



City Hall  
208 North First Avenue  
Alpena, Michigan 49707  
[www.alpena.mi.us](http://www.alpena.mi.us)

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## *Planning & Development*

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### **City of Alpena Planning Commission**

Regular Meeting

Tuesday, December 14th, 2021 @ 7:00 p.m.

This meeting will be held in Council Chambers as well as virtually.

Please join my meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/CityofAlpena/planning-commission>

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Access Code: 178-564-461

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### **AGENDA**

CALL TO ORDER:

ROLL CALL:

PLEDGE OF ALLEGIANCE:

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: Meeting November 9, 2021

PUBLIC HEARING #1 AND COMMISSION ACTION:

**Case # 21-SU-03 703 W Chisholm – County of Alpena – Telecommunications Tower**

1. Site Plan Documents (Appendix A)
2. Special Use Review Findings of Fact (Appendix B)

PUBLIC HEARING #2 AND COMMISSION ACTION:

**Proposed Zoning Ordinance Amendments (Appendix C)**

1. Amend Zoning Ordinance
2. Conditional Rezoning

UNFINISHED BUSINESS: None to note





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## ***Planning & Development***

### **NEW BUSINESS:**

#### **2022 Planning Commission Schedule (Appendix D)**

1. Propose to approve schedule as outlined
2. Propose to amend bylaws to remove 7 PM time
3. Propose to adjust meeting time for 2022 to no later than 6 PM

#### **By-Laws Update (Appendix E and F)**

COMMUNICATIONS: None to note

### **REPORTS:**

Redevelopment Ready Communities Training Assessment for FY21

### **CALL TO PUBLIC:**

### **MEMBERS' COMMENTS:**

### **ADJOURNMENT:**

MINUTES  
City of Alpena Planning Commission  
Regular Meeting (Council Chambers and Virtual)  
November 9, 2021  
Alpena, Michigan

CALL TO ORDER:

The joint meeting of the Planning Commission/City Council was called to order at 6:00 p.m. by Mayor Waligora. When the joint meeting was concluded, City Council adjourned but Planning Commission continued without adjournment.

ROLL CALL: PLANNING COMMISSION

PRESENT: Wojda, Vanwagoner, Gilmore, Kostelic, Werda, Bauer, Boboltz

ABSENT: Sabourin

STAFF: Rachel Smolinski (City Manager), Montiel Birmingham (Planning, Development and Zoning Director), Donald Gilmet (Contractual Staff appeared virtually), Kathleen Sauve (Recording Secretary).

PLEDGE OF ALLEGIANCE:

Pledge of Allegiance was recited at the beginning of the joint meeting.

APPROVAL OF AGENDA:

Agenda was approved at the beginning of the joint meeting.

APPROVAL OF MINUTES:

Meeting October 12, 2021, minutes were approved as printed.

PUBLIC HEARING AND COMMISSION ACTION:

**Public Hearing #1 - Case # 21-SU-02.** Kevin Currier, of Currier, LLC has requested a Special Use Permit to allow for a Medical Marihuana Provisioning Center located at 909 W. Washington Ave. The property is in the CCD zoning district. Medical marihuana provisioning centers require a special use permit in this zoning district.

Denise Kline of Northeast Michigan Community of Governments presented the staff report and recommendation to the Commission.

All submittal requirements have been met.

Kevin Currier, 240 S. State Ave, stated that he is speaking on behalf of the applicant, Currier, LLC, doing business as Neighborhood Provisions. He stated they provided all of the required materials including the buildout, layout, what they hope to accomplish in Alpena. He thanks the Commission for giving them the opportunity to present his proposal.

FAVOR:

Kathy Schiemke, 427 S. State Ave., has known the family for many years and supports what Kevin is proposing. She feels it is time to make the decision to allow the facility to open.

Linda Currier, 8408 Greenwood St., mother of Kevin Currier. She states that her family loves this community, they have worked hard, and volunteered. She feels it is time to allow the provisioning center to open. She feels her family are good business people. She stated that she has painted the building and plans to continue to do nice things to the building.

Dr. Robert Currier, 240 S. State Ave. He states that for the community, what he feels is important here, is we have an opportunity. He states that he has been in medical cannabis since 2008 when it was first legalized in the State of Michigan. He states that it has been phenomenal for his patients, and that is what they are after. They just want to put something together that will help the patients. He states his patients come to him in confidence and ask for prescribed medical marijuana to help them. He says that the people who have come to him have had autoimmune issues, medical/surgical issues to name a few. Some people have been able to suppress hypertension and diabetes issues, also with cancer. He says that this is a benefit to the people, and he loves it because he sees the benefit and, when he sees that, he looks at it as something good. He feels that many people may look at marijuana just as they do alcohol. He says the black market in Alpena right now is rampant, and so whether you approve the center or not, it will still be sold and grown in the home next door to you. He feels that now we have a chance to highly regulate it. He says that everything he does, whether it be eyeballs, airplanes, pot, is so regulated whether it be the State or the Federal Government, that there is no way that this could leak out. He is looking at it to be a controlled thing that is open, honest, and for the benefit of the patients.

Donald Gilmet, Contractual Staff, 220 E. Crapo St. He states that he knows the Currier family. He states that he is looking at this as the zoning ordinance, and if you look back over the history of what we have been trying to do in Alpena, we had spent a lot of time on the scoring matrix and tried to get two of these in Alpena. He feels it is a great opportunity, not only to realize something that the City has been struggling to get opened, and it is just a benefit that it is actually a local physician and local family with strong ties to everything that are before us now trying to get this application approved. From the building side of it, anybody driving by can see

the vast improvement already based just on what has been done to the exterior of the building. He states that he can assure everybody that when the permits are finalized out, the interior will match the exterior. They have taken an old building and really beautified it and it spruced up that entire corner.

OPPOSITION:

None.

Public Hearing closes at 7:29 p.m. for deliberation.

Member Wojda addresses the board and states that he has known the Currier family for many years. He stated that a few years ago, Kevin had asked Wojda to represent him in preparation for this day, but he declined based upon his position on the Planning Commission. He says that he has never had access to any confidential information. He didn't have nearly as much information as we have now. He does not believe it causes a conflict for him, but if anyone does believe it causes a conflict, he would abstain from the vote.

Vice Chairman Boboltz addressed the board asking if anyone was in opposition of Wojda voting. All Planning Commission member are in favor of allowing Wojda to participate in the vote.

Boboltz addresses the board stating he does not see any issues at all with the Finding of Facts report. He would like to hear if any commissioners had any issues with the report. VanWagoner addresses snow storage/removal. Kevin Currier explains their plan.

Motion made by Wojda to approve the proposed site plan and Special Land Use Permit for Neighborhood Provisions for a Marihuana Provisioning Center at 909 W. Washington Ave. based on the many standards that have been met with the many reasons set forth in the ten page Finding of Facts document.

Motion seconded by Bauer.

Birmingham addressed the board with one point of discussion prior to the final vote. She advised that one point to consider is the pickup location referenced on the site plan. The current ordinance states that all activity must occur indoors. We just need to understand, does that align with what the board would consider indoor because there is pickup, which in theory, the transaction would take place outdoors.

All members weigh in on the discussion.

Kevin Currier states that in 2020 Governor Whitmer made an emergency ruling that said transactions can be done curbside for pandemic purposes. He feels that curbside pickup for establishments has gone over so well due to health reasons for some people, he feels curbside is here to stay. He said that this is not a new law, but an emergency ruling that hasn't done away yet.

Smolinski states that our current Zoning Ordinance does not allow for Medical Marijuana outdoor service.

Kline states it should be clarified in the near future.

Dr. Robert Currier says that the transaction is highly regulated by the State. The transaction is done inside the building, it is a State regulation. He says the package is completely sealed tightly and you cannot tell what is in the bag at all. Many packages have double seals to protect children.

Wojda amends his motion to include that Neighborhood Provisions must follow the ordinance as it is written.

Bauer seconded the amended motion.

Motion approved 7-0.

**Public Hearing #2 - Case # 21-Z-01.** David and AnneMarie Smith, of 321 Charlotte St., has requested a parcel of land located at 1010 S. Eleventh Ave., be rezoned from RM-2 to B-1, to match the adjacent property to make it more useable/sellable.

Denise Kline, NEMCOG, presented the staff report and recommendation to the Commission.

David Smith, representing himself as the applicant. David feels both properties are too small to do anything with if sold separately. David informs the board that a realtor he consulted with has told him it is too hard to market this type of property. He says he feels that if the property was rezoned to match the others adjacent, it would be easier to market it for sale and to build a small business such as a café there. He would like to get it rezoned so something could go in there.

FAVOR:

None

OPPOSITION:

None.

Public hearing closed at 7:55pm

No comments from Planning Commission members.

Motion made by Wojda to approve the re-zoning request located at 1010 S. Eleventh Ave, changing it from RM-2 to B-1 as presented, to go to City Council for final approval, as all standards have been met.

Motion seconded by VanWagoner.

Motion approved 7-0.

**Public Hearing #3 - Proposed Text Amendment to the City of Alpena Zoning Ordinance:**

Public hearing opened for feedback about the proposed text amendments to the Zoning Ordinance to include Food Trucks and Veterinary Clinics.

Denise Kline, NEMCOG, reviews the proposed changes.

Having no public attend the meeting either in person or virtually, the public hearing was closed for deliberation.

Motion made by Kostelic to approve the food trucks definition and the resolving rezoning for food trucks and veterinary clinics, to go to City Council for final approval.

Motion seconded by Bauer.

Motion approved 7-0.

**UNFINISHED BUSINESS:**

Denise Kline presents the board with and explains in detail the proposed Zoning Ordinance text amendment to Section 10.2 Rezoning Standards, and a proposed new section 10.3 called Conditional Rezoning added to the Zoning Ordinance. Members share discussion and examples of situations when the ordinance would be used. It is agreed upon by all members to hold a public hearing at next meeting.

