



PLANNING COMMISSION REGULAR MEETING AGENDA

Kel Smyth, Chairperson
Christine Williams, Vice-Chairperson
James Hellerman, Secretary
Craig Gierke, Deputy Secretary

Dominic Benetti, Commissioner
Brian Black, Commissioner
Paul Caswell, Commissioner
Richard Clark, Commissioner

Stephen Davis, Commissioner
Roxanne Spencer, Planning & Zoning Admin.
Ronald Beauchamp, City Council Liaison

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

Thursday, September 12, 2019– 6:00pm

CALL TO ORDER

ROLL CALL

APPROVAL/CORRECTION(S) TO MINUTES – Regular Meeting – August 8, 2019 & Special Meeting – August 21, 2019

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION

PUBLIC HEARING(S)

1. Public Hearing: Proposed Zoning Map Amendment – Northtown Area

After receiving feedback from a previous Public Hearing held on June 27, 2019 and making revisions to its previous recommendations, the Planning Commission will hold a second Public Hearing on the re-zoning of designated sections of the Northtown area.

UNFINISHED BUSINESS

1. Discussion: Marihuana Establishment Zoning Ordinance

The Planning Commission will continue to review a proposed zoning ordinance regulating Marihuana Establishments.

NEW BUSINESS

1. Discussion: Review of Zoning Ordinance – Chapter 3 – Zoning Board of Appeals

Per Section 104 of the Zoning Ordinance, the Planning Commission shall review the Zoning Ordinance every five years to ensure it is current and accurate. Chapter 3 is the next chapter scheduled for review.

2. Project Updates:

- a. Delta County Planning Commission Update
- b. Zoning Board of Appeals Hearings/Decisions
- c. Zoning/Land Use Permit Update
- d. Sidewalk Committee Update
- e. Training Updates

GENERAL PUBLIC COMMENT

COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS

ADJOURNMENT

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.

Respectfully Submitted,

Roxanne Spencer, Ex-Officio
Planning Commission

Planning Commission Public Participation Procedures

- 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 written material shall be made available without cost for members of the public asking for a copy prior to the meeting.
- During the agenda item, when the floor is opened for public comment by the chair, individuals wishing to comment should:
 - Approach the podium
 - Speak into the microphone
 - State your full name and address for the record (providing spelling as necessary)
 - Direct all comments/questions to the Chair
 - Be guided by the following time limits:
 - **Petitioner/aggrieved party – 15 minutes** (unless amended by the Chair)
 - **General public – 2 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.

**City of Escanaba
PLANNING COMMISSION – OFFICIAL PROCEEDINGS
August 8, 2019**

MEETING CALLED TO ORDER

A meeting of the Escanaba Planning Commission was held on, Thursday, August 8, 2019, at 6:00pm in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

ROLL CALL

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

A quorum of the Planning Commission was present.

ALSO PRESENT

City Administration	Others
Roxanne Spencer, Planning & Zoning Administrator	William Gasman
Ron Beauchamp, City Council Liaison	Ilsa Matthes
Marc Tall, Mayor	

Two (2) other unnamed individuals were present.

MINUTES

A motion was made by Hellerman, seconded by Williams, to approve the July 11, 2019 minutes with the correction of changing the closing of public hearing to Hellerman from Smyth under Public Hearing #1. MOTION PASSED unanimously.

AGENDA

Smyth noted that Spencer asked for an addition to the agenda under New Business #1 regarding the formation of a Sign Committee.

CONFLICT OF INTEREST DECLARATIONS

Hellerman stated that he lives across the street from Stephenson Park (one of the properties for potential rezoning), but does not feel it is a conflict of interest, for which there was consensus agreement among the Planning Commission.

PUBLIC HEARINGS

1. Zoning Ordinance Amendment – Addition of Self-Storage Units

Spencer explained that the Planning Commission had previously recommended the addition of Self-Storage Units as permitted uses in the F – Light Manufacturing and G – Heavy Manufacturing districts and that this will serve as the required Public Hearing prior to formal recommendation to City Council for action.

Chairperson Smyth opened the public hearing.

There were no public comments.

Chairperson Smyth closed the public hearing.

Hellerman made a motion, seconded by Davis, to recommend to City Council to amend Zoning Ordinance Sections 1302.1 and 1502.1 to add self-storage units as Principal Uses Permitted by Right in the Light Manufacturing and Heavy Manufacturing districts. MOTION PASSED unanimously.

2. Zoning Ordinance Amendment – Removal of Section 1803.2 Public Hearing Requirement

Spencer explained that the Planning Commission had previously recommended to remove Section 1803.2 – Public Hearing Requirement from the Zoning Ordinance on the recommendation of the MEDC in efforts to streamline the zoning approval process. Public Hearings are not required by state law for permitted uses. All site plans and Special Land Use applications would still be reviewed by the Planning Commission and could be denied or conditioned based on adherence to development standards. This serves as the Public Hearing for changing the text of the Zoning Ordinance.

Lengthy discussion took place on the weighing the value of public comment and input with the 15-day notification requirements for Public Hearings against the urgency of owners/developers to move through the site plan process quickly. It was felt that the voice of the citizens is not only important to the Planning Commission for their decision-making, but also to the owner/developer as to neighbor concerns that might impact their plan. Discussion also took place regarding the impact of removing/not removing the public hearing requirement on the Redevelopment Ready Community (RRC) recertification process.

Chairperson Smyth opened the public hearing.

William Gasman, resident of Escanaba, stated that he feels it is necessary to have Public Hearings so the public can be involved in any issues that might affect them nearby.

Chairperson Smyth closed the public hearing.

Caswell made a motion, seconded by Gierke, to leave Section 1803.2 Public Hearing Requirement in the Zoning Ordinance. The roll call vote was as follows:

Name	Yes	No
Chair Kel Smyth		X
Vice-Chair Christine Williams	X	
Sec. James Hellerman	X	
Dep. Sec. Craig Gierke	X	
Comm. Dominic Benetti	X	
Comm. Brian Black		X
Comm. Paul Caswell	X	
Comm. Richard Clark		X
Comm. Stephen Davis		X
	5	4

MOTION PASSED.

Discussion followed that the issue could be re-visited at a later date if it is found that the RRC re-certification would be in jeopardy without the removal of Section 1803.2 from the ordinance, or if more information on alternatives becomes available.

UNFINISHED BUSINESS

1. Discussion: Marihuana Establishment Zoning Ordinance

Williams led a discussion on the updates to the proposed marihuana ordinance. She noted the changes that had been made since the last marihuana webinar training included:

- Removal of sign restrictions and replacement with a reference to the current sign ordinance (so as not to limit freedom of speech)
- Policing references have been removed

There are some comments in the draft that highlight areas that need more definition and work. Williams asked for the Commission's input on these sections, as she will continue to edit the document based on the webinar trainings and Planning Commission suggestions. The following items were noted/discussed:

- Whether the buffer zone restrictions and hours of operation were similar to those for liquor establishments, and if/how much authority the state statute allows for local municipalities to regulate these areas
- Verifying the definitions and language used in the local ordinance are the same as those used in the state statute
- Removing any terms listed in the definitions section that are not used elsewhere in the ordinance
- Addition of the words "including, but not limited to" before the list of examples in paragraph one of the Marijuana Buffer Zones section
- Defining the term "person" as to whether it includes corporations, etc.

Williams noted the State has published their emergency rules. Spencer will send out link to Planning Commissioners.

2. Proposed Zoning Map Amendment – Northtown Area

Spencer explained that as a result of the Public Hearing held on June 27, 2019, revisions to the proposed zoning changes in the Northtown area need to be discussed, with a new Public Hearing to be held on any changes to the original proposal. A chart outlining the eight areas for review was presented and discussed at length.

During the course of discussion regarding the 200 block of North 9th Street, the Planning Commission invited the Ilsa Matthes, homeowner of 217 North 9th Street, to speak. She had previously written a letter to the Commission about her opinion that the area should remain residential and not change to commercial. Matthes explained her concerns regarding the annual requirement to sign the Non-Conforming Use Form in the event that something were to happen to her so that she couldn't sign the form and if that would mean the property would then be prohibited from being residential if the zoning changed to commercial. It was established that as a residence in what is currently zoned F – Light Manufacturing should have been on the Non-Conforming Use list now, but that City records have been lax in this area and have not been enforced, but are now being reviewed in light of this re-zoning process.

The final recommendations of the Planning Commission were as follows:

Area	PC Recommendation
NE Corner of 2nd Ave N & N 10th Street (3 parcels)	Leave as F – Light Manufacturing, with the addition of 328 North 10 th Street changing to F – Light Manufacturing as well
200 Block of North 9th Street (West side)	Change to E – Commercial (place residences on the Non-Conforming List)
200 Block of North 10th Street (East side)	Change to B – Two Family
2 Waterfront Parcels (1 is City property, 1 is North Shore Marine's)	Change to E – Commercial as previously recommended

200 Ludington Street (City-owned parcel between Chamber of Commerce and the Municipal Dock)	Change to E – Commercial as previously recommended
1911 4th Avenue North (2 parcels owned by Andex)	Change to F – Light Manufacturing as previously recommended
700 Block of Stephenson (East side)	Change to F – Light Manufacturing as previously recommended
800 Block of Stephenson/Sheridan	Change to A – Single Family as previously recommended

A Public Hearing will be set for an upcoming Planning Commission meeting (potentially September 12), with notifications being sent to neighbors within 300’ of any properties above that have new/changed recommendations from those previously heard at the Public Hearing on June 27, 2019.

NEW BUSINESS

1. Formation of Sign Ordinance Committee

Spencer explained that there have been a number of sign permits submitted that have raised questions about unclear language and potentially unnecessary restrictions in reference wall signs to larger buildings or lot sizes, highlighting a need to review and revise the sign ordinance. Along with a couple of citizens who were on a previous Sign Ordinance committee and are willing to serve again, Spencer asked if someone from the Planning Commission would be willing to be on the committee. Caswell volunteered.

2. Project Updates

a. Delta County Planning Commission Update

- Williams noted that Delta County is continuing to work through their Master Plan update. More survey feedback is needed and Williams asked if the City of Escanaba could post the link to the County’s survey on the City’s Facebook page.

b. Zoning Board of Appeals Update Zoning

- Spencer noted that there is a ZBA meeting scheduled for Wednesday, August 21 concerning two requests for variances, one for a sign at Walmart and one for a rear setback variance at a residential property.

c. Zoning/Land Use Permit Update

- Spencer reviewed the report submitted in the agenda packet.

d. Sidewalk Committee Update

- Gierke reported that the committee met on July 29, 2019. The next step identified was to conduct an inventory of the sidewalks city wide. The Engineering Department has indicated they have software and personnel resources possibly available through interns to complete the inventory. The Sidewalk Committee will meet again on August 26.

e. Training Updates

- The next MSU Marijuana Webinar is on Thursday, August 22 @ 3pm in Council Chambers on the topic of Industrial Hemp Regulation.

GENERAL PUBLIC COMMENT

Bill Gasman raised concerns about the property at 1130 Stephenson Avenue (the old Norm’s IGA), which is currently zoned B – Two-Family residential , being used as a marijuana grow operation and questioned if this type of use was allowed per zoning requirements. The Commission will recommend for City Administration to look into it.

Gasman also asked about whether the marijuana training sessions were available to the public. It was noted that the sessions were available for any individual to register and view online, but that the sessions held in the Council Chambers for the Planning Commission’s viewing convenience were not open to the public.

COMMISSION/STAFF COMMENTS - None

ADJOURNMENT

The meeting adjourned at 7:18pm.

Kel Smyth, Chairperson
Escanaba Planning Commission

Roxanne Spencer, Planning & Zoning Administrator
City of Escanaba

Minutes approved at the _____ *meeting.* _____

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**City of Escanaba
PLANNING COMMISSION – OFFICIAL PROCEEDINGS
August 21, 2019**

MEETING CALLED TO ORDER

A special meeting of the Escanaba Planning Commission was held on, Wednesday, August 21, 2019, at 2:00pm in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

ROLL CALL

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

A quorum of the Planning Commission was present.

ALSO PRESENT

City Administration	Others
Roxanne Spencer, Planning & Zoning Administrator	Ravi Patel, Proxima Management
Patrick Jordan, City Manager	Justin Hutton, Hutton & Hutton Architects & Engineers
Ron Beauchamp, City Council Liaison	William Hutton, Hutton & Hutton Architects & Engineers
Kelly McIntyre, Confidential Secretary	Will Brown, Local Representative of the Development Team
Phil DeMay, City Clerk	Phil Strom, Delta County Administrator
James McNeil, City Assessor	TJ Thomas, Economic Development Alliance
Marc Tall, Mayor	Carl Stenberg, Escanaba resident
John Bergman, City Attorney	Kelli VanGinHoven, Escanaba business owner
Ralph Blasier, City Council Member	Dan Zellar, Escanaba resident
Ed Legault, Downtown Development Authority	

Approximately 6 other unnamed individuals were present.

AGENDA – No changes were made to the agenda.

CONFLICT OF INTEREST DECLARATIONS – None

NEW BUSINESS

1. Review of Proposed Development Agreement for Sale of City-Owned Property

City Manager Patrick Jordan explained that he referenced several documents that he had distributed to Planning Commission members prior to the meeting that outlined how Proxima’s development plan fulfilled key sections of various City plans including the 2016 Master Plan, the 2020 Vision Plan, Northshore Land Use Strategy, and the 2011 DDA Plan. He then showed the Escanaba Master Plan – 2016 promotional video which highlighted the public’s participation in the Master Plan process and their desire to see more waterfront development to support economic growth in the area.

Justin Hutton, Hutton & Hutton Architects & Engineers and Ravi Patel of Proxima delivered a presentation discussing their plans for the project to “extend the Master Plan vision” with focus on activating the shoreline, attracting and retaining jobs, encouraging economic development, supporting local businesses, sustainability, and walkability. Phase 1 will include a 4-story hotel with 80-90 rooms on the jail site/waterfront parcel. Phase 2 will be located on the same site and will be mixed-use in nature with lofts, commercial space for retail offices,

etc. It is estimated that the Phase 1 construction will take approximately 18 months, with an estimated completion date of October 2021, with financial stability established by October 2024. Phase 2 will be completed around the same time, with financial stability established by October 2023. They will work with the Chamber of Commerce, the Delta County Economic Development Alliance, and local businesses to bring people into the area.

Clarification was given regarding the site map projected which shows the municipal dock as a future phase of development. It was established that the municipal dock is not part of the current development plans, but may be a possibility in the future if it were ever made available. The parcel immediately to the east of the old Chamber of Commerce building may have a mixed-use development in the future, if possible depending on a number of factors.

A video was shown to give a general idea of what the site may look like from a 3-D perspective.

Discussion followed regarding the 3-year moratorium against other hotel developments within 8 miles in the purchase and development agreement and the legal issues with it. From the Planning Commission perspective, permitted uses within a zoning district must be allowed and cannot be legally denied on that basis alone. The developers referred to the final sentence in the subparagraph on the moratorium that it would only be “to the extent that the City can”. The reasoning for the inclusion of the moratorium is to protect the \$8.5 million investment being brought into the community until the hotel portion is financially stable. Through further discussion, it was established that the removal of the moratorium paragraph from the agreement would not prevent the development from moving forward.

Discussion took place regarding the Chamber of Commerce parcel and the one directly to the east before the start of the municipal dock. Phil Strom, Delta County Administrator, explained that there were two issues concerning this area of land. First, the old Chamber building is potentially going to be used as a construction trailer in Phase 1 of the project, which may be on a lease basis but is still under negotiation. The second issue relates to Article X of the agreement. Strom explained that originally there was going to be an option to purchase these adjacent lands, but has since changed to being an outright sale of the property to the developers. It was established that the issue before the Planning Commission at this time was approval and guidance on land use issues regarding the sale of city-owned property to the developer.

Strom gave a brief history of the project from the initial recognition that the County Jail needed to be replaced, to the MEDC grant that allowed for getting experts involved in putting together an RFQ and marketing package, to the submission of Proxima’s ideas for development.

