

**CITY OF ESCANABA
PLANNING COMMISSION
Official Minutes – Thursday, March 14, 2024**

MEETING CALLED TO ORDER

A meeting of the Escanaba Planning Commission was held on Thursday, March 14, 2024 at 6:00pm in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

Secretary Webber called the meeting to order at 6:00 PM.

ATTENDANCE

Membership:

Chair Patrick Connor	Absent	Commr. Kasja Nelson	Present
Secretary Roy Webber	Present	Commr. Christiana Reynolds.....	Present
Commr. Michael Harris	Present	Commr. Mark Sadowski.....	Present
Commr. James Hellermann.....	Absent		

With five in attendance, a quorum of the Planning Commission was present.

City Administration:

- Tyler Anthony, Planning & Zoning Admin
- Brianna Ecklid-LaVigne, Confidential Secretary
- Ronald Beauchamp, City Council Liaison

Others:

- Ed Legault, Delta County EDA
- Stanley Lemay, resident of Escanaba

Two other unnamed individuals were present.

MINUTES

Reynolds moved to approve the February 8, 2024 regular meeting minutes as proposed. Sadowski seconded.

A voice vote was taken. MOTION PASSED.

AGENDA

No changes to the agenda were made.

CONFLICT OF INTEREST DECLARATIONS

None.

PUBLIC COMMENT ON AGENDA ITEMS

Ed Legault commented on item NBI. He said that, after reading the packet materials on Form-Based Codes (FBCs), he felt that it was a great idea. He especially liked how FBCs allowed for a streamlined administrative process and citizen collaboration on what is best for the community. Legault also felt that it worked well with the Master Plan – while other cities were often reluctant to use FBCs, they soon found that residents preferred it to traditional zoning.

Lemay spoke on an issue he was having on his property. He reported that he was 73 years old and had lived on Willow Creek Road his entire life. At some point in the preceding few months, Lemay was cited for working on his vehicles in his front yard. Since he had always worked on his own vehicles on his property without issues, he was disappointed to find that it was illegal. He

repeated that this kind of work was a regular activity of his and his neighbors. Lemay felt that it was unfair to learn only now that it was illegal. Webber asked Anthony if he could comment on the issue; Anthony noted several sections of the Zoning Ordinance that made it illegal to maintain personal vehicles at a person’s home.¹ Lemay added that there was no good reason for these rules, and that they should be changed.

PUBLIC HEARINGS

No public hearings were held.

UNFINISHED BUSINESS

UB1: Annual Report Review

Webber noted that the previous meeting ran too long, and that some items were postponed until this meeting. One of these items was the Annual Report Review.

Anthony introduced the item.² He recommended that the Commission adopt the report with two minor revisions.

Harris offered, Nelson seconded:

RESOLUTION NO. 24-05

RESOLUTION TO ADOPT AND TRANSMIT THE 2023 ANNUAL REPORT

RESOLVED, that the Planning Commission adopts the 2023 Annual Report as prepared by its Staff with the following changes:

1. Correct the “Zoning Ordinance; Specific Changes” table to show “Marihuana-Related Changes” as originating from the City Council, and
2. Correct the same table to show “Setback-Related Changes” as originating from the Planning Commission; and

RESOLVED, that the Chair shall present the 2023 Annual Report, including the previously stated changes, to the City Council, and that the Staff shall transmit said Report to the City Council beforehand.

A voice vote was taken. MOTION PASSED.

UB2: General Updates – February

a. Delta County Planning Commission Report – February

Nelson reported that the Delta County Planning Commission did not meet in February.

b. Zoning Board of Appeals (ZBA) Report

Anthony reported that the ZBA requested that the Planning Commission recodify the Zoning Ordinance. The ZBA felt that it constrained development, and they wanted to see it changed to resolve such issues. Anthony noted that a committee might have been the best way to do this. He

¹ At that time, Secs. 511, 611, 711, 911, and 1701.3 shared virtually the same language, as follows: “The repair of vehicles, and the storage of merchandise, motor vehicles or trucks is prohibited.”

² See Appdx. 1, UBI.

also noted that the ZBA created a committee to review the process by which the City appointed members to that body. Finally, he reported that the ZBA had elected new officers for the year.

c. Zoning/Land Use Permit Report – February

Anthony reported that only one zoning permit was approved in January. Delta County Building & Zoning reported 11 permits issued in January, with three of them being in Escanaba.

UB3: Training Updates – February

No training was reported.

NEW BUSINESS

NB1: Planning Consultant Committee

Anthony introduced the item.³ Webber asked for a motion. He then asked Anthony to clarify if the Commission was voting to establish a committee; Anthony replied that they were.

Reynolds offered, Harris seconded:

**RESOLUTION NO. 24-06
RESOLUTION TO ESTABLISH A PLANNING CONSULTANT COMMITTEE,
TO SET A TIMELINE, AND TO APPOINT MEMBERS**

Whereas, The Planning Commission did approve of a Master Plan RFP on January 11th, 2024; and

Whereas, The Planning Commission’s staff, jointly with City administration, did complete and post the RFP on February 5th; therefore, be it

RESOLVED, That the Planning Commission hereby appoints a Committee to review all submissions in response to the RFP between April 1st and 11th, and to recommend a shortlist of consultants to the Planning Commission by April 12th;

RESOLVED, That these four persons are appointed to the Committee: James McNeil, Ronald Beauchamp, Patrick Connor, and Tyler Anthony; and be it further

RESOLVED, That Ronald Beauchamp shall be the Committee’s Chair, and Tyler Anthony shall be the Committee’s Secretary/Vice-Chair.

A voice vote was taken. MOTION PASSED.

Sadowski offered, Nelson seconded:

**RESOLUTION NO. 24-07
RESOLUTION TO SET A PLANNING CONSULTANT SELECTION TIMELINE**

Whereas, The Planning Commission did appoint a Committee to review submissions to a Master Plan RFP on March 14th, 2024; and

Whereas, The Committee will recommend to the Planning Commission a shortlist of consultants by April 12th; therefore, be it

³ See Appdx. 1, NBI.

RESOLVED, That the Planning Commission will, upon invitation, hold interviews with the Committee’s recommended consultants between April 22nd and 26th, select a final consultant between April 29th and May 3rd, and notify said final consultant immediately upon their selection.

A voice vote was taken. MOTION PASSED.

NB2: Bylaws Amendment

Anthony introduced the item.⁴ Reynolds noted that, during the last meeting, the idea of cutting down the time spent reading written comments had been brought up; she asked if there was any such language in the proposed changes. Anthony stated that staff would not be reading comments aloud any longer, but that such comments were to be provided before the meeting. Reynolds then asked if they would have time during the meeting to read comments that might come in on the meeting date; Anthony replied that they would.

Webber asked if he correctly saw that there were going to be four officers and two elected liaisons;⁵ Anthony replied that he was right. Webber then sought more discussion from Commissioners; he added that he saw no issues with the proposed changes.

Discussion then ensued over liaisons. Webber felt it to be odd that the Commission sent out liaisons to other public bodies, but none of them sent any liaisons back. He felt that it may do some good for other bodies to attend Commission meetings. Anthony then noted that the ZBA was exploring the idea of having a member dually appointed to both the Planning Commission and to the ZBA.⁶⁷ Webber noted that such a member might work, but there might be a chance that a voting-on-the-same-issue problem might arise.

Harris moved to amend the bylaws as proposed by staff. Reynolds seconded.

A voice vote was taken. MOTION PASSED.

NB3: Form-Based Codes Discussion

Anthony introduced the item.⁸ He then noted that an FBC would open many unique opportunities for the City. Webber agreed, then expressed a need to better educate himself on FBCs before speaking more confidently on them. Reynolds asked if more copies of the textbook referred to in the packet could be had.⁹ All discussed options to learn about FBCs. Nelson reported an online training source, adding that she would share it with other Commissioners. Nelson noted that, based on her recent training, FBCs are extremely useful. However, very few areas applied it across their whole jurisdiction – most used FBCs in limited areas. She felt that

⁴ See Appdx. 1, NB2.

⁵ At the time, the Commission had two officers (the Chair and Secretary) and no official liaisons.

⁶ “Curran moved to establish an ad-hoc committee. Such a committee was ... to review the appointment processes for City boards and commissions Renner seconded. A voice vote was taken. MOTION PASSED” (Escanaba Zoning Board of Appeals, Official Minutes – January 16, 2024, NBI).

⁷ Per the Michigan Zoning Enabling Act: “... In a city ..., 1 [ZBA member] may be a member ... of the planning commission if [they function] as the zoning commission, ...” (MCL 125.601(4)).

⁸ See Appdx. 1, NB3.

⁹ Daniel Parolek, Karen Parolek, and Paul Crawford, *Form-Based Codes* (Hoboken, NJ: John Wiley & Sons, Inc., 2008).

FBCs emphasized the character and quality of a place much better than traditional zoning. Webber agreed with Nelson’s view, recalling some training he had done the year before. Anthony added that FBCs shift the focus to physical elements instead of activity, which is what affects people more. Harris and Anthony mentioned how FBCs could work better than traditional zoning in Escanaba’s older areas, and how they are better for a growing and diverse community.

NB4: General Updates – March

a. Delta County Planning Commission Report

Nelson reported that the Delta County Planning Commission (DCPC) did indeed hold their March meeting. She added that it was a bit disorganized, likely due to the sudden passing of Sandy Caron, their Planning & Zoning Administrator. The DCPC did receive the Commission’s letter and discussed it at some length, expressing surprise over its contents. They felt that Connor’s experiences were the result of a misunderstanding, and Nelson reported that the DCPC intends to respond to the Commission at some point. They were to add a new item to their agendas for liaison comment. Nelson stated that, while she could only speak to her experiences with the DCPC, they had always been welcoming to her. Anthony noted that they still did not have their minutes posted online; Nelson replied that they seemed unaware of time limits for making their minutes public, and that the DCPC was working on compliance with those rules. Nelson also reported that they planned to review the Delta County Master Plan and their bylaws.

b. Historic District Commission Report

Webber reported that the Historic District Commission was to meet that coming Monday; he planned to have information to report at the next Commission meeting.

c. Zoning/Land Use Permit Report – February

Anthony reported that permit activity had picked up in February.¹⁰ Webber asked about The Fire Station (TFS) project, noting that there didn’t seem to be much action.¹¹ Anthony explained that TFS agents had contacted the City in February, noting that they planned to start work late in the spring. Harris also noted that TFS’s owners considered the Escanaba site a lower priority while they worked on their other locations.

NB5: Training Updates – March

Harris reported to have scheduled some training in April. Nelson reported 11.5 hours of training in March, mostly on Form-Based Code and planning ethics. Anthony reminded Commissioners that they should send in their invoices for training, as they are eligible for reimbursement.

GENERAL PUBLIC COMMENT

None.

COMMISSIONER/STAFF COMMENT & ANNOUNCEMENTS

Harris recalled Lemay’s comments from earlier in the meeting. Harris felt that Lemay’s experiences were unfair. Anthony pointed out several parts of the Zoning Ordinance that made

¹⁰ See Appdx. 1, NB4.

¹¹ The Fire Station was a marihuana retailer, which had secured a Special Land Use permit on September 13, 2023, located at 201 Ludington Street. As of this meeting, nothing but interior and limited exterior demolition had been done at the property.

it illegal for people to work on vehicles at their own property. He added that, according to the Ordinance, he would not even be able to change out a windshield wiper in his own garage. Harris asked if this language meant that no work could be done to a vehicle at all; Anthony confirmed. Reynolds question if it was something that could be changed.

Harris moved to have staff present options for removal of language prohibiting maintenance of one’s own vehicle city-wide from the Zoning Ordinance.

Webber suggested that this portion of the meeting wasn’t the proper time for business. He added that it should still be placed on the next meeting’s agenda.

Harris withdrew his motion.

Webber announced that a >80% solar eclipse was to take place on April 8. He encouraged all present to go out and safely experience it, since it was to be the last one in our area for decades. Webber added that that the Escanaba Public Library planned to host a solar lens-making class.

Anthony read a newspaper ad for the Bay College Community Satisfaction Survey, asking all present to take part.

Anthony offered condolences to the friends and family of Sandy Caron due to her sudden passing.

ADJOURNMENT

A motion was made by Nelson to adjourn the meeting. No second was made.

The meeting adjourned at 6:51 PM without objection.

EXHIBITS TO THESE MINUTES

Appendix 1: The meeting agenda and packet.

APPROVAL

I, Roy Webber, Secretary of the City of Escanaba Planning Commission, hereby certify that the foregoing constitutes the true and complete proposed minutes of a meeting of the Planning Commission of the City of Escanaba, County of Delta, State of Michigan, held on 14 March 2024; that I have reviewed said proposed minutes; and that said proposed minutes shall be made publicly available.

REVIEWED:



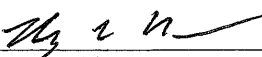
Roy Webber, Secretary
City of Escanaba Planning Commission

Draft reviewed on: 3/18/2024

Draft available on: 3/19/2024

I further certify that the foregoing proposed minutes are now approved; that these approved minutes shall be made publicly available; and that all the foregoing was/is made/given/kept in accordance with the Open Meetings Act (MCL 15.261 et seq.), the Michigan Planning Enabling Act (MCL 125.3801 et seq.), the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), said City’s Code of Ordinances, and said Commission’s Bylaws.

APPROVED:



Roy Webber, Secretary
City of Escanaba Planning Commission

Approved at meeting on: 4/11/2024

Final available on: 4/12/2024



Patrick Connor, Chair
James Hellermann, Commissioner
Mark Sadowski, Commissioner

Roy Webber, Secretary
Kasja Nelson, Commissioner
Tyler Anthony, Planning & Zoning

Michael Harris, Commissioner
Christiana Reynolds, Commissioner
Ronald Beauchamp, City Council

PLANNING COMMISSION

Regular Meeting Agenda – Thursday, March 14, 2024, 6:00 PM

Council Chambers, Rm. C101 – Escanaba City Hall – 410 Ludington Street, Escanaba, MI 49829

CALL TO ORDER

ROLL CALL

APPROVAL/CORRECTION TO MINUTES – Regular Meeting: February 8, 2024

APPROVAL/ADJUSTMENT TO AGENDA

CONFLICT OF INTEREST DECLARATIONS

PUBLIC COMMENT ON AGENDA ITEMS

PUBLIC HEARINGS

UNFINISHED BUSINESS

UB1: Annual Report Review

The Commission will review their annual report to the City Council.

UB2: General Updates – February

- a. Delta County Planning Commission Report
- b. Zoning Board of Appeals Report
- c. Zoning/Land Use Permit Report

UB3: Training Updates – February

Commissioners will report any January-February training.

NEW BUSINESS

NB1: Planning Consultant Committee

The Commission will consider appointing a committee to review submissions, made in response to the Master Plan RFP, by interested planning consultants.

NB2: Bylaws Amendment

Commissioners will consider amending their Bylaws.

NB3: Form-Based Codes Discussion

Commissioners will explore Form-Based Codes and their potential impact on the City.

NB4: General Updates – March

- a. Delta County Planning Commission Report
- b. Historic District Commission Report
- c. Zoning/Land Use Permit Report

NB5: Training Updates – March

Commissioners will report any February-March training.

GENERAL PUBLIC COMMENT

COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS

ADJOURNMENT



Patrick Connor, Chair
James Hellermann, Commissioner
Mark Sadowski, Commissioner

Roy Webber, Secretary
Kasja Nelson, Commissioner
Tyler Anthony, Planning & Zoning

Michael Harris, Commissioner
Christiana Reynolds, Commissioner
Ronald Beauchamp, City Council

Respectfully submitted,

A handwritten signature in black ink that reads "Tyler Anthony".

Tyler Anthony,
Planning & Zoning Administrator

PLANNING COMMISSION

Public Engagement Guidelines

The City of Escanaba will provide all necessary, reasonable auxiliary aids and services to individuals with disabilities at the meeting/hearing upon five days' notice to the City of Escanaba Clerk's Office by writing or calling (906) 786-9402.

Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time. To help the public in preparing for the meeting, any material shall be made available without cost to members of the public by request before the meeting.

During the agenda item, when the floor is opened for public comment by the chair, individuals wishing to comment should:

1. Approach the podium.
2. Speak into the microphone.
3. State your full name and address for the record (providing spelling as necessary)
4. Direct all comments/questions to the Chairperson only.
5. Be guided by the following time limits:
 - Petitioner/aggrieved party – 15 minutes (unless amended by the Chair)
 - General public – 3 minutes (unless amended by the Chair)

The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson.

Official Minutes – Thursday, February 8, 2024

MEETING CALLED TO ORDER

A meeting of the Escanaba Planning Commission was held on Thursday, February 8, 2024 at 6:00pm in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

Chair Connor called the meeting to order at 6:00 PM.

ATTENDANCE

Membership:

Chair Patrick Connor..... Present	Commr. Kasja NelsonPresent
Secretary Roy Webber..... Present	Commr. Christiana ReynoldsPresent
Commr. James Hellermann..... Present	Commr. Mark SadowskiPresent
Commr. Michael Harris..... Absent	

With six in attendance, a quorum of the Planning Commission was present.

City Administration:

- Tyler Anthony, Planning & Zoning Admin
- Brianna Ecklid, Confidential Secretary
- Ronald Beauchamp, City Council Liaison
- James McNeil, City Manager
- Craig Woerpel, DDA Director

Others:

- Tyler DuBord
- Joe Kaplan
- Ed Legault
- Barry Polzin
- Eric Rose
- Jeff Slagstad
- Carl Stenberg
- Peter Strom
- Beth Sviland
- Matthew Sviland
- Chris Williams

32 other unnamed individuals were present.

MINUTES

Webber moved to approve the January 11, 2024 regular meeting minutes as proposed. Nelson seconded.

A voice vote was taken. MOTION PASSED.

AGENDA

Hellermann moved to approve the meeting agenda as proposed. Sadowski seconded.

A voice vote was taken. MOTION PASSED.

CONFLICT OF INTEREST DECLARATIONS

Webber declared a conflict of interest on agenda items PH1 and NBL. He was on the waiting list for a unit in the project proposed in both items, and he felt it would be best to excuse himself from these votes. Connor noted that it would be best for Webber to leave the room during discussion and voting on the two agenda items; Webber agreed to do so.

PUBLIC COMMENT ON AGENDA ITEMS

Strom, resident of Escanaba, addressed two items on the agenda – PH1 and NBI. He felt that it was premature to approve the proposed Special Land Use permit (SLU), as he worried that some substantial issues still needed to be resolved. He did not oppose the proposed development, instead wanting the work to be done properly without a rush. Strom expressed that the Commission should postpone the issue until more study was done to find possible issues.

PUBLIC HEARINGS**PH1: Special Land Use – 200 Ludington Street**

Anthony introduced the item.¹

Chair Connor opened the public hearing at 6:04 PM.

The SLU's applicant, Matt Sviland (the Applicant), approached the podium. Before the meeting, he distributed additional materials to the Commission.² He explained that he was a City resident, that he served on the Brownfield Redevelopment Authority at the time, and that he was a member of the DDA at the time. The Applicant requested that the Commission approve both the SLU. He explained that his development met all the requirements for this area. He and his team had worked closely with the City to fix issues that came up, pointing to the Zoning Board of Appeals' cancelled special meeting.³ He told the Commission that his team geared the project to fit the Master Plan's vision, referring to multiple passages in the Master Plan which expressed a need for high-end housing. The Applicant also explained that seniors and high-end professionals desire this kind of housing which was not available to them in Escanaba. He then went on to note that the online survey done during the research for the Master Plan showed that 34.3% of respondents asked for condominiums, more than for any other housing type. He further explained working closely with the Michigan Department of Environment, Great Lakes, & Energy (EGLE), receiving grant funding through them for the project within the brownfield redevelopment planning process. He felt there was a lot of environmental work being done to make this project a success. The Applicant closed, stating that projects like this one were to add critically needed housing in the City and help to boost the tax base. The project already had 90 people signed up to buy a unit in this condominium and has overwhelming support from the community.

Rose approached the podium and explained that he spoke on behalf of himself and two of his neighbors; because of this, he asked for five minutes to speak.

Chair Connor set a five-minute time limit for Rose's public comment.

Rose, his wife, and two of his neighbors who together owned properties on South 2nd Street within 300 feet of the SLU, spoke in opposition to it. He felt that the project did not fit in with the Master Plan at all. He read from the Master Plan, noting that the property was in an E-3 zoning district. He stated that the project was going to cause the exact opposite of that zoning district's intent.

Legault, Delta County EDA Executive Director, spoke in support of the SLU. He explained that projects like this SLU had been included in the City's Master Plans for 30 years, and that no progress had ever been made. He was frustrated by this and noted that, in his experience, chances

¹ See Appendix 1, PH1.

² See Appendix 2 exhibit "A".

³ Escanaba Zoning Board of Appeals special meeting, 15 December 2023.

like this SLU do not come up often. Legault noted that the City constantly struggled with keeping businesses on Ludington Street due to its length; projects like this SLU were going to help fix that. He acknowledged that such projects were rather exclusive, but that they can greatly benefit the City and the DDA, economically. He noted that business always follows wherever the professionals go; if those people could not find suitable housing, they would not come, and neither would the business. Legault then referred to an advertisement which had been placed in the newspaper the Tuesday before the meeting. He found it extremely misleading and confusing. He also felt that it was cowardly for the person who placed it to not print their name on the ad.

