



**PLANNING COMMISSION
MEETING AGENDA
October 18, 2016, at 6:00 p.m.**

*Kel Smyth, Vice-Chairperson
Roy Webber, Secretary
Brian Black, Commissioner
Tom Warstler, Commissioner
James Hellerman, Commissioner*

*Christine Williams, Commissioner
Morley Diment, Commissioner
Paul Caswell, Commissioner
James V. O'Toole, City Manager
Ronald Beauchamp, City Council Liaison*

Escanaba City Hall, Council Chambers, 410 Ludington Street, Escanaba, MI 49829
Tuesday, October 18, 2016, at 6:00 p.m.

CALL TO ORDER

ROLL CALL

APPROVAL/CORRECTION(S) TO MINUTES – Planning Commission Meeting Minutes September 8, 2016

APPROVAL/ADJUSTMENTS TO THE AGENDA

CONFLICT OF INTEREST DECLARATION

UNFINISHED BUSINESS – None

PUBLIC HEARING(S)

1. Public Hearing – Zoning Ordinance Amendments.

Explanation: A public hearing on proposed Zoning Ordinance amendments pertaining to Chapter 17 Parking and Circulations Requirements and Chapter 21 Central Retail District Commercial District requirements will be conducted by the Planning Commission. The purpose of the hearing is to provide an opportunity for the public to comment on the proposed amendments.

NEW BUSINESS

GENERAL PUBLIC COMMENT

COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS

ADJOURNMENT

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

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "J. O'Toole".

James V. O'Toole, City Manager
City of Escanaba

**SPECIAL JOINT CITY COUNCIL AND PLANNING COMMISSION MEETING
ESCANABA, MICHIGAN
September 8, 2016**

A meeting of the Escanaba Planning Commission was held on Thursday, September 8, 2016, at 6:00 p.m. in Room C101 at City Hall, 410 Ludington Street, Escanaba, MI 49829.

PRESENT: Mayor Marc Tall, Mayor Pro-Temp Ronald Beauchamp, Council Members Ralph Blasier, and Michael Sattem, Vice-Chairperson Kel Smyth, Commissioners Brian Black, Tom Warstler, James Helleman, Christine Williams, Morley Diment, and Paul Caswell

ALSO PRESENT: City Manager James O'Toole, City Clerk Robert Richards, Executive Assistant Lisa Glish, Emma DeGan of CUPPAD, Contractor Robert Jacobson of HOL Limited Dividend Housing Association, LLC

ABSENT: Council Member Patricia Baribeau

Mayor Marc Tall called the meeting to order at 6:00 p.m.

ROLL CALL

City Clerk Robert Richards conducted roll call.

APPROVAL/CORRECTION OF THE JULY 14, 2016 PLANNING COMMISSION MEETING MINUTES

A motion was made by Commissioner Williams, seconded by Commissioner Warstler, to approve the July 14, 2016 Planning Commission meeting minutes as submitted. Ayes were unanimous.

CONFLICT OF INTEREST DECLARATIONS

None.

UNFINISHED BUSINESS

None.

PUBLIC HEARING

1. Public Hearing – Community Master Plan.

Jim O'Toole stated that this part of the meeting was seeking approval from the Planning Committee, and that this will be brought in front of the City Council for their approval at the later date.

Jim O'Toole stated that Chapter 12: Plan Implementation has been updated, and the full DRAFT Master Plan has been distributed to all government and the public for review.

Jim O'Toole had the 6-minute Master Plan video that CUPPAD has created played for the all in attendance. He also explained that this video is overview of what the purpose of the Master Plan

is in a community and how it is mandated by the State of Michigan, and also how it is a necessary tool that must be in place in pursuit of any state funding.

Emma DeGad from CUPPAD stated that the Master Plan is now through the 63 day comment period, and now looking forward to adoption time.

Emma DeGad gave a brief definition of what a Master Plan is by stating, "It is a long term planning document that provides the framework for decision making and investing".

Emma DeGad went on to explain how the Master Plan is formatted starting with an Overview of the History of Escanaba, and then it goes onto the Demographics all the way to Transportation. The Master Plan covers existing conditions in the City as well as issues and opportunities within the individual categories.

Emma DeGad then went on to explain the Public Participation part of the Master Plan, and how the input for that section was taken through workshops, public engagement meetings, and over 500 surveys that were completed.

Emma DeGad highlighted how Chapter 12: Plan Implementation looks back at all the previous sections and sets them into goals, objections and actions to those specific categories.

Emma DeGad went on to explain that the final chapter "Chapter 13: Future Land Use" identifies the framework for future land use and that framework is what carries into future zoning ordinances.

Emma DeGad stated that the Master Plan is also through the 60 day review period, and during that time only one suggestion for edit was submitted concerning a rewording of the wildlife: bird section.

Wildlife 6.6, page 48 Draft Language

The State of Michigan has about 420 bird species of migratory birds, with almost 400 species recorded in the Upper Peninsula and 300 in Delta County. The Great Lakes present a formidable challenge to birds navigating these huge inland seas and, as a result, many are forced to concentrate along the shoreline during migration. These stopover areas provide critical resources for birds to continue their journey north. An advantage of the City of Escanaba has in providing great stopover habitat is an incredible diversity of insects to fuel the migration. Ludington Park, Veteran's Park, and other City-owned lots along the waterfront provide habitat for migrating and resident birds. Common species include bald eagles, Caspian and common terns, gulls, ducks, and cranes. Additionally, the Upper Peninsula is one of the most northern regions that support Purple Martins.

In 2012, Escanaba Migratory Bird Enhancement Initiative (EMBEI) received donated plants, funds from the City, and a grant to enhance bird habitat by planting native species and installing nest boxes. In addition to bird species, a variety of amphibians can be found in shoreline areas, including leopard frogs, American toads, gray tree frogs and the eastern garter snake. Mammal species in the city include deer, raccoons, skunks, rabbits, muskrat, mink, and opossum.

Suggested edit by Joe Kaplan on August 24, 2016:

Of the 450 species of birds that have occurred in Michigan just over 400 have been recorded in the Upper Peninsula and nearly 300 species in Delta County. The large inland seas of the Great Lakes present a formidable challenge to birds navigating across the

continent and as a result many are forced to concentrate along the shoreline during migration. These stopover areas can provide critical resources for these birds to continue their long journey. Escanaba's coastal areas provide an abundance of emergent insects required to fuel the migration and Ludington Park, Veteran's Park, and other City-owned lots along the waterfront provide habitat for migrating and resident birds. In addition to well-known species such as Bald Eagle and Sandhill Crane the City's forests and marshes support a diversity of flycatchers, orioles, warblers, sparrows, bitterns, terns, and ducks. Additionally, Escanaba is one of last places in the Upper Peninsula that still supports breeding Purple Martins.

Since 2012, the Escanaba Migratory Bird Enhancement Initiative (EMBEI) partnership has received community support and grant money to enhance bird habitat in the City through the planting of native species, control of invasive species, and the placement of nest boxes for cavity nesting birds.

In addition to an abundance of birds, a variety of amphibians can be found in shoreline areas, including leopard frogs, American toads, gray tree frogs and the eastern garter and fox snakes. Mammal species in the city include deer, raccoons, skunks, rabbits, muskrat, mink, and opossum.

Jim O'Toole added that in Chapter 12 there are several objectives that were rolled over from the previous Master Plan, and new items have been added. He noted that what the City is striving to do on this plan implementation is to have action... creating a punchlist of items that will create more of a strategic element in the Plan.

Mayor Marc Tall opened the Public Hearing and asked if anyone in the audience had comments on the Draft Master Plan. After no one came forward he opened the floor up to anyone in the City Council or Planning Commission.

Christine Williams commented on the GIS maps pictures that are included in the Master Plan, and asked if the different colored layers on the maps will be cleaned up/lined up better, due to them looking a little offset. After a short discussion with Jim O'Toole it was decided that a disclaimer will be added to those pages where the maps seem to be slightly shifted.

James Hellerman asked if there have been any additional comments made from the public. Jim O'Tool replied that the City did not receive any, and Emma DeGad replied that CUPPAD also did not receive any.

Kel Smyth asked the Planning Commission if there were any additional comments or questions from the Planning Commission. None were given.

Marc Tall asked the City Council if there were any additional comments or questions from the Council. None were given.

A motion was made by Commissioner Christine Williams, seconded by Commissioner Tom Warstler to accept the draft 2016 Master Plan as presented with the feedback for Wildlife section 6.6, page 48. Rollcall vote was completed of Planning Commission members by Jim O'Toole. Ayes were unanimous.

Jim O'Toole noted that this item will be carried over to the October 6th, 2016 City Council Agenda.

NEW BUSINESS

1. Update/Approval – House of Ludington Rehabilitation Project and First Reading of Payment In Lieu of Taxes Ordinance No. 1174 and Municipal Services Agreement – LC Consultants, LLC.

Jim O'Toole reminded everyone that this project was final approved last year for funding, and it has gone through two (2) funding cycles, but was not funded through MISHDA. MISHDA does still have interest in the project and has been in communication with the owners of the property whom have retained a different developer for the project. The company/person that the property owners have retained is HOL Limited Dividend Housing Association, LLC. What is being sought out is to have the project remain the same as was previously approved, just change the developer on the project to HOL Limited Dividend Housing Association, LLC. The items that would need to be changed would be the Payment in Lieu of Taxes Ordinance and Municipal Services Agreement which would allow them to seek funding for the renovation and upgrading of the property.

Robert Jacobson from HOL Limited Dividend Housing Association, LLC approached the podium, introduced himself and showed a short slideshow presentation of renovated property projects that the company he works for has completed in the recent past.

Robert Jacobson went on to explain the process for funding from the date of his appointment to the application date. He went on saying that his company plans to submit the funding application to MISHDA on or before October 3, 2016 and then there will be a waiting period of around three (3) months before MISHDA replies with a decision to fund the project or not. If the funding gets awarded through the first application process, then groundbreaking for the project could be projected for around six (6) months after the award. If the funding does not go through with the first application, then the application will be resubmitted again until it does get funded.

Commissioner Morley Diment asked the question to Robert Jacobson as to how long, once this project is complete, does the building need to remain senior affordable living? Jacobson responded with it must remain for a minimum of 30 up to 45 years.

Commissioner Roy Webber asked what the rent for the housing would be based off of. A short discussion was held between Mayor Tall, Jim O'Toole, and Roy Webber explaining rent would be based off of moderate income of \$25,000 per year, and that the rent per tenant will be tied to the income level.

Commissioner Paul Caswell asked Robert Jacobson about how much local labor would be utilized for this project. Jacobson responded that the company intends to use as much local labor as possible on the project, and that it is not the goal to bring people up from downstate.

Mayor Marc Tall asked the audience if they had any thoughts or comments on the House of Ludington project.

Stephen Messimer, owner and resident of 208 1st Avenue South, noted that he believes this is a good plan. He still has concerns pertaining to vehicle parking and was wondering if there is any change concerning that. Jim O'Toole advised Mr. Messimer that MISHDA is requiring that they project be submitted with the current Marketing Plan (which supports the project) and the approved Site Plan as originally approved. No change will be made to the planned parking.

A motion was made by Council Member Ralph Peterson, seconded by Mayor Pro-Temp Ronald Beauchamp to set the Second Reading of Payment in Lieu of Taxes Ordinance No. 1174 and Municipal Services Agreement for the next City Council meeting to be held on September 15, 2016. Rollcall vote was completed of City Council members by City Clerk Robert Richards. Ayes were anonymous.

GENERAL PUBLIC COMMENT

Peggy O'Connell thanked everyone for their efforts on the Master Plan. She also made a general announcement about the events that the Downtown Partners in Business hold, and that they will be looking for approval again next year to close certain streets to hold their events.

David Schwalbach, owner/resident at 212 1st Avenue South, asked Robert Jacobson if he would be willing to set up a meeting between himself and other surrounding Landowners to go over details of the project, and answer any questions they may have about the project. Jacobson agreed to the request.

COMMISSION/STAFF COMMENT AND ANNOUNCEMENTS

Tom Warsler made the comment that he was pleased to see that Robert Jacobson was present for the meeting.

Paul Caswell commented on how useful he felt the Dark Store video titled "Boxed-In" that was presented at Bay College. Jim O'Toole advised that he believed so also and that he would be presenting it his Manger's Call on September 15, 2016.

A short discussion was held between Ralph Blasier and Morley Deiment concerning the current condition of the Delta County Jail.

ADJOURNMENT

A motion was made by Mayor Pro-Temp Ronald Beauchamp, seconded by Council Member Michael Sattem, to adjourn the meeting. The meeting adjourned at 6:58 p.m.

Kel Smyth, Vice Chairperson
Escanaba Planning Commission

James V. O'Toole, City Manager
City of Escanaba

Roy Webber, Secretary
Escanaba Planning Commission

EXISTING REQUIREMENT

1702.3. Location of Lot. The parking spaces required by this code shall be provided on the same lot as the use or where the exclusive use of such is provided on another lot not more than three hundred (300) feet radially from the subject lot within the same or less-restrictive zoning district. All residential parking shall be located on the premises it is intended to serve.