Caswell raised questions about Article IV of the agreement regarding reversion rights and the discrepancy between the agreement’s language referring to the commencement of construction and the City’s policy which refers to the failure to construct within 18 months. The City Manager noted that the 18-month timeline was not reasonable in this case and would like be extended out to 3-4 years before reversion.

GENERAL PUBLIC COMMENT

TJ Thomas, Executive Director of the Economic Development Alliance, noted the public participation components that fueled the RFQ in support of this type of development for this site and praised Proxima’s plan incorporating the community’s values in the this regard. He spoke regarding the positive economic impact this project would have in connecting the recreational waterfront area to the downtown area. Thomas also noted that despite great attendance at the RFQ marketing event, no submissions were received from this group highlighting the competitive market for these types of projects, but that Proxima’s last-minute submission which has reflected the community’s vision for the area very well, is very fortunate for our community.

Carl Stenberg, resident of Escanaba, noted his concerns regarding sufficient parking for offices and retail components of the project.

Ed Legault, Executive Director of the Escanaba Downtown Development Authority, noted that the DDA district has different parking requirements than other places in the city. He also noted that in the seven years he has been with the DDA, every time he has spoken to a community group the question has been asked as to when something would be developed along the waterfront. The under-utilization of the waterfront has been noted in every DDA plan going back to 2006. He noted that tax credits are available for the project through Brownfield because it is in the DDA footprint and would be supported wholeheartedly by the DDA.

Kelli VanGinhoven, owner of 805-807 Ludington Street. As a business owner, she had encountered many individuals talking about the need to develop the area between 8th Street and the marina. She sees this project as being good for her business and for the entire community. She believes it would also prompt re-development of vacant buildings along Ludington Street.

Ron Beauchamp, Mayor-Pro-Tem for the City of Escanaba, noted that he planned to recommend that the lease agreement would state that during Phase 1 construction, the developer could lease the Chamber building and then have first right of refusal to purchase the approval at the end of that time.

Dan Zellar, resident of Escanaba, stated that in his capacity of working for the Escanaba Marina, he has encountered boaters using the free bikes to go long distances to find things to do around town. Having something developed near the marina area would be appealing. He noted his concerns with the House of Ludington losing its identity to this new type of development.

COMMISSION/STAFF COMMENTS

Chairman Smyth reviewed the Planning Commission’s scope of concern with regard to the issue before them, noting that in accordance with the City of Escanaba’s Policy on Sale, Lease, or Option of City-Owned Land, the Planning Commission is to review the Development Agreement for consistency with the Master Plan and make a recommendation to City Council regarding the sale of city-owned property, including the old Chamber of Commerce parcel and the parcel immediately to the east of it.

A motion was made by Hellerman, seconded by Davis, to recommend to the City Council the sale of the city-owned property including the waterfront parcel north of the jail site, the Chamber of Commerce parcel, and the parcel adjacent to it for development as presented. A roll-call vote was taken, with results as follows:

Smyth	Yes
Hellerman	Yes
Gierke	Yes
Davis	Yes
Caswell	Yes

MOTION PASSED.

ADJOURNMENT

The meeting adjourned at 3:21pm.

Kel Smyth, Chairperson
Escanaba Planning Commission

Roxanne Spencer, Planning & Zoning Administrator
City of Escanaba

Minutes approved at the _____ meeting. _____

AGENDA REPORT – PLANNING COMMISSION

For the Regular meeting agenda of September 12, 2019

PUBLIC HEARING #1

Title: Review of Zoning Map - Northtown

Background: On April 11, 2019, the Planning Commission reviewed the Northtown area of the zoning map and made recommendations for changes to zoning designations.

On June 27, 2019, the Planning Commission held a Public Hearing on the proposed zoning changes and received feedback from citizens who expressed their desires to keep the current zoning designations on their particular parcels for various reasons. As a result, the issue was tabled for further review of the key areas identified at the meeting.

On August 8, 2019 the Planning Commission discussed the key areas identified at the previous meeting for possible revision and made recommendations for each.

This meeting is to serve as a second Public Hearing for the properties for which the zoning designation recommendations were reconsidered and for which changes were made to the original proposal. Notifications were sent out to owners and neighbors within 300' of these properties. Notifications were not mailed to owners and neighbors of properties where the Planning Commission did not recommend any revision to their original proposal, as those properties were covered in the first Public Hearing held.

Options for Action:

1. Refer proposed zoning map changes as submitted to City Council for action
2. Refer proposed zoning map changes with adjustments to City Council for action
3. Set aside the decision for further review and discussion
4. Take no action and leave the zoning map as it currently stands

Administrative Recommendation: Make a recommendation to City Council on proposed zoning changes for the Northtown area (as submitted or with changes depending on Public Hearing input).

Attachments:

1. Public Hearing Notice from the Daily Press
2. Northtown – Proposed Zoning Changes List
3. Map Packet of Proposed Northtown Zoning Changes
4. Notification Letters & Address Lists – Owners & Neighbors

Escanaba

**CITY OF ESCANABA
REGULAR MEETING OF THE PLANNING
COMMISSION**

At a regular meeting of the Escanaba Planning Commission on Thursday, September 12, 2019, at 6:00pm in the Council Chambers of the Escanaba City Hall, 410 Ludington Street, Escanaba, MI 49829, the following Public Hearing will be conducted:

Public Hearing: Proposed Zoning Map Amendment -- Northtown Area After receiving feedback from a previous Public Hearing held on June 27, 2019 and making revisions to its previous recommendations, the Planning Commission will hold a second Public Hearing on the re-zoning of designated sections of the Northtown area.

The public is cordially invited to attend this meeting should you have any questions, comments or concerns. If you are unable to attend this meeting, you may submit your written concerns to the City of Escanaba, Planning & Zoning Dept., P.O. Box 948, 410 Ludington Street, Escanaba, MI 49829 prior to September 4, 2019.

All written and signed correspondence will be entered into the public record.

Information related to this agenda item can be viewed at City Hall, 410 Ludington Street, Escanaba, MI 49829 or on the City's website at escanaba.org under the Planning Commission page one week prior to the meeting.

Escanaba Planning Commission

Daily Press 8-27-19

NORTHTOWN RE-ZONING - 09.12.18 REVISED RECOMMENDATIONS

Map #	Physical Address	Parcel #	Owner Name	Current Zoning	Proposed Zoning	Business/ Current Use	Non-Conf. Use	Non-Conf. Use in
							Zoning	PROPOSED Zoning
1	1715 3RD AVE N	051-360-2930-179-005	SEYMOUR MARK D	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
1	1719 3RD AVE N	051-360-2930-179-004	SUPERIOR TRAINING SERVICES INC	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
1	1721 3RD AVE N	051-360-2930-179-003	ISETTTS WILLIAM S	F - Light Manufacturing	E - Commercial	Residential - Duplex	Yes	Yes
1	1723 3RD AVE N	051-360-2930-179-001	DEGRAVE DALE & JUDITH	F - Light Manufacturing	E - Commercial	Residential - Multi-Family Vacant Commercial Bldg.	Yes	Yes
1	1801 3RD AVE N	051-360-2930-178-007	RICHER THOMAS & RICHER JEREMY	F - Light Manufacturing	E - Commercial	& Multi-Family Residential	Yes	Yes
1	1815 3RD AVE N	051-360-2930-178-004	ANDERSON MARVIN & CINDY	F - Light Manufacturing	E - Commercial	Vacant Commercial Bldg.	No	No
1	1818 3RD AVE N	051-360-2930-176-001	STATE OF MICHIGAN	F - Light Manufacturing	E - Commercial	MDOT	No	No
1	1829 3RD AVE N	051-360-2930-178-003	PORATH STEVEN A & PEGGY A	F - Light Manufacturing	E - Commercial	Residential - Multi-Family	Yes	Yes
1	1835 3RD AVE N	051-360-2930-178-002	SEXTON LESTER & BONNIE	F - Light Manufacturing	E - Commercial	Restaurant	No	No
1	1837 3RD AVE N	051-360-2930-178-001	LANTAGNE ALLEN E	F - Light Manufacturing	E - Commercial	Vacant Commercial Bldg.	No	No
1	1900 3RD AVE N	051-420-2930-100-035	CITY OF ESCANABA	F - Light Manufacturing	E - Commercial	Public Safety Dept.	No	No
1	1919 3RD AVE N	051-190-2930-154-001	NORTHERN MICHIGAN BANK & TRUST	F - Light Manufacturing	E - Commercial	Bank	No	No
1	1919 3RD AVE N	051-190-2930-154-001	NORTHERN MICHIGAN BANK & TRUST	A - Single Family	E - Commercial	Bank	Yes	No
1	322 N 21ST ST	051-190-2930-153-003	MCINTYRE JAMES D SR	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
1	323 N 20TH ST	051-190-2930-153-012	LAROSE JIM	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
1	324 N 18TH ST	051-360-2930-179-002	ISETTTS WILLIAM S	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
1	324 N 21ST ST	051-190-2930-153-002	LEDCUC JOSEPH & BETTY LE LEDCUC STEVEN & KATHERINE	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
1	325 N 20TH ST	051-190-2930-153-011	O'DONNELL KENNETH M	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
1	327 N 20TH ST	051-190-2930-153-010	CARON HERBERT & RITA	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
1	328 N 21ST ST	051-190-2930-153-001	PEARSON JAMES L & SHUHUA Z	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
1	331 N 19TH ST	051-190-2930-154-009	NORTHERN MICHIGAN BANK & TRUST	F - Light Manufacturing	E - Commercial	Bank Parking	No	No
1	331 N 20TH ST	051-190-2930-153-009	CARON RAYMOND L	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
3	204 N 10TH ST	051-010-2930-281-007	HOLDEN KIMBERLY K	F - Light Manufacturing	B - Two-Family	Residential - Single Family	Yes	No
3	207 N 9TH ST	051-010-2930-281-020	TALBERT DAVID O & SALMI MICKEY P	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
3	208 N 10TH ST	051-010-2930-281-005	MARENGER NICOLE M GOOD	F - Light Manufacturing	B - Two-Family	Residential - Single Family	Yes	No
3	208.5 N 10TH ST	051-010-2930-281-006	GEARU AMBER	F - Light Manufacturing	B - Two-Family	Residential - Single Family	Yes	No
3	208.5 N 10TH ST ADJ	051-010-2930-281-023	GEARU AMBER	F - Light Manufacturing	B - Two-Family	Vacant Lot	Yes	No
3	209 N 9TH ST	051-010-2930-281-019	SUPERIORLAND ELECTRONICS INC DAHM SUSAN J LIFE ESTATE ET AL	F - Light Manufacturing	E - Commercial	Superiorland Electronics	No	No
3	209.5 N 9TH ST	051-010-2930-281-018	WENDRICK PAMELA & DAHM PATRICK J &	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
3	213 N 9TH ST	051-010-2930-281-017	TALBERT DAVID O & SALMI MICKEY P	F - Light Manufacturing	E - Commercial	Vacant Lot	No	No
3	217 N 9TH ST	051-010-2930-281-016	MATTHES ILSA	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
3	218 N 10TH ST	051-010-2930-281-003	TRUITT CHRISTINE	F - Light Manufacturing	B - Two-Family	Residential - Single Family	Yes	No
3	219 N 9TH ST	051-010-2930-281-015	FRAZIER DONALD & JULIA	F - Light Manufacturing	E - Commercial	Vacant Lot	No	No
3	220 N 10TH ST	051-010-2930-281-002	JENKINS TRICIA	F - Light Manufacturing	B - Two-Family	Residential - Single Family	Yes	No
3	221 N 9TH ST	051-010-2930-281-014	BEAUCHAMP DUANE F & SANDY V	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
3	225 N 9TH ST	051-010-2930-281-013	KNAUS APRIL A	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
3	226 N 10TH ST	051-010-2930-281-001	JASKO WILLIAM E	F - Light Manufacturing	B - Two-Family	Residential - Single Family	Yes	No
3	227 N 9TH ST	051-010-2930-281-012	DELTA INSULATION & REMODELING INC	F - Light Manufacturing	E - Commercial	JN Taxi	No	No
3	328 N 10TH ST	051-420-2930-200-005	KOBASIC CLAUDE A	G - Heavy Manufacturing	F - Light Manufacturing	North Shore Marine Office	No	No
3	911 2ND AVE N	051-010-2930-281-011	ROBITAILLE KEVIN J & JULIE M	F - Light Manufacturing	E - Commercial	Vacant Lot	No	No
3	918 2ND AVE N	051-010-2930-278-003	BOUDREAU ALLAN & BOUDREAU JAMES	F - Light Manufacturing	F - Light Manufacturing	Residential - Single Family	Yes	Yes

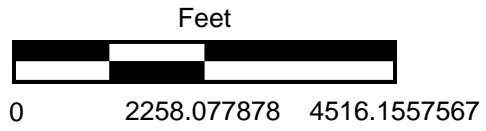
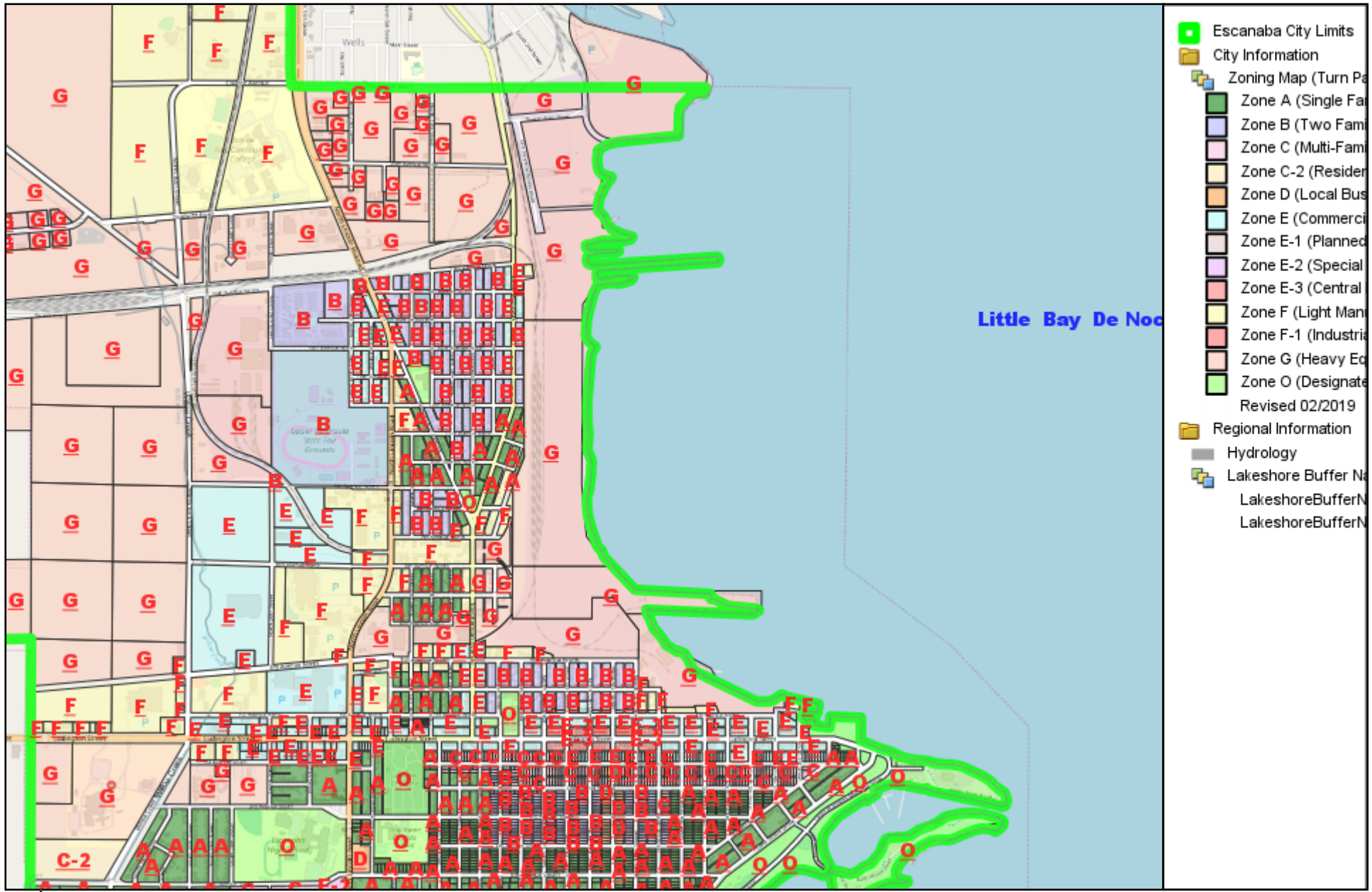
NORTHTOWN RE-ZONING - 09.12.18 REVISED RECOMMENDATIONS