Kaplan, resident of Escanaba, spoke in opposition to the SLU. While he approved of the project in principle, he worried that it amounted to selling part of Ludington Park. If that were the case, the proper path forward would have been to allow citizens to vote on the SLU.^{4 5 6} Kaplan referred to the City Charter on this point.^{7 8 9} He felt it to be a mistake to act on the SLU without a vote.

Strom spoke in opposition to the SLU. He listed four reasons why the project should have been put on hold. Firstly, he felt that the project landed within the boundaries of Ludington Park, and he noted agreement with Kaplan's public comment. Secondly, he posited that, if the property was indeed part of the park, then what other City action needed to be taken? Thirdly, he understood that a new Master Plan was about to be developed, and he supported that action. Lastly, he noted that there could be more issues that pop up. He wanted the SLU to succeed but asked for caution.

Polzin, the Applicant's architect, spoke in support of the SLU. He explained that, five or six years earlier, the City had made plans to sell the property subject to the SLU (the Property); many of these decisions had been made long ago, with the advice of the City Attorney at that time. The City and the Applicant had entered into a purchase agreement with an understanding of their development plans. He stated that there was no issue whatsoever regarding the SLU, and he explained that this type of housing was needed immediately.

Beth Sviland, resident of Escanaba, spoke in support of the SLU. She reported that they had received an email from Jim O'Toole, a previous City Manager. In that email, O'Toole explained that, while the Municipal Dock was part of Ludington Park, the Property was not.¹⁰

Stenberg, resident of Bark River, briefly spoke in support of the SLU.

McNeil responded to Beth Sviland's comments. He explained that the City has found no evidence of a deed restriction on the Property, or that it was legally considered part of Ludington Park.

Woerpel, DDA Director, spoke in support of the SLU. He noted that that housing was a major issue for the City, and that projects like the SLU attract businesses and other investors.

Williams, resident of Ford River, spoke in opposition to the SLU. She was concerned with the possibility that the Property might be part of Ludington Park. She then explained that the property's historical use was more important than what is written in a deed. She felt that the SLU should have been voted on by the public.

⁴ Special land use approvals were solely within the jurisdiction of the Planning Commission.

⁵ City of Escanaba, Code of Ordinances, appdx. A, sec. 205 (2023).

⁶ State of Michigan, Michigan Compiled Laws, sec. 125.3502 (2006).

⁷ City of Escanaba, Code of Ordinances, sec. 19-7 (1996).

⁸ The Property was not within a designated public park.

⁹ City of Escanaba, Code of Ordinances, sec. 19-2 (2017).

¹⁰ This email was not provided.

DuBord, House of Ludington General Manager, spoke in support of the SLU. He explained that, while there had been rumors that the House of Ludington was opposed to the SLU, they actually supported it. Even though the project was going to block their view of the lake, they expected to see their revenue increase as the condominium’s residents patronized the establishment.

Jeff Slagstad, Bay Bank Senior Vice-President of Commercial Lending, spoke in favor of the SLU. He noted that both title work and insurance were brought up and explained that everything was correct and above-board. He reiterated that this kind of housing was needed.

With no further verbal comments made, Connor allowed Anthony to read the written comments received for the public hearing. Anthony read aloud such comments.¹¹

With no further comments, Chair Connor closed the public hearing at 7:04 PM.

Hellermann asked Anthony to clarify for the public what “E-3” zoning meant and why a special land use permit was needed. Anthony explained the zoning district, and the difference between a future land use map and a zoning map. He then explained what special land uses were and what their purpose was. Hellermann added an explanation of what a master plan was.

Connor asked if staff had any recommendations or comment. Anthony read from the staff report.¹²

McNeil explained the brownfield elements of the project and why they were critical to other City projects. The City’s infrastructure was aging, and construction was planned for Ludington Street to fix the aging sanitary and storm sewers. Tax Increment Financing and other tax revenue from projects like the SLU could cover large portions of these utility project costs. McNeil encouraged Commissioners to keep a favorable view of the SLU, and that they condition their approval upon final approval of utility service to the property.

Webber left the meeting at 7:14 PM.¹³

Once Webber had left, Connor expressed his sole concern for the project; he worried that not enough turnaround space was going to be provided for fire apparatus. He reported that he had met with City Department of Public Safety officials, who had assured him that there was room in the final drawings. Upon Connor’s invitation, Polzin explained the turnaround space and fire hydrant situation. Connor further noted his concerns over fire safety, noting a then-recent fire on Ludington Street.¹⁴ Polzin assured Connor that the project team was going above and beyond in terms of fire safety.

Hellermann felt torn on the SLU over the lack of storefront at ground level. Both he and Reynolds agreed that this type of housing was needed. Sadowski noted that, besides the potential windfall for the City, there were many reasons why the SLU was a good idea.

Hellermann offered, Nelson seconded:

RESOLUTION No. 24-02

RESOLUTION TO CONDITIONALLY APPROVE A SPECIAL LAND USE PERMIT

Whereas, Northshore Flats Development LLC (hereinafter “the Applicant”) submitted an application for a special land use permit (hereinafter “the Permit”);

¹¹ See Appendix 2, exhibits “B” through “X”.

¹² See Appendix 1, PHI att. 2.

¹³ In spite of discussion under “Conflict of Interest Declarations”, Webber did not leave the room until this point.

¹⁴ On 24 January 2024, Schwalbach Kitchens at 1009 and Trinkets & Treasures at 1011 were destroyed by fire.

Whereas, The Applicant applied for the Permit for the following described property (hereinafter “the Property”):

All of Block 3 of the Original Plat of the City of Escanaba, according to the plat thereof, except the west 100 ft of the south 140 ft and except the part assessed to Hansen & Jensen Oil Co. north of alley in said Block 3 adjacent to the Municipal Dock, as recorded in Liber 91 of Deeds, Page 351, Delta County Records, Parcel No. 051-010-2929-328-003, Commonly known as 200 Ludington Street; and

Whereas, The Planning Commission reviewed the Permit at a duly noticed public hearing which took place on the 8th day of February 2024; therefore, be it

RESOLVED, That the Planning Commission approves the Permit based upon the following facts:

1. The Property is in an “E-3” zoning district,
2. The Permit specifies a Condominium land use,
3. Condominium is listed as a special land use allowed in “E-3” zoning districts,
4. The Zoning Ordinance does not specify any requirements or standards for Condominium special land uses; and

RESOLVED, That the Planning Commission imposes the following conditions on the Permit:

1. The Applicant must resolve all current and future City utility service issues, ensuring that the land use is consistent with the public health, safety, and welfare of the City.

A roll call vote was taken with the following results:

Yes: Sadowski, Connor, Nelson, Hellermann, Reynolds

No: None

Absent: Harris

Abstained: Webber

MOTION PASSED.

Webber reentered the meeting at 7:26 PM.

Before returning to his seat, Webber approached the podium and spoke as a private citizen. He was glad that the SLU had been approved, and he expected it to do great things for the City.

PH2: Zoning Map Amendment – 2730 Lake Shore Drive

Anthony introduced the item.¹⁵

Chair Connor opened the public hearing at 7:28 PM.

Stenberg spoke on the proposed zoning map amendment (the Amendment). He expressed confusion over the Amendment and did not understand what it was for. Connor explained that the Amendment was meant to move a single property from one zoning district to another. Connor asked Anthony to further explain it to Stenberg; Anthony noted that the public hearing was still open, and that this period was for the public to speak - not Commissioners or staff. Members of the audience called for the Amendment to be explained before they spoke again. Brief discussion

¹⁵ See Appendix I, PH2.

over proper procedure ensued. Hellermann asked that staff read a letter from the Amendment’s petitioner since they were not at the meeting; Anthony read the letter.¹⁶

Williams spoke in opposition to the Amendment. She reminded Commissioners that they zone for land, not for people. She felt that this was spot zoning and should not be allowed. Williams owned land adjacent to property adjacent to the property subject to the Amendment (the Subject Property). Because a gas station used to occupy the Subject Property, her property was burdened with environmental cleanup due to leaky underground fuel tanks. She felt that plenty of allowances were in place for businesses in “A” zoning districts, and that this should be enough.

With no further comments, Chair Connor closed the public hearing at 7:35 PM.

At Connor’s invitation, Anthony read from the staff report.¹⁷ Hellermann agreed that the Amendment was spot zoning, and he found that unacceptable. He asked Anthony to list what types of business could be hosted in the “A” zoning district. Discussion ensued over what types of business were allowed on that property. Reynolds stated that spot zoning should only be allowed with a strong reason; she did not see any in this case. Webber noted that the staff report had answered “yes” and “no” to many of the questions; while an argument for the change was made, he did not find it compelling. Sadowski expressed general distaste for spot zoning, but that in this case, he found the proposed change reasonable.

Hellermann offered, Webber seconded:

RESOLUTION No. 24-03

RESOLUTION TO RECOMMEND TO THE CITY COUNCIL

THE NEW D – LOCAL BUSINESS ZONING DISTRICT ORDINANCE OF 2024

Whereas, Kenneth and Donna Linder (hereinafter “the Applicant”) submitted an application for a zoning map amendment (hereinafter “the Petition”);

Whereas, The Applicant submitted the Petition for the following described property (hereinafter “the Property”):

Lots 8 and 9 of Block 6 of the Lake Shore Drive Addition No. 1 of the City of Escanaba, according to the plat thereof, as recorded in Liber 1216 of Deeds, Page 446, Delta County Records,
Parcel No. 051-210-3606-303-005,
Commonly known as 2730 Lake Shore Drive;

Whereas, The Planning Commission considered the Petition at a duly noticed public hearing which took place on the 8th day of February 2024; and

Whereas, The Planning Commission, after reviewing the proposed amendment, all reports and recommendations from staff, consultants, other reviewing agencies, & any public comments, identified and evaluated all factors relevant to the Petition; therefore, be it

RESOLVED, That the Planning Commission adopts a Recommendation to the City Council that they reject the adoption of this Amendment based upon the following facts:

¹⁶ See Appendix 2, exhibit “Y”.

¹⁷ See Appendix I, PH2 att. 4.

1. There are no substantial reasons why the Property cannot be reasonably used as currently zoned,
2. There is no land use proposed in the Petition, and therefore the question of whether the use is more appropriately handled as a permitted use by right, or as a special land use, in the existing district or another district, is irrelevant,
3. The zone change is supported in the master plan,
4. A change of present district boundaries would be compatible with existing land uses in the area since previous uses already had, and it would not adversely affect property values,
5. While no specific use is proposed, there are not enough adequate sites available elsewhere already properly zoned to accommodate the use associated with the proposed zoning,
6. While the rezoning would constitute a spot zone, granting special privileges to one landowner not available to others, that is the apparent intent of this specific zoning, and it would satisfy an existing need in the area,
7. There may have been a mistake in the original zoning classification,
8. The conditions in the area have, currently and historically, supported the proposed zoning,
9. The change will not severely impact traffic, public facilities, or the natural characteristics of the area, nor will it significantly change population density,
10. The proposed change is not out of scale with the needs of the community,
11. If approved, there will probably be no effect on stimulation of similar zoning requests in the vicinity, and there will be a neutral effect on community plans and public services,
12. The proposed change is not precedent setting,
13. The proposed boundary is appropriate; and

RESOLVED, That staff shall file this Recommendation with the City Council and transmit the following thereto:

1. A summary of the comments received at the hearing held on this Amendment,
2. The Amendment itself, and
3. A map depicting this Amendment.

A roll call vote was taken with the following results:

Yes: Webber, Connor, Hellerman, Reynolds

No: Sadowski, Nelson

Absent: Harris

MOTION PASSED.

Seeing that the meeting had approached two hours, Chair Connor recessed the meeting at 7:52 PM.

Chair Connor reconvened the meeting at 8:01 PM.

UNFINISHED BUSINESS

None.

NEW BUSINESS

NB1: Site Plan Review – 200 Ludington Street

Due to the length of the meeting, Webber asked if the Commission could table agenda items NB2, NB3, and NB4, pursuant to the Bylaws; he felt they were not important.¹⁸ Hellermann, Webber, and Anthony discussed whether NB2 needed to be reviewed at this meeting.

Webber moved to postpone agenda items NB2, NB3, and NB4 until the March regular meeting. Nelson seconded.

A voice vote was taken. MOTION PASSED.

Anthony introduced the item.¹⁹ Hellermann asked Matt Sviland (the Applicant) if he could comment on the Site Plan’s lack of first floor storefronts. The Applicant explained that Phase 1 of the project was not meant to have any storefronts, but Stage 2 was planned to. He added that a market and café were expected to lease spaces on the first floor of that project. The Applicant’s architect spoke on the building massing and positioning on the property. He noted that the buildings were far shorter and took up less area than the maximum height and lot coverage requirements in the “E-3” zoning district.

Webber left the meeting at 8:09 PM.²⁰

Connor asked Commissioners for any comments, and upon hearing none, he asked for a motion.

Sadowski offered, Hellermann seconded:

RESOLUTION No. 24-04

RESOLUTION TO CONDITIONALLY APPROVE A SITE PLAN

Whereas, Northshore Flats Development LLC (hereinafter “the Applicant”) submitted an application for a site plan review (hereinafter “the Site Plan”);

Whereas, The Applicant applied for the Site Plan for the following described property (hereinafter “the Property”):

All of Block 3 of the Original Plat of the City of Escanaba, according to the plat thereof, except the west 100 ft of the south 140 ft and except the part assessed to Hansen & Jensen Oil Co. north of alley in said Block 3 adjacent to the Municipal Dock, as recorded in Liber 91 of Deeds, Page 351, Delta County Records, Parcel No. 051-010-2929-328-003, Commonly known as 200 Ludington Street; and

Whereas, The Planning Commission reviewed the Site Plan at a regular meeting which took place on the 8th day of February 2024; therefore, be it

RESOLVED, That the Planning Commission approves the Site Plan based upon the following facts:

1. The Site Plan, consisting of seven separate drawing sheets, complies with sec. 1802.2 of the Zoning Ordinance,

¹⁸ Escanaba Planning Commission, Bylaws, sec. 5.C Recess (13 July 2023).

¹⁹ See Appendix 1, NBI.

²⁰ Again, despite discussion under “Conflict of Interest Declarations”, Webber did not leave the room until this point.

2. Both proposed buildings face Ludington Street, meeting building orientation standards,
3. No roof-mounted equipment is proposed, meeting standards for such equipment,
4. No sound mitigation is needed or provided, and a transformer is sited behind the buildings and visually screened with plantings, meeting visual and sound mitigation standards,
5. Access can be practically made to both the front and back of both principal buildings, meeting emergency access standards,
6. Vehicle access is planned to route solely through an alley at the property's rear, meeting both street access and shared drive standards,
7. Congestion is anticipated to occur at the vehicular access point, where two-way onsite traffic merges down to a single lane of travel, failing to meet both circulation standards and parking area standards,
8. Physically separate and insulated pedestrian routes are provided which reflect the nearby sidewalk patterns, meeting non-motorized circulation standards,
9. The solid waste loading area is located behind the buildings, invisible from residential districts or public rights-of-way, meeting loading, unloading, and storage area standards,
10. Planned wall-mounted exterior downlight fixtures are full cutoff-type fixtures, and the bollard lights only illuminate the ground, meeting light source standards,
11. Utility placement is not completely planned yet, failing to meet utilities standards,
12. No hazardous substances or potential pollutants are stored, used, or generated at the site, meeting environmental issue standards,
13. All the existing trees will be cut down and then replaced by new trees, meeting tree preservation standards,
14. The front setback is not met,
15. Side and rear setbacks are met,
16. Lot coverage and maximum building height limits in the zoning district are not exceeded,
17. The Zoning Administrator referred the Site Plan to the Planning Commission for review with a recommendation to approve with conditions; and

RESOLVED, That the Planning Commission imposes the following conditions on the Site Plan:

1. The Applicant shall provide a Traffic Statement, completed by a qualified engineer, to the Planning Commission within two months. Said Traffic Statement must focus on the alley providing access to the Property, consider the impact of future development on the lot adjacent to the Property's west, and state whether the alley needs to be enlarged or not; and
2. All utility and service connections to the site, including cable television and internet services, shall be made underground, ensuring compatibility with adjacent uses of land.

A roll call vote was taken with the following results:

Yes: Sadowski, Connor, Nelson, Hellermann, Reynolds

No: None

Absent: Harris

Abstained: Webber

MOTION PASSED.

Webber reentered the meeting at 8:17 PM.

GENERAL PUBLIC COMMENT

None.

COMMISSIONER/STAFF COMMENT & ANNOUNCEMENTS

Sadowski commended Anthony for the work and research he put into every meeting.

Hellermann asked Anthony if there was a way to shorten the letter reading process during public hearings; he felt it unfair for verbal comments to be time limited, but written ones not to be.

Hellermann moved to direct staff to, jointly with the City Attorney, to find out whether written comments in response to public hearings could be limited. Sadowski seconded.

A voice vote was taken. MOTION PASSED.

Anthony reported that the City Historic Districts Ordinance required that the Historic District Commission have a liaison from the Planning Commission.²¹ Reynolds and Webber volunteered, and discussion took place on which of them should be selected.

Hellermann moved to appoint Webber as Liaison to the Historic District Commission. Nelson seconded.

A voice vote was taken. MOTION PASSED.

ADJOURNMENT

Hellermann moved to adjourn the meeting. Sadowski seconded.

A voice vote was taken. MOTION PASSED.

The meeting adjourned at 8:21 PM.

EXHIBITS TO THESE MINUTES

Appendix 1: The meeting agenda and packet

Appendix 2:

- | | |
|---|---|
| A. Materials provided to Commissioners by Northshore Flats Development, LLC | F. Comments: Paula and Paul Jacobs |
| B. Comments: Mike and Ellen McDonald | G. Comments: Linda and Russell Dillon |
| C. Comments: Sue Hilgemann | H. Comments: Larry and Sandy Moilanen |
| D. Comments: Peggy Berg | I. Comments: Robert Way |
| E. Comments: Sue Scheeneman | J. Comments: Greg and Linda Yagodzinski |
| | K. Comments: Mike Quinn |

²¹ City of Escanaba, Code of Ordinances, sec. 9-121 (2009).

- L. Comments: Lynn George
- M. Comments: Maureen Mccarville
- N. Comments: Fr. Rick Courier
- O. Comments: Darcy Winkowski
- P. Comments: Donna McCash
- Q. Comments: Michael Dailey
- R. Comments: Sally Moore

- S. Comments: Mike & Mickey Connor
- T. Comments: Patty Heslip
- U. Comments: Jill Spencer
- V. Comments: Marty Fittante
- W. Comments: Rep. Dave Prestin
- X. Comments: Eric Henderson
- Y. Comments: Kenneth and Donna Linder

APPROVAL

I, Roy Webber, Secretary of the City of Escanaba Planning Commission, hereby certify that the foregoing constitutes the true and complete proposed minutes of a meeting of the Planning Commission of the City of Escanaba, County of Delta, State of Michigan, held on 8 February 2024; that I have reviewed said proposed minutes; and that said proposed minutes shall be made publicly available.

REVIEWED:

Draft reviewed on: _____

Draft available on: _____

Roy Webber, Secretary
City of Escanaba Planning Commission

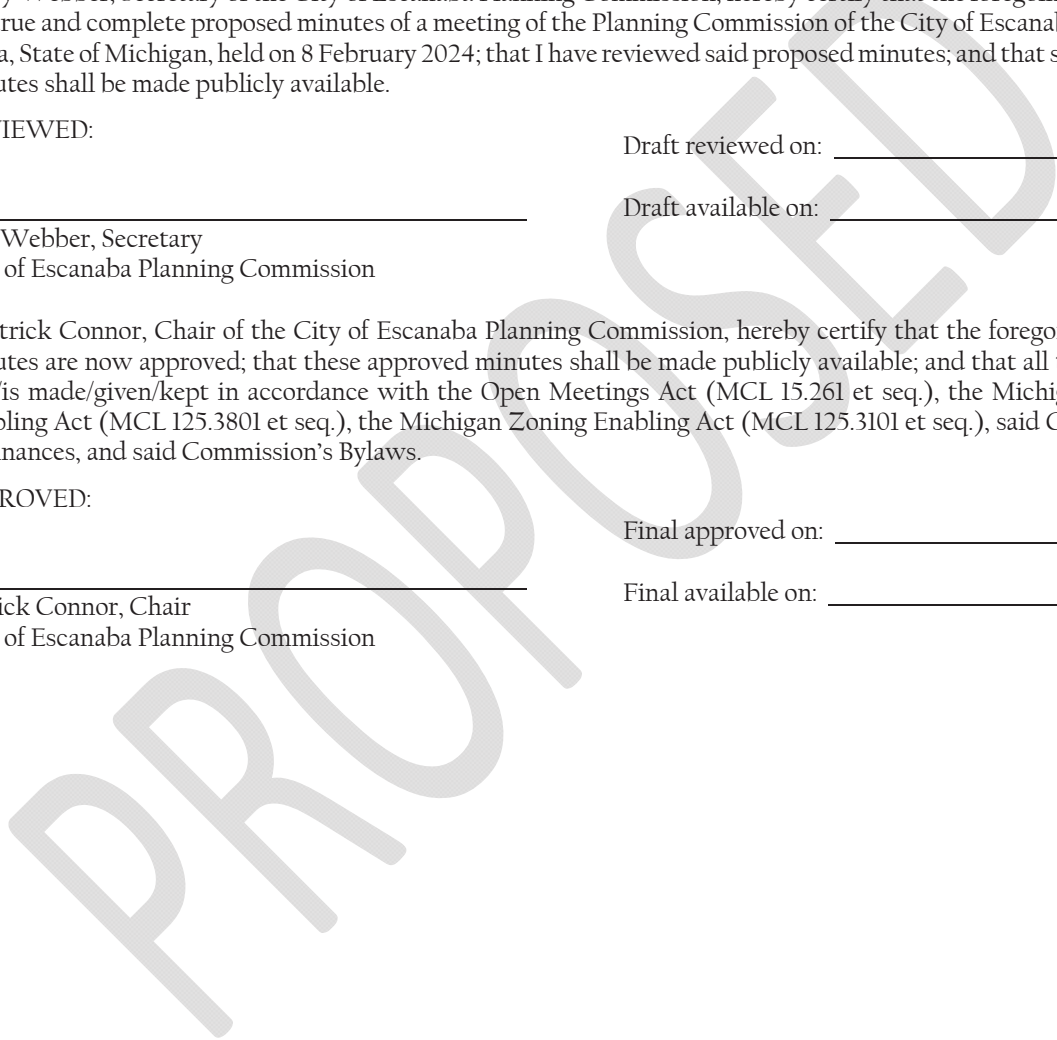
I, Patrick Connor, Chair of the City of Escanaba Planning Commission, hereby certify that the foregoing proposed minutes are now approved; that these approved minutes shall be made publicly available; and that all the foregoing was/is made/given/kept in accordance with the Open Meetings Act (MCL 15.261 et seq.), the Michigan Planning Enabling Act (MCL 125.3801 et seq.), the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), said City’s Code of Ordinances, and said Commission’s Bylaws.