NEWLY PROPOSED REQUIREMENT:

1702.3 Shared Parking, Off-Site Parking and Lot Location. The Planning Commission can approve shared parking, off-site parking and alternative lot locations for all uses other than single-family and two-family dwellings provided:

- a. A shared parking and/or off-site parking study is conducted by a qualified traffic engineer based upon shared parking principles and methodologies found in the latest edition of "Shared Parking", by the Urban Land Institute.
- b. The parking study demonstrates that shared parking or off-site parking will be beneficial rather than detrimental to the proposed use, surrounding area and the community.
- c. The shared parking and/or off-site parking arrangement increases the availability of spaces from the existing parking supply, reduces demand for parking, or creates a more cost-effective and environmentally sensitive parking lot.
- d. That a shared parking/off-site parking arrangement has a written lease or written shared parking agreement which includes a provision that requires notification to the zoning official of any change in terms or expiration of a lease or written agreement
- e. The required amount of off street parking spaces are not reduced to an amount less than required for a new building or new use.
- f. All off-street parking required to meet the standards of the Section are provided within the same zoning district as the principal use and are within a convenient walking distance of the building entrances, but no more than 300 feet from the property lot line, except that valet parking may be provided elsewhere.
- g. Any proposed shared parking and/or off-site parking approvals do not represent a waiver of requirements and meet or exceed the "spirit" of the law.

EXISTING REQUIREMENT:

**TABLE 1702
OFF-STREET PARKING SCHEDULE**

Use	Number of Parking Spaces Required
Dwelling units	2/dwelling unit
Bed and Breakfast	2/operated use and 1/bed and breakfast sleeping room
Library, Museum, Post Office	1/150 s.f. of usable floor area
Bowling alley	5/for each one bowling lane
Adult foster care home	1/3 residents
Child care center	1/10 children
Residential care and treatment facilities	1/3 beds
Independent living	1/unit
High school	8/each classroom - 1/each employee
Colleges	7/10 students (maximum of 22 spaces for each classroom, whichever is more restrictive) - 1/each employee
All other schools	1.5/classroom
Places of worship	1/3 seats in main area of worship
Hospitals	1/bed plus 1/employee on a major shift
Grocery and all other uses	1/300 s.f. of usable floor area
Office	1/300 s.f. of usable floor area
Retail	1/200 s.f. of usable floor area
Marinas	1/boat slip
Restaurant	1/100 s.f. of usable floor area
Health club	1/100 s.f. of usable floor area
Warehouse	1/1500 gross s.f.
Assembly	1/300 s.f. of usable floor area
Medical Office	1/300 s.f. of usable floor area (maximum 1/150 s.f.)
Theaters/Auditoriums	1/3 seats
Hotels/Motels	1/guest room plus 1/500 s.f. of common area
Industrial	1/500 s.f. of usable floor area

PROPOSED AMENDMENT:

**TABLE 1702
OFF-STREET PARKING SCHEDULE**

Use	Number of Parking Spaces Required
Dwelling units	2/dwelling unit
Bed and Breakfast	2/operated use and 1/bed and breakfast sleeping room
Library, Museum, Post Office	1/150 s.f. of usable floor area
Bowling alley	5/for each one bowling lane
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Health club	1/100.s.f. of usable floor area
Warehouse	1/1500 gross s.f.
Assembly	1/300 s.f. of usable floor area
Medical Office	1/300 s.f. of usable floor area (maximum 1/150 s.f.)
Theaters/Auditoriums	1/3 seats
Hotels/Motels	1/guest room plus 1/500 s.f. of common area
Industrial	1/500 s.f. of usable floor area
Downtown Development District Residential Parking:	
<ul style="list-style-type: none"> • Single – Family Detached • Multiple Unit Dwelling; One-bedroom or studio unit • Two Bedroom Unit • Three Bedroom Unit or More • Senior Citizen - Residential • Senior Citizen Residential – Employee 	<p>2/per dwelling</p> <p>1/per dwelling unit</p> <p>1.25/per dwelling unit</p> <p>1.5/per dwelling unit</p> <p>1/per dwelling/room unit</p> <p>1/per employee</p>

EXISTING REQUIREMENT:

1703.1. Width. A minimum width of nine (9) feet shall be provided for each parking stall.

Exceptions:

- A. Compact parking stalls shall be permitted to be eight (8) feet wide.
- B. The width of a parking stall shall be increased twelve (12) inches for obstructions located on either side of the stall within fourteen (14) feet of the access aisle.

PROPOSED AMENDMENT:

1703.1. Width. A minimum width of nine (9) feet shall be provided for each parking stall.

Exceptions:

- A. The width of a parking stall shall be increased twelve (12) inches for obstructions located on either side of the stall within fourteen (14) feet of the access aisle.

EXISTING REQUIREMENT:

1703.2. Length. A minimum length of twenty (20) feet shall be provided for each parking stall.

Exceptions: Compact parking stalls shall be permitted to be eighteen (18) feet in length.

PROPOSED AMENDMENT:

1703.2. Length. A minimum length of twenty (20) feet shall be provided for each parking stall.

EXISTING REQUIREMENT:

1706.1. Driveway width. Every parking facility shall be provided with one or more access driveways, the width of which shall be the following:

- 1706.1.1.** Private driveways at least 9 feet.
- 1706.1.2.** Commercial driveways:
 - 1706.1.2.1.** Twelve feet for one-way enter/exit.
 - 1706.1.2.2.** Twenty-four feet for two-way enter/exit.

PROPOSED AMENDMENT:

1706.1. Driveway width. Every parking facility shall be provided with one or more access driveways, the width of which shall be the following:

- 1706.1.1.** Private driveways at least 12 feet with a maximum of 30 feet at the curb.
- 1706.1.2.** Commercial driveways:
 - 1706.1.2.1.** At least 12 feet but no more than 36 feet for one-way enter/exit.
 - 1706.1.2.2.** Twenty-four feet for two-way enter/exit.

EXISTING REQUIREMENT

1706.2. Driveway and ramp slopes. The maximum slope of any drive or ramp shall not exceed twenty percent (20%). Transition slopes in driveways and ramps shall be provided in accordance with the standards set by the City Engineer.

PROPOSED AMENDMENT:

1706.2. Driveway and ramp slopes. The maximum slope of any drive or ramp shall not exceed twenty percent (20%). Transition slopes in driveways and ramps shall be provided in accordance with the standards set by the Michigan Department of Transportation (MDOT) specifications.

EXISTING REQUIREMENT:

1711.2. Private Sidewalks. A sidewalk a minimum of three (3) feet wide free from obstructions shall be constructed from the public walk to main entries of buildings. On lots where there are multiple principal buildings or entries, sidewalks meeting the requirements above shall be provided.

Exception: One and two-family dwellings.

PROPOSED AMENDMENT:

1711.2. Private Sidewalks. A sidewalk a minimum of six (6) feet wide free from obstructions shall be constructed from the public sidewalk to main entries of buildings. On lots where there are multiple principal buildings or entries, sidewalks meeting the requirements above shall be provided.

Exception: One and two-family dwellings.

NEWLY PROPOSED REQUIREMENT:

1711.2.1 One and two-family Dwelling Private Sidewalks. A sidewalk a minimum of three (3) feet wide free from obstructions shall be constructed from the public sidewalk to main entries of all newly constructed one and two-family dwellings.

EXISTING REQUIREMENT:

2102.1. General. In a Central Retail Commercial District, a building, structure, or premises, may be erected or used for one or more of the following specified purposes:

- A. Retail stores supplying commodities for residents such as bakeries, ice cream, grocery and liquor stores, newsstands, furniture, home decorating, floor covering, hardware and appliance stores, department stores, stationery stores, sporting goods stores, pet shops, retail nurseries, florist shops, automobile accessory stores and similar retail uses.
- B. Barber shop, beauty shop, tanning salon, day spa.
- C. Civic and cultural facilities, indoor theaters.
- D. Eating and drinking places to include banquet facilities, not including drive-in service places.
- E. Banks and other financial institutions, not including drive-in service places.
- F. Shops for custom work or the making of articles to be sold at retail on the premises when the making is conducted inside the building. Photographic, dance, music, art, martial arts studios and related sales.
- G. Hotels, Motels, Inns.
- H. Government buildings, essential services.
- I. Copy services but not including printing press or newspaper.
- J. Bakery and convenience stores, without gasoline service.
- K. Art gallery.
- L. Liquor store.
- M. Travel Agency.
- N. Dwelling units above the first floor of commercial uses.
- O. Business, professional, medical administrative or corporate offices above the first floor of the commercial space.
- P. Fraternal organizations above the first floor of the commercial uses.
- Q. Churches above the first floor of the commercial uses.
- R. Accessory buildings and uses customarily incidental to the permitted uses when located on the same lot or parcel of land.

PROPOSED AMENDMENT:

2102.1. General. In a Central Retail Commercial District, a building, structure, or premises, may be erected or used for one or more of the following specified purposes:

- A. Retail stores supplying commodities for residents such as bakeries, ice cream, grocery and liquor stores, newsstands, furniture, home decorating, floor covering, hardware and appliance stores, department stores, stationery stores, sporting goods stores, pet shops, retail nurseries, florist shops, automobile accessory stores and similar retail uses.
- B. Civic and cultural facilities, indoor theaters, conference center.
- C. Eating and drinking places to include banquet facilities, not including drive-in service places.
- D. Banks and other financial institutions, not including drive-in service places.
- E. Shops for custom work or the making of articles to be sold at retail on the premises when the making is conducted inside the building. Photographic, dance, music, art, martial arts studios and related sales.
- F. Hotels, Motels, Inns.
- G. Government buildings, essential services.
- H. Copy services but not including printing press or newspaper.
- I. Bakery and convenience stores, without gasoline service.
- J. Art gallery.
- K. Liquor store.
- L. Travel Agency.
- M. Dwelling units above the first floor of commercial uses.
- N. Business, professional, medical administrative or corporate offices above the first floor of the commercial space.
- O. Fraternal organizations above the first floor of the commercial uses.
- P. Churches above the first floor of the commercial uses.
- Q. Accessory buildings and uses customarily incidental to the permitted uses when located on the same lot or parcel of land.
- R. Commercial amusement – inside arcades, pool halls.
- S. Office business – general, such as professional administrative or clerical service operations, such as attorneys, financial advisors, insurance, travel, and real estate.
- T. Personal services, limited to barber shops, beauty shops, nail salons, therapeutic massage, spas, health clubs, tattooing, tailoring or alterations, taxidermist, touring/guide service.
- U. Recreational business – indoor.
- V. Decorating services, event planning services and photography studios.
- W. Repair services, limited to clock, jewelry, electronic, appliance repair, shoe, upholstery, or locksmith.
- X. On-site service businesses, limited to tailoring, dry cleaners, self-service laundry, and copy centers.
- Y. Music, art, decorating, photography, and dance studios.
- Z. Artisan shops.
- AA. Data centers, schools/training centers, research and development.
- BB. Pet shops, indoor kennels with enclosed yards.
- CC. Second hand stores/pawn shops.

**CHAPTER 17
PARKING AND CIRCULATION REQUIREMENTS**

**SECTION 1701
OFF-STREET PARKING**

1701.1. General. There shall be provided at the time of erection of any main building or at the time such buildings are altered, enlarged, converted or increased in capacity minimum off-street parking space with adequate provisions for ingress and egress by standard-sized vehicles in accordance with the requirements of this Chapter.

1701.2. Purpose. It is hereby determined that the provision for off-street parking spaces is necessary to reduce traffic hazards and the congestion of streets. It is also determined that regulation of location, design, maintenance and other features of off-street parking lots is in the interest of public safety and welfare.

1701.3. Compliance.

1701.3.1. Required Parking. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number and paving of off-street parking spaces, in conjunction with all land or building uses, shall be provided prior to the issuance of a permanent certificate of occupancy.

1701.3.2. Remodeling/Rebuilding. For those buildings existing within all districts excepting districts "A," "B," and "C", no additional parking space need be provided when remodeling or rebuilding of structures, provided the usable floor area of existing structures on such site is not increased in the remodeling or rebuilding. Where floor area is increased, parking space shall be provided for such increased floor area in accordance with the provisions of this ordinance.

1701.3.3. Change of Use. Whenever the use of an existing building is changed to a category or classification which requires more parking than the former established use, the additional demand for parking spaces created by the use change shall be provided for. Also whenever a business use is changed to a residential use, the minimum on-site parking requirements shall be provided.

1701.4. Handicapped Parking Facilities. Off-street parking facilities shall provide spaces for the handicap in accordance with the provisions of Act 230 of the Public Acts of the State of Michigan 1972, as amended.

1701.4.1. Required Minimum Number of Accessible Spaces. If parking spaces are provided for self parking by employees or visitors, or both, then handicapped accessible spaces complying with Table 1701.4 Required Spaces shall be provided in each such parking area.

**TABLE 1701.4.
REQUIRED SPACES**

Total Parking	Required Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus for 1 each 100 over 1000

1701.5. Limitations on Parking Lot Use. The following limitations apply to all parking lots:

1701.5.1. Private Passenger Vehicle. The off-street parking lot shall be used solely for parking of private passenger vehicles for periods of less than one day.

1701.5.2. Vehicle Repairs. The repair of vehicles, and the storage of merchandise, motor vehicles or trucks is prohibited.

1701.5.3. Signs. No signs of any kind other than signs designating entrances, exits, and conditions of use shall be erected within the parking lot.

1701.6. Non-Specified Uses. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Code Official considers similar in type.

SECTION 1702 PARKING SPACE REQUIREMENTS

1702.1. Required Number. The off-street parking spaces required for each use permitted by this code shall not be less than that found in Table 1702 Off-Street Parking Schedule, provided that any fractional parking space be computed as a whole space. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal parking facilities are provided elsewhere. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of the building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.