Map #	Physical Address	Parcel #	Owner Name	Current Zoning	Proposed Zoning	Business/ Current Use	Non-Conf. Use in CURRENT Zoning	Non-Conf. Use in PROPOSED Zoning
3	920 2ND AVE N	051-010-2930-278-002	ROBBG JACQUELYN M	F - Light Manufacturing	F - Light Manufacturing	Residential - Single Family	Yes	Yes
3	922 2ND AVE N	051-010-2930-278-001	JOHNSON VALARIE L	F - Light Manufacturing	F - Light Manufacturing	Residential - Single Family	Yes	Yes
4	114 N 3RD ST	051-420-2929-200-001	BASIC TOWING INC	F - Light Manufacturing	E - Commercial	Vacant Lot	No	No
4	200 LUDINGTON ST	051-010-2929-328-003	CITY OF ESCANABA	O - Open Space	E - Commercial	Park	No	No
4	N 3RD ST	051-420-2929-200-002	CITY OF ESCANABA	F - Light Manufacturing	E - Commercial	Vacant Lot	No	No
5	1520 3RD AVE N	051-420-2930-200-016	JENSEN ROGER H & MARY J	G - Heavy Manufacturing	F - Light Manufacturing	Storage Units	Yes	Yes
5	1601 5TH AVE N	051-390-2930-132-004	UP ENTERPRISES LLC	G - Heavy Manufacturing	F - Light Manufacturing	Riverside Collision	No	No
5	1619 6TH AVE N	051-390-2930-128-002	TEG ENTERPRISES, INC.	G - Heavy Manufacturing	F - Light Manufacturing	Scotty's Muffler	Yes	No
5	1705 4TH AVE N	051-130-2930-131-010	FRANCIS DEAN & KIMBERLY & GREEN JAMES & CHRISTIE	G - Heavy Manufacturing	F - Light Manufacturing	Residential - Single Family	Yes	Yes
5	1911 4TH AVE N	051-420-2930-100-022	ANDEX INDUSTRIES INC	G - Heavy Manufacturing	F - Light Manufacturing	Andex Industries	No	No
5	416 STEPHENSON AVE	051-420-2930-100-028	HERITAGE RENTALS LLC	G - Heavy Manufacturing	F - Light Manufacturing	Vacant Building	No	No
5	424 STEPHENSON AVE	051-390-2930-134-001	HERITAGE RENTALS LLC	G - Heavy Manufacturing	F - Light Manufacturing	Vacant Lot	No	No
5	425 STEPHENSON AVE	051-420-2930-100-036	SCHUETTE ROBERT & ROBERTA	G - Heavy Manufacturing	F - Light Manufacturing	Budget Dolloar	No	No
5	426 STEPHENSON AVE (Lot 003 & 027)	051-390-2930-134-003 051-420-2930-100-027	HERITAGE RENTALS LLC	G - Heavy Manufacturing	F - Light Manufacturing	Jayz Tobacco	No	No
5	433 STEPHENSON AVE	051-420-2930-100-031	CLARE BEDDING MFG	G - Heavy Manufacturing	F - Light Manufacturing	Clare Bedding	No	No
5	451 STEPHENSON AVE	051-420-2930-100-024	TUFNELL THOMAS E	G - Heavy Manufacturing	F - Light Manufacturing	Residential - Single Family	Yes	Yes
5	500 STEPHENSON AVE	051-390-2930-132-010	MANTEL RENTALS INC	G - Heavy Manufacturing	F - Light Manufacturing	Mr. Tire Parking	No	No
5	501 STEPHENSON AVE	051-130-2930-131-008	HEITING RENTALS LLC	F - Light Manufacturing	E - Commercial	Race Driven	No	No
5	510 STEPHENSON AVE	051-390-2930-132-009	MANTEL RENTALS INC	G - Heavy Manufacturing	F - Light Manufacturing	Mr. Tire Parking	No	No
5	514 STEPHENSON AVE	051-390-2930-132-003	UP ENTERPRISES LLC	G - Heavy Manufacturing	F - Light Manufacturing	Vacant Lot	No	No
5	520 STEPHENSON AVE	051-390-2930-132-008	MANTEL RENTALS INC	G - Heavy Manufacturing	F - Light Manufacturing	Mr. Tire	No	No
5	521 STEPHENSON AVE	051-130-2930-131-007	HEITING BRIAN	F - Light Manufacturing	E - Commercial	Parking Lot	No	No
5	522 STEPHENSON AVE	051-390-2930-132-002	UP ENTERPRISES LLC	G - Heavy Manufacturing	F - Light Manufacturing	Vacant Lot	No	No
5	524 STEPHENSON AVE	051-390-2930-132-001	UP ENTERPRISES LLC	G - Heavy Manufacturing	F - Light Manufacturing	Used Car Lot	Yes	No
5	602 STEPHENSON AVE	051-390-2930-128-009	MANKIEWICZ ANGELIA	G - Heavy Manufacturing	F - Light Manufacturing	Residential - Duplex	Yes	Yes
5	605 STEPHENSON AVE	051-130-2930-127-018	UP ENTERPRISES LLC	F - Light Manufacturing	E - Commercial	Vacant Lot	No	No
5	609 STEPHENSON AVE	051-130-2930-127-017	UP ENTERPRISES LLC	F - Light Manufacturing	E - Commercial	Vacant Lot	No	No
5	613 STEPHENSON AVE	051-130-2930-127-016	HACKLEMAN STEVE & DUTTON NICOLE	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
5	615 STEPHENSON AVE	051-130-2930-127-015	DUTTON NICOLE & HACKLEMAN STEVEN	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
5	617 STEPHENSON AVE	051-130-2930-127-014	BLAHNIK THOMAS A LIFE ESTATE	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
5	618 STEPHENSON AVE	051-390-2930-128-005	ROBINETTE REAL ESTATE HOLDINGS LLC	G - Heavy Manufacturing	F - Light Manufacturing	Vetrinary Clinic	No	No
5	622 STEPHENSON AVE	051-390-2930-128-003	AMMONS JEFFREY & CINDY	G - Heavy Manufacturing	F - Light Manufacturing	Residential - Single Family	Yes	Yes
5	627 STEPHENSON AVE	051-130-2930-127-011	CASWELL JOHN C	F - Light Manufacturing	E - Commercial	Mark's Auto Sales	No	No
5	628 STEPHENSON AVE	051-390-2930-128-001	TEG ENTERPRISES, INC	G - Heavy Manufacturing	F - Light Manufacturing	Scotty's Muffler	Yes	No
5	629 STEPHENSON AVE	051-130-2930-127-010	CASWELL JOHN C	F - Light Manufacturing	E - Commercial	Mark's Auto Sales	No	No
5		051-390-2930-132-006	E&LS RAILROAD	G - Heavy Manufacturing	F - Light Manufacturing	Vacant Lot	No	No
5		051-390-2930-132-007	E&LS RAILROAD	G - Heavy Manufacturing	F - Light Manufacturing	Vacant Lot	No	No
6	1713 7TH AVE N	051-270-2919-382-007	HARRIS DAVID L & MARY M	F - Light Manufacturing	A - Single Family	Residential - Single Family	Yes	No
6	1715 7TH AVE N	051-270-2919-382-006	BINGHAM LES	F - Light Manufacturing	A - Single Family	Residential - Single Family	Yes	No
6	700 STEPHENSON AVE	051-390-2919-386-002	INDEPENDENT ROOFING CO	G - Heavy Manufacturing	F - Light Manufacturing	Independent Roofing	No	No

NORTHTOWN RE-ZONING - 09.12.18 REVISED RECOMMENDATIONS

Map #	Physical Address	Parcel #	Owner Name	Current Zoning	Proposed Zoning	Business/ Current Use	Non-Conf. Use	Non-Conf. Use in
							in CURRENT Zoning	PROPOSED Zoning
6	706 STEPHENSON AVE	051-420-2919-300-026	INDEPENDENT ROOFING CO	G - Heavy Manufacturing	F - Light Manufacturing	Independent Roofing	No	No
6	712 STEPHENSON AVE	051-420-2919-300-045	NEUMEIER PAUL E & MARCIA	G - Heavy Manufacturing	F - Light Manufacturing	Vacant Lot	No	No
6	714 STEPHENSON AVE	051-390-2919-386-001	INDEPENDENT ROOFING & SIDING CO	G - Heavy Manufacturing	F - Light Manufacturing	Independent Roofing	No	No
6	718 STEPHENSON AVE	051-390-2919-385-001	J L KING PROPERTIES LLC	G - Heavy Manufacturing	F - Light Manufacturing	Chatfield Machine	No	No
6	800 STEPHENSON AVE	051-390-2919-383-010	CARLSON DONNA	F - Light Manufacturing	A - Single Family	Residential - Single Family	Yes	No
6	806 N 18TH ST	051-270-2919-382-005	WINTERS MARVIN R	F - Light Manufacturing	A - Single Family	Residential - Single Family	Yes	No
6	806 STEPHENSON AVE	051-390-2919-383-009	HOULE RONALD & CAROL	F - Light Manufacturing	A - Single Family	Residential - Single Family	Yes	No
6	810 N 18TH ST	051-270-2919-382-004	CROWE CAROL ANN	F - Light Manufacturing	A - Single Family	Residential - Single Family	Yes	No
6	810 SHERIDAN RD	051-390-2919-383-008	UECKER OTTO W	F - Light Manufacturing	A - Single Family	Residential - Single Family	Yes	No
6	812 SHERIDAN RD	051-390-2919-383-007	BELLEFEUILLE JOSHUA & SOVEY HARLEE CARTER ROXANNE	F - Light Manufacturing	A - Single Family	Residential - Single Family	Yes	No
6	816 SHERIDAN RD	051-390-2919-383-006	CARLSON DANIELLE	F - Light Manufacturing	A - Single Family	Residential - Single Family	Yes	No
6	820 SHERIDAN RD	051-390-2919-383-005	TRIPP MICHAEL & ALICIA	F - Light Manufacturing	A - Single Family	Residential - Single Family	Yes	No
6	824 SHERIDAN RD	051-390-2919-383-004	FRAZER JEANETTE M LIFE ESTATE	F - Light Manufacturing	A - Single Family	Residential - Single Family	Yes	No
6	828 SHERIDAN RD	051-390-2919-383-003	DLP MARQUETTE GENERAL HOSPITAL LLC	F - Light Manufacturing	A - Single Family	Rampart EMS	No	Yes
6	830 SHERIDAN RD	051-390-2919-383-001	HAMILL EDWARD & HELEN M	F - Light Manufacturing	A - Single Family	Residential - Single Family	Yes	No
6	832 SHERIDAN RD	051-390-2919-383-002	BAXTER JAMES	F - Light Manufacturing	A - Single Family	Residential - Single Family	Yes	No
8	1506 N 20TH ST	051-370-2919-107-001	CITY OF ESCANABA	B - Two-Family	O - Open Space	Stephenson Park	No	No
9	1401 MCCAULEY PL	051-370-2919-201-006	GOYMERAC PAUL ETAL	F - Light Manufacturing	G - Heavy Manufacturing	Vacant Lot	No	No
9	1408 MCCAULEY PL	051-370-2919-201-005	MICHIGAN LAND BANK AUTHORITY C/O MICHIGAN DEPT OF LABOR	F - Light Manufacturing	G - Heavy Manufacturing	Vacant Lot	No	No

Northtown - Overview



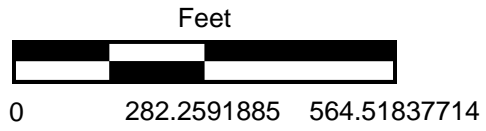
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Red = Current Zoning

(Gray) = Zoning Changes Previously Recommended to Council

Black = Current Recommendations

Northtown #1



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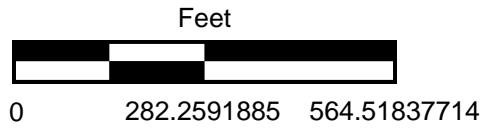
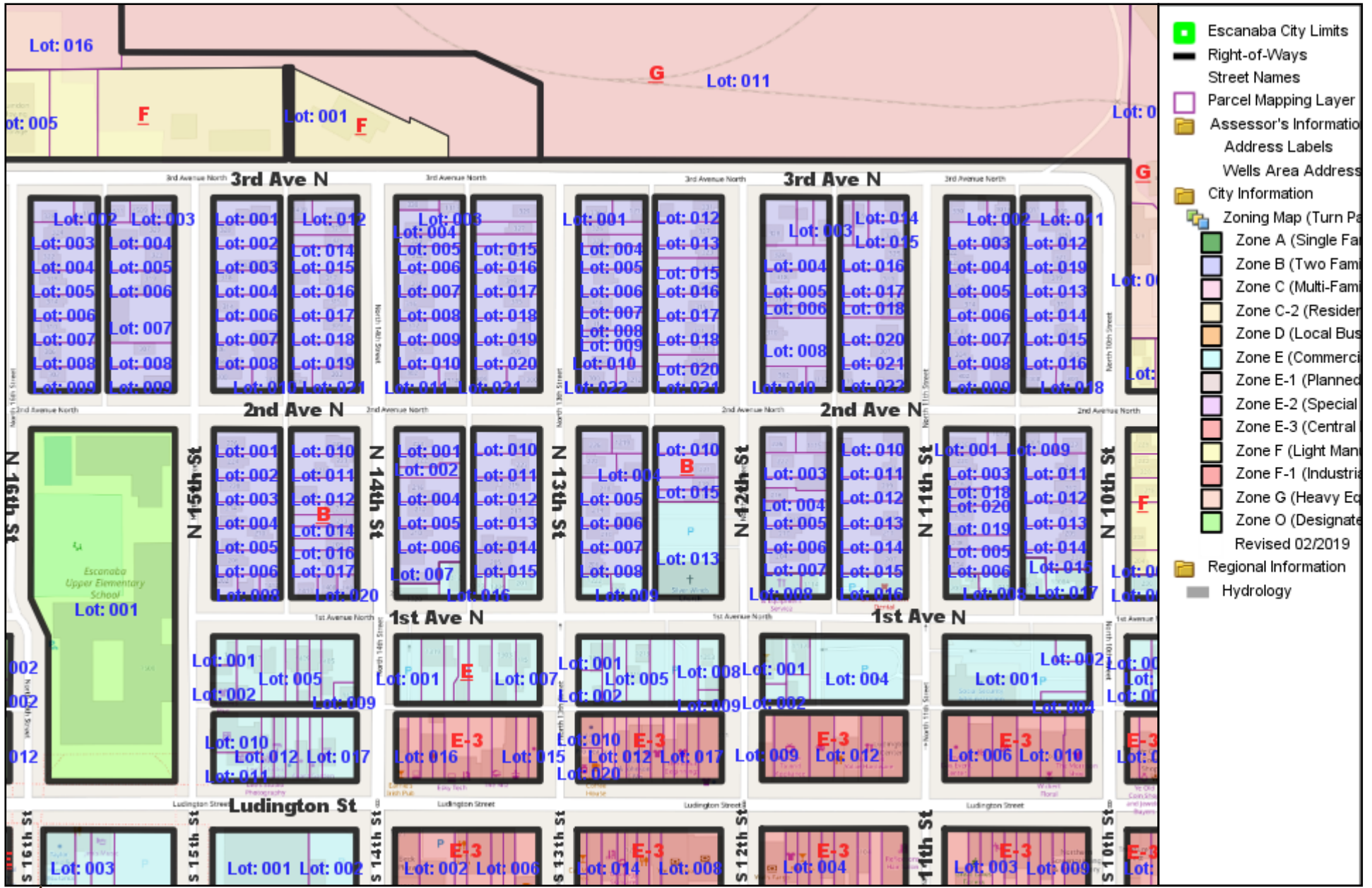
Red = Current Zoning

