ATTEST:

Date Published: (Month) (Day), 2019


Phil DeMay
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 the (Day) day of (Month), 2019, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on (Month) (Day), 2019, 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.

Phil DeMay
City Clerk

MEMO

TO: Patrick Jordan, City Manager

FROM: Blaine DeGrave, Planning & Zoning Administrator 

DATE: February 12, 2019

RE: Zoning Ordinance Amendment – Chapters 18 & 19

The Planning Commission has reviewed Chapters 18 and 19 of the Zoning Ordinance and is recommending changes to the ordinance for adoption by City Council. See the attached documents containing the original ordinance language for these chapters, with recommended deletions indicated by strikethrough, and recommended additions indicated by underline. All changed sections can be located by the vertical lines along the left side of changed text sections.

In accordance with Zoning Ordinance Section 103.3 Public Hearing, the Planning Commission held a public hearing at its regular meeting on January 10, 2019 to give the public an opportunity to comment on the proposed changes. No comments were made by the general public.

A draft of the minutes from the January 10, 2019 Planning Commission meeting is attached, containing both the Public Hearing information, as well as the recommendation to submit to City Council.

It is requested that this matter be placed on City Council's February 21, 2019 meeting agenda for review and adoption.

**City of Escanaba
PLANNING COMMISSION – OFFICIAL PROCEEDINGS
January 10, 2019**

MEETING CALLED TO ORDER

A meeting of the Escanaba Planning Commission was held on Thursday, January 10, 2019, at 6:00pm in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

ROLL CALL

Name	Present	Absent	Name	Present	Absent
Chair Kel Smyth		X	Comm. Dominic Benetti		X
Vice-Chair Christine Williams	X		Sec. Brian Black	X	
Sec. James Hellerman	X		Comm. Paul Caswell		X
Dep. Sec. Craig Gierke	X		Comm. Richard Clark	X	
			Comm. Stephen Davis	X	

A quorum of the Planning Commission was present.

ALSO PRESENT

City Administration	Others
Blaine DeGrave, Planning & Zoning Administrator	Mark Hannemann
Roxanne Spencer, Confidential Secretary	Glendon Brown
Ron Beauchamp, City Council Liaison	Richard Pichette
Marc Tall, Mayor	Joe Kaplan
Ralph Blasier, City Council Member	
Peggy Schumann, City Council Member	

Approximately three unnamed individuals were also present.

MINUTES

A motion was made by Gierke, seconded by Hellerman to approve the December 13, 2018 minutes as submitted. **MOTION PASSED** unanimously.

AGENDA

DeGrave suggested that the Unfinished Business Item #1 regarding the Zoning Map Review should be moved after the Public Hearings.

A motion was made by Williams, seconded by Hellerman to approve the agenda with the following adjustments: move the Unfinished Business Item #1 regarding Zoning Map Review to after the Public Hearings. **MOTION PASSED** unanimously.

CONFLICT OF INTEREST DECLARATIONS - None

PUBLIC HEARINGS

1. Wind Turbine Energy Ordinance

Williams commented that she was exercising her authority to extend the public comment time allotment from two minutes to three minutes each for this ordinance hearing.

Williams then explained the development history and the basic layout of the proposed ordinance, including the three types of wind energy implementation (residential units, small-scale with multiple installations on one property, large industrial). Discussion followed regarding topics including defining output, blade size, height, set-

back distances, noise levels, frequencies, and how advancing technology affects some of these factors. Safety concerns and electrical code regulations were also discussed. Williams noted that the recommended maximum heights of the wind turbines were based on the maximum heights of buildings currently allowed in the residential and heavy manufacturing zoning districts. Discussion also took place regarding the possibility of prohibiting large-scale turbines within city limits; it was determined that while they can't legally be prohibited altogether, they could be restricted to certain zones such as heavy industrial. There was general consensus that one of the primary focuses of the ordinance should be the reduction or elimination of nuisances (noise, flicker, etc.) to people on neighboring properties.

Williams opened the floor for general public comment.

Glendon Brown, member of the City of Escanaba's Electrical Advisory Committee, made a recommendation to have Mike Furmanski of the Electric Department review the proposed ordinance before finalizing it. He also referred to the City's new Solar Generation facility and program as a model for including energy credits based on avoided costs for private wind generation energy.

Richard Pichette, Garden Township Supervisor, spoke about the great contention that the recent wind turbine additions have created in their community and warned about being careful in dealings with the larger companies. He noted that having a good ordinance (including restrictions on height, setbacks, and de-commissioning plans) in place prior to any having project applications submitted would make a big difference in controlling negative reactions and experiences.

Joe Kaplan, of 2315 Lake Shore Drive, stated that the most important principle is to avoid creating a nuisance to neighbors for any scale of wind turbine (shadow flicker, lights at night, and sound, especially in residential districts) and that the ordinance should address these concerns specifically.

Vice-Chair Williams closed the floor to general public comments.

The Planning Commission continued discussion with regard to which districts the different types of wind turbine systems should be allowed. Consensus was that the large scale utility systems should only be allowed in heavy manufacturing districts. Additional discussion centered on controlling associated nuisances, with the Commission agreeing that the wind turbine ordinance should be similar to current zoning ordinance language regarding home occupations, prohibiting the projection of noise, flicker, and vibrations beyond the property line. Clarification of the approval process was also discussed, culminating in the recommendation that small systems could be approved by the Code Official as long as they met all the standards. Larger systems would be subject to Planning Commission approval via the established site plan review process.

Summary of Next Actions: Williams will modify the proposed ordinance based on discussion and recommendations from this meeting; Administration will submit the revised ordinance to Mike Furmanski for review and comment; the revised ordinance will be placed on the February Planning Commission agenda for further review.

2. Amendment to the Zoning Ordinance

DeGrave explained that the Planning Commission is tasked with reviewing the zoning ordinance and had reviewed Chapters 18 & 19 regarding Site Plan and Sketch Plan Standards and Development Standards at a previous meeting and approved the changes shown in the proposal. This evening's meeting serves as the public hearing for the proposed ordinance change prior to the recommendation to City Council for approval.

Vice-Chair Williams opened the public hearing.

No public comments.

Vice-Chair Williams closed the public hearing.

Gierke made a motion, seconded by Davis, to submit the proposed changes to Chapters 18 and 19 of the Zoning Ordinance to City Council for approval. MOTION PASSED unanimously.

UNFINISHED BUSINESS

1. Discussion: Zoning Map Review

DeGrave explained that the Planning Commission has been reviewing the corridor along North Lincoln Road for recommended changes in zoning designations, primarily to "E – Commercial". Maps showing all the specific recommended changes were submitted in the agenda packet. Review of other sections of the map will take place in the future.

Gierke made a motion, seconded by Hellerman, to accept the proposed zoning map changes to the North Lincoln Road corridor to E-Commercial as presented. MOTION PASSED unanimously.

NEW BUSINESS

1. Planning Commission Annual Report Review

Gierke made a motion, seconded by Clark, to approve the Planning Commission annual report as submitted and to present it to City Council. MOTION PASSED unanimously.

2. Project Updates

a. Zoning Board of Appeals Hearings/Decisions

- Approved a use variance for U-Haul to place storage units in front yard space at 801 North Lincoln Road, with conditions on location, aesthetics, and landscaping. Discussion followed on whether this decision would set a precedent for other similar requests. DeGrave noted ZBA did discuss the possibility and decided that each request stood on its own and would have to prove their own hardship case before the ZBA.

b. **Delta County Planning Commission Update:** No Report. The meeting scheduled on Monday was cancelled due to weather and has not yet been re-scheduled.

c. **Zoning/Land Use Permit Update:** No report presented, as annual report was already reviewed in the meeting.

d. **Goal Progress Review –** DeGrave noted that he will be trying to get form-based training for February/March meetings.

e. **Training Updates –** Final training hours numbers for 2018 were recorded in the annual report. Please update Roxanne with any training hours completed throughout the year.

GENERAL PUBLIC COMMENT

Richard Pichette added to his earlier comments regarding wind turbines that the large ones in Garden Township make a very loud whooshing sound.

COMMISSION/STAFF COMMENTS

Gierke requested an additional copy of the warning letter sent to the contractor on the Chamber of Commerce project as he was unable to open the one forwarded previously.

ADJOURNMENT

A motion was made by Hellerman, seconded by Davis, to adjourn the meeting. MOTION PASSED unanimously.