1702.2. Combination of Uses. Where there is a combination of uses on a lot, the required number of parking spaces shall be the sum of that found for each use.

**TABLE 1702
OFF-STREET PARKING SCHEDULE**

Use	Number of Parking Spaces Required
Dwelling units	2/dwelling unit
Bed and Breakfast	2/operated use and 1/bed and breakfast sleepingroom
Library, Museum, Post Office	1/150 s.f. of usable floor area
Bowling alley	5/for each one bowling lane
Adult foster care home	1/3 residents
Child care center	1/10 children
Residential care and treatment facilities	1/3 beds
Independent living	1/unit
High school	8/each classroom - 1/each employee
Colleges	7/10 students (maximum of 22 spaces for each classroom, whichever is more restrictive) - 1/each employee
All other schools	1.5/classroom
Places of worship	1/3 seats in main area of worship
Hospitals	1/bed plus 1/employee on a major shift
Grocery and all other uses	1/300 s.f. of usable floor area
Office	1/300 s.f. of usable floor area
Retail	1/200 s.f. of usable floor area
Marinas	1/boat slip
Restaurant	1/100 s.f. of usable floor area
Health club	1/100 s.f. of usable floor area
Warehouse	1/1500 gross s.f.
Assembly	1/300 s.f. of usable floor area
Medical Office	1/300 s.f. of usable floor area (maximum 1/150 s.f.)
Theaters/Auditoriums	1/3 seats
Hotels/Motels	1/guest room plus 1/500 s.f. of common area
Industrial	1/500 s.f. of usable floor area

1702.3. Location of Lot. The parking spaces required by this code shall be provided on the same lot as the use or where the exclusive use of such is provided on another lot not more than three hundred (300) feet radially from the subject lot within the same or less-restrictive zoning district. All residential parking shall be located on the premises it is intended to serve.

**SECTION 1703
PARKING STALL DIMENSION**

1703.1. Width. A minimum width of nine (9) feet shall be provided for each parking stall.

Exceptions:

- A. Compact parking stalls shall be permitted to be eight (8) feet wide.
- B. The width of a parking stall shall be increased twelve (12) inches for obstructions located on either side of the stall within fourteen (14) feet of the access aisle.

1703.2. Length. A minimum length of twenty (20) feet shall be provided for each parking stall.

Exceptions: Compact parking stalls shall be permitted to be eighteen (18) feet in length.

1703.3. Maneuvering/Aisle Widths. Plans for the layout of the parking lot shall describe the dimensions of the total lot, and shall describe the location and dimensions of all parking spaces, maneuvering lanes, entrances, exits and setbacks. One (1) of the following various patterns shall be used:

Parking Angle	Stall Width	Maneuvering Lanes	Parking Stall Length
0° to 15°	10 ft.	12 ft.	23 ft.
16° to 37°	10 ft.	12 ft.	20 ft.
38° to 57°	10 ft.	15 ft.	20 ft.
58° to 74°	10 ft.	18 ft.	20 ft.
75° to 90°	10 ft.	24 ft.	20 ft.

1703.4. Maneuvering Lane Access. All spaces shall be provided adequate access by means of a maneuvering lane.

1703.5. Maneuvering Lane Widths. All maneuvering lane widths with the exception of the seventy-five to ninety-degree pattern shall be for one-way traffic movement. These widths shall be increased to a minimum twenty-four (24) feet to permit two-way movement of traffic.

1703.6. Compact-to-standard stall ratio. The maximum ratio of compact stalls to standard stalls in any parking area shall not exceed one (1) to two (2).

**SECTION 1704
DRIVEWAYS, STREET AND ACCESS MANAGEMENT**

1704.1. Driveway, Street and Access Management. Adequate ingress and egress to the parking lot and/or property by means of clearly limited and defined drives shall be provided for all vehicles. The number of commercial driveways serving a property shall be the minimum number necessary to provide reasonable access and access for emergency vehicles, while preserving traffic operations and safety along the public roadway. Access may be via an individual access point or shared access along a service drive.

1704.1.1. Special Access Points - Lincoln Road, Ludington Street, and North 30th

Street. One access point along the corridor of Lincoln Road, Ludington Street, and North 30th Street or along connecting streets which intersect Lincoln Road, Ludington Street and North 30th Street shall be permitted for each site plan or subdivision. The

Planning Commission may require shared access or access via a service drive as deemed necessary.

1704.1.2. Additional Access Points. Additional access points may be permitted if one or more of the following applies:

- A. One additional access point along Lincoln Road, Ludington Street, and North 30th Street may be allowed for land with a continuous frontage of over five hundred (500) feet, if the Planning Commission determines there are no other reasonable access opportunities, or
- B. One additional access point may be allowed along streets which intersect Lincoln Road, Ludington Street, and North 30th Street for land with at least four hundred (400) feet of frontage along the street, if the Planning Commission determines there are no other reasonable access opportunities, or
- C. One additional access point may be allowed if the land is a corner parcel with at least three hundred (300) feet of frontage along both public streets, if the Planning Commission determines there are no other reasonable access opportunities, or
- D. One way access points are discouraged due to their conflict with the City of Escanaba goal to reduce the number of driveways/access points on Lincoln Road, Ludington Street and North 30th Street, if the Planning Commission determines there are no other reasonable access opportunities.

1704.1.3. Traffic Impact Study. The Planning Commission may determine an additional access is justified based upon a traffic impact study submitted by the applicant. The traffic impact study must be reviewed and accepted by the Michigan Department of Transportation and/or Delta County Road Commission before submittal to the Escanaba Planning Commission.

1704.1.4. Minimum Distance - All Other Areas. In all other areas of Escanaba there shall be a minimum of twenty-five (25) feet between curb cuts and intersections.

SECTION 1705 LOT ACCESS

1705.1. Lot Access. Every lot must abut a street. No building, structure or use of land for any purpose may be placed on a lot which does not abut a street.

Exceptions:

- A. A single-family detached dwelling may be constructed on a lot that does not abut a street, provided that lot is at least two (2) acres in size, is provided with access to a public street by an easement (other than an alley) of at least fifteen (15) feet in width for the exclusive use of the detached dwelling, and the easement is maintained in a condition passable for emergency and service vehicles. All lots must be created and developed pursuant to the "Subdivision Control Act", Act

288 of the Public Acts of 1967, Act 591 of Public Acts of 1996, and Act 87 of Public Acts of 1997, as amended.

- B. Attached and multi-family dwellings need not abut a street, provided that all portions of every dwelling unit are within four hundred (400) feet of a public or private street that furnishes direct access to the property and that access to each dwelling unit will be made available via either a public right-of-way or private street or vehicular or pedestrian way (other than an alley) owned by the individual unit owner in fee or in common ownership.
- C. Driveways in a Light Manufacturing District and Heavy Manufacturing District may be used to provide access to uses in any of these districts which are located on lots which do not abut a street. Any such lot, which existed prior to 1997 may be used as if it abutted a street, provided that it is served with a driveway built to appropriate standards located on a permanent, recorded easement.
- D. Nothing in this section exempts any property from the provisions of the Subdivision Ordinance and/or the Subdivision Control Act. In any case, when there appears to be contradicting or overlapping standards or requirements, the more restrictive standard or requirement will control.
- E. Lots or building sites which are part of a large nonresidential development, such as a shopping center, need not abut a street so long as the overall site abuts a street and is designed in such a manner and way that access is furnished to all interior lots or building sites.

SECTION 1706 DESIGN OF PARKING FACILITIES

1706.1. Driveway width. Every parking facility shall be provided with one or more access driveways, the width of which shall be the following:

1706.1.1. Private driveways at least 9 feet.

1706.1.2. Commercial driveways:

1706.1.2.1. Twelve feet for one-way enter/exit.

1706.1.2.2. Twenty-four feet for two-way enter/exit.

1706.2. Driveway and ramp slopes. The maximum slope of any drive or ramp shall not exceed twenty percent (20%). Transition slopes in driveways and ramps shall be provided in accordance with the standards set by the City Engineer.

1706.3. Stall accessibility. Each required parking stall shall be individually and easily accessible. No automobile shall be required to back onto any public street or sidewalk to leave any parking stall when such stall serves more than two dwelling units or other than residential uses. All portions of a public lot or garage shall be accessible to other portions thereof without requiring the use of any public street.

1706.4. Screening. A four (4) foot high screen at the public way shall be provided for all parking areas of five (5) or more parking spaces. An off-street parking lot abutting a residential district shall be provided with a four-foot continuous screen. The screen shall be provided on all sides where the abutting zoning district is designed as a residential district.

1706.5. Paving. In a Residential Planned Unit Development District, Local Business

District, Commercial District, Planned Commercial Development District, Special Planned District, Light Manufacturing District, Industrial Park District, Heavy Manufacturing District, and Open Space District the entire parking lot, including parking spaces and maneuvering lanes required under this Chapter, shall be provided with a paved surface. For Bed and Breakfast Establishments and Rooming Houses the parking area shall be surfaced before the permit/license is issued. Off-street parking lots shall be drained so as to dispose of all surface water accumulated in the parking areas in such a way as to preclude drainage of water onto adjacent property or toward buildings.

1706.6. Bumper Stops and Paint Striping. All parking spaces shall be clearly defined by use of carwheel or bumper stops and/or painted striped lines.

Exception: A private garage or parking area for the exclusive use of a single-family dwelling.

1706.7. Lighting. All lights illuminating a parking area shall be designed and located so as to reflect down and away from any public right-of-way and adjacent property. In no case may the source of light exceed thirty (30) feet in overall height above ground level.

1706.8. Separation. The parking area must be separated from the contiguous residential area by a fence or hedge. A fence shall have a minimum height of four (4) feet and be constructed of boards, pickets, stone or other suitable material equivalent thereto, with a maximum open area of fifty percent (50%). A hedge shall not be less than four (4) feet in height and be composed of at least one hedge row of hardy shrubs or two rows of evergreens.

SECTION 1707 OFF-STREET LOADING ZONES

1707.1. General. On the same site with every building or structure in all districts, excepting districts "A," "B," and "C," there shall be provided and maintained a minimum of one space for standing, loading and unloading of delivery vehicles in order to prevent interference with public use of a dedicated right-of-way.

1707.1.1. Shared Facilities. Two or more adjacent buildings or structures may jointly share off-street loading facilities, provided that adequate access to the individual uses is provided.

1707.1.2. Loading Dock Surface. Loading dock approaches shall be provided with a pavement having an asphaltic or cement binder so as to provide a permanent, durable and dust-free surface.

1707.1.3. Dimensions. All spaces shall be laid out in the dimensions of at least ten feet by eighty feet (10' x 80').

1707.1.4. Off-Street Parking Spaces. Off-street parking spaces must be provided for all commercial vehicles owned by or customarily used by the business or industry. The Code Official may authorize that the off-street loading area be used for this purpose, provided that the parking of commercial vehicles does not interfere with the loading activities.

1707.1.5. Off-Street Loading Zone Signs. Off-street loading zones shall be designated with appropriate signs and pavement markings which prohibit parking of noncommercial vehicles.

**SECTION 1708
PARKING LOT/LOADING DOCK MAINTENANCE**

1708.1. Parking Maintenance. The off-street parking lot, required borders and landscaped areas shall be maintained in a litter free condition. All plantings shall be in a healthy growing condition, neat and orderly in appearance. Snow shall be removed as necessary to permit use of all required parking spaces.

**SECTION 1709
BICYCLE PARKING**

1709.1. General. Whenever full off-street parking compliance is required, bicycle racks or lockers must be installed and located within fifty (50) feet of the main entrance of a building or inside a building in a location that is easily accessible by bicyclists according to the table below. All requirements are minimums unless otherwise noted. No bicycle parking is required for uses not listed.

**TABLE 1709
BICYCLE PARKING SCHEDULE**

Use	Number of Spaces Required
Hospitals	2 per 15,000 s.f. of usable floor area
Dormitories	1 per 8 residents
Churches	2 per 15,000 s.f. of usable floor area
Public libraries	1 per 25 motor vehicles spaces
Museums	2 per 15,000 s.f. of usable floor area
High school	2 per classroom
College	5 per classroom
Other schools	10 per classroom
Community buildings	1 per 25 motor vehicle spaces
Clubs	1 per 25 vehicles spaces
Commercial and Office Use	2 per 15,000 s.f. of usable floor area
Commercial outdoor recreation	1 per 20 motor vehicle spaces
Parking area 21 spaces or larger	1 per 25 motor vehicle spaces
Larger manufacturing	2 per 20,000 s.f. of usable floor area
Restaurants	2 per 16 fixed seats

1709.2. Fractional Space Determination. When units of measurement determining the number of parking spaces results in a fractional space, any fraction up to and including one-half (2) shall be disregarded and fractions over one-half (2) shall require one parking space.

SECTION 1710 BICYCLE PARKING STANDARDS

1710.1. Bicycle Lockers. Where bicycle parking is required, all bicycle lockers and bicycle racks must be securely anchored.

1710.2. Bicycle Racks. Required bicycle parking racks must meet the following standards:

1710.2.1. Security. The bicycle frame and one wheel can be locked to the rack with a high security, U-Shape shackle lock if both wheels are left on the bicycle.

1710.2.2. Damage Control. A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components.

1710.2.3. Anchoring. The rack must be securely anchored.

1710.3. Maneuvering Areas. The following maneuvering areas must be provided:

1710.3.1. Accessibility. Each required bicycle parking space must be accessible without moving another bicycle; and

1710.3.2. Aisle Maneuvering. There must be an aisle at least five feet wide behind all required bicycle parking to allow room for bicycle maneuvering.