**BUSINESS:**

The revised site plan for the Bingham Senior Apartments is reviewed. Birmingham discusses the changes to the site plan in comparison to the site plans received in 2019. She explains that letters were sent to all property owners within 300 ft as a courtesy, not a requirement.

**COMMUNICATIONS:** None.

**REPORTS:**

Birmingham informs the members that there is an open seat on the Planning Commission, as Gretchen Kirschner's term has expired, and she has chosen to let someone else take her seat. There has been an applicant and Birmingham will forward her information to the board members.

CALL TO PUBLIC:

Gilmet takes a moment to thank Birmingham and Sauve for their hard work and service in the Planning, Development and Zoning Department during staff turnover.

MEMBER'S COMMENTS: Boboltz thanks the staff of the Planning, Development and Zoning Department as well.

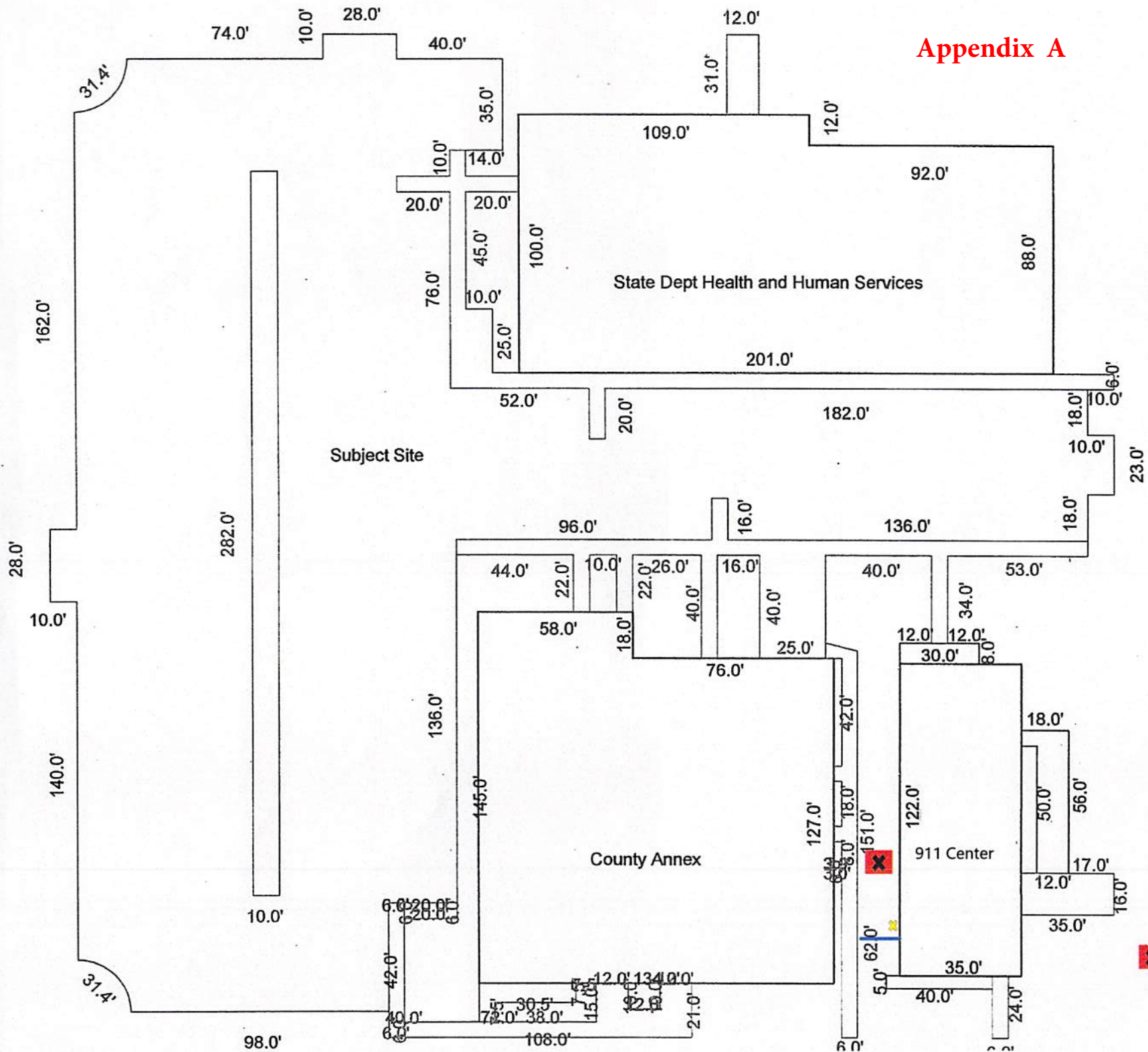
ADJOURNMENT: There being no further business, the meeting was adjourned at 8:18 p.m., by Boboltz, Planning Commission Vice-chairman.


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Steve Gilmore, Secretary

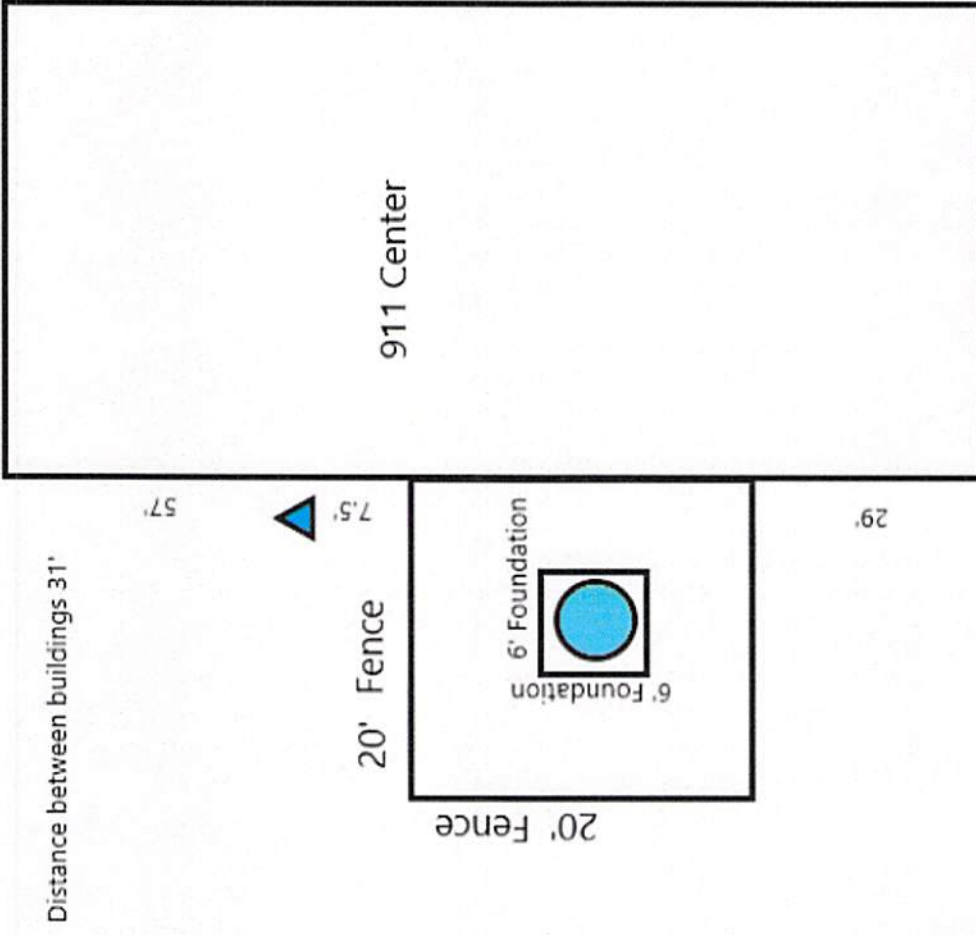


## Appendix A

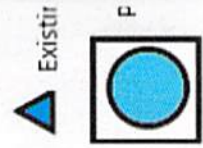


 = Proposed tower

✖ = Existing 73' tower



Distance between buildings 31'



122'

189' - 0.00"

170' - 0.00"

9

4

3

2

1

7' - 0.00"

0' - 0.00"  
(TOP OF BASE PLATE)

8

7

6

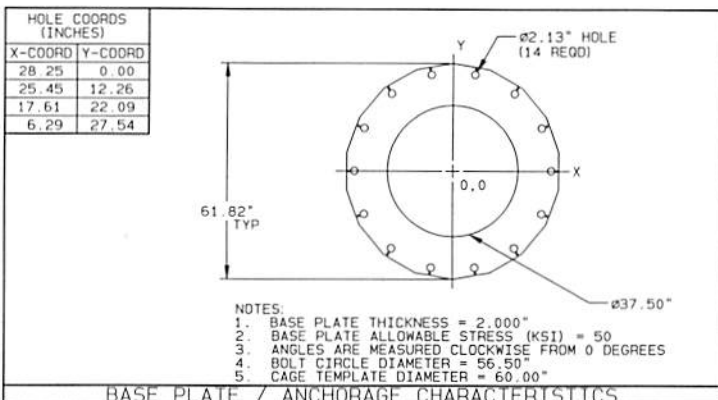
5

DESIGN LAP SPLICE = 52.00"

DESIGN LAP SPLICE = 62.00"

DESIGN LAP SPLICE = 73.00"