The meeting adjourned at 7:12pm..

Kel Smyth, Chairperson
Escanaba Planning Commission

Blaine DeGrave, Planning and Zoning Administrator
City of Escanaba

Minutes approved at the _____ meeting. _____

D
R
A
F
T

ORDINANCE NO. 1201

AN ORDINANCE TO AMEND CHAPTER 18, ZONING ORDINANCE, AS CODIFIED UNDER THE CODE OF ORDINANCES.

THE CITY OF ESCANABA ORDAINS:

CHAPTER I

Chapter 18 Site Plan and Sketch Plan Standards hereby amended to read as follows:

**SECTION 1801
GENERAL**

1801.1. Purpose. A plan that outlines the use and development of any tract of land on certain properties must be submitted to the City of Escanaba for site plan review. Site plan review is designed to provide for the future growth and development of those multi-family residences, business and industries that seek an aesthetically attractive working environment. Site Plan review is intended to ensure developments are designed to integrate well with adjacent developments, minimize nuisance impacts on adjoining parcels, insure safe and functional traffic access and parking and minimize impacts on sensitive environmental resources.

1801.2. Cross References, as amended.

- A. Zoning and planning in home rule 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 area - MCLA 125.582.
- E. Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - MCLA 125.583a.
- F. Duties of Code Official; Chapter 200.Administration, Enforcement and Penalty, Paragraph 212.1

1801.3. Site Plan Required. All applications for land use permits and amendments thereto shall be submitted to the Code Official for review and approval prior to the use permit issuance. The Code Official shall receive all applications for site plan review and review for completeness and prepare submittals for review by the appropriate body. A site plan is required as follows:

1801.3.1. Land Use Permit, Land Clearing, or Special Land Use Permit, or Building Permit. Any request for a land use permit, land clearing (see definition), a special land use permit ~~or building permit~~ (other than for single, two-family, three family or four-family) shall be accompanied by a site plan complying with the requirements of this chapter.

Comment [RS1]: Delete: Building permits are no longer handled by the City.

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1801.3.2. Land Uses, Buildings, and Structures Requiring a Site Plan. Any request for the following land uses, buildings and structures:

- A. All multi-family buildings containing five (5) or more dwelling units.
- B. Building conversions from a commercial use to any other use on Ludington Street between Lincoln Road and 2nd Street.
- C. All principal nonresidential buildings or structures permitted in any residential district.
- D. Communication towers.
- E. All commercial buildings 5,000 square feet or more.
- F. All industrial buildings and uses.
- G. All Special Land Use requests.
- H. All Residential Planned-Unit Developments.
- I. All Planned Commercial Developments.
- J. All Special Planned District Developments.

1801.4. Prohibitions Prior to Site Plan Approval. The following practices are prohibited for any development for which site plan approval is required until a site plan is approved and is in effect. Any violation of this prohibition shall be subject to the legal and

administrative procedures and penalties cited in Chapter 2, Administration, Enforcement and Penalty, Section 212, Violations.

- A. Grading activities which; changes the elevation of the site, alter the drainage patterns of the site, increase storm water runoff, cause or are likely to cause soil erosion.
- B. Removal of vegetation which form a visual or sound buffer.
- C. Start of any construction activities which are part of a new development for which a site plan is required. Such activities include but are not limited to; building of access roads or driveways, demolition of existing structures, excavation for foundations, placement of pavement, pouring of concrete, construction of curb cuts, placement of exterior signage, extension or upgrade of sewer or water lines, placement of sidewalks, and building additions.
- D. Exceptions may be granted by the Code Official or referred to the Planning Commission to allow access for surveying, soil testing equipment, removal or cleanup of areas of the sites, removal of dead or diseased vegetation or removal of blighted conditions.

**SECTION 1802
SITE PLAN DIAGRAMS/REQUIREMENTS**

1802.1. General. Any request for a land use permit or zoning clearance as required by Section 1801.3. Site Plan Required shall be accompanied by ~~one (1) copy, fifteen (15) copies~~ of a diagram drawn to scale ~~along with a digital copy~~. The Code Official shall circulate site diagrams to the relevant officials for comment as to conformance of State and federal laws and the City of Escanaba Code.

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Comment [RS2]: Large copies of site plan drawings are no longer circulated to staff/PC members, so only 1 copy is needed for reviewing purposes at the Pre-Site Plan Review meeting and at the PC meeting. Digital copies are circulated instead.

1802.2. Site Plan Diagram Requirements. A land use permit application shall be accompanied by a filing fee established by resolution of the City Council. Site plans shall be sealed by a registered architect or engineer, except site plans to be referred to the Planning Commission for approval may defer this requirement until receiving Planning Commission approval. Site plans shall be drawn to scale, rendered on a minimum sheet size of 24 inches by 36 inches and shall include the following:

- A. The site plan must consist of an accurate, reproducible drawing at a scale of one (1) inch equals twenty (20) feet or less, showing the site, its zoning classification, location, type and size of structures and/or land on adjacent properties within two hundred (200) feet of the property.
- B. A boundary survey of the property prepared by a registered surveyor showing the location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
- C. Location and type of significant existing vegetation as determined by a qualified, city approved authority.
- D. Location and elevations of existing water courses and water bodies, including county drains and manmade surface drainage ways.
- E. Location of existing and/or proposed buildings and intended uses thereof, as well as the length, width, and height of each building.
- F. Proposed location of accessory structures, buildings and uses, including but not limited to, all flagpoles, light poles, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screening where applicable, ~~and the~~
- ~~F.G.~~ I. Location of snow storage areas.
- ~~G.H.~~ Location of existing public roads, rights-of-way, and private easements of record and abutting streets. Dedication of any right-of-way for widening, extension, or connection of major streets as shown on the official Master Street Plan, and granting of easement(s) for public utilities where required.
- ~~H.I.~~ Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development.
- ~~I.J.~~ Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
- ~~J.K.~~ Location, size, and characteristics of all loading and unloading areas.
- ~~K.L.~~ Location and design of all sidewalks, walkways, bicycle paths and areas for public use.
- ~~L.M.~~ Location of water supply lines and/or wells, including fire hydrants and shut-off valves, and the location and design of storm sewers, retention or detention

Comment [RS3]: Move snow storage areas to its own line to highlight the special concern for this item during the site plan review process.

ponds, waste water lines, clean-out locations, connection points and treatment systems, including septic systems, if applicable.

~~M-N.~~ Location of all other utilities on the site, including but not limited to natural gas, electric, cable TV, telephone and steam.

~~N-O.~~ Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools, if applicable.

~~O-P.~~ Location, size, and specifications of all signs and advertising features.

~~P-Q.~~ Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.

~~Q-R.~~ Location, height, size and specifications of all fences, walls, and other screening features with cross sections.

~~R-S.~~ Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.

~~S-T.~~ Location, size, and specifications for screening of all trash receptacles and other solid waste disposal facilities.

~~T-U.~~ Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.

~~U-V.~~ Identification of any significant site amenities or unique natural features.

~~V-W.~~ Identification of any significant views onto or from the site to or from adjoining areas.

~~W-X.~~ North arrow, scale and date of original submittal and last revision.

~~X-Y.~~ Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan.

~~Y-Z.~~ The following additional information if requested by the Code Official:

1. A report describing the soil types and the ability of soils to accommodate the proposed development.
2. A tree location survey signed by an engineer, surveyor, landscape architect, showing all existing tree having a diameter at breast height of six inches or greater, the common and/or scientific names and the diameter at breast height of these trees, plus an indication of trees to be preserved, to be transplanted, or to be removed during site development. Closely grouped trees shall be designated by the predominate species represented, the number present and the diameter at breast height range of the group or clump.
3. The existing and proposed topography at two (2) foot contours.
4. Any other information necessary to establish compliance with City Ordinances.

1802.3. Waiver. The Code Official may waive site plan diagram requirements when he or she determines that the submission of a site plan would serve no useful purpose.

SECTION 1803 SITE PLAN REVIEW

1803.1. General. The following requirements must be met for all site plan reviews:

1803.1.1. Procedure for All Site Plans.

1803.1.1.1. Pre-application Conference. Before submitting an application, an applicant may meet with the Code Official to review the proposed project, the City of Escanaba Code of Ordinances, and the City Comprehensive Plan. A pre-application conference may be held with the Planning Commission for the purpose of establishing general guidelines and eliciting feedback from the members of the Planning Commission regarding specific questions or problems areas. The pre-application conference is a vehicle intended to provide the applicant with general guidance prior to the expenditure of large amounts of time and money in the planning effort. Pre-application conferences shall be scheduled and heard at regular or special Planning Commission public meetings.