SECTION 1711 PEDESTRIAN TRAVELWAYS (SIDEWALKS)

1711.1. Public Sidewalks. Six feet wide public sidewalks shall be installed along streets adjacent to property on which a building is erected or moved.

1711.2. Private Sidewalks. A sidewalk a minimum of three feet wide free from obstructions shall be constructed from the public walk to main entries of buildings. On lots where there are multiple principal buildings or entries, sidewalks meeting the requirements above shall be provided.

Exception: One and two-family dwellings.

1711.3. Sidewalk Separation. Sidewalks shall be physically separate from the parking area except where they cross a vehicle maneuvering lane, in which case the travelway shall be defined with a separate and contrasting material such as the use of textured concrete or brick paver.

SECTION 1712 MODIFICATIONS TO PARKING REQUIREMENTS

1712.1. General. Modification requests to parking requirements shall be referred to the Planning Commission for review, with a recommendation to modify the requirements as set forth in this Chapter where unusual difficulties or unnecessary hardships would result. However, no modification shall be given to avoid the purpose of the Chapter to provide a minimum of off-street parking spaces.

ORDINANCE 1075, effective September 22, 2007

**CHAPTER 21
CENTRAL RETAIL COMMERCIAL DISTRICT ("E-3")**

**SECTION 2101
GENERAL PROVISIONS**

2101.1. Purpose. The Central Retail Commercial District is for the purpose of accommodating central retail and related services.

2101.1.1. Boundaries. The boundaries are that part of the Southeast Quarter (SE1/4) of Section 30, Township 39 North, Range 22 West lying in the City of Escanaba, Delta County, Michigan, described as follows: That portion of blks 56,64 and 75 lying south of alley and that portion of blks 55,65 and 74 lying north of alley and that portion of Ludington Street, North and South Tenth Streets, North and South Eleventh Streets and North and South Twelfth Streets lying adjacent to and between said blks and alleys within the "Original Plat of The City of Escanaba". Also that portion of blks 80,87 and 93 lying south of alley and that portion of blks 81,86 and 94 lying north of alley and that portion of Ludington Street, North and South Thirteenth Streets lying adjacent to and between said blks and alleys within the "Proprietors 1st Addition to the City of Escanaba". More commonly known as Ludington Street from 9th Street to 14th Street from Ludington Street to the north side alley between Ludington Street and 1st. Avenue North and from Ludington Street to the south side alley between Ludington Street and 1st. Avenue South.

2101.2. Cross References, as amended.

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

**SECTION 2102
USES PERMITTED IN A CENTRAL RETAIL COMMERCIAL DISTRICT**

2102.1. General. In a Central Retail Commercial District, a building, structure, or premises, may be erected or used for one or more of the following specified purposes:

- A. Retail stores supplying commodities for residents such as bakeries, ice cream, grocery and liquor stores, newsstands, furniture, home decorating, floor covering, hardware and appliance stores, department stores, stationery stores, sporting good stores, pet shops, retail nurseries, florist shops, automobile accessory stores and similar retail uses.
- B. Barber shop, beauty shop, tanning salon, day spa.
- C. Civic and cultural facilities, indoor theaters.
- D. Eating and drinking places to include banquet facilities, not including drive-in service places.
- E. Banks and other financial institutions, not including drive-in service places.

- F. Shops for custom work or the making of articles to be sold at retail on the premises when the making is conducted inside the building. Photographic, dance, music, art, martial arts studios and related sales.
- G. Hotels, Motels, Inns.
- H. Government buildings, essential services.
- I. Copy services but not including printing press or newspaper.
- J. Bakery and convenience stores, without gasoline service.
- K. Art gallery.
- L. Liquor store.
- M. Travel Agency.
- N. Dwelling units above the first floor of commercial uses.
- O. Business, professional, medical administrative or corporate offices above the first floor of the commercial space.
- P. Fraternal organizations above the first floor of the commercial uses.
- Q. Churches above the first floor of the commercial uses.
- R. Accessory buildings and uses customarily incidental to the permitted uses when located on the same lot or parcel of land.

**SECTION 2103
USES ALLOWED BY SPECIAL LAND USE PERMIT**

2103.1. General. The following uses of land and buildings, together with accessory uses, are allowed in the Central Retail Commercial District if a special land use permit is issued according to the standards of this chapter:

- A. Eating and drinking places which include drive-in service.
- B. Banks and other financial institutions which provide drive-in services.
- C. Outdoor vendors. Open air markets.

**SECTION 2104
ACCESSORY USES PERMITTED IN A CENTRAL RETAIL COMMERCIAL DISTRICT
- WHEN LOCATED ON THE SAME LOT WITH THE PRINCIPAL USE**

2104.1. Allowed Uses. Uses customarily incident to any of the permitted uses and located on the same lot therewith, provided all area and yard requirements are met.

**SECTION 2105
SETBACKS**

2105.1. Front Yard Requirement.

2105.1.1. Front Yard. No front yard is required.

2105.2. Side Yard Requirement.

2105.2.1. Central Retail Nature. No side yards are required.

2105.3. Rear Yard Requirement. In a Central Retail Commercial District there shall be a rear yard of at least twenty-five (25) feet in depth on every lot as measured at right angles from the rear lot line to the nearest part of the principal building.

2105.4. Through Lots and Corner Lot. Through lots and corner lots having a frontage on two streets shall provide the required setback on both streets.

SECTION 2106 ENCROACHMENTS INTO SETBACKS

2106.1. Projections Into Required Yards. Outside stairways, fire escapes, fire towers, chimneys, platforms, enclosed balconies/porches, boiler/furnace flues, eaves, sills, belt courses, cornices and other projections shall be considered part of the building, subject to the setback requirements of the building.

Exceptions:

- A. Terraces, patios, decks, uncovered and unenclosed porches which do not extend more than thirty (30) inches above grade at the nearest side property line may project into a required side setback provided these projections are no closer than two (2) feet from the subject side property line.
- B. An unenclosed balcony, porch or deck may project into a rear setback for a distance not exceeding twenty (20) feet.

2106.2. Handicap Ramp Procedure/Other Encroachments. The Code Official shall have the authority to approve a handicapped ramp or other encroachment into a yard, if the encroachment is required by law and there is no other reasonable location.

2106.2.1. Neighbor Notification. Before granting any administrative approval, the Code Official shall take reasonable steps to inform the owners of the property abutting on that side of the location of the requested approval or on all sides, if all sides would be affected. The Code Official shall inform the relevant abutting owner(s) that the owner is entitled to object. The abutting owner shall have three working days to make comments to the Code Official. The Code Official shall take into consideration any comments received.

2106.2.2. Variance. If the Code Official determines that there is not a basis for administrative approval, then the applicant must seek a variance.

2106.2.3. Administrative Denial. If any person who is deemed to have the status of an aggrieved person objects to the administrative approval with a stated reason before the Code Official's written decision, then the Code Official shall deny the request for an administrative approval and the applicant must file for a variance

SECTION 2107 LOT DENSITY

2107.1. Area Percentage. When the principal use is commercial, buildings or structures hereafter erected shall not occupy more than eight-five percent (85%) of the area lot.

SECTION 2108 BUILDING HEIGHT

2108.1. General. In a Central Retail Commercial District, no building or structure shall exceed one hundred (100) feet in height.

Exceptions:

- A. Steeples, Clock Towers, wireless tower, monuments, chimneys, water tanks, elevator bulk heads, or stage tower may be erected to a height not exceeding twice the height of the attached building.
- B. Parapet Walls may be used to screen existing equipment may be erected if the wall extends around the perimeter of the building and incorporates exterior building materials similar to those of the main building.
- C. The Planning Commission may authorize an increase in height provided the request is consistent with the intent of this Chapter.

**SECTION 2109
ACCESSORY BUILDINGS/PRIVATE GARAGES**

2109.1. Distances. Accessory buildings other than private garages shall be at least ten (10) feet from any dwelling situated on the same lot and at least six (6) feet from any other building on adjacent lot or accessory building on the same lot.

2109.2. Front Yard Space. Accessory buildings may not occupy front yard space.

2109.3. Side Yard Space. Accessory buildings and portions thereof may occupy that portion of the side yard which is in excess of the side yard requirements.

2109.4. Rear Yard Space. Accessory buildings and portions thereof may occupy up to fifty percent (50) of the required rear yard space except where a rear yard abuts for its full width upon a street said buildings and portions thereof shall not occupy any of the required minimum rear yard space. On a corner lot, accessory buildings shall not occupy any part of that portion of the rear yard lying nearer to the street than the width of the side yard required for the same lot and abutting on such street.

2109.5. Accessory Height. Accessory buildings other than a private garage shall not exceed twelve (12) feet in height from the ground floor to mean height as defined in Chapter 1, General Provisions, Section 111, General Definitions. The height of a private garage shall not exceed 18 feet in height from ground floor to mean height as defined in Chapter 1, General Provisions, Section 111, General Definitions or the height of the principal building, whichever is less.

2109.6. Accessory Design and Finish. Accessory buildings must be designed to match the architectural elements and styles of the main structure and the surrounding features of the area to include structure finishes.

**SECTION 2110
PARKING**

2110.1. General. There shall be provided at the time of the erection of any main building or at the time such buildings are altered, enlarged, converted or increased in capacity minimum off-street parking space with adequate provisions for ingress and egress by vehicles in accordance with the requirements of Chapter 17, Parking and Circulation requirements.

**SECTION 2111
LANDSCAPING/PAVING REQUIREMENTS**

2111.1. General. The applicant shall submit a comprehensive landscape plan for any project in the Central Retail Commercial District, identifying the location and size of both existing vegetation to be retained and proposed new vegetation, typical planting materials, the phasing of landscape installation, and planting methods. Such landscape plan shall include detail on the landscape maintenance procedures to be followed to assure the continued viability of all plantings and landscaped areas.

2111.2. Maintenance. All live landscaping required by this Ordinance shall be properly maintained. All dead or dying landscaping shall be replaced immediately and all sodded areas mowed, fertilized, and irrigated on a regular basis.

2111.3. Parking Areas and Driveways. All parking areas and driveways shall be paved.

**SECTION 2112
FENCES AND WALLS**

2112.1. General. The following restriction shall apply to all fences and walls located within the zoned district, except for fences and walls surrounding public utility structures or radio, television, or microwave transmission or relay towers:

- A. No person shall construct or cause to have constructed any fence or wall upon any property within the City without first having to obtain a permit.
- B. Any person desiring to build or to cause to be built a fence or wall upon their property or property owned by the City shall first apply to the City for a permit. Such application shall contain any and all information required for the determination of whether the erection of such fence or wall will violate any Ordinance of the City.
- C. No fence or wall located in the yard shall be built to a height greater than four (4) feet above grade in the front yard and six (6) feet in the side and rear yard area. On a corner lot fences and walls nearer the street than the established building line shall not exceed four (4) in height.
- D. The capital of a fence post or column may extend up to two (2) feet above the maximum fence/wall height limit. 4. No partition fence or wall shall extend towards the street beyond two (2) feet from the established lot line, nor shall any fence or wall or portion thereof be erected in any area on or parallel to the front lot line except that it shall be located a minimum of two (2) feet behind the inside edge of the established sidewalk line.
- E. No person being the owner, lessee, occupant or agent for the same, of any building in the City shall erect, cause to be erected, or maintain on or about the walk or stairway to the entrance to such building, any railing, fence, guard or other projection on which there shall be affixed or placed, or in any manner attached, any barbed wire construction, nor shall there be maintained, either partially or wholly, around any area adjacent to any street, alley, lane or public way, or in or along any street or sidewalk in front or adjacent to any public space or place, or nail or cause the same to be nailed or fastened, in any form, shape or manner, upon any partition form, any such barbed wire construction, nor shall any electrical current be charged through any fence whatsoever.
- F. Any person within the corporate limits of the City erecting or maintaining any

- fence or wall between the edge of the established lot line and the inside edge of the sidewalk or where any sidewalk would normally be, shall be fully responsible for the care and maintenance of the fence or wall and shall assume full responsibility for any damaged arising due to the erection of such fence or wall.
- G. No person being the owner, lessee, occupant or agent for the same, of any building in the City shall erect, cause to be erected, or maintain on or about the walk or stairway to the entrance to such building, any railing, fence, guard or other projection on to which there shall be affixed or placed, or in any manner attached, any barbed wire construction, nor shall there be maintained, either partially or wholly, around any area adjacent to any street, alley, lane or public way, or in or along any street or sidewalk in front or adjacent to any public spaces or place, or nail or cause the same to be nailed or fastened, in any form, shape or manner, upon any partition form, any such barbed wire construction, nor shall any electrical current be charged through any fence whatsoever.
 - H. A special permit granted by the Planning Commission shall be required of those individuals wishing to erect a protective measures fence; such permit shall be granted only after demonstration of the need of such fence. The owner, or agent thereof, of a protective measure fence shall be granted permission to erect necessary and reasonable barriers along the uppermost edge of the protective measures fence that he deems reasonable for the protection of property within the enclosed area.
 - I. Any person within the corporate limits of the City erecting or maintaining any fence or hedge between the edge of the established lot line and the inside edge of the sidewalk or where any sidewalk would normally be, shall be fully responsible for the care and maintenance of the fence or hedge and shall assume full responsibility for any damaging arising due to the erection of such fence or hedge.