(Gray) = Zoning Changes Previously Recommended to Council

Black = Current Recommendations

Northtown #2

NO CHANGES RECOMMENDED



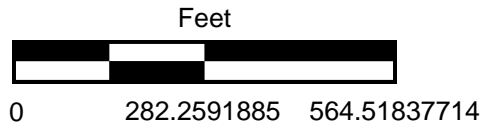
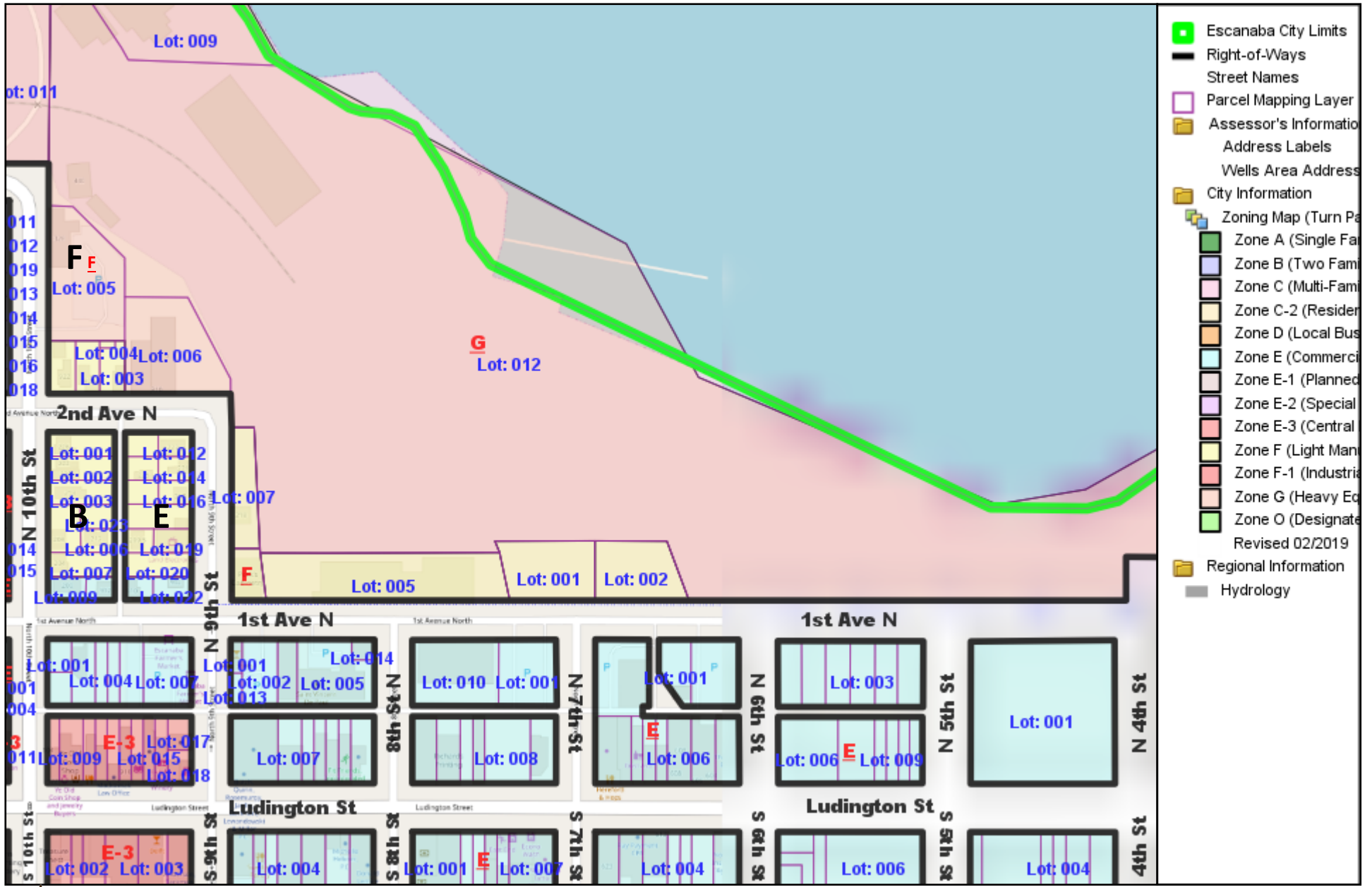
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Northtown #3

Red = Current Zoning

(Gray) = Zoning Changes Previously Recommended to Council

Black = Current Recommendations



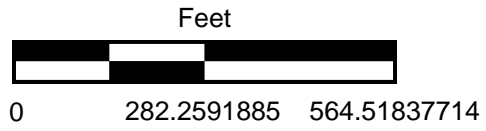
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Red = Current Zoning

(Gray) = Zoning Changes Previously Recommended to Council

Black = Current Recommendations

Northtown #4



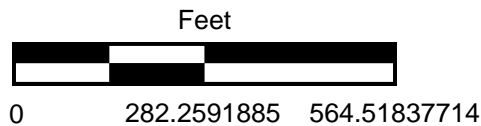
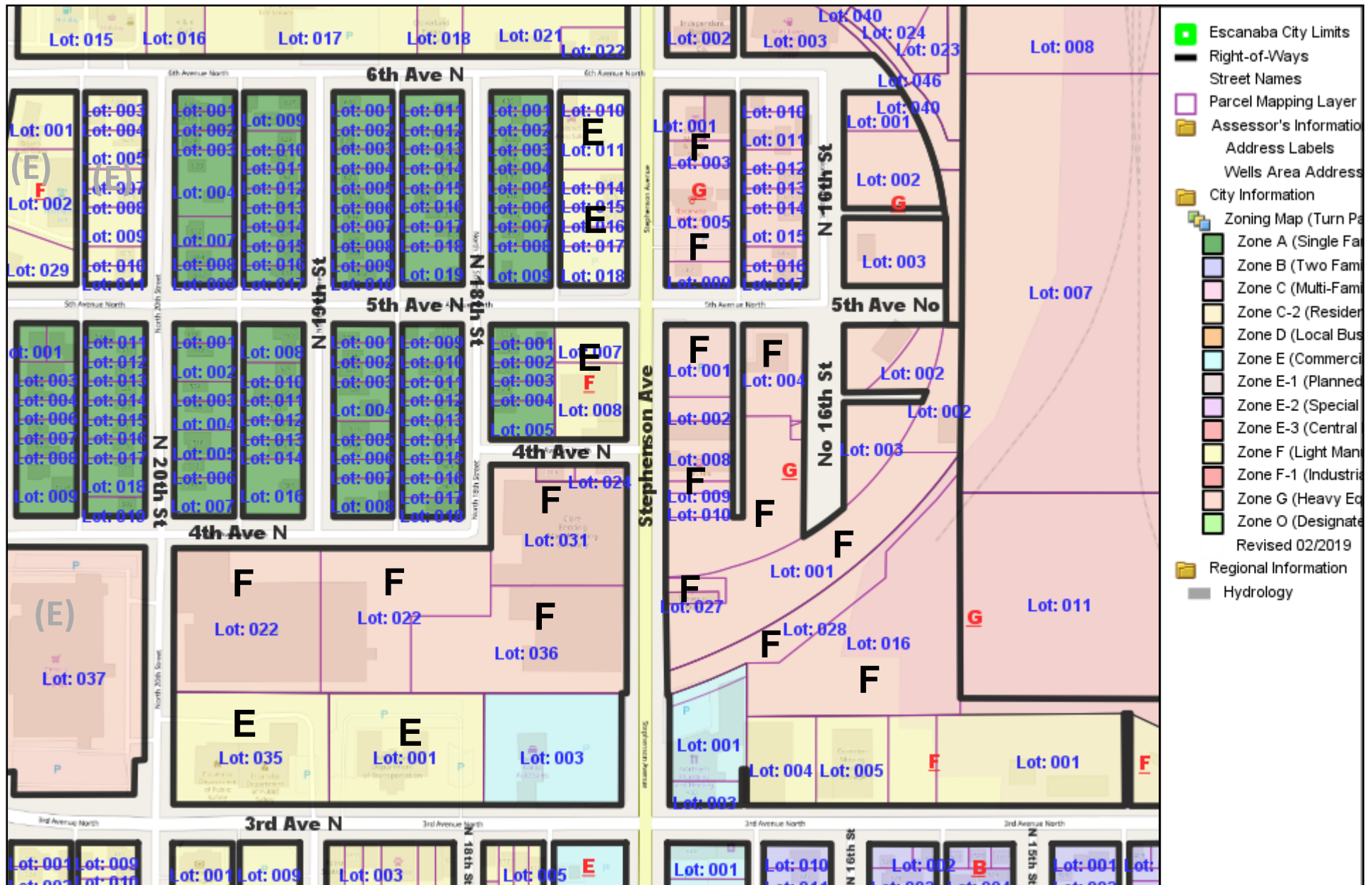
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Red = Current Zoning

(Gray) = Zoning Changes Previously Recommended to Council

Black = Current Recommendations

Northtown #5



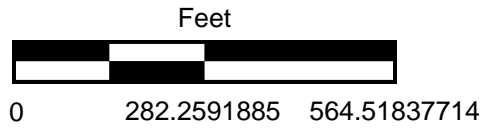
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Northtown #6

Red = Current Zoning

(Gray) = Zoning Changes Previously Recommended to Council

Black = Current Recommendations



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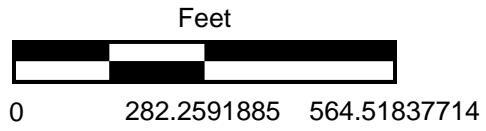
Red = Current Zoning

(Gray) = Zoning Changes Previously Recommended to Council

Black = Current Recommendations

Northtown #7

NO CHANGES RECOMMENDED



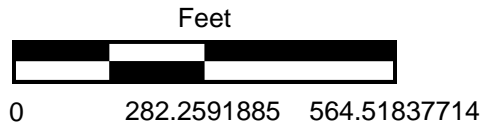
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(Gray) = Zoning Changes Previously Recommended to Council

Black = Current Recommendations

Northtown #8



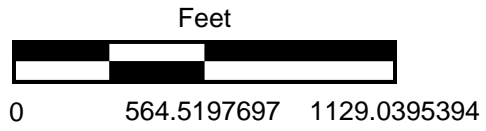
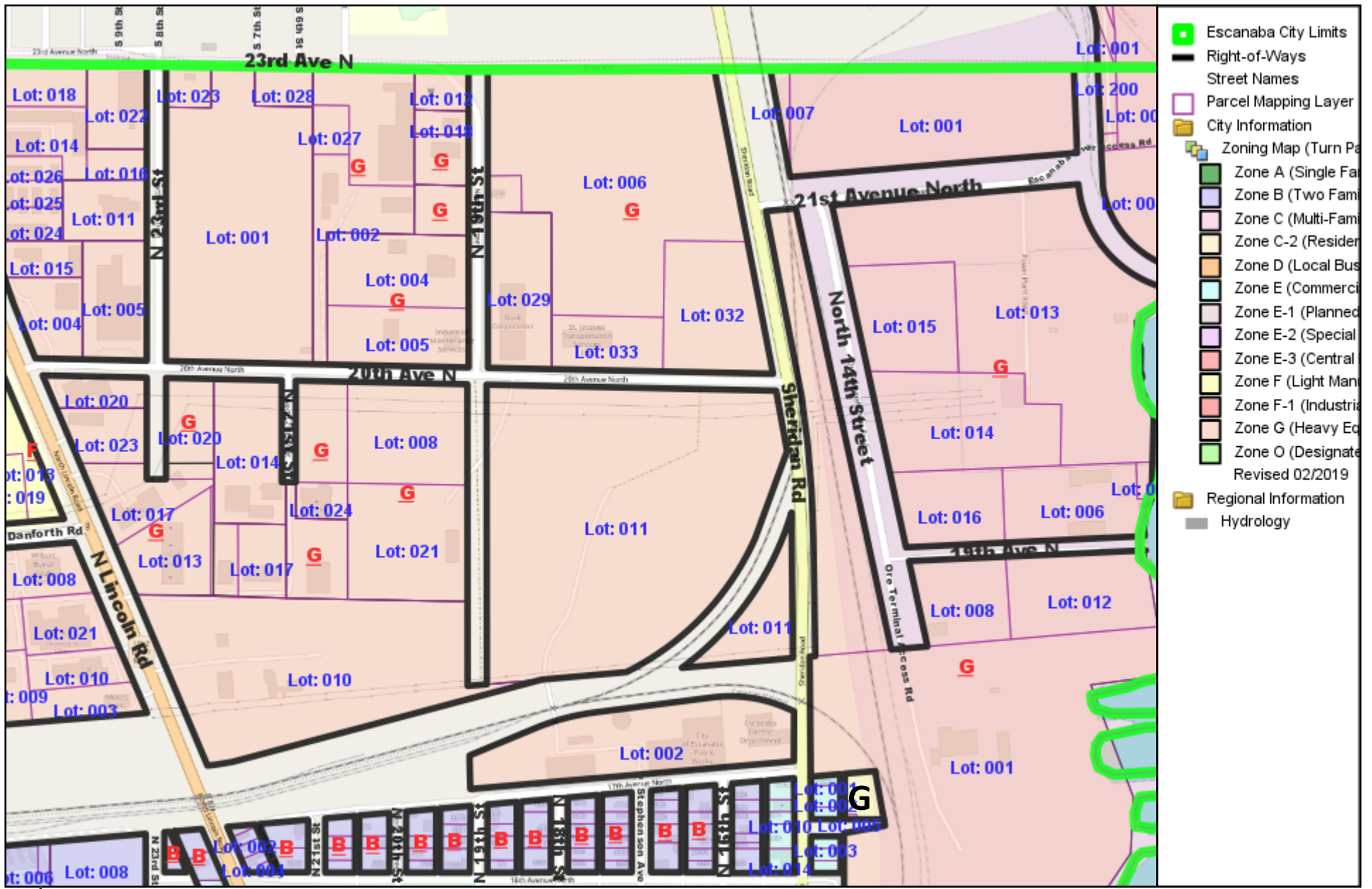
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Northtown #9

Red = Current Zoning

(Gray) = Zoning Changes Previously Recommended to Council

Black = Current Recommendations



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August 28, 2019

«Owner_Name»
«Owner_Address»
«City», «State» «Zip»

RE: Proposed Re-Zoning of Properties in Northtown Area - 2nd Public Hearing

Dear Property Owner:

On June 27, 2019 the Escanaba Planning Commission held a Public Hearing on the potential re-zoning of properties in the Northtown area. As a result of public input, the Planning Commission re-evaluated their recommendations for zoning changes in some key areas. For some properties, revised zoning recommendations have been made. For some properties, the Commission is moving forward with their original recommendations.

Listed below are the details relating to your property under consideration at this time:

Address: «Physical_Address» («Parcel_»)
Current Zoning: «Current_Zoning»
Proposed Zoning: «Proposed_Zoning»
Current Use: «Business_Current_Use»
Currently Non-Conforming?: «NonConf_Use_in_CURRENT_Zoning»
Proposed Non-Conforming?: «NonConf_Use_in_PROPOSED_Zoning»

In order to address any additional public questions or concerns raised by the revised recommendations, the Planning Commission is holding a second Public Hearing prior to making any final recommendations on the potential re-zoning of your property.