ITEM ID	NO. REQD	FEATURES	UNIT WEIGHT (LBS)	WEIGHT (LBS)
1	1	SECTION A VALMONT S-22 0.313" THK (A572 GR65)	7,852	7,852
2	1	SECTION B VALMONT S-22 0.250" THK (A572 GR65)	5,107	5,107
3	1	SECTION C VALMONT S-22 0.250" THK (A572 GR65)	4,146	4,146
4	1	SECTION D VALMONT S-22 0.219" THK (A572 GR65)	2,691	2,691
5	1	BOTTOM CAGE PLATE	117	117
6	14	1.75" ANCHOR BOLT, LENGTH=5.50' A615 GR75	64	888
7	1	BASE PLATE VALMONT S-56 2.000" THK (A572 GR50)	1,251	1,251
	1	TOP CAGE PLATE (REMOVE BEFORE SETTING POLE)	152	152
	1	SAFETY CLIMBING CABLE (LENGTH = 179.00')	124	124
	3	GROUNDING LUG	2	6
		GALVANIZING	529	529
	189	STEP AND CLIP (VALMONT STANDARD)	1	189
8	1	HAND HOLE HVY (9" x 24") Ø 0"	52	52
9	3	HAND HOLE STD (6" x 12") Ø 0", 120°, 240°	11	33
	1	POLE CAP	18	18



## NOTES:

1. FACTORED BASE REACTIONS:  
MOMENT = 19,143 IN-KIPS  
SHEAR = 15,411 #  
VERTICAL = 27,168 #
2. GALVANIZED PER ASTM A-123.
3. DESIGN CRITERIA: ANSI/TIA 222-H
4. THIS STRUCTURE HAS BEEN DESIGNED FOR THE FOLLOWING LOADING:  
EXPOSURE CATEGORY = C  
TOPOGRAPHY CATEGORY = 1  
RISK CATEGORY = 2  
SITE ELEVATION = 876 FT  
EARTHQUAKE SPECTRAL RESPONSE ACCELERATION AT SHORT PERIODS  $S_s$  = 0.14  
EARTHQUAKE SPECTRAL RESPONSE ACCELERATION AT ONE SECOND  $S_1$  = 0.07  
EARTHQUAKE SITE CLASS = D  
WIND LOAD CASES ARE BASED ON 3 SECOND GUST AND 700 YEAR MRI  
A. CASE 1: WIND = 114 MPH WIND SPEED  
B. CASE 2: WIND = 40 MPH ICE AND WIND SPEED  
DESIGN ICE THICKNESS = 2.00 INCH  
C. CASE 3: WIND = 60 MPH WIND SPEED  
D. CASE 4: SEISMIC  
E. CASE 5: SEISMIC  
F. EQUIPMENT

DESCRIPTION	ABP MTG HT. (FT)	ABP CENTROID HT. (FT)	WITHOUT ICE EPA (FT**2)	WT (LBS)	WITH ICE EPA (FT**2)	WT (LBS)
1-4FT LIGHTNING ROD	189.00	191.00	0.25	10	2.16	66
6-CC807-08	174.00	179.00	13.68	144	28.62	1074
6-5P1 PSA6	174.00	174.00	33.84	1098	83.52	2478

5. FEEDLINES ARE PLACED INTERIOR TO POLE SHAFT (UNLESS NOTED OTHERWISE).
6. TOTAL POLE HEIGHT IS 190 FT AGL.
7. ELEVATIONS ARE MEASURED FROM TOP OF BASE PLATE (APPROX. 1 FT AGL).
8. 18 SIDED SHAFT
9. POLE DESIGNED TO INCLUDE 100% GROWTH (DOUBLE REQUESTED LOADING).
10. POLE DESIGN ALSO MEETS TIA REV G.

SECTION INFORMATION					
ITEM ID	LENGTH	BASE OD	TOP OD	THK	MATL
1	51' - 9.00"	50.00"	40.84"	0.313"	A572 65 KSI
2	50' - 4.00"	42.42"	33.52"	0.250"	A572 65 KSI
3	51' - 2.00"	34.93"	25.88"	0.250"	A572 65 KSI
4	51' - 4.00"	27.08"	18.00"	0.219"	A572 65 KSI

ORDER

PROJECT  
522674FILE ID  
522674-01SCALE  
NONEDATE  
07/02/21ENGR  
NAR1

valmont

DESCRIPTION  
MOTOROLA 189.0' POLE.











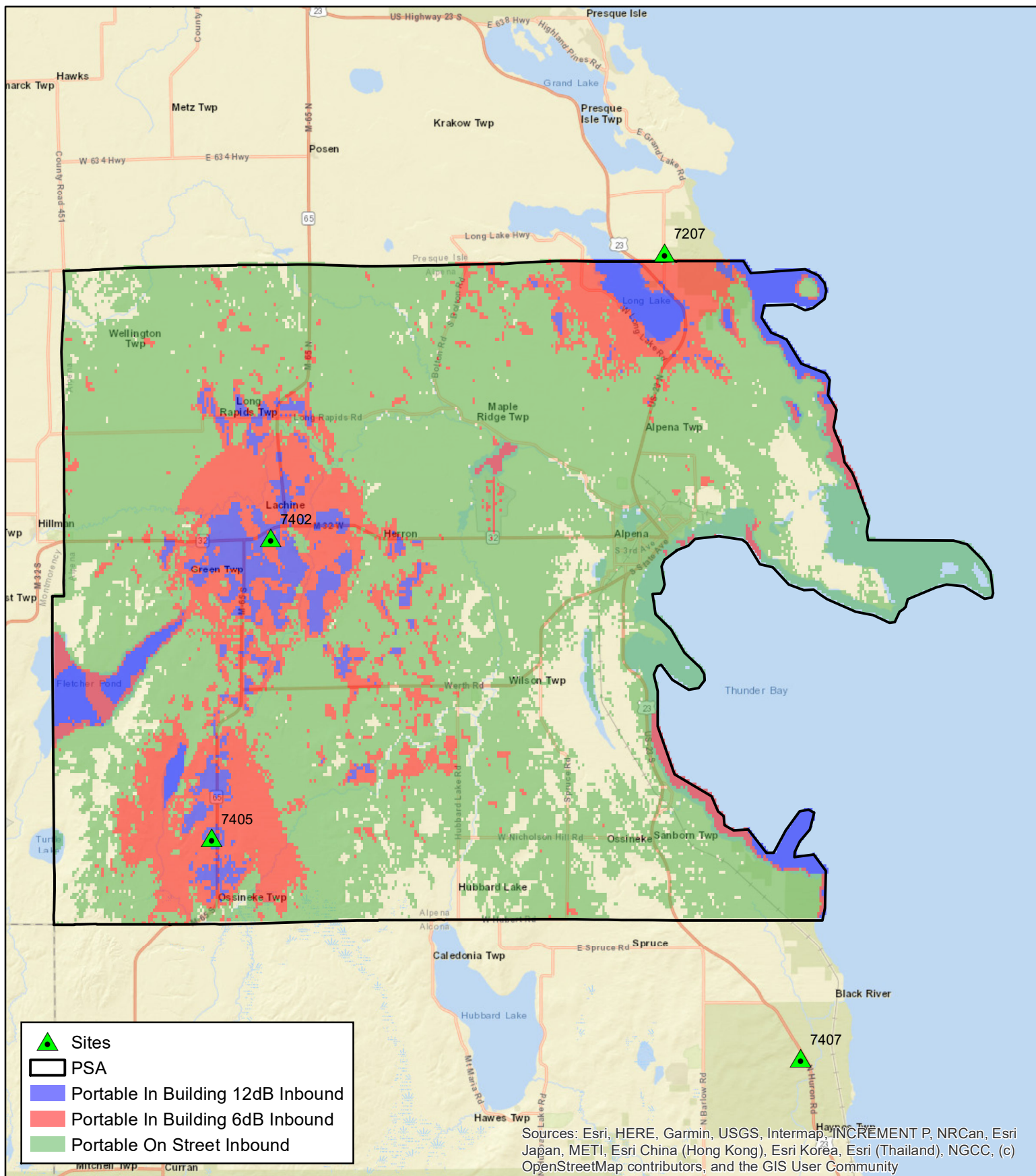


**MOTOROLA**  
SOLUTIONS

# Alpena, MI

5-Site Astro P25 700\_800MHz ASR System  
Shaded Area Represents 95% Covered Area Reliability at DAQ-3.4

Preliminary. Motorola does not warrant or assume any legal liability or responsibility for the accuracy, or completeness of the coverage shown.



0 2 4 6 Miles

1 in = 5 miles

Jul 13, 2021  
Hydra Stratus 2.8.7

Portable Configuration:  
APX 6000, 2.5 W, 1/2 Wave Flex Whip  
Tx/Rx at hip, Swivel Mic w/ RSM

This map is intended solely for the equipment configuration stated above.  
Coverage can vary significantly if different configurations are used.