SECTION 2113 SIGNS

2113.1. Signage. The intent of the sign design for the Central Retail Commercial District is to establish reasonable and improved standards for business identification. All signs must be architecturally integrated with their surroundings in terms of size, shape, color texture, and lighting so that they are complimentary to the overall design of the building. Signs should be designed with the purpose of promoting retail and street activity while enhancing the pedestrian experience.

2113.1.1. All signs shall:

1. Incorporate no flashing or blinking lights. The light source must be directed against the sign, such as that it does not shine into adjacent property or cause glare for motorists or pedestrians;
2. Insure lighting is conveyed in a subtle and attractive appearance under moderate ambient lighting conditions;
3. Not be permitted to cover or obscure architectural features, windows or part of windows.
4. Not contain advertising other than the identity of the business to which it is attached.
5. Upper story tenant signs shall be window signs not exceeding 15% of the window area.

6. Each building/structure shall be limited to the utilization of two (2) sign styles per property, unless otherwise stated.

2113.1.2. Wall signs. The total allowable square footage of wall sign area shall be computed based upon the premises frontage as indicated in Table 2113:

TABLE 2113

Premises Frontage (Feet)	Maximum Permitted Sign Copy Area (Square Feet)
20 – 39	42
40 – 59	64
60 – 69	86
70 up	100 Maximum

2113.1.2.1. Parapet/Roofline. Not extend above the parapet or roofline of the building to which the sign is attached.

2113.1.2.2. Location. Wall signs shall be located on the upper portion of the storefront, within or just above the enframed storefront opening. The length of the sign substrate cannot exceed the width of the enframed storefront. Wall signs must be placed within a clear signable area. Signable areas are defined as an architecturally continuous wall surface uninterrupted by doors, windows or architectural detail

2113.1.2.3 Mounting. Wall signs must be mounted flush and fixed securely to the building wall, projecting no more than 12 inches from the face of a building wall, and not extending sideways beyond the building face or above the highest line of the building to which it is attached.

2113.1.3. Pole Signs. Poles Signs shall not be allowed in the Central Retail Commercial District.

2113.1.4. Ground Signs. Ground Signs are free standing signs with a lower height configuration and are supported by two columns, uprights, or have a solid footing in or upon the ground. Ground Signs shall not exceed a maximum height, including the sign base, of 12 feet. Ground signs shall not exceed 100 square feet in area. Businesses that are grouped shall be entitled to one ground sign and one tenant sign that represents that group of businesses. The total face of a clustered ground tenant signs shall not exceed 140 square feet.

2113.1.5. Projecting Signs. Projecting Signs are affixed to the face of a building or structure and projects in a perpendicular manner more than 12 inches from the wall surface or that portion of the building or structure to which it is mounted. Businesses that use a projecting sign and wall sign cannot exceed the total allowable sign area of Table 2113. Projecting Signs shall:

1. Fit within an imaginary rectangle with a maximum area of 9 square feet.
2. Provide a minimum height clearance from grade to the lowest edge of a projecting sign of 9 feet.
3. Not extend vertically above the roofline or parapet wall of a building.

4. Be oriented to pedestrians passing on the sidewalks in from the building rather than to automobiles or pedestrians on the far side of the street.
5. Maintain a minimum clearance of 6 inches between the building face and sign and a projection not to exceed 42 inches.

2113.1.6. Canopy and Awning Signs. Canopy and Awning Signs are signs that are painted on, printed on, or attached to an awning or canopy above a business door or window. Canopy and Awning Signs shall:

1. Have sign lettering and/or logo that does not comprise of more than 30% of the total exterior surface of an awning or canopy.
2. Be permanently attached to the building.
3. Provide a minimum height clearance from grade to the lowest edge of a canopy or awning of 9 feet.
4. Be mounted in the horizontal framing element separating the storefront window from the transom.

2113.1.7. Tenant Directory Sign. A Tenant Directory Sign is used to identify multi-tenant buildings and businesses that do not have direct frontage on a public street. Tenant Directory Signs shall:

1. Be mounted flat against a solid wall or incorporated into a ground sign located on the property on which the tenants are located.
2. The maximum sign height, including the sign base, is not to exceed 8 feet. The maximum width is not to exceed 5 feet.
3. The sign copy may include the building name, building logo, address, business tenant's names, and suite numbers or letters.
4. Businesses that are grouped shall be entitled to one tenant directory sign in addition to one ground sign, wall sign, canopy and awning sign.

2113.1.8. Sidewalk Sign. Sidewalk signs can be placed on public or private property along public sidewalks outside the normal pedestrian flow which attract pedestrians into shopping areas. Sidewalk signs will not require a permit but must:

1. Be constructed using one of the following durable materials: wooden, plastic or metal signs with open bases, or shaped silhouette signs made of plywood, metal, plastic or similar wood like material that can withstand various weather conditions.
2. Not be constructed of glass, breakable materials, paper, laminated paper, and PVC pipe frames.
3. Designed so that they are uncluttered, with a minimum of text. Logos and graphics are encouraged.
4. A-frame signs may contain one area not larger than one square foot in size, with small text. The remainder of the sign lettering shall be between 2-4 inches high.
5. The maximum size of sign permitted is 4 feet in height and 2 feet in width.
6. The maximum size shape for shaped silhouette signs is 5 feet in height and 3 feet in width.

2113.1.9. Window Sign. Window signs are signs that are painted, posted, displayed or etched on an interior translucent or transparent surface, including windows or doors. Window signs will not require a permit but must comply with the following:

1. Shall not exceed 25% of the window area so that visibility into and out of the window is not obscured.
2. Sign copy cannot exceed 10 inches in height.
3. Sign copy must be applied directly to the glazed area.
4. Sign copy must be created from high-quality materials such as paint, vinyl, gold-leaf, or neon.
5. Window signs must be directly applied to the interior face of the glazing or hung inside the window thereby concealing all mounting hardware and equipment.

2113.1.10. Plaque Signs. Plaque signs are small versions of tenant signs that are attached to surfaces directly adjacent to shop entries. Plaque signs shall:

1. Be located only on wall surfaces adjacent to tenant entries.
2. Fit within an imaginary rectangle with a maximum area of 6 square feet.
3. Must include the business name and business logo.
4. Businesses shall be entitled to one plaque sign on the street provided the business has a dedicated ground level entry.

SECTION 2114 SPECIAL REQUIREMENTS

2114.1. Prohibited Residential Dwellings. Residential dwellings are prohibited from occupying the front fifty percent (50%) ground floor area in any building fronting on Ludington Street between 9th Street and 14th Street.

2114.2. Screening. Dumpsters, solid waste containers, recycling containers (except for recycling containers located at Recycling Collection Centers), or solid waste must be enclosed by a privacy fence/wall constructed of wood, vinyl, cement or metal not less than six (6) feet in height. Dumpsters, solid waste containers, recycling containers (except for recycling containers located at Recycling Collection Centers), or solid waste handling area must be screened from abutting property and from public view from a public street.

2114.3. Construction Materials. At least eighty (80) percent of the front side of commercial buildings, as well as any other sides that face adjacent residential areas, shall be finished with face brick, wood, glass, stone, fluted cement block or future acceptable building materials compatible with surrounding properties. All materials shall meet appropriate architectural, aesthetic and safety concerns as provided for in duly adopted ordinances and/or building and fire codes.

2114.4. Incentives for Better Design and Creativity. Excellence in design and planning which may be achieved through appropriate innovation and imaginative concepts is encouraged. To accomplish this, alternative compliance may be proposed to the Escanaba Planning Commission in achieving appearance standard goals, provided that such change will produce a more logical and attractive use of property, in that it will be beneficial rather than detrimental to the surrounding area and the community. Proposed design alternatives acceptable under this process must not represent a waiver of requirements: the alternatives must meet or exceed the "spirit" of the law.

SECTION 2115
CONVEYANCE WHICH CREATES NON-CONFORMING USES FORBIDDEN

2115.1. General. No conveyance of land shall hereafter be made when, as a result of such conveyance, the land or structure of the grantor shall be caused thereby to become a non-conforming use or structure.

**CHAPTER 1
GENERAL PROVISIONS**

**SECTION 101
GENERAL**

101.1. Title. This Ordinance shall be known and may be cited as the "Zoning Ordinance" or the "Zoning Code".

101.2. Purpose. In interpreting and applying the provisions of this Ordinance, said provisions shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare of the community for the orderly development of the community in accordance with the goals and objectives as identified in the Community Comprehensive Plan. Among other purposes, such provisions are intended to provide for adequate light, air, and conveniences of access, to secure safety from fire and other dangers, and to avoid undue concentration of population by regulating and limiting the height and bulk of buildings, wherever erected, limiting and determining the size of yards, courts and other open spaces, regulating the density of population, and regulating and restricting the location of uses, trades, industries and buildings in relation to traffic and parking needs. Where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or Ordinance or by such rules, regulations, or permits or by such easements, covenants or agreements, the provisions of this Ordinance shall control.

101.3. Scope. Except as hereinafter provided, no building, structure, or premises or part thereof shall be used, altered, constructed, or reconstructed except in conformity with the provisions of this Ordinance which apply to the district in which it is located. However, any lawful non-conforming use existing at the time of passage of this Ordinance may be continued in accordance with the provisions of this Ordinance.

101.4. Cross References, as amended.

- A. Zoning and planning in home rule cities - MCLA 117.4i
- B. Regulation of location of trades, building and uses by local authorities - MCLA 125.581
- C. Regulation of buildings; authority to zone - MCLA 125.582
- D. Regulation of congested areas - MCLA 125.583
- E. Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - MCLA 125.583a

101.5. Interpretation; Conflict of Laws. This Zoning Code is the minimum requirement for promoting the public health, safety and general welfare. If it imposes more restrictions than State law or other City Ordinances, the provisions of this Zoning Code shall govern. If the State Housing Law (MCL 124.401 et seq; MSA 5.2771, et seq) or the Airport Zoning Act (MCL 259.431, et seq; MSA 5.3475) or other statutes or Ordinances have stricter regulations, the provisions of the statute or other Ordinance shall govern. Section titles or headings and any entire Section entitled "Purpose" shall be interpretive aids only and shall not be construed to impose any substantive or procedural requirement. Nothing in this Ordinance shall be interpreted as authorization for or approval of the continuance of the

use of a structure or premises in violation of zoning provisions in effect at the time of the effective date of this Ordinance or any amendments thereto.

101.6. Essential Services. Essential services shall be permitted as authorized and regulated by law and other Ordinances, it being the intention hereof to exempt such essential services from the application of this Ordinance.

SECTION 102 PLANNING COMMISSION/ZONING COMMISSION

102.1. General. This section addresses the duties and responsibilities of a Planning Commission, hereafter referred to as "the commission" and other officials and agencies, with respect to the administration of this code.

102.2. Establishment; Zoning Commission. The Planning Commission shall have all powers granted by law to be the Zoning Commission of the municipality.

102.3. Comprehensive Plan. It shall be the duty of the commission, after holding public hearings, to create and recommend to the City Council a Comprehensive Plan for the physical development of the jurisdiction, which shall be permitted to include areas outside its boundaries that bear consideration to the planning of the jurisdiction. The commission shall be permitted also to recommend amendments to the Comprehensive Plan regarding the administration or maintenance of the Zoning Ordinance. The Comprehensive Plan shall include at least the following elements: A. Official maps, B. Growth and land use, C. Commercial/industrial use, D. Transportation and utilities, E. Community facilities, F. Housing, G. Environmental, H. Geologic/natural hazards, and I. Recreational uses

102.4. Zoning Code. It shall be the duty of the Planning Commission to develop and recommend to the City Council a Zoning Code, in accordance with the guidelines of the Comprehensive Plan, establishing zones within the jurisdiction. Such a code shall be made in regards to the character of each district and the most appropriate use of land within the jurisdiction. The Planning Commission shall make periodic reports and recommendations to the City Council.

102.5. Special Land Use Permit. It shall be the duty of the commission to review all special land use permit applications. The application shall be accompanied by maps, drawings or other documentation in support of the request. The granting of a special land use permit shall not exempt the applicant from compliance with other relevant provisions of related ordinances.

102.6. Appeals and Hearings. Any person withstanding aggrieved by any decision of the commission shall have a right to make an appeal to the Zoning Board of Appeals as provided by this code or State law. Such appeals shall be based on the record.

SECTION 103 CHANGES AND AMENDMENTS

103.1. General. This section addresses the procedure for changing and amending the Zoning Ordinance.

103.2. Procedure. The Council may, from time to time, on its motion or on petition, amend, supplement, or change the district boundaries or regulations herein established in the manner prescribed by Act No. 207 of the Public Acts of Michigan for 1921 (MCL 125.581 et seq., MSA 5.2931 et seq.), as amended. Whenever the owners of fifty percent (50%) or more of the frontage in any district or part thereof shall present to the Council a petition in writing, duly signed, and which shall have been acknowledged by each of said petitioners substantially in accordance with the provisions for the acknowledgment of deeds, requesting an amendment, supplement, change, or repeal of the provisions prescribed for such district or part thereof, it shall be the duty of the Council to vote upon said petition within ninety (90) days after the filing of the same by the petitioners with the Council. If any area is hereafter transferred to another district by a change in district boundaries by an amendment as above provided, the provisions of this Ordinance, relating to building or uses of buildings or premises existing at the time of passage of this Ordinance shall apply to buildings or uses of buildings or premises existing at the time of passage of such amendment in such transferred area.