1803.1.1.2. Application. An applicant shall apply for site plan consideration not less than twenty-one (21) calendar days before the date on which such site plan shall be

reviewed by the Planning Commission. All site plans shall be submitted to the Code Official for review according to the standards and requirements of this Code.

1803.1.1.3. Official Review. The Code Official shall circulate site plans to the relevant agencies or officials for comments as to the proposed development's conformance to all applicable standards and requirements and whether approval of the site plan is recommended.

1803.1.1.4. Approval; Referral. Once the Code Official deems the site plans or site diagram to be complete, the plan shall be referred to the Planning Commission for review with a recommendation to approve, deny, or modify the site plan. If modifications are recommended, the applicant shall be notified in advance of the Planning Commission meeting so that adjustments can be made prior to such meeting. A site plan shall be deemed approved only upon the signature of the Code Official on a land use permit. No land use permit or building permit shall be issued without an approved site plan.

1803.1.1.5. Time Limits. Ten (10) days shall be allowed for departmental review of all site plans and site diagrams (seven (7) days for site plans which have been approved by the Planning Commission). If, for any reason, the Code Official cannot process the plan within these time limits, he or she shall so notify the applicant and shall set a date for finalizing the review.

1803.2. Public Hearing Requirement. Prior to voting on a final site plan, the Planning Commission shall hold a public hearing so as to facilitate public review and understanding of the proposed development. Notice of the date, time, location and subject matter of the public hearing shall be published in a newspaper of general circulation in the City at least fifteen (15) days before the actual hearing date.

1803.3. Planning Commission Review. Once a site plan is forwarded to the Planning Commission, the Planning Commission shall review the site plan according to the standards and requirements of this chapter. The Planning Commission shall approve or deny the site plan (not the use) according to the standards and requirements of this Code within forty-five (45) days of submission of said plan.

1803.4. Site Plan Approval. Upon Planning Commission approval of a site plan, the applicant, the owner(s) of record, or the legal representative thereof, the Planning Commission Chairperson and ~~the Code Official one (1) other member of the Planning Commission~~ shall each sign ~~two (2) four (4)~~ copies of the approved site plan. The ~~Code Official Planning Commission~~ shall transmit one (1) signed copy of the plan and any conditions attached to ~~the applicant the Code Official, and retain one (1) signed copy, each to the Office of the City Clerk and the applicant. One (1) signed copy shall be retained in the Planning Commission file.~~

1803.5.1. Site Plan Rejection. The property owner may appeal a decision of the Code Official or Planning Commission to the Zoning Board of Appeals.

**SECTION 1804
SITE PLAN APPROVAL STANDARDS**

1804.1. General. A site plan shall conform to all applicable requirements of the local, State and federal laws and ordinances and approval may be conditioned upon the applicant receiving necessary local, State and federal permits before final site plan approval or an occupancy permit is granted. In addition, a development shall conform to the ~~following~~ site development standards cited in Chapter 19, Development Standards, Section 1907, Development Standards for Granting Plan Approval which shall be reflected on the site plan.:

- ~~A. Primary structures shall be oriented so that their main entrance faces the street upon which the lot fronts. If the development is on a corner lot, the main entrance may be oriented to either street or to the corner.~~
- ~~B. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from recreation trails or from public sidewalks adjacent to the site by a parapet wall or similar architectural feature.~~
- ~~C. Reasonable visual and sound mitigation shall be provided. Fences, walks, barriers and landscaping shall be used appropriately for the protection and enhancement of property and for the privacy of its occupants.~~

Comment [RS4]: Changing from having a 2nd PC member sign, to having the Code Official sign

Comment [RS5]: Reducing the number of signed copies that need to be submitted, as neither the Clerk nor the PC keep separate files from the Code Official. QUESTION: ARE SCANNED DIGITAL COPIES SUFFICIENT, OR DO WE WANT TO KEEP HARD COPIES AND FOR WHAT LENGTH OF TIME?

Comment [RS6]: The list found here is a duplicate list of the one found in Ch. 19 which is more defined. Recommend removing this list and simply referring to Ch. 19 so that two lists do not have to be updated any time there is a change.

- ~~D. Every principal building or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.~~
- ~~E. Every development shall have legal access to a public or private street.~~
- ~~F. The development, where possible, shall provide vehicular and pedestrian circulation systems which reflect and extend the pattern of streets, pedestrian and bicycle ways in the area. Travelways which connect and serve adjacent development shall be designed appropriately to carry the projected traffic.~~
- ~~G. A pedestrian circulation system shall be provided which is physically separated and insulated as reasonably possible from the vehicular circulation system.~~
- ~~H. All parking areas shall be designed to facilitate safe and efficient vehicular and pedestrian circulation, minimize congestion at points of access and egress to intersecting roads, to encourage the appropriate use of alleys and minimize the negative visual impact of such parking areas.~~
- ~~I. Where the opportunity exists, developments shall use shared drives. Unnecessary curb cuts shall not be permitted.~~
- ~~J. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which are visible from residential districts or public rights-of-way shall be screened by a vertical screen consisting of structural and/or plant materials not less than six feet in height.~~
- ~~K. Exterior light sources shall be deflected downward and away from adjacent properties and rights-of-way.~~
- ~~L. Adequate utilities shall be provided to properly serve the development. All utilities shall be placed underground.~~
- ~~M. Sites at which hazardous substances and potential pollutants are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.~~
- ~~N. All premises shall be graded and maintained to prevent the accumulation of stagnant water thereon, or onto adjacent property or within any structure located thereon.~~
- ~~O. Proof that all other provisions of the code have been met.~~

**SECTION 1805
CONDITIONAL APPROVALS**

1805.1. Conditional Approvals.

- A. The Planning Commission or Code Official may attach conditions to the approval of a site plan when such conditions:
 - 1. Would insure that public services and facilities affected by a proposed land use or activity are capable of accommodating increased service and service facilities loads caused by the land use or activity.
 - 2. Would protect the built and natural environment.
 - 3. Would insure compatibility with adjacent uses of land.

- B. The Planning Commission or Code Official may conditionally approve a site plan on conformance with fencing, screening, buffering or landscaping requirements of this Code and may collect a performance guarantee consistent with these requirements to insure conformance. When so doing, the following finding shall be made and documented as part of the review process:
 - 1. That such fencing, screening, buffering or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other similar impact on adjoining parcels;
 - 2. That absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands of like or similar benefits enjoyed by other properties in the area.

**SECTION 1806
SITE PLAN AMENDMENTS**

1806.1. Site Plan Amendments. A Site Plan may be amended as follows:

- A. **Minor Amendments.** Minor amendments are those which will have no foreseeable affect beyond the property boundary, such as minor changes in the alignment of utilities and the reconfiguration of parking areas. Minor amendments for good cause may be authorized by the Code Official without notice or hearing, provided no such changes

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shall significantly increase the size or height of structures, significantly reduce the efficiency or number of public facilities serving the development, significantly reduce useable open space, significantly reduce or increase parking areas, or significantly encroach on natural features proposed by the plan to be protected.

B. Major Amendments. Any amendment not qualifying as a minor amendment is considered to be a major amendment and must be approved by the Planning Commission.

**SECTION 1807
EXPIRATION OF SITE PLAN**

1807.1. Expiration of Site Plan.

- A. Approval of a site plan shall expire and be of no effect unless a Zoning Permit is issued and a Building Permit is issued within one (1) year of the date of the Planning Commission approval of the site plan. Approval of a site plan shall expire and be of no effect two (2) years following the date of the Planning Commission approval unless construction has begun on the property and is diligently pursued to completion in conformance with the approved site plan.
- B. In the case of a phased development, individual site plans shall be submitted and approved for the initial development phase and, in turn, for each subsequent phase of development.
- C. If any approved site plan has expired as set forth herein, no permits for development or use of the subject property shall be issued until all applicable requirements of the Chapter have been satisfied.
- D. Site plan approval shall automatically expire with the expiration of the land use permit.