MPSCS Master  
Alpena new sites  
Design 20  
MVT768, MVT768-840G5

Map 1

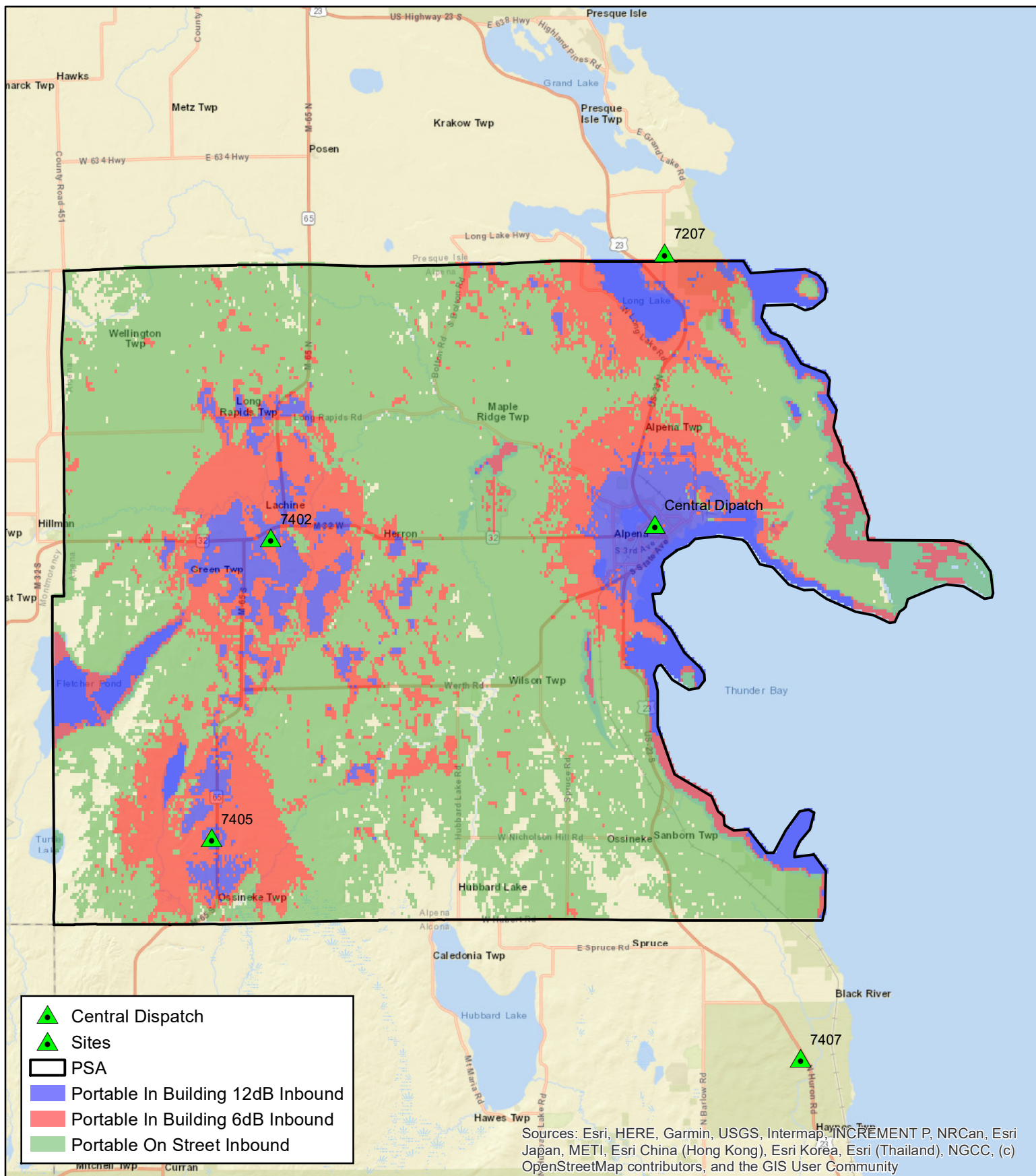


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Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Portable Configuration:  
APX 6000, 2.5 W, 1/2 Wave Flex Whip  
Tx/Rx at hip, Swivel Mic w/ RSM

MPSCS Master  
Alpena new sites  
Design 20  
MVT768, MVT768-840G5

Jul 13, 2021  
Hydra Stratus 2.8.7

This map is intended solely for the equipment configuration stated above.  
Coverage can vary significantly if different configurations are used.

Map 3

## FINDINGS OF FACT SITE PLAN AND SPECIAL USE REPORT

**APPLICANT:** COUNTY OF ALPENA (703 W CHISHOLM ST)  
**PROPOSED USE:** TELECOMMUNICATIONS TOWER (SPECIAL USE)  
**DISTRICT:** OS-1  
**REVIEW DATE:** 11-22-2021  
**REPORT:** 21-SU-03

### **SITE PLAN REVIEW STANDARDS: SECTION 6.6**

No further changes are proposed to site – site currently includes a telecommunication tower.

Telecommunication Towers of 75' in height are listed as an allowable Special Use in the OS-1 District. Proposed tower is 190' in height and requires approval for Special Land Use and also has supplemental development regulations.

See Special Land Use Approval Standards and Supplemental Development Regulations below.

### **SPECIAL LAND USE APPROVAL STANDARDS: SECTION 6.12**

In reaching its determination, the Planning Commission shall consider the following:

**A. Allowed Special Land Use**

Telecommunication Towers are listed as an allowable special land use in OS-1.

**B. Compatibility with Adjacent Uses**

1. Proposed tower is compatible with current use
2. There were 1 letter(s) or comments received from property owners within 300 feet

**C. Public Services**

Essential public services are available and will be enhanced by the use of the proposed tower

**D. Economic Well-Being of the Community**

No excess public costs are anticipated

**E. Compatibility with Natural Environment**

1. No effect on natural resources is anticipated
2. Current landscaping will be maintained

**F. Impact of Traffic on Street System**

No Impact

**G. Non-Detrimental Standards**

No Impact

**H. Consistent with Zoning Ordinance and Comprehensive Plan**

A goal of the current City of Alpena Comprehensive Plan is to support existing public safety services, including necessary upgrades for public safety.



## **SUPPLEMENTAL DEVELOPMENT REGULATIONS: SECTION 7:37**

The following standards pertain specifically to Telecommunication Facilities:

### **D. DEVELOPMENT STANDARDS**

#### **1. Tower Designs**

The tower requested is a self-supporting monopole and is in compliance

#### **2. Height**

The intended height is 190' and is in compliance

#### **3. Location of Property**

1. The location is within Jessie Square that is 420' x 420'. This commercial property has no rear yard.
2. The area mapped and selected is within the area of the property that is least publicly accessible
3. The tower will be located behind a fence

#### **4. Setbacks**

1. **From Residential Districts:** The nearest residential property is approximately 178' as the crow flies. The 911 center is between the tower and the residential areas. The setback minimums are not achievable on this property.
2. **From Property Lines and Primary Electric Transmission Lines:** The intended location for the tower is 73' from the power lines. The setback minimums are not achievable on this property.
3. A reduction in setbacks by the Planning Commission is required for the project to move forward.

#### **5. Fencing and Landscaping**

1. An 8' tall locking chain-link fence will be used around the tower
2. If any structures are needed, they will be enclosed within the fence and will complement the existing building. The foundation will be 6' x 6' concrete.
3. The existing ground cover will be maintained

#### **6. Signage**

Any posted signage will be in compliance with laws and ordinances

#### **7. Aesthetics, Placement, Materials and Colors**

The tower will be constructed of metal and any structures will be constructed to compliment the building

#### **8. Lighting**

The tower will be 190' and will not require lighting

#### **9. Maintenance Inspection**

The County understands this requirement and will fulfill its obligation for a self-supporting tower

#### **10. Radio Frequency Emissions/Sound**

This site will be constructed to fall within FCC standards

#### **11. Sound Prohibition**

This site will be constructed with no external alarms, bells, buzzers, or the like

**12. Structural Integrity**

The tower to be constructed will be Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision H Standard, exceeding the F requirement by 2 revisions

**13. Historic Districts and Downtown Development Authority Districts**

The proposed site is not within the Historic District or DDA

***E. APPLICATION REQUIREMENTS***

**1. Application Contents**

A detailed sketch of the site was provided

**2. Ownership**

The County of Alpena will be making the purchase of said tower based upon approval of special use permit and board action. The County intends on retaining ownership of the tower after installation.

**3. Proof of Filing FAA Form 7460-1, or as amended**

The proposed site is not within 20,00 feet of an airport

**4. Existing Network Locations**

The proposed site will be networked into the Michigan Public Safety Communication System, MPSCS

**5. Affidavits of Co-location Agreement**

Any future co-location will be in compliance

**6. Application Fees**

Waived

**7. Technical Assistance**

The County understands this requirement

***F. CO-LOCATION POLICY***

1. There were no towers found within the City of Alpena that could support the need and antennas necessary for the site
2. The antennas to be installed are dipole antennas and not panel array antennas. The need for this public safety site is for dipole antennas, not cellular panels.

***G. REMOVAL OF ABANDONED WIRELESS COMMUNICATIONS FACILITIES***

The County understands this requirement and also intends on removing the 73' existing tower once migration is complete

***H. REVOCATION PROCEDURE***

The County understands this requirement

- F. **ZBA ACTION REQUIRED:** Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.
- G. **REPRESENTATION AT MEETING (FOR REVIEWS BY PLANNING COMMISSION):** The applicant or his/her representative shall be present at the scheduled site plan review. If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input.
- H. **CONSULTANT:** The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process, if deemed necessary or advisable.

## SECTION 6.6 SITE PLAN APPROVAL STANDARDS

The Planning Staff or Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below unless the Planning Staff or the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

- A. **COMPLIANCE WITH DISTRICT REQUIREMENTS:** The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, yard space, density and all other requirements as set forth in the Zoning Ordinance, unless otherwise provided.
- B. **PUBLIC WELFARE AND ADJOINING PROPERTIES:** The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account the size of the property, uses on the adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal, orderly, and reasonable development or improvement of surrounding property for uses permitted in this Ordinance nor to diminish the value thereof and will be harmonious in use, appearance, and layout with existing and planned future uses in the immediate area.
- C. **LIGHT, AIR, AND ACCESS:** The location, size, and height of the building, walls, and fences shall be such that there is adequate open space so as to provide light, air, and access to the persons occupying the building and that there will be no interference with adequate light, air, and access to adjacent lands.
- D. **TOPOGRAPHY AND NATURAL LANDSCAPE:** All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of elements that respect existing features of the site in relation to topography. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil

removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.

- E. **DRAINAGE**: On-site drainage shall be required pursuant to §3.22. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties. Provisions shall be made to accommodate stormwater according to City ordinance and to prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- F. **PRIVACY**: The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- G. **EMERGENCY VEHICLE ACCESS**: All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access in accordance with applicable regulations.
- H. **VEHICULAR AND PEDESTRIAN CIRCULATION**: Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. A pedestrian circulation system shall be provided and shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves the project area shall be capable of safely and effectively accommodating the traffic volume and pattern proposed by the project. Where possible, shared commercial access drives shall be encouraged. All streets shall be developed in accordance with the Subdivision Control Ordinance and the City specifications.