APPROVED:

Final approved on: _____

Final available on: _____

Patrick Connor, Chair
City of Escanaba Planning Commission





PLANNING COMMISSION

Agenda Item Report – Thursday, March 14, 2024

UB1: Annual Report Review

Background

According to the Michigan Planning Enabling Act (MCL 125.3819):

A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.

With that in mind, the Commission’s staff prepares a report each year to satisfy that requirement of the Michigan Planning Enabling Act. Said annual report is then reviewed by Commissioners before transmittal to the City Council.

Issues and Questions Specified

- Does the report accurately reflect the status of planning activities in 2023?
- Will the Commission recommend any City Council actions, in terms of planning and development?
- Are there any additions, revisions, or deletions that should be made in the report?

Possible Options for Action

1. Adopt the report and transmit it to City Council. Sample language:
*“I move to adopt the following resolution:
 RESOLVED, that the Planning Commission adopts the 2023 Annual Report as prepared by its Staff; and
 RESOLVED, that the Chair shall present the 2023 Annual Report to the City Council, and that the Staff shall transmit said Report to the City Council beforehand.”*
2. Adopt the report with changes before transmittal to the City Council. Sample language:
*“I move to adopt the following resolution:
 RESOLVED, that the Planning Commission adopts the 2023 Annual Report as prepared by its Staff with the following changes: [provide numbered list of changes]; and
 RESOLVED, that the Chair shall present the 2023 Annual Report, including the previously stated changes, to the City Council, and that the Staff shall transmit said Report to the City Council beforehand.”*
3. Reject the report and have a new report prepared for the next meeting. Sample language:
*“I move to adopt the following resolution:
 RESOLVED, that the Planning Commission rejects the 2023 Annual Report as prepared by its staff; and
 RESOLVED, that the Planning Commission’s staff are directed to prepare a new report for review at the next regular meeting.”*

Attachments

1. 2023 Annual Report (Draft)

2023 Annual Report

DRAFT

City of Escanaba Planning Commission
February 8, 2024

Introduction

Michigan's planning commissions play a crucial role in guiding community development by evaluating proposals, recommending zoning regulations, and actively engaging the public in decision-making processes. This advisory body ensures that proposed developments align with established ordinances and comprehensive plans, emphasizing sustainable growth strategies. Committed to fostering an inclusive approach, planning commissions seek input from residents through public hearings, ultimately striving to balance the evolving needs of the community with the preservation of its distinctive character. In essence, their work contributes to the creation of vibrant, resilient, and well-planned communities across the state.

As stewards of Escanaba's growth and heritage, our Planning Commission guides development here at the heart of Michigan's Upper Peninsula. Their main responsibilities include:

1. **Reviewing and Approving Development Plans:** The Commission reviews proposed developments, zoning changes, subdivisions, and site plans to ensure they align with city ordinances and comprehensive plans.
2. **Zoning Regulations:** They recommend changes to the zoning ordinance or map to the City Council, ensuring that land use is in line with the city's vision.
3. **Public Engagement:** The Commission often conducts public hearings to gather community input on proposed developments or zoning changes.
4. **Creating and Maintaining Community Plans:** They lead the way in crafting and promoting the use of various plans for the community's use – most notably among them, the Master Plan, which guides Escanaba's long-term development.

To these esteemed Commission members: Your dedication to shaping Escanaba's future is truly commendable. We, your neighbors, extend our appreciation for your hard work and steadfast commitment in guiding our city forward through the 21st century.

This Report

Per the *Michigan Planning Enabling Act*: “A planning commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.”¹ Its statutory necessity aside, this report serves many useful purposes. Among these points, the following are the most important:

- Help share information between staff, boards, the Commission, and the City Council.
- Allow for anticipation of upcoming issues and priorities.
- Summarize the vast body of work that the Commission undertakes each year.

With the Commission’s roles and responsibilities established, and the purpose of this report made clear, let us now move into the details...

Membership and Meetings

Our Commission’s members are appointed by the City Council per the “City of Escanaba Planning Commission Ordinance”.² These dedicated individuals work to prioritize the City’s overall wellbeing. Each member is intended to represent distinct community segments, ensuring diverse perspectives in decision-making. This commitment helps meet the goal of fostering inclusive representation for a thorough and thoughtful planning process.

Membership changed quite a lot over the year. Five out of the seven members resigned before their terms of office expired, and new members were appointed to fill those seats. Below is a table of this year’s Commission members – current and former – which includes their terms.

¹ State of Michigan, *Michigan Planning Enabling Act*, “Bylaws; adoption; public record requirements; annual report by planning commission” MCL 125.3819.

² City of Escanaba, Michigan, *City Code of Ordinances*, “City of Escanaba Planning Commission Ordinance” sec. 21-16 et seq.

Seat	Member's Name	Term Expiration Date
1	David Mason	[Resigned 8-16-2023]
	Kasja Nelson	6-1-2024
2	James Hellermann	6-1-2024
3	Kelli VanGinhoven	[Resigned 6-7-2023]
	Christiana Reynolds	6-1-2026
4	Roy Webber	6-1-2025
5	Nevin Naser	[Resigned 4-25-2023]
	Patrick Connor	6-1-2025
6	Dominic Bennetti	[Resigned 2-6-2023]
	Michael Harris	6-1-2024
7	Mark Hannemann	[Resigned 2-3-2023]
	Mark Sadowski	6-1-2026

Meetings and Public Engagement

The Commission met 13 times over the year: 12 regular meetings, and one special meeting. This meets the requirements of the Michigan Planning Enabling Act.³ Total attendance by private citizens peaked at 123. Comments on agenda items came to 16, including written ones. 14 general comments were also received. Nearly all this public engagement came during the first three meetings of the year: January 12, February 9, and March 9. It was at those meetings that most of the marijuana retailers had their public hearings (see the “Development Reviews” section). The Commission also dug into discussion on the first two amendments recommended to the City Council during this period. Because one of them was marijuana-related, it drew very strong attention.

³ State of Michigan, *Michigan Planning Enabling Act*, “Meetings; frequency; time; place; special meeting; notice; compliance with open meetings act; availability of writings to public” MCL 125.3821.

Master Plan Review

Each year, the Commission reviews progress on the Master Plan. This review stands as a measuring stick of our city's progress from year to year, indicating our development and evolution – physically, socially, and economically. During 2023, Escanaba witnessed massive advancements in infrastructure, community engagement, and sustainable growth initiatives, highlighting our unwavering dedication to crafting a thriving and unified city. Yet, amidst these achievements, a dynamic landscape of challenges and shifting needs has emerged, calling for a flexible reexamination of our objectives and strategies.

This review process serves as the bedrock of our adaptive approach, weaving together insights from the community, analytical assessments, and collaborative discussions to navigate the intricate pathways of urban development. Beyond acknowledging past triumphs, it paves the way for a forward-looking trajectory, assimilating groundbreaking solutions to address burgeoning concerns and dreams. The Master Plan review is our guiding compass, steering Escanaba toward a resilient, fair, and prosperous future.

Progress on Goals

As is the Commission’s regular practice, their staff reach out to all parties listed in the Master Plan’s Implementation matrix. In this table, a lengthy list of “partners” is delegated various Master Plan objectives.⁴ These partners are then asked to report back on what activities they have engaged in which further each of their associated objectives. Commission staff then compile these responses to gauge progress on the Master Plan’s goals.

This year, only two of the partners responded: the Delta County Economic Development Alliance (DCEDA) – represented by Ed Legault, and the Delta County Historical Society

⁴ City of Escanaba, Michigan, 2016 Master Plan, 116

(DCHS) – represented by Karen Lindquist. Without cooperation from all parties, progress on the Master Plan is not well measured.

DCEDA reported generally good progress on the Master Plan. Out of nine total “actions” assigned to them, they successfully engaged in at least six. This amounts to very reasonable activity on Objective 1.6 of the Master Plan. They also found relative success on Objective 1.9, especially on Action E22 (Technical Assistance). However, general community progress on either of these objectives cannot be measured very well; without cooperation or reporting from all other parties with the same responsibilities as DCEDA, the full picture is missing.

Reporting from DCHS was also good. They share their responsibility for Actions H2([Historic] Asset Inventory) and H3 (Neighborhood Historic Overlay [District]) with three other partners. Despite having so many cooks in so small a kitchen, DCHS provided strong support to the Historic District Commission (HDC) in their work over the last few years. A reconnaissance-level survey of historic resources was completed, with a final report handed over to the HDC by the Michigan State Historic Preservation Office in April 2023. The DCHS Archives were of immeasurable help with this survey. And based on that survey, HDC is exploring options for the City to establish a new historic district under the Michigan Local Historic Districts Act.

In terms of the Commission’s progress, reporting isn’t quite as favorable. Out of 11 total objectives assigned to them, encompassing a staggering 35 individual actions, only Objective 4.1 saw any progress. During the year, the Commission contacted Smart Growth America (SGA), a land use-oriented nonprofit organization. High-level conversations have been taking place, and the Commission expects to partner with SGA’s Form-Based Code Institute. The goal is to develop and adopt a form-based zoning code, applicable to a limited portion of the City, thereby getting our foot in the door of zoning ordinance reform. As for other Master Plan actions, it is

hard to say how the Commission could work on many of them – without being a supporting party to the other partners, at least.

Again: without cooperation from all parties, Master Plan progress is not well measured.

Annual Review Questions

Following a recommended best practice, the series of review questions below are considered each year. These questions help to find whether the Master Plan needs a refresh, an overhaul, or if any sections need to be added or removed.

Question	Yes/No	Comments
Have development patterns changed significantly since the plan was written and adopted?	No	Development patterns have not changed meaningfully since the plan’s initial writing and adoption.
Does the adopted zoning ordinance align with the goals of the plan?	No	The zoning ordinance continues to lag far behind what was laid out in the plan. Some progress has been made over the last year, but it is well short of what needs to be done.
Have there been any major changes, such as utility lines, major road improvements, large development approvals, etc.?	Yes	Significant expansions and repairs/ replacements were undertaken with the City’s electric, water, and sewer systems. However, no large development approvals were made during the year.
Have there been instances when the Planning Commission or the City Council has departed from the plan?	No	Neither body meaningfully engaged with plan objectives over the year, so neither of them had a chance to depart from it.
Are the goals and priorities of the plan in sync with the goals and priorities of appointed and elected officials?	Yes	While a cohesive effort is certainly absent, many appointed and elected City officials express strong interest in carrying out goals and tasks outlined in the Master Plan.
Does the plan address the location and types of land uses frequently requested?	Yes	While the plan does address these land uses in a more-or-less effective way, it doesn’t exactly handle them the best it can for any given area in the city.
Have there been other studies completed that change the relevancy of the plan?	Yes	Review operations of the 2020 Census were finished in January 2024; many studies, reports, and estimates were released in 2023 which would certainly affect relevancy.

Action Plan

Based on progress reports (or lack thereof), annual review questions, and other work done by the Commission during the year, it is time to overhaul the Master Plan. In the coming months, the Commission expects to have a Request for Proposals (RFP) posted to seek qualified planning consultants to aid in the City’s Master Plan replacement. More details and information will be forthcoming.

Zoning Ordinance Amendments

The Commission holds a crucial seat of power among our other elected and appointed bodies, and – when described in terms of “branches of power” – occupies an executive role. In this context, the other two branches are the City Council (legislative) and the City Zoning Board of Appeals (judicial). Being that the City does not have a “zoning commission”, all the duties typically assigned to such a body are held by the Commission in accordance with the Michigan Zoning Enabling Act.⁵ Because the Commission also has the powers of a zoning commission, they have the authority to recommend changes to the zoning ordinance or map to the City Council.

Specific Changes

In total, three proposed amendments were reviewed by the Commission. All of them were recommended to the City Council. See the table below for details.

Origin	Description	Status	Date of Action
Commission	Modified distancing regulations for marihuana establishments by 1) adding a 500-foot buffer between all establishments and higher-education institutions; 2) adding a 500-foot buffer between	Recommended to City Council	Jun 8

⁵ State of Michigan, *Michigan Planning Enabling Act*, “Zoning commission; creation; transfer of powers to planning commission; resolution; membership; terms; successors; vacancy; limitation; removal of member; officers” MCL 125.3301

Origin	Description	Status	Date of Action
	growers, processors, & safety compliance facilities and all residential zoning districts; and 3) adding a 100-foot buffer between retailers and all residential zoning districts. Also removed conflicting regulations and trimmed some language for length.		
City Council	Modified setback-related definitions and regulations to better control the placement and character of accessory buildings.	Recommended to City Council	Jun 8
Commission	Added new regulations and modified existing ones to allow personal chicken- & duck-keeping in the City.	Recommended to City Council	Nov 9

Rezoning Requests

Only one rezoning request was heard. See the table below for details.

Ord. No.	Description	Status	Date of Action
N/A	Moved a single property from an “E” zoning district along Ludington Street to an unspecified residential zoning district.	Denied	Jun 8

Potential Updates

As mentioned previously in the report, the Commission seeks to implement some form-based zoning in the City. The details of this project are still outstanding, but they are expected to become clear over the coming weeks. The City Zoning Board of Appeals also recommended that the Zoning Ordinance be recodified.

Development Reviews

2023 was a busy year for the Commission in terms of development reviews – they averaged nearly one per month! Seven of these reviews were for Special Land Use permits – the lions share was dedicated to marijuana retailers – and the remaining four were for Site Plans and City Land Sales. See the table below for details.

Project Type	Location	Description	Status	Recommendation to City Council	Date of Action
Special Land Use	923 Ludington St.	Marihuana Retailer	Approved w/ Conditions	N/A	Jan 12
Special Land Use	2430 Ludington St.	Marihuana Retailer	Approved w/ Conditions	N/A	Feb 9
Special Land Use	1005 Ludington St.	Marihuana Retailer	Approved w/ Conditions	N/A	Feb 9
Special Land Use	920 Willow Creek Rd.	Child Care Center	Approved w/ Conditions	N/A	Jun 8
Special Land Use	615 S 30 th St.	Electronic Message Center (EMC) Sign	Approved	N/A	Jun 29
Special Land Use	201 N Lincoln Rd.	Marihuana Retailer	Approved w/ Conditions	N/A	Jul 13
Special Land Use	201 N 30 th St.	Marihuana Retailer	Approved	N/A	Aug 10
Site Plan Review	2020 N 19 th St.	Storage & Maintenance Garage, Accessory to a Contractor's Office	Approved	N/A	Aug 10
Site Plan Review	1500 3 rd Ave. N	Storage & Maintenance Garage, Accessory to a Contractor's Office	Approved	N/A	Sep 14
Land Sale Review	3712 19 th Ave. N	Contractors' office and shop, plus storage	N/A	Recommended the land sale	Oct 12
Land Sale Review	2811 N 32 nd St.	Contractors' office and shop, plus storage	N/A	Recommended the land sale	Oct 12

Zoning Board of Appeals

A zoning board of appeals (ZBA) plays a crucial role in the administration of Michigan local governments' zoning ordinances. The ZBA is responsible for reviewing and deciding on appeals related to zoning decisions made by local authorities. This includes granting variances, interpreting zoning ordinances, and addressing other related matters. Just as they do in every other jurisdiction, Escanaba's ZBA acts independently of the Commission and – when described in terms of “branches of power” – occupy a judiciary role. In this context, the other two branches are the Commission (executive) and the City Council (legislative).

Since it is listed as a duty in their Rules of Procedure, the ZBA made a recommendation to the Commission at their first meeting of 2024: that the Zoning Ordinance be recodified, this being to reduce administrative and regulatory costs induced by the Ordinance. Based on the ZBA's recommendation, the Commission will explore this concept during this coming year.

Variations

As mentioned earlier, the ZBA's duties include granting variations. A variation is official permission to deviate from a requirement of the zoning ordinance. There are two types of variations: Use Variations and Non-Use (Dimensional) Variations. The authority to grant a variation is discretionary and includes the standard of demonstrating a "practical difficulty" for dimensional variations and "unnecessary hardship" for use variations – the Zoning Ordinance does not have provisions for use variations, so only dimensional variations may be granted here.

Dimensional variation requests typically involve buildings and structures that physically cannot be erected in the location required by the zoning ordinance, or if there are other requirements that can't be met. Common dimensional variation requests include front, side or rear yard setbacks, height restrictions, and lot coverage regulations. Some aspect of the property must be unique, not just the applicant's business, family, or financial circumstances. Examples of unique circumstances that can be considered in a variation request include properties with odd dimensions, steep slopes, or unusual easements. The ZBA cannot change its ruling when a new owner buys the business or home. A non-use variation runs with the land in perpetuity.

To demonstrate that a dimensional variation is appropriate, the ZBA must find that there is a practical difficulty which affects the property where compliance with the zoning ordinance would cause an excessive burden to the development of the property. To prove that a practical difficulty exists, the ZBA must review the variation request against specific standards – these standards are contained in our Zoning Ordinance.

The ZBA heard three variance requests in 2023 and nearly heard a fourth – which was rescinded four days before the meeting date. See the table below for details.

Location	Description	Status	Date of Action
536 N Lincoln Rd.	70' reduction of the 100' distancing restriction between marihuana establishments and one-family dwellings.	Denied	Mar 7
517 Ludington St.	6' increase of the maximum copy area allowed for primary wall sign on the building's front wall.	Denied	May 16
2305 1 st Ave. S	17.5' from the required 20' rear setback for a proposed building addition.	Approved	Jul 11
200 Ludington St.	2' increase from the 5' front build-to line/minimum setback for a new condo building.	Rescinded by Applicant	Dec 11/15

Actions by the City Council

Our City Council, just like other similar bodies in Michigan, acts as the legislative branch of power in terms of zoning. They hold the final normal powers of zoning ordinance adoption and amendment, being to hold the last public hearings and the vote of adoption.

Of the four ordinances recommended to the City Council, three of them were adopted and one failed by parliamentary means. That one failure was a point of frustration for the Commission. Per the *Zoning Ordinance*, the City Council “shall approve or deny the amendment based upon its consideration of ... criteria [listed in the Ordinance]”⁶. Those criteria, laid out in the *Ordinance*, were never reviewed.⁷ Further, The *Michigan Zoning Enabling Act* stipulates that “... the [City Council] shall consider and vote upon the adoption of a zoning ordinance [amendment]”⁸ The Commission even moved to send the proposed amendment back to the

⁶ City of Escanaba, Michigan, *City Code of Ordinances*, “Zoning Ordinance” app. A, sec. 103.4.2

⁷ City of Escanaba, Michigan, *City Code of Ordinances*, “Zoning Ordinance” app. A, sec. 103.4.3(II)

⁸ State of Michigan, *Michigan Planning Enabling Act*, “Public hearing to be held by legislative body; conditions; notice; approval of zoning ordinance and amendments by legislative body; filing;

City Council on December 14.⁹ However, the City Council had no interest in bringing the topic back up. See the table below for details.