You are invited to attend a Public Hearing at a regular meeting of the Escanaba Planning Commission on Thursday, September 12, 2019 at 6:00pm at the Escanaba City Hall, 410 Ludington Street. The following item will be on the agenda:

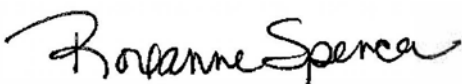
Proposed Zoning Map Amendment – Northtown Area

After receiving feedback from a previous Public Hearing held on June 27, 2019 and making revisions to its previous recommendations, the Planning Commission will hold a second Public Hearing on the re-zoning of designated sections of the Northtown area.

If you have comments, but are unable to attend this meeting, please submit your written comments to the City of Escanaba Planning Commission prior to September 4, 2019 at the address listed above. All written and signed comments will be entered into the public record.

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.

Sincerely,



Roxanne Spencer, Planning & Zoning Administrator
on behalf of the Escanaba Planning Commission

PROOF OF SERVICE – MAILING

This document was enclosed in sealed envelope, first class postage fully prepaid, and deposited in the U.S. Government Mail.

Addressee(s): Assessed Property Owners of
Selected Northtown Properties for
Proposed Re-Zoning
Mailing Date: August 28, 2019
Attested To By: Roxanne Spencer
City of Escanaba - City Hall



Mission Statement:

Enhancing the enjoyment and livability of our community by providing quality municipal services to our citizens.

The City of Escanaba is an equal opportunity employer and provider.

NORTHTOWN - 2ND PUBLIC HEARING - RECONSIDERED PROPERTIES WITH CHANGES

Map #	Parcel #	Physical Address	Owner Name	Current Zoning	Proposed Zoning	Business/ Current Use	Non-Conf. Use in CURRENT Zoning	Non-Conf. Use in PROPOSED Zoning
3	051-010-2930-278-001	922 2ND AVE N	JOHNSON VALARIE L	F - Light Manufacturing	F - Light Manufacturing	Residential - Single Family	Yes	Yes
3	051-010-2930-278-002	920 2ND AVE N	ROBBG JACQUELYN M	F - Light Manufacturing	F - Light Manufacturing	Residential - Single Family	Yes	Yes
3	051-010-2930-278-003	918 2ND AVE N	BOUDREAU ALLAN & BOUDREAU JAMES &	F - Light Manufacturing	F - Light Manufacturing	Residential - Single Family	Yes	Yes
3	051-010-2930-281-001	226 N 10TH ST	JASKO WILLIAM E	F - Light Manufacturing	B - Two-Family	Residential - Single Family	Yes	No
3	051-010-2930-281-002	220 N 10TH ST	JENKINS TRICIAC/O RICHER JEREMY	F - Light Manufacturing	B - Two-Family	Residential - Single Family	Yes	No
3	051-010-2930-281-003	218 N 10TH ST	TRUITT CHRISTINE	F - Light Manufacturing	B - Two-Family	Residential - Single Family	Yes	No
3	051-010-2930-281-005	208 N 10TH ST	MARENGER NICOLE M GOOD	F - Light Manufacturing	B - Two-Family	Residential - Single Family	Yes	No
3	051-010-2930-281-006	208.5 N 10TH ST	GEARU AMBER	F - Light Manufacturing	B - Two-Family	Residential - Single Family	Yes	No
3	051-010-2930-281-007	204 N 10TH ST	HOLDEN KIMBERLY K	F - Light Manufacturing	B - Two-Family	Residential - Single Family	Yes	No
3	051-010-2930-281-011	911 2ND AVE N	ROBITAILLE KEVIN J & JULIE M	F - Light Manufacturing	E - Commercial	Vacant Lot	No	No
3	051-010-2930-281-012	227 N 9TH ST	DELTA INSULATION & REMODELING INC	F - Light Manufacturing	E - Commercial	JN Taxi	No	No
3	051-010-2930-281-013	225 N 9TH ST	KNAUS APRIL A	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
3	051-010-2930-281-014	221 N 9TH ST	BEAUCHAMP DUANE F & SANDY V	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
3	051-010-2930-281-015	219 N 9TH ST	FRAZIER DONALD & JULIA	F - Light Manufacturing	E - Commercial	Vacant Lot	No	No
3	051-010-2930-281-016	217 N 9TH ST	MATTHES ILSA	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
3	051-010-2930-281-017	213 N 9TH ST	TALBERT DAVID O & SALMI MICKEY P	F - Light Manufacturing	E - Commercial	Vacant Lot	No	No
3	051-010-2930-281-018	209.5 N 9TH ST	DAHM SUSAN J LIFE ESTATE ET ALWENDRICK	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
3	051-010-2930-281-019	209 N 9TH ST	SUPERIORLAND ELECTRONICS INC	F - Light Manufacturing	E - Commercial	Superiorland Electronics	No	No
3	051-010-2930-281-020	207 N 9TH ST	TALBERT DAVID O & SALMI MICKEY P	F - Light Manufacturing	E - Commercial	Residential - Single Family	Yes	Yes
3	051-010-2930-281-023	208.5 N 10TH ST ADJ	GEARU AMBER	F - Light Manufacturing	B - Two-Family	Vacant Lot	Yes	No
3	051-420-2930-200-005	328 N 10TH ST	KOBASIC CLAUDE A	G - Heavy Manufacturing	F - Light Manufacturing	North Shore Marine Office	No	No
4	051-010-2929-328-003	200 LUDINGTON ST	CITY OF ESCANABA	O - Open Space	E - Commercial	Park	No	No
4	051-420-2929-200-001	114 N 3RD ST VACANT	BASIC TOWING INC	F - Light Manufacturing	E - Commercial	Vacant Lot	No	No
4	051-420-2929-200-002	N 3RD ST	CITY OF ESCANABA	F - Light Manufacturing	E - Commercial	Vacant Lot	No	No

August 28, 2019

«Owner_Name»

«Owner_Address»

«City», «State» «Zip»

RE: Proposed Re-Zoning of Properties in Northtown Area – 2nd Public Hearing

Dear Property Owner:

On June 27, 2019 the Escanaba Planning Commission held a Public Hearing on the potential re-zoning of properties in the Northtown area. As a result of public input, the Planning Commission re-evaluated their recommendations for zoning changes in some key areas. For some properties, revised zoning recommendations have been made. For some properties, the Commission is moving forward with their original recommendations.

In order to address any additional public questions or concerns raised by the revised recommendations, the Planning Commission is holding a second Public Hearing prior to making any final recommendations on the potential re-zoning of these properties.

You are receiving this notice because as the owner of «Physical_Address» you are a **neighbor within 300'** of one or more of the properties being proposed for re-zoning. Enclosed is a list of all properties affected by the revision, listing both their current and proposed zoning. We do not anticipate any significant impacts to you as a neighbor of one of these properties, but you do have a right to voice any comments or concerns you may have.

You are invited to attend a Public Hearing at a regular meeting of the Escanaba Planning Commission on Thursday, September 12, 2019 at 6:00pm at the Escanaba City Hall, 410 Ludington Street. The following item will be on the agenda:

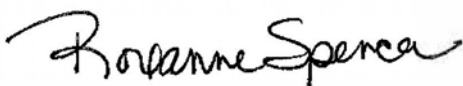
Proposed Zoning Map Amendment – Northtown Area

After receiving feedback from a previous Public Hearing held on June 27, 2019 and making revisions to its previous recommendations, the Planning Commission will hold a second Public Hearing on the re-zoning of designated sections of the Northtown area.

If you have comments, but are unable to attend this meeting, please submit your written comments to the City of Escanaba Planning Commission prior to September 4, 2019 at the address listed above. All written and signed comments will be entered into the public record.

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.

Sincerely,



Roxanne Spencer, Planning & Zoning Administrator
on behalf of the Escanaba Planning Commission

PROOF OF SERVICE – MAILING

This document was enclosed in sealed envelope, first class postage fully prepaid, and deposited in the U.S. Government Mail.

Addressee(s): Assessed Property Owners within 300' of Selected Northtown Properties for Proposed Re-Zoning

Mailing Date: August 28, 2019

Attested To By: Roxanne Spencer

City of Escanaba - City Hall



Mission Statement:

Enhancing the enjoyment and livability of our community by providing quality municipal services to our citizens.

The City of Escanaba is an equal opportunity employer and provider.

**NORTHTOWN - 2ND PUBLIC HEARING -
NEIGHBOR NOTIFICATIONS WITHIN 300' OF PROPERTIES WITH REVISIONS AFTER RECONSIDERATION**

Map #	Parcel #	Physical Address	Owner Name
3	051-010-2930-280-017	1000 1ST AVE N	UP APARTMENTS LLC
3	051-010-2930-277-017	1008 2ND AVE N	JOHNSON HAROLD C
3	051-010-2930-280-009	1009 2ND AVE N	PETERSON MARILYN
3	051-010-2930-277-011	1009 3RD AVE N	ABB MARLENE
3	051-010-2930-280-016	1010 1ST AVE N	TAYLOR CRAIG LIFE ESTATE
3	051-010-2930-277-010	1011 3RD AVE N	GUENETTE DAVID J JR
3	051-010-2930-280-008	1012 1ST AVE N	GOUIN CHRISTOPHER C
3	051-420-2930-200-011	1012 3RD AVE N	C REISS TERMINALS LLC
3	051-010-2930-280-002	1013 2ND AVE N	BUGAY RICHARD & LORI
3	051-010-2930-277-002	1013 3RD AVE N	ANDERSON MICHAEL & KYLEC/O C/O KYLE ANDERSON
3	051-010-2930-428-017	111 N 9TH ST	WENDT KEVIN D & ANN M
3	051-010-2930-428-002	112 N 10TH ST	DUBORD CHARLES & LILA
3	051-010-2930-427-001	112 N 11TH ST	TRIAD INVESTMENT PROPERTIES LLC
3	051-010-2929-301-005	117 N 8TH ST	ST VINCENT DEPAUL SOCIETY
3	051-010-2930-427-002	123 N 10TH ST	TRIAD INVESTMENT PROPERTIES LLC
3	051-010-2930-281-009	200 N 10TH ST	RYMKOS THOMAS G & MARY K
3	051-010-2930-280-006	204 N 11TH ST	HOME ESTATE LLC
3	051-010-2930-280-015	207 N 10TH ST	ESKOFSKI TROY R
3	051-010-2930-280-005	208 N 11TH ST	ALAN TILTON INVESTMENTS LLC
3	051-010-2930-280-014	209 N 10TH ST	LAMARCHE PATRICK J
3	051-010-2930-280-019	210 N 11TH ST	DUBORD KURT M & ABBY N
3	051-010-2930-280-018	214 N 11TH ST	ANDERSON L & K TRUST
3	051-010-2930-280-013	215 N 10TH ST	MIRON JOHN C & CHRISTINE F
3	051-010-2930-280-020	216 N 11TH ST	ANDERSON L & K TRUST
3	051-010-2930-280-012	217 N 10TH ST	DEROUIN DALE L & MERIDETH ANN
3	051-420-2930-200-007	218 N 9TH ST	LEVEILLE ROBERT B & SHIRLEY A
3	051-010-2930-280-003	220 N 11TH ST	THEORET DAVID J
3	051-010-2930-280-011	223 N 10TH ST	FLOYD RONALD D & BRENDA D
3	051-010-2930-280-001	226 N 11TH ST	LACOSSE APRIL L
3	051-010-2930-280-010	227 N 10TH ST	MARTIN MICHAEL G
3	051-010-2930-277-018	301 N 10TH ST	HEATH DAVE M & KIMBERLY A
3	051-010-2930-277-009	302 N 11TH ST	BUREAU ANDREW J
3	051-010-2930-277-008	304 N 11TH ST	CUSTANCE EDWARD & ROBIN M
3	051-010-2930-277-016	305 N 10TH ST	HEATH DAVE M & KIMBERLY
3	051-010-2930-277-007	308 N 11TH ST	GRAY CLARK
3	051-010-2930-277-015	309 N 10TH ST	NELSON CORY M
3	051-010-2930-277-014	313 N 10TH ST	HORST BRIAN W & RENE E
3	051-010-2930-277-006	314 N 11TH ST	DIEBOLT JEFFREY D II & JENI L
3	051-010-2930-277-005	316 N 11TH ST	WINTER ALEXIS & AMANDA
3	051-010-2930-277-013	319 N 10TH ST	PELOZA SARAH M
3	051-010-2930-277-004	320 N 11TH ST	ANDERSON ANDREW & JESSIE
3	051-010-2930-277-019	321 N 10TH ST	BAKER MICHAEL P & MARY L &
3	051-010-2930-277-012	325 N 10TH ST	O'DONNELL JOAN EC/O GUY LAPORTE
3	051-010-2930-277-003	326 N 11TH ST	BOGGS RONALD L & NANCY A
3	051-010-2930-277-001	330 N 11TH ST	RHODE FLOYD C SR
3	051-420-2930-200-012	440 N 10TH ST	KOBASIC DANIEL J TRUST
3	051-420-2929-100-005	800 1ST AVE N	KOBASIC DANIEL J TRUST
3	051-010-2929-301-013	816 LUDINGTON ST	BEAUCHAMP DUANE ET ALC/O PANGBORN CORY
3	051-010-2929-301-003	817 1ST AVE N	ST VINCENT DEPAUL SOCIETY
3	051-010-2929-301-002	821 1ST AVE N	BEAUCHAMP DUANE ET ALC/O PANGBORN CORY
3	051-420-2930-200-008	822 1ST AVE N	KRUTINA BRENT A
3	051-010-2929-301-001	823 1ST AVE N	DANFORTH RHONDA & MULTHAAPT WILLIAM
3	051-010-2930-281-022	902 1ST AVE N	DAIGNEAULT CYNTHIA F
3	051-010-2930-428-016	904 LUDINGTON ST	C & S LLCC/O SCHMIDT LEIGH
3	051-010-2930-428-015	906 LUDINGTON ST	LUFT JOHN A & SHANNEN

**NORTHTOWN - 2ND PUBLIC HEARING -
NEIGHBOR NOTIFICATIONS WITHIN 300' OF PROPERTIES WITH REVISIONS AFTER RECONSIDERATION**

3	051-010-2930-428-014	908 LUDINGTON ST	TRAUB JESSE & BENDER REBECCA
3	051-010-2930-281-021	910 1ST AVE N	KLUKA GABE R
3	051-420-2930-200-006	910 2ND AVE N	ROBITAILLE KEVIN J & JULIE M
3	051-010-2930-428-013	910 LUDINGTON ST	LUDINGTON STREET RENTALS LLC
3	051-010-2930-281-010	912 1ST AVE N	SCHEUREN MATTHEW S & SHANNON M
3	051-010-2930-428-012	912 LUDINGTON ST	COUSINEAU DONALD & MACKOWIAK MEGAN
3	051-010-2930-428-011	914 LUDINGTON ST	BEAVER RUSSELL & JAMIE
3	051-010-2930-428-010	916 LUDINGTON ST	SULLIVAN ROBERT
3	051-010-2930-428-009	918 LUDINGTON ST	ECONOMOS CHRIS & LEIA LIV TRUST
3	051-010-2930-428-003	919 1ST AVE N	ROGERS STEVEN A
3	051-010-2930-428-008	922 LUDINGTON ST	DUBORD CHARLES & LILA
3	051-010-2930-428-001	923 1ST AVE N	KING JOSHUA LC/O C/O K & M INDUSTRIAL
4	051-420-2929-400-002	101 S 2ND ST	HENDERSON ERIC & CHRISTINA
4	051-420-2929-400-003	107 S 2ND ST	ROSE ERIC J & KATHRYN S
4	051-420-2929-400-004	109 S 2ND ST	TURNER JANE K & MCDONNELL JOHN W JR
4	051-010-2929-328-001	110 N 3RD ST	BASIC TOWING INC
4	051-010-2929-100-004	111 N 3RD ST	COUNTY OF DELTA
4	051-420-2929-400-005	111 S 2ND ST	ROSE ERIC J & KATHRYN S
4	051-010-2929-331-012	116 S 2ND ST	JENSEN THOMAS R & KATHLEEN A
4	051-010-2929-401-008	117 S 2ND ST	BONEFELD GEORGE & BARB & ROBERT
4	051-010-2929-331-007	117 S 3RD ST	SAMSON DANIEL F
4	051-010-2929-401-003	122 1ST AVE S	VOSTERS STEVEN M
4	051-010-2929-401-002	128 1ST AVE S	CHASE JIMMIE
4	051-010-2929-331-006	201 LUDINGTON ST	DAVIDSON STEPHEN J & GINA M
4	051-010-2929-331-005	205 LUDINGTON ST	PUBLO INC
4	051-010-2929-331-011	208 1ST AVE S	MESSIMER STEPHEN & LEEANN
4	051-010-2929-331-004	209 LUDINGTON ST	FEUERBACH DARREN & VICTORIA LC/O FINANCIAL ADVISORS
4	051-010-2929-331-010	212 1ST AVE S	SCHWALBACH DAVID & JUDITH
4	051-010-2929-331-009	216 1ST AVE S	EISENBERGER EDWARD G & SUZELL M
4	051-010-2929-331-002	223 LUDINGTON ST	EISENBERGER EDWARD & SUZELLC/O HOTEL-RESTAURANT
4	051-010-2929-331-001	225 LUDINGTON ST	JACL
4	051-010-2929-330-001	305 LUDINGTON ST	STATE OF MICHIGAN/O ATT: LAND RECORDS
4	051-010-2929-327-001	310 LUDINGTON ST	COUNTY OF DELTA

AGENDA REPORT – PLANNING COMMISSION

For the Regular meeting agenda of September 12, 2019

UNFINISHED BUSINESS #1

Title: *Discussion on Zoning Considerations for Recreational Marihuana*

Background: In November 2018, voters approved the Michigan Regulation and Taxation of Marihuana Act (MRTMA), opening the door to legalizing the recreational use of marihuana, which became effective December 6, 2018. Licensing regulations for related business activities are required to be in place within 12 months after the effective date of the act, though the governor has indicated she is setting a goal of 6 months. Municipalities may “opt out” either permanently or to allow time for review of zoning and other considerations.