103.3. Public Hearing. A hearing before the Planning Commission shall be conducted on all proposed amendments, supplements, changes, or repeals of the provisions of this Code before referring the matter to the City Council for action. The procedure for the Planning Commission public hearing shall be as follows:

103.3.1. Newspaper Notice. At least fifteen (15) days notice of the public hearing shall be given in an official newspaper of general circulation in the City.

103.3.2. Public Notice. At least fifteen (15) days notice of the time and place of the public hearing shall be mailed to each public entity, public utility company and to each railroad company owning or operating any public utility or railroad within the districts affected that registers its name and mailing address with the City Clerk for the purpose of receiving the notice. An affidavit of mailing shall be maintained.

103.3.3. Notice Applicability. For properties which are proposed for rezoning, notice of the proposed rezoning and hearing shall be given at least fifteen (15) days before the hearing to:

- A. The owners of the property in question;
- B. All persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question; and
- C. At least one (1) occupant of each dwelling unit or spatial area owned or leased by different persons within three hundred (300) feet of the boundary of the property in question. Where a single structure contains more than four (4) dwelling units or distinct spatial areas, notice may be given to the manager or owner of the structure with a request to post the notice at the primary entrance to the structure. Where the names of the occupant is not known, the term "occupant" may be used in making notification.

103.4. Notice. The notice shall contain the following:

- A. A description of the proposed zoning;
- B. A description of the subject property;
- C. The time and location of the public hearing; and
- D. When and where written comments will be received.

103.5. Protest. If a protest of the proposed amendment is presented to the City Council at or before final action on the amendment and it is properly signed by the owners of at least twenty percent (20%) of the area of land included in the proposed change, excluding publicly owned land, or by the owners of at least twenty percent (20%) of the area of and included within an area extending out at least one hundred (100) feet from any point on the boundary of land included in the proposed change, excluding publicly owned land, then such amendment shall be passed only upon four (4) affirmative votes of the City Council.

103.6. Publication. Following the adoption of a Zoning Ordinance or amendment by the City Council, a notice of adoption shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption. The notice shall include the following information:

103.6.1. New Adopted Ordinance. In the case of a newly adopted Zoning Ordinance, the following statement: "A Zoning Ordinance regulating the development and use of land has been adopted by the City Council of the City of Escanaba."

103.6.2. Zoning Ordinance Amendment. In the case of an amendment to an existing Ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;

103.6.3. Effective Date. The effective date of the Ordinance;

103.6.4. Purchase/Inspection of Ordinance. The place and time where a copy of the Ordinance may be purchased or inspected.

SECTION 104 REVIEW OF ZONING CODE

104.1. General. The Planning Commission shall routinely review the requirements of this Ordinance every five (5) years to ensure it is current and accurate.

SECTION 105 APPLICATION OF CODE; COMPLIANCE REQUIRED

105.1. General. The provisions of this code shall apply to the following standards except as otherwise allowed by this Code:

- A. No building or structure shall be built, rebuilt, converted, enlarged, moved, or structurally altered, and no building or land shall be used, except for a use allowed in that district.
- B. No building or structure shall be built, rebuilt, converted, enlarged, or structurally altered except in conformity with the height, setback, bulk and other dimensional limits for that district.
- C. No land shall be cleared, no building or structure shall be built or rebuilt, converted, enlarged or structurally altered, and no parking area built or enlarged except after applying for and receiving a land use permit.
- D. No building shall be built or increased in area except in conformity with the off-street parking and loading regulations of the district in which such building is located unless it receives a special land use permit or planned unit development permit or parking waiver that changes these regulations.

- E. The minimum setbacks, parking spaces and other open spaces, including lot area per dwelling, required by this Zoning Code for any building hereafter built or structurally altered, shall not be encroached upon or considered as parking, setback, open space or lot area requirement for any other building, nor shall any lot area be reduced beyond the district requirements of this Zoning Code.
- F. No setback or lot shall be reduced in dimensions or area below the minimum requirements set forth herein except as a result of governmental action. Lots created after the effective date of this Zoning Code shall meet at least the minimum requirements of this Code.
- G. No lot, once established or improved with a building or structure, shall be divided unless each lot resulting from the division conforms with all of the requirements of this Code.

**SECTION 106
REPEAL OF PRIOR ORDINANCE**

106.1. General. The Zoning Ordinance adopted by the City of Escanaba, known as Ordinance No. 974, and all amendments thereto are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or writ occurring, occurred, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

**SECTION 107
VESTED RIGHT**

107.1. General. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein, and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

**SECTION 108
SEVERABILITY**

108.1. General. If any provision of this Zoning Code is declared invalid by a court, such decision shall not affect the validity of this Zoning Code or any part other than the part declared to be invalid.

**SECTION 109
CONSTRUCTION OF LANGUAGE**

- 109.1. General.** The following rules of construction apply to the text of this Ordinance:
- A. The particular shall control the general.
 - B. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 - C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 - D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

- E. A "building" or "structure": includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
- G. The word "person" includes an individual, a corporation, a partnership, and incorporated association, or any other entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either ...or", the conjunction shall be interpreted as follows:
 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
 4. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 110 DEFINITIONS - GENERAL REQUIREMENTS

110.1. Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this Code, have the meanings shown in this section.

110.2. Interchangeability. Words stated in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

110.3. Terms defined in other codes. Where terms are not defined in this code and are defined in the Michigan Building Code or the Michigan Rehabilitation Code for Existing Buildings, such terms shall have the meanings ascribed to them as in those codes.

110.4. Terms not defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

SECTION 111 GENERAL DEFINITIONS

Abutting means a lot or parcel which shares a common border with the subject lot or parcel.

Accessory building is a subordinate building or structure on the same lot with a main building, or a portion of the main building, occupied or devoted exclusively to an accessory use, such as a storage building. When an accessory building is attached to a main building in a substantial manner by a wall or roof, such as a storage building, such accessory building shall be considered part of the main building.

Accessory use means a use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Aggrieved person means a person who has suffered a substantial damage from a zoning decision not in common to other property owners similarly situated, and who has actively opposed the decision in question.

Airport terminal means the main passenger location of an airport and includes all office, hotel, and retail uses commonly occurring at such locations

Alley means a way which functions primarily as a service corridor no less than fifteen (15) feet in width and provides access to properties abutting thereon. "Alley" does not mean "street".

Alteration means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders.

Assembly Group means the use of a building or structure, or portion thereof, for the gathering together of persons for purposes such as civic, social, or recreation functions.

Basement means that portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement, as defined herein, shall not be counted as a story. A cellar is a basement.

Bed and breakfast uses. A bed and breakfast operation is a use which is subordinate to the dwelling unit and the use in which transient guests are provided sleeping rooms and a breakfast only, in return for payment.

Berm means a constructed mound of earth rising to an elevation above the adjacent ground level of the site where located which contributes to the visual screening of the area behind the berm.

Block means a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

Block, face. "Face block" means that portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

Boat house means an enclosed or partially enclosed structure designed for the use and storage of private watercraft and marine equipment.

Boat livery means any structure, site or tract of land utilized for the storage, servicing, docking or rental of watercraft for a fee.

Brew pub means a facility as defined by the State of Michigan.

Building means any structure designed or built for the enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Building front is the front of the building that the facade most nearly parallel to and nearest to the front lot line.

Building, height of. See "Height of building".

Building principal. "Principal building" means a building within which is conducted the main or principal use of the lot upon which it is located.

Campers/van. See "trailer".

Cemetery means property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human being or household pets.

City Plan means the official statement of policy by the Planning Commission pursuant to 1931 PA 285 (MCLA 125.31 et seq; MSA 5.2991 et seq), as amended, for a desirable physical pattern for future community development.

Clinic means an establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians or dentists or similar professions.

Club means an organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open to members and not to the public.

Cluster means a development design technique that concentrates building on a portion of the site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive features.

Code Official means the head of the City Community Preservation or the designee of that person.

Communication tower means a radio, telephone or television relay structure of a monopole or skeleton framework, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals. Communication tower does not include an air traffic control tower or a satellite dish one (1) square meter or less in a Residential District or two (2) square meters or less in a Non-Residential District.

Community building. A building or group of buildings for a community's educational and recreational activities.

Convenience store means a retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same and having a gross-floor area of less than five thousand (5,000) square feet.

Country club. See "golf course".

Court. A court is an open unoccupied space, other than a yard, and bounded on at least two (2) sides by a building. A court not extending to the street or front yard or rear yard is an outer court.

Critical root zone means a circular area surrounding a tree, the radius of which is measured outward from the trunk of a tree one (1) foot for each one (1) inch of diameter at breast height. The critical root zone shall also extend to a depth of four (4) feet below the natural surface ground level.

Cul-de-sac shall mean a minor street with only one (1) outlet and culminated by a turnaround.

Cultural facilities means facilitating for activities for the preservation and enhancement for the cultural well-being of the community.

Development means all structures and other modifications of the natural landscape above and below ground or water on a particular site.

Diameter at breast height means the diameter of a tree trunk in inches measured by diameter at four and one-half (4.5) feet above the ground.

District means a section of the City for which the zoning regulations governing the use of buildings and premises, the height of buildings, setbacks and the intensity of use are uniform.

Drive-in means an establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive service or obtain goods while remaining in their motor vehicles.

Drive-through means an establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive service or obtain goods intended to be consumed off-premises.

Dripline means an imaginary vertical line extending downward from the outermost tips of the tree branches to the ground.

Driveway means a means of access for vehicles from a street, approved alley, across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot.

Dwelling means any building or portion thereof which is designed for or used exclusively for residential purposes and containing one (1) or more dwelling units. In cases of mixed occupancy where a building is occupied by two (2) or more principal uses, one (1) of which is that of a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this Ordinance, and shall comply with the provisions thereof relative to dwellings.

Dwelling, multiple family. "Multiple family dwelling" means a building or portion thereof containing three (3) or more dwelling units and designated for or occupies as the home of three (3) or more families living independently of each other.

Dwelling, single-family. "Single-family dwelling" means a detached building containing one (1) dwelling unit and designed for or occupied by only one (1) family.

Dwelling, two-family. "Two-family dwelling" means a building designed for or occupied exclusively by two (2) families living independently of each other.

Dwelling unit means one (1) or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one (1) family for living, cooking and sleeping purposes. The existence of a food preparation area within a room or rooms shall be evidence of the existence of a dwelling unit.

Easement shall mean a grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation, or a certain person.

Erected means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and the like, shall be considered a part of erection when done in conjunction with a structure.

Essential services means the installation, construction, alteration or maintenance by public utilities or governmental agencies of underground, surface or overhead communication, telephone, electrical, gas, steam, fuel, or water distribution systems, collections, supply or disposal systems, streets, alleys, sidewalks, or trails, including pavement, traffic control devices, signs, poles, wires, mains, drains, sewers, pipes, conduits, cables, padmount transformers, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or government agency for the public health, safety, convenience or welfare and including buildings or structures eight hundred (800) cubic feet or less which are enclosures or shelters for service equipment.

Facade means the exterior wall of a building exposed to public view.

Fall-out shelter. A fall-out shelter is a structure of specific design for protection from radioactive fall-out.

Family means one (1) or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from persons occupying a boarding house, lodging house or hotel.

Fence means a constructed barrier made of wood, metal, stone, brick or any manufactured materials erected for the enclosure of yard areas.

Flood plain, 100 year. A 100 year flood plain" means the lowland areas of adjoining inland and coastal waters which are identified on Floodway Maps produced by FEMA (Federal Emergency Management Agency) and which are estimated to have a one percent (1%) chance of flooding in a given year.

Floor area. See "Gross Floor Area".

Front lot line. In the case of a lot abutting upon only one (1) street, the front lot line is the line separating such lot from such street. In the case of a lot abutting on two (2) or more streets, one (1) lot line shall be elected to be the front lot line for the purposes of this Ordinance, provided, it shall be so designated on the building plans filed for approval with the Code Official.

Frontage means the total continuous width of the front lot line.

Garage, private. A building or a portion of a building not more than 1,000 square feet in area, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept. When a private garage is attached to a main building in a substantial manner by a wall or roof, shall be considered part of the main building.

Garage, community. A community garage is a space or structure, or series of structures, for the storage of motor vehicles, having no public shop or service in connection therewith, and separated into compartments or sections with separate vehicular entrances, for the use of two (2) or more owners or occupants of property in the vicinity.

Garage, public use. A public use garage is a space or structure, other than a private or a community garage, for the storage, care, repair, refinishing, or servicing of motor vehicles, except that a structure or a room used solely for the display and sale of such vehicles, in which they are not operated under their own power, and in connection with which there is no storage, care, repair, refinishing or servicing of vehicles other than those displayed for sale, shall not be considered a garage for the purpose of this Ordinance.

Gasoline service station. A gasoline service station shall mean that portion of a property and all facilities essential thereto, where inflammable liquids, used as motor fuels, are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Greasing and oil changes, tire repairs, washing and servicing cars and trucks, and the sale of tires, batteries and other accessories are considered to be accepted functions of a gasoline service station.

Golf course/country club means any golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges and miniature golf courses as a principal use.

Grade means:

- A. *For buildings having walls adjoining one (1) street only:* the elevation of the public sidewalk, top of curb, or centerline of the street right-of-way, whichever is closest to the building, where a building wall adjoins a street.
- B. *For buildings having walls adjoining more than one (1) street:* the average elevation of the sidewalks, curbs or centerlines of streets, whichever is closest to the building walls adjoining the streets.
- C. *For buildings having no wall adjoining the street:* the average of the lowest and highest ground surface elevations in an area within six (6) feet of the foundation line of a building or structure.