Ord. No.	Description	Status	Date of Action
1271	Removed an “F” zoning district and expanded the boundaries of an adjacent “E” zoning district to cover that former district’s territory on and around N 30 th St.	Adopted	Jan 5
1282	Modified distancing regulations for marihuana establishments by 1) adding a 500-foot buffer between all establishments and higher-education institutions; 2) adding a 500-foot buffer between growers, processors, & safety compliance facilities and all residential zoning districts; and 3) adding a 100-foot buffer between retailers and all residential zoning districts. Also removed conflicting regulations and trimmed some language for length.	Adopted	Aug 3
1283	Modified setback-related definitions and regulations to better control the placement and character of accessory buildings.	Adopted	Aug 3
N/A	Added new regulations and modified existing ones to allow personal chicken- & duck-keeping in the City.	Failed ^a	Dec 7
a. Per the approved minutes, “Moore moved to consider this the first reading ... and to set December 21, 2023, for the second reading, public hearing adoption of Ordinance No. 1286. Motion failed due to a lack of a second.”			

Zoning Map

No changes to the Zoning Map were made during the year. However, it was frequently noted that the map fails to accurately reflect both current and future land use patterns.

notice of ordinance adoption; notice mailed to airport manager; information to be included in notice; other statutory requirements superseded” MCL 125.3401.

⁹ City of Escanaba Planning Commission, *Official Minutes – December 14, 2023*, NB4(f).

Training

Just as in previous years, it was a struggle to get minimum training hours done. Most of the members who logged more than 0.5 hours did so through self-guided training. Per the *Bylaws*: “If so provided in the ordinance creating the Commission, failure to meet the training requirements shall result in the member not being reappointed to the Commission.”¹⁰ The “City of Escanaba Planning Commission Ordinance”, however, is silent on the topic. This section of the *Bylaws* also describes the required nature of these training hours, noting a list of organizations which must provide this training. This was left by the wayside in the interest of reaching the minimum hours count for each member. See the table below for details.

Seat	Member’s Name	Training Hours Accrued	Minimum Hours Met
1	David Mason	0.5	N/A
	Kasja Nelson	1.5	No
2	James Hellermann	1.0	No
3	Kelli VanGinhoven	0.5	N/A
	Christiana Reynolds	0.5	No
4	Roy Webber	4.3	Yes
5	Nevin Naser	0.0	N/A
	Patrick Connor	0.5	No
6	Dominic Bennetti	0.5	N/A
	Michael Harris	1.0	No
7	Mark Hannemann	0.0	N/A
	Mark Sadowski	7.0	Yes

¹⁰ City of Escanaba Planning Commission, *Bylaws*, “Training” sec. 2.D.

Joint Meetings

Considered to be key in carrying out the goals and strategies of all development-related boards, it is recommended that joint meetings be held at least annually. They should include:

- City Council
- Planning Commission
- Zoning Board of Appeals
- Historic District Commission
- Brownfield Redevelopment Authority
- Downtown Development Authority

Such joint meetings can serve as a forum for discussion between these boards. These meetings almost always result in stronger planning and development activity. They serve to inform each board on how they can best work together, and to support the change that a community needs.

No such meeting was held in 2023, despite one being requested by the Commission's staff. However, one joint meeting was held with only the City Council and the Commission on January 23. The purpose of this meeting was limited to discussion on marijuana-related zoning decisions; neither board was able to delve into any long-term planning for the community.



PLANNING COMMISSION

Agenda Item Report – Thursday, March 14, 2024

UB2: General Updates – February

Background

The Commission will be updated on the following topics:

- a. Delta County Planning Commission:
Commr. Nelson will report on their February 5 meeting (if any).
- b. Zoning Board of Appeals Report:
Staff will report on their January 16 meeting.
- c. Zoning/Land Use Permit Report:
Staff will report on this year's permit activity to date.

Attachments

1. Year-to-date Permit Report
2. January Permit Report – Delta County Building & Zoning Dept.

02/01/2024

Permit List

Permit #	Address	City State Zip	Owner Name	Parcel No.	Construction Value	Date Issue
PBL-2024-007	3501 D,5 LN	BARK RIVER MI	HONGISTO ADAM & MEGHAN	002-120-004-00	392,000.00	01/19/202
Category:	RES. MODULAR HOME					
Contractor:	INTEGRITY CUSTOM BUILDERS					
PBL-2024-004	9252 COUNTY 416 H RD	CORNELL MI 45	BYLER EPHRAIM & ANNA	005-112-006-00	0.00	01/16/202
Category:	RES. SINGLE-FAMILY					
Contractor:	380.20					
PBL-2024-006	5728 COUNTY 420 21ST RD	GLADSTONE MI	RASPOR LARRY & KRISTINE	007-030-014-10	85,000.00	01/23/2024
Category:	ACCESSORY STRUCTURE					
Contractor:	CLEARY BUILDING CORP					
PBL-2023-278	7471 COUNTY 426 M,5 RD	GLADSTONE MI	7471 COUNTY 426 LLC	007-135-055-10	140,000.00	01/23/2024
Category:	COMMERCIAL, NEW BUILDING					
Contractor:	MEYER CHARLES J					
PBL-2024-003	E 5251 STATE HIGHWAY M3	ESCANABA MI 4	DOYLE CHRISTOPHER W	009-550-003-00	0.00	01/09/2024
Category:	ACCESSORY STRUCTURE					
Contractor:	304.00					
PBL-2024-008	7668 U S HWY 2	RAPID RIVER MI	IRONWOOD OIL LLC	012-169-078-00	29,500.00	01/19/202
Category:	COMMERCIAL, ADD/ALTER/REPAIR					
Contractor:	225.00					
PBL-2024-002	1620 9TH AVE S	ESCANABA MI 4	BAY VIEW SERVICES LLC	051-090-2931-179-00	15,000.00	01/03/202
Category:	RES. ALTERATION/REPAIR					
Contractor:	125.00					

PBL-2024-001	2811 32ND ST	ESCANABA MI	WEAVER NOAH	051-420-2813-100-00	75,000.00	01/03/202
Category:	COMMERCIAL, NEW BUILDING	Work Description: 40X80 POLE BUILDING 14' CEILING				
Contractor:	GARCIA JUAN	776.00				
PBL-2023-268	1607 LAKE SHORE DR	ESCANABA MI	KNUDSEN ERIC W & ELIZABETH A	051-420-2931-400-00	45,000.00	01/25/202
Category:	GARAGE, ATTACHED	Work Description: DEMO EXISTING GARAGE AND BUILDING 24X32 ATTACHED GARAGE				
Contractor:	LIPPENS, JASON THOMAS	307.52				
PBL-2023-200	824 CLARK DRIVE	GLADSTONE M	BRAMCO CONTAINERS INC	052-459-007-00	50,000.00	01/11/202
Category:	COMMERCIAL, NEW BUILDING	Work Description: 40X50 PRE-ENGINEERED QUONSET STYLE BUILDING				
Contractor:	DURO BUILDING	460.00				
PBL-2024-005	TBD 29TH ST	GLADSTONE M	CITY OF GLADSTONE	052-617-004-00	25,000.00	01/09/2024
Category:	COMMERCIAL, NEW BUILDING	Work Description: U.P. SNOPHLIERS32X40 POLE BUILDING FOR STORAGE OF TRAIL GROOMING EQUIPMENT A				
Contractor:	MM ENGINEERING SERVICES	430.40				

Number of Certs: 11

Population: All Records
 Permit.Type = Building AND
 Permit.DateIssued Between 1/1/2024 12:00:00 AM AND
 1/31/2024 11:59:59 PM



PLANNING COMMISSION

Agenda Item Report – Thursday, March 14, 2024

UB3: Training Updates – February

Background

Per the Bylaws, each Commissioner must log at least four hours of training per year. A summary of the training should be shared, which focuses on points of interest and possible action which could be taken by the Commission. The cost of any training may be reimbursed by the City. If the training has any cost attached to it, approval must be made in advance with staff to ensure that training funds are available.

Current training hours recorded for each Commissioner are as follows:

Commissioner	# of hrs	Min # met
Connor	0.0	No
Harris.....	0.0	No
Hellermann	0.0	No
Nelson	0.0	No
Reynolds.....	0.5	No
Sadowski.....	0.0	No
Webber.....	0.0	No

Training Options

- Michigan Association of Planning Coastal Resiliency Webinars (Free)
January 18, 1:00 – 2:30 pm & February 22, 1:00 – 2:30 pm
<https://www.planningmi.org/coastal-resilience-webinars>
- Sustainability Speaker Series: Sustainable Tourism Strategies Webinar (Free)
May 14, 2024, 12:00 – 1:00 pm
<https://events.anr.msu.edu/SusSpkSpring24>
- Eastern UP Citizens Planner Program (\$250)
Thursdays, April 11 – May 16, 2024, 6:00 – 9:00 pm
<https://events.anr.msu.edu/CPChippewaCounty24>
- MSU Extension Citizen Planner Online (\$250)
Self-paced course, appx. 15 hours.
https://www.canr.msu.edu/michigan_citizen_planner/
- MSU Extension Articles, Videos, & Other Resources (Free)
<https://www.canr.msu.edu/planning/index>
- Michigan Association of Planning (MAP) Workshops (Price varies)
<https://www.planningmi.org/workshops>



PLANNING COMMISSION

Agenda Item Report – Thursday, March 14, 2024

NB1: Planning Consultant Committee

Background

At their January 11 regular meeting, the Commission reviewed a draft RFP. This document was drawn up to seek a planning consultant which would help the City in developing a new master plan. The Commission approved of the RFP and directed staff to – jointly with City administration – add dates & necessary language, then post the RFP. It was posted on the City website and on the Michigan Assoc. of Planning’s RFP/RFQ advertising site on February 5, and will remain up until March 29.

In the meantime, the Commission must appoint a committee to review the received proposals and make the final consultant selection. Once all proposals have been reviewed, a shortlist of consultants will be chosen. Those shortlisted consultants will then be invited to take part in an interview before the Commission. Based on each one’s performance in their interview, a final consultant will be chosen.

This committee will be bound by the following schedule:

- Initial Proposal Review Period..... April 1-11
- Selection of Consultants Short List April 12

The Commission will be bound by the following schedule:

- Interviews of Shortlisted Consultants April 22-26
- Final Consultant Selection April 29 – May 3

Possible Options for Action

1. Appoint a Planning Consultant Committee, including setting a timeline for said Committee.
Sample language:

“I move to adopt the following resolution:

Whereas, The Planning Commission did approve of a Master Plan RFP on January 11th, 2024; and

Whereas, The Planning Commission’s staff, jointly with City administration, did complete and post the RFP on February 5th; therefore, be it

RESOLVED, That the Planning Commission hereby appoints a Committee to review all submissions in response to the RFP between April 1st and 11th, and to recommend a shortlist of consultants to the Planning Commission by April 12th;

RESOLVED, That these four persons are appointed to the Committee: James McNeil, Ronald Beauchamp, Patrick Connor, and Tyler Anthony; and be it further

RESOLVED, That Ronald Beauchamp shall be the Committee’s Chair, and Tyler Anthony shall be the Committee’s Secretary/Vice-Chair.

2. Set a timeline for the Commission’s action after the Planning Consultant Committee.
Sample language:

“I move to adopt the following resolution:



Whereas, The Planning Commission did appoint a Committee to review submissions to a Master Plan RFP on March 14th, 2024; and

Whereas, The Committee will recommend to the Planning Commission a shortlist of consultants by April 12th; therefore, be it

RESOLVED, That the Planning Commission will, upon invitation, hold interviews with the Committee's recommended consultants between April 22 and 26, select a final consultant between April 29th and May 3rd, and notify said final consultant immediately upon their selection."

PLANNING COMMISSION

Agenda Item Report – Thursday, March 14, 2024

NB2: Bylaws Amendment

Background

On February 8, the Commission directed staff to find out whether written comments in response to public hearings could be limited in some way.¹ After discussion with the City Attorney, it was discovered that written comments do not need to be read aloud (given that they are, of course, included in the meeting minutes). However, Commissioners still need to receive these written comments at the meeting. Based on these findings, new language has been drafted which would set a clear procedure for handling written comments. This method is as follows:

Persons who are unable to attend meetings, but still wish to make comment, may submit them in writing to the Commission. Written comments for any meeting shall be received no later than 1:00 PM on the meeting date. Such written comments shall be received by the Secretary, with copies provided to all Commission members and liaisons at the meeting.²

Parallel to this, staff now provide several more recommended changes to the Bylaws. These changes have been drafted based on experiences – both of staff and of the Commission – where certain provisions would have come in handy. They are as follows:

- Added a clause to secure the City Attorney’s opinion in cases of incompatible offices;
- Added an Oath of Office, which must be taken at the time of member appointment;
- Restored some of the Secretary’s duties, and reduced some of the Chair’s workload;
- Restored the offices of Vice-Chair & Deputy Secretary, and formally added the offices of Delta County Liaison & Historic Districts Liaison;
- Clarified the officer selection procedure, and aligned officer terms with member terms;
- Removed guidelines for the handling of consensus business;
- Set a new agenda format, which places public hearings at the start of meetings; and
- Added an article to list the duties and responsibilities of staff.

Other, more minor changes are also provided as follows:

- Reorganized the Bylaws into a more familiar “article-section-subsection” format;
- Trimmed down excess language & terms, and fixed some grammar & punctuation;
- Clarified the quorum definition and related guidelines;
- Clarified time limit allowances for public comments; and
- Clarified how the Commission’s annual report is to be handled.

¹ Per the meeting minutes, “Hellermann asked Anthony if there was a way to shorten the letter reading process during public hearings; he felt it unfair for verbal comments to be time limited, but written ones not to be. Hellermann moved to direct staff to, jointly with the City Attorney, find out whether written comments in response to public hearings could be limited. Sadowski seconded. A voice vote was taken. Motion passed.”

² The Secretary may delegate this duty to Commission staff.



Issues and Questions Specified

- Does the new language reflect the Commission’s goal?
- Are the other recommended changes in line with the Commission’s intentions?

Master Plan References

- Objective 5.2: A More Engaged Community.
Encourage citizens to become more involved in community and economic development.³

Possible Options for Action

1. Amend the Bylaws as proposed. Sample language:
“I move to amend the Bylaws as proposed by staff.”
2. Amend the Bylaws as proposed, with changes. Sample language:
“I move to amend the Bylaws as proposed by staff with the following changes: [provide numbered list of changes].”

Attachments:

1. (Draft) Planning Commission Bylaws of 2020, amended March 14th, 2024
2. (Draft) Planning Commission Code of Conduct

³ City of Escanaba, 2016 Master Plan, p. 111.

PLANNING COMMISSION BYLAWS **OF 2020**

Adopted, effective immediately, December 10, 2020.

As amended through July 13, 2023.

1. Name, Purpose, and Roles

101. The name shall be the Escanaba Planning Commission, hereafter “the Commission”.

102. These Bylaws are adopted by the Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act (MCL 125.3801 *et seq.*), hereinafter “the Planning Act”.

103. These Bylaws are also adopted to facilitate the duties of the Commission for administration of a zoning ordinance as outlined in the Michigan Zoning Enabling Act (MCL 125.3101 *et seq.*), hereinafter known as “the Zoning Act”. All powers of a zoning commission have been transferred to this Commission, pursuant to Section 301 of the Zoning Act (MCL 125.3301).

104. There are eight (8) key roles of the Commission:

1. Educate the public about local planning issues, the master plan, and land use regulations.
2. Cooperate and coordinate with other units of government on planning matters.
3. Prepare, adopt, and maintain a master plan.
4. Review other community’s draft master plans when submitted for that purpose and provide coordination of planning and zoning in other units of government.
5. Draft and present to the City Council a zoning ordinance and amendments and advise on various zoning actions.
6. Review and comment on proposed public works projects.
7. Prepare and annually adopt a capital improvement program.
8. Prepare subdivision regulations and advise on proposed plats.

2. Membership

201. Members of the Commission are appointed by the Escanaba City Council pursuant to the Escanaba Planning Commission Ordinance, ord. 1088 of 2008, as amended (City of Escanaba Code of Ordinances, Ch. 21, Sec. 16 et seq.).

1. Firstly, each member shall represent and advocate what is best for the City as a whole, putting aside personal or special interests.
2. Secondly, each member shall represent a separate important segment of the community to the greatest extent possible, as appointed by the City Council:
 - A. One citizen at-large member;

- B. One citizen member representing environmental interests: Attend and/or be familiar with the desires and needs of the environmental organizations in the City of Escanaba (including but not limited to conservation clubs, garden clubs, lake and river landowner associations, and the Michigan Department of Environmental Quality land and water programs).
 - C. One citizen member representing agriculture, forestry, and land use interests: Attend and/or be familiar with the desires and needs of the Farm Bureau, Soil Conservation District, Michigan Department of Natural Resources Forestry Division, United States Forest Service, Resource Conservation and Development Council, municipal planning and/or zoning boards.
 - D. One citizen member representing governmental municipal interests: Attend and/or be familiar with the desires and needs of the county chapter of the Michigan Townships Association, cities and villages, and county government.
 - E. One citizen member representing educational interests: Attend and/or be familiar with the desires and needs of the local school districts, intermediate school district, College, University, MSU Extension, and other educational institutions.
 - F. One member representing recreation and tourism interests: Attend and/or be familiar with the desires and needs of the tourist division of the Chamber of Commerce, visitor/convention bureau, hotel/motel tourist business owners; recreation associations; civic and social organizations; the arts; snowmobile and other recreation clubs; Michigan Department of Natural Resources Parks Division, Recreation Division, and Waterways Division.
 - G. One citizen member representing industrial and economic interests: Attend and/or be familiar with the desires and needs of industrial associations, the Chamber of Commerce, economic development corporations, organized labor, and trade associations.
 - H. One member representing transportation and communication interests: Attend and/or be familiar with the desires and needs of the County Road Commission, village and city road agencies, telephone companies, Internet providers, postal and other parcel delivery services, news media, mass/bus transportation systems, airports, and harbors.
 - I. One member representing sanitation, environmental health, housing, and human services interests. Attend and/or be familiar with the desires and needs of public utility providers, water and sewer providers, the County Health Department, councils on aging, and human services collaborative bodies.
 - J. One member shall be a member of the City Council: Attend and/or be familiar with the desires and needs of the City Council and its committees; adjacent legislative bodies and their planning commissions, and regional multi-county planning agency.
202. Liaisons. The purpose of liaisons is to provide certain City officials and quasi-officials with the ability to participate in discussions with the Commission, in addition to speaking in public participation, and nothing else. Liaisons cannot vote, introduce motions, initiate

any other parliamentary action, be counted for a quorum, or be expected to comply with attendance requirements pursuant to Sec. 203 of these bylaws. Liaisons, if not already appointed Commission members, are:

1. ~~Planning & Zoning~~ Department staff, and their agents and consultants.
2. The Commission’s consultants.
3. City of ~~Escanaba~~ Attorney.
4. City of ~~Escanaba~~ engineering, electrical, water and wastewater, or similar department heads, their agents and/or consultants.
5. City of ~~Escanaba~~ Manager.
6. **A member of the Escanaba City Council liaison, as appointed by that body.**

203. Attendance. If any member of the Commission is absent from three consecutive regularly scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Escanaba City Council to remove a member from the Commission for **nonfeasance** ~~nonperformance of duty, or misconduct~~, after holding a public hearing on the matter.

204. Training. Each member shall have attended at least four hours per year of training in planning and zoning during the member’s current term of office. If so provided in the ordinance creating the Commission, failure to meet the training requirements shall result in the member not being reappointed to the Commission. Training shall be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, continuing education programs of Michigan State University, the University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University.

205. Conflict of Interest and Incompatibility of Office.

1. Each member of the Commission shall avoid conflicts of interest and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, issuing, deliberating on, voting on, or reviewing a case:

- A. Concerning the member;
- B. Concerning work on land owned by the member or which is within 300 feet of land owned by the member;
- C. Involving a corporation, company, partnership, or any other entity in which the member is a part owner, or any other relationship where **the member** ~~he or she~~ may stand to have a financial gain or loss;
- D. Which is an action which results in a pecuniary benefit to the member;
- E. Concerning the member’s spouse, partner, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law, or members of the member’s household; **or** ~~and~~
- F. Where the member’s employee or employer is:

- i. An applicant or agent for an applicant, or
 - ii. Has a direct interest in the outcome.
- 2. If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.
- 3. When a conflict of interest exists, the member of the Commission shall do all the following immediately upon first knowledge of the case and determining that a conflict exists:
 - A. Declare a conflict exists at the next meeting of the Commission;
 - B. Cease to participate at the Commission meetings, ~~or~~ in any ~~other~~ manner, or represent oneself before the Commission, its staff, or others; and
 - C. During deliberation of the agenda item before the Commission, leave the meeting room, ~~or remove oneself from the front table where members of the Commission sit,~~ until that agenda item is concluded.
- 4. If a member of the Commission is appointed to another office, which is an incompatible office with their membership on the Commission, then on the effective date of the appointment to the other office, that shall result in an automatic resignation from the Commission. If a member of another office is appointed to the Commission, which is an incompatible office with their membership in the other office, then on the effective date of the appointment to the Commission, that shall result in an automatic resignation from the other office.
 - A. To determine whether the two offices are incompatible, the City Attorney shall assess their compatibility and render an opinion to the Commission.

3. Duties of All Members

301. *Ex parte* contact.

- 1. Members shall avoid *ex parte* contact about cases where an administrative decision is before the Commission whenever possible.
- 2. Despite one's best efforts it is sometimes not possible to avoid *ex parte* contact. When that happens, the member should report to the Commission, at a public meeting or hearing, what was said so that every member and other interested parties are made aware of what was said.