The Escanaba City Council has elected to opt out temporarily, with a sunset clause of 18 months from the date of the ordinance adoption. The City Manager has requested that the Planning Commission discuss and recommend zoning ordinance regulations for marihuana establishments in the event it is needed in the future.

Attached are two documents containing Version 4 of the ordinance draft: one containing the tracking notes of changes from the previous draft and the other as a “clean copy” without the tracking notes.

Options for Action:

1. Continue discussions and revisions of the proposed ordinance.
2. Make an ordinance recommendation to City Council for action.

Administrative Recommendation:

To continue discussions and revision of the proposed ordinance.

Attachments:

1. Proposed Marihuana Zoning Ordinance Language (Version 4, with tracking notes)
2. Proposed Marihuana Zoning Ordinance Language (Version 4, without tracking notes)

Recreational Marijuana Ordinance

- A. Purpose. It is the purpose of this section to regulate the location, signage, and hours of operation of marijuana establishments authorized by the Michigan Regulation and Taxation of ~~Marihuana~~Marihuana Act (MRTMA).
- B. Intent. The intent is to allow the development of recreational marijuana establishments while providing regulations that limit the impact of these establishments on the community and environment as follows:
1. Protect the visual and cultural character of neighborhoods and the historic downtown district;
 2. Protect neighboring property owners from noise, nuisance, safety, and security impacts; ~~enforce Michigan's Smoke Free Air Law (Public Act 188 of 2009);~~
 3. ~~Protect environmental resources and systems. ~~enforce US Clean Air Act of 1990, and the US Clean Water Act of 1972.~~~~
- C. Definitions. The terms used in this ordinance have the following meanings:
1. ~~Marihuana~~Marihuana. For the purposes of this ordinance the words ~~marihuana~~marihuana and *marijuana* are the same. The spelling of marijuana in the Michigan Act was spelled with an h in place of the j.
 2. ~~Marijuana~~. ~~Means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marijuana, concentrate and marijuana-infused products. For purposes of this ordinance, marijuana does not include:~~
 - a) ~~the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;~~
 - b) ~~industrial hemp; or~~
 - c) ~~any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.~~
 2. ~~All parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant. The term does not include mature stalks of the plant, fiber produced by the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the plant which is incapable of germination.~~
 3. THC. Tetrahydrocannabinol, a crystalline compound that is the main active ingredient of cannabis.

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4. Marijuana-Infused Product. Means a topical formulation, tincture, beverage, edible substance, or similar product containing marijuana and other ingredients and that is intended for human consumption.
 - ~~4. Marijuana-Infused Products. Marijuana-infused products are products that contain marijuana or marijuana extracts, are intended for human use, and have a THC concentration greater than 0.3 percent but not greater than 60 percent. The term does not include marijuana concentrates.~~
5. Marijuana grower. Means a person licensed to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments.
 - ~~5. Grower. A grower is a licensed producer of marijuana that grows marijuana in an establishment. Growers cultivate marijuana, including growing, harvesting, and drying or processing. Growers are classed and licensed as follows:~~
 - a. Class A: 100 plant limit.
 - b. Class B: 500 plant limit.
 - c. Class C: 2,000 plant limit.
6. Marijuana Processor. A person licensed to obtain marijuana from marijuana establishments; process and package marijuana; and sell or otherwise transfer marijuana to marijuana establishments. ~~Processor. A marijuana processor means a person is licensed to process marijuana into useable marijuana and marijuana-infused products, package, and label useable products for sale in retail facilities and/or marijuana retailers.~~
7. Marijuana Secure Transporter. A person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments.
 - ~~7. Secure Transporter. Transportation of marijuana using a method that is secure. Required to move marijuana between licensed facilities; may move money.~~
8. Marijuana Retailer. A person licensed to obtain marijuana from marijuana establishments and to sell or otherwise transfer marijuana to marijuana establishments and to individuals who are 21 years of age or older.
 - ~~8. Retailer. Marijuana retailer is a person licensed to sell useable marijuana and marijuana-infused products in a retail outlet to persons who are 21 years of age or older.~~
9. Marijuana Microbusiness. A person licensed to cultivate not more than 150 marijuana plants; process and package marijuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments.
 - ~~9. Microbusiness. An establishment licensed to cultivate not more than 150 plant; process and package, and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a Safety Compliance Facility, but not to other marijuana establishments.~~
10. Marijuana Safety Compliance Facility. A person licensed to test marijuana, including certification for potency and the presence of contaminants.

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~~10. Safety Compliance Facility. A facility that uses analytical testing methodologies required to meet quality assurance standards.~~

11. Marijuana Establishment. A marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana secure transporter, or any other type of marijuana-related business licensed by the department.

~~11. Marijuana Establishment. For purposes of this ordinance, marijuana establishment is a term that includes Grower, Processor, Secure Transporter, Retailer, Safety Compliance Facility, and Microbusiness.~~

12. Indoor. Indoor means within a fully enclosed and secure structure that complies with the International Building Code, as adopted by the City of Escanaba, that has a complete roof supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through a secure entry, and constructed of solid materials that cannot be easily broken, plastic sheeting of any gauge does not meet this requirement.

13. Outdoor. Outdoor means any location that is not Indoor.

14. Buffer or Drug-free Zone. A distance from a marijuana establishment to the nearest other type of establishment. Distances shall be measured as the shortest straight-line distance between the property lines and the mentioned uses.

15. License. A document issued by the City of Escanaba officially authorizing an applicant to operate a marijuana establishment.

16. State License. A license issued by the department that allows a person to operate a marijuana establishment.

17. Process or Processing. To separate or otherwise prepare parts of the marijuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marijuana concentrate or marijuana-infused products.

~~15-18.~~ Person. An individual, corporation, limited liability company, partnership of any type, trust, or other legal entity. NOTE: This is defined in the City Zoning Ordinance as: means a corporation, association, partnership, trust, firm or similar activity as well as an individual.

~~16.~~ Loiter. To stand or wait around idly or without apparent purpose.

~~17-19.~~ Resident. An individual 21 years of age or older who has been domiciled in this state for a minimum of thirty (30) days and possesses or has made application for a motor vehicle operator's license or identification card issued by the State of Michigan.

~~18-20.~~ Residential Dwelling: a structure or part of a structure that is used as a home or residence by one or more persons who maintain a household, whether single family or multifamily.

~~19-21.~~ City. The City of Escanaba.

Marijuana Buffer Zones – NOTE: there are no buffer zones for alcohol establishments in the City ordinance. There are for sexually oriented businesses, special care facilities, and bed and breakfasts.

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D.

~~NOTE: Based on comments regarding zoning that is too restrictive, should we consider reducing these buffer zones... referring to the map it appears we are being very strictive and may need to reduce buffers or remove certain establishments.~~

1. Marijuana establishments shall not be allowed to locate within ~~1,000~~1000 feet of an educational institution including (pre-schools, elementary and secondary schools, high schools, alternative schools, colleges, universities, but not limited to etc).
2. Marijuana establishments shall not be allowed to locate within ~~1,000~~1000 feet of a child-care facility or playground.
3. Marijuana establishments shall not be allowed to locate within 500 feet of public parks, public libraries, and hospitals.
4. ~~Marijuana establishments shall not be allowed to locate within 500 feet of any residential dwelling. NOTE: add that Mmarijuana establishments are shall not be allowed as a home business in the existing ordinance for home businesses. No residential operations or store fronts in residential zones.-~~

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E. Development Requirements

1. Planning Commission Review. Building permit applications for a marijuana establishment shall require review by the City of Escanaba Planning Commission and include a mandatory public hearing. Siting requirements shall also apply to any and all ancillary structures, mobile units, or any future development as yet contemplated within this ordinance. Marijuana establishments are not permitted as a home occupation.
2. Marijuana Establishment Zoning.
 - a. Marijuana establishments general restrictions in all zoning districts:
 - i. Prohibit on-site sampling rooms or social clubs.
 - ii. Prohibit drive-thru, exterior, or off-site sales.
 - iii. Marijuana establishments may not be located in temporary or mobile structures.
 - b. Zoning Districts A, B, C, C-2, O prohibit marijuana establishments.
 - c. Zoning Districts D, E, E-1, E-2, E-3 allow Retail establishments with these additional restrictions:
 - i. Limit the number of retailers allowed in the City to no more than five and only one marijuana establishment per parcel.
 - d. Zoning Districts F, F-1 allow Growers Class A, Safety Compliance Facilities, Microbusinesses.
 - e. Zoning District G allows Growers Class B and Class C, Safety Compliance Facilities, and Microbusinesses.

- F. Local and State Codes. No Certificate of Occupancy shall be granted for a marijuana establishment unless the premise concerned is in complete compliance with all Local and State Codes and Regulations.

G. Signage. All signage shall meet the requirements of the Sign Ordinance (Section 2001), ~~and may not use any pictorial representations of any portion of a marijuana plant, products, by products, or paraphernalia associated with the use or distribution of recreational marijuana. The words POT, MARYJ, WEED, GRASS, DOPE, REEFER, and GANJA are not allowed on signs.~~

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H. Hours of Operation. Marijuana establishments in zoning districts D, E, E-1, E-1, and E-3 may not operate from ~~10PM~~ – 8AM EST.

~~I. Security. Security requirements for marijuana establishment shall include:~~

- ~~1. Lockable doors and windows to include intrusion alarms with audible components, and police notification components sending notification directly to or through a second party to Escanaba Public Safety or the State Police Post.~~
- ~~2. Video surveillance capable of covering the exterior of the facility, interior, and all plants cultivated within the facility. The video surveillance system shall be operated with continuous recording twenty four hours per day, seven days per week and such records of surveillance shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.~~

~~J. Ventilation, Fertilizers, Chemicals, and Hazardous Materials.~~

1. All fertilizers, chemicals, gases, and hazardous materials shall be handled in compliance with all applicable local, state, and federal regulations. No fertilizers, chemicals, gases, or hazardous materials shall be allowed to enter a sanitary sewer or storm sewer system nor be released in the atmosphere or ground outside of the structure where the business is located.
2. All marijuana establishments shall have an odor mitigation system installed that has been approved and stamped by a Michigan licensed engineer indicating that the system will provide sufficient odor control measures.
3. Marijuana establishments shall be in compliance with the City's ordinance as it pertains to odors, fumes, noise, smoke, waste, and vibrations.

~~K. Permanent Location. Each marijuana establishment shall be operated from a permanent location. No marijuana establishment shall be permitted to operate from a moveable, mobile, or transitory location.~~

~~L. License Application. A person seeking a license or renewal of a license issued pursuant to this Ordinance shall submit an application to the City Clerk on approved forms provided by the City.~~

- ~~1. The applicant shall present one (1) of the following forms of identification upon submission of an application to operate a marijuana establishment:
 - ~~i. A valid State of Michigan motor vehicle operator's license.~~~~

- ii. ~~— A current State of Michigan Identification Card.~~
- iii. ~~— A United States Military Identification Card.~~
- iv. ~~— A valid passport or Nexus card.~~

~~a. The applicant shall provide the following information for all persons having a 10% financial interest or more in the marijuana establishment:~~

- ~~i. Name, address, date of birth.~~
- ~~ii. Acknowledgment and consent that the City will conduct a background investigation, including a criminal history check.~~
- ~~iii. Proof of lawful residence. Proof of lawful residence may be made by providing two of the following documents:~~
 - ~~a. A valid State of Michigan motor vehicle operator's license.~~
 - ~~b. A valid State of Michigan motor vehicle registration certificate.~~
 - ~~c. A valid State of Michigan fishing or hunting license.~~
 - ~~d. Voter registration.~~
 - ~~e. A current invoice from a utility company with a local service address.~~
- ~~iv. The name and complete physical address of the proposed marijuana establishment.~~

~~M. License Requirement. Any person operating a marijuana establishment within the City must obtain a license through the Michigan Marijuana Regulatory Agency (MRA), which shall be granted on the same criteria and regulations as set forth in NEED TO REFERENCE DOCUMENT THAT OUTLINES CITY LICENSING PROCEDURE, including all regulations or amendments thereto.~~

~~— Licensing for all marijuana establishments shall require review and approval by the Escanaba City Council.~~

- ~~1. The license shall be granted contingent upon the applicant obtaining any required State license.~~
- ~~2. Licenses are valid for one (1) year.~~
- ~~3. License shall be kept current at all times.~~
- ~~4. Applicant must be at least 21 years of age.~~
- ~~5. Applicant must be a resident of the State of Michigan.~~
- ~~6. License shall be posted in a conspicuous location at the marijuana establishment.~~
- ~~7. Licenses are transferable as long as all state requirements are met.~~
- ~~8. Upon receipt of an application for a new license or renewal, the city shall schedule a public hearing on the application to be held not less than 60 days after receipt of the completed application.~~
- ~~9. Incomplete, false, or misleading applications will not be processed.~~

~~K.~~

~~N.L. Local License Fees~~

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1. Initial ~~license~~ fees:
 - i. Marijuana grower, Class A \$500.00.
 - ii. Marijuana grower, Class B \$750.00.
 - iii. Marijuana grower, Class C \$1,000.00.
 - iv. Marijuana processor, \$500.00.
 - v. Marijuana secure transporter \$500.00.
 - vi. Marijuana safety compliance facility \$750.00.
 - vii. Marijuana retailer \$500.00.
 - viii. Marijuana microbusiness \$700.00.

2. ~~Renewal license~~ fee: All marijuana establishment ~~fee license~~ renewals will be \$500.00 annually.