Any building or structure wall within thirty-five (35) feet of a public or private street shall be considered as adjoining the street.

Greenbelt means a strip of land of definite width and location upon which existing vegetation is preserved or an area is reserved for the planting of living plant materials to serve as an obscuring screen or buffer strip in carrying out the requirements of this Code.

Grocery store means a retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.

Gross floor area (GFA) means the sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

Height of building means the vertical distance from the grade to the highest point on a mansard, quonset, flat roof or to the median height between the eaves and the ridge for gable, hip and gambrel roofs.

Home. Home shall mean an abode for convalescents; for religious orders or groups; for nurses, for students and other related purposes.

Home occupation. Home occupation means a use conducted entirely within an enclosed building, employing only the inhabitants thereof, which is clearly incidental and secondary to residential occupancy and does not change the character thereof. Specifically excluded is the storage and display of merchandise not produced by such home, occupation, and any activity involving any building alterations, window display, construction features, equipment, machinery or outdoor storage, any of which is visible from off the lot on which it is located. Such use shall not become noxious or endanger public health, sanitation or general welfare.

Hotel means a building in which lodging or boarding are provided and offered to the public for compensation and in which ingress to and egress from all rooms is made through an inside lobby or office normally supervised at all hours. As such, it is open to the public as distinguished from a boarding house, lodging house or apartment.

Impervious surface means any material which prevents, impedes or slows infiltration or absorption of storm water directly into the ground at the rate of absorption of vegetation bearing soils, including building, asphalt, concrete, gravel and other surfaces.

Impervious surface ratio means the area of impervious surface less those areas used exclusively for pedestrian circulation or outdoor recreational facilities divided by the gross site area.

Interior side lot line. An interior side lot line is a side line separating a lot from another lot or lots.

Kennel means any lot or premises used for the sale, boarding, or breeding of dogs and cats or the keeping of four (4) or more dogs and cats over the age of six (6) months.

Land clearing means:

- A. The clearing over eight thousand (8,000) square feet of vegetation from any site, or
- B. The removal of more than two hundred (200) trees more than six (6) inches in diameter at breast height within fifty (50) feet of a public or private street or river.

Mowing, trimming or pruning of vegetation to maintain it in a healthy, viable condition is not considered land clearing.

Landing area means a landing pad, area, strip, deck or building roof used to launch or receive aircraft, including, but not limited to, power-driven winged or delta-winged aircraft, gliders, balloons and helicopters.

Landscaping means the finishing and adjournment of unpaved yard areas using the combination of planted trees, vines, ground cover, flowers or turf. In addition, the combination or design may include rock ground cover, earth mounds, and such structural features as fountains, pools, art work, screens, walls, fences, and benches.

Laundromat means a business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises or operated for the benefit of retail customers who bring in and call for laundry.

Lot means a parcel of land occupied or intended for occupancy by a use permitted in this Zoning Code, including one (1) principal building together with accessory buildings, open spaces and parking areas required by this Zoning Code, and having its principal frontage upon a street or upon an officially approved private street. The word "lot" includes the words "plot", "tract" or "parcel".

Lot, interior. An interior lot is a lot other than a corner lot.

Lot, irregular. An irregularly shaped lot means a lot which provides a minimum of thirty (30) feet of street frontage, provides a minimum width of sixty (60) feet at the proposed building line and complies with all other yard, area, height, and similar requirements for the Zoning District in which it is located.

Lot, corner means a lot which has at least two (2) contiguous sides abutting on and at the intersection of two (2) or more streets.

Lot of record means a lot whose existence, location and dimensions have been legally recorded or registered in a deed or on a plat.

Lot, through means an interior lot having frontage on two (2) more or less parallel streets.

Lot width means the horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front setback line.

Manufacturing means the production of articles for use from raw or prepared materials by giving these materials new forms, qualities, properties or combinations, whether by hand labor or machine.

Marina means a commercial mooring, berthing, or docking facility for watercraft with or without provisions for launching, haulout, servicing, fueling or sales of accessory supplies.

Mechanical amusement arcade means any place, premises, room or establishment in which a substantial and significant portion of the business is devoted to the operation of mechanical amusement devices, or in which more than five (5) mechanical amusement devices are located and available for operation. For purposes of this Zoning Code, a mechanical amusement arcade shall not include the following:

- A. Mechanical/electronic amusement devices located in bars, taverns and cocktail lounges which are properly licensed by the State when the devices are located so as to be an integral part of the licensed operation and are available only to tavern patrons; and
- B. Mechanical amusement devices located in motels or hotels when the devices are generally available only to registered guests.

Mechanical amusement device means any machine which, upon the insertion of a coin, slug, token, plate or disk, or upon payment of a price, may be operated by the public generally for use as a game, entertainment or amusement, including, but not limited to, games registering a score; electronic video games; mechanical and/or electronic devices, such as marble machines, pinball machines, mechanical grab machines, shuffle board game machines, pool tables and billiard tables; and all game operations or transactions similar thereto, whether operated by hand, electric power or a combination thereof. "Mechanical amusement device" shall not include:

- A. A juke box or other similar device which plays only music for money;
- B. A full-size bowling lane or alley;
- C. A movie theater seating more than ten (10) persons; and
- D. A vending machine dispensing food, drink, tobacco, toys or written material, which material can be utilized away from the premises where the machine is located and does not require further participation by the person inserting the item or paying the price at the location of the machine. A mechanical amusement device located on property used solely for a residential purpose or a private club, which device is not available for use by the general public, shall be exempt from this definition.

Micro brewery means a facility as defined as such by the State of Michigan.

Motel means a building or group of buildings having units containing sleeping accommodations which are available for temporary occupancy primarily by automobile travelers and usually providing separate entrances for the units.

Non-conforming structure, permitted. A permitted non-conforming structure is a structure lawfully existing at the time of adoption of this Ordinance, or any amendments thereto, which does not conform to the regulations of the district in which it is located, and for which a certificate of occupancy has been issued and is in force.

Non-conforming use, permitted. A permitted non-conforming use is a use which lawfully occupies a structure or land at the time of adoption of this ordinance, or any amendments thereto, which does not conform with the regulations of the district in which it is located, and for which a certificate of occupancy has been issued and is in force.

Nursing home. See "Residential care and treatment facility".

Off-street parking. The following definitions shall apply to vehicle parking in all areas except parking in garages and parking along streets and alleys.

- A. **Business parking area.** A parking area owned and operated by a business or professional establishment (such as a doctor's or lawyer's office) and used as a convenience in connection therewith.

- B. **Commercial parking area.** A parking area owned and operated by a private individual or concern for the purpose of charging a fee for parking privileges.
- C. **Public and quasi-public parking areas.** A parking area owned and operated by a governmental unit, educational institution, church, charitable institution, or other comparable public or quasi-public unit, association, corporation, or institution.

Open space, common. "Common open space" means land within or related to a development, not individually owned, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Ordinary high water mark means the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctively from the upland.

Owner means any person having an ownership interest in a premises as shown on the latest City of Escanaba tax records.

Parcel. See "Lot".

Parking area means any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles, including parking lots, driveways and legally designated areas of public streets.

Parking area, commercial. "Commercial parking area" means a tract of land which is used for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot and which contains parking space rented to the general public or reserved for individuals by the hour, day, week or month.

Parking area, off-street. "Off-street parking area" means a land surface or facility providing vehicular parking space off a street together with drives and maneuvering lanes so as to provide access for entrance and exit for the parking of motor vehicles.

Parking area, private. "Private parking area" means a parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

Parking space means an area of land provided for vehicles exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for parking of permitted vehicles.

Parking structure means a building or structure consisting of more than one (1) level and used to store motor vehicles.

Pavement. "Pavement" and "paved" mean permanent and completely covered with concrete, a bituminous surface, brick or other surface approved by the City Engineer.

Pedestrian scale means design and construction considerations based upon the scale of a human being which imbue occupants and users of the built environment with a sense of comfort and security.

Pedestrian travel way shall mean a paved walk for pedestrians at the side of a street such as the sidewalk.

Person means a corporation, association, partnership, trust, firm or similar activity as well as an individual.

Place of worship means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Plat means a map of a subdivision of land recorded with the Register of Deeds pursuant to State statute.

Principal use means the main use of land or structures as distinguished from a secondary or accessory use.

Public utility means any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public; gas, steam, electricity, sewage, disposal, communication, cable, telephone, telegraph, transportation or water.

R-District means a residence district, namely in Residence "A", "B", "C", and "C-2" District.

Radius. A measurement consisting of a straight line, without regard to intervening structures or objects, from the nearest property line of the lot or lots to the nearest existing property line of the nearest existing lot or lots.

Rear lot line. The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

Recreational facilities means a public or private non-profit facility for athletic activities such as ice arenas, stadiums, indoor sports arenas, community recreation centers, fitness centers, indoor and outdoor swimming pools.

Recreational vehicle means a vehicle primarily designed and used as a temporary living quarters for recreational, camping, or travel purposes including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

Residential care and treatment facility means a facility providing:

- A. Services, programs and temporary shelter for residents who are undergoing alcohol or substance abuse rehabilitation;
- B. Temporary emergency shelter and services for battered individuals and their children in a residence structure; and

- C. Housing and personal services such as nursing, recreation, housekeeping and food preparation in a residential structure for persons who are not otherwise able to provide those services themselves and are dependent upon others for doing so.

But not including an adult or juvenile correction institution or transitional housing.

Restaurant, family means an establishment where food and drink are prepared and served to seated customers. Customer turnover rates are typically less than one (1) hour. Generally, these establishments serve breakfast, lunch, and dinner and sometimes are open twenty-four (24) hours a day. It may include cafeteria-style facilities.

Restaurant, fast food means an establishment where food and drink are served to customers at a counter. Such establishments may or may not have seating facilities. Generally, food and drink is ordered and taken to be consumed outside the restaurant building.

Restaurant, fine means an establishment where food and drink are prepared and served. Customer turnover rates are typically one (1) hour or longer. Such establishments serve dinner but generally do not serve breakfast and may or may not serve lunch or brunch.

Right-of-way means a public or private street, alley or easement permanently established for the passage of persons or vehicles.

Roadway shall mean that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back-to-back of curbs.

Rooming house means a residential building where rooms or suites of rooms are rented where the renters use common facilities, such as hallways and bathrooms. A rooming house shall not include hotels, motels, apartment houses, two (2) and multi-family dwellings or fraternity and sorority houses.

School means an educational institution under the sponsorship of a private or public agency providing elementary or secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools.

Screen means a structure providing enclosure and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other growing materials.

Screen, opaque means a masonry wall, fence sections, earthen berm, evergreen hedge or a combination of these elements which completely interrupt visual contact and provide spatial separation.

Setback means the distance required between a lot line and a building wall.

Setback, front. "Front setback" means the minimum required distance, extending the full lot width, between the principal building and the front lot line.

Setback, rear. "Rear setback" means the minimum required distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front line.

Setback, side. "Side setback" means the minimum required distance, extending from the front setback to the rear setback, between the principal building and accessory building and the side lot line.

Shopping center means those structures which will have five or more separate occupancies and are in excess of fifteen thousand (15,000) square feet of gross floor area.

Side lot line. A side lot is any lot boundary line not a front lot line or a rear lot line.

Sidewalk means a paved walk for pedestrians at the side of a street.

Site diagram means a drawing, drawn to scale, showing the location of buildings and structures on a lot, as well as driveways, curb cuts, alleys, streets, easements and utilities.

Site plan means a plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Code.

Special care facilities. A special care facility shall include any dwelling unit intended to be occupied (partially or entirely) for purposes of providing residential care for persons physically or mentally handicapped, mentally ill, drug or alcohol addicts, and including any dwelling units used for similar occupants that are state licensed or state supported, but not including penal or correctional institutions, nor shall the conditions apply to any family-related persons living within a single family unit.

Stop work order means an administrative order which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Code.

Story. A story is that portion of a building between one (1) floor level and the floor level next above it, or between the uppermost floor and the roof. Any story lying more than fifty percent (50%) by volume below the highest level of the adjoining ground, and any mezzanine, balcony or similar story having a floor area of less than fifty percent of the floor area of the story immediately above it, (or where there is no story above, less than fifty percent of the floor area of the story immediately below it) shall not be counted as a story in measuring the height of buildings under this Ordinance.

Story, half. A half-story is an uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy-five percent (75%) of the floor area of the story immediately below it, and not used or designed, arranged or intended to be used, in whole or in part, as an independent housekeeping unit or dwelling.

Street shall mean all property dedicated or intended for public or private use, for access to abutting lands or subject to public easements, therefore, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, land, place, circle, or however otherwise designated. Street does not mean alley. See also "Street, private".

Street, access. "Access street" means a street or alley designed primarily to provide access to properties.

Street, major (principal/arterial). "Major street" means a street designed to carry high traffic volumes through the community and is designated as a major street in the Major Street Plan for the City. The right-of-way width for major streets shall conform to the Major Street Plan of the Comprehensive Plan and to all subsequent amendments or additions thereto.

Street, minor. "Minor street" means a street not designated as a major street in the Major Street Plan for the City. The minimum right-of-way for minor streets shall be sixty (60) feet, or as designed on a precise plat.

Street, urban collector. "Urban Collector" means a street designated as a major street in the Major Street Plan for the City. The minimum right-of-way for urban collector streets shall be eighty (80) feet, or as designated on a precise plat.

Street lot line. A "Street lot line" is a lot line separating a lot from a street.