**SECTION 1808
SKETCH PLANS REQUIRED**

1808.1. Sketch Plans Required. The following uses, buildings and structures shall require only a sketch plan as approved by the Code Official :

- A. Construction, alteration or addition of/to a single family, two-family or multiple family dwelling with three (3) to four (4) residential dwelling or accessory structures.
- B. Building additions of twenty percent (20%) or less of the existing building not to exceed five thousand (5,000) square feet for buildings requiring site plan approval, provided that no more than four additional parking spaces will be required or provided. Measurements shall be made based on gross floor area of the ground floor area.
- C. Building additions up to 5,000 square feet that do not modify any other site characteristics such as parking, traffic circulation and drainage.
- D. Mobile Home parks.
- E. All parking lots or additions thereto containing five (5) or more spaces.
- F. Garages, accessory structures, ~~over one hundred (100) square feet~~ and similar uses.

Comment [RS7]: As even small projects could potentially break setback codes or put the total building structures on a property over the 35% allowed.

**SECTION 1809
SKETCH PLAN DIAGRAM REQUIREMENTS**

1809.1. General. The following information shall be provided on all sketch plans:

- A. Scale, north arrow, name and date of plan; dates of revisions thereto;
- B. Name and address of property owner and applicant and the name and address of developer and designers;
- C. The applicant's ownership interest in the property and if the applicant is not the fee simple owner, a signed authorization from the owner for the application;
- D. Legal description of the property, dimensions and lot area;
- E. Existing building, structures and other improvements with a clear indication of all improvements to remain and to be removed;
- F. Use and zoning classification of adjacent properties;
- G. Names and right-of-way of existing streets, private roads and/or recorded easements on or adjacent to the property;
- H. Zoning classification of the subject property and total ground floor area;

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- I. Location and exterior dimensions of proposed buildings and structures; with the location to be referenced to property lines; distances between buildings; height in feet and number of stores; and all required setbacks;
- J. Location and dimensions of proposed parking lots, numbers of spaces in each lot; dimensions of spaces and aisles; drainage pattern of lots; angle of spaces; and areas reserved for storage of snow;
- K. Location, type and size of other improvements such as sidewalks, fencing and screening, outdoor trash containers, signage and landscaping; and
- L. Additional information may be required by the Code Official.

**SECTION 1810
SKETCH PLAN PUBLIC HEARING**

1810.1. General. No public hearing shall be required for sketch plan approvals. The Code Official shall have the authority to approve sketch plans. The Code Official may refer the matter to the Planning Commission if in his/her opinion the Planning Commission should be consulted.

**SECTION 1811
EXPIRATION OF A SKETCH PLAN**

1811.1. Expiration of a Sketch Plan.

- A. Unless the land use permit states differently, a sketch plan expires after twelve (12) months from the date of granting such permit if the activity is not at least seventy-five percent (75%) completed, and after twenty-four (24) months if not one hundred percent (100%) completed. Completion percentages shall be determined in the sole discretion of the Code Official, subject to appeal to the Zoning Board of Appeals.
- B. Sketch plan shall automatically expire with the expiration of the land use permit.

**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 that 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

APPROVED

Ralph B.K. Peterson
City Attorney

Marc D. Tall
Mayor

Ordinance No. 1201

ATTEST

Phil DeMay
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 (Day) the (Date) day of (Month) 2019, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on (Day), (Month) (date), 2019, 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.

Phil DeMay
City Clerk

ORDINANCE NO. 1202

AN ORDINANCE TO AMEND CHAPTER 19, ZONING ORDINANCE, AS CODIFIED UNDER THE CODE OF ORDINANCES.

THE CITY OF ESCANABA ORDAINS:

CHAPTER I

Chapter 19 Development Standards hereby amended to read as follows:

**SECTION 1901
GENERAL PROVISIONS**

1901.1. Purpose. The intent and purpose of this Section is to maintain an attractive environment, which will ensure development, compliments the existing character of the city and promotes desirable economic development within all zoning districts of the City.

1901.2. Cross References, as amended.

- A. Zoning and planning in home rule 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. Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - MCLA 125.583a.
- E. Duties of Code Official; Chapter 200, Section 203 Power and Duties of the Code Official and Section 204 Administrative Review and Permits.
- F. Chapter 18 Site Plan and Sketch Plan Standards of Escanaba's Zoning Ordinance.
- G. Chapter 5 Residence (A) District, Chapter 6 Residence (B) District, Chapter 7 Residence (C) District, Chapter 9 Local Business District (D), Chapter 10 Commercial (E) District, Chapter 11 Planned Commercial Development District (E-1), Chapter 12 Special Planned District (E-2), Chapter 13 Light Manufacturing District (F), Chapter 14 Industrial Park District (F-1), and Chapter 15 Heavy Manufacturing District (G) of Escanaba's Zoning Ordinance.
- H. Chapter 17 Parking and Circulation Requirements of Escanaba's Zoning Ordinance.
- I. Illuminating Engineering Society of North America Lighting Handbook, 9th Edition.

**SECTION 1902
OBJECTIVES**

1902.1. General. The purpose of this Charter is to establish rules, regulations, standards, and procedures for approval of all new development proposals and the expansions of existing businesses and industries in order to:

- A. To conserve and protect the taxable value of land and buildings in the City of Escanaba.
- B. To permit public involvement in the planning of private land uses which have the potential for significant impact on the use and enjoyment of surrounding property or on the public resources and facilities of the community.
- C. To preserve, protect and encourage the development of buildings, groups of buildings and development sites of distinguished architectural character and appearance.
- D. Provide for safe, efficient vehicular, non-motorized and pedestrian circulation.
- E. Provide for screening, landscaping, signage, and lighting.
- F. Ensure efficient, safe, and attractive land development.
- G. Provide for compliance with appropriate design standards to ensure adequate light and air, proper building arrangements, and minimal adverse effect on adjacent properties.
- H. Develop proper safeguards to minimize the impact on the environment and to encourage energy and water conservation where possible.

- I. Ensure the provision of adequate water supply, drainage, and storm water management, sanitary facilities, snow removal and storage, and other utilities and surveys.
- J. Encourage modern and innovative design, construction, technology, and planning methods.
- K. Advance and promote sound growth and continued development within the City.

**SECTION 1903
APPLICABILITY**

1903.1. General. The requirements of this Chapter shall apply to the following:

- A. All multi-family buildings containing five (5) or more dwelling units.
- B. Building conversions from a commercial use to any other use on Ludington Street between Lincoln Road and 2nd Street.
- C. All principal nonresidential buildings or structures permitted in any residential district.
- D. Communication towers.
- E. All Commercial buildings and uses.
- F. All Special Land Use requests.
- A. All Residential Planned-Unit Developments (C-2).
- B. All Planned Commercial Developments (E-1).
- C. All Special Planned District Developments (E-2).
- J. All Light Manufacturing District Building and Uses (F)
- K. All Industrial Park District Building and Uses (F-1)
- L. All Heavy Manufacturing District Building and Uses (G)
- M. All Local Business District Building and Uses (D)

1903.2. Incentives for Better Design and Creativity. Excellence in design and planning which may be achieved through appropriate innovation and imaginative concepts is encouraged. To accomplish this, alternative compliance may be proposed to the Escanaba Planning Commission in achieving appearance standard goals, provided that such change will produce a more logical and attractive use of property, in that it will be beneficial rather than detrimental to the surrounding area and the community. Proposed design alternatives acceptable under this process must not represent a waiver of requirements: the alternatives must meet or exceed the "spirit" of the law.

**SECTION 1904
STANDARD REQUIREMENTS**

1904.1. General. The interpretation and application of the provisions of these standards shall be held as minimum requirements for the promotion of the public health, safety, and welfare. No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Chapter.

Exception: Where permitted, site and landscape regulations, building design criteria, off-street parking and loading requirements, and other regulations contained herein are either more or less restrictive than comparable conditions imposed by provisions contained in the City of Escanaba Zoning Ordinance or of any other law, ordinance, rule, resolution or regulations, the requirements that are more restrictive or which impose a higher standard shall govern.

Exception: Historically significant buildings. Existing historic buildings that express the history of Escanaba may, with Planning Commission approval, be exempted from the requirements of this section provided the condition of the building is preserved, upgraded, or rehabilitated to its original state and maintained in a safe and defect-free condition.

**SECTION 1905
ADMINISTRATION, DUTIES AND RESPONSIBILITIES**

1905.1. General. The administration of this Chapter shall be vested in the City Manager, Code Official, City Engineer, Building Inspector, Public Safety Fire Official, the City departments identified in Section (B), below and the City Planning Commission.