3. ~~License F~~ees are non-refundable ~~and due upon receipt of the completed application.~~

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~~Q. Suspension or Revocation~~

- ~~1. The City Council may, after notice and public hearing, suspend, revoke, or refuse to renew a license for a marijuana establishment for failing to comply with this Ordinance.~~
- ~~2. In suspending, revoking, or refusing to renew a license for a marijuana establishment, the City Council may take into consideration:

 - ~~i. Number and types of complaints law enforcement received and investigated.~~
 - ~~ii. Failing to correct or abate any violation that the Code Enforcement Officer is authorized to enforce.~~~~

~~P. Regulations (UNTIL STATE DEFINES REGS) NOTE: Removed the Regulations section because the city does not have the staffing to enforce the regulations and would prefer to wait for the state to issue regulations. In addition, it was suggested we use the liquor law regulations to guide the marijuana regulations. If we have further discussion and this is the direction we choose to go, I will spend time reviewing Michigan's liquor regulations and can adjust to fit marijuana establishments. I will defer to the commissioners for guidance on this section.~~

~~1. A marijuana establishment may not employ a person who is convicted of any state or federal controlled substance law or is under indictment or charged with any state or federal controlled substance law violation, while employed at the marijuana establishment. If a principal officer or board member is convicted of any state or federal controlled substance law while a principal officer or board member of a marijuana establishment that marijuana establishment shall immediately be considered in violation of this Ordinance.~~

~~2. Background History.~~

- ~~i. Marijuana establishment applicants, their employees, and all persons having a 10% financial interest or more in the business shall provide to the City a copy of any criminal history documents held by the State of Michigan as part of their application process for the licensing of a marijuana establishment.~~
- ~~ii. In the event the marijuana establishment applicant is unable to produce a copy or copies of the criminal history documents held by the State of Michigan, the~~

applicant, their employees, and all persons having a 10% financial interest or more in the business shall submit to a criminal history background investigation conducted by the City of Escanaba Public Safety Department. The fee for the criminal history investigation shall be one hundred (\$100) dollars per person.

3. **Required Notices.** There shall be posted in a conspicuous location inside each marijuana store, at least one legible sign containing the following information:

- i. Use of or allowing on-site consumption of marijuana is illegal.
- ii. Open and public consumption of marijuana in the State of Michigan is illegal.
- iii. The use of marijuana or marijuana products may impair a person's ability to drive a car or operate machinery.
- iv. No one under the age of twenty-one (21) allowed.
- v. Loitering is prohibited.

Q. Right of Access. Every marijuana establishment shall allow law enforcement officers to enter the premises at reasonable times for the purpose of investigating compliance with this Ordinance.

R. Indemnification

1. By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the City, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any marijuana establishment owners, operators, employees, clients, or customers for a violation of local, state or federal laws, rules or regulations.

2. By accepting a license issued pursuant to this Ordinance, all licensees, jointly and severally if more than one (1), agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a licensed marijuana establishment.

S. State Law. In the event the State of Michigan adopts laws or regulation governing the sale, distribution, or testing of marijuana or marijuana products, the additional or stricter regulation shall control the establishment or operation of any marijuana establishment, marijuana products manufacturing, or marijuana testing facility in the City. Compliance with any applicable state law or regulation shall be deemed an additional requirement for issuance or denial of any license under this Ordinance, and noncompliance with any applicable state law or regulation shall be grounds for revocation or suspension of any license issued hereunder.

~~T.M.~~ Retail Sales Tax Option. All marijuana establishments shall be subject to the maximum local sales tax authorized by the State statute as it shall be enacted or amended.

~~U.N.~~ Amendments. This Ordinance may be amended by the Escanaba Planning Commission after proper notice and public hearing. Amendments shall take effect seven (7) days after approval by the Escanaba City Council and remain in effect until further amended or repealed.

~~Y.O.~~ Enforcement. This ordinance shall be enforced by the City Code Enforcement Officer or their designee.

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~~W.P.~~ Severability. If any provision of this Ordinance is determined invalid by a court of competent jurisdiction, such determination shall not render invalid the remaining portions of the Ordinance.

~~X.O.~~ Effective Date. For the purposes of licensing marijuana establishments this Ordinance becomes effective Month Day, Year.

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Recreational Marijuana Ordinance

- A. Purpose. It is the purpose of this section to regulate the location, signage, and hours of operation of marijuana establishments authorized by the Michigan Regulation and Taxation of Marihuana Act (MRTMA).
- B. Intent. The intent is to allow the development of recreational marijuana establishments while providing regulations that limit the impact of these establishments on the community and environment as follows:
1. Protect the visual and cultural character of neighborhoods and the historic downtown district;
 2. Protect neighboring property owners from noise, nuisance, safety, and security impacts; Protect environmental resources and systems.
- C. Definitions. The terms used in this ordinance have the following meanings:
1. Marihuana. For the purposes of this ordinance the words *marihuana* and *marijuana* are the same. The spelling of marijuana in the Michigan Act was spelled with an h in place of the j.
 2. Marijuana. Means all parts of the plant of the genus *cannabis*, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marijuana concentrate and marijuana-infused products. For purposes of this ordinance, marijuana does not include:
 - a) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
 - b) industrial hemp; or
 - c) any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.
 3. THC. Tetrahydrocannabinol, a crystalline compound that is the main active ingredient of cannabis.
 4. Marijuana-Infused Product. Means a topical formulation, tincture, beverage, edible substance, or similar product containing marijuana and other ingredients and that is intended for human consumption.
 5. Marijuana Grower. Means a person licensed to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments.
 - a. Class A: 100 plant limit.
 - b. Class B: 500 plant limit.
 - c. Class C: 2,000 plant limit.
 6. Marijuana Processor. A person licensed to obtain marijuana from marijuana establishments; process and package marijuana; and sell or otherwise transfer marijuana to marijuana establishments.
 7. Marijuana Secure Transporter. A person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments.

8. Marijuana Retailer. A person licensed to obtain marijuana from marijuana establishments and to sell or otherwise transfer marijuana to marijuana establishments and to individuals who are 21 years of age or older.
 9. Marijuana Microbusiness. A person licensed to cultivate not more than 150 marijuana plants; process and package marijuana; and sell or otherwise transfer marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility, but not to other marijuana establishments.
 10. Marijuana Safety Compliance Facility. A person licensed to test marijuana, including certification for potency and the presence of contaminants.
 11. Marijuana Establishment. A marijuana grower, marijuana safety compliance facility, marijuana processor, marijuana microbusiness, marijuana retailer, marijuana secure transporter, or any other type of marijuana-related business licensed by the department.
 12. Indoor. Indoor means within a fully enclosed and secure structure that complies with the International Building Code, as adopted by the City of Escanaba, that has a complete roof supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through a secure entry, and constructed of solid materials that cannot be easily broken, plastic sheeting of any gauge does not meet this requirement.
 13. Outdoor. Outdoor means any location that is not Indoor.
 14. Buffer or Drug-free Zone. A distance from a marijuana establishment to the nearest other type of establishment. Distances shall be measured as the shortest straight-line distance between the property lines and the mentioned uses.
 15. License. A license issued by the state that allows a person to operate a marijuana establishment.
 16. Process or Processing. To separate or otherwise prepare parts of the marijuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marijuana concentrate or marijuana-infused products
 17. Person. An individual, corporation, limited liability company, partnership of any type, trust, or other legal entity. **NOTE: This is defined in the City Zoning Ordinance as: means a corporation, association, partnership, trust, firm or similar activity as well as an individual.**
 18. Resident. An individual 21 years of age or older who has been domiciled in this state for a minimum of thirty (30) days and possesses or has made application for a motor vehicle operator's license or identification card issued by the State of Michigan.
 19. Residential Dwelling: a structure or part of a structure that is used as a home or residence by one or more persons who maintain a household, whether single family or multifamily.
 20. City. The City of Escanaba.
- D. Marijuana Buffer Zones – NOTE: there are no buffer zones for alcohol establishments in the City ordinance. There are for sexually oriented businesses, special care facilities, and bed and breakfasts.**
1. Marijuana establishments shall not be allowed to locate within **1000 feet** of an educational institution including pre-schools, elementary and secondary schools, high schools, alternative schools, colleges, universities, but not limited to.

2. Marijuana establishments shall not be allowed to locate within **1000 feet** of a child-care facility or playground.
3. Marijuana establishments shall not be allowed to locate within **500 feet** of public parks, public libraries, and hospitals.
4. Marijuana establishments shall not be allowed as a home business. No residential operations or store fronts in residential zones.

E. Development Requirements

1. Planning Commission Review. Building permit applications for a marijuana establishment shall require review by the City of Escanaba Planning Commission and include a mandatory public hearing. Siting requirements shall also apply to any and all ancillary structures, mobile units, or any future development as yet contemplated within this ordinance. Marijuana establishments are not permitted as a home occupation.
2. Marijuana Establishment Zoning.
 - a. Marijuana establishments general restrictions in all zoning districts:
 - i. Prohibit on-site sampling rooms or social clubs.
 - ii. Prohibit drive-thru, exterior, or off-site sales.
 - iii. Marijuana establishments may not be located in temporary or mobile structures.
 - b. Zoning Districts A, B, C, C-2, O prohibit marijuana establishments.
 - c. Zoning Districts D, E, E-1, E-2, E-3 allow Retail establishments with these additional restrictions:
 - i. Limit the number of retailers allowed in the City to no more than five and only one marijuana establishment per parcel.
 - d. Zoning Districts F, F-1 allow Growers Class A, Safety Compliance Facilities, Microbusinesses.
 - e. Zoning District G allows Growers Class B and Class C, Safety Compliance Facilities, and Microbusinesses.

F. Local and State Codes. No Certificate of Occupancy shall be granted for a marijuana establishment unless the premise concerned is in complete compliance with all Local and State Codes and Regulations.

G. Signage. All signage shall meet the requirements of the Sign Ordinance (Section 2001).

H. Hours of Operation. Marijuana establishments in zoning districts D, E, E-1, E-1, and E-3 may not operate from **10PM** – 8AM EST.

I. Ventilation, Fertilizers, Chemicals, and Hazardous Materials.

1. All fertilizers, chemicals, gases, and hazardous materials shall be handled in compliance with all applicable local, state, and federal regulations. No fertilizers, chemicals, gases, or hazardous materials shall be allowed to enter a sanitary sewer or storm sewer system nor be released in the atmosphere or ground outside of the structure where the business is located.
 2. All marijuana establishments shall have an odor mitigation system installed that has been approved and stamped by a Michigan licensed engineer indicating that the system will provide sufficient odor control measures.
 3. Marijuana establishments shall be in compliance with the City's ordinance as it pertains to odors, fumes, noise, smoke, waste, and vibrations.
- J. Permanent Location. Each marijuana establishment shall be operated from a permanent location. No marijuana establishment shall be permitted to operate from a moveable, mobile, or transitory location.
- K. License Requirement. Any person operating a marijuana establishment within the City must obtain a license through the Michigan Marijuana Regulatory Agency (MRA).
- L. Local Fees
1. Initial fees:
 - i. Marijuana grower, Class A \$500.00.
 - ii. Marijuana grower, Class B \$750.00.
 - iii. Marijuana grower, Class C \$1,000.00.
 - iv. Marijuana processor, \$500.00.
 - v. Marijuana secure transporter \$500.00.
 - vi. Marijuana safety compliance facility \$750.00.
 - vii. Marijuana retailer \$500.00.
 - viii. Marijuana microbusiness \$700.00.
 2. Renewal fee: All marijuana establishment fee renewals will be \$500.00 annually.
 3. Fees are non-refundable.
- M. Retail Sales Tax Option. All marijuana establishments shall be subject to the maximum local sales tax authorized by the State statute as it shall be enacted or amended.
- N. Amendments. This Ordinance may be amended by the Escanaba Planning Commission after proper notice and public hearing. Amendments shall take effect seven (7) days after approval by the Escanaba City Council and remain in effect until further amended or repealed.

- O. Enforcement. This ordinance shall be enforced by the City Code Enforcement Officer or their designee.
- P. Severability. If any provision of this Ordinance is determined invalid by a court of competent jurisdiction, such determination shall not render invalid the remaining portions of the Ordinance.
- Q. Effective Date. For the purposes of licensing marijuana establishments this Ordinance becomes effective Month Day, Year.

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AGENDA REPORT – PLANNING COMMISSION

For the Regular meeting agenda of September 12, 2019

NEW BUSINESS #1

Title: Review of Zoning Ordinance Chapter 3 – Board of Zoning Appeals

Background: Per Section 104 of the Zoning Ordinance, the Planning Commission shall review the Zoning Ordinance every five years to ensure it is current and accurate. Chapter 3 is the next chapter scheduled for review.

Issues and Questions Specified:

The changes recommended for Chapter 3 include

- Changing the deadline on initiating an appeal for internal document consistency,
- Removing references to regular meetings as there are none for the ZBA,
- Replacing Variance Review Criteria and Standards with clearer language, and
- Adding a section to the section on Circuit Court Review to conform with the MI Zoning Act.

Are there any additional changes recommended by the Planning Commission?

Options for Action:

1. Recommend revisions for Chapter 3 → Hold Public Hearing → Refer to City Council for action
2. Make no changes to Chapter 3 (no further action needed)

Administrative Recommendation: To recommend revisions for Chapter 3, with the Public Hearing and referral to City Council in the fall of 2019, after all five chapters scheduled for this year have been reviewed.

Attachments:

1. Zoning Ordinance Chapter 3 (with recommended changes and comments)

CHAPTER 3 – ZONING BOARD OF ZONING APPEALS

Section 301. - General.

- 301.1. *Purpose.* This section addresses the duties and responsibilities of the Zoning Board of Zoning Appeals, hereafter referred to as "the Board" and other officials and agencies, with respect to the administration of this chapter.
- 301.2. *Cross References, as amended.*
- A. P.A. 12 of 2008, the Michigan Zoning Enabling Act, as amended.
 - B. P.A. 33 of 2008, the Michigan Planning Enabling Act, as amended.
- 301.3. *Establishment of the Board.* The Zoning Board of Appeals is established in accordance with P.A. 12 of 2008, as amended. The Board shall perform its duties and exercise its powers as provided by state law and this Zoning Code such that the intent of this Zoning Code is observed and the health, safety and welfare of the public is secured.
- 301.4. *Filing for Appeal.* Any person with standing, aggrieved or affected by any decision of the Code Official shall be permitted to appeal to the Zoning Board of Appeals by written request with the Code Official. Upon furnishing the proper information, the Code Official shall transmit to the Zoning Board of Appeals all papers and pertinent data related to the appeal.
- 301.5. *Time Limit.* An appeal shall only be considered if filed within fifteen (15) days after the cause arises or the appeal shall not be considered. If such an appeal is not made, the decision of the Code Official shall be considered final.
- 301.6. *Stays of Proceedings.* An appeal stays all proceedings from further action unless there is immediate danger to public health and safety.

(Ord. No. 1028, Ch. I, 10-16-03; Ord. No. 1089, Ch. I, 11-6-08)

Section 302. - Zoning Board of Appeals; Composition; Terms of Office.

- 302.1. *Membership.* The Zoning Board of Appeals shall consist of six (6) members appointed by the City Council for terms of three (3) years. Terms shall be overlapping to provide for the appointment of an equal number of members each year.
- 302.2. *Alternate Members.* The City Council may appoint two (2) alternate members for terms of three (3) years each. An alternate member may be called by the Chairperson of the Board or the Code Official to sit as a regular member of the Board in the absence of a regular member if:
- 302.2.1. *Attendance.* A regular member is unable to attend a regularly scheduled meeting;
 - 302.2.2. *Conflict of Interest.* A regular member has abstained from a decision for reason of a conflict of interest; or
 - 302.2.3. *Duration.* The alternate member having been appointed shall serve on an appeal until a final decision has been made. Such alternate member shall have the same voting rights as a regular member of the Board. Absence, inability to attend or abstention because of a conflict of interest may be established by communication of a Board member at least twenty-four (24) hours prior to the regularly scheduled Board meeting.

(Ord. No. 1028, Ch. I, 10-16-03)

Section 303. - Hearings.