Street, private. "Private street" means an interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to private buildings or land uses, to parking and service areas, and which is not maintained by the public.

Structural alterations means any change in a building requiring a building permit.

Structure means anything constructed or erected, the use of which requires a more or less permanent location on the ground or an attachment to something having a permanent location on the ground, including, but not limited to, freestanding signs, billboards, back stops for tennis courts, wireless towers, and pergolas.

Subdivide or Subdivision means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representative, successors or assigns for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of land less than forty (40) acres or the equivalent, and that is not exempted from the platting requirements of the State of Michigan Land Division Act 591, PA of 1996, Act 87, and PA of 1997, as amended. Subdivide or subdivision does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State of Michigan Land Division Act or the requirements of an applicable Escanaba Land Division Ordinance.

Subdivider shall mean any person dividing or proposing to divide land so as to constitute a subdivision and includes any agent of the subdivider.

Trailer means any enclosure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirtings, and which has been or reasonably may be equipped with wheels or devices for transporting the enclosure from place to place. "Trailer" includes motor homes, travel trailers and camper vans.

Transitional housing means a facility which is operated by a government or a nonprofit agency providing interim sleeping and bath accommodations; interim eating and cooking facilities; and professional services to assist individuals or families in locating permanent housing.

Treelawn means the area of public right-of-way lying between the curb line of a curbed street or developed travelway of a noncurbed street and the nearest private property line substantially parallel to said street.

Trip end means the total of all motor vehicle trips entering plus all motor vehicle trips leaving a designated land use or building over a given period of time.

Tourist home means a single-family dwelling owned and occupied by a person renting out not more than three (3) rooms for compensation to persons who do not stay for more than seven (7) consecutive days.

Townhouse means a multiple dwelling in which each dwelling unit share a common wall with at least one (1) other dwelling unit and in which each dwelling unit has living space on the ground floor and has a separate ground-floor entrance.

Usable floor area means the area used for or intended to be used for the sale of merchandise or services, or use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways or for utilities or sanitary facilities, shall be excluded from this computation of "Usable Floor Area". Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Wall shall mean a barrier made of masonry, wood, metal, or natural hedging forming a long rampart.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Zoning Code.

Yard, front means all land extending across the width of a property and lying between the building line and the front lot line.

Yard, rear means all land extending across the width of the property and lying between the principal building and the rear lot line.

Yard, side means all land lying between a principal building and the side lot lines and extending from the front to the rear of the principal building.

Zoning Code means Ordinance #1028, as amended, of the Code of Ordinances of the City of Escanaba and includes the text of this Zoning Code as well as all maps, tables, graphics, schedules as included or attached as enacted or subsequently amended.

**SECTION 112
USES NOT MENTIONED**

112.1. General. When a use is not expressly mentioned in this Zoning Code, the Code Official shall make an interpretation as to what district or districts should accommodate the use. The decision shall be based on the intent of each district, similar uses mentioned in a district, and recognized rules of interpretation. The Code Official's decision shall be appealable to the Board of Zoning Appeals.

**SECTION 113
TEMPORARY BUILDINGS**

113.1. General. Temporary buildings used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon the completion of the construction work.

**SECTION 114
RECREATIONAL VEHICLES AND TRAILERS**

114.1. General. Recreational vehicles and trailers shall not be used for general living purposes in any district other than in a licensed campground and/or trailer park.

**SECTION 115
TENTS OR PORTABLE BUILDINGS**

115.1. General. The use and occupancy of a tent or portable building for the purpose of general living quarters is not permitted in any zoning district.

**CITY OF ESCANABA
PLANNING COMMISSION PUBLIC
HEARING NOTICE**

At a regularly scheduled meeting of the Escanaba Planning Commission on October 18, 2016, at 6:00 p.m., in the Council Chambers of the Escanaba City Hall, 410 Ludington Street, Escanaba, MI 49829, the following public hearing will be conducted:

Zoning Ordinance Amendments - Chapter 17 Parking and Circulation Requirements and Chapter 21 Central Retail Commercial District Requirements

The public is cordially invited to attend this meeting should you have any questions, comments or concerns on any of the proposed amendments, please submit your written concerns to the City of Escanaba, City Manager's Office, P.O. Box 948, 410 Ludington Street, Escanaba, MI 49829 prior to October 18, 2016. All written correspondence will be read into the public record. A copy of the proposed zoning ordinance amendments can be viewed at City Hall, 410 Ludington Street, Escanaba, MI 49829 or at www.escanaba.org in the Land Development Tool Box tab.

Escanaba Planning Commission



COUNTY OF DELTA

STATE OF MICHIGAN

NOTICE IN CHANGE OF MEETING DATE
OF THE
PLANNING COMMISSION

PLEASE TAKE NOTICE the *regular scheduled meeting for October*, has been rescheduled to **October 18, 2016**; 6:00 pm, Room C101, City Hall, 410 Ludington Street, Escanaba, MI, 49829. The purpose of said change is to allow for a Public hearing on: Zoning Ordinance Amendments - Chapter 17 Parking and Circulation Requirements and Chapter 21 Central Retail Commercial District Requirements, and/or act on any other items brought up by the commission.

CHANGED DATE: October 18, 2016

This notice is given in accordance with Act 267 of the 1976 Public Acts of the State of Michigan and Chapter II, Section 5, of the Escanaba City Charter. The City of Escanaba will provide necessary, reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon five (5) days notice to the City of Escanaba. Individuals with disabilities requiring auxiliary aids or services should contact the City of Escanaba by writing or calling the below named City Clerk. Public notice will be given regarding any changes of the above meeting.

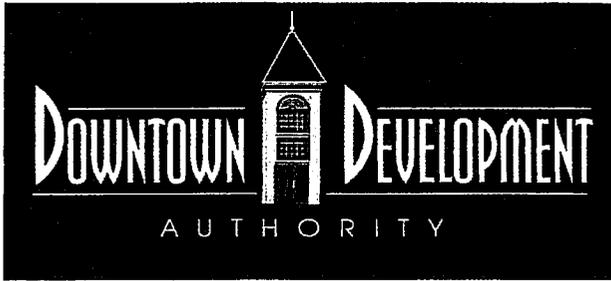
City Clerk's Office
Jim O'Toole
(906) 786-9402

or

Robert Richards, City Clerk
(906) 786-1194
P. O. Box 948, 410 Ludington Street
Escanaba, MI 49829

TAW/bms

Posted 9/30/2016 11:02 AM



Downtown Development Authority Board
MEETING MINUTES

April 28, 2016 at 12:15 p.m.

Administration
Edward Legault
Judy Schroeder

Downtown Development Authority Trustees

Sue Parker, Chairperson	James O'Toole, Trustee
Dan Bender, Vice Chair	Marc Tall, Trustee
Andy Crispigna, Treasurer	Vacant
Mark Ammel, Trustee	Jolee Hughes, Trustee
Mary Finlan, Trustee	

Escanaba City Hall, Council Chambers, 410 Ludington Street, Escanaba, MI 49829

**OFFICIAL PROCEEDINGS
ESCANABA DDA
CITY OF ESCANABA, MICHIGAN
Regular Board Meeting
April 28, 2016**

Call To Order:

The meeting was called to order by Chairperson Sue Parker at City Hall Council Chambers, 410 Ludington Street, Escanaba, Michigan.

Roll Call:

Chairperson Sue Parker, Vice Chair Dan Bender, and Trustees Tall, O'Toole, Hughes, Finlan, Ammel and Treasurer Crispigna.

APPROVAL/CORRECTION(S) TO MINUTES

Trustee Tall moved to approve the minutes of February 25, 2016, 2nd by Trustee Hughes. Motion Carried.

APPROVAL/ADJUSTMENTS TO THE AGENDA

Trustee Finlan moved to approve the agenda, 2nd by Trustee Tall. Motion Carried.

CONFLICT OF INTEREST DECLARATION - None

TREASURER'S REPORT

Fund Balance is at \$396,684.66. Nothing unusual in payables.

Motion to accept Treasurer's Report by Trustee O'Toole, 2nd by Trustee Tall. Motion Carried.

Motion by Trustee Tall to pay invoice # 132972 to Cooper Office Supplies in the amount of \$606.65, 2nd by Trustee Hughes. Motion Carried.

Public Hearing: None

OLD BUSINESS/UNFINISHED BUSINESS: None

NEW BUSINESS:

1. 2016 Upfront Ribfest Expenditures

DDA Administration requested Board Approval for \$2900 in upfront expenses for this year's event for the cost of ribs, music & misc. expenses. We will have a sales goal of between 275 – 300 tickets sold. If we sell 300 tickets we will have revenue of \$3600.

A motion was made by Trustee O'Toole to approve upfront expenses for Ribfest in the amount of \$2,900, 2nd by Trustee Hughes. Motion Carried.

2. Proposed changes to City Ordinance Section 2102 (Permitted Uses)

DDA Administration requested Board Approval for proposed changes to City Ordinance 2102 – Uses permitted in a Central Retail Commercial District. The changes would update businesses that would be permitted in the CRC District. The changes will also streamline the process for the business owner and save time for City Commissions that would have to make an exception to include the new business. Approval of the changes will also allow the process to revise the ordinance to go forward in a timely manner. **The changes will be made to Ordinance 1075, Chapter 21, Section 2101 General Provisions.** The main revisions are under Section 2102 Uses Permitted in a Central Retail Commercial District.

A motion was made to make the necessary additions to Ordinance 1075 by drafting a Resolution in Support of the changes and referring the additions to the Planning Commission to start the process of amending the ordinance by Trustee Finlan, 2nd by Treasurer Crispigna. Motion carried with Trustee Tall abstaining. (A copy of the changes is attached to the minutes)

3. Proposed changes to Table 1702 (Off Street Parking Schedule)

DDA Administration requested Board Approval for the proposed changes to Table 1702 (Off Street Parking Schedule). The changes would update parking requirements for residential projects within the DDA District. Recommendations as follows:

<u>Use</u>	<u># Spaces Required</u>
* Single - Family Detached	2/per dwelling
* Multiple Unit Dwelling; One bedroom or studio unit	1/per dwelling unit
* Two bedroom unit	1.25/per dwelling unit
* Three bedroom unit or more	1.5/per dwelling unit
* Senior Citizen - Residential	1/per dwelling/room unit
* Senior Citizen Residential - employee	1/per employee

A motion to make the necessary changes for Off Street Parking Table 1702 and refer those changes to the Planning Commission by Trustee Finlan, 2nd by Trustee Hughes.

Ayes - 6, Nay - 1, Trustee Tall Abstaining.

4. Review of Bids Submitted for the Escanaba Market Place Project

Barry Polzin, Lead Architect for the Escanaba Market Place Project, reviewed the bids received at the DDA Building by 3:00 pm on April 27th. Bids were received from three contractors. Barry recommended that interviews with the bidders be scheduled to discuss various aspects of the bids in an effort to clearly understand the expenses of the Market Place Project. Bids were accepted from Industrial Maintenance Service, Roy Ness Contracting and O'Boyle & Company. Reviews were schedule with IMS and Roy Ness Contracting.

PROJECT UPDATES:

- **Escanaba Market Place Project** – DDA Administration met with Greg West & Julie Gardner of the MEDC on March 18th to discuss open issues with the project and questions regarding process. The meetings were helpful and have identified some gaps in our timeline. A revised timeline was created and reviewed. DDA Administration is working with Barry Polzin to break out pieces of the project so we can do a phase I and then subsequent phase to complete our vision. We expect a letter from Greg West stating the project can start incurring costs for construction A&E work by March 21.
- **Façade Projects** – March 17th the City Council gave their support to go ahead and submit the final part of the grant application to the MEDC. There was also a public hearing prior to their vote. No public comment on the issue. Once we get the final response from the MEDC, which should be in the next two weeks, we can submit the projects for bids. The bid drawings on three of the projects that were first in line are at 75% complete. Lisa Wrate will be ready to release the bids, when we get approval from the MEDC.
- **Redevelopment Ready Communities Activities** – The City Council approved a new Public Participation Plan on March 3rd. City Administration sent the plan to the MEDC for their review. We will be working on some of the final requirements over the next few months and should be on our way to the RRC certification. The Land Development tab on the website is being revised. A Marketing Plan is also being drafted.
- **Redevelopment Projects (House of Ludington)** – The House of Ludington Project didn't get funded by the State based on the January Submission. They will be re-applying with the State on April 1, 2016. They will have a better point total this time around based on a couple of different categories.
- **Blighted Building Purchase Program** – The DDA Administration has put this initiative on hold for the 2016-2017 budget year based on budget constraints from major projects. The DDA Administration will act on buildings that remain in poor shape through complaints forwarded to the City.
- **Business Session for the Downtown Business Owners** – I still need to do additional canvassing with businesses that didn't attend to get additional feedback. I have been tied up trying to finalize the Façade Application & the Market Place Application. I will summarize the feedback and add to the April meeting agenda for discussion.

VARIOUS OTHER ISSUES:

GENERAL PUBLIC COMMENT:

BOARD/STAFF COMMENTS: - Ribfest June 4, 2016. New meeting time will be reviewed in six months.

ANNOUNCEMENTS:

ADJOURNMENT:

The Escanaba Downtown Development Authority will provide all necessary, reasonable aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities at the meeting/hearing upon five days notice to the Downtown Development Authority. Individuals with disabilities requiring auxiliary aids or services should contact the Downtown Development Authority by writing or calling (906) 789-8696 or escanabadda@att.net.

Respectfully Submitted,

Sue Parker, Chairperson