In those instances wherein the Planning Staff and/or Planning Commission finds that an excessive number of ingress and/or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the safety or carrying capacity of the thoroughfare, the installation of appropriate alternatives, such as but not limited to marginal access drives, shared approaches, one-way drives, etc. may be required as conditions of approval.

- I. **FIRE AND SAFETY**: The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment. Fire protection measures shall be provided as deemed necessary by the Fire Chief in conformance with all applicable laws of the State of Michigan for the protection of residents and/or occupants of the structures.

## SITE PLAN APPROVAL STANDARDS

- J. **ACCESS**: Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
- K. **LOADING AND STORAGE**: All loading and unloading areas and outside storage shall be in accordance with §3.28.
- L. **SNOW STORAGE**: Proper snow storage areas shall be provided in accordance with §3.30 (G).
- M. **EXTERIOR LIGHTING**: Exterior lighting shall be in accordance with §3.27.
- N. **UTILITIES**: All utility services shall be provided in a manner least harmful to surrounding properties. All utilities shall be located underground, as applicable, unless specifically waived by the Planning Commission.
- O. **COMPLIANCE WITH OTHER STATUTES AND REGULATIONS**: Site plans shall conform to all applicable requirements of federal, state, and local statutes, and approval may be conditioned on the applicant receiving necessary federal, state, and local permits before the actual zoning permit is granted.
- P. **GROUNDWATER AND SURFACE WATER PROTECTION**: The following standards relating to groundwater protection shall be complied with, if applicable:
1. The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands.
  2. Storm water detention, retention, transport, and drainage facilities shall be designed to use or enhance the natural storm water system on site, including the storage or filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Storm water facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site.
  3. General purpose floor drains shall be connected to an on-site holding tank or sanitary sewer line (not a septic system) in accordance with state and county requirements, unless a groundwater discharge permit has been obtained from the Michigan Department of Natural Resources and the Environment. General purpose floor drains, which discharge to the groundwater or the storm sewer system, are prohibited.
  4. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
  5. Secondary containment facilities shall be provided for aboveground storage or hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Aboveground secondary containment facilities shall be designed and constructed so that the potentially

1 Purpose

2 Definitions

3 General  
Provisions

4 Signs

5 District  
Regulations6 Site Plan  
Review7 Supplemental  
Regulations

8 ZBA

9 Administration

10 Adoption &  
Amendments

- polluting material cannot escape from the unit by gravity through drains or other means directly or indirectly into groundwater.
6. Underground or above ground storage tanks shall be registered, certified, installed, operated, maintained, closed and removed in accordance with regulations of the Michigan Department of Natural Resources and the Environment.
  7. Existing out-of-service or abandoned underground or above ground storage tanks shall be closed and removed in accordance with regulations of the Michigan Department of Natural Resources and the Environment.
  8. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.
  9. Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the Michigan Department of Natural Resources and the Environment and the District Health Department.
  10. State and federal requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct or indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from state, county and local agencies as required by law.

1 Purpose

2 Definitions

3 General Provisions

4 Signs

5 District Regulations

6 Site Plan Review

7 Supplemental Regulations

8 ZBA

9 Administration

10 Adoption & Amendments



**SECTION 6.12 SPECIAL LAND USE APPROVAL STANDARDS**

After the required public hearing, the Planning Commission shall approve, or approve with conditions, an application for a Special Land Use permit only upon finding that the proposed Special Land Use complies with all the following standards A - I. Uses which also require a site plan shall also adhere to the site plan requirements and approval standards in **§6.5 – §6.10**.

**A. Allowed Special Land Use:** The property subject to the application is located in a zoning district in which the proposed Special Land Use is allowed.

**B. Compatibility with Adjacent Uses:** The proposed Special Land Use shall be designed, constructed, operated and maintained to be harmonious, compatible and appropriate in appearance with existing or planned uses and the intended character of the area and the surrounding land, and shall not change the essential character of the area in which it is proposed to be located. The use shall not be hazardous or disturbing to existing or future nearby uses. In determining whether a Special Land Use will be compatible and not create a significant detrimental impact, as compared to the impacts of permitted uses, consideration shall be given to the degree of impact the Special Land Use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:

1. Use activities, processes, materials, equipment, or conditions of operation;
2. Vehicular circulation and parking areas;
3. Outdoor activity, storage and work areas;
4. Hours of operation;
5. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
6. The relative ease by which the impacts above will be mitigated.

**C. Public Services:**

1. The proposed Special Land Use will not place demands on fire, police, or other public resources in excess of current capacity.
2. The proposed Special Land Uses will be adequately served by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.

**D. Economic Well-Being of the Community:** The proposed Special Land Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole. The use will not create excessive additional public costs and will not be detrimental to the economic welfare of the City.

**E. Compatibility with Natural Environment:** The proposed Special Land Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the City or the natural environment as a whole. Natural features of the landscape, including but not limited to, ponds, streams, hills, and wooded areas, shall be retained where they afford a barrier or buffer from adjoining properties. The landscape shall be preserved in its

1 Purpose

2 Definitions

3 General  
Provisions

4 Signs

5 District  
Regulations6 Site Plan  
Review7 Supplemental  
Regulations

8 ZBA

9 Administration

10 Adoption &  
Amendments

natural state, as far as practical, by minimizing tree and soil removal, and any grade or slope changes shall be in keeping with the general appearances of the neighborhood.

- F. **Impact of Traffic on Street System:** The location and design of the proposed Special Land Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The proposed Special Land Use shall not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.
- G. **Non-Detrimental Standards:** The proposed Special Land Use shall not involve uses, activities, processes, materials, equipment or conditions of operation that will be hazardous or detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor or traffic. The proposed Special Land Use shall comply with [§3.33 Performance Standards](#).
- H. **Consistent with Zoning Ordinance and Comprehensive Plan:** The use will be consistent with the intent and purposes of this Ordinance and meet the goals and objectives of the *City of Alpena Comprehensive Plan*.
- I. **Compliance with Supplemental Site Development Standards:** The proposed Special Land Use complies with all applicable supplemental site development standards as contained in [Article 7](#) of this Ordinance.

1 Purpose

2 Definitions

3 General  
Provisions

4 Signs

5 District  
Regulations6 Site Plan  
Review7 Supplemental  
Regulations

8 ZBA

9 Administration

10 Adoption &  
Amendments



8. Other factors that the Planning Commission may deem relevant.

Such Special Uses may be permitted in the OS-1, B-3, I-1 and I-2 districts.



## D. DEVELOPMENT STANDARDS

Notwithstanding any provision of this Zoning Ordinance, the following development standards shall apply to all Wireless Communication Facilities.

### 1. TOWER DESIGN

All ground mounted towers shall be either a self-supporting lattice or monopole design. Ground mounted towers requiring guy wires shall not be permitted. Guy wires for the support of antennas located on the rooftops of buildings or on water towers may be approved upon review by staff or the Planning Commission.

### 2. HEIGHT

The maximum height of any Wireless Communications Facility shall be 200 feet above surface grade.

### 3. LOCATION ON PROPERTY

Wireless Communication Facilities with ground mounted towers shall be located in the rear yards of property. If no principal structure is located on the property, the Facility shall be located in the rear one-third (1/3) of the property.

### 4. SETBACKS

- a. **From Residential Districts:** Towers shall be located from any residential district a distance equal to twice the height of the proposed structure.
- b. **From Property Lines and Primary Electric Transmission Lines:** Towers shall be setback a minimum distance from adjoining properties and primary electric transmission lines equal to the height of the structure including antennas.
- c. The Planning Commission may reduce the setbacks specified in 4.a. and 4.b. above at its discretion based on a demonstrated need by the applicant and a determination that the health and safety of the public and adjacent properties is adequately protected.

### 5. FENCING AND LANDSCAPING

- a. **Fencing:** A solid fence/wall 8-feet in height constructed of painted, stained or treated lumber, textured concrete block or brick shall enclose the facility, including a locking gate complementary in design and color to the fence/wall. The enclosure shall be maintained in good repair.

- b. **Landscaping:** There shall be a minimum 4-foot wide landscape strip along the perimeter of the fence enclosure consisting of shrubs, flowers, groundcover and/or trees. This requirement may be waived or reduced if the enclosure is deemed to be adequately screened by existing vegetation and/or structures.

## 6. SIGNAGE

No signs other than signs required pursuant to federal, state or local law and ordinance shall be allowed on an antenna or tower or site.

## 7. AESTHETICS, PLACEMENT, MATERIALS AND COLORS

Wireless Communication Facilities shall be designed to be compatible with the existing structures and its surroundings to the extent feasible, including placement in a location which is consistent with proper functioning of the Wireless Communications Facility, the use of compatible or neutral colors, or camouflage technology. Contrary color schemes shall be permitted only if mandated by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC). Written proof of such requirement shall be provided by the applicant.

## 8. LIGHTING

Wireless Communication Facilities shall not be artificially illuminated, directly or indirectly except for security and safety lighting, and other illumination as may be required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) or other applicable authority. All lighting shall be installed in a manner that will minimize impacts on adjacent properties. Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or Federal regulations. Lighting may consist of a red top light that does not pulsate or blink.