302. Site inspections.

- 1. Site inspections shall be done by the Zoning Administrator or other staff. A written report of the site inspection shall be orally presented to the Commission at a public meeting or hearing related to the site.
- 2. If desired, no more than one member of the Commission may accompany the Zoning Administrator or staff on a site inspection.

303. Not voting on the same issue twice.

1. Any member of the Commission shall avoid situations where they are sitting in judgment and voting on a decision which they had a part in making.
2. As used here, sitting in judgment and voting on a decision which they had a part in making at a minimum shall include, but not necessarily be limited to, the following:
 - A. When the appeal is of an administrative or other decision by Commission, and the member of the Commission sits both on the Commission and Zoning Board of Appeals.
 - B. When the case is an administrative decision which was decided by the Commission and sent to the City Council for further action, and the member of the Commission sits both on the Commission and City Council.

304. Accepting gifts.

1. Gifts shall not be accepted by a member of the Commission or liaisons from anyone connected with an agenda item before the Commission.
2. As used here, gifts shall mean cash, any tangible item, or service, regardless of value; and food valued over \$10.
3. This section does not apply to the Commission accepting gifts for the exercise of its functions pursuant to sec. 23(3) of the Planning Act, MCL 125.3823(3).

305. Spokesperson for the Commission.

1. Free and open debate should take place on issues before the Commission. Such debate shall only occur at meetings of the Commission.
2. Once a vote is taken and an issue is decided by vote, the duty of each member of the Commission is to represent the position reflected by the outcome of the vote. Minority reports and requests for reconsideration may take place only at an open meeting of the Commission.
3. From time to time, or on a specific issue, the Commission may appoint a spokesperson for the Commission for all matters which occur outside of the meetings of the Commission.

306. Code of Conduct.

1. Each member, upon appointment, shall receive and sign a Code of Conduct. ~~(See the last page of this document.)~~
 - A. See Appendix A for the Code of Conduct.

4. Officers

401. The Commission shall have the following officers, as selected from its membership: ~~Selection. At the regular meeting in December of each year, the Commission shall select from its membership a Chair and Secretary. All officers are eligible for reelection. In the event the office of the Chair becomes vacant, the Secretary shall succeed to this office for the~~

unexpired term, and the Commission shall select a successor to the office of Secretary for the unexpired term. In the event the office of Secretary becomes vacant, the Commission shall select a successor to the office of Secretary for the unexpired term.

1. A Chair, who retains their ability to discuss, make motions and vote on issues before the Commission. The Chair's duties shall be to:
 - A. Preside at all meetings with all powers under parliamentary procedure;
 - B. Rule out of order any remarks which are irrelevant, personal, about another's race, religion, sex, physical condition, ethnic background, beliefs, or similar topics, profanity, or other remarks which are not about the topic before the Commission;
 - C. Restate all motions as pursuant to Sec. 505 of these Bylaws;
 - D. Appoint committees;
 - E. Appoint officers of committees or choose to let the committees select their own officers;
 - F. Call special meetings pursuant to Sec. 502 of these Bylaws;
 - G. Act as an ex officio member of all committees of the Commission;
 - H. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if the chair so chooses;
 - I. Periodically meet with the Planning Director and/or other Planning Department staff to review department operations and procedures, and to monitor progress on various projects;
 - J. Act as the Commission's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels;
 - K. Represent the Commission before the City Council; and
 - L. Perform such other duties as may be ordered by the Commission.
2. A Vice-Chair, whose duties shall be as follows:
 - A. Act in the capacity of Chair, with all the powers and duties found in Sec. 40I(1) of these Bylaws, in the Chair's absence; and
 - B. Perform such other duties as may be ordered by the Commission.
3. A Secretary, whose duties shall be as follows:
 - A. Execute documents in the name of the Commission;
 - B. Review the proposed minutes, sign them, submit them for approval to the Commission, and have them spread in suitable volumes, including the distribution of copies to each member of the Commission, as soon as reasonably possible after review (the Secretary may delegate this duty to Commission staff);
 - C. Be responsible for the minutes of each meeting, pursuant to Sec. 60I of these Bylaws, if there is not a Recording Secretary;

- D. Receive all communications, petitions, and reports to be addressed by the Commission, delivered, or mailed to the Secretary in care of the Planning and Zoning Department Office;
 - E. Keep attendance records pursuant to Sec. 203 of these Bylaws;
 - F. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act (MCL 15.261 et seq.) (the Secretary may delegate this duty to City staff);
 - G. Prepare an agenda for Commission meetings pursuant to Sec. 511 of these Bylaws (the Secretary may delegate this duty to City staff);
 - H. Perform such other duties as may be ordered by the Commission.
4. A Deputy Secretary, whose duties shall be to:
 - A. Act in the capacity of Secretary, with all the powers and duties found in Section 401.C of these Bylaws, in the Secretary’s absence; and
 - B. Perform such other duties as may be ordered by the Commission.
 5. A Recording Secretary, whose duties shall be as follows. The Recording Secretary shall not be a member of the Commission or any of its committees.
 - A. At each meeting take notes for minutes and prepare a first draft of minutes pursuant to Sec. 601 of these Bylaws for review and signature by the Secretary; and
 - B. Perform such other duties as may be ordered by the Commission or Secretary.
 6. A Delta County Liaison, whose duties shall be as follows:
 - A. Act in the capacity of liaison to the Delta County Planning Commission, pursuant to that body’s Bylaws;
 - B. Attend all meetings of the Delta County Planning Commission; and
 - C. Make regular reports to the Commission on planning and zoning-related activity taken at the county level.
 7. A Historic Districts Liaison, whose duties shall be as follows:
 - A. Act in the capacity of liaison to the Escanaba Historic District Commission, pursuant to that body’s Bylaws;
 - B. Attend all meetings of the Escanaba Historic District Commission; and
 - C. Make regular reports to the Commission on historic preservation-related activity taken within the City’s boundaries.
 8. A ZBA Liaison, whose duties shall be as follows:
 - A. Act in the capacity of liaison to the Escanaba Zoning Board of Appeals, pursuant to that body’s Bylaws;
 - B. Attend all meetings of the Escanaba Zoning Board of Appeals; and

C. Make regular reports to the Commission on appeals-related activity taken within the City’s boundaries.

402. Selection. At the regular meeting in July of each year, the Commission shall select from its membership a Chair, Vice-Chair, Secretary, Deputy Secretary, Delta County Liaison, Historic Districts Liaison, and ZBA Liaison. All officers are eligible for reelection. A member selected to be the Vice-Chair or Deputy Secretary may also be selected as a liaison. The Commission or Secretary shall designate another person who is not a member of the Commission to be the Recording Secretary. The method of nomination and election shall be as follows:

1. Nomination:

- A. A motion is made that candidates for Chair be nominated from the floor.
- B. Members may nominate any person eligible to hold the office.
- C. The Chair shall ask if there are any further nominations for Chair. If there are none, they declare that nominations are closed.
- D. Steps A-C shall be repeated for the remaining offices.

2. Election:

- A. The Chair shall call on a single member.
- B. That member shall declare their vote for all the offices at one time.
- C. The Secretary, or designee, shall record the member’s vote, repeating it back to verify that the vote was properly recorded.
- D. Steps A-C shall be repeated until all members, including the Chair, have declared their votes.

403. Tenure. The Chair and Secretary shall ~~assume~~ take office ~~on August~~ January 1 following their selection and shall hold office for a term of one year, or until their successors are selected and assume office.

404. Chair’s Duties. The Chair retains his or her ability to discuss, make motions and vote on issues before the Commission. The Chair shall:

- 1. Preside at all meetings with all powers under parliamentary procedure;
- 2. Rule out of order any irrelevant remarks, remarks which are personal, remarks about another’s race, religion, sex, physical condition, ethnic background, beliefs, or similar topics, profanity, or other remarks which are not about the topic before the Commission;
- 3. Restate all motions as pursuant to Sec. 505 of these Bylaws;
- 4. Execute documents in the name of the Commission;
- 5. Appoint committees;
- 6. Appoint officers of committees or choose to let the committees select their own officers;
- 7. Call special meetings pursuant to [cross reference] of these Bylaws;

8. Act as an *ex officio* member of all committees of the Commission;
9. Review with the Secretary or staff, prior to a Commission meeting, the items to be on the agenda if the chair so chooses;
10. Periodically meet with the Planning & Zoning Administrator and/or other Planning & Zoning Department staff to review department operations and procedures, and to monitor progress on various projects;
11. Act as the Commission's chief spokesman and lobbyist to represent the Commission at local, regional, and state government levels;
12. Perform such other duties as may be ordered by the Commission.

405. Secretary's Duties. The Secretary shall:

1. Act in the capacity of Chair, with all the powers and duties found in Section 9.C. of these Rules, in the Chair's absence. Receive all communications, petitions, and reports to be addressed by the Commission, delivered, or mailed to the Secretary in care of the Planning and Zoning Department Office;
2. Review the draft of the minutes before submission to the Commission;
3. Be responsible for monitoring and advising on the Recording Staff duties outlined in Section 4.E of these Bylaws;
4. Perform such other duties as may be ordered by the Commission.

406. Recording Staff Duties. The Planning & Zoning Department staff shall function as Recording Staff. The Recording Staff shall:

1. Receive all communications, petitions, and reports to be addressed by the Commission;
2. Keep attendance records pursuant to Section 6.A of these Bylaws;
3. Notify the Escanaba City Council whenever any member of the Commission is absent from three consecutive regularly scheduled meetings;
4. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to the Open Meetings Act (MCL 15.261 et seq.);
5. Prepare an agenda for Commission meetings pursuant to Section 5.L of these Bylaws;
6. At each meeting, take notes for minutes and prepare a first draft of minutes pursuant to Section 6.A of these Bylaws for review by the Secretary;
7. Distribute copies of minutes to each member of the Commission prior to the next meeting of the Commission;
8. Post minutes on the City of Escanaba's website as follows, pursuant to the Open Meetings Act (MCL 15.261 et seq.):
 - A. Drafts of minutes within 8 business days after the meeting in question;
 - B. Approved and signed minutes within 5 business days after the meeting at which the minutes are approved.

9. ~~Perform such other duties as may be ordered by the Commission or its Secretary.~~

5. Meetings

501. Regular Meetings. Meetings of the Commission will be held on the second Thursday of each month at 6 p.m. at Escanaba City Hall, 410 Ludington Street. When the regular meeting day falls on a legal holiday, the Commission shall select a suitable alternate day in the same month. An annual notice of regularly scheduled Commission meetings shall comply with the Open Meetings Act (MCL 15.261 *et seq.*).

502. Special Meetings. Special meetings shall be called in the following manner:

1. By the Chair.
2. By any ~~two~~ three members of the Commission.
3. By the Planning Director ~~& Zoning Administrator~~.
4. Notice of special meetings shall be given by the Recording Staff to members of the Commission at least forty-eight (48) hours prior to such meeting and shall state the purpose, time, day, month, date, year and location of the meeting. In addition, notices shall comply with the Open Meetings Act (MCL 15.261 *et seq.*).

503. Recess. The Chair, or the Commission, after the meeting has been in session for two hours (not including site inspections), shall suspend the Commission's business and evaluate the remaining items on its agenda.

1. The Commission shall then decide to do one of the following:
 - A. Finish that meeting's agenda;
 - B. Act to continue the meeting on another day (fix the time at which to adjourn);
 - C. Complete some agenda items, and continue the meeting on another day to complete other agenda items; or
 - D. Postpone certain agenda items to the next meeting.
2. If applicable, such action shall include the time, day, month, date, year, and location the Commission will reconvene. If more than 18 hours will pass before the reconvened ~~Commission meeting~~, public notice shall be given to comply with the Open Meeting Act (MCL 15.261 *et seq.*). Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The commission shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.

504. Quorum. ~~Four~~ More than half the total number of seats for members of the Commission, regardless of if vacancies exist or not, shall constitute a quorum for the transaction of business and the taking of official action for all matters before the Commission. Whenever a quorum is

not present at a regular or special meeting, those present shall adjourn the meeting to another day.

505. Motions.

1. Motions shall be restated by the Chair before a vote is taken.
2. Findings of Fact. All actions taken in an administrative capacity (including but not limited to, special land use permits, subdivisions, zoning, site plan review, planned unit developments, review and submission on another municipality’s proposed plan, review and submission on a capital improvement, ~~review of township zoning~~) shall include each of the following parts:
 - A. A finding of fact, listing what the Commission determines to be relevant facts in the case in order to eliminate misleading statements, hearsay, irrelevant, and untrue statements.
 - B. Conclusions to list reasons based on the facts for the Commission’s action, often directly related, or not, to a finding of compliance, or noncompliance, to standards.
 - C. The Commission’s action; recommendation or position, approval, approval with conditions, or disapproval.

506. Voting.

1. Voting shall be by voice and shall be recorded as passing or failing.
2. Roll call votes will be recorded only upon request by a member of the Commission and shall be recorded by “yes” or “no”.
3. Members must be present to cast a vote. Voting by proxy shall not occur.
4. The affirmative vote of a quorum shall be necessary for the adoption of motions.
5. The affirmative vote of five members of the Commission shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a master plan.

507. ~~Commission Action~~ on public hearings. Action by the Commission on any matter for which a hearing is held shall not be taken until the hearing has been concluded.

508. Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be informal. However, if required to keep order, Commission meetings shall then be governed by *Roberts Rules of Order Newly Revised, (11th Edition, Perseus Publishing, New York, 2000)* for issues not specifically covered by these Bylaws. Where these Bylaws conflict, or are different than *Robert’s Rules of Order*, then these Bylaws control.

509. ~~Public Participation~~ Engagement. All regular and special meetings, hearings, records, and accounts shall be open to the public.

1. All public comment on all agenda items should be presented at the beginning of the meeting where provided in the printed agenda. After that point during the meeting, public comment is ~~normally~~ not allowed; however, sometimes the Commission may direct questions to members of the public.

- A. Public comment ~~is~~ shall be provided for at the beginning of the meeting so the Commission can hear concerns and questions before acting on an issue.
 - B. Those making public comment are expected to be familiar with the issue and have prepared comments ahead of time.
 - C. To help the public in preparing for the meeting, any written material shall be made available without cost to members of the public asking for a copy prior to the meeting.
2. The ~~Chair may limit the~~ amount of time allowed for each person wishing to make public comment at a Commission meeting shall be limited as follows. The Chair may ask members of the audience to caucus with others sharing similar positions so they may select a single spokesperson. If a single spokesperson is selected, that individual shall be ~~able~~ allowed to ~~make public comment at the Commission meeting with an extended~~ under the same time limit as a petitioner.
- A. ~~Petitioner, aggrieved party, and spokesperson comment on an agenda item shall be restricted to; fifteen (15) minutes, unless amended by the Chair.~~
 - B. ~~General public comment shall be restricted to; three (3) minutes, unless amended by the Chair.~~
3. Persons who are unable to attend meetings, but still wish to make comment, may submit them in writing to the Commission. Written comments for any meeting shall be received no later than 1:00 PM on the meeting date.
- A. Such written comments shall be received by the Secretary, pursuant to Sec. 40I(3)D of these Bylaws, with copies provided to all Commission members and liaisons at the meeting

510. Consensus Business. Certain items of business before the Commission are routine matters where no discussion normally occurs or is expected to occur, and a consensus for adoption normally occurs or is expected to occur. The individual preparing the agenda may mark such items on the agenda as a Consent Item, if that individual feels it qualifies as consensus business. The agenda or material presented on the issue should indicate the proposed action (approve, disapprove, no comment, approve with modification). First, any Consent Item can be removed by request of a member. It is automatically removed if discussed during Public Participation. Second, a motion to adopt the Consent Items can be made, in effect adopting all agenda items still included as Consent Items. The motion to adopt Consent items in the minutes shall clearly list each item and indicate its action/disposition. The approval of minutes shall be proposed on the agenda as Consent Items. Consensus business can be proposed for any item on the agenda, but shall never include any of the following:

- 1. Review of plans and zoning ordinances, or any part or amendment thereto.
- 2. Action on special land use permits, planned unit developments, site plans, and similar administrative actions.
- 3. Election of officers.
- 4. Any item not printed on the agenda which is delivered, along with adequate supporting information, to Commissioners prior to the meeting.

511. Order of Business, Agenda. The Secretary or designee shall prepare an Agenda for each meeting, and the order of business shall be as follows:

1. Call to Order
 - A. Roll Call.
 - B. Pledge of Allegiance.
2. Matters pertaining to citizens present at the meeting, titled “Public Business” (with individual items numbered “PB#”) on the Agenda, in the following order:Approval of Minutes:
 - A. Advertised Public Hearings. The Chair will declare such a public hearing open and state its purpose. The petitioner, or proponent of the action advertised will be heard first.
 - B. Persons requested by the Commission to attend the meeting.
 - C. Other public engagement for items on this agenda, titled “Agenda Public Comment” on the Agenda.
3. Housekeeping Business, with individual items numbered “HK#”.Approval of Agenda:
 - A. Approval of Minutes.
 - B. Approval of Agenda.
 - C. Announcements.
 - D. Other.
4. Unfinished Business and Officer & Committee Reports (items considered here are taken up in the same order as established by the Commission to fix a priority for consideration and work done in the planning office), with individual items numbered “UB#”, “OR#”, or “CR#”.Conflict of Interest Declaration:
5. New Business (other business and communications), with individual items numbered “NB#”.Public Comment on Agenda Items
6. Public engagement for items not on this agenda, titled “General Public Comment” on the Agenda.Public Hearings:
7. Unfinished Business
8. New Business
9. Report Presentation
10. General Public Comment:
11. Member/Staff Announcements:
12. Adjournment.

512. Delivery of Agenda. The agenda and accompanying materials shall be sent by first-class

~~mail~~ provided to Commissioners so that it is reasonably expected to be received one week before the ~~regular meeting date~~.

513. Placement of Items on the Agenda.

1. The Planning and Zoning Department shall be the office of record for the Commission.
2. The Planning and Zoning Department may receive items on behalf of the Commission between the time of the adjournment of the previous Commission meeting and ten business days prior to the next regularly scheduled Commission meeting.
3. Items received by the Planning and Zoning Department nine business days or less prior to the next regularly scheduled Commission meeting shall be set aside to be received by the Commission at its next regularly scheduled meeting. The Commission may act on those items of a minor nature or table action to the subsequent regular or special Commission meeting. Those items of a major nature or items normally receiving staff review, analysis, or recommendation shall be postponed until the subsequent regular or special Commission meeting.
4. The deadline to add items to the Commission's meeting agenda shall be nine business days prior to the next regularly scheduled Commission meeting.

6. Record

601. Minutes and Record. The ~~Commission~~ ~~Recording Staff~~ shall keep a record of ~~its~~ ~~Commission~~ meetings, which shall, at a minimum, include an indication of the following:

1. Copy of the meeting posting pursuant to the Open Meetings Act (MCL 15.261 *et. seq.*).
2. Copy of the minutes and all its attachments, which shall include a summary of the meeting, in chronological sequence of occurrence:
 - A. Time and place the meeting was called to order.
 - B. Attendance.
 - C. Indication of others present (listing names if others choose to sign in and/or a count of those present).
 - D. Summary or text of points of all reports (including reports of what was seen and discussed at a site inspection) given at the meeting, and who gave the report and in what capacity. An alternative is to attach a copy of the report if offered in writing.
 - E. Summary of all points made in public participation or at a hearing by the applicant, officials, and guests and an indication of who made the comments. An alternative is to attach a copy of the public's statement, petition, or letter if it is provided in written form.
 - F. Full text of all motions introduced, whether seconded or not, who made the motion and who seconded the motion. For each motion, the following should be included:
 - i. Who testified and a summary of what was said.

- ii. A statement of what is being approved (e.g., special land use permit, subdivision, land division, etc.)
 - iii. The location of the property involved (tax parcel number and description, legal description is best).
 - iv. What exhibits were submitted (list each one, describe each, number or letter each and refer to the letter or number in the minutes).
 - v. What evidence was considered (summary of discussion by members at the meeting).
 - vi. The administrative body’s findings of fact.
 - vii. Reasons for the decision made. (If the action is to deny, then each reason should refer to a section of an ordinance which would be violated, or with which not complied.)
 - viii. The decision (e.g., approves, deny, approve with modification).
 - ix. A list of all required improvements (and if they are to be built up-front or name the type of performance security to be used), if any.
 - x. List of all changes to the map/drawing/site plan that was submitted. (Sometimes it is easier to use a black flair felt pen and draw the changes on the map of what was applied for, rather than listing the changes. Do not use different colors. The map will most likely be photocopied. Then colors on the copy will not show at all or will just be black.)
 - xi. Make the map/drawing/site plan part of the motion (e.g., “...attached to the original copy of these minutes as appendix “A” and made a part of these minutes...”).
- G. Who called the question.
 - H. The type of vote and its outcome. If a roll call vote, indicate who voted yes, no, abstained or a statement the vote was unanimous. If not a roll call vote, then simply a statement: “the motion passed/failed after a voice vote.”
 - I. That a person making a motion withdrew it from consideration.
 - J. All the Chair’s rulings.
 - K. All challenges, discussion, and vote/outcome on a Chair’s ruling.
 - L. All parliamentary inquiries or points of order.
 - M. When a voting member enters or leaves the meeting.
 - N. When a voting member or staff member has a conflict of interest and when the voting member ceases and resumes participation in discussion, voting and deliberations at a meeting.
 - O. All calls for an attendance count, the attendance, and ruling if a quorum exists or not.
 - P. The start and end of each recess.