303.1. *General.* The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof ~~in accordance with section 304.1.4. to all persons to whom any real property within three hundred (300) feet of the premises in question is accessed, and to the occupants of single and two family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail addressed to the respective owners and tenants at the address given in the latest assessment role, at least fifteen (15) days before the hearing of an appeal. If a tenant's name is not known, the term occupant will be used.~~ Upon the hearing, a party may appear in person or by agent or by attorney. Meetings of the Zoning Board of Appeals shall be held at the call of the Code Official and at such other times as the Board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public. The Board shall follow rules of procedure and keep a public record of its proceedings showing the action of the Board and the vote of each member upon each question considered. The presence of four (4) members shall be necessary to constitute a quorum and a majority vote of the members of the Board shall be necessary to reverse an order, requirement, decision or determination of an administrative official or to decide in favor of the applicant in the case of a variance, exception or interpretation, except that the concurring vote of four (4) of the members shall be necessary to grant a variance from uses of land permitted by this Zoning Code.

Comment [RS1]: Redundant. Refer to section 304.1.4 instead.

(Ord. No. 1028, Ch. I, 10-16-03; Ord. No. 1089, Ch. I, 11-6-08)

Section 304. - Rules of procedure.

304.1. *General.* The Zoning Board of Appeals shall follow such procedures as are established by statute, Ordinance and resolution of the Board. These procedures shall include:

304.1.1. *Appeals Generally.* For purposes of these rules of procedure, an appeal shall include applications for appeals, interpretations, variances, exceptions and matters involving nonconforming uses.

304.1.2. *Initiating Appeals.* Appeals shall be filed with the Code Official within ~~fifteen (15) ten (10)~~ working days after written notice is given of the action being appealed. ~~An appeal must be submitted at least fifteen (15) business days before the Board meeting at which it will be considered.~~ An appeal may be taken by a person aggrieved, or by the Code Official. A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

Comment [RS2]: Change to agree with Section 301.5.

Comment [RS3]: Remove, since there are no regular meetings of the ZBA. Short time frame would make it impossible to meet the 15 day posting requirement for Public Hearings.

304.1.3. *Filing Fees.* The filing fee for appeals shall be established by resolution of the City Council.

304.1.4. *Notice/Advertisements.* Notice shall be given to all persons to whom real property is assessed within three hundred (300) feet of the property that is the subject of the request and to the occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction not less than fifteen (15) days before the date the request will be considered. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other district spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. Required notice shall be considered given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. Additionally, one (1) advertisement in a local newspaper of general circulation indicating the nature of the appeal and the date of the hearing will be placed not less than fifteen (15) days before the date the request will be considered. A minor deviation in the notice published in the newspaper or in the time of appearance of such notice in the newspaper shall not affect the validity of the proceedings of the Board unless there

is a clear demonstration of prejudice as a result of such minor deviation. A notice under this section shall describe the nature of the request, indicate the property that is the subject of the request, list all existing street addresses within the property, state when and where the request will be considered and indicate when and where written comments will be received concerning the request.

~~304.1.5. *Regular Meetings.* The Board shall annually certify their meeting dates and times of each month. If the regular meeting date falls on a holiday, or if the regular meeting date falls on a Tuesday immediately following a Monday holiday, the meeting date shall be moved to the next working day. Meetings shall be held in the City Council Chambers of City Hall, unless otherwise indicated.~~

Comment [RS4]: Remove references to Regular Meetings, as there are not regular scheduled meetings for ZBA.

~~304.1.6. *Exceptions to Regular Meeting Dates.* If a quorum of the members is not present or anticipated, then the regular meeting may be canceled and rescheduled to the next regularly scheduled meeting or to the earliest possible date determined by the Chairperson of the Board. If no requests have been received fifteen (15) days before the date of a regularly scheduled meeting, the meeting may be canceled by the Code Official.~~

304.1.7. *Application Contents.* In addition to all other requirements of statute and ordinance, applications shall be in a form determined by the Code Official and shall contain such information as the Code Official shall direct. Such applications shall also include the following:

- A. A site plan or site diagram reflecting accurate dimensions of the property, the location of structures on the property and the location of buildings on adjacent properties. If requested by the Board or the Code Official, such drawing shall be a survey performed by a registered land surveyor.
- B. The name, address and telephone number of the applicant and the authorized agents of the applicant.
- C. The application must be signed by the owner or someone acting upon written consent of the owner, which written consent must be submitted with the application.
- D. All previous appeals involving the property noted on the application as to the subject, date and outcome of the appeal.

304.1.8. *Conflict of Interest.* Members shall disqualify themselves from deliberating and voting on any matter in which a member has any personal, professional, or financial interest (direct or indirect). Before deliberating any appeal, the Chairperson shall ask if any member has such a conflict. Any member must clearly state the conflict for the record.

304.1.9. *Representation at Hearing.* The applicant or the applicant's authorized agent must be present at the public hearing to properly answer questions concerning the appeal. If the applicant or agent is not present, the appeal may be deferred until the next meeting or dismissed, at the direction of the Board.

304.1.10. *Reconsideration.* An applicant may re-appeal a decision after twelve (12) months from the decision of the Board. The Board will not reconsider any appeal within twelve (12) months from the date of the decision unless it can be shown by the applicant that there has been substantially changed circumstances affecting the appeal, which circumstances were not known to the Board at the previous hearing. The substantial change in circumstances shall be described, in writing, by the applicant at the time of the application.

304.1.11. *Instructions.* The Code Official shall prepare a written description of the procedures of the Board and instructions to all potential applicants. Such written instruction shall be submitted to the Board for its approval prior to the public distribution.

304.1.12. *Other Rules.* The Board may adopt such other rules to govern its procedure as it deems advisable, provided such rules are not in conflict with statute or ordinance.

(Ord. No. 1028, Ch. I, 10-16-03; Ord. No. 1089, Ch. I, 11-6-08)

Section 305. - Powers and Duties of the Zoning Board of Appeals.

- 305.1. *General* The Board shall have the power to hear and decide on appeals where it is alleged that there is an error in any order, requirement, decision, determination or interpretation by the Code Official. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of appeal from and shall make an order, requirement, decision, or determination as in the Board's opinion ought to be made in the premises. If there are practical difficulties or unnecessary hardship in carrying out the strict letter of the ordinance, the Zoning Board of Appeals may, in passing on appeals, grant a variance in any of the provisions relating to the construction, or structural changes in, equipment, or alteration of buildings or structures, or the use of land, buildings, or structures, so that the spirit of the ordinance shall be observed, public safety secured, and substantial justice done. The Zoning Board of Appeals shall not have the power to vary a standard for a Planned Unit Development or a Special Land Use Permit.
- 305.2. *Appeals*. The Board shall hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, decision or determination made by the Code Official or body charged with the enforcement of this Zoning Code.
- 305.3. *Interpretations*. Upon application by the Code Official or person interested in a specific affected parcel of land, when other administrative appeals have been exhausted, the Board shall have the power to:
- A. Interpret the Zoning Code in such a way as to carry out its intent and purpose;
 - B. Determine the precise location of a zoning district and special area boundaries;
 - C. Classify a use which is not specifically mentioned, determine the district within which the use is permitted and determine the necessary parking to support the use; and
 - D. Determine the off-street parking and loading space requirements of this Zoning Code.
- 305.4. *Variance Review Criteria*. The Board shall have the power to authorize specific variances or departures from this Zoning Code, if all of the basic conditions are satisfied, and if there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this Zoning Code. A variance from the dimensional requirements of this Zoning Code may only be granted if it is determined that all basic conditions have been satisfied and that there is a practical difficulty in carrying out the requirement. A variance from the use requirements of this Zoning Code may only be granted if it is determined that all basic conditions have been satisfied and that there is an unnecessary hardship created by those use restrictions.

~~305.4. [305.5.] Basic Conditions. Any variance granted from this Zoning Code shall meet the following basic conditions:~~

- ~~A. The spirit of the Zoning Code shall be observed, public safety secured and substantial justice done.~~
- ~~B. There is no substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.~~
- ~~C. The difficulty or hardship relating to the property is not so general or recurrent in nature that the formulation of a general regulation for such conditions is preferable.~~
- ~~D. The practical difficulties or unnecessary hardships are unique to the property under consideration and not to the general neighborhood, and shall apply only to property that is under the control of the applicant.~~
- ~~E. It shall be necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.~~
- ~~F. There is a clear showing of an unnecessary hardship in that the property as a whole cannot reasonably be put to a use authorized by this Zoning Code.~~

Comment [RS5]: Recommend removing these standards and replacing with the wording below (or modification of it), pulled from Marquette's new ordinance, which seem to be clearer language.

~~G. The alleged hardship or difficulty is not solely economic, and is based on the reasonable use of a particular parcel of land.~~

~~H. It may be denied where the alleged practical difficulties or unnecessary hardships resulted from an act of the applicant, or a person in privity or concert with the applicant.~~

~~305.5 Required Standards of Review. The Zoning Board of Appeals shall make findings that a “practical difficulty” has been shown by the applicant by finding that all of the following requirements have been met by the applicant for a variance.~~

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~~A. **Special Conditions and Circumstances Unique to the Land, Structure, or Building.** That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings in the same district;~~

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~~B. **Rights of Similar Properties in the Same Districts.** That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other similar properties in the same district under the terms of this Ordinance;~~

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~~C. **Not a Result of Actions of the Applicant.** That the special conditions and circumstances do not result from the actions of the applicant;~~

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~~D. **Special Privileges Prohibited.** That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district;~~

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~~E. **Comparison to Other Lands, Structures, or Buildings Not a Factor.** That no nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.~~

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~~F. **Strict Compliance is Unnecessarily Burdensome.** That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose and would thereby render the conformity unnecessarily burdensome for other than financial reasons;~~

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~~G. **Substantial Justice.** That a variance would do substantial justice to the applicant, as well as to other property owners in the district (the ZBA, however, may determine that a reduced relaxation would give substantial relief and be more just);~~

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~~H. **Impact.** That the proposed variance will not impair an adequate supply of light and air to adjacent property or increase the congestion in public streets; that the variance will not increase the hazard of fire or flood or endanger public safety; that that the variance will not unreasonably diminish or impair established property values within the surrounding area; and that the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.~~

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~~I. **Minimum Variance Necessary.** That the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.~~

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~~J. **Purpose and Intent of the Zoning Ordinance.** That the granting of the variance, will be in harmony with the general purpose and intent of this Ordinance.~~

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~~305.6. Practical difficulties and unnecessary hardships. In order to determine if there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Zoning Code the following shall apply:~~

Comment [RS6]: Redundant to the standards listed above.

~~305.6.1. *Dimensional Variance.* A practical difficulty shall exist where there are exceptional or extraordinary circumstances or physical conditions, such as narrowness, shallowness, shape or topography of the property involved, that do not generally apply to other property or uses in the same zoning district.~~

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~~305.6.2-~~ *Use Variance.* The Board shall not grant a variance to allow the establishment of a use in a Zoning District when such use is prohibited by the provisions of this chapter. An unnecessary hardship shall exist where the lot considered in combination with other land owned by the applicant adjacent thereto has no reasonable value as zoned.

Comment [RS7]: With the removal of Sections 305.6 & 305.6.1, elevate this section to 305.6 as a stand alone section.

305.7. *Other Powers.* In specific cases, the Zoning Board of Appeals may vary or nullify the regulations herein established, in harmony with the general purpose and intent, as follows:

- A. Permit in any district, such modification of the requirements of these regulations as said Board may deem necessary to secure an appropriate development of a lot where adjacent to such lot on two (2) or more sides there are buildings that do not conform to these regulations.
- B. Extend the period of time during which reconstruction must be started when restoring damage brought about by fire, explosion, act of God, or act of a public enemy as provided in Section 207.4 Restoration and Repairs of this Ordinance.
- C. Where the street layout actually on the ground varies from the street layout shown on the Zoning Map, apply the designations shown on the mapped street in such a way as to carry out the intent and purpose of the Ordinance for the particular area in question.

305.8. *Decisions.* The Board shall not have the authority to alter or change this Ordinance or Zoning Map to allow a use which would be inconsistent with the requirements of this Ordinance. Provided, however, that in interpreting and applying the provisions of this Ordinance, the requirements shall be deemed to be the spirit and intent of the Ordinance and does not constitute the granting of a special privilege.

(Ord. No. 1028, Ch. I, 10-16-03)

Section 306. - Time Limitations of Orders.

306.1. *Miscellaneous.* An order of the Zoning Board of Appeals permitting the erection or alteration of a building is valid for no longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

306.2. *Uses.* An order of the Board permitting the use of a building or premises is valid for no longer than one (1) year unless such use is established within such period. However, where such permitted use is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for such erection or alteration is obtained within such period and if such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

306.3. *Modifications.* Time limits established by this Chapter may be lengthened or shortened by the Board as a condition imposed under the standards for conditions set forth in this Zoning Code.

306.4. *Expiration.* In addition to any expiration provision contained in an order itself, an order of the Zoning Board of Appeals may be declared by the Code Official to be expired where there has been change in a material circumstance or fact upon which the order was issued, such as, but not limited to, destruction of a building or natural feature, vacation of a street or a change in topography.

(Ord. No. 1028, Ch. I, 10-16-03)

Section 307. - Court Review.

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

307.2. *Standards for Review.* The Circuit Court shall review the record and decision of the Zoning Board of Appeals to ensure that the decision:

- A. Complies with the constitution and the laws of the State;
- B. Is based upon proper procedure;
- C. Is supported by competent, material, and substantial evidence on the record; and
- D. Represents the reasonable exercise of discretion granted to the Zoning Board of Appeals.

307.3. *Inadequate Record.* If the Court finds the record of the Zoning Board of Appeals inadequate to make the review required, or that additional evidence exists which is material and with good reason was not presented to the Zoning Board of Appeals, the Court shall order further proceedings before the Zoning Board of Appeals on considers which the Court considered proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision.

307.4 The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals. The court may make other orders as justice requires.

Comment [RS8]: Add to conform with MI Zoning Act Section 125.3606.

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(Ord. No. 1028, Ch. I, 10-16-03; Ord. No. 1089, Ch. I, 11-6-08)

2019 ZONING PERMITS REPORT

Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	YTD TOTALS
Residential New	0	0	0	1	0	0	0	6	7
	\$0	\$0	\$0	\$325,000	\$0	\$0	\$0	\$938,683	\$1,263,683
Residential Remodel	1	1	0	9	3	7	4	5	29
	\$8,000,000	\$8,000,000	\$744,800	\$744,800	\$27,000	\$364,200	\$61,315	\$68,936	\$9,266,251
Commercial New	0	1	0	1	0	0	0	0	2
	\$0	\$4,000,000	\$0	\$242,000	\$0	\$0	\$0	\$0	\$4,242,000
Commercial Remodel	2	0	1	3	2	1	2	1	12
	\$1,450,000	\$0	\$90,000	\$150,000	\$105,000	\$29,000	\$376,000	\$600,000	\$2,800,000
Demolition	0	0	1	2	2	0	1	0	6
	\$0	\$0	\$9,000	\$93,000	\$5,000	\$0	\$12,500	\$0	\$119,500
Special Land Use							1		1
							\$1,200,000		\$1,200,000
Change of Use	0	0	0	0	1	0	0	0	1
Home Occupation								2	2
TOTALS	2	2	2	16	8	8	8	14	60
	\$1,450,000	\$12,000,000	\$99,000	\$1,554,800	\$137,000	\$393,200	\$1,649,815	\$1,607,619	\$18,891,434

OTHER PERMITS ISSUED / ZBA CASES

	Jan	Feb	Mar	Apr	May	June	July	Aug	TOTALS
ZBA Cases Approved	1	0	0	0	0	0	0	1	2
ZBA Cases Denied	0	0	0	0	0	0	0	1	1
Fence				4	11	12	12	6	45
Exc/ROW	0	1	0	7	4	1	1	2	17
Sign	3	1				1	3	3	11
Moving	1	4	0	0	2	0	0	0	7
Sidewalk/Outdoor Dining					1	1	1		3
TOTALS	5	6	0	11	18	15	17	13	86