- A. It shall be the duty of the Code Official to be in charge of the day-to-day administration and interpretation of the development and design standards.
- B. All proposed site plans shall be forwarded to the following City Departments: ~~City Public Works~~/Engineering Department, ~~Water~~/Wastewater Department, ~~Water Department~~, Public Safety Department, Recreation Department, ~~Public Works Department~~ and Electrical Department. These departments shall review each plan and make recommendations to approve, approve with conditions, or reject said plan to the City of Escanaba Planning Commission. These departments shall be responsive to applicants and their possible time constraints and shall expedite the review process to the extent possible.
- C. From time-to-time the design criteria may be amended, changed or deleted. Such action shall take place before the Escanaba Planning Commission in accordance with Public Act 207, 1921, as amended, Section MCL 125.584.a.b.c.d.

Comment [RS1]: Changes reflect current City Department structure

**SECTION 1906
APPEALS**

1906.1. General. Unless otherwise provided herein, appeals from the requirements contained in these standards shall be heard by the Escanaba Zoning Board of Appeals.

**SECTION 1907
DEVELOPMENT STANDARDS FOR GRANTING PLAN APPROVAL**

1907.1. General. A site development plan shall conform to all applicable requirements of the City of Escanaba, State and federal laws and local Ordinances and approval may be conditioned upon the applicant receiving necessary local, State and federal permits before final site plan approval or an occupancy permit is granted. In addition, a development shall conform to the requirements of Chapter 18 Site Plan and Sketch Plan Standards of the Zoning Ordinance in addition to the following general development standards which shall be reflected on the site plan:

- A. **Building orientation.** Primary structures shall be oriented so that their main entrance faces the street upon which the lot fronts. If the development is on a corner lot, the main entrance may be oriented to either street or to the corner.
- B. **Roof equipment.** All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from recreation trails or from a public sidewalk adjacent to the site by a parapet wall or similar architectural feature. (Exception: Solar energy collection panels do not require screening to allow maximum effectiveness.)
- C. **Visual and sound mitigation.** Reasonable visual and sound mitigation for all structures shall be provided. Fences, walks, barriers and landscaping shall be used appropriately for the protection and enhancement of property and for the privacy of its occupants.
- D. **Emergency access.** Every principal building or groups of buildings shall be so arranged as to permit emergency access by some practical means to all sides.
- E. **Street access.** Every development shall have legal access to a public or private street.
- F. **Circulation system.** The development, where possible, shall provide vehicular and pedestrian circulation systems which reflect and extend the pattern of streets, pedestrian and bicycle ways in the area. Travelways which connect and serve adjacent development shall be designed appropriately to carry the projected traffic.
- G. **Non-motorized circulation system.** A pedestrian and/or non-motorized vehicle circulation system shall be provided which is physically separated and insulated as reasonably possible from the vehicular circulation system.
- H. **Parking areas.** All parking areas shall be designed to facilitate safe and efficient vehicular, pedestrian and non-motorized vehicle traffic, pedestrian circulation, minimize congestion at points of access and egress to intersecting roads, to encourage the appropriate use of alleys and minimize the negative visual impact of such parking area.

- I. **Shared drives.** Where the opportunity exists, developments shall use shared drives. Unnecessary curb cuts shall not be permitted. Shared use access between two (2) or more property owners should be encouraged through the use of driveways constructed along property lines, connecting parking lots and construction of on-site of frontage roads and rear service drives; particularly within three hundred (300) feet of major intersections, for sites having dual frontage, at locations with site distance problems, and/or along roadway segments experiencing congestion or accidents. In such cases, shared access of some type may be the only access design allowed. In cases where a site is adjacent to an existing frontage road, parking lot of a compatible use, or rear service drive, a connection to the adjacent facility may be required by the Planning Commission through a mutual Access Easement Agreement. In cases where a site is adjacent to undeveloped property, the site should be designed to accommodate a future frontage road, parking lot connection, rear service drive or shared access drive. The applicant shall provide the City with letters of agreement or access easements from all affected property owners.
- J. **Loading, unloading and storage areas.** All loading and unloading areas and outside storage areas, including areas for the storage of trash, which are visible from residential districts or public rights-of-way shall be screened by a vertical screen consisting of structural and/or plant materials not less than six feet in height. Loading docks should be located at the side yard or rear yard of the building.
- K. **Light sources.** Exterior light sources shall be deflected downward and away from adjacent properties and rights-of-way so as to promote and enhance "dark-sky" designs.
- L. **Utilities.** Adequate utilities shall be provided to properly serve the development. All utilities shall be placed underground.
- M. **Environmental issues.** Sites at which hazardous substances and potential pollutants are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, creeks or wetlands.
- N. **Tree Preservation Purpose and Intent.** Trees are a critical part of the vegetation that serves to decrease and filter storm water runoff, to mitigate the urban heat island effect created by paved and other built surfaces, to remove pollutants from the air, to abate visual and noise pollution, and to provide habitat for wildlife. Tree removal thus increases the burden on the community to effectively address these issues. The goals of the tree preservation provisions are to reduce tree loss during development, to reduce damage to standing trees during construction, to provide for replacement of trees lost during construction, to provide for the planting of trees lost during construction, to provide for the planting of trees where none occurred previously, and to provide for the maintenance of preserved trees after construction is completed.
- O. **Canopies.** Canopies covering gas station pumps, bank facilities or other drive-through facilities may have a clearance of no more than fifteen (15) feet and the overall height of canopies may not exceed twenty (20) feet. The square foot area of a canopy may be no greater than 450 square feet per parking space at regular gas pumps. Spaces next to special pumps, including pumps dedicated to diesel or propane, may not be factored into the calculation. Canopy design must match the architectural elements and styles of the main structure and the surrounding features of the area.
- P. **Storm Water Control Plan.** A Storm Water Control Plan shall be designed appropriately to carry storm water away from buildings and adjacent properties into an approved collection system.

**SECTION 1908
DEVELOPMENT AND DESIGN STANDARDS IN CERTAIN DISTRICTS**

1908.1. General. The purpose of this section is to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration, and decay; and to enhance the health, safety, and general welfare of the residents of the community.

1908.2. Compatibility and Integrity. The City of Escanaba's overall approach encourages a variety of architectural styles. However, basic harmony is intended to prevail

so that no one structure detracts from the attractiveness of the overall environment. The Escanaba Planning Commission shall review building design in order to ensure architectural compatibility and integrity.

1908.3. Local Business Districts (D), Commercial Districts (E), Planned Commercial Districts (E-1), Special Planned Districts (E-2), Light Manufacturing District (F), Industrial Park District (F-1), and Heavy Manufacturing District (G). Colors, materials, finishes, and building form shall be coordinated in a consistent manner on the front, side, and rear exterior walls. Materials shall be one of the following:

- A. Brick, masonry unit, marble aggregate, split face or broke concrete block or other composite materials of similar appearance and texture.
- B. Concrete masonry. Units shall be those generally described by the National Concrete Masonry Association as "customized architectural concrete masonry unit" or shall be broken faced brick type units with marble aggregate or split face or broke concrete block. There shall be no exposed concrete block on the exterior of any building. Any concrete masonry units that have a gray cement color shall be coated.
- C. Concrete may be poured in place, tilt-up or precast. Poured in place and tilt-up walls shall have a finish oil stone, a texture or a coating. Textured finishes, except in special cases, shall be coated. Pre-cast units which are not uniform in color shall be coated. Coating shall be an approved cementitious or epoxy type with a ten (10) year minimum life expectancy.
- D. Natural Stone.
- E. Glass Curtain walls.
- F. Metal siding may be used only in combination with one of the approved materials and with approval of the Planning Commission. Metal siding may be utilized only on the side and rear of the building walls that do not face an adjacent street. The first twenty five (25) feet of any building wall (vertically and/or horizontally) or 25 percent of the side wall surface, whichever is greater, and 25 percent of the rear wall (excluding door, window or other openings, shall be constructed of the materials listed under (a) through (e), above. Any metal siding proposed for use shall be entirely coated with a colorfast, abrasion and corrosion resistant, long life (minimum of 20 years) finish that is resistant to chemicals, withstands temperature extremes, and has a low permeability. Such panels shall be insulated (facing shall carry a U.L. Approval), have a vapor barrier and have a minimum eight (8) foot (from floor) interior rear wall. Any material utilized to attach the metal siding to the building shall be concealed or the utilization of shadow panels or semi-concealed fastener panels with fasteners painted to match the panels shall be required.
- G. In Industrial Park District (F-1) and Heavy Manufacturing District (G), metal siding may be used for the entire side and rear building walls with approval of the Planning Commission.
- H. Other materials approved by the Planning Commission.
- I. The building exterior requirements of this section are intended to be minimum requirements and more stringent requirements may be imposed by the Planning Commission, taking into consideration public interests such as coordinating a consistent appearance and quality of construction with adjacent structures, the size of the proposed structure, the topography of the site, and the proximity of the structure to public right-of-ways.