## 9. MAINTENANCE INSPECTIONS

All guyed towers, including those installed prior to this ordinance, shall be inspected every two years. Self-supporting towers shall be inspected every four years. Each inspection shall be by a qualified professional engineer or other qualified inspector, and any inspector-recommended repairs and/or maintenance should be completed without unnecessary delay. A copy of the final inspection report shall be filed with the Building Official. At a minimum each inspection shall include the following:

- a. **Tower structure:** Including bolts, loose or damaged members, signs of unusual stress or vibration.
- b. **Guy wires and fittings:** Check for age, strength rust, wear, general condition and any other signs of possible failure.
- c. **Guy anchors and foundations:** Assess for cracks in concrete, signs of corrosion, erosion, movement, secure hardware, and general site condition.

- d. **Condition** of antennas, transmission lines, lighting, painting, insulators, fencing, grounding, and elevator, if any.
- e. **For guyed towers:** Tower vertical alignment and guy wire tension (both required tension and present tension).

#### 10. RADIO FREQUENCY EMISSIONS/SOUND

The following radio frequency emissions standards shall apply to all Wireless Communications Facility installations.

- a. **Radio Frequency Impact:** The FTA gives the FCC Jurisdiction of the regulation of Radio Frequency (RF) emissions, and Wireless Communications Facilities that do not exceed the FCC standards shall not be conditioned or denied on the basis of RF impact.
- b. **FCC Compliance:** In order to provide information to its citizens, copies of ongoing FCC information concerning Wireless Communications Facilities and RF emissions standards may be requested. Applicants for Wireless Communications Facilities shall be required to provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC standards.

#### 11. SOUND PROHIBITION

No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.

#### 12. STRUCTURAL INTEGRITY

Wireless Communications Facilities with Support Structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled "Structural Standards for Steel Antennas Towers and Antenna Support Structures" (or equivalent), as may be updated and amended. Each Support Structure shall be capable of supporting multiple antenna arrays.

#### 13. HISTORIC DISTRICTS AND DOWNTOWN DEVELOPMENT AUTHORITY DISTRICTS

- a. **Historic Districts:** Any Wireless Communication Facility proposed to be located within an established Historic District, including single site historic designations shall be subject to review by the City Historic District Commission (HDC). Review by the HDC shall be in accordance with procedures for a Certificate of Appropriateness. No administrative or Planning Commission review and action may occur unless a Certificate of Appropriateness has been granted.
- b. **Downtown Development Authority (DDA) District:** Any Wireless Communication Facility proposed to be located within the DDA District shall be subject to review by the DDA Board. No administrative or Planning Commission review and action may occur until a recommendation from the DDA is provided. Such recommendation shall be provided within thirty (30)

days of its submittal by staff, otherwise the necessary review may proceed without DDA input.

## E. APPLICATION REQUIREMENTS

All requests for a Zoning Permit or Special Use Permit regardless of Wireless Communications Facility type, including but not limited to a Temporary Wireless Communication Facilities, shall submit an application in accordance with the requirements of this section.

### 1. Application Contents

Each applicant requesting a Wireless Communication Facility or Temporary Wireless Communication Facility shall submit a complete set of drawings prepared by a licensed architect and/or engineer that will include a site plan, elevation view and other supporting drawings, calculations and other documentation showing the location and dimensions of the wireless communications facility and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facility and shelters, curb cuts, parking, stormwater retention, screening and landscaping. Applicants proposing to co-locate on an existing wireless communication facility shall include a Determination of Radio Frequency Compatibility with their application. The application shall be signed by both the Wireless Communication Facility owner and the property owner, if different.

### 2. Ownership

The Applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower. The applicant, its agents, successors, and assigns shall provide written notice to the Planning Staff of any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.

### 3. Proof of Filing FAA Form 7460-1, or as amended

A letter of receipt from the Federal Aviation Administration (FAA) providing proof of filing FAA Form 7460-1 and indicating the assigned AGL/File Number must be submitted along with application for all Wireless Communication Facilities within twenty thousand (20,000) feet of any airport runway, that exceed one hundred (100) feet in height.

### 4. Existing Network Locations

If a proposed Wireless Communication Facility is part of a larger network of similar facilities, a geographic and written depiction of all locations in this network shall accompany the petition for a proposed Wireless Communication Facility.

### 5. Affidavits of Co-location Agreement

All applicants for Wireless Communication Facilities must sign and provide the City of Alpena an Affidavit (if applicable) indicating:

- a. That no other co-location opportunities exist within a one-mile radius of the proposed facility, including proof that a good faith effort has been made; names, addresses, and telephone numbers of all owners of Wireless Communication Facilities to whom inquiries have been made; and

**1** Purpose**2** Definitions**3** General Provisions**4** Signs**5** District Regulations**6** Site Plan Review**7** Supplemental Regulations**8** ZBA**9** Administration**10** Adoption & Amendments

- b. Agreement to allow and reasonably market co-location (if applicable) of other Wireless Communication Facility users at rates that are comparable and competitive to those charged for location at comparable Wireless Communication Facilities. The statement shall include the applicant's policy regarding co-location of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged to other providers. The Co-location Agreement shall be considered a condition of issuance of a Zoning Permit.

#### **6) Application Fees**

A plan review fee (administrative review) and a Determination of Radio Frequency Compatibility review fee (co-location applicants only), per the adopted Council Fee Schedule, shall accompany each application.

#### **7) Technical Assistance**

In the course of its consideration of an application, the Zoning Administrator, the Planning Commission or the Zoning Board of Appeals may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of Wireless Communication Facilities (chosen by the City) to assist the City in the technical aspects of the application. In such cases, any additional reasonable costs incurred by the City not to exceed three thousand dollars (\$3,000) for the technical review and recommendation shall be reimbursed provided in the form of a cashier's check or money order by the applicant prior to the final hearing on filing a petition for the proposed Wireless Communication Facility.

### **F. CO-LOCATION POLICY**

All new wireless communication facilities requiring a Special Use permit shall be engineered, designed and constructed to be capable of sharing the facility with other providers, to co-locate with other existing wireless communication facilities and to accommodate the future collocation of other wireless communication facilities. A Special Use permit shall not be issued until the applicant proposing a new wireless communication facility shall demonstrate that it has made a reasonable good faith attempt to locate its Wireless Communication Facility onto an existing structure. Competitive conflict and financial burden are not deemed to be adequate reasons against co-location.

All Wireless Communication Facilities with support structure up to a height of 150 feet shall be engineered and constructed to accommodate at least three (3) antenna array. All Wireless Communication Facilities with support structures greater than 150 feet in height shall be engineered and constructed to accommodate at least four (4) antenna array.

### **G. REMOVAL OF ABANDONED WIRELESS COMMUNICATIONS FACILITIES**

Any Wireless Communication Facility that ceases operation for a continuous period of twelve (12) months shall be considered abandoned, and the City, at its election, may require the Wireless Communication Facility owner, or the property owner if the facility owner cannot be located or is no longer in business, to remove the Wireless Communication Facility within 90 days after notice from the City to remove the facility. If the abandoned Wireless Communication Facility is not removed within 90 days, the City may remove it and recover its costs from the facility's owner. At the



time of construction the City may require a bond or letter of credit equal to the estimated cost to remove the tower. Such bond or letter of credit shall be of such duration, including renewals, equal to the estimated life of the tower. In the event the City does not require a bond or letter of credit, or the cost of removal exceeds the bond or letter of credit, the City shall invoice the owner for the amount due, and if not paid may be placed as a lien on the facility's property taxes.

If there are two or more users of a single Wireless Communication Facility, this provision shall not become effective until all providers cease to use the facility. If the owner of an abandoned Wireless Communication Facility cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the Wireless Communication Facility is located.

#### H. REVOCATION PROCEDURE

Any Zoning or Special Use Permit issued for a Wireless Communication Facility pursuant to this Section may be revoked after a hearing as provided hereinafter. If the Planning and Zoning Staff finds that a permit holder has violated any provision of this Section, or has failed to make good faith reasonable efforts to provide or seek collocation, the Planning and Zoning Staff shall notify the permit holder in writing of the violations. The notice shall include the specific areas of non-compliance and specify the date by which such deficiencies must be corrected. The time for correction of deficiencies shall not exceed 60 days. The permit holder shall provide the City with evidence that the required corrective action has been taken. Should the permit holder fail to correct any deficiencies in the time required, staff shall forward the violation to the Planning Commission for consideration, including a recommendation as to whether the permit should be revoked. The Planning Commission shall convene a public hearing pursuant to [§9.6](#) of this Ordinance to consider revocation of the permit. After the appropriate public hearing, the Planning Commission may revoke the permit upon such terms and conditions, if any, that they may determine.

#### I. ZBA: See [§8.2 \(F\)](#)

**1** Purpose**2** Definitions**3** General Provisions**4** Signs**5** District Regulations**6** Site Plan Review**7** Supplemental Regulations**8** ZBA**9** Administration**10** Adoption & Amendments

**City of Alpena**  
**Ordinance No. \_\_\_\_ of 2021**

**Appendix C**

**An ordinance to amend the City of Alpena Zoning Ordinance Article 10 (Adoption and Amendments).**

City of Alpena, Alpena County, Michigan ordains:

**SECTION 1: AMENDMENT TO THE CITY OF ALPENA ZONING ORDINANCE**

That the City of Alpena Zoning Ordinance, Article 10 (Adoption and Amendments) is hereby amended to read as follows:

**Section 10.2 Rezoning Standards**

The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request:

- A. Is the proposed rezoning consistent with **goals and objectives** of the current Comprehensive Plan?
- B. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
- C. Will there be an adverse physical impact on surrounding properties?
- D. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
- E. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
- F. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
- ~~G. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?~~
- ~~H. G. Is the site served by adequate public facilities or is the petitioner able to provide them?~~
- ~~I. Are there sites nearby already properly zoned that can be used for the intended purposes?~~

**(add new) Section 10.3 Conditional Rezoning**

**A. Intent.**

It is recognized that there are certain instances where it would be in the best interests of the City, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a

process consistent with Section 405 of the **Michigan Zoning Enabling Act, 2006 PA 110**, as amended, by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

**B. Application and Offer of Conditions.**

1. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the special land use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the City Council provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

**C. Planning Commission Review.**

The Planning Commission, after a public hearing as set forth pursuant to **Section 9.6** of this Ordinance and consideration of the factors set forth in **Section 10.2** (except **10.2.F**) of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

**D. City Council Review.**

After receipt of the Planning Commission's recommendation, the City Council shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the City Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the City Council shall, in accordance with Section 401 of **2006 PA 110**, refer such amendments to the Planning Commission for a report thereon.



within a time specified by the City Council, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

**E. Approval.**

1. If the City Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the City Council to accomplish the requested rezoning.
2. The Statement of Conditions shall:
  - a. Be in a form recordable with the County Register of Deeds, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the City Council.
  - b. Contain the legal description and tax identification number of the land to which it pertains.
  - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
  - d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
  - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the City with the County Register of Deeds.
  - f. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The City Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the City with the County Register of Deeds. The City Council shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the City or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more

restrictive provisions contained in the Statement of Conditions.