- Q. All Chairs’ rulings of discussion being out of order.
- R. Full text of any resolutions offered.
- S. Summary of announcements.
- T. Summary of informal actions, or agreement on consensus.
- U. Time of adjournment.

3. All documents provided to the Commission’s members prior to the meeting, attached as “Appendix I” to the minutes.

4. Records of any action, support documents, maps, site plans, photographs, correspondence received, attached as exhibits and grouped as “Appendix 2” to the minutes.

602. Retention. Commission records shall be preserved and kept on file according to the following schedule:

- 1. Minutes, bonds, oaths of officials, zoning ordinances, master or comprehensive plans, other records of decisions, Commission or department publications: Permanent.
- 2. Correspondence: Permanent.

7. Committees

701. *Ad Hoc* Committees. The Commission or Chair may establish and appoint *ad hoc* committees for special purposes or issues, as deemed necessary. Less than a quorum may serve on an *ad hoc* committee at any given time.

702. Citizen Committees. The Commission, Chair, or Planning & Zoning Administrator may establish and appoint citizen committees with the consent of the Commission. Membership can be any number, so long as less than quorums of the Commission serve on a citizen committee at any given time. The purpose of the citizen committee is to have more citizen and municipal government involvement, to be able to use individuals who are knowledgeable or expert in the particular issue before the Commission and to better represent various interest groups in the City of Escanaba.

703. Rules of procedure for all committees.

- 1. Subservient to the Commission. All committees are subservient to the Commission, and report their recommendations to the Commission for review and action. The Commission can overrule any action of any committee.
- 2. Same Principles. The same principles of these Bylaws for the Commission also apply to all committees of the Commission including, but not limited to:
 - A. Officers. Officers of committees are appointed by the Chair of the Commission at the time the committee is created or are elected by the committee’s membership at their first meeting. Officers, at a minimum, include a Chair and Secretary/Vice-Chair.
 - B. Quorum. A committee’s quorum shall be at least half the total appointed membership of the committee.

- C. Voting. Only those appointed members of a committee, who are present at the time of a vote, shall be eligible to cast a vote.
 - D. Attendance. If any member of a committee is absent from three consecutively scheduled meetings, then that member shall be considered delinquent. Delinquency shall be grounds for the Commission to remove any member from the committee. The committee Secretary/Vice-Chair or acting committee Secretary in the absence of the elected committee Secretary/Vice-Chair shall keep attendance records and notify the Commission of any committee member who is absent from three consecutively scheduled meetings so the Commission may consider removal of the individual from the committee or excuse the absence(s).
 - E. Minutes. The Secretary/Vice-Chair of the committee shall keep minutes of the committee meetings in the same format used by the Commission and provide them to the Commission as part of the committee’s report filed in the same office as the Commission’s minutes.
 - F. Staff. Committees may make reasonable use of the Planning & Zoning Administrator’s time, assistance, and direction for performing the work of the committee.
 - G. Subcommittees. Citizen committees may not form subcommittees.
3. All committee recommendations shall be provided to the Commission, with a brief written report, in the form of a prepared motion or resolution.

8. City of Escanaba Departments and Subdivisions, InterGovernmental Coordination

801. The Commission shall be responsible for coordination of all related plans between departments or subdivisions of the City of Escanaba and intergovernmental coordination of all related planned activities among the state, federal, and municipal governments concerned. The Commission may use committees (pursuant to Secs. 701-703 of these Bylaws), and inter-agency staff teams for purposes of accomplishing coordination. If a staff team is used, the team shall not be a committee of the Commission or any other public body, and shall not be a public body. The team shall be an employee-level technical review with only powers to recommend.

9. Hearings

901. Master Plan Hearings. Before the adoption of any part of a master plan, any amendment to a plan, recommendation of amendment, or approval to the Escanaba-City Council, the Commission shall hold a public hearing on the matter. Notice of the hearing shall be given as required in the Planning Act and ~~the relevant local~~ Zoning Ordinance.

902. Special Hearings. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner and to persons, or group

representatives most interested, and as required by the Planning Act, Zoning Act, and ~~the relevant local~~ Zoning Ordinance.

903. Notice of Decision. A written notice containing the decision of the Commission will be sent to petitioners and originators of a request for the Commission to study a special problem.

10. Zoning Responsibilities

1001. ~~All powers of the zoning commission have been transferred to this Commission, pursuant to the Zoning Act (MCL 125.3301).~~

1002. Zoning adoption or amendment (including Planned Unit Development zoning amendments). The Commission shall review and act on all proposed zoning ordinances, or zoning amendments pursuant to the Zoning Act. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the zoning ordinance and the Zoning Act. After the hearing, action shall be in the form of a recommendation to the City Council legislative body. At a minimum, the recommendation shall include:

1. Zoning plan for the areas subject to zoning, or zoning amendment of the local unit of government, if applicable;
2. The establishment of or modification of zoning districts, including the boundaries of those districts, if applicable;
3. The text of a zoning ordinance or amendment with the necessary maps and zoning regulations to be adopted for a zoning district or the zoning jurisdiction as a whole; and
4. The manner of administering and enforcing the zoning ordinance.

1003. Special Land Use Permit (~~including PUDs~~). The Commission shall review and act on all special land use permits pursuant to the Zoning Act and ~~the local~~ Zoning Ordinance. At least one hearing shall be held on each proposed zoning ordinance or amendment, with notices given as specified in the Zoning ~~Act~~ Ordinance and the Zoning Ordinance Act. After the hearing, action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action, pursuant to Sec. 505 of these Bylaws.

1004. Site Plan Review. The Commission shall review and act on those site plans which the Zoning Ordinance requires Commission action. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's action, pursuant to Sec. 505 of these Bylaws.

1005. Appeals. The Commission shall not act, or otherwise hear issues on Zoning Ordinance interpretation, zoning map interpretation, or non-use variances. Such matters shall be exclusively the jurisdiction of the Zoning Board of Appeals.

11. Plan Reviews

1101. The Commission shall review all adjacent, or contiguous, local government plans

(township, village, and city), adjacent county plans, local governments' government plans (township, village, and city plans) within the boundaries serviced by the Commission, and other county plans in which the Commission's service area is located.

1102. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Sec. 505 of these Bylaws.

1103. The review should focus on:

1. First and foremost, the process is intended to increase coordination of planning between governments.
2. Consistencies or inconsistencies with The City's~~your government's~~ plan(s) for matters such as:
 - A. Border issues,
 - B. Issues of greater than City~~local~~ concern,
 - C. Comparison with City~~local~~ plan contents,
 - D. Comparison with county/ regional plan contents,
 - E. Comparison to other relevant adopted plans (such as an historic preservation plan, local wetland protection plan, TIF or brownfield redevelopment plan, etc.), and
 - F. Comparison to various implementation strategies.

1104. The review shall be in the form of a letter and shall ~~consider~~:

1. Respect for the idea that the submission and review stages are near the end of a plan adoption process. A community may be ready to adopt and other may be waiting for the task to be done. The Commission should~~Do not~~ extend the adoption more than necessary.
2. Focus only on significant issues, in a clear and well-documented way. Suggest solutions rather than only pointing out what is wrong.
3. Be clear, and document statements to improve the quality of planning for the entire area. This process is meant to improve coordinated planning, and not to undermine relationships or exacerbate tensions between governments.
4. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

12. Capital Improvements Review

1201. Capital Improvements (the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any public way, grounds, agricultural land, open spaces, buildings, or properties before work is started and after municipal capital improvement planning approval is obtained). All preliminary plans and reports for the physical development of the City, including the general location, character and extent of streets and roads, viaducts, bridges, open space, wetlands, forest land, parks, and open spaces:

the general location of public buildings and other public property; the general location and extent of public utilities and terminals, shall be considered by the Commission.

1202. If the funding for the capital improvement project is from a grant, this approval must be obtained prior to applying for the grant or done as part of the state or federal grant clearinghouse process.

~~1203. All preliminary plans and reports for the physical development of the City of Escanaba, including the general location, character and extent of streets and roads, viaducts, bridges, open space, wetlands, forest land, parks, and open spaces; the general location of public buildings and other public property; the general location and extent of public utilities and terminals, shall be considered by the Commission.~~

1204. Action shall be in the form of a motion which contains (or is included in the minutes) a finding of fact, conclusions as to a list of reasons for the action, and the Commission's advisory action, pursuant to Sec. 505 of these Bylaws.

1205. When reviewing the proposed project, the Commission should at a minimum consider the following issues. If the answer to any of the below is "no," then the planning commission's review of the project should not be favorable.

1. Is the proposed project consistent with adopted plans?
2. Is the project consistent with other governmental management plans?
3. Is the project consistent with the plans of each municipality located within or contiguous to the local unit of government?
4. Is the project consistent with adopted, if any, capital improvement plans?

1206. The review shall be in the form of a letter, sent within thirty-five (35) days after the proposal is filed for review, and shall:

1. Respect the idea that the submission and review stages are near the end of a process. The CityA community may be ready to start construction, and others may be waiting for the task to be done.
2. Focus only on significant issues in a clear and well documented way. Suggest solutions rather than only pointing out what is wrong.
3. Be clear and document statements to improve the quality of planning for the entire area. This process is to improve coordinated planning, not to undermine relationships or exacerbate tensions between governments or agencies of governments.
4. Include mutual respect of others, so the comments are factual, objective, and based on sound planning principles.

13. Capital Improvement Program

1301. Annually, a capital improvement program (CIP) of public structures and improvements shall be adopted.

1302. To do so, the Commission shall establish a committee consisting of volunteers from the community or a combination of volunteers and representatives from each department.

1303. The Commission should also include the following in preparing the CIP:

1. City Manager;
2. All departments within the City of Escanaba;
3. Finance and budget department: The financial office or the person responsible who conducts the financial analysis and projections on costs and revenues for a capital improvement program and determines the best possible means to finance each capital project; and
4. The Planning & Zoning Department Staff.

1304. The committee shall cause to be requested from each department (with authority for public structures or improvements) an annual inventory of desired public improvement projects with lists, plans and estimates of time and cost involved.

1305. The committee shall organize the proposed public structures and improvements in the general order of their priority, that in the committee's judgment will be needed or desired or can be undertaken in the ensuing six-year period.

1. In doing so, the committee may make use of expert advice and information from staff from the planning department or private consultants:

- A. City of Escanaba's Comprehensive Annual Financial Report
- B. Population studies
- C. Economic studies
- D. Land Use Maps
- E. Future Plans

2. In doing so, the committee shall develop a formal set of criteria or use other techniques to organize the proposed public structures and improvements in order of importance. The following issues at a minimum should be considered:

- A. Description, location, and purpose of project;
- B. Justification for the need for project;
- C. An explanation of its relationship to other projects;
- D. The cost of project (submit detailed budget);
- E. Estimated annual income from projects;
- F. Estimated annual operation costs for the project;

- G. Status of plans/specifications for the project and the expected length of time the capital project will last;
- H. Year construction of project should start;
- I. The rank/importance of project within department submitting it; and
- J. Environmental, health, and safety impacts and energy consumption.

3. The proposed public structures and improvements in order of importance shall be considered a draft CIP.

1306. The Commission shall review the CIP.

- 1. The review shall include each project to determine the conformance of the projects with community comprehensive plans, development policies, and the objectives and goals of the community.
- 2. The review shall include an opportunity for departments to present their arguments for why any given project should be included in the program and at what order of priority.
- 3. Upon completion of the review, a second draft of the CIP shall be prepared.

1307. The Commission shall hold a public hearing on the second draft of the CIP.

1308. After the hearing, if needed, a third draft of the CIP shall be prepared. The Commission then:

- 1. Formally adopts the CIP in the form of a recommendation to the City Council for adoption; or
- 2. Adopts an amended version of the CIP in the form of a recommendation to the City Council for adoption; or
- 3. Does not approve, thus does not adopt the ranked listing/project priorities, and proceeds to further revise the CIP until the Commission is prepared to adopt the CIP.

1309. If the Escanaba City Council refers the CIP back to the Commission, the Commission shall further review the CIP, make modifications, and submit another version of the CIP to the City Council.

14. Subdivision Review

1401. Prepare a Subdivision Ordinance (and/or Subdivision, Land Division, Site-Condominium Ordinance), or amendments to the same, to submit to the Escanaba City Council.

1402. Proposed subdivisions shall be processed in the following manner:

- 1. Staff for the Commission is to receive a plat and determine that the submission is complete. If incomplete, the plat shall be returned to the applicant with a list of deficiencies. If complete, the plat shall be received on behalf of the Commission.
- 2. Conduct a review of plats of proposed subdivisions (and/or site-condominium).

3. Hold a hearing on a proposed subdivision (and/or site-condominium) with notice of the hearing sent not less than fifteen days before the date of the hearing.
 - A. The notice shall contain an explanation of what the hearing is for, the location and nature of the proposed development, the date, time, place of the hearing, where written comments may be submitted, and the deadline for those written comments.
 - B. The notice shall be sent to the person indicated on the plat (and/or draft site-condominium master deed) as the proprietor or other person(s) to whom notice of the hearing shall be sent, the property owner, and adjacent property owners.
 - C. The notice shall be published in a newspaper of general circulation in the City of Escanaba.
 - D. Any others as required by the Subdivision Ordinance (and/or Subdivision, Land Division, Site- Condominium Ordinance).
4. Within 63 days of a complete plat (and/or draft site-condominium master deed) being submitted, act on the proposed subdivision (and/or site-condominium) in the form of a recommendation to the city council in which the proposed subdivision (and/or site-condominium) is located.
 - A. If applicable, standards under the Land Division Act (MCL 560.101 et seq.), Condominium Act (MCL 559.101 et seq.) if applicable, and Subdivision Ordinance (and/or Subdivision, Land Division, Site- Condominium Ordinance), the Commission shall recommend approval.
 - B. Grounds for any recommendation of disapproval of a plat (and/or Site- Condominiums) shall be stated upon the record of the Commission.
 - C. If the Commission does not act within the 63-day period, the plat (and/or Site- Condominiums) shall be considered to have been recommended for approval, and a certificate to that effect shall be issued by the Commission upon request of the applicant. The applicant may waive the 63-day period and grant an extension.

1403. Master Plan Amendment. Commission approval of a subdivision shall be considered to be an amendment to the master plan and a part thereof. The Commission shall cause the official copies of the master plan to be modified to reflect the amendment to the master plan within thirty (30) days of the subdivision approval.

15. Other Matters to be Considered by the Commission

1501. Commission Action. The following matters shall be presented for consideration at a meeting of the Commission:

1. At least annually, the adoption of priorities for the Commission’s plan of work.
2. Annually, preparation of an annual report of the Commission.
3. Office, or Administrative Policy and ruling of interpretation of regulations by the Commission or its staff.

4. The general character, extent and layout of the replanning and redevelopment of blighted districts and slum areas.
5. Land subdivision plats.
6. All address changes pursuant to the City of Escanaba Address Ordinances, as amended.
7. All Planning reports and plans before publication.
8. Selection of consultants.
9. Such other matters as the Planning & Zoning Administrator shall find it advisable or essential to receive consideration by the Commission.

16. Commission Staff

1601. Authorization. The Commission staff may consist of a Planning Director and such other personnel as may be authorized by the Commission after the budget for the same is approved by the City.

1. Planning Director selection shall, in addition to City policy and/or Labor Contract requirements, include considering this position as necessary to fill from candidates representing more than just the City labor market. Thus, any advertising for this position should appear, in order of priority in:

- A. Michigan Association of Planning Professional Planning Jobs website
- B. The Daily Press
- C. Michigan State University Career Placement Bulletin
- D. University of Michigan Career Placement Bulletin
- E. Wayne State University Career Placement Bulletin
- F. Central Michigan University Career Placement Bulletin
- G. Northern Michigan University Career Placement Bulletin
- H. Detroit News-Free Press Sunday edition (optional)
- I. American Planning Association Job Search (optional, only if nation-wide candidate search is desired).

2. Assistant Planner(s) selection shall, in addition to City policy and/or Labor Contract requirements, include considering these positions as necessary to fill from candidates representative of labor markets both in and outside the City. Thus, any advertising for this position should appear, in order of priority in:

- A. Michigan Association of Planning Professional Planning Jobs website
- B. The Daily Press
- C. Michigan State University Career Placement Bulletin
- D. University of Michigan Career Placement Bulletin

- E. Central Michigan University Career Placement Bulletin
- F. Northern Michigan University Career Placement Bulletin
- G. Detroit News-Free Press Sunday edition (optional)
- H. American Planning Association Job Search (optional, only if nation-wide candidate search is desired).

3. Zoning Administrator(s) selection shall, in addition to City policy and/or Labor Contract requirements, include considering these positions as necessary to fill from candidates representative of labor markets both in and outside the City. Thus, any advertising for this position should appear, in order of priority in:

- A. Michigan Association of Planning Professional Planning Jobs website
- B. The Daily Press
- C. Michigan State University Career Placement Bulletin
- D. University of Michigan Career Placement Bulletin
- E. Central Michigan University Career Placement Bulletin
- F. Northern Michigan University Career Placement Bulletin
- G. Detroit News-Free Press Sunday edition (optional)
- H. American Planning Association Job Search (optional, only if nation-wide candidate search is desired).

4. Planning Department Secretary(ies), Planning Technicians, and Assistant Zoning Administrators selection shall, in addition to City policy and/or Labor Contract requirements, include considering this position to be filled from the City labor market area with advertising in local media.

1602. General Responsibility. The Commission staff is charged with the duty of preparation and administration of such plans as are authorized by the Commission, appropriate for the City and its environs, and are within the scope of the Planning Act and the Zoning Act.

1603. Advocacy. The Commission staff shall not attempt to represent the views or comments of a member of the public at a public hearing or Commission meeting. Staff shall indicate a member of the public wishing to make their views known and they should do so directly to the Commission in person, through an agent, or by providing written comment. Staff should avoid situations of appearing to advocate for an individual or group. Nothing herein is intended to prevent staff from helping an individual or group be better informed or present their views. Nothing herein is intended to prevent staff from expressing their own views as private citizens.

1604. Coordinated Enforcement. To further supplement the small number of staff responsible for inspections and enforcement of various regulations, staff shall report all

suspected problems or violations seen during their work. Staff shall follow the following procedures and guidelines:

1. When observing a problem or suspected violation, do not assume a violation exists or confront the suspected perpetrator. Avoid a situation where discussion or confrontation exists in an area outside the staff person's jurisdiction.
2. Report the problem or suspected violation to the City department, county, state, or federal agency which has jurisdiction, as quickly as possible.
3. When observing or receiving a report from another City department, county, state, or federal agency, of a problem or suspected violation, pursue enforcement, or its resolution through normal procedures for the situation.

1605. Conflict of Interest.

1. All members of the Commission's staff shall avoid situations which are conflicts of interest, and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - A. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
 - B. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
 - C. Issuing, deliberating on, voting on, or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
 - D. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
 - E. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents in-law, grandparents in-law, or members of his or her household.
 - F. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - i. An applicant or agent for an applicant, or
 - ii. Has a direct interest in the outcome.
2. When a conflict of interest exists staff shall do all the following immediately, upon first review of the case and determining a conflict exists:
 - A. Declare a conflict exists,
 - B. Cease to process the case any further, and
 - C. Forward the case, and all pertinent records, to an alternate, assistant, or manager so the case is dealt with by someone else.
3. Other than as part of work for the Commission staff shall not (1) provide private

consultation services, or advise on similar related services for clients, (2) provide work in professions or services which is or could be regulated by the Commission (such as, but not limited to planning, zoning, real estate, land development, solid waste, land surveying, architecture, professional and civil engineering, landscape architecture, sociology, economics, geography, political science, public administration consulting or work) within a site within the boundaries of the City or for clients who are or may be applicants before the Commission, Zoning Board of Appeals, or the Commission's staff. This is not intended to prevent a staff person from assisting residents, municipalities, or others seeking help from the Commission, which are normally part of an employee's duties.

1606. Planning Director's Duties. The Planning Director shall be responsible for the professional and administrative work in directing and coordinating the program of the Commission. Their work shall be carried on with the widest degree of professional responsibility, subject to the policy determinations and job description as adopted from time to time by the Commission and administrative policies of the City. In addition to any job description adopted from time to time by the Commission, the basics of the Planning Director's job shall include, but not be limited to:

1. Recommendations. The Planning Director shall act or make recommendations in the name of the Commission, in accordance with such plans, policies and procedures as are approved or established by the Commission from time to time. Where there is a serious conflict of interest, public controversy, or uncertainty or doubt as to the plans, policies, or procedures approved or established by the Commission, presentation of the matter shall be made at a Commission meeting.
2. Administrative Duties. The Planning Director shall:
 - A. Supervise and review the work of the professional, technical, and nontechnical employees of the Commission staff.
 - B. Prepare a proposed annual budget for the Commission and Department to submit to the Commission.
3. Policy Formulation. The Planning Director shall:
 - A. Be responsible for carrying out the directives of the Commission.
 - B. Advise and assist the Commission in the establishment of general planning policy.
 - C. Work with the Chair of the Commission for formulation of staff policy, subject to approval by the Commission.
 - D. Recommend to the Commission action necessary for effectuating plans with respect to both public and private endeavors.
 - E. Administer zoning and subdivision ordinances.
 - F. Prepare drafts of Capital Improvement Programs.
 - G. Prepare long range comprehensive plans and other plans.