1908.4. Residence Districts (C)/Multi-Family Buildings Containing Five (5) or More Dwelling Units and all Residential Planned Unit Developments (C-2). All buildings hereafter constructed within this district shall be designed in such a manner so they provide basic harmony with and do not detract from the overall attractiveness of surrounding development and shall be constructed of the following materials:

- A. Brick.
- B. Natural stone.
- C. Vinyl siding, composite material, and steel siding may be used only in combination with one of the approved materials and with approval of the Planning Commission. Vinyl siding may be utilized only on the side and rear building walls that do not face an adjacent street or public right-of-way. On a case-by-case basis 100% vinyl siding designs which coordinate with the architectural and/or historic concepts in the neighborhood may be approved by the Planning Commission.

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D. Any other similar material as approved by the Escanaba Planning Commission.

1908.5. Signage Requirements (All Uses). Sign materials must be compatible with the appearance of the building's finished materials.

SECTION 1909 GENERAL OUTDOOR LIGHTING REQUIREMENTS

1909.1 Definitions.

Direct Light. Lighting emitted directly from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire.

Fixture. The assembly that holds the lamp and may include as assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens.

Flood or Spot Light. Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

Footcandle. A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

Full-Cutoff. A light fixture which cuts off all upward transmission of light.

Glare. Direct light emitted by a luminaries that causes reduced vision or momentary blindness.

HID Lighting. High intensity discharge lighting, a family of bulb type including mercury vapor, metal halide, high pressure or low pressure sodium, which glow when an electric current is passed through a gas mixture inside the bulb.

Horizontal (or vertical) Footcandles. The amount of light striking a vertical or a horizontal plane.

Indirect Light. Direct light that has been deflected or has scattered off of other surfaces.

Inventory of Lighting. A list of lamps indicating the bulb type, bulb wattage, and manufacturer through which the rated lumens can be determined.

Lamp. The component of a luminaire that produces the actual light.

Light Source. The bulb and lens, diffuser, or reflective enclosure.

Light Trespass. Light projected onto a property from a fixture not located on that property.

Lumen. A unit of luminous flux. One footcandle is one lumen per square foot. For the purpose of this Chapter, the lumen-output values shall be the initial lumen output ratings of a lamp.

Luminaire. The complete lighting unit, including the lamp, the fixture, and other parts.

Luminaire Full-Cutoff. A luminaire that allows no direct light emissions above a horizontal plane through the luminaries' lowest light-emitting part.

Outdoor Lighting. The night-time illumination of an outside area of object by any manmade device located outdoors that produces light by any means.

Temporary Lighting. The specific illumination of an outside area of object by any manmade device located outdoors that produces light by any means for a period of less than seven days, with at least 180 days passing before being used again.

1909.2. Light Measurement Technique. Light level measurements shall be made at the property line of the property upon which the light to be measured is being generated. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the property of the complainant or at any other location on the property of the complainant. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five (5) percent. Measurements shall be taken with a light meter that has been calibrated within the year. Light levels are specified, calculated and measured in footcandles (FC). All FC values below are maintained footcandles.

1909.3. Directional Control. All luminaries of 1800 or more lumens shall be full-cutoffs as installed. For luminaries under 1800 the bulb must be frosted glass or installed behind a translucent cover, except floodlights which must be aimed no higher than 45 degrees below horizontal. This can be accomplished by the use of full-cutoff (fco) fixture design, shielding, visors, louvers, or other devices.

1909.4. Lighting Requirements. To provide for the basic needs of safety and security, appropriate lighting shall be provided in order to delineate roads, drives, parking areas, pedestrian ways, buildings, and other organizational points. Lighting shall be an integral part of the overall architectural design; therefore, proposed lighting, whether free-standing or building-mounted, shall compliment the architectural character of the principal use. Lighting design shall correlate energy conservation with aesthetic, architectural, and safety factors. Any luminaire with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of more than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light emitting part of the luminaire. any luminaire with a lamp or lamps rate at a total or more than 1800 lumens, and all flood or spot luminaries with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (d/3)$, where d is the distance in feet to the nearest property boundary. The maximum height of the luminaries shall not be taller than the building whose area they illuminate nor taller than twenty-five (25) feet whichever is shorter. Lighting plans must include the following information:

- A. A site photometric plan indicating footcandle levels at grade to the lot lines.
- B. Specifications for all luminaries, poles and luminaire mounting arms.
- C. Lighting specifications including footcandle initial averages, and maximum-to-minimum uniformity ratio.
- D. The location, mounting height, lamp intensity for all exterior luminaries..
- E. An estimate of the average and peak energy requirements for the building and grounds.

1909.5. Architectural Compatibility. Outdoor lighting fixtures must be compatible with the architectural elements located throughout the development.

1909.6. Wallpack Fixtures. All wallpack fixtures shall be cut-off fixtures.

1909.7. Lighting of Buildings and Landscaping. Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and other intended site feature and away from adjoining properties in the public street right-of-way.

1909.8. Prohibition Against Glare (Light Trespass). Outdoor lighting may not create a glare that may be hazardous for motorist, bicyclist or pedestrians. Unless otherwise stated, the maximum illumination shall be 0.5 maintained footcandles at any property line in a residential district or local business district, and 1.0 maintained footcandles at any property line or public street right-of-way, unless otherwise approved by the Planning Commission. In order to prevent unreasonable light pollution, any luminaire and all wall-mounted luminaries used for area light shall use a cut off luminaire positioned in a way that the cut off effect is maximized.

1909.9. Fascia Lighting. Fascia lighting is limited to the street-facing side of the building and may not exceed an area twice the size of the building sign.

1909.10. Walkway Lighting. Walkway lighting shall have a height of ten (10) to fourteen (14) feet above grade.

1909.11. Lighting Context. Outdoor lighting must consider existing light sources that impact the site and land uses that will be impacted by the lighting. In order to prevent lighting redundancy, proposed new outdoor lighting must factor in existing light affecting the site, including light provided by public light fixtures. The maximum allowable total lumens generated on each parcel is 80,000 lumens per net acre with full cut-off lighting. Parcels less than one net acre are allowed full cutoff lighting lumens in a portion equal to the parcel's portion of a net acre.

1909.12. Light Levels, Luminaire Mounting Position, and Timing of Parking Areas. Lighting levels, mounting positions and timing of parking areas shall be constructed and installed as follows:

1909.12.1. District Levels. Lighting levels for commercial, business, industrial, and natural zones and any roadway adjacent to residential zones may have a level of lighting which does not exceed 0.5 footcandles at any residential property line or 1.0 footcandles at any non-residential property line. Any canopy structure used at a business location must have recessed lights with diffusers which do not extend below the surface of the canopy. Any luminaire on a pole, stand or mounted on a building must have a shield, an adjustable reflector and non-protruding diffuser.

1909.12.2. Lighting in Parking Lots and Outdoor Areas. Other than flood lights and flood lamps, all outdoor area and parking lot lighting fixtures which are more than 2,000 lumens shall be cut-off fixtures, or comply with the exceptions.

Exceptions.

All metal halide, mercury vapor, fluorescent, induction, white high pressure sodium and color improved high pressure sodium lamps used in non cut-off fixtures shall be coated with an internal white frosting inside the out lamp envelope.

All metal halide fixtures equipped with a medium base socket must utilize either an internal refractive lens or a wide-body refractive globe.

All non-cutoff fixture open-bottom lights shall be equipped with full cut-off fixture shields that reduce glare and limit up light.

