

ORDINANCE NO. 1201

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

THE CITY OF ESCANABA ORDAINS:

CHAPTER I

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

SECTION 1801  
GENERAL

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

**1801.2. Cross References, as amended.**

- A. Zoning and planning in home rule cities - MCLA 117.4I
- B. Regulation of location of trades, buildings and uses by local authorities - MCLA 125.581.
- C. Regulation of buildings; authority to zone - MCLA 125.582.
- D. Regulation of congested area - MCLA 125.582.
- E. Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - MCLA 125.583a.
- F. Duties of Code Official; Chapter 200.Administration, Enforcement and Penalty, Paragraph 212.1

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

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

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

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

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

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

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

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

**SECTION 1802**  
**SITE PLAN DIAGRAMS/REQUIREMENTS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **SECTION 1803 SITE PLAN REVIEW**

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

#### **1803.1.1. Procedure for All Site Plans.**

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

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

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

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

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

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

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

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

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

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

**SECTION 1804  
SITE PLAN APPROVAL STANDARDS**

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

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

**Comment [RS4]:** Changing from having a 2<sup>nd</sup> PC member sign, to having the Code Official sign

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

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

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

**SECTION 1805  
CONDITIONAL APPROVALS**

**1805.1. Conditional Approvals.**

- A. The Planning Commission or Code Official may attach conditions to the approval of a site plan when such conditions:
  - 1. Would insure that public services and facilities affected by a proposed land use or activity are capable of accommodating increased service and service facilities loads caused by the land use or activity.
  - 2. Would protect the built and natural environment.
  - 3. Would insure compatibility with adjacent uses of land.
- B. The Planning Commission or Code Official may conditionally approve a site plan on conformance with fencing, screening, buffering or landscaping requirements of this Code and may collect a performance guarantee consistent with these requirements to insure conformance. When so doing, the following finding shall be made and documented as part of the review process:
  - 1. That such fencing, screening, buffering or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other similar impact on adjoining parcels;
  - 2. That absent such conditions, the development would adversely affect the reasonable use, enjoyment and value of adjoining lands of like or similar benefits enjoyed by other properties in the area.

**SECTION 1806  
SITE PLAN AMENDMENTS**

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

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

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

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

**SECTION 1807  
EXPIRATION OF SITE PLAN**

**1807.1. Expiration of Site Plan.**

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

**SECTION 1808  
SKETCH PLANS REQUIRED**

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

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

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

**SECTION 1809  
SKETCH PLAN DIAGRAM REQUIREMENTS**

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

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



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

**SECTION 1810  
SKETCH PLAN PUBLIC HEARING**

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

**SECTION 1811  
EXPIRATION OF A SKETCH PLAN**

**1811.1. Expiration of a Sketch Plan.**

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

**CHAPTER II  
SAVINGS CLAUSE**

If any section, subsection, sentence, clause, or phrase of the within Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, section, subsection, sentence, clause, or phrase thereof irrespective of that fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

**CHAPTER III  
CONFLICTING ORDINANCES REPEALING CHAPTER**

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**CHAPTER IV  
EFFECTIVE DATE**

This Ordinance shall be in full force and in effect ten (10) days after its passage and publication.

APPROVED

APPROVED

\_\_\_\_\_  
**Ralph B.K. Peterson**  
City Attorney

\_\_\_\_\_  
**Marc D. Tall**  
Mayor

Ordinance No. 1201

ATTEST

\_\_\_\_\_  
**Phil DeMay**  
City Clerk

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the City Council of the City of Escanaba, County of Delta, Michigan, at a Regular Meeting held on Thursday(Day) the 7th(Date) day of March(Month) 2019, and was published in the Daily Press, a newspaper of general circulation in the City of Escanaba on Tuesday(Day), March(Month) 12(date), 2019, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

\_\_\_\_\_  
**Phil DeMay**  
City Clerk