4. Public Relations. The Planning Director shall:
 - A. Officially present the Commission’s recommendations to the governing body.
 - B. Officially represent the Commission and its staff at planning conferences, interdepartmental meetings of the City government, and serve generally as a liaison between the Commission and the public.
 - C. Encourage private development or investment in accord with comprehensive plans.
 - D. Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of plans.
 - E. Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding of and government cooperation with planning efforts.
 - F. Accept other responsibilities as may be directed by the Commission, Governing Body, or Chief Executive.
5. Commission duties delegated to the Planning Director:
 - A. Oversee and coordinate Commission staff teams, pursuant to Sec. 80I of these Bylaws as directed.
 - B. Spread the proposed minutes in suitable volumes, including the distribution of copies to each member of the Commission, as soon as reasonably possible after review by the Secretary, pursuant to Sec. 40I(3)B of these Bylaws as directed;
 - C. Provide notice to the public and members of the Commission for all regular and special meetings, pursuant to Sec. 40I(3)C of these Bylaws as directed;
 - D. Prepare an agenda for Commission meetings pursuant to Sec. 40I(3)G of these Bylaws as directed;
6. Other Staff Duties. The Commission shall establish, with consultation with the Planning Director from time to time, updated job descriptions for each staff position in the Planning Department.

17. Adoption, Repeal, Amendments

1701. Upon adoption of these Bylaws of 2020, they shall become effective and all previous Bylaws shall be repealed.

1702. The Commission may suspend any one of these Bylaws for a duration of not more than one agenda item or meeting.

1703. These Bylaws may be amended at any regular or special meeting by a two-thirds (2/3) vote of the members present.

CODE OF CONDUCT

As a member, I will:

1. Accept responsibility to represent the Planning Commission which I am appointed to with dignity and pride by being a positive role model.
2. Conduct myself in a businesslike manner, respecting the rights and opinions of other members and of the public.
3. Abstain from, and not tolerate, physical or verbal abuse.
4. Accept the Planning Commission responsibility to promote, support, and develop an effective planning and zoning program.
5. Attend the meetings of the Planning Commission on a regular basis and provide prior notice of any necessary absences.
6. Read the master plan, zoning ordinance, bylaws, and other pertinent documents which pertain to the business of the Planning Commission.
7. Attend appropriate training programs on planning and zoning to stay current on issues of concern for my community and in planning and zoning law.
8. Respect, adhere to, and help enforce the rules, policies, and guidelines established by the Planning Commission.
9. Read meeting packet materials ahead of time and otherwise be prepared for the meetings.
10. Refrain from deciding cases before the meeting discussion.
11. Participate in the Planning Commission deliberation at the meetings when appropriate.
12. Not engage in criminal activities, and other activities including but not limited to situations of conflict of interest, incompatible office, *ex parte* contact, voting on the same issue twice by virtue of serving on two different bodies, or accepting gifts as a form of influencing my vote.
13. In public forums, after a vote by the Planning Commission has been taken, I will represent the adopted majority position of the Planning Commission when speaking on behalf of the Planning Commission.

SIGNED:

ATTEST:

Name: _____
 Escanaba Planning Commission
 Date: _____

Tyler Anthony,
 Planning & Zoning Administrator
 Date: _____

PLANNING COMMISSION

Agenda Item Report – Thursday, March 14, 2024

NB3: Form-Based Codes Discussion

Background

Recently, the Planning & Zoning Department received a grant, which will be divided between the Master Plan update and exploration of Form-Based Code (FBC) initiatives. Commissioners will explore FBCs and their potential impact on the City.

FBCs are a set of planning tools that shifts the focus of regulations from land use to physical form. They have gained popularity across the country – even in the Upper Peninsula – to tackle issues like urban sprawl, traffic congestion, and environmental sustainability, without the faults and limitations of traditional zoning. FBCs empower communities to build upon their unique character while enhancing quality of life.

Issues and Questions Specified

- What are some potential challenges or barriers to transitioning to Form-Based Code?
- How can Form-Based Code accommodate the needs of a diverse population, including families, seniors, and individuals with disabilities?
- What are the potential economic implications of transitioning to Form-Based Code from traditional zoning?

Master Plan References

Action Item LI & Objective 4.1

Possible Options for Action

1. No action needed; this is a discussion item only.

Attachments

1. Pages 3-16, *Form-Based Codes*.¹

¹ Daniel Parolek, Karen Parolek, and Paul Crawford, *Form-Based Codes* (Hoboken, NJ: John Wiley & Sons, Inc., 2008), 3-16.

Why Form-Based Codes?

3

WHEN DID WE STOP building neighborhoods where kids can ride their bikes to school? Why can't new subdivisions be more like the older neighborhoods that people love? How can I prevent suburban sprawl from destroying the character of my community and the quality of the natural environment? Why are more urban neighborhoods and small-town downtowns not being revitalized?

These and other related questions are becoming increasingly common across the country. The unfortunate reality is that the primary pattern of land development in the United States for decades has been suburban sprawl. The detrimental impacts of sprawl are becoming clearer and more critical—to our physical and mental health; to our family and community relationships; to the independence of our children, elderly, disabled, and impoverished; and to our environment.¹

At the same time, the quality of our public realm has deteriorated. (The *public realm* is comprised of public open spaces, such as plazas, squares, and parks, and the space created and partly enclosed by the building faces on the opposite sides of a street. This space includes any front setback areas as well as the street right-of-way itself with its traffic lanes, any parking lanes, and sidewalks.) Our towns are not the great places we know are possible, and they often do not foster a sense of civic pride. They lack vibrant centers that promote healthy civic interaction,² and they lack a sense of place unique to themselves. In addition, the demographics of American households are changing dramatically, creating the demand for more choices in where and how we live.

Unfortunately, as developers have attempted to create projects that respond to these issues and demands, they have encountered obstacles in

Introduction

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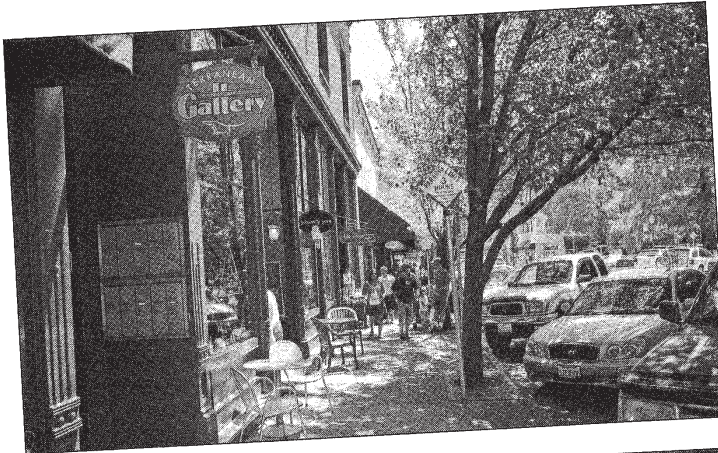


Fig. 1.1 Types of places that Form-Based Codes can protect and/or enable

existing zoning codes. And when communities have attempted to rewrite their zoning codes to accommodate these types of projects—or better yet, to require them—they have found conventional zoning techniques inadequate.

Fortunately, an alternative method of land development regulation has been created and is gaining momentum across the country as a powerful tool to effect change in the way our communities are built: The Form-Based Code.

Form-Based Code

A method of regulating development to achieve a specific urban form. Form-Based Codes create a predictable public realm primarily by controlling physical form, with a lesser focus on land use, through city or county regulations.³

A Critical Juncture

For these reasons, planning and zoning in the United States are at a critical juncture, needed to assist in the transition from the sprawling land development patterns of the last century to more compact, mixed-use, and interconnected patterns that can be applied to the creation of new communities, as well the revitalization of existing neighborhoods and town centers.

Form-Based Codes (FBCs) have been developed specifically to empower communities both to enable and to require better development patterns and individual projects. They are a cutting-edge tool for helping improve the quality of our built environment and our communities, as well as for fighting sprawl and all its detrimental effects. (See the sidebar “Linking Form-Based Codes and Sustainability”).

And they have begun to show dramatic results: Communities are supporting proposed projects on parcels where there had been opposition for years.⁴ Areas that had been continuously neglected are seeing renewal driven by private investment. Suburban areas are getting vibrant centers that they’ve never had, and the value of compact mixed-use projects, including those created under FBCs, often increases more quickly than other projects in the same area. In 2003, the sales prices per square foot for attached housing (e.g., condominiums and townhouses) was higher than that of detached housing units for the first time in American history.⁵

Interestingly, those working under implemented FBCs are their biggest proponents: city planners are excited to have a regulatory framework that has a clear intent and is easy to understand and administer; developers and builders are enthusiastic about having clear direction from the new regulations and often a streamlined approval process; and residents and elected offi-

cials are delighted to see development creating quality places that build upon the unique characteristics of their communities.

Why This Book?

Because of these dramatic results and the quality projects they are fostering, Form-Based Codes as planning and urban design tools have quickly become accepted and encouraged by professional planning organizations,⁶ builders' associations,⁷ realtors' associations,⁸ health experts, city staff, elected officials, community members, and developers.⁹ As word has spread, the demand for information related to FBCs has grown, but there are currently few available resources and no comprehensive ones.¹⁰

Because of this lack of information as well as the absence of recognized standards, problems are beginning to arise from the misunderstanding of and improper implementation of Form-Based Coding concepts. Mistakes are being made that could easily be avoided. (See *Common Mistakes* in the appendix.) Unfortunately,

the problems with these codes are not likely to be discovered until after the code is completed and the first few project applications are submitted that meet the code's requirements, but not the community's vision.

This book is intended to help prevent these problems by closing the information gap through a holistic look at the latest practices in Form-Based Coding. Based on their study of a wide variety of FBCs and related practices, as well as on personal experience implementing and administering them, the authors assess and describe what has happened to date while beginning to establish a common set of principles and standards for moving the practice of Form-Based Coding forward. They discuss the components of FBCs and the process by which they are created, and they present ten diverse case studies that represent the most advanced applications of this tool. The intention is for readers to use this book as a resource as they participate in the evolution of the practice and application of Form-Based Codes.

The book *Growing Cooler: The Evidence on Urban Development and Climate Change*¹¹ presents compelling evidence that a change to more compact, blended-density, mixed-use development patterns, and a regulatory framework that promotes this type of development, plays a critical role in reducing carbon emissions in the United States.

The direct link between carbon emission and current development patterns is vehicle miles traveled (VMT). The book states that "technological improvements in vehicles and fuels are likely to be offset by continuing, robust growth in VMT," due to current segregated and sprawling development patterns.

However, the authors assert that "smart growth could, by itself reduce the total transportation re-

lated CO₂ emissions from current trends by 7 to 10 percent as of 2050. This reduction is feasible with land-use changes alone." They calculate that shifting 60 percent of new growth to compact patterns could save 85 million metric tons of CO₂ annually.

The study concludes that "the key to substantial greenhouse gas (GHG) reductions is to get all policies, funding, incentives, practices, rules, codes, and regulations... to create the right conditions for smart growth."

The authors of this book would add that because of the effectiveness Form-Based Codes have shown in facilitating smart growth, they are a powerful tool for achieving these goals of sustainable patterns of growth and development.

Linking Form-Based Codes and Sustainability

A Brief History of Zoning

FORM-BASED CODES (FBCs) are radically revising the historical trajectory of zoning in the United States. A profound departure from the land-use zoning of the twentieth century, FBCs have significant social, cultural, economic, and environmental implications. In order to understand why FBCs are now needed, we must look briefly (very briefly) at the history of conventional zoning in the United States, the damage to American cities it has caused, and why, absent visionary and heroic zoning administration, it was incapable of producing any other outcome.

The nearly 100-year history of land-use zoning in the United States has seen a variety of evolutionary changes in the intent and scope of municipal development regulations. The initial measures of regulation in the early twentieth century were based on the authority of cities to exercise their police power (i.e., the protec-

tion of public health, safety, and welfare). Thus, the earliest regulations were intended to avoid or minimize the worst consequences of uncontrolled development and noxious land uses.

Cities began the process that has evolved into current American zoning practice by initially requiring the separation of buildings to limit the spread of fire and provide access to sunlight and air. They later limited building height to the reach of local firefighting equipment. They separated smoke-producing industry from residential uses. They isolated single-family homes from all other types of development. Eventually the practice of separating “incompatible” land uses led to a near universal segregation of each primary land-use type from others; and cities characterized by residential uses in one area, commercial in another, and industrial in still another became commonplace.

The first example of land-use zoning regulating the future use of property was in Los Angeles in 1904, while the first examples of exclusive single-family residential zones were in both Berkeley and New York City in 1916. These first instances of land-use segregation were rationalized by the concept that certain land uses function compatibly and synergistically in proximity with one another, that others do not, and that the latter must be kept physically separate from uses with which they may conflict. However, it was often the case that original efforts to segregate land uses were more the result of elitist attempts to protect property values and exclude “undesirables” from certain areas of cities. (See the sidebar “No Garment Lofts on Fifth Avenue.”)

The initial creation of exclusive single-family zones was also a product of the widespread perception at the time that multifamily housing was inherently substandard and undesirable. This public bias that has lingered for decades was even reinforced by the 1926 U.S. Supreme Court case, *Village of Euclid v. Ambler Realty Company* (272 U.S. 365), which otherwise validated the constitutionality of comprehensive zoning, and eventually led to the coining of the term “Euclidean zoning.”

With particular reference to apartment houses, it is pointed out that the development of detached house sections is greatly retarded by the coming of apartment houses, which has sometimes resulted in destroying the entire section for private house purposes; that in such sections very often the apartment house is a mere parasite, constructed in order to take advantage of the open spaces and attractive surroundings created by the residential character of the district. Moreover, the coming of one apartment house is followed by others, interfering by their height and bulk with the free circulation of air and monopolizing the rays of the sun which otherwise would fall upon the smaller homes, and bringing, as their necessary accompaniments, the disturbing noises incident to increased traffic and business, and the occupation, by means of moving and parked automobiles, of larger portions of the streets, thus detracting from their safety and depriving children of the privilege of quiet and open spaces for play, enjoyed by those in more favored localities—until, finally, the residential character of the neighborhood and its desirability as a place of detached residences are utterly destroyed. Under these circumstances, apartment houses, which in a different environment would be not only entirely unobjectionable but highly desirable, come very near to being nuisances.

In *The Creative Destruction of Manhattan, 1900–1940* (University of Chicago Press, 2001), Max Page reviewed the process by which the Fifth Avenue Association pursued the process of convincing New York City to segregate certain land uses on Fifth Avenue by prohibiting garment lofts, because of their detrimental effects on the “high class stores” along the avenue.

“In a long statement to the Fifth Avenue Commission in 1913, the Fifth Avenue Association’s lawyer, Bruce Falconer, argued that lofts ‘have practically ruined that part of the Avenue’ between 14th and 23rd

Streets. They ‘have utterly changed its former high-class character, and have had a derogatory effect upon the entire neighborhood’: ‘These buildings are crowded with hundreds and thousands of garment workers and operators who swarm down upon the Avenue for the lunch hour between 12 and 1 o’clock. They stand upon or move slowly along the sidewalks and choke them up. Pedestrians thread their way through the crowds as best they may.’ The influx of immigrant workers, claims Falconer, had frightened away women shoppers, depressed property values, and encouraged an exodus of ‘high-class shops and stores.’”

No Garment Lofts on Fifth Avenue

Introduction

8

Conventional Zoning Unleashed

The adverse impacts of early zoning regulations were not fully realized until the 1950s, a period of rapid economic and housing growth, which began to highlight the shortcomings of the segregation of land uses. The condition now called sprawl began when the parents of the baby boomers returned from World War II and created an unprecedented demand for housing (with the single-family home being the common dream), in the context of a zoning system that entirely separated workplaces and shopping from exclusively residential areas.

destrians for walking (as if there were anything useful within walking distance).

Stating these facts is not to suggest that any were accidental. They were understood at the time, and intended, though many communities have been reevaluating their desirability since the 1980s. It is important to note that these development patterns are also a product of a planning process larger than that of drafting a zoning code, typically involving the preparation and maintenance of a “comprehensive plan,” which can set the stage for a code that either facilitates sprawl or produces smart growth.

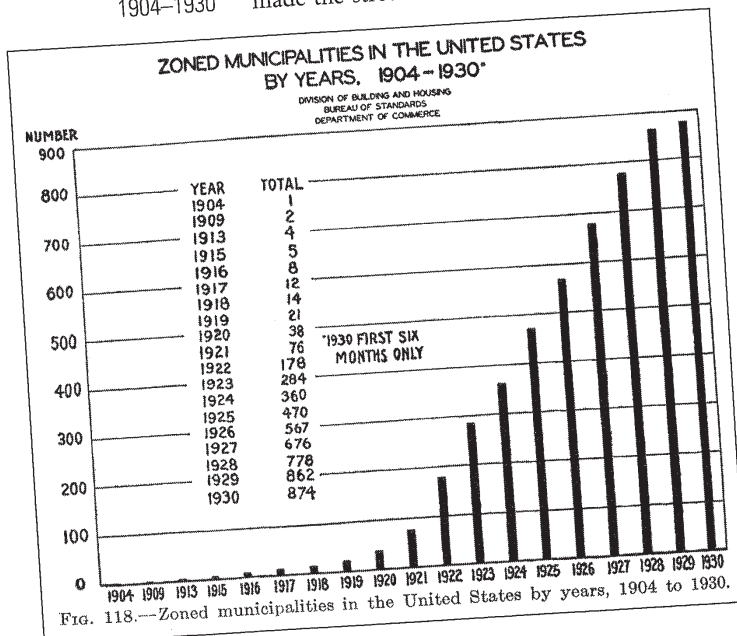
The segregation of uses inevitably required travel between them, and the dominance of single-family housing in expansive, decentralized residential areas inevitably consumed large amounts of land while increasing travel distances and making the provision of public transportation more expensive and inefficient. The cost and lack of interest in public transit in an auto-dominated society then progressively led to public streets being designed to accommodate ever-increasing traffic volumes, which made the streets less and less attractive to pe-

Attempted “Band-Aids”

As the problems of conventional zoning became more apparent over time, various modifications were implemented to try and make it work better. Ultimately the additional layers of “fixes” complicated the system even further. In the 1960s and 1970s, “Performance Zoning” was developed to provide increased flexibility in the number and types of land uses allowed in various zones by focusing on their effects on their surroundings and adjacent land uses as a basis for determining whether they could be allowed in specific zones. In the same time period, “Incentive-Based Zoning” was introduced to more gently “encourage” developers to develop specific uses in particular locations where they would be of advantage to the city, and in return developers would be provided “incentives” in the form of increases in allowed residential density, building height, Floor-Area Ratios (FAR), or lot coverage. These modifications to the regulatory system were applied in limited situations and ultimately did not make municipal development management work more efficiently for the wide range of development project types that were being proposed.

Beginning in the 1980s, many conventional code updates across the country focused on

Fig. 1.2 Zoned municipalities in the United States from 1904–1930



simplifying and clarifying zoning regulations, as well as reconsidering the restrictive segregation of uses that had characterized most zoning practice up to that point. So, many seemingly endless lists of permitted and conditional uses were replaced with more concise tables and matrices that instead identified fewer “generic” land-use types (for example, “general retail” often replaced a lengthy recital of specific types of retail stores and products). At the same time, the intent of specific zones with respect to the full complement of uses they allowed was often reconsidered, and a less restrictive, broader mix of uses was introduced, sometimes even allowing a mix of commercial and residential uses.

While these Band-Aids have attempted to fix the system, they have had limited success, and many communities remain dissatisfied with the character and quality of the places that conventional zoning has fostered (or as often, their *lack* of character and quality). In addition, zoning today is expected to accomplish much more. Some communities want zoning regulations that will help revitalize downtowns, create economically vital commercial areas that attract pedestrians, or otherwise facilitate development that embodies “smart growth” and “sustainability.” Still others need more effective tools to help protect the existing character and quality of particular places. Many communities need to accommodate higher residential densities to increase housing supplies when land resources are limited, and must address citizen opposition to multifamily housing developments based on claims that they will cause neighborhood deterioration. But when communities have attempted to address these issues, the tools of conventional zoning have often proven inadequate.