**F. Compliance with Conditions.**

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

**G. Time Period for Establishing Development or Use.**

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within one (1) year after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the City Council if:

1. it is demonstrated to City Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and
2. the City Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

**H. Reversion of Zoning.**

If the approved development and/or use of the rezoned land does not occur within the timeframe specified under **subsection G** above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the City Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

**I. Subsequent Rezoning of Land.**

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to **subsection H** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. The City Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.

**J. Amendment of Conditions.**

1. During the time period for commencement of an approved development and/or use specified pursuant to **subsection G** above or during any extension thereof granted by the City Council, the City shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

**K. City Right to Rezone.**

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the City from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the **Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended)**.

**L. Failure to Offer Conditions.**

The City shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

*Re-number remaining sections in Article 10 as follows (text within each section shall remain):*

**10.4 Protest Petition**

**10.5 Severability**

**10.6 Interpretation**

**10.7 Vested Right**

**10.8 Repeal and Savings Clause**

**10.9 Enactment and Effective Date**

**SECTION 2: SEVERABILITY**

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

**SECTION 3: SAVING CLAUSE**

The City of Alpena Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**SECTION 4: EFFECTIVE DATE**

The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

I, \_\_\_\_\_, Clerk for the City of Alpena, hereby certify that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_ of 2021 of the City of Alpena, adopted by at a meeting of the Alpena City Council held on \_\_\_\_\_.

A copy of the complete ordinance text may be inspected or purchased at the Alpena City Hall, at 208 N. First Avenue, Alpena, Michigan.

Adopted: \_\_\_\_\_ Published: \_\_\_\_\_ Effective: \_\_\_\_\_, subject to PA 110 of 2006 as amended.



City Hall  
208 North First Avenue  
Alpena, Michigan 49707  
[www.alpena.mi.us](http://www.alpena.mi.us)

## *Planning, Development, & Zoning*


### CITY OF ALPENA PLANNING COMMISSION

#### 2022 Schedule – Appendix D

Regular meetings of the Planning Commission are held the Second Tuesday of each month, unless otherwise indicated. Regular meetings begin at \_\_:\_\_ P.M. in the Council Chambers at City Hall.

MEETING DATE	COMPLETE APPLICATION DEADLINE
Tuesday January 11	Friday December 16
Tuesday February 8	Friday January 15
Tuesday March 8	Friday February 12
Tuesday April 12	Friday March 12
Tuesday May 10	Friday April 16
Tuesday June 14	Friday May 14
Tuesday July 12	Friday June 18
Tuesday August 9	Friday July 9
Tuesday September 13	Friday August 13
Tuesday October 11	Friday September 10
Tuesday November 8	Friday October 8
Tuesday December 13	Friday November 12

Approved by the Alpena City Planning Commission at its regular meeting on Tuesday, December 14, 2021.



\_\_\_\_\_  
Paul Sabourin, Chair

## By-Laws – APPENDIX E

### City of Alpena Planning Commission

The following rules of procedure are hereby adopted by the Planning Commission of the City of Alpena to facilitate the performance of its duties as outlined in PA 207 of 1921, as amended.

#### Section 1.0 OFFICERS

- 1.1 Selection. At the regular meeting in May of each year, the Planning Commission shall select from its membership a Chair, Vice-Chair, and Secretary. All officers are eligible for re-election.
- 1.2 Tenure. The Chair, Vice-Chair, and Secretary shall take office immediately following their selection and shall hold office for a term of 1 year or until their successors are selected and assume office.
- 1.3 Duties. The Chair shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Planning Commission.

The Vice-Chair shall act in the capacity of Chairperson in her/his absence; and in the event the office of the chair becomes vacant, the vice-chair shall succeed to this office for the unexpired term and the Planning Commission shall select a successor to the office of vice-chair for the unexpired term.

The Secretary shall execute documents in the name of the Planning Commission, perform the duties hereinafter listed, and shall perform such other duties as the Planning Commission may determine.

#### Section 2.0 DUTIES OF THE SECRETARY

- 2.1 Minutes. The secretary shall be responsible for the minutes of each meeting and shall have them spread in suitable volumes.
- 2.2 Communications, Petitions, etc. All communications, petitions, and reports shall be addressed to the Planning Commission and delivered or mailed to the secretary.

#### Section 3.0 MEETINGS

- 3.1 Regular Meetings. Meetings of the Planning Commission will generally be held the second Tuesday of each month at 7:00 p.m. at either the Alpena City Hall or other suitable location within the City accessible to the public, and announced by the Commission at least three (3) working days prior to the meeting. When the regular meeting day falls on a legal holiday, the Planning Commission shall select a suitable alternate date in the same month. (Amended 11-11-03)
- 3.2 Special Meetings. Special meetings shall be called at the request of the chair or at the written request (to the secretary) of a majority of the commission members. Notice of special meetings shall be given by the secretary to the members of the Planning Commission at least three working days prior to such meeting and shall state the purpose and time of the meeting.

3.3 Public. All regular and special meetings, hearings, records, and accounts shall be open to the public.

3.4 Quorum. A majority of the total number of members shall constitute a quorum for the transaction of business and the taking of official action for all matters except the adoption of a comprehensive plan or any part of a comprehensive plan. All members have the right to vote.

Whenever a quorum is not present at a regular or special meeting, those present may adjourn the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda. No action taken at such a meeting shall be final or official unless and until ratified and confirmed at a subsequent meeting at which a quorum is present, by approval of the minutes of that meeting at which a quorum was not present.

3.5 Order of Business: Agenda. The secretary will prepare an agenda for each meeting and the order of business shall be as follows:

CALL TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA:

APPROVAL OF MINUTES:

PUBLIC HEARING:

ACTION ON PUBLIC HEARING:

BUSINESS:

COMMUNICATIONS:

REPORTS:

1. Committees -

2. Staff -

CALL TO PUBLIC:

MEMBERS COMMENTS:

ADJOURNMENT:

3.6 Motions. Motions shall be restated by the chair before a vote is taken. The name of the maker and supporter of a motion shall be recorded.

3.7 Voting. Voting shall be by voice and shall be recorded by yeas and nays. Roll call votes will be recorded only upon request by a member of the Commission.

- 3.8 Commission Action. Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.
- 3.9 Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order, except where state statute or local ordinance direct otherwise.
- 3.10 Audio Recordings of Meetings. (amended by the Planning Commission on 6-12-07)
- (a) All hearings and meetings shall be recorded.
  - (b) All recordings of meetings or hearings shall be maintained at City Hall until such time as the minutes for the particular meeting are formally approved by the Planning Commission, or until such time as either the Planning Commission or City Council completes final action on an issue or case included in the recording upon which it has final disposition.
  - (c) The Planning Commission may require retention of recordings of meetings concerning a particular issue or petition for a longer period of time by a majority vote of its total membership.
- 3.11 Attendance Policy. In the event that a Commissioner has unexcused absences from either three (3) consecutive regular Planning Commission meetings, or from 60% of all (special and regular) Planning Commission meetings in any 12 month period the Chairman shall discuss the attendance record with the member and report his findings along with any extenuating circumstances to the commission. A recommendation for dismissal of the Commissioner shall be automatically forwarded to the Mayor and City Council unless the Commission acts within 60 days of the receipt of the chairman's report to overturn such recommendation upon a finding that the Commissioner will demonstrate satisfactory attendance in the future.

#### Section 4.0 HEARINGS

- 4.1 Rules of Procedure and Conduct of Public Hearings.
- (a) The Chairperson opens the hearing on time, and announces the subject of the hearing.
  - (b) The procedures are summarized for all present. Usually they are also posted on wall or given to people on a one page handout. Be sure each person who speaks identifies themselves.
  - (c) The staff presents the essence of the application and any staff reports or other pertinent information.
  - (d) Individuals speaking in support are next invited to speak, beginning with the applicant and his/her representative.
  - (e) Individuals speaking in opposition usually go next. If several people (from the same subdivision for example) who have the same view are present, it is not unreasonable to ask a single representative to speak for the group. However, do not prevent any one from having an opportunity to speak. Irrelevant and off-the-subject comments should be ruled "out-of-order" by the Chairperson.



- (f) The Chairperson can allow "cross-examination" or rebuttal, but should ensure that all comments are directed through the Chair and not to a particular individual. The hearing body should refrain from debating or arguing with persons. The purpose of the hearing is to gather facts, not to carry on an adversary relationship.
  - (g) The Chairperson should announce the close of the public comment portion of the hearing or announce the continuation of the public hearing to another specified time and date if the hour is late or additional pertinent information must be obtained.
  - (h) The hearing body then deliberates on the matter.
- 4.2 Notice of Hearings. Notice of special hearings for the purposes of presenting preliminary master plans, obtaining public opinion on a problem, or discussion of a particular problem with interested parties will be given in the most practical manner as required by law, and to persons or group representatives most interested.
- Upon receipt from the City Clerk of Planning and Zoning cases referred to the Commission by the City Council, the Secretary shall schedule a public hearing for the earliest appropriate scheduled Planning Commission meeting.
- Not more than three (3) public hearings will be scheduled for the same Planning Commission meeting.
- 4.3 Notice of Decision. A written notice containing the decision of the Planning Commission will be sent to petitioners and originators of requests which result in an action or decision by the Planning Commission.