1909.13. Lighting Exceptions. All temporary lighting needed by the police, fire, or other municipal departments, emergency services, as well as all vehicular luminaries, shall be exempt from the requirements of this article. All hazard-warning luminaries required by law are exempt from the requirements of this article. Recreational and outdoor event lighting is exempt only during times the lighted area is actually in use. Nonetheless, recreational and outdoor event lighting shall be installed in a way that minimizes light emitted above the horizontal and onto adjacent property. Lighting associated with a holiday IS EXEMPT. Other exceptions as required by law.

**SECTION 1910
SCREENING OF OUTDOOR STORAGE**

1910.1. General. All materials, equipment, and receptacles and containers for refuse and recyclables shall be stored within a building or fully screened as so not to be visible from adjoining properties by using an opaque fence or wall that is architecturally compatible to the building's finished materials or landscaping which will shield all items outdoors, and be located in the side or rear yard, except for construction and landscaping materials currently being used or intended for use on the premises within six (6) months.

**SECTION 1911
FENCES/HEDGES**

1911.1. General. The requirements of this Section shall apply to all land uses, buildings and structures. A fence/hedge plan review is required for all land uses, buildings and structures.

1911.2. Construction and Maintenance: Every fence shall be constructed in a substantial, workmanlike manner and of material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in good repair and shall not be a danger or nuisance, public or private. Any such fence which is, or has become, dangerous to the public safety, health or welfare, is a public nuisance and shall be repaired or removed. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top except for limited outdoor storage areas. No fence shall be installed, erected or maintained except in strict compliance with the following requirements:

- A. Metal Fences – Shall consist of new materials treated in a manner to prevent rust and corrosion.
- B. Wood Fences – Shall be constructed of new materials and painted, stained or preserved in a manner to maintain the fence in a good structural condition and with an appearance that is aesthetically compatible with the type of fence it represents. For example only, a so-called rustic or stockade fence shall be treated and/or maintained in a manner to represent the best appearance of that type of fence.
- C. Plastic or Other Synthetic Material Fences – Where any of these materials are used as a fence, or part thereof, only new materials shall be used and they shall be treated and maintained in a manner to maintain the fence in good structural condition and with an appearance that is aesthetically compatible with the type of fence it represents. Further, such materials shall be of a design and constructed or integrated with the fence to which they are a part in a manner that will not be destroyed or torn apart from the fence by climatic elements. For example, only metal or synthetic material slats inserted in a fence shall be done in a manner not to allow them to be blown away, or removed by the wind or other weather conditions.
- D. Masonry Fences – Except as otherwise provided in any other City of Escanaba Ordinance requiring such fences or “walls”, this type of fence shall only be permitted with the written approval of all property owners abutting the sides of the property upon which the fence is to be erected.

1911.3. Location: No fence or hedge shall be erected or installed in any yard that will shut-off light or ventilation to any window or opening in a habitable space of a dwelling. A minimum distance of three feet shall be maintained between any solid fence or hedge and any such opening in a dwelling in determining such light and ventilation. No fence or hedge shall be erected or installed nearer than two (2) feet from the inside line of the sidewalk, and, in the case of any corner lot, within the sight distance triangle. No fence or hedge shall be erected or installed on any legal easement and/or right-of-way.

1911.4. Fence/Hedge Heights. Fences/hedges shall not exceed the following heights in the specified district:

Zoning District	Fence Height Above Grade	
	Front Yard (Feet)	Side & Rear Yards (Feet)
Residence "A" District	4	6
Residence "B" District	4	6
Residence "C" District	4	6
Residential Planned-Unit Development "C-2"	4	6
Local Business District "D"	4	6
Commercial Development "E"	4*	6
Planned Commercial Development "E-1"	4	6
Special Planned District "E-2"	4	6
Light Manufacturing District "F"	4*	12
Industrial Park District "F-1"	8	12
Heavy Manufacturing District "G"	8	12

* With a Special Land Use Permit, a front yard fence can be up to six (6) feet in height.

**SECTION 1912
LANDSCAPING, BUFFERS, AND SCREENING**

1912.1. General Statement. The requirements of this Section shall apply to all land uses, structures and buildings. The City of Escanaba finds that it is in the public interest for all developments to provide landscape improvements for the purpose of: complimenting the natural environment; improving the general appearance of the City and enhancing its aesthetic appeal; preserving the economic base; improving quality of life; delineating and separating use areas; increasing the safety, efficiency, and aesthetics of use areas and open space; screening and enhancing privacy; mitigating the diverse impact of climate; conserving energy, abating erosion and stabilizing slopes; deadening sound; and preserving the quality of our air and water.

1912.2. Guidelines for Landscaping Buffers. The arrangement of trees and shrubs in the buffer area shall be done in a manner that provides a visual separation between abutting land uses. Shrubs and/or trees shall be massed in rows or groups to achieve the maximum screening effect.

1912.3. Landscape Plan. All applicants for zoning land use permits for Residence Districts (C), Residential Planned-Unit Development Districts (C-2), Local Business Districts (D), Commercial Districts (E), Planned Commercial Development District (E-1), Special Planned District (E-2), Light Manufacturing Districts (F), Industrial Park District (F-1), and Heavy Manufacturing Districts (G) shall submit a landscape plan.

1912.4. Submittal Procedure. The following procedure shall be followed for the submittal of landscape plans.

1912.4.1. Preliminary Consultation. Prior to the submittal of a landscape plan, it is recommended that the developer meet with the Code Official and/or other appropriate City staff to discuss zoning district, site plan, and landscaping plan requirements. Such meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer and the City.

1912.5. Plan Submittal. After the preliminary consultation with City Staff, one (1) copy, along with a digital copy ~~Fifteen (15) copies~~ of all landscape plans requiring approval by the Planning Commission shall be submitted to the Code Official. Landscaping plans ~~may~~ must be ~~submitted separately or~~ included in the Site Plan. All plans shall be drawn to an engineering scale. Plans shall be drawn to scale, rendered on a minimum sheet size of twenty-four (24) inches by thirty-six (36) inches and contain the following information:

- A. The location and dimensions of all proposed open space areas.
- B. Identification of all proposed vegetation:
 - 1. Symbols, quantities, common names, and size of all plant materials, and whether plant is balled burlapped, potted, or bare root.
 - 2. Showing all species to scale of mature crown diameter or spread.

1912.6. Required Buffers. Required buffers shall not be disturbed for any reason except for required driveways, sidewalks, or other pedestrian or bicycle paths, walls, fences, or required landscaping, landscaping maintenance and replacement, or maintenance and construction of berms, or utility lines. However, utility line construction must meet the following requirements:

- A. The removal of any tree larger than 8 inches caliper shall require the approval of the City of Escanaba.
- B. If utility lines run longitudinally within a buffer yard, the width of the buffer yard shall be increased by the same amount that is cleared for placement of the utility lines.
- C. To the extent possible, the path cleared for the utility lines shall be replaced with plant materials, which are consistent with those that existed prior in the buffer yard.

1912.7. Screening Requirements. The provisions of this Section must be met at the time that land is developed or land and structures are redeveloped. The requirements of this

Comment [RS2]: Changes reflect the recommendations made for Ch. 18

Comment [RS3]: Recommend all components of the site plan and landscaping plan be considered at the same time, not in separate pieces.

Section do not apply to lots or portions of lots, which are vacant or undeveloped. The following special requirements for certain parking lots, solid waste storage areas, service entrances, loading docks and outdoor spaces must comply with the following:

1912.7.1. Parking Lots. Parking lots for more than ten (10) automotive vehicles and parking decks, excluding new and used automotive sales lots and parking areas for detached, duplex, triplex or quadraplex dwellings on a single lot must be screened from abutting properties.

1912.7.2. Solid Waste Storage Areas. Dumpsters, recycling containers (except for recycling containers located at recycling collection centers), or solid waste handling areas must be screened from abutting property and from public view from a public street with the use of an opaque fence or wall that is architecturally compatible to the building's finished materials or landscaping which will shield all items outdoors.

1912.7.3. Service Entrances. Service entrances or utility structures associated with a building, except in the area where such use abuts other service entrances or utility structures shall be screened from abutting property and from public view from a public street.

1912.7.4. Loading Docks. Loading docks or spaces, except in the area where such use abuts other loading docks or spaces shall be screened from abutting property and from public view from a public street. Loading docks should be located at the side yard or rear yard of the building.

1912.7.5. Outdoor Storage. Outdoor storage of materials, stock and equipment shall be screened from abutting property and from public view from a public street.