A New Alternative Emerges

While public agency planners were beginning to streamline conventional zoning codes in the

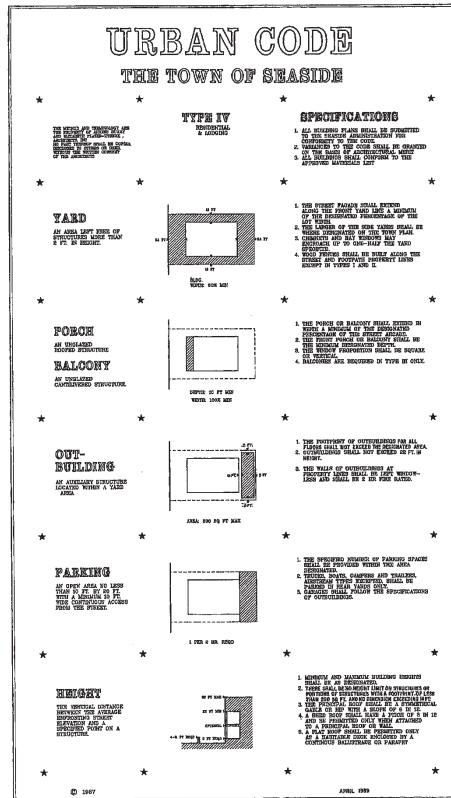


Fig. 1.3 Building Type IV regulations from the Form-Based Code for Seaside, Florida, by Duany Plater-Zyberk (Image © Duany Plater-Zyberk & Company)

1980s, a group of town planners and architects dedicated to revitalizing and promoting walkable, mixed-use, sustainable communities as described in the principles of Smart Growth and the Charter of the New Urbanism worked both individually and collaboratively to formulate, test, and refine an alternative to conventional zoning. This alternative approach began to look at communities more in terms of variations in the scale and intensity of development than in differences in land uses, and its advocates proposed a complete overhaul of the existing zoning system.

The first “on the ground” examples of the new approach were seen in the Southeast, and in the West soon after. The Development Code for Seaside, Florida, drafted by Duany Plater-Zyberk in 1981, was one of the first modern-day applications of Form-Based Coding. (See Figure 1.3.) It regulated development for Seaside with a catalog of building types that were tied

introduction

to specific lots on the plan. The entire code was graphically presented on one poster. Over the course of the 1980s and into the early 1990s, several cities and counties adopted Form-Based Codes in the form of Traditional Neighborhood Development (TND) ordinances, including Key West and Dade County, Florida, and Belmont, North Carolina.

As the turn of the century arrived, the practice of Form-Based Coding continued to advance and its regulatory approach began to be extended to existing developed areas, as well as new project “greenfield” areas. Milestones included the adoption in 1998 of the City of Sonoma Development Code, prepared by Paul C. Crawford and Moule & Polyzoides, with Bruce Jacobson, Ron Pflugrath, and the City of Sonoma’s Community Development Director, David Goodi-

son; the release of the first version of the Smart-Code by Duany Plater-Zyberk & Company in 2000; and the adoption of the Central Hercules Code, prepared by Dover, Kohl and Partners, by Hercules, California, in 2001.

Some of these codes regulated what types and scales of buildings were appropriate in certain areas rather than in others. They also typically coordinated standards for thoroughfares (numbers and widths of traffic lanes, width and landscaping of sidewalks, and so on) with those for building form. This alternative approach to coding was referred to by different names, including “traditional neighborhood development (TND) ordinances” and “form codes,” but in 2001, Chicago consultant Carol Wyant coined the term *Form-Based Codes*, which has been the common name since.

The Form-Based Codes Institute

The Form-Based Codes Institute (FBCI) was established in 2004 by Peter Katz, author of *The New Urbanism*, together with Carol Wyant, and 15 other New Urbanist architects, planners, and attorneys, all Form-Based Coding practitioners who collectively serve as the FBCI board of directors. The intent of the FBCI is to define Form-Based Coding, to establish best-practice standards, and to advance the practice of Form-Based Codes (FBCs) as a means of providing a regulatory framework for sustainable development. The founding board also included the authors of this book, as well as Victor Dover, Andrés Duany, Geoffrey Ferrell, Joe Kohl, Mary Madden, Stephen Mouzon, Stefanos Polyzoides, Samuel Poole, Steve Price, Robert Sitkowski, Daniel Slone, and Bill Spikowski.

A nonprofit corporation, FBCI has received continuing financial support from the Richard H. Driehaus Foundation. Since its formation, FBCI has developed and taught a series of three professional development courses on the preparation, adoption, and administration of FBCs. The FBCI board members have served as volunteer faculty, and the courses have been hosted by the Virginia Institute of Technology, Rutgers University, and Arizona State University at different venues around the country. More information, including a checklist for identifying FBCs and a sample Request for Qualifications (RFQ) to find consultants to prepare an FBC, can be found on the FBCI Web site, www.formbasedcodes.org.

A New Approach 11

FORM-BASED CODES are turning a page in zoning history with their new approach to development regulation. They differ from conventional zoning codes in terms of the process by which they are prepared, the substance of the standards they contain, the mechanisms by which they are implemented, and the built form they produce. (See the table on page 13.)

Form-Based Codes are vision-based and prescriptive, requiring that all development work together to create the place envisioned by the community. This requires that the community create a detailed vision at the start of the coding process and then draft and administer the FBC to enforce that vision, an inherently proactive process. While conventional zoning practices sometimes incorporate visioning processes, that visioning work is typically at a macro level scale, lacking a discussion of the details necessary to envision and implement a great place.

FBCs are holistic, addressing both private and public space design to create a whole place, including buildings, streets, sidewalks, parks, and parking. They regulate private development for the impact it has on the public realm.

FBCs are place-based, building upon and enhancing the unique characteristics of the community and region. To accomplish this, they are inherently customizable, able to regulate a specific, unique vision for each place.

Form-Based Codes are based on spatial organizing principles, such as the rural-to-urban transect, that identify and reinforce an urban hierarchy. (See more about the transect and other organizing principles in the section on Regulating Plans in Chapter 2.) Envisioning and regulating places in this way enable a sense of continuity throughout the community with smooth and often imperceptible transitions be-

INTRODUCTION

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17.21.040

17.21.040 - Town Core (TC) Standards

Building Placement	
Build-to Line (Distance from Property Line)	
Front	0' (A)
Side Street, corner lot	0' (B)
Setback	
Side	0' (C)
Rear	
Adjacent to residential	15' (D)
Adjacent to any other use	10' (E)
Building Form	
Primary Street built to BTL	80% min.* (F)
Side Street, Corner Lot built to BTL	30% min.* (G)
Lot Width	100' max. (H)
Lot Depth	200' max. (I)

Use	
Ground Floor	Service, Retail, or Recreation, Education & Public Assembly* (J)
Upper Floor(s)	Residential or Service* (K)

Height	
Building Minimum	22' (L)
Building Maximum	3 stories, 45' ** (M)
Ancillary Building Max.	2 1/2 stories, 30' **
Ground Floor Finish Level	12" max. above sidewalk (N)
First Floor Ceiling Height	12" min. clear (O)
Upper Floor(s) Ceiling Height	8' min. clear (P)

Notes
 All floors must have a primary ground-floor entrance that faces the primary or side street.
 Rear-facing buildings, loading docks, overhead doors, and other service entries are prohibited on street-facing facades. Any building over 75' must be broken down to read as a series of buildings no wider than 75' each.

Notes
 Mansard roof forms are not allowed.
 Buildings greater than 16 units must provide adequate common space for residents in the form of community rooms, roof terraces, or courtyards.
 Any section along the BTL not defined by a building must be defined by a 2'6" to 4'6" high fence or stucco or masonry wall.

2-10 Grass Valley Development Code - March 6, 2007

tween regulatory zones rather than the hard-edge separation and buffering between single-use zones that is common in places regulated by conventional zoning codes.

Form-Based Codes regulate the details that are most important for the successful implementation of walkable, human-scaled neighborhoods, focusing primarily on urban form, while also addressing use and other necessary factors. These details include certain aspects of the buildings as they form the walls of the public space, including their placement, height, width, and the particular way they interact with the public space (called the “frontage”). They also include the design and layout of streets and blocks, typically requiring narrower streets to accommodate pedestrians and bicyclists, as well as automobiles and transit. FBCs regulate the location of parking to create beneficial impacts, such as protecting pedestrians from moving traffic, while minimizing negative impacts, and they regulate an appropriate mix of compatible uses and building types, enabling diverse, vibrant places.

Potential Uses for Form-Based Codes

- Form-Based Codes can be used to implement:
1. Complete Zoning and Development Code Updates
 2. Downtown Master Plans
 3. Corridor Revitalization Plans
 4. Neighborhood Revitalization Plans
 5. Specific Plan Development Standards
 6. Regional Plan Implementation
 7. Comprehensive Plan Implementation
 8. Historic Resource Preservation Planning
 9. Transit Village Implementation
 10. Land Conservation through Clustered, Hamlet-Style Development
 11. Greyfield Redevelopment
 12. Campus Master Planning
 13. University/Community Interface Plans
 14. Subdivision Ordinances

Finally, because they regulate these details to the level necessary to ensure adherence to the community’s vision, FBCs can also provide a streamlined development review and approval process requiring little or no subjective review, thus encouraging appropriate development.

Yet, while FBCs differ radically from conventional zoning in many ways, they are similar in a few ways. FBCs also isolate noxious uses, such as heavy manufacturing and airports, and they generally only regulate private buildings as they affect the public good, leaving plenty of room for individual tastes and styles. As necessary, they may also contain provisions similar to conventional zoning for such issues as non-conforming uses and affordable housing.

With their new approach to development regulation, Form-Based Codes have the potential to change the human habitat substantially by providing communities with a tool that can help reinforce their local character and culture; revitalize and encourage reinvestment in urban, historic neighborhoods and town centers; and promote the creation of compact, walkable neighborhoods. FBCs can also play an important role in promoting sustainable planning practices by supporting and regulating development patterns that respond to global climate change and the destruction of our environment.

Scope of This Book

This book is laid out in three primary sections: Components (Chapter 2), Process (Chapter 3), and Case Studies (Chapter 4). The components chapter introduces and defines the elements of an FBC and explains why each is important. The process chapter gives a thorough overview of the FBC process from start to post-adoption implementation, with the overall process and each of the subprocesses represented in diagrams and supporting graphics. The case studies present a diverse set of FBCs to demon-



strate the wide variety of possible applications and provide examples of current best practices. At the end of the book, there are a series of appendices to provide additional information, such as a list of references, a timeline of Form-Based Coding, and a series of common mistakes to avoid.

Form-Based Coding inherently involves urban design and a public visioning process, but it is not feasible to cover all three topics in depth in one book. (See the sidebar “Form-Based Codes in Context.”) The urban design details in this book focus on enabling walkable, mixed-use, sustainable communities from small, rural towns to large, urban cities—the basic te-

Fig. 1.4 (Far left) Regulations for the form, placement, and use of buildings from the Grass Valley FBC by Opticos Design and Crawford, Multari & Clark Associates

Fig. 1.5 (Above) FBCs address the public realm as a whole, regulating the design of the thoroughfares as well as the placement and form of buildings as the walls of the public space. (Image from the Sarasota County FBC by Dover, Kohl & Partners and Spikowski Planning Associates)

Conventional Planning and Zoning Codes	Form-Based Codes
Auto-oriented, segregated land-use planning principles	Mixed use, walkable, compact development-oriented principles
Organized around single-use zones	Based on spatial organizing principles that identify and reinforce an urban hierarchy, such as the rural-to-urban transect
Use is primary	Physical form and character are primary, with secondary attention to use
Reactive to individual development proposals	Proactive community visioning
Proscriptive regulations, regulating what is not permitted, as well as unpredictable numeric parameters, like density and FAR	Prescriptive regulations, describing what is required, such as build-to lines and combined min/max building heights
Regulates to create buildings	Regulates to create places

introduction

nets of the New Urbanism and Smart Growth movements, which the authors all strongly advocate. An effective public process is necessary to create and build support for the community's vision, as well as the FBC that will facilitate it. This book discusses some details of ur-

ban design and the public process, but only to the extent that they are necessary to understand Form-Based Coding. Suggested books and articles about New Urbanism, Smart Growth, and public visioning processes are listed among the references in the appendix.

Form-Based Codes in Context

by Peter Katz
President, Form-Based Codes Institute

Form-Based Codes are increasingly seen as a regulatory tool that could make planners' lives easier. Indeed, they have been linked to breakthrough successes in some of the toughest planning projects in the country. And while the successes are real, the news reports haven't been telling the full story.

The most important piece of missing information is that Form-Based Codes do not work on their own. They are embedded in a suite of best practices that also includes high-quality urban design—a compelling plan, in other words—and a participatory planning methodology known as the “charrette process.” Together, these linked practices form a kind of “virtuous circle” that I've come to associate with successful planning outcomes.

The process works in the following way:

During the first few days of a charrette, citizens are shown startling new visions of their community that bear little resemblance to what is there now. On first viewing, they're often taken aback. But as citizens begin to consider new possibilities, they start to wonder whether they really could have that beautiful public square or the new branch library like the one shown in the design team's renderings. And while such musings are interspersed with fears of increased density and related impacts, community members frequently come to support, and feel a sense of ownership of, ambitious growth proposals that include the features they most want in their neighborhood.

Once accepted, however, citizens again become skeptical as to whether the stunning images they're seeing could ever be realized. After all, most have seen renderings of grand plans that never got off the ground. In cases where something did get built, the final results may not have measured up to expectations generated by the initial renderings.

Form-Based Codes help to allay such concerns. The codes work best when they are developed in draft form during the multiday charrette. Presenting the proposed ordinance alongside the team's renderings brings increased confidence that what is drawn might actually be built. Furthermore, by riding the wave of enthusiasm that often accompanies the charrette process, the form-based ordinances can be written into law much more quickly, thus minimizing the inevitable watering-down process that can severely compromise a worthy development plan.

Finally, the greater precision of the Form-Based Code and the hands-on involvement of the “town architect” lead to more predictable implementation of the plan. With this step, the virtuous circle closes and gains strength as it repeats itself: a positive development experience gives citizens greater confidence in local government's ability to guide future growth and to keep private interests aligned with the goals of the community. That trust empowers local government to take on new planning challenges, knowing that there is a high probability of future success to justify their ongoing investment of time, money, and political capital.

2 / Components

FORM-BASED CODES (FBCs) as defined by the Form-Based Codes Institute are structured to include a set of minimum components and may also accommodate a variety of optional ones. The required components are:

A Regulating Plan

A plan or map assigning the code's various standards to physical locations. Extensive codes may have separate Regulating Plans for the various sections (e.g., a Building Form Standards Regulating Plan and a Public Space Regulating Plan). (See Figure 2.1.)

Public Space Standards

Specifications for the elements within the public realm,¹ including thoroughfares and civic spaces. For thoroughfares, these include regulations for sidewalks, travel lanes, street trees, street furniture, and the interface with the buildings. (See Figures 2.12 and 2.13.) For civic spaces, they regulate parameters, such as minimum and maximum sizes, types of spaces and their appropriate locations, their functional role within the community, and landscaping.

Building Form Standards

Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm.² These typically include regulations for lot sizes, building placement and form, use, parking, encroachments, and frontage types, and may also include other regulations, such as for building types or architecture. (See Figure 2.20.)

Administration

Requirements for the project application and review process.³

Glossary

Definitions of uncommon technical terms and phrases used in the code, as well as definitions of the land-use types used in the code.

In addition to the required components, others may be included depending on the needs of the community and other components that may already be in place. Some of the following components have been included in adopted Form-Based Codes, while others are examples

Components

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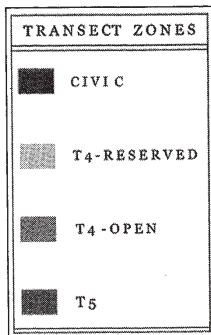
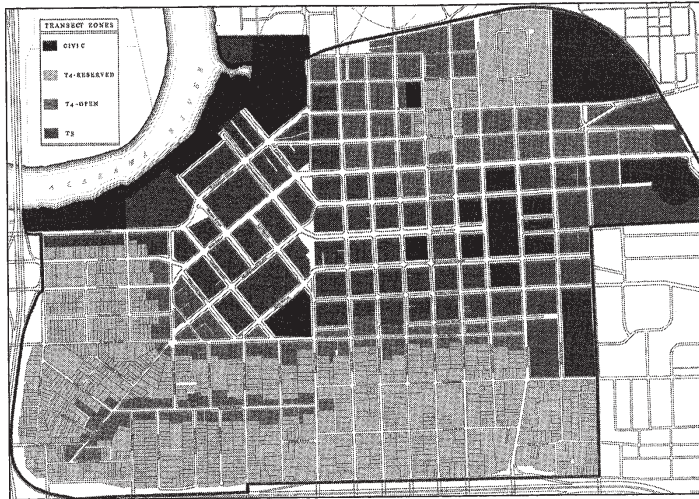


Fig. 2.1 Regulating Plan for downtown Montgomery, Alabama, by Dover, Kohl & Partners (Also see Figure C.15 in the color section of this book.)

that could be included as the practice of Form-Based Coding continues to advance.

Block Standards

Regulations for dividing large sites into an interconnected and walkable network of streets and blocks. (See Figure 2.34.)

Building Type Standards

Specifications defining the form and function of the allowed building types. Examples of building types are townhouses, detached single-unit houses, courtyard apartments, and live/work units. (See Figures 2.37 and 2.38.)

Architectural Standards

Regulations to control the character and quality of buildings. (See Figures 2.45 and 2.46.)

Green Building Standards

Specifications for environmentally sensitive, energy efficient, and low carbon footprint buildings that assist in achieving community sustainability goals.

Landscape Standards

Regulations for the character and quality of the landscape within private spaces, but as it affects the public good, such as requiring native species to address water usage.

Other code components that are not exclusive to FBCs might also be included to address community-specific needs, including standards for historic preservation, storm water management, signage, and lighting, as well as nonconforming use regulations, affordable housing requirements, and lessons-learned provisions (zoning regulations developed and enacted in response to the community's past problems with particular land uses, site characteristics, and the like).

Determining which components to include is one of the first steps in calibrating the code to the local context. All the components should be coordinated to ensure that post-code development effectively works in concert to produce the intended vision for the community.

Following is a detailed description of each required FBC component, as well as a few of the most common optional ones. These descriptions include a list of regulations to consider. The list is not intended to be comprehensive, but rather to provide a solid base on which to build and customize an FBC as unique as the place being coded.



PLANNING COMMISSION

Agenda Item Report – Thursday, March 14, 2024

NB4: General Updates

Background

The Commission will be updated on the following topics:

- a. Delta County Planning Commission Report:
Commr. Nelson will report on their February 5 meeting (if any).
- b. Historic District Commission Report:
Commr. Webber will report on the Historic District Commission's activities.
- c. Zoning/Land Use Permit Report:
Staff will report on this year's permit activity to date.

Attachments

1. Year-to-date Permit Report
2. Year-to-date PZE Process Report
3. February Permit Report – Delta County Building & Zoning Dept.

Monthly Permit Comparison

	January		February		March		April		May		June		July		August		September		October		November		December		TO			
	Total Permits	Permit Fees	Total Permits	Permit Fees	Total Permits	Permit Fees	Total Permits	Permit Fees	Total Permits	Permit Fees	Total Permits	Permit Fees	Total Permits	Permit Fees	Total Permits	Permit Fees	Total Permits	Permit Fees	Total Permits	Permit Fees	Total Permits	Permit Fees	Total Permits	Permit Fees	Total Permits	Permit Fees		
Change of Land Use																												
1	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$15
\$50.00	\$100.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Excavation or Right-of-Way																												
0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$60
\$0.00	\$60.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Fence/Hedge																												
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\$0.00	\$40.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40.40
Land Use Approval																												
0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
\$0.00	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50.00
Sign - Illuminated																												
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\$120.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$120.00
Sign - Non Illuminated																												
1	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
\$50.00	\$150.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$200.00
3	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12	
\$220.00	\$400.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$62

Population: All Records
 Permit.Category Not = Building AND
 Permit.DateApplied Between 1/1/2024 12:00:00 AM
 AND 2/29/2024 12:00:00 AM
 AND
 Permit.Status = ISSUED OR
 Permit.Status = HOLD OR
 Permit.Status = READY TO ISSUE

PZE Process Totals by Type

Engineering Callouts 1

Zoning Verification Letter 1

Grand Total: 2

03/04/2024

PlanReview.PlanReviewType Not = Special Land Use AND PlanReview.DateProcessStarted Between 1/1/2024 12:00:00 AM AND 2/29,



PLANNING COMMISSION

Agenda Item Report – Thursday, March 14, 2024

NB5: Training Updates – March

Background

Per the Bylaws, each Commissioner must log at least four hours of training per year. A summary of the training should be shared, which focuses on points of interest and possible action which could be taken by the Commission. The cost of any training may be reimbursed by the City. If the training has any cost attached to it, approval must be made in advance with staff to ensure that training funds are available.

Current training hours recorded for each Commissioner are as follows:

Commissioner	# of hrs	Min # met
Connor	0.0	No
Harris.....	0.0	No
Hellermann	0.0	No
Nelson	0.0	No
Reynolds.....	0.5	No
Sadowski.....	0.0	No
Webber.....	0.0	No

Training Options

- Sustainability Speaker Series: Sustainable Tourism Strategies Webinar (Free)
May 14, 2024, 12:00 – 1:00 pm
<https://events.anr.msu.edu/SusSpkSpring24>
- Eastern UP Citizens Planner Program (\$250)
Thursdays, April 11 – May 16, 2024, 6:00 – 9:00 pm
<https://events.anr.msu.edu/CPChippewaCounty24>
- MSU Extension Citizen Planner Online (\$250)
Self-paced course, appx. 15 hours.
https://www.canr.msu.edu/michigan_citizen_planner/
- MSU Extension Articles, Videos, & Other Resources (Free)
<https://www.canr.msu.edu/planning/index>
- Michigan Association of Planning (MAP) Workshops (Price varies)
<https://www.planningmi.org/workshops>