#### Section 5.0 MATTERS TO BE CONSIDERED BY THE PLANNING COMMISSION

- 5.1 The following matters shall be presented for consideration at a meeting of the Planning Commission:
- (a) Matters designated by the City's Zoning Ordinance to be included in the jurisdiction of the Planning Commission.
  - (b) Such other matters as the Planning Director or City Council shall find it advisable or essential to receive consideration by the Planning Commission.

#### Section 6.0 MATTERS TO BE ACTED UPON BY STAFF ON BEHALF OF THE COMMISSION

- 6.1 The Director shall take action or make recommendations in the name of the Planning Commission in accordance with such plans, policies, and procedures as are approved or established by the Planning Commission from time to time. Where there is a serious conflict of interest, public controversy, or uncertainty or doubt as to the plans, policies, or procedures approved or established by the Planning Commission, presentation of the matter shall be made at a Planning Commission meeting.
- 6.2 The responsibilities given in Section 6.1 shall include the review of plans requiring submission to the Planning Commission in accordance with provisions of the Zoning Ordinance.

## Section 7.0 PLANNING COMMISSION STAFF

- 7.1 Authorization. The Planning Commission staff may consist of a Planning Director and such other personnel as may be authorized by the legislative body.
- 7.2 General Responsibility. The Planning Commission staff is charged with the duty of preparation and administration of such plans as are appropriate for the municipality and its environs and are with the scope of the Michigan state planning enabling act(s).
- 7.3 Planning Director's Duties. The Planning Director shall be responsible for the professional and administrative work in directing and coordinating the program of the Planning Commission. The Director's work shall be carried on with the widest degree of professional responsibility, subject to the policy determinations of the Planning Commission and administrative policies of the municipality.
- 7.4 Policy Formulation. The Planning Director shall:
- (a) Be responsible for carrying out the directives of the Planning Commission.
  - (b) Advise and assist the Planning Commission in the establishment of general planning policy.
  - (c) Be responsible for formulation of staff policy.
- 7.5 Effectuation of Plans. The Planning Director shall recommend to the Planning Commission whatever action is necessary for effectuating plans with respect to both public and private endeavors through such control techniques as:
- (a) Zoning and subdivision control.
  - (b) Programs for capital expenditures.
  - (c) Long-range comprehensive plans for the guidance of the municipality's growth.
- 7.6 Public Relations. The Planning Director shall:
- (a) Officially present the Planning Commission's recommendations to the legislative body.
  - (b) Officially represent the Planning Commission and its staff at planning conferences, interdepartmental meetings of the municipal government, and serve generally as a liaison between the Planning Commission and the public.
  - (c) Encourage private development or investment in accord with comprehensive plans.
  - (d) Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of plans.
  - (e) Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding and approval of planning.
  - (f) Accept other responsibilities as may be directed by the Planning Commission,

legislative body, or chief executive.

Section 8.0 AMENDMENTS

- 8.1 These rules may be amended at any regular or special meeting by a two-thirds vote of the members present.

ADOPTED: October 7, 1986  
AMENDED: December 1, 1987  
January 3, 1989  
July 11, 1989  
December 1, 1992  
April 8, 1997  
November 11, 2003  
October 14, 2004  
June 12, 2007

## By-Laws – APPENDIX F

### City of Alpena Planning Commission

The following rules of procedure are hereby adopted by the Planning Commission of the City of Alpena to facilitate the performance of its duties as outlined in PA 207 of 1921, as amended.

#### Section 1.0 OFFICERS

- 1.1 Selection. At the regular meeting in May of each year, the Planning Commission shall select from its membership a Chair, Vice-Chair, and Secretary. All officers are eligible for re-election.
- 1.2 Tenure. The Chair, Vice-Chair, and Secretary shall take office immediately following their selection and shall hold office for a term of 1 year or until their successors are selected and assume office.
- 1.3 Duties. The Chair shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Planning Commission.

The Vice-Chair shall act in the capacity of Chairperson in her/his absence; and in the event the office of the chair becomes vacant, the vice-chair shall succeed to this office for the unexpired term and the Planning Commission shall select a successor to the office of vice-chair for the unexpired term.

The Secretary shall execute documents in the name of the Planning Commission, perform the duties hereinafter listed, and shall perform such other duties as the Planning Commission may determine.

#### Section 2.0 DUTIES OF THE SECRETARY

- 2.1 Minutes. The secretary shall be responsible for the minutes of each meeting and shall have them spread in suitable volumes **unless a recording secretary is responsible.**
- 2.2 Communications, Petitions, etc. All communications, petitions, and reports shall be addressed to the Planning Commission and delivered or mailed to the secretary.

#### Section 3.0 MEETINGS

- 3.1 Regular Meetings. Meetings of the Planning Commission will generally be held the second Tuesday of each month at 7:00 p.m. at either the Alpena City Hall or other suitable location within the City accessible to the public, and announced by the Commission at least three (3) working days prior to the meeting. When the regular meeting day falls on a legal holiday, the Planning Commission shall select a suitable alternate date in the same month. **(Amended 11-11-03)**
- 3.2 Special Meetings. Special meetings shall be called at the request of the chair or at the written request (to the secretary) of a majority of the commission members. Notice of special meetings shall be given by the secretary to the members of the Planning Commission at least three working days prior to such meeting and shall state the purpose and time of the meeting.

- 3.3 Public. All regular and special meetings, hearings, records, and accounts shall be open to the public.
- 3.4 Quorum. A majority of the total number of members, **regardless if vacancies exist or not**, shall constitute a quorum for the transaction of business and the taking of official action for all matters except the adoption of a comprehensive plan or any part of a comprehensive plan. **All members have the right to vote.**
- ~~Whenever a quorum is not present at a regular or special meeting, those present may adjourn the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda. No action taken at such a meeting shall be final or official unless and until ratified and confirmed at a subsequent meeting at which a quorum is present, by approval of the minutes of that meeting at which a quorum was not present.~~
- 3.5 Order of Business: Agenda. The secretary, **or designee**, will prepare an agenda for each meeting and the order of business shall be as follows:
1. CALL TO ORDER, **ROLL CALL, PLEDGE OF ALLEGIANCE**
- ~~ROLL CALL:~~
2. APPROVAL OF AGENDA:
  3. APPROVAL OF MINUTES:
  4. PUBLIC HEARING:
    - a. **COMMISSION ACTION:**
- ~~ACTION ON PUBLIC HEARING:~~
5. BUSINESS:
    - a. **UNFINISHED**
    - b. **NEW**
    - c. **COMMUNICATIONS OR REPORTS**
- ~~COMMUNICATIONS:~~
- ~~REPORTS:~~
1. ~~Committees~~
  2. ~~Staff~~
6. ~~CALL TO PUBLIC~~ **PUBLIC COMMENT:**
  7. MEMBERS COMMENTS:
  8. ADJOURNMENT:
- 3.6 Motions. Motions shall be restated by the chair before a vote is taken. The name of the maker and supporter of a motion shall be recorded.
- 3.7 Voting. Voting shall be by **voice roll call** and shall be recorded by yeas and nays. **Roll call**

~~votes will be recorded only upon request by a member of the Commission.~~ Only those appointed members who are present at the time of a vote shall be eligible to cast a vote.

- 3.8 Commission Action. Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded. A majority vote of the total number of members shall be required to approve a motion (FOR DISCUSSION).
- 3.9 Parliamentary Procedure. Parliamentary procedure in Commission meetings shall be governed by Robert's Rules of Order, except where state statute or local ordinance direct otherwise.
- 3.10 Audio Recordings of Meetings. ~~(amended by the Planning Commission on 6-12-07)~~
- (a) All hearings and meetings shall be recorded.
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  - (c) The Planning Commission may require retention of recordings of meetings concerning a particular issue or petition for a longer period of time by a majority vote of its total membership.
- 3.11 Attendance Policy. In the event that a Commissioner has unexcused absences from either three (3) consecutive regular Planning Commission meetings, or from 60% of all (special and regular) Planning Commission meetings in any 12 month period the Chairman shall discuss the attendance record with the member and report his findings along with any extenuating circumstances to the commission. A recommendation for dismissal of the Commissioner shall be automatically forwarded to the Mayor and City Council unless the Commission acts within 60 days of the receipt of the chairman's report to overturn such recommendation upon a finding that the Commissioner will demonstrate satisfactory attendance in the future.

#### Section 4.0 HEARINGS

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- (c) The staff presents the essence of the application and any staff reports or other pertinent information.
- (d) Individuals speaking in support are next invited to speak, beginning with the applicant and his/her representative.
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to ask a single representative to speak for the group. However, do not prevent any one from having an opportunity to speak. Irrelevant and off-the-subject comments should be ruled "out-of-order" by the Chairperson.

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Upon receipt from the City Clerk of Planning and Zoning cases referred to the Commission by the City Council, the Secretary shall schedule a public hearing for the earliest appropriate scheduled Planning Commission meeting.

~~Not more than three (3) public hearings will be scheduled for the same Planning Commission meeting.~~ Staff, in consultation with the Chair, may limit the number of cases heard at a meeting to facilitate the effectiveness of the meeting and the deliberations of the Commission.

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  - (d) Cooperate with public and private agencies and with individuals for the development, acceptance, and effectuation of plans.



- (e) Supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding and approval of planning.
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