1912.7.6. Electrical and/or Mechanical. All electrical and/or mechanical equipment, including roof mounted, shall be integrated into the design of the structure to the extent possible, enclosed or screened as part of the overall architectural design.

1912.7.7. Additional Screening. Any other uses for which screening is required under these regulations as determined by the Planning Commission Site Plan Review.

1912.8. Screening and/or Buffer Areas. Any screening or buffer areas used to comply with the provisions of this Section or other ordinance provisions for uses other than parking decks must consist of a planted area which is at least five (5) feet wide. This area may contain any type screening materials sufficient to separate visually the land uses, provided such materials meet the requirements of this Section. If only a wall or fence is used, then the area devoted to the screen need only be wide enough to accommodate the wall or fence and allow for its maintenance. The composition of the screening material and its placement on the lot must be indicated on the site plan drawing and reviewed and approved by the Planning Commission. The following list contains specific standards to be used in installing screening:

1912.8.1. Fences or Walls. Any fences or walls used for screening shall be constructed in a durable fashion of brick, stone, other masonry materials, wood posts and planks or metal or other materials specifically designed as fencing materials or any combination thereof as may be approved by the Code Official. Other materials may also be considered through the alternate buffer and screening process as detailed in Section 1914.8 Screening and/or Buffer Areas. No more than 25 percent of the fence surface shall be left open and the finished side of the fence shall face the abutting property. A chain link fence with plastic, metal or wooden slats may not be used to satisfy the requirements of this Section when abutting residential uses and districts, and public streets.

1912.8.2. Earth Berms. Any earth berm used to meet the requirements of this Section must be a minimum of four (4) feet wide with a maximum slope of 2:1.

Berms in excess of six (6) feet in height shall have a maximum slope of 3:1 as measured from the exterior property line.

1912.8.3. Screening Height. The minimum height for screening will be whatever is sufficient to separate visually the uses, but not less than four (4) feet.

1912.8.4. Vegetation Plant Sizing. Required vegetation shall be of the following minimum planting size:

- A. Deciduous trees – 2.5 inch diameter as measured 6 inches above ground.
- B. Coniferous trees – 6 feet in height.
- C. At least 20% of the required number of trees shall be hardwood deciduous trees.
- D. Evergreen shrubs used for screening purposes, including those used in conjunction with berms, shall be a minimum of 24 inches in height with a minimum spread of 2 feet when planted and no further apart than five feet.
- E. Required trees and shrubs used in site development must be indigenous to Escanaba and/or Delta County.

1912.8.5. Ground Cover. The street front yard and the front 1/3 of the side yards abutting the building shall be maintained in an attractive maintained state, either as a natural landscape or plantings with sodded grass areas. All other open space areas shall, at a minimum be seeded. The following deviations from this standard may be granted by the Planning Commission during the review process if it is determined that less water demand is needed or lower maintenance designs will be more effective:

- A. The use of mulch material for shrubs and foundation plantings.
- B. The seeding of future expansion areas delineated on the site plan.
- C. Areas maintained in a natural state that are undisturbed or that are in construction.
- D. Other landscape elements such as decks, patios, stepping stones or landscape stones may be incorporated therein.
- E. Other ground cover uses will be considered on a case-by-case basis by the Escanaba Planning Commission.

1912.9. Special District Requirements. Future development within the City shall meet the following minimum requirements:

1912.9.1. Residence (C) District. Residence (C) District (all multi-family buildings containing five or more dwelling units) shall contain at a minimum:

- A. Ten percent of the total lot area shall remain open green space.
- B. One (1) indigenous tree per dwelling unit, or two (2) indigenous trees per dwelling unit for every mature tree removed, whichever is greater.

1912.9.2. Principal Non-Residential Buildings in a Residential District. All principal nonresidential buildings or structures permitted in any Residential District shall contain at a minimum:

- A. Ten percent of the total lot area shall remain open green space.
- B. One indigenous tree per 1,000 square feet of gross floor area, in any fraction thereof, for nonresidential uses.

1912.9.3. US2, 41, and M35 Corridor (North Lincoln Road) and Ludington Street west of Lincoln Road, M35 Corridor (South Lincoln Road) between Lake Shore Drive and Ludington Street shall contain at a minimum:

- A. Twenty percent of the total lot area shall remain open green space.
- B. One indigenous canopy tree per 10,000 square feet of lot area or fraction thereof.

1912.9.4. Residential Planned Unit Development Districts (C-2). Residential

Planned Unit Development Districts (C-2) shall contain at a minimum:

- A. Ten percent of the total parcel area shall remain open green space.
- B. One indigenous tree per dwelling unit, or two (2) indigenous trees per dwelling unit for every mature tree removed, whichever is greater.

1912.9.5. Commercial District (E), Planned Commercial Development Districts (E-1) and Local Business District (D). Commercial District (E), Planned Commercial Development Districts (E-1), and Local Business District (D) shall contain at a minimum:

- A. Ten percent of the total lot area shall remain open green space.
- B. One indigenous tree per 1,000 square feet, or fraction thereof, of gross floor area.

Exception: Uses on Ludington Street between Stephenson Avenue and 2nd Street.

1912.9.6. Light Manufacturing District (F)/Special Planned District Developments (E-2). Light Manufacturing District (F)/Special Planned District Developments (E-2) shall contain at a minimum:

- A. Ten percent of the total lot area shall remain open green space.
- B. Two (2) indigenous trees per every 10,000 square feet of lot area or fraction thereof.

1912.9.7. Industrial Park District (F-1). Industrial Park District (F-1) shall contain at a minimum:

- A. Ten percent of the total lot area shall remain open green space.
- B. Two (2) indigenous trees per every 10,000 square feet of lot area or fraction thereof.

1912.9.8. Heavy Manufacturing District (G). Heavy Manufacturing District (G) shall contain at a minimum:

- A. Fifteen percent of the total lot area shall remain open green space.
- B. Two (2) trees per 10,000 square feet of lot area or fraction thereof. Trees shall be deciduous hardwood or approval of an existing tree/shrub disbursement plan which shows an equal distribution of trees surrounding the premises.

SECTION 1913 ALTERNATIVE BUFFER AND SCREENING REQUIREMENTS

1913.1. General. In the event that the unusual topography or elevation of a development site, the size of a parcel to be developed, the soil or other sub-surface condition on the site, or the presence of required buffer or screening on adjacent developed property would make strict adherence to the requirements of this Chapter serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer or screen, the Planning Commission may alter the requirements of this Chapter as long as the existing features of the development site comply with the spirit and intent of this Chapter. Such an alteration may occur only at the request of the property owner, who shall submit a plan to the Code Official showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer or screen the proposed use. The Planning Commission shall not alter the requirements of this Chapter unless the developer demonstrates that existing site features and any additional buffer materials will screen the proposed use as effectively as the required buffer or screening.

SECTION 1914 IMPLEMENTATION/REPLACEMENT

1914.1. General. All approved landscaping is to be installed in accordance with the

approved landscape plan and compliance timetable.

1914.2. Vegetation Replacement. Any vegetation included on a landscape plan that dies shall be replaced within one (1) planting season. Vegetation replaced shall conform to the approved landscape plan and the requirements contained herein.

**SECTION 1915
MAINTENANCE RESPONSIBILITY**

1915.1. General. In order for any buffers or screening to fulfill the purpose for which it was established it must be properly maintained. It shall be the joint responsibility of the owner and/or lessee of the principal use, uses, or building to maintain in a neat and adequate manner all landscaping materials, vegetation, screening, and fences contained in the approved landscape and site plan. All buffers, screening and landscaping areas must be protected from damage by motor vehicles or pedestrians, which could reduce the effectiveness of the screening.

**SECTION 1916
COMPLIANCE TIMETABLE**

1916.1. General. All landscape plans shall include a timetable for construction, installation or planting within a period not to exceed two (2) years from the date of commencement of construction. Any person who is, or has been, required to landscape any part of a zoning lot/use and who has not complied with that requirement shall, within sixty (60) days of receipt of written notice from the City of Escanaba that a violation of this section exists comply with all requirements or be subject to Section 212, Violations.

**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 that 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

APPROVED

Ralph B.K. Peterson
City Attorney

Marc D. Tall
Mayor

Ordinance No. 1202

ATTEST

Phil DeMay
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 (Day) the (Date) day of (Month) 2019, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on (Day), (Month) (date), 2019, 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.

Phil DeMay
City Clerk